



The West Bengal Land and Land Reforms Manual

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CHAPTER I INTRODUCTORY

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| <p>1. This Manual may be called the West Bengal Land & Land Reforms Manual, 1991. Provisions of this Manual shall come into force with effect from 1.1.92.</p> | <p>Title.</p> |
| <p>2. It is a comprehensive Manual and covers more or less the whole spectrum of activities of officials and functionaries at various levels of land and land reforms administration in West Bengal.</p> | |
| <p>3. (i) This Manual lays down principles and procedures to be followed by officials and functionaries in matters relating to land and land reforms in accordance with the provisions of relevant Acts and Rules made thereunder.</p> <p>(ii) It also embodies Government policy in matters relating to management, use and settlement of Government lands and also in matters relating to sairati interests in such lands.</p> | <p>Principles & Procedures.</p> |
| <p>4. The provisions in the orders, notifications and Manuals of the State Government or of the Board of Revenue, West Bengal which were in force immediately before commencement of this Manual, shall stand repealed to the extent they are repugnant to, or inconsistent with, the provisions of this Manual.</p> | <p>Govt. Policy. Overriding effect.</p> |
| <p>5. Notwithstanding the provisions of Rule 4 anything done or any action taken in accordance with provisions of any other Manual, Order or Notification of the State Government or of the Board of Revenue, West Bengal on or before the date of coming into force of this Manual shall be deemed to have been validly done and taken.</p> | <p>Savings.</p> |
| <p>6. Provisions of this Manual shall have effect without prejudice to any provision of an Act or of Rule made thereunder for the time being in force, and nothing in this Manual shall be construed to limit or abridge the operation of any provision of such an Act or Rule.</p> | <p>Provisions of Acts and Rules will prevail.</p> |
| <p>7. Each chapter of this Manual deals with a specific subject relating to land and land reforms. For ready reference, provisions of Acts and Rules relevant to a subject have been referred to at appropriate places of the chapter in which such subject has been dealt with.</p> | <p>Matters are dealt with subject wise.</p> |
| <p>8. The power of interpreting this Manual is reserved to the Government. Reference, if any, for interpretation of a provision of this Manual shall be made to the State Government through the Board of Revenue, West Bengal.</p> | <p>Interpretation.</p> |

DL.R.S. to
issue
instructions.

9. (i) The Director of Land Records and Surveys, West Bengal is authorised to issue technical instructions, subject to guidelines, if any, that may be issued by the Board of Revenue from time to time, to be followed in technical matters including preparation on revision of maps, land-survey etc.

(ii) Save as otherwise provided in this Manual, the Director of Land Records and Surveys, West Bengal may issue such detailed instructions as are not inconsistent with the provisions of this Manual or with the provisions of any Act or Rules or with any order or notification of the Government or of the Board of Revenue for the time being in force.

(iii) Such Registers or Forms as are not prescribed in any Act, Rules or this Manual may be prescribed by the Director of Land Records and Surveys, West Bengal with the approval of the Board of Revenue, West Bengal.

Power of the
Board of
Revenue to
issue
directions.

10. (i) When amendment or modification of a provision of this Manual is necessitated due to a change in the relevant law, the Board of Revenue may issue necessary instruction in accordance with the amended law, and the said instruction shall be followed in relevant matters till the relevant provisions of this Manual are amended.

(ii) In addition to powers delegated to the Board of Revenue, West Bengal under this Manual to issue instructions, such powers as are delegated to the Director of Land Records and Surveys, West Bengal under this Manual may also be exercised by the Board of Revenue, West Bengal.

Abbreviations
used.

11. The following abbreviations have been used in this Manual :

- (a) "W.B.E.A. Act" or "E.A. Act", meaning the West Bengal Estates Acquisition Act, 1953.
- (b) "W.B.L.R. Act" or "L.R. Act", meaning the West Bengal Land Reforms Act, 1955.
- (c) "Govt.", meaning the Government of West Bengal.
- (d) "D.L.R.S.", meaning the Director of Land Records and Surveys and Joint Land Reforms Commissioner, Government of West Bengal.
- (e) "D.L.L.R.O.", meaning the District Land and Land Reforms Officer.
- (f) "S.D.L.L.R.O.", meaning the Sub-divisional Land and Land Reforms Officer.
- (g) "B.L.L.R.O.", meaning the Block Land and Land Reforms Officer.
- (h) "R.O.", meaning Revenue Officer,
- (i) "R.I.", meaning Revenue Inspector.
- (j) "D.M.", meaning District Magistrate,

- (k) "A.D.M.", meaning Additional District Magistrate.
- (l) "S.D.O.", meaning Sub-divisional Officer,
- (m) "G.P.", meaning Government Pleader,
- (n) "B.S.", meaning Bhumi Sahayak.
- (o) "S.L.B.C.", meaning Slate Level Bankers' Committee,
- (p) "B.D.O.", meaning Block Development Officer,
- (q) "D.L.C.C", meaning District Level Co-ordination Committee—(of the Banks).

CHAPTER II

ORGANISATION AND CONTROL

12. (i) The Collector of a district is in overall charge of land and land reforms work within that district. The District Land & Land Reforms Officer, having the powers of Collector, heads the Integrated Set up of Land & Land Reforms Administration in a district. The Collector of a district has the general power of supervision and co-ordination of works of the said Integrated Set up and exercises such statutory powers, as are, or may be, assigned to him in various statutes and rules.

Head of the organisation at district level.

(ii) The Collector is the controlling officer in respect of the District Land & Land Reforms Officer. Though the District Land & Land Reforms Officer has exclusive control over the organisation of the Land & Land Reforms Administration within the district, he functions under the general supervision and control of the Collector.

13. (i) In each district there are four tiers of the Integrated Set up of Land & Land Reforms Administration namely, (a) at District level, (b) at Sub-divisional level, (c) at Block level and (d) at Gram Panchayat level. For the purposes of these rules, Tamluk, Ghatal and Kanthi Subdivisions of Midnapore district are deemed to have constituted a separate district with headquarters at Tamluk.

Different tiers in a district.

(ii) Payment of compensation under the West Bengal Estates Acquisition Act, 1953 and the West Bengal Land Reforms Act, 1955 and Land Acquisition matters are looked after by the Collector. However, the District Land & Land Reforms Officer remains in charge of the compensation work on behalf of the Collector.

14. (i) The Office of the District Land and Land Reforms Officer has been set up in each district by integrating the former District Settlement Office and the Land Management Wing of the Collectorate and placed under the overall charge of a District Land and Land Reforms Officer. The works formerly done in the District Settlement Office and the Land Management Wing of the Collectorate, as well as such other works

District level.

as may be assigned to them by the Board of Revenue, West Bengal, from time to time, are done in the Office of the District Land and Land Reforms Officer.

(ii) The District Land and Land Reforms Officer is assisted by one or more Deputy District Land and Land Reforms Officers and other technical and non-technical staff. The post of Deputy District Land and Land Reforms Officer is occupied by a member of the W.B.C.S. (Ex.). The District Land and Land Reforms Officer has the power to transfer any officer or staff of and below the rank of Block Land and Land Reforms Officer within his jurisdiction in the interest of public service.

At Sub-division level.

15. (i) At the Sub-divisional level, there is a Sub-divisional Land and Land Reforms Officer performing the duties and responsibilities of the former Settlement Charge Officer and Sub-divisional Land Reforms Officer. Besides, the officer performs such other functions as are, or may be, assigned to him by the Board of Revenue, West Bengal, from time to time. He has the power to transfer any officer or staff below the rank of a Revenue Officer within his jurisdiction in the interest of public service.

(ii) The Sub-divisional Officer has the general power of supervision and co-ordination of works of the Integrated Set up. He also exercises such statutory powers, as are or may be, assigned to him in various Land Reforms statutes and rules.

At Block Level

16. (i) At each Block level, there is a Block Land and Land Reforms Office under the overall charge of a Block Land and Land Reforms Officer, of the rank of Special Revenue Officer, Grade II. The Block Office has ordinarily three branches for works mainly relating to (a) survey and settlement, (b) land reform, land management and land utilisation, and (c) quasi-judicial matters. There are one or more Revenue Officers in each branch drawn from the W.B. Subordinate Land Revenue Service—Grade I. If necessary, one Revenue Officer may look after works of more than one branch wholly or in part. Works of different branches are allotted to the different Revenue Officers by the Block Land and Land Reforms Officer. More than one officer of the rank of Special Revenue Officer, Grade II may be posted in a Block Office depending upon the workload.

(ii) The Block Land and Land Reforms Officer has the power to transfer any officer or staff of and below the rank of Revenue Inspector within his jurisdiction in the interest of public service. He also has the power of assigning field work to any officer or staff of and below the rank of Revenue Officer. He may delegate the responsibility of inspection of the field work and Revenue Inspectors' offices to the Revenue Officers under his control.

17. (i) At the Gram Panchayat level, the Land and Land Reforms work is under the overall charge of a Revenue Inspector who is assisted by an Amin, a Bhumi Sahayak and such other staff as may be required from time to time. Works such as collection of land revenue, cases and other Government dues, crop survey and agricultural census and such other works relating to survey and settlement, land reform, land management, land utilization, etc. as may be assigned by the Board of Revenue are performed in the Office of the Revenue Inspector.

At Gram
Panchayat
Level

(ii) The Revenue Inspector may be assigned other functions by the Block Land and Land Reforms Officer from time to time. He has the power of assigning work, including clerical work to an Amin when such Amin is not doing any field work, and to the Bhumi Sahayak under his control in addition to work normally performed by them.

18. (i) The Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal implements the Integrated Set up of Land Reforms Administration at different administrative levels in each district and looks after the works relating to the Set up. He functions under the overall control, supervision and guidance of the Board of Revenue in general and the Land Reforms Commissioner in particular.

Functions of the
D.L.R. & S.

(ii) He has the responsibility of drawing up the work programme for the districts jointly and severally and supervises, control and monitor the performance with the overall objective of obtaining the optimum output from the work force in the Set up. He is also responsible for implementation of land reforms measures in the State. He maintains effective liaison with the Divisional Commissioners and the Collectors of the Districts for eliciting their co-operation in monitoring and controlling the land and land reforms functions in the districts.

19. (i) The Commissioner of a Division has the power of supervision and inspection over the Integrated Set up within his jurisdiction besides exercising such statutory powers, as are or may be assigned to him. Matters relating to land management, land revenue and land utilization are routed by the District Land and Land Reforms Officers through the Commissioner. The Commissioner reports directly to the Board of Revenue.

Functions of the
Commissioner
of a Division.

(ii) He closely monitors the performance of land reforms work, management of mines and minerals and settlement and survey work within his jurisdiction. He has the responsibility of ensuring good working relations between corresponding levels of General Administration and the Integrated Set up in the districts under his control.

Board of
revenue.

20. The Board of Revenue, West Bengal, has the power to supervise and guide the implementation of the Integrated Set up of Land Reforms Administration and functions thereof and issues, from time to time, such directions as may be necessary for smooth performance of land and land reforms functions.

Superintendence
and control.

21. (i) The Revenue Inspector, Block Land and Land Reforms Officer and Sub-divisional Land and Land Reforms Officer function under the superintendence, control and supervision of the Block Land and Land Reforms Officer, the Sub-divisional Land and Land Reforms Officer and the District Land and Land Reforms Officer respectively.

(ii) The Divisional Commissioner, Collector of a district and Sub-divisional Officer, have the general power of supervision and co-ordination of land and land reforms works within their jurisdiction. Such exercise of power should take into consideration the administrative hierarchy prescribed within the Integrated Set up and aim at enhancing the quality and extent of performance totally avoiding contradiction of interests and instructions.

(iii) The Divisional Commissioner and the Collector of a district also have the power of inspection over the offices within their jurisdiction.

Inspection.

22. (i) An officer in the Integrated Set up is expected to undertake extensive tours for supervision, review and inspection of the offices in his jurisdiction. Periodical inspection of the sub-ordinate offices helps in planning the work in such offices, fixing individual and collective targets for the officers and staff and achievement of such targets, besides ensuring the quality of work.

(ii) It is reasonable to expect that the District Land and Land Reforms Officer inspects each Block level office in his jurisdiction at least once in three months. Each Block level office should be inspected by the Sub-divisional Land and Land Reforms Officer at least once in a month. Each Revenue Inspector's office should be inspected by the Block Land and Land Reforms Officer or the Revenue Officer deputed by him at least once in every fortnight. At least 60 and 30 Revenue Inspectors' Offices should be inspected annually by each Sub-divisional Land and Land Reforms Officer and District Land and Land Reforms Officer respectively, the District Land and Land Reforms Officer should make detailed inspection of each Sub-divisional Office in his jurisdiction at least once a year. The frequency, spread and quality of the inspections made by an officer needs to be carefully monitored by his controlling officer as an integral and important component of the officer's performance.

(iii) At least ten working days in a month should be spent on tour by each officer down to the level of Block Land and Land Reforms Officers on inspection of field work and their subordinate offices.

Main functions at Block level,

23. The Block Land and Land Reforms Office is entrusted with :—

- (a) Land Reforms measures such as vesting, taking over possession and distribution of ceiling surplus lands, recording and protection of bargadars, settlement of harvesting disputes, recording of homestead beneficiaries, administration of West Bengal Restoration of Alienated Land Act, etc.,
- (b) Settlement and Survey work,
- (c) Land management, maintenance of records of rights, land utilisation, etc.,
- (d) Collection of land revenue, cesses and other Government dues, loans of different kinds etc., and
- (e) Crop survey, agricultural census, etc.

Besides, it is expected to assist general administration and magistracy by conducting land-based miscellaneous enquiries and by collection and furnishing of information on crop status and natural calamities.

24. The Offices of the Revenue Inspectors, at the Gram Panchayat level have been conceived with the twin objectives of taking the land reforms administration to the Gram Panchayat level, thus catering to and conforming with the 3-tier Panchayat system prevalent in West Bengal and rendering services to the raiyats and bargadars hitherto available only at the Block level. Besides, they are also expected to be the eyes and ears of the land reforms administration at the field level.

Main functions of R.Is.

The Revenue Inspector is entrusted with :—

- (a) Collection of land revenue, various cases and Government dues,
- (b) Preparation and maintenance of R.O.R.S.,
- (c) Preliminary and consequential action on land reforms and land management functions performed in the Office of the B.L.L.R.O.,
- (d) Crop survey and agricultural census,
- (e) Preventing encroachment on Government land, and
- (f) Liaison with the local Gram Panchayat and other Gram Panchayat-based institutions.

He will also perform other functions as are or may be entrusted to him by the Board of Revenue from time to time.

Interaction with
Panchayat
bodies.

25. (i) The Panchayat bodies namely, the Zilla Parishad, the Panchayat Samiti and the Gram Panchayat have a vital role to play in Land and Land Reforms Administration, especially in implementation of land reforms measures. Officers of Land Reforms Administration are associated with Sthayee Samitis of the Zilla Parishads and Panchayat Samitis and Sthayee Samitis have been given a prominent role in implementation of land reforms. Consequently, it is necessary that there is perfect co-ordination between the Panchayat bodies and the corresponding levels of land reforms administration.

(ii) The officers designated as members of different Sthayee Samitis are expected to attend their meetings without fail and hold formal and informal consultations with the Panchayat office-bearers for effective and timely implementation of different land reforms measures. The Revenue Inspectors' Offices should be situated as near the Gram Panchayat Offices as possible to ensure better co-ordination.

Interaction with
General
Administration.

26. Land Reforms and General Administration are inter-linked. The officers of Land Reforms Administration are expected to maintain good relations with their counterparts in the General Administration so that problems, if any, are solved at the lowest level possible.

Financial
powers.

27. (i) The expenditure on account of the Integrated Set up of Land Reforms Administration is met from the budget provisions under the heads "2029-Land Revenue" and "2506-Land Reform". The District Land and Land Reforms Officers and Sub-divisional Land and Land Reforms Officers enjoy the administrative and financial powers of "Head of Office" under the different Rules for establishments under their control. The District Land and Land Reforms Officers are authorized to designate officers of the rank of Special Revenue Officer, Grade II, as Drawing and Disbursing Officers for establishments under their control.

(ii) Collector of the district, the District Land and Land Reforms Officer and the Sub-divisional Land and Land Reforms Officer are the controlling officers in respect of the District Land and Land Reforms Officer, the establishment of the District Land and Land Reforms Officer and the Sub-divisional Land and Land Reforms Officers, and the, establishment of the Sub-divisional Land and Land Reforms Officer respectively.

(iii) The Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal exercises the powers of the Head of the Department,

delegated to Head of Department (other than Commissioners/ Secretaries) under the Delegation of Financial Power Rules, 1977, in respect of offices subordinate to him.

(iv) The District Land and Land Reforms Officers, the Sub-divisional Land and Land Reforms Officers and the Block Land and Land Reforms Officers have been granted a permanent advance of Rs. 200/- (Rupees Two Hundred) each in terms of Rule 88 of W. B. Financial Rules, Vol. I.

(v) Utmost economy should be observed in the expenditure incurred at various levels of the Integrated Set up, and utilization of funds provided to them should be strictly in accordance with the different Rules and orders in force.

28. Officers posted at various levels shall perform such quasi-judicial and other functions as are assigned to them by the head of the office at such levels or by officers superior to such head of the office. Revenue Officers posted at the Block Land and Land Reforms Offices are, from time to time, conferred with powers under provisions of different Acts to discharge various functions and as such the B.L.L.R.Os. should allot duties to them very judiciously so that no item of work remains pending for a long time. Duties allotted to Revenue Officers may be changed rotationally. Illustrative lists of functions to be discharged at different levels of the Land and Land Reforms Administration are given at (A), (B), (C) and (D) of Appendix VI. The lists are not exhaustive and are subject to other provisions of this Manual and also to orders issued from the Board of Revenue and the Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal from time to time.

Functions to
discharged at
various levels.

29. (i) The State Government in exercise of powers conferred on it by various provisions of Acts, appoints its officers holding civil posts at various levels of Land and Land Reforms Administration to discharge specific functions under the said Acts.

Conferment
powers on
under various
Acts.

(ii) Sometimes, officers posted at different levels of Land and Land Reforms Administration having different ranks in official hierarchy are appointed by the State Government to discharge simultaneously a particular function under a specific provision of an Act. This is done mainly—

(a) to facilitate disposal of such matters which may attract, in addition to the specific provision of the Act which lower level officers have been empowered to apply, a few other provisions also of the Act which the lower level officers have not been empowered to apply;

(b) to facilitate disposal of a matter by a higher level officer where such matter may lead to a sensitive issue or a law and order problem; and

(c) to co-ordinate functioning of lower level officers where a matter falls within the jurisdiction of more than one such officer.

CHAPTER III PREPARATION AND REVISION OF RECORD-OF-RIGHTS IN LAND

30. (i) Preparation or revision of record-of-rights in land under Chapter VIIA of the West Bengal Land Reforms Act, 1955 is normally carried out in a district or in a part thereof if the Government have reason to believe that record-of-rights in land have become out of date or there has been an intensive change in the topography, or if enactment of a new law necessitates such revision. Such preparation or revision is carried out only when an order to that effect is made by the Government under sub-section (1) of section 51 of the West Bengal Land Reforms Act, 1955. On issue of such an order the Revenue Officer shall prepare or revise, as the case may be, the record-of-rights.

(ii) The Revenue Officer shall prepare or revise the record-of-rights following the process described under Rule 23 and in Schedule A of the West Bengal Land Reforms Rules, 1965. But, he shall omit or amalgamate any of the steps referred to in item nos. (i) to (v) of clause 1 of the said Schedule if the Government makes an order to that effect.

(iii) After the record-of-rights has been revised or prepared, the draft of the same shall be published for one month keeping it for public inspection free of charge at such convenient place as the Revenue Officer may determine. Objections against any entries in the record-of-rights published in draft may be filed, and the same may be disposed of, in the manner prescribed in Rule 24 of the West Bengal Land Reforms Rules, 1965.

(iv) After all the objections, if any, preferred under Rule 24 of the W.B.L.R. Rules, 1965 have been disposed of by the Revenue Officer, the record-of-rights shall be finally prepared and finally published by the Revenue Officer and shall be kept for public inspection for one month with a public notice.

31. The Revenue Officer shall give a certificate of final publication under his seal and signature. The certificate shall be given in the form appended to clause 8 of Schedule A of the W.B.L.R. Rules.

32. An officer specially empowered under sub-section (4) of section 51A may, on application filed within one year from the date of final publication of the record-of-rights, revise an entry in the record finally published. He can do so suo motu within three years of such final publication.

Procedure for
revision of
record-of-rights.

Certificate of
final publication.

Revision of an
entry in a finally
published
record-of-rights.

33. For the purpose of preparation or revision of record-of-rights under Chapter VIIA of the West Bengal Land Reforms Act, 1955, the Settlement Officer of the district shall prepare a list of classes of land. Classification of land.

The classification shall be based on the productivity of the land when it is used for agricultural purpose, and on the actual user when it is used for purposes other than agriculture. In doing so he shall, as far as practicable, use the local nomenclature used in the district. Where a list of classes of land was adopted during any earlier preparation or revision of record-of-rights, either under the West Bengal Estates Acquisition Act, 1953 or under the West Bengal Land Reforms Act, 1955, the said list should generally be followed unless in special circumstances the Settlement Officer directs in writing variation therefrom.

34. The Director of Land Records and Surveys shall issue detailed general instructions for procedure to be followed by the Revenue Officer in the steps described in item nos. (iii) to (vi) of clause 1 of Schedule A of the W.B.L.R. Rules, 1965. Such instructions shall be consistent with the provisions of the West Bengal Land Reforms Act, 1955 and Rules made thereunder. Besides, the Director of Land Records & Surveys may prescribe standard entries in record-of-rights to facilitate implementation of any provision of the West Bengal Land Reforms Act, 1955. The D.L.R. & S issue general instructions.

35. (i) For the purpose of traverse survey, a traverse party, or, where necessary, more than one such party shall be posted in each district under the District Land & Land Reforms Officer. Each traverse party will consist of one surveyor and such number of khalashis as may be determined by the Director of Land Records and Surveys from time to time. For computing traverse data and preparation of plot-sheets, computers shall be posted in each district under the District Land & Land Reforms Officer. Traverse survey

(ii) So long as no traverse party is posted in a district the traverse survey shall be done, as and when necessary, by a traverse party, or parties, to be sent by the Director of Land Records & Surveys, West Bengal on requisition made by the District Land & Land Reforms Officer. The requisition for traverse survey to be carried out in a field season shall be made by the 1st day of August, preceding the said field season.

(iii) The concerned District Land & Land Reforms Officer shall depute at least one experienced Am in with the traverse party who will identify the area for traverse survey and will show the Surveyor the places where traverse points will be required for cadastral survey.

(iv) Connection with an earlier traverse or with a G.T.S. point where necessary shall be always made by the traverse party to be sent by the Director of Land Records & Surveys.

(v) The District Land & Land Reforms Officer shall purchase theodolite and other survey instruments required for traverse survey after obtaining recommendation and prior approval of the Director of Land Records and Surveys.

Cadastral survey.

36. Cadastral survey, i.e. plot-to-plot survey, will be normally done by Amins. But, where use of sophisticated instruments is felt necessary or where survey other than chain-survey is considered necessary. Surveyors may be deployed for preparation of cadastral maps with prior approval of the Director of Land Records & Surveys. For the purpose of co-ordination and overall supervision of cadastral survey, one technical adviser may be posted in each district and sub-division under the District Land & Land Reforms Officer and the S.D.L.L.R.O. respectively.

37. Both in traverse survey and in cadastral survey the procedure prescribed in the West Bengal Technical Rules and Instructions shall be followed unless the Board of Revenue directs variations therefrom.

Deployment of officers and staff for revision of record-of-rights.

38. The Director of Land Records & Surveys may issue general guidelines as regards the category of employees that shall be deployed to assist the Revenue Officers and specially empowered officers in each stage of the revision of record-of-rights. But, notwithstanding the general guidelines issued by the Director of Land Records & Surveys in this regard, a Block Land & Land Reforms Officer may deploy any category of employees posted under him at any stage of revision of record-of-rights to accelerate the progress of work in that stage.

39. The Director of Land Records & Surveys shall be responsible for planning, organizing and carrying out the preparation or revision of record-of-rights, subject to instructions that may be issued by the Board of Revenue from time to time, within such time limit as may be prescribed by the Board of Revenue. For timely completion of different items of work, the Director of Land Records & Surveys may fix monthly targets for completion of such item of work for specially empowered officers, Revenue Officers and other officers and employees.

Forms to be used.

40. Forms to be used in connection with preparation or revision of record-of-rights shall, unless prescribed by the West Bengal Land Reforms Rules, 1965, be prescribed by the Director of Land Records & Surveys, maintaining uniformity in all the districts, with approval of the Board of Revenue.

41. Instruments and equipments to be used for preparation and revision of record-of-rights shall be determined by the Director of Land Records & Surveys, subject to instructions that may be issued by the Board of Revenue from time to time.

The Board of Revenue may issue instructions

42. The preparation or revision of record-of-rights shall be subject to instructions that may be issued by the Board of Revenue from time to time. Such instructions shall be consistent with the provisions of Chapter VIIA of the West Bengal Land Reforms Act, 1955 and Rules framed thereunder.

43. The Director of Land Records & Surveys shall send periodical reports and returns to the Board of Revenue on progress made in different stages of preparation or revision of record-of-rights at such time intervals and in such form as may be prescribed by the latter. Similarly, the District Land & Land Reforms Officer of each district shall send periodical progress reports and returns to the Director of Land Records & Surveys at such time intervals and in such forms as may be prescribed by the latter.

Reports and Returns,

44. The District Land & Land Reforms Officer of a district with the additional designation of Settlement Officer shall be responsible for timely completion of preparation and revision of record-of-rights relating to that district. He will not only supervise the work done in the subordinate offices but will also ensure that work does not suffer due to shortage of forms, stationery and other equipment.

Responsibility timely completion of revision of record of rights.

45. The District Land & Land Reforms Officer shall take special care to ensure that —

Special report of the D.L. & L.R.O.

(i) the relevant record-of-rights has been revised giving effect to the orders already made under Chapter IIB of the West Bengal Land Reforms Act, 1955;

(ii) record-of-rights has been prepared in favour of all the persons with whom lands have been settled under section 49 of the West Bengal Land Reforms Act, 1955; and

(iii) names of all the bargadars have been recorded. If the Settlement Officer is satisfied that there is still a number of unrecorded bargadars in a mauza he shall issue a direction for recording of such bargadars under sub-clause (a)(ii) of clause (1) of Rule 14-1 of the West Bengal Land Reforms Rules, 1965.

46. (i) A Janch or scrutiny of record-of-rights prepared or revised under section 51 of the West Bengal Land Reforms Act shall be made, and mistakes detected thereby noted in a mistake list, by such employees as may be determined by the Block Land & Land Reforms Officer. Bonafide mistakes, duly checked by the Revenue Officer, may be corrected at any succeeding stage of preparation and revision of record-of-rights described in Schedule A of the West Bengal Land Reforms Rules, 1965. But, as scrutiny

Scrutiny of record of-rights.

of record in respect of some mauzas may take a considerable period of time, neither the publication of such record in draft nor its final publication in respect of those mauzas should be held up waiting indefinitely for the completion of such scrutiny. The scrutiny may continue after final publication of the record and the bonafide mistakes, if any, detected in the record may be corrected under section 5IBB of the Act.

(ii) If a mistake detected in a Janch after final publication cannot be corrected under section 5IBB of the Act, the same may be corrected by a specially empowered officer on his own motion under section 51A(4) of the Act.

(iii) The Janch or scrutiny should be completed within one year from the date of final publication.

(iv) Provisions of this Rule shall have effect notwithstanding anything contained in the West Bengal Technical Rules and Instructions.

47. (i) For the purpose of preparation and revision of record-of-rights, the Governor is pleased to declare under clause 4 of Schedule B of the West Bengal Land Reforms Rules, 1965 that Revenue Officers described in column (3) below shall be subordinate to the Revenue Officers described in column (2) below :

(1)	(2)	(3)
(1) Revenue Officer with additional designation of Director of Land Records & Surveys	(i) Revenue Officer,	
	(ii) Revenue Officer with additional designation of Assistant Settlement Officer, and	
	(iii) Revenue Officer with additional designation of Settlement Officer.	
(2) Revenue Officer with additional designation of Settlement Officer	(i) Revenue Officer,	
	(ii) Revenue Officer with additional designation of Assistant Settlement Officer.	
(3) Revenue Officer with additional designation of Assistant Settlement Officer	Revenue Officer.	

Officers described in column (2) hereinabove shall constantly supervise the work done by the officers described in column (3) hereinabove. They will also supervise the work done by the employees posted in their own offices and offices subordinate thereto. Offices of the Revenue Inspectors, and works done in the Offices of Revenue Inspectors, shall be supervised by the Block Land & Land Reforms Officer and also by the officers superior in rank to the Block Land & Land Reforms Officers at regular intervals.

48. (i) The Technical Adviser shall supervise the following works:

- (a) Cadastral survey,
- (b) Checking, boundary comparison and final inking of maps,

- (c) Area extraction,
- (d) Reduction of mauza maps to smaller scale for preparation of Police Station maps and other administrative maps,
- (e) Miscellaneous works connected with survey and mapping,
- (f) Change of boundaries.

He will be in charge of the Drawing Office at the office of the District Land & Land Reforms Officer or of the S.D.L.L.R.O.

(ii) The Technical Adviser shall bring to the notice of the Block Land & Land Reforms Officer all defects in survey and mapping including inadequate partaking, lack of proper inspection and mishandling of sheets. The Technical Adviser shall bring to the notice of the Sub-divisional Land & Land Reforms Officers all important defects running through different land & land reforms blocks and shall keep the District Land & Land Reforms Officer informed of all such defects.

(iii) The Technical Adviser shall be responsible for timely supply of blue prints or black prints, as the case may be, of earlier mauza maps for revision of the same. The requisition for blue prints and black prints required in a field season shall be made by the concerned Block Land & Land Reforms Officer to the Technical Adviser posted at D.L.L.R.O.'s office through the Sub-divisional Land & Land Reforms Officer by 31st July preceding the said field season. The said Technical Adviser shall, after examining the requisition, collect the printed copies from the Collector's Record Room. Where printed copies are not available in the Collector's Record Room, he shall send a requisition for the same, through the District Land & Land Reforms Officer, to the Director of Land Records & Surveys by 31st August following the date of receipt of the requisition from the Block Land & Land Reforms Officer.

49. (i) Where, in a Block Land & Land Reforms Office, there is more than one officer who have been appointed to discharge a function under a provision of the West Bengal Land Reforms Act, 1955, the Block Land & Land Reforms Officer who is also appointed as Assistant Settlement Officer shall distribute the work-load relating to implementation of the said provision of the Act to the officers who have been appointed to discharge such function under the said provision.

Distribution of work amongst officers.

(ii) The District Land & Land Reforms Officer who is appointed with the additional designation of Settlement Officer and the Sub-divisional Land & Land Reforms Officer who is appointed with the additional designation of Assistant Settlement Officer may, in order to accelerate the progress of a work, depute one or more officer to a Block Land &

Land Reforms Office situated within their respective jurisdiction to discharge a function under a provision of the West Bengal Land Reforms Act, 1955, provided the said officers have been appointed to discharge such function under the Act. On being so deputed to a Block Land & Land Reforms Office, the officer or officers concerned shall discharge the said function under the Act in accordance with the distribution of work made by the Block Land & Land Reforms Office.

Copy of record of rights to be sent to R.I.

50. As soon as the record-of-rights in respect of a mauza is finally published, a copy of the same shall be prepared in such manner as may be decided by the Director of Land Records & Surveys, West Bengal and the said copy shall be sent to the Revenue Inspector within whose jurisdiction the said mauza is situated.

Tamilling of orders passed under the W.B.L.R. Act.

51. Correction of an entry in a finally published record-of-rights on the basis of an order passed under any provision of the West Bengal Land Reforms Act, 1955 shall be made by the officer who has passed such order, or by an officer authorised by him, under dated signature keeping a reference to the relevant case number.

Correction in record-of-rights to be communicated to R.I.

52. Where correction of an entry in a finally published record-of-rights is made under any provision of the West Bengal Land Reforms Act, 1955 after copy of such finally published record has been prepared and sent to the Revenue Inspector, such correction shall be incorporated in the said copy also of the record sent to the Revenue Inspector under dated signature of the Revenue Inspector keeping a reference to the original case number.

Revision and Printing of village maps.

53. Paripasu with revision of record-of-rights of a village, the map of such village shall also be revised in accordance with the instructions contained in the Technical Instructions as modified by the D.L.R.S. from time to time. It shall be scrutinised and finally inked up at the Subdivision Land & Land Reforms Office or at the District Land & Land Reforms Office and shall be printed at the Office of the Director of Land Records & Surveys.

Protection of map from damage during revision.

54. Great care shall be taken during revision of village maps so that those are not damaged. Such a map is damaged generally due to folding, keeping articles on it which leave smudges on it, pasting of papers on its back, exposing it to rain, dust or humidity and using ink other than cobalt-blue ink.

Changes made in maps during revision shall be legible.

55. Changes and alterations in a map shall be made in a very legible way so that no difficulty is experienced at the time of its final inking. If spaces for numbering of some plots are found to be too small, such numbering may be shown separately in a sketch of that portion, drawn on the margin of the sheet. In the case of a solitary plot, the number

of such plot may be written outside its boundary with an arrow mark from that plot to the number,

CHAPTER IV

MUTATION OF NAMES IN RECORD-OF-RIGHTS

56. (i) Mutation, meaning substitution of the name of a person by the name of another in the record-of-rights, may be done by a prescribed authority under section 50 of the West Bengal Land Reforms Act, 1955. Preliminaries.

(ii) Mutation is done on the following grounds :

- a) Transfer by sale, gift or hebanama;
- b) Exchange, and
- c) Inheritance.

