

**Affected Amended Sections of W.B.L.R. Act , 1955 after
Notification No.553-L dated 14-03-2001**

<i>Before Amendment of 14-03-2001</i>	<i>After Amendment of 14-03-2001</i>
<p><u>Section 2 Clause (2)</u> “bargadar” means 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 (or by any other description) cultivates the land of another person on condition of receiving a share of the produce of such land from that person;] Explanation-A bargadar shall continue to be a bargadar until cultivation by him is lawfully terminated under this Act;</p>	<p><u>Section 2 Clause (2)</u> “bargadar” means 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 (or by any other description) cultivates the land of another person on condition of receiving a share of the produce of such land from that person;] [, but does not include a person who is related to the owner of the land as- (a) wife, or (b) husband, or (c) child, or (d) grandchild, or (e) parent, or (f) grandparent, or (g) brother, or (h) sister, or (i) brother’s son or brother’s daughter, or (j) sister’s son or sister’s daughter, or (k) daughter’s husband, or (l) son’s wife, or (m) wife’s brother or wife’s sister, or (n) brother’s wife,] ,and Explanation-A bargadar shall continue to be a bargadar until cultivation by him is lawfully terminated under this Act;</p>
<p><u>Section 2 Clause (6)</u> “holding” means the land or lands held by a raiyat and treated as a unit for assessment of revenue;</p>	<p><u>Section 2 Clause (6)</u> [(6) “co-sharer of a raiyat in a plot of land” means a person, other than the raiyat, who has an undemarcated interest in the plot of land along with the raiyat,]</p>

Section 4A Clause (1)

(1) In the Sadar sub-division, Kalimpong sub-division and Kurseong sub-division of the district of Darjeeling, the Deputy Commissioner of the district may, from time to time, give directions regarding the form of cultivation to be adopted by a raiyat in respect of his holding or prohibiting a raiyat from cutting more than one tree from his holding except with the previous permission in writing of the Deputy Commissioner or such other officer as may be authorised by the State Government in this behalf.

(2) For contravention of any of the directions given under sub-section (1), the Deputy Commissioner may, after giving the defaulting raiyat an opportunity to show cause against the action proposed to be taken, impose upon him, by order, a fine not exceeding one hundred rupees which, if not duly paid, shall be recoverable as a public demand.

(3) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the Commissioner against any order passed by the Deputy Commissioner under sub-section (2) and the decision of the Commissioner shall be final.

Section 4A Clause (1)

(1) In the Sadar sub-division, Kalimpong sub-division and Kurseong sub-division of the district of Darjeeling, the [Collector] of the district may, from time to time, give directions regarding the form of cultivation to be adopted by a raiyat in respect of his [plot of land] or prohibiting a raiyat from cutting more than one tree from his [plot of land] except with the previous permission in writing of the [Collector] or such other officer as may be authorised by the State Government in this behalf.

(2) For contravention of any of the directions given under sub-section (1), the [Collector] may, after giving the defaulting raiyat an opportunity to show cause against the action proposed to be taken, impose upon him, by order, a fine not exceeding [one thousand rupees] which, if not duly paid, shall be recoverable as a public demand.

(3) An appeal, if presented within thirty days from the date of the order appealed against, shall lie to the Commissioner against any order passed by the [Collector] under sub-section (2) and the decision of the Commissioner shall be final.
[Provided that in giving directions as aforesaid, the Collector shall follow such procedure as may be prescribed;]

Section 4C Clause (1)

(1) A raiyat holding any land may apply to the Collector for change of area or character of such land or for conversion of the same for any purpose other than the purpose for which it was settled or was being previously used or for alteration in the mode of use of such land.

Section 4C Clause (1)

(1) A raiyat holding any land may apply to the Collector for change of area or character of such land or for conversion of the same for any purpose other than the purpose for which it was settled or was being previously used or for alteration in the mode of use of such land.
[Explanation- For the purposes of this sub-section, mode of use of land may be residential, commercial, industrial, agriculture excluding plantation of tea, pisciculture, forestry, sericulture, horticulture, public utilities or other use of land]

Section 4D Clause (1)

(1) Any change, conversion or alteration in the area, character or mode of use of any land, except in accordance with the provisions of section 4C, or any violation of the order of the Collector under sub-section (5) of section 4C, shall be an offence punishable with imprisonment which may extend to three years or with fine which may extend to one thousand rupees or with both :

Provided that no prosecution shall lie for an offence under this sub-section in a case where an action has already been taken by the prescribed authority under sub-section (4) of section 4.

Provided further that no prosecution shall lie for any diminution in area or change of character of any land or any conversion in the use of any land if such diminution or change of character or conversion was made in accordance with the provisions of any law for the time being in force :

(2) No court shall take cognizance of any offence punishable under sub-section (1) except on a complaint in writing made by the Collector or by an officer authorised by him in that behalf.

Section 4D Clause (1)

(1) Any change, conversion or alteration in the area, character or mode of use of any land, except in accordance with the provisions of section 4C, or any violation of the order of the Collector under sub-section (5) of section 4C, [shall be a cognizable and non-bailable offence and shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both :]

Provided that no prosecution shall lie for an offence under this sub-section in a case where an action has already been taken by the prescribed authority under sub-section (4) of section 4.

[Provided further that no prosecution shall lie for any diminution in area or change of character of any land or any conversion in the use of any land if such diminution or change of character or conversion was made in accordance with the provisions of any law for the time being in force :]

[(2)Omitted]

Section 5

(1) A transfer of the holding of a raiyat or a share or portion thereof shall be made by an instrument which must be registered and the registering officer shall not accept for registration any such instrument unless-

(a) the sale price, or where there is no sale price, the value of the holding or portion or share thereof transferred, is stated therein;

(b) there is tendered along with it,

(i) A notice giving the particulars of the transfer in the prescribed form for transmission to the prescribed authority;

(ii) such notices and process fees as may be required by sub-section (4);

(c) the purpose for which the land shall be used by the transferee is stated therein; and

(d) such purpose for use of the land by the transferee is consistent with the purpose for which the land was settled or was being used and is not contrary to the provisions of section 4B, section 4C, section 4E or section 49.

Explanation- The purposes under clauses (c) and (d) shall include agriculture, horticulture, animal husbandry, trade, manufacture, entertainment, recreation, sport and such other purposes.

(2) In case of bequest of such holding or portion or share thereof, no court shall grant Probate or Letters of Administration until the applicant files in the prescribed form a notice giving particulars of the bequest together with the prescribed process fee for transmission to the prescribed authority.

Section 5

(1) A transfer of the [plot of land] of a raiyat or a share or portion thereof shall be made by an instrument which must be registered and the registering officer shall not accept for registration any such instrument unless-

(a) the sale price, or where there is no sale price, the value of the [plot of land] or portion or share thereof transferred, is stated therein;

(b) there is tendered along with it,

(i) A notice giving the particulars of the transfer in the prescribed form for transmission to the prescribed authority;

(ii) such notices and process fees as may be required by sub-section (4);

(c) the purpose for which the land shall be used by the transferee is stated therein; and

(d) such purpose for use of the land by the transferee is consistent with the purpose for which the land was settled or was being used and is not contrary to the provisions of section 4B, section 4C, section 4E or section 49.

Explanation- The purposes under clauses (c) and (d) shall include agriculture, horticulture, animal husbandry, trade, manufacture, entertainment, recreation, sport and such other purposes.

(2) In case of bequest of such [plot of land] or portion or share thereof, no court shall grant Probate or Letters of Administration until the applicant files in the prescribed form a notice giving particulars of the bequest together with the prescribed process fee for transmission to the prescribed authority.

(3) No court or Revenue officer shall confirm the sale of such a holding or portion or share thereof put to sale in execution of a decree or certificate and no court shall make a decree or order absolute for foreclosure of a mortgage of such a holding or portion of share thereof, until the purchaser or the mortgagee, as the case may be, files a notice or notices similar to, and deposits process fees of the same amount as that referred to in sub-section (1).

(4) If the transfer of a portion or share of such a holding be one to which the provisions of section 8 apply, there shall be filed by the transferor or transferee notices giving particulars of the transfer in the prescribed form together with the process fees prescribed for the service thereof on all the co-sharers of the said holding who are not parties to the transfer and for affixing a copy thereof in the office of the registering officer or the court house or the office of the Revenue Officer, as the case may be, as well as for affixing a copy on the holding .

(5) The court, the Revenue Officer or the registering officer, as the case may be, shall transmit the notice to the authority referred to in sub-clause (i) of clause (b) of sub-section (1) who shall serve the notices on the co-sharers referred to in sub-section (4) by registered post and shall cause copies of the notice to be affixed on the holding and in the court house or in the office of the Revenue Officer, or of the registering officer, as the case may be.

Explanation- in this section -

(a) "transferor", ["transferee",] "purchaser" and "mortgagee" include their successors-in-interest, and

(b) "transfer" does not include [simple or usufructuary mortgage or mortgage by deposit of title deeds].

