

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**West Bengal Act XII of 1991**

**THE WEST BENGAL LAND REFORMS  
TRIBUNAL ACT, 1991.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Calcutta Gazette,  
Extraordinary, of the 11th December, 1991.]*

*[11th December, 1991.]*

*An Act to provide for the setting up of Regional Land Reforms Tribunals and a Special Land Reforms Tribunal in pursuance of article 323B of the Constitution of India and for the adjudication and trial by such Tribunals of disputes and applications with respect to the matters relating to land reforms and for matters connected therewith or incidental thereto.*

WHEREAS it is expedient to provide for the setting up of Regional Land Reforms Tribunals and a Special Land Reforms Tribunal and for the adjudication and trial by such Tribunals of disputes and applications with respect to land reforms and for the exclusion of the jurisdiction of all courts except the Supreme Court of India in adjudication and trial of such disputes and applications and for matters connected therewith or incidental thereto;

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

**CHAPTER I**

**Preliminary.**

1. (1) This Act may be called the West Bengal Land Reforms Tribunal Act, 1991.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may by notification appoint.

Short title,  
extent and  
commence-  
ment.

(Chapter I.—Preliminary.—Section 2.)

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Administrative Member” means a member of the Special Land Reforms Tribunal who is not a Judicial Member;
- (b) “Assessor” means a person appointed as such under section 26;
- (c) “Authority” means an officer or authority or functionary, as the case may be, appointed by the State Government under any specified Act to exercise the powers or discharge the functions under that Act, and includes any other officer or authority or functionary exercising the powers or discharging the functions under that Act;
- (d) “Chief Justice” means the Chief Justice of the High Court at Calcutta;
- (e) “Constituted service” means a service consisting of a cadre.

*Explanation.*—“Cadre” shall mean the strength of a service or a part of a service sanctioned as a separate unit;

- (f) “Constitution” means the Constitution of India;
- (g) “district” means a district within the meaning of section 7 of the Code of Criminal Procedure, 1973;
- (h) “District Judge” means the judge of a principal civil court in a district and includes the Chief Judge of the City Civil Court;
- (i) “estate” means the holding of land of any description or classification of a *raiyat* or an intermediary or any other person under any specified Act;
- (j) “Governor” means the Governor of the State of West Bengal;
- (k) “High Court” means the High Court at Calcutta;
- (l) “Judicial Member” means a member of the Special Land Reforms Tribunal appointed as such under clause (a) of sub-section (2) of section 15;
- (m) “land reforms” means—
  - (i) the imposition of ceiling on holding of land of any description or classification, including imposition of ceiling on urban property, of a *raiyat* or an intermediary or any other person under a specified Act;
  - (ii) the acquisition by the State of any estate or part thereof or of any rights and interests therein or the extinguishment or modification of any such rights in accordance with the provisions of any specified Act;

2 of 1974.

(Chapter I.—Preliminary.—Section 2.)

- (iii) the acquisition of homestead land under a specified Act for weaker sections of the community;
  - (iv) the settlement or utilisation by the State of any land vested in it or acquired by it under any specified Act for proper distribution and use to subserve the common good;
  - (v) the restrictions on alienation of land by Scheduled Tribes to protect their rights and interests in land in accordance with the provisions of any specified Act;
  - (vi) the protection of rights and interests of *bargadars* in land in accordance with the provisions of any specified Act;
  - (vii) the reforms of land tenure in accordance with the provisions of any specified Act;
  - (viii) the regulation of use of land in accordance with the provisions of any specified Act to subserve the common good;
  - (ix) the rationalisation of land revenue in accordance with the provisions of any specified Act;
  - (x) the preparation and revision of record-of-rights in land under any specified Act to carry out land reforms within the meaning of sub-clauses (i) to (ix);
  - (xi) any other matter connected with, or incidental to, land reforms within the meaning of clauses (i) to (x);
- (n) "Member" means a member of a Regional Land Reforms Tribunal who is not a Technical Member;
  - (o) "notification" means a notification published in the *Official Gazette*;
  - (p) "person" includes any individual, *raiyat*, family, association, corporation, institution, society, trust, company, farm, co-operative society, lessee of a tea garden or lessee or owner of a mill, factory or workshop or any place for live-stock breeding or dairy farming;
  - (q) "prescribed" means prescribed by rules made under this Act;
  - (r) "Regional Land Reforms Tribunal" means a Regional Land Reforms Tribunal established under section 4;
  - (s) "rules" means the rules made under this Act;
  - (t) "Special Land Reforms Tribunal" means the Special Land Reforms Tribunal established under section 15;

*(Chapter I.—Preliminary.—Section 3.—Chapter II.—Regional Land Reforms Tribunal.—Section 4.)*

- (u) “specified Act” means—
- (i) the West Bengal Estates Acquisition Act, 1953; or West Ben. Act I of 1954.
  - (ii) the West Bengal Land Reforms Act, 1955; or West Ben. Act X of 1956.
  - (iii) the Calcutta *Thika* Tenancy (Acquisition and Regulation) Act, 1981; or West Ben. Act XXXVII of 1981.
  - (iv) the West Bengal Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975; or West Ben. Act XLVII of 1975.
  - (v) the West Bengal Land Holdings Revenue Act, 1979; West Ben. Act XLIV of 1979.
- (v) “State” means the State of West Bengal;
- (w) “Sub-division” means a sub-division within the meaning of section 7 of the Code of Criminal Procedure, 1973; 2 of 1974.
- (x) “Supreme Court” means the Supreme Court of India;
- (y) “Surveyor” means a person appointed as such under section 26;
- (z) “Technical Member” means a member of a Regional Land Reforms Tribunal appointed as such under sub-section (4) of section 4.

