



सत्यमेव जयते

**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF LAND AND
LAND REFORMS**

**THE WEST BENGAL LAND
ACQUISITION MANUAL, 1991**

AMIN
A Department
Jalpaiguri

Preface

This Manual is a reprint of the West Bengal Land Acquisition Manual, 1951, Part I, with such additions & alterations as has been introduced upto date through the amendments made in the L.A. Act, 1894. It supersedes the Manual of 1951, Part I, and should henceforth be referred to as "The West Bengal Land Acquisition Manual, 1991."

Land is the very first requirement for any project. It is, therefore, essential for successful implementation of any development project that the required land is available at the earliest. In most such cases, acquisition of land is involved.

Acquisition of land in West Bengal is done chiefly by recourse to either the Land Acquisition Act 1894 (Act I of 1894) or West Bengal (Requisition and Acquisition) Act 1948 (Act II of 1948). Direct acquisition of land under the Land Acquisition Act 1894 or requisition of land followed by its acquisition under the West Bengal (Requisition & Acquisition) Act 1948 has to be done by strictly following the relevant provisions of these two Acts. The challenge before the officials attending to this work is to ensure strict compliance with the statutory requirements as well as earliest completion of the land acquisition proceedings.

Detailed instructions regarding land acquisition work are contained in the Land Acquisition Manual. A few fundamental changes in the law relating to land acquisition have been made in the recent past. A revision of the existing Land Acquisition Manual in the light of these changes was necessary. There was also a need to have a fresh look at various instructions, with a view to making the process of acquisition or requisition followed by acquisition much more expeditious and simple. The work of preparation of a revised Land Acquisition Manual was entrusted to a Committee consisting of :

- 1) Shri J. K. Das, Deputy Secretary, Land & Land Reforms Department,
- 2) Shri S. K. Gupta, Deputy Secretary, Land & Land Reforms Department,
- 3) Shri S. K. Banerjee, 2nd Land Acquisition Collector, Calcutta.

The Committee attended to its work with devotion. In particular, the Committee benefitted greatly by Shri J. K. Das's extensive experience in and thorough knowledge of Land Acquisition work and very useful assistance rendered to it by Shri P. Pramanik, Special Land Acquisition Officer, Haldia Project, Shri Amar Kumar Mukherjee, Section Officer, and Shri Basanta Bhattacharyya, U. D. Assistant.

I am sure, all officials dealing with Land Acquisition work will find the revised Land Acquisition Manual of tremendous use and help in efficient performance of their duties.

Calcutta,
April 15, 1991.

J. K. Kohli
Member, Board of Revenue, West Bengal, &
(ex-officio) Secretary, Land & Land Reforms
Department, Government of West Bengal.

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THE LAND ACQUISITION ACT, 1894

1 OF 1894¹

[2nd February, 1894.]

An Act to amend the law for the acquisition of land for public purposes and for Companies

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows :—

PART I

PRELIMINARY

1. (1) This Act may be called the Land Acquisition Act, 1894.
 (2) It extends to the whole of India except ²[the State of Jammu and Kashmir].
 (3) It shall come into force on the first day of March, 1894.

Short title,
 extent and
 commencement.

2. [Repeal and saving.] *Rep. partly by the Repealing and Amending Act, 1914 (10 of 1914), s. 3 and Sch. II, and partly by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch.*

3. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(a) the expression “land” includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

³[(aa) the expression “local authority” includes a town planning authority (by whatever name called) set up under any law for the time being in force];

(b) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land; [or cultivates the land or any portion of it as bargadar]⁴

⁵[Explanation : A bargadar is a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of the produce of such land to that person and includes a person who under the system generally known as Kisani cultivates the land of another person on condition of receiving a share of the produce of such land from that person.]

¹For Statement of Objects and Reasons, see Gazette of India, 1892, Pt. V., p. 32; for Report of the Select Committee, see *ibid.*, 1894, Pt. V.; p. 23 and for Proceedings in Council, see *ibid.*, 1892, Pt. VI, p. 25 and *ibid.*, 1894, pp. 19, 24 to 42.

This Act has been declared to be in force in—

(1) Sonthal Parganas by the Sonthal Parganas Settlement Regulation, 1872 (3 of 1872), s. 3;

(2) Khondmals District by the Khondmals Laws Regulation, 1936 (4 of 1936), s. 3 and Sch.; and

(3) Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.

The Act has also been declared by notification under the Scheduled Districts Act, 1874 (14 of 1874) to be in force in (1) the Districts of Hazaribagh, Lohardaga (now called the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p. 44) and Manbhum, and in Pargana Dhalbhum and the Kolhan in the District of Singhbhum—see Gazette of India, 1894, Pt. I, p. 400; and (2) the District of Palamau, see Gazette of India, 1894, Pt. I, p. 639.

Extended to N.E.F.A. by the North East Frontier Agency (Extension of Laws) Regulation, 1960 (3 of 1960), subject to certain modifications, *vide* s. 3 and Sch., *ibid.* (w.e.f. 1-11-1960).

²Subs. by Act 68 of 1984, s. 2, for certain words.

³Ins. by s. 3, *ibid.*

⁴Ins. by W. B. Act XXX of 1963

⁵Subs. by W. B. Act XLIX of 1981

(c) the expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the [appropriate Government] to perform the functions of a Collector under this Act;

[(cc) the expression "corporation owned or controlled by the State" means any body corporate established by or under a Central, Provincial or State Act, and includes a Government company as defined in section 617 of the Companies Act, 1956, a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, being a society established or administered by Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, being a co-operative society in which not less than fifty-one per centum of the paid-up share capital is held by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Governments;]

1 of 1956.
21 of 1860.

(d) the expression "Court" means a principal Civil Court of original jurisdiction, unless the [appropriate Government] has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform functions of the Court under this Act;

[(e) the expression "Company" means—

(i) a company as defined in section 3 of the Companies Act, 1956, other than a Government company referred to in clause (cc);

1 of 1956.

(ii) a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, other than a society referred to in clause (cc);

21 of 1860.

(iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, other than a co-operative society referred to in clause (cc);]

[(ee) the expression "appropriate Government" means, in relation to acquisition of land for the purposes of the Union, the Central Government, and, in relation to acquisition of land for any other purposes, the State Government;]

[(f) the expression "public purpose" includes—

(i) the provision of village-sites, or the extension, planned development or improvement of existing village-sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land for public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

¹Subs. by the A.O. 1950, for "Provincial Government."

²Ins. by Act 68 of 1984, s. 3.

³Subs. by s. 3, *ibid.*, for clause (e).

⁴Ins. by the A.O. 1950.

⁵Subs. by Act 68 of 1984, s. 3, for clause (f).

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored by Government or by any authority established by Government for carrying out any such scheme, or, with the prior approval of the appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;

21 of 1860.

(vii) the provision of land for any other scheme of development sponsored by Government, or, with the prior approval of the appropriate Government, by a local authority;

(viii) the provision of any premises or building for locating a public office.

but does not include acquisition of land for Companies;]

(g) the following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—

trustees for other persons beneficially interested shall be deemed the person entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability;

a married woman, in cases to which the English law is applicable, shall be deemed the persons so entitled to act, and whether of full age or not, to the same extent as if she were unmarried and of full age; and

the guardians of minors and the committees or managers of launtics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted :

Provided that—

(i) no person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;

(ii) in every such case the person interested may appear by a next friend or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;

(iii) the provisions of '[Order XXXII of the First Schedule to the Code of Civil Procedure, 1908] shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and

5 of 1908.

¹Subs. by Act 68 of 1984, s. 3, for "Chapter XXXI of the Code of Civil Procedure".

(iv) no person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II

ACQUISITION

Preliminary investigation

Publication of preliminary notification and powers of officers thereupon.

4. (1) Whenever it appears to the [appropriate Government] that land in any locality ¹[is needed or] is likely to be needed for any public purpose ²[or for a company], a notification to that effect shall be published in the Official Gazette ³[and in two daily newspapers circulating in that locality of which at least one shall be in the regional language], and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality ⁴[(the last of the dates of such publication and the giving of such public notice being hereinafter referred to as the date of the publication of the notification)].

(2) Thereupon it shall be lawful for any officer, either generally or specially authorized by such Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle :

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

5. The officer so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final.

¹Subs. by the A.O. 1950, for "Provincial Government".

²Ins. by Act 38 of 1923, s. 2.

³Ins. by Act 68 of 1984 s. 4.

[Objections

5A. (1) Any person interested in any land which has been notified under section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a Company may, ¹[within thirty days from the date of the publication of the notification], object to the acquisition of the land or of any land in the locality, as the case may be.

Hearing of objections.

(2) Every objection under sub-section (1) shall be made to the Collector in writing, and the Collector shall give the objector an opportunity of being heard ²[in person or by any person authorised by him in this behalf] or by pleader and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, ³[either make a report in respect of the land which has been notified under section 4, sub-section (1), or make different reports in respect of different parcels of such land, to the appropriate Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government]. The decision of the ⁴[appropriate Government] on the objections shall be final.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land were acquired under this Act.]

Declaration of intended acquisition

6. (1) Subject to the provisions of Part VII of this Act, ⁵[when the ⁶[appropriate Government] is satisfied, after considering the report, if any, made under section 5A, sub-section (2)], that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders ⁷[, and different declarations may be made from time to time in respect of different parcels of any land covered by the same notification under section 4, sub-section (1), irrespective of whether one report or different reports has or have been made (wherever required) under section 5A, sub-section (2)] :

Declaration that land is required for a public purpose.

⁸[Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (1),—

(i) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, but before the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of three years from the date of the publication of the notification; or

(ii) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification :]

Provided further that] no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

¹The heading and s. 5A ins. by Act 38 of 1923, s. 3.

²Subs. by Act 68 of 1984, s. 5, for "within thirty days after the issue of the notification".

³Subs. by s. 5, *ibid*, for "either in person".

⁴Subs. by Act 13 of 1967, s. 2, for certain words (w.e.f. 12-4-1967).

⁵Subs. by the A.O. 1950, for "Provincial Government".

⁶Subs. by Act 38 of 1923, s. 4, for "whenever it appears to the Local Government".

⁷Ins. by Act 13 of 1967, s. 3 (w.e.f. 12-4-1967).

⁸Subs. by s. 3, *ibid*, (w.e.f. 12-4-19647).

⁹Subs. by Act 68 of 1984, s. 6, for the first proviso.

1 of 1967.
68 of 1984.

68 of 1984.

¹[*Explanation 1.*—In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, subsection (1), is stayed by an order of a Court shall be excluded.

Explanation 2.—Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.]

(2) ²[Every declaration] shall be published in the Official Gazette ³[and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state] the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and, after making such declaration, the ⁴[appropriate Government] may acquire the land in manner hereinafter appearing.

After declaration, Collector to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the ⁴[appropriate Government], or some officer authorized by the ⁴[appropriate Government] in this behalf, shall direct the Collector to take order for the acquisition of the land.

Land to be marked out, measured and planned.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof), a plan to be made of the same.

Notice to persons interested.

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

¹Ins. by Act 68 of 1984, s. 6.

²Subs. by Act 13 of 1967, s. 3, for "The declaration" (w.e.f. 12-4-1967).

³Subs. by Act 68 of 1984, s. 6, for " , and shall state".

⁴Subs. by the A.O. 1950, for "Provincial Government".

6 of 1898.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place or business and [registered under sections 28 and 29 of the Indian Post Office Act, 1898].

45 of 1860.

10. (1) The Collector may also requires any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any), received or receivable on account thereof for three years next preceding the date of the statement.

Power to require and enforce the making of statements as to names and interests.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Enquiry into measurements, value and claims, and award by the Collector

11. [(1)] On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land [at the date of the publication of the notification under section 4, sub-section (1)], and into the respective interests of the persons claiming the compensation and shall make an award under his hand of—

Enquiry and award by Collector.

(i) the true area of the land;

(ii) the compensation which in his opinion should be allowed for the land; and

(iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him;

[Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorise in this behalf :

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.]

[(2) Notwithstanding anything contained in sub-section (1), if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

¹Subs. by Act 68 of 1984, s. 7, for certain words.

²S. 11 re-numbered as sub-section (1) thereof by s. 8, *ibid.*

³Ins. by Act 38 of 1923, s. 5.

⁴Ins. by Act 68 of 1984, s. 8.

(4) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (2) shall be liable to registration under that Act.]

16 of 1908

Period within which an award shall be made.

[11A. The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse :

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement.

68 of 1984

Explanation.—In computing the period of two years referred to in this section, the period during which any action or proceeding is taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.]

Award of Collector when to be final.

12. (1) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

Adjournment of enquiry.

13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

Correction of clerical errors, etc.

[13A. (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority :

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.]

Power to summon and enforce attendance of witnesses and production of documents.

14. For the purpose of enquiries under this Act the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the [Code of Civil Procedure, 1908.]

5 of 1908

¹Ins. by Act 68 of 1984, s.9.

²Ins. by s. 10, *ibid.*

³Subs. by s. 11, *ibid.*, for "Code of Civil Procedure".

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Matters to be considered and neglected.

¹[15A. The appropriate Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any finding or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit :

Power to call for records, etc.

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.]

Taking possession

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon ²[vest absolutely in the ³[Government]], free from all encumbrances.

Power to take possession.

17. (1) In cases of urgency, whenever the ⁴[appropriate Government] so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), ⁵[take possession of any land needed for a public purpose]. Such land shall thereupon ²[vest absolutely in the ³[Government]], free from all encumbrances.

Special powers in cases of urgency.

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, ⁶[or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage, road communication or electricity,] the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the ⁴[appropriate Government], enter upon and take possession of such land, which shall thereupon ²[vest absolutely in the ³[Government]] free from all encumbrances :

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall at the time of taking possession offer to the persons interested compensation for the standing crops and trees (if any) on such land and for any other damage sustained by them caused by such sudden dispossession and not expected in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

¹Ins. by Act 68 of 1984, s. 12.

²Subs. by the A.O. 1937, for "vest absolutely in the Government".

³Subs. by the A.O. 1950, for "Crown".

⁴Subs., *ibid.*, for "Provincial Government".

⁵Subs. by Act 68 of 1984, s. 13, for certain words.

⁶Ins. by s. 13, *ibid.*

¹[(3A) Before taking possession of any land under sub-section (1) or sub-section (2), the Collector shall, without prejudice to the provisions of sub-section (3),—

(a) tender payment of eighty per centum of the compensation for such land as estimated by him to the persons interested entitled thereto, and

(b) pay it to them, unless prevented by some one or more of the contingencies mentioned in section 31, sub-section (2),

and where the Collector is so prevented, the provisions of section 31, sub-section (2), except the second proviso thereto, shall apply as they apply to the payment of compensation under that section.

(3B) The amount paid or deposited under sub-section (3A) shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of the Collector's award, be recovered as an arrear of land revenue.]

²[(4) In the case of any land to which, in the opinion of the ³[appropriate Government], the provisions of sub-section (1) or sub-section (2) are applicable, the ⁴[appropriate Government] may direct that the provisions of section 5A shall not apply, and, if it does so direct, a declaration may be made under section 6 in respect of the land at any time ⁵[after the date of the publication of the notification] under section 4, sub-section (1).]

PART III

REFERENCE TO COURT AND PROCEDURE THEREON

Reference to
Court.

18. (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken :

Provided that every such application shall be made,—

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

¹Ins. by Act 68 of 1984, s. 13.

²Added by Act 38 of 1923, s. 6.

³Subs. by the A.O. 1950, for "Provincial Government".

⁴Subs. by Act 68 of 1984, s. 13, for "after the publication of the notification".

19. (1) In making the reference, the Collector shall state for the information of the Court, in writing under his hand,—

Collector's statement to the Court.

(a) the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;

(b) the names of the persons whom he has reason to think interested in such land;

(c) the amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11; ¹***

²[(cc) the amount paid or deposited under sub-section (3A) of section 17; and]

(d) if the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. The Court shall thereupon cause a notice specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely :—

Service of notice.

(a) the applicant;

(b) all persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded; and

(c) if the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

21. The scope of the enquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Restriction on scope of proceedings.

22. Every such proceeding shall take place in open Court, and all persons entitled to practise in any Civil Court in the State shall be entitled to appear, plead and act (as the case may be) in such proceeding.

Proceedings to be in open Court.

23. (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

Matters to be considered in determining compensation.

first, the market-value of the land at the date of the publication of the ³[notification under section 4, sub-section (1)];

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

¹The word "and" omitted by Act 68 of 1984, s. 14.

²Ins. by s. 14, *ibid*.

³Subs. by Act 38 of 1923, s. 7, for "declaration relating thereto under section 6".

fourthly, the damage (if any) sustained by the person interested, at the time of the Collector taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change;

sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land and

[*seventhly*, the loss of earnings, if any, caused to the person interested, in consequence of the acquisition of land, when earnings were derived directly from such land.]¹

²[(1A) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.—In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.]

(2) In addition to the market-value of the land as above provided, the Court shall in every case award a sum of ³[thirty per centum] on such market-value, in consideration of the compulsory nature of the acquisition.

⁴[(3) This sub-section relates to acquisition of land in pursuance of the Calcutta Improvement Act, 1911 and the Howrah Improvement Act, 1956. Those Acts may be seen.]

[(4) Compensation payable to a *bargadar* for loss of earning under clause *seventhly* of sub-section (1) shall not exceed six times the net average annual income which the *bargadar* derived or might have derived from the land during three years immediately preceding the date of acquisition.

Explanation.—The net annual income of a *bargadar* in any year shall be taken to be fifty *per cent.* of the total produce of the land cultivated by him in that year where plough, cattle, manure and seeds necessary for cultivation are supplied by the person owning the land and seventy-five *per cent.* of the total produce of the land in all other cases.]⁵

24. But the Court shall not take into consideration—

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;***

¹Ins. by W. B. Act XXX of 1963.

²Ins. by Act 68 of 1984 s. 15. *see* s. 30(1), *ibid.*, regarding its application to proceedings pending on or after 30-4-1982.

³Subs. by s. 15, *ibid.*, for "fifteen per centum". *See* s. 30(2), *ibid.*, regarding its application to certain awards made and order passed after 30-4-1982.

⁴The sub-section has been added in the L. A. Act, 1894, by section 71 and paragraph 9(2) of the Schedule of the Calcutta Improvement Act, 1911 [Bengal Act V of 1911] as amended by West Bengal Act XXXII of 1955 (section 74), and, by section 70 and paragraph 7(2) of the Schedule I of the Howrah Improvement Act, 1956 (W. B. Act XIV of 1956).

⁵Subs. by W. B. Act XLIX of 1981

⁶The word "or" omitted by s. 16, *ibid.*

Matters to be neglected in determining compensation.

seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the ¹[notification under section 4, sub-section (1)]; ²[or]

³[*eighthly*, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy.]

⁴[25. The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.]

Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector.

26. ⁴[(1)] Every award under this Part shall be in writing signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts.

Form of awards.

⁴[(2) Every such award shall be deemed to be a decree and the statement of the grounds of every such award a judgement within the meaning of section 2, clause (2), and section 2, clause (9), respectively of the Code of Civil Procedure, 1908.]

5 of 1908.

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid.

Costs.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in putting his case before the Collector that some deduction from his costs should be made or that he should pay a part of the Collector's costs.

⁵28. If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of ⁶[nine per centum] per annum from the date on which he took possession of the land to the date of payment of such excess into Court :

Collector may be directed to pay interest on excess compensation.

⁷[Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.]

¹Subs. by Act 38 of 1923, s. 8, for "declaration under section 6".

²Ins. by Act 68 of 1984, s. 16.

³Subs. by s. 17, *ibid.*, for s. 25.

⁴S. 26 renumbered as s. 26(1) and sub-section (2) added by Act 19 of 1921, s. 2.

⁵See Act 68 of 1984, s. 30(2), regarding its application to certain awards made and orders passed after 30-4-1982.

⁶Subs. by s. 18, *ibid.*, for "six per centum".

⁷Ins. by s. 19, *ibid.*

Re-determina-
tion of the
amount of
compensation
on the basis of
the award of
the Court.

[28A. (1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be redetermined on the basis of the amount of compensation awarded by the Court :

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.]

PART IV

APPORTIONMENT OF COMPENSATION

Particulars of
apportionment
to be specified.

29. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Dispute as to
apportionment.

30. When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

PART V

PAYMENT

Payment of
compensation
or deposit of
same in Court.

31. (1) On making an award under section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them unless prevented by some one or more of the contingencies mentioned in the next sub-section.

(2) If they shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Court to which a reference under section 18 would be submitted :

¹Ins. by Act 68 of 1984, s. 19.

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount :

Provided also that no person who has received the amount otherwise than under protest shall be entitled to make any application under section 18.

Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

(3) Notwithstanding anything in this section the Collector may, with the sanction of the [appropriate Government] instead of awarding a money compensation in respect of any land, make any arrangement with a person having a limited interest in such land, either by the grant of other lands in exchange, the remission of land-revenue on other lands held under the same title, or in such other way as may be equitable having regard to the interests of the parties concerned.

(4) Nothing in the last foregoing sub-section shall be construed to interfere with or limit the power of the Collector to enter into any arrangement with any person interested in the land and competent to contract in respect thereof.

32. (1) If any money shall be deposited in Court under sub-section (2) of the last preceding section and it appears that the land in respect whereof the same was awarded belonged to any person who had no power to alienate the same, the Court shall—

(a) order the money to be invested in the purchase of other lands to be held under the like title and conditions of ownership as the land in respect of which such money shall have been deposited was held, or

(b) if such purchase cannot be effected forthwith, then in such Government or other approved securities as the Court shall think fit;

and shall direct the payment of the interest or other proceeds arising from such investment to the person or persons who would for the time being have been entitled to the possession of the said land, and such moneys shall remain so deposited and invested until the same be applied—

(i) in the purchase of such other lands as aforesaid; or

(ii) in payment to any person or persons becoming absolutely entitled thereto.

(2) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereon, to be paid by the Collector, namely :—

(a) the costs of such investments as aforesaid;

(b) the costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principal of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants.

¹32A. If, according to an award made by the Collector under this Act the person interested entitled to any compensation or costs awarded (hereinafter in this Section referred to as the payee) is a minor or a lunatic then, notwithstanding anything to the contrary in this Act or in any other law, the Collector shall have the power to pay the amount of such compensation or costs before it is deposited in the court under sub-section (2) of Section 31 or it may be paid by the court after it is so deposited but before it is invested under Section 32,—

¹Subs. by the A.O. 1950, for "Provincial Government".

²Ins. by the W. B. Act XXIV of 1964.

Investment of money deposited in respect of lands belonging to persons incompetent to alienate.

Compensation awarded to minors and lunatics to be paid

(a) where the payee is a minor, to the guardian of the minor, and

(b) where payee is a lunatic, to the manager of the estate of the lunatic appointed under the Indian Lunacy Act 1912 (4 of 1912) :

Provided that except in the case of following classes guardians, that is to say,

(i) a natural guardian,

(ii) a guardian appointed by the will of a minor's father or mother,

(iii) a guardian appointed or declared by a Court, and

(iv) a person empowered to act as or exercise the powers of a guardian by or under any enactment relating to Court of Wards, no payment as aforesaid shall be made unless the guardian furnishes security in accordance with prescribed rules.]

Investment of money deposited in other cases.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be.

Payment of interest.

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of [nine per centum] per annum from the time of so taking possession until it shall have been so paid or deposited :

[Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]

PART VI

TEMPORARY OCCUPATION OF LAND

Temporary occupation of waste or arable land. Procedure when difference as to compensation exists.

35. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the [appropriate Government] that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the [appropriate Government] may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(3) In case the Collector and the persons interested differ as to the sufficiency of the compensation or apportionment thereof, the Collector shall refer such difference to the decision of the Court.

Power to enter and take possession and compensation on restoration.

36. (1) On payment of such compensation, or on executing such agreement, or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

¹See Act 68 of 1984, s. 30(3), regarding its application to certain cases of possession of acquired land before, on or after 30-4-1982.

²Subs. by s. 20, *ibid.*, for "six centum".

³Ins. by s. 20, *ibid.*

⁴Subs. by the A.O. 1950, for "Provincial Government".

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein :

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the [appropriate Government] shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

Difference as to condition of land.

PART VII

ACQUISITION OF LAND FOR COMPANIES

38. [Company may be authorised to enter and survey.] Rep. by the Land Acquisition (Amendment) Act, 1984 (68 of 1984), s. 21.

¹[38A. An industrial concern, ordinarily employing not less than one hundred workmen owned by an individual or by an association of individuals and not being a Company, desiring to acquire land for the erection of dwelling houses for workmen employed by the concern or for the provision of amenities directly connected therewith shall, so far as concerns the acquisition of such land, be deemed to be a Company for the purposes of this Part, and the references to Company in ²[sections 4, 5A, 6, 7 and 50] shall be interpreted as references also to such concern.]

Industrial concern to be deemed Company for certain purposes.

39. The provisions of ³[sections 6 to 16 (both inclusive) and sections 18 to 37 (both inclusive)] shall not be put in force in order to acquire land for any company ⁴[under this Part], unless with the previous consent of the ⁵[appropriate Government], nor unless the Company shall have executed the agreement hereinafter mentioned.

Previous consent of appropriate Government and execution of agreement necessary.

40. (1) Such consent shall not be given unless the ⁶[appropriate Government] be satisfied, ⁷[either on the report of the Collector under section 5A, sub-section (2), or] by an enquiry held as hereinafter provided,—

Previous enquiry.

⁸[(a) that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or

⁹[(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, or]

(b) that such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public].

¹Subs. by the A.O. 1950, for "Provincial Government".

²Ins. by Act 16 of 1933, s. 6.

³Subs. by Act 68 of 1984, s. 22, for "sections 5A, 6, 7, 17 and 50".

⁴Subs. by s. 23, *ibid.*, for "sections 6 to 37 (both inclusive)".

⁵Ins. by s. 23, *ibid.*

⁶Ins. by Act 38 of 1923, s. 9.

⁷Subs. by Act 16 of 1933, s. 3, for the original clauses (a) and (b).

⁸Ins. by Act 31 of 1962, s. 3.

(2) Such enquiry shall be held by such officer and at such time and place as the '[appropriate Government]' shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the '[Code of Civil Procedure, 1908]' in the case of a Civil Court.

5 of 1908.

Agreement
with appropriate
Government.

41. **** If the '[appropriate Government]' is satisfied '[after considering the report, if any, of the Collector under section 39A, sub-section (2), or on the report of the officer making an inquiry under section 40] that '[the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40], it shall * * * require the Company to enter into an agreement '[with the '[appropriate Government]], providing to the satisfaction of the '[appropriate Government]' for the following matters, namely :—

(1) the '[payment to the '[appropriate Government]] of the cost of the acquisition;

(2) the transfer, on such payment, of the land to the Company;

(3) the terms on which the land shall be held by the Company;

[(4) where the acquisition is for the purpose of erecting dwelling houses or the provision of amenities connected therewith, the time within which, the conditions on which and the manner in which the dwelling houses or amenities shall be erected or provided; ¹⁰****

¹¹[(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is for a public purpose, the time within which, and the conditions on which, the building or work shall be constructed or executed; and]

(5) where the acquisition is for the construction of any other work, the time within which and the conditions on which the work shall be executed and maintained and the terms on which the public shall be entitled to use the work.]

Publication of
agreement.

42. Every such agreement shall, as soon as may be after its execution, be published ¹²**** in the Official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

¹Subs. by the A.O. 1950, for "Provincial Government".

²Subs. by Act 68 of 1984, s. 24, for "Code of Civil Procedure".

³The words "Such officer shall report to the Local Government the result of the enquiry, and," omitted by Act 38 of 1923, s. 10.

⁴Ins. by s. 10, *ibid.*

⁵Subs. by Act 31 of 1962, s. 4, for certain words.

⁶The words "subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf" omitted by Act 38 of 1920, s. 2 and Sch. I, Pt. I.

⁷Subs. by the A.O. 1937, for "with the Secretary of State for India in Council".

⁸Subs., *ibid.*, for "payment to Government".

⁹Subs. by Act 16 of 1933, s. 4, for the original cls. (4) and (5).

¹⁰The word "and" omitted by Act 31 of 1962, s. 4.

¹¹Ins. by s. 4, *ibid.*

¹²The words "in the Gazette of India, and also" omitted by the A.O. 1937.

10 of 1870.

43. The provisions of sections 39 to 42, both inclusive, shall not apply and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied, to the acquisition of land for any Railway or other Company, for the purposes of which, ¹[under any agreement with such Company, the Secretary of State for India in Council, the Secretary of State, ²[the Central Government or any State Government] is or was bound to provide land].

Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

How agreement with Railway Company may be proved.

³[44A. No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

Restriction on transfer, etc.

44B. Notwithstanding anything contained in this Act, no land shall be acquired under this Part, except for the purpose mentioned in clause (a) of sub-section (1) of section 40, for a private company which is not a Government company.

Land not to be acquired under this Part except for certain purpose for private companies other than Government companies.

Explanation.—“Private company” and “Government company” shall have the meanings respectively assigned to them in the Companies Act, 1956.]

1 of 1956.

PART VIII

MISCELLANEOUS

45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Service of notices.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid or of the Collector or in the court-house, and also in some conspicuous part of the land to be acquired :

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and ⁴[registered under sections 28 and 29 of the Indian Post Office Act, 1898], and service of it may be proved by the production of the addressee's receipt.

6 of 1898.

¹Rep. by this Act.

²Subs. by the A.O. 1937, for “under any agreement between such Company and the Secretary of State for India in Council, the Government is or was, bound to provide land”.

³Subs. by the A.O. 1948, for “or any Government in British India”.

⁴Ins. by Act 31 of 1962, s. 5.

⁵Subs. by Act 68 of 1984, s. 25, for “registered under Part III of the Indian Post Office Act, 1866”.

Penalty for obstructing acquisition of land.

46. Whoever wilfully obstructs any person in doing any of the acts authorised by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding [five hundred rupees], or to both.

Magistrate to enforce surrender.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

48. (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

Acquisition of part of house or building.

49. (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired :

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired :

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or does not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the [appropriate Government] is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land first sought to be acquired forms a part.

¹Subs. by Act 68 of 1984, s. 26, for "fifty rupees".

²Subs. by the A.O. 1950, for "Provincial Government".

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive, shall be necessary; but the Collector shall without delay furnish a copy of the order of the [appropriate Government] to the person interested, and shall thereafter proceed to make his award under section 11.

Circumstances
in which
section 49 shall
be put in force.

[49A. (1) Where the owner desires under sub-section (1) of section 49 that the whole of any house, manufactory or building shall be acquired, the provisions of that sub-section shall have effect only when the Collector is satisfied that the acquisition of a part only of such house, manufactory or building shall so adversely affect the use of the remaining part for the purpose for which it was being used as to justify the acquisition of the whole of the house, manufactory or building, as the case may be.

(2) Where the owner withdraws or modifies under the first proviso to sub-section (1) of section 49 his expressed desire that the whole of such house, manufactory or building shall be so acquired, it shall be lawful for the Collector to put in force the provisions of this Act for the purpose of acquiring a part only of such house, manufactory or building, as the case may be, in conformity with such withdrawal or modification.]

50. (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

Acquisition of
land at cost of
a local
authority or
Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation :

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Exemption
from stamp
duty and fees.

16 of 1908.

[51A. In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908, including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.]

Acceptance of
certified copy
as evidence.

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Notice in case
of suits for
anything done
in pursuance
of Act.

5 of 1908.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the [Code of Civil Procedure, 1908] shall apply to all proceedings before the Court under this Act.

Code of Civil
Procedure to
apply to
proceedings
before Court.

5 of 1908.

[54. Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to [the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.]

Appeals in
proceedings
before Court.

55. (1) The [appropriate Government] shall *** have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made :

Power to make
rules.

¹Subs. by the A.O. 1950, for "Provincial Government".

²Ins. by Act 68 of 1984, s. 27.

³Subs. by s. 28, *ibid.*, for "Code of Civil Procedure".

⁴Subs. by Act 19 of 1921, s. 3, for the original section.

⁵Subs. by the A.O. 1950, for "His Majesty in Council".

⁶The words "subject to the control of G.G. in C.", ins. by Act 4 of 1914, s. 2, and Sch., Pt. I, omitted by Act 38 of 1920, s. 2 and Sch. I, Pt. I.

⁷Ins. by the W. B. Act XXXVI of 1986.

[Provided that the power to make rules for carrying out the purposes of Part VII of this Act shall be exercisable by the Central Government and such rules may be made for the guidance of the State Governments and the officers of the Central Government and of the State Governments :

Provided further that every such rule made by the Central Government shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, [before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule :]

[Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the conditions of the rules being made, altered or added to after previous publication.

(3) All such rules, alterations and additions shall **** be published in the Official Gazette, and shall thereupon have the force of law.

ANNEXURE

Extract from the Land Acquisition (Amendment) Act, 1962

(31 of 1962)

* * * * *

7. *Validation of certain acquisitions.*—Notwithstanding any judgement, decree or order of any court, every acquisition of land for a Company made or purporting to have been made under Part VII of the principal Act before the 20th day of July, 1962, shall, in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been, as valid as if the provisions of sections 40 and 41 of the principal Act, as amended by this Act, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

Explanation.—In this section “Company” has the same meaning as in clause (e) of section 3 of the principal Act, as amended by this Act.

* * * * *

¹Added by Act 31 of 1962, s. 6. Previously proviso was added by Act 38 of 1920, s. 2 and Sch. I, Pt. I, and omitted by the A.O. 1937.

²Subs. by Act 68 of 1984, s. 29, for certain words.

³Ins. by s. 29, *ibid.*

⁴The words “when sanctioned by the G.G. in C.” omitted by Act 4 of 1914, s. 2 and Sch., Pt. I.

EXTRACT FROM THE LAND ACQUISITION (AMENDMENT)
ACT, 1984 NO. 68 OF 1984

Transitional
provisions

30. (1) The provisions of sub-section (1A) of section 23 of the principal Act, as inserted by Clause (a) of section 15 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,—

(a) every proceeding for the acquisition of any land under the principal Act pending on the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People), in which no award has been made by the Collector before that date;

(b) every proceeding for the acquisition of any land under the principal Act commenced after that date, whether or not an award has been made by the Collector before the commencement of this Act.

(2) The provisions of sub-section (2) of section 23 and section 28 of the principal Act, as amended by clause (b) of section 15 and section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April, 1982, (the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People) and before the commencement of this Act.

(3) The provisions of section 34 of the principal Act, as amended by section 20 of this Act, shall apply, and shall be deemed to have applied, also to and in relation to,

(a) every case in which possession of any land acquired under the principal Act had been taken before the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People), and the amount of compensation for such acquisition had not been paid or deposited under section 31 of the principal Act until such date, with effect on and from that date; and

(b) every case in which such possession had been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 31, with effect on and from the date of taking such possession.

Executive Instructions
by
Government of West Bengal

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CHAPTER — 1

GENERAL

Note – For the purposes of these instructions, the administrative department of Government is the department which sanctions the project necessitating the acquisition, or in the case of an acquisition on behalf of a local authority or a company is the department which controls or is concerned with the functions of the local authority or company.

Object of the Act.

1. By Act I of 1984 Government is empowered to acquire compulsorily any land which is not already the property of Govt. and which is required for a public purpose or, under the special circumstances described in part VII of the Act, for a company.

Acquisition for Central Government— Position under the Constitution.

2. Before the Constitution of India came into force, the provincial Government was competent to acquire land for all purposes including those of the Central Government. Under article 298(1) of the Constitution, the executive power to acquire land for the purposes of a State rests with the State Government concerned while power to acquire land for the purposes of the Union has been vested in the Central Government. The Land Acquisition Act, 1894 [Act I of 1984] which has been amended by the Adaptation of Laws Order, 1950, in keeping with the provisions contained in the aforesaid article of the Constitution, also empowers the Central Government to acquire land for the purposes of the Union and the State Government for all other purposes. The State Government has, therefore, no power under the law, as it stands, to acquire any land for the purposes of the Union. As, however, the Government of India, Ministry of Agriculture & Rural Development (Department of Rural Development) in their Notification No. S.O 782(E) dated 25-10-85 published at pages 1 to 3 part II Sec. 3 of the Gazette of India, Extraordinary of 25th idem, have entrusted their functions under the Land Acquisition Act, 1894, in relation to the acquisition of land for the purposes of the Union, to the State Government under the provisions of article 258(1) of the Constitution, the State Government can also acquire land under the Act for all purposes including those of Central Government [vide Appendix I]. In cases of acquisition of land for the Central Government, the Notifications under section 4 and the declarations under section 6 of the Act have, however, to be published by the State Government in a modified manner, as indicated in Forms 2A, 3A and 5A of this Manual.

Special provisions of Calcutta/ Howrah Improvement Trust.

3. By the Calcutta Improvement Act, 1911 and the Howrah Improvement Act, 1956 the Board of Trustees as referred to in these two Acts is empowered to acquire land with the previous sanction of Government.

For the purpose of acquiring land for the Board of Trustees for the improvement of Calcutta and Howrah certain modifications have been made in Act. I of 1894 and included in the Calcutta Improvement Act, 1911 and Howrah Improvement Act, 1956.

What land may be acquired.

4. (1) Land, all the interests in which are already vested in Government and in which no interests of private persons exist, cannot form the subject of proceedings under the Land Acquisition Act. The transfer of such land from one department of Government to another should be arranged for by executive action.

(2) When Government desire to acquire land for any public purpose, they must acquire all types of the outstanding interests in the land i.e., interests not already vested in Government.

(3) When land has been acquired under the Act and made over to a local authority or to a company it may again be acquired under the Act if subsequently required for a public purpose by Government or by some other local authority or company.

Conditions under which land may be obtained by private bargain.

5. (1) The advantages of acquiring land under the Act over obtaining it by private bargain are that the former procedure secures an indefeasible title and is likely to save Government from the risk of paying more than the true market value of the land. Land may not be obtained by private bargain without the sanction of Government who will in such cases require strict proof that the vendor can convey a good title, and that there are sufficient reasons for not following the procedure of the Act. It is not legal to purchase the interest of one claimant by private bargain, and simultaneously to acquire the interests of other claimants under the Act. Under the orders of the Government of India or the State Government, as the case may be, purchase of land by private bargain must always be effected in accordance with the formal procedure of the Act. Provisions of sub-sections (2) to (4) of the section 11 of the Act should be followed. The price agreed upon must for the purpose of the award be divided in such a manner so that it covers market value of land as per clause "firstly" of sub-section (1) of section 23, the additional amount under sub-section (1A) of section 23, if any, and the solatium under sub-section (2) of section 23 of the Act.

Negotiations for obtaining land by private bargain will be conducted by the department, local authority or company concerned, but the Collector should furnish any information for which he may be asked, and his opinion should accompany the application to Government for sanction to the proposal.

(2) The payment of land value on agreed basis can be done after observing the following procedures :-

(i) No Officer, when asked by any administrative department of Government, should send any report of valuation direct to that department. It must be sent through the Collector, the Divisional Commissioner and the Land and Land Reforms Department.

(ii) The report of valuation should be amply supported by documents and sale figures so that Government may know the basis on which the valuation has been made.

(iii) The Collector's report of valuation should be kept strictly confidential.

(iv) In all cases of acquisition on agreed basis, there should be a formal agreement between the Governor and the owner in which the latter should state specifically that he would accept the amount to be awarded by the Collector, or the agreed amount whichever is less. The owner should also swear an affidavit containing a declaration of his absolute power of disposition over the property. Two standard forms- one of agreement in Form I and the other of affidavit in Form II- are enclosed. The payment of the agreed amount should be made only after the award is made.

(3) The general principle is that no payment should be made before the award is signed by the Collector. There may, however, arise one or two cases of a very exceptional nature where a portion of the agreed amount may have to be paid before the award. No advance payment should be made unless possession of the land is delivered to Government by the owner. Specific orders of Government are also necessary before any advance payment can be made. In such cases, an indemnity bond should be obtained from the owner in addition to the agreement and the affidavit. A separate set of standard forms of

agreement in Form-III, affidavit in Form-IV, and indemnity bond in Form V to be used in such cases of advance payment is enclosed. The indemnity bond should be registered. Further instructions in the matter have been elaborated in Chapter VI which may be seen also.

Cases of free gift.

6. (1) Offers of free gift of land must be carefully scrutinized in the light of the principles (a) that no man can give away what does not belong absolutely to him, (b) in particular, that no landlord can give away the rights of his tenants, (c) that no gift or waiver by a person holding a position of trust can have effect against the beneficiary owner.

(2) When any person offers to make a free gift of land in which other persons hold interests, the land should be acquired under the Land Acquisition Act and awards should be made to all the persons interested. For this purpose the person agreeing to make a gift shall put in a petition waiving his claim to compensation, provided that he has Sui Juris full powers of alienation.

(3) Where there is no room for doubt as to the validity of the gift of the entire interests the land may be acquired by registered deed of gift with the sanction of the Divisional Commissioner.

(4) Where the gift is saddled with conditions (e.g. that the land should revert to the donor when no longer required for the purpose for which it is given) proceedings under the Land Acquisition Act are not applicable, the donor has power to make a gift free from all encumbrances, and if the conditions are accepted by Government in the Land and Land Reforms Department, the land may be obtained by a registered deed of conditional gift.

(5) The cost of registering a deed of gift should in all cases be borne by the donee.

(6) The Court of Wards has no power to make a free gift of land belonging to a ward, nor can a valid gift or waiver of right be made by a minor, or a limited owner, a receiver, a trustee, an administrator or an executor.

(7) No valid acquisition can be made on payment of nominal compensation. Normally an award under the Land Acquisition Act must be computed following the provisions of sections 23 and 34 of the Act. But in case of urgency before taking possession of any land under sub-section (1) or sub-section (2) of section 17 of the Act, payment of eighty per centum of the compensation for the land is to be made or deposited as the case may be as per sub-section (3A) of section 17 of the Act.

Site Selection Committee.

7. The site of every building constructed by the Public works Department is required to be approved by a Site Selection Committee. Unless the Executive Engineer is instructed to the contrary the site will be approved by the Committee before the project is submitted for administrative approval. The constitution and duties of the Committee are prescribed in Government of Bengal Circular No. 3B, Public Works Department dated the 21st April, 1917 (vide Appendix No. II). It is needless to mention that 'The District Officer' and 'The Civil Surgeon' as mentioned in the Circular mean the Collector and the Chief Medical Officer of Health of the district.

Screening Committee

8. (1) With a view to restricting acquisition of land to the minimum necessity for a project it has been decided by Government that a Screening Committee should be constituted by the Collector with the following officials and non-officials to examine the proposals for acquisition of land exceeding 5(five) acres for various projects of Government both State and Central/Local Bodies/Public

Undertakings/Companies etc. in the districts.

- i) Additional District Magistrate-in-Charge of Land Acquisition ;
- ii) Concerned Sub-Divisional Land and Land Reforms Officer ;
- iii) The Sabhapati of the Panchayet Sanity of the concerned area or his representative ;
- iv) The Local Member of Legislative Assembly or his representative;
- v) The representative of the Requiring Body ;
- vi) The Special Land Acquisition officer.

Concerned Special Land Acquisition Officer will act as the Convenor of the said Committee.

(2) The Site proposed by the Requiring Body may be scrutinized by the Committee before a final selection is made. While selecting a site every effort should be made to avoid acquisition of valuable agricultural land or ecologically fragile land. The objective will be to strike a balance between the public purpose and the rights of the individual.

(3) In case of acquisition of land under Act I of 1894 the Collector may initiate the proposal on the recommendation of the Screening Committee and forward the draft notification etc. to the Land and Land Reforms Department for further action.

The instruction of the Government issued in this regard is enclosed in **Appendix No. III** of this Manual. The Government may, however, direct that the Collector may initiate a proposal without such approval in such class of cases as may be specified. [See **Appendix No : IV**]

Appointment of officers to perform function of a collector.

9. (1) When it is desired to employ a Deputy Collector or any other officer to acquire land under the Act, the Land and Land Reforms Department of the Government shall vest him with necessary power under sec. 3(c) of the Act. Such appointment should also be made for Central purposes under delegated power. It is desirable that the Officer is well acquainted with the provisions of law and rules and the instructions. It is essential that the officer should possess a good working knowledge of cadastral-survey and record-writing.

(2) Officers may be employed to assist the Officer acquiring land by distributing payments or otherwise without being empowered under section 3(c) provided that they work under the direct supervision of the acquiring officer and do not exercise any of the powers of a Collector under the Act.

Acquisition of land for Industrial concerns under Section 38A.

10. (1) Under section 38A of the Land Acquisition Act, 1894 an Industrial concern shall be deemed to be a company for the purpose of acquisition of land and may be processed accordingly.

(2) An Industrial concern within the meaning of this act is a concern (1) which is industrial (2) which employ not less than 100 workmen (3) which is not a company within the meaning of the section 3(c) of the Act and (4) which is governed by one or more individual. Land may be acquired for it when required for erection of dwelling houses for workmen or for provision of other amenities viz. sanitation, sewerage and health etc. for its workmen. The application of the Act so far as small industries are concerned is limited in scope for their benefit. No question of public purpose other than those stated above is necessary for acquisition of land for such concern.

(3) In case of acquisition of lands for such concerns, the agreement and the deed of transfer should be executed in the standard Forms 1 and 1A as may be applicable.

Acquisition of land for Companies under Sections 39 to 42.

11. (1) Under the Land Acquisition Act I of 1894 land can be acquired for a Company for the purpose of construction of such works as are specified in clauses (a), and (b) of section 40(1). Steps for acquisition for a company will not be initiated unless the Government is satisfied as to the necessity of the acquisition for public purpose and the company has executed an agreement as laid down in section 41. It may be clearly understood that acquisition of land for a Corporation owned or controlled by the State as defined in clause (cc) of section 3 of the Act is to be done under Part II of the Act.

(2) A society registered under the Societies Registration Act of 1860 or under any corresponding law for the time being in force in a State or a Co-operative Society within the meaning of any law relating to Co-operative Societies for the time being in force not being a Co-operative Society in which not less than fifty one per centum of the paid up share capital is held by the Central or State Governments or partly by the Central Government and partly by one or more State Government is a Company within the meaning of section 3(e) of the Land Acquisition Act, 1894, and is, therefore, entitled to apply for acquisition of land under section 40(1) of the Act. In cases of acquisition of land for such a society two tests have to be satisfied : firstly, the purpose for which the land is to be acquired must be one of the purposes covered by the preamble read with Section 20 of the Societies Registration Act, 1860, and secondly, one of the three conditions mentioned in clauses (a), (aa) and (b) of section 40(1) of the Land Acquisition Act must be fulfilled. No application for acquisition of land from such a society can be entertained unless both these tests are satisfied.

(3) When land is to be acquired for a company under section 39 to 42 the agreement required by section 41 must be published in the manner provided by section 42 before proceedings for acquisition are initiated.

The agreement should conform as closely as possible to the standard Form 1B and in particular should ensure the reimbursement to Government of all costs including costs of litigation.

(4) The land on acquisition vests absolutely in Government and in order to divest it and vest it in the Company for which the land is acquired, a deed of transfer in Form IC should be executed which will be liable to stamp duty under Article 62(c) of the Indian Stamp Act, 1899, as amended by Act III of 1922. The costs are to be borne by the Company.

Acquisition of land for private institutions through local bodies.

12. (1) When local bodies like Municipalities and Zilla Parishads agree to get lands acquired on behalf of private institutions for specified public purposes, such bodies should, before moving Govt. to acquire the lands, obtain written undertakings from such institutions agreeing to use the lands for the purposes for which they are acquired and if they are not used or required for those purposes, the lands will be resumed by the local bodies. After acquisition, the Collector will formally deliver possession of the lands to the local bodies who should then make over the lands to the Institutions on their executing a licence in Form 1D.

(2) Before sending these acquisition proposals to the Department of Land and Land Reforms, the Administrative Departments should satisfy themselves that written undertakings, as aforesaid, have been obtained from the institutions concerned and furnish a report to that

effect to the former department alongwith the proposals. While according administrative approval, the administrative department should also make it clear in their orders that the lands are to be made over to the institutions by the local body concerned on their executing a licence in Form 1D.

Acquisition of
land for public
institutions.

13. In case of acquisition of land for public institutions for specified public purposes the concerned administrative departments may sponsor the proposals for acquisition of land. Such proposals should be routed through the Administrative Department to the Land and Land Reforms Department for issuance of necessary orders for the acquisition. The Administrative Department should obtain written undertakings from such institutions agreeing to use the lands for the purposes for which they are acquired and if they are not used or required for those purposes the lands will be resumed by the Collector of the district for its necessary disposal otherwise. After the clearance from the Land and Land Reforms Department the Administrative Department should also make a clear order that the lands are to be made over to the institution concerned by the Collector direct. A licence is to be executed in Form 1E between the Land and Land Reforms Department and the Institution concerned.

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CHAPTER II

PRELIMINARY

Matters to be considered when selecting land for acquisition.

14. The officer who selects the land on behalf of the requiring department is bound to see that the interests of Government, of the public and of private individuals are duly considered, and that sites and alignments are chosen so as to cause the minimum of expenditure, annoyance and loss compatible with the attainment of the object for which the land is required. In particular he will avoid lands which contain any religious buildings, tombs or grave-yards or lands to the acquisition of which there is likely to be religious objection. In cases of doubt he will consult the Collector. It is to be kept in mind that under section 3(a) of the Act the expression 'Land' includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth.

Preliminary investigation before selection of land by the Requiring Body.

15. (1) If a preliminary investigation is needed in order to determine what land is required and it is necessary to authorise officers to make a survey and perform other acts specified in section 4(2), the requiring officer will prepare, in communication with the Collector, a draft notification in Form 2A when the land is required for the Central Government or in Form 2 in any other case and forward it to his superior officer for submission to the Administrative Department of Government for approval. When approved the administrative department will refer the case to the Land and Land Reforms Department in order that the notification may be published in the Calcutta Gazette.

(2) The determination that a purpose is a public purpose is no longer a matter for the subjective satisfaction of the Government. The existence of a public purpose is a necessary condition to the acquisition of property and that the existence of such a purpose must be established before any notification under section 4 is made. The expression 'public purpose' has been adequately defined under section 3(f) of the Act, which should be strictly adhered to before the notification in Form 2 or Form 2A is published in the Calcutta Gazette. Simultaneously, the notification in Form 2 or Form 2A is published in two daily newspapers of the State, one of which is an English daily and the other is a Bengali daily. In the case of Darjeeling district (excluding Siliguri Sub-Division) the publication made should be in a local newspaper published in the regional language in addition. Hence, three copies of the draft reconnaissance notification in English in Form 2 or Form 2A, two copies of it in Bengali and in case of Darjeeling district (excluding Siliguri Sub-Division) two copies of it in the regional language in addition, are to be sent to the Land and Land Reforms Department for publication.

(3) On such publication due notice of the substance of the notification will be publicly given by the Collector at convenient places in the locality in similar formats prescribed in Form 2 and Form 2A and the Collector shall apprise the requiring officer of the issue of the public notice. The requiring officer shall not commence the investigation until he is satisfied of the issue of the notice. A copy of every such notification published under section 4 will be sent by Government in the Land and Land Reforms Department :

(i) to the Collector with instruction to publish locally as prescribed by section 4.

(ii) to the requiring department concerned with intimation that after issue of the notice by the Collector, the Engineer or local

officer of the department is authorised with his servants and workmen to enter upon the land and do all the acts required or permitted by section 4.

Objections shall not be invited at this stage, but if any objection is made, the Collector will deal with it under section 5A when the notification in Form 3 or 3A, as the case may be, has been published. It should be noted here that the issue of public notice of the substance of the notification in Form 2 and Form 2A has no bearing on the determination of date of notification under sub-section (1) of section 4 of the Act. This notification is merely a reconnaissance notification.

Survey and preliminary plan of land.

16. On receipt from the Collector of intimation of the issue of the public notice (but not before), the officer entrusted with the preliminary investigation under section 4 may proceed. It may be necessary to examine the land, survey, dig, bore and otherwise ascertain its suitability for the purpose for which it is required and the officer shall prepare such a preliminary map or plan of land and collect such further information as will assist the Collector in forming an estimate of the probable cost of taking up the land.

The Requiring Body/Company then submits the proposal for acquisition of land alongwith a schedule of land, a Land Acquisition Plan drawn on mouza-map, a copy of the same plan drawn on tracing cloth and six copies of ferro/ammonia prints of the same.

Further investigation by the Collector and preparation of preliminary investigation report.

17. (1) On receipt of the proposal from the Requiring Body/Company the Collector will arrange further investigation. The copies of records of right in respect of the lands to be acquired are to be collected from the District Land and Land Reforms Officer and Plot Index in Form 2B is prepared for a particular Land Acquisition proceeding. From the Plot Index the rayati and vested lands covered by the L.A. Proceeding are worked out and the vested lands are excluded from the purview of the acquisition proceeding. Then the land schedule is prepared in Form 2C. Before submission of Preliminary Investigation Report to the Collector by his sub-ordinate officers the abovesaid steps should be completed in normal cases for preparation of the report accurately and to minimise the time-lag between different phases after the date of publication of notification.

(2) The report of the preliminary investigation by the Collector should contain the following points :

- (a) Purpose for which the land is proposed to be acquired,
- (b) Total area of land proposed to be acquired and its break-up as between the following categories—
 - (i) agricultural lands or land fit for cultivation.
 - (ii) homestead land,
 - (iii) other non-agricultural lands.

In case there is any change in the classification of land from what has been recorded in the settlement records that should be specifically mentioned here

(c) The report should also state whether any of the agricultural lands is already under irrigation from a major or minor irrigation project or are expected to come under irrigation from such a project in the near future.

(d) The number of families (if any) likely to be displaced from—

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(i) their residences.

(ii) their place of business.

(e) Whether land acquisition proposals would affect—

(i) any place of public worship,

(ii) any educational institution or any other institution,

(iii) any market or centre of trade.

(f) Whether the entire area or a portion thereof have vested under the West Bengal Estates Acquisition Act, 1953, or the West Bengal Land Reforms Act, 1955 or affected by any Court's injunction.

(g) Whether the entire land or a portion thereof is affected by the Urban Land (C&R) Act, 1976 and if so, the present position of the proceedings under that Act.

(h) Whether the area of land proposed to be acquired is reasonable or excessive.

(i) Recommendations of the Screening Committee when necessary.

(j) Recommendations of the Collector or of the Additional District Magistrate in charge of Land Acquisition.

A standard format is annexed in this manual in Form 2D.

(3) It is needless to mention that where the land to be acquired is land which has already been surveyed in course of any settlement proceedings or where such proceedings are in progress there is no necessity of re-surveying the land. The officer entrusted with the preliminary investigation at this stage should procure a copy of the map of the locality prepared by the settlement proceedings. The copies of records of right collected from the Settlement wing will serve the purposes in preparing Plot Index and Land Schedule.

(4) Normally, the classification of land to be acquired should be the classification as recorded in finally published Records-of-Right, under the West Bengal Land Reforms Act, 1955. Any change of classification of the lands to be acquired should be specifically mentioned in the Preliminary Investigation Report and shall be approved by the Collector.

Use of Settlement Map where not possible.

18. The use of settlement map is not possible unless the land to be acquired is of sufficient area to be made out on the map prepared according to the settlement scale i.e., 16 inches to a mile. In such cases plans prepared in a large scale may be used.

A Reconnaissance notification in Form 2 or Form 2A to be cancelled entirely or partially.

19. (1) Where the requiring department or authority or the Collector after holding a preliminary investigation in an area in respect of which a notification in Form 2 or 2A, as referred to in paragraph 15 has been published, decides not to proceed with the acquisition of any land within that area, the notification in Form 2 or Form 2A should be cancelled entirely, unless it has automatically lapsed under the provisions of the Act. When, however, the requiring department or authority or the Collector decides to acquire only a portion of the area similarly notified in Form 2 or Form 2A, the relevant notification in Form 2 or Form 2A, should be cancelled partially so far as the land remaining unacquired is concerned. The cancellation of the notification in full or in part, as the case may be, has to be done by publishing a fresh notification cancelling the same. In those cases where the

notification in Form 2 or Form 2A has to be cancelled entirely or partially the Collector should submit necessary draft cancellation notification or partial cancellation notification to the Land and Land Reforms Department with a copy to the Commissioner of the Division and the Administrative Department as soon as the decision is taken not to acquire the land within the notified area entirely or partially.

(2) The Forms to be used for cancellation notifications are prescribed in Form Nos. 2E, 2F, 2G and 2H, of which Form Nos. 2E & 2G are used in case of acquisition of land for any purpose other than a purpose of the Central Government and Form Nos. 2F & 2H are used in case of land to be acquired for Central Government. In every case three copies of cancellation notifications in English and two copies in Bengali are to be sent to the Land and Land Reforms Department. For the district of Darjeeling (excluding Siliguri subdivision) two copies of the cancellation notifications in Nepali should also be sent to the Land and Land Reforms Department in addition. Cancellation notifications are published not only in the Calcutta Gazette but in two daily newspapers also. The Divisional Commissioner and the Administrative Department concerned will be given a copy of each of the draft cancellation notification in English and in Bengali both and the Darjeeling district will send a copy of Nepali version of the said notification in addition.

(3) In case of entire cancellation of the reconnaissance notification the draft cancellation notification should be prepared in Form 2E or Form 2F as the case may be and in case of partial cancellation of the reconnaissance notification the draft partial cancellation notification should be prepared in Form 2G or Form 2H as the case may be.

(4) In case of acquisition of land for a Company or a local authority no action should, however, be taken by the Collector unless the tentative cost of acquisition, the initial establishment and contingent charge estimated by him have been deposited by such company or local authority.

Application for acquisition of land.

20. (1) In every case whether a preliminary investigation has been made or not, when the requiring body/department, local authority or company has selected the land to be taken up, it shall send to the Collector an application for acquisition of land, stating the purpose, alongwith a Land Acquisition Plan drawn on mouza-map, a copy of the same drawn on tracing cloth and six copies of ferro/ammonia prints of the same, together with a memorandum specifying generally the nature of the land and stating whether it is waste, cultivated or residential and the number and character of buildings, trees, etc., standing on it, and an application for the preparation of a draft notification under section 4 in Form 3 or Form 3A as the case may be and for an estimate of the cost of acquisition. The application shall on receipt be entered by the Collector in the register of applications in Form 4.

(2) When the land is required for the Land and Land Reforms Department, the Collector himself will initiate proceedings on receipt of sanction from the said department.

(3) In case of acquisition of land for Engineering Departments of the State Government the Executive Engineer-in-charge of the work concerned is normally the officer requiring the land and he will apply to the Collector for the draft notification under section 4 in Form 3 on behalf of the Requiring Body/Administrative Department.

(4) When land is required for a Ministry of the Government of India, the local procedure for the acquisition of land will be in

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conformity with the instructions of the State Government. The seniormost officer of the Ministry in the State will be the requiring officer from whom requisitions for the acquisition of land will be accepted. For the Ministry of Defence the local representative is the Military Estates Officer who will apply to the Collector for the acquisition of land for that department.

Particulars to be specified in the application.

21. The application shall set forth clearly the purpose for which the land is required. It shall specify the limits of the land, shall state the local names (if any) by which the land may be known, and shall contain such other particulars as may be necessary for the identification of the land. As stated earlier the schedule as described in the previous paragraph and the land plan drawn on mouza-map, a copy of the same drawn on tracing cloth and six copies of ferro/ammonia prints of the same are to be appended with the application.

Application for temporary occupation of land to be separate.

22. If any land is required for temporary occupation only under section 35 of Act I of 1894, this should ordinarily form the subject of a separate application, in which the fact that permanent acquisition is not required should be clearly stated.

Modes of publication of reconnaissance notifications.

23. (1) Normally a reconnaissance notification in Form 2 or Form 2A is published in the Official Gazette, and in two daily newspapers circulating in the State, one of which is a "English daily" and the other is a "Bengali daily". For the Darjeeling district [excluding Siliguri subdivision] such a notification in the regional language is published in a local newspaper, in addition. Again, the public notice of the substance of such notification is given at convenient places of the locality where the land is proposed to be acquired. Such notification is followed by an entry, survey and investigation by authorised Government servants of the land in question. The officers as authorised shall pay for damage cost by such entry, if any, and if the amount of the damage is disputed by the party a reference is called for under section 5 of the Act to the Collector of the district and the decision of the Collector in this respect shall be final.

(2) In some cases, publication of such reconnaissance notifications may not be necessary. The requiring department/authority may submit the application for acquisition of land in the manner as prescribed in paragraph 20 for publication of draft notification under section 4 in Form 3 or Form 3A as the case may be.

Procedure after receipt of application for acquisition of land and different modes of publication of notification under sub-section (1) of section 4.

24. (1) On receipt from the requiring officer or the department of the application, maps, land schedule and memorandum etc. as prescribed in paragraph 20 when the proposal for acquisition exceeds 2 (two) hectares in the areas outside the jurisdiction of the Calcutta Municipal Corporation, the Collector shall place the matter before the Screening Committee constituted for the purpose unless otherwise directed by the Govt.

In case the Committee is of opinion that land proposed to be acquired is excessive and/or the proposal requires modification, the Collector shall send such recommendation to the Requiring body/ Deptt. for revision of the proposal. When the Committee recommends the acquisition or when the matter does not require the approval of the Committee the Land Acquisition Collector of the district shall prepare Preliminary Investigation Report after collecting copies of Records of Right of the lands to be acquired from District Land and Land Reforms Offices concerned and preparing a Plot Index in Form 2B as prescribed in paragraph no. 17. In addition, a Land Schedule in Form 2C should also be prepared simultaneously. The Land Acquisition Collector shall then prepare a draft notification under section 4 of the Act in Form 3A if the land is required for the Government of India or

in Form 3 in any other case. The said draft notification in Form 3 or Form 3A should be prepared at least for six copies in English and five copies in Bengali and five copies in the regional language in addition for the district of Darjeeling (excluding Siliguri sub-division).

(2) The Collector shall send the following papers for publication of draft notification under sub-section (1) of section 4 of the Act to the Government in the Land & Land Reforms Department *direct* with an intimation to the Divisional Commissioner and the Administrative Department concerned as prescribed below. The intimation may also be, given to the requiring officer/requiring body from whom the application for publication of notification in Form 3 or Form 3A has been received.

i) Draft notification in Form 3 or Form 3A duly signed by the Collector in English. — 3 copies.

ii) Draft notification in Form 3 or Form 3A duly signed by the Collector in Bengali. — 2 copies.

iii) Copy of Preliminary Investigation Report duly approved by the Collector or the Additional District Magistrate-in-charge of Land Acquisition. — 1 copy.

iv) The Land Acquisition Plan showing the lands proposed to be acquired. — 1 copy.

v) Copy of the letter from the requiring department or authority who requested for the acquisition of land stating the exact purpose for which the land is acquired and particulars of the project. — 1 copy.

In addition, two copies of Nepali version of draft notification in Form 3 or Form 3A are to be sent by the Collector, Darjeeling when necessary.

(3) All the documents mentioned above excluding the last one should be submitted in original to the Land & Land Reforms Department.

(4) In addition, the Collector shall send a copy of each of the documents mentioned above to the Divisional Commissioner and the Administrative Department concerned. If necessary, a set of similar documents may be sent to the requiring officer/requiring body too.

(5) The same procedure is followed in preparation of draft notice of sub-section (1) of section 4 of the Act in all cases of acquisition even though the operation of section 5A may be suspended by an order under sub-section (4) of section 17. In such cases Form 3B or Form 3C should be used in place of Form 3 or Form 3A respectively for preparation of draft notification under section 4. The draft declaration under section 6 of the Act prepared in Form 5 when land is required for any purpose other than a purpose of the Central Government or in Form 5A when land is required for a purpose of the Central Government as the case may be, should also be sent to the Government in the Land & Land Reforms Department for three copies in English and two copies in Bengali alongwith draft notification under section 4 in Form 3B or 3C as the case may be and other documents mentioned above in sub-paragraph (2) in addition. Two copies of Nepali version of draft notification in Form 3B or Form 3C, as the case may be, should be sent by the Collector, Darjeeling in addition where required. All these copies should be in original. The Divisional Commissioner and the Administrative Department concerned should

also be supplied with an original copy of each of the **Form 5** or **Form 5A** in English and in Bengali alongwith draft notification under section 4 in **Form 3B** or **Form 3C** and documents prescribed in subparagraph (2) above. Similarly, the requiring officer/requiring body may be supplied with a copy of draft declaration either in **Form 5** or **Form 5A** as the case may be in English and in Bengali both alongwith draft notification in **Form 3B** or **Form 3C** and other documents mentioned above. In Darjeeling district (excluding Siliguri Sub-division) copies of declaration in local regional language in **Form 5** or **Form 5A** may be supplied in addition.

(6) At this stage, the preparation of an estimate is ordinarily not necessary, but the Collector may, if he thinks fit, or if he is asked by the requiring officer, in order to prevent delay or for other reasons, cause an estimate to be prepared and send it to the requiring officer. The submission of the notification must not be delayed on account of the estimate.

(7) On the approval of the administrative department the Land & Land Reforms Department publishes the notification in the Calcutta Gazette. As soon as the said department sends the draft notification under sub-section (1) of section 4 of the Act to the press for publication of the notification in the Calcutta Gazette, an intimation is sent to the Collector mentioning the date of publication of the notification in the Gazette under sub-section (1) of section 4. Simultaneously, the Land and Land Reforms Department sends the draft notification to the Information and Cultural Affairs Deptt. for publication in the daily newspapers. The Collector should not wait for receipt of a copy of the notification printed in the Calcutta Gazette. On receipt of intimation regarding publication of the notification in the Calcutta Gazette or in any of the newspapers, the Collector shall cause public notices of the substance of notification to be given at convenient places in the locality. This will ordinarily be done by affixing a copy of the notification at one or more place/places on or near the land proposed to be acquired and also at a conspicuous public place in the village or part of the town in which the land is situated. Copies of substance of notification shall also be pasted in Notice Board of the Collector's office, Sub-divisional Officer's office, Office of the Requiring Officer and other local offices situated in the locality. The Forms to be used for such public notices are **Form No. 3E** in case of acquisition of land for the Central Government and **Form 3D** in other cases.

(8) In addition, copies of substance of the notification shall also be served on such persons as are at this stage known or believed to be interested persons in the land to be acquired. The names of such persons can be available from the land schedule already prepared in **Form 2C** at the initial stage. No elaborate or detailed enquiry is needed for the purpose. A local enquiry by such agency as the Collector may think fit and examination of (i) the Land Registration Registers, (ii) the Settlement Records and (iii) the Municipal Assessment Register, which may be relevant to the particular case will ordinarily be sufficient. The **Form 3D** or **Form 3E** may be used for such notices on the persons who may file objections within the period of 30 days after the date on which public notice of the substance of the notification is given in the locality.

(9) (a) During this stage the following requirements are quite mandatory and non-compliance thereof will vitiate the entire acquisition proceedings :

(i) Publication of a notification in the Official Gazette by the Government that land in any locality is needed or likely to be needed for any public purpose.

(ii) Publication of notification in two locally circulating newspapers—one being in the regional language and

(iii) Public notice of the substance of such notification by the Collector at convenient places in the locality.

(b) The definite object of acquisition is a public purpose acquisition for a company as defined in section 3 of the Companies Act, 1956, other than a Government Company. The words used in the section 4 are "is needed or is likely to be needed for any public purpose or for a Company". Hardship of individuals cannot in any event outweigh the question of public demand. The insertion of the words "or for a Company" only indicates the legislative recognition of the law that even for acquisition for a company, notification under section 4 is mandatory.

(c) The object of notification under section 4 is two-folded as stated earlier. Firstly, it is a public announcement by the appropriate Government and a public notice by the Collector in respect of the land being needed or likely to be needed by the Government for a public purpose.

Secondly, it authorises the departmental officers or officers of local authority or Company, as the case may be, to survey and do other acts by entering the land. Exact alignment can be ascertained now. Section 4(1) provides for three cases, viz., (i) lands which are needed and (ii) lands which are likely to be needed for acquisition, (iii) lands needed for Company. In the second case the survey may not be necessary.