(3) No court or Revenue officer shall confirm the sale of such a [plot of land] or portion or share thereof put to sale in execution of a decree or certificate and no court shall make a decree or order absolute for foreclosure of a mortgage of such a [plot of land] or portion of share thereof, until the purchaser or the mortgagee, as the case may be, files a notice or notices similar to, and deposits process fees of the same amount as that referred to in sub-section (1).

(4) If the transfer of a portion or share of such a [plot of land] be one to which the provisions of section 8 apply, there shall be filed by the transferor or transferee notices giving particulars of the transfer in the prescribed form together with the process fees prescribed for the service thereof on all the co-sharers of the said [plot of land] who are not parties to the transfer and for affixing a copy thereof in the office of the registering officer or the court house or the office of the Revenue Officer, as the case may be, as well as for affixing a copy on the [plot of land].

(5) The court, the Revenue Officer or the registering officer, as the case may be, shall transmit the notice to the authority referred to in sub-clause (i) of clause (b) of sub-section (1) who shall serve the notices on the co-sharers referred to in sub-section (4) by registered post and shall cause copies of the notice to be affixed on the [plot of land] and in the court house or in the office of the Revenue Officer, or of the registering officer, as the case may be.

Explanation- in this section -

(a) "transferor", ["transferee",] "purchaser" and "mortgagee" include their successors-in-interest, and

(b) "transfer" does not include [simple or usufructuary mortgage or mortgage by deposit of title deeds].

Section-7= Limitation on mortgage of raiyati holdings

(1) A mortgage by a raiyat of his holding or any share thereof other than-

- (a) a simple mortgage, or
- (b) a usufructuary mortgage for a period not exceeding fifteen years, [or]
- (c) a mortgage by deposit of title deeds in favour of -
 - (i) a scheduled bank as defined in the Reserve Bank of India Act, 1934, or
 - (ii) a co-operative land mortgage bank registered or deemed to be registered under any law for the time being in force, or
 - (iii) a public financial institution referred to in section 4A of the Companies Act, 1956, (1 of 1956) or
 - (iv) a corporation owned or controlled by the Central Government or the State Government or by both the Central Government and the State Government, or
 - (v) the International Finance Corporation established under the Agreement as defined in clause (a) of section 2 of the International Finance Corporation (Status, Immunities and Privileges) Act, 1958,(42 of 1958), or
 - (vi) such other financial institution, by whatever name called, established or registered under any law for the time being in force, as the State Government or the Central Government may, by notification in the Official Gazette, specify, for the purpose of obtaining loan or financial assistance [including debenture as defined in clause (12) of section 2 of the Companies act, 1956] for the development of the land comprised in the holding of such raiyat or for the improvement of any agricultural production (including horticulture or fishery) or for the development or improvement of any plantation or for the establishment or development of any industry, livestock breeding, dairy, poultry farming, commercial unit, educational centre, health centre, public recreation centre or research centre upon such land or for the promotion and holding

Section-7= Limitation on mortgage of raiyati [plots of land]

(1) A mortgage by a raiyat of his [plot of land] or any share thereof other than-

- (a) a simple mortgage, or
- (b) a usufructuary mortgage for a period not exceeding fifteen years, [or]
- (c) a mortgage by deposit of title deeds in favour of -
 - (i) a scheduled bank as defined in the Reserve Bank of India Act, 1934, or
 - (ii) a co-operative land mortgage bank registered or deemed to be registered under any law for the time being in force, or
 - (iii) a public financial institution referred to in section 4A of the Companies Act, 1956,(1 of 1956), or
 - (iv) a corporation owned or controlled by the Central Government or the State Government or by both the Central Government and the State Government, or
 - (v) the International Finance Corporation established under the Agreement as defined in clause (a) of section 2 of the International Finance Corporation (Status, Immunities and Privileges) Act, 1958, (42 of 1958), or
 - (vi) such other financial institution, by whatever name called, established or registered under any law for the time being in force, as the State Government or the Central Government may, by notification in the Official Gazette, specify, for the purpose of obtaining loan or financial assistance [including debenture as defined in clause (12) of section 2 of the Companies act, 1956] for the development of the land comprised in the [plot of land] of such raiyat or for the improvement of any agricultural production (including horticulture or fishery) or for the development or improvement of any plantation or for the establishment or development of any industry, livestock breeding, dairy, poultry farming, commercial unit, educational centre, health centre, public recreation centre or research centre upon such l and or for the promotion and holding

of sports or cultural or philanthropical activity upon such land or for the construction of any housing estate for bona fide residential purpose or any building for providing accommodation for any office upon such land or for such other activity as the State Government may, by notification in the Official Gazette, specify, shall be void.

(2) A usufructuary mortgage referred to in clause (b) of sub-section (1) may be redeemed at any time before the expiry of the period.

centre upon such land or for the promotion and [plot of land] of sports or cultural or philanthropical activity upon such land or for the construction of any housing estate for bona fide residential purpose or any building for providing accommodation for any office upon such land or for such other activity as the State Government may, by notification in the Official Gazette, specify, shall be void.

(2) A usufructuary mortgage referred to in clause (b) of sub-section (1) may be redeemed at any time before the expiry of the period.

Section-8

(1) If a portion or share of a holding of a raiyat is transferred to any person other than a co-sharer in the holding, [the bargadar in the holding may, within three months of the date of such transfer, or] any co-sharer raiyat of the holding may, within three months of the service of the notice given under sub-section (5) of section 5 , or any raiyat possessing land adjoining such holding may, within four months of the date of such transfer, apply to the [Munsif having territorial jurisdiction], for transfer of the said portion or share of the holding to him, subject to the limit mentioned in [section 14-M] on deposit of the consideration money together with a further sum of ten per cent of that amount :

Provided that if the bargadar in the holding, a co-sharer raiyat and a raiyat possessing land adjoining such holding apply for such transfer , the bargadar shall have the prior right to have such portion or share of the holding transferred to him, and in such a case, the deposit made by others shall be refunded to them :

[Provided further that where the bargadar does not apply for such transfer and] a co-sharer raiyat and a raiyat possessing land adjoining such holding both apply for such transfer, the former shall have the prior right to have such portion or share of the holding transferred to him, and in such a case, the deposit made by the latter shall be refunded to him :

[Provided also] that as amongst raiyats possessing lands adjoining such holding preference shall be given to the raiyat having the longest common boundary with the land transferred.

Section-8

(1) If a portion or share of a [plot of land of a raiyat] is transferred to any person other than a [cosharer of a raiyat in the plot of land], [the bargadar in the plot of land] may, within three months of the date of such transfer, or] any [co-sharer of a raiyat in the plot of land] may, within three months of the service of the notice given under sub-section (5) of section 5 , or any raiyat possessing land [adjoining such plot of land] may, within four months of the date of such transfer, apply to the [Munsif having territorial jurisdiction], for transfer of the said portion or [share of the plot of land] to him, subject to the limit mentioned in [section 14-M] on deposit of the consideration money together with a further sum of ten per cent of that amount :

Provided that if the [bargadar in the plot of land], a [co-sharer of raiyat in a plot of land] and a raiyat possessing land [adjoining such plot of land] apply for such transfer , the bargadar shall have the prior right to have such portion or [share of the plot of land] transferred to him, and in such a case, the deposit made by others shall be refunded to them :

[Provided further that where the bargadar does not apply for such transfer and] a [co-sharer of a raiyat in a plot of land] and a raiyat possessing land [adjoining such plot of land] both apply for such transfer, the former shall have the prior right to have such portion or [share of the plot of land] transferred to him, and in such a case, the deposit made by the latter shall be refunded to him :

[Provided also] that as amongst raiyats possessing lands [adjoining such plot of land] preference shall be given to the raiyat having the longest common boundary with the land transferred.

(2) Nothing in this section shall apply to -

- (a) a transfer by exchange or by partition, or,
- (b) A transfer by bequest or gift [or heba-bil-ewaz], or,
- (c) a *** mortgage mentioned in section 7, or,
- (d) a transfer for charitable or religious purposes or both without reservation of any pecuniary benefit [for any individual, or,]
- (e) A transfer of land in favour of a bargadar, in respect of such land if after such transfer, the transferee holds as a raiyat land not exceeding one acre (or 0.4047 hectare) in area in the aggregate.

Explanation- All orders passed and the consequences thereof under sections 8, 9 and 10 shall be subject to the provisions of Chapter IIB.

(2) Nothing in this section shall apply to -

- (a) a transfer by exchange or by partition, or,
- (b) A transfer by bequest or gift [or heba-bil-ewaz], or,
- (c) a mortgage mentioned in section 7, or,
- (d) a transfer for charitable or religious purposes or both without reservation of any pecuniary benefit [for any individual, or,]
- (e) A transfer of land in favour of a bargadar, in respect of such land if after such transfer, the transferee holds as a raiyat land not exceeding one acre (or 0.4047 hectare) in area in the aggregate.

