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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 618-L.—6th May, 2010.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects, and Reasons are accordingly hereby published for general information:—

Bill No. 11 of 2010

**THE WEST BENGAL LAND REFORMS
(AMENDMENT) BILL, 2010.**

**A
BILL**

to amend the West Bengal Land Reforms Act, 1955.

WHEREAS it is expedient to amend the West Bengal Land Reforms Act, 1955, for the purposes and in the manner hereinafter appearing;

West Ben. Act X
of 1956.

It is hereby enacted in the Sixty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 2010.

(2) Save as otherwise provided in this Act, it shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal Land Reforms (Amendment)
Bill, 2010.*

(Clauses 2-6.)

Amendment of
section 4 of West
Beng. Act X of
1956.

2. In the *Explanation* to sub-section (1) of section 4 of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the principal Act),—

- (1) in clause (a), for the words “granted under the provisions of this section”, the words “granted by the State Government” shall be deemed to have been substituted with effect from the 7th day of August, 1969; and
- (2) in clause (c), after the words, letter and brackets “under clause (g)”, the words, letter and brackets “or under clause (f)” shall be deemed to have been inserted with effect from the 7th day of August, 1969.

Amendment of
section 4C.

3. After sub-section (5) of section 4C of the principal Act, the following sub-section shall be deemed to have been inserted with effect from the 7th day of August, 1969:—

“(6) Notwithstanding anything contained in the foregoing provisions of this section, where any plot of land not exceeding 0.03 acre situated in the areas falling within the local limits of any Municipal Corporation or Municipality, or any plot of land not exceeding 0.08 acre situated in the area not falling within the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size, has been changed, converted or altered in the area, character or mode of use of such plot of land in violation of the provision of sub-section (2) of section 4C and if the State Government, on the basis of any report of the Collector, is of the opinion that it is necessary to do so in the public interest, the State Government may, by order, authorise the Collector to regularise such change, conversion or alteration in the area, character or mode of use of the said plot of land, other than any plot of land having water body of any description or size, on payment of such fee depending on the different character or mode of use of the plot of land, and in such manner, as may be prescribed.”.

Amendment of
section 14B.

4. In section 14B of the principal Act, for the words “any transfer by a *raiyat*”, the words, figures and letter “any transfer, other than restoration made under section 14E, by a *raiyat*” shall be substituted.

Amendment of
section 14E.

5. In section 14E of the principal Act,—

- (1) in sub-section (2), for the words “the transferor or his successor-in-interest”, the words “the transferor or his successor-in-interest, in such manner as may be prescribed” shall be substituted;
- (2) to sub-section (2), the following *Explanation* shall be added:—

Explanation.—For the purpose of this sub-section, the word “restoration” shall mean restoration of the plot of land or part thereof which has been transferred by a *raiyat* belonging to a Scheduled Tribe and include an equivalent quantum of plot of land or part thereof of the same character within the near vicinity of the transferred plot of land or part thereof.

Amendment of
section 14Z.

6. In the first proviso to sub-section (1) of section 14Z of the principal Act, after the words, letter and brackets “under clause (g)”, the words, letter and brackets “or under clause (f)” shall be deemed to have been inserted with effect from the 7th day of August, 1969.

*The West Bengal Land Reforms (Amendment)
Bill, 2010.*

(*Clauses 7-9.*)

Amendment of
section 23A.

7. In section 23A of the principal Act, to clause (c), the following *Explanation* shall be added:—

Explanation.—For the purpose of this section, the expression “Government sponsored educational institution” means the educational institution which is established under any law of the State of West Bengal, or recognized by the State Government, and is being aided by the State Government.’.

Amendment of
section 51A.

8. In sub-section (4) of section 51A of the principal Act, for the words “within twenty-five years”, the words “within thirty-five years” shall be substituted.

Validation.

9. The amendments made in the principal Act by section 2, section 3 and section 6 shall be deemed to have been made with effect from the 7th day of August, 1969 and accordingly anything done or any action taken or purported to have been taken or done under the principal Act on or after the said date and before the commencement of this Act, shall, notwithstanding anything contrary contained in any judgement, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendments had been in force at all material time.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to make, amongst others, the following changes in the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act), in order to ensure effective implementation of the said Act by way of—

- (1) amending section 4 of the said Act for removal of any doubt that any person or institution who holds any plot of land under any permit, lease or license granted by the State Government shall not be considered as a *raiyat* for the purpose of sub-section (1) of section 4;
- (2) amending section 4C of the said Act so that the State Government may, on the basis of a report of the Collector in a case, by order, authorise the Collector to regularise the change, conversion or alteration in the area, character or mode of use of any plot of land, not exceeding 0.03 acre situated in the areas falling within the local limits of any Municipal Corporation or Municipality or any plot of land not exceeding 0.08 acre situated in the area not falling within the local limits of any Municipal Corporation or Municipality, other than any plot of land having water body of any description or size, made in violation of the provision of sub-section (2) of section 4C, on payment of such fee, and in such manner, as may be prescribed;
- (3) amending section 14B of the said Act so as to provide that in case of restoration made under section 14E, no transfer by a *raiyat* belonging to a Scheduled Tribe of his plot of land or part thereof shall be void;
- (4) amending section 14E of the said Act so that when any order is passed by the Revenue Officer under sub-section (1) of that section, the transferee shall restore the transferred plot of land or part thereof to the transferor or his successor-in-interest in the prescribed manner and such restoration shall mean restoration of the plot of land or part thereof which has been transferred by a *raiyat* belonging to a Scheduled Tribe and include an equivalent quantum of plot of land or part thereof of the same character within the near vicinity of the transferred plot of land or part thereof;

*The West Bengal Land Reforms (Amendment)
Bill, 2010.*

- (5) amending section 23A of the said Act by way of inserting an *Explanation* so that for the purpose of this section, “Government sponsored educational institution” shall mean the educational institution which is established under any law of the State of West Bengal or recognized by the State Government and is being aided by the State Government;
- (6) amending section 51A of the said Act so that an officer specially empowered by the State Government may, on his own motion and within thirty-five years from the date of finally published record-of-rights, revise an entry therein.

2. The Bill has been framed with the above objects in view.
3. There is no financial implication involved in the Bill.

KOLKATA,
The 4th May, 2010.

ABDUR RAZZAK MOLLA,
Member-in-charge.

By order of the Governor,
MITA BASU ROY,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*