(iii) Mutation, claimed on the basis of transfer shall not be allowed without a registered deed.

(iv) Application for mutation requires no court fee stamps for filing. Applications may be made on plain paper.

57. (i) Applications for mutation should be accompanied by a copy of the deed of transfer. In case of inheritance, documents if any, in support of such inheritance should be furnished. Application for mutation.

(ii) Copy of rent receipt showing the payment of up-to-date revenue and cess of the land in question should also be furnished.

(iii) In addition to the above, the applicant will have to furnish an undertaking to the effect that in case the mutation is allowed he will have no claim over the land if in future it vests in the State in any proceedings under any provision of law.

(iv) Applications for mutation may be filed in the Office of the R.I. or B.L.L.R.O., or in higher offices. Where an application has been filed in offices other than that of the R.I., it should be immediately sent to the R.I. for enquiry.

58. As soon as an application has been received in the Office of the R.I. it should be entered in Register IX. Entry into Mutation Register.

59. (i) In respect of every application for mutation, the R.I. will start a case and hold an enquiry with previous notice to the petitioner praying for mutation. Enquiry and verification.

(ii) During such enquiry, the R.I. should—

- a) verify physical possession of the applicant;
- b) examine the registered transfer-deeds; and

c) where mutation has been claimed on ground of inheritance, collect necessary evidence in support of such inheritance from the locality.

(iii) The R.I. will verify if the plot in respect of which mutation has been prayed is vested or if it is a patta land. Such verification should also include examination of the copy of the R-O-R available with him. If such copy is not available with him, he will collect necessary information from the Office of the B.L.L.R.O.

(iv) The R.I. will submit the report to the B.L.L.R.O.

Officers who will dispose of mutation petitions.

60. Mutation applications will be disposed of by one of the Revenue Officers attached to the office of the B.L.L.R.O. (Block Land & Land Reforms Officer). For this purpose, all Revenue Officers have been appointed as "prescribed authority" under section 50 of the West Bengal Land Reforms Act.

Procedure for of mutation petition.

61. The procedure for disposal of the mutation petitions will be as under :

(a) Where the mouza has been finally published and the copies of record-of-rights are already available with the Revenue Inspector, he will, after previous consultation with the concerned Revenue Officer (the Prescribed Authority u/s 50 of the West Bengal Land Reforms Act), fix a date for hearing in his office.

(b) Notice for hearing will be issued to the applicant under the signature of the Revenue Inspector.

(c) On the date fixed the Revenue Officer will attend the Office of the Revenue Inspector and take the hearing.

(d) The Revenue Officer will carefully consider the memorandum of enquiry prepared by the Revenue Inspector and examine the original documents produced by the applicant.

Final order and correction of R-O-R.

62. If after considering all aspects of the case the Revenue Officer is satisfied that mutation should be allowed, he should, as the Prescribed Authority pass an order to the above effect. On the very day the copy of the record-of-rights should be corrected to reflect the mutation.

Mutation Certificate.

63. A certificate of mutation should be issued to the applicant in Form A of Appendix III.

Entry in Register IX.

64. Necessary entries should be made in Register IX immediately after the orders allowing the mutation have been passed by the Revenue Officer.

Intimation to B.L.L.R.O.

65. The Revenue Inspector should send intimation to the Block Land & Land Reforms Officer along with a copy of the certificate of mutation for correction of the original records lying in the Office of the Block Land & Land Reforms Officer.

66. (i) Where a mouza has been finally published but the copies of the record-of-rights are not available with the Revenue Inspector, he will send the mutation case records along with the enquiry report to the Block Land & Land Reforms Officer for disposal. When finally published record-of-record rights has not been copied.
- (ii) On receipt of the case records the Block Land & Land Reforms Officer will assign the work to the concerned Revenue Officer.
- (iii) The Revenue Officer will fix up a date of hearing and issue a notice to the applicant.
- (iv) If after hearing the applicant and examining the relevant reports and documents the Revenue Officer is satisfied that mutation should be allowed, he will record an order to the above effect.
- (v) On the very day the case is heard and orders passed the Revenue Officer will issue a Certificate of Mutation to the applicant.
- (vi) The original record-of-rights lying in the Office of the Block Land & Land Reforms Officer should be corrected to reflect the mutation.
67. (i) It should be ensured by the Revenue Officer that any modification of records necessitated by mutation cases are duly incorporated in the copy of record-of-rights when such copies are taken up for preparation. Correction of copy of record-of-rights before despatch to R.I.
- (ii) When such copies have already been made and are awaiting despatch to the office of the Revenue Inspector, it should be ensured that the corrections have been duly incorporated before despatch.
68. (i) Sometimes the applicants are required to furnish chain of successive deeds as proof of title of their vendors. Procurement of such chain deeds becomes difficult where the number of intermediate transfers is large. Where chain of transfers are involved.
- (ii) Such chain deeds as may be made available by the petitioner should be examined.
- (iii) An application may not be rejected on the sole ground that the petitioner has failed to produce the chain deeds. In such cases mutation may be allowed, if the case is otherwise in order, provided the applicant furnishes a declaration that he has purchased/acquired the land from his vendor on being fully satisfied that the latter had good and transferable title over the land, and provided the land is found in possession of the applicant.
69. In case of a mouza where Khanapuri-Bujharat has not yet been taken up, the corrections consequent on mutation orders should be made in the copy of the record-of-rights modified under the W.B.E.A. Act. Correction of modified record-of-rights in certain cases.

Treatment of mutation application where revision of record-of-right u/s 51 is in progress.

70. Applications for mutation in respect of lands in **mouzas** where **work under section 51** has **been taken up**, but has **not proceeded up to the stage of** final publication should be dealt with the following **manner**:

(a) If on receipt of the mutation application it is found that the name of the applicant has already been incorporated at any stage of the preparation/revision u/s 51 of the W.B.L.R. Act, the applicant should be informed accordingly in Form B of Appendix III. No further action will be necessary.

(b) If the name does not stand recorded but the application can be conveniently considered within a reasonable period of time at any stage of preparation/revision, the petition should be disposed of at that stage. If the petition is allowed wholly or in part, the applicant should be informed as at (a) above.

(c) In a case where the name of the applicant has not been recorded at any stage u/s 51 of the W.B.L.R. Act, and his application cannot be conveniently disposed of at any subsequent stage, it should be disposed of u/s 51B or section 50 read with sec. 50A of the Act.

Land transfer notice.

71. Land Transfer Notice under rule 3 of the West Bengal (Transfer of Holding) Rules, 1965 should be disposed of in the same manner as mutation petitions.

Time frame.

72. All mutation petitions should be disposed of within a period of three months from the date of receipt of the same.

Intimation of rejection of application.

73. Where a mutation application has been rejected, the applicant should be invariably informed stating in brief the ground for rejection.

Inspection.

74. All inspecting officers shall, in course of their visit to the Offices of Block Land & Land Reforms Officer and Revenue Inspector, conduct sample check of the case records relating to mutation and registers.

D.L.R.S. to issue detailed instructions.

75. The Director of Land Records & Surveys, W.B. will issue detailed instructions regarding correction of maps and record-of-rights consequent upon orders under this chapter.

CHAPTER V

RECORDING OF NAMES OF BARGADARS

Bargadar defined.

76. (i) The expression "bargadar" has been defined in section 2(2) of the West Bengal Land Reforms Act, 1955 (referred to as the Act in this Chapter hereinafter).

(ii) Section 21B of the Act envisages that a person lawfully cultivating the land owned by another person shall be presumed to be a bargadar in relation to the said land unless

the former is a member of the family of the latter. So, if a raiyat's land is cultivated by another person who is not a family member of the raiyat, the onus of proof that the other person is not the bargadar of the said land lies on the raiyat.

77. (i) Name of a bargadar may be recorded in record-of-rights u/s 21D of the Act; and/or under section 50 of the Act; and/or under section 51, 51A(1), 51A(4); and/or under section 51B of the Act. Legal provisions for recording of bargadars.

(ii) An application for regarding the name of a person as a bargadar in relation to a land in a village may be disposed of by the prescribed authority u/s 50, read with section 21D, of the Act where—

(a) revision of record-of-rights relating to that village has not been started under section 51 of the Act or the record has already been finally published u/s 51 A(2) of the Act; or

(b) revision of record-of-rights relating to the village has been started u/s 51 of the Act and not yet finally published, but the prescribed authority appointed under section 50 is satisfied that the final publication of the said record will be delayed and the applicant will suffer due to postponement of disposal of the application till the record-of-rights is finally published. To enable the prescribed authorities to do this, the State Government has already issued a notification in exercise of the power conferred on it under the proviso to section 50A of the Act.

(iii) The name of a bargadar may also be recorded at any stage of preparation or revision of record-of-rights under Chapter VIIA of the Act.

(iv) The name of a bargadar may also be recorded under section 51B of the Act after commencement of the revision of record-of-rights u/s 51 of the Act but before final publication of the same.

(v) Recording of the name of an individual person as bargadar in accordance with any of the above mentioned provisions should be made after giving the interested persons an opportunity of being heard.

78. Where there are prima facie reasons to believe that in a village there is a fairly large concentration of unrecorded bargadars, the following procedure may be followed, after obtaining prior approval of the District Land and Land Reforms Officer who is also the Settlement Officer, to record their names:

Concentration of a fairly large number of unregistered bargadars in a village.

(a) Where the prescribed authority appointed under section 50 decides to record the names of unrecorded bargadars of a village in the record-of-rights u/s 50 of the Act in any of the circumstances described in sub-rule (ii) of Rule 77, he shall make a field

enquiry, with a prior public notice to be issued under Rule 14-1(l)(b)(ii) of the West Bengal Land Reforms Rules, 1965 read with section 21D and section 50 of the said Act, to find out names of the bargadars who are cultivating land in that mouza. An authenticated copy of such notice shall be displayed at the office of the prescribed authority, at the offices of the Gram Panchayat and of the Revenue Inspector within whose jurisdiction the mouza is situated, and at a conspicuous place within the mouza at least seven days before the date of enquiry. During the enquiry the prescribed authority may hear the members of the local Gram Panchayat and the Panchayat Samity, local members of farmers' organisations, actual cultivators of lands adjoining or near the subject lands and such other persons as he may think necessary. The prescribed authority shall maintain mouzawise case-records for recording bargadars under Rule 14-1(l)(b)(ii) of the West Bengal Land Reforms Rules, 1965 and shall record his orders in the order-sheet chronologically. He shall record in the order-sheet, amongst others, a concise statement of the facts revealed on such enquiry, the inference drawn by him on the basis of such facts and his decision. Where, on enquiry as aforesaid, a person is found to be a bargadar, he should be recorded as such in the relevant record-of-rights u/s 50 of the W.B.L.R. Act.

(b) Names of bargadars may be recorded in between two stages of preparation or revision of record-of-rights described in Schedule A of the West Bengal Land Reforms Rules, 1965 if the Settlement Officer issues a direction in that regard under sub-clause (a)(ii) of clause (1) of Rule 14-1 of the West Bengal Land Reforms Rules, 1965. When such a direction is issued by the Settlement Officer to a Revenue Officer, the latter shall issue a public notice under Rule 14-1(1)(a)(ii) of the said Rules read with sections 21D and 51 of the West Bengal Land Reforms Act, 1955, for holding a field enquiry in the mouza on a date which shall not be normally earlier than seven days from the date of issue of the notice. An authenticated copy of such notice shall be displayed at the Office of the Revenue Officer, at the Offices of Gram Panchayat and of the Revenue Inspector within whose jurisdiction the mouza is situated, and at a conspicuous place within the mouza. The nature of enquiry will be similar to that made during Khanapuri and Bujharat described in Schedule A of the West Bengal Land Reforms Rules, 1965. The Revenue Officer, after being satisfied, shall record the names of bargadars in the record-of-rights under preparation or revision. The Revenue Officer shall maintain a case record in respect of each mouza where bargadars are recorded under sub-clause (a)(ii) of clause

(1) of Rule 14-1 of the West Bengal Land Reforms Rules, 1965 and shall record the orders passed by him in the order sheet.

(c) The name of a bargadar may be recorded by a Revenue Officer specially empowered under section 51B of the

West Bengal Land Reforms Act, 1955 in a record-of-rights which has been published in draft under section 51A(1) of the said Act, but has not yet been finally published under section 51 A(2) of the said Act. Recording of bargadars under section 51B may be made by the specially empowered Revenue Officer of his own motion or on application. Such recording shall be made after giving the interested persons an opportunity of hearing.

79. When a notification is issued by the State Government under Rule 14-1(2) of the West Bengal Land Reforms Rule, 1965 read with section 21D of the West Bengal Land Reforms Act, 1955, bargadars shall be recorded by such officers and in such manner as may be specified in the said notification.

When a notification is issued under Rule 14-1(2) of the W.B.L.R. Rules, 1965.

80. Whenever a bargadar is recorded under sections 50, 51 or 51B of the Act, the same shall be entered in the relevant record-of-rights and the bargadar and the owner of the land shall be duly informed. The bargadar, whose name is so recorded, shall be given a copy of the record-of-rights free of cost. Where the name of a bargadar is recorded u/s 50, a certificate in a form similar to Form 8B appended to the W.B.L.R. Rules, 1965 shall be issued to the bargadar.

Entry in record-of-rights and issue of certificate.

81. Notices for recording of bargadars may be issued under sections 57 and 21D of the Act in all cases, read with section 50 or 51 or 51B as the case may.

Issue of notice.

82. When any land under cultivation by a bargadar is vested in the State under Chapter IIB of the West Bengal Land Reforms Act, 1955, the said bargadar shall be a raiyat under sections 14S(2) and 14S(3) of the said Act in relation to so much of such vested land as, including any other land owned or cultivated by such person, does not exceed one acre. A khatian shall be opened in favour of the person who has become raiyat under the above provisions of the law. Such khatian shall be opened under Chapter VIIA of the above Act where preparation or revision of record-of-rights is in progress under the said chapter or under Chapter VII when preparation or revision of the record-of-rights has not been taken up or has been completed. A vested land or a part thereof in respect of which a bargadar has become a raiyat under section 14S(2) and 14S(3) of the Act, shall not be taken up for distribution under section 49 of the Act.

When a land under barga - cultivation is vested.

83. All applications for recording names of bargadars shall be disposed of by the officers duly empowered under the Act as expeditiously as possible giving utmost priority. The

Recording of bargadar shall be given priority.

District Land & Land Reforms Officer and the Sub-divisional Land & Land Reforms Officer shall ensure that no such application remains pending for disposal for a long time.

84. The District Land & Land Reforms Officer shall submit reports and returns to the Director of Land Records & Surveys on recording of bargadars at such time intervals and in such form as may be prescribed by the latter from time to time. Similarly, the Director of Land Records & Survey shall submit reports to the Board of Revenue on recording of bargadars at such time intervals and in such form as may be prescribed by the Board of Revenue.

85. The Board of Revenue may issue instructions on recording of bargadars from time to time which shall be consistent with the provisions of the West Bengal Land Reforms Act, 1955 and Rules framed thereunder.

CHAPTER VI

BHAGCHASH CASES

(ADJUDICATION OF DISPUTES RELATING TO CULTIVATION BY BARGADARS)

86. (i) The officer or authority appointed under section 18(1) of the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the Act in this chapter) shall dispose of an application—

- (a) made for termination of cultivation by bargadar on any of the grounds mentioned in section 17(1) of the Act;
- (b) relating to a dispute over division or delivery of the produce;
- (c) relating to recovery of produce under section 16A of the Act;
- (d) giving information under section 20B of the Act in regard to surrender or abandonment by a bargadar.
- (e) for determination under section 15A of the name of the person who will cultivate a land after the death of the bargadar In respect of such land.

(ii) If in a proceeding mentioned at (a), (b) or (c) of sub-rule (i) above any question arises as to whether a person is a bargadar or not, such question shall be decided by the officer or authority appointed under section 18(1) of the Act.

(iii) If in a suit, case, appeal or proceeding before a Civil or Criminal Court any question arises as to whether a person is a bargadar or not, such Court shall refer it to the concerned officer or authority appointed under section 18(1) of the Act for deciding the said question [vide section 21(3) of the Act].

87. While deciding an application, dispute, question or reference by an officer or authority appointed under section 18(1) of the Act, the following provisions of the Act should be kept in mind:

Provisions relating to protection of bargadars.

(a) A person lawfully cultivating any land owned by another person shall be presumed to be a bargadar in respect of such land if such person is not a member of the family of the owner of the land (vide section 21B of the Act). In such a case the burden of proving that such person is not a bargadar lies on the person who alleges that the person cultivating the land is not a bargadar in respect of such land.

(b) No application shall be entertained under Chapter III of the Act if it is submitted by a person not belonging to a Scheduled Tribe if he claims to be cultivating as bargadar a land owned by a person belonging to a Scheduled Tribe [vide section 15(3) of the Act.]

(c) If a bargadar voluntarily abandons or surrenders his right of barga-cultivation, such right is not automatically extinguished. In such a case the owner is to communicate the information under section 20B(1) of the Act to the officer or authority appointed under section 18(1) of the Act for an order in accordance with provisions of subsections (2), (3) and (4) of section 20B.

(d) The right of cultivation of land by a bargadar is not transferable [vide section 15(2) of the Act].

(e) The right of cultivation of land by a bargadar is heritable [vide section 15(2) of the Act]. Where the lawful heirs of the bargadar omit or fail to make a determination as to which of them will cultivate the land after the bargadar's death, the officer or authority appointed under section 18(1) of the Act shall decide who will cultivate such land (vide section 15A).

(f) Termination of cultivation by a bargadar on the ground of bringing the land under personal cultivation may be made in respect of so much of land only as together with any other land held in the personal cultivation of the owner does not exceed 3.0 hectares (vide proviso to section 17(l)(d) of the Act).

(g) In no case cultivation of land by a bargadar shall be terminated under section 17(l)(d) of the Act if such termination reduces the aggregate area of land cultivated by the bargadar to less than 1.0 hectare [vide proviso to section 17(l)(d) of the Act].

(h) No advocate or legal practitioner is eligible to appear, plead or act before an officer or authority appointed under section 18(1) of the Act during any stage of a proceeding initiated and disposed of under Chapter III of the Act. But a party to a dispute may be represented by its relative or by a representative of an association or organisation to which the said party belongs.

Restoration of land of bargadar.

88. If cultivation of a land by a bargadar is terminated except in accordance with an order passed under a provision of Chapter III of the Act, such land shall be restored to the said bargadar in accordance with the provisions of section 19B of the Act.

Bar to jurisdiction of Courts.

89. (i) No Civil Court has jurisdiction to entertain any suit or proceeding in respect of any matter mentioned in sections 17, 18, 19B and 20B of the Act.

(ii) No order or proceedings under Chapter III of the Act shall be questioned in a Civil Court [vide section 21(1) of the Act].

Disposal of a reference made by a Court u/s 21(3).

90. When a question as to whether a person is a bargadar or not in respect of a land is referred to an officer appointed under section 18(1) of the Act, such officer or authority shall hold enquiry, decide the matter and communicate his decision in accordance with provisions of section 21(4) of the Act and Rule 14H of the W.B.L.R. Rules, 1965.

Penalty

91. (i) Violation of an order made under sections 17, 18 or 19 is punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or both.

(ii) Termination of cultivation by bargadar in contravention of any provision of the Act is punishable with imprisonment which may extend up to six months or with fine which may extend to one thousand rupees or both.

(iii) Failure of the owner of land to give receipt to a bargadar in contravention of sub-section (3) of section 16 of the Act for the share of the produce received by such owner is punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or both.

(iv) All the offences mentioned at (ii) and (iii) above being cognizable vide section 19A(3) of the Act an F.I.R. may be lodged with the local police station in respect of any such offence if committed.

Appeals.

92. (i) An appeal against an order made under section 17, 18 or 21(3) of the Act if made within thirty days from the date of such order shall lie to the Collector (vide section 19 of the Act).

(ii) An appeal against an order under section 19B(1) shall also lie to the Collector [vide section 19B(2) of the Act].

93. A case number with the year shall be allotted to each proceeding drawn up under any provision of Chapter III of the Act and orders should be recorded by the officer or authority concerned appointed under section 18(1) of the Act chronologically. Case No. & Date.
94. The D.L.L.R.Os., S.D.L.L.R.Os. and B.L.L.R.Os. shall ensure that applications relating to disputes in respect of cultivation by bargadars are heard and disposed of promptly.
95. In every proceeding initiated under Chapter III of the Act, all the interested parties shall be given an opportunity of being heard. Interested parties 1 be heard.
96. An officer not below the rank of Revenue Inspector may be asked to hold a local enquiry in a proceeding under Chapter III of the Act where considered necessary. The report submitted by such an officer may be treated as evidence and made a part of the case record after giving the interested parties an opportunity to examine and to rebut fully or partly such report. Local enquiry.
97. A register shall be maintained in the office of each B.L.L.R.O. with respect to applications and disputes relating to cultivation by bargadar in such form as may be prescribed by the Director of Land Records and Surveys. Register.
98. The Director of Land Records and Surveys may prescribe forms for reports and returns to be submitted periodically. Forms for report a returns.
The Board of Revenue may issue instruction.
99. The Board of Revenue may issue instructions which shall not be inconsistent with any provision of an Act or Rules made thereunder.

CHAPTER VII

DETERMINATION OF CEILING AREA AND VESTING OF LANDS IN THE STATE

100. Provisions imposing ceiling on land holding are embodied in Chapter II and Chapter VI of the West Bengal Estates Acquisition Act, 1953 and in Chapter IIB of the West Bengal Land Reforms Act, 1955. Determination of ceiling under the West Bengal Land Reforms Act shall ordinarily be preceded by determination of ceiling under the West Bengal Estate Acquisition Act, 1953. The relevant Acts.
101. (i) At the time of determination of ceiling under the West Bengal Estate Acquisition Act in respect of an intermediary it should be examined if section 5A is applicable and, if so, the proceeding under the said section should be initiated and disposed of before determination of the ceiling. Actions to be taken before determination of ceiling area under W.B.E.A. Act.
- (ii) If it prima facie appears that though the ostensible owner of a land is a person or trust other than the intermediary, but the intermediary is its real owner and enjoys its

usufructs, a proceeding may be initiated u/s 14T(5) of the West Bengal Land Reforms Act, read with section 14T(9) of that Act, where necessary, to enquire and decide if the said land is held in benami. If the real owner of the land is found to be the intermediary, it could be taken into account while determining the ceiling area under the W.B.E.A. Act in respect of the said intermediary. Section 14T(5) of the West Bengal Land Reforms Act is deemed to have been inserted in the West Bengal Estate Acquisition Act for this purpose vide section 14T(9) of the West Bengal Land Reforms Act.

(iii) Section -14T(6) of the West Bengal Land Reforms Act may also be applied if a land which is ostensibly held by a religious or charitable trust, is prima facie found to be enjoyed by an intermediary.

(iv) Where necessary, the relevant record-of-rights may be revised u/s 44(2a) of the W.B.E.A. Act.

102. In all such proceedings as mentioned in the preceding rule the interested persons shall be given an opportunity of being heard.

103. When such of the proceedings mentioned in the preceding rule as are considered necessary for determination of the ceiling area are initiated and disposed of, the ceiling area shall be finally determined and lands held exceeding the ceiling limit shall be made to vest in the State and taken possession of. The intermediary may opt to retain any particular land within the ceiling determined.

104. Ceilings on holdings of different classes of land have been prescribed u/s 6 of the West Bengal Estate Acquisition Act.

105. (1) All references to sections from this rule onwards in this chapter relate to the W.B.L.R Act, unless otherwise indicated.

(2) Under the West Bengal Land Reforms Act, ceilings have been imposed on holdings of land of a family as defined u/s 14K. The ceilings under this Act became effective—

(a) on and from 15.2.71 with respect to all such lands as do not come within the purview of section 3 A of the W.B.L.R. Act,

(b) on and from 9.9.80 with respect to lands of all other types and classification.

106. (i) Ceilings, whether applicable with effect from 15.2.71 or from 9.9.80, are the same as prescribed in section 14M. The ceilings for families with varying number of family members are as follow :

Interested parties all be heard.

Determination of ceiling areas under the W.B.E.A. Act.

Ceiling limits under W.B.E.A. Act.

Reference dates for determination of ceiling area under the W.B.L.R. Act.

Ceiling areas under the W.B.L.R. Act.

Sl. No.	For a family with—	Ceiling in Standard hectares	Ceiling when converted into acres	
			in irrigated area	in non-irrigated area
	(1)	(2)	(3a)	(3b)
(1)	only one member	2.5	6.18	8.65
(2)	2 to 5 members	5.0	12.36	17.30
(3)	6 members	5.5	13.59	19.03
(4)	7 members	6.0	14.83	20.76
(5)	8 members	6.5	16.06	22.49
(6)	9 and more members	7.0	17.30	24.22

N.B. 1 standard hectare means 1 ordinary hectare when the land is situated in an irrigated area and used for agricultural purpose and 1.4 ordinary hectares in relation to any other land.

(ii) Ceiling for a raiyat other than a family of individuals is 7 standard hectares.

(iii) While determining the ceiling area for a family, the land, if any, held as a member of a co-operative society, or as a member of a Hindu undivided family, or as author of a private religious or charitable trust shall be taken into account [vide sections 14M(5) and 14Q(1)].

(iv) Ceiling for a tea garden, mill, factory and workshop, for lands used for dairy development, animal husbandry and poultry farming and for land held by a religious and charitable trust of public nature may be increased by the Government according to actual necessity [vide sections 14Q(3) and 14Z(2)1.

107. (i) Ceiling area of a raiyat's family under the West Bengal Land Reforms Act should be determined with reference to at least two dates viz., on and from 15.2.71 and on and from 9.9.80 unless the ceiling area with reference to 15.2.71 has been determined earlier, in which case the ceiling should be determined with reference to 9.9.80 onwards.

Actions to be taken before calculating the ceiling area under the W.B.L.R Act.

(ii) For the purpose of determining the ceiling area, the following actions, amongst others, may be taken:

(a) Returns in Form 7A and/or in Form 7AA, if submitted by the raiyat, should be verified with reference to the record-of-rights.

(b) The total number of members of the raiyat-family on 15.2.71 and 9.9.80 should be ascertained.

(c) A schedule of lands, excluding the non-agricultural lands falling within the purview of section 3A of the W.B.L.R. Act, as owned by the raiyat's family on 15.2.71 may be prepared.

(d) A schedule of lands of all types and classification owned by the raiyat's family on 9.9.80 should be prepared.

- (e) A schedule of lands, if any, which had been transferred by the raiyat-family on and from 8.8.69 shall be prepared in a form substantially similar to Part IV of form 7AA appended to the W.B.L.R. Rules. This schedule may be prepared in two parts, one containing lands to which section 3 A applies and the other containing all other lands.
 - (f) It should be ascertained if any land, to which section 3A applies, included in the Schedule referred to at (e) above was transferred to any relative described in section 14P(3).
 - (g) If the raiyat died after 15.2.71 but before 9.9.80, it should be ascertained who inherited the lands.
 - (h) A proceeding u/s 14T(5), read with section 14T(9), where necessary, may be initiated and disposed of, if there is prima facie reason to believe that the raiyat holds land in the name of a benamdar.
 - (i) If the raiyat is a religious or charitable trust, a proceedings u/s 14T(6), read with section 14T(9), where necessary, should be initiated and disposed of to decide if it is a public trust or a private trust.
 - (j) It should be ascertained if the raiyat is the author of a private religious or charitable trust.
 - (k) It should be ascertained if the raiyat is a partner in a company or a member of a co-operative society, firm or Hindu undivided family owning land and, if so, how much land is deemed to be held by him in the capacity of such partner or member.
 - (l) It should be ascertained if the total area held by the raiyat's family has increased or decreased since 15.2.71 and if the number of family members has changed.
 - (m) It should be ascertained how much land, if any, held by the raiyat's family falls within the irrigated area.
 - (n) Such other facts as may be relevant to the determination of the ceiling area may also be ascertained.
- (iii) On the basis of the facts ascertained in accordance with sub-rule (ii), ceiling area in relation to the raiyat's family should be first determined with reference to 15.2.71 in relation to lands, excepting non-agricultural lands (i.e. lands falling within the purview of section 3A).

(iv) Ceiling area in relation to a raiyat's family shall be again determined with reference to 9.9.1980 taking into consideration lands of all types and classifications held by the said family on that date.

108. (i) On the basis of the facts referred to in the preceding rule, the ceiling area with respect to the raiyat's family and the area to be vested in the State shall be first determined with reference to 15.2.71, if not already determined under section 14T(3) or 14T(3A). In computing the area owned by the raiyat's family, the following lands, excluding the lands to which section 3A applies, shall be taken into account:

Computation total quantum land owned by raiyat's family on 15.2.71.

- (a) Land owned by the raiyat's family on 15.2.71,
- (b) Land, if any, deemed to be owned by a member of the family as author of a private religious or charitable trust,
- (c) Land, if any, owned separately by members of the family as a partner in a company, or as a member of a co-operative society or firm, or as a member of an undivided Hindu family,
- (d) Land, if any, held through a benamdar as decided in a proceedings under section 14T(5),
- (e) Land, if any, transferred by the raiyat or any member of his family after 7.8.1969 and on or before 8.2.1971.

The above lands may be divided into two categories viz., irrigated and non-irrigated.

The sum-total of all the lands mentioned at (a), (b), (c), (d) and (e) above should be taken to be the total area owned by the family on 15.2.71 for the purpose of determining the ceiling area.

(ii) The area arrived at by deducting the ceiling area applicable to the raiyat's family u/s 14M of the W.B.L.R. Act from the total area owned by the raiyat's family on 15.2.71 as arrived at in the above manner shall vest in the State.

How much area to vest in the State

(iii) For the purpose of vesting in the State, lands should be selected from the lands mentioned at serial (a) above on the basis of choice, if any, exercised by the raiyat. If according to the said choice, portions of more than one plot are to vest in the State, the Revenue Officer may disregard the choice, after giving the raiyat an opportunity of being heard, and determine the plots which shall vest, the total area of which being equal to the area decided to be vested in the State.

Selection of plots for retention and vesting

(iv) If the total area which is to vest in the State as computed in the above manner exceeds the total area of all the lands shown at serial (a) above, it should be examined if any land was transferred by the raiyat on or after 8.2.71 and, if so, the vested area in

excess of the total area of lands owned and held by the raiyat as mentioned at serial (a) above shall be recovered from the transferee or transferees as the case may be (vide section 14U). No land shall be recovered from a transferee if the transfer took place before 8.2.71.

Determination of ceiling with reference to 9.9.80.

109. (i) After the ceiling area for a raiyat-family has been determined with reference to 15.2.71 and the excess land made to vest in the State, the ceiling area for the said raiyat-family shall once again be determined with reference to 9.9.80 under section 14T(3) read with section 14T(10) and 14T(11) of the West Bengal Land Reforms Act. This time "Land" will mean land of all types and classification including lands to which section 3A applies.

(ii) The ceiling area with reference to 9.9.80 will also be determined with respect to a raiyat-family who did not own land exceeding the ceiling limit with reference to 15.2.71, but is found to have owned land, including lands of all types and description and lands to which section 3A applies, on 9.9.80 exceeding the ceiling prescribed in Chapter IIB of the West Bengal Land Reforms Act.

(iii) Lands owned by a raiyat-family on 9.9.80 shall include—

- (a) lands of all types and description, including lands to which section 3A applies, owned by the raiyat-family on 9.9.80;
- (b) land, if any, held in benami as may be decided in a proceeding u/s 14T(5) read with section 14T(9) where necessary;
- (c) land, if any, held as the author of a private religious or charitable trust as may be decided u/s 14T(6), read with section 14T(9) where necessary;
- (d) land, if any, held separately as a member of a co-operative society, or as a partner in a Company, or as a member of an undivided Hindu family [vide section 14Q(1)1; and
- (e) land, if any, transferred by a member of the raiyat-family on or after 8.8.69 but on or before 9.9.1980 subject to the provision of section 14P(3). Where a land which was transferred on or after 8.8.69, has already been taken into account while determining the ceiling area with reference to 15.2.71, such land shall not be taken into account while determining the ceiling area with reference to 9.9.80.

The aggregate area of all lands mentioned above shall be taken to be the total area owned by the raiyat family on 9.9.80.

After the total area owned by the raiyat family on 9.9.80 is determined, the area to be retained by the said family and the area to be vested in the State on and from 9.9.80

shall be determined in the same manner as described in the preceding Rule relating to determination of ceiling area with reference to 15.2.71. In this connection it should be remembered that non-agricultural land within the meaning of the West Bengal Non-agricultural Tenancy Act, 1949 shall not be recovered from the transferee unless such land was transferred on or after 9.9.80 [vide section 14U(3)].

110. (i) No proceeding initiated for determination of ceiling area shall be finally disposed of without giving the interested parties an opportunity of being heard.

Initiation and disposal of proceeding

(ii) Proceedings for determination of ceiling area may be initiated prima facie on the basis of particulars furnished in Form 7AA or, where Form 7AA has not been submitted, suo-motu if there is prima facie reason to believe that the raiyat holds land exceeding the ceiling area.

(iii) A register shall be maintained where the names of raiyats suspected to own land exceeding the ceiling limit along with particulars of such lands shall be entered. When a proceeding is drawn up against any such raiyat under Chapter IIB of the W.B.L.R. Act, the case number with the year should be noted in the said register. When the proceeding is finally disposed of, the total area, if any, vested in the State shall be noted. Besides, such other particulars as the D.L.R. & S. may consider necessary should also be noted in the said register.

Register of big raiyats.

111. (i) Where proceedings for determination of ceiling area with reference to 15.2.71 was not drawn up earlier, such proceedings may be combined with the proceedings for determination of ceiling area with reference to 9.9.80 in a single case. But, in the combined proceedings also, the ceiling area should be first computed with reference to 15.2.71 before computing the ceiling area with reference to 9.9.80. In such a case land vested with reference to 15.2.71 shall not be taken into consideration in determining the ceiling area with reference to 9.9.80.