(d) Notice under section 4 is mandatory. The entire purpose of sub-section (1) of section 4 is to give public notice of the proposal and if therefore it is published in the locality and particularly the persons affected by the proposal are aware that such an activity is afoot, then it is sufficient. Though any defect in the notification is not fatal to the validity of proceedings but it should be kept in mind that 'date of publication of the notification' is the last of the dates of three modes of publication detailed above. If the notification is published only in the convenient place in the locality, but never published in the newspapers, time for filing objection under section 5A would not accrue. In view of section 23, the compensation is to be awarded on the basis of market value on the date of publication of notification. As this means the last date of the three such publications and if one mode is not resorted to, the criterion for determination of compensation would remain elusive. So, in that eventuality, the whole purpose of the notification would be frustrated and on such notification no valid acquisition can stand.

(10) The Land Acquisition (Amendment) Act, 1984, has laid down three media for notification under section 4 namely (a) Gazette Notification; (b) Publication in newspapers; (c) Publication in locality. The date of publication of notification is, in view of section 4, as it now stands after Amendment of 1984, is the "last of the dates of such publication and the giving of such public notice". Generally, the last date comes when the copies of the published notification are published in the locality and it becomes the 'Date of the Publication of the Notification'.

The importance of this date of publication is apparent for two reasons :

First, not within thirty days after issue of notification as provided earlier; now within thirty days from the date of publication of

notification, a person interested may object to the acquisition, through objection filed under section 5A. Secondly, the compensation is to be evaluated on the market value not on the date of issue of notification but on the date of publication of the notification.

Receipt of objections and its hearing under section 5A.

25. (1) The Collector on receiving the objections under sub-section (1) of section 5A from persons interested in any land, which has been notified under sub-section (1) of section 4 and has been needed or likely to be needed for a public purpose or for a company, within 30 days from the date of the publication of the notification in the locality shall issue notices in Form 3F to the objectors fixing a date, time and place for hearing of the objections. In the case of a joint objection by a number of persons, the notice shall be served on the first or the principal objector. The objectors shall be allowed to adduce evidence in support of their objections if they desire to do so. Information shall also be given to the requiring officer of the administrative department or to the local authority or company at whose instance the notification under section 4 has been published, so that they may be represented at the hearing of the objections. The Collector shall hear those objections which have been received within the stipulated period only and others shall be rejected.

(2) Section 5A has been amended by the latest amendment of 1984 and the limitation for filing objection has become 30 days from the date of last of the dates of those three modes of publications as contemplated in section 4(1) of the Act, instead of 30 days from the date of issue of notification. Secondly, the objections could be heard in person or through any person authorised by him on his behalf.

(3) The procedure formulated in section 5A is :

i) The objector must be a person entitled to claim an interest in the compensation if the land is acquired.

ii) The objections must be in writing.

iii) It must be made within 30 days after the last date of the dates of publication by those three modes of publication of notification under section 4 of the Act.

iv) It must be to the Collector :

Section 3(c) defines a Collector to be a District Collector and any officer specially appointed by the Government to perform the functions of the Collector.

v) The party may be heard in person or through any person authorised by him on his behalf or by a pleader.

vi) The Collector may not make enquiries. But he should hear all objections before he submits the case for the decision of the State Government with a report of his recommendations.

vii) Most important is that only the person who is interested in any land, that has been notified under section 4(1) of the Act, can object to the acquisition.

viii) The Collector may make different reports in respect of different parcels of land.

(4) Under section 5A, the Collector has to send alongwith his report the entire record of the proceedings which would include objections. The report is merely of recommendatory value and is not binding on the Government. Both the report and the record are sent to enable the Government to form its satisfaction that the acquisition is necessary for a public purpose or for a Company.

(5) The proceedings under section 5A of the Act are quasi-judicial and not wholly executive. The judicial power of the Collector under section 5A is delegated. Collector's powers end as soon as the delegate has completed the enquiry and submitted his recommendation. Where there is non-compliance with section 5A, any declaration under section 6 can be struck down as ultra vires as writ proceedings. Similarly, publication of declaration before enquiry under section 5A is complete is fatal excepting the cases in sub-paragraph (7) below.

(6) If an objection is filed by a person interested in the land before the publication of notification in Form 3 or Form 3A in the Calcutta Gazette that has to be treated as a valid objection as soon as the notification is published in the Calcutta Gazette. Similarly, the objections received prior to the date of publication of notification are to be treated as valid and those shall be heard at this stage.

(7) Section 5A can have no application to the following :

i) Emergent acquisition sought for under section 17. The State Government should then direct that section 5A shall not apply (vide sub-section (4) of section 17).

ii) Occupation of land temporarily under the provisions of sections 35, 36 and 37 of the Act.

iii) Where only part of a house, manufactory or other buildings is acquired (vide section 49).

iv) Occupation of land temporarily in cases of slips or accidents happening or apprehended in cases of railway (vide section 9 & 10 of the Indian Railways Act IX of 1890).

v) Acquisition under a Special or Local Act enacted prior to the Land Acquisition (Amendment) Act, 1923, in which (the prior Act) there is special provision inducting the application of the Land Acquisition Act in force at that time.

(8) If it is decided that the land as notified under section 4 in Form 3 or Form 3A, as the case may be, shall be acquired, the Collector should take the following steps :

i) The Collector with the approval of the Collector of the District or the Additional District Magistrate should submit to the Land and Land Reforms Department his report on the objections together with the record of proceedings as required under section 5A(2) of the Act with copies of the same to the Divisional Commissioner and the Administrative Department concerned for information.

ii) The Collector's report under section 5A should be accompanied by the draft of a declaration under section 6 if the acquisition is recommended by the Collector.

iii) Where the Collector receives no objection within the time allowed under section 5A and no enquiries are necessary, the Collector will still prepare a report mentioning that no objections have been received from the owner and occupiers of the lands and stating whether there is any other objection, for administrative reasons or otherwise, to the proposed acquisition. Such a report alongwith the draft declaration under section 6 in Form 5 or Form 5A to be prepared both in English and Bengali language and in the case of Darjeeling district (except Siliguri Sub-division) in the regional language also, should be sent to the Land and Land Reforms Department direct with copies to the Divisional Commissioner and Administrative Department concerned.

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A draft notification under section 4(1) in Form 3 or Form 3A to be cancelled partially.

(9) If it is decided that a part only of the land as notified under section 4 in **Form 3 or Form 3A** shall be acquired, the Collector shall submit a draft declaration under section 6 for such part in **Form 5 or Form 5A**, as the case may be, for three copies in English and two copies in Bengali in original alongwith the report under section 5A wherein partial acquisition has been recommended and together with a Land Acquisition Plan showing the area to be acquired now to the Land and Land Reforms Department as prescribed in chapter III. In addition, the Collector shall also send the draft cancellation notification in respect of the lands excluded from the purview of acquisition. The **Form 3G or Form 3H**, as the case may be, should be used for such partial cancellation notification. Three copies of such cancellation notification in English and two copies in Bengali should be sent to the Government in the Land & Land Reforms Department for publication in the Calcutta Gazette and in two daily newspapers as usual. The Divisional Commissioner and the Administrative Department concerned should be sent a copy of the draft declaration alongwith the draft partial cancellation notification in English and Bengali both for information alongwith a copy of the Collector's report under section 5A and a Land Acquisition Plan showing the area to be acquired at this stage. In case of Darjeeling district (excluding Siliguri Sub-division) two copies of **Form 5 or Form 5A** and **Form 3G or Form 3H** in the regional language be sent to the Land and Land Reforms Department in addition. A copy of each of the abovesaid documents in **Form 5 or Form 5A** and **Form 3G or Form 3H**, as the case may be, should be sent to the concerned Divisional Commissioner and the Administrative Department.

(10) If it is decided that the acquisition shall not be proceeded with, the Collector of the district shall submit a draft cancellation notification to the Government in the Land and Land Reforms Department for cancellation of the notification in **Form 3 or Form 3A** under section 4. The form to be used for preparation of such draft cancellation notification is **Form 3I or 3J** as the case may be. Such cancellation notification should also be sent to the Land and Land Reforms Department in triplicate in English and in duplicate in Bengali. A copy of the draft cancellation notification shall also be sent to the Divisional Commissioner and the Administrative Department concerned both in English and in Bengali versions. The report of the Collector under section 5A shall accompany the draft cancellation notification. For Darjeeling district (excluding Siliguri Sub-division) the Collector should, in addition, send two copies of cancellation notification in **Form 3I or Form 3J**, as the case may be, in the regional language to the Government and a copy of it to others.

(11) All these cancellation notifications either partial or entire will be published in the Calcutta Gazette and in two daily newspapers one in English and one in Bengali. In addition, it is to be published in a regional daily newspaper in case of Darjeeling district (excluding Siliguri Sub-division).

Preparation of draft notification under section 4(1) when operation of provisions under section 5A waived.

26. (1) The Rules in paragraph 25 above will not apply in a case in which the Government under section 17(4) of the Act have directed that the provisions of section 5A shall not apply. When it is proposed to ask Government to make such a direction the draft declaration under section 6 alongwith the draft notification in **Form 3B or Form 3C**, as the case may be, under section 4, a Land Acquisition Plan and other connected documents shall be submitted to the Land and Land Reforms Department as enlisted below and in the manner prescribed in sub-paragraph (5) of paragraph 24 also. But the Collector shall first satisfy himself that there is no objection from the public on religious

grounds and a certificate to this effect shall be given on the draft declaration. Three copies of draft declaration under section 6 in English and two copies of draft declaration in Bengali in Form 5 when the land is required for any purpose other than a purpose of the Central Government or Form 5A when the land is required for a purpose of the Central Government are to be submitted to the Land and Land Reforms Department. A copy of each of the declaration in Form 5 or Form 5A in English and in Bengali both is to be sent to the Divisional Commissioner and the Administrative Department concerned alongwith other papers including the draft notification under section 4 in Form 3B or Form 3C. In case of Darjeeling district (excluding Siliguri Sub-Division) two copies in Form 5 or Form 5A in the regional language are sent to the Land and Land Reforms Department and one such copy to the Divisional Commissioner and the Administrative Department is sent in addition. On actual publication of the notification under section 4 either in the newspaper(s) or in the Calcutta Gazette, whichever is earlier, the public notices and notices to the individual land-owners/occupiers are given as per sub-section(1) of section 4. The Forms to be used for such public notices will be the Form 3K or Form 3L as the case may be. A set of all the documents may be sent to the Requiring Officer/Requiring Body in addition.

(2) Documents to be sent to Land and Land Reforms Department, when the provisions of section 5A of the Act are waived will be :

i) Draft Declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in English. — 3 copies.

ii) Draft Declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in Bengali. — 2 copies.

iii) Draft notification in Form 3B or Form 3C duly signed by the Collector in English. — 3 copies.

iv) Draft notification in Form 3B or Form 3C duly signed by the Collector in Bengali. — 2 copies.

v) Copy of Preliminary Investigation Report duly approved the Collector or the Additional District Magistrate in-charge of Land Acquisition. — 1 copy.

vi) The Land Acquisition Plan showing the lands proposed to be acquired. — 1 copy.

vii) Copy of the letter from the requiring department or requiring authority who requested for the acquisition of land stating the exact purpose for which the land is acquired and particulars of the project. — 1 copy.

For the district of Darjeeling (excluding Siliguri Sub-division) the following documents be sent in addition.

i) Draft Declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in the regional language. — 2 copies.

ix) Draft notification in Form 3B or Form 3C duly signed by the Collector in the regional language. — 2 copies.

All the documents mentioned above should be submitted in original to the Land and Land Reforms Department excepting that in serial number (vii) above.

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CHAPTER III

PREPARATION OF ESTIMATES AND DRAFT DECLARATION

Form of
estimate

27. (1) The estimates referred to in sub-paragraph (6) of paragraph 24 shall be prepared after verification by local enquiry of all the particulars. The form of estimate should correspond with the form in which the award will be made and for rural areas Form 4A should be used for the purpose.

(2) In estimates for sites in towns or in exceptional circumstances, the Collector must use his discretion as to the form to be used, but he should always adopt the method of calculation which is expected to be used in the award, and when the standard form is not adopted, the reason for departing from it should be stated briefly on the estimate.

(3) When land which is already a public property, i.e. land in which no right adverse to Government exists, or when under the terms of the lease on which the land is held by tenants it can be resumed without the application of the Land Acquisition Act, is being taken up for a project together with private land, it should be separately applied for and not included in the plans and notifications of private lands to be acquired under the Act. The market value of such land, together with the capitalized value of the abatement of land revenue as may be prescribed by Government may, however, be included in the general estimate of the cost of land to be taken up for the work and intimated to the Requiring Body/Department for making necessary budget provision as and when required by them. But the additional compensation under Section 23(2) of the Act should not be added to the market value of the Government land in such cases. The transfer of such Government land will be guided by the principles laid down in the West Bengal Land Management Manual read with rules 253 and 254 of the West Bengal Financial Rules, Volume-I.

Matters to be
considered in
preparation of
estimate.

28. The amounts estimated under sub-sections (1), (1A) and (2) of Section 23 should be shown separately. The break up amounts under different sub-clauses of section 23(1) should also be given in the estimate. The principles of valuation in this regard have been discussed in Chapter V. Besides, interest under the provisions of Sections 28 and 34 are also to be incorporated as and when necessary. The Capitalized value of land revenue, Contingency, Establishment and Law charges as discussed in Chapter XVII should also be charged in the estimate wherever those are applicable.

Additional
amount
payable as per
section 23(1A)
of the Act

29. The new amendments of 1984 of the Act have made a provision for additional amount @ 12% per year on the market value of land for the period commencing on and from the date of publication of notification under sub-section (1) of section 4 in respect of such land to the date of the award of the Collector or the date of taking possession of the land whichever is earlier. Sub-section (1A) of section 23 of the Act has been added by the said amendment and it shall apply and shall be deemed to have applied, also to, and in relation to,—

(1) every proceeding for the acquisition of any land under the principal Act pending on the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill, 1982 in the House of the People) in which no award has been made by the Collector before that date ;

(2) every proceeding for the acquisition of any land under the principal Act commenced after that date whether or not an award

has been made by the Collector before the date of commencement of this Act.

Solatum payable under section 23(2) of the Act.

30. (1) The Sub-section (2) of section 23 contemplates that in addition to the market value of the land, as above provided, the Court shall in every case award a sum of thirty per centum on such market value, in consideration of the compulsory nature of the acquisition.

(2) The provisions of sub-section (2) of section 23 and section 28 of the principal Act, as amended, shall apply and shall be deemed to have applied, also to and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People) before the commencement of this Act.

Payments of interests under section 34 of the Act.

31. The provisions of section 34 of the principal Act as amended shall apply, and shall be deemed to have applied also to and in relation to,

(i) every case in which possession of any land acquired under the principal Act had been taken before the 30th day of April, 1982 (the date of introduction of the Land Acquisition (Amendment) Bill, 1982 in the House of the People), and the amount of compensation for such acquisition had not been paid or deposited under Section 31 of the Act until such date, with effect on and from that date ; and

(ii) every case in which such possession has been taken on or after that date but before the commencement of this Act (Act No. 68 of 1984) without the amount of compensation having been paid or deposited under the said section 31, with effect on and from the date of taking such possession.

Importance of accuracy in the estimate.

32. The Collector will often find that his award will differ from the estimate as a result of his enquiry under section 11, but it is of the utmost importance that estimate should be as accurate as possible, and if they are prepared with care the variation between the estimate and the award will not ordinarily be large. Under-estimation embarrasses the requiring department, and over-estimation tends to produce extravagant claims.

Rate Report

33. To arrive at a fair and reasonable rate for the market value of land under acquisition, the Collector, after local enquiry and inspection of the ground and with reference to settlement records and the records of the Registration Directorate, will prepare a rate report. This report should contain information regarding the number and the date of the proposal for acquisition from the Requiring Body, particulars of publications under section 4(1) and the material date on which the market value of land is to be determined. The area of land showing the break up for different classes should be specifically mentioned in the rate report. Any change of classification of land from what has been recorded in the settlement record should be noted at the time of preparation of the preliminary investigation report of the Collector. Changes at any subsequent stage should not ordinarily be entertained unless clearly explained in the rate report. There-after the Collector should proceed to justify the fair and reasonable market value of the land as prevailing on the material date. Information obtained as to rents and sales must be tabulated in Form 4C. Exclusion of any sale from the zone of consideration should be clearly explained and justified. When adequate number of sales for different classes of land under acquisition are not available the Collector will be required to fix market value of such classes of land by allowing suitable appreciation or depreciation on the market value of a particular class of land, derived from adequate number of sales, depending on the nature of

the land as the case may be. The rates of such depreciation or appreciation should be clearly explained and justified. The report should be exhaustive and cover all the items mentioned in the estimate. The report should be prepared under the close supervision of the Land Acquisition Collector who will sign the report and certify that the rates are fair and reasonable. This report should be approved by the Collector of the District or the Additional District Magistrate in charge of Land Acquisition when specially empowered.

The Collector will then proceed to prepare the estimate on the basis of this approved rate report. A certificate to the effect that "the estimate is fair and that the rates have been arrived at after local enquiry and inspection on the ground and with reference to the settlement records and the records of the Registration Directorate" is to be given on the body of the estimate.

Estimates by whom to be countersigned.

34. (1) The declaration under section 6 in respect of the land covered by the estimate, shall be prepared in accordance with the instruction contained in subsequent paragraphs and in Form 5 or Form 5A or Form 6 or Form 6A as the case may be. The Collector of the district or the Additional District Magistrate when specially empowered on this behalf will himself sign on the estimate and the draft declaration after recording on the estimate that it is fair.

(2) If the estimates do not exceed Rs. 5,00,000/- (Rupees Five lakh), Collector is competent to sanction such estimates. If it exceeds Rs. 5,00,000/- but does not exceed Rs. 10,00,000/-, the Divisional Commissioner is competent to sanction the estimate. The estimates exceeding Rs. 10,00,000/- are to be sanctioned by the Government in the Administrative Department after being vetted by the Land and Land Reforms Department. [Modified by G. O. No. : 986-LA (II) dt : 7.4.92 of the Land and Land Reforms Department, L. A. Branch]

Such estimates should be sent to the Government in the Land and Land Reforms Department with other papers as enlisted below :

- | | | |
|-------|---------------------------------------|-------------|
| (i) | Estimates in Form 4A | — 4 copies. |
| (ii) | Rate report | — 1 copy. |
| (iii) | List of sale notes duly authenticated | — 1 copy. |

In such cases, the Divisional Commissioner will countersign the estimates submitted to him by the Collector, in token of his formal acceptance.

(3) In case, where the estimates are sanctioned by the Collector, the copies of the sanctioned estimates are to be sent to the Government in the Land and Land Reforms Department and the Divisional Commissioner for information. A copy of the sanctioned estimates should invariably be sent to the Requiring Authority for placement of fund. In case, where the Divisional Commissioner sanctions the estimates, three copies of the sanctioned estimates be returned to the Collector who in turn will send a copy of the sanctioned estimate to the Government in the Land and Land Reforms Department for information and such a copy of the estimate should be sent to the Requiring Authority for placement of fund. When the Government sanctions the estimates, three copies of such sanctioned estimates should be returned to the Collector who in turn will send a copy of the sanctioned estimate to the Divisional Commissioner for information and to the Requiring Authority for placement of fund.

Declaration what to contain

35. The law does not require that the declaration under section 6 specify the precise boundaries or area of the land to be taken. This, however, is advisable, though the declaration should be so generally worded that no impediment may afterwards arise from its terms to

prevent the appropriation of all the land that can possibly be acquired. In areas which have been cadastrally surveyed the serial numbers of the settlement fields will ordinarily be a sufficient description of the land required. In the case of land required for a road, canal, distributory, railway, etc., unless there is any reason to the contrary, it will be sufficient to give in the declaration the approximate area in acres and decimals, length, breadth, and the general direction of the land for the line or channel, with the names of the districts, police stations and mouzas through which it will pass.

Collectors should be careful to prevent discrepancies between plans and schedules and draft declarations with regard to boundaries, areas and names and limits of mouzas and when they consider that the plans and schedules of land to be acquired for a department or company require any modification in respect of any discrepancy, they should communicate with the Executive Engineer or other officer of the department or company concerned and have discrepancies reconciled before submitting the draft declaration, estimate, etc., to the Commissioner or the Government in the Land and Land Reforms Department.

Preparation of
draft
declaration
notice under
section 6.

36. (1) When it is decided that the land as notified under sub-section (1) of section 4 of the Act in Form 3 or Form 3A, as the case may be, shall be acquired entirely, the Collector should take steps for preparation of draft declaration under section 6 of the Act in the following manner.

(a) The Collector should prepare at least 4 copies of his report on hearing the objections under section 5A(2) of the Act. If the entire land covered by notification under section 4(1) is supposed to be acquired the report of the Collector should recommend acquisition of the entire land. A copy of the report together with the records of proceedings as required under section 5A(2) of the Act is to be sent to the Government in the Land and Land Reforms Department alongwith the draft declaration notices in Form 5 or Form 5A, as the case may be.

(b) The draft declaration notice is prepared in Form 5 when the land is required for any purpose other than a purpose of the Central Government and in Form 5A when the land is required for a purpose of the Central Government. The draft declaration notices in Form 5 or in Form 5A are prepared for 6 copies in English and 5 copies in Bengali and 5 copies in regional language for Darjeeling district (except Siliguri Sub-division) only.

(c) The land acquisition plans showing the lands covered by the declaration are to be prepared for 5 copies at this stage also.

(d) When the land covered by the Notification under section 4(1) of the Act, is decided to be acquired entirely the Collector shall send the following papers/documents to the Government in Land and Land Reforms Deptt. direct for publication of declaration under Section 6 of the Act :

(i) Draft declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in English. — 3 Copies

(ii) Draft declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in Bengali. — 2 Copies

(iii) Report of the Collector together with the record of proceedings under section 5A(2) of the Act. — 1 Copy

(iv) The Land Acquisition Plan showing the lands covered by the draft declaration notice. — 1 Copy

For the hill areas of Darjeeling District the following documents be sent in addition :

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in

(v) Draft declaration under section 6 in Form 5 or Form 5A duly signed by the collector in regional language.

— 3 Copies

All the document mentioned above should be submitted in original to the Land and Land Reforms Department.

(e) The Divisional Commissioner and the Administrative Department concerned should be supplied with the following documents simultaneously :—

(i) Draft declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in English. — 1 Copy

(ii) Draft declaration under section 6 in Form 5 or Form 5A duly signed by the Collector in Bengali. — 1 Copy

(iii) The report of the Collector under section 5A(2) of the Act. — 1 Copy

(iv) The Land Acquisition Plan showing the lands covered by the draft declaration notice. — 1 Copy

In addition, the local Requiring Body may be supplied with a copy of each of the documents mentioned above.

(f) It should be kept in mind that the forwarding letter covering the abovesaid documents should invariably specify the date of publication of notification under sub-section (1) of section 4 of the Act.

(2) If it is decided that only a part of the land notified under section 4 in Form 3 or Form 3A shall be acquired, the Collector shall submit the draft declaration under section 6 for such part in Form 5 or in Form 5A as the case may be alongwith the report under section 5A(2) wherein partial acquisition has been recommended together with a land acquisition plan showing the area to be acquired now to the Government in the Land and Land Reforms Department. In addition to the documents mentioned above the Collector shall also send the draft cancellation notification in respect of the lands excluded from the purview of acquisition in Form 3G or Form 3H as the case may be. The documents to be added with the above mentioned list are :-

(i) Draft partial cancellation notification in Form 3G or Form 3H duly signed by the collector in English. — 3 Copies

(ii) Draft partial cancellation notification in Form 3G or 3H duly signed by the Collector in Bengali. — 2 Copies

For the hill areas of the district of Darjeeling the following documents be also sent in addition.

(iii) Draft partial cancellation notification in Form 3G or Form 3H duly signed by the Collector in regional language. — 2 Copies

The Divisional Commissioner and the Administrative Department concerned should be supplied with a copy of each of the documents mentioned above. The local Requiring Body may also be supplied with such copies.

Preparation of draft declaration under Section 6 when the provisions Section 17(4) of the Act are invoked.

(3) When it is proposed to ask the Government to make a direction to the effect that the provisions of section 5A of the Act shall not apply, the draft declaration under section 6 in Form 5 or Form 5A as the case may be along with the draft notification in Form 3B or Form 3C, as the case may be, under section 4, a Land Acquisition Plan and other connected documents are to be submitted to the Government

in the Land and Land Reforms Department. (See paragraph 26). Thus when the special powers of the Government are to be invoked in cases of urgency under sub-section (4) of section 17 of the Act and provisions of the section 5A are waived, the draft notification under section 4 in Form 3B or Form 3C and draft declaration under section 6 in Form 5 or Form 5A are simultaneously sent to the Government in the Land and Land Reforms Department direct alongwith other connected documents. The details of the documents to be sent have been enlisted in paragraph 26 of the manual. The copies of the documents are to be sent to the Divisional Commissioner and the Administrative Department concerned, in addition. A set of all the documents may be sent to the local Requiring Body also. In the hill areas of Darjeeling District the draft declaration under section 6 in Form 5 or Form 5A and draft notification in Form 3B or Form 3C are to be prepared in regional language and sent to the Government and other authorities prescribed above in addition.

Date of publication of declaration.

37. (1) Every declaration under section 6 is published in the Calcutta Gazette and in two daily newspapers of which one is English and one Bengali. In case of hill areas of Darjeeling district it is also published in a Nepali daily newspaper. On publication of declaration in any of the newspapers the Collector shall cause notice of the substance of such declaration at convenient places in the locality. The notice of the substance of such declaration may be given to the individual land owners/occupiers also in addition for their information. It is to be noted that the last of the dates of such publications and the giving of such public notice, is date of publication of declaration under section 6 of the Act. The date of publication of declaration should be within one year from the date of publication of notification under section 4 ; otherwise the entire proceedings will lapse and the case is to be started afresh. Secondly, the Collector shall make an award within a period of two years from the date of publication of declaration as per provision of section 11A of the Act and if no award is made within that period the entire proceeding for the acquisition of land shall lapse.

Form for public notice of the substance of the declaration.

(2) The form for public notice of the substance of the declaration under Section 6 of the Act when the land is required for any purpose other than a purpose of Central Government is Form 5B and Form 5C will be used when the land is required for a purpose of Central Government.

New provisions in Section 6 after the amendments of 1984.

38. (1) The Land Acquisition (Amendment) Act, 1984 has substituted a new proviso in place of the first proviso added by Act XIII of 1967. This new proviso fixes time limit between notification under section 4 and declaration under section 6. In the old proviso such declaration was required to be made within three years from the date of publication of notification. But now no declaration under section 6 since the commencement of the Land Acquisition (Amendment) Act, 1984, namely 24th September, 1984, can be made after one year from the date of publication of notification under Section 4. Clause (ii) of section 6(1) shortens the time-lag to only one year.

(2) The first of the two Explanations added to the first proviso of Clause (ii) of Section 6(1) explains the mode of calculations of the time limit and provides in calculating the time provided in the first proviso the period during which the taking of proceeding pursuant to section 4 notification has been judicially stayed shall be excluded. The second explanation imports a legal fiction by providing that when the compensation awardable for the property is to be paid out of the funds of a Corporation owned or controlled by the State, such compensation shall be deemed to be paid out of public revenue. This

obviates the need of token contribution from the public exchequer.

(3) Sub-section 2 of Section 6 has also been amended. In addition to Gazette Publication of declaration now newspapers publication of the declaration is mandatory.

Implication of provisions of section 6 of the Act after the amendments of 1984

39. (1) Under sub-section (1) of section 6, when the appropriate Government is satisfied, after considering the report, if any, made under section 5A(2), that any particular land is needed for a public purpose or for a Company, such Government shall direct that a declaration shall be made to that effect. Sub-section (2) of section 6 speaks of the manner and the contents of declaration. Sub-section (3) states that the declaration shall be conclusive evidence that the land is needed for a public purpose. The declaration shall become final only when the other steps and procedure mentioned in section 6 of the Act are scrupulously followed.

(2) A study of the provisions of section 6 would show that normally, after the preliminary publication under section 4(1) any person interested in any land so notified would be entitled to file an objection before the Collector who would after giving an opportunity to the objector of being heard send a report to the appropriate Government containing his recommendations on the objection, together with record of the proceedings before him, and Government would, after consideration thereof, make a declaration of the nature envisaged by section 6(1) if it is satisfied that any particular land is needed for a public purpose or for a Company. Thereafter, the Collector shall proceed to make acquisition of the land in accordance with the provisions following.

(3) So, the Land Acquisition (Amendment) Act, 1984 has amended the section 6 as stated above in following way :

i) Acquisition of land for non-Government Companies under the Act will henceforth be made in pursuance of part VII of the Act in all cases.

ii) A time-limit of one year is proposed to be provided for completion of all formalities between the issue of the preliminary notification under section 4(1) of the Act and the declaration for acquisition of specified land under section 6(1) of the Act. Such declaration cannot be published after the expiry of one year from the date of publication of notification under section 4 of the Act.

iii) The compensation payable from funds of Corporation owned or Controlled by the State shall be deemed to be payable from public revenue.

iv) A change in the media of publication of declaration under section 6 has been introduced. Besides the Gazette publication and publication at any convenient place of the locality, newspaper publication of the declaration is also required to be made. Further, the date of the last such publication is to be treated as the date of publication of declaration. The fixation of exact date of publication of declaration, is yet of utmost importance in view of section 11A introduced by the said Amendment of 1984, which section mandates that the entire acquisition proceeding will lapse, if the award is not declared and filed within two years from date of publication of declaration under section 6 of the Act.

Form of declaration when land overlies mines of coal, etc.

40. When the land required for any purpose other than a purpose of the Central Government is known or supposed to overlie mines of coal, iron, stone, or other mineral, and when it is not considered necessary to acquire mining rights, the draft declaration under section 6 should be drawn up in Form 6.

Where, however, the land is required for a purpose of the Central Government, the draft declaration under section 6 should always be prepared in Form 5A. But if in any such case, the land is known or supposed to overlie mines as aforesaid and it is not considered necessary to acquire the mining rights, the Collector should exclude them from acquisition in exercise of the powers conferred upon him by section 3(2)(a) or 3(2)(b) of the Land Acquisition (Mines) Act, XVIII of 1885. The Form to be used is Form 6A in such cases.

Officers employed in acquiring lands for public purposes should bear in mind that the interests of Government in mines and minerals on temporarily-settled estates will be best saved if claims to mining rights are enquired into and the grounds for supposing the existence of minerals examined by the Officers employed in the acquisition work, and the result reported for the orders of Government, who will decide in each case whether the claim should be admitted and whether the rights of the claimant (if admitted) should be brought up at once or held over for acquisition on occasion arising under the procedure laid down in section 3 of the Land Acquisition (Mines) Act, XVIII of 1885. Where no claim is made the ordinary procedure under the Land Acquisition Act, I of 1894, will cover the case.

Revised
declarations
and land plans
how to be
drawn up.

41. The following instructions shall be observed in drawing up revised declarations and land plans when the area to be actually acquired does not correspond with that declared for :—

(i) When the departure from the plan and declaration is trifling, there is no necessity to revise the declaration, unless objections are raised by parties interested.

(ii) When land is required in excess of or different from that specified in the notification under section 4 or the declaration under section 6, a new notification under section 4 and a new declaration under section 6 must be issued for that portion of land not covered by the previous notification and declaration, and the prescribed procedure must be followed in all respects.

(iii) The phrase "in supersession of declaration No. which is hereby cancelled" should not be used in the subsequent declarations of the kind specified in clause (ii) above, and they should be considered and treated as modifying and supplementing and not superseding.

(iv) When the land actually required is less than the land included in the declared area, no fresh declaration is necessary. It is open to Government under section 48 of the Land Acquisition Act I of 1884, to withdraw from acquisition of any portion not required of which possession has not been taken. The Forms to be used are Form No. 7 or Form 7A as the case may be.

(v) When it is decided to acquire, at the instance of the owner under clause (1) of section 49, a portion of a house, manufactory or other building, not included in the original declaration, a fresh declaration is necessary for the additional area, but not a fresh notification under Section 4.

Desirability of
acquiring a
compact block
of land for
carrying out
projects of
several depart-
ments and local
authorities or
companies.

42. (1) When land is required by several departments of Government and by local authorities or companies simultaneously in the same locality, it is often found advantageous to acquire a compact block of land on which several projects can be carried out. This course is particularly desirable when the sites have to be raised before they can be used for building purposes. The raising of a compact area often provides a good tank, while the raising of a number of small isolated sites only results in numerous unsightly and insanitary hollows.

Procedure
the acquisi-
of land
required
simultaneo-
by differen-
authorities.

(2) Under the Public Works Departments Circular No. 3B, dated the 21st April, 1917, the District Officer is ordinarily the President of the committee appointed to consider the selection of sites for civil buildings, and the District Officer usually has full information regarding land acquisition projects proposed by local authorities and companies in his district. In all cases, therefore, where a number of projects for land acquisition in the same locality are under consideration, the question of acquiring a compact block of land on which they can all be carried out should be duly considered in connection with the selection of the sites. Difficulties are, however, sometimes experienced owing to the inability of the departments concerned to provide the funds for land acquisition at the same time. When, therefore, the acquisition of a compact block for different projects is considered desirable, but the Collector is unable to arrange at once for the necessary funds in consultation with the local representatives of the departments concerned, he should report the matter, to Government in the Land and Land Reforms Department. Arrangements will then be made, if possible, by modifying the departmental programmes or otherwise, to provide the funds required for simultaneous acquisition.

Procedure for the acquisition of land required simultaneously by different authorities.

43. When portions of land required for several projects simultaneously by different authorities (e.g. by departments of Government whether Public Works, Civil or Military, and by Local Authorities) form one compact block, these several projects may, if the District Officer so orders, be treated as one project, and the entire block is acquired under one notification and one declaration and with one award.

Though the entire block may be acquired under one declaration and one award, separate award statements as the case may be, must be prepared for—

- i) the portion required for the Public Works Department,
- ii) the portion required for the Ministry of Defence, and
- iii) the portions required for each Civil Department or for Bodies financially independent of Government.

Practically, the estimates and awards are prepared Land Acquisition case-wise as the notification under Section 4 and declaration under section 6 are normally prepared and published Land Acquisition case-wise. In case of acquisition of land simultaneously by different authorities at the same place the notification and declaration for the entire block may be done at a time, but the estimates for different portions of land required by the different authorities and also the award-statements should be prepared separately.

CHAPTER—IV

PLANS, SCHEDULES AND REVISED ESTIMATES

Plans to be prepared in continuous portions.

44. The land plans prepared by the department or company requiring the land, are to be made up in sets for continuous portions of land, each set being complete for a revenue district or charge of a Collector. On each end-sheet (first and last) of every set of Land Plans, a sufficient portion of the continuation sheet of the next set should be repeated, to enable the two sheets to be connected or traced together, if required. For each set of Land Plans the sheets are to be numbered consecutively throughout, and the name of the Civil district to which the set belongs, as well as the name of the thana, should be marked conspicuously on each sheet. The measurements and areas in acres and decimals as also in hectares should be recorded in accordance with the survey divisions of mouzas.

Plans to be prepared kilometre-wise in certain projects.

No classification of land to be made in the plans & schedules made out for first acquisition, in the case of a railway.

45. In case of a Railway, the plans made out for the first acquisition of the land will show the outer boundary line; and all land, for whatever purpose it may be required, will be taken up as for permanent occupation. This land will be distinguished on the Land Plans by being coloured pink.

FORM OF LAND SCHEDULE FOR USE IN CASE OF RAILWAYS TO BE CONSTRUCTED BY GOVERNMENT

Plan Sheet No. :
 Railway :
 District :

Schedule showing land required for the railway in :

Kilometre(s) from to
 District

Refer
 Number of
 Plan
 1

Place
 Date

Reference to plan		Name of mouza(s) with J. L. No. (s)	Name of Police Station(s)	Area of land required (pink)		Purpose for which required
Number of Plan	Sheets			Hec.	Acre & Dec.	
1	2	3	4	5a	5b	6

General Manager

Engineer in Chief

District Engineer

Scale of plans and manner of recording area.

46. The rules of departments prescribing the scales on their departmental plans may not be uniform, but for railway, roads, etc., there should always be a separate plan for each kilometre on the Settlement map, and the plans should be numbered consecutively. The area of the land to which each plan refers should be noted in hectares as also in acres and decimals (ordinarily upto two places of decimals, but in respect of town lands, bazars or mouza sites upto three or four places of decimals when necessary), on the face of the plan, as well as in an accompanying reference sheet or schedule. Where lands situated in different mouzas are covered by the plan, the boundaries of each different mouza when intersected, should be distinctly shown, and the area of the portion included in each mouza

Refer
 Number
 Plan
 1

Place
 Date

should be shown separately in the plan and schedule. Each plan and schedule also should bear a note stating the purpose for which the land is required. The names of mouzas to which the land belongs are, in each case, to be written on the plan alongside of the line indicating the village boundary. If the boundary line crosses the railway line, the names are to be repeated on the other side of the railway line, and the chainage of the crossing point noted.

Plans to be prepared
Kilometre-wise
in certain
projects.

47. The land schedule in the following proforma should be appended with the Land Plans submitted to the Collector. For roads, canals, embankments and other similar projects where the scheme extends over a few kilometers there should always be separate plan for each kilometre in addition. Proforma of Land Schedule for such Kilometre-wise Land Plan is given below.

FORM OF LAND SCHEDULE TO BE APPENDED WITH THE LAND PLAN SHOWING THE ENTIRE ACQUISITION PROPOSAL OF A SCHEME.

Name of District :

Plan Sheet No. :

Name of Requiring Authority :

Name of Project :

Reference to Plan		Name of mouza(s) with J. L. No. (s)	Name of Police Station(s)	Area of Land required (Pink)		Purpose for which required
Number of Plan	Sheets			Hec.	Acres & Decimals	
1	2	3	4	5(a)	5(b)	6

Place :

Date :

Signature of the person authorised by
the Requiring Authority with designation

FORM OF LAND SCHEDULE TO BE APPENDED WITH THE KILOMETRE-WISE LAND PLAN IN CASE OF ROAD, CANAL AND SIMILAR PROJECTS.

Name of District :

Plan Sheet No. :

Name of Requiring Authority :

Name of Project :

SCHEDULE SHOWING LAND REQUIRED FOR THE FOLLOWING KILOMETRE

Kilometrefrom.....to.....

Reference to Plan		Name of mouza(s) with J. L. No. (s)	Name of Police Station(s)	Area of land proposed to be acquired.		Purpose for which required
Number of Plan	Sheets			Hectare	Acre & Decimals	
1	2	3	4	5(a)	5(b)	6

Place :

Date :

Executive Engineer,
.....Directorate/Department.

When the boundary of a district does not coincide with the termination of a kilometre, a separate plan to be prepared of the land on either side.

48. When the boundary of a district does not coincide with the termination of a kilometre, a separate plan should be prepared for each of the broken parts of a kilometre on either side of the boundary, so as to keep the records of each district separate.

Detached portions of land to be referred to some fixed point on one of the main sheets.

49. Detached portions of land should be referred to some fixed point on one of the main sheets, with the distances and the compass or other bearing, or such reference to the published maps of the neighbourhood as will ensure a ready identification of the land. A corresponding entry should, in each case, be made on the nearest main sheet to draw attention to the detached plot.

Engineers' plan and schedules to be attested and forwarded to the Railway Department of Government with the draft declaration, etc. for necessary action.

50. The general correctness of the plans and schedules of land required for a railway will be attested by the Chief Engineer or the Engineer-in-Chief of the Railway concerned. In the case of land required for a line already open, the General Manager will also attest this by his countersignature.

This will be done before the plans and schedules, with the draft declaration, estimate, etc., are forwarded to Government.

Use of Settlement maps.

51. After the publication of the declaration and the issue of the direction under section 7 of the Act, the Officer who was entrusted with the preliminary investigation or, in case no such investigation shall have been held, some officer on behalf of the department not being the Land and Land Reforms Department will, if this has not already been done, mark out, on the requisition of the Collector, the boundaries of the land, and furnish the Collector with a plan or map prepared in the course of any settlement proceedings with the land to be acquired marked on it. The Collector will, in the first place, decide, in consultation with the requiring department or company, whether the settlement map should be used. It is to be remembered that in the case of minute plots, the scale of settlement maps is ordinarily too small, and the enlargement of a map, plotted to a certain scale, is of no value for determining the boundaries of plots which are too small to be made out of the plotted map. When it is decided to use the settlement map, it will not be necessary for the Collector to make a fresh survey but he will proceed to verify the map and to deal with it in the manner laid down in paragraphs 54 and 56 below, and the settlement records should also be used both with a view to identifying the proprietors and occupants of lands and to ascertaining the rates of rent in force. So far as such rates can be determined from the settlement records, the areas calculated from the settlement map may also be accepted.

Demarcation and Survey, where necessary.

52. When there have been radical changes in the field after preparation of map in course of settlement proceedings and the survey settlement map cannot be used the Collector will proceed to make a detailed survey of the land and will require the Officer deputed for the purpose by the department or company requiring the land to point out its boundaries during the survey to be made by him. For the purpose of his survey the Collector may employ any of his subordinate staff who is a competent surveyor. In important cases sanction to a special establishment must be applied for. The cost of this establishment and all other charges incurred for the purpose of the acquisition will be costs in the case.

All surveys should be made by plane table traverse followed by a plane table cadastral survey, and the surveyor should prepare a

detailed scheduled of his survey and measurements in Form 2C and an abstract, or Khatian, grouping together the plots of lands and other property found in the possession of each person interested.

Demarcation and map, etc., when land is required for the Land and Land Reforms Department.

53. If the land be required for the Land and Land Reforms Department, the necessary demarcation and the preparation of the map will be carried out by an Officer deputed for the purpose by the Collector. The instructions in paragraph 51 above as to the use to be made of settlement maps and records apply also to the acquisition of land for the Land and Land Reforms Department.

Paper or tracing cloth to be used for plans.

54. The plan or map should be prepared on paper of the same quality as that used by the Survey Department for mouza maps or on tracing cloth, but in case of lands required for railways, roads, embankments, drainage, canals, etc., plans should always be made on tracing cloth.

Scale of Survey in different projects.

55. The plans of all ordinary land acquisition projects and also of such Public Works and Irrigation & Waterways Department projects, as roads, embankments, drainage, canals, etc., should ordinarily be on the scale of the settlement maps, i.e. 16 inches to a mile, which is equivalent to 330 feet to an inch. For congested areas acquired in all such projects in large towns and in other cases where the plots are very small, a larger scale may be used. In the town of Calcutta and areas adjacent to it where the survey maps (smarts sheet) are on a scale of 50 feet to an inch, the acquisition plans should ordinarily be prepared on that scale. These larger scales may also be used, if necessary, in the case of buildings.

Colourings and marginal descriptions in plans and identification.

56. The map should show in one or more clearly coloured blocks the land acquired under the declaration and the scale on which it has been prepared. In the margin of the plan it should be stated that "the land coloured (pink) in this plan, has been acquired under declaration (note number and date) for (specify purpose) and contains an area of so many hectares/acres." The description, where possible, should enumerate the boundaries on all sides. These particulars should be transcribed in English in the Collector's office. In cadastrally surveyed areas the serial numbers of the acquired settlement fields as allocated in the last Revisional Settlement should be mentioned. In other areas the land should be referred to in the plan to some fixed point in an authoritative map of the neighbourhood, the distances and compass or other bearings being given so as to ensure its ready identification.

Additional requirements of plans for all railways, roads, embankments, drainage, canals etc.

57. The Land Acquisition Plans for all railways, roads embankments, drainage, canals etc. should severally correspond with those of the professional officer, and each should represent a kilometre according to the marks on the grounds where the termination of each kilometre is represented by a cross ticking. The maps must show the different holdings while the boundaries of each mouza must be differently coloured, and the name of the mouza with J. L. No. written alongside of it.

Each plot or dag is to be numbered consecutively from the beginning of each kilometre, and the area of each plot in acres and decimals (ordinarily up to two places of decimals, but in respect of town lands, bazar or village sites up to three or four places where necessary) with the name of the proprietor should be noted on the face of the plan. In the cases of land required for railways a schedule showing the area of land in each mouza should be given on the face of the plan. The portion of the boundary of land is also to be determined by dimensions written on the plan; these dimensions should be sufficiently complete to enable such boundaries to be, at any time, readily ascertained and verified.

Form of schedule to be prepared from amin's plan relating to projects referred to in the preceding rule.

58. From each separate plan relating to the projects referred to in the preceding rule a separate schedule is to be prepared in Form 2C. A separate plan and schedule must be prepared for each of the broken parts of a kilometre on either side of the boundary of a district, so as to keep the records of each district separate. Similarly, when the termination of a kilometre does not coincide precisely with the boundary of a holding, the holding must be broken up into the portions lying on either side of the termination of a kilometre and entered in the schedule accordingly. Moreover, the Collector may initiate proceeding covering a portion of a plan according to his suitability and local conditions etc. Hence, each separate plan can be divided and distributed to several Land Acquisition proceedings. In such cases, separate land schedule in Form 2C should be prepared for each and every proceeding.

Testing of survey and measurement papers.

59. On receipt from his surveyors of the plan, measurement papers and schedules, the Collector should test them by comparison with the map and specification of area supplied by the Department for which the land is required, and if discrepancies are found, he should have enquiry made, and, if necessary, call on such department to point out the boundaries a second time. When the Collector has satisfied himself that the two plans, viz., the Requiring Body/Officer's and the Surveyor's represent the same land, he ought, where this appears advisable, to have the survey tested on the spot. He will also test the correctness of the Surveyor's work in every particular, making any alterations that he may think necessary in red ink and returning the rough copy to the Surveyors to be copied fair, as finally approved.

When a long stretch of land is to be acquired for a railway, road, embankment, canal, etc., the plan and schedule of each kilometre or part of a kilometre as soon as it is completed, should be submitted by the Surveyor to the Collector for testing its correctness.

Regarding the local verification of the Land Acquisition plans discretion must be exercised by the Land Acquisition Officer. In cases of large and important projects or of disputed measurements a personal local verification should be made. In minor projects the agency of a Kanungo may suitably be utilized for the purpose, if available. The Land Acquisition Officer is required to satisfy himself that the plans are correct, and although in some cases this may be satisfactorily established by a comparison only of the Land Acquisition plans with those submitted by the Department or Company on whose behalf the proceedings are being taken, the necessity of local verification by some superior officer should be dispensed with sparingly.

Further enquiry into rates and values.

60. The Collector will then consider the estimate. In small projects in which all the available materials have been fully considered in preparing the estimate, and in which the procedure under section 8 has disclosed no new information, a revised estimate will not be required and he will proceed at once to issue notices under section 9. In large projects in which the estimate is the result of calculations based on detailed information which does not cover the whole area, he will proceed to make a detailed enquiry as to the rate or rent and sales, the quality of land, the value of houses and trees and the conditions of tenancy, and in conducting his enquiry he will make use of all the materials specified in paragraph 33 and of the tenants' rent receipts, and he will cause the information to be recorded methodically. If a subordinate officer is deputed to make enquiries he must work under the close supervision of the Collector.

Revised estimate. Any material excess over estimate to be specially reported.

61. With information thus obtained the Collector will be in a position to revise the estimate, if necessary, and in doing so greatest care must be taken. The particulars of the revised estimate should be recorded in Form 4A prescribed by paragraph 27 and if it exceeds the

estimate by more than 30 per cent, the Collector should stay proceedings and report the probability of such excess to the Executive Engineer, in the case of land required for public works purposes, or in the case of land required for any other department or for a company, to the chief local representative of the department or company for which it is required, that it may be ascertained whether the object sought for cannot be otherwise secured, either by obtaining some plot of land other than that originally contemplated, or in some other way. The problem contemplated above is not frequent and does not arise at all when estimates are prepared after completion of all necessary measurements etc., under section 8 of the Act. In case of acquisition for Government the estimates are prepared accordingly and revisions of estimates are normally avoided.

Counter-
signature and
sanction of
Revised
Estimates

62. (1) Where estimates have been prepared at a later stage i.e. after completion of all measurements necessary as per provisions of section 8 of the Act there may not be any necessity for preparation of revised estimates. When a revised estimate is prepared it will be sanctioned by the Collector if it does not exceed Rs. 5 (five) Lakh. Similarly, if it exceeds Rs. 5 (five) lakh but does not exceed Rs. 10 (Ten) Lakh, the Divisional Commissioner is competent to sanction the estimate. The estimates exceeding Rs. 10 (Ten) Lakh are to be sanctioned by the Government in the respective administrative department after being vetted by the Land and Land Reforms Department. In case of revised estimates also the similar actions be taken as prescribed in paragraph 34. Such revised estimates exceeding Rs. 10 (Ten) Lakh should also be sent to the Government in the Land and Land Reforms Department through the Divisional Commissioner alongwith other papers as detailed below :

- i) Estimate in Form 4A : 4 copies.
- ii) Rate report : 1 copy.
- iii) List of Sale-notes duly authenticated. : 1 copy.

In such cases, the Divisional Commissioner will countersign the revised estimates submitted to him by the Collector, in token of his acceptance. [Modified by G. O. No. : 986-LA (II) dt : 7/4/1992 of the Land and Land Reforms Department, L. A. Branch.]

(2) In case, where revised estimates are sanctioned by the Collector, the copies of such sanctioned estimates are to be sent to the Government in the Land and Land Reforms Department, the Divisional Commissioner and the Requiring Authority concerned who will place the fund. In case, where Divisional Commissioner sanctions the revised estimates three copies of the sanctioned estimate are to be returned to the Collector who in turn will send one copy of the sanctioned revised estimate to the Government in the Land and Land Reforms Department and another copy to the Requiring Authority concerned for placement of fund. When the Government sanctions the revised estimates, three copies of such sanctioned estimates be returned to the Collector, who in turn will send a copy to the Divisional Commissioner and the Requiring Authority concerned for placement of fund.

Procedure to
be followed
when the
amount of
interest
provided for in
an estimate is
inadequate.

63. When the amount provided for in a sanctioned estimate on account of payment of interest under section 34 of the Act proves to be inadequate for the purpose but the estimate is found otherwise to be in order, the Collector should immediately prepare and sanction a revised estimate when the total estimate does not exceed Rs. 5 (five) lakh. In other cases, either it should be sanctioned by the Divisional Commissioner or by the Government in the concerned Administrative Department as the case may be. Similar actions should be taken as prescribed in the previous paragraph for sanction of the revised

estimates in such cases also and placement of fund thereof. But award and payment of compensation need not be held up for such sanction and allotment. In order to avoid delay in payment of compensation and accrual of further interest, the Collector is authorised in appropriate cases to award and pay compensation with the full amount of interest payable under the said section in anticipation of sanction of Government or the Divisional Commissioner, as the case may be, and as done in the case of additional compensation awarded by a Court. This procedure should be followed in cases of acquisition of land on behalf of Government. When a similar contingency arises in a case of acquisition for a local authority, a company or a private institution, the Collector should at once send up a revised estimate for necessary sanction wherever required and simultaneously take immediate steps to obtain the additional funds required for the purpose from such local authority, company or institution and to pay the compensation money with the full amount of interest. While requisitioning the additional fund from these bodies, the Collector should inform them that delay in placing the funds at his disposal would make them liable for further interest charges.

CHAPTER—V

GENERAL PRINCIPLES OF VALUATION

General.

64. The principles for determining compensation have been laid down in sections 23 and 24 of the Land Acquisition Act, 1894. Now the fixation of specification of principles by which it is to be determined is a constitutional requirement. As far as possible, everyone who is deprived of the property by compulsory acquisition should be enabled by the compensation awarded to him to place himself in substantially the same position in which he was before the acquisition. It is necessary to protect the interests of the individual by providing for fair compensation in case of all accounts of acquisition. The need for protecting the interests of the individuals as against that of the State is much greater in case of acquisition and therefore the rule of 'just equivalent' is to apply in determining the compensation. When the State acquires land for its needs it should give a fair deal to the holders whom it forcibly dispossesses. Hence, care must be taken for payment of fair compensation to the owner deprived of his property as a result of compulsory acquisition. The following principles are to be followed for determination of valuation of land under acquisition to arrive at the just equivalent of what the owner has been deprived of. The provisions of section 23 and 24 of the Act should be carefully adhered to in determining the compensation.

Raiyats' interests.

65. The values of interests of raiyats holding at fixed rents or rates of rent or revenue, occupancy raiyats and non-occupancy raiyats depend on varying conditions of their tenancies. Ordinarily, where the party has a salable interest or can find a market for the sale of his interest, the prevailing prices as recorded in the registered deeds will provide the most reliable basis for valuation even in cases in which the purchaser cannot obtain a valid title without a due process of law. The valuation of raiyati land can be determined from the relevant registered sale-deeds of the mouza concerned. Where the sale-deeds for the mouza in which the land to be acquired is situate, are not available for a particular date or for a specified period, such registered sale-deeds of the adjacent mouza can form a basis for determination of the market value of land acquired or proposed to be acquired. The interest of non-occupancy raiyats and of raiyats holding under unexpired leases will usually to be valued on a consideration of their net profits for a short term of years, due regard being paid to the inferiority of their interests compared with that of raiyats. The compensation payable to a permissive possessor will normally confine to what is due under the provision of clause 5 of sub-section (1) of section 23 of the Act. The Collectors should take care that the raiyats are not deprived of their due compensation either through their ignorance of law and procedure or through encroachment of their rights by parties who are more capable of pressing their claims.

Compensation how to be assessed when two notifications under section 4 are published.

66. (1) In big land acquisition projects, where two notifications under section 4 are published, one in Form 2 or 2A and the other in Form 3 or 3A, the second notification in Form 3 and 3A is to be regarded as the notification under section 4, sub-section (1) referred to in sections 11, 23 (clause first), 23(1A) and 24 (clause seventhly). Compensation has, therefore, to be awarded in such cases with reference to the market value of land prevailing on the date of publication of the later notification in Form 3 or 3A. The restrictions mentioned in section 24 (clause seventhly) also come into operation with effect from the same date.

(2) In cases, however, where only one notification in Form 3 or 3A

is published the award should be made on the basis of the market value of the land as on the date of publication of this notification and the restrictions imposed by section 24 (clause seventhly) also become operative from that date.

(3) As usual the date of publication of the notification under section 4(1) of the Act will be the last of the dates of publications in the Calcutta Gazette, and two daily newspapers of which one must be in the regional language i.e. Bengali (for hill areas of Darjeeling District in a Nepali daily, in addition) and the giving of the public notice as contemplated in the said section.

Ingredients of award.

67. According to section 11 read with Section 15 of the Act, the award shall include the market value of the land on the date of publication of notification under section 4(1) and also the amounts, if any, related to clauses secondly to seventhly of sub-section (1) of section 23. Similarly, as per amendments of 1984, the additional amount payable @ 12% per annum on the market value of land for the period commencing on and from the date of publication of notification under section 4(1) in respect of such land to the date of award of the Collector or the date of taking over possession of the land whichever is earlier, is to be awarded and to be included in the award. The solatium or the additional compensation awarded @ 30% on the market value of the land as per section 23(2) of the Act is included in the award in addition. In addition, the interests payable under section 34 of the Act are also to be included in the award. It may be mentioned here that the interest under the said section are payable on the compensation awarded if such compensation is not paid or deposited on or before taking possession of the land and the Collector shall pay the amount awarded with interest thereon from the time of taking over possession until it is paid or deposited @ 9% per annum for the first year and 15% per annum for the subsequent years. It means the interests are to be paid on the compensation computed as per entire section 23 of the Act.

Principles of determination of market value of land.

68. (1) The primary consideration in determining the amount of compensation to be awarded in Land Acquisition proceedings, as laid down in section 23(1) of the Land Acquisition Act is 'the market value of the land at the date of publication of notification'. The last of the dates of such publications in the Calcutta Gazette and in two daily newspapers and the giving of such public notice by the Collector in the locality under section 4 shall be the date of publication of notification for the purpose of determination of such market value.

The expression 'market value' means the value which a parcel of land would realize if sold in market. There are three recognized modes of determining the market value; first, by ascertaining the price or prices at which the whole or any part or parts of the land acquired has or have been sold and purchased in recent years; second, by ascertaining the net annual income of the property and taking a certain number of years' purchases of that income depending upon the nature of the property; and third, by ascertaining price at which the lands in the vicinity have been sold and purchased and making all due allowances for situation and the circumstances affecting each particular sale.

(2) In estimating the market value of the land the best method is to take the average of genuine sales which took place about the time of notification under section 4(1) of the Act of similar lands in the same locality or in the adjoining localities. Post-notification transaction as well as transaction long prior to the notification will usually be discarded. Conveyance of land made in distress cannot be treated as a fair basis for calculating the market value of land acquired as it is

well-known that full value has never fetched at such transaction nor the transaction at which the price fetched might have been fully artificial be made the basis of such calculation.

(3) Sale notes with all particulars of deeds in Form 4C, executed on the aforesaid relevant date, if available, or deeds executed immediately prior to such date for similar class of land in the same mouza should be collected from the Sub-Registry Office concerned. Fifteen/twenty deeds executed on dates/months immediately preceding the relevant date will serve the purpose. Generally, the sales, which are interested or distressed and/or covering transactions of less than 0.10 of an acre of land (in case of agricultural land) should be excluded. Ten to fifteen transactions of the same class of land are to be taken into account for determination of average market price of that particular class of land.

(4) For the purpose of determination of land value of a particular class of land, the average rate per acre of that land is to be worked out calculating the price per acre for each of the eligible transaction of such class of land separately. The average price is calculated by addition of the prices per acre for the different transactions taken into account and dividing the sum by the number of transactions considered.

(5) There may be different classes of land in a particular land acquisition proceeding and the Collector is required to determine the market value of each class separately from the sale figures available in the local sub-registry office. Ordinarily sufficient number of sales are available for only one or two classes of land but adequate number of sales may not be available for other classes affected in the land acquisition proceedings. When sales of a particular class of land are not available in the mouza/adjacent mouzas, market value of a particular class of land whose transactions are frequent in the area may be worked out on the basis of the above principle and the market value of the required class may be fixed by allowing appreciation or depreciation as may be considered reasonable and fair on the basis of the local knowledge. The classification of land should be the classification recorded in the finally published records of right unless it is converted to some other class in the manner as prescribed in the West Bengal Land Reforms Act, 1955 with its amendments. Any change made after publication of notification under section 4(1) cannot be considered for the purpose of determination of market value under the provision of section 24 of the Act.

(6) For this purpose it will be convenient if the average market price of a particular class of land whose sale figures are frequently available is derived first and taking it as a "comparable unit", the market price of other classes of land is worked out by allowing appreciation and depreciation as the case may be. As there are different classes of land in different districts of the State the rates of appreciation or depreciation will be different for different districts or even for different areas in some of the districts. A **Conversion Table** formulated by each collector and approved by the Land and Land Reforms Deptt., will act as guide line in fixing the rates of depreciation and appreciation in a particular district and will help in minimizing confusion in the preparation of rate report and estimates thereof. Each Collector shall formulate a **Conversion Table** for his district covering all the classes of land existing in his district.

(7) Deviation from the Conversion Table may be made in very exceptional cases with the approval of the Collector of the district. The Conversion Table may be revised by the Collector after a period of five years with the approval of the Government in the Land and Land Reforms Department.

(8) Whenever sale-figures relating to a material date cannot be collected from the sub-registry offices, the market value may be determined from the available sale-figures of earlier period and then by allowing suitable premium depending on the trend in the rise in market prices. The rate of premium, if it exceeds 5% per annum, will require the approval of the Govt.

(9) When market value of a large chunk of land belonging to a big raiyat is determined on the basis of sale figures of small areas of land, a depreciation upto 20% may be given in consideration of the largeness of the area; but when areas belonging to individual small raiyats are acquired no such depreciation will be necessary.

Belting method
of valuation of
land.

(10) In cities and big towns where the values of lands largely depend on their shape, size, depth and road frontage, the method known as the belting system is adopted in determining their values in comparison with another plot of known value. Where the value of the most similar plots which have been sold in the neighbourhood has been ascertained it is sometimes found that the land under acquisition differs from the land which has been sold in having a greater or less portion of its area adjacent to a road. In order to eliminate the error which might arise from this difference the Collector in urban areas may make use of this method. For instance, the land from the road is divided into three belts, the first to a depth of 60, 80 or 100 feet, the 2nd belt which is 1 1/2 times the depth of the first belt to a further depth of 90, 120 or 150 ft and the 3rd consisting of all the lands behind. The value of the 2nd belt is 2/3 of that of the 1st belt and that of the 3rd belt is 1/2 the value of the first belt or 3/4 of the value of the 2nd belt. With the aid of these relative values of the three belts the land under acquisition is valued by comparison with known value of a neighbouring land and the average land value is determined.

Capitalization
of Net Annual
Profit

(11) The principles underlying the practice of capitalization of the net annual profit should be clearly understood. A purchaser of agricultural or town land, other than a cultivator, ordinarily regards land as an investment yielding interest in the form of rent, and even the purchaser of house property who intends to reside in the house regards the property as an investment which will save him the payment of a certain rent. The net annual profit (or saving as the case may be) obtained by such purchases therefore represents interests on capital invested and the rate of that interest is reasonably assumed to be equal to the rate of interest obtainable from other securities of similar safety. An investor in an uncertain security expects and obtains a higher rate of interest than an investor in a safe security. Land is a safe form of security, and consequently an investment in land does not ordinarily obtain a high rate of interest. But some kinds of land constitute safer securities than other, e.g., agricultural land is ordinarily the safest because it is least liable to undergo change and to remain vacant, and the safety of the security of house property depends on the condition of the buildings and the chances of the property remaining unlet. The number of years' purchase at which net annual profits of land are capitalized are generally 10, 11 or 12, 10(ten) years' purchase means that the interest on the investment is treated being 10 per cent, 11 years' purchase means 9 per cent and 12 years' purchase means 8.33 per cent.

Award to
include value
of trees.

69. (1) Trees are things attached to the earth and thus they are included in the definition of land in section 3(a) of the Act. The proper value of trees would be their value as timber after they have been cut down. Fruit-bearing trees likely to bear fruits for a number of years may be valued by capitalizing the annual income of such trees by a number of years' purchase.

In calculating the market value of tree by capitalizing its net annual profit, the number of years' purchase which would be adopted in a given case may be determined after giving due weight to any special condition that may affect the property to its advantage or otherwise. It may vary in individual cases.

The award to be made by the Collector must include the value of trees standing upon the land. Land is generally made over with trees to the requiring authorities and the trees are either kept or sold by them when felled. When, however, trees are sold by the Collector, he should credit the value of the timber to the project.

(2) The standing crops and trees referred to in section 23(1), secondly, are crops and trees grown after the date of the declaration and additional compensation i.e. solatium is not payable for them.

Valuation of trees.

(3) The valuation of trees should be done by the rates approved by the Divisional Commissioner concerned who may revise it after four years. The rates of common varieties of trees/plants in the district in a rate-chart may be suggested by the Collector, to the Commissioner on the basis of the approved rates of the Forest Department prevailing in that district. A copy of the approved list of valuation of trees should be sent to the Government invariably for acceptance.

Valuation of Orchards.

(4) The value of orchard land depends largely on the suitability of the land for orchard purposes and the care taken of it and upon its situation with regard to the market. It is not merely a question of the value of the trees and the land on which the trees grow. The two cannot be valued separately. They must be valued together. An orchard which is wholly covered with trees should be evaluated by determining the market value of the land including the trees as a whole. The valuation depends on the extent of garden, the density of the trees, the intrinsic value of fruit bearing trees, the marketability of the fruits, the labour expended in rearing up the Orchards etc.

Valuation of coconut, orange and areca topes

(5) The method to be adopted for valuing coconut and orange topes is to capitalize the annual net income from those topes for a number of years' purchase. This would give the value of the land of the topes and also the wood in the trees. When a coconut garden or orange garden or areca garden is acquired, the proper method of valuation is not to value the land separately and trees separately, but to consider the market value of the garden by capitalization of the net annual income for a certain number of years after making allowances for costs of cultivation and other expenses.

Valuation of tea-garden lands.

(6) When Tea garden lands are acquired, the value of tea bushes is to be determined on the basis of annual profit derived from average produce per acre per year. The land cannot be valued once again for arriving at total compensation payable to the Tea garden owner. Since most of the Tea gardens are held under lease granted by State Govt. compensation is liable to be apportioned between the State Govt. and the lessee. The amount of loss to Govt. by the acquisition, is to be taken into account while approving the compensation to be awarded. [see Appendix - XVI]

Principles of determination of market value of kutchha and semipucca structures.

70. (1) The value of buildings, as that of trees and standing crops (other than those grown after the date of declaration) forms part of the market value of the land on which additional compensation i.e. solatium as per section 23(2) is to be paid. When thatched huts or other buildings which can be removed without serious damage are acquired the owners will generally prefer to remove them on payment of the expenses incidental to removal. In parts of the country where

it is normally necessary to raise the site before building a house this fact should be taken into consideration in estimating the expenses of removal.

(2) It is often necessary for purposes of determining compensation to form an estimate of the cost of an existing building at the date of publication of the notification under section 4. The procedure of fixing value by ascertaining the cost of reproducing the building at the present time and then allowing depreciation, in consideration of the age of the building and for the cost of such a repair as might be required, apart from depreciation, is quite a well known and recognized method of valuing building for the purpose of compensation. The best method of obtaining an accurate estimate is by taking out very detailed plans, the quantities of the various kind of materials and labour and valuing each item separately. A very fair estimate may be made by pricing per square metre of floor-area or by cubing. For this purpose opinion of valuers or technical experts may be taken by the Collector.

(3) Normally, the owners of the structures are interested in getting compensation for their structures including the incidental charges too. The semi-pucca and kutcha-structures affected by acquisition should be measured and valued by the Land Acquisition Collectors with the help of Kanungo/Surveyor at the rates approved by the Collector. The Collectors of the districts should prepare a Rate Chart in consultation with the P.W.D. authorities of the districts. The rates specified in the current P.W. Schedule should be incorporated in such rate-charts to be approved by the Collector, as far as practicable, for use in evaluation of market value of semi-pucca/kutcha structures affected by acquisition. This Rate Chart should be revised from time to time and at least once in very five years. A copy of the rate chart of a district thus prepared in consultation with the Executive Engineer, P.W. D. concerned and approved by the Collector, be invariably sent to the Government for acceptance. This procedure is to be followed till a Valuation Board/Valuation Cell is constituted.

Principles of
valuation of
Pucca/
Masonry
buildings.

71. (1) In rural areas, masonry buildings have generally been constructed for the use of a particular individual, and where there is no market for the sale of such buildings, the compensation can sometimes be most suitably estimated by considering the market-value of the dismantled materials and the reasonable expenses incidental to change of residence including the provision of a house with similar accommodation. In such cases due allowance should be made for the depreciation of value of the acquired building on account of the time which has elapsed since it was built.

(2) In towns, the method of valuation of house property will necessarily vary according to the nature of the information available as regards its use, and the condition of the property. The valuation of land with buildings which are especially used for business purposes can be done by the method of capitalisation of return actually received or which might be reasonably received from the land and buildings.

(3) The best method of valuation of pucca structures is to follow the rates prescribed by the P.W.D. Schedule for the year of the relevant date. A joint inspection of the pucca structures is to be conducted by the Land Acquisition Officer alongwith L.A. Kanungo/Surveyor and an Executive Engineer of the district or his representative where a representative of the local Requiring Body should also be requested to be present. A joint inventory of such pucca structures is to be prepared after the inspection and the valuation of the structures is to be computed and vetted by the Executive Engineer, of the district on the P. W. D. schedule rates approved for the year of the relevant

date. This method is to be followed till a Valuation Board/Valuation Cell is duly constituted. In all such cases where the valuation of buildings has been estimated separately, the valuation of the land on which the buildings are situated is to be computed separately.

Valuation of tanks.