Explanation- All orders passed and the consequences thereof under sections 8, 9 and 10 shall be subject to the provisions of Chapter IIB.

Section-9

(1) On the deposit mentioned in sub-section (1) of section 8 being made, the [Munsif] shall give notice of the application to the transferee, and shall also cause a notice to be affixed on the land for the information of persons interested . On such notice being served, the transferee or any person interested may appear within the time specified in the notice and prove the consideration money paid for the transfer and other sums, if any, properly paid by him in respect of the lands including any sum paid for annulling encumbrances created prior to the date of transfer, and rent or revenue, cesses or taxes for any period. The [Munsif] may after such enquiry as he considers necessary direct the applicant to deposit such further sum, if any, within the time specified by him and on such sum being deposited , he shall make an order that the amount of the consideration money together with such other sums as are proved to have been paid by the transferee or the person interested plus ten per cent of the consideration money be paid to the transferee or the person interested out of the money in deposit, the remainder, if any, being refunded to the applicant. The [Munsif] shall then make a further order that the portion or share of the holding be transferred to the applicant and on such order being made, the portion or share of the holding shall vest in the applicant.

(2) When any person acquires the right, title and interest of the transferee in such holding by succession or otherwise, the right, title and interest acquired by him shall be subject to the right conferred by sub-section (1) of section 8 on a co-sharer raiyat or a raiyat possessing land adjoining the holding.

(3) In making an order under sub-section (1) in favour of more than one co-sharer raiyat or raiyat holding adjoining land, the [Munsif] may apportion the portion or share of the holding in such manner and on such terms as he deems equitable.

Section-9

(1) On the deposit mentioned in sub-section (1) of section 8 being made, the [Munsif] shall give notice of the application to the transferee, and shall also cause a notice to be affixed on the land for the information of persons interested . On such notice being served, the transferee or any person interested may appear within the time specified in the notice and prove the consideration money paid for the transfer and other sums, if any, properly paid by him in respect of the lands including any sum paid for annulling encumbrances created prior to the date of transfer, and rent or revenue, cesses or taxes for any period. The [Munsif] may after such enquiry as he considers necessary direct the applicant to deposit such further sum, if any, within the time specified by him and on such sum being deposited , he shall make an order that the amount of the consideration money together with such other sums as are proved to have been paid by the transferee or the person interested plus ten per cent of the consideration money be paid to the transferee or the person interested out of the money in deposit, the remainder, if any, being refunded to the applicant. The [Munsif] shall then make a further order that the portion or [share of the plot of land] be transferred to the applicant and on such order being made, the portion or [share of the plot of land] shall vest in the applicant.

(2) When any person acquires the right, title and interest of the [transferee in such plot of land] by succession or otherwise, the right, title and interest acquired by him shall be subject to the right conferred by sub-section (1) of section 8 on a [co-sharer of a raiyat in a plot of land] or a raiyat possessing land [adjoining the plot of land or bargadar.]

(3) In making an order under sub-section (1) in favour of more than one [co-sharer of a raiyat in a plot of land or raiyat holding adjoining the plot of land or bargadar, the [Munsif] may apportion the portion or [share of the plot of land] in such manner and on such terms as he deems equitable.

(4) Where any portion or share of a holding is transferred to the applicant under sub-section (1), such applicant shall be liable to pay all arrears of revenue in respect of such portion or [co-sharer of a share of the plot of land] that may be outstanding on the date of the order.

(5) The [Munsif] shall send a copy of his order as modified on appeal, if any, under sub-section (6) to the prescribed authority for correction of the record -of- rights.

(6) Any person aggrieved by an order of the [Munsif] under this section may appeal to the [District Judge] having jurisdiction over the area in which the land is situated, within thirty days from the date of such order and the [District Judge] shall send a copy of his order to the [Munsif]. The fees to be paid by the parties and the procedure to be followed by the [District Judge] shall be such as may be prescribed.

(7) Every appeal pending before an Additional District Magistrate at the commencement of section 8 of the West Bengal Land Reforms (Amendment) Act, 1972, shall, on such commencement, stand transferred to, and be disposed of by, the District Judge having jurisdiction in relation to the area in which the land is situated and on such transfer, every such appeal shall be dealt with from the stage at which it was so transferred and shall be disposed of in accordance with the provisions of this Act, as amended by the West Bengal Land Reforms (Amendment) Act, 1972.

(4) Where any portion or share of a [plot of land] is transferred to the applicant under sub-section (1), such applicant shall be liable to pay all arrears of revenue in respect of such portion or [share of the plot of land] that may be outstanding on the date of the order.

(5) The [Munsif] shall send a copy of his order as modified on appeal, if any, under sub-section (6) to the prescribed authority for correction of the record -of- rights.

(6) Any person aggrieved by an order of the [Munsif] under this section may appeal to the [District Judge] having jurisdiction over the area in which the land is situated, within thirty days from the date of such order and the [District Judge] shall send a copy of his order to the [Munsif]. The fees to be paid by the parties and the procedure to be followed by the [District Judge] shall be such as may be prescribed.

(7) Every appeal pending before an Additional District Magistrate at the commencement of section 8 of the West Bengal Land Reforms (Amendment) Act, 1972, shall, on such commencement, stand transferred to, and be disposed of by, the District Judge having jurisdiction in relation to the area in which the land is situated and on such transfer, every such appeal shall be dealt with from the stage at which it was so transferred and shall be disposed of in accordance with the provisions of this Act, as amended by the West Bengal Land Reforms (Amendment) Act, 1972.

Section 10

On an order under section 9 being made-
(a) the right, title and interest of the raiyat and of the transferee or of the person mentioned in sub-section (2) of section 9 who acquires any right, title and interest in the holding shall vest in the raiyat whose application for transfer has been allowed by the Revenue Officer or by the Munsif [or, after the commencement of section 8 of the West Bengal Land Reforms (Amendment) Act, 1971, by the Additional District Magistrate, or, after the commencement of the West Bengal Land Reforms (Amendment) Act, 1972, by the District Judge,] on appeal:

Provided that the transferee or the person mentioned in sub-section (2) of section 9 shall have the right to take away the crops which he might have grown on the land before the date of the order.

(b) the raiyat whose application has been so allowed shall be liable for any revenue accruing from the date of the order.

Section 10

On an order under section 9 being made-
(a) the right, title and interest of the raiyat and of the transferee or of the person mentioned in sub-section (2) of section 9 who acquires any right, title and interest in the [plot of land] shall vest in the raiyat whose application for transfer has been allowed by the Revenue Officer or by the Munsif [or, after the commencement of section 8 of the West Bengal Land Reforms (Amendment) Act, 1971, by the Additional District Magistrate, or, after the commencement of the West Bengal Land Reforms (Amendment) Act, 1972, by the District Judge,] on appeal:

Provided that the transferee or the person mentioned in sub-section (2) of section 9 shall have the right to take away the crops which he might have grown on the land before the date of the order.

(b) the raiyat whose application has been so allowed shall be liable for any revenue accruing from the date of the order.

Section 11

(1) If the holding of a raiyat or a portion of it is lost by diluvion, the revenue of the holding shall, on application made by the raiyat in the prescribed form to the Revenue Officer, be remitted or abated by an amount which, in the opinion of the Revenue officer, is fair.

(2) The right, title and interest of the raiyat shall subsist in such holding or portion thereof during the period of loss by diluvion not exceeding twenty years and the raiyat shall on its re-appearance at any time within that period have the right to possession thereof and be liable to pay such revenue as in the opinion of the Revenue Officer is fair.

Section 11

Omitted

Section 12

Any land gained by gradual accession to a holding, whether from the recess of a river or of the sea, shall vest in the State Government and the raiyat who owns the holding shall not be entitled to retain such land as an accretion thereto.

Section 12

Any land gained by gradual accession to a [plot of land] whether from the recess of a river or of the sea, shall vest in the State Government and the raiyat who owns the [plot of land] shall not be entitled to retain such land as an accretion thereto

Section 14

(1) Partition of a holding among co-sharer raiyat owning it shall be made either by-

- (a) a registered instrument; or
- (b) a decree or order of a court

(2) When partition is effected by an instrument, the registering officer shall not accept for registration any such instrument unless there is tendered along with it a notice, giving the particulars of the holding and the area of each share, and such process fee as may be prescribed, for transmission to the prescribed authority.

(3) If as a result of partition one or more shares comprise an area less than the standard area-

(a) the prescribed authority in a case where partition is effected by a registered instrument, or

(b) the court passing the decree or order for partition, shall recast the shares, excluding the homesteads of the co-sharers, so that no share is less than the standard area and sale such shares or when the holding comprises an area which can not be partitioned into two or more shares, each comprising not less than the standard area, sell the entire holding to the highest bidder or bidders among the co-sharers, or failing them to other persons, and the sale proceeds shall, after deducting the expenses for conducting the sale, be paid to the co-sharers in accordance with their shares in the holding partitioned, excluding the homesteads.