Combined proceedings

112. (i) Every proceeding drawn up under Chapter IIB of the West Bengal Land Reforms Act shall be given a case number with the year and all orders passed shall be recorded chronologically in order sheets. Action taken on the basis of the said orders shall be noted in brief on the margin of the order sheet.

Case no. notices and registers.

(ii) Notices relating to above-mentioned proceedings should normally be issued under section 57 read with section 14S, sub-sections (3), (10) and (11) of section 14T, and section 3A of the West Bengal Land Reforms Act, 1955. Where proceedings u/s 14T(5) or u/s 14T(6) have to be drawn up the said sections should also be mentioned.

(iii) A separate register shall be maintained in each Block styled "Register of Proceedings under Chapter IIB of the West Bengal Land Reforms Act". The case number, the name of the raiyats, with address and names of villages, Blocks and Districts in which the raiyat's family have lands and detailed particulars of lands vested, if any, shall be entered. If there is any Court case, particulars of the same should also be entered in the said register. Besides, such other particulars as the Director of Land Records & Surveys may consider necessary may be entered in the said register. It will be a prime duty of all inspecting officers to examine this register.

Religious and
charitable trusts
of public nature.

113. (i) If a religious or charitable trust of public nature is found to own land exceeding the ceiling limit i.e. 7.0 standard hectares and, if such a trust wants to retain land exceeding the said limit, the B.L. & L.R.O. shall cause an enquiry by a Revenue Officer to ascertain the lands and area thereof owned by such trust, the manner of utilisation thereof, the extent to which usufructs thereof are utilised for the trust and such other facts as may appear relevant to the issue and shall send a report on the basis of the said enquiry to the D.L. & L.R.O. through the S.D.L. & L.R.O. The D.L. & L.R.O. shall send the said report with his comments to the Board of Revenue through the Director of Land Records and Surveys for consideration of the Government u/s 14Q(3).

(ii) Where such a trust mentioned above has lands in more than one block, but not in more than one sub-division, the Sub-divisional Land & Land Reforms Officer shall cause the above-mentioned enquiry through the respective B.L. & L.R.Os. and send a comprehensive report to the D.L. & L.R.O. consolidating the said reports.

(iii) Where such a trust mentioned above has land situated in more than one sub-division but not in more than one district, the Sub-divisional Land & Land Reforms Officer within whose jurisdiction the head office of the trust is located, shall cause the above-mentioned enquiry through respective S.D.L. & L.R.Os. and will send a comprehensive report to the D.L. & L.R.O. consolidating the said reports.

(iv) Where such a trust mentioned above has lands situated in more than one district, the D.L. & L.R.O. within whose jurisdiction the head office of the trust is located, shall cause the above-mentioned enquiry through the respective D.L. & L.R.Os; consolidate the reports received from them; and send the consolidated report to the Board of Revenue through the D.L.R. & S.

(v) The D.L.R. & S. will examine every such report as mentioned above and, after causing further enquiry where necessary, shall send the report to the Board of Revenue with his comments.

(vi) In the office of each B.L. & L.R.O., S.D.L. & L.R.O. and D.L. & L.R.O., a register shall be maintained for religious and charitable trusts-of public nature located within their respective jurisdiction. In the

said register will be recorded, amongst others, the names of the trusts, the names of blocks, sub-divisions and districts, as the case may be, where the trusts have centres and lands and the action taken with respect to those trusts under Chapter IIB of the West Bengal Land Reforms Act.

(vii) Notwithstanding anything contained in sub-rule (i), (ii), (iii), (iv) and (v) above, the Director of Land Records & Surveys may authorise any D.L. & L.R.O. or any other officer to cause an enquiry or further enquiry and send a report with respect to any religious or charitable trust of public nature.

114. (i) Lands vested in State under Chapter IIB of the West Bengal Land Reforms Act shall be entered in Register VIII immediately after such vesting.

The fact of vesting shall feature in Register VIII and record-of-rights.

(ii) The relevant record-of-rights which are affected by vesting of lands in the State shall be immediately revised in accordance with the order of vesting. This may be done u/s 51BB or during any stage of revision of record u/s 51 of the West Bengal Land Reforms Act. Where Chapter VIIA of the West Bengal Land Reforms Act has not come into force or where record has been finally published u/s 51 A(2) of the said Act, such alteration of record may be made u/s 50 of the said Act.

(iii) Where a Revenue Officer has passed an order vesting lands including lands located outside his territorial jurisdiction, he shall send the schedule of lands vested to each B.L. & L.R.O. within whose jurisdiction such lands are located. On receipt of such a schedule the B.L. & L.R.O. concerned shall ensure that vested lands as per the said schedule falling within his jurisdiction are entered in Register VIII of his block and the relevant record-of-rights are revised.

115. In every case, separate land schedules shall be prepared for lands allowed to be retained and lands vested and such schedules shall be made part of the order.

116. If it is found that a vested land was being cultivated by a bargadar immediately before its vesting, the concerned Revenue Officer shall take such action as is necessary under sub-sections (2) and (3) of section 14S of the West Bengal Land Reforms Act.

Bargadar in a vested land.

117. As soon as land is vested, the same shall be taken possession of following the procedure detailed in section 14SS of the West Bengal Land Reforms Act and Rule 14BB of the West Bengal Land Reforms Rules. The fact of taking over of possession

Taking over of possession of vested land.

shall be noted against the case in the "Register of Proceedings under Chapter IIB of the West Bengal Land Reforms Act" as well as in Register VIII.

118. The B.L. & L.R.O. of each block who has been appointed Revenue Officer under the West Bengal Land Reforms Act shall normally act as the Revenue Officer u/s 14T of the said Act. Where, the number of cases is large, such of the other officers posted in the block as have been appointed Revenue Officer under the said Act may be deployed for the purpose. Besides, the D.L. & L.R.O. may ask any particular officer having the requisite power and jurisdiction to initiate and dispose of any proceeding u/s 14T.

119. The Director of Land Records and Surveys and the Board of Revenue may issue such instructions in connection with implementation of Chapter IIB as are not inconsistent with any provision of an Act or Rules made thereunder.

120. (i) While determining the ceiling area the Revenue Officer may be required to convert standard hectares [as defined in section 14K(f) of the West Bengal Land Reforms Act] into acres and vice versa. For ready reference the following conversion table may be used:

I. From Standard hectare (or briefly s.h.) to acres

1 s.h. = 2.471 acres (when the land is in irrigated area) or **3.459 acres** (when the land is not in irrigated area)

1 acre—

(a) in irrigated area	=	0.40469 s.h.
(b) in non-irrigated area	=	0.28910 s.h.

Illustration I

A raiyat family with eight members is found to have owned the following lands on 9.9.80:

(a) land used for agricultural purpose in irrigated area	.. 9.55 acres
(b) land used for agricultural purpose in non-irrigated area	.. 7.38 "
(c) tank	.. 3.35 "
(d) orchard	.. 1.74 "
(e) homestead	.. 0.42 "

The raiyat desires that vesting of ceiling-surplus land, if any, should be made from the land used for agricultural purpose which is situated in non-irrigated area.

Computation

9.55 acres shown at (a) above fall in irrigated area and 12.89 acres forming the aggregate of (b), (e), (d) and (c) fall in non-irrigated area. Now,

9.55 acres in irrigated area	9.55 x 0.40469	or 3.8648	s.h.
12.89 acres in non-irrigated area	12.89 X 0.2891	or 3.7265	s.h.
∴ Total area owned	7.5913 s.h.		

As the prescribed ceiling area applicable to the raiyat's family is 6.0 s.h., the area of land that will vest in the State is $(8.0385 - 6.0)$ or 2.0385 s.h.

If the raiyat wants to retain the entire homestead, then the excess land will vest from the land situated in irrigated area. Now, 2.0385 s.h. in irrigated area = 2.0385×2.471 or 5.04 acres.

Therefore 5.04 acres will vest in the State out of 12.04 acres owned and held by the raiyat in irrigated area.

(iii) A small electronic calculator may be used for doing calculations involving decimal figures.

121. (i) The procedure of determining the ceiling area under the W.B.L.R. Act with reference to 15.2.71 and 9.9.80 have been described in the foregoing Rules of this Chapter. But, ceiling area in relation to a raiyat will have to be determined or re-determined when the land owned by the family of such raiyat has exceeded the prescribed ceiling in the following cases also:

Determination of ceiling area with reference to a date between 15.2.71 and 9.9.80 or to a date after 9.9.80.

(a) Where the land owned by a raiyat exceeded the ceiling limit for the first time on a date in between 15.2.71 and 9.9.80 or once again exceeded the ceiling limit in between those two dates after the raiyat had been allowed to retain land under section 14T(3) on determination of ceiling area.

(b) Where the land owned by a raiyat exceeded the ceiling area for the first time on a date after 9.9.80 or where the land owned by a raiyat has once again exceeded the ceiling area after he was allowed to retain land within the ceiling limit with reference to 9.9.80.

(ii) In a case mentioned at (a) above, the ceiling area will be determined taking into consideration all lands owned by the raiyat on that date excluding the non-agricultural lands and, in a case mentioned at (b) above, the ceiling area will be determined taking into consideration all lands owned by the raiyat on that date including non-agricultural lands also.

(iii) In the cases mentioned at (a) and (b) above, the procedures described in this Chapter shall be followed.

CHAPTER VIII
DETERMINATION OF CEILING AREA FOR TEA GARDENS, MILLS, FACTORIES,
WORKSHOPS AND FOR LAND HELD FOR DAIRY DEVELOPMENT,
POULTRY FARMING, AND LIVESTOCK BREEDING

Determination
of ceiling area
for tea
gardens.

122. (i) Under section 6(3) of the West Bengal Estates Acquisition Act, 1953 a tea garden was entitled to retain only so much land, as in the opinion of the State Government, was required for the tea garden. To assist it to form its opinion the State Government has constituted a Tea Estates (Resumption of Lands) Advisory Committee for Darjeeling and Jalpaiguri districts separately under the Chairmanship of the Commissioner of Jalpaiguri Division.

(ii) The D.L. & L.R.O. with the additional designation of Settlement Officer shall cause a survey and detailed enquiry in respect of each tea garden within his district and prepare a report showing how the land held by the tea garden is being used. He shall submit the said report to the Government in the Land & Land Reforms Department through the Director of Land Records & Surveys. On receipt of the report the Government shall send it to the Tea Estates (Resumption of Lands) Advisory Committee in respect of that district.

(iii) The Tea Estates (Resumption of Lands) Advisory Committee shall, after giving the concerned tea garden an opportunity of being heard, make recommendation to the Government as to the quantum of land which is required by the tea garden and the quantum of land that should be resumed by the Government as surplus to the tea garden. The Chairman of the Committee may, at his discretion, associate an officer to be nominated by the Tea Board, a representative of an association of tea gardens and any other person with specialized knowledge or experience in the deliberations of the Committee.

(iv) On receipt of the recommendation of the Advisory Committee the Government shall decide how much of the land held by the tea garden is required for the tea garden and shall issue an order accordingly under section 6(3) of the West Bengal Estates Acquisition Act, 1953.

Determination
of rent for tea
garden.

123. The Revenue Officer shall determine under section 42(2) of the West Bengal Estates Acquisition Act, 1953 the rent to be paid for the land allowed to be retained by the tea garden.

124. The land allowed to be retained by a tea garden shall be held under a lease to be executed in Form I appended to Schedule F of the West Bengal Estates Acquisition Rules, 1954 from the date of the order under section 6(3) of the Act or from the date of determination of rent under section 42(2) of the Act whichever is later. Till such lease is granted, the land shall be held by the tea garden on such terms and conditions as may be specified by the Collector in a summary settlement.

Lands retained for tea garden shall be held under a lease.

125. The Government may, after reviewing the circumstances of a case and after giving the tea garden an opportunity of being heard, revise any order made by it under section 6(3) of the West Bengal Estates Acquisition Act, 1953 specifying the land which the tea garden shall be entitled to retain as being required for the tea garden.

Review of a case.

126. In holding an enquiry with respect to a tea garden the following informations, amongst others, shall be collected by a field survey :

Subject matter of enquiry relating to a tea garden

- (a) Total area of forest land held by the tea garden and whether there is any compact block of such land exceeding 20 acres;
- (b) Total area of land under cultivation of paddy, wheat etc.;
- (c) If there is any market or other sairati interest in the tea garden and if so how much land is covered by it;
- (d) If there is any water channel which passes through the tea garden and which passes through other tea gardens or mouzas also;
- (e) Total area under tea plantation;
- (f) Total area under factory, roads, residential quarters, office and other structures.

Full description of the lands under the above items should be noted in the enquiry report.

127. Every tea garden is required under Rule 14C(4)(c) of the West Bengal Land Reforms Rules, 1965 to submit a return in Form 7AA appended to the said Rules to the Revenue Officer within such time limit as may be prescribed in a notification to be issued by the Government under Rule 14C(4)(a) of the said Rules. The said return requires to be accompanied by a memorandum stating therein the purposes for which lands held by the tea garden are being used. The Settlement Officer shall, on receipt of such return from the Revenue Officer, and where such return has not been submitted by a tea garden, of his own motion, cause a survey and enquiry substantially similar to that mentioned in the preceding rule with prior notice to the concerned tea garden. The report on the survey and inquiry shall be sent to the Government through the Director of Land Records and Surveys. The Government shall send it to the Tea Estate (Resumption of

Redetermination of ceiling area relating to tea gardens under the WBLR

Lands) Advisory Committee of the district. The Advisory Committee shall send its recommendation to the Government after giving an opportunity of hearing to the tea garden. On receipt of the recommendation of the Committee the Government shall, after giving an opportunity to the tea garden of being heard, decide under section 14Z(2) of the West Bengal

Land Reforms Act, 1955 how much of the land held by the tea garden is required for that tea garden and shall issue an order accordingly. The lease, if any, already granted to the tea garden in Form I of Schedule F appended to the West Bengal Land Estate Acquisition Rules, 1954 shall be modified on the basis of the said order and the rent payable by the tea garden may be reduced in accordance with the proviso to Rule 28(2) of the West Bengal Land Reforms Rules, 1965 if there be a reduction in area of land held by the tea garden. The State Government may, after reviewing the circumstances of a case and after giving the tea garden an opportunity of being heard, revise any order made by it under section 14Z(2) of the West Bengal Land Reforms Act, 1955.

128. Issue of an order by the Government under section 14Z(2) of the West Bengal Land Reforms Act in respect of a tea garden shall normally be preceded by an order of the Government issued under section 6(3) of the West Bengal Estates Acquisition Act, 1953 in respect of that tea garden.

129. Acquisition of land by a tea garden in addition to the land allowed to be retained by such tea garden under section 6(3) of the West Bengal Estates Acquisition Act, 1953 or under section 14Z(2) of the West Bengal Land Reforms Act, 1955, whichever is later, without prior permission of the Government shall be unlawful because by such acquisition the total area held by the tea garden shall exceed the area allowed to be retained by it under the West Bengal Estates Acquisition Act or the West Bengal Land Reforms Act as the case may be.

130. Conversion of any land to tea garden for the purpose of new plantation of tea without obtaining prior approval of the Collector under section 4C of the West Bengal Land Reforms Act, 1955 is punishable with imprisonment or fine or both under section 4D of the said Act. The land, the character of which has been changed in this way, may be vested also in the State under section 4(4) of the said Act.

131. (i) Proposal from an existing tea garden for acquisition of land for extension of the said tea garden and proposal from others for acquisition of land for new tea plantation shall be submitted to the District Land & Land Reforms Officer of the district within which the land is situated, after obtaining specific recommendation of the Tea Board and shall

Acquisition of additional land by tea gardens without prior permission of the Government is void-

Conversion of a land to tea garden.

Proposal for acquisition of land for tea garden.

be accompanied by submission of an officer of employment or subsistence allowances to such families as may be affected or displaced due to extension of tea cultivation or due to bringing of new areas under tea cultivation.

(ii) The proposed acquisition of land for tea cultivation shall not include—

- (a) lands covered by the command areas of any irrigation project including the Teesta barrage project;
- (b) forest lands;
- (c) prime agricultural lands;
- (d) agricultural lands owned by persons belonging to Scheduled Tribes;
- (e) agricultural lands settled under section 49 of the West Bengal Land Reforms Act, 1955;
- (f) agricultural lands under cultivation by bargadars.

(iii) Such a proposal as mentioned above shall not adversely affect existing facilities of drainage, irrigation, marketing, roads, communications and fisheries enjoyed by the local population.

132. (i) A proposal for acquisition of land for tea cultivation shall be examined by a Committee consisting of the Collector, Sabhadhipati of the Zilla Parishad and the District Land & Land Reforms Officer of the district:

Provided that such a proposal as mentioned above relating to land situated within the jurisdiction of the Siliguri Mahakuma Parishad shall be examined by a committee consisting of the Collector of Darjeeling district, District Land & Land Reforms Officer of that district and the Sabhadhipati of Siliguri Mahakuma Parishad and that relating to lands in other areas of Darjeeling district shall be examined by a Committee consisting of the Collector of that district, District Land & Land Reforms Officer of that district and the Chief Executive Councillor of Darjeeling Gorkha Hill Council or his nominee.

In all such committees as mentioned above the District Land & Land Reforms Officer shall act as the Convenor.

(ii) The Committee shall submit its recommendation to the Commissioner, Jalpaiguri Division who shall examine it and forward it with his recommendation to the Government in the Land & Land Reforms Department.

(iii) The Land & Land Reforms Department, in consultation with the Commerce & Industries Department and after due consideration, may reject it or clear the proposal with or without any modification or stipulation.

Disposal of proposal of acquisition of land by tea garden.

(iv) The Collector shall allow the acquisition of additional land or conversion of land for lea cultivation in accordance with the order of the Government issued in that respect.

Determination of the area of land required for a mill, factory, workshop, poultry farming, livestock breeding and dairy development.

133. (i) The quantum of land to be retained for the purpose of a mill, factory or workshop under the West Bengal Estates Acquisition Act, 1953 has to be determined by the State Government under section 6(3) of the said Act. There was no ceiling under the said Act on holding of land used for dairy development, poultry farming and livestock breeding.

(ii) Under the West Bengal Land Reforms Act, 1955, the quantum of land to be retained for the purpose of a mill, factory or workshop as well as for the purpose of dairy development, poultry farming and livestock breeding has to be determined by the Government under section 14Z(2) of the said Act.

(iii) Where the area of land to be retained for the purpose of any mill, factory or workshop under the West Bengal Estates Acquisition Act, 1953 has not yet been determined under section 6(3) of the said Act, the land to be retained by such mill, factory or workshop shall ordinarily be determined first under section 6(3) of the said Act before determining the land to be retained under section 14Z(2) of the West Bengal Land Reforms Act, 1955.

Procedure to be followed with respect to mills, factories, workshop, poultry farming etc.

134. (i) The procedure laid down in Rule 14C(4)(c) of the West Bengal Land Reforms Rules, 1965 shall be followed while determining, under section 14Z(2) of the West Bengal Land Reforms Act, 1955, the area to be retained for a mill, factory or workshop, or for dairy development, livestock breeding on poultry farming.

(ii) For the purpose of retention of land, exceeding the ceiling area, under section 14Z(2) of the West Bengal Land Reforms Act, the owner of such land has to submit a return in Form 7AA in accordance with Rule 14C(4)(c) of the West Bengal Land Reforms Rules, 1965 to the Revenue Officer concerned. Where no such return is submitted within the scheduled time, the enquiry referred to in the said rule shall be made suo-motu.

(iii) An enquiry as referred to in Rule 14C(2)(c) of the West Bengal Land Reforms Rules, 1965 shall be made after serving a notice on the owner fixing the date and venue of enquiry. Such notice may be served under section 57 of the West Bengal Land Reforms Act, 1957 read with sections 14S, 14T(3), 14T(10), 14T(11) and 14Z(2) of the said Act and Rule 14C(2)(c) of the West Bengal Land Reforms Rules, 1965.

Facts to be enquired into with respect to mills, factories, workshop etc.

135. (i) The enquiry referred to in Rule 14C (2)(c) of the West Bengal Land Reforms Rules, 1965 shall be made to mainly ascertain the following facts :

(a) The total area of land held.

(b) How and for what purposes the land is being used.

- (c) The area, if any, of the land lying vacant.
 - (d) If there is any scheme for future utilization of vacant land or of any portion of the same and if so, the details thereof.
 - (e) Where an area was allowed to be retained previously under section 6(3) of the W.B.E.A. Act, if there has been, since then, any increase or decrease in the said area and, if so, what is the reason thereof.
 - (f) If the land or any portion thereof is being used for a purpose other than the purpose for which it was allowed to be retained under section 6(3) of the W.B.E.A. Act.
 - (g) The nature and title to the land held.
 - (h) Any other fact that may be relevant to the case.
- (ii) A schedule of all the lands held shall be prepared in triplicate dividing the same into three parts namely, (A) lands under actual use, (B) lands proposed to be used in future and (C) lands not under any use nor required for future use. The nature of use should also be noted. Two copies of the schedule shall be sent with the report.
- (iii) A plan of the area held shall be prepared in triplicate in tracing paper marking with colour-shades various use and proposed use of the land. Two copies of the same shall be sent with the report. It is desirable that all the copies of the plan arc signed by the Revenue Officer concerned as well as by an authorised representative of the owner of the land.

136. Where enquiry under section 6(3) of the W.B.E.A. Act has not been made, such enquiry may be made and report sent, in a manner similar to that described in the preceding rule.

Where enquiry has not yet been made under section 6(3) of the W.B.E.A. Act.

137. When a Government order is issued under section 14Z(2) of the W.B.L.R. Act the land, if any, vested in the State under such order shall be taken possession of under section 14SS of the said Act.

Taking over of possession of land vested.

138. (i) A register styled "Register of enquiry relating to mills, factories, workshops and farms for livestock breeding, poultry farming and dairy development under section 14C(4)(c) of the W.B.L.R. Rules, 1965" shall be maintained in the office of each D.L.L.R.O. and S.D.L.R.O. in the following form :

Maintenance of register.

District/Sub-division:

Sl. No.	Name & address of the farm	Name of the P. S. & Mouzas where lands are situated	Memo No. & date under which enquiry report has been sent	No. & date of Govt. order u/s 14Z(2) of the W.B.L.R. Act	Area of land, if any vested	The date of taking over of possession
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Column (5) and (6) shall be filled in as and when the Government order under section 14Z(2) is received.

(ii) A register substantially similar to the register described at sub-rule (i) above shall be maintained with respect to tea gardens in the Offices of the D.L. & L.R.O's of Darjeeling, Jalpaiguri and Uttar Dinajpur districts.

Entry in Register VIII

139. All vested lands shall be entered in Register VIII.

Correction of record of-rights.

140. Vested lands shall be transferred to respective Collector's khatian under the appropriate section of the W.B.L.R. Act.

Abatement of revenue for vesting

141. Proportionate abatement of revenue or rent as the case may be, shall be made in accordance with the principle laid down in the proviso to Rule 28(2) of the W.B.L.R. Rules, 1965.

Guard File.

142. Copies of Government orders under section 14Z(2) of the W.B.L.R. Act shall be kept in the guard file of the D.L.L.R.O.s office.

Report and Returns.

143. The Director of Land Records and Surveys may prescribe forms for reports and returns relating to matters dealt with in this chapter.

CHAPTER IX

ASSESSMENT OF THE AMOUNT TO BE PAID

U/S 14V OF THE W.B.L.R. ACT, 1955

Legal provision

144. (i) S. 14V of the W.B.L.R. Act provides that the State Govt, shall pay in the prescribed manner, for vesting of any land in the State under the provisions of this Act to the person or persons having any interest therein an amount equal to 15 (fifteen) times of the land revenue or its equivalent assessed for such land or where such land revenue or its equivalent has not been assessed or is not required to be assessed, an amount calculated at the rate of Rs. 135/- for an area of 0.4047 hectare. The procedure to be adopted in preparation of Assessment Rolls has been provided in Rule 14E of the West Bengal Land Reforms Rules, 1965.

(ii) Rule 14E(1) of the West Bengal Land Reforms Rules, 1965 (hereinafter described in this Chapter as said Rules) envisages that the Revenue Officer as may be selected by the Settlement Officer within whose jurisdiction the vested land or rights and interests in

land or major portion thereof are situated shall prepare an Assessment Roll in Form 14 appended to the said Rules.

(iii) Rule 14E(3)(b) provides that a separate Assessment Roll shall be prepared and published for each raiyat or intermediary in a family where there are more than one raiyat or intermediary in the family whose lands or rights or interests in land have vested in the State.

145. Where lands of more than one raiyat in a family have vested, the vested land which was owned by each such raiyat should be entered in a Register raiyatwise. Register.

146. (i) The Settlement Officer shall select one Revenue Officer in each Block for preparation and publication of Assessment Rolls. Revenue Officers who will prepare and publish Assessment Rolls.

(ii) Where the lands of a raiyat or intermediary have vested in the State within jurisdiction of more than one Revenue Officer, the Revenue Officer in whose jurisdiction the major portion of such vested lands are situated, shall prepare and publish the Assessment Roll.

147. A separate Assessment Roll shall be prepared and published in respect of each raiyat and intermediary in a family where there are more than one raiyat or intermediary or both in the family whose khas land or rights and interests in land have vested in the State. A separate Roll for each raiyat of a family.

148. (i) An Assessment Roll should be prepared in Form 14 of said Rules in triplicate by using carbon paper and ball pen. When an Assessment Roll has been prepared, the Revenue Officer shall publish the same in draft in the manner provided in clause (g) of sub-rule (3) of Rule 14E of the said Rules and shall also send the duplicate copy of Assessment Roll along with a notice in Form 15 appended to said Rules to the raiyat or intermediary, as the case may be, at his last known address. Original copy of Assessment Roll should be tagged with the individual case record of the raiyat or intermediary. The third copy of Assessment Roll should be preserved as an office copy of the same. Draft Publication.

(ii) For preparation of Assessment Roll in respect of each raiyat/ intermediary, a separate proceeding should be started and case record maintained.

(iii) The raiyat or the intermediary may file an objection in Form 16 appended to the said Rules before the Revenue Officer within thirty days from the date of draft publication of the Assessment Roll in respect of any entry therein or any omission therefrom relating to his rights and interests in land that have vested in the State.

Objections and disposal thereof.	149. All objections filed against any entry and/or any omission in respect of any Assessment Roll should be disposed of by the Revenue Officer. In deciding the objection, the order of the Revenue Officer shall contain a concise statement of the fact of the case, (i) the points for determination, (ii) the reasons for the decision, and (iii) the decision.
Appeal.	150. An appeal may be preferred by a raiyat or an intermediary, as the case may be, against the order of the Revenue Officer before the Collector u/s 54 of the West Bengal Land Reforms Act within sixty days from the date of the order of the Revenue Officer.
Final Publication	151. (i) Where no objection has been filed or where objections have been filed and disposed of, or where an appeal has been filed and disposed of, the Revenue Officer shall make such alteration in the Assessment Roll as may be necessary to give effect to any order passed on the objection or on the appeal and cause the Assessment Roll so altered to be finally published. (ii) An Assessment Roll shall be finally published by placing it for public inspection free of charge during the period of not less than one month at the Office of the Revenue Officer by giving a public notice to that effect. The Revenue Officer shall certify the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official designation. (iii) A Notice in Form 17 appended to the said Rules shall be sent to the raiyat or intermediary as the case may be intimating the fact of such final publication of Assessment Roll. The final publication of Assessment Roll shall be a conclusive proof that the said Assessment Roll has been duly made.
Correction	152. Any time before payment of the amount a Revenue Officer may, on application or on his own motion, or to give effect to an order passed on appeal, revise an entry in the Assessment Roll, under his seal and signature.
Excess Payment	153. If in any case it is found that the amount paid to a raiyat or intermediary is in excess of what is payable to him under the provisions of the W.B.L.R. Act, the excess amount so paid may be recovered from the raiyat or the intermediary as a public demand.
Reconstruction Assessment Roll	154. (i) If in a case an Assessment Roll finally published is lost or destroyed or damaged beyond repair and there are materials on the basis of which such Assessment Roll can be reconstructed, the Revenue Officer shall, on the basis of such materials, construct a draft Assessment Roll and shall give the person or persons interested in such Assessment Roll an opportunity to file objection, if any, and shall, after giving the person or persons who may file objections an opportunity of being heard and after considering

such objections and other documents as may be filed by such person or persons, make the draft Assessment Roll final and give a certificate on the body of such Roll that it has been reconstructed. The Assessment Roll so finally reconstructed and certified shall be treated as the Assessment Roll published under clause (g) of Rule 14E(3) of the said Rules.

(ii) The Revenue Officer shall certify the fact of such publication and shall date and subscribe the same with his name and official designation.

155. After an Assessment Roll is finally published it shall be sent to the Collector for payment.

156. (i) When a Revenue Officer publishes in draft an Assessment Roll with respect to a raiyat covering lands situated in a block other than the block in which he is posted, he shall inform the Block Land and Land Reforms Officer concerned of the draft publication of the Assessment Roll stating the particulars of lands situated in the block, included in the said Assessment Roll.

Information regarding publication of Assessment Roll including lands situated in other blocks and districts.

(ii) Similarly, when lands situated in another district are included in an Assessment Roll, the Revenue Officer shall inform the District Land and Land Reforms Officer of the other district accordingly and the said District Land and Land Reforms Officer shall communicate such information to the respective Block Land and Land Reforms Officer.

(iii) When information is received by a Block Land and Land Reforms Officer as mentioned at sub-rules (i) and (ii) above, he shall cause the following note to be kept in the record-of-rights against the plots in respect of which Assessment Roll has been prepared by a Revenue Officer outside his jurisdiction :

"A.R. No.....published
by the Revenue Officer.....

(Signature)
Revenue Officer"

Such Block Land and Land Reforms Officer shall also immediately inform the Revenue Officer who has prepared the Assessment Roll if any Assessment Roll has already been prepared and published from his (the former's) office including the subject lands. The Revenue Officer who has draft published an Assessment Roll including lands situated within the jurisdiction of other blocks, shall not finally publish the same till information in regard to non-publication of Assessment Rolls in respect of the said lands are received from the other Blocks or Districts as the case may be.

(iv) In every Block Land and Land Reforms Officer's office, a register shall be maintained to record information as mentioned in sub-rules (i), (ii) and (iii) above.

157. (i) Before final publication of an Assessment Roll, the Revenue Officer shall ensure that lands included in it have been entered in the Collector's Khatian transferring the same from Raiyat's Khatian.

(ii) The Block Land and Land Reforms Officer who receives information that land in a village situated within his jurisdiction has been included in an Assessment Roll published by a Revenue Officer of another block, shall ensure that such lands are recorded in the Collector's Khatians.

158. The Director of Land Records and Surveys, West Bengal may, with prior approval of the Board of Revenue, prescribe registers to be maintained in connection with preparation and publication of Assessment Rolls.

159. The Director of Land Records and Surveys may issue such instructions in connection with preparation and publication of Assessment Rolls as are not inconsistent with any provision of the West Bengal Land Reforms Act, West Bengal Land Reforms Rules and this Manual.

CHAPTER X

CONVERSION OF LAND FROM ONE CLASS TO ANOTHER

160. Change in land use is regulated by sections 4, 4A, 4B, 4C and 4D of the West Bengal Land Reforms Act, 1955, and Rule 5A made thereunder. Besides section 46 of the West Bengal Town and Country (Planning and Development) Act also places some restrictions on change in land use. While the latter Act is implemented by institutions authorised by the Planning Authority or the Development Authority in this behalf, provisions of the former Act are to be enforced by Officers of the Land and Land Reforms Administration.

161. (i) Sub-section (4) of section 4 of the West Bengal Land Reforms Act provides inter alia for vesting of land if it has been used without reasonable cause, for any purpose other than that for which it was held or settled by the State or for a purpose incidental to that purpose. It has also provided that the same consequence will ensure if the raiyat has failed to utilize the land in a manner consistent with the original purpose of tenancy or an incidental purpose for three consecutive years. It is also provided that a homestead plot cannot be vested under this section. The procedures of vesting are provided for in Rule 5 of the West Bengal Land Reforms Rules, 1965.

(ii) Section 4A of the West Bengal Land Reforms Act (hereinafter referred to as the said Act) enables the District Magistrate of Darjeeling (formerly the Deputy Commissioner) to give directions regarding felling of trees or the mode of cultivation in any land in the hill sub-divisions of Darjeeling district and also provides for penalties for contravention of such order.

(iii) Section 4B of the said Act requires a raiyat to preserve the area, character and original use of his holding and forbids any departure from this except with the previous order in writing of the Collector under section 4C. An exception has been made in respect of planting of trees if the land is not cultivated by a bargadar. It has also been provided that this restriction would not apply where such conversion or change in area or character was made in accordance with the provisions of any law for the time being in force.

162. Section 4C of the said Act provides that a raiyat desiring to make any change in area, character or utilisation of any land in his holding may apply to Collector for permission. The Collector may, after causing due enquiry and giving a chance of hearing to the applicant and other interested persons, pass an appropriate order. The Collector is also given the power to restrain the raiyat from changing the use of land. The matters to be considered by the Collector before giving permission, and the conditions he may impose while granting such permission, have been provided for in Rule 5A of the W.B.L.R. Rules.

Application for conversion.

163. Section 4D of the said Act provides for prosecution and punishment for causing a change in area, character or mode of use of land without the permission of Collector. However, such prosecution cannot be made if action has already been taken under sub-section (4) of section 4. Cognizance of an offence punishable u/s 4C cannot also be taken by a Court except on a complaint in writing by Collector or an officer authorised by him in this behalf.

Penalty.