72. The following principles should be applied in awarding compensation for tanks :

(1) If the tank is used for the purpose of supplying water for irrigation or for drinking and is in good repairs the cost of construction/excavation of a similar new tank including the cost of land required for the tank and its banks should ordinarily be tendered as compensation. If the tank is out of repair, a deduction should be made on this account. It should be kept in mind that the cost of excavation is to be calculated separately and no additional amount under section 23(1A) and/or no solatium under section 23(2) will be allowed on the excavation cost. The market value of land of the tank including its embankments will be part and parcel in computing the market value of land as per clause 'first' of sub-section (1) of section 23 but excavation cost shall not be considered as the market value of land.

(2) If the tank is not used for drinking water or for purposes of irrigation, compensation should only be allowed on its present value, if such value can be ascertained by precedents or on a number of years' purchase and the receipts from the tank from fish or other sources.

(3) In case (1) the tank and its banks are valued together. In case (2) the banks should be dealt with separately, compensation being awarded on the basis of the market value of similar raised land in the neighbourhood.

(4) In case of acquisition of a tank fishery the market value of such tank should be determined by capitalization of annual net profit for a certain number of years. The multiplier to the annual net profit will depend on the circumstances of the case, on evidence given and the nature of property. The number of years' purchase may be fixed having regard to various factors, for example, expected return from the property, security or stability of such return and its duration, costs of collection, prevailing rate of interest etc.

Principles of determination of compensations for various damages.

73. (1) According to clause 'secondly' of sub-section (1) of the section 23 of the Act, the standing crops or trees at the date of declaration are to be included in the general award, as 'things attached to the earth'. The criterion for compensation is the damage and not market-value. The actual loss the owner would be put to by being deprived of the harvest is the basis. The damages which are actually sustained as well as those that can be anticipated reasonably have to be determined.

(2) When, due to acquisition of a portion of a plot, the portion acquired is severed from other land of a person interested and the remaining land has been truncated into two small areas creating uneconomical holdings or the remaining land suffers other damage, the compensation for severance is to be paid to the persons interested as per clause 'thirdly' of section 23(1). The measure of the damage by severance is the diminution in the value of the unacquired land, whose actual and prospective use must both be considered.

(3) (a) Under clause 'Fourthly', where, as a consequence of acquisition, there is severance, the measure of damage caused to the land left out by the injurious affection is the difference between the

market-value before the injury and the market-value after the injury. The relevant date to which such damage has to be assessed is the date of taking possession of the acquired land and not the date of publication of notification under section 4(1) of the Act, as the damage claimed under this clause must have been sustained at the time of Collector's taking possession.

(b) The expression loss of earning in clause Fourthly of the section 23(1) of the Act means loss of earning from a business which at the time of the Collector's taking possession of the land was a growing concern. The clause has no application in case of loss of income of the property which is being acquired. Loss of earning to be an injurious affection must be one in trade or other service carried on in the premises acquired. It must also be construed that the interested person sustained damage in carrying on a lawful business in a lawful manner and the earnings of such a business have injuriously been affected by reason of the acquisition. Then this person interested will be entitled to the compensation in this respect. In estimating loss of earnings in trade or service depreciation of fixtures, depreciation of stocks, loss on account of goodwill and loss on account of credit sales should be all taken into account.

(4) Clause 'fifthly' of section 23(1) of the Act provides that beside the damage for injurious affection etc. as provided in the previous clauses, a claimant is entitled to reasonable expenses incidental to change of his residence or place of business when his residence or place of business has been acquired. Such damages include the cost of removal by the owner of the furniture and goods and the consequent depreciation in the value of the furniture specially fitted but which is not a fixture attached to the freehold. The removal costs also include all reasonable expenses for transport of men, goods and live-stock.

(5) According to the clause 'Sixthly' of section 23(1) any loss incurred due to the delay between the time of publication under section 4 and the declaration under section 6 of the Act, is to be compensated. The damage has to be bonafide and diminution of profits should be the result of the announcement of the intended acquisition. It should be noted that the amendments of the Act in 1984 provide only one year's time between the date of publication of notification under section 4(1) and the date of publication of declaration under section 6(2) of the Act.

Bargadars'
interests.

74. (1) In the Act, sub-section (4) of section 23 has been added and amended by the West Bengal Act XLIX of 1981 for providing compensation to the Bargadars' cultivating a raiyat-land acquired or proposed to be acquired. Clause 'seventhly' has also been added to sub-section (1) of section 23 of the Act for the same purpose. (Vide Appendix No. V)

(2) A bargadar is a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of the produce of land to that person and includes a person who under the system generally known as 'Kisani' cultivates the land of another person on condition of receiving a share of the produce of such land from that person. Compensation payable to a bargadar for loss of earning under clause 'seventhly' of sub-section (1) shall not exceed six times the net average annual income which the bargadar derived or might have derived from the land during three years immediately preceding the date of acquisition. The net annual income of a bargadar in any year shall be taken to be fifty per cent of the total produce of the land cultivated by him in that year where plough, cattle, manure and seeds necessary for cultivation are supplied by the person owning the land and seventy five per cent

of the total produce of the land in all other cases. Bargadars who have already been recorded in the records of rights, bargadars who hold barga certificates under the West Bengal Land Reforms Rules and bargadars who are found to be so by the Revenue Officer concerned under section 50 of the West Bengal Land Reforms Act 1955, are all entitled to compensation for loss of earnings when any land cultivated by them is acquired.

(3) The Collector should ensure that the bargadars are duly compensated for their loss of earnings. It is a compensation as per sub-section (1) of section 23 and shall be included in the award as per sub-section (1) of section 26 of the Act.

(4) The average produce of the land is to be assessed from the records of the concerned Agriculture Development Officer and value of the produce is to be verified from the District Agriculture Marketing Officer.

Beds of
navigable
rivers.

75. Land Acquisition proceedings are not necessary in respect of the beds of existing navigable rivers unless it be clearly established that they are private property. Alluvial soil normally does not belong to any private person until it is permanently settled to a private person by the Government. When a river is the boundary of any land settled to a private person, the actual boundary is the high bank and the foreshore is part of the river.

CHAPTER—VI

NOTICES, ENQUIRY AND AWARD

Issue of notices under section 9 of the Act.

76. (1) After declaration under section 6 that any land is needed for a public purpose or for a company when the Collector is authorised by the State Govt. under section 7 to acquire the land and the estimate has been sanctioned he is to (1) publish a general notice (2) give special notices on the occupiers of and persons interested in the land so far as they are known to him

(2) The public notice under section 9(1) should state that the Govt. intends to take possession of the land and that all claims for compensation for all interests should be made to the Collector.

(3) The notice shall be published at all convenient places on or near the land to be acquired. The notice as per section 9(2) should contain all the particulars of the land and shall require all persons interested in the land to appear before the Collector at a time on a date and at a place fixed for the hearing. The date shall not be earlier than 15 days after the publication of the notice. Statements should be invited as to the nature of the interest of the claimant, the amount and particulars of claims of compensation claimed and objection, if any, for measurements under section 8. Such statement may be made in writing and signed by the party or his agent.

(4) In addition to the general notice the Collector must serve a second notice on the occupier, if any, of the land and on all such persons known or believed to be interested in the land. The second notice has to contain similar particulars as prescribed under section 9(2). This notice can be served on the persons so interested, who reside or have agents authorized to receive service on their behalf within the Revenue District in which the land is situated as per section 9(3) of the Act.

Implication of such notice.

77. (1) Section 9 provides that the date of hearing must not be earlier than 15 days after the service of the notice but it does not prescribe any period of time within which notice under section 9 should be issued. It is an accepted principle that where statute does not prescribe any period for exercise of a particular power, it must necessarily be exercised within a reasonable period of time. Unreasonable delay causes many unforeseen and avoidable hardship of the land owner. Under the present provisions of the Act, the award is to be declared within a period of two years from the date of publication of declaration under section 6. Any delay in issuing notices under section 9 may lapse the entire proceeding. It should be noted that person whose land is acquired is not entitled to claim any cost incurred in any manner, whatever, either for preservation, maintenance or improvement of the same after the publication of notification under section 4 unless made or effected with the sanction of the Collector.

(2) As soon as the revised or detailed estimate has been sanctioned, the Collector will issue the notices prescribed under section 9 of the Act and under section 10, if necessary, on the persons interested in the land and occupiers (if any) of such land. He shall at the same time inform the concerned requiring officer or the department of the Govt. whether Central or State or the Local Authority or the Company who have, under section 50(1), to defray charges of the land acquisition, of the day on which the enquiry under section 11 is to be held or to which it may be postponed and shall give such authority or company an opportunity of appearing by a representative or agent to contest

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the claims of the claimants to compensation and to produce evidence, before the award is made, as to the value of the land; and when making the award the Collector shall take into consideration any representation which such officer may make, whether it is made orally or by letter. Should the land be occupied by, or any portion of it belonging to, or be in the possession of Govt. the personal notice required by the law should be served on the Chief Local Representative of the Department interested.

(3) The statute does not prescribe any form for the notice but it is clear that it must contain the material facts which would enable the land owner to identify the land intended to be taken up. The principle is that no man shall have his rights determined without an opportunity to be heard in his defence. The forms of notices are Forms 8, 9 and 10.

(4) The Municipal Authority should be treated as a person interested in the land in respect of any premises within the municipal area and special notices under sections 9(3) and 9(4) should be served on such authority.

Special notice to be served on the Commissioner of Wakfs, when wakf property is acquired.

78. Section 74 of the Bengal Wakf Act, 1934 (Bengal Act XIII of 1934), which is reproduced below, requires that in case of acquisition of a wakf property, a special notice of acquisition should be served on the Commissioner of Wakfs to enable him to appear and plead as a party to the proceedings within three months from the date of receipt of such notice. The Collector should take particular care to see that statutory requirements of the said section are fulfilled.

Section 74 of the Bengal Wakf Act, 1934.

(1) If, in the course of proceedings under the Land Acquisition Act, 1894, it appears to the Collector before an award is made that any property under acquisition is wakf property a notice of such acquisition shall be served by the Collector on the Commissioner and further proceedings shall be stayed to enable the Commissioner to appear and plead as a party to the proceedings at any time within three months from the date of the receipt of such notice.

(2) Where the Commissioner has reason to believe that any property under acquisition is wakf property he may at any time before an award is made appear and plead as a party to the proceedings.

(3) When the Commissioner has appeared under the provisions of sub-section (1) or sub-section (2) no order shall be passed under section 31 or section 32 of the Land Acquisition Act, 1894, without giving an opportunity to the Commissioner to be heard.

Form for submission of claims.

79. A claim under section 9(2) of the Act must be a specific claim. It should (1) specify the interest he claims, (2) specify the amount he claims for such interest and (3) give particulars of his claim to compensation. For this purpose the claimant may use the Form no. 9A. But the Collector must not insist on a prescribed form for submission of claims by interested persons. Even if a claimant does not submit his claims in the prescribed form their claims should duly be entertained.

Manner of service of notice.

80. (1) The notice under section 9 shall be published at convenient places in the locality where the land to be acquired is situated and copies thereof shall be affixed :

(i) In the office of the Collector and the D.L.L.R.O.

(ii) In the office of the Sub-divisional Officer and the S.D.L.L.R.O.

(iii) In the office of the local Block Development Officer, Sub-Registrar, Block Land & Land Reforms Officer and different Panchayat Bodies.

(2) Individual notices shall also be served on all persons known or believed to be interested in the land or who are entitled to act for persons so interested and who normally reside within the revenue district in which the land is situated.

(3) If there is no such agent and the person interested resides elsewhere the notice may be sent to him at his last known residence by registered post.

Notices under section 10 of the Act and Statement of claims.

81. Under section 10 of the Act Collector may also require any interested person to make or deliver to him at a time and place mentioned (such time not being earlier than fifteen days after the date of requisition), a statement containing the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise and the nature of such interest and all the rents and profits (if any), received or receivable on account thereof for three years next preceding the date of statement. The form for such requisition is Form No. 10. The statement of claims may be submitted in Form No. 10A.

Enquiry by Collector on claims.

82. On receipt of the statement of claims of persons interested the Collector shall enquire (a) into the objection, if any, as to the measurement of the land to be acquired; (b) into the value of the land at the date of the publication of the notification under section 4(I) and (c) into the respective interest of the person claiming the compensation money. The proceedings are merely of an administrative nature and not judicial one.

83. When the owner of the property dies before award in proceedings pending before the Collector it can be continued by the legal representative of the deceased. The award is not against any particular person but is made in respect of property being acquired.

Preparation of Award and apportionment.

84. Under section 11 of the Land Acquisition Act it is the duty of the Collector to make an award in regard to three matters viz. (i) the area of the land included in the award; (ii) the compensation which in his opinion should be allowed for the land; and (iii) the apportionment of that compensation among all the persons interested in the land. If the apportionment is complicated and beyond his capacity to determine he is to refer the matter to the Court himself under section 30 of the Act.

85. Section 11 does not require the L.A. Officer to make separate award under the different clauses of sub-section 1 of section 23. It is sufficient for him to state what is considered to be proper compensation to be allowed for the whole of the land under acquisition and what should be apportioned.

Award of Collector when to be final

86. (1) An award made by a Collector in the land acquisition proceeding becomes final and binding only when it is filed under sub-section (1) of section 12 of the L.A. Act. The award must be signed by the Officer making such award and thereafter it shall be filed and should become a part of the office record, and then it shall be final and exclusive evidence between the Collector and the persons interested. The date of the award is the date on which the award is declared and filed. This date is important because the persons interested are required to apply for reference under section 18(2) within six weeks of the

receipt of notice under section 12(2) from the Collector or within six months from the date of Collector's award, whichever period shall first expire.

Notice of
Award

87. Section 12, sub-section (2), of the Act prescribes that the Collector shall give immediate notice of his award to all such persons interested as are not present personally or by their representative when the award is made.

Unit of area in
a land
acquisition
case.

88. It is often necessary to make separate awards for different portions of the land covered by a single declaration. The objects aimed at are : (1) facility in calculating the true value of the interest of each person claiming compensation for the land ; (2) avoidance of delay in payment of compensation to parties whose claims are undisputed by the amalgamation of their claims with those of others which are disputed; (3) intelligibility of the award; (4) expeditious disposal of work; (5) prevention of inconvenience to landlords and the Court through the multiplication of references in which the points at issue are identical. In deciding how many awards should be made certain general principles should therefore be observed :-

(1) To prevent overlapping the same piece of land should never be included in more than one award.

(2) There should ordinarily be one and only one award for all the land which is contained in one periphery and in which the interests of raiyats are identical.

(3) When it appears in the course of the enquiry under section 11 that the lands of certain raiyats are the subject of disputes which are likely to delay the award, the lands of these raiyats should be reserved for one or more separate awards. Similarly, when the enquiry under section 11 shows that a group of raiyats which was supposed to be homogeneous is not so in fact, the group should be subdivided and separate awards should be made for each homogeneous sub-group.

(4) Projects for railways, roads, canals and embankments should be dealt with on the same general principles as other projects ; but at the time of making the award a note should be recorded showing the area and amount of compensation which should be entered in the returns against each kilometre as well as against each mouza or part of a mouza within that kilometre.

General
register of
cases.

89. (1) All officers employed in acquiring land are to keep a register of land acquisition cases in Form 11, in which the particulars of each case shall be entered separately. This register is intended to serve two principal objects, viz., (1) to show the cases which are pending and the volume of work, (2) to fulfil the purpose of a khatian for the final report on the land acquisition proceedings.

(2) In cases of railways, roads, embankments or canals, such registers should be separate for each unit of a kilometre or portion of a kilometre to correspond with the separate plan and schedule of the amin or surveyor and should be opened as soon as the khatians are ready. The separate registers for the whole scheme will be stitched together on the completion of the proceedings.

(3) The register cannot be completed until the proceedings are finally closed, but the officer entrusted with the work of acquisition should at once test the correctness of the areas entered in it by comparing the total area, which it shows (which must of course be identical with that shown in the corresponding plan and schedule of the amin or surveyor) with the gross area of the whole kilometre as shown in the original plan (see paragraph 59). If the result be a

difference of more than $2\frac{1}{2}$ per cent, the cause must be investigated and (if correction is impossible) recorded. But correction must always be made where practicable, as a difference of area is a proof that one of the two plans is incorrect.

Order sheets.

90. To ensure that land acquisition cases are treated with despatch and are not lost sight of and that the procedure is in accordance with the law, the orders, issued at all stages of the proceedings will be recorded on order sheets, and every order must specify the date on which the case is to be put up.

For each project there will ordinarily be three order sheets which may be called (1) preliminary order sheet, (2) project order sheet, (3) separate case order sheets (one for each case as determined in accordance with paragraph 88).

(1) **Preliminary order sheet** – This will generally begin with a reference to the letter of the requiring office or department asking for a plan and estimate of the land to be acquired. It will contain all the orders issued to surveyors, whose programmes should be carefully fixed by the Land Acquisition Officer, and it will contain the orders (if any) relating to proceedings under sections 4 and 5, and it will end with the submission of the draft declaration under section 6.

(2) **Project order sheet** – This will be opened on receipt of orders for acquisition under section 7, and will contain the orders relating to the detailed survey, the schedule of plots, the revised map and revised estimate (if any), the constitution of separate cases, and the issue of notices under sections 9 and 10. In the case of large projects for railways, roads and canals there will be a separate project order sheet for each kilometre of the project.

After the issue of notices under sections 9 and 10 the orders peculiar to separate cases will be written on the order sheets of those cases, but orders relating to the whole project or kilometre of the project will from time to time be entered on the project order sheet, e.g., orders relating to local enquiries affecting the whole project, to the preparation of the award statement in Form-13, to applications for allotment of additional funds, etc. The order relating to the preparation of the final report and to the deposit of the record in the record-room will also appear in the project order sheet.

(3) **Separate case order sheets** – There will be a separate case order sheet for each separate case constituted under paragraph 58. It will open with an order recording the date which has been fixed by the notice under section 9, the enquiry and award under section 11, the issue of notices of the award under section 12, the adjournment of the enquiry under section 13, the taking of possession under sections 16 and 17 and the application for reference under section 18 shall be recorded thereon. General orders relating to local enquiries which cover the whole project or kilometre of a project may be entered on the project order sheet so long as sufficient entries are made on the separate case order sheet to show clearly the course of the enquiry and the dates fixed for each stage of it. In large offices rubber stamps should be provided to facilitate the entry of the commonest orders. For the purposes of sections 12, 18, 25, 29 and 31 it is essential that the record of the Collector should show clearly which of the interested parties received notices under section 9 and whether the dates to which the enquiry was adjourned were duly announced, so that those who received notices under section 9 had opportunities of making claims, which of the parties were present personally or by their representatives, when the award was made [sections 12(2) and 18(2) (a)], when the notice under section 12 was served [section 18(2) (b)],

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whether the several persons interested agreed in the apportionment of the compensation (section 29) and whether any interested party who received payment did so under protest (section 31). The necessary information on these points should be recorded on the order sheet.

Position of
Land
Acquisition
Officer.

91. (1) The Collector in making an enquiry and award under section 11 is, in no sense of the terms, a judicial officer but acts as the agent of the Government or of the Company for which Government take up the land. The enquiry and valuation made by him are not judicial proceedings, but are departmental in their character, for the purpose of enabling the Government to make a tender through him to the persons interested; and it is open to him in making his award as to the compensation to be offered, to consider all available information on the question. It is also open to the Government to issue instructions as to the information the Collector is to take into account in making his valuation, and as to the course to be taken by him when the finds, as the result of his enquiry, that the amount of the compensation, which in his opinion should be allowed for the property, largely exceeds the estimates on which the acquisition was sanctioned.

(2) Whenever proceedings under the Act are conducted by a Deputy Collector empowered, under the provisions of section 3, to act as a Collector, such officer may, if the amount of his intended award be within the sanctioned estimate and within the power if delegated under section 11(1) of the L. A. Act by the Govt. except in the cases noted below, make the award without further reference. The Collector of the district, however, is at liberty, if he sees fit, to require a reference to be made to him in all cases before the award is given. But the Land Acquisition Officer shall, in every case, prepare an award-note in which he shall give full reasons for his valuation, stating in particular the conditions noticed by him during his local inspection, the evidence, if any, tendered by the persons interested in support of their claims, the reasons for his conclusions about the evidence, and also other evidence, documentary and oral, on which he relies and which it may be necessary to produce in Court in case of reference. This note will be the 'Brief' for the Government Pleader if the matter is taken to Court. It will not form part of the case record, but should be kept as a confidential document in the custody of the Land Acquisition Officer.

(3) It is to be distinctly understood, however, that while it is open to the State Government to require that the proceedings of the officer framing the award under section 11 shall be laid before a superior authority before the award is actually made, and while it is open to that superior authority to give the Land Acquisition Officer any information which it may have as to the proper valuation of the land or instructions as to the information which the Land Acquisition Officer is to take into account in framing his award, the superior authority is not competent to direct the Land Acquisition Officer to award any particular amount as compensation. Such action would virtually result in the award being made by some authority other than the officer holding the enquiry under section 11. When the Land Acquisition Officer after considering all the information placed at his disposal, either in the course of the proceeding under section 11, or extra-judicially by Government or other authority superior to him, has finally decided the amount of the award to be made, the only alternatives open to Government are either to withdraw from the acquisition proceedings, subject to the provisions of section 48 of the Act, or to allow them to proceed on the basis of the Land Acquisition Officer's award.

Method of
conducting
Enquiry

92. It is the duty of the Collector to conduct his enquiry in such a manner that the parties interested may have full opportunities for stating their claims and having them considered. It is not desirable for

the Collector to insist on the use of any prescribed form for the submission of claims, but he should explain carefully the provisions of sections 23 and 24, and particularly when the interested parties are illiterate, he should advise them as to the form in which their claims should be made; this will not only assist the parties in conducting their cases, but will facilitate work in the Collector's office. As prescribed in paragraph 79 form no 9A may be used for submission of such claims.

If, as will usually be the case, the Collector on receipt of all the claims fixes a date for local enquiry, the parties should receive notice of the date of the local enquiry and should be given opportunities of explaining and supporting their claims on the spot. When, as the result of his local enquiry and of the information previously obtained, the Collector is able to announce on what basis he proposes to calculate his award, he should do so at the time of his local enquiry. Otherwise he should, if possible, before the date fixed for the conclusion of the enquiry inform the parties to what extent he accepts their claims, so that they may not be put to the trouble of adducing further evidence to establish claims which he has accepted, and may have grounds for deciding whether they shall contest the award. This procedure is likely to result in the acceptance of the amount of the compensation and of the apportionment of it in the majority of cases, whereas when the parties do not know the Collector's intentions they are likely to adduce unnecessary evidence and when they do not understand how he has arrived at his valuation they are less likely to accept it. Under section 11(2) the Collector has been authorised to make an award on an agreed basis if the interested persons in the land agree in writing on the matters to be included in the award in the prescribed form and any further enquiry may be dispensed with. Such agreement is exempt from registration under the Registration Act, 1908.

Award to be made in all cases

93. (1) It will be observed that the Collector is required by section 11 to make an award in all cases whether the claimants attend the enquiry or not and whether they agree or do not agree to the compensation fixed by him. If a dispute arises as to the apportionment of the award the Collector has the option of referring it for the decision of the court under section 30, but if he does not do this he must apportion the compensation, though he must take care not to make payment before the time for reference has expired. Every claim should be disposed of with a written order of the Collector. Any body claiming interest in the compensation is an interested person under the Act and even if his claim is not substantiated a 'nil' award should be made in favour of such interested persons to give them an opportunity to move the appropriate Court to establish their claims in the compensation.

Municipal authority to be compensated for arrear dues of municipal taxes.

Forms of the Calculation sheet and the award.

(2) A Municipal authority should be made a party to the award whenever any premises, or a part of a premises within the municipal area is being acquired and the municipality should be compensated in respect of the arrear dues of municipal taxes.

94. (1) After preparation and approval of the award-notes the calculations showing the apportionment of the amount of compensation for different items are done. The proforma in Form 12 may be used for preparation of calculation sheets in detail.

The form for award is Form No. 13 and the apportionment of the award is done in Form 13A, which is a part of the entire award prepared in Form 13.

(2) To ensure proper and timely deposit the Establishment charges, Contingent charges, Law charges and Capitalized Value of Land Revenue should be included in the Award statement in Form 13 and

13A. These items be awarded in favour of the Collector of the district on behalf of the Government of West Bengal and entered in the last part of the Award Statement, as if the Collector is the awardee on behalf of the Government. All these four items be allotted the last four serial numbers of the Award Statement. In some cases there may not be any Capitalized Value of Land Revenue leaving only three items for such entries.

Approval of the award where necessary.

95. (1) All awards not exceeding the limit of Rs. 5,00,000.00 (Rupees five lakh) only in each case of land acquisition can be declared and filed by the Collector under section 12(1) of the Act without the approval of the State Government but for the awards exceeding Rs. 5,00,000.00 in each of land acquisition case, the previous approval of the Government in the Land & Land Reforms Department will be necessary. The Government order issued in this respect is enclosed in Appendix VI. [Modified by G. O. No. : 1405-L.A. (II) dt: 19/5/92 of Land and Land Reforms Department, L.A. Branch. See Appendix VIA.

(2) The mere signing of the award by the Collector is not conclusive. It has to be filed in the Collector's Office under section 12(1) and then only it becomes final. The expression 'shall be filed' connotes the idea of permanent preservation as a public record. The meaning of the expression 'File' is to place in due manner among the records of a Court or public office. When the acquiring officer does not intend the award to be final, the mere signing does not prevent him from altering his opinion as to the amount to be given as compensation. If the formality prescribed in section 12 is fulfilled, namely filing in the office, then legally the award is final as it becomes part of the Office records. Till the award is set aside by Court it is final and valid. Hence, finality of the award under section 12 is subject to the decision by the Court under section 18 and by such decision of the Court in reference under section 30 of the Act.

(3) If the award with all requisite details is communicated to a person interested under sub-section (2) of section 12 of the Act, time will begin to run from the date of receipt of the communication and the period is six weeks from such date for filing a reference under section 18 of the Act.

(4) If the party is present before the Collector during the making of the award, the time will be reckoned from such date and the limitation is six weeks from such date. If he is not present the said limitation is six months.

Additional compensation and solatium calculated on market-value of land only.

96. (1) Under the provision of sub-section (1A) of section 23 an additional amount @ 12 per centum per annum on the market value of land for the period commencing on and from the date of publication of notification under section 4, sub-section (1) in respect of the land to the date of award of the Collector or the date of taking over possession of the land, whichever is earlier, is to be awarded. In computing the period, any period or periods during which the proceedings for the acquisition of land were held up on account of any stay or injunction by the order of the Court shall be excluded. The said additional amount is to be awarded and will be a part of the award. Payment of interest on this additional amount as per section 34 of the Act can be made, but this additional compensation is not payable for any of the items mentioned in clauses 2 to 7 of Section 23(1).

(2) The additional compensation commonly known as 'solatium' under the provisions of section 23(2) is to be paid on the market value, of land and not on the total award, to the owners of the land acquired. This additional compensation is not to be added to compensation awarded in consideration of any of the matters specified in clauses 2 to 7 of section 23(1). The interests on the solatium is also to be paid as per provisions of section 34 of the Act.

(3) When land, which is already a public property, is transferred to a local body, no additional compensation similar to that admissible under section 23(2) of the Land Acquisition Act should be added to the market value of such land unless the said transfer necessitates the State Government in having to pay a solatium to any other party for the compulsory acquisition of land required by them on account of the transfer.

On trees,
houses, etc.

97. As under section 3, trees, houses, crops and other immovable things standing on land under acquisition for public purposes are included in the definition of the word "land", the value of such things minus the cost of repairs of houses should always be included in the Collector's estimate of the market value of the land, and the additional compensations under sections 23(1A) and 23(2) must be paid on the lump sum.

Award may
not be
amended
except in
certain cases.

98. (1) When the Collector has made his award under section 11 he is not competent to amend it or to make a supplementary award except in cases of clerical error, error of calculation or manifest omission to deal with a part of the claim made by an interested party.

(2) The new amendment of 1984 has introduced the new section 13A which enables the Collector to rectify clerical and arithmetical mistakes in the award. But the limitation to this power is three fold, namely :—

i) This power is exercisable within six months from the date of award; or

ii) When a reference under section 18 has been insisted, before making of the reference;

iii) Correction involving prejudice to parties cannot be made without enabling the parties to make a representation in the matter.

This apart, the Collector is bound to give immediate notice of correction to all interested persons. Form No. 13 is used for making award and Form No. 14 is prescribed for notices under section 12(2). The form to be used for notice of any correction made in the award to all the persons interested under section 13A(2) is Form No. 15. Section 13A has also imposed a statutory duty on an awardee. When as a result of correction some excess amount is found to have been paid to any person that person is liable to refund the same. The Collector is empowered to recover this amount under the Public Demands Recovery Act as an arrear of land revenue.

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CHAPTER—VII

REFERENCE

Different kinds of reference.

99. (1) Reference to the Civil Court are made under Sections 18, 28A(3), 30, 35, 37 or 49 and the conditions under which the several kinds of reference are made should be clearly distinguished. If application is made for reference under section 18, the Collector is bound by law to make a reference unless the application is barred by the provisos to Section 18 or by the second proviso to Section 31. It is the duty of the Collector to make the reference with the least possible delay and to do all that he can to expedite its disposal so as to avoid inconvenience to the requiring department and the interested parties.

(2) References under Section 30 are made at the option of the Collector and relate only to the apportionment of the compensation. Before making such a reference, the Collector is bound to make an award of the amount of the compensation. When there is a complicated dispute as regards title, or ordinarily whenever there is a bonafide dispute as to apportionment in which the parties are expected not to acquiesce in the Collector's apportionment but to apply for reference under section 18, the Collector should make reference under section 30.

(3) In case of temporary occupation, the Collector is bound to make a reference under section 35(3) unless the parties interested agree in writing both to the amount of the compensation and to the apportionment which he proposes to make; in such cases, the Collector will abstain from making any award, but will explain clearly in his reference the award which he proposed to make and the grounds on which it was based.

(4) On the expiration of the terms of temporary occupation, the Collector is bound to make a reference to the Court under Section 37 if he and the persons interested differ as to the condition of the land or as to any matter connected with the agreement.

(5) In the areas where provisions of Section 49A of the Act are in force, the second proviso to sub-section (1) of section 49 shall have effect only when the Collector is satisfied that such part acquisition will adversely affect the full and unimpaired use of such house, manufactory or building.

An application for reference can be made by any person interested.

100. (1) An application for reference may be made under section 18 by any person interested, and section 3(b) defines the expression 'person interested' as including all persons claiming an interest. The fact that a claim is unreasonable or that it was not pressed or even made before the Collector does not allow the collector any option in making the reference if the application is not barred by the provisos to Section 18 or the second proviso to Section 31(2).

(2) An application for reference under section 28A(3) may be made by any person, who has not accepted the award of the Collector made under sub-section (2) of Section 28A, for determination of compensation by the Court. The provisions of sections 18 to 28 of the Act shall apply to such reference. Where the Court allows to an applicant any amount of compensation in excess of the amount awarded by the Collector under Section 11, the persons interested in all the other land covered by the same notification under sub-section (1) of Section 4 of the Act and who are also aggrieved by the award of the Collector, may by written application to the Collector within three months from the date of the award of the Court require re-

determination of the amount of compensation payable to them, on the basis of the amount of compensation awarded by the Court, even if they did not apply under Section 18 within the stipulated period previously. If the reference court has awarded higher rate of compensation under section 18 to any of the awardees pertaining to same notification under Section 4(1), the others will get the benefit of the provisions of Section 28A and may apply to the Collector for such re-determination of compensation. Furthermore, without accepting the re-determined compensation awarded by the Collector under sub-section (2) of Section 28A they may prefer reference under sub-section (3) of Section 28A of the Act.

Reference not to cover more than one award

101. There must always be a separate reference for each in which a separate award has been made.

Conditions of reference under Section 18.

102. If a party receives the award amount without protest, he cannot claim remedy under section 18 as section 31(2) completely bars such a recourse in its proviso No. 2. A combined reading of sections 18 and 31(2) second proviso makes it clear that the application under Section 18 must satisfy two conditions :—

i) it must be filed within time

ii) the amount of compensation should have been either not accepted or accepted with protest.

Reference can be invited only by a person interested. A person interested is one who is directly or indirectly interested in the title of the land or in the amount of compensation or the person to whom it is payable or the apportionment of compensation. To demand a reference a written petition is mandatory. The demand for reference in such application should be clear. A new application stating the objections and praying for release of the property or payment of compensation is not a reference application. But a mere statement in the petition that 'I will not receive the amount but will contest the award in the District Court' is enough as it is an implied request for reference.

Distinction between the scope of sections 18 and 30.

103. The distinction between the scope of section 18 and section 30 are as follows :

i) a person who was present and represented before the Collector has to file application under section 18 for reference within six weeks from the date of the Collector's award, while in other cases, the application has to be filed within six weeks from the receipt of the notice from the Collector under section 12(2) or within six months from the date of the Collector's award, whichever period expires first.

ii) the person who wants to file an application for reference, provided he is within the period in section 18(2) (a) and (b), can file the application under section 18 as of right, and

iii) when such an application is filed within time the Collector is bound to make the reference.

On the other hand in case of reference under section 30 :

i) the reference may be made either on an application by a person interested or by the Collector suo motu and there is no period of limitation therefore,

ii) the person cannot claim to file an application as of right, and

iii) the collector is not bound to make a reference either on an application or suo motu and the same is within his discretion.

It should be noted that the main distinction between a reference under section 18 of the Land Acquisition Act and one made under section 30 thereof, is that the reference under the latter section is made solely on the question of apportionment by the Collector of his own motion while the reference under section 18 is made on the application of person interested in the compensation money and not by the Collector on his own motion. References under section 30 are not subject to limitation and the Collector may make those at any time.

Form of reference to Court.

104. References to the Civil Court under Sections 18, 28A(3) and 30 should be drawn up in Forms 16 and 17. Forms for references under section 35 and 49 are not prescribed. The Collector should be careful to record all requisite particulars. The statement of the grounds on which the amounts of compensation have been determined need not be elaborate, but should give sufficient information to justify a reasonable presumption that the award has been made with good care and caution.

Reference cases should be contested like Civil Suits.

105. When a reference to the Court has been made by the Collector under Section 18, on the ground of an objection to the measurement of the land or to the amount of compensation and not on account of a dispute as to the persons to whom the compensation is payable or as to the apportionment, the Collector should defend the case exactly as he would in case of a Government suit. The claimant in such cases is to be regarded as the plaintiff and the Government as defendant; and it is the duty of the Collector to see that evidence is forthcoming to show the fairness of the amount which he has given as compensation. As soon as the claimant files his written statement in the case in Court, the Government Pleader should apply to the Court for a copy for the information of the Collector, to enable the Collector to meet the case set up by the plaintiff with suitable evidence. The Collector must remember that the Court will decide on the evidence before it, what amount of compensation should be given, and he must, therefore, be prepared with reliable evidence at the trial. In important cases, he would consult the Legal Remembrancer as in ordinary civil suits.

Notice of reference to be sent to local authority or Company concerned.

106. Under the provision of section 20(c) of the Act, the Court is required to give notice to the Collector whenever the objection refers to the area of the land or to the amount of the compensation. When the proceedings have been undertaken on behalf of a local authority or Company, the Collector should at once send to them a copy of the notice received by him from the Court, in order that arrangements may be made by them, if necessary, to supplement the action taken by the Collector under the preceding rule, to defend the case. In cases in which the issues are of special importance, the Collector should also communicate with them by letter.

The Collector should also similarly inform the local authority or company concerned when an appeal is preferred before the High Court against the decision of the lower court concerning the area of the land or the amount of the compensation.

Costs of serving process.

107. The cost of service of the notices prescribed in section 20 is chargeable to the parties interested and not to Government. When the Collector makes a reference under Section 30, he should in the first instance pay the process fees and remit them to the Civil Court with the reference, and the Government Pleader should apply to the Court to deduct the cost from the compensation payable to the parties. When application is made for reference under section 18, the applicant

should be informed of the amount of the cost of service of notices under section 20 and be required to deposit the amount so that it may be remitted to the Civil Court with the reference. If the costs have not been deposited when the reference is ready, the reference should be made and the Collector should inform the Court that the process fees are payable by the applicant for reference and that they have been demanded but have not been paid.

Costs decreed
to
Government.

108. Costs decreed to Government although realized from the owner of the land by deduction from the amount of compensation paid, being of the nature of advances recovered, should not be taken in abatement of the price paid for the land. In paying the compensation money, such costs should be deducted by the Court and intimation of the fact sent to the Collector for adjustment of the advances. In such cases, the date and number of the voucher on which the cost was advanced, when it was incurred, should be stated on the voucher in which the cost is realized, by deduction from the compensation paid, to enable the necessary adjustment to be made in the accounts of the concerned offices. In cases in which a reference is made to the Civil Court on the parties interested accepting payment of compensation under protest and in which the Judge upholds the award of the Collector, the general practice as to recovery of cost due to Government should be followed; in such cases the Collector must be careful to record the particulars of costs as soon as the Judge's order is received and to take prompt measures for recovery.

When costs decreed to Government exceed the amount of compensation awarded, the matter should be reported to Government in the Land and Land Reforms Department with a recommendation as to whether the excess should be remitted or not.

Register of
reference cases.

109. In order to watch the progress and final disposal of references to the Civil Court under the provisions of the Land Acquisition Act, as dealt with in the foregoing paragraphs and to accelerate the realization of costs decreed to Government in such cases, all officers employed in acquiring land are required to keep register of reference cases in Form 17A.

In the Offices of the Land Acquisition Collectors of Calcutta, the special forms of registers now in use should, however, be retained.

A separate
register for
cases other
than reference
cases.

110. Apart from reference cases and its appeals as detailed in above paragraphs there may be a number of High Court cases in each Land Acquisition Office, filed by aggrieved interested persons on different grounds. A separate register should be maintained for all the writ-petitions wherein detailed particulars of the case, engagement of the Advocate for the State, filing of Affidavit-in-Opposition and other actions taken from Collector's end and the orders passed by the High Court should be noted. In Contesting the cases the Collector should consult the Government Pleader and/or the Legal Remembrancer, West Bengal as may be necessary.

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CHAPTER—VIII

ABATEMENT OF REVENUE

Mode of dealing with abatement of revenue.

111. In every case of revenue-paying land, its acquisition under the Act entitles the raiyat to release from liability for any revenue charged upon the land and it is the duty of the Collector, before determining the amount of compensation to be allowed in the case of any such land which is under acquisition, to ascertain the amount of Government revenue which is to be deemed payable in respect of such land and to record this for the purpose of the subsequent proceedings.

The raiyat receiving the market value is also entitled to have his revenue abated by the amount of revenue to which his khatian or holding is liable if the land acquired be a whole khatian, assessed by the Collector upon the land acquired and assessed with specific amount of revenue or by the amount this abatement must in every case be allowed. When a part of khatian is acquired the abatement of land revenue shall be done proportionately.

Submission of abatement statements to the District Land & Land Reforms Officer.

112. The Land Acquisition Collectors shall send the Abatement Statements in respect of lands acquired either Land Acquisition Case-wise or Project-wise as will be suitable. The form prescribed for submission of the Abatement Statement is Form No. 18. The statement should be sent to the District Land and Land Reforms Officer, who will implement the abatements duly. The format prescribed envisages submission of the statement Land Acquisition Case-wise.

Other documents to be sent to District Land & Land Reforms Officer and subsequent actions to be taken by him.

113. (1) While sending the Abatement Statement to the District Land and Land Reforms Officer, the following documents should be sent in addition, so that his office can work on it and correct the Records of Right and other registers duly. The documents to be sent are :

i) A copy of possession Certificate in Form 21 (See Chapter XI) specifying the details of land absolutely vested to the State Government on taking over possession.

ii) A copy of the Land Acquisition Plan which accompanied the draft declaration under section 6 of the Act or a fresh Land Plan showing appropriately the lands covered by the Possession Certificate only.

(2) On receipt of these documents the District Land and Land Reforms Officer should issue necessary instructions to the Block Land and Land Reforms Officer concerned to correct the Records of Right, Registers and other related documents necessarily to reflect absolute vesting of the acquired lands, free from all encumbrances in the Government.

CHAPTER—IX

TEMPORARY OCCUPATION

Procedure for temporary occupation of land in preliminary stages.

114. Sections 35 to 37 prescribe the procedure to be followed in procuring temporary occupation of waste or arable land. Ordinarily the procedure laid down for permanent acquisition of land should be followed mutatis mutandis when land for temporary occupation under section 35 of Act I of 1894 is required. In such cases an estimate alone in Form-4B is needed without a draft declaration. A plan of the land, of which temporary occupation is desired, will be furnished to the Collector with a statement of the reasons for which the occupation is required and the length of time for which the land is wanted, and with a request that an estimate may be furnished of the probable cost of the occupation. On receipt of the estimate which should be endorsed by the Collector to the effect that there is no general or specific objection to the occupation of the land being obtained for the purpose specified, it should be forwarded with the plan to Government for orders, through the prescribed channel of the department concerned. When the project has been sanctioned by Government in the administrative department concerned and the necessary funds have been allotted, the Land and Land Reforms Department, on reference made, as in the case of permanent acquisition of land, will issue order under section 35 of the Act, authorising the Collector concerned to procure the temporary occupation and use of the land. Arable land means land which is ploughed for annual crops, such as rice, jute, etc.; the expression does not include orchards, homesteads, tanks, banks of tanks, raised mulberry beds, lands under tea, or other lands, laid out in permanent crops.

Procedure for taking possession of land required for temporary occupation.

115. It will, however, be observed that in these cases there must be an agreement in writing between the Collector and the parties interested as to the amount of compensation, and that if they differ as to the sufficiency of the compensation or its apportionment, the Collector must refer the matter to the Court. It may sometimes happen that the parties interested do not appear before the Collector after the issue of the notice under section 35(2). It then becomes difficult to comply with the provisions laid down in section 36(1) before entering upon and taking possession of the land. The following procedure will best meet such an exceptional case :—

It should be stated in the notice issued under section 35(2) that on the failure of the party to attend in person or by agent at the appointed time, the Collector will award compensation ex-parte, and will enter upon and take possession of the land. The prescribed form of notice is Form-19. This will probably result in the parties appearing before the Collector. If they still do not appear the Collector should record his finding as to the proper sum payable as compensation, and proceed to take possession of the land. If the parties subsequently appear, he can pay them according to his finding, if they agree; if they do not agree, he can refer the case to the Civil Court under section 35(3). The Collector should, however, endeavour to obtain the agreement of the parties to the compensation awarded and, if they do agree, to pay them, and payment should preferably be made locally. If payment cannot be made within a reasonable time the amount awarded should be placed in deposit in the manner prescribed in rule 10 of the Government Rules, and in any case it should be placed in deposit before the end of the financial year in which possession is taken.

116. In case in which land is urgently required for temporary occupation it will be sufficient for the Requiring Department to

Special procedure in urgent cases of temporary occupation of land

supply the Collector concerned through the prescribed channel, with a plan of the land required, showing existing field boundaries, and at the same time to write to Government in the Land and Land Reforms Department to authorize the Collector to procure the temporary occupation and use of the land. The plan should be on the scale prescribed in paragraph 55, and should be accompanied by a list showing for each field the nature of the crop and the number of trees standing on it, and whether any building, well or tank exists on it. It is to be noted that under section 35 of Act I of 1894 temporary possession can only be given of waste or arable lands, which do not include lands occupied by roads, tanks, buildings, gardens, orchards, etc. The order to the Collector under section 35 will, in such cases of emergency, be issued by Government in the Land and Land Reforms Department, and the Collector will make the necessary proceedings in order to procure the temporary occupation and use of the land, obtaining funds for payment due under his award in the manner prescribed for permanent acquisition of land. A copy of the order authorizing the temporary occupation of the land should be furnished to the Accountant-General, West Bengal.

Final report in the case of temporary occupation of land.

117. (1) In case of temporary occupation two reports should be submitted : the first as soon as all compensation under sub-section 2 of section 35 has been paid or placed in deposit, and the second as soon as the land has been restored to the parties interested under sub-section 2 of section 36. The first report should contain particulars of the area occupied, date of service of notices, the amount of compensation awarded, date of making payment, or executing agreement or making a reference to the Court, as the case may be, and the date of occupation of the land. The second report should show the date on which the land is restored and the total payments including payments of compensation for damage under sub-section 2, section 36, together with the particulars of any payments which may have been made subsequent to the submission of the first report. These reports will be disposed of in the same way as final reports in cases of permanent acquisition.

Restoration or permanent acquisition of land occupied temporarily.

(2) On the expiry of the period of three years provided for in section 35(1) for temporary occupation of land the Collector must either restore the land to the parties interested under section 36(2) or take steps for its permanent acquisition.

Principles for assessing compensation for temporary occupation.

118. (1) The principle to be adopted in assessing the compensation to be offered to persons interested in land to be temporarily occupied is that each party should receive the value of that of which he is temporarily deprived.

No provision for payment of solatium and additional amount.

(2) It is to be noted that section 35 makes no provision for payment of an additional amount under section 23(1A) and the solatium of 30% on the market value of land as is provided by section 23(2) in cases of permanent acquisition.

Bargadars' Compensation in case of temporary occupation of land.

(3) In case of an occupant/bargadar who in view of the terms of section 35 will generally be a cultivator, the Land Acquisition Collector should offer the net value of the produce of the land, or not less than half the gross value. In this case, the occupant or the bargadar is subject to a compulsory process by which he is materially affected in his means of livelihood. His position is different from that of the raiyat who will receive the compensation for such temporary occupation as usual. The cultivator should, therefore, get his compensation in addition to what the raiyat will get and he should be treated with reasonable liberality in the assessment of the produce of his land.

Payment of
land-revenue.

(4) The Land Acquisition Collector should ascertain what arrangement the parties interested desire to make as regards the payment of rent or land revenue and he should be careful to record this arrangement in the written agreement with a view to the protection of both parties, and to frame his proposals for compensation accordingly. Ordinarily, the minimum disturbance will be caused if the raiyat continues to pay rent or land revenue to the Government and in the absence of any valid objection such an arrangement should be encouraged.

Compensation
for trees.

(5) When the conditions of temporary occupation make it necessary to remove trees from the land, compensation for the trees should be assessed and offered as in cases of permanent acquisition, and in the case of trees which produce income but will not be removed, compensation should be offered for the loss of income.

Compensation
for standing
crops.

(6) Compensation should always be offered for standing crops which were grown before notice of intending occupation was delivered unless it is possible for the cultivators to cut them in a ripe condition. When compensation has been assessed for standing crops it should be considered in assessing the loss of nett profits for the first year of occupation whether the harvest of another crop in addition to the standing crop will fall within the first year of occupation, and if it will not, no further compensation for loss of profits should be offered for the first year.

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CHAPTER—X

PAYMENT OF COMPENSATION

Conditions under which payment can be made.

119. After making the award under section 11 and serving notice under Section 12(2) of the Act, the Collector will tender payment to the parties interested and pay all who accept payment and to whom payment is permissible under Section 31. Sub-section (1) of Section 31 of the Act provides that on making an award under Section 11, the Collector shall tender payment of the compensation awarded by him to the persons interested and entitled thereto according to the award and shall pay to them unless prevented by some one or more of the contingencies mentioned in the next sub-section of Section 31. Sub-section (2) mentions the three circumstances in which the Collector instead of making payment shall deposit the compensation in Court. The circumstances are : (a) if the awardees do not consent to receive it, (b) if the person concerned was not competent to alienate the land and (c) if there be any dispute as to the title to receive the compensation or as to the apportionment of it. But a person interested under first proviso to sub-section (2), may receive payment under protest as to the insufficiency of the amount. If any parties are unwilling to take payment, the Collector should inform them that they may accept payment under protest, but that if they accept without protest they will not be entitled to apply for a reference to the Court. In such cases it must be clearly recorded at the time of payment whether payment was received under protest or without protest. Provided that in cases in which all parties have not accepted the award and the apportionment thereof, no payment shall be made until the time for applying for reference as calculated in accordance with section 18(2) shall have expired.

Competence to receive Compensation money.

120. Even when there has been no dispute before the Collector, he is required to consider before making payment whether the claimant in whose favour he has made an award is competent to receive the compensation money. Section 3(g) of the Act enumerates certain persons who are entitled to act on behalf of others, in land acquisition proceedings, but the fourth proviso to Section 3(g) lays down that such persons are not competent to receive compensation money unless they would have been competent to alienate the land and section 31(2) of the Act requires that if there be no person competent to alienate the land, the amount of the compensation shall be deposited in the Court. The question whether any person is competent to alienate the land is a question of law and fact on which precise rules cannot be laid down. Each case in which doubt arises must be examined on its merit and if necessary the Collector should consult the Government Pleader before making payment. A receiver, even if entitled to act, is not competent to receive the compensation money payable to the person for whom he is entitled to act except by special order of the Court appointing him.

(2) Prior to the passing of Hindu Succession Act, 1956 L. A. compensation for land held by the widows holding the usual Hindu-widows Life-estimate could not be paid to them but since the passing of the said Act a widow gets absolute right to her deceased husband's properties under sections 14 and 15 of that Act. So she becomes absolute owner of the same.

(3) Land dedicated to an idol or to religious and charitable purposes is land belonging to the Sebait or trustee who has no power to alienate the same. Lunatics, idiots and minors are not competent to alienate but under section 32A of the Act I, 1894, the Collector has the power to make payment to persons specified in the said section.

121. (1) Normally, the 'Administrative Department' or the 'Beneficiary Department' which is popularly known as 'Requiring Body' or 'R.B.' in brief, at whose instance the acquisition is effected, places the required fund on the basis of sanctioned estimates. It is of utmost importance that the estimates should be as accurate as possible and if those are prepared with care the variation between the estimate and the award will not ordinarily be large. If the amount to be disbursed is likely to exceed the funds at the Collector's command placed on the basis of sanctioned estimates, he should take timely steps to obtain necessary fund on duly sanctioned supplementary or revised estimates, as the case may be, before the date on which the payment becomes due, but payment must in any case be made when due and properly applied for.

(2) (a) Cheques/Bank Drafts are issued by the Requiring Body on the basis of sanctioned estimates and such cheques/bank drafts are credited in the 'Personal Ledger Account' (P. L. Account) of the Collector. If the organization is a State Government Office e.g., Executive Engineer Office, it will send a cheque out of its 'Letter of Credit Account'. An Executive Engineer may allow third advance pending adjustment of the first and second advance. He will not allow fourth advance if the first advance has not been adjusted in full.

(b) In respect of organizations outside State Government, i.e. Calcutta Port Trust, Damodar Valley Corporation etc., advance to the Collectors will be made on their requisitions. Such advance will be either by cheque or draft drawn on a Bank at the station where the Collector's P.L. Account is maintained.

(3) On receiving the Cheques/Drafts from Executive Engineer or organizations like Calcutta Port Trust, Damodar Valley Corporation etc., the Cheques/Drafts shall be credited to P.L. Account through Chalangans. At the back of the cheque encasement in the manner as prescribed in S.R 44 of the Treasury Rules, West Bengal, Volume-I shall be made.

Mode of
payments.

122. The mode of payments can mainly be classified into two. The first one is the direct payments which are made to the interested parties direct in cash and/or in cheques either locally or at headquarters. The second mode covers indirect payments which include payments through Money Orders, by Revenue Deposits and Civil Deposits. When payments are made in cash or in cheque, the parties receiving payment must deposit the notices under section 12(2), be duly identified and the name of the identifier is to be recorded, and receipts of the cash or the cheque must be taken. After payment the notices under section 12(2) should be stamped, 'Paid' and initialled with date and returned to the person concerned.

Cash
Payments.

123. (1) Ordinarily the majority of payments should be made in cash in the villages of the payees. No sum exceeding Rs. 2,000.00 only should be paid in cash. Large amounts due to single individuals should not be paid in cash. No limit is prescribed for the amounts which may be drawn from Personal Ledger Account for local payments but the money shall be drawn subject to the conditions (i) that adequate arrangements can be made for its transport to the locality and custody and (ii) that the unpaid amounts are deposited to the Personal Ledger Account within a week from the last date of local payment.

(2) No sum exceeding Rs. 200=00 only should be paid in cash at headquarters normally. In exceptional cases, where local payments are not feasible and payments of awards at the headquarters are reasonable, sum exceeding Rs 200/- but not exceeding Rs. 2,000=00

only may be paid in cash at headquarters.

Payment by
cheque

124. (1) All large amounts exceeding Rs. 2000/- in total due to single individuals, sum exceeding Rs. 2000/- payable to an individual awardee and all sums in excess of Rs. 200/- payable to single individuals at headquarters shall be paid by 'Account Payee' cheques drawn against the Personal Ledger Account of the Collector. Cheques must be drawn at the Treasury where the Personal Ledger Account concerned is maintained and shall be drawn by the Land Acquisition Officer himself at the time of payment. He should hand over the cheques to the payees.

(2) The Collector may authorise the Special Land Acquisition Officer and the Cashier of his Office to operate jointly the Personal Leger Account and draw cheques accordingly. Even more than one Land Acquisition Officer may be authorized by the Collector to operate the Personal Ledger Account and draw cheques, along with a Cashier, for payment of awards to awardees.

Payment by
Money-order.

125. (1) When local payment is not practicable, sums not exceeding Rs. 200/- to any individual payee may be made by postal money-order, the commission being paid by the Collector and debited to the 'Contingencies' allotted against the Collector's Land Revenue Budget. It should be noted that the Contingent charges estimated in a Land Acquisition case of non-Government Projects shall be deposited entirely in '0029-L.R. Head' duly (see paragraph 129).

(2) The following rules must be observed in making such payment by money-order :

(i) No sum exceeding Rs. 200/- in each separate case may be paid by money-order.

(ii) Payment through money-order may be made only when the payee does not appear on the day fixed for payment, does not come to the headquarters subsequently demanding payment within a reasonable period and does not apply for a reference to the Civil Court under Section 18 of the Act.

(iii) No compensation due on account of land which has been awarded jointly may be paid by money order.

(iv) (a) In each money order so issued, the purpose of the remittance should be briefly stated in the acknowledgement portion thereof in continuation of the printed entry "Received the sum specified above on.....", sufficient space being left below the manuscript entry for signature or thumb impression of the payee.

(b) On receipt of the money order acknowledgement duly signed by the payee, it should be attached to the usual receipt in Form CC in which full amount of the compensation should be clearly shown ; the receipt will then be disposed of in the usual way.

(v) For the words "paid in my presence by Cash/by Cheque" in Form CC, the words "paid by money order" shall be substituted.

From CC

126. In making direct payments to the persons interested under the award, the Land Acquisition Officer shall take the receipt of each person, to whom money is paid, in Form CC containing a reference to the item showing the amount due to that person in the Award Statement.

Payment into
the Treasury as
Revenue
Deposit.

127. (1) In giving notice of the award under section 12(2) and tendering payment under section 31(1), to such persons interested as were not present personally or by their authorised representatives when the award was made, the Land Acquisition Officer shall require them to appear personally or by representatives by a certain date, to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them if they fail to appear. If they do not appear and do not apply for a reference to the Civil Court under section 18 the Land Acquisition Officer shall after any further endeavour to secure their attendance that may seem desirable cause the amounts due to be paid into the Treasury as Revenue Deposits payable to the persons to whom they are respectively due and vouched for in Form E. The Land Acquisition Officer shall also give notice to the payees of such deposits in Form 20, specifying the Treasury in which the deposits have been made. When the payees ultimately claim payment of sums placed in deposit, the amounts will be paid to them in the same manner as ordinary Revenue Deposits. Repayments/refunds of revenue deposits have been prescribed under S.R. 416 to S.R 426 of Treasury Rules, West Bengal and Subsidiary Rules Volume I including re-payments or refunds of lapsed deposits. The forms prescribed are T.R. Form No. 55 and T.R. Form No. 56 respectively.

(2) The Collector should, as far as possible, arrange to make payments due in or near the village to which the payees belong, in order that the number of undisbursed sums to be placed in deposit on account of non-attendance may be reduced to the minimum. Whenever payment is claimed through a representative, whether before or after deposit of the amount awarded, such representative must show legal authority for receiving the Compensation on behalf of his principal.

Payments
through
deposits into
Courts.

128. (1) All payments into Court for deposit under the Act should be made by means of cheques in favour of the Presiding Officer of the Court, payable by order of the Court to the credit of Civil Court Deposits. The cheques should be accompanied with receipts, in triplicate, in Form D, duly filled in, of which one will be retained by the Court for record, and the other two duly signed be returned to the Collector, who will keep one copy and forward the other to the Accountant General alongwith the statement in Form B. The amounts deposited in the Court will be accounted for as expenditure on the acquisition compensation against the project cost. The ultimate payments to the persons interested under the award shall be arranged by the Court under the rules for payment of Civil Court Deposits.

(2) When a reference is made under Section 18 of the Act and the payment of the concerned award has not been received by the interested parties, the disputed award be deposited in the Court through a cheque drawn against the Personal Ledger Account, alongwith the reference petition. If the Court has awarded any compensation in excess of the Collector's award, the further payment due, which is to be entered in Column 6 of the award statement in Form B, should be deposited into the Court by means of a cheque and the procedure described in the preceding paragraph (paragraph 128 (1)) should be followed, Form D being used with the necessary changes to give full particulars of the order of the Court.

(3) When the amount of compensation has been settled under section 11, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court under section 30 of the Act. Any change in the apportionment of the Collector's award made by the Court in such cases should also be noted in the award statement. The amount awarded by the Collector should also be deposited in the Court in

similar way as detailed in paragraph 128 (1) and credited to Civil Court Deposits. The ultimate payments to the persons interested under the award shall be arranged for by the Court under the rules for the payment of Civil Court Deposits after necessary apportionment of the compensation at his end.

(4) In case of "Debottar"/"Pirottar" and alike properties the awards shall be deposited to the Court i.e the Court of the District Judge for the payments to the persons interested through some legal process. But the section 14M (5) of W.B.L.R. Act, 1955, provides that the Sebait of a Trust or endowment other than that of a public nature can be deemed to be a raiyat only if he can prove himself to be a beneficiary to the extent of the share of his beneficial interest in the said Trust or endowment. In that case L.A. compensation may be paid to him if not barred by the provisions of section 31 of the L.A. Act. All these deposits are to be made by the Collector or the Land Acquisition Officer concerned through cheques. Form D in triplicate duly filled in should also be sent to Court along with the cheque, of which one copy will be retained by the Court and two other copies be returned to the Collector duly signed. The Collector will keep one of the two copies and may send the other copy to the Requiring Authority when the adjustment of fund palced by them and the certificate of disbursement thereof are sent to them.

(5) In very case of deposit in the Court the Collector should send the Form D duly filled in alongwith the cheque drawn against the Personal Ledger Account of the Collector. Simultaneously, the persons interested should also be informed of the deposits in the Court. The Collector should issue notices in Form 20A to the persons interested.

Deposits of
Establishment
charges
Contingent
charges, Law
charges and
Capitalized
Value of Land
Revenue.

129. (1) In case of acquisition of lands for non-State government Organisations, the provisions of Establishment charges, Contingent Charges, Law Charges and Capitalized value of Land Revenue are invariably kept in the estimate in Form 4A. Such charges and the Capitalized Value of Land Revenue are computed in accordance with the norms prescribed by the Government (See Paragraph No. 28) and included in the estimates so that the funds for these items are placed to the Collector alongwith the compensation part of the estimate.

(2) Establishment charges and Contingent Charges are to be assessed on the non-State Government Land Acquisition cases as per slabs prescribed in G.O. No. 1330(2)-L.A. (II) dated 15-3-85 and Law charges be similarly assessed as per G.O. No. 22(83)-L.A. (II) dated 6-1-81 of the Land and Land Reforms Department, Government of West Bengal. Determination of the Capitalized Value of Land Revenue in such cases is guided by G.O. No. 5769 (59) L.A. (II) dated 29-10-88. (Vide Appendix VII, VIII, IX)

(3) Deposits of Establishment charges, Contingent charges, Law charges and Capitalized Value of Land Revenue be made in '0029-L.R. Head' duly and noted against the respective entries in the Award Statement mentioning details of the Chalan No. date etc. under the signature of the Land Acquisition Officer who deposits those. T.R. Form No. 7 is used in triplicate normally for such deposits. A separate register in Form 20B shall be maintained for these deposits so that the deposits made may be worked out any time to prepare the quarterly return and to assess the income of the Government.

Payment of
Litigation cost.

(4) As the Law charges are deposited to the Government, all the litigation costs in respect of Land Acquisition Cases should be paid by the Collector from his Revenue Munshikhana against the allotments made by the Government. In exceptional cases only, the Collector may allow payment of litigation costs from the Contingent fund allocated by the Government for the Land Acquisition Establishment.

Payments and deposits to be recorded in the Award Statement.

130. All the direct payments viz. payments by Cash and Cheques in the locality and /or at Headquarters, and indirect payment through Postal Money Orders and different types of deposits such as Revenue Deposits, Deposits in the Court and Deposits of Establishment charges, Contingent charges, Law-charges and Capitalized Value of Land Revenue, are to be recorded in the Award Statement in Form 13A with appropriate entries against each awardee/payee under the signature of the Land Acquisition Officer who makes the payments or deposits. The cheque number and its date of issue should be written in the 'Remarks' column of the Award Statement in Form 13A under the signature of the Land Acquisition Officer concerned.

Delay in payment of compensation to be avoided.

131. (1) The Collector of the district is required by Government to satisfy himself that there is no avoidable delay in the payment of compensation. After declaration of award under section 11 and its filing in office under section 12(1), the Land Acquisition Officer/Collector should immediately issue and serve notices under section 12(2) of the Act fixing the date of payment therein. The Land Acquisition Officer should not make any delay in payments. Such delay not only causes hardships to the interested parties but adds to the cost of acquisition also the charges for interest payable under section 34 of the Act when the possession of the land is taken over before the amount of compensation is paid or deposited. In large projects in which large areas of land are taken possession of at one time under section 17, there is a tendency to delay between the taking of possession and the making of award. In such cases the preparation of awards can sometimes be expedited by an increase of the staff, but care must be taken not to increase the staff beyond the limit of the Land Acquisition Officer's powers of supervision and control. Under the orders of the Collector of the district additional Deputy Collectors may be temporarily deputed to assist the Land Acquisition Officer in making local payments.

(2) With the amendments of the Act in 1984 the Collector shall pay or tender for 80% of the compensation as assessed by him, before the possession under Section 17 is taken over. Such provision minimizes the hardships of interested persons and also the burden of interest on the cost of acquisition.

Payment of eighty per centum of the Compensation under section 17(3A) of the Act.

132. (1) After amendments of the Act in 1984, Sub-Section (3A) has been inserted in the Section 17. The Sub-section envisages that before taking possession of any land under sub-section (1) or Sub-section (2) of Section 17, the Collector shall tender payment of 80% of the compensation for such land as estimated thereto. Such payments should be made unless prevented by some one or more of the contingencies mentioned in section 31(2) except the second proviso thereto, following the same mode as done in case of payments under section 31 of the Act, The compensation payable under section 17(3A) is to be determined in accordance with the provisions of section 23 of the Act.

(2) The amounts which can not be paid to the persons interested should be deposited either in Revenue Deposits or in the Court as the case may be and such amounts shall be taken into account in determining the amount of compensation required to be tendered under section 31 of the Act. Interest is payable as per section 34 of the Act on the amount of compensation derived under section 11 deducting the sum which has been paid or deposited on or before taking over possession of land under section 17(3A).

(3) A statement on apportionment of compensation for the interested persons is to be prepared in Forms 13 and 13A as done in

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case of preparation of Award Statements. Every payment is noted in such statements with the signature of the Land Acquisition Officer concerned who disburses the amount.

(4) The deposits made in respect of un-paid amounts either in Revenue Deposits or in the Court, should be intimated to the persons interested in Form 20C modifying it necessarily to suit the purpose.

Payment of sums in excess of sanctioned estimates.

133. (1) The Collectors are authorised to pay in anticipation of the sanction of the Government, compensation for land acquired, even in excess of the sanctioned estimate, when finally awarded by a Court. The excess amount thus awarded may be drawn as advance in T.R. Form No. 35 as prescribed in Treasury Rules, West Bengal and Subsidiary Rules Volume II, wherever necessary. The Collector shall use the power of drawal of such advance very sparingly and only when there is no other alternative before him. The amount thus drawn and paid will be kept under objection by the Accountant General pending receipt of Government sanction in respect of budget provision, which only is required for the adjustment of an inevitable payment of this nature.

(2) The revised estimates in such cases should be submitted by the Collector to the Officer of the Department requiring the land for allotment of necessary funds by Government. The Collector at the same time should forward to the Commissioner a copy of such estimate, with full explanation of the increase when such amount exceeds Rs. 5000/- only and in any other case when he considers it necessary.

Custody of receipt forms and cheque Books.

134. The cheque-books received from the Treasury on requisition of the Land Acquisition Officer concerned should be kept under lock and key by the said officer himself. The blank Form CC should also be kept under lock and key and sewn together, if necessary and consecutively numbered by the Land Acquisition Officer. The vouchers in Form CC should also be preserved accordingly and all the vouchers related to a Land Acquisition case should be numbered consecutively. A register be maintained duly in Form 20D for the cheques received from the Treasury and subsequent use in the office thereof.

Reconciliation of the P.L. Account Pass Book and the Cash Book.

135. The personal Ledger Accounts Pass Book is maintained at the Treasury and the Cash-Book reflecting all the transactions related to Land Acquisition Cases are maintained by the Land Acquisition Officer concerned. The accounts of both the Pass-Book and the Cash-Book shall be reconciled quarterly and certificates on both the books should be endorsed appropriately by the Officer reconciling both the accounts. Any discrepancy detected in the process should be brought to the notice of the Treasury Officer and if necessary to the Collector also.

Procedure when no money Compensation is paid.

136. In cases in which compensation is granted in the shape of either land in exchange or remission of revenue as provided in section 31(3) of the Act, and the land is acquired for Government purposes, no adjustment of the value of land given in exchange will be required, unless it is separately purchased by the Government. If, however, the land is acquired for a body financially independent of the Government, the value of the Government land given in exchange and the capitalized value of the abatement of Land Revenue should be debited against advances of funds made by the Body.

Investment of Compensation money deposited in Court.

137. Investments under Section 32 and 33 of the Act of money deposited in Court should be arranged for in the case of purchase of Government Securities, in communication between the Court and the Reserve Bank of India and purchase of land should be effected under the Court's Orders through the Collector or other Revenue Authority

of the State. The Bank will inform the Court what sum be remitted to enable him to make the investment and this amount will be paid from the deposits in Court.

Adjustment of payments and advances which should be kept separate for each declaration.

138. (1) After all sorts of payments, direct and indirect, and deposits thereof, the Land Acquisition Officer shall have a statement prepared in Form A showing the amounts paid or deposited under the Award. A copy of the statement in Form A duly signed by the Officer is to be sent to the Accountant General, West Bengal.

(2) A subsidiary statement in Form 'AA' giving particulars regarding the acceptance by the interested persons concerned of the amounts entered in Column 4 of the award statement should also be prepared. It is to be preserved along with the vouchers in Form 'CC'

(3) The procedure to be followed in submitting all these statements and adjustment thereof are :

(i) The land award statement in Form A shall be sent to the Office of the Accountant General, West Bengal for record as this is treated as sanction to the expenditure.

(ii) Complete statement of land award in Form 'A' and Form 'AA' and vouchers in Form 'CC' shall be maintained by the Land Acquisition Collector land acquisition case-wise.

(iii) The Department and Office on whose behalf land is acquired shall be given a certificate in Form 20E indicating item-wise payments made on account of each cases of land acquired. This will be treated as 'Certificate of Disbursement' and on the basis of this certificate, the departments/offices on whose behalf land is acquired shall adjust their accounts.

(iv) The land acquisition vouchers shall be retained for a period of six years after completion of the payments and audit. In case there may be any litigations, the vouchers, shall be retained till disposal of such litigations.

(v) In cases where an award has been made by a Court under Section 26 of the Act, a second award statement should be prepared in Form 'B' by the Land Acquisition Officer as soon as the decision of the Court is ascertained, and a copy thereof duly signed, forwarded to the Accountant General.

