

D/C, L.R

10 March 2016

GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
GE(M)/LRA-III BRANCH, NABANNA,
325, SARAT CHATTERJEE ROAD,
P.O. SHIBPUR, HOWRAH-711 102

ORDER

No. 803-GE(M)/3M-120/15

Date: 29.02.2016

Whereas it has come to the notice of this Department that in some cases, the lease hold interest on Government land is being assigned/transferred by the LESSEE whether in full or in part, without the permission of the LESSOR, i.e. the Government, in violation of the terms and conditions of the Lease Agreement/Deed and Para-3ii (b) of the Land Allotment Policy No.6686/LP/1A-18 /2012 dated 26/12/2012.

2. It is, therefore, felt necessary to formulate a policy to deal with such instances of transfers/assignments of the lease hold interest of the Government land effected by the LESSEE without prior permission of the LESSOR, i.e. Government.

4. Now, the Governor, after careful consideration of the matter, is pleased to formulate the policy for dealing with such transfers/assignments of the lease hold interest of the Government land effected by the LESSEE without prior permission of the Government. The policy mandates categorization of such violations as Minor Violation and Major Violation. The description of violations and penalty thereof is as below :

(a) Minor Violations :

(i) Transfers/assignments of lease hold right of Government land if effected by the LESSEE without prior permission of the Government for implementation of any project/work similar in nature to the purpose for which the original lease was sanctioned and if each carries positive impacts for the benefit of the people in general, shall be treated as Minor Violation. Such violation shall be considered for regularization on payment of Assignment charges to Government of West Bengal @ 10% of the current market price of the demised land at the time of such payment, unless and until the Government waives it on special consideration in the greater public interest.

(ii) Transfers/assignments of lease hold right of Government land if effected by the LESSEE without prior permission of the Government, shall not be considered for regularization for homestead purposes.

(b) Major Violations :

Transfers/assignments of lease hold right of Government land, if effected by the LESSEE without prior permission of the Government for the implementation of a project / work entirely different in nature from the purpose of the Long Term Lease Settlement, as initially approved and is with sole objective of profiteering from the lease hold land, such transfers/assignments shall be treated as Major Violation. Such violation shall attract the Lease to be determined / terminated in terms of the provisions of the clause-21 of the Lease Agreement/Deed of Lease.

By order of the Governor

Manoj Pant

Principal Secretary to the Government of West Bengal

&

Land Reforms Commissioner, West Bengal.

No. 803/1(8)-GE (M)

Date: 29.02.2016

Copy forwarded for information and necessary action to the :

1. Additional Chief Secretary/ Pr. Secretary/ Secretary to the Govt. of West Bengal,
.....Department
2. Commissioner,Division
3. Director of Land Records & Survey, West Bengal
35, Gopalnagar Road, Alipore, Kol-700027.
4. District Magistrate & Collector,
5. ADM & DL & LRO, *Partha Medinipur*
6. Policy Branch of this Department
7. L.A. Branch of this Department
8. Guard file of GE(M) Branch.

d
dharp 29/02/2016
Special Secretary to the Govt. of West Bengal

Government of West Bengal
Land and Land Reforms Department
Land Policy Branch
Writers' Buildings, Kolkata-700001

ORDER

No. 6686-LP/1A-18/2012

Date: 26/12/2012

Whereas the State Government, its parastatals (Corporations, Development Authorities), and urban local bodies etc. have been allotting and pricing land/ other assets in line with various Departmental and other norms which often vary in their content and their applicability;

2. And whereas there is need to introduce uniformity, reduce discretion and avoid case by case decision-making to ensure transparency while dealing with public assets;

3. Now, the Governor, after careful consideration of the matter, is pleased hereby to make the following *Land Allotment Policy* which will be applicable to land owned or held by any Department of the State Government or agency funded by the State Government in any manner:-

- (i) The land allotted to any individual/ company/ institution etc. under the policy would be transferred to them by the Government and its parastatals by way of long term lease for a period not exceeding 99 years, with the option of renewal of such lease for the like period on the same terms and conditions and to such other terms and conditions as may be imposed and included in such renewal lease deed.
- (ii) (a) The lessee under any lease granted by the State Government or its parastatals can mortgage the leasehold interest only (and not the demised land itself) on the demised land, whether in full or in part, only with the prior written permission of the lessor.
(b) The lessee is not entitled to assign his leasehold interest, whether in full or in part, without prior written approval of the lessor and assignee shall hold the same on the same terms and conditions as in the original lease and to such other terms and conditions as may be considered to be imposed by the lessor while granting such approval. In case of such assignment of leasehold interest the assignee concerned shall have to obtain fresh lease after expiry of the unexpired period of the lease on payment of such consideration money and annual rent based on the prevailing market value as may then be fixed by the lessor in granting such lease.
- (iii) The Land and Land Reforms Department is the nodal Department for inter-departmental transfer of land and Long Term Lease (LTS) of vested/ khas (Government) land. An inter-departmental Committee under the Chief Secretary

would handle all cases of inter departmental land transfers. The valuation for LTS would be based on the sale deeds of the area or the market price as determined by the Inspector General of Registration, West Bengal, whichever is higher.

Land meant for commercial use shall invariably be auctioned to the highest bidder for which adequate publicity should be given including through the internet. Commercial use will mean use for office, shops, shopping malls, housing not meant for the EWS, LIG or the poor, cineplexes, theme parks, hospitals, educational institutions etc, and would include all other activities except those activities for which a different mode of disposal is prescribed.

Reserve Price should not be fixed by the Government before the bidders submit their financial bids, so that there is no chance of the bidders knowing the Reserve Price fixed by the Government. The Government, while fixing the Reserve Price, should not have knowledge of the price bids submitted so that the fixing of the Reserve Price is not influenced by such knowledge. The Advisors do not finalize Reserve Price, as a conflict of interest may arise with them trying to keep them a low Reserve Price. The bidders are provided full comfort that their bids, once submitted, can in no way be tampered with by any agency.