Act to have over-riding effect.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any custom or usage or in any contract, express or implied.

CHAPTER II

**Regional Land Reforms Tribunal.**

Establishment of Regional Land Reforms Tribunal.

4. (1) The State Government may by notification establish a Regional Land Reforms Tribunal in respect of a district or more than one district or any part of a district and also in respect of the area described in Schedule I to the Calcutta Municipal Corporation Act, 1980, or any part thereof.

West Ben. Act LIX of 1980.

*Explanation.*—Part of a district shall ordinarily mean a sub-division, or two or more, but not all, sub-divisions taken together, of that district as may be specified in the notification under this sub-section:

XII of 1991.]

*(Chapter II.—Regional Land Reforms Tribunal.—Section 4.)*

West Ben.  
Act LIX of  
1980.

Provided that if the area of a district or any part of a district overlaps any part of the area described in Schedule I to the Calcutta Municipal Corporation Act, 1980, such overlapping area shall be excluded from the territorial jurisdiction of the Regional Land Reforms Tribunal in respect of that district and shall be included within the territorial jurisdiction of the Regional Land Reforms Tribunal in respect of the area described in Schedule I to the Calcutta Municipal Corporation Act, or any part thereof.

(2) The State Government may, at any time, by notification enlarge or reduce the territorial jurisdiction of a Regional Land Reforms Tribunal established under sub-section (1).

(3) A Regional Land Reforms Tribunal shall consist of at least one Member and one Technical Member and the number of Technical Members shall ordinarily be equal to the number of Members of the Tribunal.

(4) The Members and the Technical Members shall be appointed by the Governor, and the Member or, if there are two or more Members, one of such Members shall be appointed by the Governor with the additional designation of Chairman:

Provided that the Members shall be appointed in consultation with the Chief Justice and the Technical Members shall be appointed on the recommendation of a Selection Committee of three Members constituted by the Governor of which the Chairman shall be a sitting Judge of the High Court nominated by the Chief Justice and the other two Members shall be nominated by the State Government.

(5) A person shall be qualified for appointment as a Member if he has, for at least ten years, held a judicial office in the territory of India or has for at least ten years been an advocate of a High Court or of two or more such Courts in succession.

(6) A person shall be qualified for appointment as a Technical Member if he has for at least ten years held an administrative office under the State Government or under the Central Government and the State Government and has dealt with matters relating to land reforms during his service under the State Government for a period of not less than three years:

Provided that no person shall be appointed as a Technical Member unless he is or has been an officer, not below the rank of a Deputy Secretary to the State Government.

(7) A person shall hold office as a Member or as a Technical Member for a term of five years or until he attains the age of 62 years, whichever is later.

*(Chapter II.—Regional Land Reforms Tribunal.—Section 4.)*

(8) A Member or a Technical Member shall not be removed by the Governor from his office, except on the ground of proved misbehaviour or incapacity and except after an inquiry made by the Chief Justice or by a sitting Judge of the High Court as may be nominated by the Chief Justice in which such Member or Technical Member, as the case may be, has been informed of the charges against him and has been given a reasonable opportunity of being heard in respect of the charges:

Provided that for the aforesaid inquiry the State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Member or the Technical Member.

(9) On ceasing to hold office a Member or a Technical Member shall be ineligible for further employment under the State Government and shall also be ineligible to appear or plead before any Tribunal established under this Act:

Provided that such Member or Technical Member shall not be ineligible for appointment as a Judicial Member or Administrative Member, as the case may be, of the Special Land Reforms Tribunal.

(10) The salaries and allowances payable to, and the other terms and conditions of service of, a Member and also of a Technical Member shall be such as may be prescribed:

Provided that the salary and allowances of a Member or of a Technical Member shall not be varied to his disadvantage.

(11) If any Member of a constituted service under the State Government or the Central Government is appointed as a Member or Technical Member, his lien shall, notwithstanding anything to the contrary contained in any other law for the time being in force, stand terminated.

(12) The State Government shall, in consultation with the Chairman of a Regional Land Reforms Tribunal, determine the categories of officers and other employees required to assist the Tribunal in the discharge of its functions, and shall provide the Tribunal with such officers and other employees. The salaries and allowances, and the method of recruitment and conditions of service, of the officers and other employees of the Tribunal shall be such as may be prescribed.

(13) The Chairman of a Regional Land Reforms Tribunal shall exercise financial and administrative powers for the functioning of the Tribunal and may delegate all or any of such powers to an officer of the Tribunal in accordance with the rules made under this Act.

XII of 1991.]

(Chapter II.—Regional Land Reforms Tribunal.—Sections 5-7.)

5. (1) A Regional Land Reforms Tribunal shall exercise jurisdiction, power and authority and perform functions conferred or imposed on it by or under this Act by one or more Benches as may be constituted by the Member with the additional designation of Chairman.

Regional Land Reforms Tribunal to exercise jurisdiction etc. and perform functions by Bench or Benches.

(2) A Member with or without the additional designation of Chairman and a Technical Member shall constitute a Bench referred to in sub-section (1):

Provided that in the absence of the Technical Member, a Bench may consist of a Member with or without the additional designation of Chairman only but shall not be constituted with only a Technical Member.

(3) The State Government shall by notification determine the place at which a Regional Land Reforms Tribunal shall sit.

6. Subject to the other provisions of this Act, a Regional Land Reforms Tribunal shall, for the purpose of regulating its procedure and conduct of business, make, in consultation with the State Government, regulations consistent with the provisions of this Act and the rules made thereunder:

Power to make Regulations.

Provided that the regulations so made shall be published in the *Official Gazette*.

7. (1) The territorial jurisdiction of a Regional Land Reforms Tribunal may comprise—

Territorial jurisdiction of Regional Land Reforms Tribunal.