(4) If the holding or any share or shares thereof cannot be sold as aforesaid, the prescribed authority or the court shall report the case to the State Government and the State Government shall, by order made in this behalf, take over such holding or share or shares and shall place at the disposal of the prescribed authority or the court, as the case may be, the market value thereof for payment to the co-sharers in the manner indicated in sub-section (3).

Section 14

[Partition of plot of land among co-sharer of a raiyat in plot of land]

(1) Partition of a [plot of land] among [co-sharer of a raiyats owning it] shall be made either by-

- (a) a registered instrument; or
- (b) a decree or order of a court

(2) When partition is effected by an instrument, the registering officer shall not accept for registration any such instrument unless there is tendered along with it a notice, giving the particulars of the [plot of land] and the area of each share, and such process fee as may be prescribed, for transmission to the prescribed authority.

(3) If as a result of partition one or more shares comprise an area less than the standard area-

(a) the prescribed authority in a case where partition is effected by a registered instrument, or

(b) the court passing the decree or order for partition, shall recast the shares, excluding the homesteads of the co-sharers, so that no share is less than the standard area and sale such shares or when the [plot of land]comprises an area which can not be partitioned into two or more shares, each comprising not less than the standard area, sell the entire [plot of land]to the highest bidder or bidders among the co-sharers, or failing them to other persons, and the sale proceeds shall, after deducting the expenses for conducting the sale, be paid to the co-sharers in accordance with their shares in the [plot of land]partitioned, excluding the homesteads.

(4) If the [plot of land]or any share or shares thereof cannot be sold as aforesaid, the prescribed authority or the court shall report the case to the State Government and the State Government shall, by order made in this behalf, take over such [plot of land]or share or shares and shall place at the disposal of the prescribed authority or the court, as the case may be, the market value thereof for payment to the co-sharers in the manner indicated in sub-section (3).

<p>(5) For the purpose of preventing fragmentation of holdings as a result of partition the State Government may by order made in this behalf specify an area, which in its opinion is the minimum unit for effective [utilisation] in the interest of *** production [or in the public interest], as the standard area, and different standard areas may be specified for different localities or for different classes of land.</p> <p>(6) Notwithstanding anything contained in any other law for the time being in force or in any agreement or any custom or usage or any decree, judgment or award of any court, no partition amongst co-sharer raiyats and co-parceners of a Hindu Undivided family governed or claiming to be governed by the Mitakshara School of Hindu Law shall have any force unless such partition is made by registered instrument or by a decree or order of a Court and is effected by metes and bounds; and both the conditions having been fulfilled, any such partition shall be deemed to have come into force from the date of registration of the deed of partition or the date of final decree or order of a Court, as the case may be, or from the date of effecting partition by metes and bounds, whichever is later.</p>	<p>(5) For the purpose of preventing fragmentation of [plots of land] as a result of partition the State Government may by order made in this behalf specify an area, which in its opinion is the minimum unit for effective [utilisation] in the interest of *** production [or in the public interest], as the standard area, and different standard areas may be specified for different localities or for different classes of land.</p> <p>(6) Notwithstanding anything contained in any other law for the time being in force or in any agreement or any custom or usage or any decree, judgment or award of any court, no partition amongst co-sharers of a raiyat in a plot of land and co-parceners of a Hindu Undivided family governed or claiming to be governed by the Mitakshara School of Hindu Law shall have any force unless such partition is made by registered instrument or by a decree or order of a Court and is effected by metes and bounds; and both the conditions having been fulfilled, any such partition shall be deemed to have come into force from the date of registration of the deed of partition or the date of final decree or order of a Court, as the case may be, or from the date of effecting partition by metes and bounds, whichever is later.</p>
<p><u>Section 14B</u></p> <p>Save as provided in section 14C, any transfer by a raiyat belonging to a Scheduled Tribe of his holding or part thereof shall be void.</p>	<p><u>Section 14B</u></p> <p>Save as provided in section 14C, any transfer by a raiyat belonging to a Scheduled Tribe of his [plot of land] or part thereof shall be void.</p>

Section 14C

(1) A raiyat belonging to a Scheduled Tribe may transfer his holding or part thereof in any one of the following ways, namely :-

- (a) by a complete usufructuary mortgage entered into with a person belonging [to a Scheduled Tribe] for a period not exceeding seven years;
- (b) by sale or gift to the Government for a public or charitable purpose;
- (c) by simple mortgage to the Government or to a registered co-operative Society;
- (cc) by simple mortgage or mortgage by deposit of title deeds in favour of a scheduled bank, a co-operative land mortgage bank or a corporation, owned or controlled by the Central or State Government, or by both, for the development of land or improvement of agricultural production;
- (d) by gift or will to a person belonging to a Scheduled Tribe;
- (e) by sale of exchange in favour of any person belonging to a Scheduled Tribe;

Provided that any such raiyat may, with the previous permission, in writing, of the Revenue Officer, transfer by sale his holding or any part thereof to a person not belonging to any Scheduled Tribe:

Provided further that no such permission shall be granted by the Revenue Officer unless he is satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price of the holding or any part thereof and that the proposed sale is intended to be made for one or more of the following purposes, namely :-

- (a) for the improvement of any other part of the holding, or
- (b) for investment, or
- (c) for such other purposes may be prescribed.

(3) A complete usufructuary mortgage referred to in sunb-section (1) may be redeemed at any time before the expiry of the term.

Section 14C

(1) A raiyat belonging to a Scheduled Tribe may transfer his [plot of land] or part thereof in any one of the following ways, namely :-

- (a) by a complete usufructuary mortgage entered into with a person belonging [to a Scheduled Tribe] for a period not exceeding seven years;
- (b) by sale or gift to the Government for a public or charitable purpose;
- (c) by simple mortgage to the Government or to a registered co-operative Society;
- (cc) by simple mortgage or mortgage by deposit of title deeds in favour of a scheduled bank, a co-operative land mortgage bank or a corporation, owned or controlled by the Central or State Government, or by both, for the development of land or improvement of agricultural production;
- (d) by gift or will to a person belonging to a Scheduled Tribe;
- (e) by sale of exchange in favour of any person belonging to a Scheduled Tribe;

Provided that any such raiyat may, with the previous permission, in writing, of the Revenue Officer, transfer by sale his [plot of land] or any part thereof to a person not belonging to any Scheduled Tribe:

Provided further that no such permission shall be granted by the Revenue Officer unless he is satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price of the [plot of land] or any part thereof and that the proposed sale is intended to be made for one or more of the following purposes, namely :-

- (a) for the improvement of any other part of the [plot of land], or
- (b) for investment, or
- (c) for such other purposes may be prescribed.

(3) A complete usufructuary mortgage referred to in sunb-section (1) may be redeemed at any time before the expiry of the term.

(4) A mortgagor under a complete usufructuary mortgage intending to redeem such mortgage before the expiry of its term or any person acting on his behalf, may make an application for redemption in such form and containing such particulars as may be prescribed to the Revenue Officer. On receipt of such application the Revenue Officer shall after service of notice to the mortgagee make an enquiry in the prescribed manner and pass a preliminary order declaring the amount due under such mortgage to the mortgagee at the date of such order and fixing a date for payment of such amount by the mortgagor. If the mortgagor pays such amount by the date so fixed the Revenue Officer shall make a final order directing the mortgagee to restore possession of the mortgaged property and to deliver up the mortgage-deed, to the mortgagor.

(5) A final order made under sub-section (4) shall be executed by the Revenue officer in such manner as may be prescribed.

Explanation- In this section " complete usufructuary mortgage" means a transfer by a raiyat of the right of possession in any land for the purpose of securing the payment of money or the return of grain advanced or to be advanced by way of loan upon the condition that the loan, with all interest thereon, shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage.

(4) A mortgagor under a complete usufructuary mortgage intending to redeem such mortgage before the expiry of its term or any person acting on his behalf, may make an application for redemption in such form and containing such particulars as may be prescribed to the Revenue Officer. On receipt of such application the Revenue Officer shall after service of notice to the mortgagee make an enquiry in the prescribed manner and pass a preliminary order declaring the amount due under such mortgage to the mortgagee at the date of such order and fixing a date for payment of such amount by the mortgagor. If the mortgagor pays such amount by the date so fixed the Revenue Officer shall make a final order directing the mortgagee to restore possession of the mortgaged property and to deliver up the mortgage-deed, to the mortgagor.

(5) A final order made under sub-section (4) shall be executed by the Revenue officer in such manner as may be prescribed.

Explanation- In this section " complete usufructuary mortgage" means a transfer by a raiyat of the right of possession in any land for the purpose of securing the payment of money or the return of grain advanced or to be advanced by way of loan upon the condition that the loan, with all interest thereon, shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage.