(vi) The Departments or Agencies other than those of State Government may obtain true copies of the 'CC' vouchers in exceptional cases when it will be absolutely necessary.

(4) When advances are drawn for payment of sums in excess of sanctioned estimates, such advances should be adjusted as soon as necessary funds are placed by the Requiring Department/Agency concerned as envisaged in paragraph 133. The adjustment should be accompanied by a statement showing the amounts drawn and paid.

(5) After payments in Cash or by Money-order, if any, if there remains any balance in hand, out of the cash drawn from the Personal Ledger Account maintained at the Treasury, which is not required for payments for the lands acquired under the declaration, it should at once be refunded into the treasury and should not, under any circumstances, be paid for lands taken up under another declaration.

CHAPTER—XI

TAKING AND DELIVERY OF POSSESSION

Possession to be taken by Collector.

139. Section 16 empowers the Collector to take possession of the land as soon as he has made an award under section 11 of the Act. It must be distinctly understood that occupation of the land by any other officer or person without written authority from the Collector is illegal. The making of the award under section 11 at once vests the power of taking actual possession in the Collector and as such he can eject anyone, a tenant or a third party. The Collector can authorize any subordinate officer to take possession under section 16. He needs not do it personally. Similarly, any other officer or person without written authority can not take over the possession of the land from the Collector. For instance when land has been taken up for use of the Irrigation and Waterways Department, possession will be given by the Collector to the Executive Engineer or to some person duly authorized in writing by the Executive Engineer to receive it and to no other person

Consideration for public convenience.

140. Public convenience should be considered as far as possible in taking possession. Notice should be given to the persons interested so that they may have time to make arrangements for moving.

Extinction of public rights by acquisition.

141. In accordance with section 16 land acquired under the Act vests absolutely in the Government free from all encumbrances; therefore no public right of way or other easement continues after possession has been taken. The law does not provide for acquisition subject to the continuance of such rights. If it is necessary for the convenience of the public that they should continue to use for any purpose the land which it is proposed to acquire the case should be specially referred to Government for orders before the land is acquired with a view to arrangements being made whereby the public may continue to use the land without any right being conceded or admitted ; at the same time it should be reported whether the Government Department, Local authority or Company on whose behalf it is proposed to acquire the land consents to acquisition on the terms proposed. If any such arrangement is sanctioned care must be taken at the time of taking and delivering possession both to ensure the concession to the public convenience and to avoid the admission of any right thereto.

Taking of possession when to be postponed.

142. Section 48 enables Government to withdraw from the acquisition of any land at any stage before possession has been taken. Therefore, if any question of withdrawal has arisen the Collector should abstain from taking possession until it has been decided. If claims have been made largely in excess of the estimate and the Collector, though not prepared to allow them, thinks that there are reasonable grounds for fearing that the Court will largely enhance his award, he may either defer making his award, or if he has made his award and the time for making reference has not expired, he may defer taking possession, until he has consulted the requiring officer or department and has obtained orders.

Mode of taking possession.

143. (1) The Act is silent on mode of taking possession. Actual occupation by the Collector or his agents or taking symbolic possession or doing something equivalent to effective possession are obviously contemplated. Taking possession within the meaning of section 16 or section 17(1) means taking of possession on the spot. It is neither a possession on paper nor a "symbolical" possession as duly understood in Civil law. Unless possession is taken by the written agreement of

the party concerned the mode of taking possession obviously would be for the authority to go upon the land to do some act which would indicate that the authority has taken possession of the land. It may be in the form of a declaration by beat of drum or otherwise or by hanging a written declaration on the spot that the authority has taken possession of the land. The presence of the owner or the occupant of the land to effectuate the taking of possession is not necessary. No further notice beyond that under section 9(1) of the Act is required. When possession has been taken, the owner or the occupant of the land is dispossessed. Once possession has been taken the land vests absolutely in the Government.

(2) Possession for the purpose of section 36 must carry the same meaning as possession for the purpose of section 16. Such possession must be possession of a full owner who is capable of all consequential constructive possession.

(3) Delivery of possession envisaged under section 16 must mean such delivery as will be effective with reference to the nature of possession of the owner. If the owner is in Khas possession, delivery of possession must be actual delivery. When the property is in actual possession of trespasser, but in legal possession of true owner and the latter delivers possession constructively, such delivery will obviously be symbolical delivery of possession. In such cases symbolical delivery of possession will be as effective as actual delivery for the purpose of section 16. Once the Land Acquisition Officer has taken symbolical delivery of possession, the State Government acquire alongwith it the right to evict the trespasser.

Consequences following Collector's possession.

144. On taking of possession by Collector certain consequences follow :

(a) A Government cannot thereafter withdraw from acquisition except as under section 36 for temporary occupations.

(b) The property vests in the Government free from all encumbrances which term includes easements, customary rights, leases, mortgager's lien, interest in trust property, but not the burden of coursing water in a natural stream.

Taking of possession under section 17.

145. (1) When it is found necessary that possession of land should be taken under section 17, the sanction of the State Government should be applied for at the time of sending up the declaration under section 6. The following conditions must be fulfilled in which possession is taken under section 17(1) :-

(i) The declaration under section 6 must have been published preceded by notification under section 4 which relates to acquisition of different lands ;

(ii) The land must have been marked out and measured under Section 8.

(iii) The land must be required for permanent acquisition and not for temporary occupation and use under section 35, because the effect of taking possession under section 17 is that the land absolutely vests in the Government;

(iv) The orders of Government for taking possession must have been received ;

(v) The Collector shall pay or tender payment of 80% of the compensation as assessed by him under section 17(3A), before taking possession ;

(vi) Fifteen days must have expired after the publication of the notice under section 9(1).

(2) The first five of the six conditions mentioned above must be fulfilled in cases in which possession under section 17(2) is taken over where unforeseen emergency necessitates immediate possession after publication of notice under section 9(1), but the sub-section provides certain conditions about taking possession of any building or part of a building. Possession should not be taken under section 17 if any land which is reasonably supposed to contain workable mines.

(3) As seem as the declaration under section 6(2) of the Land Acquisition Act, 1984 has been published and orders under section 7 and section 17(1) have been issued, the Land Acquisition Officer should at once arrange for tendering payment of eighty per centum of the compensation for such land. After payments he should at once take possession of the land and deliver it to the Requiring Authority. The Land Acquisition Officer should make it his object to give the maximum amount of assistance to the Requiring Authority in forwarding their work on the land acquired. It should be noted that the possession of the trees, structures, buildings and standing crops etc. on the land should also the handed over to the Requiring Authority alongwith the possession of the land.

Certificate of possession

146. An inventory of the trees, structures and buildings etc. standing on the land, possession of which to be made over to the Requiring Authority, is to be prepared before making over possession of the land. The inventory should include the trees, structures and buildings, fixtures and fittings etc. for which payments have been made or to be made. The inventory should be signed by the representative who is authorised to take over possession on behalf of the Requiring Authority, as a token of possession of such trees, structures and buildings fixtures and fittings etc. As soon as the land is made over to the Requiring Authority a certificate of possession should be obtained from them or their authorised representative, in Form 21 and a copy of the possession certificate alongwith copies of inventory, if any, duly signed should be sent to the Government in the Land and Land Reforms Department.

Compensation under section 48 made on summary enquiry.

147. (1) Section 48 permits Government to withdraw from acquisition proceedings at any time before possession is taken, except in the case provided for in section 36. In case of withdrawal, the Collector shall fix the amount of compensation, if any, payable for any damage sustained by the owner, following, as far as they apply, the provisions of part-III of the Act, and shall pay the amount with any reasonable costs incurred by the owner in connection with the acquisition proceedings. The Collector may proceed summarilly.

(2) Although section 48(1) provides for the withdrawal of the Government from acquisition only when possession has not been taken, there is no objection to land being restored at any stage of the case after possession has been taken, when so desired by the authorities on whose behalf the acquisition has been made, provided that the persons interested in the land agree to this course, and are willing to receive back their property with such compensation for damages and costs as may be awarded under section 48(2). Such cases should be reported to the Commissioner for his orders. A deed of reconveyance should be executed in favour of the original owners or to their legal heirs. If, however, the owners/persons having interests in the land or some of them are not willing to take back the land in the above way, the acquisition proceeding must be completed by award and payment of compensation where it has been not been awarded and filed and thereafter the land has to be disposed of in accordance with the instructions in chapter XV regarding disposal of surplus lands.

CHAPTER—XII

OVER LAPPING REGISTER

Preparation of over lapping register.

148. As soon as the possession of the land acquired is taken over by the Collector, the land vests absolutely to the State Government. A register showing the details of the lands which have vested to the State in a particular Land Acquisition case should be prepared immediately so that the over-lapping of any area can be detected from such registers during subsequent acquisition of land in that area or in that mouza. The over-lapping registers should be effectively prepared thanawise and mouza-wise, or ward-wise in municipal areas. The form to be used for the over-lapping register is to be maintained in Form 21A. When a new proposal is initiated the lands proposed for acquisition should be verified with the entires of the concerned mouza in the over-lapping register, to find out whether any land acquired previously has been proposed for acquisition in the new proposal or not. Thus the acquisition of a previously acquired land for the second time can be avoided. As the register prevents over-lapping of alignments and abstains from acquisition of a previously acquired land for the second time the register is popularly known as 'Over-lapping Register'.

Final Land Acquisition Plans drawn on mouza-maps of Revisional Settlement and its preservation thereof.

149. (1) The Land Acquisition Plans drawn on the concerned mouza-maps of Revisional Settlement and submitted by the Requiring Authorities are kept in the case-records and normally those are consigned as and when the consignments of the case-records are done. The final Land Acquisition Plans drawn on such mouza-maps may be preserved separately thana-wise instead of consigning those maps in the Record-room alongwith case records. Such mouza-maps on which the final Land Acquisition Plans have been drawn will render help in finding out over-lapping plots very easily. These mouza-maps with the final land Acquisition Plans will be a part and parcel of the Over-lapping Register. A column has been prescribed in the register to note whether such action has been taken in respect of the entries of a particular Land Acquisition Case in the Over-Lapping Register.

(2) The Requiring Authorities may not always submit Land Acquisition Plan drawn on mouza-maps. The Land Acquisition Officer can collect all the mouza-maps of a district from the record-room and preserve those duly thana-wise. The final Land Acquisition Plans of all the pending post-payment Land Acquisition cases, awaiting consignments should be drawn up on those maps Land Acquisition case-wise in addition to preparation of final Surveyor's [Amin's] plan prepared on Tracing Cloth/Paper or otherwise.

(3) If the mouza-maps having different final Land Acquisition Plans of different Land Acquisition cases in respect of the particular mouza drawn on it time to time are preserved at the district level duly it will be of immense help in finding out over-lapping plots in future. The Collector should preserve the mouza-maps on which final Land Acquisition Plans of different Land Acquisition cases have been drawn.

CHAPTER—XIII

FINAL REPORT AND DISPOSAL OF RECORDS

Final report of acquisition proceedings.

150. (1) When land is permanently acquired, the Land Acquisition Officer will prepare a final report of his proceedings for each Land Acquisition case in Form 22 for each project. This report, accompanied in all cases by Form 23 and a certificate from the Land Acquisition Collector in the form prescribed below and also a certified copy of the final Surveyor's plan as prescribed in Chapter XIV and by Form 25, when necessary, should be submitted to the Commissioner for confirmation of the proceedings, excepting the cases of the Calcutta Municipal Corporation and the Calcutta Improvement Trust, the proceedings of which are to be confirmed by the Land and Land Reforms Department, of the State Government. The final report should also be accompanied by a consolidated completion report dealing with any important points in connection with the proceedings which should be briefly prescribed. A list should also accompany the report containing the details of the enclosures and each office through which the case passes should satisfy itself by a careful examination of the papers that the enclosures have been received in accordance with the details given in the list. The proforma of the certificate to be given by the land Acquisition Officer and to be enclosed with the report is :

"Certified after a careful examination of the Surveyor's plans/plan that they have/it has been drawn upon the scales prescribed in paragraph 55 of the Land Acquisition Manual and strictly in accordance with the instructions contained in paragraph 56".

(2) When the proceedings have been confirmed by the Commissioner, the final report in Form 22 will be returned to the Collector and Form 23 will be recorded in the Office of the Commissioner. In addition, after such confirmation of the proceedings the final report in Form 22 alongwith a copy of the final Surveyor's plan and a copy of the Form 25, if any, should be sent to the Government in the Land and Reforms Department and to the Administrative Department concerned, by the Commissioner.

Final reports in cases of temporary occupation.

151. Paragraph 117 specifies the particulars which are to be contained in the final reports in cases of temporary occupation. These reports should be disposed of in the same way as the final report in case of permanent acquisition. In all cases excepting the cases of the Calcutta Municipal Corporation and the Calcutta Improvement Trust, the proceedings will be confirmed by the Commissioner and the same procedure be followed as prescribed in preceding paragraph:

Special rules for Calcutta Land Acquisition Officers.

152. The final reports of the proceedings of Land Acquisition Officers of Calcutta for the acquisition of land for the Calcutta Improvement Trust and the Calcutta Municipal Corporation will be submitted by them direct to Government in the Land and Land Reforms Department for confirmation of the proceedings. In cases of the Improvement Trust the reports will be in the special Form 24. but in cases of the Calcutta Municipal Corporation they will be in the usual Form 22. In all other cases they will submit their final reports to the Commissioner in accordance with paragraph 150.

Delay in submitting final reports to be avoided.

153. The submission of final reports in Land Acquisition cases is sometimes delayed because the parties interested might have not appeared personally or by representatives before the Collector to receive payments of compensation awarded. In order to avoid such delays in future, it is necessary that provisions of paragraphs 119, 127 and rule 10 of the rules promulgated by the Government in respect of

the Land Acquisition Act, 1894 be strictly observed and that the reports in question should be submitted without waiting till all the parties interested have actually been paid.

Submission of final reports not to be delayed for decision of reference to Civil Court.

154. The final reports should be submitted by Collectors without waiting for the decision of references to Civil Courts and the Commissioner or Government in the Land and Land Reforms Deptt. as the case may be, will confirm proceedings and review results without waiting for such decision. After the references to the Courts have been finally decided, a supplementary report should be submitted in cases in which the award has been materially exceeded.

Transmission of records to Record Room.

155. When the final report of a Land Acquisition case or of a project has been confirmed and returned by the Commissioner, the Land Acquisition Officer will transmit the case record concerned to the District Record-Room together with the registers and records of the case for consignment in the Record Room. It should be noted here that before sending the final report for confirmation of the proceedings to the Commissioner all the registers particularly the register No. 5 in respect of Land Acquisition case for which the final report is being sent, should invariably be prepared incorporating all the required entries related to the Land Acquisition proceedings.

CHAPTER—XIV

SUPPLY OF CERTIFIED COPIES OF PLANS OF LAND ACQUIRED

Supply of plans of lands acquired to officers on whose behalf such acquisition has been made.

156. (1) In all cases of permanent acquisition of land, a copy of the Surveyor's plan showing the lands actually acquired, shall be prepared by the Land Acquisition Collector, and as soon as the awards have been made and possession of the lands has been taken, it shall be furnished to the authorities on whose behalf the lands are acquired, with the following certificate endorsed upon it, indelible black stamping ink being used whether the certificate is stamped or whether it is written by hand :—

"Certified that the lands in this plan were duly acquired under the provisions of the Land Acquisition Act I of 1894, and under declaration No....., of the..... and in proceedings no..... of 19....., and that they were made over by A.B. on the.....[date] on behalf of the Collector of the.....district to C.D. on behalf of the (authority on whose behalf the proceedings were taken)".

Collector,
Under Act I, 1894.

(2) A certificate of the nature contemplated in paragraph 156 cannot be given by a Land Acquisition Collector unless he has records to support it. When, however, certified plans are required in respect of lands actually in possession of Government such as compound containing public buildings, camping grounds and the like, in respect of which records relating to acquisition cannot be traced, a certificate regarding the possession of Government may properly be given by the Collector. Before it can be given the plan tendered should be verified on the spot by the Land Acquisition Collector or by some trustworthy officer, and in the latter case the Land Acquisition Collector may countersign the certificate given by such officer. The certificate should be in the following form :—

"Certified that the land demarcated by the boundary pillars shown in this plan is/was in the possession of Government in the (here state the name of department) on the (here state the date)".

On the other hand the verification of the plan of a considerable length of road or similar lands never duly acquired would generally involve much trouble and would likely to stir up disputes. In such cases the Land Acquisition Officer may properly refrain himself from giving a certificate of possession.

Certified plans in railway cases.

157. When land is acquired for a railway the Civil authorities should invariably be supplied with the Railway Engineer's plan, in quadruplicate for the purposes of the acquisition. When, after award, possession has been taken and when it has been ascertained by careful comparison that there is no deviation between the Engineer's plan and the Surveyor's plan, one copy of the Engineer's plan (and not of the Surveyor's plan) should be returned to the Railway authorities with the necessary certificate of acquisition endorsed on it. In case of any deviation, however, the Engineer should be required to furnish a fresh plan showing the land as actually acquired and made over. On receipt of such plan, it should be carefully compared with the Surveyor's plan, and when it is found that the two agree the revised

plan furnished by the Railway Engineer should be returned to the Railway authorities, duly certified as directed above. In these cases the certified copies of Surveyor's plans and of the Collector's detailed awards, with the necessary certificate of acquisition endorsed thereon, should be furnished to the authorities of the railway concerned, as soon as the awards have been made and possession of the lands has been taken. The cost will be included in that of acquisition and recovered in accordance with the rules.

Requiring authorities to demarcate after acquisition

158. When the land is acquired for any authority other than railway the certified copies of Surveyor's plans should also be supplied by the Collector when the requiring authorities apply for such certified copies. On receipt of the certified copies of the plans from the Collector, it will be the duty of the authorities concerned on whose behalf the lands are acquired to demarcate those lands in a satisfactory manner so as to prevent encroachments and facilitate the easy detection of encroachments when such occur. In demarcating the alignment of the acquired land, the Collector may help the requiring authorities necessarily as and when he is requested by them for checking the correctness of the alignment demarcated by them.

Original Surveyor's plans to be certified and filed with record.

159. The original plans prepared by the Surveyor shall be kept in the Collectorate Record Room with the acquisition records, of which they form a part, and shall also bear the certificate prescribed in paragraph 156 in indelible black stamping ink.

Certified copies to be paid for by local authorities and companies.

160. The certified copies of Surveyor's plans supplied to a Zilla Parishad or other local authority or any company, referred to in section 50(1) of the Act I of 1894, must be prepared at the cost of such local authority or company and required to be stamped under article 24, schedule I of the Indian Stamp Act, II of 1899. When a land is required partly at the expense of the Government and partly at the expense of such a local authority or company, the copy of the Surveyor's plan is to be sent to the administrative department concerned of the State Government along with the final report after the proceedings are duly confirmed by the Commissioner.

Final Surveyor's plans to be drawn on tracing cloth.

161. Final Surveyor's plans should be prepared on tracing cloth. The certified copies of such plans may be prepared on tracing papers but all such plans should be prepared in tracing cloth normally. It should be noted that these plans are to be preserved for years together and as such every possible measure should be taken so that the tracing cloth is used for its preparation. The Surveyor's plan is preserved in the Record Room along with the acquisition records. As instructed earlier the final Surveyor's plan drawn on mouza-maps (see paragraph 149) of Revisional Settlements should be preserved in the office duly for consulting those maps in finding out any overlapping plots covered by future acquisition-proposals.

CHAPTER—XV

DISPOSAL OF SURPLUS LANDS

Surplus lands no longer required for public purposes how to be dealt with.

162. (1) All lands which have been permanently acquired for public purposes by Government in any department whether by private purchase or compulsory acquisition, and which are no longer required for the purposes originally intended, shall be relinquished free from all encumbrances under the orders of the Government in the Administrative Department concerned, which will issue instructions to the Government in the Land and Land Reforms Department for the resumption of the lands and for their disposal in the manner hereinafter prescribed. On receipt of these instructions Government in the Land and Land Reforms Department will issue order to the Collector of the District concerned in order to give the effect to the orders of the Government.

(2) Lands acquired for a Municipality, Zilla Parishad or any other local authority legally entitled to or entrusted by Government with, the control or management of any municipal or local funds do not come within the scope of the above said rule.

(3) When the Land & Land Reforms Department is the administrative department concerned, the necessary orders for resumption and disposal of the land relinquished will be issued from that department to the Collector of the district.

Changes in land should be reported and entered in the records.

163. All contemplated changes in the land held for the purposes of different departments and agencies should be promptly reported by the Requiring Authority or Collector concerned to the District Land & Land Reforms Officers for such orders as will ensure the changes being entered by the Revenue Officers in the record and carrying out all further proceedings that are required on such an occasion.

Procedure showing how land in excess of requirements is to be dealt with.

164. The disposal of land taken up by different departments of the State Government in case of immediate requirements is governed by following procedures. The lands taken up for a Railway project in cases of immediate requirements should also be dealt with in a similar way :—

(1) Land which is likely to be required in near future for the project/scheme for which it has been acquired, should remain in the custody of the requiring authority concerned and they should not be called on to relinquish it. The term "near future" is to be liberally interpreted with reference to the probable requirements of the project/scheme and when there is any uncertainty the benefit of doubt must be given to the requiring authority concerned in favour of retention.

(2) Land which may probably be required in the distant future should not be relinquished but may be made over to the revenue authorities for safe custody. Land so transferred is not to be let out or sold, except on such terms of temporary occupation as will not interfere with its being made available on short notice. These conditions may best be attended if the concurrence of the administrative department concerned is first obtained to any proposals that may be made for utilizing the land from time to time. The net receipts from the land permitted for such temporary occupation i.e. the amount which remains after deducting 10 per cent of the gross receipts on account of the cost of management etc. should be credited to in the appropriate head of accounts of the administrative department concerned.

(3) Land for which the administrative department is unlikely ever

to have any further use should be relinquished out-right to the Land and Land Reforms Department of the State Government for disposal. The Land & Land Reforms Department will first ascertain whether the land is likely to be required by any other department of the State Government or Local Authority or of the Government of India and, if so, it will deal with the land either according to following procedure in accordance with the principles laid down in clause (2) above or if it is not likely to be so required the land after verification should be transferred to the department requiring such land following the principles as detailed in the following paragraphs.

Principles of disposal of surplus Government Lands.

165. When the land is declared as surplus and relinquished by administrative department concerned, on whose behalf the land was acquired for a specific purpose i.e. for a scheme or a project or otherwise, in favour of the Land & Land Reforms Department of the State Government, it may be transferred or leased out, as the case may be, to the department of the State Government or Government of India or local bodies or companies who subsequently require the land for other purposes than for the purpose for which the land was acquired under the provisions of the West Bengal Land Management Manual.

(1) When a department of the State Government requires a piece of surplus land from the Land and Land Reforms Department in whose favour another department of the State Government has relinquished the land as surplus, the transfer of such a piece of surplus land from one department to another Deptt. of the State Government can be done through the Collector of the district. When any land or building is transferred from one department to another under the same Govt. the transfer shall be free of all charges except when the property is transferred to or from a commercial department in which case the full market value of it will be charged. The Land & Land Reforms Department will issue an order to the Collector of the district for taking over possession from the local requiring body of the administrative department which has relinquished the land and will hand over it to the local requiring body of the department who now requires it. The administrative department should also be informed duly of such transfers.

(2) When any land declared surplus and relinquished in favour of the Land & Land Reforms Department of the State Government, is required by any department of Government of India for any purpose other than the purpose for which it was acquired, such land should permanently be transferred to that department of the Government of India. The effect of transfer may be given on payment of the market value of the land to be transferred as on the date of transfer alongwith the capitalized value of land revenue as per prevailing provisions of existing orders and circulars of the State Government. The payment may be made in the appropriate head of accounts of the department concerned of the State Government. Even it may be deposited in the appropriate head of accounts in favour of the Collector of the district on behalf of the Land & Land Reforms Department of the State Government. The amount is to be finally credited to the Head of Accounts of the Administrative Department concerned. After such payments have been made or deposited, the Land & Land Reforms Department will issue necessary orders to the Collector of the district for taking over possession from the local requiring body of the administrative department of the State Government and handing over the possession to the authorised representative of the present requiring department of the Government of India.

(3) When the surplus land, relinquished in favour of Land & Land Reforms Department by the administrative department of the State

Government is required by a local Authority or a company it may be transferred to them permanently or may be leased out to them according to the provisions of West Bengal Land Management Manual. Permanent transfer of surplus land to the local bodies or companies should be done after the market value of the land on the date of transfer alongwith the capitalized value of land revenue as per existing orders and circulars of the State Government, is paid or deposited in favour of the administrative department concerned who has relinquished the land in favour of the Land & Land Reforms Department of the State Government. On payment of the market value alongwith capitalized value of land revenue by the local body or the company, the land may be permanently transferred to them through the Collector of the district. The Land & Land Reforms Department should issue order for such transfer of land permanently by the Collector who should take over the possession of the land from the local requiring body of the administrative department relinquishing the land and hand over it to the local body or the company concerned. In case of long term lease settlement may be given in favour of the local body or company for such surplus land. The market value of the land in case of lease, is to be determined on the date of execution of lease deed.

(4) In all cases of permanent transfers excepting the case of transfers from one department to other of the State Government, a suitable deed of transfer is to be executed between the State Government in the Land & Land Reforms Department and the department of the Government of India or the local body or the company taking over the land. The forms prescribed in Chapter-I may be utilized after appropriate modification for execution of the above-said deed of transfer.

When the surplus land is not required by State Government, or, Government of India or others, the procedure for its disposal.

166. (1) The surplus land relinquished in favour of the Land & Land Reforms Department of the State Government should be verified on the spot by the Collector for the purpose of disposal. After verification they may be classed under the following two heads :—

- i) Land situated within agricultural areas.
- ii) Land situated within urban areas and suitable for building sites.

(2) As regards the surplus lands falling in clause (i) above i.e. land situated within agricultural or pastoral areas which are no longer required by any Government or public body or company, their disposal be guided by the following general instructions :—

(a) All rights of land owners or occupiers which were extinguished by the acquisition of those lands should be first offered to the persons from whom they were acquired or to their heirs, if discoverable. In cases in which, at the time of acquisition, no abatement of land revenue was made the offer of restoration should be made subject to the express condition that the lands will be reabsorbed into the revenue roll of which they originally formed part. When an abatement of land revenue has been granted at the time of acquisition, the amount originally abated should be added to the revenue-roll of the person concerned as it stands at the time of restoration.

(b) No elaborate enquiries are necessary to find out the original owners or their legal heirs and the titles of claims should be determined summarily, as the above concession is made as the act of grace and is wholly within the pleasure of State Government to grant or to reduce in any particular case. It will be sufficient if a general notice is published locally and at the Collector and

Munsif Offices and also at the offices of Panchayat bodies near the land.

(c) The price at which the rights above referred to, are to be offered should be the amount of compensation originally paid for them, less the additional amount paid under section 23(2) of the Act in excess of the market value of the land, should the acquisition have been compulsory. This price may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness of the land for agricultural purposes, while it was in the occupation of the Government.

(d) The Collector will always retain and exercise discretion in the application of the rule about the charge of cost price. Special cases may occur where exceptions will be justifiable. When the persons first entitled are remote descendants or relations of the original owners or when the rise in the market value of the land has been so exceptionally great as to take the case out of the general rule or in similar other cases the exception should be justifiable.

Agricultural lands not restored to the original owners or their legal heirs as well as urban lands, how to be disposed of.

167. In the case of the surplus lands relinquished by different administrative departments the land situated within agricultural areas, of which the original owners or representatives cannot be found, or if found declined to take back their lands at the price offered, as well as the land situated within urban areas and suitable for building sites, will be kept at the disposal of the Land and Land Reforms Department of the State Government till it is suitably transferred or leased out for a public project or development scheme for upliftment of the community.

The original owners or their legal heirs or representatives should be given a deed of conveyance in Form 26 on restoration of the agricultural or pastoral lands.

168. When agricultural lands are restored to the original owners or their legal heirs or representatives on payment of the offered price a deed of Conveyance should be executed by the Collector of the district on behalf of the Land and Land Reforms Department of the State Government in favour of the original owners or their legal heirs or representatives individually as the case may be. Before restoration the appropriate share of each of the original owners or their legal heirs or representatives on the land to be restored is to be determined and separate deed of conveyance should be executed for each and every entitled original owner or his legal heirs or representatives. Each such deed of Conveyance should be registered in all cases. The cost of requisite ad-valorem stamp on the deed of conveyance should be borne by the party in whose favour the deed is being executed by the Collector. The registration fee should also be borne by the party concerned. An unstamped duplicate of the deed of Conveyance should be filed by the Collector with the record of the case.

In cases not covered by the above procedures of disposal of surplus land, the Land & Land Reforms Department have the authority to modify or amend the procedure in consultation with the Concerned Department.

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CHAPTER—XVI

MAINTENANCE OF LAND ACQUISITION PLANS,
REGISTERS AND BOUNDARY MARKS

Plans and schedules to be sent to the administrative department who has relinquished the surplus lands.

169. On disposal of the surplus lands relinquished by the administrative department concerned three sets of schedules and three copies of plans covering the lands thus disposed of are to be prepared. The form used in preparing the schedule of the disposed land is Form 27. One set of schedule and plan will be sent to the administrative department concerned by the Land and Land Reforms Department. The second set be returned to the Collector of the district for preservation and the third set be preserved in the Land & Land Reforms Department of the State Government. All the three sets will be attested by the Assistant Secretary to the Government of West Bengal, Land and Land Reforms Department. In case of disposal of surplus lands relinquished by the Railway Authority, one set of the schedules and plans should be sent to the General Manager or Chief Engineer of the Railway concerned.

Procedure for maintenance of Railway land plans.

170. In the case of railway lands all subsequent additions and alterations required to be made in acquisition plans on account of subsequent changes, should be carefully noted in the records by the Collectors concerned, the changes in the plans being made in such a way and with such explanatory note as may be required to show clearly what the additions and alterations are and when they were made.

Noting in the overlapping registers and maintenance of certified plans.

171. As mentioned in Chapter XII, the overlapping registers are prepared to denote the lands acquired in a particular mouza for the purpose of a particular project and mouza-maps showing the alignment of the lands thus acquired are duly preserved. After disposal of the surplus lands, necessary notes are to be kept in the overlapping registers to denote the disposal of surplus lands and notes are also kept on the mouza-maps thus prepared in addition. The title deeds of such lands are to be kept with the records of the acquisition proceeding preserved in the Collectorate Record Room. It should be the duty of the officers of the department, company or local authority, on whose behalf the lands are acquired, to note upon the certified plans supplied to them by Collector as per provisions of Chapter XIV, all changes occurring subsequent to the preparation of the plans and to maintain the plans in question in such a way that they may be readily available in the support of their title to the lands acquired for them. The copies of the schedules prepared in Form 27 and the land plan for disposal of surplus land should also be preserved alongwith the records of the acquisition proceedings.

Demarcation of lands by Railway Officers.

172. It has been laid down by Government that it is advisable for a Railway Officer, in order to prevent any doubts arising as to the exact boundaries of land permanently acquired, to define them on the ground in such a manner as to enable them to be readily ascertained and identified.

Railway administrations and all other Requiring Authorities responsible for maintenance of proper records of demarcation.

173. It has been laid down by Government that Railway Administrations and all other Requiring Authorities are responsible for the maintenance of proper records in connection with the demarcation of all lands in their possession.

CHAPTER—XVII

ACCOUNTS, ESTABLISHMENT, RECOVERY AND ADJUSTMENTS
OF CHARGES

Accounts how
to be kept by
Land Acqui-
sition Officer.

174. (1) With the introduction of the Personal Ledger Accounting system the procedure of maintenance of accounts in the Land Acquisition Offices has undergone a lot of changes. On receipt of funds from the requiring authorities through cheques or Bank Drafts, these are deposited in the P.L. Account of the Collector. Such funds are withdrawn from the P.L. Account during payments of the awards to the interested persons. Payments of awards not exceeding Rupees Two thousand are made in cash and other awards are paid through cheques drawn against the P.L. Account. Hence, during payments the awards to be paid in cash only are drawn in advance, from the P.L. Account.

(2) When a Land Acquisition Officer receives an advance in cash for disbursement, he should enter in a daily cash-book, the total sum received in cash, the total daily payments made against the vouchers in Form CC and the daily cash balance in his hands.

(3) In a Land Acquisition Office three types of cash-books should be maintained. One is the General Cash Book and the other is the P.L. Account Cash-book and in addition there should be separate subsidiary cash-book for each and every Land Acquisition Officer.

General Cash
Book and P.L.
Account Cash
Book should
be maintained
separately.

(4) The General Cash Book and the P.L. Account Cash Book should be maintained separately in each Land Acquisition Office. Where there are more than one Land Acquisition Officer, one P.L. Account Cash Book should be maintained by the Special Land Acquisition Officer and subsidiary to it separate Cash Books for each Land Acquisition Officer be maintained for cash transactions only. The Special Land Acquisition Officer should have a subsidiary cash book also to show details of his transactions of cash in respect of payment of Land Acquisition Compensation in addition. All the cheque-payments of all the Land Acquisition Officers are to be accounted for in the main P.L. Account Cash Book and total cash transactions of subsidiary cash books should also be reflected and accounted for, in the main P.L. Account Cash Book day to day. The subsidiary cash books of the Land Acquisition Officers should depict the details of day to day transactions of cash only. The main P.L. Account Cash Book should be handled by the Special Land Acquisition Officer whereas the subsidiary Cash Books be maintained by the respective Land Acquisition Officers. The General Cash Book incorporating the transactions of pay, travelling allowances, etc. of the establishment of the Land Acquisition Office should be maintained by the Special Land Acquisition Officer as usual. In no case, the transactions of the P.L. Account Cash Book should be incorporated in the General Cash Book.

Double column
P.L. Account
Cash Book.

(5) P.L. Account Cash Book (main) handled by the Special Land Acquisition Officer should be a double column Cash-book. It should have two columns of which one column should represent all the cheque transactions and the other column should show the total cash transactions for a day in accordance with the subsidiary cash-books maintained by all the Land Acquisition Officers. This system will enable the Special Land Acquisition Officers to reconcile the balance in the P.L. Account Pass Book maintained at the Treasury with the P.L. Account Cash Book.

Reconciliation of balances between the P.L. Account Pass Book and the P.L. Account Cash Book.

(6) The P.L. Account Pass Book is maintained at the Treasury and the P.L. Account Cash Book is maintained by the Special Land Acquisition Officer in his office. The reconciliation of balances between the P.L. Account Pass Book and the P.L. Account Cash Book should be done on quarterly basis i.e. four times every year. Certificate should be given in the P.L. Account Cash Book (main) and the P.L. Account Pass Book of the Treasury by the Special Land Acquisition Officer to the effect that the reconciliation has been made and the difference between these balances are only due to such number of uncashed cheques having such amount in total covering the period under reconciliation.

Monthly verification of cash.

(7) The balance in cash in hand should be verified on the last working day of every month physically and a certificate to that effect should be endorsed by the Special Land Acquisition Officer on the Cash Books. It should be noted that the balances of both the General Cash Book and the P.L. Account Cash Book (main) should be taken into account for such monthly verification.

Register of Cheque Books.

(8) As mentioned in Chapter X a register be maintained duly in Form 20D, for the cheques received from the treasury and subsequent use in the Office thereof. The counter-foils of the cheque books should be preserved duly and produced before the audit as and when necessary.

Maintenance of Ledger account of each project in Form 28.

175. The Land Acquisition Officers should also keep a ledger of account of each project in Form 28 to ascertain the expenditure incurred on each project and to make necessary reconciliation with the P.L. Accounts maintained at the treasuries. The ledger account of each project is known as Project Register. Each Project Register should be maintained for an individual project where the expenditures incurred should be depicted Land Acquisition case-wise. Each project covers several Land Acquisition cases and all the cases should be incorporated in the Project Register. The expenditures incurred in the Land Acquisition cases related to a particular project can be summed up to find out the total expenditure of the project at a particular point of time. As soon as payments in a particular land acquisition case are made, the expenditures incurred should be reflected in the project register concerned.

Scale of Establishment.

176. (1) The standard scale of Land Acquisition establishment of a district is as follows :—

General Set up	L. A. Set up
1. Head Assistant/ Head-clerk	1. Head Clerk (UDC) 1
2. Cashier (UDC)	2. Dealing Clerk (LDC) 1
3. Asstt. Cashier (LDC)	3. Kanungo 1
4. Nazir (UDC)	4. Surveyors 3
5. Accountant (UDC)	5. Calculators (LDC) 2
6. Typist (LDC)	6. Draftsman 1
7. Reference Clerk (LDC)	7. Chainman 2
8. Correspondence Clerk (UDC)	8. Orderly Peon 1
9. Notice Writing Clerk (LDC)	9. Office Peon 1
10. Record Supplier	10. Process Server 2
11. Orderly Peon	
12. Official Peon	
13. Night Guard	
14. Sweeper	
15. Kanungo	
16. Reference clerk dealing with reference petitions and law- matters. (LDC)	

(2) When the number of Land Acquisition Officers is more than one, the number of Head Clerk, Accounts Clerk, Dealing Clerk, Kanungoes, Surveyors, Draftsman, Calculators, Orderly Peons, Office Peons and Process Serving Peons should be increased proportionately.

(3) No staff attached to a Land Acquisition Office should be transferred within **five years** from his posting normally. The Land Acquisition Officers posted in a district should not also be transferred within three years from a Land Acquisition Office ordinarily.

(4) The full establishment mentioned in sub-paragraph (1) above must not be employed as a matter of course. On the other hand, work can often be expedited and economy effected by the temporary increase of that portion of the staff for which for the time being there is excessive work; the object to be aimed at in considering what staff is suitable at any stage of the proceedings is that the Land Acquisition Officer shall be kept fully employed and that his progress shall not be delayed by arrears of clerical work, and at the same time that the subordinate staff shall not be so large that the Land Acquisition Officer will not be able to control it efficiently.

(5) As regards full establishment, no hard and fast rules can be laid down. As many surveyors as may be required and can be efficiently supervised by the Land Acquisition Officers should be employed and also two Chainmen for each surveyor. A Land Acquisition Officer will find it difficult to supervise the work of more than six surveyors. When it is necessary to employ more than six Surveyors at a time the number of Land Acquisition Officers should be increased. Trained surveyors should be employed. The Kanungoes who have been trained in the West Bengal Survey Institute, Bandel, will be most suitable for supervising the work of the surveyors, but if they are not available, other trained Kanungoes should be engaged. Ordinary local enquiries may be conducted by the surveyors. The 'draftsman' who is usually a good surveyor, may also be employed on urgent local enquiries when necessary. The Kanungoes should also be engaged to conduct local enquiries as and when necessary.

(6) As the number of court cases has increased a lot in each and every Land Acquisition Office, the Collector should take steps for establishing a Law Cell under the Special Land Acquisition Officer, comprising one Kanungo and the Reference Clerk dealing with reference petitions and court cases.

Special Officer
for large
projects.

177. When a large project is being undertaken and the requiring authorities desire to have the acquisition of land expedited, the Collector of the district will consider carefully how many additional Land Acquisition Officers are required and will make his recommendations to the Government immediately in that respect with proper justification. Ordinarily in such cases one Special Officer should not be in charge of acquisition of more than **five hundred acres** of land of the projects, but the number of Officers who can be deputed will depend on the availability of sufficient number of Officers with necessary experience. A list of officers qualified to work as Special Land Acquisition Officer is maintained by Government in the Land and Land Reforms Department and periodically revised. The Land Acquisition Officer should have some settlement back-ground.

Special Pay of
the Land
Acquisition
Officers.

178. The State Government may grant Special Pay to the officers appointed to function as Land Acquisition Collectors in the districts and in the Project Land Acquisition Offices. The rates of Special Pay for each category of officers may be fixed in consultation with the Finance Department.

Four hundred only per month. The Additional Land Acquisition Officers posted at the districts and in the establishment of a project office may be granted special pay at the rate of Rupees Two hundred fifty only per month.

Combination of offices of the Accountant and Cashier should be discouraged.

179. One and the same Clerk should not be both Accountant and Cashier or Nazir and the combination of the duties of bill drawing and the disbursing should not be allowed. In Land Acquisition establishment the Head Clerk should carefully supervise the work of other clerks and should satisfy himself by frequent inspection of records and registers that the correct procedures in work and the rules of accounts have strictly been observed. He should obtain from the Treasury at the end of each month a list of bills drawn by him, showing :

- i) No. of vouchers;
- ii) Dates of payments;
- iii) Nature of the bills;
- iv) Amount of the bills;

Security from the Nazirs in Land Acquisition Offices.

180. The clerks in Land Acquisition Offices who are functioning as the Head Cashier or the Nazir and who handles and disburses moneys received for pay bills, travelling allowances, contingencies, etc. must furnish security, which should be ten percent or Fidelity bond of the like amount, of the maximum amount likely to be in their custody at one time for such purposes. The Land Acquisition Officers in such office is responsible for sums drawn from the Treasury for disbursement to parties as compensation money jointly with the Cashier and must keep such money in safe custody. Special Land Acquisition Officer should normally be responsible jointly with the Cashier for the undisbursed amount of cash of different Land Acquisition Offices of his office.

Specific sanction required for entertainment of temporary establishment.

181. The Land Acquisition Offices in relation to special projects are normally temporary establishments. Whenever any temporary establishment is required for work in connection with acquisition of land for public purposes, the specific sanction of Government to its entertainment is necessary. The Collector of the districts are, however, empowered to retain temporary establishments under the Special Land Acquisition Officers without reference to the higher authorities subject to the existence of adequate budget provision for the purpose in the budget of the district concerned.

Estimates and final charges for establishment and contingencies.

182. (1) The Local authorities and Companies for whom land is acquired, are required to bear the charges of and incidental to acquisition. These charges should comprise the salaries, travelling allowances of the Land Acquisition Officer(s) and of the establishment, contingency charges including the forms and stationary, rent and municipal taxes for the rooms occupied by the Land Acquisition Office and Law charges incurred in conducting references and other litigations. Establishment charges and contingency charges are to be assessed on the non-State Government Land Acquisition cases as per slabs prescribed in G.O. No. 1330(2)-L.A. (II) dated 15-3-85, The cost of acquisition as mentioned in the said order means the total amount of compensation including each and every item of the estimate but does not include the Capitalized Value of Land Revenue. Law charges be similarly assessed as per G.O. No. 22(83)-L.A.(II) dated 6-1-91 of the Land and Land Reforms Department, Government of West Bengal. The term 'Valuation' mentioned in the order means the market value of land only of the estimate plus the 30% soiatium. [See Appendix—VII and VIII].

(2) As prescribed in paragraph 129 of Chapter X, the establishment charges, contingency charges, law charges and also the capitalised value of land revenue incorporated in estimates in Form 4A are deposited in "0029-L.R. Head" duly. The Land and Land Reforms Department of the State Government will make allotments for both the permanent and temporary establishments of Land Acquisition Offices for meeting the expenditures on salaries, travelling allowances and contingency charges etc. of the Land Acquisition Offices.

Payments how to be made and audited when land is taken up for a municipality or other public body.

183. In any case in which land is required for a municipality or other authority financially independent of Government, the Government may direct that the payments instead of being made and audited in the same manner as the ordinary payments of such authority, shall be made and audited as if the lands were being acquired for Government. If the Government issues such an order, the Collector or other officer who makes payments on account of the land acquired shall proceed in the manner as done in a case of acquisition of land by the Government. The municipality or other authority will pay the estimated cost of the compensation including the cost of establishment and contingent expenditures and litigation costs, if any, and also the capitalized value of land revenue to the credit of the Government in advance on such dates and in such instalments as the Government may direct, further payment to Government being required as and when necessary on higher valuation by the Court in advance. The Accountant General will deal the accounts and payments as prescribed in these rules debiting the payments against the advance received from the municipality or other authority against the sanctioned estimates in Form 4A.

Adjustment of cost of land required for a company or a local authority.

184. Whenever land is required for a purpose which is not strictly a Government purpose, as for a company or a local authority, the whole cost of acquisition including the establishment charges, contingency charges and law charges and also the capitalised value of land revenue should be charged to such company or the local authority.

Payment of compensation and of costs of acquisition how to be made when Government accepts as a donation, the cost of a scheme.

185. When Government accepts a donation from private body or individual or the purpose of acquiring land for a public purpose and it is intended that the land was to vest permanently to the Government, the donation will be credited to the Government as a receipt of the department concerned and the land will be acquired for Government and at the expense of Government. In such cases specific budget provision for the expenditure is required and accordingly the compensation is paid out of public revenues.

When proceeding for acquisition on behalf of local authority or company should commence and how the capitalized value of the land revenue should be accounted for.

186. In cases of acquisition of land on behalf of a company or a local authority financially independent of Government, when it is directed by Government that the payments, instead of being made and audited in the same manner as the ordinary payments of such company or local authority, shall be made and audited as if the lands were being acquired for the Government, proceedings shall not be commenced till the amount of the estimated cost of acquisition including the establishment charges contingency charges, law charges and the capitalized value of land revenue, has been paid either through Cheques or through Bank Drafts. In such cases, the capitalised value of land revenue should be calculated at thirty five times of the annual amount of land revenue assessed as per Government Order No. 5769(59)-L.A. (II) dated 20-10-88, even if the land is situated in rural areas. The calculation of establishment charges, contingency charges and law charges should be done in accordance with the existing Government Orders in vogue as prescribed in sub-paragraph (1) of paragraph 182.

Charges for temporary land acquisition establishment and capitalized value of land revenue recoverable from Central Govt.

187. Charges on account of temporary Land Acquisition establishment including contingency charges and law charges and capitalized value of land revenue are payable by the Railway and other departments of the Central Government when the land is acquired for them. The estimates prepared in Form 4A should include the charges for establishment, contingencies, litigations and the capitalized value of land revenue in accordance with the Government Orders in vogue as prescribed above. Such charges should, therefore, be included in the estimates for acquisition of lands for the Central Government.

Establishment charges, contingency charges and capitalized value of land revenue not to be realized from private institutions in certain cases.

188. The establishment costs, contingency charges and capitalized value of land revenue are not realized from private educational institutions, when land is acquired for them partly at their expense and partly at the expense of the Government in consideration of the fact that such educational institutions are not profit making concerns and that the land, after acquisition, vests absolutely in Government and is made over to the institution concerned only for occupation and use by means of a licence. All such charges mentioned above are also exempted in cases of similar acquisition on behalf of private medical institutions. This has, therefore, to be borne in mind while preparing estimates for the acquisition of land in such cases.

Payment of litigation costs from the contingent fund allocated for a land acquisition establishment in exceptional cases.

189. Normally the law charges realized against a sanctioned estimate are to be deposited in favour of the Government and all the litigation costs in respect of Land Acquisition cases should be paid by the Collector from the allotment of his Revenue Manshikhana made by the Government. In exceptional cases only, the Collector may allow payment of litigation costs from the contingent fund allocated by the Government for the Land Acquisition Establishment.

Disbursement of costs under sections 4 and 8.

190. The Collector should disburse all costs of measurements under section 8 and costs incurred in field works under Section 4 from the contingent fund allotted by the Government for the Land Acquisition Establishment concerned.

Adjustment of cost of Irrigation Department lands made over to Railways.

191. When any land belonging to the Irrigation Department is made over to the Railway, its full market value at the time of transfer alongwith the capitalized value of land revenue should be credited by the Railway Authority in favour of the receipt head of accounts of the Irrigation and Waterways Department. The similar actions should be taken in case of transfer of lands of different departments of the State Government to the Railway Authority.

Procedure for the resumption of Government land leased out on terms providing for its resumption for a public purpose without payment of any compensation for the land itself.

192. The following instructions are to be observed in resumption of Government land leased out on terms which provided for its resumption for a public purpose without payment to the lessee of any compensation for the land itself. When such land is required for a Railway or for any other commercial department for which regular Capital and Revenue Accounts are kept the full market value is to be realised from the railway or the department for which the land is required. The explanation "full market value" in these cases will be interpreted as including the value of all interests in the land other than the proprietary interest of Government. In such cases the lessee not being entitled to any compensation for the land under the terms of the lease, the whole of the valuation should be credited to the Government to that head to which the sale proceeds of such land would be creditable. When such land is required for any department of the State Government other than a commercial department, it will be resumed and transferred to the requiring department free of charge, unless compensation is due under the terms of the lease for any improvement made by the lessee in which case the requiring department will bear the cost of such compensation.

CHAPTER—XVIII

RETURNS

Periodical
returns.

193. The following returns are to be submitted periodically by the Land Acquisition Officers. The returns are to be collected by the Special Land Acquisition Officers and submitted to the Collectors of the districts after necessary compilation. The Collectors will arrange to transmit those returns to the Government in the Land and Land Reforms Department and to the Divisional Commissioners concerned.

Monthly
Returns

(1) Monthly returns are to be submitted by all the Land Acquisition Officers showing the progress in taking up lands for public purposes in the district during a particular month. Returns of all the Land Acquisition Officers of a particular Land Acquisition establishment should be compiled by the Special Land Acquisition Officer of the establishment and submitted to the Collector of the district after necessary compilation in Form 29. It should be noted that the monthly returns should be submitted to the Collector not later than the fourth of the month succeeding the month covered by the return. The Collector should send the monthly returns to the Commissioner and the Government in the Land and Land Reforms Department not later than 10th of the succeeding month. In submitting the return the Collector should invariably note in the column of remarks whether the work is progressing at such a rate as to offer a fair prospect of its completion within the time originally estimated. The Collector should further note that whether the performances of the Land Acquisition Officers were satisfactory or not. It should be further noted that the Land Acquisition proceeding where final payments have been made and possessions have been delivered should not come under the purview of the monthly return.

Quarterly
return.

(2) All the Land Acquisition Officers should submit quarterly returns in Form 30. The Special Land Acquisition Officer of the establishment should compile those quarterly returns and submit it to the Collector of the district who in turn will send the compiled quarterly return to the Government in the Land and Land Reforms Department and to the Divisional Commissioner concerned. In submitting the quarterly returns it should be noted that the Land Acquisition Officers should submit their quarterly returns by the second of the succeeding month to the quarter to which the returns relate. After compilation the Special Land Acquisition Officer should submit the quarterly return of a particular quarter to the Collector by the fourth of the succeeding month to the quarter to which the return relates. The Collector should send the quarterly returns of his Land Acquisition establishment to the Government in the Land & Land Reforms Department and to the Commissioner concerned by the 10th of the succeeding month to the quarter to which the returns relate. The Collector should note in the remarks column of the return whether the progress of work and the performances of a Land Acquisition Officer are satisfactory or not. It should be further noted that if the final report in connection with the proceedings in any case has been submitted by the Collector to the Commissioner, a note to that effect should be made against the Land Acquisition proceedings of the project concerned in the column of remarks. When the proceedings have been confirmed the project should be struck out of the returns.

Annual return.

(3) Annual statement showing the progress made by the Land Acquisition Officers is to be submitted in Form 31. Those returns should be submitted annually showing for each officer the amount of

work which he had to do during a Calendar year and the amount done during the year. As the work of any particular project or part of a project may be of a specially troublesome nature, any special difficulties with which Land Acquisition Officer had to deal with should be furnished in an explanation sheet attached to the return. The return showing the work of an officer solely employed upon the duties of land acquisition or those showing the progress of land acquisition work made by an officer who, in addition to his land acquisition duties, is employed in the general line, should be submitted to the Government in the Land and Land Reforms Department and to the Commissioner of the division with specific notes to that effect and the Collector of the district should keep it in mind while assessing the performances of the Land Acquisition Officers.

Submission of annual return.

(4) The Special Land Acquisition Officer should compile the annual returns after collecting those from the Land Acquisition Officers of his establishment and submit the compiled annual return in Form 31 to the Collector within a fortnight of the succeeding month to the Calendar year i.e. by 15th of January each year positively.

Quarterly return for progress made in temporary occupation under section 35 of the Act.

194. (1) The statement of progress made in temporary occupation of land under section 35 of the Act for public purposes should be submitted quarterly in all cases. The quarterly return for the land acquisition proceedings related to temporary occupation of land should be submitted in Form 32. The report should be sent to the Commissioner and the Government in the Land and Land Reforms Department by the Collector of the district.

(2) The Special Land Acquisition Officer should submit the return by the 4th of the month succeeding the quarter to the Collector, who will send it to the Commissioner and the Government in Land and Land Reforms Department not later than the 10th of that month. Alongwith the statements of the Special Land Acquisition Officer he should send a concise account of the kind of work which has been principally engaging his attention during the month, the data on which he is calculating or proposes to calculate compensation and any other information of interest. Where a decision is given by the Civil Court affecting rates over a large area or in a number of Land Acquisition cases involving large amount of compensation, the grounds on which the Court proceeded, should be briefly stated and the actions taken on filing the appeals should also be mentioned. Similar information should also be appended to the statement of quarterly returns in cases of permanent acquisition also.

Special rules for Calcutta Land Acquisition Officers.

195. The progress-returns showing the work done by the Land Acquisition Officers of Calcutta for the Calcutta Improvement Trust and the Calcutta Municipal Corporation will be submitted to the Government in the Land and Land Reforms Department. For the cases of Improvement Trust the returns will be submitted quarterly and annually in Forms 33 and 34 and for cases of Calcutta Municipal Corporation they will be submitted quarterly and annually in usual Forms 30 and 31. Returns of all other projects will be submitted to the Commissioner of the Presidency Division in accordance with the paragraph 193.

CHAPTER—XIX

MISCELLANEOUS

Determination of interested person(s) of an acquired land of a deceased Hindu owner and his/their respective share(s)-
Corrections of Land Schedule and provisions of Hindu Succession Act, 1956, thereof.

196. (1) The Land Acquisition Officers are to work on the Land Schedule prepared on the basis of the Records of Right finalized at any point of time. But the finally published Records of Right of the present L. R. Settlement may not always give the current ownership of the land being acquired due to death or transfer of or by the recorded owner. Determination of the interested person or persons in respect of a deceased owner may be made under the provisions of the Hindu Succession Act, 1956, when the deceased recorded-owner was a Hindu, and corrections of the Land Schedule of a land acquisition proceeding and apportionments of share(s) amongst the legal heirs thereof, are to be made accordingly.

(2) Some important Sections of the Hindu Succession Act, 1956, which are relevant to the determination of interested person(s) of a land acquired are appended herewith in Appendix X for guidance. There may be some critical cases which cannot be solved with the provisions of those sections only. The Land Acquisition Officers should have legal advice in such cases.

(3) The share of each interested person in respect of any acquired land of a deceased owner, who was a Hindu, should be determined in accordance with the provisions of the Hindu Succession Act, 1956.

Determination of interested person(s) of an acquired land of a deceased Mahomedan-owner and his/their respective share(s)-
Corrections of Land Schedule and provisions of Mahomedan Law thereof.

197. (1) Determination of interested persons and their respective shares thereof of any land acquired or to be acquired, of a deceased recorded owner, who was a Mahomedan is to be done as per formula enunciated in Appendix XI, XIA, XIB and XIC.

Calculation of individual share of an interested person in traditional units.

198. The Records of Right finalized in the Revisional Settlement of 1955 A.D. (1362 B. S.) of the State were prepared showing therein the shares of different land-owners in traditional units such as Taka, Anna, Ganda, Karha, Kranti and Til etc. As the Records of Right of the current Settlement are yet to be finalized throughout the State and the Land Acquisition Officers will have to work on the basis of the Records of Right of the Revisional Settlement of 1362 B.S., a table showing the calculation of shares of different interested persons in respect of land acquired or to be acquired is appended in the manual under Appendix XII for guidance of Officers.

Payments of Compensation to legal heirs of a deceased awardee.

199. After award has been declared and filed under section 12(1) of the Act, if an awardee dies, the payment of compensation to the legal heirs of the deceased awardee is made either jointly or separately in proportion to their respective shares, subject to the conditions as laid down in G.O. No. 47(36)-L.A. (PW)/1M-107/75 dated 12-1-76 which envisages that Succession Certificate under the Indian Succession Act, 1925 (Act XI of 1925) will be required when the amount of award exceeds Rs. 5,000/- only. A copy of the said Government Order is appended in Appendix XIII. The Land Acquisition Officers should follow the said order in payments of the awards of deceased awardee to their legal heirs.

Compensation awarded to minors and lunatics to be paid.

200. The Land Acquisition (West Bengal Amendment) Act, 1964 (the W. B. Act XXIV of 1964), has inserted the Section 32A in the Land Acquisition Act, 1894, for payments of awards of minors and lunatics. If, according to an award made by the Collector under this Act, the person interested is entitled to any compensation or costs awarded, then the Collector shall have the power to pay the amount of such compensation or costs before it is deposited in the Court under sub-section (2) of Section 31 or it may be paid by the Court after it is so deposited but before it is invested under Section 32 of the Act :

(a) where the awardee or the payee is a minor, to the guardian of the minor and

(b) where the awardee or the payee is a lunatic, to the manager of the estate of the lunatic appointed under Indian Lunacy Act, 1912;

Provided that except in the case of the following classes of guardians, that is to say,—

i) a natural guardian,

ii) a guardian appointed by the will of a minor's father or mother,

iii) a guardian appointed or declared by a Court, and

iv) a person empowered to act as and exercise the powers of Guardian by or under any enactment relating to the Court of Wards,—no payment as aforesaid shall be made unless the guardian furnishes security in accordance with prescribed rules.

Time-schedule for Land Acquisition Proceedings.

201. (1) After amendments of the Land Acquisition Act, 1894, the declaration under section 6 shall be published in respect of any particular land within one year from its date of publication of notification under sub-section (1) of section 4. The section 6 of the Act contemplates that the period between the date of notification and the date of declaration as envisaged in sub-section (2) of section 6 of the Act in respect of any particular land shall not exceed one year. Similarly, section 11A of the Act mandates that award in respect of the land under section 11 of the Act shall be made within a period of two years from the date of publication of the declaration and if no award is made within that period the entire proceeding for the acquisition of the land shall lapse. In computing the period of two years, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.

(2) Considering all aspects of the amended provisions of the Land Acquisition, 1894 a time schedule is prescribed in Appendix XIV which should be followed strictly and suitable arrangements made by the Collectors to monitor the cases appropriately to ensure that no land acquisition case does lapse.

CHAPTER—XX

**APPLICABILITY OF THE PRESENT MANUAL TO THE
WEST BENGAL LAND (REQUISITION AND ACQUISITION)
ACT, 1948**

Salient features
of the West
Bengal Land
(Requisition
and Acquisition)
Act, 1948.

202. (1) The West Bengal Land (Requisition and Acquisition) Act, 1948, i.e., the West Bengal Act II of 1948, is an act to provide for the requisition and 'speedy' acquisition of land for certain purposes. The purposes are enumerated as follows :

(a) Maintaining supplies and services essential to the community.

(b) Providing proper facilities of transport, communication, irrigation or drainage;

(c) Creating better living conditions in rural or urban areas (not being an area within the Corporation of Calcutta or any industrial or other area excluded by the State Government by a Notification); and

(d) Construction and re-construction of dwelling places for people residing in such area.

(2) The lands needed by the Requiring Department are requisitioned first. This requisition precedes acquisition. There is no time limit as to the period of requisition.

(3) This Act is only applied for the purposes mentioned above. Land proposed to be acquired for Companies and Societies cannot be acquired under this Act.

(4) The Act empowers the Collector to requisition any land for the purposes mentioned above excepting lands used for the purpose of religious worship or by a charitable or educational institution. These lands are, therefore, outside the scope of requisition or acquisition under this Act.

(5) No objection can be preferred against requisition by the Collector under the Act. In case any person fails to comply with the order of the Collector to deliver possession, the Collector can enforce delivery of possession through Magistrate or Police.

(6) The principal points of procedural system followed for requisition and acquisition of lands under this Act are briefly outlined below :

Preliminary
Investigation.

i) On receipt of the proposal from the Requiring Department a proceeding is started. A local enquiry is held by the Land Acquisition Officer to ascertain whether the proposed requisition or acquisition would disturb the normal avocation of any person.

Issue of
Requisition
Order.

ii) The Collector then issues the requisition order under sub-section (1) of section 3 of the Act. Land schedule are prepared by the field staff and checked by the Supervising Officers. Then notices under sub-section (2) of the section 3 of the Act are issued on the interested persons.

Possession of
requisitioned
land.

iii) After service of Notices under section 3(2) possession is taken over from the land-owners and occupiers and made over to the Requiring Department. Thus delivery of possession is 'Speedy' and does not have any time-lag as it exists in the Act I of 1894.

Requisition
Compensation
and 80%
advance (on
account)
payment
towards
Compensation.

iv) Compensation for requisition phase i.e. the period from the date of taking over possession to the date prior to the date of vesting, that is, the date of publication of notice under sub-section (1a) of section 4 of the Act, is paid under sub-sections (3) and (4) of section 7. Under section 8B of the Act provision has been kept for 80% ad hoc-advance payment of compensation at any time between the date of taking over possession and the date of publication of notice under Section 4(1a). Two separate estimates are drawn, one for the requisition period and the other for the acquisition period. The requisition period starts from the date of taking over possession and ends on the date prior to the date of publication of notice under section 4(1a) of the Act. The acquisition period starts from the date of publication of such notice and ends on the date of payment of the award.

v) When any requisitioned land under this Act, be not followed up by acquisition under the provision of this Act, it may be released from requisition and its possession is restored to its owner. Compensation for this temporary occupation will have to be paid to its owner.

If the requisitioned lands are not released, the lands shall be acquired after publication of Notices in the Official Gazette under sub-section (1a) of Section 4 of the Act. The lands on and from the beginning of the day on which the notice is so published vest absolutely in the State free from all encumbrances.

Hearing for
determination
of interested
persons and
their shares
etc.

vi) Notice under sub-section (1) of Section 5 of the Act inviting claims and objections are published at convenient places of the locality after publication of the notice under section 4(1a) giving at least fifteen days time for lodging claims and objections in regard to interest etc. Individual notices are also served under sub-sections (3) and (4) of section 5 either personally or by registered post. Hearing under sub-section (2) of section 7 is conducted to ascertain the true land losers and to settle the compensation.

Acquisition
Compensation.

vii) The determination of compensation for acquisition under sub-sections (1) and (2) of section 7 follows the principles as enumerated in Section 23 of the Act I of 1894, excluding the provisions of sub-section (1A) of section 23 of the Central Act. Market value of land for computing compensation, is determined on the date of vesting, i.e., on the date of publication of notice under section 4(1a) of the Act in the Calcutta Gazette. Interest on the acquisition compensation is paid from the date of vesting to the date of payment @ 9% per year for the first year and @ 15% per annum for subsequent years till the payment is made.

viii) The award is prepared after the receipt of the sanction of the estimates and placement of funds on the basis of approved estimates and approval of Govt. is to be obtained when the amount of the award exceeds 5 lakh.

ix) Requisition Compensation is also apportioned and awarded separately in the same Award-Statement. After the award is declared and filed, the notices for payments are issued.

Payments of
awards.

x) Awards upto Rs. 2,000/- are paid in cash and those above Rs. 2,000/- are paid by Personal Ledger Account Cheques issued in favour of the awardees concerned. Payments are mainly made in the locality. Unpaid awards are deposited in the Revenue Deposits at the Treasury concerned and awards related to 'Debottar' and 'Pirottar' properties are deposited in the Court of the District Judge for payments of those awards to the interested eligible persons by the Court through required legal process.

However, the sebaits of a trust or endowment other than that of a public nature may all be treated to be raiyats and L.A. Compensation may be paid to them.

De-requisition
of land.

xi) There is provision for the de-requisition in the West Bengal Act II, 1948 of a land already requisitioned. Draft de-requisition order under section 6 is forwarded if the lands are not required for permanent acquisition to the appropriate Government alongwith the names of the interested persons and relevant particulars of the lands thus to be de-requisitioned for the confirmation of the Government. On receipt of the said confirmation order, notices are issued to the owners individually and then their lands are formally restored to them.

Factors
considered in
determining
Requisition
Compensation.

xii) Compensation for the requisition period in such cases for use and occupation of land is calculated taking the following factors into consideration :

- a) A rental compensation;
- b) Crop Compensation, if any;
- c) Compensation for fruit bearing trees, if any;
- d) Damage to land restoration cost.

Major
differences
between the
West Bengal
Act II, 1948
and the Act I,
1894.

203. (1) Under section 8B of the State Act immediately after taking possession of requisitioned land an estimate is made about the amount which is likely to be determined under sub-section (1) of section 7, as compensation for acquisition of such land and a Summary inquiry about the person or persons interested in such land is done and after taking such security as it may think fit and proper, payment is made to such persons as advance on account payment towards compensation upto eighty per centum of the aforesaid amount.

This is not an award and as such approval of Govt. is not necessary before payment provided that the estimate has been duly sanctioned by the appropriate authority and funds have been placed at the disposal of the Collector. The un-disbursed amount should not be kept in Revenue Deposit or tendered in the Court or returned to R. B. but should be kept in the P. L. Account of the Collector for utilizations against final payment. For the purpose of giving 80% payment forms prescribed for the Award may, however, be used and form CC may be used for acquittance.

(2) Amount of compensation for land so acquired is determined under Section 7(1) of the State Act. According to the said section the amount of compensation is determined by the Collector in the manner and in accordance with the same principles set out in sub-sections (1) and (2) of section 23 of the Central Act. But additional Compensation @ 12% per annum on the market value of the land as provided in the sub-section (1A) of Section 23 of the Central Act, is not payable under the State Act, which does not have any provisions to determine the date of publication of notification. It has only the date of publication of notice under section 4(1a) after which the land vests absolutely to the State. Market Value of land is determined on the date of publication of notice under section 4(1a) of the State Act, whereas such market value is determined taking the reference date as the date of publication of notification under the Central Act.

(3) Besides payment of Acquisition Compensation to the entitled interested person payment is made for requisition of land and for any damage done during the requisition period, i.e., from the date of possession to the date prior to the date of publication of notice under

Appl:
differ
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Act I

section 4(1a), as provided under section 7(3) of the State Act. The said requisition compensation is determined in the manner set out in sub-section (4) of Section 7 of the State Act.

Applicability of different procedure prescribed in previous chapters, to a Land Acquisition Proceeding under the WB Act II, 1948.

204. Though there are some basic differences between the Land Acquisition Act, 1894 and the West Bengal Land (Requisition and Acquisition) Act, 1948, the procedure prescribed in previous chapters of the present manual are applicable to the State Act also to a large extent with some modifications in certain cases. The extent of applicability of those procedure to a Land Acquisition proceeding under the West Bengal Act II, 1948, is stated below in brief.

In Chapter-I

(1) In Chapter I the formation and functions of the Site Selection Committee and the Screening Committee have been prescribed. Those are equally applicable to a Land Acquisition Proceeding under the West Bengal Act II, 1948. Acquisitions of land for Industrial Concerns under section 38A, for companies under sections 39 to 42 of the Act I, 1894, for private institutions through local bodies and for public institutions are normally done under the Land Acquisition Act, 1894. The forms prescribed in the chapter may be used in Land Acquisition Proceedings under the W. B. Act II, 1948, with necessary modifications to suit the purpose.

In Chapter-II

(2) Preliminaries, as described in chapter II, are mostly applicable to the Land Acquisition Proceedings under the W. B. Act II, 1948. A Reconnaissance Notification can be published under section 9 of the State Act but the format to be used for the purpose may be prepared after necessary modification of Form 2: Almost the same format can be used for Preliminary Investigation Reports in both the Acts. There is no scope of notification in the State Act. But order of requisitioning land under sub-section (1) of section 3 of the said Act is to be issued in Form 1 under Rule 4 of the West Bengal Land (Requisition and Acquisition) Rules, 1948. Combined Registers are used for different entires related to a Land Acquisition Proceeding under the W.B. Act II, 1948 instead of the Register in Form 4 as prescribed in the Chapter. Requisitioning order are neither published in the Official Gazette nor in the daily newspapers.