- (a) a district, or
- (b) more than one district, or
- (c) a part of a district, or
- (d) the area described in Schedule I to the Calcutta Municipal Corporation Act, 1980, or any part thereof, as may be specified in the notification under sub-section (1) of section 4.

(2) Notwithstanding anything in sub-section (1) of section 4, the State Government may by notification establish more than one Regional Land Reforms Tribunal in the area described in Schedule I to the Calcutta Municipal Corporation Act, 1980:

Provided that if more than one such Tribunal is established under this sub-section, the State Government shall by notification define the territorial jurisdiction of each such Tribunal.

(3) If the territorial jurisdiction of a Regional Land Reforms Tribunal is reduced under sub-section (2) of section 4, all disputes and applications pending before such Tribunal in respect of the area by which the territorial

West Ben.  
Act LIX of  
1980.

(Chapter II.—Regional Land Reforms Tribunal.—Section 8.)

jurisdiction of such Tribunal is so reduced shall be transferred in the prescribed manner to the Regional Land Reforms Tribunal which is established comprising, or whose territorial jurisdiction is enlarged by, such area.

(4) The Regional Land Reforms Tribunal to which any dispute or application has been transferred under sub-section (3), shall proceed to deal with such dispute or application, as the case may be, from the stage reached before such transfer or from any earlier stage or *de novo* as it may deem fit.

(5) If lands, or rights and interests in lands, situated within the territorial jurisdiction of more than one Regional Land Reforms Tribunal be the subject-matter of an order of an Authority, an application submitted in accordance with the provisions of this Act against such order shall be adjudicated, tried and disposed of by the Regional Land Reforms Tribunal within the territorial jurisdiction of which such Authority has his office.

Jurisdiction,  
power and  
authority of  
Regional  
Land  
Reforms  
Tribunal.

8. (1) Subject to the provisions of section 25 and other provisions of this Act, a Regional Land Reforms Tribunal shall, with effect from such date as may be appointed by the State Government by notification in this behalf, exercise jurisdiction, power and authority in relation to all matters of adjudication or trial of any dispute or application relating to land reforms, and matters connected therewith or incidental thereto, and no court except the Supreme Court shall, with effect from such date, exercise any jurisdiction, power or authority in relation to any such matter of adjudication or trial of any dispute or application.

(2) Save as otherwise expressly provided in this Act, a Regional Land Reforms Tribunal shall, with effect from the date appointed by the State Government under sub-section (1), exercise all the jurisdiction, power and authority exercisable immediately before that day by all courts including the High Court but excluding the Supreme Court for adjudication or trial of disputes or applications relating to land reforms and matters connected therewith or incidental thereto:

Provided that the provisions of sub-section (1) and sub-section (2) shall not apply to adjudication and trial of disputes and applications referred to in clauses (c) and (d) of section 17.

(3) Notwithstanding anything contained in sub-section (1) and sub-section (2), an appeal or application against an order of the Mines Tribunal appointed under section 36 of the West Bengal Estates Acquisition Act, 1953, shall not lie to a Regional Land Reforms Tribunal.

West Ben.  
Act I of  
1954.

*(Chapter II.—Regional Land Reforms Tribunal.—Section 9.)*

(4) Notwithstanding anything contained in sub-section (1) and sub-section (2), where a Regional Land Reforms Tribunal, on application or otherwise, is *prima facie* satisfied that a matter under adjudication of trial before it involves interpretation of the Constitution or of the validity of any law or of any specified Act, such Tribunal shall refer the matter to the Special Land Reforms Tribunal for adjudication and trial.

9. (1) Subject to the other provisions of this Act, a person aggrieved by any order passed or action taken pertaining to any matter within the jurisdiction of a Regional Land Reforms Tribunal may make an application to it for the redressal of his grievance.

Application  
to Regional  
Land  
Reforms  
Tribunal.

*Explanation.*—For the purposes of this sub-section, “order” means an order made by an Authority and “action” means an action taken by an Authority or by the State Government.

(2) Every application under sub-section (1) shall be made within sixty days from the date of such order passed or such action taken, as the case may be, or within such further time as may be allowed by the Regional Land Reforms Tribunal for cause shown to its satisfaction, and shall be made in such form, and shall be accompanied by such documents or other evidence and by such fee, as may be prescribed.

(3) Save as expressly provided in this Act, a Regional Land Reforms Tribunal shall not admit an application referred to in sub-section (1) unless it is satisfied that—

- (a) it has jurisdiction to adjudicate the application,
- (b) the applicant has availed of all remedial measures available to him under the relevant specified Act, and
- (c) the remedial measures available under the provisions of the relevant specified Act are not adequate or shall cause undue hardship to the applicant.

(4) A Regional Land Reforms Tribunal may, if it is satisfied after such enquiry as it may deem fit that the requirements under this Act and the rules made thereunder are complied with in relation to the application referred to in sub-section (1), admit such application; but where the Tribunal is not so satisfied, it may reject the application summarily giving reasons therefor.

(5) Where an application under sub-section (1) has been admitted by a Regional Land Reforms Tribunal, it shall decide and dispose of the same as expeditiously as possible and ordinarily within six months from the date of such admission or from the date of receipt of records from the concerned Authority or the State Government, as the case may be.

*(Chapter II.—Regional Land Reforms Tribunal.—Sections 10, 11.)*

(6) While deciding the application under sub-section (5), the Regional Land Reforms Tribunal shall issue such direction or pass such order as it may deem fit.