- (v) For construction of housing for the poor, EWS and LIG through developers, it would be permissible not to go in for the auction route, keeping in view of the paramount public interest. Instead, development offers on pre-announced criteria can be invited through a two-stage bidding process. The policy for the allotment of the dwelling units after construction also should be rational, objective and transparent and stated clearly in the brochures/ advertisements.

For projects leading to industrial development, the highest price need not be the main criteria nor should auction be the only mode of allotment. The department or the entity shall prepare and publish a list of its land assets. It may also indicate the kind of industrial development it is seeking (big, medium, small, micro, non-polluting, knowledge based, etc.) along with the tentative price which may be determined on the basis of acquisition price, cost of capital, development charges and premium as applicable. This information should be freely available in the public domain for at least a month before offers are received/ invited.

The offers should be evaluated on pre-specified and pre-announced criteria e.g. specified purpose, employment potential, likely tax- revenue, development of backward regions, economic development of disadvantaged communities, lower pollution levels, standard norms for land requirements for specific type of industries, and the past record of the investors. Evaluation should be done by a Transaction Advisor, to be selected from the empanelled list of Transaction Advisors drawn up

by the Finance Department through a transparent and competitive process and notified vide No. FS-116(PPP Cell)/2012 dated 10.09.2012.

Project proposals for private educational institutions and medical facilities will be deemed to be commercial ventures, except where such projects are to be set up by public charitable trusts with no profit motives, and in existence for at least five years in the respective field, after inviting offers in a transparent manner. Trusts promoting such institutions have to be well-known for their services at the national or international level. The cases of allotment to charitable and reputed institutions fulfilling the above conditions should be referred to the Standing Committee of the Cabinet on Industry, Infrastructure and Employment for a final decision.

- (viii) For the projects in the power generation sector, the auction route is not recommended given the possible impact on tariffs and questions of larger public interest. The department holding the land, in consultation with the Power & NES Department, would notify sites suitable for power generation projects, which will remain open and in the public domain for at least one month before offers are invited. Thereafter, the offers will be evaluated in consultation with Power & NES Department, based on clear-cut pre-announced criteria beneficial to the economy and well-being of the state such as lower tariffs, redressal of the thermal-hydro imbalance, green power and renewable obligations and offered in terms of the existing policy and legal framework for such power generation projects.

All land allotment decisions should be taken by the Board(s) of the entities. In case land is owned departmentally, MIC's order will be inevitably required followed by a Cabinet decision. Under no circumstances should land allotment decision be taken without placing the matter to the full Board with adequate notice as may be required under the relevant statutes/ rules and without recording detailed minutes.

- (x) Upon the completion of the formalities and selection of the allottee, a provisional Letter of Intent (LOI) should be issued. Each Department should frame its own LOI in consultation with the Law Department and strictly based on this policy with a specific time frame which shall in no case exceed three (3) years from the date of handing over the possession of the land.

The provisional LOI should also specify the statutory clearances / licences / permissions that the allottee would be required to obtain within a definite time frame. This will include clearances from the West Bengal Pollution Control Board & / or the Ministry of Environment & Forests, fuel linkages, water availability, clearance and licences from the West Bengal Electricity Regulatory Commission, the Medical / Dental / Nursing Council, the AICTE, the UGC, Municipality, Urban Planning etc., as may be required only for that specific purpose.

- (xii) The provisional LoI should be so drafted, as to enable the allottee to seek financial closure as well as obtain the relevant statutory clearances, in a definite time frame. In case the statutory clearances and or the financial closure are not forthcoming within the specified period, the provisional LoI shall be cancelled after following procedure laid down in the terms and conditions of the allotment.
- (xiii) The allottee will have to commit that post-allotment, any changes in the ownership structure of the allottee, would be indicated upfront to the lessor. In case the lessor is of the opinion that such changes would be detrimental to public interest, such as higher power tariffs, reductions in the housing entitlements for the original target group (e.g. EWS / Poor / LIG), lower tax revenues, lower employment, etc., the lessor may cancel the allotment after following the usual formalities.
- (xiv) In the event of special circumstances, the Government may, with the intention to protect and promote specific types of activities, or, to promote any emerging area of development activities, or, to reduce imbalances in any backward region, or, any strategic reason especially beneficial to the State, may with the approval of the State Cabinet, relax any or some of the above mentioned criteria. The sponsoring departments will be required to prepare Cabinet proposals indicating the full extent of relief with justification.
- (xv) Notwithstanding (xiv) above, all decisions related to land allotment etc. should be proactively disclosed u/s 4, of the RTI Act.

4. The Departmental Secretaries may ensure strict compliance with the aforesaid policy-guidelines in the most transparent manner.

By order of the Governor,

R.D.Meena

Principal Secretary to the Government of West Bengal

No.6686/1(87)-LP

Date: 26/12/2012

Copy forwarded for information and necessary action to the:

1. Additional Chief Secretary/ Pr. Secretary/ Secretary to the Government of West Bengal
..... Department.
With the request to circulate this policy-guidelines to its parastatals (Corporations, Development Authorities), and urban local bodies etc. if any.
2. Commissioner,Division.
3. Director of Land Records & Surveys, West Bengal.
4. District Magistrate & Collector ,.....
5. O.S.D. to Chief Secretary to the Government of West Bengal


Additional Secretary to the Government of West Bengal

Guidelines of Inter-Departmental Land Transfer

(1) Inter departmental land transfer means the transfer of land belonging to a Govt. Department (the Relinquishing Department) by the L&LR Deptt. to another Govt. Deptt. (the Requiring Department).

(2) Preliminary requirements: The Requiring Deptt.: the formal examination of the proposal by the L&LR Deptt. shall commence on receipt of the formal proposal for the inter departmental transfer of land submitted by the Requiring Deptt. to the L&LR Deptt. The Requiring Deptt. should complete the following preliminary requisite before submitting its formal proposal:

The Relinquishing Department shall issue a formal Relinquishment order in favour of the L&LR Deptt. with a copy to the Requiring Deptt. The Relinquishment order shall contain the detailed land schedule with plotwise break up along with sketch map.