In Chapter-III

(3) Estimates for 80% advance on account payments under section 8B of the State Act are to be prepared and sanctioned by the Competent Authority before issue of requisitioning order so that the Requiring Authority can place the required fund for such payment, before the lands are requisitioned. Form 4A can be used for preparation of such estimates with necessary modifications. Estimates for final payments under section 7 of the State Act are to be prepared after the publication of notice under sub-section (1a) of section 4 of the State Act in the Calcutta Gazette. Separate estimates are to be prepared for acquisition and requisition Compensations. Form 4A and Form 4B may be used for preparing such estimates with necessary modifications and in determining the total amount of the estimate, estimates prepared in 4A & 4B should be taken together and sanctioned by the Competent Authority. But preparation of these estimates will mainly follow the procedure prescribed in Chapter-III. There is no scope of declaration in the State Act. After requisition of the land, possession of it is taken over and handed over to the Requiring Authority. Arrangements are made for publication of notice under section 4(1a) of the State Act in the Official Gazette and 80% advance on account payments towards compensation of land. Form 2 has been prescribed for notice under sub-section (1a) of section 4 of the State Act in the West Bengal Land

(Requisition and Acquisition) Rules, 1948.

In Chapter-IV & In Chapter-V

(4) Almost all the procedures prescribed in chapters IV and V should be followed in a Land Acquisition proceeding under the State Act.

In Chapter-VI

(5) The procedure for issue of notices and enquiry thereof will almost be similar to that prescribed in chapter VI. But public notices for determination of interested persons and their interests thereof in respect of an acquired land under sub-section (1) and special notices under sub-section (3) of Section 5 of the State Act are issued in Forms 3 and 4 respectively as prescribed by the West Bengal Land (Requisition and Acquisition) Rules, 1948. In preparing the award same principles as laid down in chapter VI should be followed. Various forms prescribed in the chapter are to be used also in a Land Acquisition proceeding under the State Act, with necessary modifications to suit the purpose. The Award Statement should also include the requisition compensation duly apportioned in case of the State Act. In determining the acquisition compensation under W.B. Act II, 1948, all the principles as laid down in section 23 of the Land Acquisition Act, 1894, excepting the provisions of the sub-section (1A) of the section but including all the amendments incorporated in the section by the State Government, which are in vogue, shall be followed in toto.

In Chapter-VII

(6) The procedure for reference to the Civil Court as prescribed in Chapter VII should be followed entirely in such cases of references related to Land Acquisition Proceedings under the State Act. The forms prescribed therein should also be used in cases processed under the State Act after a few necessary modifications. Reference to Court relates to Section 8 of the State Act which also mandates that where there is any disagreement with regard to Requisition Compensation payable under sub-section (3) of the section 7 between the Collector and any person interested in compensation, the matter shall also be referred.

In Chapter-VIII

(7) Provisions of chapter VIII are almost applicable to a Land Acquisition Proceeding under the West Bengal Act II, 1948. The format related to the Chapter should be used for Land Acquisition Cases processed under the said Act after suitable modifications.

In Chapter-IX

(8) In the State Act as there is no provision of temporary occupation as prescribed in Sections 35 to 37 of the Land Acquisition Act, 1894, the chapter IX has no applicability to Land Acquisition Proceedings under the West Bengal Act II, 1948. But this Act provides scope for release of any land requisitioned with the intention of acquisition it. Section 6 of the Act has prescribed procedure for release from requisition elaborately.

In Chapter-X

(9) All the procedure detailed in chapter X for payment of compensation will be applicable to the Land Acquisition Proceedings under the W. B. Act II, 1948. The forms prescribed therein should also be used in such proceedings with necessary modifications to suit the purpose. In addition, 80% advance on account payments are made towards compensation of acquired land under section 8B of the State Act as described in para 203(1). The interest is payable for the undisbursed portion of the amount irrespective of 80 p.c advance payment was tendered or not.

In Chapter-XI

(10) Possession of land is taken over and delivered just after the requisition under sub-section(1) of section 3 of the W.B. Act II, 1948. Same procedure as prescribed in chapter-XI are followed during such taking over and delivery of possession of any land. Only one type of possession is there and the State Act does not provide any scope of possession as done under section 17 of the Act I, 1894. It is not needed in the State Act also as possession in the Act precedes acquisition and just succeeds requisition.

In Chapters-XII to XIV

(11) Allmost all the procedure described in the chapters from XII to XIV should be followed in the Land Acquisition Proceedings under the West Bengal Act II, 1948. The forms appended with those chapters also can be used after minor modifications in case of proceedings under the State Act.

In Chapters-XV to XIX

(12) The procedure for disposal of surplus land acquired under the State Act should be almost similar to the procedure prescribed in chapter XV. It is to be kept in mind that in the W.B. Act II, 1948, the Land does not vest absolutely to the State on taking over possession, but it does so on the date of publication of notice under section 4(1a) of the Act in the Calcutta Gazette. Requisitioned land, possession of which has already been taken, can be de-requisitioned or released from requisition. When any land requisitioned under section 3 is not acquired and is to be released from requisition, the State Government may, after making such inquiry, as it considers necessary, specify by order in writing the person who appears to it to be entitled to the possession of such land.

Procedure prescribed in Chapters XVI to XIX will almost be applicable to Land Acquisition Proceedings under the West Bengal Act II, 1948. Suitable modifications of the forms appended to those chapters are necessary in some cases.

Time-Schedule
for a Land
Acquisition
Proceeding
under the West
Bengal Land
(Requisition
and
Acquisition)
Act, 1948.

205. The West Bengal Land (Requisition and Acquisition) Act, 1948, prescribes no time limit for completion of any proceeding under the Act. The delay in completion of any proceeding not only increases the total expenditure on requisition and acquisition compensations for accumulation of interests etc., but the project cost also increases if the land is not actually available by a stipulated period. Execution and completion of development schemes are delayed and thus it imposes extra-burden on the State Exchequer. To mitigate all these problems, timely completion of any Land Acquisition Proceeding under the Act is absolutely necessary. A time schedule for different stages of a Land Acquisition Proceeding under the West Bengal Land (Requisition and Acquisition) Act, 1948, is appended in Appendix No. XV. The Collectors should follow the time-schedule strictly and necessary arrangements should also be made by them to monitor the cases appropriately in pursuance of the said time-schedule.

CHAPTER—XXI

INSPECTION

Inspection of
land
acquisition
offices by
Collectors and
Commissioners.

206. Government attach importance to the regular inspection of the offices of officers entrusted with the duties of land acquisition by the Collector, Divisional Commissioner and Government. Such inspection of the proceedings of the officers in the general line are governed by the usual rules regulating the inspection of Collectorates and Sub-Divisional offices ; but in absence of other specific orders, it is necessary to lay down that the offices of the Special Land Acquisition Officers should also be usually inspected by Collectors at least once in a year, by the Commissioners and Government at such intervals as may be convenient. The notes of inspections made by the Collector and the Divisional Commissioner should be submitted to the Commissioner of the division and the Land and Land Reforms Department respectively.

Inspection
question.

207. The following is a list of questions for the inspection of Land Acquisition Office.

GENERAL

(1) Who is the Special Land Acquisition Officer and how long has he been in charge of the establishment ?

(2) Who are the Additional Land Acquisition Officers and how long they are working as such in the district ?

(3) What is the establishment employed ?

Is the Work properly distributed and are all members of the staff fully employed ?

(4) What are survey qualification of the Land Acquisition Officers, Kanungoes, Surveyors.

PART - I

(For Act I L. A. Cases)

i) Procedure from preliminary to declaration.

(5) Examine the procedure which is followed on receipt of a requisition for plan and estimate. What requisitions are pending ? Have any been unduly delayed ? Does the Land Acquisition Officer fix dates and see that they are adhered to ?

(6) What procedure is followed by the Land Acquisition Officer for ascertaining from the Registration Office and recording for references the sale prices of land ? If the Land Acquisition Officer does not obtain the information by personal examination of register and documents by whom it is obtained, and to what extent is the work checked by the Land Acquisition Officer ?

(7) Is the ascertained sale price per acre worked out and recorded and is readily available for use when references are made to the Civil Court ?

(8) In preparing estimates does the Land Acquisition Officer consult settlement records ?

(9) Does the Land Acquisition Officer consult the Collector when preparing the estimates in important cases and does he submit full information at the time of doing so ?

(10) Does the Collector keep himself informed in the building projects of various departments of Government with a view to arranging for the acquisition of compact blocks of land where this will be convenient ?

(11) Does the Collector personally attend the meeting of the Site Selection Committee constituted as per Appendix-II of the Land Acquisition Manual ?

(12) Does the Collector or the Additional District Magistrate in charge of Land Acquisition personally attend the meeting of the Screening Committee constituted as per Appendix III of the Land Acquisition Manual ?

ii) Procedure from declaration to award.

(13) What method is followed in dividing a project into several Land Acquisition cases and does it admit a definite valuation of the interest of each person interested ?

(14) Are order sheets prepared for each separate case record ? Are they written up regularly ? Are dates fixed and adhered to ? Do the order sheets show that the persons interested had facilities for knowing the dates to which enquiries have been adjourned ?

(15) Do the order sheets show the dates on which the persons interested were concerned with the notices under section 9(3) and which of the persons interested have appeared under section 12(1) and whether they have accepted the award under section 18(1) and agreed as to the apportionment under section 29 ?

(16) Do the awards show that compensation has been apportioned among all the persons known to be interested ? If in any case the compensation due to two or more parties has been lumped together for what reason did the Land Acquisition Officer neither decide on the apportionment nor make a reference under section 30 ?

(17) Do the records show that the claimants have had reasonable opportunities for representing their claims and having them investigated? Do they show the grounds on which the Land Acquisition Officer based his awards ?

(18) Has the local authority or company requiring the land been informed of the dates fixed for enquiry and has it had opportunity to appear and contest claims and produce evidence as to the value of the land?

(19) Do the awards include the compensation for Bargadars, if any, of the lands covered by the awards ?

(20) What principles are followed in valuing houses and other structures ?

(21) Are notices of awards issued promptly under section 12(2) to the persons who are neither present nor represented when the awards are made ?

(22) Whether 80% payments have been made before taking possession under section 17 ?

(23) Whether the declaration of awards has been done within two years from the date of publication of declaration in every case and whether any case has lapsed as per section 11A of the Act? Whether approval of Engineer wherever necessary has been ascertained before declaration ?

(24) On what principles is compensation assessed for temporary occupation ?

iii) Procedure after the award.

(25) Does the Land Acquisition Officer wait for making payments after the expiry of the time for reference and when payments are due does he make them promptly ? Are payments made locally when this is desirable ?

(26) Has any compensation money been placed in revenue deposit which with proper diligence might have been paid to the parties to whom it is due ?

(27) Is there any undisbursed money with the Land Acquisition Officer or elsewhere ? if so, has any delay occurred in disbursing the same, which with proper diligence might have been avoided ? What check does he exercise in avoiding such delays ?

(28) Whether establishment, contingent, law charges and capitalized value of land revenue have been deposited duly in the proper head of accounts ?

(29) Does the Land Acquisition Officer ever alter his award after he has made it and if so, what is the explanation ?

(30) Have references under section 18 been made promptly and have the particulars required by section 19 been fully entered ?

(31) Have references frequently resulted in an enhancement of the award, If so, examine the records carefully and ascertain whether this is due to the case not being properly represented before the Judge, or to deficiencies in the information contained in the Land Acquisition Officer's record, or to under-valuation or wrong principles adopted by the Land Acquisition Officer ?

(32) Has any application for references been refused ? If so, examine the application and see whether the refusal was legal ?

(33) When the requiring authority is a Local Authority or Company is notice given to it when a notice is received under section 20 ?

(34) When costs have been decreed to Government in reference cases has the Land Acquisition Officer taken proper steps to realize them and are there any costs long outstanding ?

(35) Have payments been made promptly when the Judge has enhanced award so as to avoid accumulation of interests ?

(35) Whether appeals have been preferred against the order of enhancement of the award by the Judge in the proper Court timely ?

iv) Miscellaneous

(37) Has any land been temporarily occupied under the order of the Land Acquisition Officer under section 35 for a period exceeding three years and if so, under what circumstances ? On expiration of the term of temporary occupation is possession invariably restored formally to the person interested therein ?

(38) Are enquiries under section 40 held in conformity with the terms of that section ?

(39) Are the Forms of agreements under section 41 approved by the Government before being executed by the Companies concerned ?

(40) Have there been any cases in which Government has

withdrawn from acquisition of land after possession has been taken ? If so, did all the persons interested agree ? Was care taken that the raiyat or his legal heirs were restored to their former positions ?

(41) Has the acquisition of any land been stayed on account of the objection of an owner to the acquisition of part of a building ? If so, did the objection specifically state that the owner desired the whole building to be acquired and was the objection made before the award ? Has the Land Acquisition Officer refused to refer such a case to the Civil Court and if so, on what grounds was his refusal justified ?

(42) Are statements of abatement of land revenue submitted regularly in duplicate in Form 18 to the District Land and Land Reforms Officer for taking necessary action at his end ?

(43) As soon as awards are made and possession taken are certified copies of the Surveyor's Plans showing the lands actually acquired, prepared and furnished to the requiring authorities ?

(44) Has the over-lapping register been prepared duly ?

(45) Are the following registers maintained duly ?

a) Register of application for acquisition (Form 4).

b) Register No. 5 (Form 11).

c) Register of reference cases (Form 17A).

d) Project register (Form 28).

(46) Has there been any delay in the preparation of final reports and in the deposit of records in the record-room ? If so, what are the causes ?

(47) Are the registers related to transactions of cash and payments in P. L. Account cheques being maintained properly ? Note the observations for improvement for maintenance of these registers, if required. ?

(48) Are the P. L. Account Cash Book and the General Cash Book being maintained separately ? If not, what are the reasons ? Whether the Special Land Acquisition Officer verifies the cash balance physically on the last working day of a month and endorses necessary certificates on the cash books regularly ?

(49) Whether the balance in the P.L. Account Cash Book and the P.L. Account Pass Book maintained at Treasury are reconciled quarterly?

(50) Has necessary action been taken on all points raised in the last inspection notes of the Commissioner or the Collector or the Special Land Acquisition Officer ?

Part-II

(For W. B. Act II LA Cases)

i) Procedure from preliminary to possession.

(1) Examine the procedure followed on receipt of plan and land schedule from the Requiring Authority. How many proposals are pending ? Has any been unduly delayed ? Does the Land Acquisition Officer fix dates and see that they are adhered to ?

(2) Whether verification of the land schedule is done properly with the Over-lapping Registers ?

(3) Does the Collector personally attend the meeting of the Site Selection Committee Constituted as per Appendix-II of the present Manual ?

(4) Does the Collector or the Additional District Magistrate in charge of Land Acquisition personally attend the meeting of the Screening Committee constituted as per Appendix-III of the present Manual ?

(5) Are the Land Acquisition Cases entered duly in the Combined Register ? Is there any undue delay in starting a case ? If so, what are the reasons ?

(6) Are the collection of copies of R.O. Rs & verification of the vesting of lands in the office of the B.L. & L.R.O. concerned done properly ?

(7) Whether the preparation and approval of the Preliminary Investigation Reports are done timely ?

(8) What procedure is followed by the Land Acquisition Officer for ascertaining from the Registration Office the Sale-prices of Land ? To what extent the work is checked by the Land Acquisition Officer concerned ?

(9) Is the ascertained sale-price per acre worked out and recorded and is the information readily available for use when references are made to the Civil Court ?

(10) How the estimates for 80% advance on-account payments are prepared ? Whether sanction of the appropriate authority is obtained ?

(11) Is there any delay in sanctioning the estimates by the higher authorities ? If so, what are the reasons ?

(12) Does the Requiring Authority place the fund timely ? If not, who are the regular defaulters ?

(13) Is the possession of land taken over within the prescribed time limit after the receipt of the fund from the Requiring Authority ? Is there any delay ? If so, what are the reasons ?

(14) Are the structure-lists and trees-lists prepared timely and is possession of land handed over to the Requiring Authority along with such lists of structures with measurements and of trees with necessary specifications ?

(15) Does the Land Acquisition Officer personally verify all the measurements of structures and specifications of trees before handing over possession ?

ii) Procedure from 80% advance on account payment to the publication of draft notice under section 4(1a) of the Act.

(16) Whether 80% advance on account payments are made within the prescribed time limit from the date of possession ? If not, what are the reasons ?

(17) Whether the draft notices under section 4(1a) of the W.B. Act II, 1948 are sent to the Government along with connected papers with copies to the Commissioner and the Administrative Department concerned timely ? If not, what are the reasons ?

(18) Are the intimations on publications of the notices under section 4(1a) received timely ? If not what are the reasons ?

(19) Is there any case where 80% advance on account payments

have been made after the date of vesting i.e. the date of publication of the draft notice under section 4(1a) in the Calcutta Gazette ? If so, what are the reasons ? Whether the matter is given effect in computing the interests during final payments and estimates are prepared accordingly ?

(20) When the interested person(s) does or do not receive 80% advance on account payment(s) whether interests are paid on the entire compensation in such cases during final payments and provisions are kept accordingly in the estimates for final payments ?

iii) Procedure from receipt of intimation on publication of notice under section 4(1a) of the Act to award.

(21) Have the estimates for final payments been prepared timely and sanctions of estimates received timely from higher authorities, where those are necessary ? Have the funds been placed by the Requiring Authority timely ? If not, what are the reasons.

(22) Are order sheets prepared for each separate case record ? Are they written up regularly ? Are dates fixed and adhered to ? Do the order sheets show that the persons interested had facilities for knowing the dates to which enquiries have been adjourned ?

(23) Do the order sheets show the dates on which the persons interested were concerned with the notices under section 5(3) and which of the persons interested have appeared and whether they have accepted the award and agreed as to the apportionment ?

(24) Do the awards show that Compensation has been apportioned among all the persons known to be interested ? If, in any case, the compensation due to two or more parties has been lumped together for what reasons did the Land Acquisition Officer neither decide on the apportionment nor make a reference under section 30 of the Land Acquisition Act, 1894. ?

(25) Do the records show that the claimants have had reasonable opportunities for representing their claims and having them investigated ? Do they show the grounds in which Land Acquisition Officer based his awards ?

(26) Do the awards include the compensation for bargadars, if any, of the land covered by the awards ?

(27) What are the principles followed in valuing houses and other structures ?

(28) Whether compensation for Requisition-period is duly apportioned and included in the Award Statement separately ?

(29) Whether approval of the Award is obtained from the Land and Land Reforms Department in appropriate cases ?

(30) Whether declaration of award has been made within the stipulated period ?

iv) Procedure after the award.

(31) Whether the payments are made promptly and locally in normal cases ?

(32) Whether any compensation money is placed in Revenue Deposits which with proper diligence could have been avoided ?

(33) Whether establishment, contingent, law charges and capitalized value of Land Revenue have been deposited duly in the proper head of Accounts ?

(34) Does the Land Acquisition Officer ever alter his award after he has made it and if so, what is the explanation?

(35) Have references under section 8 been made promptly and have the particulars required been fully entered ?

(36) Has any application for reference been refused ? if so, examine the application and see whether the refusal was legal ?

(37) Have reference frequently resulted in an enhancement of the award ? If so, examine the records carefully and ascertain whether this is due to the case not being properly represented before the Judge or to deficiencies in the information contained in the Land Acquisition Officer's record, or to under valuation or wrong principles adopted by the Land Acquisition Officer ?

(38) When costs have been decreed to Government in reference cases, has the Land Acquisition Officer taken proper steps to realize them and are there any costs long-outstanding ?

(39) Have payments been made promptly when the Judge has enhanced award so as to avoid accumulation of interests ?

(40) Whether appeals have been preferred against the order of enhancement of the award by the Judge in the Proper Court timely ?

v) Miscellaneous

(41) Have there been any cases in which de-requisition of land under section 6 of the W.B. Act II, 1948, after possession has been done ? Has care been taken that the raiyats or their legal heirs have been restored to their former positions ? Whether the guidelines of chapter XV of the Manual are followed duly in disposal of surplus lands acquired under the W.B. Act II, 1948 ?

(42) Are statements of abatement of land revenue submitted regularly in duplicate to the District Land and Land Reforms Officer concerned for taking necessary action at his end ?

(43) As soon as the final payments are made whether certified copies of the Surveyor's (Amin's) Plans showing the lands acquired, prepared and furnished to the Requiring Authority ?

(44) Has the over-lapping register been prepared duly ?

(45) Are the following registers maintained duly ?

a) Combined Register

b) Register of Reference Cases

c) Project Register.

(46) Has there been any delay in the preparation of final reports and in the deposit of records in the record-room ?

(47) Are the registers related to transactions of cash and payments in P. L. Account cheques being maintained properly ? Note the observations for improvement of maintenance of these registers, if required.

(48) Are the P. L. Account Cash Book and the General Cash Book being maintained separately ? If not, what are the reasons? Whether the Special Land Acquisition Officer verifies the cash balance physically on the last working day of a month and endorses necessary certificates on the cash books regularly ?

(49) Whether the balance in the P. L. Account Cash Book and the P.L. Account Pass Book maintained at Treasury are reconciled quarterly ?

(50) Has necessary action been taken on all points raised in the last inspection notes of the Commissioner or the Collector or the Special Land Acquisition Officer ?

FORM—I

[See paragraph 5 (2) (iv)]

ARTICLES OF AGREEMENT made this _____ day of _____
 Between _____ son of _____ of police-station
 _____ district Hereinafter referred to as the "Owner" (which
 expression shall unless excluded by or repugnant to the context be deemed to include his respective
 heirs, executors, administrators, representatives, successors and assigns) of the ONE PART AND
 THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter referred to as the "Governor"
 (which expression shall be deemed to include his successor in office and assigns) of the OTHER
 PART.

WHEREAS the owner has represented to the Governor that he is the sole and absolute
 beneficial owner of the messuages, tenements, lands, hereditaments and premises mentioned
 described in the Schedule hereunder written and have absolute power of disposition over
 same;

AND WHEREAS the Governor has agreed to acquire the said messuages, tenements, lands,
 hereditaments and premises hereinafter mentioned and described in the schedule hereunder written
 under the provisions of the Land Acquisition Act I of 1894.

AND WHEREAS the Owner agrees to accept as compensation including statutory and other
 allowances the amount awarded by the Collector or the sum of Rs. _____ only whichever
 is less and has specifically covenanted that he shall have to further or other claim whatsoever
 except the agreed sum as aforementioned;

AND WHEREAS the necessary Notification bearing No. under the provisions of Section
 4 of the Land Acquisition Act I of 1894 was duly issued by the Government of West Bengal on
 the _____ and published in the "Calcutta Gazette" on _____ ;

WITNESSETH AND IT IS HEREBY AGREED as follows :

1. That the Owner has agreed that the amount of compensation including all statutory and other
 allowances payable in respect of the acquisition of the lands, hereditaments and premises
 mentioned and described in the Schedule hereunder written TOGETHER WITH all buildings,
 structures, erections, fixtures and walls thereon in accordance with the provisions of the said Land
 Acquisition Act shall be the amount awarded by the Collector or the sum of Rupees
 _____ only whichever is less and the Owner has specifically covenanted that he shall
 have no claim whatsoever other than the sum so agreed upon.

2. That upon the completion of the investigation of title of the said lands, hereditaments and
 premises mentioned and described in the Schedule hereunder written TOGETHER WITH the
 buildings, erections, fixtures and walls standing thereon so proposed to be acquired and about the
 claims regarding the compensation payable for the acquisition of the same under the Land
 Acquisition Act aforesaid and upon the Owner being found to be solely and absolutely entitled to the
 compensation payable for the acquisition of the said lands, hereditaments and premises mentioned
 and described in the Schedule hereunder written and the buildings, erections, fixtures and walls
 standing thereon, the owner shall accept as the compensation including statutory and other
 allowances the amount awarded by the Collector or the sum of Rs. _____
 only whichever is less in full and final discharge for all claims or compensation in respect of the
 acquisition of the said lands, hereditaments and premises described in the Schedule hereunder
 written with all buildings, erections, fixtures and walls thereon.

THE SCHEDULE ABOVE REFERRED TO

(Description of the property to be inserted)

IN WITNESS WHEREOF the parties have hereunto set and subscribed their hands and seals
 the day, month and year first above written.

SIGNED AND DELIVERED BY THE SAID Owner in the presence of :

Witness :

SIGNED AND DELIVERED For and on behalf of the Governor of the State of West Bengal by
 the Secretary to the Government of West Bengal, Land and Land Reforms Department, in the
 presence of :

Witness :

IN THE CC

In the
 less _____
 hereunder
 Governmen

I, _____
 of _____

I. That
 of _____
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That
 me and
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III. That
 in the sch
 attachment
 same are i
 derogatory

IV. That

Solemn
 day of _____

FORM—II

(See paragraph 5 (2) (iv))

IN THE COURT OF

In the matter of acquisition of premises _____ altogether measuring more or less _____ hectares/acres _____ more fully described in the Schedule hereunder written, proposed to be acquired under the Land Acquisition Act I of 1894 by the Government of West Bengal.

I, _____ son of _____ deceased of _____ solemnly declare and say as follows :

I. That I, _____ son of _____ am the sole and absolute beneficial Owner of the messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written which are proposed to be acquired by the Government of West Bengal under the provisions of the Land Acquisition Act I of 1894, at a sum including statutory and other allowances awarded as compensation by the Collector or the sum of Rs. _____ only whichever is less.

II. That I am in possession of the said messuages, tenements, lands, hereditaments and premises mentioned and described in the schedule hereunder written and that I have absolute power of disposition over the same.

III. That the messuages, tenements, lands, hereditaments and premises mentioned and described in the schedule hereunder written are free from all manner of encumbrances, charges, liens and attachments and are not subject to any right of residence or maintenance or easement and that the same are not debottar, pirottar or wakf and that there is nothing prejudicially affecting or derogatory to my absolute title to the same.

IV. That the Statements contained in all the foregoing paragraphs are true to my knowledge.

THE SCHEDULE ABOVE REFERRED TO
(Description of property to be inserted)

Solemnly declared by the said Shri _____ this the _____ day of _____ 19_____.

FORM—III

(See sub-paragraph (3) of paragraph 5)

ARTICLES OF AGREEMENT made this _____ day of _____ Between _____, son of _____ of _____ police station, district, hereinafter referred to as the "Owner" (which expression shall unless excluded by or repugnant to the context be deemed to include his respective heirs, executors, administrators, representatives, successors and assigns) of the ONE PART AND THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter referred to as the "Governor" (which expression shall be deemed to include his successors in Office and assigns) of the OTHER PART.

WHEREAS the Owner has represented to the Governor that he is the sole and absolute beneficial owner of the messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written and have absolute power of disposition over the same;

AND WHEREAS the Governor has agreed to acquire the said messuages, tenements, lands, hereditaments and premises hereinafter mentioned and described in the schedule hereunder written under the provisions of the Land Acquisition Act of 1894;

AND WHEREAS the Owner agrees to accept as compensation including statutory and other allowances the amount awarded by the Collector or the sum of Rs. _____ whichever is less and has specifically covenanted that he shall have no further or other claim whatsoever except the agreed sum as aforementioned;

AND WHEREAS the necessary Notification bearing No _____ under the provisions of Section 4 of the Land Acquisition Act of 1894, was duly issued by the Government of West Bengal on the _____ and published in the "Calcutta Gazette" on _____

AND WHEREAS investigation as to the title of the said lands, hereditaments and premises hereinafter mentioned and described in the Schedule hereinafter written TOGETHER WITH all buildings, structures, erections, fixtures and walls thereon and about the party or parties who has or have or may have any claim regarding the compensation payable therefor according to the provisions of the said Land Acquisition Act has not been completed and will take considerable time for completion;

AND WHEREAS the Owner being in urgent need of funds has requested the Governor to advance to the Owner the sum of Rupees _____ out of the compensation that will become payable to the Owner for the acquisition of the said lands, hereditaments and premises hereinafter mentioned including statutory and other allowances so agreed to be accepted for the acquisition of the said premises mentioned and described in the Schedule hereunder written TOGETHER WITH the buildings, structures, erections, fixtures and walls and the Governor has agreed to advance the said sum of Rupees _____ subject to the Owner executing a Bond of Indemnity in favour of the Governor to keep the Governor saved, harmless, indemnified against any claim that may be made by any party other than the Owner in respect of the compensation payable for acquisition of the said land, hereditaments and premises hereinafter mentioned and described in the schedule hereunder written TOGETHER WITH structures, erections, fixtures and all buildings, walls thereon and subject further to the owner delivering possession of the entire property pending completion of the proceedings under the provisions of the said Land Acquisition Act immediately on the execution of these presents.

WITNESSETH AND IT IS HEREBY AGREED as follows :

1. That the Owner agrees that the amount of compensation including all statutory and other allowances payable in respect of the acquisition of the land, hereditaments and premises mentioned and described in the Schedule hereunder written TOGETHER WITH all buildings, structures, erections, fixtures and walls thereof in accordance with the provisions of the said Land Acquisition Act shall not exceed the amount as agreed upon and the Owner both hereby agree and covenant that he shall have no claim whatsoever other than the sum so agreed upon as aforesaid.

2. That upon the completion of the investigation of title of the said lands, hereditaments and premises mentioned and described in the Schedule hereunder written TOGETHER WITH the

buildings, erections, fixtures and walls standing thereon so proposed to be acquired and about the claims regarding the compensation payable for the acquisition of the same under the Land Acquisition Act aforesaid and upon the Owner being found to be solely and absolutely entitled to the compensation payable for the acquisition of the said lands, hereditaments and premises mentioned and described in the Schedule hereunder written and the buildings, erections, fixtures and walls standing thereon, the Owner shall accept the compensation including statutory and other allowances fixed at a sum not exceeding the amount agreed upon in full and final discharge for all claims or compensation in respect of the acquisition of the said lands, hereditaments and premises described in the Schedule, hereunder written with all buildings, erections, fixtures and walls thereon and shall appropriate the sum of Rupees _____ only so agreed to be advanced by the Governor to the Owner as aforesaid towards the same and the Owner shall have no further or other claim whatsoever except for the balance of the total compensation as agreed upon against the Governor and/or the Government of West Bengal in respect of the acquisition of the said premises mentioned and described in the Schedule hereunder written with all buildings, erections, fixtures and walls thereon.

3. That the Owner shall keep the Governor and the Government of West Bengal saved, harmless and indemnified against the claims of any person, firm, company, body corporate, statutory or local body other than Owner in respect of the compensation including statutory and other allowances payable for the acquisition of the said premises under the provisions of the Land Acquisition Act aforesaid.

THE SCHEDULE ABOVE REFERRED TO
(Description of the land, etc. to be inserted)

IN WITNESS WHEREOF I have hereunto set and subscribed my hand and seals the day, month and year first above written.

SIGNED AND DELIVERED BY THE SAID Owner in the presence of :

Witness :

SIGNED AND DELIVERED FOR and on behalf of the Governor of the State of West Bengal by the Secretary to the Government of West Bengal, Land and Land Reforms Department in the presence of :

Witness :

FORM—IV

(See sub-paragraph (3) of paragraph 5)

IN THE COURT OF

In the matter of acquisition of premises _____ altogether measuring more or less _____ hectares/acres _____ more fully described in the Schedule hereunder written, proposed to be acquired under the Land Acquisition Act I of 1894, by the Government of West Bengal.

I, _____ of _____ deceased, of _____ do hereby declare and say as follows :

I. That I, _____ of _____, am the sole and absolute beneficial owner of the messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written which are proposed to be acquired by the Government of West Bengal with absolute power of disposition over the same and I am in possession thereof for my own benefit.

II. That being in urgent need of funds, I have approached the Government of West Bengal for payment to me in advance of the sum of Rupees _____ only out of the compensation including statutory and other allowances that may be payable for the acquisition of the said messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written under the provisions of the Land Acquisition Act I of 1894, and the Government of West Bengal has at such request agreed to advance to me the sum of Rupees _____ only on my executing a Bond of Indemnity to keep the Government saved, harmless and indemnified against the claim by any person, firm, company, body corporate, statutory or local body, other than myself in respect of the said amount of compensation for the acquisition of the said messuages, tenements, lands, hereditaments and premises TOGETHER WITH the buildings, structures, erections, fixtures and walls thereon and on my delivering possession of the entire property to the Government of West Bengal.

III. That the messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written are free from all manner of encumbrances, charges, liens and attachments and are not subject to debottar, pirottar, or wakf and there is nothing prejudicially affecting or derogatory to my absolute title to the same.

IV. That the statements contained in all the foregoing paragraphs are true to my knowledge.

THE SCHEDULE ABOVE REFERRED TO
(Description of property to be inserted)

Solemnly declared by the said Shri _____ this
the _____ day of _____ 19 _____

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FORM—V

(See sub-paragraph (3) of paragraph 5)

INDEMNITY BOND

KNOW ALL MEN by these presents that

I, _____ son of _____
 Vill. _____, P.S. _____, Dist. _____
 hereinafter referred to as the "OWNER" (which
 expression shall unless excluded by or repugnant to the
 context be deemed to include my respective heirs,
 executors, administrators, representatives, successors
 and assigns) do hereby bind myself unto the Governor of
 the State of West Bengal hereinafter referred to as the
 "GOVERNOR" (which expression shall be deemed to
 include his successor in Office and assigns) for the
 payment of the sum of Rs. _____ only.

SIGNED by the said _____ this
 _____ day of _____ 19 _____

WHEREAS I the Owner have represented to the Governor that I am the sole and absolute beneficial owner of the messuages, tenements, lands, hereditaments and premises hereinafter more particularly described in the Schedule hereunder written and have absolute power of disposition over the same;

AND WHEREAS the Governor has decided to acquire the said messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written under the provisions of the Lnad Acquisition Act I of 1894;

AND WHEREAS I, the Owner, agree to accept as compensation including statutory and other allowances the amount awarded by the Collector or the sum of Rs. _____ only whichever is less for the acquisition of the absolute right title and interest of and in the said lands, hereditaments and premises mentioned and described in the Schedule hereunder written and I the Owner have agreed to accept the same and have specifically covenanted that I shall have no further or other claim whatsoever except the agreed sum as aforesaid;

AND WHEREAS the necessary Notification bearing No. _____ under the provisions of section 4 of the Lnad Acquisition Act I of 1894, was duly issued by the Government of West Bengal on _____ and published in the "Calcutta Gazette" on the _____ ;

AND WHEREAS investigation as to the title of the said messuages, tenements, lands, hereditaments and premises hereinafter mentioned and described in the Schedule hereunder written and about the party or parties who has or have or may have claims regarding the compensation payable therefor according to the provisions of the said Land Acquisition Act has not been completed and will take considerable time for completion;

AND WHEREAS I the Owner being in urgent need of funds have requested the Governor to advance to me the sum of Rupees _____ only as part payment of the abovementioned total compensation payable to me inclusive of statutory and other allowances, so agreed to be accepted in respect of the sum payable for the acquisition of the lands, hereditaments and premises mentioned and described in the Schedule hereunder written TOGETHER WITH the buildings, structures, erections, fixtures and walls thereon and the Governor has agreed to advance the sum of Rupees _____ only to me the Owner, subject to my executing these presents and subject further to my delivering possession of the entire property to the Government of West Bengal pending completion of proceedings under the provisions of the Land Acquisition Act, 1894.

NOW THE CONDITION of the above written Bond is such that if it be found after due and full investigation and enquiries in the said Land Acquisition proceedings that I am the sole and absolute beneficial owner of the said messuages, tenements, lands, hereditaments and premises mentioned

and described in the Schedule hereunder written and that I am in exclusive possession of the same for my own benefit and that the same is free from all encumbrances, attachments, charges, liens, lispendens and the same are not affected by any trust, easement of any and every kind or nature or are not subject to any right of maintenance or residence and are not debottar, wakf, pirottar and that there is nothing prejudicially affecting or derogatory to the absolute title of myself to the same and I have absolute power of disposition over and of transferring the said messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written TOGETHER WITH all buildings, erections, fixtures and walls thereon and if I shall keep the Governor and the Government of West Bengal saved, harmless and indemnified against the claim, if any, of my person, firm, company, body corporate or local and statutory body other than the owner to the compensation money that may become payable in respect of the acquisition of the lands, hereditaments and premises mentioned and described in the Schedule hereunder written or any part thereof or if on investigation of title and enquiries made it be found that I am not the sole and absolute beneficial owner of the messuages, tenements, lands, hereditaments and premises mentioned and described in the Schedule hereunder written or that I am not in exclusive possession of the same for my own benefit or that the same is not free from all encumbrances, attachments, charges, liens, lispendens or that the same are affected by any trust or easement of any kind or the same are subject to any right of maintenance or residence or that the same are debottar, wakf, pirottar or there is something prejudicially affecting or derogatory to my absolute title to the same or that I have no absolute power of disposition and of transferring the same together with all buildings, erections, fixtures or walls thereon and in such case I will refund forthwith on demand to the Governor and/or Government of West Bengal the said sum of Rs. _____ (_____) then the Bond shall be void and inoperative or otherwise the same shall remain in full force and virtue.

THE SCHEDULE ABOVE REFERRED TO
(Description of the property to be inserted)

IN WITNESS WHEREOF I the said _____ have set and subscribed my hand and seal this day of _____ one thousand nine hundred and _____.

SIGNED AND DELIVERED by the said Owner in the presence of :

- (1)
- (2)

FORM—1

(See sub-paragraph (3) of paragraph 10)

Standard Form of Agreement to be executed by an industrial concern desiring to acquire land under Section 41, read with Section 38-A of the Land Acquisition Act.

(A) Memorandum of Agreement made this _____ day of _____ 19____ between _____ son of _____ residing at _____ and carrying on business under the name and style of _____ and having his principal place of business at _____ hereinafter referred to as "the Applicant",

(B) Between (1) _____ son of _____ residing at _____, (2) _____ son of _____ residing at _____ and (3) _____ son of _____ residing at _____ carrying on business under the name and style of _____ and having their principal place of business at _____ hereinafter referred to as "the Applicants",

(C) Between (1) _____ son of _____ residing at _____ (2) _____ son of _____ residing at _____ and (3) _____ son of _____ residing at _____ carrying on business in co-partnership under the name and style of _____ and having their principal place of business at _____ hereinafter referred to as "the Applicants",

(which expression shall, where the context so admits, be deemed to include his/their heirs, executors, administrators, representatives and assigns) of the one part and the Governor of the State of West Bengal hereinafter called "The Governor" (which expression shall, unless excluded by or repugnant to the context, be deemed to include his successors in office and assigns) of the other part.

Whereas the applicant is/applicants are the Owner(s) and proprietor(s) of the industrial concern known as _____ and located at _____ (hereinafter referred to as "the said concern") and whereas for the construction and maintenance of _____ for the use of the workmen employed at the said concern, the applicant(s) has/have applied to the Government of West Bengal for acquisition under the provisions of the Land Acquisition Act, 1894, of the piece or parcel of land together with buildings structures, etc., standing thereon, containing _____ acres _____ hectares or thereabout, situate in Mouza _____ thana _____ district _____ and more particularly described in the Schedule hereto and delineated in the plan hereunto annexed.

And whereas the said Government of West Bengal being satisfied by an enquiry held under Section 40 of the said Act that the proposed acquisition is needed for the aforesaid purposes and that the said work is likely to prove useful to the public has consented to acquire on behalf of the applicant (s) the piece or parcel of land herein before described.

And whereas the said Government of West Bengal has required the applicant under the provisions of Section 41 of the above mentioned Act to enter into the agreement with the Governor hereinafter contained.

Now this Indenture witnesseth that it is hereby agreed and declared as follows :

1. On demand the applicant(s) shall and will pay to the said Government of West Bengal all and every compensation in respect of the said land, tendered, paid or awarded or to be tendered, paid or awarded by the Collector, under the Land Acquisition Act, 1894, or by the Court to which a reference under Part III of the said Act may be made, or by the Court or Courts, to which an appeal from the award of the said Court or Courts may be preferred and all costs, charges and expenses of the proceedings in the aforesaid courts or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.

2. On demand made by the said Collector the obligations of the applicant(s) under the last preceding clause not being thereby limited, the applicant(s) shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.

3. On payment by the applicant(s) of all demands under the foregoing first clause or in the discretion of the said Government of West Bengal (deposit by the applicant(s) of all estimated amounts as provided in the second clause) but not before possession shall have been taken under the provisions of the above mentioned Act, the Governor shall make over possession of the said land, buildings, etc., to the applicant(s) and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the applicant(s).

4. The said land shall be held by the applicant(s) for the purposes of construction and maintenance of _____ for the use for the workmen employed at the said concern (hereinafter referred to as "the said works") and without the sanction in writing of the said Government of West Bengal first had and obtained for no other purpose whatsoever and the same shall not at any time be dealt with, transferred or otherwise disposed of by the applicant(s) separately from the said concern and shall not be subjected or be liable to be partitioned or sub-divided for separate occupation or enjoyment of parts thereof without such sanction as aforesaid.

5. The said works shall be completed (* and fully equipped in all respects ready for use) within _____ years from the date on which possession of the said land shall have been given to the applicant (s).

6. Should the said work not be completed (and fully quipped in all respects ready for use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government of West Bengal or should the said land at any time thereafter cease for the period of _____ consecutive months to be held and used or ceased to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case the said Government may summarily re-enter upon and take possession of the said land, together with buildings thereon, whether such buildings were erected before or after transfer of the land to the applicant(s) and thereupon the interest of the applicant(s) in the said land and buildings shall absolutely cease and determine.

7. On taking such possession of the said Government may sell of otherwise deal with the said land and buildings as it may think proper.

- (i) Should the said Government sell the land with the buildings, the said government after deducting the expenses incurred in connection with the said taking of possession and with such scale shall pay the proceeds to the applicant (s).
- (ii) Should the said Government decide not to sell the land and buildings, the said Government shall retain the said land and buildings, thereon in which case the Governor shall repay to the applicant(s) the market-value as on the day of re-entry of all the buildings erected by the applicant(s) and all sums received from the applicant(s) in respect of all and every compensation as provided in the foregoing first clause (less the statutory allowance of thirty per cent. and less any amount received on account of trees and buildings which are not in existence at the time of resumption) but will not repay any sums paid and received on account of costs, charges and expenses.
- (iii) Should the said Government decide to sell the buildings, only, upon such sale, the Governor after deducting the expenses of taking possession and selling, pay the balance of the proceeds of sale to the applicant(s) together with the sum received from the applicant(s) in respect of the compensation for the land (less the statutory allowance of thirty per cent and less any amount received from the applicant(s) on account of trees and buildings which are not in existence at the time of resumption) but will not repay any sum paid and received on account of costs, charges and expenses.

8. The public in the vicinity of the said concern shall, like th workmen employed therein, be entitled to _____ at the _____ to be constructed by the applicant(s) as a part and parcel of the said works.

* To be struck out where necessary.

9. Should any dispute or difference arise touching or concerning the subject-matter of this agreement or any covenant, clause or thing herein contained the same shall be referred to the said Government of West Bengal and the opinion and decision of the said Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

The Schedule above referred to

All that piece or parcel of land measuring, more or less, _____ acres
_____ hectares and comprising Cadastral Survey/Revisional Settlement Plots
Nos. _____ in mouza _____ jurisdiction list No. _____, thana
_____, district _____.

In witness whereof the parties hereto have executed these presents the day and year first
above written.

Signed by the said applicant (s). _____
_____ (name) _____ (Signature)

_____ (name) _____ (Signature)

_____ (name) _____ (Signature)

in the presence of :—

(Signature of witness)

Signed by the Member, Board of Revenue and Secretary to the Government of West Bengal in
the Land & Land Reforms Department [ex officio] on behalf of the Governor of the State of West
Bengal in the presence of : _____

N.B.— Any of the alternative descriptions (A), (B) and (C) should be retained according to the requirement of the
individual case.

- (A) should be used when a single individual is the owner of the concern,
- (B) when several individuals are joint owners, i.e., brothers inheriting the property from common ancestor, and
- (C) when several individuals have contracted to carry on business in partnership, i.e., a firm.

FORM—1 A

(See sub-paragraph (3) of paragraph 1C)

Standard Form of Transfer to be executed in case of acquisition of land for industrial concerns under Section 41, read with Section 38-A, of the Land Acquisition Act.

This Indenture made this _____ day of _____ 19__ between the Governor of the State of West Bengal hereinafter called "the Governor" (which expression shall unless excluded by or repugnant to the context be deemed to include his successors in office and assigns) of the one part, and

(A) _____ son of _____ residing at _____ and carrying on business under the name and style of _____ and having his principal place of business at _____ hereinafter referred to as "the transferee",

(B) (1) _____ son of _____ residing at _____, (2) _____ son of _____ residing at _____ and (3) _____ son of _____ residing at _____ carrying on business under the name and style of _____ and having their principal place of business at _____ hereinafter referred to as "the transferees",

(C) (1) _____ son of _____ residing at _____ (2) _____ son of _____ residing at _____ and (3) _____ son of _____ residing at _____ carrying on business in co-partnership under the name and style of _____ and having their principal place of business at _____, hereinafter referred to as "the transferees",

(which expression shall unless excluded by or repugnant to the context be deemed to include their respective heirs, executors, administrators, representatives and assigns) of the other part.

Whereas the transferee(s) is/are the owner(s) and proprietor (s) of the industrial concern known as _____ located at _____ (hereinafter referred to as "the said concern") and whereas in the month of _____ 19__ the transferee (s) applied to the Governor to acquire the premises hereinafter described under the provisions of the Land Acquisition Act, I of 1894, on behalf of the transferee(s) for the construction and maintenance of _____

_____ for the use of the workmen employed at the said concern (hereinafter called "the said works") and the Governor after enquiry held under the provisions of the said Act being satisfied that the proposed acquisition was needed for the aforesaid purpose and that the said works were likely to prove useful to the public, agreed to acquire the same premises on behalf of the transferee(s).

And whereas pursuant to the provisions of Section 41 of the said Act the said transferee(s) entered into an agreement with the Governor bearing date the _____ whereby it was agreed inter alia that the transferee(s) should pay to the Governor all compensation to be awarded and all costs, charges and expenses payable in respect of the said acquisition and that the transferee(s) should construct and complete on the said premises the necessary buildings and works for the said purposes as herein before mentioned with in _____ months/years from the date on which possession of the said premises would be given to the transferee(s) and further that the public in the vicinity of the said concern shall, like the workmen employed therein, be entitled to _____ at the _____ constructed by the transferee(s) as a part and parcel of the said works and it was also agreed that the Governor should execute and do all acts and deeds necessary and proper for vesting the same premises in the transferee(s).

And whereas the Governor proceeded to acquire the said premises and a declaration No. _____ dated the _____ under Section 6 of the said Act that the land was needed for the said purpose was duly published at page _____, Part I of the Calcutta Gazette of the _____ 19 _____ and the date of publication of declaration under sub-section (2) of Section 6 of the Act was _____.

And whereas the _____ having duly held on an enquiry made an Award of compensation under Section 11 of the said Act and duly took possession under Section 16 (1) under Section 17(1)* partly under Section 16 and partly under Section 17(1) of the said Act of the premises which thereupon vested absolutely in Government of West Bengal (hereinafter referred to as "the Government"), free from all encumbrances.

And whereas on the _____ day of _____ 19 _____ (and on the _____ day of _____ 19 _____) Possession of the said premises was made over by the Governor to the transferee(s).

And whereas the transferee(s) paid to the Government/deposited with the Collector of _____ on _____ the sum of Rs. _____ being the amount so far demanded under clause (1)/clause(2) of the aforesaid Agreement under Section 41 of the Land Acquisition Act, I of 1894.

And whereas the transferee(s) admit(s) his/their liability to pay any further sum or sums demanded under clause (1) or clause (2) of the said Agreement.

And whereas the said premise are by virtue of the Adaptation of Laws Order, 1950, made under Article 372(2) of the Constitution of India, vested in the Government in trust of the transferee(s) and the transferee(s) has/have, requested the Governor on behalf of the Government to execute these presents for the purpose of vesting the said premises in the transferee(s) in accordance with the said Agreement.

Now this indenture witnesseth that in pursuance of the said Agreement the Governor on behalf of the Government and acting under the provisions of Article 299 of the Constitution of India, both hereby grant transfer, convey and assign unto the transferee(s) all that piece or parcel of land more particularly delineated in the plan hereunto annexed and described in the Schedule hereunder written with its appurtenances hereinbefore and hereinafter referred as "the said premises" to hold unto the transferee(s) absolutely, free of revenue and free from encumbrances but subject to the provisos following that is to say provided always and it is hereby agreed and declared that if at any time hereafter the said premises shall (except with the sanction in writing of the Governor first had and obtained) be used by the transferee(s) for any purposes other than the afore-mentioned purpose or purposes incidental thereto or if the said premises for a period of _____ consecutive months cease to be held and used or cease to be required for such purpose or purposes the Governor may re-enter upon and take possession of the said premises together with all buildings thereon (whether such buildings were erected before or after transfer of the land to the transferee(s) which shall thereupon vest in the Government absolutely, and the Governor may either sell the said premises and buildings thereon and upon such sale the Governor shall after deducting such expenses of taking possession and selling pay the balance of the proceeds of sale to the transferee(s) or the Governor may retain the said premises together with all buildings thereon in which case the Governor shall repay to the transferee(s) the market-value as on the day of re-entry of all the buildings erected by the transferee(s) and all sums received from the transferee(s) in respect of the aforesaid compensation (less the statutory allowance of 30 per cent. and less any amount received from the transferee(s) on account of trees and buildings which are not in existence at the time of resumption) but no sums received on account of costs, charges and expenses provided also that should any dispute arise as regards the market-value of the above buildings erected by the transferee(s) the same shall be referred to the Government upon such dispute shall be final and conclusive and binding upon the parties hereto provided also that if at any time hereafter the Governor on behalf of the Government shall become entitled to exercise the power of resumption of the said premises and shall fail to exercise such power the transferee(s) may at any time give to the Governor notice in writing calling upon him to exercise such power and if the said power shall not be exercised within one year after receipt of such notice by him the same shall be deemed to be waived and thereafter shall cease to be exercisable and the said premises shall thenceforth be and remain vested in the

* To be struck out where necessary.

transferee(s) absolutely and for ever and the Governor hereby covenants with the transferee(s) that he has not at any time done or knowingly omitted or suffered any act, deed or thing whereby he is in any way prevented or restrained from transferring the said premises unto the transferee(s) in manner aforesaid and the transferee(s) hereby covenant(s) with the Governor that he/they shall not without the sanction, in writing, of the said Governor first had and obtained use the said premises for no purpose whatsoever other than those hereinbefore mentioned and shall not at any time deal with transfer or otherwise dispose of the same separately from their said business and that the said premises shall not be subject to or be liable to partition or sub-division for separate occupation or enjoyment either in whole or in parts without such sanction as aforesaid and that the public in the vicinity of the said concern shall, like the workmen employed at the said concern, be entitled to _____ the _____ constructed by the transferee(s) at the said premises.

THE SCHEDULE ABOVE REFERRED TO

All that piece or parcel of land situated in mouza _____ jurisdiction list No. _____ P.S. _____, District _____ containing an area of more or less _____ acres _____ hectares comprising Cadastral Survey/Revisional Settlement Plots Nos. _____.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by _____ Member, Board of Revenue and Secretary to the Land Reforms Department (ex Officio) of the Government of West Bengal on behalf of the Governor of the State of West Bengal in the presence of :

SEAL

Signature

(Signature and address of witness)

Signed, sealed and delivered by the transferee(s) in the presence of :

SEAL

Signature

(Signature and address of witness)

(1)

(2)

(3)

N.B.— Any of the alternative descriptions (A), (B) and (C) should be retained according to the requirement of the individual case—

- (A) should be used when a single individual is the owner of the concern,
- (B) when several individuals are joint owners, i.e., brothers inheriting the property from common ancestor, and
- (C) when several individuals have contracted to carry on business in partnership, i.e., a firm.

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MODEL FORMS AND PETITIONS

MODEL FORMS

FORM-1B

(See sub-paragraph (3) of paragraph 11)

Standard Form of Agreement to be executed by a Company desiring to acquire land under section 41 of the Land Acquisition Act.

1. Here insert 'name'
2. Insert description appropriate to the Company, vide definition, section 3(e) of the Act.

Memorandum of agreement made this _____ day of _____ 19____ between the¹ _____ Company, a Company (2 registered under the Indian Companies Act, 1882) and having its registered office at _____ in _____ (hereinafter called "the Company") of the one part and "the Governor" of the State of West Bengal (hereinafter called the Governor) of the other part.

Whereas for the purpose of the construction of _____ the Company has applied to the Government of West Bengal for the acquisition under the provisions of the Land Acquisition Act, 1894, of the piece or parcel of land containing _____ acres _____ hectares or thereabout situate in the village of _____ in the district of _____ and more particularly described in the schedule hereto and delineated in the plan hereunto annexed.

And whereas the said Government of West Bengal, being satisfied by an enquiry held under Section 40 of the said Act that the proposed acquisition is needed for the aforesaid purpose and that the said work is likely to prove useful to the public, has consented to acquire on behalf of the Company the piece or parcel of land hereinbefore described.

And whereas the said Government of West Bengal has required the Company under the provision of Section 41 of the above-mentioned Act to enter into the agreement with the Governor hereinafter contained. Now this indenture witnesseth that it is hereby agreed and declared as follows :

- (1) On demand the Company shall and will pay to the said Government of West Bengal all and every compensation in respect of the said land tendered, paid or awarded or to be tendered, paid or awarded by the Collector under the Land Acquisition Act, 1894, or by Court to which a reference under Part-III of the said Act may be made, or by the Court or Courts to which an appeal from the award of the said Court may be preferred and all costs, charges and expenses of the proceedings in the aforesaid Courts, or otherwise incidental to the proposed acquisition or payable in respect thereof under the provisions of the said Act.
- (2) On demand made by the said Collector the obligations of the Company under the last preceding clause not being thereby limited, the Company shall and will deposit with the said Collector such sum or sums of money as in his discretion the said Collector may in anticipation estimate to be necessary for the purposes mentioned in the last preceding clause.
- (3) On payment by the Company of all demands under the foregoing first clause or, in the discretion of the said Government of West Bengal (on deposit by the Company of all estimated amounts as provided in the second clause), but not before possession shall have been taken under the provisions of the above-mentioned Act, the Governor shall make over possession of the said land to the Company and shall execute and do all such acts and deeds as may be necessary and proper for effectually vesting the same in the Company.
- (4) The said land shall be held by the Company for the purposes of such a _____ as is hereinbefore mentioned and without the sanction in writing of the said Government of West Bengal first had and obtained for no other purpose whatsoever.

- (5) The said _____ shall be completed (and fully equipped in all respects ready for use) within _____ year(s) from the date on which possession of the land shall have been given to the Company.
- (6) Should the said _____ not be completed (and fully equipped in all respects ready for use) within the period stated in the last preceding clause or within such further period as in its discretion may be prescribed or allowed by the said Government of West Bengal or should the said land at any time thereafter cease for a period of _____ consecutive months to be held and used or cease to be required for the purpose or purposes provided for in the foregoing fourth clause then and in any such case, the said Government may summarily re-enter upon and take possession of the said land together with all buildings thereon, whether such buildings were erected before or after transfer of the land to the Company, and thereupon the interest of the Company in the said buildings shall absolutely cease and determine.
- (7) On taking such possession the said Government may sell or otherwise deal with the said land and buildings as it may think proper.
- (i) Should the said Government sell the land with the buildings the said Government after deducting the expenses incurred in connection with the said taking of possession and with such sale shall pay the proceeds to the Company.
- (ii) Should the said Government decide not to sell the land and buildings, the said Government shall retain the said land and buildings, thereon in which case the Governor shall repay to the Company the market-value as on the day of re-entry of all the buildings erected by the Company and all sums received from the Company in respect of all and every compensation as provided in the foregoing first clause (less the statutory allowance of 30 per cent. and less any amount received on account of trees and buildings which are not in existence at the time of resumption), but will not repay any sums paid and received on account of costs, charges and expenses.
- (iii) Should the said Government decide to sell the buildings only upon such sale, the Governor shall, after deducting the expenses of taking possession and selling, pay the balance of the proceeds of sale of the Company, together with the sum received from the Company in respect of the Compensation for the land (less the statutory allowance of 30 per cent. and less any amount received from the Company on account of trees and buildings which are not in existence at the time of resumption), but will not repay any sum paid and received on account of costs, charges and expenses.
- (8) The public shall be entitled to use the _____ on the following terms _____
- (9) Should any dispute or difference arise touching or concerning the subject-matter of this agreement or any covenant clause or thing herein contained, the same shall be referred to the said Government of West Bengal and opinion and the decision of the said Government upon such dispute or difference shall be final and conclusive and binding on the parties hereto.

THE SCHEDULE ABOVE REFERRED TO

All that pieces or parcel of land situated in the Mouza of _____ J.L.No. _____, P.S. _____ district _____ containing an area of B _____, C _____, Ch _____ Sq. ft. _____ equivalent to _____ acres _____ hectares comprising C.S./R.S. plots Nos. _____ bounded on the —
 North—
 East—
 South—
 West—
 and called or known as premises No. _____

3. Insert these words 'if appropriate to the particular work'.

4. (Or, as
Bengal

5. (Or, as
Attorn

In witness whereof (the _____ ⁴Company has caused its common seal to be affixed and the Governor of the State of West Bengal hath hereunto set his hand and seal) the day and year first above written.

⁵The common seal of the above-named _____ Company was hereto affixed in the presence of _____

Witness

(SEAL)

Managing Agents,

Signed, sealed and delivered by _____
 _____ Member, Board of
 Revenue and Secretary to the Government of
 West Bengal in the Department of Land and
 Land Reforms (ex officio), on behalf
 of the Governor of the State of
 West Bengal _____

(Witness)

(Signature)

-
4. (Or, as the case may be) so and so the duly constituted attorney of the Company and the Governor of the State of West Bengal have hereunto set their respective hands and seals.
5. (Or, as the case may be) signed, sealed and delivered by the (sign).
 Attorney for the Company in the presence of (witness).

FORM 1 C

(See sub-paragraph (4) to Paragraph 11)

Standard Form of Deed of Transfer to be executed in cases of acquisition of land for Companies under section 41 of the Land Acquisition Act.

This Indenture is made this _____ day of _____ one thousand nine hundred and _____ between the Governor of the State of West Bengal (hereinafter called "The Governor" which expression where not repugnant to the context shall include his successors in office and assigns) of the one part and the _____ a Company registered under the _____ Act and having its registered office at _____ and having a branch office at _____ (hereinafter called "The Company" which expression where not repugnant to the context shall include its successors and assigns) of the other part.

Whereas in the month of _____ the Company applied to the Governor to acquire the premises hereinafter described under the provisions of the Land Acquisition Act, I of 1894, on behalf of the Company to enable the Company to construct thereon a _____, and the Governor after enquiry held under the provisions of the said Act being satisfied that the proposed acquisition was needed for the aforesaid purpose and that the said work was likely to prove useful to the public, consented to acquire the said premises on behalf of the Company.

And whereas pursuant to the provisions of Section 41 of the said Act of the Company entered into an agreement with the Governor bearing date the _____ whereby it was agreed inter alia that the Company should pay to the Governor all compensation to be awarded and all costs, charges and expenses payable in respect of the said acquisition and that the Company should construct and complete on the said premises the necessary buildings and plant for the said _____ within _____ years from the date on which possession of the said premises should be given to the Company and further that the public in the vicinity of the said _____ when completed should be entitled to _____ and it was also agreed that the Governor should execute and do all acts and deeds necessary and proper for vesting the said premises in the Company.

And whereas the Governor proceeded to acquire the said premises and a declaration No. _____, dated the _____, under Section 6 of the said Act that the land was needed for the said purpose was duly published in the "Calcutta Gazette" of the _____ and the date of publication of the declaration under sub-section (2) of Section 6 of the Act was _____.

And whereas the _____ having duly held an enquiry made an award of compensation under Section 11 of the said Act and duly took possession under Section 16 or 17(1) of the said Act of the premises which thereupon vested absolutely in the Government of West Bengal (hereinafter referred to as "the Government") free from all encumbrances.

And whereas on the _____ day of _____ one thousand nine hundred and _____ possession of the said premises was made over by the Governor to the Company.

And whereas the Company has paid to Government/deposited with the Collector on _____ the sum of Rupees _____ being the amount so far demanded under clause (1)/ clause (2) of the aforesaid Agreement under Section 41 of the Land Acquisition Act, I of 1894, and whereas the Company admits its liability to pay any further sum or sums demanded under clause (1) or (2) of the aforesaid Agreement.

And whereas the said premises are by virtue of the Adaptation of Laws Order, 1950, made under Article 372(2) of the Constitution of India, vested in the Government in trust for the Company and the Company has requested the Governor on behalf of the Government to execute these presents for the purpose of vesting the said premises in the Company in accordance with the said Agreement.

Now this Indenture witnesseth that in pursuance of the said Agreement the Governor on behalf of the Government and acting under the provisions of Article 299 of the Constitution of India, both hereby grant transfer, convey and assign unto the Company all that piece or parcel or land more particularly delineated in the plan hereunto annexed and described in the Schedule hereunder written with its appurtenances hereinbefore and hereinafter referred as the said premises to hold unto the Company absolutely free of revenue and free from encumbrances but subject to the provisions following that is to say provided always and it is hereby agreed and declared that if at any time

hereafter to
and obtain
incidental
to be held
upon and
buildings
vest in the
buildings
possession
retain the
repay to the
Company
statutory a
and b
account of
market value
Government
concerned

shall
become
such power
exercise su
notice by
and the sa
ever and t
knowingly
restrained
Company
the public
shall be

All

_____ acres _____

North

East

South

West

and called

In wit
day and

hereafter the said premises shall (except with the sanction in writing of the Governor first hand and obtained) be used by the Company for any purposes other than the _____ or purposes incidental thereto or if the said premises for a period of _____ consecutive months cease to be held and used or cease to be required for such purpose or purposes the Governor may re-enter upon and take possession of the said premises together with all buildings thereon (whether such buildings were erected before or after transfer of the land to the Company) which shall thereupon vest in the Government, absolutely and the Governor may either sell the said premises and buildings thereon and upon such sale the Governor shall after deducting the expenses of taking possession and selling pay the balance of the proceeds of sale to the Company or the Governor may retain the said premises together with all buildings thereon in which case the Governor shall repay to the Company the market-value as on the day of re-entry of all the buildings erected by the Company and all sums received from the Company in respect of the aforesaid compensation (less the statutory allowance of 30 per cent. and less any amount received from the Company on account of trees and buildings which are not in existence at the time of resumption) but not sums received on account of costs, charges and expenses provided also that should any dispute arise as regards the market-value of the above buildings erected by the Company the same shall be referred to the Government and the opinion and decision of the Government upon such dispute shall be final and conclusive and binding upon the parties hereto :

Provided also that if at any time hereafter the Governor on behalf of the Government shall become entitled to exercise the power of resumption of the said premises and shall fail to exercise such power the company may at any time give to the Governor notice in writing calling upon him to exercise such power and if the said power shall not be exercised within one year after receipt of such notice by him the same shall be deemed to be waived and thereafter shall cease to be exercisable and the said premises shall thenceforth be and remain vested in the Company absolutely and for ever and the Governor hereby covenants with the Company that he has not at any time done or knowingly omitted or suffered any act, deed or thing whereby he is in any way prevented or restrained from transferring the said premises unto the Company in manner aforesaid and the Company hereby covenants with the Governor that subject to the provisos hereinbefore contained the public in the vicinity of the said _____ constructed upon the said premises shall be entitled to _____.

THE SCHEDULE ABOVE REFERRED TO

All that piece or parcel of land situated in the mouza of _____ J.L.No. _____, P.S. _____, district _____ containing an area of B _____ C _____ Ch. _____ Sq. ft. _____ equivalent to _____ acres _____ hectares comprising C.S./R.S. Plots Nos. _____ bounded on the —

North—

East—

South—

West—

and called or known as premises No. _____

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the _____ Member, Board of Revenue and Secretary to the Government of West Bengal, Department of Land & Land Reforms (ex officio), for and on behalf of the Governor of the State of West Bengal in the presence of _____

Signed, sealed and delivered by _____ the duly constituted attorneys for and on behalf of _____ in the presence of _____

FORM 1-D

(See sub-paragraph (1) of paragraph 12)

Standard Form of Licence to be executed to enable private institutions to use the lands acquired on behalf of such institutions by local bodies.

This Indenture made the _____ day of _____ between the Zilla Parishad/Municipality of _____ hereinafter called the Zilla Parishad/Municipality of the One Part and _____ the member of the Managing Committee of _____ (hereinafter called the Managing Committee, which terms shall include the said persons and such other persons as shall from time to time be appointed members of such Managing Committee) of the other part.

This Indenture witnesseth that the Zilla Parishad/Municipality both hereby grant to the Managing Committee exclusive leave and licence, until such licence shall be determined in manner hereinafter mentioned, to enter upon, occupy and use for the purpose of _____ the land specified in the schedule hereto and delineated in the plan hereunto annexed subject to the conditions following, that is to say :

- (1) Save as the Zilla Parishad/Municipality shall from time to time permit with the approval of the Government of West Bengal the said land shall be used by the Managing Committee solely for the purpose of _____.
- (2) The Managing Committee shall forthwith erect or cause to be erected the buildings of which signed plans and estimates are appended to this Indenture and shall complete the same in accordance therewith to the satisfaction of the _____ by the day of _____.
- (3) The Managing Committee shall, during the continuation of the licence hereby granted, pay or cause to be paid all rates and taxes and other outgoings which are new or may hereafter be charged, levied or imposed upon or in respect of the said premises by Government or any local authority whether the same be payable by owner or occupier.
- (4) The Managing Committee shall keep and maintain the buildings and premises thereon in good repair and condition to the satisfaction of the Zilla Parishad/Municipality.
- (5) No building shall at any time be erected on the said premises, nor any alteration or addition made to the existing or to any future buildings that may be erected on the premises without the previous consent in writing of the Zilla Parishad/Municipality.
- (6) Neither the Managing Committee nor any member thereof shall derive any pecuniary return or benefit from the use of the said land or any part thereof save for the purpose of the _____.
- (7) The Managing Committee shall not transfer or assign this licence or the benefit thereof or execute any instrument purporting to do so.
- (8) The said _____ shall be open to inspection at all reasonable times by any officer deputed by the Sabhadhipati/Chairman of the Zilla Parishad/Municipality and the inspecting officer who may inspect institutions of the same class.
- (9) In the event of the land being at any time required for a purpose declared by the Government of West Bengal to be a public purpose then on giving to the Managing Committee six months' notice in writing and in the event of the breach, non-performance or non-observance of any of the fore-going conditions or if the said land at any time cease for a period of 12 consecutive months to be held and used or cease to be required for the purpose or purposes provided for in foregoing first clause then and in any such case without notice the Zilla Parishada/Municipality shall, on the expiration of such notice or immediately, as the case may be, be entitled to revoke and determine the licence hereby granted and re-enter upon the said land or any part thereof in the name of the whole and thereupon the Managing Committee shall be bound to give to the Zilla Parishad/Municipality or any officer authorised in this behalf quiet and peaceable possession of the said land and of all buildings erected thereon :

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Provided that the Managing Committee shall be entitled to such compensation for all buildings erected upon the land as may be fixed by and in accordance with an estimate made by the _____ Engineer of _____ at the time of the determination of the said licence and not to exceed the cost of the said buildings, or the value thereof at the time of such determination whichever shall be less :

Provided always that in the case of any such breach, non-performance or non-observance of any of the said conditions, the omission by the Zilla Parishada/Municipality thereupon to enforce the provisions of this clause shall not prejudice or affect his right to enforce such provisions thereafter in respect of any subsequent or continuing occasion.

- (10) Upon any appointment of a person as member of the Managing Committee in the place of any of the parties hereto of the other part such person shall forthwith inform the Zilla Parishada/Municipality in writing of his appointment and shall agree to observe and perform the said conditions and to be bound thereby as if he had been a party hereto and thereafter this licence shall continue in force as if such person had originally been a party to these presents and in case of failure of such person to make such agreement as aforesaid within one month after appointment he shall not be entitled to any benefit under this licence.
- (11) In the event of any dispute or difference touching or concerning the subject-matter of this licence or any covenant clause or thing herein contained, such dispute or difference shall be referred to the said Zilla Parishad/Municipality of _____ whose opinion and decision shall be final in every case.