(7) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, no interim order, whether by way of injunction or stay or in any other manner, shall be made on, or in any proceeding relating to, an application made under sub-section (1) unless—

- (a) copies of such application and of all documents in support of the plea for such interim order are duly furnished seven days in advance to each of the parties against whom such application is made or proposed to be made; and
- (b) an opportunity of being heard is given to each of the parties against whom such application is made:

Provided that the Regional Land Reforms Tribunal may pass as interim order as an exceptional measure if it is satisfied for reasons to be recorded in writing that it is necessary so to do for preventing any loss being immediately caused to the applicant:

Provided further that if the application referred to in sub-section (1) is not decided and disposed of within a period of six months from the date of the interim order, the interim order shall, if it is not vacated earlier, stand vacated on the expiry of the period as aforesaid unless, for special reasons or in the interest of justice, the interim order is varied, modified or extended by the Regional Land Reforms Tribunal.

Reference of application to Special Land Reforms Tribunal.

**10.** If the Member and the Technical Member are divided in a matter arising out of an application, dispute or case, such application, dispute or case shall be referred to the Special Land Reforms Tribunal for adjudication.

Exclusion of jurisdiction of courts.

**11.** Without prejudice to the provisions of section 17, the High Court or any other court except the Supreme Court shall not entertain any proceeding or application, and shall not have any jurisdiction, power or authority in relation to adjudication of disputes and applications, relating to land reforms and any matter connected therewith or incidental thereto.

*(Chapter II.—Regional Land Reforms Tribunal.—Section 12.)*

12. (1) All matters and proceedings relating to land reforms and matters connected therewith or incidental thereto pending before any court or any other authority referred to in any of the provisions of the enactments omitted under sub-section (1) of section 37 within the territorial jurisdiction of a Regional Land Reforms Tribunal on the date specified by the State Government under sub-section (1) of section 8, shall, subject to the provisions of sub-section (3) of section 20, stand transferred to such Regional Land Reforms Tribunal for disposal in accordance with the provisions of this Act:

Transfer of pending cases from courts etc.

Provided that the provisions of this sub-section shall not apply to the High Court or the Supreme Court.

(2) Where any matter or proceeding stands transferred under sub-section (1),—

- (a) the court or other authority referred to in sub-section (1) shall, as soon as may be, forward the records of such matter or proceeding, as the case may be, to such Tribunal, and
- (b) the Tribunal shall, on receipt of such records, proceed to dispose of such matter or proceeding, so far as may be, in the same manner as provided in this Act from the stage reached before such transfer or from any earlier stage or *de novo* as the Tribunal may deem fit:

Provided that any interim order granted on a matter or proceeding by a court shall stand vacated on the expiry of twelve weeks from the date appointed by the State Government under sub-section (1) of section 8 unless such Tribunal by an order varies, modifies or extends the same earlier on an examination of the record of such matter or proceeding.

(3) The expression “Regional Land Reforms Tribunal” in sub-section (1) and sub-section (2), in relation to a matter or proceeding, shall mean the Special Land Reforms Tribunal so long as the Regional Land Reforms Tribunal having jurisdiction to dispose of such matter or proceeding, is not established. On the establishment of such Regional Land Reforms Tribunal, all such matters and proceedings, except the matters or proceedings which have been heard in part or heard but have not been disposed of finally by the Special Land Reforms Tribunal, shall stand transferred to such Regional Land Reforms Tribunal on the date appointed by the State Government under sub-section (1) of section 8.

*(Chapter II.—Regional Land Reforms Tribunal.—Sections 13, 14.—  
Chapter III.—Special Land Reforms Tribunal.—Section 15.)*

(4) In the case of any doubt as to which Regional Land Reforms Tribunal a matter or proceeding pending before a court or other authority referred to in sub-section (1) shall be transferred to or whether the same shall be transferred to the Special Land Reforms Tribunal, such matter or proceeding shall be transferred to the Special Land Reforms Tribunal which shall either dispose of it or assign it to a Regional Land Reforms Tribunal for disposal.

Procedure of transfer of application etc.

**13.** The procedure of transfer of a matter or proceeding under section 12 shall be such as may be prescribed.

Exclusion of jurisdiction of other Tribunals and courts.

**14.** No appeal, revision or petition against any decision of a Regional Land Reforms Tribunal shall lie before any other Tribunal or before any court except the Supreme Court.

### CHAPTER III

#### **Special Land Reforms Tribunal**

Establishment of Special Land Reforms Tribunal.

**15.** (1) (a) The State Government shall by notification establish a Tribunal to be called the Special Land Reforms Tribunal which shall consist of a Chairman and not less than one Judicial Member and not less than one Administrative Member.

(b) The State Government shall by notification determine the place at which the Special Land Reforms Tribunal shall sit.

(2) (a) The Chairman and the Judicial Member shall be appointed by the Governor in consultation with the Chief Justice:

Provided that in the event of the occurrence of any vacancy in the office of the Chairman by reason of death, resignation or otherwise, or when the Chairman is unable to discharge his functions under this Act owing to absence, illness or any other cause, the State Government may authorise a Judicial Member to discharge the functions of the Chairman until the Chairman resumes his office or a Chairman, appointed in accordance with the provisions of this Act, enters upon his office.

(b) An Administrative Member shall be appointed by the Governor on the recommendation of a Selection Committee of three members constituted by the Governor of which the Chairman shall be a sitting Judge of the High Court nominated by the Chief Justice and the other two members shall be nominated by the State Government.

XII of 1991.]

*(Chapter III.—Special Land Reforms Tribunal.—Section 15.)*

- (3) No person shall be qualified for appointment—
- (a) as Chairman unless he is, or has been, a Judge of the High Court or has held for a period of not less than one year the office of a Judicial Member;
  - (b) as a Judicial Member unless he has been, or is qualified to be, a Judge of a High Court or unless he has been a Member of a Regional Land Reforms Tribunal for a period of not less than three years or unless he has been a Judicial Member of the West Bengal Taxation Tribunal constituted under the West Bengal Taxation Tribunal Act, 1987;
  - (c) as an Administrative Member unless he is, or has been, an officer of the State Government or the Central Government, not below the rank of a Joint Secretary to that Government, and has dealt with matters relating to land reforms during his service under the State Government for a period of not less than three years or unless he has been a Technical Member of a Regional Land Reforms Tribunal for a period of not less than three years.