Section 14D

(1) No transfer of any land or any interest in such land by a raiyat belonging to a Scheduled Tribe shall be valid unless made by a registered instrument.

(2) Notwithstanding anything contained in the Registration Act, 1908 or in any other law for the time being in force, no instrument of transfer or dealing with land or interest in such land by a raiyat belonging to the Scheduled Tribe made in contravention of the provisions of this Chapter shall be recognised as valid by any court, officer or authority exercising civil, criminal or revenue jurisdiction and no registering officer shall register any such instrument unless he is satisfied that the instrument does not contravene any of the provisions of this Chapter.

(3) If, in course of registration of any instrument referred to in sub-section (2) or in any proceeding relating to the registration of such instrument or in any proceeding before any civil, criminal or revenue court, any question arises as to whether the raiyat executing such instrument belongs to the Scheduled Tribe or as to whether such instrument has been made in contravention of the provisions of this Chapter, the registering officer or other officer or authority exercising powers under the Registration Act, 1908 or the civil, criminal or revenue court before whom such question arises, shall refer such question to the Revenue Officer referred to in section 14C and shall give effect to the decision of the Revenue Officer.

Section 14D

(1) No transfer of any land or any interest in such land by a raiyat belonging to a Scheduled Tribe shall be valid unless made by a registered instrument.

(2) Notwithstanding anything contained in the Registration Act, 1908 or in any other law for the time being in force, no instrument of transfer or dealing with land or interest in such land by a raiyat belonging to the Scheduled Tribe made in contravention of the provisions of this Chapter shall be recognised as valid by any court, officer or authority exercising civil, criminal or revenue jurisdiction and no registering officer shall register any such instrument unless he is satisfied that the instrument does not contravene any of the provisions of this Chapter.

(3) If, in course of registration of any instrument referred to in sub-section (2) or in any proceeding relating to the registration of such instrument or in any proceeding before any civil, criminal or revenue court, any question arises as to whether the raiyat executing such instrument belongs to the Scheduled Tribe or as to whether such instrument has been made in contravention of the provisions of this Chapter, the registering officer or other officer or authority exercising powers under the Registration Act, 1908 or the civil, criminal or revenue court before whom such question arises, shall refer such question to the Revenue Officer referred to in section 14C and shall give effect to the decision of the Revenue Officer.

Section 14E

(1) if a transfer of a holding or any portion thereof is made by a raiyat belonging to a Scheduled Tribe in contravention of the provisions of section 14C [or if the permission for the transfer is found, after an inquiry in the prescribed manner, to have been obtained by misrepresentation or fraud] or if in the case of a complete usufructuary mortgage referred to in clause (a) *** of sub-section (1) of section 14C, the transferee has continued or is in possession for more than seven years from the date of the transfer, the Revenue Officer may, of his own motion or on an application made in that behalf, and after giving the transferee an opportunity of being heard, by an order in writing [annual the transfer, where necessary, and] eject the transferee from such holding or part thereof :

Provided that the transferee whom it is proposed to eject has not been in continuous possession for [thirty years] under the transfer made in contravention of section 14C, or in the case of a complete usufructuary mortgage referred to in clause (a) *** of sub-section (1) of section 14C, for [thirty years] from the expiry of the [period of seven years, notwithstanding anything contained in the Limitation Act, 1963].

(2) When the Revenue Officer has passed any order under sub-section (1), he shall restore the transferred holding or part thereof to the transferor or his successor-in-interest.

(3) For the purpose of restoration of possession of any land and evicting any person in actual occupation of such land under sub-section (2), any such Revenue Officer may use such force as may be required for evicting the person in actual occupation of such land and may send a written requisition in such form and in such manner as may be prescribed to the officer-in-charge of the local police station having jurisdiction or to any police officer superior in rank to such officer-in-charge, and on receipt of s

Section 14E

(1) if a transfer of a [plot of land] or any portion thereof is made by a raiyat belonging to a Scheduled Tribe in contravention of the provisions of section 14C [or if the permission for the transfer is found, after an inquiry in the prescribed manner, to have been obtained by misrepresentation or fraud] or if in the case of a complete usufructuary mortgage referred to in clause (a) *** of sub-section (1) of section 14C, the transferee has continued or is in possession for more than seven years from the date of the transfer, the Revenue Officer may, of his own motion or on an application made in that behalf, and after giving the transferee an opportunity of being heard, by an order in writing [annul the transfer, where necessary, and] eject the transferee from such [plot of land] or part thereof :

Provided that the transferee whom it is proposed to eject has not been in continuous possession for [thirty years] under the transfer made in contravention of section 14C, or in the case of a complete usufructuary mortgage referred to in clause (a) *** of sub-section (1) of section 14C, for [thirty years] from the expiry of the [period of seven years, notwithstanding anything contained in the Limitation Act, 1963].

(2) When the Revenue Officer has passed any order under sub-section (1), he shall restore the transferred [plot of land] or part thereof to the transferor or his successor-in-interest.

(3) For the purpose of restoration of possession of any land and evicting any person in actual occupation of such land under sub-section (2), any such Revenue Officer may use such force as may be required for evicting the person in actual occupation of such land and may send a written requisition in such form and in such manner as may be prescribed to the officer-in-charge of the local police station having jurisdiction or to any police officer superior in rank to such officer-in-charge, and on receipt of s

such written requisition, the police officer concerned shall render all necessary lawful assistance for enforcing delivery of possession of such land :

Provided that the provisions of this sub-section shall not be applicable to any person not belonging to the Schedule Tribe, if he has been owning, possessing or cultivating land not exceeding 0.4047 hectare in area in the aggregate and the transfer was made by a member of the Scheduled Tribe owning, possessing or cultivating land measuring 4 hectares or more in area in the aggregate.

such written requisition, the police officer concerned shall render all necessary lawful assistance for enforcing delivery of possession of such land :

Provided that the provisions of this sub-section shall not be applicable to any person not belonging to the Schedule Tribe, if he has been owning, possessing or cultivating land not exceeding 0.4047 hectare in area in the aggregate and the transfer was made by a member of the Scheduled Tribe owning, possessing or cultivating land measuring 4 hectares or more in area in the aggregate.

Section 14F

(1) No decree or order shall be passed by any court for the sale of the holding or any portion thereof, of a raiyat belonging to a Scheduled Tribe nor shall any such holding be sold in execution of any decree or order.

(2) Notwithstanding anything contained in the Code of civil procedure, 1908 and the Indian Contract Act, 1872, no decree or order relating to any land or interest in such land shall be passed by any court against a raiyat belonging to a Scheduled Tribe on the basis of any consent, agreement or compromise. Any such decree or order passed in contravention of this sub-section shall be void.

Section 14F

(1) No decree or order shall be passed by any court for the sale of the [plot of land] or any portion thereof, of a raiyat belonging to a Scheduled Tribe nor shall any such [plot of land] be sold in execution of any decree or order.

(2) Notwithstanding anything contained in the Code of civil procedure, 1908 and the Indian Contract Act, 1872, no decree or order relating to any land or interest in such land shall be passed by any court against a raiyat belonging to a Scheduled Tribe on the basis of any consent, agreement or compromise. Any such decree or order passed in contravention of this sub-section shall be void.

Section 14G

(1) When a certificate is filed for the recovery of an arrear of revenue or any other public demand recoverable under the Bengal Public Demands Recovery Act, 1913, in respect of the holding of a raiyat belonging to a Scheduled Tribe, the Certificate Officer shall, before a proclamation for sale of the [plot of land] issued in execution of the certificate, refer the case to the Revenue Officer having jurisdiction who may, in his discretion, -

(a) eject the defaulting raiyat from his holding and put another person belonging to a Scheduled Tribe in possession of the holding for a period not exceeding seven years on payment of the amount due in respect of the certificate by him; or

(b) sell the holding to a member of a Scheduled Tribe, if available, and, if not available, to any other person at a fair market price to be fixed by the Revenue Officer, not being less than the amount due in respect of the certificate :

Provided that if the homestead of the defaulting raiyat is comprised in the [plot of land] , he shall not be ejected from such homestead under clause (a), nor shall such homestead be sold under clause (b).

(2) (i) If the Revenue Officer puts any person in possession of the holding under clause (a) of sub-section (1) for any period, the amount paid by such person shall, at the end of such period, be deemed to have been satisfied in full, and the Revenue Officer shall then restore the holding to the defaulting raiyat;

(ii) if the Revenue Officer sells the holding under clause (b) of sub-section (1), any amount that may remain out of the sale-proceeds after satisfaction of the amount due in respect of the certificate shall be paid to the defaulting raiyat.