THE SCHEDULE ABOVE REFERRED TO

All that piece or parcel of land situated in the mouza _____ Jurisdiction list No. _____ P.S. _____, District _____, containing an area of more or less _____ acres _____ hectares comprising cadastral Survey/Revisional settlement Plots Nos. _____.

In witness whereof the said parties hereto have hereunto set and subscribed their hands and seals the day/month and year first above written.

Signed, sealed and delivered for and on behalf of the Zilla Parishad/Municipality by the Sabhadhipati/Chairman and a member thereof in the presence of _____

Signed, sealed and delivered by the Members of the Managing Committee of _____ in the presence of _____.

FORM—1 E

DEED OF LICENCE

(See paragraph 13)

FORM OF LICENCE GRANTING USE OF GOVERNMENT LAND TO A SCHOOL AUTHORITY.

THIS INDENTURE made to _____
day of _____ between the Governor of the State of West
Bengal (hereinafter called the Governor which term shall include his successors and assigns) of the
one part and the members of the Managing Committee of _____

Sl.No.	Names	Designation
1.		
2.		
3.		
4.		

(Hereinafter called the Managing Committee, which terms shall include the said persons and such other persons as shall from time to time be appointed members of such Managing Committee) of the other part.

This Indenture witnesseth that the Governor doth hereby grant to the Managing Committee exclusive leave and license until such license shall be determined in manner hereinafter mentioned to enter upon, occupy and use for the purpose of extension of school building the land specified in the schedule and delineated in the plan hereunto annexed subject to the condition following, that is to say :—

1. Save as the State Government shall from time to time permit the said land shall be used solely for the purpose of the said school.

2. The school shall be governed by the Managing Committee which shall be constituted in accordance with the rules and regulation of the Education Department of West Bengal for the time being in force and approved by the Director, Public Instruction, West Bengal.

3. The Managing Committee shall forthwith erect or cause to be erected the buildings of which signed plans and estimates are appended to this Indenture and shall complete the same in accordance therewith to the satisfaction of the Executive Engineer of P.W.D. Construction by the year _____ day of _____

4. The Managing Committee shall, during the continuation of the license hereby granted, pay or cause to be paid all rates and tax and other outgoing which are now or may hereafter be charged, levied or imposed upon in respect of the said premises by Government or any local authority whether the same be payable by owner or occupier.

5. The Managing Committee shall keep and maintain the buildings and premises thereon in good repair and condition to the satisfaction of the State Government.

6. No building shall at any time be erected on the said premises, nor any alternation or addition made to the existing or to any future building without the previous consent in writing of the State Government.

7. Neither the Managing Committee nor any member thereof shall derive any pecuniary return or benefit from the use of the said land or any part thereof save for the purpose of the said school.

8. The Managing Committee shall not transfer or assign this license or the benefit thereof or execute any instrument purporting to do so.

9. The said school and premises shall be open to inspection at all reasonable times by the Director of Public Instruction, West Bengal, or any Officer deputed by him, by the inspecting Officer or any officer deputed by him by the Inspector of Schools in the case of second grade school and by the Commissioner of the Division and the District Magistrate.

10. The said school shall be managed as regards control, maintenance, staff, salaries, fees, free-studentships, curriculum, discipline, residential arrangements and in all other respects in accordance with the rules and regulations of the Education Department of West Bengal for the time being in force governing schools in the receipt of grants-in-aid and to the satisfaction of the State Government.

11. The Managing Committee shall, unless the said school is already recognised, within one year of the execution of this Indenture cause or procure the said school to be recognised by the Board of Secondary Education, West Bengal and West Bengal Council of Higher Secondary Education or any University having jurisdiction over West Bengal which may hereafter be established by law and shall continue to have the school so recognised.

12. In the event of the land being at any time required for a purpose declared by the Government of West Bengal to be a public purpose, then on giving to the Managing Committee six months' notice in writing, and in the event of any breach, non-performance or non-observance of any such case without notice, the Governor shall on expiration of such notice or immediately as the case may be, entitled to revoke and determine the license hereby granted and re-enter upon the said land and thereupon the Managing Committee shall be bound to give him or any officer in his behalf, quiet and peaceful possession of the said land and all buildings erected thereupon and all school furniture and equipment found therein.

On taking such possession, the said Government may sell or otherwise deal with the said land, buildings, furniture and equipment as it may think fit and proper.

Provided, however, that—

- (i) Should the said Government sell the said land with the buildings and the furniture and equipment, then the said Government after deducting (a) the expenses incurred in connection with the said taking of possession and of such sale, (b) the sums, if any, which have been granted for the acquisition of the land, and (c) the sums, if any, granted for the erection of the buildings and /or for the purchase of furniture and equipment less a deduction of 5% (five percent) per annum for each year that has elapsed since the date on which sums were paid, pay the net proceeds to the Managing Committee.
- (ii) Should the said Government decide not to sell the said land and buildings, furniture and equipment, then the said Government shall retain the said land and buildings thereon and the furniture and equipment, in which case the Governor shall repay to the Managing Committee the market value as on the day of re-entry of the land and the buildings erected thereon and the furniture and equipment such value being assessed by the District Engineer of the District after deducting therefrom (a) the sums, if any, granted by the Government for the acquisition of the said land, (b) the sums, if any, granted by the Government for the erection of the buildings and /or for the purchase of the furniture and equipment less a deduction of 5% per cent per annum for each year that has elapsed since the date on which such sums were paid.

Provided also that in the case of any such breach, non-performance or non-observance of any of the said conditions, the omission by the Governor to enforce the provisions of this clause therefor shall not prejudice or affect his right to enforce such provisions thereafter in respect of any subsequent or continuing breach or occasion.

13. Upon any appointment of a person as member of the Managing Committee in the place of any of the parties hereto of the second part such person shall forthwith inform the Collector/Magistrate of _____ on behalf of the Governor, the School and the Director of Public Instruction, in writing of his appointment and shall agree to observe and perform the said conditions and to be bound thereby as if he had been a party hereto and if such appointment be approved by the said Collector and the Director of Public Instruction/ District Magistrate, this license shall continue in force as if such person had originally been a party and in case of failure of such person to make such agreement as aforesaid within one month after appointment shall not be entitled to any benefit under this license and in the event of there being no person appointed who shall be approved by the Collector of _____ and Director of Public Instruction and

who shall have made such agreement as aforesaid the Governor may enforce all or any of the provisions as aforesaid in case of breach of the said conditions.

14. In the event of the Governor (acting through the Director of Public Instruction) and the Managing Committee being unable to agree as to whether there has been any such breach, non-observance or non-performance of any condition as aforesaid or if any other dispute or difference shall arise touching the effect or construction of these presents or the matters herein contained, the matter in dispute shall be referred to the State Government whose decision shall be final in every case.

THE SCHEDULE ABOVE REFERRED TO

All that piece or parcel of land measuring _____ Hectares _____ acres and comprising Cadastral Survey/R.S. plot Nos./_____ situate in the village/mouza of _____ J. L. No. _____, Police Station _____ District _____, as delineated in the plan hereunto annexed.

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by the Deputy Secretary of Land and Land reforms department.

For and on behalf of the Governor, State of West Bengal in the presence of _____

Signed sealed and delivered by the abovenamed in the presence of _____

Name of the members of the Managing Committee.

- 1.
- 2.
- 3.

Signature in full of the members of the Managing Committee.

- 1.
- 2.
- 3.

FORM 2

[See sub-paragraph (1) of paragraph 15]

Form of Notification under section 4, Act I of 1894, for use when a preliminary investigation is necessary.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

Whereas it appears to the Governor that land in the district of..... is likely to be needed for a public purpose, viz., for the construction of notice is hereby given to all whom it may concern that in exercise of the powers conferred by section 4 of the Land Acquisition Act I of 1894, the Governor has authorised the Engineers of the, for the time being engaged on this undertaking and other Government servants as specified below, to enter upon and survey land, and do all other acts, required for the proper execution of the work as provided for or specified in the said section.

The mouzas/areas covered by this notification are :—

Name of P.S.	Name/Names of mouza(s) with J. L. No. (s)	Specific boundary if any	Approximate area.	Designation of officers authorised
1	2	3	4	5

By order of the Governor,
Deputy Secretary.

FORM 2A

[See sub-paragraph (1) of paragraph 15]

Form of Notification under section 4 of the Land Acquisition Act, 1894 (Act 1894), for use when a preliminary investigation is necessary.

(To be used when land is required for a purpose of the Central Government.)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. S.O. 782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India, extra-ordinary, under clause 1 of article 258 of the Constitution of India;

And whereas it appears to the Governor that land in the district of is likely to be needed for a public purpose, being a purpose of the Union, namely, for the construction of, notice is hereby given to all whom it may concern that in exercise of the powers conferred by section 4 of the Land Acquisition Act I of 1894, the Governor has authorised the Engineers of the, for the time being engaged on this undertaking and other Government servants as specified below, to enter upon and survey land, and do all other acts required for the proper execution of the work as provided for or specified in the said section.

The mouzas/areas covered by this notification are :—

Name of P.S.	Name/Names of mouza(s) with J. L. No. (s)	Specific boundary if any	Approximate area	Designation of officers authorised
1	2	3	4	5

By order of the Governor,
Deputy Secretary.

FORM 2B ✓

[See sub-paragraph (1) of paragraph 17]

Plot Index

Mouza—

P.S.—

J.L.No.—

L.AP case No.—

District—

Sl. No.	Khatian No.	CS/RS Plot No.	Total area	Classification	Area previously acquired if any	Area vested	Area to be acquired	Name of owner	Remarks
1	2	3	4	5	6	7	8	9	10

L.A. Surveyor.

L.A. Kanungo.

L.A. Collector.

L.A. D.

L.A. D.

L.A. D.

FORM 2C

[See Sub-paragraph (1) of paragraph 17]

Schedule of Lands in the L.A./L.A.P. Case No. for in the District of (Name of the Scheme)

Sl. No.	Name of Mouza with J. L. No. and P. S.	Khatian No.	Number of Plot	Name of proprietor.	Classification and total area of plot in acres and decimals.	Name and Father's name of lessee or raiyat with description of his rights.	Name of Bargadar with description of his interest.	Area vested in the Plot.
1								
2			4	5	6	7	8	9

Area to be acquired in each plot		Description of trees			Description of particulars of house etc.				
Square feet	Area in acres and decimals	Kind	Number	Length	Girth	Description	Length	Breadth	Height
10(a)	10(b)	11	12	13	14	15	16	17	18

Description of standing crops if any	Name of owner of houses/trees/crops and description of his rights	Remarks
19	20	21

NOTE: If the number of trees of separate kinds is large and the length and girth of all the trees can not conveniently be entered in different classes according to their size and the class to which the trees belong should be entered in column 13, the remarks of each kind should be divided into classification being shown in the column for remarks.

Dated—

19

L. A. Surveyor.

L. A. Karul.

L. A. Collector.

FORM 2D

[See sub-paragraph 2 of paragraph 17]

The preliminary Investigation Report.

L.A.P. Case No.

District :

Proposal Received from Requiring Body

1. The Requiring Body :
2. Initiation :
3. Project :
4. Location :
5. Purpose :
6. Act to be applied :
7. Area proposed for acquisition by the R/B : acres

Scrutiny & Enquiry

8. (i) Area found on extraction by L.A. Office : acres
- (ii) Area (if any) excluded from L.A. Proceedings :

	<u>Affected Plot Nos.</u>	<u>Area in acres.</u>	<u>Total area in acres.</u>
(a) Land used for religious worship :			
(b) Land used by educational institution :			
(c) Land used by charitable institution :			
(d) Previously acquired Land :			
(e) Whether the entire land or portion thereof has vested due to the operation of the W.B.E.A. Act of 1953/W.B. Land Reforms Act or affected by any Court's Injunction :			
(f) Forest Land :			
(g) Total area excluded from L.A. Proceeding :			
- (iii) Net area to be acquired :
9. (a) Break up of the area at 8(iii) above :
 - (i) Agricultural land or lands fit for cultivation :
 - (ii) Waste land unfit for cultivation :
 - (iii) Homestead lands :
 - (iv) Any other non-agricultural lands :
- (b) In case there is any charge in the classification of lands from what has been recorded in the settlement records that should be specifically mentioned :

10. If any agricultural land involved herein are already under irrigation.
 - (i) from a major or minor irrigation project :
 - (ii) likely to come under irrigation in near future :
11. No. of families(if any) likely to be displaced from their
 - (i) Residences :
 - (ii) Place of business :
 - (iii) If so as in (1) whether there is any schme for their rehabilitation.
12. Whether the L.A. Proceeding will effect—
 - (i) Any place public worship :
 - (ii) Any educational institution or any other institutions :
 - (iii) Any market or centre of trade :
13. Whether the area of lands proposed to be acquired is reasonable or excessive :
14. Other relevant information and explanations if necessary :
15. Whether the entire land or a portion thereof is affected by Urban Land (Ceiling & Regulation) Act, 1976. :
16. Whether the R.B. possesses any unutilized land closed to the proposed area :
17. Whether the proposal has got the approval of the Screening Committee :

K.G.O./Surveyor

Recommendation of the L.A.Collector.

L.A. Collector.

Recommendation by the Collector of the district.

Collector.

FORM 2E

[See sub-paragraph (2) of paragraph 19]

Form for cancellation of notification under section 4, of Act I of 1894, published in Form 2 when a preliminary investigation was necessary.

(To be used when the land was required for any purpose other than a purpose of the Central Government.)

The Governor is pleased to cancel the notification published in the Calcutta Gazette, Part I at pages _____, on _____ (date), covered by notice no. _____ dated _____, in relation to acquisition of land measuring _____ hectares (_____ acres) of mouza(s) _____, J.L.No.(s) _____, P.S. _____ of District _____, in exercise of the powers conferred by section 4 of the Land Acquisition Act of 1894.

Collector.

By order of the Governor,

Deputy Secretary.

FORM 2F

[See sub-paragraph (2) of paragraph 19]

Form for cancellation of notification under section 4 of Act I of 1894, published in Form 2A when a preliminary investigation was necessary.

(To be used when land was required for a purpose of the Central Government.)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S.O. 782(E) dated 25th October, 1935 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, Part II, section 3 of the Gazette of India extra-ordinary, under clause 1 of article 258 of the Constitution of India;

The Governor is pleased to cancel the notification published in the Calcutta Gazette, Part I at pages _____, on _____ (date), covered by notice no _____ dated _____, in relation to acquisition of land measuring _____ hectares (_____ acres) or _____ bigha(s) _____, J.L.No.(s) _____, P.S. _____ of District _____, in exercise of the powers conferred by section 4 of the Land Acquisition Act of 1894.

Collector.

By order of the Governor,

Deputy Secretary.

FORM 2G

[See sub-paragraph (2) of paragraph 19]

Form for partial cancellation of notification under section 4 of Land Acquisition Act of 1894 (Act I of 1894) published in Form 2 when a preliminary investigation was necessary.

(To be used when land was required for any purpose other than a purpose of the Central Government.)

The Governor is pleased to partially cancel the notification under section 4 of the Land Acquisition Act of 1894 (Act I of 1894), published in the Calcutta Gazette, Part I at pages _____ on _____ (date) covered by notice no _____ dated _____ in relation to the land as scheduled below in exercise of the powers conferred by section 4 of the Land Acquisition Act, 1894.

The mouza/areas covered by this partial cancellation notification are :—

Name of district	Name of P.S.	Name/Names of mouza(s) with J.L.No.(s)	Specific boundary	Approximate area
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Collector.

By order of the Governor,

Deputy Secretary.

FORM 2H

[See sub-paragraph (2) of paragraph 19]

Form for partial cancellation of notification under section 4 of Land Acquisition Act of 1894 (Act I of 1894) published in Form 2A, when a preliminary investigation was necessary.

(To be used when land is required for a purpose of the Central Government)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S.O. 782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, Part II, section 3 of the Gazette of India extra-ordinary, under clause 1 of article 258 of the Constitution of India;

The Governor is pleased to partially cancel the notification under section 4 of the Land Acquisition Act of 1894 (Act I of 1894), published in the Calcutta Gazette, Part I at pages _____ on _____ (date) bearing No, _____ dated _____ covered by notice no _____ dated _____ in relation to the land as scheduled below in exercise of the powers conferred by section 4 of the Land Acquisition Act, 1894.

The mouzas/areas covered by this partial cancellation notification are :—

Name of district	Name of P.S.	Name/Names of mouza(s) with J.L.No.(s)	Specific boundary	Approximate area
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Collector.

By order of the Governor,

Deputy Secretary.

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NOTE 6

FORM 3

[See sub-paragraph (1) of paragraph 24]

Form of Notification under section 4, Act I of 1894, for land which can be specified.

(To be used when land is required for a purpose other than a purpose of the Central Government.)

Whereas it appears to the Governor that land is likely to be needed to be taken by Government at the public expense for a public purpose, viz., for _____ in the mouza _____, Jurisdiction list No _____, P.S. _____, District _____, it is hereby notified that for the above purpose a piece of land comprising revisional settlement plots as detailed below and measuring, more or less, _____ hectares (_____ acres), bounded as specified below is likely to be needed within the aforesaid mouza _____.

This notification is made, under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector _____.

Land Schedule

Mouza : _____, Jurisdiction List No. _____
P.S. _____, District _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place : _____, Collector,
Date : _____, under Act I of 1894.

By order of the Governor,

Deputy Secretary.

- NOTE 1. All names or places in a draft notification should be entered in capital letters.
- NOTE 2. When land is required to be taken by Government at expense of a Company for a work of public utility the words "at the expense of the (name of the company)" should be substituted for the words "at the public expense" and instead of the words "a public purpose" the work should be concisely described.
- NOTE 3. When the cost is borne partly out of public revenues or the fund of a local authority the words "partly at the public expense/expenses of (name of local authority) and partly at the expense of (name of the authority)" shall be substituted for the words "at the public expense".
- NOTE 4. When the Revisional Settlement Plot Nos. of the area to be acquired are given boundaries need not be mentioned.
- NOTE 5. When a part of Revisional Settlement plot is to be acquired the description of the specific portion of the plot with area is to be given. The description should be given mentioning the side of the plot to be acquired as eastern, western, south-eastern, north-western etc.
- NOTE 6. If the land to be acquired is not specified by the Revisional Settlement Plot Nos. as in case of Calcutta and other towns, the boundary of the land to be acquired should be specified in the land schedule above. If a part of holding is to be acquired the area and the boundary of that particular part are to be shown separately.

FORM 3A

[See sub-paragraph (1) of paragraph 24]

Form of Notification under section 4 of the Land Acquisition Act, 1894 (Act I of 1894), for land which can be specified.

(To be used when land is required for a purpose of the Central Government.)

Whereas the functions of the Central of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. S.O. 782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India;

And whereas it appears to the Governor that land is likely to be needed to be taken by the Central Government at the public expense for a public purpose being a purpose of the Union, manely, for _____ in the mouza _____, Jurisdiction list No _____, P.S. _____, District _____, it is hereby notified that for the above purpose a piece of land comprising revisional settlement plots as detailed below and measuring, more or less, _____ hectares (_____ acres), bounded as specified below is likely to be needed within the aforesaid mouza _____.

This notification is made, under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the _____.

In exercise of the powers conferred by the aforesaid section, the Goveornor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector _____.

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :
Date :

Collector,
under Act I of 1894.

By order of the Governor,
Deputy Secretary.

- NOTE 1. All names or places in a draft notification should be entered in capital letters.
- NOTE 2. When the Revisional Settlement Plot Nos. of the area to be acquired are given boundaries need not be mentioned.
- NOTE 3. When a part of Revisional Settlement plot is to be acquired the description of the specific portion of the plot with area is to be given. The description should be given mentioning the side of the plot to be acquired as eastern, western, south-eastern, north-western etc.
- NOTE 4. If the land to be acquired is not specified by the Revisional Settlement Plot Nos. as in case of Calcutta and other towns, the boundary of the land to be acquired should be specified in the land schedule above. If a part of holding is to be acquired the area and the boundary of that particular part are to be shown separately.

By A. Department
Jalpaiguri

Jalpaiguri

FORM 3B

(See paragraph 24)

Form of Notification under section 4, Act I of 1894, for land which can be specified.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

Whereas it appears to the Governor that land is likely to be needed to be taken by Government at the public expense for a public purpose, viz., for _____ in the mouza _____, Jurisdiction list No _____, P.S. _____, District _____, it is hereby notified that for the above purpose a piece of land comprising revisional settlement plots as detailed below and measuring, more or less, _____ hectares (_____ acres), bounded as specified below is likely to be needed within the aforesaid mouza _____.

This notification is made, under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the _____.

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

In exercise of the powers conferred by sub-section (4) of section 17 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to direct that the provisions of section 5A of the Act shall not apply to the lands as described in the Schedule below to which in the opinion of the Governor, the provisions of sub-section (1) of section 17 of the said Act are applicable.

Land Schedule

Mouza : _____, Jurisdiction List No. _____
P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :

By order of the Governor,

Date :

Collector,
under Act I of 1894.

Deputy Secretary.

NOTE 1. All names or places in a draft notification should be entered in capital letters.

NOTE 2. When land is required to be taken by Government at expense of a Company for a work of public utility the words "at the expense of the (name of the company)" should be substituted for the words "at the public expense" and instead of the words "a public purpose" the work should be concisely described.

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- NOTE 3. When the cost is borne partly out of public revenues or the fund of a local authority the words "partly at the public expense/expenses of (name of local authority) and partly at the expense of (name of the authority)" shall be substituted for the words "at the public expense".
- NOTE 4. When the Revisional Settlement Plot Nos. of the area to be acquired are given boundaries need not be mentioned.
- NOTE 5. When a part of Revisional Settlement plot is to be acquired the description of the specific portion of the plot with area is to be given. The description should be given mentioning the side of the plot to be acquired as eastern, western, south-eastern, north-western etc.
- NOTE 6. If the land to be acquired is not specified by the Revisional Settlement Plot Nos. as in case of Calcutta and other towns, the boundary of the land to be acquired should be specified in the land schedule above. If a part of holding is to be acquired the area and the boundary of that particular part are to be shown separately.

The A. Department
 Jalpaiguri

Jalpaiguri

FORM 3C

(See paragraph 24)

Form of Notification under section 4 of the Land Acquisition Act, 1894 (Act I of 1894), for land which can be specified.

(To be used when land is required for a purpose of the Central Government.)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. S.O. 782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India;

And whereas it appears to the Governor that land is likely to be needed to be taken by the Central Government at the public expense for a public purpose being a purpose of the Union, namely, for _____ in the mouza _____, Jurisdiction list No. _____, P.S. _____, District _____, it is hereby notified that for the above purpose a piece of land comprising revisional settlement plots as detailed below and measuring, more or less, _____ hectares (_____ acres), bounded as specified below is likely to be needed within the aforesaid mouza _____.

This notification is made, under the provisions of section 4 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the _____.

In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

In exercise of the powers conferred by sub-section (4) of section 17 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to direct that the Provisions of section 5A of the Act shall not apply to the lands as described in the Schedule below to which in the opinion of the Governor, the provisions of sub-section (1) of section 17 of the said Act are applicable.

Land Schedule

Mouza : _____, Jurisdiction List No. _____
P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :

By order of the Governor,

Date :

Collector,
under Act I of 1894.

Deputy Secretary.

NOTE 1. All names or places in a draft notification should be entered in capital letters.

NOTE 2. When the Revisional Settlement Plot Nos. of the area to be acquired are given boundaries need not be mentioned.

NOTE 3. When a part of Revisional Settlement plot is to be acquired the description of the specific portion of the plot with area is to be given. The description should be given mentioning the side of the plot to be acquired as eastern, western, south-eastern, north-western etc.

NOTE 4. If the land to be acquired is not specified by the Revisional Settlement Plot Nos. as in case of Calcutta and other towns, the boundary of the land to be acquired should be specified in the land schedule above. If a part of holding is to be acquired the area and the boundary of that particular part are to be shown separately.

FORM 3D

(See sub-paragraph (7) of paragraph 24)

Form for public notice of the substance of notification under section 4, Act I of 1894, for land which can be specified.

(To be used when land is required for any purpose other than a purpose of the Central Government.)

NOTICE

Whereas it appears to the Governor that land is likely to be needed for a public purpose, viz., for _____, and to be taken by the Government at the public expense in the mouza _____, Jurisdiction list no. _____, Police Station _____, district _____, it has been notified in the Calcutta Gazette on _____ (date) bearing no. _____, dated _____, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Act I of 1894), that the land including/comprising Revisional Settlement Plot(s) as detailed below and measuring, more or less, _____ hectares (_____ acres) in total, is likely to be needed within the aforesaid mouza.

2. The said notification under sub-section (1) of section 4 of the Act has also been published in the [English Daily] on _____ (date) and in the [Bengali Daily] on _____ (date) *and in [Nepali Daily] on _____ (date) (*in case of Darjeeling district excluding Siliguri Sub-division).

3. A plan of the land may be inspected in the office of the _____.

4. In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

5. Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector _____.

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :

By order of the Governor,

Date :

Collector,

under Act I of 1894.

Deputy Secretary.

Copy forwarded for information and taking necessary action to :—

- 1) Sri/Smt. _____, Vill _____, P. O. _____, P. S. _____, Dist _____, owner/occupier of the plot (s) mentioned above ;
- 2) The local Government offices and Panchayet Bodies in the locality for wide publicity and for displaying the notice in their office Notice Boards;
- 3) A copy of the notice shall be displayed at a conspicuous place near the land proposed to be acquired.

Place :

Collector

Date :

under Act I of 1894.

FORM 3E

(See sub-paragraph (7) of paragraph 24)

Form for public notice of the substance of notification under section 4, Act I of 1894, for land which can be specified.

(To be used when land is required for a purpose of Central Government.)

NOTICE

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S. O. 782 (E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India :

2. And whereas it appears to the Governor that land is likely to be needed for a public purpose, viz., for _____ and to be taken by the Government at the public expense in the mouza _____, Jurisdiction list no. _____, Police Station _____, District _____, it has been notified in the Calcutta Gazette on _____ (date) bearing no. _____, dated _____, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Act I of 1894), that the land including/comprising Revisional Settlement Plot (s) as detailed below and measuring, more or less, _____ hectares (_____ acres) in total, is likely to be needed within the aforesaid mouza.

3. The said notification under sub-section (1) of section 4 of the Act has also been published in the [English Daily] on _____ (date) and in the [Bengali Daily] on _____ (date) *and in the [Nepali Daily] on _____ (date) *(only in case of Darjeeling district excluding Siliguri Sub-Division).

4. A plan of the land may be inspected in the office of the _____.

5. In exercise of the powers conferred by the aforesaid section, the Government is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

6. Any person interested in the above land, who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector _____.

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :

By order of the Governor,

Date :

Collector,
under Act I of 1894.

Deputy Secretary.

Copy forwarded for information and taking necessary action to :—

- 1) Sri/Smt. _____, Vill _____,
P. O. _____, P. S. _____, Dist _____,
owner/occupier of the plot (s) mentioned above;
- 2) The local Government offices and Panchayet Bodies in the locality for wide publicity and for displaying the notice in their office Notice Boards;
- 3) A copy of the notice shall be displayed at a conspicuous place near the land proposed to be acquired.

Place :

Collector

Date :

under Act I of 1894.

A. D. Department
Jalpaiguri

Jalpaiguri

FORM 3F

(See sub-paragraph (1) of paragraph 25)

To
Sri/Smt. _____
Vill. _____
P. O. _____, P. S. _____
District _____

Sub: Hearing on the objections filed under sub-
(1) of section 5A of the Land Acquisition
1894.

In response to your objection filed under sub-section (1) of the section 5A of the Land Acquisition Act, 1894 (Act I of 1894) to the acquisition of land on which public notice of the substance of the notification under sub-section (1) of section 4 of the Act has been published on _____ in the locality, a hearing of the objection will be conducted at _____ (place), on _____ (date), at _____ a.m/p.m.

2. You will be heard in person or by any person authorized by you in your behalf or by pleader engaged by you. You are requested to be present at the venue in time accordingly with all the connected documents and witnesses, if any, otherwise actions will be taken as per law.

Place :
Date :

Collector
under Act I of 1894.

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FORM 3G

(See sub-paragraph (9) of paragraph 25)

Form for partial cancellation of notification under section 4, of Land Acquisition Act of 1894 (Act I of 1894) for land which can be specified.

(To be used when the land was required for any purpose other than a purpose of the Central Government.)

In exercise of the powers conferred by section 4 of the Land Acquisition Act, 1894 (Act I of 1894) the Governor is pleased to partially cancel the notification under section 4 of the Land Acquisition Act of 1894, published in the Calcutta Gazette, part I, at pages _____, on _____ (date), bearing no. _____ dated _____, for the land measuring, more or less, _____ hectares (_____ acres) in total in mouza (s) _____, J. L. No. (s) _____, P.S. _____, District _____, in respect of the area as scheduled below, measuring, more or less, _____ hectares (_____ acres).

Land Schedule

Mouza : _____, Jurisdiction List No. _____
P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :

Date :

Collector,
under Act I of 1894.

By order of the Governor,

Deputy Secretary.

FORM 3H

(See sub-paragraph (9) of paragraph 25)

Form for partial cancellation of notification under section 4, of Land Acquisition Act of 1894 (Act I of 1894) for land which can be specified.

(To be used when the land is required for a purpose of the Central Government.)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S. O. 782 (E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra - ordinary, under clause (1) of article 258 of the Constitution of India;

2. In exercise of the powers conferred by section 4 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to partially cancel the notification under section 4 of the Land Acquisition Act of 1894, published in the Calcutta Gazette, part I, at pages _____, on _____ (date), bearing no. _____ dated _____, for the land measuring, more or less, _____ hectares (_____ acres) in total in mouza (S) _____, J.L.No.(S) _____, P.S. _____, District _____, in respect of the area as scheduled below, measuring more or less, _____ hectares (_____ acres).

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P.S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the Plot	Area in	
		acres	hectares

Place :

By order of the Governor,

Date :

Collector,
under Act I of 1894.

Deputy Secretary.

FORM 3I

(See sub-paragraph (10) of paragraph 25)

Form for cancellation of notification under section 4, of Act I, 1894 for land which can be specified.

(To be used when the land was required for any purpose other than a purpose of the Central Government.)

In exercise of the powers conferred by section 4 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to cancel the notification published in the Calcutta Gazette, part I, at pages _____, on _____ (date), bearing no. _____ dated _____, in relation to acquisition of land measuring, more or less, _____ hectares (_____ acres) of mouza (s) _____, Jurisdiction List No. (s) _____, P. S. _____, District _____.

Place :

By order of the Governor,

Date :

Collector,
under Act I of 1894.

Deputy Secretary.

FORM 3J

[See sub-paragraph (10) of paragraph 25]

Form for cancellation of notification under section 4 of Act I of 1894, for land which can be specified.

(To be used when the land was required for a purpose of the Central Government).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S.O. 782 (E) dated 25th October, 1895 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India Extra-ordinary, under clause (1) of the article 258 of the Constitution of India ;

In exercise of the powers conferred by section 4 of the Land Acquisition Act of 1894 (Act I of 1894), the Governor is pleased to cancel the notification published in the Calcutta Gazette, part I at pages _____ on _____ (date), bearing No. _____ dated _____, in relation to acquisition of land measuring, more or less, _____ hectares (_____ acres) of mouza(s) _____, Jurisdiction List No. (s) _____, P. S. _____, District _____.

Collector.

By order of the Governor,

Deputy Secretary.

Form for
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shall not
Governor

Mouza :

District :

Revision.

Revision.

Plot Nos

Place :

Date :

FORM 3K

[See sub-paragraph (1) of paragraph 26]

Form for public notice of the substance of notification under section 4, Act I of 1894, for land which can be specified and when the provisions of section 5A of the Act have been waived.

(To be used when the land is required for any purpose other than a purpose of the Central Government).

NOTICE

Whereas it appears to the Governor that land is likely to be needed for a public purpose, Viz., for _____ and to be taken by the Government at the public expense in the mouza _____, Jurisdiction List No. _____, Police Station _____, district _____, it has been notified in the Calcutta Gazette on _____ (date) bearing No. _____, dated _____, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Act I of 1894) that the land including/comprising Revisional Settlement Plot(s) as detailed below and measuring, more or less, _____ hectares (_____ acres) in total, is likely to be needed within the aforesaid mouza.

2. The said notification under sub-section (1) of section 4 of the Act has also been published in the [English Daily] on _____ (date) and in the [Bengali Daily] on _____ (date) and in the [Nepali Daily] on _____ (date) (only in case of Darjeeling District excluding Siliguri Sub-Division)

3. A plan of the land may be inspected in the office of the _____.

4. In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

5. In exercise of the powers conferred by sub-section(4) of section 17 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to direct that the Provisions of section 5A of the Act shall not apply to the lands as described in the Schedule below to which in the opinion of the Governor, the provisions of sub-section (1) of section 17 of the said Act are applicable.

Land Schedule

Mouza : _____, Jurisdiction List No. _____ P.S. : _____,

District : _____.

Revisional Settlement Plot No. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot	Area in	
		acres	hectares

Place :
Date :

Collector,
under Act I of 1894.

By order of the Governor,

Deputy Secretary.

Copy forwarded for information and taking necessary action to :--

- 1) Sri/Smt. _____, Vill. _____,
P.O. _____, P.S. _____, Dist. _____,
owner/occupier of the plot(s) mentioned above;
- 2) The local Government Offices and Panchayet Bodies in the locality for wide publicity and for displaying the notice in their office Notice Boards.
- 3) A copy of the notice shall be displayed at a conspicuous place near the land proposed to be acquired.

Place :

Date :

Collector,
under Act I of 1894.

FORM 3L

[See sub-paragraph (1) of paragraph 26]

Form for public notice of the substance of notification under section 4, Act I of 1894, for land which can be specified and when the provisions of section 5A of the Act have been waived.

(To be used when the land is required for any purpose other than a purpose of the Central Government).

NOTICE

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S.O. 782 (E) dated 25th October, 1895 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India ;

2. And whereas it appears to the Governor that land is likely to be needed for a public purpose, viz., for _____ and to be taken by the Government at the public expense in the mouza _____, Jurisdiction List No. _____, Police Station _____ district _____, it has been notified in the Calcutta Gazette on _____ (date) bearing no. _____, dated _____, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Act I of 1894) that the land including/comprising Revisional Settlement Plot (s) as detailed below and measuring, more or less, _____ hectares (_____ acres) in total, is likely to be needed within the aforesaid mouza.

3. The said notification under sub-section (1) of section 4 of the Act has also been published in the [English Daily] on _____ (date) and in the [Bengali Daily] on _____ (date) and in the [Nepali Daily] on _____ (date) (only in case of Darjeeling district excluding Siliguri Sub-division)

4. A plan of the land may be inspected in the office of the _____.

5. In exercise of the powers conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

6. In exercise of the powers conferred by sub-section (4) of section 17 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to direct that the Provisions of section 5A of the Act shall not apply to the lands as described in the Schedule below to which in the opinion of the Governor, the provisions of sub-section (1) of section 17 of the said Act are applicable.

Land Schedule.

Mouza : _____, Jurisdiction List No. _____ P.S. _____

District _____.

Revisional Settlement Plot No. In full :

Revisional Settlement plot Nos. in part :

Plot Nos.	Specific portion of the plot	Area in	
		acres	hectares

Place :
Date :

Collector,
under Act I of 1894.

By order of the Governor,
Deputy Secretary.

Copy forwarded for information and taking necessary action to :—

- 1) Sri/Smt. _____, Vill. _____,
P.O. _____, P.S. _____, Dist. _____,
owner/occupier of the plot(s) mentioned above;
- 2) The local Government offices and Panchayet bodies in the locality for wide publicity and for displaying the notice in their office Notice boards.
- 3) A copy of the notice shall be displayed at a conspicuous place near the land proposed to be acquired.

Place :

Date :

Collector,
under Act I of 1894.

FROM 4

[See paragraph 20]

Register of applications for acquisition.

1. Serial No. :
2. Land Acquisition Proposal Case No. :
3. Purpose for which land is required :
4. Name of the Requiring Authority or Requiring Body. :
5. Date of receipt of the proposal :
6. Date of submission of draft notification under section 4 (1) in Form 3 or 3A/Form 3B or 3C to the Land and Land Reforms Department :
7. Date of publication of notification in the Calcutta Gazette. :
8. Date of publication of notification in the English Daily namely the..... :
9. Date of publication of notification in the Bengali Daily namely the..... :
10. Date of publication of notification in the Nepali Daily namely the..... :
[in case of Darjeeling district excluding Siliguri Sub-division] :
11. Date of public notice in the locality. :
12. Date of publication of notification as per section 4(1) :
13. Number of objections received :
14. Date of hearing of objections :
15. Date of sending report under section 5A to the Land & Land Reforms Deptt. :
16. Date of final order of Government and its purport. :
17. Date of submission of declaration under section 6 to the Government :
18. Date of submission of estimate :
19. Date of publication of declaration in the Calcutta Gazette. :
20. Date of publication of declaration in an English daily namely the :
21. Date of publication of declaration in a Bengali daily namely the :
22. Date of publication of declaration in a Nepali daily namely the :
(in case of Darjeeling district excluding Siliguri Sub-division) :
23. Date of public notice of the substance of declaration in the locality :
24. Date of publication of declaration under section 6 (2) :
25. Acquisition authorized in the order of the Government No..... dt..... :
26. Number of the case in the Register No. 5 in Form 11 :
27. Remarks :

L. A. Collector,

District :
Dated the.....19.....

Certified that the estimate is fair and that the rates have been arrived at after local enquiry and inspection of the ground and with reference to the settlement records and the records of the Registration Directorate.

Sanctioned
.....
.....

Calculator/Surveyor

K.G.O.

Special/Additional Land Acquisition Officer,

Collector,

_____ District.

Collector,

_____ District.

Commissioner,

_____ Division.

Secretary,
Land and Land Reforms Department,
Government of West Bengal.

Department
Jalpaiguri

19.....

FORM 4B

[See paragraph no. 114]

Estimate of Cost of Temporary occupation of land under Act I of 1894.

for.....for the period from.....to.....

L. A. Case No. :
 Mouza :
 J. L. No. :
 Police Station :
 District :

(Name of Project)

Description of land and area in acres decimals	Paddy per acre per year	Value	Jute per acre per year.	Value	Pulses per acre per year.	Value	Other crops per acre per year	Value	Description of trees removed, if any.
	1	2	3	4	5	6	7	8	9
Arable : Waste :									
Value of trees removed, if any	Total of columns 2, 4, 6, 8 and 10.	Deduction			Net profit per annum (11-14)	Period of occupation.	Net amount payable to the raiyats for the period of occupation.		
10	11	Cost of Cultivation.	Land Revenue payable to Government.	Total of Columns 12 and 13					
		12	13	14	15	16	17		

Net amount payable to the occupants/bargadars, if any, for the period of occupation.	Cost of Land Acquisition Establishment: and Contingencies, when payable to Government	Grand Total (17 + 18 + 19)	Remarks
18	19	20	21

Certified that the estimate is fair.

Place : Date :

Land Acquisition Officer

Collector.

FORM 4C

[See paragraph no. 33]

Form of tabulation of the Sale-deeds of lands.

P. S.—

Sl. No.	Date of Sale	Deed No.	Volume No.	Page No.	Name of mouza with J.L. no. and Police Station	Name of Vendor	Name of Vendee	Nature of Title	Plot No. with the Class of land
1	2	3	4	5	6	7	8	9	10
Land Sold		Price of one acre of land sold as per price in column 12.							
Area Sold		Total Price							
Acres decimals									
11(a)	11(b)	12	13	14	Remarks				

Certified that all the sale-deeds covering the period from..... to.....(date) have been enlisted herein and there is no other sale deed of mouza for the said period which has been left out.

Date.....

Signature of Surveyor.

Jalpaiguri
Jalpaiguri

FORM—5

(See paragraph No. 36)

Form of declaration under section 6 of Land Acquisition Act, 1894 (Act I of 1894).

(To be used when the land is required for any purpose other than a purpose of the Central Government).

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for in the mouza(s) jurisdiction list No(s) P. S. District it is hereby declared that a piece of land comprising Revisional Settlement plots as detailed below and measuring, more or less, hectares (..... acres) bounded as specified below is needed for the abovesaid public purpose at the public expense within the aforesaid mauza(s);

2. The declaration is made, under provision of section 6 of Act I of 1894 to all whom it may concern.

3. A plan of the land may be inspected in the office of the

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Date :

Collector,
under Act I of 1894.

Deputy Secretary.

- NOTE 1. All names of places in a draft declaration should be entered in capital letters.
- NOTE 2. When land is required to be taken by Government at the expense of a company for a work of public utility, the words "at the expense of the (name of the company)" should be substituted for the words "at the public expense", and instead of the words "a public purpose", the work should be concisely described.
- NOTE 3. When Plot Nos. of Revisional settlement of the area to be acquired are given boundaries need not be given.

FORM—5A

(See paragraph No. 36)

Form of declaration under section 6 of Land Acquisition Act, 1894 (Act I of 1894).

(To be used when the land is required for a purpose of the Central Government).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S.O.782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India;

2. And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for in the mouza(s) jurisdiction List No.(s) P. S., District , it is hereby declared that a piece of land comprising Revisional Settlement plots as detailed below and measuring, more or less, hectares (..... acres) bounded as specified below is needed for the abovesaid public purpose at the public expense within the aforesaid mouza(s),

3. The declaration is made, under provision of section 6 of Act I of 1894 to all whom it may concern.

4. A plan of the land may be inspected in the office of the

Land Schedule

Mouza : _____, Jurisdiction List No. _____,

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Collector,
under Act I of 1894.

Deputy Secretary.

Date :

NOTE 1. All names of places in a draft declaration should be entered in capital letters.

NOTE 2. When plot Nos. of Revisional Settlement of the area to be acquired are given boundaries need not be given.

FORM—5B

(See paragraph No. 37)

Form for public notice of the substance of declaration under section 6 of the Land Acquisition Act, 1894 (Act I of 1894).

(To be used when the land is required for any purpose other than a purpose of the Central Government).

Whereas the Governor is satisfied that land is needed for a public purpose, not a purpose of Union, namely for in the mouza(s) Jurisdiction List No. (s) P. S. District and the declaration has been published in the Calcutta Gazette on (date) bearing no , date , under sub-section 2 of section 6 of the Land Acquisition Act, 1894 (Act I of 1894) for the land including/comprising Revisional Settlement Plot(s) as detailed below and measuring, more or less, hectares (..... acres) is needed for the aforesaid public purpose within the aforesaid mouza(s);

2. The said declaration under sub-section 2 of section 6 of the Act has also been published [English Daily] on (date) and in [Bengali Daily] on (date) [Nepali Daily] on (date) (in case of hill areas of Darjeeling district only).

3. A plan of the land may be inspected in the office of the

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Collector,

Deputy Secretary.

Date : _____ under Act I of 1894.

Copy forwarded for information to :—

- 1) A copy of the notice shall be displayed at a conspicuous place near the land proposed to be acquired.
- 2) The local Government Offices and Panchayet Bodies in the locality for wide publicity and for displaying the notice in their office Notice Boards.
- 3) Sri/Smt. _____, Vill. _____, P.O. _____, P. S. _____, Dist. _____, owner/occupier of the plot(s) mentioned above

Place :

Collector,

under Act I of 1894.

Date :

FORM—5C

(See paragraph No. 37)

Form for public notice of the substance of declaration under section 6 of Land Acquisition Act, 1894 (Act I of 1894).

(To be used when the land is required for a purpose of the Central Government).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. S. O. 782 (E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India;

2. And whereas the Governor is satisfied that land is needed for a public purpose, being purpose of Union, namely for in the mouza(s) jurisdiction List No.(s), P.S., District, and the declaration has been published in the Calcutta Gazette on (date), bearing no , dated, under sub-section 2 of section 6 of the Land Acquisition Act, 1894 (Act I of 1894) for the land including/comprising Revisional Settlement Plot(s) as detailed below and measuring, more or less, hectares (. acres) in total is needed for the aforesaid public purpose within the aforesaid mouza(s);

3. The said declaration under sub-section 2 of section 6 of the Act has also been published in [English Daily] on (date) and in [Bengali Daily] on (date) and in [Nepali Daily] on (date) (in case of hill areas of Darjeeling district only).

4. A plan of the land may be inspected in the office of the

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Collector,

Deputy Secretary.

Date : _____ under Act I of 1894.

Copy forwarded for information to :—

- 1) A copy of the notice shall be displayed at a conspicuous place near the land proposed to be acquired.
- 2) The local Government Offices and Panchayet Bodies in the locality for wide publicity and for displaying the notice in their office Notice Boards.
- 3) Sri/Smt. _____, Vill. _____, P.O. _____, P. S. _____, Dist. _____, owner/occupier of the plot(s) mentioned above;

Place :

Collector,

under Act I of 1894.

Date :

FORM—6

(See paragraph No. 40)

Form of declaration under section 6, Act I of 1894 and section 3, clause (1), Act XVIII, 1885.

(To be used when the land is required for any purpose other than a purpose of the Central Government).

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for in the mouza(s), jurisdiction List No. (s) P. S. District , it is hereby declared that a piece of land comprising Revisional Settlement Plots as detailed below and measuring, more or less, hectares (..... acres) bounded as specified below is needed for the abovesaid public purpose at the public expense within the aforesaid mouza(s);

2. Mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig or carry away, or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

3. This declaration is made, under the provisions of section 6, Act I of 1894, and section 3, clause(1), Act XVIII of 1885, to all whom it may concern.

4. A plan of the land may be inspected in the office of the

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectres.

By order of the Governor,

Place :

Collector,
under Act I of 1894.

Deputy Secretary.

Date :

- NOTE 1. All names of places in a draft declaration should be entered in capital letters.
- NOTE 2. When land is required to be taken by Government at the expense of a company for a work of public utility, the words "at the expense of the (name of the company)" should be substituted for the words "at the public expense", and instead of the words "a public purpose", the work should be concisely described.
- NOTE 3. When Plot Nos. of Revisional Settlement of the area to be acquired are given boundaries need not be given.

FORM—6A

(See paragraph No. 40)

Form for declaration under section 6, Act I of 1894 and section 3, clause (1), Act XVIII, 1885.

(To be used when the land is required for a purpose of the Central Government).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. S.O. 782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India;

2. And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for in the mouza(s), Jurisdiction List No.(s), P.S., District, it is hereby declared that a piece of land comprising Revisional Settlement plots as detailed below and measuring, more or less, hectares (..... acres) bounded as specified below is needed for the abovesaid public purpose at the public expense within the aforesaid mouza(s);

3. Mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines and minerals as it may be necessary to dig or carry away, or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

4. This declaration is made, under the provisions of section 6, Act I of 1894, and section 3, clause (1), Act XVIII of 1885, to all whom it may concern.

5. A plan of the land may be inspected in the office of the

Land Schedule

Mouza :, Jurisdiction List No.

P. S. :, District :

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Collector,
under Act I of 1894.

Deputy Secretary.

Date :

NOTE 1. All names of places in a draft declaration should be entered in capital letters.

NOTE 2. When Plot Nos. of Revisional Settlement of the area to be acquired are given boundaries need not be given.

FORM—7

(See paragraph No. 41)

Form for withdrawal from the acquisition under section 48(1) of the Land Acquisition Act, 1894 (Act I of 1894) of land of which possession has not been taken.

(To be used when the land was required for any purpose other than a purpose of the Central Government).

In exercise of the powers conferred by sub-section(1) of section 48 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to withdraw from the acquisition of a piece of land measuring, more or less, hectares (..... acres) of mouza(s) Jurisdiction List No.(s) : , P. S. , District , and comprising the Revisional Settlement Plots as detailed below, in respect of which the declaration under section 6 of the Act has been published in the Calcutta Gazette Part I at pages , on (date), bearing no , dated

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Collector,
under Act I of 1894.

Deputy Secretary.

Date :

FORM—7A

(See paragraph No. 41)

Form for withdrawal from the acquisition under section 48(1) of the Land Acquisition Act, 1894 (Act I of 1894) of land of which possession has not been taken.

(To be used when the land was required for any purpose other than a purpose of the Central Government).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (Act I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. S.O.782(E) dated 25th October, 1985 of Rural Development Department issued by Government of India in the Ministry of Agriculture and Rural Development and published at pages 1 to 3, part II, section 3 of the Gazette of India extra-ordinary, under clause (1) of article 258 of the Constitution of India;

2. And in exercise of the powers conferred by sub-section (1) of section 48 of the Land Acquisition Act, 1894 (Act I of 1894), the Governor is pleased to withdraw from the acquisition of a piece of land measuring, more or less, hectares (..... acres) of mouza(s) , Jurisdiction List No.(s) , P.S. , District , and comprising the Revisional Settlement Plots as detailed below, in respect of which the declaration under section 6 of the Act has been published in the Calcutta Gazette, Part I at pages , on (date), bearing no , dated

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

By order of the Governor,

Place :

Date : _____
Collector,
under Act I of 1894.

Deputy Secretary.

FORM—8

(See paragraph No. 77)

Form of general notice to be published under sub-sections (1) and (2) of Section 9, Act I of 1894 for land to be taken up.

Notice is hereby given for _____ acres (_____ hectares), more or less, of land, situate in or near the mouza _____, J.L.No. _____, P.S. _____, District _____, described below, and recently marked out and measured, are about to be taken by the Government for (here specify the purpose), under Act I of 1894, in accordance with a Declaration No. _____ dated _____, published in the Government Gazette of the _____. The date of declaration under section 6 of the Act is _____.

2. All persons interested in this land are hereby called upon to appear personally or by agent on the (enter a date not less than fifteen days from the date of publication of the notice) at the office of _____, at _____ A.M./P.M. to state the nature of their interest in the land, and the amount and particulars of their claims to compensation for the same, and their objections, if any, to the measurements made under section 8 of the Act.

Land Schedule

Mouza : _____, Jurisdiction List No. _____

P. S. : _____, District : _____

Revisonal Settlement Plot Nos. in full :

Revisonal Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

Place :

Date :

Collector,
under Act I of 1894.

Copy forwarded for information to the local Government Offices and Panchayat Bodies in the locality for wide publicity and displaying the notice in their office Notice Boards.

Place :

Date :

Collector,
Under Act I of 1894.

FORM—9

(See paragraph No. 77)

Form of special notice to be issued under sub-sections (3) and (4) of section 9, Act I of 1894, to the occupiers of the land to be taken up and other persons known or believed to be interested in it, or to be entitled to act for persons so interested.

Notice is hereby given that _____ acres (_____ hectares), more or less, of land, situate in or near the mouza _____, J.L.No. _____, P.S. _____, District _____, described below, and recently marked out and measured, are about to be taken by the Government for (here specify the purpose), under Act I of 1894, in accordance with a Declaration No. _____ dated _____, published in the Government Gazette of the _____ (date). The date of declaration under section 6 of the Act is _____.

2. If you have any interest in this land or are entitled to act for person so interested, you are hereby called upon to appear personally or by agent on the (enter a date not less than fifteen days from the date of publication of the notice) at the office of _____, at _____ A.M./P.M. to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same, and your objections, if any, to the measurements made under section 8 of the Act.

Land Schedule

Mouza: _____, Jurisdiction List No.(s) _____,

P. S. : _____, District : _____.

Revisional Settlement Plot Nos. in full :

Revisional Settlement Plot Nos. in part :

Plot Nos.	Specific portion of the plot.	Area in	
		acres	hectares.

Place :

Date : _____ Collector,
under Act I of 1894.

Copy forwarded for information and necessary action to :

Sri/Smt. _____, Vill.— _____,
P.O. _____, P.S. _____ Dist. _____,

owner/occupier of the plot(s) mentioned above.

Place :

Date : _____ Collector,
Under Act I of 1894.

FORM—9A

(See paragraph No. 79)

Statement of claim under section 9 of Act I of 1894.

To
 The Collector under the L. A. Act I of 1894,
 District _____,
 L. A. Case No. _____, of _____.

Re : Project _____
 Statement of claim by _____ to _____

The above-named claimant begs respectfully to state as follows :—

1. That he is proprietor (co-proprietor, sub-proprietor, mortgagee, or tenant, as the case may be) of the land proposed to be acquired in the above case.
2. That he accepts the area given in the notice or that the land proposed to be acquire in the above case within the boundaries mentioned in the notice is by measurement _____ and not _____ as stated in the notice.
3. That this claimant would claim Rs. _____ per _____ for the land and Rs. _____ for the buildings standing thereon.
4. That he would claim Rs. _____ for the crops and trees (if any) standing thereon.
5. That he would claim Rs. _____ for damage (if any) for severance of the land acquired in the above case from his other land.
6. That he would claim Rs. _____ for damage (if any) sustained by him by recent acquisition injuriously affecting his other property viz. _____ of Rs. _____ for injuriously affecting his income.
7. That he would claim Rs. _____ as expenses incidental to the change of residence or place of business.
8. That he would claim Rs. _____ as the damage (if any) that as resulted from the diminution of the profits of the land between the date of the publication of the notification under section 4(1) and the time of the Collectors taking possession.
9. That he would claim an additional amount calculated @ 12% on the market value of land for the period from the date of publication of notification under section 4(1) to the date of award or the date of taking possession of the land whichever is earlier.
10. That he would also claim usual 30% statutory allowance on the above amounts.

Note — No Court Fee is necessary on a statement of claim under section 9.

The following particulars should always be given.

A—Claim by owner of the land.

1. Name of claimant and his share.
2. Names of co-sharers and their shares.
3. Abstract of title, i.e. whether inherited or purchased and if purchased when, from whom and for what amounts.
4. Details of any mortgage or charge on the land.
5. Rent or profits derived from the land for the past three years. It is to be given in the form of a statement showing the names of the tenants if any and the amount collected. It is possible that the statement may be challenged, and it should, therefore, be made at the earliest possible date.
6. Whether competent to alienate the land by voluntary sale.

7. Total amount claimed under separate heads, e.g., for land, structures (these will usually be valued jointly), trees, crops, loss of earnings, damages for removal, etc.
8. Whether the area given in the notice is accepted or not.

Documents should be filed in support of these statements, if any exists, and if the area is disputed a map showing boundaries claimed, the measurement of them, and the area.

B—Claim by tenant holding under a lease or by tenant with occupancy right.

1. Name of claimant and his share.
2. Names of co-shares and their shares.
3. Full description of lease.
4. Rent or profits derived from the land by claimant during the past three years.
5. Whether the premises is used for residential or business purposes. If the latter, the nature of the business should be stated and the annual profits from it.
6. Total amount claimed under separate heads.
7. Description and value of and fixtures owned by claimants.
8. Details of any charge or mortgage on the lease.
9. Whether competent to alienate the right under the lease.

C—Claim by monthly tenant residing or carrying on business in the premises.

1. Name of claimant and rent paid.
2. Whether residing in the premises or carrying on business.
3. Nature of business if any carried on in the premises and profit for the last year.
4. Description and value of fixtures owned by claimant.
5. Total amount claimed for damages and fixtures separately.

D—Claim of mortgage.

1. Name of claimant .
2. Amount of mortgage and rate of interest. Amount remaining unpaid on both accounts up-to-date of claim.

Dated _____ 19 _____

Signature of the Claimant.

Address _____

FORM—10

(See paragraph No. 81)

Form of requisition under section 10, Act I of 1894, to be added
when necessary to Notice in Form 9.

You are hereby required to make or deliver to the undersigned at (here specify the place) on (here specify the date not earlier than fifteen days from the date of requisition) a statement containing, so far as may be practicable, the name of every person possessing any interest in the land, or any part thereof, referred to in the notice of _____ concerned on you, as co-proprietor, sub-proprietor, mortgagee, tenant, otherwise, and of the nature of such interest, and all the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

Place :—

Date :—

Collector,
Under Act I of 1894.

L. A. DEPARTMENT

L. A. DEPARTMENT

L. A. DEPARTMENT

FORM—10A

(See paragraph No. 81)

Statement of claims under section 10 of the Act I of 1894.

To
 The Collector under L. A. Act I of 1894,
 District _____
 Re : L. A. Case No. _____ of _____
 Re : Project _____

Statement of claims of _____ of _____.

In pursuance of a notice issued under section 10 of L. A. Act I of 1894, the claimant above named begs to state as follows :

Firstly, that he is the sole proprietor of the premises to be acquired in the above case, and there is no co-proprietor, sub-proprietor, mortgagee, tenant or otherwise of the property.

(or in case of joint property)

Firstly, that he is a co-proprietor of the premises to be acquired in the above case with _____ of _____ as joint proprietor;

Secondly, that the property is free from all encumbrances and has not been mortgaged and has not been made a charge in any way.

(or when there is a mortgage or charge)

Secondly, that the property is under the mortgage of Rs. _____ in favour of _____ of _____ by a deed or mortgage _____ and the amount due to the mortgage with interest is Rs. _____ more or less.

or,

That by a deed of Trust (or endowment or wakf _____ or by an agreement or by decree) the property is subject to a charge for the payment of the sum of Rs. _____ per mensem (or per annum, as the case may be) for the due performance of the worship of _____ at _____ or for the maintenance of _____ during natural term of life;

Thirdly, there is no tenant on the premises, who has got any heritable and transferable interest in the same. The tenants are (1) _____ (2) _____ (3) _____ who are all tenants at will;

or,

(When there is lease for a term of years or for an indefinite term)

Thirdly, the property has been leased out to _____ of _____ for a term of _____ years reserving a monthly (or yearly) rent of Rs. _____ (and if there is a clause in the lease forfeiture in case of notice of acquisition given) with the tenant who has no right to share any portion of the compensation money under the claimants between the parties;

Fourthly, the rents and profits received on account thereof for three years next preceding are set forth in the table annexed hereto.

TABLE SHOWING GROSS INCOME FOR THREE YEARS.

Year	Rupees
19	
19	
19	

19

19

19

Note.— A statement under section 10 also does not require any Court fee stamp.

Dated _____ 19 _____

Signature of the person requisitionedAddress _____

Date of reference to the Civil Court.	Amount of compensation given by Civil Court and date of decision.	Amount of cost paid by Collector under section 27.	Result of appeal under Section 54 and date of decision.
17	18	19	20

Date of payment	Sale proceeds of property sold on behalf of Government such as trees or crops if any.	Remarks
21	22	23

Place : : —

Date : : —

Collector
Under Act I of 1894

Jalpaiguri

Jalpaiguri

FORM 12

[See paragraph no. 94]

CALCULATION SHEET

(For Act I of 1894)

Act..... L. A. Case No..... of.....
 19.....
 Project.....
 Mouza....., J. L. No.....
 P. S....., District.....

i) Date of notification u/s 4(1).....
 ii) Probable date of award/date of Possession.....
 iii) Period of Additional compensation u/s 23 (1A).....
 (From.....to.....)
 iv) Period of Interest.....
 (From.....to.....)

Serial No.	R.S. Plot No. (part or full)	Khatian No.	Name of owners, address & their respective shares	Area	Classification	Rate per acre		Land Value		Value of trees		Value of Structures	
						Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.
1	2	3	4	5	6	7	8	9	10				

Total amount of Columns 8, 9 & 10.		30% solatium on col. 11.		Additional amount u/s 23 (1A) @ 12% per annum on column. 11		Damages and expenses under clauses 2 to 7 of section 23(1)		Total amount (11 + 12 + 13 + 14)		Interest @ 9% per annum.	
Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.
11		12		13		14		15		16	

Interest @ 15% per annum		Total amount (15 + 16 + 17)		Amount payable as per individual share on Col. 18.		Remarks	
Rs.	P.	Rs.	P.	Rs.	P.	Rs.	P.
17		18		19		20	

Calculator

Kanungo

Land Acquisition Officer

Collector.

FORM—13

(See paragraph No. 94)

LAND ACQUISITION

L. A. Case No. of

Proceedings under section 11, Act I of 1894.

Name of project

No. and date of the notification and declaration under which the land is to be acquired.

Situation and extent of the land, in acres, the number of field plots on the Revisional Settlement map, the mouza in which situate with the number of Kilometre Plan, if any.

Description of the land, i.e., whether fallow, cultivated, homestead, etc. If cultivated, how cultivated ?

Basis of Calculation.

Amount allowed for the land itself without the trees, buildings etc. if any

Amount allowed for trees, crops, houses, huts, or any other immovable things.

Total value of the land

Additional amount @ 12% per annum on the market value of land u/s 23 (1A)

\Additional compensation @ 30% on the market value under section 23(2).

Damages under clauses secondly to fourthly, sixthly and seventhly of Section 23(1) and expenses incidental to change of residence under clause fifthly.

Interest under Section 34, Act I of 1984.

Award under Section 11, Act I of 1984.

Capitalized value of Land Revenue.

Particulars of abatement of Government Revenue.

(For Calcutta, state also Division, Sub-Division and Block).

Declaration of the award and filing thereof under section 12(1) of the Act.

(i) Notification No. _____ date _____ published at page _____ Part _____ of the Calcutta Gazette of the _____ (date).

(ii) Date of publication of notification u/s 4(1) : _____

(iii) Declaration No. _____ date _____ published at page _____ part _____ of the Calcutta Gazette of the _____ [date]

(iv) Date of publication of declaration u/s 6(2) _____

Rs.

Rs.

Rs.

Rs.

Rs.

Rs.

Rs.

Total Rs.

(in words)

Rs.

Name of mouza :

P.S. _____ District _____

Total area of all the khatians covered.

Total rent of those khatians.

Area acquired in the award :

Amount of Government Revenue abated Rs. _____

Date from which the abatement takes effect : _____

Collector

Under Act I of 1894.

FORM—14

(See paragraph No. 98)

Form of Notice Under Section 12(2) or ACT I of 1894

Name of Project ::

No. of L.A. Case ::

To

Sri/Smt. _____

Vill. _____

P.O. _____

P.S. _____

District _____

Notice is hereby given that in the above case, in which you have been treated as a person interested, an award was made by me on the _____ 19 _____ under section 11 of Act I of 1894. The sum payable to you is Rs. _____. If you are willing to accept payment, you should appear before me personally or by a duly authorised agent on _____ at _____ a.m./p.m. at _____ (place). Interest will not be payable in the case of failure to appear.

Place :

Collector,

Date :

Under Act I of 1894

- N.B. 1. The party is instructed to bring with him a proper identifier such as a Dafadar or a member of the Gram Panchayat/Panchayat Bodies concerned when the payment is demanded by himself.
2. He is also advised to bring with him a receipt stamp of 20 paise when the amount demanded is more than rupees twenty.

FORM—15

(See paragraph No. 98)

Form of Notice to the Correction in the Award Under Section 13A(2) of Act i of 1894

Name of Project ::

No. of L.A. Case ::

To

Sri/Smt. _____

Vill. _____

P.O. _____

P.S. _____

District _____

In pursuance of the provision of sub-section (1) of section 13A some clerical/arithmetical mistakes in the award as detailed below and/or errors arising thereon have been corrected. Notice is hereby given to you as you are a person interested in the award :

1. A sum of Rs. _____ is further payable to you. If you are willing to accept the payment, you should appear before me personally or by a duly authorised agent on _____ at _____ a.m./p.m. at _____ (Place). Interest will not be payable in the case of failure to appear.

2. It is to be noted that an excess amount of Rs. _____ has been paid to you which should be refunded to this office in cash within fifteen days from the date of receipt of this notice. In default the excess amount thus paid will be recovered under the Public Demand Recovery Act as per provision of sub-section (3) of section 13A of the Land Acquisition Act, 1894.

Award Sl. No.	Name of the awardee with father's name and village	Amount awarded initially	Amount of award as stands after correction	Remarks

Place :

Date :

Collector,

Under Act I of 1894

- N.B.
1. In case where further payment will be made a party is instructed to bring with him a proper identifier such as a Dafadar, a member of the local Panchayat Bodies or the Pradhan of a Gram Panchayat.
 2. He is also advised to bring with him a receipt stamp of 20 paise when the further amount to be paid is more than Rs. 20/- only.

FORM—16

(See paragraph No. 104)

Land Acquisition Case No. _____ of _____

Reference to the Court under section 18 of the Land Acquisition Act (Act I of 1894)

Whereas Sri _____ S/O _____, Vill. _____, P.O. _____, P.S. _____, District _____ has not accepted the award made by me under section 11 of Act I of 1894, a copy of which is annexed hereto, and has not received payment of the award/has received the payment of the award under protest and as required by the accompanying application that the matter be referred to the Court of Law, I hereby make reference to the Court of the _____ under the said section. The particulars required by the Court are given below for ready reference.

1. Name of Project : _____
2. No. & date of declaration under which the land has been acquired. :— Declaration No. _____ dated _____ published at page _____ part _____ of the Calcutta Gazette of the _____ (date).
3. The date of publication of declaration under section 6(2) of the Act. :—
4. The Situation and extent of the land in acres and decimals, the No. of field plots on the map, the name of mouza with J.L. No. and P.S. and the No. of Km. plan, if any. Particulars of trees, buildings or standing crops, if any. :—
5. Names & addresses of the persons found to be interested in the land and the nature of each person's interest. :—
6. Amount awarded for damages and paid or tendered under sections 5 and 17 or either of them. :—
7. Compensation awarded under section 11. :—
8. The amount of compensation paid or deposited under section 17(3A). :—
9. Grounds on which the amount of compensation was determined. :—
10. Nature of objection taken to the award. :—
11. Statement of particulars of notices served upon under sections 9 and 12(2) of the Act. :—
12. Particulars of statements in writing made or delivered by the parties interested. :—

Dated _____ 19 _____.

Collector,
Under Act I, 1894

Enclosures :—

- (i) Extract copy of the relevant portion of the award statement _____ Sheets.
- (ii) Application made or delivered by the party _____ Sheets.
- (iii) Statement in writing made or delivered by the parties interested _____ Sheets.

FORM—17

(See paragraph No. 104)

Land Acquisition Case No. _____ Dated _____

Reference to the Court under section 30 of Land Acquisition Act (Act I of 1894)

Whereas a dispute exists between the parties interested (or between A and B) as to the apportionment of compensation (or of a portion of the compensation) settled by me in the award made under section 11 of Act I of 1894, of which a copy is hereto annexed, I hereby refer such dispute for decision to the Court of _____ under section 30 of the Act. The Particulars related to the dispute are given below.

1. Name of Project ::
2. No. & date of declaration under which the land has been acquired. :: Declaration No. _____ dated _____ published at page _____ part _____ of the Calcutta Gazette of the _____ (date).
3. The date of publication of declaration under section 6(2) of the Act. ::
4. The Situation and extent of land in acres and decimals, the No. of field plots on the map, the name of mouza with J.L. No. and P.S. and the No. of Km. plan, if any. ::
5. Names & addresses of the persons interested in the land and the nature of their respective interests. ::
6. The amount of compensation awarded under section 11 of the Act. ::
7. Particulars of the dispute ::

Dated _____ 19 _____.

Collector,
Under Act I, 1894

Enclosures :—

Extract copy of relevant portion of the award statement _____ Sheets.

FORM -17 A

[See paragraph no. 109]

Register of reference cases.

No. of Land Acquisition cases	Date of Collector's award or date of receipt of notice from the Collector under section 12(2).	Date of application for reference to the Collector.	Names & Addresses of persons by whom reference is applied for.	Nature of objections raised	Amount awarded by the Collector, mentioning plot no(s), area acquired etc.	Date of reference to the Civil Court.
1	2	3	4	5	6	7
Amount of process fees deposited and the date or dates thereof.	Date of remittance of the process fees to the Civil Court.	Date of deposit of compensation in the Court or date of payment under protest.	No. of reference case in the Court.	Date of decision of the Court.	Amount awarded by the Court Compensation Interest	Costs decreed to Government
8	9	10	11	12	13(a) 13(b)	14
Date of issue of notice upon debtor to deposit the cost	Amount received and deposited.	No. and date of challan by which the amount is credited into treasury	Cost decreed against Government.	Date of payment of excess compensation to the Court.	Date of appeal under section 54, if any, and date of decision.	
15	16	17	18	19	20	
Signature of Dy. Collector in token of satisfaction of decree in favour of Govt.	Amount of excess compensation awarded by High Court.	Amount of interest decreed by the High Court.	Remarks.			
21	22	23	24			

FORM —18

[See paragraph no. 112]

Form of Abatement of Land Revenue.