164. (i) Rule 5A of the W.B.L.R. Rules 1965, gives a detailed enumeration of the points to be considered while considering an application u/s 4C. The principal consideration should be whether the proposed change is likely to adversely affect the interests of any person other than the petitioner or have deleterious effect on the environment. For example, if the change sought for is of such a nature as to make a cultivable piece of land uncultivable, the interests of bargadars, if any, on the land may be adversely affected. Again, if the change sought for is to establish an industry or brick-field which may result in noxious waste products, it may adversely affect the environment and/or

Points for consideration by the Collector.

may adversely affect agriculture in surrounding areas. Further, the Collector is not precluded from making any other enquiries that he may consider relevant. Having ascertained the relevant facts the Collector will take an appropriate decision (Collector includes any officer appointed as Collector by the Government for the purposes of the relevant section).

(ii) Another point for consideration of the Collector in disposing of an application u/s 4C is the effect of other laws on the proposed change. In this connection, a reference may be made to the relevant provisions of the West Bengal Town and Country (Planning and Development) Act, under which a change in land-use in a Planning or Development Area has to be approved by the Planning Authority or Development Authority u/s 46 of that Act. The power to grant or refuse such permission has been delegated to the Municipalities and Zilla Parishads in Calcutta Metropolitan Planning Area subject to certain conditions. To avoid contradictory orders by two authorities on substantially the same issue, the respective authorities under the West Bengal Land Reforms Act, 1955 and the West Bengal Town and Country (Planning and Development) Act, 1979 shall have mutual consultation before disposing of an application for conversion or development of a land in the Calcutta Metropolitan Planning Area.

165. (i) Provisions of the Urban Land (Ceiling and Regulation) Act, 1976, are also relevant in this connection. Accordingly, on receipt of an application for conversion of land from an entrepreneur intending to set up an industry, a reference will be made to the Competent Authority appointed under the Urban Land (Ceiling and Regulation) Act, 1976 requesting them for a report within 30 days. If a report is received to the effect that the land comes within the purview of the Urban Land (Ceiling and Regulation) Act, 1976 but has not yet been declared as vested, or if no report is received within a period of 30 days, a declaration in triplicate will be taken from the entrepreneur to the effect that if in future the land in question is found to be vested, the entrepreneur will apply to the State Government for long-term settlement of the same under usual terms and conditions on payment of rent/selami etc. This declaration should be accompanied by an appropriate affidavit affirmed by the person concerned. On receipt of such a declaration from the petitioner, conversion of the land may be allowed in the usual manner, if the case is otherwise in order. After conversion is granted, two copies of the declaration form submitted by the entrepreneur should be sent to the Competent Authority with the request to indicate whether the land in question has been declared vested under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976. One copy of the

Conversion to which U.L (C & R) Act applies.

declaration should be returned by the Competent Authority under the Urban Land (Ceiling and Regulation) Act with the desired report. Further action if called for regarding long-term settlement shall be taken on receipt of this report.

(ii) The procedure as above may also be followed if the application is for conversion of land for a purpose other than the purpose of setting up an industry.

166. (i) While disposing of a petition for conversion, it may come to the notice of the Collector that the land has been already converted to some use other than that appearing from the record-of-rights. Such a case should normally be dealt with under section 4(4). In such cases, it should be enquired as to whether the change in use has been made in the usual course of nature or by deliberate action on the part of the applicant or any other person; and, in the latter case, it should also be ascertained whether the change took place before 24.3.86 i.e. the date of publication in the official gazette of the West Bengal Land Reforms (Amendment) Act, 1981.

Where conversion has been made before making application for permission.

(ii) If the change in the use of land has occurred (a) in the usual course of nature, or (b) has occurred at a time when such change was not unlawful, (vide proviso to section 4B), or (c) has occurred due to developmental activities of the Government or of a local body in the surrounding area, or (d) due to urbanisation in the surrounding area, the applicant should be informed that the change is being noted in the record-of-rights, and the said record should be corrected accordingly in due course. If there was a reasonable cause made behind the change that occurred, the Collector may consider on the merit of the case if post-facto permission should be granted. [In this connection the expression "without any reasonable cause" in section 4(4)(a) may be referred to.] On the other hand if it is proved that the change was deliberately made without reasonable cause after 24.3.86, the land may be vested under section 4(4)(a) or penal action may be taken under section 4D unless prosecution under section 4D is barred by limitation under the Code of Criminal Procedure.

(iii) It is apprehended that there may be many cases of unauthorised change in land-use where no application for permission to make such change has even been made. Revenue Inspectors shall make enquiries regarding such unauthorised conversion during their tour in their areas. If any such case comes to notice, penal action as contemplated in subsection (4) of section 4 or section 4D should be taken, unless the Collector grants post facto permission as mentioned in sub-rule (i) above.

(iv) While deciding a matter as mentioned in sub-rules (i), (ii) and (iii) above, the emphasis should be on the bonafides or absence of bonafides of the person making change in land-use.

Recording of
change
classification in
record-of-rights.

167. Often, especially when a change is permitted under section 4C for converting a land to homestead, a change in the record-of-rights and cadastral map may be necessary. The Director of Land Records and Surveys shall from time to time issue such instructions as may be necessary for making appropriate changes in the record-of-rights and cadastral maps consequent to an order under section 4C.

Register

168. All petitions for conversion shall ordinarily be disposed of within ninety days of their receipt.

169. A register for conversion of land shall be maintained in each Block Land and Land Reforms Office as well as in each District Land and Land Reforms Office.

170. Board of Revenue will issue such instructions as may be considered necessary from time to time.

CHAPTER XI
TRANSFER OF LAND SITUATED WITHIN AN URBAN
AGGLOMERATION WHICH IS USED MAINLY FOR
AGRICULTURE OR AS AN ORCHARD.

171. Section 4E of the West Bengal Land Reforms Act bars the registration of any document purporting to transfer land within an urban agglomeration as defined in the Urban Land (Ceiling and Regulation) Act, 1976, used mainly for agriculture or as an orchard, without an order in writing of the Collector. Such transfer is also invalid. Moreover, such transfers include sales in execution of decrees of Civil Courts or for recovery of arrears of land revenue. It is also provided that an application made to the Collector for permission under this section shall be disposed of by the Collector within 60 days of its filing, failing which the document may be registered.

Matters to be
enquired into.

172. While considering an application u/s 4E, Collector shall cause an enquiry into the following points :

- i) The date of transfer of land.
- ii) The classification of the land on the date of transfer as per record-of-rights.
- iii) Actual use of the land immediately before the date of transfer.
- iv) The object of acquisition of the land by the transferee, as stated in the deed of transfer.
- v) The general land-use pattern in the vicinity of the land proposed to be transferred.

- vi) Whether the proposed transfer is for a purpose likely to cause inconvenience to the residents of the locality where the land is situated.
- vii) Whether the transfer is contemplated for a purpose which is likely to interfere with the normal agricultural activities in the surrounding areas.
- viii) If the proposed transfer is with the object to utilize the land for an industrial purpose and where permission or license from an appropriate authority is necessary for such purpose, whether the same has been obtained.
- ix) When the object of the transfer is to put agricultural land into non-agricultural use, whether the land is cultivated by a bargadar.
- x) Such other matters as the Collector may consider necessary.

173. (i) Where due to some reason or other, a document has already been registered in violation of section 4E in respect of a land with pre-dominantly agricultural use or use as an orchard within an urban agglomeration defined in the Urban Land (Ceiling and Regulation) Act, 1976, without the previous permission of the Collector in writing, and where the matter comes subsequently to the notice of the Collector, the transferee and the transferror may apply to the Collector for permission. Where such permission is granted a fresh deed of transfer may be executed and registered cancelling the previous one.

Where a transfer has been registered without taking permission u/s 4E.

(ii) Post facto permission u/s 4E may be given by the Collector to validate a transfer made in good faith, where such permission was not applied for due to ignorance or otherwise, after making such enquiries as mentioned in the preceding rule, provided that the Collector is satisfied that permission would have been granted had the application for permission been submitted before executing the transfer deed.

174. The main consideration in deciding a petition u/s 4E shall be the effect of the proposed transfer, and consequent change in use, on the persons interested or affected and also on the environment. Permission should be refused if the proposed transfer tends to violate a land-use plan prepared under the West Bengal Town and Country (Planning and Development) Act.

Main consideration.

175. If on enquiry it is detected that though in the record-of-rights relating to the land intended to be transferred the classification of land has been shown as agricultural, the land is no longer fit for use for agricultural purpose due to urbanization of the surrounding area, permission for transfer u/s 4E of the W.B.L.R. Act shall not be granted. Instead, the applicant may be advised, stating reasons, to apply to the

Where classification of the land has already changed.

concerned Competent Authority under the Urban Land (Ceiling & Regulation) Act, 1976 for permission under the said Act.

CHAPTER XII

ALIENATION OF LAND BY RAIYATS BELONGING TO SCHEDULED TRIBES

176. (i) Measures for protection of raiyats belonging to a Scheduled Tribe from exploitation are contained mainly in Chapter IIA of the West Bengal Land Reforms Act. However, in the district of Purulia, the Chotonagpur Tenancy Act, 1908 may apply in certain circumstances.

(ii) Under the provisions of section 14B of the West Bengal Land Reforms Act, any transfer of land by a member of a Scheduled Tribe except as provided in section 14C thereof is void.

(iii) A raiyat belonging to a Scheduled Tribe may, however, transfer his land to a person not belonging to a Scheduled Tribe with the previous permission in writing of the Revenue Officer appointed for the purpose. Such permission shall be granted by the Revenue Officer on the fulfilment of certain conditions. He must be satisfied that no purchaser belonging to a Scheduled Tribe is willing to pay the fair market price for the land. He should also satisfy himself that the proposed sale is intended to be made for the improvement of any other part of the holdings or for such other purposes, as may be prescribed by the Government.

177. A complete usufructuary mortgage may be redeemed at any time before the expiry of its terms. For this purpose, the mortgagor or any person acting on his behalf may make an application for redemption in Form 7 appended to the West Bengal Land Reforms Rules, 1965. On receipt of such application the Revenue Officer shall serve a notice to the mortgagee and make an enquiry in the manner laid down in Rule 13 of the W.B.L.R. Rules, 1965. He shall then pass a preliminary order declaring the amount due at the time of the order and fixing a date of payment of such amount by the mortgagor. If the mortgagor pays such amount by the date fixed, the Revenue Officer shall make a final order directing the mortgages to restore possession of the mortgaged property and to deliver the mortgage deed to the mortgager. The final order shall be executed by the Revenue Officer in the manner laid down in Rule 14 of the W.B. Land Reforms Rules, 1965.

178. Transfer of a land by a raiyat belonging to a Scheduled Tribe shall be void unless made by a registered instrument and no instrument of transfer made in contravention of section 14C shall be registered or recognized as valid. Therefore, a Revenue Officer

Legal
Provisions.

Usufructuary
mortgage of
lands belonging
to S. T.

Transfer must be
made by
registered deeds.

acting under section 50 or section 51 of the W.B.L.R. Act shall not take any cognizance of any document regarding such transfer unless registered and unless made in accordance with section 14C.

179. If, in the course of registration of instrument of transfer by a raiyat belonging to a Scheduled Tribe, or in any proceeding relating to such registration, or in any proceeding before any Civil, Criminal or Revenue Court, any question arises as to whether such instrument has been made in contravention of the provision of Chapter IIA of the West Bengal Land Reforms Act, the authority or Court concerned shall refer such question to the Revenue Officer referred to under section 14C and shall give effect to the decision of such Revenue Officer. Thus, a Revenue Officer acting under any other provision of the W.B.L.R. Act shall also have to refer such matters accordingly to the Revenue Officer discharging functions u/s 14C.

Reference by
Courts to
Revenue
Officer.

180. (1) If —

Annulment of
transfer.

- i) transfer of land is made by a raiyat belonging to a Scheduled Tribe in contravention of the provisions of the 14C; or
- ii) it is found after an enquiry made in the manner laid down in Rule 14A of the W.B.L.R. Rules, 1865 that permission for transfer has been obtained by misrepresentation or fraud; or
- iii) in the case of usufructuary mortgage, a transferee has continued in possession for more than seven years from the date of transfer;

the Revenue Officer may suo motu, or on application, after giving the transferee an opportunity of being heard, annul the transfer and eject the transferee;

(2) Such annulment or ejectment, however, cannot be made if the transferee has been in continuous possession for 30 years. In the case of a complete usufructuary mortgage, the period of 30 years will be calculated beginning from the expiry of the period of seven years.

181. (i) The land of a raiyat belonging to a Scheduled Tribe cannot be sold in execution of any decree or order of Court.

Land held in
benami.

(ii) No decree or order relating to any land or interest in such land shall be passed by a Court against a raiyat belonging to a Scheduled Tribe on the basis of any consent, agreement or compromise. Any such decree or order, if passed, shall be void.

182. Section 14FF envisages that a benami transaction or instrument relating to any land or any interest therein showing the name of any person belonging to any Scheduled Tribe as the ostensible owner shall be void. The Revenue Officer shall bear this in mind

particularly at lime of making any alteration in record-of-rights under section 50 or 51 of the W.B.L.R. Act. If a person not belonging to a Scheduled Tribe purchased a land belonging to a Scheduled Tribe in the benam of a member of the Scheduled Tribe acting as his front, such purchase should be treated as void. Diligent enquiries should be made to guard against people taking recourse to this subterfuge to get recorded in his name land acquired in violation of section 14C.

Barga cultivation by a person not belonging to S.T.

183. Sub-section (3) of section 15 enjoins that protection of Chapter III of the Act is not available to a person not belonging to a Scheduled Tribe claiming to be a share-cropper under a person belonging to a Scheduled Tribe. A Revenue Officer should enquire carefully, when any person makes a claim of barga cultivation of a land belonging to a Scheduled Tribe, to ascertain the correctness of such claim.

Application of the Chotonagpur Tenancy Act, 1908.

184. (i) There are some aspects of the rights of the tribal raiyats which are special to the district of Purulia. This relates to the application of the Chotonagpur Tenancy Act, 1908 as adopted for West Bengal. This Act stands impliedly repealed w.e.f. the date of coming into force of the West Bengal Land Reforms Act in the ceded areas in view of section 3 and Chapter IIA of the W.B.L.R. Act. The provisions of the Chotonagpur Tenancy Act should be applied in appropriate cases of illegal transfer of land belonging to tribals and other communities protected by that Act in respect of events that took place before the coming into effect of the W.B.L.R. Act in that area.

(ii) Under section 46A(2)(a) of the Chotonagpur Tenancy Act, illegal transfer of lands of Scheduled Castes or Scheduled Tribes or of the Kurmi Community shall stand forfeited to the State Govt, where it is the landlord. From the date of application of the W.B.E.A. Act to these areas, all intermediary interests vested in the State and the State became the landlord of each and every raiyat. Therefore from that date onwards any such illegal transfer should result in forfeiture of the lands to the State Government.

(iii) As Government became the landlord in ceded areas with effect from the coming into effect of the W.B.E.A. Act in ceded areas, the period of limitation with effect from that date as against the State Government is 30 years.

(iv) The procedure to be adopted in declaring the forfeiture, taking possession of land and resettling the same under the Chotonagpur Tenancy Act should be as follows :—

a) A preliminary notice should be served on the transferee for production of written permission of the Deputy Commissioner/District Magistrate (including any other officer vested with the powers of District Magistrate/ Deputy Commissioner for the purpose) by the officer having legal authority to order forfeiture of illegally transferred land.

b) If no permission can be produced within a reasonable time, an order of forfeiture may be passed u/s 46A(2) of the Chotonagpur Tenancy Act. The date of forfeiture should be, however, after the date of application of the WBEA Act with effect from which the State Government became the landlord.

c) For the ends of justice, the procedure laid in order 21 Rule 35 of the Civil Procedure Code should be followed in delivering possession of the land to the person with whom the land forfeited is settled.

d) Before taking away the land from the transferee, reasonable notice should be given asking him to give up possession.

e) Such forfeited land can be settled with only with a member of any of the communities mentioned in the proviso to section 46(2) of the Chotonagpur Tenancy Act.

f) The order of forfeiture and delivery of possession should be two district and separate orders. As far as possible, it would be desirable to settle the forfeited land with the transferor having regard to the proviso to section 46A(2) *ibid*. After the settlement, delivery of possession should be made.

185. Every R.I. shall try to ascertain if any land belonging to a member of a Scheduled Tribe is being enjoyed by a person not belonging to such a tribe. If any such instance comes to his notice, he shall immediately bring it to the notice of the B.L. & L.R.O. and the latter will refer the matter to the Revenue Officer appointed to discharge function u/s 14C of the W.B.L.R. Act. Every R.I. shall maintain a register in the following form :

Duty of Revenue Inspector.

*Register of lands of persons belonging to a
Scheduled Tribe which are enjoyed by persons not belonging to
a Scheduled Tribe in apparent violation of provisions of Chapter IIA*

District.....

P. S.....

Village & J.L. No.	Plot No.	Area	Name of the recorded owner	If the recorded owner belongs to a Scheduled Tribe	Name of the person who enjoys the land.	If the B.L.L.R.O. has been informed.	If the R.O. has taken any action.
1	2	3	4	5	6	7	8

After a reference is made to the Revenue Officer appointed u/s 14C regarding alienations of land belonging to a member of a Scheduled Tribe in violation of provisions of Chapter IIA, the B.L.L.R.O. shall pursue the matter till it is disposed of by such Revenue Officer.

Correction of record-rights according an order u/s 14C.

186. Whenever an R.O. makes an order under Chapter IIA of the W.B.L.R. Act, he shall send a copy of the said order to the concerned B.L. & L.R.O. whereupon the relevant record-of-rights shall be corrected wherever necessary. Record-of-rights may be corrected at any stage u/ s 51 or under section 51 A(2) or under section 51B. The record-of-rights in respect of which Chapter VIIA has not come into force or where such record has been finally published u/s 51A (2), may be corrected u/s 50 of the Act.

CHAPTER XIII SETTLEMENT OF AGRICULTURAL LAND AT THE DISPOSAL OF GOVERNMENT

Land to be settled.
Eligibility.
Extent of land to be settled for agricultural purposes.

187. Agricultural lands at the disposal of Government are settled under the provisions of sub-sections (1), (6A) and (5) of section 49 of the W.B.L.R. Act, 1955 read with sub-rules (1) to (4) of Rule 20A of the W. B. Land Reforms Rules, 1965. Lands at the disposal of Government include the following :

- a) Agricultural khas mahal lands;
- b) Agricultural lands vested under the provisions of the W.B.E.A. Act; and
- c) Agricultural lands vested under the provisions of the W.B.L.R. Act;
- d) Agricultural land owned by the Government by any other means, e.g. acquired and relinquished land not taken over by ex-owner.

188. (i) Agricultural lands are distributed to persons who want to cultivate such lands personally or who want to construct dwelling house thereon. Such persons should live within the vicinity of such lands.

(ii) Such land also can be settled with a local body or an authority constituted or established by or under any law. Such land also can be settled for a public purpose or for establishment, maintenance of preservation of any educational or research institution or industry with any person or institution. In such cases, the terms and conditions including payment of premia and rent shall be such as Government may decide.

189. For the purpose of agriculture, distribution may be made to a person who together with the members of his family owns no land or owns less than one acre or 0.4048 hectare of land. The maximum area of land that may be distributed to a landless person is one acre. In case of a bargadar, half of the land cultivated by him as a bargadar is taken into account in computing the area that may be distributed to him. The following example will illustrate:

- a) A person owns 0.50 acre of land. Therefore, an area of $(1.00-0.50)$ acre = 0.50 acre may be distributed to him.

b) A person who owns no land cultivates 0.70 acres as a bargadar. An area of (1.00 - 0.70/ 2) acre i.e. 0.65 acre may be distributed to him.

c) A person owns 0.40 acre of agricultural land and cultivates 0.30 acre as a bargadar. He is entitled to get $[1-(0.40 + 0.03/2)] = 0.45$ acre of land.

190. The area of land that may be settled with a person for the purpose of homestead having no homestead of his own shall not exceed five cottahs or 0.0335 hectare.

Extent of land to be settled for homestead purposes.

191. No premium is payable by a person with whom land is settled. He is also not required to pay any revenue for the land, but he is liable to pay cess assessed on the notional revenue of the land.

Premium and revenue not payable.

192. Preference is given to persons belonging to Sch. Castes or Sch. Tribes or who form themselves into co-operative societies for the purposes of cultivation.

Priority.

193. No land can be distributed under section 49(1) to 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. This does not, however, apply to an agricultural labourer, artisan or fisherman.

Ineligibility for Settlement.

194. The following procedures should be adopted in the matter of distribution of land:

Procedure of Settlement.

(a) Undistributed agricultural lands entered in Register VIII should first be identified. It should be ensured that the lands so identified are free from any injunction of a Court.

(b) A list of such lands should be drawn up and a pre-distribution survey and enquiry made by the Revenue Officer jointly with such members of the local Panchayat Samiti as may be selected by the Sabhapati of the same.

(c) The following information should be collected during enquiry :

(i) If the land is under possession of any person/family; if so, the date from which such person/family has come into possession.

(ii) The area of land owned by the person together with the lands owned by the members of his family.

(iii) If the person or any member of his family cultivates any land as bargadar. If so, the area of such land.

(iv) If the person/family belongs to the Scheduled Castes or Scheduled Tribes.

(v) If such person or any member of his family is employed or engaged in any trade or calling to render him ineligible for settlement of any land; and

(vi) Any other information that may be considered necessary.

Priority list.

(d) Simultaneously with the progress of pre-distribution survey a priority list of persons to whom land may be distributed should be drawn up in consultation with the Panchayat Samiti. This should be done according to the priority principles enumerated below:

- (i) A landless person found to be in uninterrupted possession for a minimum period of three years.
- (ii) Landless agricultural workers who belong to Scheduled Tribes.
- (iii) Landless agricultural workers who belong to Scheduled Castes.
- (iv) Landless agricultural workers other than the above.
- (v) Landless bargadars who belong to Scheduled Tribes.
- (vi) Landless bargadars who belong to Scheduled Castes.
- (vii) Landless bargadars other than the above.
- (viii) Landless persons who used to cultivate the lands in question as bargadars or agricultural workers under the previous owners.
- (ix) Raiyats who belong to the Scheduled Tribes and cultivate themselves.
- (x) Raiyats who belong to the Scheduled Castes and cultivate themselves.
- (xi) Raiyats who do not belong to Scheduled Tribes and Scheduled Castes and cultivate themselves.
- (xii) Ex-service personnel who are eligible under section 49 of the West Bengal Land Reforms Act but are not considered for allotment of land from the earmarked quota.

The Board of Revenue may, by a general or special order modify the above priority principles.

Constitution of Land Reforms Advisory Committee at block level.

195. (i) Sub-rule (3a) of Rule 20A of the West Bengal Land Reforms Rules, 1965 authorizes the Board of Revenue to constitute a Land Reforms Advisory Committee at the block level to make recommendations in regard to distribution of land. The Board has accordingly constituted the Bon-O-Bhumi-Sanskar Sthayee Samiti of the Panchayat Samiti as the Land Reforms Advisory Committee at the block level. The Block Land and Land Reforms Officer is the Convener of this Committee.

(ii) Where the Bon-O-Bhumi Sanskar Sthayee Samiti has not been constituted, or though constituted is not functioning due to any Court order or otherwise, the Board of Revenue may, by appropriate notification, constitute the Land Reforms Advisory Committee at block level.

196. (i) As soon after completion of the pre-distribution survey and preparation of the priority list as possible, the Block Land and Land Reforms Officer will convene a meeting of the Land Reforms Advisory Committee at block level. Meeting of B.L.L.R.A.C.
- (ii) Detailed list of lands proposed to be distributed along with the report of the pre-distribution survey and the priority list should be placed before the above Committee.
- (iii) The Committee shall, thereafter, make necessary recommendations specifying the persons to whom land should be distributed as also the quantum of land to be distributed to each. Recommendation of B.L.L.R.A.C.
- (iv) The recommendations should be in the form of a resolution of the Committee.
- (v) In making the recommendations due regard should be given to the priority principles fixed by the Board of Revenue.
197. (i) After the Land Reforms Advisory Committee at Block Level has made its recommendations, the Block Land and Land Reforms Officer will frame settlement proposals on the basis of such recommendations and send the case records along with the recommendations to the Sub-divisional Land and Land Reforms Officer who will in turn forward the same to the Sub-divisional Officer. Settlement proposals and consideration thereof.
- (ii) While considering the settlement proposals the Sub-divisional Officer will take into account the recommendations of the Land Reforms Advisory Committee and comments, if any, made by the Block Land and Land Reforms Officer and the Sub-divisional Land and Land Reforms Officer.
- (iii) After the S.D.O. is satisfied that the settlement proposals are in order and that the eligibility conditions as embodied in section 49 of the Land Reforms Act and the priority principles fixed by the Board of Revenue have been duly complied with, he will accord necessary approval to the proposals. Approval by S.D.O.
198. (i) After the Block Land and Land Reforms Officer receives back the settlement case records along with the approval of the Sub-divisional Officer, he will arrange to prepare the pattas in Form 8A prescribed under sub-rule (4) of Rule 20A. Applications praying for settlement of land from persons with whom settlement has been approved should also be collected. Preparation and execution of Patta.
- (ii) The pattas so prepared will be executed by the Block Land and Land Reforms Officer.
199. Pattas which have been executed shall now be taken up for distribution. Patta distribution Camps should be organised in the areas where the number of patta-holders is sizable. Delivery of possession of the land should be given to the beneficiary before Delivery of possession and distribution of Patta

the patta is distributed. Where the patta-holder is already in possession of the land settled with him, boundaries of the land settled with him, boundaries of the land so settled should be demarcated.

Writing of Patta Register.

200. As soon as distribution of pattas has been completed the names of all patta-holders should be entered in the Patta Register maintained in the Office of the Block Land and Land Reforms Officer.

Incorporation into Tenant's Ledger

201. A list of patta-holders should also be sent to the Bhumi Sahayak who will incorporate their names in Register II i.e. Tenants' Ledger and collect Cess from them calculated on the basis of the notional revenue mentioned in the patta.

De-makation of patta of a plot when settled

202. In a case where patta is given in respect of a part of a plot, the part of the plot settled under the patta should be demarcated on the ground in presence of the patta-holder and other co-sharers of the plot giving prior notice to them. In the village map also similar demarcation should be made and the part of plot settled should be given a 'bata' number.

Correction of record of-rights

203. A separate khatian shall be opened in the name of each patta-holder and the plot or part of the plot, as the case may be, shall be shifted from the Collector's khatian to the patta-holder's khatian. This may be done under section 50 or section 51 or section 51B of the W.B.L.R. Act as may be considered appropriate.

Registers should be corrected

204. As soon as a vested land is settled by giving patta, the vested land register and the Register VIII shall be corrected accordingly.

Settlement of non-agricultural land found fit for agriculture.

205. If any vested land which is recorded as non-agricultural land in the record-of-rights, is found on enquiry fit for agriculture, it should be distributed as agricultural land following the procedure laid down in this Chapter. For this purpose appropriate registers and returns shall be prescribed by the Board of Revenue.

Court cases should be pursued

206. Court cases, if any, due to which settlement of any vested land has been held up, should be constantly pursued at appropriate levels by the B.L.L.R.O., S.D.L.L.R.O. and the D.L.L.R.O.

The total vested area should be accounted for.

207. The total area of vested agricultural land within the jurisdiction of a B.L.L.R.O. should, at any point of time, be normally equal to the aggregate of (a) the total area of such land already distributed on patta, (b) the total area of such land in respect of which the process of distribution is in progress, (c) the total area of such land found unsuitable for agriculture after joint enquiry with the Panchayat Samiti, (d) the total area of such land in respect of which the said joint enquiry is in progress, (e) the total area of such land distributed or transferred for any purpose other than agriculture and (f) the total

area of such land under injunction of Court. If there is any discrepancy, the same should be properly accounted for.

208. The Board of Revenue may issue instructions with respect to settlement of vested lands which shall not be inconsistent with the provisions of any Act or Rules made thereunder. Instruction of Board of Revenue.

CHAPTER XIV

ANNULMENT OF SETTLEMENT MADE UNDER SECTION 49(1) OF THE WEST BENGAL LAND REFORMS ACT, 1955

209. (i) Under sub-section (2) of section 49 of the West Bengal Land Reforms Act, 1955, a Revenue Officer appointed for the purpose may annul any settlement made under section 49(1) of the Act in the following cases : Preliminaries.

(a) If the land settled has been transferred in contravention of the provisions of section 49(1 A) of the Act on and after 10th July, 1975; and

(b) If the settlement has been made by mistake or obtained by fraud, misrepresentation, coercion or otherwise.

(ii) The Revenue Officer may start an annulment case suo motu or on application.

(iii) The Sub-divisional Officer has been appointed as Revenue Officer for the purposes of section 49(2). S.D.O. to act as R.O.

210 (i) As soon as the Revenue Officer has received information of any case which calls for action under section 49(2) he will start a case, obtain the connected papers and fix a date for local enquiry. Initiation of proceedings.

(ii) A date for hearing of the case should be fixed with due notice to all concerned.

(iii) The Revenue Officer may himself hold the local enquiry or entrust it to an officer not below the rank of a member of the West Bengal Subordinate Land Revenue Service, Grade I. ocal enquiry.

211. If after hearing of the parties on the date fixed and on consideration of the report of local enquiry the Revenue Officer is satisfied that there are good grounds for annulment of the settlement, he should record an order to that effect. Hearing.

212. (i) As soon as an order for annulment of the settlement has been made the Revenue Officer will arrange for delivery of possession of the land to the Collector or his representative. Delivery of possession to Collector.

(ii) If necessary, for the purposes of enforcing delivery of possession, the person in actual possession of/the land in question may be evicted with the assistance of police as envisaged in section 49(3A) of the Act.

Cancellation of Patta

213. (i) The Deed of Settlement in Form 8A (Patta) issued should be recalled and cancelled.

Despatch of copy of orders to B.L.L.R.O

(ii) A copy of the order of annulment should be sent to the concerned Block Land and Land Reforms Officer.

Correction of by B.L.L.R.O

214. (i) On receipt of the copy of the order the Block Land & Land Reforms Officer will make necessary corrections in Register VIII, the Patta Register and other ancillary records.

Fresh settlement.

(ii) After delivery of possession in favour of the Collector has been made and the records corrected, the land shall be taken up for fresh settlement under section 49(1).

CHAPTER XV

PRINCIPLES AND PROCEDURES FOR SETTLEMENT OF LANDS

FOR NON-AGRICULTURAL PURPOSES

Local provision

215. The settlement of land for non-agricultural purpose is provided for under Rule 20A(6) of the W.B. Land Reforms Rules, 1965. Rule 20A(6) authorises the Collector of a district, with prior approval of the Board of Revenue, to settle a land of any classification or description which is at the disposal of the State Government, with a person, a group of persons, an organisation or a statutory body on such terms and conditions as may, by a general or special order, be specified by the Board of Revenue.

216. Lands for non-agricultural purposes shall ordinarily be settled on long-term leases. Where long-term settlement is not possible either because the land has not become sufficiently developed or a suitable lessee is not forthcoming or the purpose for which settlement of land is sought does not require long-term settlement, the land may be settled on a short-term lease. Short-term settlement of land in the urban agglomerations, to which the Urban Land (Ceiling and Regulation) Act, 1976 is applicable, is, however, prohibited. Utmost care should be exercised before deciding to offer short-term settlement of land in other Municipal areas.

217. No long-term settlement of land shall be made without the prior sanction of the Board of Revenue.

218. (i) Settlement of lands for non-agricultural purposes should be made under registered leases. Form Nos. 1 and 2 of Appendix IV contain the standard forms of long-

term and short-term lease respectively. No variation should be made in the prescribed forms without the sanction of the Board of Revenue.

(ii) All proposals for settlement shall be entered in Register XII.

219. Save as otherwise decided by the State Government in a case, long-term lease shall ordinarily be for a period of thirty years and on expiration of the period the tenant shall be entitled to the option of successive renewals of the lease for the same period. Long-term settlement.

220. The Collector/D.L.L.R.O. shall identify suitable plots of land for long-term settlement keeping in view the long-term development of urban and semi-urban areas and advertise the land inviting applications for settlement. Proposals for long-term settlement may also be initiated on application from interested persons.

221. No proposal for long-term or short-term settlement of land shall be initiated if the purpose for which such settlement is sought infringes the land use plan prepared by a Development Authority, Municipality, Panchayat Body or Planning Organisation constituted by or under a law.

222. The market value of the land proposed for settlement should be carefully assessed from the records of recent sales of similar categories of land in the vicinity. The figures may be obtained from Sub-Registration Offices and the estimate carefully checked against the valuation in Land Acquisition cases made in the locality. A map of the mauza showing the location of the plot proposed for settlement and the plots for which sale figures have been collected should invariably accompany the long-term settlement proposal.

223. (i) In giving long-term lease for the first time rent shall be fixed at 4 per cent of the market value of the land proposed for settlement and salami charged at 10 times the rent equalling forty per cent of market price. Rent and salami.

(ii) The Board of Revenue may reduce the rent and salami payable under sub-rule (i) above for a land if it is satisfied that the land will be used to serve a public purpose or a charitable purpose.

224. (i) After determination of the rent and salami the Collector/ D.L.L.R.O. shall advertise the land, invite applications for settlement and send his recommendation to the Board through the Commissioner.

Advance possession of land shall not be handed over except with the express approval of the Board of Revenue. If more than one application is received for the same land, the selection of the applicant in whose favour the settlement proposal is initiated should be made on merit considering the background and financial position of the applicants vis-a-

vis the purpose for which settlement is sought. Drawal of lots in public should be resorted to if a number of plots are offered in a location at the same time.

(ii) The reason for selection of a prospective lessee, if there is more than one applicant, should be explained in the settlement proposal which shall be accompanied by a copy of the advertisement.