(3) Submission of Proposal: The Requiring Deptt. shall submit its proposal for Inter-Departmental Transfer of land to the L&LR Deptt. The formal proposal shall be accompanied by a copy of the Relinquishment order of the Relinquishing Deptt.; the land details and sketch map; and a Detailed Project Report(D.P.R.) of the project for which the land is being sought. In case the Requiring Deptt. has obtained Cabinet approval for a particular project on this land, a copy of the relevant Cabinet decision should also be enclosed. The D.P.R. shall contain, inter alia, justification for quantum of land required, and Income & Expenditure Statement of the Project,

- (4) On receipt of the complete proposal from the Requiring Deptt., L&LR Deptt. shall within 7 days send the same to the DL&LRO concerned for verification of the land details, and for ascertaining that the land in question is free from encumbrances and litigation. In case, the proposal is incomplete, it will be returned to the Requiring Deptt. requesting them to rectify/clarify the defects.
- (5) On receiving the instruction from L&LR Deptt., the DL&LRO shall complete the verification work at the earliest, and also enter the relinquished land in Khatian No.1. Thereafter, the DL&LRO shall initiate the proposal for inter departmental transfer, which will be submitted to the L&LR Deptt. with the approval of the Collector & District Magistrate in the relevant File. The formal proposal of DL&LRO shall include the following:
- (a) the full report of status of the land ;
 - (b) authenticated copy of the ROR;
 - (c) the valuation statement with sale data as per G.O. No.3717 to 3719-LR all dated 15.12.2006 read with G.O.No.1705-LA dt.06.06.2006.
 - (d) other items as indicated in this office Memo No. 1480(18)-GE(M) dt. 18/3/2010 (copy already sent to all Departments & DM & Collectors, inter alia), and any other relevant Govt. order.
- (6) The DL&LRO shall complete the entire process and ensure that the proposals sent to the L&LR Deptt. within one month of receiving the instruction of the Deptt. In case the DL&LRO finds that the land details are defective, or there is encumbrance or litigation, then at this stage itself DL&LRO shall submit its report to the L&LR Deptt., seeking further instruction. In such cases the DL&LRO

shall not initiate a formal proposal until further instruction of the L&LR Deptt. is received.

- (7) Payment Terms: The land will be transferred to the Requiring Deptt. free of cost if the purpose for which the land is to be used is not commercial in nature. However, if the project is of commercial nature, or if the Requiring Deptt. wishes to utilise the land for a joint venture project with a private sector partner for a commercial project, in such cases the full transfer value of the land will have to be paid by the Requiring Deptt., prior to the actual transfer of the land, according to the current market value.
- (8) On receipt of the proposal for inter-departmental transfer the DL&LRO concerned, the L&LR Deptt. shall examine the matter. The L&LR Deptt. will communicate its approval within a period of 15 days from the date of receipt of the proposal from DL&LRO, directing the DL&LRO to hand over possession of the land in favour of the Requiring Department. A copy of such order issued by the L&LR Deptt. shall be endorsed to the Requiring Deptt. and also to the Relinquishing Deptt.
- (9) It may also be noted that the land proposed for inter departmental transfer should not be classified as forest land, or water body or orchard. In the case of water body the transfer can be considered if the Requiring Department certifies that the nature and character of the water body will not be changed under any circumstances and that the water body is essential for the implementation of the proposed project.

- (10) The above guidelines will also apply when a Govt. Deptt. seeks allocation of Govt. vested land at Khatian No.1. In that case, Relinquishment order is not required.
- (11) Patta land will not be considered for transfer unless and until such Patta is annulled by the concerned S.D.O. as per due procedure of law and there is no Court Case against such annulment. Even in case of annulment, authenticated copy of the proceeding of annulment will have to be furnished.
- (12) If the Government land proposed for transfer is a road side land then before initiating such proposal it should be ensured that public interest like maintenance or broadening of the road will not be affected by such transfer. Necessary clearance from the PWD Authority or NHAI Authority or the Zilla Parishad as the case may be, should be obtained before initiating any proposal for inter-departmental transfer of road side Government land.
- (13) It may also be noted that the above guidelines will apply only in cases where the land is to be transferred to a Govt. Department directly for its own use. In case the Requiring Body is either a local body like a Panchayat or a Municipality, or is a Development Authority set up under the W.B.T&CP Act, 1979, or is a Government Undertaking/Development Corporation, the above inter departmental transfer guidelines are not applicable. Such requiring bodies will have to apply for Long Term Settlement and the guidelines of Long Term Settlement will be followed. In such cases too, application should be submitted to the concerned L.&L.R. Deptt. It may also be noted that the Municipal bodies, Panchayat bodies and various other Development Authorities set up under the

West Bengal Town & Country (Planning & Development) Act, 1979 while requiring Govt. land within their respective local limits entirely for a public purpose not of commercial nature, the Long Term Settlement will be granted on a one time nominal salami of Re.1/- only and at an annual rental as per provision of the W.B.L.R. Act, 1955. If such requiring body proposes to implement a project on commercial basis out of its own resources, LTS will be granted at a concessional rate of 25% of usual salami and rent for a period of 30 years' lease. That is to say that the concessional salami will be 10 % of current market rate and the annual rent will be 1% of the current market rate. If the Requiring Body proposes to implement a commercial project through a joint venture with a private sector party, the full salami and annual rent will be payable.

GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
GE(M)/LRA-III BRANCH, NABANNA,
325, SARAT CHATTERJEE ROAD,
P.O. SHIBPUR, HOWRAH-711 102

No.2748(19)-GE(M)

Dated :15.09.2015

From : Secretary-in-Charge to the Govt. of West Bengal.