Statement showing the amount of Land Revenue to be abated on account of lands acquired under Land Acquisition Act, 1894

L. A. Case No.	::	Name of Project	::	Date of Vesting :
Mouza	::	Name of the Requiring Authority.	::	(Date of possession in Act I, 1894).
J. L. No.	::			
Police Station	::			
District	::			

Khatian No.	Total Area of the Khatian.		Total Land Revenue of the Khatian.	Plots acquired in the Khatian		Area acquired in the plot.		Proportionate Land Revenue of the total acquired area to be abated.	Date of effect of the abatement.	Remarks
	Acres	Deci		Full	Part	Acres	Deci			
1	2		3	4		5		6	7	8

Collector
Under Act I. 1894

Jalpaiguri

Jalpaiguri

FORM—19

(See paragraph No. 115)

FORM of notice to be issued under sub-section 2 of section 35, Act I of 1894, to the persons interested in the land to be occupied and used temporarily.

Notice is hereby given that _____ acres (_____ hectares), more or less, of land situate in or near the mouza of _____, P.S. _____, District _____ specified as below and recently marked out, are required for temporary occupation and use under sub-section 1 of section 35 of Act I of 1894, in accordance with Government Order No. _____ Dated _____ for a period of _____ for _____ (here specify the purpose)

If you have any interest in this land or are entitled to act for persons so interested you are hereby called upon to appear personally or by agent on the _____ at the _____ (enter the date fixed)

office of _____ at _____ to state the nature of your interest in the land and the amount and particulars of any claim for compensation which you may wish to prefer. If you fail to put in an appearance as required above, compensation will be awarded ex parte and the land will be entered upon and occupied for the purpose specified above.

Land Schedule

Mouza _____, J.I.No. _____, P.S. _____
District _____

Revisional Settlement Plot Nos. to be occupied temporarily in full :

Revisional Settlement Plot Nos. to be occupied temporarily in parts :

Plot Nos.	Total Area of the plot	Specific portion of the plot	Area to be occupied temporarily	
			in Acres	in Hectares

Place :

Collector,

Date :

Under Act I, of 1894

Copy forwarded for information and necessary action to :

- (i) Sri/smt _____
Vill. _____ P.O. _____

Owner/Occupier of the plot(s) mentioned above.

- (ii) The local Government Offices and Panchayet Bodies in the locality for wide publicity and for displaying the notice in their Office Notice Board.
- (iii) A copy of the notice should be displayed at a conspicuous place on or near the land proposed to occupied temporarily.

Place :

Collector,

Date :

Under Act I, of 1894

FORM --CC

[See paragraph no. 126)

Consolidated Voucher for payment made on 19..... in accordance with Award Statement No.....

Dated....., on account of land for (Project) in

Mouza....., P.S....., District.....

L. A. Case No :

Serial No. in Award Statement.	Name of Payee with father's name	Area of land.	Amount paid with date of payment.	Cheque no. with date when paid by cheque.	Signature of the payee with date.	Remarks
1	2	3	Rs. 4 P.	5	6	7
		Total				

The persons, who have put their signatures and/or Left Thumb Impressions on this page, are hereby identified by me to my satisfaction. They have been paid the sums as entered in Column 4 above against their names in my presence.

(Signature of the identifier with Designation.)

Paid in my presence in Cash/by cheque to the above person(s) the total sum of Rupees (in words) _____ Paise _____ only.

Dated _____ 19 _____

Land Acquisition Officer

Jalpaiguri

Jalpaiguri

FORM-E

(See Paragraph-127)

Land Acquisition Case No. with year :

Name of work for which land has been acquired :

To

The Officer-in-Charge of _____ Treasury

Please receive for transfer to credit of Revenue Deposits the sum of Rs. _____ on account of Compensation for land acquired for the above purpose, payable as detailed below :

Serial No. in Award Statement No.	Name of persons to whom due.	Area of land in acres.	Amount payable to each. Rs. P.	Remarks
1	2	3	4	5
Total				

Dated _____ 19_____

Land Acquisition Officer

Received the above amount and credited to Revenue Deposits.

Treasury Officer.

Note : This form should be used when the amounts of Compensation due are sent to the Treasury in absence of proprietors who have failed to present themselves

FORM-E

(See Paragraph-127)

Land Acquisition Case No. with year :

Name of work for which land has been acquired :

To

The Officer-in-Charge of _____ Treasury

Please receive for transfer to credit of Revenue Deposits the sum of Rs. _____ on account of Compensation for land acquired for the above purpose, payable as detailed below :

Serial No. in Award Statement No.	Name of persons to whom due.	Area of land in acres.	Amount payable to each. Rs. P.	Remarks
1	2	3	4	5
Total				

Dated _____ 19_____

Land Acquisition Officer

Received the above amount and credited to Revenue Deposits.

Treasury Officer.

Note : This form should be used when the amounts of Compensation due are sent to the Treasury in absence of proprietors who have failed to present themselves for

FORM—20

(See paragraph No. 127)

Form of notice of revenue deposits under rule 10 of the Government Rules

Name of project : :

Number of L.A. : :
Case with year

To,

Sri/Smt _____

Notice is hereby given that Rs. _____ due to you on account of
Compensation awarded under Act I of 1894 in the above L.A. case has been placed in Revenue
deposit in the _____ Treasury on _____
(date)

Dated _____

19_____.

Collector,
Under Act I, 1894

JALPAIGURI

JALPAIGURI

FORM-D

(See Paragraph-128)

Land Acquisition Case No. with year. :
 Name of work for which land has been acquired :

To
 The Judge of the Court,

The sum of Rs. _____ on
 account of Compensation for land acquired for the
 above purpose, payable as detailed below, is tendered
 for deposit in Court under Section 31(2) of Act I,
 1894 _____

Serial No. in award State-ment No.	Names of parties	Area of land in acres.	Amount payable to each	Rema-rks.
Total :				

Dated _____ 19____ Land Acquisition Officer.

Received the above amount for Credit to Civil Court deposit

_____| Judge. |
 Note : This form should be used when the amounts of Compensation due are sent to a Civil Court for deposits.

FORM-D

(See Paragraph-128)

Land Acquisition Case No. with year. :
 Name of work for which land has been acquired :

To
 The Judge of the Court,

The sum of Rs. _____ on
 account of Compensation for land acquired for the
 above purpose, payable as detailed below, is tendered
 for deposit in Court under Section 31(2) of Act I,
 1894 _____

Serial No. in award State-ment No.	Names of parties	Area of land in acres.	Amount payable to each	Rema-rks.
Total :				

Dated _____ 19____ Land Acquisition Officer.

Received the above amount for Credit to Civil Court deposit

_____| Judge. |
 Note : This form should be used when the amounts of Compensation due are sent to a Civil Court for deposits.

FORM-D

(See Paragraph-128)

Land Acquisition Case No. with year. :
 Name of work for which land has been acquired :

To
 The Judge of the Court,

The sum of Rs. _____ on
 account of Compensation for land acquired for the
 above purpose, payable as detailed below, is tendered
 for deposit in Court under Section 31(2) of Act I,
 1894 _____

Serial No. in award State-ment No.	Names of parties	Area of land in acres.	Amount payable to each	Rema-rks.
Total :				

Dated _____ 19____ Land Acquisition Officer.

Received the above amount for Credit to Civil Court deposit

_____| Judge. |
 Note : This form should be used when the amounts of Compensation due are sent to a Civil Court for deposits.

FORM—20A

(See paragraph No. 128)

Form of notice of deposits in the Court

Name of project : :

Number of L.A. : :

Case with year

To,

Sri/Smt _____

Notice is hereby given that a sum of Rs. _____ due to you on account of Compensation awarded under Act I of 1894 in the above Land Acquisition Case has been deposited in the Court of the District Judge of _____ on _____ (date) in pursuance of your prayer for reference to Court under Section 18 of the Act/for apportionment of Compensation under Section 30 of the Act/as the award relates to Debottar or Pirottar or alike property. You can receive payment of the award from the said Court.

Dated _____

19 _____

Collector,

Under Act I, 1894

L. A. Department

L. A. Department

FORM-20B

(See Paragraph-129)

FORM FOR REGISTER FOR RECORDING DEPOSITS OF ESTABLISHMENT CHARGES, CONTINGENT CHARGES, LAW CHARGES AND CAPITALIZED VALUE OF LAND REVENUE.

Month _____ Year _____ Head of Account of the Deposit _____

Serial No.	L. A. Case No.	Award Statement No.	Details of deposits								Total 4 + 6 + 8
			Establishment charges	Chalan No. & Date	Contingent Charges.	Chalan No. & Date	Law Charges	Chalan No. & Date.			
1	2	3	4	5	6	7	8	9	10		
			Rs. P.		Rs. P.		Rs. P.		Rs. P.		
Total :											
Capitalized value of Land Revenue			Chalan No. and Date			Signature of the Land Acquisition Officer.			Remarks.		
	11			12			13		14		
	Rs.	P.									
Total :											

FORM—20C

(See sub-paragraph (4) of Paragraph 132)

Form of notice of revenue deposits/deposits in the Court under Section 17(3A) of the Act

Name of project : :

Number of L.A. : :

Case with year

To,

Sri/Smt _____

Notice is hereby given that a sum of Rs. _____ due to you on account of 80% Compensation computed under section 17(3A) of Act I of 1894 in the above Land Acquisition Case has been deposited in the Revenue Deposit in the _____ Treasury on _____/ in the Court of the District Judge of _____ on _____, in pursuance of your prayer for reference under section 18 of the Act/for (date)

apportionment of Compensation under Section 30 of the Act/as the amount of compensation relates to Debottar or Pirottar or alike properly.

Dated _____

19_____.

Collector,

Under Act I, 1894

L.A. Department

L.A. Department

FORM-20D

(See Paragraph-134)

STOCK REGISTER OF CHEQUE BOOKS

Date	Receipts into Stock				Issues from Stock				Signature of the Special Land Acquisition Officer.			
	From whom received	Numbers		Date	To whom issued	Numbers		Serial No. of Forms				
		Books	Forms			Books	Forms			From	To	
1	2	3	4	5	6	7	8	9	10	11	12	13

Date of Exhaustion of the cheque Book

Signature of the Special Land Acquisition Officer

Remarks

14

15

16

FORM—20E

(See Paragraph 138)

Form for submission of disbursement certificate to the
beneficiary department or to other Agencies.To
The _____

_____Sub:— Adjustment for an amount of Rs. _____
(Rupees _____) only
connected with Act-I L.A. Case No. _____ of
_____ for an awarded area of
(year)
_____ acres in _____
(Name of the Project)1. An awarded amount of Rs. _____ (Rupees _____)
_____ was earmarked from the total amount of Rs. _____
only received from him vide cheque/draft no : _____ dated _____
against the sanctioned estimated amount of Rs. _____ (Rupees _____)
vide Collector's/Commissioner's/Government order No. _____ dated _____.2. (a) Out of the awarded amount a sum of Rs. _____ (Rupees _____)
_____ was paid to the awardees as per C.C. Vouchers
(Statement enclosed).(b) An amount of Rs. _____ (Rupees _____)
_____ only was deposited under Revenue Deposit. (Statement enclosed).(c) An amount of Rs. _____ (Rupees _____)
_____ only was deposited to the District Judge _____ under
Reference Case/Debottar Case. etc. (Copy of Form 'D' in Cases other than reference cases enclosed).(d) An amount of Rs. _____ (Rupees _____)
_____ only has been deposited as Establishment, Contingency and
Law charges in total.(e) An amount of Rs. _____ (Rupees _____)
_____ only has been deposited as Capitalized Value of
Land Revenue.3. The balance amount of Rs. _____ (Rupees _____)
_____ is lying in the P.L. Account of the Collector, _____.4. The C.C. vouchers and R.D. Chalans etc. have been preserved at this end as per G.O. No.
5204 (77)-L.A (II) dated 25/4/1990 of Land and Land Reforms Department, L.A. (II) Branch,
Government of West Bengal.5. This may be treated as the Disbursement Certificate of the amount for which the adjustment
is hereby given.

Encl : _____ Sheets.

Land Acquisition Collector
_____ District.

Copy forwarded for information and necessary action to ::

(i) The Cashier, Land Acquisition Section. The following papers are enclosed for preserving
those duly L.A. Case-wise in the Office.

(a) C.C. Vouchers : _____ Sheets.

(b) R.D. in Form E _____ Sheets.

[Continued to next page]

- (c) C. D. in Form D _____ Sheets.
 - (d) A statement of C.C. Vouchers _____ Sheets.
 - (e) A statement of R/D in Form E _____ Sheets.
 - (f) Other papers, if any : _____ Sheets.
- (ii) A copy be pasted in the Guard File.

Land Acquisition Collector,
_____ District.

Land Acquisition Department

Land Acquisition Department

Land Acquisition Department

FORM -A

[See paragraph 138]

- i) Land Acquisition Case No. with year :
- ii) No. and Date of Award Statement :
- iii) Date of Declaration of Award :
- iv) Date of Publication of Declaration :
- v) Name of project for which land has been acquired :
- vi) No. and Date of declaration in Calcutta Gazette :
 - a) Notice No. :
 - b) Date :
 - c) Page :

Statement showing Compensation awarded by the Collector under Section 11 of the Land Acquisition Act, 1894 to all the persons interested in the plot of land situated in the mouza..... J. L. No....., Police Station..... District....., West Bengal.

1	2	3	4	5	
Serial No.	Names of persons to whom payment is due under the award	Area of Land Awarded in the Case.	Abatement of Land Revenue in total.	Valuation of trees, buildings etc. that may be taken upon the land in total.	
6	Total amount due to each person, including the amount shown in column 5, the amount awarded for the land, interests, costs and any other amounts due to the payee in connexion with the acquisition of the land.	7	8	9	10
		Distribution of the amount in column 6 taken from the Subsidiary Statement AA	Remarks	Number and Date of Voucher.	Date on which possession of the land was handed over to departmental authorities for whom it is acquired.
	Rs. P.				

Dated _____ 19____
Collector,
Under Act I, 1894.

- Note 1. Each award statement should be confined to the lands to be taken under one declaration, i.e. the awards given for lands acquired under more than one declaration should not be incorporated in one statement, but as many separate statements submitted as there are declarations.
- Note 2. Mode of payments on deposits be given in brief in Column 7.

Jalpaiguri

FORM -AA

[See paragraph 138]

Particulars regarding the acceptance by the persons concerned of amounts in Award Statement

No., Dated....., of Land Acquisition Case No..... of 19.....

- i) Name of project for which land has been acquired :
- ii) Date of Declaration of award :
- iii) Date of publication of Declaration. :
- iv) No. and Date of declaration in Calcutta Gazette :
 - a) Notice No. :
 - b) Date :
 - c) Page :

1	2	Particulars of amount entered in Column 6 of the Award Statement in Form A				
		(a)	(b)	(c)	(d)	(e)
Serial No. in the Statement of Award under Section 11 of the Act.	Name of person to whom payment is made under the award.	Amount accepted without protest.	Amount accepted under protest.	Amount deposited in Court	Rs. P.	Rs. P.
				Amount deposited in Court	Rs. P.	Rs. P.
		Amount undischarged owing to non-attendance and the Treasury in which it is deposited.	Rs. P.			Rs. P.

Date: _____ 19_____

Collector,
Under Act I, 1894.

FORM - B

[See paragraph 128 and 138 (3) (v)]

- i) Land Acquisition Case No. with year : _____
- ii) No. and Date Award Statement : _____
- iii) Date of Declaration of Award : _____
- iv) Date of Publication of Declaration : _____
- v) Name of project for which land has been acquired : _____
- vi) No. and Date of declaration in Calcutta Gazette : _____
 - a) Notice No. : _____
 - b) Date : _____
 - c) Page : _____

Statement showing the amount of Compensation awarded by the Court of _____ under Section 26 of Act I of 1894.

1	2	3	4	5	6	7	8
Serial No. in the State of Award under Section 11 of the Act.	Names of persons to whom payment is due under the award.	Amount originally awarded	Amount paid by Collector under the original award.	Total amount awarded by the Court.	Further payments due.	Remarks	No. and date of voucher.
		Rs. P.	Rs. P.	Rs. P.	Rs. P.		

Dated _____ 19_____

Collector,
Under Act I, 1894

(FORM—21)

((See Paragraph 146))

Certificate of possession of land made over to the parties on whose behalf it has been acquired

Certified that I have this day _____ received possession
(here specify the date)at the hands of _____
(here mention the name and designation of the officer taking over possession)
of _____ hectares/acres of land related to Land Acquisition Case No. _____
in Mouza _____, P.S. _____, District _____,
which has been acquired under declaration no. _____ dated the _____
publishing at page _____ of the Calcutta Gazette of the _____
(date of publication of Gazette)

for the purpose of _____

2. The details of lands and inventory in respect of trees, structures and buildings etc. possession of
which has been received by me are enclosed in _____ No. of sheets prepared separately.Signature, name and designation of the
Officer making over the possession.Signature, name and designation of the
Officer taking over the possession.

FORM -21A

[See paragraph —148]

Proforma for Over-lapping Register

- i) Name of Mouza with J. L. No. ::
- ii) Name of P.S. ::
- iii) District ::
- iv) Name of Project for which land has been acquired.
- v) Land Acquisition Case No. with year ::
- vi) Date of vesting of the land, under Land Acquisition Act, 1894. ::
- vii) Name of the Requiring Authority. ::

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Plot Nos. acquired in full.	Total area of all plots in Column No. 1 in hectares/acres.	Plots acquired in parts		Total area of Column No. 3(b) in hectares/acres.	Total area acquired in hectares/acres. (2+4)
		PLot No.	Area acquired in hectares/acres.		
1	2	3(a)	3(b)	4	5

Memo. No. and date under which declaration u/s 6 of Act I of 1894 published.	Date of publication of declaration as per section 6(2) of Act I of 1894.	Whether the alignment has been drawn on mouza-map and preserved separately.	Remarks
6	7	8	9

Signature of the Land Acquisition Collector,
Under Act I of 1894.

Handwritten signature and stamp at the bottom right of the page.

FORM—22

(See Paragraph 150)

Final report for the proceedings taken for acquisition of land acquired for
in the district of _____

(Name of the Project)

1. Land Acquisition Case No. : :
2. (a) Name of the Project : :
(b) Name of Requiring Authority : :
3. Mouza(s) affected with J.L. No.(s) : :
and P.S.
4. Area covered by the Land Acquisition : :
Case in hectares and acres.
5. Account of any preliminary investi- : :
gation under section 4 and of any award
made by the Collector in reference
under section 5 of the Act.
6. (a) No. and date of the notice : :
publishing the notification in
the Calcutta Gazette under
section 4(1) and the page and
date of Gazette.
(b) Date of publication of notifica- : :
tion as per section 4 (1).
7. (a) No. and date of declaration and : :
page and date of the Gazette in
which published.
(b) Date of publication of declara- : :
tion as per section 6(2).
(c) Area covered by the declaration : :
in hectares and acres.
8. Date of issue and services of general : :
and special notices under section 9.
9. Date fixed for enquiry under section : :
11 and if any postponements have been
allowed the date of final enquiry and
award.
10. Date of reference under section 18 or : :
section 30.
11. (a) Date of possession under section : :
16 of the Act.
(b) No. and date of Government : :
order authorising possession
under section 17.
(c) Date of payment of 80% of com- : :
pensation under section 17(3A) of
the Act.
(d) Date of possession under section : :
17.
12. Date of decision of the Court under : :
section 26 or section 30 and explanation
of the difference, if any, between the
Collector's award and the award of
the Court.

[Continued to next page]

13. Date of decision of any appeal under section 54 from the decision of the Court. : :
14. Apportionment of compensation under part IV of the Act. : :
15. Payment under part V of the Act. : :
16. Account of any proceeding under part VI of the Act. : :
17. Remarks : :

Dated _____ 19 ____.

Collector,
Under Act I of 1894

FORM—23

(See Paragraph 150)

Statement showing the area and the expenditure incurred in the acquisition of the land acquired for _____ in the district of _____
(Name of the Project)

1. Land Acquisition Case No. : :
2. (a) Name of the Project : :
(b) Name of Requiring Authority. : :
3. Mouza(s) affected with J.L. No.(s) and P.S. : :
4. No. of kilometre of plan, if any. : :
5. No. and date of Government Orders sanctioning acquisition of land. : :
6. Area of land Acquired in hectares and acres. : :
(a) Free of Cost : :
(b) On payment of compensation : :
(c) Total : :
7. (a) Amount of Government Revenue abated. : :
(b) Date from which abatement takes affected. : :
8. Amount paid or deposited under section 17(3A) of the Act as 80% of the Compensation. : :
9. Capitalized value of land revenue paid to the Government. : :
10. Compensation for land including trees, houses, etc. : :
11. Additional amount awarded under section 23(1A) of the Act. : :
12. Additional Compensation under section 23(2) of the Act on the amount shown in column 10 above. : :
13. Amount of damages and expenses of removal, if any, allowed. : :
14. Amount paid as Compensation to Bargadars. : :
15. Total of Column 8 to 14 : :
16. Amount of interest, if any, paid. : :
17. Costs decreed against Government. : :
18. Lands temporarily occupied under section 35 of the Act. : :
(a) No. and date of Government Orders. : :
(b) Area in acres and decimals. : :
(c) Amount paid : :

19. Other expenses : :
 (a) Establishment Charges : :
 (b) Contingency Charges : :
 (c) Law Charges : :
 (d) Others, if any : :
 20. Total expenditure incurred in taking : :
 up the land i.e. total of Columns 15,
 16, 17, 18(c) and 19.
 21. From whom funds were obtained and : :
 if from the Treasury the fund or parti-
 cular item of the budget against which
 the expenditure has been charged.
 22. Explanation of differences between : :
 the amount sanctioned and total
 expenditure shown in Column 20 when
 it exceeds 20 per cent.
 23. Remarks : :

Certificated that the prices awarded are not in excess of those for which similar lands are actually sold in the same parts of the district.

Collector,
 Under Act I of 1894

Or,

Certificated that the prices awarded are not greater than those which similar lands in the same part of the district might be reasonably expected to command.

Collector,
 Under Act I of 1894

FORM—24

(See Paragraph 152)

Form of Final Report for cases of the Calcutta Improvement Trust.

1. No. and date of the notification under :
which each scheme is being dealt with
2. No. of cases and sanctioned estimate :
3. Awards made* :
4. Total amount deposited by the Im- :
provement Trust and payments made
5. No. of references made to the Tribunal :
6. No. of decisions by the Tribunal :
7. Excess in awards by the Tribunal over :
original awards :
8. The actual area acquired in hectares :
and acres and the expenditure on each
scheme
9. Remarks :

Collector,
Under Act I of 1894

* The amount awarded as costs and damages should be distinguished from the amounts awarded as market value of the properties.

FORM—25

(See Paragraph 150)

Statement of land acquired for _____ but
(Name of the Project)
subsequently transferred or disposed of previous to the submission of final report in Form 22 and Form 23.

1. No. of Land Acquisition Case : :
2. (a) Name of the Project : :
(b) Name of the Requiring Authority. : :
3. Mouza(s) affected with J.L. No.(s) and P.S. : :
4. No. of kilometre or plan, if any. : :
5. No. and date of Government Orders sanctioning transfer or disposal of land. : :
6. Land transferred from one department to other department. : :
(a) Area in hectares and acres. : :
(b) Department from whom transferred. : :
(c) Department to whom transferred. : :
(d) Compensation paid (Column 15 of Form 23). : :
7. Date of transfer or disposal. : :
8. Disposal of land : :—
(i) By sale :—(a) Area in hectares and acres. : :
(b) Proceeds : :
(ii) By lease :—(a) Area in hectares and acres. : :
(b) Annual rent : :
(iii) Disposal of land in hectares and acres by return to donors/owners. : :
9. Remarks : :

Dated _____ 19 ____.

Collector,
Under Act I of 1894

FORM—26

(See Paragraph 168)

THIS INDENTURE made this _____ day of _____ one thousand nine hundred and _____ BETWEEN GOVERNOR OR WEST BENGAL (hereinafter called the VENDOR) of the one part and Sri _____ S/O _____ residing at _____ by caste _____ by occupation _____ (hereinafter called the 'purchaser' which expression shall unless excluded by or repugnant to the context include his HEIRS, EXECUTORS, ADMINISTRATORS AND ASSIGNS) of the other Part WHEREAS the piece or parcel of land described in the schedule hereto and delineated on the map or plan hereto annexed and thereon coloured red was acquired under the provision of the Land Acquisition Act under State Government declaration no. _____ dated the _____ day of _____ one thousand nine hundred and _____ for the purposes of the _____ AND WHEREAS the said piece or

(here mention the name of the project)

parcel of land is by virtue of the Constitution of India and the Adoption of Laws Order, 1950, made under article 372(2) of the said constitution vested in the vendor on behalf of the _____ AND WHEREAS on the _____

(name of the administrative department)

day of _____ of _____ possession of the said piece or parcel of land (month) (year) was made over to the _____, AND

(name of the administrative department)

WHEREAS the said piece or parcel of land is no longer required by the _____ for its purposes AND WHEREAS at the _____

(name of the administrative department)

request of the _____, the vender has agreed

(name of the administrative department)

to restore the said piece or parcel of land to the purchaser at the price and upon the terms and conditions hereinafter appearing NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of Rs. _____ on or before the execution of these present paid by PURCHASER TO THE VENDOR (the receipt whereof the Vendor both hereby admit and acknowledge) the vendor both hereby grant convey transfer assign and assure unto the Purchaser all that piece and parcel of land hereinafter more particularly described in the Schedule hereto together with all the appurtenances there unto belonging but except and reserving unto the Vendor all mines and minerals in and under the said land TO HOLD the same unto the Purchaser for ever free from encumbrances but according to the nature and tenure thereof and subject to the payment of all revenues, cesses, taxes, rates, assessments, duties and outgoings whatsoever now or hereafter to become payable in respect thereof. **PROVIDED ALWAYS that the Purchaser shall have no power to make any excavations on the said piece and parcel of land nearer than 15 feet from the boundary of the Railway or to plough the land nearer than 3' feet from the same AND PROVIDED FURTHER, that the grant hereby made shall operate as a Crown Grant under the Crown Grants Act XV of 1895 AND THAT all the provisions, restrictions, conditions and limitations herein contend shall be valid and take effect according to their tenor any rules of law, statute, enactment of the Legislature to the contrary notwithstanding.

IN WITNESS whereof these present have been executed on behalf of the Governor of West Bengal the day and year first above written.

Signed, sealed and delivered by the _____ of the _____ at _____ acting

(name of the administrative department)

(name of the place)

in the premises for and on behalf of the Governor of West Bengal in presence of

- (1) Signature of the first witness.
- (2) Signature of the second witness.

[Contd.]

* The words "and delineated on the map or plan hereto annexed and thereon coloured red" may be omitted in case of lands, other than Railway-lands, for which no plan exists.

** This proviso is to be inserted only in the case of restoration of surplus lands of Railway.

SCHEDULE OF LAND CONVEYED

Name of the District	P.S. & Mouza	R.S. Plot No. (S)	Approximate area of each plot in acres or decimals and hectares	Mile and chainage, if any	On which side of the railway, road canal or embankment situated	Boundary of the area conveyed
1	2	3	4	5	6	7

Place :

Collector.

Under Act I, 1894.

Date :

FORM—27

(See Paragraph 169)

Schedule of surplus lands disposed of by Land and Land Reforms Department of the State Government

- | | | | | |
|--|---|---|---------------------------|---|
| I. Mouza | : | : | V. No. and date of notice | : |
| II. P.S. | : | : | under which declaration | |
| III. District | : | : | u/s 6 was published | |
| IV. L.A. Case No. related | : | : | VI. Date of taking | : |
| to the land. | | | over possession. | |
| 1. Plot No. (s) | : | : | | |
| 2. Area of each plot in acres and | : | : | | |
| decimals and hectares | | | | |
| 3. Name of the administrative | : | : | | |
| department relinquishing the land. | | | | |
| 4. Name of the department to which the | : | : | | |
| land is permanently transferred. | | | | |
| 5. Names of the original owners or their | : | : | | |
| legal heirs to whom the land has | | | | |
| been restored. | | | | |
| 6. Name of the department/local body/ | : | : | | |
| company to whom the land has been | | | | |
| leased out. | | | | |
| 7. Disposal by transfer to any other | : | : | | |
| department. | | | | |
| (i) Area in acres and decimals/ | : | : | | |
| hectares | | | | |
| (ii) Amount of compensation paid | : | : | | |
| (iii) Abatement of land revenue, | : | : | | |
| if any. | | | | |
| 8. Disposal by restoration to the original | : | : | | |
| owners or their legal heirs. | | | | |
| (i) Area in acres and decimals/ | : | : | | |
| hectares | | | | |
| (ii) Amount of price paid | : | : | | |
| 9. Disposal by lease | : | : | | |
| (i) Area in acres and decimals/ | : | : | | |
| hectares | | | | |
| (ii) Annual land revenue | : | : | | |
| 10. Area still remaining undisposed of in | : | : | | |
| acres and decimals/hectares. | | | | |
| 11. Remarks | : | : | | |

Place :

Date :

Signature of
the Collector.Assistant Secretary to the Government of
West Bengal, Land & Land Reforms
Department.

FORM—28

(See Paragraph 175)

Form of ledger account of each project
(Project Register)

1. Name of Project : :
2. L.A. Case No. : :
3. Mouza (s) : :
4. P.S. : :
5. District : :
6. Area covered by the L.A. Case : : _____ acres
7. Name of the administrative department for which the land is acquired. : :

Acquisition of the land required by _____
(mention the name of the requiring body)
for _____ under declaration no. _____ dated
(mention here the name of the project)
the _____ 19 _____ published at page(s) _____ part I of the Calcutta
Gazette (extra ordinary) of the _____ 19 _____
(mention here the date of Gazette)

And Government order issued under section 7 of the Act bearing no. _____ dated
the _____ 19 _____.

1. Order No. and date of sanction of the estimate by the Collector. : :
2. Order No. and date of sanction of the estimate by the Commissioner, if any. : :
3. Order No. and date of sanction of the estimate by the Government, if any. : :
4. Amount of sanctioned estimate. : : Rs. _____
5. Placement of fund by the requiring authority. : :
- (i) Amount placed with cheque/ draft No. & Date. : :
- (ii) Date of deposit in the P.L. Account. : :

[Continued to next page]

W. A. Department
W. A. Department

W. A. Department
W. A. Department

Contd.

Amount drawn in advance from P. L. Account for payment in cash by the Land Acquisition Officer.		Payment made in cash by Land Acquisition Officer against advance shown in column 1.	
1		2	
Cheque No. & Date by which the advance is drawn.	Date of drawal of Advance.	Amount drawn in advance.	Date of payment
1(a)	1(b)	1(c)	2(a)
			2(b)
			2(c)

Payment made through P. L. Account Cheques by the Land Acquisition Officer.				Deposits made in Revenue deposit.			Deposits of contingency charges, establishment charges and law charges.			
3				4			5			
Date of Payment	No. of P. L. Account cheques.	No. of vouchers in Form CC covered by the P. L. Account Cheques.	Total amount paid in cheques.	P. L. Account Cheque No. & Date.	Amount	Contingency charges.	Item Establishment Charges.	Law Charges.	P. L. Account No. with date.	Amount Deposited in total.
3 (a)	3 (b)	3 (c)	3 (d)	4 (a)	4 (b)	5 (a)	5 (b)	5 (c)	5 (d)	5 (e)

Deposit of Capitalized Value of Land Revenue	
6	
P. L. Account Cheque No. and Date	Amount Deposited
6 (a)	6 (b)

[Continued to next page]

Contd.

Civil deposits in Courts

7		P. L. Account Cheque No. with Date	Amount deposited in total.
Item			
Deposited by Court's order	Deposit of award of Debottar and alike properties.		
7 (a)	7 (b)	7 (c)	7 (d)

80% payment of compensation made, u/s 17(3A), if any						Total payments 2 (c) + 3 (d) + 4 (b) + 5 (e) + 6 (b) + 7 (d) + 8 (h)	Remarks
8							
Date	No. of vouchers in Form CC	Amount paid in total in cash on the day.	Date	No. & date of P.L. Account cheques.	Amount paid in P.L. Account cheques on the day.	Amount depo- sited if any, with P.L. Acc- ount cheque No. & Date.	Total of 80% pay- ments.
8 (a)	8 (b)	8 (c)	8 (d)	8 (e)	8 (f)	8 (g)	8 (h)
						9	10

Land Acquisition Collector
Under Act I of 1894.

N. B. :- The register should be balanced at intervals and be compared in the case of each project with the P. L. Account Cash Book.

FORM --29

[See paragraph 193 (1)]

Form for monthly return on progress of Land Acquisition cases at pre-payment stage in the Office of the _____ at _____ 19____.

Sl. No.	Name of the Officer with designation and Squad No., if any.	Name of Project or Scheme.	No. of pre-payment cases at the beginning of the month with area.		No. of new cases filed during the month.		Total (4 + 5)		Fund unutilised at the end of the last month.
			Number	Acreage	Number	Acreage	No. of cases.	Acreage	
1	2	3	4 (a)	4 (b)	5 (a)	5 (b)	6 (a)	6 (b)	7

Fund received during the month under report.	Total fund (7 + 8)	Payment made during the month.	Balance of un-utilized fund at the end of the month.	Possession delivered during the month.	Pre-payment cases pending at the end of the month.		Remarks.
					Number	Acreage	
8	9	10	11	12	13 (a)	13 (b)	14

Place :

Special Land Acquisition Officer

Collector,

Date :

_____ District.

_____ District.

Form for quarterly return showing progress in taking of lands for public purposes in the district of _____ during the quarter ending on _____

GENERAL PROGRESS IN WORK

Sl. No.	Name and designation of the Land Acquisition Officer and Squad No., if any.	Name of project or the scheme.	Total No. of Land Acquisition Cases.	Estimated total cost of acquisition including contingent, establishment, law charges and the capitalized value of land revenue.	Approximate area of land to be acquired as declared for.	Progress in measurement	
						Area measured during the quarter	Total up to the end of the quarter.
1	2	3	4	5	6	7	8

Progress in actual acquisition i.e. in making awards u/s 11.	Progress in payment of compensation including capitalized value of land revenue etc.							
	Area acquired during the quarter.	Amount paid u/s 31 (1) or deposited in the Treasury or in the Court u/s 31 (2) during the quarter.	Amount paid or deposited u/s 17 (3A) during the quarter.	Establishment contingent charges deposited during the quarter.	Law charges deposited during the quarter.	Capitalized value of land revenue deposited during the quarter.	Total amount paid or deposited during the quarter. (11 + 12 + 13 + 14 + 15)	Total up to the end of the quarter from the first quarter of the financial year.
9	10	11	12	13	14	15	16	17

[Continued to next page]

B. A. Department

B. A. Department

B. A. Department
Jalpaiguri

Progress in cases comprised in the work		Progress in Civil Court				
Total No. of cases where enquiries have been completed.	Progress by Land Acquisition Officer		No. of references during the quarter u/s 18 and 30	Total up to the end of the quarter	No. disposed of during the quarter.	Total disposal up to the end of the quarter.
	No. in which awards were made during the quarter.	Total up to the end of the quarter.				
18	19	20	21	22	23	24

Progress in preparation of final reports		Remarks
No. of cases in which final reports prepared during the quarter.	Total up to the end of the quarter.	
25	26	No. of cases in which final reports remaining to be prepared. (18-26)
	27	
	28	

Note : — When little or no work is done, an explanation should invariably be given.

Place :

Special Land Acquisition Officer

Collector,

Date :

_____ District.

_____ District.

FORM —31

[See paragraph 193 (3)]

Annual Statement Showing Progress Made by the Land Acquisition Officers in the district of _____ during the year _____

Sl. No.	Name of the Land Acquisition Officer with designation.	Name of the project and Sl. No. of each case as entered in Register 5, with year.	Date of commencement of the proceeding accounting from first institution in Register No. 4.	Declaration u/s 6		Government order u/s	
				No. & Date	Area under acquisition as declared for.	No. & Date	Date of receipt.
1	2	3	4	5 (a)	5 (b)	6 (a)	6 (b)

Amount of sanctioned estimate.	Local measurement and verification u/s 8		Award under section 11	
	Area completed previously	Area completed during the year	Area completed previously.	Area completed during the year
7	8 (a)	8 (b)	9 (a)	9 (b)
				9 (c)

Amount paid or deposited previously	Payments and deposits including payments u/s 17 3(A)		Reference u/s 18 and 30		Preparation of final report (Chapter XIII of the executive instructions)	
	Amount paid or deposited during the year	Total	No.	No. disposed of during the year	No. of cases in which due at the beginning of the year.	No. of cases in which prepared during the year.
10 (a)	10 (b)	10 (c)	11 (a)	11 (b)	12 (a)	12 (b)

Contd.

Reverse of FORM —31

Abstract of total annual progress made by Land Acquisition Officers.

Land Acquisition Case work				Civil Court references.			
No. of cases entered in Register 5 during the year.	Total No. of such cases up to the end of the year (including previous pending cases)	No. of Cases completed in award during the year.	Total No. of cases completed in award up to the end of the year (including previous year)	No made during the year.	Total No. up to the end of the year (including previous references)	No. disposed of during the year.	Total disposed of up to the end of the year.
1 (a)	1 (b)	1 (c)	1 (d)	2 (a)	2 (b)	2 (c)	2 (d)

Preparation of final report.			Remarks of the District Collector on the progress made.
No. of cases in which due during the year.	Total No. of cases in which due up to the end of the year	No. of cases in which prepared during the year.	
3 (a)	3 (b)	3 (c)	4

- Note : 1) Columns 12 (a) and 12 (b) will be filled, where necessary, by the entry of the No. 1* against the case concerned.
 2) As the work in any particular project or part of a project may be of a specially troublesome nature, the Collector should notice any special difficulties which the Special Land Acquisition Officer had to deal with, in an explanation sheet attached to the statement, in order that the Commissioner may arrive at an approximately correct estimate of each officer's work and record his opinion whether the progress made was good or not.
 3) The statement should be submitted by 15th of January each year to the Commissioner of the Division and to the Government in the Land and Land Reforms Department.

Place :

Date :

Special Land Acquisition Officer

Collector,

_____District.

_____District.

Form for submission of quarterly return of progress made in the temporary occupation under section 35 of the Act for public purposes, in district of _____ during the quarter ending on _____ 19____.

GENERAL PROGRESS									
Name of the work and serial No.	No. & date of order to occupy land.	Approximate area of the land to be occupied in acres and decimals.	Progress in measurement		Progress in actual occupation		Progress in payment of compensation.		
			Area measured during the quarter in acres.	Total area up to the end of the quarter in acres.	Area occupied in this quarter in acres.	Total area up to the end of the quarter.	During the quarter.	Total up to the end of the quarter.	
1	2	3	4	5	6	7	8	9	
Progress in the cases comprised in the work									
Total No. of cases to be enquired into so far as can be ascertained.	Progress by Land Acquisition Officer.			Progress in Civil Court		Progress in the preparation of the final report.			
	No. disposed of this quarter.	By Collector reference to Civil	By Collector reference to Civil	Total up to the end of the quarter.	No. of references decided during this quarter.	Total up to the end of the quarter.	No. of cases in which prepared in this quarter	Total up to the end of the quarter.	No. of cases in which remaining to be prepared (10-18)
10	11	12	13	14	15	16	17	18	19

[Continued to next page]

Contd.

Progress in the cases comprised in the work		
Area restored in acres		
During the quarter	Total up to the end of the quarter	Remarks
20	21	22

Note : 1) Land Acquisition Officers should submit their quarterly returns to the Collector not later than the 4th of the month succeeding the quarter to which they relate and the returns should reach the Commissioner not later than the 10th of that month. In submitting the returns the Collector should invariably note in the Column of Remarks whether the work is progressing at such a rate as to offer a fair prospect of its completion within the time originally estimated.

Note : 2) If the first report in connection with the proceedings in any case has been submitted by the Collector to the Commissioner, a note to that effect should be made against the project concerned in the column of Remarks. When the second report has been submitted to Government, the project should be struck out of the return.

Place : _____ Special Land Acquisition Officer , _____ District.
 Date : _____ Collector, _____ District.

FORM —33

[See paragraph No. 195]

Progress statement for the quarter ending on _____ 19____, for cases of the Calcutta Improvement Trust Scheme.

Awards		Credits	Cheques issued		References to Tribunal	Awards by Tribunal	
Case No.	Estimate		No.	Amount		Case No.	Amounts
	Award						

Place :

Date :

Collector.

Under Act I, 1894.

FORM —34

[See paragraph No. 195]

Annual Progress Statement For The Year _____ of Cases of the Calcutta Improvement Trust.

Name of Scheme and date of declaration.	Area declared for acquisition	No. of cases instituted		No. of cases disposed of*		No. of cases pending Pending at the end of the year.	Estimate of Cost for the scheme.
		During the year	Total up to the end of the year (including those of previous years)	During the year	Total up to the end of the year (including those of previous years)		
1	2	3 (a)	3 (b)	4 (a)	4 (b)	5	6

Awards made	Payments made		No. of references made		No. of references disposed of	
	During the year	Total up to the end of the year (including those made in previous years)	During the year	Total up to the end of the year (including those made in previous years)	During the year	Total up to the end of the year (including those made in previous years)
7 (a)	8 (a)	8 (b)	9 (a)	9 (b)	10 (a)	10 (b)

No. of references pending at the end of the year.	Enhancement made by Tribunal over the original awards		Remarks
	During the year	Total up to the end of the year (including those made in previous years.)	
11	12 (a)	12 (b)	13

* Including cases abandoned under section 78 of the Calcutta Improvement Trust Act, and withdrawn under section 48 (1) of the Land Acquisition Act.

Place :
Date :Collector.
Under Act I, 1984.

APPENDIX—I*(See Paragraph 2)*

Ministry of Agriculture and Rural Development

(Department of Rural Development)

New Delhi, the 25th October, 1985

NOTIFICATION

S.O. 782(E)—In exercise of the powers conferred by clause (1) of article 258 of the Constitution of India and of all other powers enabling him in this behalf and in supersession of all previous notifications on the subject in so far as they relate to the State of Andhra Pradesh, Assam, Himachal Pradesh, Karnataka, Madhya Pradesh, Meghalaya, Orissa, Tamil Nadu, Tripura and West Bengal, the President, hereby entrusts to the Government of the aforesaid States, with their consent, the functions of the Central Government under :—

- (i) the Land Acquisition Act, 1894 (1 of 1894), except the functions exercisable by the Central Government under the proviso to sub-section (1) of section 55 of the said Act; and
- (ii) the Land Acquisition (Companies) Rules, 1963, in relation to the acquisition of land for the purposes of the Union in these States subject to the following conditions, namely :—
 - (a) that in the exercise of such functions, the respective Governments shall comply with such general and special directions as the Central Government may, from time to time, issue; and
 - (b) that, notwithstanding the entrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.

APPENDIX—II

(See Paragraph 7)

Government of Bengal Public Works Department Circular Memo, No. 3B., dated the 21st April, 1917.

Selection of sites for public buildings.

In Public Works Department Code, Volume I, Chapter VII, paragraph 683, it is laid down that "the site of every building should, if possible, be definitely settled before the detailed designs and estimates are prepared". It has been found that the rough estimates of the cost of projects are liable to material modifications when sites are finally settled, if they are not decided on prior to the preparation of the rough project and that inconvenience is caused thereby. Accordingly it is now ordered that an Executive Engineer shall, unless instructed to the contrary, take steps to have a site selected in the manner described below before the project for a work is submitted for administrative approval. In all other cases the site must be selected by the committee before the detailed designs and estimates are prepared.

2. The selection of sites for civil buildings shall ordinarily be made by a committee composed of—

The District Officer	...	President.
The Civil Surgeon		Members.
The Executive Engineer		
An officer representing the department concerned.		

In outlying stations officers may, on their own responsibility, delegate their subordinates to represent them on the committee.

This committee will be assembled by the District Officer at the request of the Executive Engineer.

3. The Executive Engineer will advise the committee on the points noticed in the Public Works Department Code, Volume I, Chapter VII, paragraphs 684.

He will prepare a plan of the site selected, embodying such information on the above points as may be necessary in each case, e.g., if the site is on land liable to be flooded, the highest flood level should be shown with reference to the general level of the site. He will forward this plan, with the proceedings of the committee after both have been countersigned by the members, to the Superintending Engineer of the circle.

4. If the officers composing the committee are unable to agree as to the site proposed, the case should be decided by the Commissioner of the Division. A note of any objections made should be attached to the proceedings of the committee. After deciding the case so referred, the Commissioner will communicate his decision and send the plan of the site approved by him to the Superintending Engineer, and at the same time he will communicate his decision to the President of the Site section Committee.

5. The Superintending Engineer will, if he approves of the site and arrangement of the buildings, countersign the plan and forward it with the proceedings to the head of the department concerned for countersignature and transmission to the Commissioner of the Division for his sanction and countersignature and return to the Executive Engineer. If he does not approve of the site of arrangement of the buildings, the Superintending Engineer will discuss the matter with the President of the Site Committee, and, if unable to agree, will forward the plan to the head of the department concerned with his opinion.

6. In cases where the views of the head of the department differ from those of the local authorities, the matter should be referred for the decision of Government.

7. In the case of important buildings, the Governor in Council desires that heads of departments will, before countersigning the plan, send it to the Sanitary Commissioner for opinion.

8. Two plans are required. In addition to the block plan prescribed in Public Works Department Code, Volume I, Chapter VII, paragraph 690, which shows the position of the subsidiary buildings with reference to the main building on the site selected, a small scale plan is required showing the position of the site with reference to its surroundings on north, south, east and west.

APPENDIX—III

(See sub-para (3) of Paragraph 8)

Memo. No. 8285(21)-L.A. (II)
File No. 3M-41/89 dated, Calcutta, the 17 th October, 1989 of Land and Land Reforms Department, Land Acquisition (II) Branch of Government of West Bengal.

In the matter of acquisition of land for public purposes particularly for large size development projects very often there is a tendency to acquire excessive land for more than is needed.

With a view to limit acquisition of land to the minimum necessary for a project it has been decided by Government that a Screening Committee should be constituted by the Collector with the following officials and non-officials to examine the proposals for acquisition of land exceeding 5(five) acres for various projects of Government both State and Central/Local Bodies/public Undertakings/Companies etc. in the Districts.

- (i) Additional District Magistrate-in-charge of land acquisition;
- (ii) Concerned Sub-divisional Land and Land Reforms Officer;
- (iii) Representative of the Sabhapati of the Panchayet Samiti of the concerned area.
- (iv) Representative of Local Member of Legislative Assembly;
- (v) Representative of the Requiring Body;
- (vi) Special Land Acquisition Officer.

Concerned Special Land Acquisition Officer will act as Convenor of the said Committee.

The Site proposed by the Requiring Body may be scrutinised by the Committee before a final selection is made. While selecting a site every efforts should be made to avoid acquisition of valuable agricultural land or ecologically fragile land. The objective will be to strike a balance between the public purpose and the rights of the individual.

In case of acquisition of land under Act I of 1894 the Collector may initiate the proposal on the recommendation of the Screening Committee and forward the draft notificate etc. to the Land & Land Reforms Department for further action.

* * *

* * *

In the matter of acquisition of land upto 5 acres, Collectors are to ensure that utmost restraint is exercised and invariably scrutinize each case so as to keep the requirement of land to minimum possible.

APPENDIX—IV

(See sub-paragraph (3) of Paragraph 8)

Memo. No. 9158(21)-L.A. (II)
File No. 3M-41/89 dated, Calcutta, the 28th November, 1989 of Land and Land Reforms Department (Land Acquisition Branch) of Government of West Bengal.

In modification of orders contained in this Department's Memo. No. 8285(21)-L.A.(II), dated 17th October, 1989, it is hereby ordered that the question of examination of proposal regarding acquisition of land exceeding 5(five) acres by the Screening Committee, as envisaged in the above Government Order, will not be applicable in the following cases :—

(1) All land acquisition proposals concerning regularization of squatters' colonies initiated by the R.R. & R. Department of this Government,

(ii) All acquisition cases concerning land required for construction of Battalion Headquarters of Border Security Force. Such cases are to be processed in the light of decisions taken in the meeting held in the office chamber of Member, Board of Revenue on 8th August, 1989 (copy enclosed).

2. It is also ordered that where land pertaining to Eastern Coalfields Limited are involved, the Committees constituted in terms of Government Order No. 6142-L.A.(II) dated 3rd August, 1989, sent to the Collector, Burdwan and No. 7377(3)-L.A. (II) dated 18th August, 1989 sent to the Collectors of Bankura, Birbhum and Purulia will continue to clear such cases as at present.

3. So far as transfer and acquisition involving 5 acres or more of land in a particular case is concerned, the Committee constituted in terms of Government Order No. 8285-L.A. (II) dated 17th October, 1989 will vet the proposals ; but a representative of the Department relinquishing the land may, in such cases, be co-opted as a Member of the Committee when the Relinquishing Department is one other than the Land and Land Reforms Department.

4. As regards land located in Urban/Municipal/Municipal Corporation areas, separate instructions will follow.

5. The cases where lands had already been taken possession of by the Collector under the provisions of the West Bengal Land (Requisition and Acquisition) Act, 1948 and made over to the Requiring bodies for various projects of Government (both State and Central)/local bodies/public undertakings/companies etc. prior to the date of issue of Government Order No. 8285(21)-L.A. (II) dated 17th October, 1989 need not be placed before the Screening/Selection Committee. *****

Extract of proceeding of the meeting held in the Chamber of Member, Board of Revenue on 8th August, 1989 at 11 a.m. to discuss problems of land acquisition for Border Security Force.

Initiating the discussion Member, Board of Revenue stated that every efforts should be made to avoid acquisition of valuable agricultural land as far as practicable and that the requirement of above class of land should be kept at the minimum. With this object in view, it has been agreed to that the requirement of land for Border Security Force would be limited to as follows subject to availability of land without impairing the interest of local people :—

- | | | |
|--|-----|-------------------|
| 1. For one battalion | ... | 60 to 75 acres. |
| 2. For two battalions at one station. | ... | 100 to 135 acres. |
| 3. For three battalions at one station | ... | 150 to 210 acres. |

Accordingly, it was agreed that B.S.F. should henceforth submit their proposals for fresh acquisition of land keeping in view the above ceiling limit.

APPENDIX—V

(See Paragraph 74(1))

West Bengal Act XLIX of 1981

The Land Acquisition (West Bengal Amendment) Act, 1981

(Passed by the West Bengal Legislature)

(Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 10th March, 1986).

An Act to amend the Land Acquisition Act, 1894, in its application to West Bengal.

Whereas it is expedient to amend the Land Acquisition I of 1894 Act, in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Thirty-second year of the Republic of India, by the Legislature of West Bengal as follows :—

Short
title

1. This Act may be called the Land Acquisition (West Bengal Amendment) Act, 1981.

Application
of the Act

2. The Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

The Land Acquisition (West Bengal Amendment) Act, 1981.

(Sections 3, 4)

Amendment
of section 3 of
Act I of 1894

3. In section 3 of the principal Act, for the Explanation to clause (b), the following shall be substituted and shall be deemed always to have been substituted :—

“Explanation.—A bargadar is a person who under the system generally known as adhi, barga or bhag cultivates the land of another person on condition of delivering a share of the produce of such land to that person and includes a person who under the system generally known as kisani cultivates the land of another person on condition of receiving a share of the produce of such land from that person”.

Amendment
of section 23.

4. In section 23 of the principal Act, for sub-section (4), the following sub-section shall be substituted and shall be deemed always to have been substituted :—

“(4) Compensation payable to a bargadar for loss of earning under clause seventhly of sub-section (1) shall not exceed six times the net average annual income which the bargadar derived or might have derived from the land during three years immediately preceding the date of acquisition.

Explanation.—The net annual income of a bargadar in any year shall be taken to be fifty per cent, of the total produce of the land cultivated by him in that year where plough, cattle, manure and seeds necessary for cultivation are supplied by the person owning the land and seventy-five per cent, of the total produce of the land in all other cases.”

APPENDIX—VI*(See Paragraph 95(1))*

Copy of the Government Order No. 6970-LA(II)/4P-1/84 dated Calcutta, the 5th December, 1984 of Land & Land Reforms Department (Land Acquisition Branch), Government of West Bengal.

In exercise of the power conferred by the second proviso to sub-section (1) of section 11 of the Land Acquisition Act, 1894 (I of 1894) (hereinafter referred to as the said Act), the Governor is pleased hereby to direct that the Collector, as defined in clause (c) of section 3 of the said Act, may make an award under sub-section (1) of the said section without the previous approval of the State Government in the class of cases specified below :—

(i) All awards upto a limit of Rs. 5,00,000=00 (Rupees five lakh) only in each case of land acquisition initiated on or after the date of coming into force of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), i.e., the 24th September, 1984.

(ii) All awards involving any amount where the estimates have been sanctioned, and the requisite funds for the awards have been received by the Collector, before the 1st December, 1984.

APPENDIX—VIA*(See Paragraph 95(1))*

Copy of the Government Order No. 1405-LA(II)/4P-1/84 dated Calcutta the 19th May, 1992 of the Land and Land Reforms Department (Land Acquisition Branch), Government of West Bengal.

In exercise of the power conferred by the second proviso to sub-section (1) of section 11 of the Land Acquisition Act, 1894 (1 of 1894) (herein-after referred to as the said Act), and in supersession of notification No. 6970-LA(II)/4P-1/84, dated the 5th December, 1984, the Governor is pleased hereby to direct that the Collector, as defined in clause (c) of section 3 of the said Act, may make an award under sub-section (1) of section 11 of the said Act without the previous approval of the State Government in such class of cases as is specified below :—

Class of cases

All awards upto a limit of Rs. 10,00,000 (Rupees ten lakh) only in each case of land acquisition initiated on or after the date of coming into force of the Land Acquisition (Amendment) Act, 1984 (68 of 1984), that is, the 24th day of September, 1984.

APPENDIX—VII

(See sub-paragraph no (2) of Paragraph 129)

Copy of Memo. No. 1330(21)-LA(II)/3M-155/79 dated 15th March, 1985 of Land Acquisition Branch of Land and Land Reforms Department, Government of West Bengal.

The undersigned is directed to say that in view of the coming into operation of Land Acquisition (Amendment) Act, 1984 with effect from 24th September, 1984 the cost of acquisition has not only gone up considerably but also entails upon the Government to incur additional expenditure in the shape of establishment and contingent charges.

2. The Government have accordingly decided to make further revision to the existing rates of establishment and contingent charges earlier communicated in Government Order No. 22(83)LA(II) dated 6th January, 1981.

3. He is accordingly requested that henceforth establishment and contingent charges should be realized from the concerned Requiring Authority except the State Government Department as per revised table indicated below :—

Table
Establishment and Contingent charges

Cost of acquisition	Establishment charges		Contingent charges	Total
(1) Upto Rs. 50,000/-	@ 18%	plus	@ 7%	@ 25%
(2) Upto Rs. 1,50,000/-	@ 15%	plus	@ 5%	@ 20%
(3) Upto Rs. 5,00,000/-	@ 12%	plus	@ 3%	@ 15%
(4) Above Rs. 5,00,000/-	@ 8%	plus	@ 2%	@ 10%

4. Steps are being taken to incorporate these instructions in the Land Acquisition Manual by means of a correction slip.

5. This has the concurrence of the Finance Deptt. vide their un-official No. 10 dated 6th March, 1985.

APPENDIX—VIII

(See sub-paragraph (2) of Paragraph 129)

Copy of Order No. 22(83)-LA(II)/3M-155/79 Dated Calcutta, the 6th Jan. '81 of Land Acquisition Branch of Land and Land Reforms Department, Government of West Bengal.

Paragraphs 165 and 165A of the Executive instructions to the Land Acquisition Manual containing provisions for realization of Establishment, Contingent and Law charges at different rates from the companies and local authorities were framed long ago. Both the cost of acquisition and the law charges have since increased considerably.

In view of the changed circumstances, it is considered necessary to revise the rates to make it conform to the existing charges.

Govt. have accordingly decided that henceforth Collector should realize establishment, contingent and law charges from the requiring authorities as per revised table indicated below. In case the actual expenditure exceeds the sum kept in deposit, the balance will have to be recovered by the Collector as usual from the requiring authorities.

Table—I

Establishment and Contingent Charges

(See G.O. No. 1330-LA(II) dated 15.3.85 in Appendix VII)

Table—II

Law Charges

Cost including 15% S.A.*	Rate of advance deposit to be realized
1. Valuation upto Rs. 1,000=00	@ 15% with a minimum of Rs. 100/-
2. Valuation upto Rs. 5,000=00	@ 10% with a minimum of Rs. 250/-
3. Valuation above Rs. 5,000=00 and upto Rs. 50,000/-	@ 5% with a minimum of Rs. 500/-
4. Valuation above Rs. 50,000=00 and upto Rs. 1,50,000/-	@ 3% with a minimum of Rs. 2500/-
5. Valuation above Rs. 1,50,000/- and upto Rs. 3,00,000/-	@ 2% with a minimum of Rs. 4500/-
6. Valuation above Rs. 3,00,000/-	@ 1% with a minimum of Rs. 6000/- and a maximum of Rs. 10,000/-

Steps are being taken to incorporate these instructions in the Land Acquisition Manual by means of a Correction slip.

*At present 30% after the amendments of the Act in 1984.

APPENDIX—IX

(See sub-paragraph (2) of Paragraph 129)

Copy of Memo. No. 5769(59)-LA(II) dated Calcutta the 29th October, 1988 of Land Acquisition Branch of Land and Land Reforms Department, Government of West Bengal.

A question has arisen as to what should be the principles of assessing the land-revenue in respect of a private/Government land to be acquired for and/or transferred to the Government of India under the Land Acquisition Acts or Land Transfer Rules, as the case may be, for the purpose of determination of the capitalized value of land-revenue in respect of the said land. Revenue of land has to be assessed in accordance with provisions of the West Bengal Land Holding Revenue Act, 1979 which has already come into force. According to the first and second proviso to section 26(1) of the said Act, a raiyat is to pay revenue for a land in accordance with the West Bengal Land Reforms Act, 1955 till the revenue for the said land is assessed, determined and levied under the West Bengal Land Holding Revenue Act, 1979, but the revenue paid in accordance with the provisions of the West Bengal Land Reforms Act, 1955 shall be subsequently adjusted towards the revenue payable on being assessed in accordance with the provision of the West Bengal Land Holding Revenue Act, 1979. Thus, the liability of a raiyat to pay revenue in accordance with the provisions of the West Bengal Land Holding Revenue Act, 1979 shall remain irrespective of the fact that he may be paying revenue for the time being in accordance with the provisions of the West Bengal Land Reforms Act, 1955 and he shall have to pay the difference between the amount to be assessed under the West Bengal Land Holding Revenue Act, 1979 and the amount paid in accordance with the provisions of the West Bengal Land Reforms Act, 1955. Revenue payable for a land is, therefore, the revenue assessed in accordance with the provisions of the West Bengal Land Holding Revenue Act, 1979.

2. The Governor is, therefore, pleased to direct that henceforth the annual revenue in respect of a land shall be assessed for the purpose of determining the capitalized value of land revenue in accordance with the principles laid down in the West Bengal Land Holding Revenue Act, 1979 and accordingly capitalized value of land-revenue in respect of a land acquired for and/or transferred to the Government of India shall be determined in the following manner, namely—

- (i) market value of the land shall be determined in the usual manner as before.
- (ii) ten percent of the said market value of the land shall be taken to be the rateable value of the land;
- (iii) the total annual revenue payable for the land shall be assessed from its rateable value in accordance with the rates prescribed in the schedule appended to the West Bengal Land Holding Revenue Act, 1979, and
- (iv) The capitalized value of land-revenue shall be determined in the usual manner by multiplying the total annual revenue of the land by twenty five when the land is situated outside Calcutta.

3. The Governor is also pleased to direct that in the cases where the land transferred, or to be transferred, to the Government of India had already vested in the State under the West Bengal Estate Acquisition Act, 1953 or under the West Bengal Land Reforms Act, 1955 which also would have, but for its transfer to the Government of India fetched revenue on being settled, the capitalized value of land-revenue in respect of the said land also shall be determined in the same manner as mentioned in paragraph 2 above and the said capitalized value of land-revenue so determined shall be realized from the Government of India.

4. The Governor is further pleased to order that the cases where capitalized value of land-revenue in respect of a land already transferred to the Government of India was determined in a manner other than the manner mentioned in paragraph 2 above, and the said capitalized value of land-revenue so determined has already been realized from the Government of India, shall not be reopened for redetermination of capitalized value of land-revenue in respect of the said land.

This order is issued in modification to this Department No. 1262(35)-L.R. dated 25.3.78.

APPENDIX—X

[See Paragraph 196(2)]

SOME RELEVANT SECTIONS OF THE HINDU SUCCESSION ACT, 1956, NORMALLY
REQUIRED FOR DETERMINATION OF INTERESTED PERSON(S) OF AN ACQUIRED LAND.

GENERAL RULES OF SUCCESSION IN THE CASE OF MALES

Section : 8 :

The property of a male Hindu dying intestate shall devolve according to the provisions of this Chapter :—

- (a) firstly, upon the heirs, being the relatives specified in class I of the Schedule;
- (b) secondly, if there is no heir of class I, then upon the heirs, being the relatives specified in class II of the Schedule;
- (c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased; and
- (d) lastly, if there is no agnate, then upon the cognates of the deceased.

THE SCHEDULE

(See Section 8)

Heirs in Class I and Class II

CLASS—I

Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son.

CLASS—II

- I. Father.
- II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister.
- III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter.
- IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter.
- V. Father's father; father's mother.
- VI. Father's widow; brother's widow.
- VII. Father's brother; father's sister.
- VIII. Mother's father; mother's mother.
- IX. Mother's brother; mother's sister.

Explanation.— In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood.

ORDER OF SUCCESSION AMONG HEIRS IN THE SCHEDULE

Section : 9 :

Among the heirs specified in the Schedule, those in Class I shall take simultaneously and to the exclusion of all other heirs; those in the first entry in class II shall be preferred to those in the second entry; those in the second entry shall be preferred to those in the third entry; and so on in succession.

Section : 10 :**DISTRIBUTION OF PROPERTY AMONG HEIRS IN CLASS I OF THE SCHEDULE**

The property of an intestate shall be divided among the heirs in class I of the Schedule in accordance with the following rules :

Rule 1.—The intestate's widow, or if there are more widows than one, all the widows together, shall take one share.

Rule 2.—The surviving sons and daughters and the mother of the intestate shall each take one share.

Rule 3.—The heirs in the branch of each pre-deceased son or each predeceased daughter of the intestate shall take between them one share.

Rule 4.—The distribution of the share referred to in Rule 3—

- (i) among the heirs in the branch of the pre-deceased son shall be so made that his widow (or widows together) and the surviving sons and daughters get equal portions; and the branch of his pre-deceased sons gets the same portion;
- (ii) among the heirs in the branch of the pre-deceased daughter shall be so made that the surviving sons and daughters get equal portions.

Section : 11 :**DISTRIBUTION OF PROPERTY AMONG HEIRS IN CLASS II OF THE SCHEDULE**

The property of an intestate shall be divided between the heirs specified in any one entry in class II of the Schedule so that they share equally.

Section : 12 :**ORDER OF SUCCESSION AMONG AGNATES AND COGNATES**

The order of succession among agnates or cognates, as the case may be, shall be determined in accordance with the rules of preference laid down hereunder :—

Rule 1.—Of two heirs, the one who has fewer or no degrees of ascent is preferred.

Rule 2.—Where the number of degrees of ascent is the same or none, that heir is preferred who has fewer or no degrees of descent.

Rule 3.—Where neither heir is entitled to be preferred to the other under Rule 1 or Rule 2 they take simultaneously.

Section : 13 :**COMPUTATION OF DEGREES**

(1) For the purposes of determining the order of succession among agnates or cognates, relationship shall be reckoned from the intestate to the heir in terms of degrees of ascent or degrees of descent or both, as the case may be.

(2) Degrees of ascent and degrees of descent shall be computed inclusive of the intestate.

(3) Every generation constitutes a degree either ascending or descending.

Section : 14 :**PROPERTY OF A FEMALE HINDU TO BE HER ABSOLUTE PROPERTY**

(1) Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.

Explanation.—In this sub-section, "property" includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever, and also any such property held by her as 'stridhana' immediately before the commencement of this Act.

(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property.

Section : 15:

GENERAL RULES OF SUCCESSION IN THE CASE OF FEMALE HINDUS

(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

- (a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;
- (b) secondly, upon the heirs of the husband;
- (c) thirdly, upon the mother and father;
- (d) fourthly, upon the heirs of the father; and
- (e) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-section (1),—

- (a) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father; and
- (b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband.

Section : 16:

ORDER OF SUCCESSION AND MANNER OF DISTRIBUTION AMONG HEIRS OF A FEMALE HINDU

The order of succession among the heirs referred to in section 15 shall be, and the distribution of the intestate's property among those heirs shall take place according to the following rules, namely :

Rule 1.—Among the heirs specified in sub-section (1) of section 15, those in one entry shall be preferred to those in any succeeding entry and those including in the same entry shall take simultaneously.

Rule 2.—If any son or daughter of the intestate had pre-deceased the intestate leaving his or her own children alive at the time of the intestate's death, the children of such son or daughter shall take between them the share which such son or daughter would have taken if living at the intestate's death.

Rule 3.—The devolution of the property of the intestate on the heirs referred to in clauses (b), (d) and (e) of sub-section (1) and in sub-section (2) of section 15 shall be in the same order and according to the same rules as would have applied if the property had been the father's or the mother's or the husband's as the case may be, and such person had died intestate in respect thereof immediately after the intestate's death.

APPENDIX—XI

(See Paragraph 197)

Mahomedans are guided by two laws of inheritance mainly. One is the 'Hanafi Law of Inheritance' or Sunni Law and the other is 'Shia Law of Inheritance'. The Mahomedans are divided into two sects, namely the Sunnis and the Shias. The Sunnis are divided into four sub-sects namely, the Hanafis, the Malikis, the Shafeis and the Hanbalis. The Sunni Mahomedans of India belong principally to the Hanafi school.

(2) According to Hanafi Law of Inheritance there are three classes of heirs, namely, (1) Sharers, (2) Residuaris, and (3) Distant Kindred.

- (1) "Sharers" are those who are entitled to a prescribed share of the inheritance;
- (2) "Residuaris" are those who take no prescribed share, but succeed to the "residue" after the claims of the sharers are satisfied;
- (3) "Distant Kindred" are all those relations by blood who are neither sharers nor Residuaris (s).

(3) The first step in the distribution of the estate of a deceased Mahomedan, after payment of his funeral expenses, debts, and legacies, is to allot their respective shares to such of the relations as belong to the Class of shares and are entitled to a share. The next step is to divide the residue (if any) among such of the residuaris as are entitled to the residue. If there are no sharers, the residuaris will succeed to the whole inheritance. If there be neither sharers nor residuaris, the inheritance will be divided among such of the distant kindred as are entitled to succeed thereto. The distant kindred are not entitled to succeed so long as there is any heir belonging to the class of sharers or residuaris. But there is one case in which the distant kindred will inherit with a sharer, and that is where the sharer is the wife or husband of the deceased. Thus if a Mahomedan dies leaving a wife and distant kindred the wife as sharer will take her share which is one-fourth and the remaining three-fourths will go to the distant kindred. And if a Mahomedan female dies leaving a husband and distant kindred, the husband as sharer will take his $\frac{1}{2}$ share, and the other half will go to the distant kindred. To take a simple case : A dies leaving a mother, a son and a daughter's son. The mother as sharer will take her share $\frac{1}{6}$, and the son as residuary will take the residue $\frac{5}{6}$. The daughter's son, being one of the class of distant kindred, is not entitled to any share of the inheritance.