**CHAPTER IIB
Ceiling on Holdings**

Section 14G

(1) When a certificate is filed for the recovery of an arrear of revenue or any other public demand recoverable under the Bengal Public Demands Recovery Act, 1913, in respect of the [plot of land] of a raiyat belonging to a Scheduled Tribe, the Certificate Officer shall, before a proclamation for sale of the [plot of land] is issued in execution of the certificate, refer the case to the Revenue Officer having jurisdiction who may, in his discretion, -

(a) eject the defaulting raiyat from his [plot of land] and put another person belonging to a Scheduled Tribe in possession of the [plot of land] for a period not exceeding seven years on payment of the amount due in respect of the certificate by him; or

(b) sell the [plot of land] to a member of a Scheduled Tribe, if available, and, if not available, to any other person at a fair market price to be fixed by the Revenue Officer, not being less than the amount due in respect of the certificate :

Provided that if the homestead of the defaulting raiyat is comprised in the [plot of land] , he shall not be ejected from such homestead under clause (a), nor shall such homestead be sold under clause (b).

(2) (i) If the Revenue Officer puts any person in possession of the [plot of land] under clause (a) of sub-section (1) for any period, the amount paid by such person shall, at the end of such period, be deemed to have been satisfied in full, and the Revenue Officer shall then restore the [plot of land] to the defaulting raiyat;

(ii) if the Revenue Officer sells the [plot of land] under clause (b) of sub-section (1), any amount that may remain out of the sale-proceeds after satisfaction of the amount due in respect of the certificate shall be paid to the defaulting raiyat.

**CHAPTER IIB
Ceiling on [Land held by a Raiyat]**

<p>Section 14K Clauses (a), (b), (c), (d), (e) remain same</p>	<p>Section 14K Clauses (a), (b), (c), (d), (e) remain same Section 14K Clause (ee)- New clause “Planning Area “ shall have the same meaning as in the West Bengal Town and Country (Planning and Development) Act, 1979</p>
<p>Section 14T Clause (3)</p> <p>The Revenue Officer may, on receipt of a return submitted under sub-section (1) or sub-section (2), or on his own motion, determine the extent of land which is to vest in the State under section 14S and take possession of such lands :</p> <p>Provided that where a raiyat has exercised his choice of retention of land within the ceiling area in such a way that portions of more than one plot are to vest in the State, the Revenue Officer may disregard the choice exercised by the raiyat and may, after giving the raiyat an opportunity of being heard, determine the plot or, where necessary, plots of land proposed to be retained by the raiyat from which an area equal to the area of the portions of the plots shown in the return to be in excess of the ceiling area, is to vest in the State and take possession of such land :</p> <p>Provided further that in the case of mortgage by a raiyat by deposit of title deeds under clause (c) of sub-section (1) of section 7, such raiyat shall first retain the land comprised in his holding and mortgaged by him within the ceiling area and where the total area of any land comprised in his holding and mortgaged by him exceeds the ceiling area, such portion of the land so mortgaged as is in excess of the ceiling area, together with any other land owned by him but not so mortgaged, shall vest in the State free from all incumbrances.</p>	<p>Section 14T Clause (3)</p> <p>The Revenue Officer may, on receipt of a return submitted under sub-section (1) or sub-section (2), or on his own motion, determine the extent of land which is to vest in the State under section 14S and take possession of such lands :</p> <p>Provided that where a raiyat has exercised his choice of retention of land within the ceiling area in such a way that portions of more than one plot are to vest in the State, the Revenue Officer may disregard the choice exercised by the raiyat and may, after giving the raiyat an opportunity of being heard, determine the plot or, where necessary, plots of land proposed to be retained by the raiyat from which an area equal to the area of the portions of the plots shown in the return to be in excess of the ceiling area, is to vest in the State and take possession of such land :</p> <p>Provided further that in the case of mortgage by a raiyat by deposit of title deeds under clause (c) of sub-section (1) of section 7, such raiyat shall first retain the land comprised in his [plot of land] and mortgaged by him within the ceiling area and where the total area of any land comprised in his [plot of land] and mortgaged by him exceeds the ceiling area, such portion of the land so mortgaged as is in excess of the ceiling area, together with any other land owned by him but not so mortgaged, shall vest in the State free from all incumbrances</p>

Section 14Y

If at any time, after the commencement of the provisions of this Chapter, the total area of land owned by a raiyat exceeds the ceiling area applicable to him under section 14M, on account of transfer, inheritance or otherwise, the area of land which is in excess of the ceiling area shall vest in the State and all the provisions of this Chapter relating to ceiling area shall apply to such land.

Provided that a person intending to establish a tea garden, mill, factory or workshop, livestock breeding farm, poultry farm, or diary, or township in accordance with the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979, may, with the previous permission, in writing, of the State Government and on such terms and conditions and in such manner as the State Government may by rules prescribe, acquire and hold land in excess of the ceiling area applicable to him under section 14M.

Provided further that if such person, having been permitted by the State Government, does not utilise within two years of the date of such permission such land for the purpose for which he has been so permitted by the State Government to acquire and hold it, then, all the provisions of this Chapter relating to ceiling area shall apply to the area of land which is held in excess of the ceiling area applicable to him under section 14M.

Explanation :- For the purpose of this section, "person" includes an individual, a firm, a company, an institution, or an association or body of individuals, whether incorporated or not.

Section 14Y

If at any time, after the commencement of the provisions of this Chapter, the total area of land owned by a raiyat exceeds the ceiling area applicable to him under section 14M, on account of transfer, inheritance or otherwise, the area of land which is in excess of the ceiling area shall vest in the State and all the provisions of this Chapter relating to ceiling area shall apply to such land.

Provided that a person intending to establish a tea garden, mill, factory or workshop, livestock breeding farm, poultry farm, or diary, [or township in a Planning Area as may be permitted to be developed under] the West Bengal Town and Country (Planning and Development) Act, 1979, may, with the previous permission, in writing, of the State Government and on such terms and conditions and in such manner as the State Government may by rules prescribe, acquire and hold land in excess of the ceiling area applicable to him under section 14M.

Provided further that if such person, having been permitted by the State Government, does not utilise within [three years] of the date of such permission such land for the purpose for which he has been so permitted by the State Government to acquire and hold it, then, all the provisions of this Chapter relating to ceiling area shall apply to the area of land which is held in excess of the ceiling area applicable to him under section 14M.

[Explanation I :- For the purpose of this section, "person" includes an individual, a firm, a company, an institution, or an association or body of individuals, whether incorporated or not.

	<p>Explanation II :- "Township" shall mean a centre of urban population with defined boundaries within a Planning Area having, or proposing to have, usual urban facilities and approved as such by the appropriate Department of the State Government.]</p>
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Section 14Z Clause (2)

in the case of land comprised in a tea garden, mill, factory or workshop or land used for the purpose of livestock breeding, poultry farming or dairy, the raiyat, or where the land is held under a lease, the lessee, may be allowed to retain (in excess of the prescribed ceiling) only so much of such land as, in the opinion of the State Government, is required for the purpose of the tea garden, mill, factory, workshop, livestock breeding, poultry farming or dairy, as the case may be :

Provided that the State Government may, if it thinks fit so to do, after reviewing the circumstances of a case and after giving the raiyat or the lessee, as the case may be, an opportunity of being heard, revise any order made by it under this clause specifying the land which the raiyat or the lessee shall be entitled to retain for tea garden, mill, factory, workshop, livestock breeding, poultry farming or dairy, as the case may be :

Provided further that in determining the land required for the purpose of tea cultivation, there shall not be any diminution of the area of a tea garden.

Explanation- The expression "Land under a lease" includes any land held directly under the State Government under a lease.

Section 14Z Clause (2)

in the case of land comprised in a tea garden, mill, factory or workshop or land used for the purpose of livestock breeding, poultry farming or dairy [or township in a Planning Area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979], the raiyat, or where the land is held under a lease, the lessee, may be allowed to retain (in excess of the prescribed ceiling) only so much of such land as, in the opinion of the State Government, is required for the purpose of the tea garden, mill, factory, workshop, livestock breeding, poultry farming or dairy, as the case may be :

Provided that the State Government may, if it thinks fit so to do, after reviewing the circumstances of a case and after giving the raiyat or the lessee, as the case may be, an opportunity of being heard, revise any order made by it under this clause specifying the land which the raiyat or the lessee shall be entitled to retain for tea garden, mill, factory, workshop, livestock breeding, poultry farming or dairy [or township in a Planning Area as may be permitted to be developed under the West Bengal Town and Country (Planning and Development) Act, 1979], as the case may be :

Provided further that in determining the land required for the purpose of tea cultivation, there shall not be any diminution of the area of a tea garden.

Explanation- The expression "Land under a lease" includes any land held directly under the State Government under a lease.