To : The District Magistrate & Collector,
South 24 Parganas/North 24 Parganas/Howrah/Purba Medinipur/
Paschim Medinipur/ Purulia/ Bankura/ Hooghly/ Nadia/Burdwan/
Birbhum/Murshidabad/Malda/Uttar Dinajpur/Dakshin Dinajpur/
Jalpaiguri/Alipurduar/Coochbehar/Darjeeling.

Subject : Submission of Inter Departmental Transfer proposals in term of Chief Secretary's order circulated vide No.1109 (50)-GE(M)-35/09 dt.28.02.2013.

Sir,

With reference to the above mentioned subject, the following facts may be noted for their quick disposal:

1. The Requiring Department's consent letter/approval for the project land is not included in most of the IDT proposals coming from Districts. In some cases requiring letters from the line Department District offices are being submitted with the proposals. In all such cases proposals are pending at Land & Land Reforms Department till the consent letters/approval from the respective Departments are received.
 - So, each and every proposal for Inter Departmental Transfer must contain the Requiring Department's consent/approval letter.
2. Relinquishment order of the project land held by any other Department (other than Collector's land in 1 No. Khatian) is wanting in most such cases.
 - When the project land is being held by some other Department, the Requiring Department should approach first to the Department holding the land. In that case the Department holding the land but not utilizing it, should relinquish the same land in favour of Land & Land Reforms Department by issuing an order. Thereafter, the copy of the said order must be placed with the requirement of the project land by the Requiring Department to the DM & Collector/ADM&DL&LRO of the respective district so that DM & Collector/ADM&DL&LRO can initiate the IDT proposal(s) on the said Govt. Land for the particular project(s).An intimation of the same may be referred to Land & Land Reforms Department simultaneously.

3. Some Requiring Departments are surrendering the land after completion of the process of Inter Departmental Transfer from the Land & Land Reforms Department only on the ground of its unsuitability for the Project.
 - As Such, prior to initiation of Inter Departmental Transfer proposals the suitability/fitness of the land should be verified physically.
4. Necessary other records should accompany with the proposal : copy of RoR, Inspection Report of Amin/RI, certificates reflecting that there are no encumbrances, disputes, court cases on the subject land.
5. Department-wise list of IDT proposals lying in the District should be furnished to the Land and Land Reforms Department immediately for taking necessary action.

Sd/-M. Pant

Secretary-in-Charge to the Govt. of West Bengal

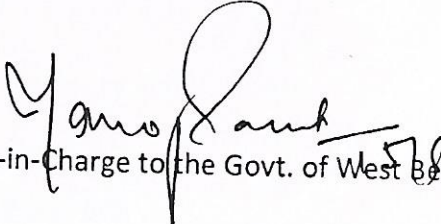
No. 2748(19)/1(40)-GE(M)

Dated 15.09.2015

Copy forwarded for information and necessary action also with a request to send composite list of projects requiring Govt. land, where more than one project are being undertaken by a Department:

1. The Additional Chief Secretary/Principal Secretary/ Secretary,

- ✓ 2. The ADM & DL & LRO,
South 24 Parganas/North 24 Parganas/Howrah/Purba Medinipur/
Paschim Medinipur/ Purulia/ Bankura/ Hooghly/ Nadia/Burdwan/
Birbhum/Murshidabad/Malda/Uttar Dinajpur/Dakshin Dinajpur/
Jalpaiguri/Alipurduar/Coochbehar/Darjeeling.


Secretary-in-Charge to the Govt. of West Bengal

Record of decisions taken in the meeting to review the pending inter-departmental transfer of land cases held at Rotunda, Writers' Buildings, Kolkata, on 22nd February, 2013, at 12.30 pm.

Officers present: In a separate sheet

1. On the basis of documents relating to inter-departmental transfer of land received from the DM & Collectors and the respective departments 23 cases have been finalized for inter-departmental transfer vide: Annexure- A. For the rest of the cases, the DM & Collectors and the respective departmental secretaries will submit the relevant papers and documents to the L & L R department within seven days to dispose of the pending transfer cases. The list of cases which are ready for disposal immediately on receipt of relinquishment orders from the land owning departments is given in Annexure -B.

2. Departmental secretaries requiring land will send proposals for inter-departmental transfer of land specifying the exact location and minimum area of land required to the DM & Collectors concerned with intimation to the L&LR department. They should also instruct their local offices to contact the DM & Collectors if the particulars and location of land need to be identified on joint field verification to finalize the transfer proposals.

3. Departmental secretaries requiring land should obtain the relinquishment orders containing the land schedule and site plan from the departments relinquishing the land and submit the proposals for inter-departmental transfer of land to the DM & Collectors along with requisite documents with intimation to the L & L R department.

4. The LRC & Principal Secretary will issue detailed guidelines specifying the papers to be submitted and actions to be taken at different levels in respect of inter-departmental transfer of government vested land and acquired land and also the land gifted by an individual raiyat for a public purpose (a draft enclosed).

5. Departmental secretaries concerned may kindly ensure personal attendance in the monthly meetings to be taken by the Chief Secretary for inter-departmental transfer of land.

6. As regards any gift of land to the government for a public purpose by a private person the guidelines as laid down in para 6 (4) under the chapter-I of the West Bengal Land Acquisition Manual, 1991, may be followed mutatis mutandis.

Sd/ Sanjay Mitra
Chief Secretary to the Govt. of WB
&
Chairman of the meeting

No.1109(50)-GE(M)-35/09

Date :28/2/2013

Copy forwarded for information and necessary action to the :

1. Addl. Chief Secretary/ Pr. Secretary/ Secretary, _____

Department

F. 137.
13.03.10

**Government of West Bengal
Land & Land Reforms Department
LR-(A-III) Branch
Writers' Buildings, Kolkata- 700 001**

A
13/4/10
100 LR

Memo. No.1480 (18)-GE (M) / 3M-35/09

Dated: 18.03.2010

From: D. Bandyopadhyay, I.A.S.
Joint Secretary to the Government of West Bengal

To: The A.D.M. and D.L.& L.R.O.,
.....
.....