(4) The Chairman shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 68 years, whichever is earlier.

(5) A Judicial Member or an Administrative Member shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of 62 years, whichever is later.

(6) If any member of a constituted service under the State Government or the Central Government is appointed as a Judicial Member or as an Administrative Member, his lien shall, notwithstanding anything to the contrary contained in any other law for the time being in force, stand terminated.

(7) The Chairman or a Judicial Member or an Administrative Member shall not be removed by the Governor from his office, except on the ground of proved misbehaviour or incapacity and except after an inquiry made by the Chief Justice or by a sitting Judge of the High Court to be nominated by the Chief Justice in which such Chairman or Judicial Member or Administrative Member, as the case may be, has been informed of the charges against him and has been given a reasonable opportunity of being heard in respect of the charges:

Provided that for the aforesaid inquiry, the State Government may by rules regulate the procedure for the investigation of misbehaviour or incapacity of the Chairman or the Judicial Member or the Administrative Member.

West Ben.  
Act VIII of  
1987.

*(Chapter III.—Special Land Reforms Tribunal.—Section 15.)*

(8) On ceasing to hold office, the Chairman or a Judicial Member or an Administrative Member shall be ineligible—

- (a) for further employment under the State Government, and
- (b) to appear or plead before any Tribunal established under this Act:

Provided that a Judicial Member shall be eligible to be appointed as Chairman in accordance with the provisions of this Act.

(9) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairman and the Judicial Members and the Administrative Members shall be such as may be prescribed:

Provided that the salary and allowances of the Chairman or of any Judicial Member or of any Administrative Member shall not be varied to his disadvantage.

(10) The State Government shall, in consultation with the Chairman, determine the categories of officers and other employees required to assist the Tribunal in the discharge of its functions, and shall provide the Tribunal with such officers and other employees. The salaries and allowances, and the method of recruitment and conditions of service, of the officers and other employees of the Tribunal shall be such as may be prescribed.

(11) The Chairman shall exercise financial and administrative powers for the functioning of the Tribunal and may delegate all or any of such powers to an officer of the Tribunal in accordance with the rules made under this Act.

(12) The Special Land Reforms Tribunal shall exercise jurisdiction, power and authority and perform functions conferred or imposed on it by or under this Act by one or more Benches, each Bench consisting of such number of Judicial Member and Administrative Member as may be determined by the Chairman:

Provided that each such Bench shall consist of at least one Judicial Member and one Administrative Member:

Provided further that where the matter relates to the disposal of an appeal received upon transfer under this Act from the High Court or of any question of constitutional validity of any provision of any specified Act, the matter shall be decided by a Bench constituted of one Administrative Member and at least two Judicial Members of whom the Chairman shall be one.

*Explanation.*—For the purposes of this sub-section, a Judicial Member shall include the Chairman.

XII of 1991.]

*(Chapter III.—Special Land Reforms Tribunal.—Sections 16, 17.)*

West Ben.  
Act VIII of  
1987.

(13) The Governor may, in consultation with the Chief Justice, transfer a Judicial Member of the West Bengal Taxation Tribunal constituted under the West Bengal Taxation Tribunal Act, 1987, to the Special Land Reforms Tribunal and *vice versa*.

16. Subject to the other provisions of this Act, the Special Land Reforms Tribunal shall, for the purpose of regulating its procedure and conduct of business, make, in consultation with the State Government, regulations consistent with the provisions of this Act and the rules made thereunder:

Power to  
make  
regulations.

Provided that the regulations so made shall be published in the *Official Gazette*.

17. Subject to the other provisions of this Act, the Special Land Reforms Tribunal shall, with effect from such date as may be appointed by the State Government by notification in this behalf, exercise jurisdiction, power and authority in relation to—

Jurisdiction,  
power and  
authority of  
Special Land  
Reforms  
Tribunal.

- (a) adjudication of such application, dispute or case relating to land reforms as is referred to it by a Regional Land Reforms Tribunal under section 10;
- (b) adjudication of an appeal under section 37, against an order of the Mines Tribunal appointed under section 36, of the West Bengal Estates Acquisition Act, 1953;
- (c) adjudication of disputes and applications relating to land reforms involving interpretation of the Constitution or of the validity of any specified Act or of any other law for the time being in force:

West Ben.  
Act I of  
1954.

Provided that the special Land Reforms Tribunal shall not adjudicate any dispute or application under this clause unless on application or on its own motion, it is satisfied that the adjudication of such dispute or application involves interpretation of the Constitution or of the validity of any specified Act or of any other law for the time being in force, in which case it shall withdraw the dispute or the application, as the case may be, from the Regional Land Reforms Tribunal, or such dispute or application is referred to it by a Regional Land Reforms Tribunal under sub-section (4) of section 8;

- (d) adjudication of matters, proceedings, cases and appeals which stand transferred from the High Court and other Authorities in accordance with the provisions of this Act;

*(Chapter III.—Special Land Reforms Tribunal.—Sections 18-20.)*

- (e) adjudication of disputes and applications relating to land reforms arising out of orders made under any provision of a specified Act by an Authority under such Act so long as a Regional Land Reforms Tribunal is not established under this Act in respect of a district or any part of a district or in respect of the area described in Schedule I to the Calcutta Municipal Corporation Act, 1980, or any part thereof where such Authority has its office:

West Ben.  
Act LIX of  
1980.