(iii) Proposals for reduction in salami and rent should be sent only if the Collector/D.L.L.R.O. is personally convinced that the organisation seeking settlement is a charitable, non-profit earning organisation whose financial position is such that it will not be in a position to pay the salami and rent at normal rates.

225. The proposal of the Collector/D.L.L.R.O. should reach the Commissioner within sixty days of the advertisement of the land.

The Commissioner should forward the proposal to the Board of Revenue along with his recommendation, within thirty days of its receipt in his office.

The Board of Revenue will ordinarily dispose of a case for long-term settlement within sixty days of its receipt from the Commissioner.

226. (i) No salami shall be charged at the time of renewal of long-term leases. But rent shall be realised at the time of renewal of such leases. The rent shall be computed in the following manner:

a) If the settlement is for industrial or commercial purpose 4 per cent of the market price of the land at the time of the renewal of the lease.

b) If the settlement is for homestead or residential purposes or purposes other than industrial or commercial—15 times the annual rent previously payable or 4 per cent of the market price of the land at the time of renewal of the lease, whichever is less.

(ii) The State Govt, may reduce the rent payable under sub-rule (i) above on renewal of a lease if it is satisfied that the demised land will be, or will continue to be, used to serve a public purpose or a charitable purpose, or that it is expedient in the public interest to reduce the rent.

(iii) Long-term lease shall be renewed in Form 3 of Appendix IV.

227. (i) Leases for non-agricultural purposes, short-term or long-term, should be entered in a separate copy of Register X by the B.L.L.R.O. It is his duty to periodically review the register and take appropriate action for renewal of the leases and for timely realization of rent. He shall also periodically report to the D.L.L.R.O. violation of conditions of such leases, if any, along with his recommendation on action to be taken.

Renewal of
lease.

Duties of
B.L.L.R.O. etc.

(ii) The D.L.L.R.O. and the S.D.L.L.R.O. should pay special attention to maintenance of the register during their inspection of the block level offices.

228. Collector/D.L.L.R.O. may sanction short-term leases in Form 2 of Appendix IV. Short-term settlement shall not be granted in the Calcutta Metropolitan Development Area. No salami is charged for grant of short-term leases. The rent payable shall be fixed by the Collector/D.L.L.R.O. at 4 per cent of the market value.

Short-term leases.

229. A short-term lease shall not ordinarily be for a period exceeding five years. The lessee shall have no right of renewal.

230. When the short-term lease is granted *for a period of only one year*, the rent shall be enhanced by at least 12.5% in case of renewal of the lease subsequently.

231. The lessee shall have to pay a security deposit of 10 per cent of the market value of the land before execution of the lease. The security deposit will be liable to immediate forfeiture if the lessee violates any of the conditions of the lease. The security deposit is repayable to the lessee without any interest on termination of the lease.

232. No pucca structure shall be allowed to be erected on land leased out on short-term basis on any account. The Revenue Inspector should keep a strict watch on this and should report to the B.L.L.R.O. forthwith if the short-term lessee attempts to erect a pucca structure on the demised land. He shall be directly held responsible for any lapse in this regard.

233. (i) A short-term lease shall not ordinarily be renewed beyond a period of five years. Six months before the expiry of the period of five years the existing lessee may be offered long-term settlement on payment of usual rent and salami. If he refuses to accept the offer and does not vacate the land in time, steps should be taken to eject him by a suit, and the land should be settled with other persons on long-term lease.

Renewal of short-term leases.

(ii) In areas where the Transfer of Properties Act, 1882 is applicable, the lease should be determined if the lessee is not willing to accept the offer of long-term lease. He should also be given a notice to quit under section 111 of the Act. On failure to comply with the notice, an ejection suit should be brought against him.

234. The Commissioner may, after recording reasons for his decision, sanction renewal of a short-term lease for a period not exceeding five years. He should carefully examine whether all avenues for long-term settlement have been exhausted before sanctioning such renewal.

235. Rent shall be payable yearly according to the Bengali year and shall fall due on the last day of the Bengali year in respect of which it is paid. The tenant may, however, be

Payment of rent

allowed to pay the rent in instalments, not exceeding two. But the yearly rent or any part thereof shall be deemed to be an arrear if not paid on or before the last day of the Bengali year in which it is due.

236. (i) Rent may be paid by a lessee to the Bhumi Sahayak or direct to a treasury or sub-treasury by cash or postal money order. For each cash payment on account of rent to him, the Bhumi Sahayak shall give a signed receipt immediately in the prescribed form given in Appendix and Registers II and III shall be filled in properly.

(ii) The postal money order will be in the form of rent money orders. When the Bhumi Sahayak receives such a money order, he should proceed in the manner laid down for payment by money-order.

(iii) When payment is made direct to a treasury or sub-treasury by cash or by money order, the accountant will send a copy of the chalan to the Block Land & Land Reforms Office which will send this chalan, with an advice list, to the Bhumi Sahayak concerned. The Bhumi Sahayak will return the chalan and return the advice list with a note stating that the payment shown in the chalan has been entered by him in the Registers II and III.

237. A lessee while making a payment on account of rent may declare the year or years in respect of which he wishes the payment to be credited and the payment shall be credited accordingly. If he does not make any such declaration, the payment may be credited to the account of such year or years for which rent is due.

238. Lands used for non-agricultural purposes are often found to have been in possession of persons for a long period without any lease. If the period of possession in any such case exceeds twelve years the person in possession, if agreeable, may be offered long-term settlement, If not, he may be permitted to remain on payment of fair and equitable rent, regard being had to section 11 or 12 of the West Bengal Non-agricultural Tenancy Act, 1949. But if he has used the land in a manner which renders it unfit for use for the purpose of the tenancy, steps should be taken to eject him by a suit. Where the period does not exceed twelve years, the tenant may be offered long-term settlement in accordance with the preceding rules. If he refuses, necessary action should be taken at once for his ejectment in the manner indicated above. Each case should, however, be carefully examined before any suit for ejectment is instituted.

239. The lessee shall not submit or transfer the demised land or part thereof without obtaining the permission of the Collector/D.L.L.R.O. in writing. The Collector/D.L.L.R.O. shall not grant such permission in respect of land settled on short-term basis.

Settlement with unauthorised occupants.

General Instructions.

240. If land settled on short-term basis is let out or transferred without the permission of the Collector/D.L.L.R.O., steps should be taken at once to evict the tenant and bring the land under khas possession for settlement on long-term lease.

241. If a pucca structure is erected on land settled on short-term lease, steps should be taken to eject the lessee forthwith unless he gives an undertaking in writing expressing his willingness to execute a long-term lease on payment of salami and rent as decided by the Government.

242. In areas where the Transfer of Property Act, 1882 is applicable, if a lease is determined, the lessee shall be given a notice to quit under section 111 of the Act. On failure to comply with the notice, an ejection suit should be filed against the lessee. It may happen in such areas that some persons holding land for non-agricultural purpose have been in possession of the land for a long time without executing a lease. In such cases, the history of the cases should be examined to find out whether these tenants have acquired any right over the lands in their possession. If not, the tenants should be offered suitable terms in accordance with these rules. If they do not agree, steps should be taken to secure their ejection.

243. Record of all lands used for non-agricultural purposes should be kept up-to-date. For this purpose, the B.L.L.R.O. shall maintain such separate set of registers, returns etc. in respect of such lands as may be prescribed by the D.L.R. & S.

244. All applications for mutation of names on account of inheritance and notices of gift, transfer etc. received from Registering Officers should be entered in separate parts of Register IX and disposed of giving due regards to the provisions of the Transfer of Property Act or W. B. Non-Agricultural Tenancy Act as the case may be.

245. Notwithstanding the provisions of this Chapter a long-term settlement of land may be granted for a period exceeding 30 years with prior approval of the Government on such terms and conditions as may be prescribed by the Government if, in its opinion, the purpose of granting the lease may be frustrated unless the settlement is granted for a period exceeding 30 years.

CHAPTER XVI

HATS & BAZARS

246. Most of the vested hats and bazars have already been transferred on lease to Regulated Market Committees along with the staff employed in khas managed hats and bazars. Further, most of the remaining hats and markets falling within Panchayat areas have been transferred to Panchayat Institutions for management. Thus, there should be

Transfer of hat and bazars to Regulated Market Committee and Panchayat

very few hats or markets under the management of the Government. Provisions of this Chapter will hence apply to hats and markets retained under direct control of the Government.

Establishment
new hats and
markets.

247. Occasion for establishment of a new hat or market on Government land should be extremely rare. However, if there is a need for such establishment, the District Land and Land Reforms Officer may send a proposal to the Board of Revenue through the Divisional Commissioner, giving inter-alia, the reasons for the proposal, estimated recurring and non-recurring expenditure and expected annual revenue. No new hat or market should be established on Government land without the express permission of the Board of Revenue.

Receipts from
hats and market

248. Receipts from the hats would be of three kinds :

- (a) Ijara rents when the hat is leased to an Ijaradar;
- (b) Shop rents; and
- (c) Casual collections.

How to be
accounted for.

All such receipts should be noted in Register VII, and for classes (a) and (b) in Register VI also.

Procedure for
Ijara settlement.

249. Settlement with an Ijaradar is not normally desirable. If this has to be done for a very special reason, the settlement should be by public auction to be held at least three months before the date from which the settlement is to take effect.

Condition of
lease of Ijara
settler

250. The lease should contain the following conditions:

- (a) The Ijara shall be for three years with no provision for automatic renewal.
- (b) The arrears should be realisable as public demand.
- (c) The Ijaradar should keep the hat or market in sanitary condition.
- (d) He should collect from the vendors the prescribed tolls only.
- (e) He should maintain a full and true account of all day-to-day income from the hat and present the same for inspection of the Land and Land Reforms staff every quarter.
- (f) The District Land and Land Reforms Officer shall have power to terminate the lease if any of above conditions is violated by the Ijaradar.
- (g) Such other condition as the District Land and Land Reforms Officer may consider appropriate.

Powers to
sanction Ijara
settlement of
hats

251. The District Land and Land Reforms Officer may sanction an Ijara settlement, the rent of which does not exceed Rs. 2,500/-. Divisional Commissioner may sanction

settlement, the rent of which does not exceed Rs. 20,000/-. The District Land and Land Reforms Officer shall keep the collector informed of all settlements on Ijara.

252. If there be any shop constructed by Government in a hat or market, it may be licensed with the land on which it stands. In such cases the agreement for licensing should be on daily fee at the market rate.

Steps
constructed by
Government.

253. Agreement for licence of lands in hats or markets to shopkeepers should be in Form 4 given in Appendix IV. The conditions are specified in the form. Such licence should not normally be given.

Form of license.

254. If it is detected that the licensee has sublet the land (or shop) without the previous permission of the District Land and Land Reforms Officer, steps should immediately be taken for ejectment, unless the District Land and Land Reforms Officer, on an application by the licensee in writing, permits post facto the subletting for a fee not less than half the amount realised by the licensee from the sub-tenants. Such permission shall be refused where the sub-tenants are undesirable.

Subletting.

255. The licenses are not transferable, except on account of succession or inheritance, without the previous permission of the District Land and Land Reforms Officer, transfer may be allowed only in favour of a bonafide businessman on execution of a fresh agreement and on payment of a fee equal to five times the current fee. Recognition of transfer may be refused when the proposed transfer is undesirable for any reasons what so ever.

Transfer of
license.

256. Ordinarily, the license fee shall be at the full market rate.

License Fee.

257. A 'Squatter' shall mean a casual vendor who has no shop or fixed stall and who displays his goods by the roadside or in a shed.

Squatter-
defined.

258. (i) Collection from squatters shall be according to a table of rates for a hat or group of hats prescribed by the District Land and Land Reforms Officer and approved by the Commissioner.

Collection from
squatters

(ii) Receipts for collections from squatters will be given in the form of small slips or tickets previously punched and dated by the hat muharrir. These slips or tickets will be kept by the Tahsildar of the market or any authorised officer in bunches of 1000 serially numbered and noted in register 71 and 94 to be kept for the purpose.

259. After each market day, the muharrir will return unused slips or tickets to the Market Tahsildar who will note the numbers after checking in register 71/94. The muharrir will also make over the collection with a duly filled up collection chalan to the Market Tahsildar.

Unused slips
etc.

Credit of receipts. 260. The Market Tahsildar will enter the collection in the cash book (Register IV) posting the collection from permanent shop-keepers and casual collections separately; acknowledge the receipt in chalan form; detach the chalan; hand-over the counterfoil to the hat muhurir; and file the detached chalan in his office.

Receipts for fee of shops. 261. Receipts for fees of shops should be acknowledged in the standard form of rent receipts and posted as "miscellaneous" in that form.

Inspection. 262. Revenue Officers and Block Land and Land Reforms Officers should frequently inspect the hats and verify the correctness of all entries and receipts regarding collection. They should also ensure that conditions of the market regarding protection of articles exposed for sale are properly observed.

Appointment etc. of staff. 263. Appointment, leave and discipline of the staff employed in a hat or a market shall be governed by the rules in force.

Profit and Loss Account. 264. The Market Tahsildar shall keep an account of the working of each hat in the following form for each year :

Total capital cost for :

- (a) Lay out, drainage, wells etc.....
- (b) Structure and shed if any.....

		Year :		Month :	
Receipts		Expenditure			
	Rs.				Rs.
1) Shop fee	Establishment			
2) Casual collection	Contingencies			
		Repair and maintenance cesses			
Total of the month	Total of the month			
Add— Brought forward	Add—Brought forward			
Total up to the end of the month	Total up to the end of the month			

The annual accounts compiled from the above shall be sent to the Board of Revenue by 30th April every year. On receipt of the same, the said Board shall prepare a consolidated account and send the same to the Accountant General, West Bengal along with the accounts of individual hats.

The Board of revenue may issue instruction. 265. The Board of Revenue, West Bengal may issue instructions relating to management of hats and markets which are not inconsistent with any Act or Rules made thereunder.

CHAPTER XVII

FERRIES, FISHERIES AND OTHER SAIRATI INTERESTS

266. (i) Under instructions of the Board of Revenue, management of ferries, fisheries and Khutagari interests have been handed over to Panchayat Institutions with the following exceptions : Handing over to Panchayat Institutions.
- (a) Ferries and fisheries within municipal areas;
 - (b) Big water are as;
 - (c) Riverine fisheries;
 - (d) Part vested water areas;
 - (c) Ferries declared as public ferries under the Bengal Ferries Act, 1885; and (f) Where the Panchayat Institutions cannot conveniently take over management of the same.
- (ii) The Panchayats are expected to operate such ferries, and fisheries etc. directly. Where this is impracticable for some reason, they may lease out the same in the same manner as detailed in this chapter. Operation of the properties by Panchayat.
- (iii) The ownership of the ferries, fisheries and Khutagari interests, the management of which have been handed over to the Panchayats, continue to remain with Government. Ownership to remain with Government.
267. The rules in this chapter relate to such fisheries as are not handed over to the Panchayats.
268. No lease for a fishery in a tidal river shall be granted for the first time without the previous sanction of the Government as it may sometimes be expedient not to grant exclusive rights to these to an individual or a group of individuals to the exclusion of the general public. New fisheries in tidal rivers.
269. All Jalkars conferring right to fish in a flowing river vary with changes in the course of the river. Varies with the flow of a river.
270. An 'adjunct' means waters associated with a river fishery in such a manner as to be in continuous connection with the river throughout the year, including the dry season. When such perennial connection ceases, the waters cease to be an 'adjunct'. Rights to a river fishery include rights to the 'adjunct'. Adjunct.
271. Jalkar or fishery leases should be in Form 5 given in Appendix IV. In case of settlement of a part-vested water area with a private co-sharer, the form prescribed in Board of Revenue's memorandum No. 5078(17-GE(M) dated 2nd May, 1981 (Vide Form 7 in Appendix IV) should be used. Such restrictions to sub-letting and methods of fishing as may be deemed necessary after consultation with the Officers of the Fisheries Form of lease.

Department, may be introduced in the lease by the District Land and Land Reforms Officer. Distribution of fisheries by a Central Fishermen's Co-operative Society among its affiliated primary societies and that by a primary society among its member-fisheries will not amount to sub-letting within the meaning of this rule.

Mode of
settlement of
fisheries.

272. (i) Government fisheries should not be settled by unrestricted auction. Economic rent for the fishery shall be fixed first after taking into consideration the income from the fishery in the three preceding years.

(ii) The District Land & Land Reforms Officer should, before the commencement of the year, provide the Registrar of Co-operative Societies, West Bengal, and the Assistant Registrar of Co-operative Societies concerned with a list of fisheries in his district, with the date of expiry of the existing lease in each case, so that, if necessary, they can form Co-operative Societies of bonafide fishermen wherever possible and get them apply for lease of fisheries when they fall due for re-settlement. The District Land & Land Reforms Officer should obtain from the Registrar of Co-operative Societies a list of Co-operative Fishermen's Societies in his district, which, in his opinion, are in a financial condition adequate for receiving settlement of fisheries. The Assistant Registrar of Co-operative Societies and the District Fishery Officer may be requested to remain present during the settlement of a fishery.

(iii) Sealed tenders should be invited from the Societies thus identified including the Central Fishermen's Co-operative Society for the district. The highest tender should be normally accepted if it is not less than the reserve price, which will be equal to the economic rent.

(iv) If, however, the highest tender falls short of the reserve price, settlement should be made by auction among the Co-operative Societies who had offered tenders, and settlement made with the society giving the highest bid, provided the bid is not less than 75 per cent of the reserve price.

(v) When the question of obtaining bank loan is involved, the fishery may be settled with a primary society of fishermen's co-operatives in preference to the District Level Central Fishermen's Co-operative Society.

(vi) If the lease cannot be granted to a co-operative society in the manner mentioned above, sealed tenders shall be called from bonafide fishermen and lease be given to the highest tenderer.

(vii) If all these methods fail, sealed tenders may be called from carefully selected persons who are not fishermen and lease be given to the highest tenderer. In every such

case, the District Land & Land Reforms Officer shall note the reasons and forward a copy of the same to the Collector, the Commissioner, the Registrar of Co-operative Societies and the Director of Fisheries.

(viii) 25 per cent of the rent for the first year's settlement should be deposited at the time of settlement and the balance should be deposited before the beginning of the year. Rents for successive years should be deposited in full before the beginning of the respective year. A failure of any of these conditions will make the lease liable to be cancelled.

273. In case of part-vested tanks, settlement for thirty years may be made with a private co-sharer on payment of salami and rent in the same manner as in the case of long-term settlement of non-agricultural land. Form 7 in Appendix IV shall be used for such lease. Form 6 in Appendix IV shall be used in respect of khashmahal tanks, closed khals and closed channels.

Part-vested tanks.

274. Large tanks or water areas may be temporarily transferred by the District Land & Land Reforms Officer under intimation to the Collector to the Fishery Department on requisition from them for a specified period not exceeding 20 years. If the requisition is for a longer period, the matter should be referred to for decision to the Board of Revenue through the Commissioner.

Transfer to Fishery Department.

275. The period of settlement except in the case of settlement of part-vested water areas to a private co-sharer should be for a period between 10 and 20 years.

Period of settlement.

276. No person with whom a water area has been settled shall be entitled to transfer his rights except by simple mortgage or a mortgage by deposit of title deeds in favour of a scheduled bank or a co-operative society or a corporation owned or controlled by the Central or the State Government or both for the purpose of obtaining a loan for the development of the water area or for improvement of the water area.

Prohibition of transfer of lease except by way of certain kind of mortgage.

277. Revenue from fisheries should be treated as a miscellaneous demand and will be entered in Registers VI and VII.

Credit of Revenue.

278. District Land & Land Reforms Officers are empowered to confirm settlement of Jalkars at a rent not exceeding Rs. 2,500/- and the Commissioners at a rent not exceeding Rs. 20,000/-. Proposals for long-term settlement of part-vested water areas should, however, be sent to the Board of Revenue for approval.

Financial Power to confirm settlement

279. Proposals for settlement of fisheries shall be entered in Register XII.

Register XII.

280. Ferry includes a bridge of boats, pontoon of rafts, a swing bridge, a flying bridge, a temporary bridge and a landing stage.

Definition of ferry

Public ferries and non-public ferries.	<p>281. (i) Ferries which have been declared as public ferries under the Bengal Ferries Act, 1885, shall be exclusively under the control of the District Magistrate subject to the direction of the Commissioner. These are now under the administrative control of the Public Works Department.</p> <p>Other vested and khasmahal ferries will be governed by sub-rules (ii) to (viii) of this rule.</p>
Procedure for settlement of ferries.	<p>(ii) Ferries should be settled by the District Land & Land Reforms Officer by public auction to be held at least three months before the date from which the settlement is to have effect.</p>
Concession to hereditary patnis.	<p>(iii) In cases where the highest bid does not exceed Rs. 2,000/-, the settlement may be made in favour of a hereditary patni in preference to the highest bidder if the bid offered by the hereditary patni' is not less than 85 per cent of the highest bid.</p>
Power to sanction settlement of ferries.	<p>(iv) The District Land & Land Reforms Officers are empowered to accord sanction to the settlement of ferries with a revenue not exceeding Rs. 2,500/- in each case and the Commissioner is empowered to confirm settlement in a case where revenue does not exceed Rs. 20,000/-.</p>
Forms of lease of ferries.	<p>(v) The lease for a ferry shall be executed in Form 8 in Appendix IV. The lease will have to be registered.</p>
Tolls in ferries Table of tolls.	<p>(vi) Tolls, according to such rates as may from time to time be fixed by the Collector with the approval of the Commissioner, shall be levied by the lessee on all persons, animals, vehicles or other things crossing the river over the ferry and not employed or transmitted on the public services. Board of Revenue may, however, by order exempt any persons, animals, vehicles or other things from payment of such tolls.</p> <p>(vii) The table of tolls, legibly written or printed in Bengali, and also, if the Commissioner so directs, in English shall be affixed at some conspicuous places near the ferry by the lessee. He shall also be bound to produce on demand a list of tolls signed by the Collector or by an officer authorised on this behalf by the Collector.</p>
Khutagari rights.	<p>(viii) Khutagari rights shall be settled in the same manner as ferries. The Khutagari right at the ferry ghat and the ferry right should preferably be settled with the same person. If this does not happen, the Khutagari lessee shall not realise Khutagari fees from the lessee of the ferry for mooring the latter's boat at the ferry ghat.</p>
Rights of Government over beds of navigable rivers.	<p>(ix) Government have absolute right over channels and beds of navigable rivers and foreshores in case of tidal rivers.</p>
Construction and excavation on river bed.	<p>282. Any person making any construction (e.g. jetty, burning ghat) and excavation in the bed of a river including the foreshore, shall apply to the Collector of the district for</p>

necessary permission, except when the proposed construction or excavation is on the stretch of the Hooghly within limits of the Port of Calcutta. In the latter case, the matter is to be dealt with by the Calcutta Port Trust. On receiving such application, the Collector shall cause such enquiry as may be necessary and, in particular, shall consult the local office of the Irrigation Department. If he considers that such construction/excavation will not cause any serious obstruction to navigation or use of the river by the public, he may by an order in writing, permit it to be done, if the party, besides any condition the Collector may consider necessary, agrees to the following conditions, viz.—

(a) The encroachment and any structure thereon may be removed in public interest at any time without any compensation.

(b) The applicant shall pay such licence fees as may be determined by the Collector. The orders of the Collector, along with the opinion of the officer of the Irrigation Department, shall be communicated by the Collector to Commissioner and Board of Revenue immediately. An agreement in Form 9 given in Appendix IV shall be executed by the licensee.

(c) The fee should be for a year or for such shorter period as Collector may decide. The fee, shall ordinarily be between Rs. 10 and Rs. 500, but Collector may exercise his discretion in exceptional cases. When assessing fees, Collector should take into consideration the area of encroachment; the length jutting into the river; importance of the encroachment to the owner; obstruction to navigation or to persons using the foreshore; and any other relevant matter.

Fees for encroachment.

Any failure to pay the license fee by the 1st of May shall result in action to remove the encroachment.

(d) A list of all such encroachments shall be kept in the Office of the Collector as well as in the Office of the District Land & Land Reforms Officer. Receipts shall be entered in Register VI. and VII.

Credit of License fee.

(e) In cases of unauthorised encroachment in river beds, all steps should be taken by Collector for removal of such encroachments. There may be criminal prosecution under section 283 of the Indian Penal Code or proceedings for removal of a public nuisance under the Criminal Procedure Code. Prosecution may be undertaken under section 16 of the Bengal Canal Act, 1864, if the portion of the river has been notified under

section 2 of that Act. Action may also be taken under section 76(b) of the Bengal Embankment Act, 1882, where the same applies. For the portions of rivers to which the above provisions are applicable, Parts II and III of Volume I of Irrigation Manual, 1926 may be referred to. In addition, Collector has powers to realize compensation for unauthorised encroachments.

Prosecution for encroachment. 283. The Board of Revenue, West Bengal may issue such instructions as are not inconsistent with any Act, Rules made thereunder, or this Manual.

CHAPTER XVIII

SETTLEMENT OF DISPUTES RELATING TO CULTIVATION AND HARVESTING

Preliminaries. 284. The functionaries of the integrated set up have a very important role to play in containing disputes relating to cultivation and harvesting as also in resolution of such disputes.

Disputes over patta and barga lands. 285. Cultivation and harvesting disputes arise mainly on question of title and possession over lands, particularly lands under barga cultivation and lands settled with patta-holders.

Identification of vulnerable areas nature of dispute 286. (i) At least one month before the cultivation and harvesting seasons commence, the Block Land & Land Reforms Officer should ask the Revenue Inspectors to identify the plots in respect of which there may be disputes at the time of cultivation or harvesting.
(ii) Identification of such areas should be made by the Revenue Inspector after field visits. He should associate the local Panchayats with such identification. During visits the Revenue Inspector should try to find out the actual nature of the dispute, i.e. whether it is over title or possession.

Report to B.L.L.R 287. After the areas have been identified the Revenue Inspector should send a report to the Block Land & Land Reforms Officer giving details of the lands and the latter will find out from the record-of-rights the recorded status of the plots.

Recorded status of disputed plots. 288. All details of the identified plots should be collected from the record-of-rights and carefully maintained so that these may be made available to the police authorities or the Panchayats at very short notice.

Report to D.L.L.R.O. 289. The Block Land & Land Reforms Officer should send to the District Land & Land Reforms Officer through the Sub-divisional Land & Land Reforms Officer, details of areas which may be prone to law and order problems during cultivation and harvesting so that the District Land & Land Reforms Officer may place these details in the district level meetings.

290. The Block Land & Land Reforms Officer, should as far as possible, visit the vulnerable areas jointly with the members of the Panchayati Raj Institutions immediately before the commencement of cultivation and harvesting seasons and keep the local police authorities posted about any potential dispute. Visit to vulnerable areas.
291. It should be remembered that sometimes disputes of very minor nature conflagrate into serious law and order problems. Attempts should, therefore, be taken to resolve/diffuse such disputes at a very early stage. Diffusion of dispute t early stage.
292. The Block Land & Land Reforms Officer should maintain constant touch with the Block Development Officer, Sabhapati of the Panchayat Samiti and the officer-in-charge of the local police station during the entire period of cultivation and harvesting in his area. Liaison with other authorities.
293. Meetings convened in connection with cultivation and harvesting should be attended by the Block Land & Land Reforms Officer or any other officer nominated by him without fail and all information regarding the recorded status of the lands in dispute should be furnished forthwith. Meeting.
294. An important duty of the Block Land & Land Reforms Officer will be to maintain constant touch with the Sub-divisional Officer in all matters relating to cultivation and harvesting disputes. Copies of all communications, in particular those relating to law and order, should be invariably endorsed to the Sub-divisional Officer. Action to resolve such disputes should, as far as possible, be taken in consultation with him. Liaison with S.D.O.
295. All disputes relating to cultivation and harvesting should be settled in accordance with die standing guidelines issued by the Board of Revenue (vide Appendix IX). Guidelines.
296. (i) Save as otherwise provided in any other chapter of this Manual, provisions of this chapter shall apply to collection of all Government dues relating to land.
- (ii) Revenue to be collected from a raiyat is the amount assessed as revenue in accordance with the provisions of relevant Act, Rules and instructions of the Board of Revenue, West Bengal for the time being in force.
297. Bhumi Sahayaks are primarily responsible for collection of Government dues including land revenue, cesses on land revenue and instalments of Government loan. This is also one of the main responsibilities of Revenue Inspector and his official superiors. While collection proceeds throughout the year, it should be accelerated during the peak collection season, i.e. the Bengali months of Poush, Magh, Falgun and Chaitra by organising collection camps and creating public awareness regarding payment of Government dues through suitable leaflets and other means of publicity. Active co- Duties and responsibilities.

operation of Panchayats should be enlisted in maximising collection effort during Xhe peak collection season.

298. Payment may be made in any of the following ways :

- a) Voluntary payment to the Bhumi Sahayak by cash or money order;
- b) Voluntary payment direct to the treasury or sub-treasury;
- c) Payment in a certificate case to the certificate office;
- d) Payment after issue of certificate to the process serving peon; and
- e) Payment to the Bhumi Sahayak after issue of certificate.

Receipt to be granted.

299. In respect of land revenue and cesses, a receipt will have to be given in the form of a rent receipt vide Form D, Appendix III for every payment except payment made by postal money order. A separate receipt shall be granted for each separate payment by a raiyat. For payment by cheque, particulars of the cheque shall be endorsed on the receipt and counterfoil at the bottom.

Payment by money order

300. If the Bhumi Sahayak or any other officer receives a postal money order for payment of revenue, he will not give any separate receipt. He will merely sign the receipt contained in the money order form.

Entries of payments in registers.

301. All payments made whether personally or by money order should be credited immediately in the appropriate register. In case of payment by postal money order, the number and date of the money order coupon should also be noted in the register. The receiving officer will initial the coupon and keep it in the guard file of chalans.

Notice regarding receipt.

302. A general notice in Bengali in Form C (vide Appendix III) shall be permanently displayed on the wall of every Revenue Inspector's office in a place where the public have access.

Interest on arrears.

303. Interest will be charged at the rate of 6 1/4 per cent per annum on arrears of land revenue and cesses as also on arrears of miscellaneous demands. No interest should however be charged if land revenue or cess is paid on or before the 31st of Chaitra of the agricultural year in which the amount falls due or within such extended period as the Board of Revenue may, from time to time, direct.

Interest where certificate has been made.

304. On recourse to certificate procedure, interest from the date of making the certificate to the date of realization should be realized keeping in mind the following rules laid down in Instruction 28(2) at page 72 of the certificate Manual, 1953:

- (a) Interest shall be calculated quarterly.
- (b) No interest shall be charged on any amount below Rs. 13/-.

(c) No interest shall be charged in any case where the period between making the certificate and the date of realisation is below four months. But where the period is four months or more, interest shall be charged for the whole period.

(d) The interest shall be entered on the notice of attachment or warrant for sale.

305. Collector can, by general or special order with the previous consent of Commissioner, declare that interest shall not be charged in any class of cases or in respect of any class of tenants. The Collector shall issue such an order in all cases where there has been a general failure of crops vide rules 172 to 189 and 196 of the Touzi Manual, 1940 (vide No. 2 of Appendix V).

Collector may declare that interest shall not be charged.

306. Once the Collector has passed a general order under the foregoing rule specifying the class of cases where interest shall not be charged, the Block Land & Land Reforms Officer is empowered to apply the order to particular cases for granting remission of interest.

Power of B.L.L.R.O.

307. When a raiyat or tenant makes a payment, he must be asked whether he admits the correctness of the account. If he does not, a note to that effect shall be made in Register II or Register VI, as may be appropriate, by the Bhumi Sahayak. All such objections shall be submitted to the Block Land and Land Reforms Officer in such form and at such periods as the District Land & Land Reforms Officer may from time to time direct.

Correction of accounts of raiyats and tenants.

308. When payment is made direct into the treasury or into the sub-treasury by cash or money order, the accountant shall send a copy of the chalan to the Block Land and Land Reforms Officer who will send the chalan with an advice list, to the Revenue Inspector. The Revenue Inspector will return the same to the Block Land and Land Reforms Officer with a note that the payment has been posted in the appropriate register. Posting in the register shall be made by the Bhumi Sahayak.

Direct payment to treasury.

309. When a sum due is realised by certificate procedure and is credited into the treasury or sub-treasury, the officer acting as certificate officer shall send a copy of the chalan with an advice list to the Revenue Inspector who will then proceed as in the preceding rule.

Realisation by certificate office.

310. When payment is made to the Bhumi Sahayak after a certificate has been filed, the raiyat must produce the certificate notice before him, and the R.I. shall then intimate the fact of realisation to the certificate officer within four days of such realisation. The

Payment to Bhumi Sahayak after certificate.

certificate officer shall then make necessary entries in his registers. If the certificate has been completely satisfied, he shall close the proceedings. If there be part payment, he shall strike the balance remaining for recovery. The Bhumi Sahayak will make appropriate entries in his registers.

Remittance of cash by Bhumi Sahayak.

311. (i) When money is paid to the Bhumi Sahayak, if he is at headquarters he shall credit it into the treasury on the same day, or the next day if the treasury is already closed. If he is not at headquarters, he shall remit it to the treasury at such intervals as the District Land & Land Reforms Officer may prescribe. If the amount in the hand of the Bhumi Sahayak at any time exceeds rupees two thousand he shall immediately remit it to the treasury. In districts or areas where deposit of collections by Bhumi Sahayaks to a local branch of a nationalised bank has been authorised, any collection by a Bhumi Sahayak shall be paid into the account concerned in the bank by the next working day after the collection. The Board of Revenue may relax this rule in respect of an area where exceptional circumstances exist.