P. Bala
22 sent
AM. THE SD/2009
Be...
5/5/10

Dufo
H

Subject: Important points to be ascertained before initiation of any proposal
for inter-departmental transfer of Government land.

It is often seen that proposals for inter-departmental transfer of Government land — be it vested land or land belongs to any Department of the State Government other than the Land & Land Reforms Department, are initiated by the DLLROs without proper examination of all necessary points and such proposals are sent to the Land & Land Reforms Department without adequate papers / information causing unnecessary delay in finalisation of such proposal of inter-departmental transfer of land. In order to avoid such delay the following instructions should carefully be noted:

1. The name of the concerned Department of the State Government who requires land. The 'Requiring Body' should be the Department itself. If the 'Requiring Body' is a Corporation or a 'Body' which functions as an Autonomous Body under the administrative control of the Department, they can not be equated with the Department itself and the land can not be transferred to the Department. In such cases such 'Requiring Body' will have to take the land on lease as per Government norms from this Department
2. Formal proposal requesting transfer of land should come to the Land & Land Reforms Department from the concerned Department and not from the end of any subordinate office of that Department. Necessary instructions have already been issued by the Land & Land Reforms Department in this regard vide this Department's Memo No. Memo. No.3025 (18)-GE (M) / 3M-35/09 dated 03.07.2009. It may be the case that the land-requiring Department itself approaches the District Magistrate & Collector or the DLLRO for transfer of land instead of approaching the Land & Land Reforms Department. In that case, such formal proposal from the land-requiring Department

P.T.O.

should be entertained. However, proposal from any sub-ordinate Office of a land-requiring Department e.g. any Directorate, District Head of Office like Superintendent of Police, Chief Medical Officer of Health and so on and so forth should not be entertained.

3. The proposal so furnished by the concerned Department should contain quantum of land, detailed schedule of land with plot wise break up and sketch map. A copy of the relevant letter of the land-requiring Department addressed to the District Magistrate & Collector or the DLLRO (if that happens at all) seeking transfer of land should be furnished with the proposal.
4. Before initiating any proposal for inter-departmental transfer of land as proposed by any Department of State Government who has furnished formal proposal as mentioned in point no. 2 above, the following points are required to be ascertained:
 - (i) Whether the land proposed for settlement is acquired or vested.
 - (ii) If acquired, whether there is any case against compensation on land acquisition and Whether acquisition process is complete.
 - (iii) If vested, how it is vested— whether it is under WBEA Act, 1953 or WBLR Act, 1955.
 - (iv) Whether there is any case against vesting of land in any Court of Law or WBLRTT and whether the matter of vesting is still sub-judice.
 - (v) Whether the land proposed for transfer is free from encroachment.
5. If the land proposed for transfer belongs to any Department of the State Government other than the Land & Land Reforms Department, then such land owning Department should first relinquish the land in favour of the Land & Land Reforms Department by issuing a formal relinquishment order containing detailed schedule of land with plotwise break up, so relinquished, together with sketch map. It shall be the responsibility of the 'Requiring Body' to get the land relinquished.
6. The classification of land should be mentioned and it should also be mentioned specifically whether such recorded classification actually means agri-land or non-agri land.
7. Agri-land can not be considered for transfer unless the present mode of use of such agri-classified land is non-agri. In that case, a spot verification report of the concerned BLLRO or of any competent officer as may be authorised by the BLLRO is required.
8. Forest land, tribal land, Barga-affected land will not be considered for transfer. Generally, water-body will also not be considered for transfer. However, if any Department of the State Government submits proposal to the Land & Land Reforms Department seeking inter-departmental transfer of any water body then such water body may be considered for transfer to that Department subject to submission of an

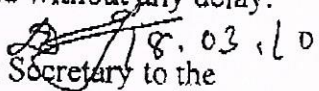
Contd....

-3-

undertaking by that Department that the nature and character of such water body will not be changed under any circumstances. Land classified as 'orchard' will not be considered for transfer to any Department of the State Government. However, if the present status of the 'orchard' class of land is not orchard and if it is possible to change the character of such 'orchard' class of land appropriately to a non-agri class as per due procedure of law then such land may be considered for transfer to any Department of the State Government if such change of classification is recorded in the R-O-R. and authenticated copy thereof is produced with the proposal.

9. Patta land will not be considered for transfer unless and until such Patta is annulled by the concerned SDO as per due procedure of law and there is no Court case against such annulment. Even in case of annulment, authenticated copy of the proceedings of annulment should be furnished.
10. If the Government land proposed transfer is a road side land then before initiating such proposal it should be ensured that public interest like maintenance or broadening of the road will not be affected by such transfer. Necessary clearance from the PWD Authority or NHAI Authority or the Zilla Parishad as the case may be, should be obtained before initiating any proposal for inter-departmental transfer of road side Government land.
11. Land will be transferred to the concerned Department, free of cost, if the purpose for which the land is required is non-commercial in nature. If the land is required by any Department for commercial purpose, such Department will have to pay full market value of the land. Therefore, at the time of furnishing any formal proposal for inter-departmental transfer of Government land to the Land & Land Reforms Department, the concerned Department who requires land should mention whether the purpose for which the land is required is a commercial purpose or a non-commercial purpose. If the land is required for a particular project, Detailed Project Report should be submitted by the concerned Department showing therein, inter alia, justification of extent of land required and statement of Income & Expenditure.
12. Report on valuation of land together with sale data containing counter-signature of the DLLRO with due certificate, as required, should be sent with the proposal.
13. Specific answer with supporting documents and/or relevant papers as the case may be on the aforesaid 12 points should be furnished with the proposal for inter-departmental transfer of land.

The concerned A.D.M. and D.L.&L.R.O. will send copy of this order to all the SDL&LROs and BLLROs under his jurisdiction, without fail and without any delay.


Joint Secretary to the
Government of West Bengal

P.T.O.

S.A.
26.2.07

Government of West Bengal
Land and Land Reforms Department
L.R. Branch
Writers' Buildings, Kolkata - 700001.