Provided that the disputes or applications taken up for adjudication and partly heard by the Special Land Reforms Tribunal under this clause shall be finally decided by the said Tribunal, even if a Regional Land Reforms Tribunal is subsequently established under this Act.

Exercise by  
Special Land  
Reforms  
Tribunal of  
jurisdiction,  
power and  
authority  
exercisable  
by courts.

**18.** Save as otherwise expressly provided in this Act, the Special Land Reforms Tribunal shall exercise, with effect from the date appointed by the State Government under section 17, all the jurisdiction, power and authority exercisable immediately before that day by any court including the High Court, but excluding the Supreme Court, for adjudication or trial of disputes and applications relating to land reforms and matters connected therewith or incidental thereto.

Exclusion of  
jurisdiction  
of courts.

**19.** On and from the date from which jurisdiction, power and authority become exercisable under this Act by the Special Land Reforms Tribunal, the High Court or any civil court, except the Supreme Court, shall not entertain any proceeding or application or exercise any jurisdiction, power or authority in relation to adjudication or trial of disputes or applications relating to land reforms or any matter connected therewith or incidental thereto.

Transfer of  
pending  
cases from  
High Court  
etc.

**20.** (1) All matters, proceedings, cases and appeals relating to land reforms and matters connected therewith or incidental thereto pending before the High Court on the date appointed by the State Government under section 17, shall stand transferred to the Special Land Reforms Tribunal for disposal in accordance with the provisions of this Act.

(2) Where any matter, proceeding, case or appeal stands transferred from the High Court to the Special Land Reforms Tribunal under sub-section (1),—

- (a) the High Court shall, as soon as may be after such transfer, forward the records of such matter, proceeding, case or appeal to the Special Land Reforms Tribunal in accordance with such procedure as may be prescribed; and

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(Chapter III.—Special Land Reforms Tribunal.—Sections 21, 22.)

- (b) the Special Land Reforms Tribunal shall, on receipt of such records, proceed to dispose of such matter, proceeding, case or appeal so far as may be, from the stage reached before such transfer or from any earlier stage or *de novo* as it may deem fit:

Provided that any interim order granted in a matter, proceeding, case or appeal by the High Court shall stand vacated on the expiry of twelve weeks from the date appointed by the State Government under section 17 unless the Special Land Reforms Tribunal by an order varies, modifies or extends the same earlier on an examination of the record of such matter, proceeding, case or appeal.

(3) (a) All proceedings pending before the Mines Tribunal appointed under section 36 of the West Bengal Estates Acquisition Act, 1953, on the date appointed by the State Government under section 17 of this Act, shall stand transferred to the Special Land Reforms Tribunal for disposal.

(b) Upon such transfer, the records of such proceedings shall be forwarded to the Special Land Reforms Tribunal in accordance with such procedure as may be prescribed.

West Ben.  
Act I of  
1954.

21. On a reference made by a Regional Land Reforms Tribunal in accordance with the provisions of sub-section (4) of section 8, the Special Land Reforms Tribunal may call for any information and direct the Regional Land Reforms Tribunal to make such addition or alteration to the reference made by it as may make it sufficient to enable the Special Land Reforms Tribunal to determine the question raised in the reference, and thereafter the Special Land Reforms Tribunal shall hear such reference as expeditiously as possible and deliver judgement thereon with reasons.

Reference  
jurisdiction.

22. (1) Subject to the provisions of section 17 and other provisions of this Act, a person aggrieved by any order passed or action taken pertaining to any matter within the jurisdiction of the Special Land Reforms Tribunal may make an application to it for the redressal of his grievance.

Application  
to Special  
Land  
Reforms  
Tribunal.

*Explanation.*—For the purposes of this sub-section, “order” means an order made by an Authority and “action” means an action taken by an Authority or by the State Government.

(2) Every application under sub-section (1) shall be made within sixty days from the date of such order passed or such action taken, as the case may be, or within such further time as may be allowed by the

*(Chapter III.—Special Land Reforms Tribunal.—Section 22.)*

Special Land Reforms Tribunal for cause shown to its satisfaction, and shall be made in such form, and shall be accompanied by such documents or other evidence and by such fee, as may be prescribed.

(3) Save as expressly provided in this Act, the Special Land Reforms Tribunal shall not admit an application referred to in sub-section (1) unless it is satisfied that—

- (a) the applicant has availed of all remedial measures available to him under the relevant specified Act, and
- (b) the remedial measures available under the provisions of the relevant specified Act are not adequate or shall cause undue hardship to the applicant.

(4) The Special Land Reforms Tribunal may, if it is satisfied after such enquiry as it may deem fit that the requirements under this Act and the rules made thereunder are complied with in relation to the application referred to in sub-section (1), admit such application, but where the Special Land Reforms Tribunal is not so satisfied, it may reject the application summarily giving reasons thereof.

(5) Where an application under sub-section (1) has been admitted by the Special Land Reforms Tribunal, it shall decide and dispose of the same as expeditiously as possible, and ordinarily within six months from the date of such admission or from the date of receipt of records from the concerned Authority or the State Government, as the case may be.

(6) While deciding the application under sub-section (5) the Special Land Reforms Tribunal shall issue such direction or pass such order as it may deem fit.

(7) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceeding relating to, an application made under sub-section (1) unless—

- (a) copies of such application and of all documents in support of the plea for such interim order are duly furnished seven days in advance to each of the parties against whom such application is made or proposed to be made; and
- (b) an opportunity of being heard is given to each of the parties against whom such application is made:

Provided that the Special Land Reforms Tribunal may pass an interim order as an exceptional measure if it is satisfied for reasons to be recorded in writing that it is necessary so to do for preventing any loss being immediately caused to the applicant:

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*(Chapter III.—Special Land Reforms Tribunal.—Sections 23-25.—  
Chapter IV.—Miscellaneous.—Section 26.)*

Provided further that if the application referred to in sub-section (1) is not decided and disposed of within a period of six months from the date of the interim order, the interim order shall, if it is not vacated earlier, stand vacated on the expiry of the period as aforesaid unless, for special reasons or in the interest of justice, the interim order is varied, modified or extended by the Special Land Reforms Tribunal.