(ii) The Bhumi Sahayak shall send his pass book (Register V) and duplicate chalans to the treasury. The pass book shall be his voucher. There shall be separate pass books and separate chalna for

(a) land revenue, interest on arrears of land revenue and cesses

(b) miscellaneous receipts, an illustrative schedule of which has been given in Appendix V.

Cash book.

312. At the end of each day, the Bhumi Sahayak shall enter all receipts and payments in the cash book (Register IV).

Checking of Bhumi Sahayak's Accounts.

313. (i) The Revenue Inspector, the Revenue Officer authorised by the B.L.L.R.O. and the Block Land and Land Reforms Officer shall be responsible for the checking of the Bhumi Sahayak's accounts. For this purpose, the Block Land and Land Reforms Officer shall draw up in advance a programme in such a manner that the account of no Bhumi Sahayak remains unchecked for more than a month. The Revenue Inspector shall also check the accounts of the Bhumi Sahayak posted in his office at least twice a month. Every month, the Block Land and Land Reforms Officer shall submit a report to the Sub-divisional Land and Land Reforms Officer to the effect that all accounts of Bhumi Sahayaks in his area for the preceding months have been checked by himself or a Revenue Officer and that all collection by Bhumi Sahayaks have been accounted for.

(ii) Before inspecting the account of a Bhumi Sahayak, the Block Land and Land Reforms Officer or the Revenue Inspector should take notes from Register 94 about the

rent receipt books issued to the Bhumi Sahayak. He will check rent receipts with the Register of Daily Collection (Register III) and the cash book maintained by the Bhumi Sahayak so as to ensure that the amounts collected have been entered into the Daily Collection Register (Register-III) and that the Bhumi Sahayak has not kept at any time any amount exceeding Rs. 2000. After checking, he will give on the last receipt form used in each book a certificate "Examined up-to-date" with his signature in full, designation and date. Similar certificates should also be given in the Daily Collection Register.

(iii) The Block Land and Land Reforms Officer and the Revenue Officers shall collect some rent receipts at random from raiyats, check them with corresponding duplicates and thereafter return the receipts to raiyats. If the original and the duplicate of a receipt disagree, all papers should be withdrawn from the Bhumi Sahayak pending further orders of the District Land and Land Reforms Officer to whom an immediate report should be made.

(iv) Bhumi Sahayaks should present themselves with their collection papers in the office of the Block Land and Land Reforms Officer once in three months, when the assistant who maintains Register 94 will scrutinize all receipt books used or unused handed over to the Bhumi Sahayaks. He should see that no fully used receipt book remains with the Bhumi Sahayak; no page in any receipt book is removed; each cancelled receipt has its duplicate attached to it and that the duplicate is also cancelled. Being satisfied on those points, he shall record a certificate to that effect on the cover of the book with his dated signature.

314. When due to some objection or other reason, a receipt in the prescribed form cannot be granted by the Bhumi Sahayak, a receipt shall be granted in the form given in Appendix II, page 87, of the West Bengal Practice and Procedure Manual, 1940 and the amount shall be kept in revenue deposit till the final disposal of the objection or final resolution of the difficulty, when the amount will be transferred and credited to the proper head and entered in Register II and III or VI and VII as the case may be. But the amount shall be shown in Register IV.

Form of receipt to be granted in certain cases.

315. The rules regarding suspension or revision of land revenue on account of agricultural calamities, as contained in Chapter XIV of the Touzi Manual, 1940 should be followed, subject to the modification that full remission of revenue should be granted when the production of the principal crop in the area has fallen short of sixty per cent of

Suspension and revision on of natural calamities.

the normal production due to a natural calamity. An extract from Chapter XIV of the Touzi Manual is given at serial 2 of Appendix V.

316. (i) Any defalcation or loss of Government money, including Land Revenue, shall be reported to the Accountant General of West Bengal. When the matter has been fully investigated, a further report should be submitted indicating the nature and extent of the loss, the error or neglect of rules which made such loss possible and the prospect of recovery. Petty cases, involving losses not exceeding rupees two hundred each, need not however be reported to the Accountant General, unless the case has important features needing detailed investigation and consideration.

(ii) All cases of defalcation should be reported by the District Land & Land Reforms Officer through the Director of Land Records & Surveys to the Board of Revenue and the Finance- Department immediately after they are discovered. Copies of such reports should also be sent to the Collector and the Commissioner. The report should mention particulars already ascertained, specially noting any defect found in the existing system and whether any loss is to be written off.

317. (i) The District Land & Land Reforms Officer shall relieve suspected officers and staff of their assignment to prevent tampering with records and initiate departmental action against them without waiting for the police report or decision in a Court case, if filed. Arrangement shall also be made for a non-technical examination of the accounts by taking assistance of the regular accounts staff. If such examination reveals that the case features are of special complexity or that such defalcation was possible in spite of normal precautions, a proposal may be made for a special audit of the accounts by the Accountant General, West Bengal. The Board of Revenue shall maintain a record of all such cases in the form prescribed by the Finance Department.

(ii) Instruction about fixing up responsibility for losses, as given in paragraphs 15 and 16 of the West Bengal Audit Manual, Volume I, should be followed. In a case where prosecution before a criminal court is likely to be necessary, the instructions contained in Finance Department's memorandum No. 5-T dated the 25th April, 1935, as reproduced in Appendix VIII, should be followed.

318. Demand lists in the same form as Register II shall be prepared mouzawise in each Block Land & Land Reforms Office and extracts there from shall be sent to the respective Gram Panchayat offices for display and also to the respective Revenue Inspectors. Any representation from a raiyat against the demand shown in the list should be disposed of by a Revenue Officer within such time as to allow disposal of appeal, if

Report
Regarding
defalcation.

Procedure in
case of
defalcation

Demand list.

any, by the Block Land & Land Reforms Officer within such time as not to hamper collection of Government revenue within the agricultural year.

319. Realization of revenue and cesses etc. is one of the important items of work of the Integrated Land Reforms set up. Towards this end, it is often necessary to recover arrears of land revenue etc. as public demand. The procedure involved is comparatively simple and quick and has been devised by law for saving time and effort in civil litigation that would have been otherwise necessary for recovery. Certificate cases.

320. Functionaries of the Land & Land Reforms Administrative have been empowered as Certificate Officers u/s 3(3) of the Bengal Public Demand Recovery Act to facilitate recovery of arrears of land revenue etc. as public demand. These functionaries will deal with certificate proceedings in respect of land revenue and cesses on land revenue.

321. Officers should familiarise themselves thoroughly with the provisions of the Bengal Public Demand Recovery Act and rules framed thereunder and the instructions of the Board of Revenue as incorporated in the Certificate Manual.

322. The Block Land & Land Reforms Officer shall ensure that certificate proceedings are resorted to where substantial amounts of relevant Government dues are outstanding and ordinary methods of persuasion have failed to ensure realization of the same within a reasonable period of time. At the same time he should ensure that an unmanageably large number of cases are not started for collection of petty sums of arrears which will not justify the effort put in for realization by certificate.

323. In connection with collection of land revenue and various other Government dues the following registers shall be maintained: Registers.

(a) Register I is the Jamabandi Register or Revenue Rent Roll. It will contain no entries of miscellaneous demands such as fisheries hats, forest produce etc. Bound volumes of last finally published khatians of a mauza may form Register I if revenue has been recorded in such khatians. A number of blank khatian forms should be kept for alterations and additional entries. A certificate about the number of pages contained in the volume should be given at the cover page of the volume by the Block Land & Land Reforms Officer or a Revenue Officer.

If the register is re-written under the order of the District Land & Land Reforms Officer, it must be carefully compared by a Revenue Officer entrusted with this work by the Block Land & Land Reforms Officer. This Officer shall sign each page of the register and also certify that he has compared all the entries therein and found them correct.

No alteration or addition shall be made in the khatians except on written order under section 50 or 51 of the West Bengal Land Reforms Act and every such alteration or addition must be attested by a Revenue Officer.

There shall be one register for each mouza. With every register a mouza map and an index of plots shall be kept.

The register shall be kept in the office of the Revenue Inspector.

Where a mouza is within more than one Gram Panchayat, pending formal amalgamation and splitting up of mouzas, the register shall be split up Gram Panchayatwise in accordance with detailed instructions to be issued by the Director of Land Records & Surveys.

(b) Register II is the Tenants' Ledger. It is to be maintained in the office of the Revenue Inspector and will be arranged mouzawise. A separate page is to be allotted to each raiyat/tenant. Entries in this register shall be made in the following manner:

- (I) The year to which the entries relate should be written boldly across the page and the entries of that year should be written below it.
- (II) All demands, including arrear demand, the current demand, any advance payment relating to the present year made in any previous year and any addition in demand made in the current year should be written in red ink. Interest will be entered in black ink and only after it is paid.
- (III) All payment and remission shall be entered in black ink.
- (IV) Payment in respect of arrears shall be entered in the columns of the year to which they relate.
- (V) The total of these credit entries is to be struck only at the end of the year.
- (VI) If there is any balance at the end of the year, the amount should be entered in black ink in all the columns below the total of payments.
- (VII) Interest on arrears is to be calculated up to the day proceeding the date of payment.

Registers I and II are to be corrected on reassessment of revenue in accordance with law. In such cases, a joint jama may have to be split up. The new jamas thus created should be given a number having as its numerator number of the tenancy of which it formed a part and for its denominator a number in continuation of the last tenancy number of the mouza.

Each entry in the new Register II should be verified by the Revenue Inspector and ten per cent of the entries should be verified by a Revenue Officer. A certificate to

the following effect should be given on each page of the new register by the officer certifying that page :

"Verified with respect to the corresponding entries in the previous year and found to be correct."

(c) Register III contains details of collection of land revenue and cesses day by day in chronological order. Details of all payments should be entered simultaneously in Registers II and III. Payments, in respect of which advice is only received by the Bhumi Sahayak, should be entered in red ink after the direct payments.

(d) Register IV is the cash book of each office. It should be closed and balanced each day and the balance of each column should be verified with the balance of cash in hand and a certificate to that effect recorded in it by the officer responsible for the money.

Columns 3 and 8 of this register will show receipts and remittances into treasury respectively of all collections on account of items entered in Registers III and VII. Only the daily total from each of these two registers will be entered and not the separate payment by each raiyat.

(e) Register V is the treasury pass-book.

(f) Register VI is register of miscellaneous demands of a recurring nature e.g., leases of grazing rights, fees for foreshore lands, lease of hats and ferries etc. If necessary, separate volumes may be opened for different kind of demands. Otherwise, a separate page should be allotted to each recurring demand. A balance should be struck at the end of each year below the total of collection.

(g) Register VII is a register of all collections other than those entered in Register II and including those entered in Register VI.

(h) Register XI is a register of remission and abatements sanctioned. It is to be kept in the Sub-divisional Land & Land Reforms Office and also in the District Land & Land Reforms Office, a separate page being allotted to each Block Land & Land Reforms Office.

No abatement can be sanctioned with retrospective effect. Abatements can only be given effect to from the end of the year when orders are passed. The reduction of land revenue for the current year or any previous year should be entered in the column for remission.

324. (i) Forms for returns are given in Appendix II.

(ii) In Return No. I (Appendix II), all collections that are entered in Register III and VII should feature. The District Land & Land Reforms Officer should fix the time for

Returns.

submission of this return to him by offices subordinate to him in such a manner as to enable him to send to the Board of Revenue the return for his district in respect of each Bengali month by the 15th of the next month.

Receipts for land revenue etc. are to be given in Form D of Appendix III.

(iii) As soon as possible after the close of each year, the Bhumi Sahayak will submit to the Block Land & Land Reforms Office through the Revenue Inspector, a list of defaulters in the form of Return II (Appendix II). The return will be checked at the office of the Block Land & Land Reforms Office and certificates filed in appropriate cases against defaulters. The filing of certificates should start after the end of Baisakh and be completed by the first of July.

(iv) Return II shall be submitted in duplicate. In addition, a rough copy shall be kept by the Bhumi Sahayak. After the certificates have been signed and their numbers noted, a copy should be returned to the Bhumi Sahayak as a record of accounts under certificate.

CHAPTER XX

INSTITUTIONAL FINANCE TO BARGADARS

AND ASSIGNEES OF VESTED LAND

Objective. 325. The scheme aims at provision of credit for raising of crops, the most important of the non-land inputs, on easy terms to the bargadars and assignees of vested lands thereby improving the productivity and economic condition of these land reforms beneficiaries. Provision of financial support from public agencies helps in freeing them from exploitation by unscrupulous money-lenders and in self-sustaining improvement in their economic status.

Eligibility. 326. Recorded bargadars and assignees of vested land possessing less than one acre of land and with an annual income not exceeding Rs. 3,500/- are eligible for consideration under the scheme.

Bargadars and assignees are not normally considered under the scheme if the land in their possession is less than 0.20 acre. However, they may be considered eligible if they grow vegetables and other cash crops and if the District Level Bankers' Co-ordination Committee feels that the land held by them is economically viable.

Defaulters of credit facility availed under the scheme during previous years are not eligible to be considered till they complete repayment of such loans.

Eligibility list. 327. The list of eligible persons in a Block is prepared by the Block Land and Land Reforms Officer and furnished to the Block Development Officer.

The list is updated normally in March every year.

328. The Board of Revenue is responsible for administration of the scheme in consultation with an active support of State Level Bankers' Committee. Organisational support.
329. The District Magistrate or an Additional District Magistrate or the District Land and Land Reforms Officer, as may be authorised by the District Magistrate to act on his behalf, co-ordinates the implementation of the scheme with active co-operation from the District Level Bankers' Co-ordination Committee and the Lead Bank of the District.
330. The Block Development Officer who is also the Executive Officer of the Panchayat Samiti implements the scheme at the Block level with assistance from the Panchayat Samiti, Gram Panchayats, the Block Land and Land Reforms Officer and the branches of the banking and co-operative sectors.
331. The Revenue Inspectors assist in the implementation of the scheme by motivation of the target beneficiary group, reaching of documents to them, leasing with the Bank and/or the Co-operative Society etc.
332. The Divisional Commissioner oversees the implementation of the programme ensuring the full involvement of the District Magistrate in providing institutional support to the needy sections of land reforms beneficiaries.
333. The Board of Revenue holds a meeting with the SLBC in March every year for reviewing the performance in the scheme during the previous financial year and for fixing of target for the State as a whole, individual targets for the commercial banking and co-operative sectors and Districtwise targets for the ensuring khariff season. The Districtwise targets are communicated to the District Magistrates immediately thereafter along with guidelines evolved/modified in the meeting. Targets for Khariff season.
334. The SLBC assigns Statewise targets for different Nationalized Banks and Gramin Banks which in turn decide their districtwise targets.
335. The District Magistrate convenes a meeting of the District Level Bankers' Co-ordination Committee in the last week of March or first week of April in which the Blockwise targets and Bankwise targets are fixed along with the time-scheduled for
- (i) Supply of application to the B.D.Os.,
 - (ii) Submission of completed applications,
 - (iii) Disbursement of credit.
336. The actual disbursement of credit is normally to be completed by 31st July for Kharif Crops. The DLCC may extend the time limit or advance the last date in districts where transplantation/plantation is usually advanced.

337. The scale of finance for individual crops is finalised by the DLCC. The components usually taken into account while computing the scale are seed, manure/fertilizer, pesticides, irrigation, tillage and labour etc.

338. The District Magistrate communicates to the B.D.Os. concerned the Blockwise targets and time-schedule with copy to the Assistant Registrar(s) of Co-operative Societies, District Central Co-operative Banks and Units of the West Bengal State Co-operative Bank.

Such communication is ordinarily made before 15th April.

339. On getting the Blockwise target, the B.D.O. concerned meets the Sabhapati of Panchayat Samiti, the Manager of the local branch of the District Central Co-operative Bank/Unit of State Co-operative Bank operating in the area, the Inspector of Co-operative Societies, the Branch Manager(s) of Commercial Banks/Gram in Bank for further break-up of the target amongst them and amongst the Gram Panchayats.

340. The required forms, mainly application forms, are supplied to the Panchayat Samiti by 15th May.

If printed application forms are not available, applications may be made on plain paper.

341. The B.D.O., with the assistance of the Block Land and Land Reforms Officer, Pradhans of Gram Panchayats in his jurisdiction and the Revenue Inspectors identifies the beneficiaries and gets the application forms filled up by them.

342. While filling up the application forms special attention needs to be paid to furnishing:

- (i) Caste Certificate if the applicant belongs to a Scheduled Caste or a Scheduled Tribe.
- (ii) Certificate of income and quantum of land in possession.
- (iii) Certificate of land possession.
- (iv) 'No dues' and 'No objection' Certificates.

The above certificates may be furnished by the Gram Panchayat Pradhan or Sabhapati or Saha-Sabhapati or Executive Officer of the Panchayat Samiti.

343. (i) The B.D.O. arranges to send the completed application forms along with the required certificates in batches of 15 to 20 on different dates, till normally 30th June, to the concerned Bank Branch/Primary Agricultural Co-operative Society for consideration.

(ii) Such Branches on receiving the proposals from the Panchayat Samiti undertake processing of the proposals.

Incidental expenses, if any, after receipt of proposals are borne by the Branches themselves.

344. In consultation with the Panchayat Samiti, a programme for disbursement of loan is drawn up by the Branch so that representatives of the Panchayat Samity and Gram Panchayats may be present on the day of the disbursement.

345. Differential Rate of Interest fixed by the Reserve Bank of India is chargeable on the credit extended under the scheme. Rate of Interest.

346. The State Government has formulated a scheme by which 100% interest payable on the credit extended is waived if the loanee repays the entire loan amount by 31st March of the succeeding year. Interest Subsidy.

The State Government reimburses the entire amount of such interest waived to the financial institutions concerned.

347. This scheme is dovetailed into the Special Component Plan and Tribal Sub-Plan of the State Government so that the beneficiaries belonging to the Scheduled Castes and Tribes enjoy the grant of a subsidy. Subsidy for S.Cs. and S.Ts.

348. The branches of financial institutions adopt the normal scale of finance for such beneficiaries also. However, they are eligible for a subsidy in the following tapering scale:

1st year	... Rs. 250/- per acre
2nd year	... Rs. 225/-
3rd year	... Rs. 200/-
4th year	... Rs. 150/-
5th year	... Rs. 100/-
6th year	... No subsidy.

349. The State Government allots adequate amounts to the District Magistrates who arrange to deposit the amount of subsidy by 15th June in the link branch of the concerned bank in the district headquarters in the saving bank amount of the West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation on the basis of 60% of the target of the bank at Rs. 250/- per acre per borrower.

350. The District Manager of the Corporation issues authority to all branches to debit the link branch towards adjustment of the subsidy in favour of the borrower.

351. After sanction the disbursing branch debits the link branch for subsidy and disburses the same simultaneously.

Stamped receipts are obtained from the beneficiaries for the subsidy component also at the time of disbursement and reports sent to the district Branch of the Corporation regarding disbursement of subsidy.

Institutional for
Rab and Boro
Crops.

352. The procedure laid down in these rules apply mutatis mutandis to provision of institutional finance to bargadars and assignees of vested land for Rabi and Boro Crops.

353. The time-schedule for different phases of the programme for the Rabi and Boro Crops is normally as follows :

	Rabi	Boro
Last date for receipt of applications by Banks	15 th December	15th January
Last date for disbursement of finance by Banks	31st December	31st January

Reporting.

354. The District Magistrate concerned sends a report to the Board of Revenue after completion of disbursement in the proforma prescribed for the purpose.

Such reports are to be sent so as to reach the Board of Revenue on or before 30th September and 28th February for the Kharif and Rabi seasons respectively.

Repayment
drive.

355. The District Magistrate convenes a meeting of the Sabhapatis and Officers of Panchayat Samities, Sabhadhipati of Zilla Parishad and the Bank Officers to evolve a common action programme for repayment drive.

This meeting is held in the second fortnight of October and February respectively for Kharif and Rabi seasons.

356. Panchayat office-bearers and field publicity units of the Government are utilised for mounting an intensive repayment campaign from January to March.

357. Wherever repayment is below 50% of demand the personal attention of the District Magistrate is to be drawn by the concerned Bank mentioning the name of the village(s), number of defaulters etc.

The District Magistrate arranges special recovery campaigns in such areas.

Co-ordination
with other
schemes.

358. The District Magistrate may dovetail this scheme with other schemes such as distribution of minikits, assistance for construction of bamboo tubewells etc. wherever they are relevant, to improve the economic viability of the operational holdings of the beneficiaries.

CHAPTER XXI

MINING AND QUARRYING MINOR MINERALS

359. As per section 3(e) of the Mines and Minerals (Regulation & Development) Act, 1957, "minor mineral" means building stones, gravel, ordinary clay, ordinary sand other than sand used for prescribed purposes, brick earth, morrum and any other mineral which the Central Government may by notification in official gazette declare to be a minor mineral.

360. Minor minerals can be extracted as per provision of the West Bengal Minor Minerals Rules, 1973 (hereinafter described as said Rules):	Extraction of minor minerals.
<ul style="list-style-type: none"> (i) by holding a mining lease; (ii) by holding a quarry permit. 	
361. No person shall undertake any mining operation in any area except under, and in accordance with, the terms and conditions of a mining lease or quarry permit granted under the said Rules :	Prohibition of mining operation without permit or mining lease (Rule 4 of West Bengal Minor Minerals Rules, 1973).
<p>Provided that nothing in the said Rule shall affect any mining or quarry operations undertaken in any area in accordance with the terms and conditions of a mining lease or mineral concession, granted before .the commencement of this Rule, which is in force at the time of such commencement :</p> <p>Provided further that if the West Bengal Mineral Development and Trading Corporation Ltd. either by itself or through any agent duly authorised by the Corporation in this behalf searches for or collects materials or minerals or do some mining operations with a view to ascertaining the commercial prospects of winning any minerals, no mining lease or permit under these Rules shall be necessary.</p>	
362. Mining lease is to be granted by the Commerce and Industries Department of the Government of West Bengal. Applications for mining lease should be made to the Commerce and Industries Department through the Chief Mining Officer.	Mining lease
363. No person shall acquire in the State one or more mining leases covering a total area in excess of 3 Sq. Km. The period of mining lease shall not be more than five years. The State Government may relax the provisions. There is provision for renewal of mining lease. An application in Form A praying for mining lease shall be made to the State Government (Commerce & Industries Department) through the Chief Mining Officer. On receipt of such application the Government will obtain a report of availability from the District Authority. An application for mining lease has to be disposed of within one year from the date of its receipt [Rule 7(1) of the West Bengal Minor Minerals Rules, 1973].	Procedure to be followed in respect of grant of a mining lease.
364. The Block Land and Land Reforms Officer will see that availability report when called for by the Government is sent to the District Authority through proper channel within one month from the date of receipt of the requisition from the District Authority. Soon after the availability report is received from the B.L.L.R.O., the same shall be scrutinized at the office of the District Authority. The District Authority shall send it to the Chief Mining Officer with his comments so that the availability report is sent quickly,	Submission of availability report

preferably within three months from the date of receipt in the office of the District Authority.

Realisation of Govt. dues.

365. The lessee is required to pay three types of Government dues:

- i) either royalty or dead rent;
- ii) surface rent;
- iii) Cess.

The lessee is also required to pay an application fee and security deposit as prescribed in the Rules. The lessee is liable to pay either dead rent or royalty whichever is higher, but not both. The amount of royalty and dead rent is assessed by the Chief Mining Officer and the responsibility of District Authority is to see that the amount assessed is realised from the lessee. The District Authority or any officer authorised by him shall ensure that the Register of Mining Lease is maintained properly (vide rule 23 of the West Bengal Minor Minerals Rules, 1973).

Submission of monthly accounts by lessee.

366. In terms of clause 3 of Part VI of the mining lease deed in Form E appended to the West Bengal Minor Minerals Rules, the lessee shall complete accounts for each month in respect of raising stock, sale, despatch, local consumption, royalty and rent due and paid within 15 days of the following month, and a true copy of each such account signed by the lessee or his authorised agent shall be sent to (i) State Government, (ii) Chief Mining Officer, (iii) District Authority within seven days thereafter.

The Officer-in-Charge of realisation of royalty shall monitor default in payment of all Government dues by regular inspection of the Register of Mining Lease.

Issue of quarry permit.

367. The District Authority as defined under rule 3(b) of the West Bengal Minor Mineral Rules, 1973 or any officer authorised in this behalf by the State Government may grant as per procedures laid down in Schedule III appended to the Minor Minerals Rules Quarry Permits in Form F to any person to extract or remove from any specified land within the limits of his jurisdiction any mineral on prepayment of royalty at the rate specified in Schedule I appended to the West Bengal Minor Minerals Rules, 1973.

368. A quarry permit may be granted for a specified area not exceeding five acres and for a period not exceeding three months and for a quantity as may be specified by the District Authority or any officer authorised in this behalf by the State Government.

Procedure to be followed in respect of quarry permits.

369. An application for quarry permit shall be submitted to the District Authority or to any officer authorised in this behalf by the State Government in Form G appended to the Rules, which shall be accompanied by a chalan showing the deposit of application fee of Rs. 50/- in the prescribed manner.

370. An application for quarry permit shall not be granted unless mining dues of the applicant, if any, are cleared beforehand.

371. In case of raiyati land, the applicant shall have to produce letter of consent from the occupant or the said land to the effect that he has no objection to the use of the said land by the holder of the permit.

372. The application fee and royalty shall not be refunded save and except as provided in Schedules III and IV appended to the said Rules.

373. Every permit granted under Rule 24 of the said Rules, 1973 shall be subject to the conditions prescribed in Schedule IV appended to the said Rules.

374. On receipt of an application for quarry permit, the Clerk-in-Charge of the District Land & Land Reforms Office will enter it in the prescribed Register and furnish acknowledgement of receipt to the applicant. Such Register should be maintained for each category of minerals. After carefully checking the application, the clerical head will place the matter before the District Authority. The District Authority will send it to the concerned Block Land & Land Reforms Officer for enquiry and report. The Block Land & Land Reforms Officer will submit report along with his views to the District authority. An application for quarry permit shall have to be disposed of within fifteen days of its receipt in the Office of the District Land & Land Reforms Officer. Hence, such reports should be submitted by the Block Land & Land Reforms Officer at the shortest possible time.

375. (i) If the application for a quarry permit relates to a land which was not used earlier for extraction of any mineral including minor mineral, no quarry permit should be granted with respect to such land unless permission for conversion of such land has been obtained by the raiyat of such land from the Collector under section 4C of the West Bengal Land Reforms Act, 1955. Where an application for conversion of such land has been already made and is pending for disposal, or where such an application is submitted simultaneously along with the application for quarry permit, the said two application may be disposed of simultaneously as the same persons have been appointed Collectors under the West Bengal Land Reforms Act, 1955 and also the District Authorities under the West Bengal Minor Minerals Rules, 1973.

Permission
section 4C of
the W.B.L.R.
Act.

(ii) However, no permission for a change regarding, classification of land in the revenue records u/s 4C of the W.B.L.R. Act shall be granted by Collector towards the extraction of minor minerals from such land without previous permission of the Board of Revenue unless such land was used as a brick field with valid quarry permit from before 27.7.55,

i.e. the date on which amended Rule 4 of the West Bengal Minor Mineral Rules, 1973 came into effect

376. No quarry permit shall be issued unless the conditions laid down in Schedule III appended to the West Bengal Minor Mineral Rules, 1973 are fulfilled and no quarry permit shall be issued for extraction of minor minerals from a land if there is reasonable apprehension that such extraction may endanger any road, railway or embankment or may adversely affect any public utility service or may interfere with any common easement right or may cause environmental hazards.

377. On being satisfied after consideration of the report of the B.L.L.R.O., the District Authority will ask the applicant to deposit the advance royalty at the rate prescribed in Schedule I of the West Bengal Minor Minerals Rules.

378. On verification of the chalan the authorised officer will put up the case to the District Authority who will issue quarry permit in Form F. The quarry permit is valid for a maximum period of 90 days only. The quarry permit shall be drawn up in eight copies and the first copy shall be sent to the applicant. Each copy of the permit shall be separately initialled and stamped by the official seal of the issuing authority. A copy of the permit shall be sent to the Chief Mining Officer, Cess Deputy Collector, Commercial Tax Officer, S.D.L.L.R.O., B.L.L.R.O. etc. The District Authority may authorise the S.D.L.L.R.O. or a B.L.L.R.O. or an equivalent officer to issue quarry permit.

379. The B.L. & L.R.O. shall frequently inspect the lands with respect to which quarry permit has been issued and shall take measurement of minor mineral or earth extracted, preferably once in a month during such extraction.

380. If the B.L.L.R.O. reports any unauthorized extraction, the S.D.L.L.R.O. or the D.L.L.R.O. will, where necessary, visit the spot to verify the report.

381. In addition to routine check, the D.L. & L.R.O. and the S.D.L. & L.R.O. will also make surprise checks.

382. Against unauthorised extractions in violation of rule (4) of the West Bengal Minor Minerals Rules, 1973, penal actions may be taken in terms of the provisions of the Mines and Minerals (R & D) Act, 1957, the West Bengal Minor Minerals Rules, 1973 and the Indian Penal Code as and when necessary.

383. Where the quarry permit holder is found to have extracted minerals in excess of the quantity allowed in the quarry permit, the inspecting officer will immediately send a report to the District Authority along with measurement sheet and ask the permit holder to stop extraction until further orders from the District Authority. The authorised officer

Government due to be paid by quarry permit holder

Grant of quarry permit.

Inspection and checking of extraction of mineral.

How to deal with cases of unauthorised extraction.

Excess extraction.

will put up the case before the District Authority whereupon the District Authority will pass orders for payment of an additional amount as may be decided by him in accordance with the West Bengal Minor Minerals Rules.

384. Where extraction has been made by the quarry permit holder even after expiry of the quarry permit, the inspecting officer will immediately report along with measurement sheet to the District Authority, whereupon the District Authority will pass orders for payment of an additional amount as may be decided by him in accordance with the West Bengal Minor Minerals Rules, 1973. The quarry permit holder is, however, at liberty to apply for regularization on payment of application fee. In such a case the District Authority may issue fresh quarry permit, but the quantity unauthorisedly extracted shall not be adjusted.

Extraction after lapse of quarry permit.

385. Where extraction has been made without a valid quarry permit, action may be taken in terms of section 21(4) of the Minor Minerals (Regulation & Development) Act, 1957. The District Authority may also lodge an FIR with the local police under Rule 30 of the West Bengal Minor Minerals Rules, 1973 read with section 21 of the Mines and Minerals (Regulation and Development) Act, 1957 and section 379 IPC.

Extraction of mineral without a quarry permit.

386. Whenever any person raises, without lawful authority, any minerals from land, the minerals so raised or when such minerals have already been disposed of the price thereof, may be recovered from the offender under section 21(5) of the Act along with rent, royalty or tax, as the case may be, for the period during which the land was occupied by him without any lawful authority.

Penalty under section 21(5).

387. In addition to royalty, cess is also payable for extraction of minor minerals. According to the provisions of section 72 of the Cess Act, 1880, read with West Bengal Cess (Amendment) Act, 1984, cess is payable for removal of minerals from any quarry. Hence cess is payable for any quarry permit or mining lease in respect of minor minerals. There are four types of cesses imposed under different Acts:

Cess on minor minerals.

- | | | |
|--|---|--|
| 1) Public Works Cess | | Payable under the Cess Act, 1880. |
| 2) Road Cess | } | Payable under West Bengal Primary Education Act, 1973. |
| 3) ¹ Primary Education Cess — | | |
| 4) Rural Employment Cess — | | |
| | | Payable under the Rural Employment (Production and Development) Act, 1976. |

Revocation of a quarry permit 388. A quarry permit may be revoked for any of the reasons mentioned in Schedule IV appended to the West Bengal Minor Minerals Rules, 1973.

CHAPTER XXII AGRICULTURAL CENSUS

Board of Revenue the nodal agency 389. Agricultural Census is a Central Sector Scheme and is conducted in West Bengal every five years along with the other States of the country. The Board of Revenue, which is the nodal agency, conducts the Census in collaboration with the Directorate of Agriculture.

Preliminary 390. (i) Agricultural Census comprises the following distinct parts:
 (a) Main Census; and
 (b) Input Survey.
 (ii) The two operations are conducted successively the Input Survey following the Main Census in the next year.

Information to be collected. 391. (i) In course of the Main Census, information is collected about operational holdings under the following six major heads :
 (a) Number and Area;
 (b) Tenure and Tenancy Status;
 (c) Land use;
 (d) Irrigation particulars;
 (e) Number of wells and tubewells; and
 (f) Area under crops.

(ii) Information collected is presented in tabular form relating to thirteen size classes — the minimum size being up to 0.05 hectare and the maximum 50 hectares and above.

Tables for Main Census. 392. (i) In the Input Survey, information is collected on the following:
 (a) Agricultural inputs like fertilisers, manure and pesticides;
 (b) Live stock;
 (c) Extent of multiple cropping; and
 (d) Institutional credit.

Tables for Input Survey. (ii) The results generated are presented in more than 200 tables for five size classes of holdings—the minimum being up to 1.0 hectare and the maximum 10.0 hectares and above.

Selection of Mouzas on sample basis. 393. (i) Both the Main Census and Input Survey in this State are on sample basis.
 (ii) For the 15-20 per cent of the mouzas in a Block are selected by following a statistical design.

(iii) The percentage of mouzas for Input Survey is 7.

394. (i) The duty of collecting the field data is entrusted to the functionaries of the Integrated set up.

(ii) The mouzas selected in a particular Block will be allotted to one or more Bhumi Sahayaks and it will be the duty of the Bhumi Sahayaks to meet the operational holders in the mouza and collect the relevant information after interrogating them.

Enumeration
by Bhumi
Sahayaks.

(iii) The information collected will be entered in enumeration forms which will be prescribed by the Directorate of Agriculture after prior consultation with the Board of Revenue and the Government of India.

Enumeration
Forms.