ORDER

1266

No.3717-LR /IL-167/02 GE (M)

Dated: 15.12.2006

Whereas it was decided that only in cases where long term settlement proposals relates to homestead or residential purpose involving Government land not more than 10 (ten) decimal, such proposals should be submitted by the District Land and Land Reforms Officer/Collector concerned directly to the State Government in the Land and Land Reforms Department under intimation to the Divisional Commissioner concerned for its consideration as communicated vide memo no. 2679(40)-LR dated 02.08.2005;

And whereas it has been considered necessary to follow the same procedure in respect of all the cases relating to long term settlement of Government land for any purpose whatsoever in order to reduce the time for disposing of the cases;

Now, therefore, after careful consideration of the matter, the Governor is pleased hereby to direct that all the proposal for long term settlement of Government land should be processed by the District Land & Land Reforms Officer within the specified time and the same should be submitted directly to the State Government in the Land and Land Reforms Department by the District Land and Land Reforms Officer along with the assessment sheet accompanied with the current sale data collection figures in the manner prescribed for its consideration. The District Land and Land Reforms Officer will get a certificate either from the Sub Registrar concerned or from the concerned Block Land and Land Reforms Officer that requisite sales have been collected without dropping any data of the concerned sale in concerned type class;

This issues in modification of memo. no. 2679(40)-LR dated 02.08.2005 and in supersession of all previous orders, whatsoever, issued in this regard.

By Order of the Governor,

Sd/-

Pr. Secy. to the Govt. of W.B.

Sd/-



GOVERNMENT OF WEST BENGAL
LAND AND LAND REFORMS DEPARTMENT
GE(M)/LRA-III BRANCH, NABANNA,
P.O. SHIBPUR, HOWRAH-711 102

No. 3647(19)-GE(M)/3M-35/09

Dated:06.12.2016

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

To : The District Magistrate & Collector,
South 24 Parganas/North 24 Parganas/Howrah/Purba Medinipur/
Paschim Medinipur/ Purulia/ Bankura/ Hooghly/ Nadia/Burdwan/
Birbhum/Murshidabad/Malda/Uttar Dinajpur/Dakshin Dinajpur/
Jalpaiguri/Alipurduar/Coochbehar/Darjeeling.

Sub : Submission of Inter Departmental Transfer proposals.

With reference to the above mentioned subject, it is requested to check the following matters before the submission of the Inter Departmental Transfer (IDT) proposals :

1. Some Requiring Departments are surrendering the land after completion of the process of Inter Departmental Transfer from the Land & Land Reforms Department only on the ground of its unsuitability for the Project.
As such, prior to recommendation of Inter Departmental Transfer proposals, the suitability/fitness of the land should be verified physically through a ground inspection and a certification to that effect be kept on record.
2. The Requiring Department's consent letter/approval for the project land is not included in most of the IDT proposals coming from Districts.
Each and every proposal for Inter Departmental Transfer must contain the Requiring Body's consent/approval letter. Requiring Department may send their requisition letter for the Govt. land for Govt. projects direct to the D.M & Collector of the respective district with a copy to this L&LR Department.
3. Relinquishment order of the land held by the respective Department is wanting in most such cases.
 - a) **When the project land is held by some other Department, the Requiring Department should approach first to the said Department holding the land for its relinquishment in favour of the Land & Land Reforms Department with copy of the same to the D.M & Collector of the respective district and this L&LR Department.**
 - b) **In that case the Department holding the land but not utilizing it, should relinquish the same in favour of Land & Land Reforms Department by issuing a Govt. Notification with copy of the same to L&LR Department, the department requiring the land and D.M.& Collector of the respective district.**
 - c) **On receipt of the copy of the said relinquishment order and the requisition letter for the said Govt. land for Govt. projects from the respective Requiring Department, the DM & Collector/ADM&DL&LRO of the district can initiate the IDT proposal(s) on the said Govt. Land for the particular project(s).**
4. **Land for IDT proposal should be: (a) free from court cases,(b)recorded in collector's khatian no.1 and (c) fit for conversion in its proposed classification u/s 4C of the WBLR Act,1955.**
5. **Mutation should be done immediately after the IDT is sanctioned.**
6. Department-wise list of IDT proposals lying in the District should be furnished to the Land and Land Reforms Department immediately for taking necessary action.

Sdf-

Special Secretary to the Govt. of West Bengal

Dated:06 .12.2016

No.3647(19)/1(24)-GE(M)

Copy forwarded for information and necessary action to :

1. The Additional Chief Secretary/Principal Secretary/ Secretary,

2. D.L.R.S.W.B
35,Gopalnagar Road, Alipore, Kolkata-27
3. The ADM & DL & LRO,
South 24 Parganas/North 24 Parganas/Howrah/Purba Medinipur/
Paschim Medinipur/ Purulia/ Bankura/ Hooghly/ Nadia/Burdwan/
Birbhum/Murshidabad/Malda/Uttar Dinajpur/Dakshin Dinajpur/
Jalpaiguri/Alipurduar/Coochbehar/Darjeeling.

*g
Lamp
6/12/16*

Special Secretary to the Govt. of West Bengal

S.B

C.A. to DM R. 374.C L+L P
06 02.13

File

Government of West Bengal
Office of Land and Land Reforms Department
Writers' Buildings, Kolkata-700001

Memo No. 522 (18)-LP/3M-108/12 GE(M)

Dated. 22/01/2013

From : The Additional Secretary
to the Government of West Bengal

To : The District Magistrate & Collector (all)

DLR
6/2

Sub : Land Allotment Policy vide No. 6686-LP/1A-18/2012 dated 26/12/2012.

The copies of the Land Allotment Policy issued under this Department No.6686-LP/1A-18/2012 dated 26/12/2012 might have reached your office by the time. Moreover, the same has already been uploaded on this Department website ~ www.banglarbhumi.gov.in.