23. No appeal or application against a decision of the Special Land Reforms Tribunal in a proceeding shall lie to any court except the Supreme Court.

Appeal to lie to Supreme Court.

24. Notwithstanding anything contained elsewhere in this Act or in any specified Act, reference to the High Court in any specified Act shall be deemed to be a reference to—

Reference to the High Court to be deemed to be reference to Special Land Reforms Tribunal or Regional Land Reforms Tribunal.

(a) the Special Land Reforms Tribunal with effect from the date appointed by the State Government under section 17, or

(b) a Regional Land Reforms Tribunal with effect from the date appointed by the State Government under sub-section (1) of section 8,

in respect of jurisdiction, power and authority exercisable by the Special Land Reforms Tribunal or a Regional Land Reforms Tribunal, as the case may be, under this Act.

25. No notification under sub-section (1) of section 8 shall be issued before the issue of the notification under section 17.

Notification under section 17 to be issued first.

#### CHAPTER IV

##### Miscellaneous

26. (1) A Regional Land Reforms Tribunal and the Special Land Reforms Tribunal may, at any stage of a proceeding or trial under this Act, after due notice to the parties concerned, appoint an Assessor or Surveyor to ascertain facts in regard to all or any of the following matters:—

Appointment of Assessors and Surveyors.

- (a) area or boundary of a land;
- (b) character and classification of a land;
- (c) crop grown on a land;
- (d) use of a land;
- (e) easement rights in a land;

(Chapter IV.—Miscellaneous.—Sections 27-29.)

- (f) person or persons cultivating a land;
- (g) mode of cultivation of a land, that is to say, whether by a *bargadar* or otherwise;
- (h) if a land is irrigated by water from a source provided by the State Government;
- (i) person or persons enjoying the usufructs of a land;
- (j) total number of members of a family, in relation to a *raiyat*, as defined in any specified Act;
- (k) any other matter as a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal may deem fit.

(2) The qualifications, and the manner of appointment, of Assessors and Surveyors shall be such as may be prescribed.

(3) The Assessors and the Surveyors shall be paid such allowances in such manner as may be prescribed.

(4) An Assessor or a Surveyor shall perform his functions and discharge his duties in such manner as may be prescribed.

Report of  
Assessor or  
Surveyor.

**27.** The facts in regard to any of the matters referred to in subsection (1) of section 26 ascertained by an Assessor or Surveyor in a proceeding or trial, shall be evidence in, and shall form part of the record of, such proceeding or trial:

Provided that a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal or, with the permission of a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal, any of the parties to such proceeding or trial, may examine the Assessor or the Surveyor, as the case may be, on any of the matters as aforesaid:

Provided further that if a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal is not satisfied with the facts ascertained by an Assessor or a Surveyor, it may direct him to re-ascertain the facts in such manner as may be prescribed or may appoint another Assessor or Surveyor with such direction as it may deem fit.

Execution of  
order passed  
by a  
Regional  
Land  
Reforms  
Tribunal or  
the Special  
Land  
Reforms  
Tribunal.

**28.** An interim order in, and an order finally disposing of any matter or proceeding by a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal, including an order as to costs, may be executed in such manner as may be prescribed.

Proceedings  
to be  
deemed to  
be judicial  
proceedings.

**29.** All proceedings before a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

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(Chapter IV.—Miscellaneous.—Sections 30-32.)

- 70 of 1971.
30. A Regional Land Reforms Tribunal and the Special Land Reforms Tribunal shall have, and shall exercise, the same jurisdiction, power and authority in respect of contempt of either Tribunal as a High Court has and may exercise, and, for this purpose, the provisions of the Contempt of Courts Act, 1971, shall have effect subject to the modifications that—
- Power to punish for contempt of Regional Land Reforms Tribunal or Special Land Reforms Tribunal.
- (a) the reference therein to a High Court shall be construed as including a reference to a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal, as the case may be; and
  - (b) the reference therein to the Advocate-General in section 15 of the said Act shall be construed as a reference to the Advocate-General of the State.
- 5 of 1908.
31. A Regional Land Reforms Tribunal and the Special Land Reforms Tribunal shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters:—
- Power of Regional Land Reforms Tribunal and Special Land Reforms Tribunal to take evidence on oath etc.
- (a) summoning and enforcing the attendance of any person and examining him on oath or affirmation;
  - (b) requiring the discovery, inspection and production of documents;
  - (c) examining witness or issuing commissions for the examination of witness;
  - (d) reviewing their respective decisions;
  - (e) dismissing an application or proceeding for default or deciding it *ex parte*;
  - (f) setting aside any order of dismissal of any application or proceeding for default or any order passed by the respective Tribunals *ex parte*;
  - (g) such other matters as may be prescribed.
32. (1) A person making an application to a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal may either appear in person with the permission of the Tribunal concerned or take the assistance of a legal practitioner of his choice to plead his case before the Tribunal concerned.
- Appearance before a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal in any proceeding.
- (2) The State Government may appoint one or more persons (whether legal practitioners or not) as its representatives to act or plead before a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal.

*(Chapter IV.—Miscellaneous.—Sections 33-35.)*

(3) The State Government may appoint and authorise, in addition to any Authority under the relevant specified Act, an officer to receive processes against the State Government or against an officer of that Government issued by a Regional Land Reforms Tribunal or the Special Land Reforms Tribunal.