395. The work of the Bhumi Sahayaks will be supervised by the Revenue Inspector, Revenue Officer, Block Land & Land Reforms Officer and such other officers as may be decided by the Board of Revenue, subject to overall supervision by the District Land & Land Reforms Officer of the district.

Supervision.

396. (i) The completed enumerated schedules will be properly checked and scrutinized.

Scrutiny of
Schedules.

(ii) Mistakes, if any, should be corrected after re-visit to field, if necessary.

(iii) The schedules should, thereafter, be sent to the respective district office of the Directorate of Agriculture for processing and tabulation.

Despatch to
District Office
of Agril.
Directorate.

397. (i) As soon as the time-frame for the Main Census and the Input Survey is finalised, training classes are arranged for different categories of functionaries at the State, District, Sub-divisional and Block Levels.

Training

(ii) Booklets with detailed instructions and explanation of the schedules to be canvassed are also printed and circulated to the concerned functionaries during the training.

Instruction
booklet

398. Agricultural Census provides a set of reliable data for different size classes of operational holdings. These data, therefore, are in great demand in connection with fixation of development strategies. Maximum possible accuracy should be aimed at by all the functionaries engaged in Agricultural Census.

Importance
and accuracy

CHAPTER XXIII

COURT CASES

399. Each Collectorate has a Revenue Munshikhana which is the nodal agency for coordinating contest of Civil cases including those relating to Land and Land Reforms. The District Land and Land Reforms Office has a Law Cell headed by an Officer of the rank of SRO-II and assisted by one or more officers of similar rank or Revenue Officers as may be decided by the District Land and Land Reforms Officer keeping in view the volume of work in the cell.

Revenue
Munshikhana
and Law cell.

Special Cell	<p>400. Collector of the district and the District Land and Land Reforms Officer should constitute a special cell, with officers and staff drawn from the Revenue Munshikhana and the Law Cell, mentioned in Rule 399, for liaising with the Office of the Government Pleader of the district.</p> <p>The objective of setting up the special cell is to minimize formal correspondence between the offices of the Government Pleader of the District, Revenue Munshikhana and the District Land and Land Reforms Officer, to thrash out problems, if any, by discussions and to furnish the documents required by the Government Pleader within such time as may be stipulated by him.</p> <p>401. The District Land and Land Reforms Officer endeavours to maintain constant liaison with the Collector and the Government Pleader of the district in order to ensure proper conduct of Civil suits and other proceedings in which land and land reforms matters are involved and thereby ensure their timely disposal.</p>
Types of cases.	<p>402. The Law Cell in the District Land and Land Reforms Office deals with the following cases:</p> <ul style="list-style-type: none"> (a) Civil Suits, (b) Appeals to the District Courts, (c) Appeals in the High Court, (d) Appeals to Supreme Court, (e) Cases under the Constitution, and (f) Other miscellaneous proceedings.
Registers.	<p>403. The District Land and Land Reforms Officer maintains up-to-date registers showing the details of the Court cases pertaining to the area under his jurisdiction. Separate registers are maintained, to the extent possible, for cases under each category mentioned in Rule 402. Division of the Registers on the basis of statutes under which the cases arise is preferable.</p>
O.C. of the Law Cell.	<p>404. The Officer-in-Charge of the Law Cell has the personal responsibility for keeping the registers up-to-date. He puts up the pending position of cases to the District Land and Land Reforms Officer every month and acts as adviser to him on law matters.</p>
Civil Suits against Government.	<p>405. (i) Whenever the District Land and Land Reforms Office receives a notice under section 80 of the Code of Civil Procedures, paragraph wise statement of facts is prepared and sent to the Government Pleader with copy to the Revenue Munshikhana within fifteen days of receipt of the notice.</p>

- (ii) When such notice pertaining to Land and Land Reforms matters is received by the Collector of district, he forwards it to the District Land and Land Reforms Officer who sends the paragraphwise statement of facts to the Collector and the Government Pleader within fifteen days of its receipt.
- (iii) Whenever the Government Pleader receives a summons on behalf of the State as defendant in a suit, he notes the date of receipt on the back of the summons and forwards it at once with a copy of the plaint to the Collector of the district.
- (iv) If such plaint referred to by the Government Pleader relates to Land and Land Reforms matters, the Collector forwards the plaint to the District Land and Land Reforms Officer immediately after its receipt so that the statement of facts of the case can be prepared by him.
- (v) The District Land and Land Reforms Officer causes to be prepared the statement of facts and forwards it with the connected brief of the notice case, wherever available, noting thereon the particulars of the suit, viz., its number, name of the Court, etc., to the Government Pleader with copy to the Collector, within one month of receipt of papers by him.
- (vi) The Government Pleader examines the statement of claim in the plaint and that in the notice under section 80 C.P.C. and drafts the written statement and sends it to the District Land and Land Reforms Officer under intimation to the Collector noting the date fixed for filing the same in the Court.
- (vii) If additional information or document is required by the Government Pleader, the Special Cell is informed of the nature of the additional information required so as to avoid wastage of time in correspondence.
- (viii) The services of the Special Cell may be used by the Government Pleader or the District Land and Land Reforms Officer for transmitting papers and for maintaining liaison.
- (ix) The Government Pleader takes adjournment from the Court until preparation of the written statement. If he is of the opinion that further facts are to be ascertained for drafting the written statement, he may seek the services of a competent person under the District Land, and Land Reforms Offices, well conversant with the facts of the case.
- (x) After the written statement is filed in Court, it is the duty of the District Land and Land Reforms Officer to assign a particular person in the Law Cell or Special Cell to follow up all matters pertaining to the suit in consultation with the Government Pleader.

(xi) The District Land and Land Reforms Officer prepares a list of important suits and monitors the progress of different stages of contest of the suit.

(xii) The D.L.L.R.O. has periodical meetings with the Government Pleader for sorting out problems, if any.

Civil Suits by Government.

406. (i) Whenever the District Land and Land Reforms Officer proposes to file a suit on behalf of the State, he prepares a statement of the facts of the case and the evidence available to support the facts and transmits them with all material documents to the Government Pleader.

(ii) The Government Pleader returns the papers with his opinion under intimation to the Collector. If he is of the opinion that the suit should be filed, he also forwards with the papers a draft plaint with the list of documents required by Order VII, Rule 14 of the Civil Procedure Code.

(iii) It is the responsibility of the District Land and Land Reforms Officer to monitor the different stages of the hearing of the plaint.

Appeals to the District Courts.

407. When decision in a case is adverse to the Government, the Government Pleader shall, with the least possible delay, obtain a copy of the decision and forward it to the Collector, under intimation to the District Land and Land Reforms Officer. If he considers that an appeal should be preferred, he obtains certified copies of the judgement or order and of the decree, draws up the grounds of appeal and forwards them together with his opinion on the case.

Appeals in the High Court.

408. (i) The preceding rule also applies to cases in which Government desires to prefer an appeal to the High Court.

(ii) When the District Land and Land Reforms Officer receives a notice of appeal to the High Court against the Government, he shall move the Legal Remembrancer for appointment of a State Advocate from the panel maintained by the office of the Legal Remembrancer.

Duties of D.L.L.R.Os.

409. The District Land and Land Reforms Officer is responsible for—

- (a) Appointment of advocates to contest the cases pertaining to his jurisdiction.
- (b) Avoiding ex-parte order against the State.
- (c) Proper follow-up of the different stages of cases.
- (d) Filing of variation or modification petition when liberty is given for this purpose in any interim order.
- (e) Sending proposals for filing appeals when the judgments or orders go against the Government.

- (f) Procuring certified copies of such judgments or orders immediately.
- (g) Filing of appeals along with stay petitions and petitions for condonation of delay whenever applicable.
- (h) Liaison with the Office of the Legal Remembrancer.
- (i) Furnishing of all required documents to State Advocates and constant liaison with them.
- (j) Deputation of Officers of his Law Cell to be present in the Court whenever important cases come up for hearing.
- (k) Seeking the advice and assistance of C.R. Cell in the L. & L. R. Department for contest of important cases.
- (l) Such other action as may be required for safeguarding Government interests in Court cases.

410. The District Land and Land Reforms Office has the specific responsibility of seeing that the appeals against judgements and orders going against the government do not become time-barred.

Care should be taken to ensure that appeals are not time barred. Where the Board of Revenue or the L. R. L R Department should be informed.

411. (i) The Board of Revenue and the L. & L. R. Department should be invariably kept informed of the developments in important cases especially when the cases are to be contested in co-ordination with other departments of the Government.

(ii) Difficulties, if any, in engagement of Government advocates and delay in approval for filing appeals in important cases should be invariably brought to the notice of Board of Revenue and/or the L. & L. R. Department or the Collector of the District, as the case may be.

412. Special attention should be paid to cases against the Government by Government employees as adverse order even in a single case often leads to mushrooming of hundreds of similar cases resulting in huge financial commitment to the Government besides throwing the entire personnel administration out of gear.

Cases filed by Government employees against the Government.

413. (i) Similarly, special attention should be paid to cases in which the interests of the economically weaker sections, e.g., bargadars, assignees of vested land etc. are involved.

Cases where interests of economically weaker section is involved.

(ii) The District Land and Land Reforms Officer should also try to arrange for free legal aid to such persons besides arranging for engagement of lawyers on behalf of the Government.

Identification of lawyers having expertise in land and land reforms cases.	<p>414. (i) The District Land and Land Reforms Officer may identify a few lawyers who have expertise in dealing with land and land reforms matters and seek their appointment in important cases.</p> <p>(ii) The Board of Revenue and the L. & L. R. Department will take up such appointment, in cases pending in the High Court, with the Legal Remembrancer.</p>
Fixing of responsibility	<p>415. In order to ensure that Government's interests are not affected by wanton lack of interest on the part of any officer or staff, cognizance of such lapses should be taken by fixing individual and collective responsibility. Disciplinary proceeding should also be resorted to in important cases.</p>
During inspection of BLRO's office special attention to be paid to pending court cases.	<p>416. During inspection of the Block level offices, the District Land and Land Reforms Officer and the Sub-Divisional Land and Land Reforms Officer should pay special attention to see whether the Block Office had responded adequately within the stipulated time to letters from the District Office or the Government Pleader for sending statements of facts and documents in connection with Court cases.</p> <p>Any lapse in the Block Office should be severely dealt with.</p>
Duties of the B.L.L.R.Os.	<p>417. (i) The Block Land and Land Reforms Officer maintains registers showing the details of Court cases pertaining to the Block.</p> <p>(ii) The B.L.L.R.O. endeavours to ensure that the statements of facts or the documents required in connection with Court cases are sent within two working days after receipt of letters seeking them.</p> <p>(iii) Whenever the Office of the Government Pleader or the District or Sub-divisional Land and Land Reforms Office wants the Block Land and Land Reforms Officer to depute an officer/staff conversant with the facts of the case to contact the Government Pleader or panel lawyer, such orders should be complied with within the time limit prescribed in such correspondence.</p> <p>(iv) Letters from advocates intimating the B.L.L.R.O. of adverse decisions against the Government should be transmitted by him to the District Land and Land Reforms Office along with details of the case seeking instructions on compliance of such decisions or preferring of appeals against them.</p> <p>(v) It is preferable to seek certified copies of the Court's judgement or order from the advocates from whom intimation is received regarding such judgement or order.</p>
Law Cell in the Office of the D.L.L.R.S.	<p>418. There is a Law Cell in the Directorate of Land Records and Surveys. The D.L.L.R.Os shall communicate with that cell in relation to all important cases filed and</p>

pending in the High Court or Supreme Court. The Law Cell in the said Directorate shall ensure that such cases are properly contested.

419. The Board of Revenue and the Land and Land Reforms Department have constituted a combined Civil Rule Cell which functions under the direct control and supervision of Special Officer (Law) and ex-officio Joint Secretary, Land and Land Reforms Department.

C. R. Cell at State level.

The C. R. Cell performs the following functions:

- a) Monitoring of contest of cases on land and land reforms matters in the Supreme Court and High Court;
- b) Advising the district officers in legal matters;
- c) Liaising with the Office of the Legal Remembrancer in important cases;
- d) Liaising with the State Advocates in important cases;
- e) Examination of proposals from district officers for filing of appeals and advising them and taking follow-up action in important cases; and
- f) To generally supplement and complement the efforts of the district officers in ensuring proper contest of Court cases.

420. The procedure laid down in these rules apply mutatis mutandis to miscellaneous proceedings under various statutes not specifically mentioned in this chapter.

421. Special care requires to be taken by the District Land and Land Reforms Officers for engagement of senior lawyers and for proper contest of civil suits and writ petitions against his officers by name if cause of such cases arise out of discharge of their official duties.

422. Prompt action is necessary in contempt proceedings against individual officers. Careful monitoring of engagement of lawyers, making of personal appearance, filing of A.O., filing of appeal, etc., should be done in the District Land and Land Reforms Office and the C. R. Cell at the State level.

CHAPTER XXIV

ADMINISTRATIVE BOUNDARIES

423. A mouza shown as such in a map prepared and published at the time when record-of-rights of such mouza was last published under the law shall ordinarily be adopted as the unit of survey in any subsequent revision of such map and record-of-rights.

Village boundary

424. The boundaries of a mouza may be changed for formation of a revised unit or units of survey in the following circumstances :

- (a) When the area of the mouza is inconveniently small, i.e., under 40 hectares;
- (b) When it is entirely enclosed within another mouza;
- (c) When owing to gradual recession of a river or the sea, there has been some accretion of land to a mouza provided that the area of such accreted land does not exceed 40 hectares;
- (d) When the mouza falls within more than one district or police station or Gram Panchayat; and
- (e) When the mouza is inconveniently too large (e.g., 2500 hectares) from the administrative point of view to be adopted as a unit of survey.

How to change
a village
boundary

425. (a) When in consideration of the circumstances mentioned in the preceding rule, the District Land & Land Reforms Officer with the additional designation of Settlement Officer is of the opinion that the area of a mouza should be changed, he may examine the relevant map and make necessary enquiries in the mouza concerned and prepare a statement furnishing necessary information along with his recommendations.

(b) He shall submit the statement mentioned above along with maps of proposed units to the Director of Land Records and Surveys for approval.

(c) After the approval of the Director of Land Records and Surveys is received, a proceeding shall be drawn up by the Revenue Officer having jurisdiction. Notice shall be issued to all interested parties, that is, the Collector(s), the Superintendent(s) of Police, the Sabhadhipati(s) of the Zilla Parishad(s), the Sabhapati(s) of the Panchayat Samiti(s) and the Pradhan(s) of the Gram Panchayat(s). Besides, a public notice shall be issued to the raiyats of the concerned mouzas. After objections, if any, filed by the parties are considered and such local enquiry as considered necessary is held, a proposal shall be made stating the area proposed to be treated as a unit of survey, and the said proceeding shall be submitted to the District Land and Land Reforms Officer through proper channel. The District Land and Land Reforms Officer will forward the proposal with his comments to the Board of Revenue through the Director of Land Records and Surveys. Each such proposal shall be accompanied by schedule of description of the existing and the proposed units in the following form:

Before splitting up and amalgamation				After splitting up and amalgamation				Remarks
Police Station & District	Name of mouza	J.L. No.	Area	Police station & District	Name of mouza	J.L. No.	Area	

(d) The proceeding shall contain an abstract (i) of the reasons for the formation of the new unit or units as villages, and (ii) of all the objections received and disposed of.

(e) If the proposal is sanctioned by the Board of Revenue, it will send it to the Land and Land Reforms Department for issue of a notification under the West Bengal Land Reforms Act, 1955 and another notification under the Bengal Land Registration Act, 1874 in the Calcutta Gazette for adoption of the new unit or units as mouzas.

(f) Meanwhile, on receipt of the information that the proposal has been sanctioned by the Board of Revenue, the District Land and Land Reforms Officer will take appropriate action for making necessary changes in the maps and record-of-rights of the concerned mouzas in accordance with the relevant provisions in the West Bengal Land Reforms Rules, 1965. But, when a revision of record-of-rights is in progress under section 51 of the West Bengal Land Reforms Act, 1955, in the concerned mouzas, attestation of record-of-rights should be taken up only after the receipt of approval of the Board of Revenue.

426. Land gained by gradual acccession, whether from the recession of a river or of the sea, may be amalgamated with the mouza to which it is annexed, or may be treated as a separate mouza. If such land was formerly a part of that mouza, or if the area of such land is less than 40 hectares, then such land shall be amalgamated with that mouza and for that purpose the procedure described in the immediately preceding rule should be followed. On the other hand, if such land did not form a part of that mouza in the past and its area is more than 40 hectares, then the procedure described in the next sub-rule shall be followed.

Change of village boundary due to appearance of 'char' land

427. (a) Whenever the District Land and Land Reforms Officer receives information from any source that an island has formed in a river, he shall send a report informing the approximate size and location of the island, along with a name to be suggested in consultation with the Collector and the Sabhadhipati of the Zilla Parishad, to the Director of Land Records and Surveys for adoption of the island as a new unit of survey.

(b) The Director of Land Records and Surveys will forward the report to the Board of Revenue with his comments for issue of an order for survey of the island as a new unit of survey under section 3 of the Bengal Survey Act, 1871.

(c) On receipt of the order of the Board of Revenue, survey of the island shall be taken up forthwith. Also, a proceeding shall be drawn up by the Revenue Officer having jurisdiction for adoption of the island as a new unit of survey with notices upon the interested parties as mentioned in Rule 425. On completion of the survey, the proceeding, stating the area of the island as found on Survey and the proposed number to be assigned to the new unit in the jurisdiction list of the police station shall be

forwarded to the Board of Revenue through proper channel for issue of notifications under the West Bengal Land Reforms Act, 1955 and the Bengal Land Registration Act, 1874.

Police station boundary.

428. The jurisdiction of a police station is defined in section 2(s) of the Code of Criminal Procedure, 1973 (Act II of 1974).

How P. S. boundary may be altered.

429. When it is intended to establish a new police station by division of an existing police station or to change the jurisdiction of an existing police station by transfer of one or more mouzas from another police station, a proposal for that purpose may be submitted by the Director General and Inspector General of Police to the Government in the Home (Police) Department. If the proposal is approved, the Director General and Inspector General of Police may send the drafts of the notifications to the Director of Land - Records and Surveys for examining it from the technical and geographical points of view before further action is taken. Such notifications shall contain the names of all the mouzas proposed to be included in the police stations concerned with their numbers in the jurisdiction lists and also the description of the boundary of the police stations concerned by mentioning the outer boundaries of the mouzas along which the boundary runs. However, in a stretch where the boundary of a police station is co-terminous with that of a district, it would suffice to describe the former's boundary there as running along the boundary of the district.

When change in P. S. boundary involves a part of a village.

430. If, under unavoidable circumstances, the change in the boundary of a police station involves a part of a mouza, the numbers of the plots of the mouza falling within the revised jurisdiction of the police station concerned shall be mentioned in the relevant notification. Further, the boundary in such a case shall be described as running along the outer boundaries of the plots which are included in, and touch the boundary of the police station.

Change in P. S. boundary consequent to change in a fluctuating boundary of a district.

431. When there is a change in the boundary of a district owing to the change in the alignment of a fluctuating stretch of the boundary, a consequential change in the boundaries of some police stations is likely to occur. A draft of a notification containing the names of the mouzas, their numbers in the jurisdiction lists and their areas, along with the names of the police stations in which those are to be included should be prepared by the Director of Land Records and Surveys and forwarded to the Home (Police) Department through the Board of Revenue for issue of notification.

432. In case of a change in the jurisdiction of a police station because of adoption of a new mouza, necessary draft notification mentioning the name and the number in the

jurisdiction list of the mouza shall be prepared by the Director of Land Records and Surveys and shall be forwarded to the Home (Police) Department through the Board of Revenue.

433. Sub-division is defined under section 7 of the Criminal Procedure Code, 1973. Notification creating a new sub-division or changing the boundary of one or more sub-divisions are to be issued following a procedure similar to that followed for changing the boundary of a district.

Sub-division boundary.

434. The boundary of a district is defined under the Bengal Districts Act, 1836 (Act XXI of 1836) read with the Bengal Districts Act, 1864 (Act IV of 1864).

District boundary.

435. (a) The boundary of a district is generally rigid, but in certain cases one or more stretches of it may be fluctuating (e.g., along with midstream of the main channel of a river). For changing the boundary of a district, a notification has to be issued under the Bengal District Act, 1836 read with the Bengal Districts Act, 1864, by the Land and Land Reforms Department and under section 7 of the Criminal Procedure Code by the Home (Police) Department.

The procedure for changing district boundary.

(b) In the notification relating to a change in the rigid stretch of the boundary of a district, the boundary is to be generally described by the outer boundaries of the mouzas included within the district concerned. But, if in the existing notification relating to that boundary, the boundary has been defined in the said manner, and the proposed change is caused by the transfer of some mouzas or police stations from one district to another or by the inclusion of a newly adopted mouza, the names of the mouzas concerned and their numbers in the jurisdiction lists along with the names of the police stations to which they belonged prior to that transfer, or the names of the police station only where an entire police station is proposed to be transferred are to be mentioned in the notification. On the other hand, in the stretch where the boundary is fluctuating, it should be described precisely how the boundary runs there, that is, whether it runs along the midstream of the main channel of a river, or along one bank of a river or otherwise.

436. When the boundary of a district gets changed owing to transfer of some land from one district to another consequent to a shift of the alignment of the fluctuating stretch of the boundary (e.g., the midstream of the main channel) issue of no such notification is necessary, the change in the alignment of the boundary along with the transfer of land involved being deemed to have been effected automatically and instantaneously. However, in this case comprehensive proposals for splitting up and amalgamation of mouzas affected (i.e., parts of which mouzas are transferred from one district to another)

Shifting of the fluid boundary of a district.

in each of the districts having the fluctuating common boundary may be drawn up by the respective Revenue Officers of the areas concerned and submitted to the Director of Land Records and Surveys through the respective District Land and Land Reforms Officer. The Director of Land Records and Surveys will scrutinise and consolidate the two proposals in respect of the two districts and forward the consolidated proposal to the Board of Revenue for sanction and issue of necessary notification's.

Municipal
boundary

437. Necessary notification relating to the jurisdictions of municipalities are issued by the Government in the Local Government and Urban Development Department. The drafts of such notifications may be sent, if considered necessary, to the Director of Land Records and Surveys for examining the same from technical and geographical points of view.

Boundary
marks.

438-. The District Land and Land Reforms Officer shall, at least once in a year, cause inspection of the following boundary marks :

- (a) Inter-State boundary pillars, if any,
- (b) G.T.S. marks, if any,
- (c) Permanent traverse survey marks, if any.

439. If any boundary pillar, G.T.S. pillar or permanent traverse station is found to be damaged or missing, it shall be immediately reported by the D.L. & L.R.O. to the Director of Land Records and Surveys for taking up the matter with the higher authority. In case a boundary pillar is found damaged or missing the District Magistrate shall also be kept informed. Similarly, if a G.T.S. mark is found damaged or missing, the Survey of India, Eastern Circle shall be kept informed.

440. The Collector of the District also shall keep watch on the condition of inter-State and international boundary pillars, if any, and shall send a report to the higher authority if it comes to his notice that such a boundary pillar has been damaged or is missing.

CHAPTER XXV

JURISDICTION LIST

Thana
jurisdiction list

441. Thanawari jurisdiction lists of villages have been prepared in respect of all the police station of West Bengal. In this list, every village in a police station has been assigned a separate jurisdiction number in relation to that police station. The numbering is made serially running normally from north-west to south-east in the police station map.

Maintenance of
J.L.

442. The District Land and Land Reforms Officer who is also the Settlement Officer of the district, shall maintain an up-to-date jurisdiction list in respect of each police station within his district in the following form :

JURISDICTION LIST OF P. S.....

(List of villages in P. S.....as demarcated and surveyed in the survey of 19.....to 19.....)

J.L. No.	Name of village in Eng.	Name of the village in Beng.	Area of the village		Jurisdiction list of last survey		Remarks
			in Acre	in Hectare	J.L. No.	Name of the village in English	
1.	2.	3.	4.	5.	6.	7.	8.

443. The jurisdiction list number of each village within a police station shall be shown within the boundary of that village in the map of that police station.

How J.L. no. is shown.

444. The jurisdiction of a police station may be changed when a notification is issued by the Government changing the boundary of that police station caused by —

Change in J.L. Number.

(a) inclusion of one or more villages from an adjoining police station, or of a newly adopted village, within the jurisdiction of the police station; or

(b) exclusion of one or more villages from the jurisdiction of the police station; or

(c) creation of new police station by division of one or more police stations.

445. (i) Whenever there is a change in the jurisdiction of a police station, the District Land and Land Reforms Officer will make necessary corrections in the jurisdiction map and list of the police station.

Correction of J.L.

(ii) If a village is transferred from one police station to another, the village shall be crossed out of the jurisdiction list of the police station from which it is transferred, with a note in the remarks column showing the police station to which it is transferred.

(iii) A village should be entered in the jurisdiction list of the police station to which it is transferred, with a note in the remarks column mentioning the police station from which it is transferred. Such a village should be given a fractional number, the numerator being the serial number in the list and the denominator being the serial number of the adjacent village.

(iv) If a newly adopted village is included in a police station, it should also be assigned a fractional number.

(v) The corrections should be made according to the instructions issued by the Director of Land Records and Surveys from time to time.

446. When a police station is newly created, a map showing the jurisdiction of the police station and a jurisdiction list of the villages included within it shall be prepared by the

J.L. for a new police station.

District Land and Land Reforms Officer and sent to the Director of Land Records and Surveys for reproduction.

Fresh
preparation of
J.L.

447. Also, when a considerable number of villages have been included in or excluded from a police station and, as a result, there has been a large number of fractional numbers of villages or a large number of omissions in the jurisdiction list so that the use of the last printed jurisdiction map and list has become inconvenient, the District Land and Land Reforms Officer shall send a copy of a freshly prepared jurisdiction map and list of the police station to the Director of Land Records and Surveys for reproduction.

Copies of
Government
notification to
sent to D.L.R &
S.

448. Copies of notification relating to changes in jurisdiction of a police station would be forwarded by the Home (Police) Department, to the Director of Land Records and Surveys who will bring corrections slip for the last printed jurisdiction list and issue copies of the correction slip to the Collector, D.L.L.R.O. and other authorities to whom copies of the jurisdiction list have been supplied.

449. The Director of Land Records and Surveys shall maintain in his office a register showing the notifications issued from time to time for amending jurisdiction lists to be made over to the Superintendent of Census Operation whenever necessary.

450. In case of any confusion in relation to a jurisdiction list, the District Land and Land Reforms Officer shall refer the matter to the Director of Land Records and Surveys for clarification. The Director of Land Records and Surveys may, if he considers it necessary so to do, refer the matter to the Board of Revenue for instruction whereupon the Board of Revenue shall issue such instruction as it may deem fit.

Responsibility of
the T.A.

451. The Technical Advisors posted in a District Land and Land Reforms Office shall be responsible for preparation and maintenance of jurisdiction lists in their respective districts under direct supervision of the District Land and Land Reforms Officers.

CHAPTER XXVI

STORES

452. In terms of note below Rule 98 of the West Bengal Financial Rules, Vol. I, the term "Stores" applies generally to all articles and materials purchased or otherwise acquired for the use of the Government, including not only expendable and issuable articles in use or accumulated for specific purpose, but also articles of dead-stock such as plant, machinery, instruments, furniture, equipment, fixtures etc. and also livestock.

453. In the Office of the D.L.L.R.O. and its subordinate offices in the district, various articles and materials are purchased or acquired otherwise for day-to-day use or for use

on long-term basis. Generally, all articles of stationery and forms are required for day-to-day use and those of dead-stock once purchased are used for years.

454. D.L.L.R.Os. and S.D.L.L.R.Os. are authorised to undertake purchase of stores for which they are empowered under the provisions of the Delegation of Financial Power Rules, 1977. The B.L.L.R.Os., R.Os. and R.Is. are not authorised to undertake any purchase on their own. The B.L.L.R.Os. may, however, undertake purchase or repair of a very petty nature out of the permanent advance kept with them after getting prior concurrence of the S.D.L.L.R.O. concerned. The B.L.L.R.Os. are required to submit monthly indents requiring supply of furniture, forms and stationery etc. to the S.D.L.L.R.O. concerned who will ensure supply of those articles either through purchase or acquisition otherwise.

Officers who may purchase stores.

455. In regard to procurement of the articles of dead-stock the D.L.L.R.Os and S.D.L.L.R.Os shall ordinarily place orders for supply with any of the Government sponsored organisations like W.B.S.I.C., R.I.C., Government Wood Industries, etc. If the aforesaid organizations fail to deliver any article within reasonable time, the article may be acquired locally in strict observance of the financial rules as contained in the W.B.F.R., Vol. I, after getting prior approval from the D.L.R. & S. No D.L.L.R.O. or S.D.L.L.R.O. shall incur an expenditure of more than Rupees 100/- at a time towards purchase of survey instruments on his own. Such purchases are to be arranged by the D.L.R. & S. The D.L.L.R.O. may, however, incur expenditure within his financial powers towards repair of survey instruments. In regard to procurement of the articles of stationery indents should be placed with the Superintendent of Forms and Stationery at the commencement of the year. In case the Forms and Stationery Office fails to supply any particular item or items of stationery within reasonable time, the D.L.L.R.O. or S.D.L.L.R.O. may undertake local purchase preferably from Consumers' Co-operative Societies within his powers under the Delegation of Financial Power Rules, 1977. If the cost of purchase is in excess of the powers of the D.L.L.R.O., proposals for according sanction should be sent to the D.L.R. & S., who will take appropriate action for the required purchase. The D.L.R. & S. monitors closely supply of various forms required for use in the establishment and in the Survey and Settlement and Management work in the districts. Some forms are printed in departmental presses under D.L.R. & S.'s instructions. Local printing of certain forms may be resorted to in emergent circumstances with prior approval of the D.L.R. & S. when those forms have not been received within a reasonable time even after placement of requisition with the D.L.R. &

Procurement of articles of dead stock.

S. It should be ensured that monthly indent for supply of forms from the district reaches the Office of the D.L.R. & S., by the 15th of each month.

Scale of consumption.

456. The D.L.L.R.O. shall fix scales of consumption or limits of stores in respect of various forms or stationery in his office and in the offices subordinate to him. The officer ordering supply should certify that the prescribed scales or limits are not exceeded.

Receipt of articles.

457. All materials received should be examined, counted, measured or weighed as the case may be when delivery is taken, and they should be taken charge of by a responsible Government officer who should see that their quantities are correct and their quality is good and record a certificate to that effect. The officer receiving the stores should also be required to give a certificate on the bill/bills in triplicate that he has actually received the materials and the same has been recorded in the appropriate register under proper seal and signature of a competent officer.

Inventory of stores, forms and articles.

458. The District Land and Land Reforms Office and all offices subordinate to it shall maintain inventories of dead-stock, stores and forms and stationery. The head of the office or any other officer entrusted with stores of any kind should take special care for arranging for their safe custody, keeping them in good and efficient condition and protecting them from loss, damage or deterioration. Suitable accommodation should be provided for valuable and combustible stores. Accumulation of store, especially furniture and equipments, shall be avoided in the district and sub-divisional offices. Where storing of a good number of dead-stock will be necessary due to exigency of circumstances, previous permission should be sought from the Board of Revenue through the D.L.R. & S. Separate registers should be maintained for categories of articles/forms/ furniture and yearly physical verification of stock shall be effected under proper seal and signature of the entrusted officer/officers.

Procurement of forms.

459. The D.L.L.R.O. shall procure various forms needed for day-to-day use for various offices under his jurisdiction from the D.L.R. & S. or shall undertake local printing with prior approval of the D.L.R. & S. in case of non-availability of any particular form or forms for distribution to the S.D.L.L.R.Os. The B.L.L.R.Os. shall procure such forms from the S.D.L.L.R.Os for use in their offices and in the offices of the R.Is under their jurisdiction.

Sophisticated survey instrument shall not be supplied to B.L.L.R.O. & R.I's office.

460. Sophisticated survey instruments like Theodolite, EDM equipments, Telescopic Alidalc, Planimeter, Pantograph etc. shall not be supplied to the office of B.L.L.R.Os. and R.Is. The R.I.s' offices shall have only Amin's equipment and in each Block office there should be two or more sight vanes apart from Amin's equipment. If any of the items is

unserviceable, immediate replacement should be made by the S.D.L. & L.R.O. concerned.

461. Articles of stationery will be received by the B.L.L.R.Os from the S.D.L.L.R.Os concerned for use in their offices and in the R.I.s' offices under their jurisdiction.

Expenditure shall not exceed the amount shown in the year's budget.

462. In the Revenue Inspector's Office a sheet-cum-record box should be supplied instead of almirahs. The height of such box may be 4 ½' to 5'. The upper half of V height shall contain one movable drawer for preserving the sheets. The lower-half will be used for storage of records. A separate box should be utilised for keeping Amin's equipment excepting the plane-table. This apart, one cash box should also be supplied to each office.

463. Relevant provisions contained in Appendix 13 of the West Bengal Financial Rules, Volume II in regard to maintenance etc. of inventory shall be strictly followed by all the officers concerned.

464. Expenditure incurred in a financial year by a D.L.L.R.O. including that incurred in an office subordinate to him for purchase of furniture, survey instruments, office equipments etc. shall not exceed the amount provided in the budget for that year under the appropriate head of account.

CHAPTER XXVII

MISCELLANEOUS PROVISIONS

465. Roadside lands of roads maintained by the State Government, whether through the Public Works Department or the Zilla Parishads, are governed by the Bengal Highways Act of 1925 and the Rules made there under. Collector should afford all assistance to the officers of the Public Works Department and the Zilla Parishad in matters arising out of leasing of such lands.

Roadside lands.

466. The Public Works Department may manage the roadside lands themselves or transfer such management to the Land & Land Reforms Department with or without relinquishing the lands outright in favour of the latter department. When management is transferred to the Land & Land Reforms Department, the following principles are to be followed in respect of settlement of such lands.