Section 15 - Certain safeguards for holdings cultivated by Bargadars

(1) The provisions of clauses (b) and (c) of sub-section (4) of section 4 shall not apply to the holding of a raiyat or any part of it which is cultivated by a bargadar so long as cultivation by a bargadar continues

Section 15 - Certain safeguards for [plot of land] cultivated by Bargadars

1) The provisions of clauses (b) and (c) of sub-section (4) of section 4 shall not apply to the [plot of land] of a raiyat or any part of it which is cultivated by a bargadar so long as cultivation by a bargadar continues

Section 20B , clause (5)

Any contravention of the provisions of sub-section (3) or sub-section (4) shall be an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Section 20B , clause (5)

Any contravention of the provisions of sub-section (3) or sub-section (4) shall be an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

[Provided that subject to the payment of compensation by a transferee to a bargadar under the Land Acquisition Act, 1894.and the rules made thereunder nothing in this sub-section shall apply to any land intended to be utilised for any of the purposes referred to in the first proviso to section 14Y.]

CHAPTER - IV

Provisions as to revenue -

New Chapter-IV added and old Chapter is substituted by the New Chapter

CHAPTER - IV

Provisions as to revenue -

22(1) A raiyat shall be liable to pay revenue for his [plot of land].

22(2) Revenue shall be a first charge on the land held by the raiyat.

23 Notwithstanding anything to the contrary contained in any judgement, decree, or order of any court or tribunal or in any law for the time being in force, a raiyat shall pay as revenue in the following manner with effect from such date as the State Government may, by notification in the Official Gazette, specify for his land :-

- (a) above 6 acres, rupees 20 per acre;
- (b) comprised in tea garden and land used for cultivation of tea, rupees 30 per acre;
- (c) used for mill, factory, workshop or other commercial purposes in rural areas, rupees 3 per decimal;
- (d) used for mill, factory, workshop or other commercial purposes in urban areas, rupees 4 per decimal or the rent as on the day immediately before the date specified in the notification as aforesaid, whichever is higher;
- (e) used for non-agricultural purposes including homestead in the urban areas, other than urban agglomeration referred to in clause(f), rupees 2 per decimal;
- (f) used for non-agricultural purposes including homestead in an urban agglomeration as defined in the Urban Land (Ceiling and Regulations) Act, 1976, rupees 3 per decimal.

Explanation- "Urban area" shall mean-

- (1) any area within the local limits of a Municipality, or
- (2) any area constituted by the State Government as a notified area under the West Bengal Municipal Act, 1993, or
- (3) such area in a newly developing locality as the State government may, by notification in the Official Gazette, specify.

24.(1) Notwithstanding anything contained in this Chapter,-

(a) where the Revenue Officer on his own motion or on an application made by a raiyat makes an order that the total area of land held by a raiyat and his family does not exceed 2.428 hectares, the raiyat and his family shall be exempted from paying revenue with effect from the 1st day of Baisakh, 1385 B.S.

Provided that such exemption shall not affect the liability of the raiyat to pay any cess imposed on him under the Cess Act, 1880, or the West Bengal primary Education Act, 1973, or the West Bengal Rural Employment and Production Act, 1976, or any other law for the time being in force, on the basis of the revenue of his land determined under section 23.

Provided further that no exemption shall be made in respect of any land which lies within-

- (a) any area within the local limits of a Municipality, or
- (b) any area constituted by the State government as a notified area under section 378 of the West Bengal Municipal Act, 1993, or
- (c) any area in a newly-developing locality as the State Government may, by notification in the Official Gazette, specify, or
- (d) any area within an urban agglomeration as defined in clause (n) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976, or
- (e) any area which is used for mill, factory, workshop or other commercial purposes;

(b) where the land held by a raiyat and his family is situated in both irrigated and non-irrigated areas, then, for the purposes of calculating the total area of land of the raiyat and his family, one hectare of land in irrigated area shall be deemed to be equivalent to 1.5 hectares of land in non-irrigated area;

(c) If any amount already paid by a raiyat is in excess of the revenue payable by him under this section, the amount paid in excess shall be refunded to him, but if there is any deficiency in such payment, such deficiency shall be recovered from him as an arrear of revenue under the bengal

in such payment, such deficiency shall be recovered from him as an arrear of revenue under the Bengal Public Demands Recovery Act, 1913, without any claim for interest being made on such deficiency.

Explanation- For the purposes of this section, (i) "family", in relation to a raiyat, shall be deemed to consist of himself, his wife, minor sons and unmarried daughters, if any, and (ii) "irrigated area" shall have the same meaning as in clause (d) of section 14K.

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

25. The revenue payable by a raiyat may, in the manner to be prescribed, be altered by the Revenue Officer, if the land held by the raiyat and his family has increased or decreased in area by diluvion, amalgamation, purchase, partition, subdivision, acquisition or any other cause whatsoever subsequent to the determination of revenue.

26. No suit or other legal proceedings shall be instituted in any Civil Court in respect of the determination of any revenue or the omission to determine any revenue under this Chapter.

27.(1) A raiyat shall pay revenue in such instalments, in such manner, and at such times, as may be prescribed.

(2) Payment of revenue shall be made at the office of the Revenue Inspector or at such other places and in such manner as may be prescribed.

(3) Any instalment of revenue or part thereof which is not duly paid within the prescribed time shall be d

	<p>time shall be deemed to be an arrear.</p> <p>28. Every raiyat shall, on making payment of revenue, be entitled to obtain forthwith a written receipt in the prescribed form for the amount paid by him, signed by the person authorised to make collection of revenue.</p> <p>29. The provisions of this chapter shall have effect notwithstanding anything to the contrary contained in the West Bengal Land Holding Revenue act, 1979.</p> <p>30. The West Bengal Land Holding Revenue Act, 1979, shall stand repealed with effect from such date as the State Government may by notification in the Official Gazette, appoint.'</p>
<p style="text-align: center;">CHAPTER V</p> <p>Consolidation of lands comprised in holdings, and Co-operative Farming Societies</p> <p><u>Section 39</u></p> <p>The State Government may-</p> <p>(a) on the representation of raiyats in any area, or</p> <p>(b) on its own motion,</p> <p>acquire the lands in any area [as may be necessary] on payment of compensation to the raiyats owning them when the lands comprised in the holdings of the raiyats in such area are not in compact blocks, if the State Government is of the opinion that the lands comprised [in the holdings in such area] should be consolidated :</p> <p>Provided that consolidation of lands may be undertaken by the State Government if any seven or more persons being raiyats each owning land not exceeding 0.4047 hectare of land in the aggregate or being recipients of lands settled under section 49 or from both such categories make representation therefor.</p>	<p style="text-align: center;">CHAPTER V</p> <p>Consolidation of lands comprised in [plots of land] and Co-operative Farming Societies</p> <p><u>Section 39</u></p> <p>The State Government may-</p> <p>(a) on the representation of raiyats in any area, or</p> <p>(b) on its own motion,</p> <p>acquire the lands in any area [as may be necessary] on payment of compensation to the raiyats owning them when the lands comprised [in the plots of land of the raiyats in such area] are not in compact blocks, if the State Government is of the opinion that the lands comprised [in the [plots of land] in such area] should be consolidated :</p> <p>Provided that consolidation of lands may be undertaken by the State Government if any seven or more persons being raiyats each owning land not exceeding 0.4047 hectare of land in the aggregate or being recipients of lands settled under section 49 or from both such categories make representation therefor.</p>

Section 40

On such acquisition being made, the State Government shall re-arrange the holdings so that the lands comprised in each is in a compact block and re-allot them to the raiyats whose lands have been acquired, in such manner as it thinks fit, ensuring that each raiyat gets a holding comprising the same area, and, as far as possible, lands of the same quality and value as before the consolidation :

Provided that no raiyat shall be entitled to receive any land in excess of the area held by him prior to acquisition :

Provided further that on such allotment being made there shall be deducted from the amount of compensation payable to a raiyat under section 39 the value of the land allotted to him after acquisition.

Section 40

On such acquisition being made, the State Government shall re-arrange the [plots of land] so that the lands comprised in each is in a compact block and re-allot them to the raiyats whose lands have been acquired, in such manner as it thinks fit, ensuring that each raiyat gets a [plot of land] comprising the same area, and, as far as possible, lands of the same quality and value as before the consolidation :

Provided that no raiyat shall be entitled to receive any land in excess of the area held by him prior to acquisition :

Provided further that on such allotment being made there shall be deducted from the amount of compensation payable to a raiyat under section 39 the value of the land allotted to him after acquisition.

Section 41

If the holding of a raiyat which is acquired for the purposes of consolidation is subject to any incumbrance, such incumbrance shall be deemed to be transferred and attached to the land which is allotted to the raiyat after acquisition and to the compensation, if any, payable to him under this Chapter and shall cease to have any effect against the land from which it has been so transferred.

Section 41

If the [plot of land] of a raiyat which is acquired for the purposes of consolidation is subject to any incumbrance, such incumbrance shall be deemed to be transferred and attached to the land which is allotted to the raiyat after acquisition and to the compensation, if any, payable to him under this Chapter and shall cease to have any effect against the land from which it has been so transferred.