(4) The question as to which of the relations belonging to the class of shares, residuaris, or distant kindred, are entitled to succeed to the inheritance depends, on the circumstances of each case. Thus if the surviving relations be a father and a father's father, the father alone will succeed to the whole inheritance to the entire exclusion of the grand-father, though both of them belong to the class of sharers. And if the surviving relations be a son and a son's son, the son alone will inherit the estate, and the son's son will not be entitled to any share of the inheritance, though both belong to the class of residuaris. Similarly, if the surviving relations belong to the class of distant kindred, e.g., a daughter's son and a daughter's son's son, the former will succeed to the whole inheritance, it being one of the rules of succession that the nearer relation excludes the more remote.

(5) A table of shares of the sharers as per Hanafi Law of Inheritance, i.e. Sunni Law, may be found in Appendix XIA for guidance of the Land Acquisition Officers.

(6) Similarly, a table of Residuaris in order of succession as per Sunni Law may be found in Appendix XI B for guidance of Officers in determination of legal heirs and the interested persons of a land of a deceased Mahomedan owner who belonged to Sunni-sect. If there are no Sharers, or if there are sharers, but there is a residue left after satisfying their claims, the whole inheritance or the residue, as the case may be, devolves upon Residuaris in the order set forth in the Appendix XI B.

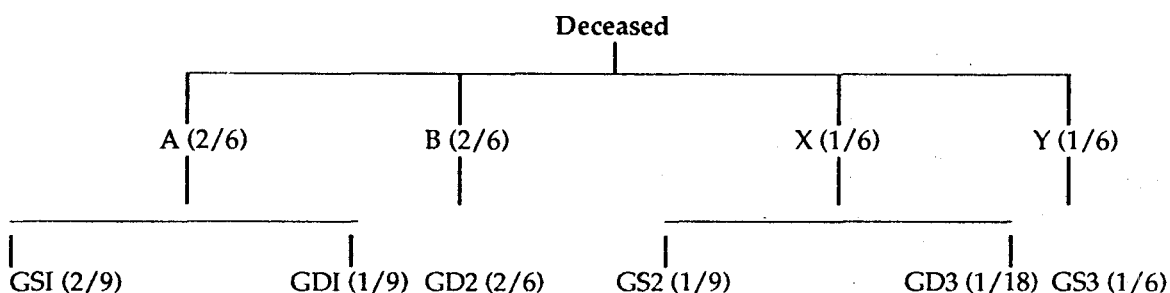
(7) The Shias divide heirs into two groups namely (1) heirs by Consanguinity, that is, blood relations, and (2) heir by marriage, that is, husband and wife. Heirs by Consanguinity are divided into three classes and each class is sub-divided into two sections. These classes are respectively composed as follows :—

- I. i) Parents,
- ii) Children and other lineal descendants how low soever.

- II. i) Grand parents how high soever (True as well as false),
 ii) Brother and sisters and their descendants how low soever.
- III. i) Paternal, and (ii) Maternal, uncles and aunts, of the deceased and of his parents and grand parents how high soever and their descendants how low soever.

Of these three classes of heirs, the first excludes the second from inheritance, and the second excludes the third. But the heirs of the two sections of each class succeed together, the nearer degree in each section excluding the more remote in that section. The husband or wife is never excluded from succession, but inherits together with the nearest heirs by consanguinity, the husband taking $\frac{1}{4}$ or $\frac{1}{2}$, and the wife taking $\frac{1}{8}$ or $\frac{1}{4}$ under the conditions mentioned in the 'Table of sharer' in Appendix XIC. The table will help the determination of the heirs and their shares of a deceased Shia Land-owner.

(8) A shila dies leaving a grandson GSI and a grand-daughter GDI by a predeceased son A, a grand-daughter GD 2 by another predeceased son B, a grandson GS2 and a grand-daughter GD3 by a predeceased daughter X, and a grandson GS3 by another predeceased daughter Y, as shown in the following diagram :—



Here the two daughter X and Y, if living, would have taken as residuaries with the two sons A and B according to the rule of the double share to the male, so that A and B would each have taken $\frac{2}{6}$ and X and Y would each have taken $\frac{1}{6}$.

A's share $\frac{2}{6}$ will pass to his son and daughter according to the rule of the double share to the male, so that GS 1 will take $\frac{2}{3} \times \frac{2}{6} = \frac{2}{9}$ and GDI will take $\frac{1}{3} \times \frac{2}{6} = \frac{1}{9}$.

B's share $\frac{2}{6}$ will pass to his daughter GD 2.

X's share $\frac{1}{6}$ will be divided between her son and her daughter according to the rule of the double share to the male, so that GS2 will take $\frac{2}{3} \times \frac{1}{6} = \frac{1}{9}$, and GD3 will take $\frac{1}{3} \times \frac{1}{6} = \frac{1}{18}$.

Y's share $\frac{1}{6}$ will pass to her son GS 3.

The shares will thus be $\frac{2}{9} + \frac{1}{9} + \frac{2}{6} + \frac{1}{9} + \frac{1}{18} + \frac{1}{6} = 1$.

According to the Hanafi Law GS1, GD1 and GD2 are Residuaries and they excludes GS2, GD3 and GS 3 who are Distant Kindred. GS1 will take $\frac{1}{2}$, and GD1 and GS2 will each take $\frac{1}{4}$.

If in the above case, the deceased left also a wife the wife will first take her share $\frac{1}{8}$, and the remaining $\frac{7}{8}$ will be divided among the six grand children in the same proportions.

APPENDIX—XIA

(See Paragraph 197)

TABLE OF SHARES AS PER SUNNI LAW

(1) Sharers	(2) Normal Share		(3) Conditions under which the normal share is inherited	(4) This Column sets out— (a) Shares of Sharers Nos. 3,4,5, 8 and 12 as varied by special circumstances; (b) Conditions under which Sharers Nos. 1,2,7,8, 11 and 12 succeed as Residuarics.
	of one	of two or more collectively. (b)		
1. FATHER . . .	1/6	..	When there is a child or child of a son how low soever.	(When there is no child or a son how low soever, the father inherits as a residuary)
2. TRUE GRAND-FATHER . . .	1/6	..	When there is a child or child of a son how low soever and no father or nearer true grandfather.	(When there is no child or child of a son how low soever the True Grandfather inherits as a residuary, provided there is no father or nearer True Grand father).
3. HUSBAND . . .	1/4	..	When there is a child or child of a son how low soever.	1/2 when no child or child of a son how low soever.
4. WIFE(c) . . .	1/8	1/8	When there is a child or child of a son how low soever.	1/4 when no child or child of a son how low soever.
5. MOTHER . . .	1/6	..	(a) When there is a child or child of a son how low soever, or (b) When there are two or more brothers or sisters, or even one brother and one sister, whether full, consanguine or uterine.	1/3 when no child or child of a son how low soever, and not more than one brother or sister (if any); but if there is also wife or husband and the father then only 1/3 of what remains after deducting the wife's or husband's share.
6. TRUE GRAND-MOTIER . . .	1/6	1/6	A. Maternal-when no mother, and no nearer true grandmother either paternal or maternal. B. Paternal-when no mother, no father, no nearer true grandmother either paternal or maternal, and no inter-mediate true grandfather.	
7. DAUGHTER . . .	1/2	2/3	When no son.	(With the son she becomes a residuary.
8. SON'S DAUGHTER HOW LOW SOEVER.	1/2	2/3	When no (1) son, (2) daughter, (3) higher son's son (4) higher son's daughter, or (5) equal son's son (d)	When there is only one daughter, or higher son's daughter but no (1) son (2) higher son's son, or (3) equal son's son, the daughter or higher son's daughter will take 1/2 and the son's daughter how low soever (whether one or more) will take 1/6, i.e., 2/3-1/2) (With an equal son's son she becomes a residuary).

(1) Sharers	(2) Normal Share		(3) Conditions under which the normal share is inherited	(4) This Column sets out— (a) Shares of Sharers Nos. 3,4,5, 8 and 12 as varied by special circumstances; (b) Conditions under which Sharers Nos. 1,2,7,8, 11 and 12 succeed as Residuarys.
	of one	of two or more collectively. (b)		
i) Son's Daughter	1/2	2/3	When no (1) son, (2) daughter, or (3) son's son.	When there is only one daughter the son's daughter (whether one or more) will take 1/6, if there be no son or son's son. (With the son's son she becomes a residuary).
ii) Son's Son's Daughter.	1/2	2/3	When no (1) son, (2) daughter, (3) son's son, (4) son's daughter, or (5) son's son's son.	When there is only one daughter or son's daughter, the son's son's daughter (whether one or more) will take 1/6, if there be no (1) son (2) son's son or (3) son's son's son. (With the son's son's son she becomes a residuary).
9. UTERINE BROTHER 10. or SISTER	1/6	1/3	When no (1) child, (2) child of a son how low soever (3) father or (4) true grandfather.	
11. FULL SISTER.	1/2	2/3	When no (1) child (2) child of a son how low soever, (3) father, (4) true grandfather, or (5) full brother.	(With the full brother she becomes a residuary).
12. CONSANGUINE SISTER.	1/2	2/3	When no (1) child (2) child of a son how low soever, (3) father, (4) true grandfather, (5) full brother, (6) full sister, or (7) consanguine brother.	But if there is only one full sister and she succeeds as a sharer, the consanguine sister (whether one or more) will take 1/6, provided she is not otherwise excluded from inheritance. (With the consanguine brother she becomes a residuary).

(b) The collective share is always divided equally among those to whom it is allotted.

(c) A Mahomedan can have as many as four wives at a time.

(d) If there be a son's son and a son's son's daughter, the former is a higher son's son in relation to the latter. If there be a son's son's son and a son's daughter the former is a lower son's son in relation to the latter. And if there be a son's son and a son's daughter or a son's son's daughter, the former is an equal son's son in relation to the latter, both being equally removed from the deceased.

APPENDIX—XIB

(See Paragraph 197)

TABLE OF RESIDUARIES IN ORDER OF SUCCESSION AS PER SUNNI LAW

I. DESCENDANTS :

1. SON.

Daughter takes as a residuary with the son, the son taking a double portion.

2. SON'S SON how low soever—the nearer in degree excluding the more remote. Two or more son's sons inherit in equal shares. Son's daughter how low soever takes as a residuary with an equal son's son. If there be no equal son's son but there is a lower son's son, she takes as a residuary with him, provided she cannot inherit as a sharer. In either case, each son's son how low soever takes double the share of each son's daughter how low soever.

Note : When the son's daughter how low soever becomes a residuary with a lower son's son, and there are son's daughters how low soever equal in degree with the lower son's son she shares equally with them as if they were all of the same grade.

II. ASCENDANTS :

3. FATHER.

4. TRUE GRANDFATHER how high soever—the nearer in degree excluding the more remote.

III. DESCENDANTS OF FATHER.

5. FULL BROTHER.

FULL SISTER—takes as a residuary with full brother, the brother taking a double portion.

6. FULL SISTER.—In default of full brother and the other residuaries above-named, the full sister takes the residue if any, if there be (1) a daughter or daughters, or (2) a son's daughter or daughters how low soever, or even if there be (3) one daughter and a son's daughter or daughters how low soever.

7. CONSANGUINE BROTHERS

CONSANGUINE SISTER—takes as a residuary with consanguine brother, the brother, taking a double portion.

8. CONSANGUINE SISTER.—In default of consanguine brother and the other residuaries above-named the consanguine sister takes the residue, if any, if there be (1) a daughter or daughters or (2) a son's daughter or daughters how low soever or even if there be (3) one daughter and a son's daughter or daughters how low soever.

9. FULL BROTHER'S SON.

10. CONSANGUINE BROTHER'S SON.

11. FULL BROTHER'S SON'S SON.

12. CONSANGUINE BROTHER'S SON'S SON.

Then come remoter male descendants of No. 11 and No. 12, that is, the son of No. 11, then the son of No. 12, then the son's son of No. 11, then the son's son of No. 12 and so on in like order.

IV. DESCENDANTS OF TRUE GRANDFATHER how high soever :

13. FULL PATERNAL UNCLE.

14. CONSANGUINE PATERNAL UNCLE.

15. FULL PATERNAL UNCLE'S SON.

16. CONSANGUINE PATERNAL UNCLE'S SON.

17. FULL PATERNAL UNCLE'S SON.

18. CONSANGUINE PATERNAL UNCLE'S SON'S SON.

Then come remoter male descendants of Nos. 17 and 18, in like order and manner as descendants of Nos. 11 and 12.

19. MALE DESCENDANTS OF MORE REMOTE TRUE GRANDFATHERS—in like order and manner as the deceased's paternal uncles and their sons and son's sons.

APPENDIX—XI C

(See Paragraph 197)

Table of shares as per shia law

Sharers	Normal Share		Conditions under which the share is inherited	Share as varied by special circumstances.
	of one	of two or more collectively.		
1. Husband	1/4	..	When there is a lineal descendant.	1/2 when no such descendant.
2. Wife..	1/8	1/8	When there is a lineal descendant.	1/4 when no such descendant.
3. Father (d)	1/6	..	When there is a lineal descendant.	(If there be no lineal descendant, the father inherits as a residuary.)
4. Mother	1/6	..	a) When there is a lineal descendant; or b) When there are two or more full or consanguine brothers, or one such brother and two such sisters, or four such sisters, with the father.	1/3 in other cases.
5. Daughter	1/2	2/3	When no son.	(With the son she takes as a residuary).
6. Uterine brother or Sister.	1/6	1/3	When no parent, or lineal descendant.	
8. Full Sister.	1/2	2/3	When no parent, or lineal descendant, or full brother, or father's father.	(The full sister takes as a residuary, with the full brother and also with the father's father).
9. Consanguine sister	1/2	2/3	When no parent, or lineal descendant, or full brother or sister, or consanguine brother or father's father.	(The consanguine sister takes as a residuary with the consanguine brother and also with the father's father)

Note — The Descendants how low soever of sharers are also sharers.

- (d) As to the father's extra rights as Sharer, Sections 108 and 110 of Mahomedan Law are to be consulted.

APPENDIX—XII

(See Paragraph 198)

Table for calculating shares of different interested persons on a particular plot in old units.

In 1362 B. S. the Records of Right were prepared using the traditional units and following the system which was in vogue then. So, the Records of Right of Revisional Settlement were finalized with traditional units such as Taka, Anna, Ganda, Karha and Kranti etc. As the Records of Right of the current settlement will require some more time for its finalization, the Land Acquisition Officers will have to work on the Records of Right of Revisional Settlement of 1362 B.S. for another few years.

2. The relations between different traditional units are given below :

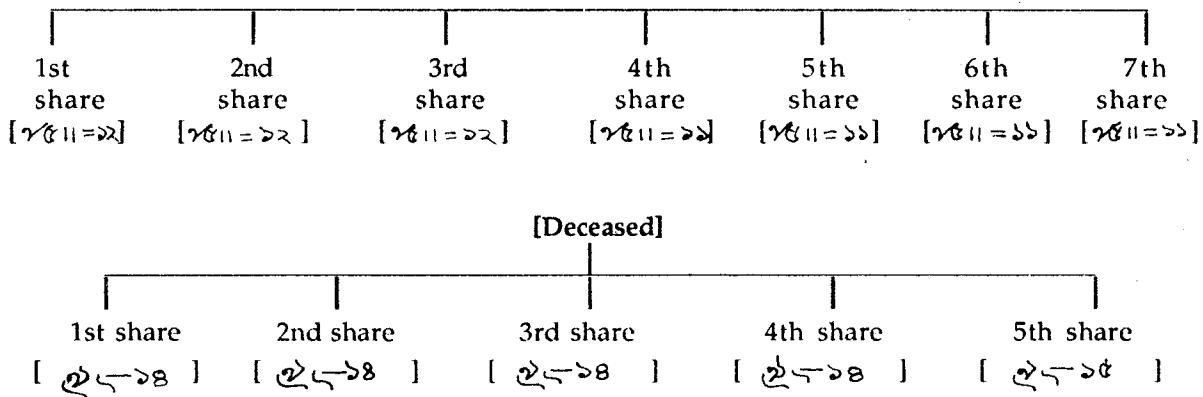
20 Til (ख०)	= 1 Kranti [८]
3 Kranti	= 1 Karha [८]
4 Karha	= 1 Ganda [८]
20 Ganda	= 1 Anna [८]
16 Anna	= 1 Taka [८]

3. When a person is the owner of a plot or a Khatian entirely then he is said to have 16 annas or 1 Taka share in the plot or Khatian, as the case may be. When there are co-sharers having equal shares the divisions will be as tabulated below :—

Number of Co-sharers having equal share each.	Each share in traditional units.					How to be written
	A	G	K	Kr	T	
2	8	0	0	0	0	१०
3	5	6	2	2	0	१०११
4	4	0	0	0	0	१०
5	3	4	0	0	0	१०३
6	2	13	1	1	0	१०११०
7 (4 Shares)	2	5	2	2	11	१०११ = १०
(3 Shares)	2	5	2	2	12	१०११ = १०
8	2	0	0	0	0	१०
9 (6 Shares)	1	15	2	0	13	१०११००
(3 Shares)	1	15	2	0	14	१०११००
10	1	12	0	0	0	१०
11 (9 Shares)	1	9	0	1	2	१०१०
(2 Shares)	1	9	0	1	1	१०१०
12	1	6	2	2	0	१०११
13 (9 Shares)	1	4	2	1	8	१०११-८
(4 Shares)	1	4	2	1	7	१०११-९
14 (10 Shares)	1	2	3	1	6	१०११-५
(4 Shares)	1	2	3	1	5	१०११-६
15	1	1	1	1	0	१०११
16	1	0	0	0	0	१०

Example : In a case, suppose, there are 7 (seven) legal heirs having equal shares of a deceased recorded owner of a plot who had 16 annas share in the plot as per ROR of 1362 B.S., and one of the seven legal heirs has died in the meantime leaving behind him 5 (five) legal heirs alive having equal shares then the shares of different legal heirs will be as following :—

ORIGINAL RECORDED OWNER AS PER 1362 B.S.
(16 Annas)



3. The Land Acquisition Officers should incorporate the individual share plot-wise during hearing and corrections of Land-Schedule thereof following the above table. There may be some more critical cases. The example above is not exhaustive, but gives an idea for determination of shares of each and every interested person on a plot of land when there are a number of co-sharers having different interests.

APPENDIX—XIII

(See Paragraph 199)

Copy of No. 471 (36)—L.A. (PW)/LM—107/75 dated 12.1.76 from the Deputy Secretary L. U. & R and L. L. R. Department, Government of West Bengal.

Sub :— Payment of compensation to legal heirs of the deceased awardee under the Land Acquisition Act, 1894 (Act I of 1894) or the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II, 1948) without Succession Certificate.

It appears that a question was raised by some district officers as to whether in the cases of acquisition of land under the above mentioned enactments payments of compensation to the legal heirs of the deceased awardee involving small amounts could be made without insisting production by such legal heirs of Succession Certificate.

2. I am directed by order of the Governor to say that the Governor after due consideration of hardship caused to such legal heirs in procuring required Succession Certificates, has been pleased to direct that the same procedure as was indicated in that Department Notification No. 16696-L-Ref. dated 13.11.72 in the matter of payment of compensation to the legal heirs of the deceased intermediaries under the Estates Acquisition Act, 1953, should also be followed in similar cases arising out of acquisition of land under the Land Acquisition Act, 1894 or West Bengal Act II of 1948 namely that when the awardee is reported to be dead and awarded compensation is claimed by his legal heir or heirs. The payment may be made to such heir or where there are more heirs than one, such heirs, either jointly or separately in proportion to their respective shares if the amount of compensation : (i) does not exceed Rs. 100/- on the basis of a certificate given by the local member of State Legislative Assembly or Anchal Pradhan or Chairman/Vice-chairman/Commissioner of the Municipality or by a Government Gazetted Officer that the claimant or claimants is or are the sole heir or heirs of the deceased awardee. (ii) exceeds Rs. 100/- but does not exceed Rs. 500/- on the basis of an affidavit sworn by such heir or heirs to the effect that he or they is or are the sole heir or heirs of the deceased awardee and the statements made therein are found to be correct on local enquiry. (iii) exceeds Rs. 500/- but does not exceed Rs. 5000/- on the basis of a similar affidavit sworn by such heir or heirs if the statements are found to be correct on local enquiry, but not before such heir or heirs executes or execute an Indemnity Bond to the extent of the amount of compensation involved and where the amount involved exceeds Rs. 1000/- approval of the Collector has been obtained. (iv) exceeds Rs. 5000/- on production of certificate under the Indian Succession Act, 1925 (Act 9 of 1925).

3. This has the concurrence of the Finance Department vide their un-official no. 81, Group D/1289 dated the 21st August, 1975.

APPENDIX—XIV

(See Paragraph 201)

Time schedule for different stages of a land acquisition
proceeding under the Land Acquisition Act, 1894

- | | |
|---|--|
| 1) Preliminary verification of the plan and land schedule submitted by the Requiring Body/Company including verification with Overlapping Registers. | Within 15 days from the date of receipt of the proposal. |
| 2) Placing the proposal before the Screening Committee where-ever necessary, collection of copies of Records of Right, preparation of plot Index and Land Schedule, verification of the Schedule with the records maintained in the office of the concerned Block Land & Land Reforms Officer regarding vesting etc. and preparation of P I R : | Within 1 (one) month thereafter. |
| 3) Approval of P I R and submission of draft notification together with P I R and other papers including the report as required under Rule 4 of the Land Acquisition (Companies) Rules, 1963, where necessary, by the Collector to the Land and Land Reforms Department with Coipes to the Divisional Commissioner and Administrative Department. | Within 1 (one) month thereafter. |
| 4)i) Scrutiny of papers of draft notifications and publications of Notification under section 4 in the Official Gazette and in two daily newspapers in cases other than the acquisition cases of Companies by the Land and Land Reforms Department : | Within 1 (one) month from the receipt of the draft notification from the Collector. |
| ii) Scrutiny of papers and publication of the Notification in the official Gazette and in two daily newspapers after obtaining the approval of the Land Acquisition Committee in Land Acquisition cases of Companies by the Land and Land Reforms Department : | OR
Within 2 (two) months from the receipt of draft notification from the Collector. |
| 5)i) Public and individual notices of substance of the Notification in the locality by the Collector on receipt of the published copies either in the Official Gazette or in the daily newspapers. | |
| ii) Receipt of objection under section 5A and completion of hearing by the collector : | Within 3 (three) months after the actual publication of Notification. |
| iii) Submission of report under section 5A with proceedings thereof, draft declaration under section 6, site plan, intimation on date of publication of Notification and other papers including the agreement as required under section 41 of the Land Acquisition Act, wherever necessary, to the Land and Land Reforms Department by the Collector. | |
| iv) Verification of Land Schedule in the field. | |
| v) Preparation of estimates and submission of the same to the Divisional Commissioner and the Land and Land Reforms Department, as the case may be, for sanction : | |
| 6) Scrutiny of report under section 5A, draft declaration under section 6 and vetting of estimates by the Land and Land Reforms Department : | Within 15 days after its receipt from Collector. |
| 7) Order of Administrative Department disposing of the report under section 5A and sanction of estimates including placement of fund. | Within 1 (one) month thereafter. |

- | | |
|--|---|
| 8) Publication of the declaration under section 6 in the official Gazette and in two daily newspapers and sending intimation to the Collector thereof : | Within 1 (one) month thereafter. |
| 9) Public notice of the substance of the declaration under section 6 in the locality on receipt of the published copies either in the Official Gazette or the daily newspapers, determination of the date of declaration under section 6 (2) and sending intimation to the Land and Land Reforms Department by the Collector. | Within 15 days after the actual publication of declaration. |
| 10) Issue of order under section 7 by the Land and Land Reforms Department to the Collector. | Within 7 days after receipt of intimation from the Collector. |
| 11) Demarcation of land under section 8 and measurements of land and structures etc. unless done under section 4 : | Within 8 days after receipt of order under section 7. |
| 12) Notices under section 9 and enquiry under section 11 by the Collector. | Within 1 (one) month thereafter. |
| 13) Collection of vesting reports from the office of the Block Land and Land Reforms Officer concerned, preparation of award note, approval of the award-note by the Collector, preparation of Award Statement or Award and submission of the Award in duplicate to the Land and Land Reforms Department for approval, wherever necessary. | Within 1 (one) month thereafter. |
| 14) Approval of the Government to the award wherever necessary. | Within 15 days thereafter. |
| 15) Payments and deposits of the entire award and delivery of possession after necessary notices in both the cases : | Within 2 (two) months thereafter. |
| 16) Post payment work : | Within 3 (month) months thereafter. |
| 17) Confirmation of proceedings | Within 15 days from the date of receipt of proposal. |
| 18) Consignment of Records in the Record Room : | Within 15 days from the date of receipt of Confirmation. |

REMARKS :

1. The time Schedule specifies a period of 19 months from the initiation of a proceeding under Act I of 1894 to Consignment of its case-records in a normal case. It is 20 months in case of a land acquisition case for a Company. The time-lag between the despatch of papers from one office and receipt by the other should be minimized and direct correspondences should be made as far as practicable.

2. In case of urgency the possession of the land under section 17 may be taken. But before taking possession the Collector shall tender payment of eighty per centum of the Compensation for such land as estimated by him to the persons interested as per sub-section (3A) of section 17, which has been inserted by the amendments of 1984. The said amendments also mandate that simultaneous publication of notification and declaration on the same day is not possible as envisaged in sub-section (4) of section 17. The time saved by waiving the provisions of Section 5A under section 17 (4) is consumed by the new provision of section 17 (3A) after the amendments. Hence, time to be taken for delivery of possession from the initiation of a proceeding either under section 16 or under section 17 will almost be the same, only the different stages will deviate from the table specified above. In case of possession under section 17 there will be no action under section 5A but 80% payments of compensation shall have to be made in between the publication of notice under section 9(1) and taking over possession under sub-section (1) of Section 17 of the Act.

APPENDIX—XV

(See Paragraph 205)

Time Schedule for land acquisition proceedings under the
West Bengal Land (Requisition and Acquisition) Act, 1948

- | | | | |
|---|---|---|---|
| 1) Preliminary verification of the plan and the schedule of land submitted by the Requiring Authority including verification with the Over-lapping Registers : | : | : | Within 15 days from the date of receipt of the proposal. |
| 2) Collection of copies of RORs, verification of the schedule with the reports maintained in the office of the B.L.L. R.O. concerned regarding vesting, preparation of plot-index and Land Schedule afresh in the prescribed proforma after approval of the Screening Committee : | : | : | Within 1 (one) month thereafter. |
| 3)i) Preparation of Preliminary Investigation Report, approval of the PIR by the Collector, preparation of preliminary estimate on adhoc basis including the vetting of structure value and sending the estimate to the Requiring Authority after sanction by the Collector for placement of fund for 80% advance on account payment towards compensation : | : | : | Within 1 (one) month after the approval of the Screening Committee. |
| OR | | | |
| b) Sending estimates, rate-reports, Sale-notes to the higher authorities for sanction if the estimated amount exceeds the financial limit of the Collector : | : | : | Within 1 (one) month after the approval of the Screening Committee. |
| 4)a) Sanction of the estimate by the Divisional Commissioner or sending it to the Land and Land Reforms Department, as the case may be by the Commissioner : | : | : | Within 15 days from the date of receipt of the estimate from the Collector. |
| b) Vetting of the estimate by the land and Land Reforms Department, wherever necessary, and sending it to the Administrative Department : | : | : | Within 15 days from the date of receipt of the estimate from the Commissioner. |
| 5) Sanction and placement of fund by the Administrative Department. | : | : | Within 15 days from the date of receipt of the estimate from the Collector/Commissioner/Land and Land Reforms Department. |
| 6) Issue of requisition order by the Collector and taking over possession : | : | : | Within 1 (one) month from the date of receipt of fund from the Requiring Authority. |
| 7)a) Transmission of draft notice under section 4(1a) to the Land and Land Reforms Department by the Collector with copies to the Commissioner and the Administrative Department : | : | : | Within 15 days from the date of taking over possession. |
| b) Sending draft notice by the Land and Land Reforms Department for publication and intimation to Collector/Commissioner and the Administrative Department concerned : | : | : | Within 1 (one) month from the date of receipt of draft notice from the Collector. |
| 8) Holding the summary and making the advance on account payments under section 8B. | : | : | Within 1½ months from the date of possession. |

- 9) Preparation of estimates for final payment, sanction by the Collector and sending the sanctioned estimate to the requiring Authority for placement of fund for final payments : : Within 1 (one) month from the date of receipt of intimation on publication of draft notice in the Calcutta Gazette.
- OR**
- b) Sending the estimate alongwith rate-reports, sale-notes etc. to the Divisional Commissioner, when the estimated amount exceeds the financial limit of the Collector : : Within 1(one) month from the date of receipt of intimation of publication in the Calcutta Gazette concerned.
- 10)a) Sanction of the estimate by the Divisional Commissioner or sending it to the Land and Land Reforms Department, as the case may be, by the Divisional Commissioner : : Within 15 days from the date of receipt of the estimate from the Collector.
- b) Vetting of the estimate by the Land and Land Reforms Department, wherever necessary, and sending it to the Administrative Department : : Within 15 days from the date of receipt of the estimate from the Divisional Commissioner.
- 11) Sanction of the estimate and placement of fund for final payments by the Administrative Department : : Within 15 days from the date of receipt of the estimate from the Collector/Commissioner/Land & Land Reforms Department.
- 12) Issue of public Notices under section 5(1), Special notices under sections 5(3) and 5(4), and enquiry under section 7(2) of the W.B.Act II, 1948, read with section 11 of the Land Acquisition Act, 1894 : : Within 1 (one) month from the date of receipt of the fund from the Requiring Authority.
- 13) Collection of current vesting reports, preparation of Award Note and its approval by the Collector : : Within 15 days from the completion of the said enquiry.
- 14)a) Preparation of Award Statement and declaraiion of the award by the Collector within his power : : Within 15 days from the date of approval of the Award-note.
- OR**
- b) Transmission of the award in duplicate alongwith other papers, when the awarded sum exceeds the power of approval of the Collector, to the Land and Land Reforms Department for approval. : : Within 15 days from the date of approval of the Award Note.
- 15)a) Approval of the Award by the Land and Land Reforms Department wherever necessary : : Within 15 days from the date of receipt of the Award Statements from the Collector.
- b) Declaration of award by the Collector on receipt of approval from Land and Land Reforms Department : : Within 15 days from the date of receipt of the approval of the award from the Government.
- 16) Payment of Compensation and deposits, if any, thereof : : Within 2(two) months from the date of declaration of award.
- 17) Completion of Post-payment Work : : Within 3(three) months from the date of completion of payments/deposits of the entire award.
- 18) Confirmation of proceeding by the Divisional Commissioner and the Land and Land Reforms Department as the case may be : : Within 15 days from the date of receipt of the proposal from the Collector.
- 19) Consignment of case records in the Deistrict Record-room. : : Within 15 days from the date of receipt of the confirmation.

REMARKS :

The maximum time required from initiation of a Land Acquisition Proceeding to the Consignment of the case-record in the Record Room through its different stages, is 20 (twenty) months only. The time-schedule be strictly adhered to and time-lag between two stages due to delay in despatch of different papers from one office to the othrer should be minimized drastically to ensure timely completion of each stage.

APPENDIX—XVI

(See Paragraph 69)

Copy of G.O. no. 3068-LA (II)

Dated : 6th May, 1991.

Of Land Acquisition Branch of Land and Land Reforms Department, Government of West Bengal.

The undersigned is directed to refer to the memoranda under reference on the subject noted above and to state that where valuation of a land with tea bushes cannot be ascertained by taking sale notes in respect of similar lands from the office of the Sub-Registrar, valuation of such a land may be determined by treating it as a function of the average annual profit derived from it. In computing the average annual profit, the following factors may be taken into consideration :

- (i) Total Acreage.
- (ii) Total number of tea bushes in the land.
- (iii) Age of those tea bushes.
- (iv) Estimated annual yield of tea per bush or per acre.
- (v) Estimated average price per kg. of tea.

2. It transpired from discussions held from time to time between the Officers of the Land and Land Reforms Deptt. and the Commissioner and Addl. District Magistrates of Jalpaiguri Division as well as from the reports of Addl. District Magistrate that average annual yield of tea per acre is 696 kgs. in all the northern districts of West Bengal excepting Darjeeling district and that the average price per kg. of tea in those areas is Rs. 35/-. Therefore, the gross amount annually received by sale of tea from one acre of land appears to be Rs. 24,360/-, ten per cent of which may be reasonably presumed to be the net annual profit. Hence, the average net annual profit from one acre of land with tea bushes comes to be Rs. 2,436/-. The Capitalized value of the net profit may be taken to be one third of the average life-span of a tea bush. Now, average life-span of a tea bush in the above area being, as found on enquiry, 60 years, twenty times of the said annual net profit may be considered to be the capitalized value of the annual net profit. Therefore, 20 x Rs. 2,436/- or Rs. 48,720/- may be taken to be valuation per acre of land with tea bushes.

3. It also transpires from the same source of information mentioned above that in the hill sub-divisions of Darjeeling districts the average annual yield of tea per acre from land with tea bushes is 280 kgs. and that average price per kg. of tea is Rs. 70/-. Therefore, the gross amount received annually by sale of tea from one acre of such land comes to be Rs. 19,600/-. Hence, the annual net profit from one acre of land, being 10% of the said gross amount, is Rs. 1,960/-. It further transpires that the average life-span of a tea-bush is about 100 years in hill sub-divisions. So, thirty-three times, i.e. one third of the average age of tea bushes, of the net annual profit may be considered to be the capitalized value of one acre of land with tea bushes in hill sub-divisions. Therefore, 33 x Rs. 1,960/- or Rs. 64,680/- is the valuation of one acre of land with tea bushes in hill sub-division of Darjeeling district.

4. Accordingly, the average valuation of one acre of tea garden land with standing tea bushes may be taken to be as follows :—

- (i) In hill Sub-divisions of Darjeeling District ... Rs. 64,680/-
- (ii) In other areas Rs. 48,720/-

(These general rates have been approved by the Finance Department vide their Group-D-II U.O.No. 228 dated 7.1.1991).

5. Yield of tea per acre may vary from garden to garden. The Collector may assess the annual sale price of tea from a land with standing tea bushes on the basis of actual number of tea bushes on such land, the average annual yield of tea from each such tea bush and the average annual sale price of tea planted from such land. Ten per cent of the annual sale price of tea from the land may be taken to be the annual net profit. To find out the capitalized value, the annual net profit may be multiplied by one third of the average age of tea bushes as has been done in paras 2 and 3 above.

6. The valuation of land having no tea bushes may be assessed in accordance with the principles followed in assessing valuation of similar land in the vicinity.

7. Apportionment of compensation between a tea garden and the Government, i.e. between the lessee and the lessor, shall be made in the ratio of 9:1.

(This ratio has been approved by the Finance Department vide their Group-D-II U.O. No. 26 dated 18.3.91).

The West Bengal Land [Requisition & Acquisition] Act, 1948.

(W. B. Act II of 1948)

As modified up to the 31st March, 1989.

**STATEMENT OF AMENDMENTS, REPEALS
AND ADAPTATIONS.**

AMENDED	...	West Bengal Act VII of 1951. West Bengal Act VIII of 1954. West Bengal Act XXV of 1956. West Bengal Act XII of 1957. West Bengal Act VII of 1962. West Bengal Act XXIX of 1962. West Bengal Act XXXII of 1963. West Bengal Act VII of 1964. West Bengal Act III of 1967. West Bengal Act XVI of 1970. West Bengal Act VII of 1972. West Bengal Act X of 1973. West Bengal Act XXII of 1974. West Bengal Act XV of 1977. West Bengal Act LXIX of 1978. West Bengal Act XLI of 1983. West Bengal Act IV of 1989.
REPEALED	...	Nil.
ADAPTED	...	The Adaptation of Laws Order, 1950.

In reprinting this Act,—

- (1) amendments have been inserted in their proper places with explanatory footnotes; and
- (2) some further footnotes have been added for convenience of reference.

WEST BENGAL ACT II OF 1948

THE WEST BENGAL LAND (REQUISITION AND ACQUISITION) ACT, 1948¹.*As modified up to the 31st March, 1989.*

[11th March, 1948]

An Act to provide for the requisition and speedy acquisition of land for certain purposes.

²Whereas it is expedient to provide for the requisition and speedy acquisition of land for the purposes of maintaining supplies and services essential to the life of the community, increasing employment opportunities for the people by establishing commercial estates and industrial estates in different areas, providing proper facilities for transport, communication, irrigation or drainage and creating better living conditions in urban or rural areas by the construction or reconstruction of dwelling places in such areas or for purposes connected therewith and incidental thereto;

It is hereby enacted as follows :—

Short title, extent, commencement and duration.

1. (1) This Act may be called the West Bengal Land (Requisition and Acquisition) Act, 1948.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into force at once.
- ³(4) It shall remain in force until the 31st day of March, 1994.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

⁴(1a) "Calcutta" means Calcutta as defined in the Calcutta Municipal Act, 1951;

West Ben. Act XXXIII of 1951.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extra-ordinary*, dated the 11th February, 1948; for the Proceedings of the West Bengal Legislative Assembly, see the Proceedings of the West Bengal Legislative Assembly, held on the 18th and the 19th February, 1948.

²The original preamble which was first substituted by s. 6 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1957 (West Ben. Act XII of 1957) was further substituted by s. 2 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1974 (West Ben. Act XXII of 1974).

³The words and figures "31st day of March, 1954" were originally substituted for the words and figures "the 31st day of March, 1951" by s. 2 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1951 (West Ben. Act VII of 1951). Thereafter the life of the Act was extended from time to time and finally the words and figures "the 31st day of March, 1977" were substituted for the words and figures "the 31st day of March, 1972" by s. 2 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1972 (West Ben. Act VII of 1972). Then the Act was re-enacted and sub-section (4) was substituted for the existing sub-section (4) by s. 2 of the West Bengal Land (Requisition and Acquisition) Re-enacting Act, 1977 (West Ben. Act XV of 1977). The life of the Act was finally extended and the words and figures 'the 31st day of March, 1994' were substituted by section 2 of the West Bengal Land [Requisition and Acquisition] (Amendment) Act, 1989 [West Ben. Act IV of 1989].

⁴Clause (1a) was inserted by s. 2(1) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1964 [West Ben. Act VII of 1964].

(Section 2.)

- ¹(a) "Collector" [means, in Calcutta, the First Land Acquisition Collector, Calcutta, and elsewhere, the Collector of a district,] and includes a Deputy Commissioner and any officer specially appointed by the State Government to perform the functions of a Collector under this Act;
- (b) "Court" means a Principal Civil Court of original jurisdiction, and includes the Court of any Additional Judge, Subordinate Judge or Munsif whom the [State] Government may appoint, by name or by virtue of his office, to perform, concurrently with any such Principal Civil Court, all or any of the functions of the Court under this Act within any specified local limits and, in the case of a Munsif, up to the limits of the pecuniary jurisdiction with which he is vested under section 19 of the Bengal, Agra and Assam Civil Courts Act, 1887;* * XII of 1887.
- ⁵(1b1) "incumbrance", in relation to any land, includes all rights or interests of whatever nature belonging to any tenant, licensee or trespasser or any other person;
- ⁶(b1) the expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth and also includes any incumbrance in relation to such land;
- ⁷(b2) the expression 'person interested' includes all persons claiming an interest in compensation to be paid on account of the requisition or acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land; and
- (c) "prescribed" means prescribed by rules made under this Act.

¹This clause (a) was substituted for the original clause (a) by s. 3(1) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 [West Ben. Act VIII of 1954].

²These words within square brackets were substituted for the words "means the Collector of a district" by s. 2(2) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1964 (West Ben. Act VII of 1964).

³The word "State" within square brackets was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

⁴The word "and" was omitted by s. 3(2) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

⁵This clause (1b1) was inserted by s. 3(i) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1973 (West Ben. Act X of 1973).

⁶Clause (b1) was originally inserted by s. 3(3) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954). Thereafter this clause was substituted by s. 3(ii) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1973 (West Ben. Act X of 1973).

⁷Clause (b2) was inserted by s. 3(3) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

(Section 3.)

Power to requisition.

3. (1) If the State Government is of the opinion that it is necessary so to do for maintaining supplies and services essential to the life of the community ¹[or for increasing employment opportunities for the people by establishing commercial estates and industrial estates in different areas] or for providing proper facilities for transport, communication, irrigation or drainage, or for the creation of better living conditions in rural or urban areas, not being ²**** an industrial or other area excluded by the State Government by a notification in this behalf, by the construction or reconstruction of dwelling places ³**** in such areas ⁴[or for purposes connected therewith or incidental thereto], the State Government may, by order in writing, requisition any land and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided that no land used for the purpose of religious worship or used by an educational or charitable institution shall be requisitioned under this section.

¹(1A) A Collector of a district, ²[an Additional District Magistrate or the First Land Acquisition Collector, Calcutta,] when authorized by the State Government in this behalf, may exercise within his jurisdiction the powers conferred by sub-section (1).

(2) An order under sub-section (1) shall be served in the prescribed manner on the owner of the land and where the order relates to land in occupation ¹[of an occupier, not being the owner of the land, also on such occupier].

¹(3) If any person fails to comply with an order made under sub-section (1), the Collector or any person authorised by him in writing in this behalf shall execute the order in such manner as he considers expedient and may,—

- (a) if he is a Magistrate, enforce the delivery of possession of the land in respect of which the order has been made to himself, or
- (b) if he is not a Magistrate, apply to a Magistrate or, in Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951, to the Commissioner of Police, and such Magistrate or Commissioner, as the case may be, shall enforce the delivery of possession of such land to him.

West Ben.
Act XXXIII
of 1951.

¹Sub-sections (1) and (1A) were substituted for the original sub-section (1) by s. 2 of the West Bengal Land (Requisition and Acquisition) (Second Amendment) Act, 1962 (West Ben. Act XXIX of 1962).

²These words within square brackets were inserted by s. 3 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1974 (West Ben. Act XXII of 1974).

³The words "an area under the administration of the Corporation of Calcutta, or" were omitted by s. 3 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1964 (West Ben. Act VII of 1964).

⁴The words "for people residing" were omitted by s. 3 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1970 (West Ben. Act XVI of 1970).

⁵These words within square brackets were inserted by s. 4 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1973 (West Ben. Act X of 1973).

⁶These words within square brackets were inserted by s. 2 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1963 (West Ben. Act XXXII of 1963).

⁷These words within square brackets were substituted for the words "of a tenant also on such tenant" by s. 4(1) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

⁸This sub-section (3) was added by s. 4(2), *ibid.*

(Section 4.)

Acquisition
of lands.

4. ¹(1) Where any land been requisitioned under section 3, the State Government may use or deal with such land for any of the purposes referred to in sub-section (1) of section 3 as may appear to it to be expedient.

²(1a) The State Government may acquire any land requisitioned under section 3 by publishing a notice in the *Official Gazette* that such land is required for a public purpose referred to in sub-section (1) of section 3.

(2) Where a notice as aforesaid is published in the *Official Gazette*, the requisitioned land shall, on and from the beginning of the day on which the notice is so published, vest absolutely in the ³[State] Government free from all incumbrances and the period of requisition of such land shall end.

(Sections 5, 5A)

Notice to
persons
interested.

5. (1) After the publication of a notice under ⁴[sub-section (1a) of section 4], the Collector shall cause public notice to be given at convenient places on or near the land ⁵[acquired], stating that the ⁶[State] Government has acquired the land, and that claims to compensation for all interests in such land may be made to him.

(2) ⁷[Such public notice] shall state the particulars of the land so acquired, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice in the manner prescribed on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorised to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by registered post in a letter addressed to him at his last known residence, address or place of business.

¹This sub-section (1) was substituted for the original sub-section (1) by s. 5(1), *ibid.*

²Sub-section (1a) was inserted by s. 5(2), *ibid.*

³See footnote 3 on page 286 *ante.*

⁴The words within square brackets were substituted for the words "sub-section (1) of section 4" by s. 6(1)(i) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

⁵This word within square brackets was substituted for the words 'to be taken' by s. 6(1)(ii), of the West Bengal Land [Requisition and Acquisition] (Amendment) Act, 1954 [West Ben. Act VIII of 1954].

⁶See footnote 3 on page 286, *ante.*

⁷These words within square brackets were substituted for the words "Such notice" by s. 6(2) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

Exclusion of
mines, etc.

5A. In making an order under sub-section (1) of section 3 or in publishing a notice under sub-section (1a) of section 4, the State Government may mention in the order or the notice that mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land are not needed and thereupon reference to the land shall be construed as excluding such mines of minerals.

(Sections 6, 7.)

Release
from
requisition.

6. (1) Where any land requisitioned under section 3 is not acquired and is to be released from requisition, the [State] Government may, after making such inquiry, if any, as it considers necessary, specify by order in writing the person who appears to it to be entitled to the possession of such land.

(2) The delivery of possession of such land to the person specified in the order made under sub-section (1) shall be a full discharge of any liability of the [State] Government [for any claim for compensation or other claim in respect of such land for any period after the date of delivery] but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person [specified in the order made under sub-section (1)] cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, the [State] Government shall publish in the *Official Gazette* a notice declaring that such land is released from requisition and shall cause a copy thereof to be affixed on some conspicuous part to such land.

(4) When a notice referred to in sub-section (3) is published in the *Official Gazette*, the land specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person [specified in the order made under sub-section (1)]; and the [State] Government shall not be liable for any compensation or other claims in respect of such land for any period after the said date.

Compen-
sation.

7. (1) Wherever any land is acquired under section 4 there shall be paid [to every person interested] compensation the amount of which shall be determined by the Collector in the manner and in accordance with the principles set out in sub-section (1) of section 23 of the Land Acquisition Act, 1894 [so far as they may be applicable];

I of 1894

¹Section 5A was inserted by s. 2 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1956 (West Ben. Act XXV of 1956).

²See footnote 3 on p. 286, *ante*.

³These words within square brackets were substituted for the words "to deliver possession to such person as may have rightful claim to possession thereof" by s. 7(1) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

⁴These words within square brackets were substituted for the words "to whom the possession of any land requisitioned under section 3 is to be delivered" by s. 7(2), *ibid*.

⁵These words within square brackets were substituted for the words "entitled to possession thereof" by s. 7(3), *ibid*.

⁶These words within square brackets were inserted by s. 8(1), *ibid*.

⁷These words within square brackets were added by s. 3 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1951 (West Ben. Act VII of 1951).

(Section 7.)

Provided that the market value referred to in clause first of sub-section (1) of section 23 of said Act shall, in respect of any land acquired under this Act, be deemed to be the market value of such land on the date of publication of the notice referred to in [sub-section (1a) of section 4]:

²Provided further that in respect of any land in Calcutta which, immediately before the 1st day of January, 1964, constituted a *bustee* as defined in clause (10) of section 5 of the Calcutta Municipal Act, 1951, the amount of compensation to be paid on account of acquisition to the persons interested shall be determined in the manner and in accordance with the principles set out in sub-section (1) of section 7 of the Calcutta Slum Clearance and Rehabilitation of Slum-dwellers Act, 1958, so far as they may be applicable.

West Ben. Act
XXXIII of 1951.

West Ben. Act
XX of 1958.

(2) ³(a) When the compensation has been determined under sub-section (1) the Collector shall make an award in accordance with the principles set out in section 11 of the Land Acquisition Act, 1894, and [the amount referred to in sub-section (2) of section 23 of that Act, shall be included in the award]:⁴

⁴Provided that interest at the rate of *nine per centum per annum* on the amount of compensation under the award from the date of the publication of the notice under sub-section (1a) of section 4 until payment shall be included in the amount payable under the award :

⁵[Provided further that if such compensation or any part thereof is not paid or deposited within a period of one year from the date of publication of the notice under sub-section (1a) of section 4, interest at the rate of *fifteen per centum per annum*, shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.]

⁶(aa) (i) Such award shall be filed in the Collector's office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested in the land whether they have respectively appeared before the Collector or not of the true area and value of the land, and the apportionment of the compensation among the persons interested;

¹These words within square brackets were substituted for the words "sub-section (1) of section 4" by s. 8(2) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

²The original second proviso to sub-section (1) was omitted by s. 8(3) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954) and this proviso was added by s. 4 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1964 (West Ben. Act VII of 1964).

³The original sub-section (2) was renumbered as clause (a) of sub-section (2), and to that clause as so renumbered, the proviso was added by s. 8(4)(i) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954). The words '*nine per centum per annum*' have been substituted by s. 3(a) of the West Ben. Act IV of 1989.

⁴Subs. by the West Ben. Act LXIX of 1978.

⁵Inserted by the West Ben. Act IV of 1989.

⁶Clause (aa) was inserted by s. 4 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1957 (West Ben. Act XII of 1957).

(Section 7.)

(ii) the Collector shall give in the prescribed manner immediate notice of his award to such of the persons interested in the land as are not present personally or by their representatives when the award is made.

¹(b) Upon an award being made under clause (a), the Collector shall proceed to make payment in accordance with the provisions of sections 31 to 33 of the Land Acquisition Act, 1894, so far as they may be applicable.

I of 1894.

(3) Where any land is requisitioned under section 3, there shall be paid to every person interested ²[compensation], in respect of—

- (a) the requisition of such land; and
- (b) any damage done during the period of requisition to such land other than what may have been sustained by natural causes.

³(4) The principle to be followed in determining compensation under sub-section (3) shall be as follows, namely :—

- (i) where the Collector and the person interested agree as to the compensation, the Collector shall make an award ordering payment of the agreed compensation;
- (ii) where the person interested cannot be traced or does not appear before the Collector when called upon to be present for the purpose of the determination of the compensation, such amount shall be determined as compensation as appears reasonable to the Collector having regard to the facts and circumstances of the case and the Collector shall make an award ordering payment of the compensation so determined;
- (iii) where there is any disagreement between the Collector and the person interested, the compensation payable shall be the amount determined by the Court on reference made by the Collector under clause (b) of sub-section (1) of section 8.

(Section 8.)

Reference
to Court.

8. (1) The Collector shall in every case—

- (a) where ⁴[any person interested being aggrieved by an award made under sub-section (2) of section 7 or clause (ii) of sub-section (4) of that section] makes an application requiring the matter to be referred to the Court; or
- (b) where there is any disagreement with regard to the compensation payable under sub-section (3) of section 7 between the Collector ⁵[and any person interested in compensation],

¹Clause (b) was inserted by s. 8(4)(ii) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

²This word within square brackets was substituted for the words "such compensation as may be agreed upon in writing between such person and the Collector" by s. 8(5), *ibid.*

³Sub-section (4) was added by s. 8(6), *ibid.*

⁴These words within square brackets were substituted for the words "any person aggrieved by an award made under sub-section (2) of section 7" by s. 9(1)(i) of the West Ben. Act VIII of 1954.

⁵These words within square brackets were substituted for the words "and the person to whom possession of any land is delivered under section 6" by s. 9(1)(ii), *ibid.*

(Sections 8A, 8B and 9)

refer the matter to the decision of the Court.

¹(2) The provisions of sub-section (2) of section 18 and of sections 19 to 22 and of sections 25 to 28A of the Land Acquisition Act, 1894, and the principles set out in sub-section (1) and in clause (a) of sub-section (2) of section 7 of this Act, shall, so far as they may be applicable, apply in respect of any reference made to the Court under sub-section (1).

1 of 1894.

¹*Explanation.*—The notice given under sub-clause (ii) of clause (aa) of sub-section (2) of section 7 shall be the notice under sub-section (2) of section 12 of the Land Acquisition Act, 1894, for the purposes of the proviso to section 18 thereof.

Appeal.

³8A. The provisions of the Code of Civil Procedure, 1908 relating to appeals shall apply to an award made by the Court on a reference under section 8 as if such award were an original decree passed by the Court in exercise of its civil jurisdiction.

Act V of 1908.

On account payment of compensation in advance.

⁴8B. (1) Where the State Government requisitions any land under sub-section (1) of section 3 and decides to acquire it under sub-section (1a) of section 4, it may, notwithstanding anything contained in the foregoing provisions of the Act, immediately after taking possession of such requisitioned land—

- (i) make an estimate about the amount which is likely to be determined, under sub-section (1) of section 7, as compensation for acquisition of such land, and
- (ii) make a summary inquiry about the person or persons interested in such land, and after taking such security as it may think fit and proper, make to such person or persons advance (on account) payment towards compensation up to *eighty per centum* of the aforesaid amount :

Provided that nothing in this section shall affect the liability of any person, who receives compensation in advance in the manner indicated above, to pay the same to the person lawfully entitled thereto.

(2) A Collector, when authorised by the State Government in this behalf, may exercise within his jurisdiction the powers conferred by sub-section (1).

Power to enter upon land, etc.

9. The ⁵[State] Government may, with a view to requisitioning any land or for the purpose of determination by the Collector of the amount of compensation payable under this Act, by order,—

- (a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the ⁶[land] as may be specified;

7 * * * *

¹This sub-section (2) was substituted for the original sub-section (2) by s. 9(2), *ibid*. The words 'sections 25 to 28A have been substituted by s. 4 of the West Ben. Act IV of 1989.

²This Explanation was added by s. 8(2) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1957 (West Ben. Act XII of 1957).

³Section 8A was inserted by s. 3 of the West Bengal Land (Requisition and Acquisition) (Second Amendment) Act, 1962 (West Ben. Act XXIX of 1962).

⁴Section 8B was inserted by s. 4 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1974 (West Ben. Act XXII of 1974).

⁵See footnote 3 on p. 286, *ante*.

⁶This word within square brackets was substituted for the word "property" by s. 10 (1) of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

⁷Clause (b) was omitted by s. 10(2), *ibid*.

(Sections 10 to 13)

- (c) authorise any person to perform in respect of any land all or any of the functions referred to in sub-section (2) of section 4 of the Land Acquisition Act, 1894.

I of 1894.

Penalty.

10. If any person contravenes any order made under this Act he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.

Saving.

11. Save as otherwise expressly provided in this Act, no decision or order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

Protection of action taken under this Act.

12. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

(2) Save as otherwise expressly provided in this Act, no suit or other legal proceedings shall lie against the [State] Government or any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

No stamp duty to be paid for award or agreement and no fees to be paid for copies thereof.

12A. No award or agreement made under this Act shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy thereof.

Power to make rules.

13. (1) The [State] Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of service of orders on the owner or occupier of land referred to in sub-section (2) of section 3; and
- (b) the manner of service of notice on the persons referred to in sub-section (3) of section 5.

Extract from the West Bengal Land [Requisition and Acquisition] [Amendment] Act, 1989 [West Bengal Act IV of 1989].

* * * * *

Transitional Provisions.

5. The provisions of section 7 of the principal Act, as amended by section 3 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,—

- (a) every case in which possession of any land acquired under the principal Act had been taken before the 30th day of April, 1982, and the amount of compensation for such acquisition had not been paid or deposited under section 7 of the principal Act until such date, with effect on and from that date; and
- (b) every case in which such possession has been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 7, with effect on and from the date of taking such possession.

* * * * *

¹See footnote 3 on p. 286, *ante*.

²Section 12A was inserted by s. 11 of the West Bengal Land (Requisition and Acquisition) (Amendment) Act, 1954 (West Ben. Act VIII of 1954).

**The West Bengal Land
(Requisition & Acquisition)
Rules, 1948.
[As amended up to 26th October, 1956]**

AMENDMENTS

to the

West Bengal Land (Requisition and Acquisition) Rules, 1948.

- First amendment was published under notification No. 840-L.A., dated the 18th January, 1954.
- Second amendment was published under notification No. 8386-L.A., dated the 4th June, 1954.
- Third amendment was published under notification No. 1454-L.A. (PW), dated the 19th January, 1956.
- Fourth amendment was published under notification No. 18080-L.A. (PW), dated the 26th October, 1956.

Government of West Bengal
LAND AND LAND REVENUE DEPARTMENT
Land Acquisition Branch

NOTIFICATION

No. 3997-L.A. (PW)

Dated the 18th May, 1948

In exercise of the powers conferred by section 13 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948), the Governor is pleased to make the following rules namely :—

THE WEST BENGAL LAND (REQUISITION AND ACQUISITION) RULES, 1948.

1. **Short title :** These rules may be called the West Bengal Land (Requisition and Acquisition) Rules, 1948.
2. **Definition :** In these rules,—
 - (a) the expression "the Act" means the West Bengal Land (Requisition and Acquisition) Act, 1948;
 - (b) "Section" means the section of the Act.
3. **Manner of service of orders :** An order under sub-section (1) of section 3 shall be served on the owner of the land and where the order relates to land in occupation of an occupier not being the owner of the land, also on such occupier—
 - (a) by delivering or tendering a copy thereof, endorsed either by the person authorised by the Act to make the order or by the Collector, to the person on whom the orders to be served or his agent, or
 - (b) by fixing a copy thereof on the outer door of some conspicuous part of the house in which the person on whom the order is to be served ordinarily resides or carries on business or personally works for gain, or
 - (c) by sending the same to the person on whom the order is to be served by registered post with acknowledgement due, or
 - (d) by fixing a copy thereof in some conspicuous part of the land to which the order relates and also in some conspicuous place of the office of the Collector.
4. **Form and manner of service of notice :** (a) The orders under sub-section (1) of section 3 and sub-section (3) of section 6 shall respectively be, as nearly as possible, in Forms 1 and 5 appended to these rules and the notices referred to in sub-sections (1) and (3) of section 5 and sub-section (3) of section 6 shall respectively be, as nearly as possible, in Forms 3, 4 and 6 appended to these rules;
 - (b) The notice referred to in sub-section (1a) of section 4 shall be, as nearly as possible—
 - (i) in cases where it is considered necessary to apply the provisions of section 5A, in Form 2A appended to these rules; and
 - (ii) in other cases, in Form 2 appended to these rules.
5. A notice under sub-section (3) of section 5 and order under sub-section (1) of section 6 shall be served in the same manner as provided in clause (a) of rule 3 for the service of an order made under sub-section (1) of section 3 :

Provided that where the person to be served with a notice under sub-section (3) of section 5 or an order under sub-section (1) of section 6 cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, such notice or order as the case may be, shall be served in the manner provided in clause (b) or clause (c) or clause (d) of rule 3.

¹Amendment by the rules published under notification No. 1454-L.A.(PW), dated the 19th January, 1956.

²Amendment by the rules published under notification No. 18080-L.A.(PW), dated the 26th October, 1956.

FORM 1

(See rule 4)

Form of Order for requisitioning lands under sub-section (1) of section 3 of the West Bengal Land [Requisition and Acquisition] Act, 1948 [W.B. Act II of 1948].

ORDER

Whereas [in my opinion] it is necessary for the purpose of maintaining supplies and services essential to the life of the community/for increasing employment opportunities for the people by establishing Commercial estates and Industrial estates in different areas/for providing proper facilities for transport, communication, irrigation or drainage/for creation of better living conditions in rural or urban areas, not being an industrial or other area excluded by the State Government by a notification in this behalf, by the construction or reconstruction of dwelling places in such areas/for purposes connected therewith and incidental thereto, viz. for.....

[Mention here the name of the Scheme/Project]

to requisition the land(s) described in the schedule below ;

¶And whereas the State Government has by notification No. 6390-L.A./3M-37/63 dated the 19th April, 1963, published at page 1074 of *Calcutta Gazette*, Part I in 9th May, 1963 issue authorized me under sub-section (1A) of section 3 to exercise the powers conferred by sub-section (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948);

Now, therefore, in exercise of the power conferred by sub-section (1) of section 3 of the West Bengal Land [Requisition and Acquisition] Act, 1948 (West Bengal Act II of 1948), ¶read with the authority so vested in me as aforesaid.] ¶[I do] hereby requisition the land(s) mentioned in the schedule below and make the following further orders that Officers and workmen of the State Government are authorized to use or deal with the said land(s) in such manner as may appear to them to be expedient or necessary. The Owners/Occupiers will deliver possession of the lands on..... at.....A.M./P.M. on the spot. They shall furnish such information to me relating to the said land(s) as will be necessary from time to time and shall not without permission in any way dispose of the said land(s) so long as the orders remain in force.

[Continued to next page]

¶The words within square brackets are to be substituted by the words "in the opinion of the Governor" when the order is to be issued by the State Government.

¶This paragraph is to be excluded when the order is to be issued by the State Government. The appropriate Notification No. etc. are to be substituted when the order is to be issued by a person, other than the Collector of a district, authorized by the State Government under section 3(1A) of the Act.

¶The portion with square brackets should be struck off when the order is to be issued by the State Government.

¶The words within square brackets are to be substituted by the words "the Governor is pleased to" when the order is to be issued by the State Government.

Contd.

SCHEDULE OF LAND

District....., Police Station.....
 Mouza....., Jurisdiction List No.....
 R. S. Plot in full

R. S. Plot Nos. in part	Description of the specific portion under requisition	Area in	
		Hectare	Acre

Total Area :hectares (.....acres),
 more or less.

Place :
 Date :
 [Collector,
District]

Copy forwarded to.....
²Owner/Occupier of the land(s) described in the schedule to the above order.

Place :
 Date :
 Collector
 (Under W. B. Act II of 1948)

¹In case the order is to be issued by the State Government the words in the square brackets should be substituted by "By order of the Governor, Secretary to the Government of West Bengal." If the person authorized under section 3(1A) to make order under section 3(1) is not the Collector of a district the appropriate designation should be mentioned substituting the words in the square brackets.

²Vide amendments under notification No. 840-LA dated the 18th January, 1954.

FORM 2

(See rule 4)

Form of Notice under sub-section (1a) of section 4 of the West Bengal Land (Requisition and Acquisition) Act, 1948.

Whereashectares (.....acres), more or less, of land situate in or near the village of described below have been requisitioned under sub-section (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948, by the Governor/person authorised under the said section 3(1) for the purpose of maintaining supplies and services essential to the life of the community/providing facilities for transport/communication/irrigation/drainage, namely, for.....

Now, therefore, notice is hereby given that in pursuance of section 4 of the said Act the Governor acquires such land being required for a public purpose as aforesaid.

This notice is given under the provisions of sub-section (1a) of section 4 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948), to all whom it may concern.

A plan of the land may be inspected in the office of the

DESCRIPTION OF THE LAND

District....., Police Station.....
 Mouza....., Jurisdiction List No. :
 R. S. Plot in full

R. S. Plot Nos. in part	Description of the specific portion requisitioned	Area in	
		Hectare	Acre

Boundaries where the land has not been cadastrally surveyed :—

North—

East—

South—

West—

By order of the Governor

Secretary to the Government of
West Bengal.

¹Substituted in place of the old form, vide amendments published under Notification 8386-L.A., dated the 4th June, 1956.

FORM 2A

(See rule 4)

Form of Notice under sub-section (1a) of section 4, read with section 5A, of the West Bengal Land (Requisition and Acquisition) Act, 1948.

Whereashectares (.....acres), more or less, of land situate in or near the village of described below have been requisitioned under sub-section (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948, by the Governor/person authorised under the said section 3(1) for the public purpose of maintaining supplies and services essential to the life of the community/providing facilities for transport/communication/irrigation/drainage, namely, for.....;

Now, therefore, notice is hereby given that in pursuance of sub-section (1a) of section 4 of the said Act the Governor acquires such land being required for a public purpose as aforesaid.

Mines of coal, iron-stone, slate or other minerals, lying under the land or any particular portion of the land, are not needed.

This notice is given under the provisions of sub-section (1a) of section 4, read with section 5A, of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948), to all whom it may concern.

A plan of the land may be inspected in the office of the.....

DESCRIPTION OF THE LAND

District....., Police Station.....
Mouza....., Jurisdiction List No. :
R. S. Plot in full

R. S. Plot Nos. in part	Description of the specific portion requisitioned	Area in	
		Hectare	Acre

Boundaries where the land has not been cadastrally surveyed :—

North—

East—

South—

West—

By order of the Governor

Secretary to the Government of
West Bengal.

FORM 3

(See rule 4)

Form of Public Notice under sub-section (1) of section 5 of the West Bengal Land (Requisition and Acquisition) Act, 1948.

Public notice is hereby given thathectares (.....acres), more or less, of land situate in or near the village of described below have been acquired by the Governor under section 4 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948), by publishing notice No....., dated....., in the "Calcutta Gazette" of the all persons interested are hereby required to appear personally or by agent on the (enter a date not less than 15 days from the date of publication of the notice), at the office of at..... a.m./p.m. to state the nature of their interest in the land and the amount and particulars of their claims to compensation for the same.

DESCRIPTION OF THE LAND

District....., Police Station.....
 Mouza....., Jurisdiction List No. :

R. S. Plot in full

R. S. Plot Nos. in part	Description of the specific portion requisitioned	Area in	
		Hectare	Acre

Boundaries where the land has not been cadastrally surveyed :—

North—

East—

South—

West—

Collector,

Under the W. B. Act II of 1948.

¹Vide amendments published under notification No. 8386-LA, dated the 4th June, 1954.

FORM 4

(See rule 4)

Form of Notice under sub-section (3) of section 5 of the West Bengal Land (Requisition and Acquisition) Act, 1948.

To.....
(Name of the person on whom the notice is to be served)

Whereashectares (.....acres), more or less, of land situate in or near the village ofdescribed below have been acquired by the Governor under section 4 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948), by publishing notice No....., dated, in the "Calcutta Gazette" of the, you are hereby required to appear personally or by agent on the at the office of at a.m./p.m. to state the nature of your interest in the land and the amount and particulars of your claims to compensation for the same and produce all evidences in support of your claim.

DESCRIPTION OF THE LAND

District....., Police Station.....
Mouza....., Jurisdiction List No. :

R. S. Plot in full

R. S. Plot Nos. in part	Description of the specific portion requisitioned	Area in	
		Hectare	Acre

Boundaries where the land has not been cadastrally surveyed :—

North—

East—

South—

West—

Collector,

Under the W. B. Act II of 1948.

FORM 5

Order to specify the person entitled to possession of lands to be released, under sub-section (1) of section 6 of the West Bengal Land (Requisition and Acquisition) Act, 1948.

Order No....., dated.....

Whereas the land/lands described in column 2 of the schedule below was/were requisitioned under sub-section (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II of 1948), by order No....., dated....., of the Governor/'person authorized under the said section 3(1), but not subsequently acquired;

And whereas the said land/lands is/are to be released from requisition;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Governor is pleased, after making necessary inquiry, to specify the person/persons mentioned in column 1 of the schedule below to be the person/persons who appear to the Governor to be entitled to the possession of the land/lands described opposite such person/persons, in column 2 of the said schedule.

SCHEDULE

Column 1.

(Person)

Column 2.

(Land)

By order of the Governor,

Secretary to the Government of
West Bengal.

Copy forwarded to referred to in the schedule to the above order.

Collector,

Under the W. B. Act II of 1948.

¹Vide amendments published under notification No. 8386-L.A., dated the 4th June, 1954.

FORM 6

**Notice declaring the release of land under sub-section (3) of section 6 of the West Bengal Land
(Requisition and Acquisition) Act, 1948.**

Notice No....., dated.....

Whereas the land/lands described in column 2 of the schedule below was/were requisitioned under sub-section (1) of section 3 of the West Bengal Land (Requisition and Acquisition) Act, 1948 (West Bengal Act II 1948), by order No....., dated....., of the Governor/ person authorized under the said section 3(1), but not subsequently acquired;

And whereas the said land/lands is/ are to be released from requisition;

And whereas the Governor has specified by an order under sub-section (1) of section 6 of the said Act the person/persons mentioned in column 1 of the schedule below to be the person/persons who appears/appear to the Governor to be entitled to the possession of the land/lands described opposite such person/persons, in column 2 of that schedule;

And whereas the aforesaid person/persons cannot be found and is/are not readily traceable and has/have no agent or other person empowered to accept delivery on his/their behalf;

And, therefore, in exercise of the power conferred by sub-section (3) of section 6 of the said Act, the Governor is pleased to declare that the said land/lands is/are released from requisition.

SCHEDULE

Column 1.

(Person)

Column 2.

(Land)

By order of the Governor,

Secretary to the Government of
West Bengal.

¹Vide amendments published under notification No. 8386-L.A., dated the 4th June, 1954.

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AMIN
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