In this connection, the undersigned is directed to request you to kindly to go through the aforesaid policy and also to pay attention to the following issues and initiate necessary actions:

- (i) Khas/government lands which, after due settlement, are lying unused even after expiry of the prescribed time-period for use should be indentified and proposals for settlement/public auction as per the norms and procedures set out in the said Land Allotment Policy submitted to this department after cancellation of previous allotment by this department.
- (ii) Pocket vested land lying unused should also be identified to settle it preferably with the raiyat from whom the land was vested or with the raiyat in the near vicinity whose land has locked/encircled the said vested land to ensure easy ingress and egress facility, of course, if the provision of land ceiling permits so and provided such land is not required strictly for any development project of any department of the State Government.
- (iii) Guidelines set out in Para 3 the Land Allotment Policy issued under this department's No. 6686-LP/1A-18/2012 dated 26/12/2012 will henceforth be applicable to allotment and pricing of land and other assets of the State Government and its parastatals, namely Corporations, Development Authorities.

Feedback on the above matters may kindly be given at an early date.

Yours faithfully

Dy DLR LRC (A100) / Dy. DLR LRA (LR)
D.E., LR


Additional Secretary

Pl. Dissem.
19
7/2

(9)

Government of West Bengal
Land and Land Reforms Department
Land Policy Branch
Writers' Buildings, Kolkata-700001

ORDER

No. 6686-LP/1A-18/2012

Date: 26/12/2012

Whereas the State Government, its parastatals (Corporations, Development Authorities), and urban local bodies etc. have been allotting and pricing land/ other assets in line with various Departmental and other norms which often vary in their content and their applicability;

2. And whereas there is need to introduce uniformity, reduce discretion and avoid case by case decision-making to ensure transparency while dealing with public assets;

3. Now, the Governor, after careful consideration of the matter, is pleased hereby to make the following Land Allotment Policy which will be applicable to land owned or held by any Department of the State Government or agency funded by the State Government in any manner:-

- (i) The land allotted to any individual/ company/ institution etc. under the policy would be transferred to them by the Government and its parastatals by way of long term lease for a period not exceeding 99 years, with the option of renewal of such lease for the like period on the same terms and conditions and to such other terms and conditions as may be imposed and included in such renewal lease deed.
- (ii) (a) The lessee under any lease granted by the State Government or its parastatals can mortgage the leasehold interest only (and not the demised land itself) on the demised land, whether in full or in part, only with the prior written permission of the lessor.
- (b) The lessee is not entitled to assign his leasehold interest, whether in full or in part, without prior written approval of the lessor and assignee shall hold the same on the same terms and conditions as in the original lease and to such other terms and conditions as may be considered to be imposed by the lessor while granting such approval. In case of such assignment of leasehold interest the assignee concerned shall have to obtain fresh lease after expiry of the unexpired period of the lease on payment of such consideration money and annual rent based on the prevailing market value as may then be fixed by the lessor in granting such lease.

(iii) The Land and Land Reforms Department is the nodal Department for inter-departmental transfer of land and Long Term Lease (LTS) of vested/ Khas (Government) land. An inter-departmental Committee under the Chief Secretary

REF No. 34
02-01-13
112 No. 09/c/12

would handle all cases of inter departmental land transfers. The valuation for LTS would be based on the sale deeds of the area or the market price as determined by the Inspector General of Registration, West Bengal, whichever is higher.

(iv)

Land meant for commercial use shall invariably be auctioned to the highest bidder for which adequate publicity should be given including through the internet. Commercial use will mean use for office, shops, shopping malls, housing not meant for the EWS, LIG or the poor, cineplexes, theme parks, hospitals, educational institutions etc, and would include all other activities except those activities for which a different mode of disposal is prescribed.

Reserve Price should not be fixed by the Government before the bidders submit their financial bids, so that there is no chance of the bidders knowing the Reserve Price fixed by the Government. The Government, while fixing the Reserve Price, should not have knowledge of the price bids submitted so that the fixing of the Reserve Price is not influenced by such knowledge. The Advisors do not finalize Reserve Price, as a conflict of interest may arise with them trying to keep them a low Reserve Price. The bidders are provided full comfort that their bids, once submitted, can in no way be tampered with by any agency.

(v)

For construction of housing for the poor, EWS and LIG through developers, it would be permissible not to go in for the auction route, keeping in view of the paramount public interest. Instead, development offers on pre-announced criteria can be invited through a two-stage bidding process. The policy for the allotment of the dwelling units after construction also should be rational, objective and transparent and stated clearly in the brochures/ advertisements.

(vi)

For projects leading to industrial development, the highest price need not be the main criteria nor should auction be the only mode of allotment. The department or the entity shall prepare and publish a list of its land assets. It may also indicate the kind of industrial development it is seeking (big, medium, small, micro, non-polluting, knowledge based, etc.) along with the tentative price which may be determined on the basis of acquisition price, cost of capital, development charges and premium as applicable. This information should be freely available in the public domain for at least a month before offers are received/ invited.

The offers should be evaluated on pre-specified and pre-announced criteria e.g. specified purpose, employment potential, likely tax-revenue, development of backward regions, economic development of disadvantaged communities, lower pollution levels, standard norms for land requirements for specific type of industries, and the past record of the investors. Evaluation should be done by a Transaction Advisor to be selected from the empanelled list of Transaction Advisors drawn up