Section 49

(1) Notwithstanding anything contained elsewhere in this act or in any other law for the time being in force, settlement of any land which is at the disposal of the State Government , shall be made without any premium being charged for it, in such manner as may be prescribed, with persons who are residents of the locality where the land is situated, and who together with other members of their family, own no land or less than [0.4047 hectare of land used for the purpose of agriculture], one half of the lands cultivated by them as bargadars being taken into account for the purpose of calculating the aggregate of such land, and subject to the following conditions, namely :-

(a) that, in the case of agricultural land, such person intends to bring the land under personal cultivation,

(b) that, in the case of homestead land, such person having no homestead of his own, intends to construct a dwelling house thereon, and

(c) such other terms and conditions as may be prescribed :

Provided that among the persons eligible for such settlement, preference shall be given to persons belonging to Scheduled Caste or Scheduled Tribe or who form themselves into a Co-operative Society for the purpose :

Provided further that no settlement of land shall be made with any person or with a member of the family of any such person, who is engaged or employed in any business, trade, undertaking, manufacture, calling, service, or industrial occupation.

Section 49

(1) Notwithstanding anything contained elsewhere in this act or in any other law for the time being in force, settlement of any land which is at the disposal of the State Government , shall be made without any premium being charged for it, in such manner as may be prescribed, with persons who are residents of the locality where the land is situated, and who together with other members of their family, own no land or less than [0.4047 hectare of land used for the purpose of agriculture], one half of the lands cultivated by them as bargadars being taken into account for the purpose of calculating the aggregate of such land, and subject to the following conditions, namely :-

(a) that, in the case of agricultural land, such person intends to bring the land under personal cultivation,

(b) that, in the case of homestead land, such person having no homestead of his own, intends to construct a dwelling house thereon, and

(c) such other terms and conditions as may be prescribed :

Provided that among the persons eligible for such settlement, preference shall be given to persons belonging to Scheduled Caste or Scheduled Tribe or who form themselves into a Co-operative Society for the purpose :

Provided further that no settlement of land shall be made with any person or with a member of the family of any such person, who is engaged or employed in any business, trade, undertaking, manufacture, calling, service, or industrial occupation.

[Provided also that nothing in this subsection shall apply to any case when freehold title-deed for land is given to a bonafide refugee in accordance with such norms as may be prescribed by the

the appropriate Department of the State Government.]

Section 49 Sub-Section (5)

Explanation II - For the purposes of this sub-section, "industry" includes a tea-garden, mill, factory or workshop, livestock breeding, poultry farming, or dairy, or township approved under the West Bengal Town and Country (Planning and Development) Act, 1979.

Section 49 Sub-Section (5)

Explanation II - For the purposes of this sub-section, "industry" includes a tea-garden, mill, factory or workshop, livestock breeding, poultry farming, or dairy, [or township in an area declared to be a Planing Area under] the West Bengal Town and Country (Planning and Development) Act, 1979.

Section 50

[The prescribed authority] shall maintain up-to-date in the prescribed manner the village record-of-rights by incorporating therein the changes on account of -

- (a) mutation of names as a result of transfer or inheritance;
- (b) partition, exchange, or consolidation of lands comprised in holdings, or establishment of Co-operative Farming Societies;
- (c) new settlement of lands or of holdings;
- (d) variation of revenue;
- (e) alteration in the mode of cultivation, for example, by a bargadar,
- (f) such other causes as necessitate a change in the record-of-rights.

Section 50

(1) [The prescribed authority] shall maintain up-to-date in the prescribed manner the village record-of-rights by incorporating therein the changes on account of -

- (a) mutation of names as a result of transfer or inheritance;
- (b) partition, exchange, or consolidation of lands comprised in [plots of land], or establishment of Co-operative Farming Societies;
- (c) new settlement of lands or of [plots of land];
- (d) variation of revenue;
- (e) alteration in the mode of cultivation, for example, by a bargadar,
- (f) such other causes as necessitate a change in the record-of-rights.

[(2) For every mouza in any district for which computerisation of land-record has been completed, the original set of finally published record-of-rights prepared under section 51A for such mouza of such district shall be preserved, and a set of computerised print-out of the finally published record of such mouza, duly authenticated by the prescribed authority, shall be taken up for updating and for issue of certified copies through computer. Such computerised record-of-rights, duly authenticated by the prescribed authority, shall be presumed to be correct, and on a par with the original copy of, record-of-rights.]

Section 50A

Section 50 shall not apply to any district or part of such district where Chapter VIIA has come into force for the purpose of revision or preparation of record-of-rights; but section 50 shall apply to any land in any such district or part of such district after final publication of any such record-of-rights under section 51A :

Provided that notwithstanding any order made under sub-section (1) of section 51 in respect of a district or part of a district, the State Government may make an order directing the Revenue Officers specially empowered under section 50 to incorporate such changes as may be specified in the said order in the records-of-rights in respect of such district or part of such district under section 50, if the State Government is satisfied that incorporation of such changes is necessary to mitigate the hardship of a raiyat.

Section 50A

Section 50 shall not apply to any district or part of such district where Chapter VIIA has come into force for the purpose of revision or preparation of record-of-rights; but section 50 shall apply to any land in any such district or part of such district after final publication of any such record-of-rights under section 51A :

Provided that notwithstanding any order made under sub-section (1) of section 51 in respect of a district or part of a district, the State Government may make an order directing the [prescribed authority appointed] under section 50 to incorporate such changes as may be specified in the said order in the records-of-rights in respect of such district or part of such district under section 50, if the State Government is satisfied that incorporation of such changes is necessary to mitigate the hardship of a raiyat.

Section 50B

(1) The State government may, in any case where it so thinks fit, make an order by notification published in the Official Gazette, directing that the record-of-rights in respect of a district or part of a district, as maintained up-to-date under section 50, be modified by eliminating from such record the entries, if any, which have been deleted and scored out under that section from time to time.

(2) When an order is made under sub-section (1), the prescribed authority appointed under Section 50 (hereinafter referred to in this section as the prescribed authority) shall modify in the prescribed manner the record-of-rights in accordance with the provisions of sub-section (1).

(3) When a record-of-rights is modified, the prescribed authority shall publish a draft of the record modified in the prescribed manner and for the prescribed period and shall receive and consider any objection to any entry therein or to any ,mission therefrom.

(4) When all such objections under sub-section (3) have been considered and disposed of, the prescribed authority shall cause the modified record to be finally published in the prescribed manner and shall certify the fact of final publication and the date thereof and shall date and superscribe the same under his name and official designation.

(5) Any officer specially empowered by the State government in this behalf may, within such period as may be prescribed, revise in the prescribed manner any entry in a record finally published under sub-section (4) after giving the person or persons interested an opportunity of being heard and after recording reasons therefor.

(6) Every entry in a modified record-of-rights finally published under sub-section (4), including any entry revised under sub-section (5) , shall be presumed to be correct.

	<p>(7) The provisions of this section shall not apply to a record-of- rights in respect of a village, the revision or preparation of which has commenced under Chapter VIIA, but shall apply to such record-of-rights after its final publication under sub-section (2) of section 51A.</p> <p>(8) When an order has been made under sub-section (1), no Civil Court shall entertain any suit or application which involves correction, revision, modification or cancellation of any entry in the record-of-rights of a village in accordance with such order, till the record-of-rights relating to such village is finally published under sub-section (4), and if any suit or application relating to any entry in such record-of-rights is pending before a Civil Court on the date of issue of such order, such suit or application, as the case may be, shall abate.]</p>
<p><u>Section 51A clause (4)</u></p> <p>An officer specially empowered by the State Government may, on application within one year, or on his own motion within three years, from the date of publication of the record-of-rights under sub-section (2), revise an entry in the record finally published in accordance with the provisions of sub-section (2) after the persons interested are given an opportunity of being heard and after recording reasons therefor.</p>	<p><u>Section 51A clause (4)</u></p> <p>An officer specially empowered by the State Government may, on application within one year, or on his own motion [within twenty-five years], from the date of publication of the record-of-rights under sub-section (2), revise an entry in the record finally published in accordance with the provisions of sub-section (2) after the persons interested are given an opportunity of being heard and after recording reasons therefor.</p>

<p><u>Section 51A clause (5)</u></p> <p>Substituted</p>	<p><u>Section 51A clause (5)</u></p> <p>[Any person aggrieved by an order passed in revision under sub-section (4) may, within such period and on payment of such fee, as may be prescribed, appeal in the prescribed manner to the prescribed authority of the district in which the land referred to in the record-of-rights is situated :</p> <p>Provided that where the appeal is preferred to a Collector, he may transfer the appeal to such officer subordinate to him as may be prescribed :</p> <p>Provided further that the officer to whom the appeal is transfer is superior in rank or position to the officer or authority making the order appealed against.]</p>
	<p>[<u>Section 57A</u></p> <p>The State Government may, by order published in the Official Gazette, vest any officer or authority with all or any of the powers of a Civil Court under the Code of Civil Procedure, 1908]</p>