Members, Technical Members, officers and other employees of Regional Land Reforms Tribunal and Chairman, Judicial Members, Administrative Members, officers and other employees of Special Land Reforms Tribunal to be deemed to be public servants.

33. All Members including the Members with or without the additional designation of Chairman and all Technical Members of a Regional Land Reforms Tribunal and all officers and other employees including Assessors and Surveyors appointed to assist such Tribunal and the Chairman and all Judicial Members and all Administrative Members of the Special Land Reforms Tribunal and all officers and other employees including Assessors and Surveyors appointed to assist the Special Land Reforms Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

34. No suit, prosecution or other legal proceeding shall lie against—
- (a) the State Government or any officer of that Government, or
  - (b) any Member with or without the additional designation of Chairman or any Technical Member or any officer or other employee of a Regional Land Reforms Tribunal, or
  - (c) the Chairman or any Judicial Member or any Administrative Member or any officer or other employees of the Special Land Reforms Tribunal,

for anything which is in good faith done or intended to be done under this Act or the rules or the regulations made thereunder.

Power to make rules.

35. (1) The State Government may by notification make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the procedure for investigation referred to in the proviso to sub-section (8) of section 4 and in the proviso to sub-section (7) of section 15;

*(Chapter IV.—Miscellaneous.—Section 35.)*

- (b) the salaries and allowances payable to, and the other terms and conditions of service of,—
  - (i) a Member and also of a Technical Member of a Regional Land Reforms Tribunal referred to in sub-section (10) of section 4, and
  - (ii) the Chairman and the Judicial Members and the Administrative Members of the Special Land Reforms Tribunal referred to in sub-section (2) of section 15;
- (c) the transfer of disputes and applications referred to in sub-section (3) of section 7;
- (d) the procedure of transfer of matter and proceeding referred to in section 13 and of records of matter, proceeding, case and appeal referred to in clause (a) of sub-section (2), and of records of proceedings referred to in clause (b) of sub-section (3), of section 20;
- (e) the salaries and allowances, and the method of recruitment and conditions of service, of officers and other employees of a Regional Land Reforms Tribunal referred to in sub-section (12) of section 4 and of the Special Land Reforms Tribunal referred to in sub-section (10) of section 15;
- (f) the delegation of financial and administrative powers by a Regional Land Reforms Tribunal referred to in sub-section (13) of section 4 and by the Special Land Reforms Tribunal referred to in sub-section (11) of section 15;
- (g) the form, documents and evidence, and fee referred to in sub-section (2) of section 9 and sub-section (2) of section 22;
- (h) the qualifications, and the manner of appointment, of Assessors and Surveyors referred to in sub-section (2) of section 26;
- (i) the allowances of the Assessors and the Surveyors referred to in sub-section (3) of section 26;
- (j) the manner of performing functions and discharging duties by an Assessor or Surveyor referred to in sub-section (4) of section 26;
- (k) the manner of re-ascertaining facts by an Assessor or Surveyor referred to in the second proviso to section 27;
- (l) the manner of execution of order by a Regional Land Reforms Tribunal and the Special Land Reforms Tribunal referred to in section 28;
- (m) the matters referred to in clause (g) of section 31;
- (n) any other matter which may be, or is required to be, prescribed.

*(Chapter IV.—Miscellaneous.—Sections 36, 37.)*

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to  
remove  
difficulty.

**36.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may be order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made for the removal of any difficulty which arises in giving effect to—

- (a) any of the provisions of this Act which apply to a Regional Land Reforms Tribunal, after the expiry of a period of three years from the date appointed under sub-section (1) of section 8, and
- (b) any of the provisions of this Act which apply to the Special Land Reforms Tribunal, after the expiry of a period of three years from the date appointed under section 17.

(2) Any order made by the State Government under sub-section (1) shall be laid, as soon as may be after it is made, before the State Legislature.

Amendment  
of certain  
enactments.

**37.** (1) The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the third column thereof.

(2) Where an Authority or the State Government disposes of a case or proceeding before the date appointed under section 17 and no appeal or application against the order of such disposal has been filed to the High Court or to any other court, an appeal or application against such order shall lie to the Special Land Reforms Tribunal within sixty days from the date appointed under section 17:

Provided that the right of such appeal or application against such order subsists on the date immediately preceding the date appointed under section 17.

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THE SCHEDULE.

(See section 37)

Amendments

Sl. No.	Short title	Amendments
1.	The West Bengal Estates Acquisition Act, 1953 (West Ben. Act I of 1954).	(1) In section 5A, sub-section (6) shall be omitted. (2) In section 11, sub-section (2) shall be omitted. (3) Section 20 shall be omitted. (4) In section 25, sub-section (3B) shall be omitted. (5) Section 35 shall be omitted. (6) Section 36 shall be omitted. (7) Section 37 shall be omitted. (8) In section 44, sub-section (3) shall be omitted. (9) Section 55 shall be omitted.
2.	The West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956).	(1) In section 9,— (a) sub-section (6) shall be omitted; and (b) sub-section (7) shall be omitted. (2) Section 14H shall be omitted. (3) Section 19 shall be omitted. (4) In section 19B, sub-section (2) shall be omitted. (5) Section 54 shall be omitted. (6) Section 55 shall be omitted.
3.	The West Bengal Land Holding Revenue Act, 1979 (West Ben. Act XLIV of 1979).	Section 16 shall be omitted.
4.	The Calcutta <i>Thika</i> Tenancy (Acquisition and Regulation) Act, 1981 (West Ben. Act XXXVII of 1981).	(1) Section 13 shall be omitted. (2) Section 14 shall be omitted. (3) Section 15 shall be omitted.