- by the Finance Department through a transparent and competitive process and notified vide No. FS-116(PPP Cell)/2012 dated 10.09.2012.
- (vii) Project proposals for private educational institutions and medical facilities will be deemed to be commercial ventures, except where such projects are to be set up by public charitable trusts with no profit motives, and in existence for at least five years in the respective field, after inviting offers in a transparent manner. Trusts promoting such institutions have to be well-known for their services at the national or international level. The cases of allotment to charitable and reputed institutions fulfilling the above conditions should be referred to the Standing Committee of the Cabinet on Industry, Infrastructure and Employment for a final decision.
- (viii) For the projects in the power generation sector, the auction route is not recommended given the possible impact on tariffs and questions of larger public interest. The department holding the land, in consultation with the Power & NES Department, would notify sites suitable for power generation projects, which will remain open and in the public domain for at least one month before offers are invited. Thereafter, the offers will be evaluated in consultation with Power & NES Department, based on clear-cut pre-announced criteria beneficial to the economy and well-being of the state such as lower tariffs, redressal of the thermal-hydro imbalance, green power and renewable obligations and offered in terms of the existing policy and legal framework for such power generation projects.
- (ix) All land allotment decisions should be taken by the Board(s) of the entities. In case land is owned departmentally, MIC's order will be inevitably required followed by a Cabinet decision. Under no circumstances should land allotment decision be taken without placing the matter to the full Board with adequate notice as may be required under the relevant statutes/ rules and without recording detailed minutes.
- (x) Upon the completion of the formalities and selection of the allottee, a provisional Letter of Intent (LOI) should be issued. Each Department should frame its own LOI in consultation with the Law Department and strictly based on this policy with a specific time frame which shall in no case exceed three (3) years from the date of handing over the possession of the land.
- (xi) ~~The provisional LOI should also specify the statutory clearances / licences / permissions that the allottee would be required to obtain within a definite time frame. This will include clearances from the West Bengal Pollution Control Board & / or the Ministry of Environment & Forests, fuel linkages, water availability, clearance and licences from the West Bengal Electricity Regulatory Commission, the Medical / Dental / Nursing Council, the AICTE, the UGC, Municipality, Urban Planning etc., as may be required only for that specific purpose.~~

- (xii) The provisional LoI should be so drafted, as to enable the allottee to seek financial closure as well as obtain the relevant statutory clearances, in a definite time frame. In case the statutory clearances and or the financial closure are not forthcoming within the specified period, the provisional LoI shall be cancelled after following procedure laid down in the terms and conditions of the allotment.
 - (xiii) The allottee will have to commit that post-allotment, any changes in the ownership structure of the allottee, would be indicated upfront to the lessor. In case the lessor is of the opinion that such changes would be detrimental to public interest, such as higher power tariffs, reductions in the housing entitlements for the original target group (e.g. EWS / Poor / LIG), lower tax revenues, lower employment, etc., the lessor may cancel the allotment after following the usual formalities.
 - (xiv) In the event of special circumstances, the Government may, with the intention to protect and promote specific types of activities, or, to promote any emerging area of development activities, or, to reduce imbalances in any backward region, or, any strategic reason especially beneficial to the State, may with the approval of the State Cabinet, relax any or some of the above mentioned criteria. The sponsoring departments will be required to prepare Cabinet proposals indicating the full extent of relief with justification.
 - (xv) Notwithstanding (xiv) above, all decisions related to land allotment etc. should be proactively disclosed u/s 4, of the RTI Act.
4. The Departmental Secretaries may ensure strict compliance with the aforesaid policy-guidelines in the most transparent manner.

By order of the Governor,

R.D.Meena

Principal Secretary to the Government of West Bengal

No.6686/1(87)-LP

Date: 26/12/2012

Copy forwarded for information and necessary action to the:

1. Additional Chief Secretary/ Pr. Secretary/ Secretary to the Government of West Bengal
..... Department.

~~With the request to circulate this policy guidelines to its parastatals (Corporations, Development Authorities), and urban local bodies etc. if any.~~

2. Commissioner, Division.

3. Director of Land Records & Surveys, West Bengal.

4. District Magistrate & Collector,

5. G.S.D. to Chief Secretary to the Government of West Bengal

Additional Secretary to the Government of West Bengal

9749-46670/12 MS

dt = 28.01.13

copy forwarded for information and necessary action to
SLRO - - - - (all)

Government of West Bengal
Land and Land Reforms Department
Land Reforms Branch
Writers' Buildings, Kolkata-700 001



ORDER

No.3718- LR /11-167/02 GE (M)

Dated:15.12.2006

Whereas it appears that the proposal for long term settlement or transfer of any Government land is initiated by the District Land and Land Reforms Officer on getting the market value of the land assessed by the L.A. Collector of the District within which such land is situated;

And whereas order has been issued prescribing the guidelines to be followed in the matter of assessment of market value of land both for the purpose of land acquisition and land settlement vide G.O.No.1705-LA dated 6th June, 2006. Copy of G.O. No.1705-LA dated 6th June, 2006 and a copy of sale data collection sheet are also enclosed.

And whereas it has been considered necessary to authorize the District Land and Land Reforms Officer to assess market value of the land in respect of all the cases pertaining to long term settlement or transfer of such land in order to reduce the time for disposing of such cases;

Now, the Governor, after careful consideration of the matter, is pleased hereby to direct that in respect of all the cases pertaining to long term settlement or transfer of Government land market value should be assessed by the District Land and Land Reforms Officer in accordance with the principle and procedure laid down in G.O. No. 1705- L.A. dated 6th June, 2006 and the District Land and Land Reforms Officer will get a certificate either from the Sub Registrar concerned or from the concerned Block Land and Land Reforms Officer that requisite sales have been collected without dropping any data of the concerned sale in concerned type class;

The Governor is further pleased to direct that no proposal for long term settlement or transfer of Government land shall be considered for sanction unless the market value of the land proposed for settlement or transfer is assessed in accordance with the principle and procedure laid down in G.O. No. 1705-L.A. dated 6th June, 2006 and

No3717/1(47)-LR

Dated: 15.12.2006

Copy forwarded for information and necessary action to:

1. The Commissioner,Division,
P.O. & Dist.
2. The Director of Land Records and Survey, West Bengal and Joint
Land Reforms Commissioner, West Bengal,
35, Gopal Nagar Road, Kolkata-700027.

3.. The District Magistrate & Collector,
.....

✓ 4. The A.D.M. & DLLRO, *Purba Midnapure*
P.O. Tamluk, Dist- Purba Midnapure

5. The Joint Secretary..... of this Department

[Signature]
15.12.06
Jt. Secy. to the Govt. of W.B