Roads lands under the management of the Land & Land Reforms Department

(a) Settlement of Government land may create some legal rights in favour of the occupant. Therefore, care should be taken to ensure in each individual case that public interest like maintenance or broadening of the road is not affected by such settlement. If the land is in occupation of an undesirable person to whom settlement of the land cannot be granted or where such land is needed by the

Government for a public purpose, steps for eviction should be taken under the West Bengal Land (Eviction of Unauthorized Occupants) Act, 1962.

(b) Land within or near urban areas should not be settled for agricultural purposes.

(c) Land which has not been relinquished in favour of the Land & Land Reforms Department should not be settled on long-term basis for non-agricultural purposes.

(d) Settlement of roadside agricultural land as well as new char land should be made for a short specific period and not on a permanent raiyati basis.

Cutchery compounds-
Public Works
Department
Code.

467. Rules regarding the management of Culchcry compounds borne on the books of the Public Works Department will be found in Appendix VII of the Public Works Department Code.

Transfer of
Govt. land to
institutions etc.

468. Government land should not be sold out to any individual. Proposals for such sale to local authorities, statutory bodies and public undertakings, may, however, be considered by the Board of Revenue. Proposal for the sale should be submitted to the Board of Revenue through the Commissioner of the Division, stating along with other particulars, the market value of the land.

Inter-
departmental
transfer of land.

469. (i) Proposals for transfer of Government land from one department of the State Government to another should be submitted through Divisional Commissioner to Government in the department to which transfer is proposed along with objects and conditions of the proposed transfer, particulars of the area, market value and estimated yearly rental.

(ii) If the administrative department approves the proposal, it will first consult the department from which land is proposed to be transferred. The proposal with the concurrence of the department owning the land will be sent to the Land & Land Reforms Department. The Land & Land Reforms Department will return the case to the administrative department with the memorandum sanctioning the transfer of the land and stating conditions of transfer, if any. The administrative department will then send a copy of the said memorandum to the officers concerned accompanied by such orders as may be necessary.

Lease of Govt,
land held by
other
departments.

470. The procedure in sub-rule (ii) of the preceding Rule will also apply to proposals for lease of Government land to local bodies, development authorities, Government undertakings, individuals etc. made by a department other than the Land & Land Reforms Department. The only exception is that they should be submitted to the Board

of Revenue instead of Government in the department concerned, and the Board may, if there be no objection to the proposal, grant the lease. In case the land belongs to any other department, the Board will ask the department through the Land & Land Reforms Department, to relinquish the land to the latter, if there be no objection to the proposal. The land will, on such relinquishment, be leased out by the Board in accordance with the Rules for long-term settlement.

471. Transfer of land between the Central and the State Government is governed by the principles laid down in the Land Transfer Rules, as embodied in the Land Acquisition Manual.

Transfer of land between Central Govt, and State Govt.

472. In exercise of the powers conferred by clause (I) of Article 299 of the Constitution of India, and in supersession of previous orders, the Governor is pleased to direct that the undermentioned classes of contracts and assurances may be executed on his behalf by the officers as follows :

- | | |
|--|--|
| (i) Contracts and assurances in matters connected with license, lease, sale or reconveyance of land, | By Collectors of the districts or District Land & Land Reforms Officers. |
| (ii) Contracts and agreements in connection with— | |
| (a) grant of raiyati settlements in respect of khas and vested lands, | Collectors of districts, D.L.L.R.Os., S.D.Os., S.D.L.L.R.Os. and B.L.L.R.Os. |
| (b) grant of renewal of license in respect of Khas and vested lands, and | } |
| (c) grant of renewal of lease or license of sairati interest. | —do— |

473. If no fine or premium is paid, leases or counterparts thereof executed at the time of settlement made directly by the Government with the existing occupant of land are exempt from stamp duty under notification No. 6-St., dt. the 12th Sept., 1931. According to item (i) of the second proviso of section 3 of the Indian Stamp Act II of 1899, no stamp duty shall be chargeable in respect of any instrument executed by, or on behalf of, or in favour of the Government in cases where, but for this exemption, the Government would be liable to pay the duty chargeable on such instrument.

Execution of contracts.

474. Cutting of trees in Kurseong, Kalimpong and Sadar Subdivisions in the district of Darjeeling will be regulated by the rules incorporated in Appendix VII.

Exemption from stamp duty.

475. (i) In matters relating to leasing of ferries, hats, and other sairati interests, the D.L.L.R.O. should invariably consult the Collector of the district.

Consultation with the Collector.

(ii) In all matters involving law and order the D.L.L.R.O. shall consult the Collector of the district.

Assistance to be rendered to district administration.

476. (Officers at various levels of Land and Land Reforms Administration will render such assistance to the district administration as may be required by the latter in a matter involving law and order where such matter relates to occupation, possession or cultivation of a land.

Applications for permission for temporary use of Govt. land.

477. (i) Applications for temporary use and occupation of Government land for purposes like holding of jatra performances, meetings, melas, festivals, ceremonies etc. shall be received by the respective Sub-divisional Land & Land Reforms Officer for land situated outside the district headquarters and by the District Land & Land Reforms Officer for land in the district headquarters. If, however, the application is submitted to some other officer e.g. Block Land & Land Reforms Officer, he should forward the application with his comments to the officer competent to dispose of the same.

(ii) Such applications should clearly specify the plot number and other details of the land, the period for which it is proposed to be occupied and the purpose of occupation.

Manner of making application. Register.

478. Applications for temporary use of Government lands should be entered in registers to be opened for the purpose in the Offices of the Sub-divisional Land & Land Reforms Officer or the District Land &

Land Reforms Officer, as the case may be, and the date and time of receipt of the application in the appropriate office should be noted both in the top margin of the application and the register.

Power to dispose of applications.

479. Applications for temporary use of Government lands may be allowed or rejected by the Sub-divisional Land & Land Reforms Officer with the previous approval of the Sub-divisional or the District Land & Land Reforms Officer with the previous approval of the Collector, as the case may be. While considering an application the following points should be borne in mind :

- a) Whether the application is for a bonafide purpose.
- b) Whether the proposed use is likely to cause either permanent or temporary damage to the land.

If the damage is of a minor and temporary nature, permission may be granted subject to the condition that the applicant would at the end of his period of use, restore the land to its original condition.

- c) Whether the proposed use is likely to disturb public order or tranquility or cause dissatisfaction among sections of the community.
- d) If there be more than one application for use of the same particular land during the same period of time, which application should be allowed.

e) Whether permission from police, municipal authority etc., wherever necessary, has been obtained.

480. (i) Such fees as may be prescribed by the District Land & Land Reforms Officer with the previous approval of the Collector shall be realized in advance for temporary use of Government land. If it is decided that an application should otherwise be allowed, formal permission should be given on realisation on such fees. Different rates may be fixed for different localities, different classes of land or different uses.

Fees for temporary use of Govt. land.

(ii) The D.L.L.R.O. may, with the approval of the Collector, grant exemption either wholly or in part from payment of fees. Subject to the general orders of the D.L.L.R.O., the S.D.L.L.R.O., with the previous permission of the S.D.O., may also grant such exemption in individual cases.

(iii) The fees collected should be noted in the Register VII. A duplicate carbon receipt should be granted for each realisation of fees.

Inspection of office

481. (i) When the proposed temporary use of a Government land may result in a congregation of a large number of persons, the police authorities should be kept informed of the permission given.

(ii) The Collector or the S.D.O. may cancel any permission already given if it appears to them that such cancellation is necessary to maintain public order or harmony among different sections of the population.

(iii) The Commissioner of a Division or the D.L.R. & S. may issue instructions in regard to inspection of offices at different levels of the land and land reforms administration. An inspection book shall be maintained at each office of the land and land reforms administration.

CHAPTER XXVIII

REGISTERS

482. (i) A list is given at the end of this chapter showing some registers and returns required to be maintained at various Land & Land Reforms Offices.

(ii) Register I is the Jamabandi Register or Revenue/Rent Roll and contains the names of the tenants, their status, their land revenue/rent, surcharge and cesses and the area and the class of the land they hold. It will contain no entries of miscellaneous demands, such as fisheries, hats, ferries, forest produce, etc., though these are recurring annual demands. When record-of-rights have been prepared, bound volumes of the finally published Khatians will form the Register I. In either case, the interests will be entered and arranged mauza by mauza.

Register I
Revenue/ Rent
Roll

(iii) Each page of Register I should bear the signature of a Revenue Officer. If it is re-written, it must be carefully compared by the R.I. or by an R.O. who will also sign every page and give a certificate that he has compared all the entries and that they are correct.

(iv) No alteration or addition will be made in Register I except on receipt of a written order from the B.L.L.R.O. and every alteration must be attested by a Revenue Officer.

483. (i) Register II is the Tenants' Ledger. A separate page must be allotted to each tenancy.

(ii) The area, annual demand of land revenue/rent, surcharge and cesses, the tenant's name and residence, and any changes or alterations in these made after proper sanction must be filled in Register I in the space provided at the top.

(iii) Reference to the orders sanctioning any of these changes should always be noted when the register is altered.

(iv) The authority for remission of land revenue/rent should be noted in column C.

(v) All payments on account of land revenue/rent, surcharge, cesses' and interest will be credited in Register II as soon after payment as possible and the Bhumi Sahayak will write in column 2 the rent receipt number, the money order number with date if the rent is sent by money order, or the chalan number with date if the rent is paid direct to a treasury or sub-treasury.

(vi) The year to which the entries of the tenant's account relate must be written boldly across the page and the entires of that year should be written below it.

(vii) All demands must be written in red ink including demands in arrears from previous years, the current annual demand, any advance payment made in the previous years, and any addition to the demand made during the course of the year. Interest will never be entered until it is paid; so all entries of interest will be in black ink as payments.

(viii) All payments and remissions must be entered in black ink.

(ix) Payments in respect of arrears must be entered in the columns of the years to which they relate.

(x) The total of these credit entries is to be struck only at the end of the year.

(xi) If there is any balance at the end of the year, the amount should be entered in black ink in all the columns below the total of payments.

(xii) Interest on arrears is to be calculated up to the date previous to the dale of payment at the rate of 6\ per cent.

(xiii) In case of a reassessment made under the law, the Register I and Register II arc to be corrected.

Register II
Tenants' Ledger

Correction of
Register I and
Register II.

v (xiv) In case of a raiyat qualifying for exemption, a cross reference should be kept about the different "Jamas" with which he and the members of his family are concerned.

(xv) Each entry in the Register II should be verified with respect to the previous registers by the R.I. and 10 per cent of the entries should be verified by an R.O. A certificate in the following forms should be given by the R.I. and the R.O. on each page of the new register which has been verified by them :

"Verified the entries with respect to the corresponding entries in the previous register and certified to be correct."

(xvi) Demand lists shall be prepared mouzawise and Blockwise. The relevant extracts of the said lists shall be caused to be displayed in the Panchayat Samiti Office wherefrom, as a first step, the quantum of reassessed land revenue and cess payable by each raiyat/tenant can be known by him. At the same time the said extracts pertaining to the jurisdiction of the Bhumi Sahayaks concerned shall also be sent to them.

484. Register III contains the collections of revenue, rent, cesses and interest from raiyats and tenants within the jurisdiction of the Bhumi Sahayak day by day in chronological order. Details of all payments should be entered simultaneously in Registers II and III. Payments of which advice only is received will be entered in red ink after the direct payments. In column 41 the total cash receipts of each day will be entered in line with the last cash payment of the day. Payments made elsewhere will be excluded from the total. The progressive totals of columns 6 to 40 will be struck at the bottom of each page and carried forward to the top of the next page. In this way the collections up-to-date under each head can be ascertained at any time. Progressive totals of entries in column 41 will not be struck.

Register III
Details of payments of revenue etc.

485. Register IV is the cash book of each office. The register will be maintained in the standard form of the West Bengal Financial Rules and all receipts and expenditure will be entered in it. It should be closed and balanced each day and the balance of each column should be verified with the balance of cash in hand and a certificate to that effect recorded in it under the signature of the officer responsible for the money.

Register IV
Cash Book.

486. Register V is the Treasury Pass Book and is kept only by those Bhumi Sahayaks who have been empowered by the D.L.L.R.O. to use it.

Register V
Treasury Pass Book

487. Register VI is a register of miscellaneous demand of a recurring nature, e.g. leases of grazing rights forest produce, fees for foreshore lands and jetties, and of miscellaneous demands which though not of a regularly recurring nature, are not paid in

Register VI
Misc. demand Register.

one lump sum, e.g., salami for which installments have been allowed. Leases of hats or ferries, which are settled annually, should also be entered.

Register VII
Misc. Collection
Register.

488. (i) Register VII is a register of all collections other than land revenue/rent, cesses or interest for tenancies entered in Register II. It includes the collections on account of demands of a more or less recurring nature which are entered in Register VI, as well as purely casual miscellaneous collections of the kind described in the next paragraph. All collections of a miscellaneous nature will be entered daily as they are received and progressive totals will be struck.

(ii) Casual miscellaneous collections include income from fisheries, salami when paid in a lump sum, grazing dues, fees for sale of fallen timber, paddy, sand, etc., but do not include interest on land revenue/ rent or cesses, which are entered in Registers II and III. It will also include hat collections. If separate registers are kept for the hats, only the daily total will be shown.

Register VIII
Register of
vested land,
resumed land
etc.

489. (i) Register VIII, is a register of unoccupied Government lands and will be maintained in four parts :

- (a) lands which are in use by the public and not to be settled, e.g., roads, drinking water tanks, grazing lands, smashan, kabarthan, bhagars, etc.;
- (b) agricultural lands;
- (c) non-agricultural lands;
- (d) sairati interest.

(ii) All the lands entered in the register must be inspected by R.Is. at regular intervals and the fact of such inspection noted in column 6 of the register. The B.L.L.R.Os should also frequently visit the areas in their Blocks to see if the entries have been made properly. As this is an important register, the D.L. & L.R.Os should also supervise the work so that the register is maintained properly.

(iii) Vested, resumed and abandoned lands must be entered as soon as intimation of vesting, resumption or abandonment is received and steps should be taken for immediate settlement of the lands according to the prescribed procedure.

(iv) The fact whether any land is unsuitable for distribution or cannot be settled owing to injunction of the court should be noted in the "Remarks" column.

Register IX
Filiation Register.

490. Register IX is the register of mutations. It will be kept in two parts : Part I will be used for mutation cases of inheritance or subdivision of holdings when application for mutation is made to the B.L.L.R.O. Part II will be devoted to cases in which notices of transfer, gift, etc., are received from Sub-Registrars or Courts.

491. (i) Register X is for leases/licenses for a term of years. The register should be maintained in two parts : Part I will contain lands of other departments managed by the Collector or D.L.L.R.O. In Part II will be shown all lands and other properties viz. hats, ferries, fisheries, leased or licensed for a term of years. It should be maintained in each Block Land and Land Reforms Office mouzawise. Its object is to ensure that when a lease for a term is about to expire, timely action will be taken for re-settlement.

Register X
leases/ Licences
register.

(ii) On the execution of a lease/license, necessary particulars will be entered simultaneously in the body of the register which is arranged by tenancies and in the chronological index which is arranged by the years of expiry of leases/licenses. It will be the duty of the B.L.L.R.O. at the beginning of a year to see that settlement cases are started in respect of all leases/ licenses the term of which will expire during that year.

492. (i) Register XI is a register of remissions and abatements sanctioned. It will be maintained in the headquarters Office as well as in the Office of the Sub-divisional Land and Land Reforms Officer. Remissions and abatements, as soon as sanctioned, will be entered in the register and progressive totals will be struck at the foot of each page.

Register XI
Remission and
abatement
register

(ii) Recommendations for remission and abatement will be made by the B.L.L.R.O. as soon as occasion arises. When numerous recommendations have to be made at one time, as for instance, on account of diluvion, a form similar to Register XI will be used, the reason for the recommendation being noted at the foot of the page.

(iii) Recommendations for remission and abatements will be made as soon as a tenancy is abandoned or transferred. On receipt of the orders sanctioning abatement in such cases, the tenancy will be removed from Registers I and II and noted in Register III.

(iv) The Sub-divisional Land and Land Reforms Officer has power to sanction abatement of land revenue of a holding of a raiyat or a portion of it lost by diluvion.

(v) In other cases the Collector has power to sanction abatement or remission up to Rs. 1,500 a year. The Commissioner's power in this regard is up to Rs. 5,000/-. In all other cases, sanction of the Board of Revenue shall be required.

493. (i) Register XII is a register of proposals for settlement. All proposals for settlement will be entered, whether they are for khas lands, vested or abandoned lands or for expired leases of fisheries etc.

Register XII
Proposals for
settlement.

(ii) For each settlement case, a separate case record will be opened. No form will be prescribed for the B.L.L.R.O.'s report recommending settlement, but all the information required in the register must be contained in such report.

Register XIII
Petition
Register.

494. Register XIII is collectorate Register 8 of the Register and Return Manual and will be maintained in Land & Land Reforms Offices for all petitions received for which no specific register is provided.

Register XIV.

495. The practice of sending petitions or other papers for local enquiry or report to any officer without taking proper measures to prevent the case from being lost sight of is to be avoided. When such reports are called for, a returnable date should always be fixed and an order sheet prepared. A copy of the order sheet should be retained in the district or sub-divisional office in a guard file or, where such cases are numerous; they should be entered in Register XIV as given in Appendix I.

496. Subject to other provisions of this Manual Registers mentioned at Column (1) below shall be maintained at offices as mentioned at Columns (2), (3), (4) and (5) below with respect to their relative jurisdiction.

Register	Whether it shall be maintained at the office of			
	D.L.L.R.O.	S.D.L.L.R.O.	B.L.L.R.O.	R.I.
Register I	—	—	Yes	Yes
Register II	—	—	—	Yes
Register III	—	—	—	Yes
Register IV	Yes	Yes	Yes	Yes
Register V	—	—	—	Yes
Register VI	—	—	—	Yes
Register VII	—	—	Yes	Yes
Register VIII	—	—	—	Yes
Register IX	—	—	Yes	—
Register X	—	—	Yes	—
Register XI	Yes	Yes	Yes	—
Register XII	—	—	Yes	—
Register XIII	Yes	Yes	Yes	—
Register XIV	Yes	Yes	Yes	—
Register 9 (Certificate)	Yes	Yes	Yes	—
Register 26	Yes	Yes	Yes	Yes
Boundary Mark Register	Yes	Yes	Yes	—
Guard File	Yes	Yes	Yes	Yes

APPENDIX I
REGISTER I—Jamabandi Register or Revenue/Rent Roll
 [See rules 323(a) & 482]

Sub-division :

Block :

Mouza :

Consecutive number of tenancy	Nature of tenancy	Name of the owner of the tenancy with father's name and residence	Total area of holding	Khatian and Plot Nos	Land			Land Revenue and Cesses					Rural Employment ce and surcharge	(1) Date of Patta (2) Period of current lease and date from which it took effect (3) Number of Cases	Number in/ Register II.	Remarks (Also mention the previous revenue)
					Area of each plot			Land Revenue R.P.	Surcharge R.P.	Road cess R.P.	P.W.D Cess R.P.	Education Cess R.P.				
					Agriculture		Non-Agri-cultural Area Hectar e/ Acre									
					Irrigat ed Area Hecta re/ Acre	Unirri ga ted Area Hecta re/ Acre										
1	2	3	4	5	6	7	8	9	10	11	12	13	13A	14	15	16

Register II—Tenant's Ledger

[See rules 201, 323(b) & 483]

Name of MOUZA:

Annual Demand

	Area		Authority for changes	Land Revenue	Surcharge	Cesses				Total
	Year	Hectare/Acre				Road	P. W.	Education	Rural Employment with surcharge	
	A	B				F	G	H	I	
1.										
2.										
3.										
4.										

Name of Tenant :

Father's Name :

Residing in Mouza :

No. in Register I :

No. of Khatian :

Changes in tenant's name and residence.

Register II—Tenant's Ledger—contd.

Collection		The name of the person making payment	Land Revenue				
Date	No. of rent receipt, money order or chalan		More than 3 years' arrears	Third preceding year's arrears	Second preceding year's arrears	Previous year's arrear	Interest on arrears
1	2	3	4	5	6	7	8

Land Revenue		Surcharge						
Current	Advance	More than 3 years' arrears	Third preceding year's arrears	Second preceding year's arrears	Previous year's arrears	Interest on arrears	Current	Advance
9	10	11	12	13	14	15	16	17

Register II—Tenant's Ledger—contd.

Road Cess						
More than 3 years' arrears	Third preceeding year's arrears	Second preceeding year's arrears	Previous year's arrears	Interest on arrears	Current	Advance
18	19	20	21	22	23	24

P.W. Cess						
More than 3 years' arrears	Third preceeding year's arrears	Second preceeding year's arrears	Previous year's arrears	Interest on arrears	Current	Advance
25	26	27	28	29	30	31

Education Cess						
More than 3 years' arrears	Third preceeding year's arrears	Second preceeding year's arrears	Previous year's arrears	Interest on arrears	Current	Advance
32	33	34	35	36	37	38

Rural Employment Cess with Surcharge							
More than 3 years' arrears	Third preceeding year's arrears	Second preceeding year's arrears	Previous year's arrears	Interest on arrears	Current	Advance	Remarks
32A	33A	34A	35A	36A	37A	38A	39

APPENDIX I—contd.

Register III—Register of collections on account of.....
 Gram Panchayat under.....Block Land & Land Reforms Office in the
 district of for the year.....

[See rules 323(c) and 484]

Date	No. of Counterfoil Receipt	As per Register II		Name of the Owner of the tenancy	Land Revenue						
		Mouza	Number		More than three years' arrears	Third year's arrears	Second year's arrears	Previous year's arrears	Interest on arrears	Current	Advance
1	2	3	4	5	6	7	8	9	10	11	12

More than three years' arrears	Surcharge						Road Cess			
	Third year's arrears	Second year's arrears	Previous year's arrears	Interest on arrears	Current	Advance	More than three years' arrears	Third year's arrears	Second year's arrears	Previous year's arrears
13	14	15	16	17	18	19	20	21	22	23

Road Cess			Public Works Cess						
Interest on arrears	Current	Advance	More than three years' arrears	Third year's arrears	Second year's arrears	Previous year's arrears	Interest on arrears	Current	Advance
24	25	26	27	28	29	30	31	32	33

Education Cess							
More than three years' arrears	Third year's arrears	Second year's arrears	Previous year's arrears	Interest on arrears	Current	Advance	
34	35	36	37	38	39	40	

APPENDIX I—contd.

Register III—concl'd.

Rural employment cess and surcharge							Total of each tenant	Total of each receipt of the day	Remarks
More than three years' arrears	Third year's arrears	Second year's arrears	Previous year's arrears	Interest on arrears	Current	Advance			
34A	35A	36A	37A	38A	39A	40A	41	42	43

1. At the bottom of each page the progressive total of columns 6 to 41 should be struck and this should be carried forward to the top of the next page. The total of column 42 should not be so struck.
2. By the term "Advance" is meant a payment in excess of the year's total demand after arrears, if any, have been paid up. It does not mean an advance for a later kist of the same year.
3. All the entries relating to payments made otherwise than in cash to the Bhumi Sahayak and of which the Bhumi Sahayak receives advice will be made in red ink and will be excluded from the daily total in column 42.

APPENDIX I—contd.

Register IV-Cash Book of..... Office in the district of.....for the year 19.....

[See rules: 323(d) and 485]

APPENDIX I—contd.

Register IV-Cash Book of..... Office in the district of.....for the year 19.....

[See rules : 323(d) and 485]

Date	Particulars of receipt	Amount creditable to the Treasury		Permanent advance recouped from the Treasury		Amount due to others (whether received from the Treasury or from other sources)		Total	Particulars of payment	Amount remitted to		Out of permanent advance		Amount paid to others (whether received from the Treasury or other sources)		Total	Remarks
1	2	3		4		5		6	7	8		9		10		11	12
		Rs.	P.	Rs.	P.	Rs.	P.	Rs. P		Rs.	P.	Rs.	P.	Rs.	P.	Rs. P.	
	Total of receipts								Total of payments								
	Opening balance								Closing balance								
	Grand Total								Grand Total								

Clerk-in-charge

Officer-in-charge

Register V—Pass Book

[See Rules 323(c) and 486]

The treasury of.....in account current..... with
 khasmahal collection of the.....district

Date	Number of chalart	Amount	Initials or signature of Treasury Officer
1	2	3	4
		Rs. P.	

Register VI—Miscellaneous Demand Register

[See Rules 323(0 and 487)

SI. No. of the register	Nature of the demand	Name of the person from whom due	Period of demand	Amount of demand	Amount paid with chalan No.	Date of payment	Remarks
1	2	3	4	5	6	7	8

Register VII—Miscellaneous Collections

[See rules 323(g) and 488]

Serial No. & Date	Name of person paying	Description of payment	Serial No. in Register VI	No. of Chalan	Amount	Interest
1	2	3	4	5	6	7

Register VIII—Government Lands

(See rules 114 and 489)

Block Land & Land Reforms Office,

Village :

Part I—Lands in use by the public and not to be settled

Part II—Agricultural lands

Part III—Non-agricultural lands

Part IV—Sairati interests

Serial No.	No. of plot	Area of the plot	Description	Date of entry	Date of inspection	case number as per Register XII & date of settlement	Remarks
1	2	3	4	5	6	7	8

N.B. (A) In remarks column, the following shall be noted :

(i) The Case No. and date of vesting of the land in the State, (ii) If there is any Civil Rule/Civil Order, the number and year of the same, (iii) If any non-agricultural land has been distributed for agricultural purpose (this is relevant to Part III only), (iv) If it has been settled on patta/lease/licence. (v) This register shall be maintained mouzawise.

APPENDIX I—contd.
Register IX—Mutation Register
(See rules 58, 244 and 490)

Part I—Inheritance, etc.

Part II—Transfer, Gift etc.

	1	Serial No.
	2	Date of application
	3	Name of applicant for mutation
	4	Plot No.
	5	Name and Number of recorded tenant
	6	Name of transferor
	7	Nature of mutation applied for
	8	Date of enquiry
	9	Date of order
	10	Abstract of order
	11	Date of issue of mutation certificate
	12	Date of correction of records
	13	Signature of officer verifying the correction.
	14	Remarks of reference to Register VII when salami is collected.

PPENDIX I—contd.
Register X—Register of leases for a term of years
(See rules 227 and 491)

Village :

Thana :

District :

Sl. No.	1	Number of holding or other description of subject-matter of lease	2	Department to which the land belongs	3	Name, father's name, caste & residence of lease	4	Date of commencement of period of lease	5	Date of expiry of period of lease	6	Annual rent	7	Date of settlement	8	Date of execution of lease	9	Date of renewal if any	10	Remarks	11

Chronological index of dates of expiry of leases

Leases expiring in the year 19.....

Name of the mouza	Serial No. of lease in register	Date of expiry of lease
1	2	3

Register XI—Abatement and Remission

[See Rules 323(h) and 492]

Name of Block :

Serial No.	No. of holding in Registers I and II	Name of mouza	Name of tenant	Abatement				
				Annual Demand				
				Land Revenue/ Rent	Surcharge	Road and Public Works	Education Cess	Rural Employment Cess with Surcharges
1	2	3	4	5.	6	7	8	8A
				Rs. P	Rs. P.	Rs. P.	Rs. P.	Rs. P.

Remission					Arrear Demand				
Arrear Demand					More than two year				
More than three years									
Land Revenue/ Rent	Surcharge	Road and Public Works Cess	Education Cess	Rural Employment Cess with Surcharge	Land Revenue/ Rent	Surcharge	Road and Public Works Cess	Education Cess	Rural Employment Cess with Surcharge
9	10	11	12	12A	13	14	15	16	16A
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.

APPENDIX I—contd.
Register XI—Abatement and Remission—concl.
[See Rules 323(h) and 492]

Second Year					Previous Year				
Land Revenue/ Rent 17	Surcharge 18	Road and Public Works Cess 19	Education Cess 20	Rural Employment Cess with Surcharge 20A	Land Revenue/ Rent 21	Surcharge 22	Road and Public Works Cess 23	Education Cess 24	Rural Employment Cess with Surcharge 24A
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.

Current Demand					Date of Collector's Order 29	Date of correction of record 30	Remarks. 31
Land Revenue/ Rent 25	Surcharge 26	Road and Public Works Cess 27	Education Cess 28	Rural Employment Cess with Surcharge 28A			
Rs. P.	Rs. P.	Rs. P.	Rs. P.	Rs. P.			

APPENDIX I—contd.
Register XII—Proposal for Settlement
 [See rules 218(ii) and 493]

Sl. No.	Name of mouza and holding No.	Area for settlement & description	Date of proposal	Old revenue or rent, if any	Proposed revenue or rent	Order No.	Date of order	Selami, if any	Date of realizing selami	Date of Patta or lease	Date of correction of record	Date of return to B.L.L. R.O.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Register XIII—Miscellaneous Cases
 (See rule 494)

Serial No.	Name of petitioner or nature of document occasioning the case	Abstract of case	Date of institution	Date of order	Abstract of order	Remark
1	2	3	4	5	6	7

Note : Enter in this register all cases for which no specific register is provided.

Register XIV—Petitions, etc., sent out for local enquiry
 (See rule 495)

Serial No.	Date of case	Nature of case	Date of despatch	Date when returnable	Date of return	Remark
1	2	3	4	5	6	7

APPENDIX
Return
Progress Statement of Collections
[See Rule District

	Land Revenue			Surcharge			Road Cess			P.W. Cess			Education Cess			Rural Employment Cess with Surcharge				
	1			2			3			4			5			5A			6	7
	Arrear	Current	Total	Arrear	Current	Total	Arrear	Current	Total	Arrear	Current	Total	Arrear	Current	Total	Arrear	Current	Total	Total of cols. 1(c) & 2(c)	Total of cols. 3 (c), 4(c), 5(c) & 5A
	a	b	c	a	b	c	a	b	c	a	b	c	a	b	c	a	b	c		
I. Demand on 1st Baisakh B.S.																				
II. Collection up to previous month																				
III. Collection during the																				
IV. Total collection up to date																				
V. Remission sanctioned																				
VI. Balance																				
VII. Total collection up to the same month of previous year																				

II

No. I

for the month of....., 13.....B. S.
324(ii)]

8	9	Interest on						11	Miscellaneous						13	14	15					
		10							12													
Total of cols. 6 & 7		Percentage of Collection of 8(IV) on 8(I)						Total Realization of cols. 8 & 10(f).		Licence Fee from Khas Lands						Total of col. 8 & 12 (e)			Percentage of 13(V) on 13(1)		Grand total of cols. 11 & 12	
		a	b	c	d	e	f			a	b	c	d	e	f							

APPENDIX II—contd.
Return No. n—List of Defaulters
 [Rule 324 (III)]

	- Serial No. in this list	
	10	Name of tenant
	11	No. of tenant in Register II or Register VI
	12	Land Revenue and surcharge
	13	Road and Public Works Charge
	14	Education Cess
	15	Rural Employment cess and surcharge
	16	Third year's and more than three years' arrears
	17	Second year's arrears
	18	Previous year's arrears
	19	Instant on arrears
	20	Current
	21	Third year's and more than three years' arrears
	22	Second year's arrears
	23	Previous year's arrears
	24	Instant on arrears
	25	Current
	26	Third year's and more than three years' arrears
	27	Second year's arrears
	28	Previous year's arrears
	29	Instant on arrears
	30	Current
	31	Third year's and more than three years' arrears
	32	Second year's arrears
	33	Previous year's arrears
	34	Instant on arrears
	35	Current
	36	Total due
	37	Whether certificate pending/has paid after close of year
	38	Order of the Block Land Reform Officer
	39	Remarks

APPENDIX III

Form A

A Certificate of Mutation

(See Rule 363)

To
(Name and address of the applicant)
Reference.....

He/She is informed that his/ her name has been mutated in respect of the land described in the schedule below:

The Schedule

1. District.....
2. Police Station.....
3. Mouza.....
4. J. L. No.....
5. Khatian No.....
6. Plot No.....
7. Area.....

Prescribed Authority u/s 50 of the West

Bengal Land Reforms Act, 1955

APPENDIX III—Contd. Form B

(See Rule 70)

To
(Name and address of the applicant)

Reference.....

He/She is informed that his/her name has been recorded in respect of the land described in the schedule below :

The **Schedule**

1. District.
2. Police Station.....
3. Mouza.....
4. J. L. No.....
5. Khatian No.....
6. Plot No.....
7. Area

Prescribed Authority u/s 50 of the West

Bengal Land Reforms Act, 1955

APPENDIX I Contd.

Form C

General Notice regarding granting of receipt (in Bengali)

[See Rule 302]

যেখানে সাধারণে যাইতে পারে, প্রত্যেক কাছারির দেওয়ালে এমন একটি স্থানে সুস্পষ্টভাবে নিম্নলিখিত নোটিসটি স্থায়ীভাবে টাঙ্গাইয়া রাখিতে হইবেঃ—

“খাজনা, সেস, ইত্যাদি বাবদ কোন টাকা প্রদান করিলে প্রত্যেক প্রজাই সেজন্য তৎক্ষণাৎ উপযুক্ত ফরমে স্বাক্ষরিত রসিদ ভূমি সহায়কের নিকট হইতে পাইবেন।

আবুয়াব বা যাহা আইনতঃ দেয় নহে এমন কোন টাকা দাবী অথবা গ্রহণ করা ভূমি সহায়কের পক্ষে বিশেষভাবে নিষিদ্ধ।

প্রজাদের অবগতির জন্য এই নোটিস রেভিনিউ বোর্ডের আদেশক্রমে টাঙ্গাইয়া দেওয়া হইল।”

APPENDIX III—Contd.

Form D

Form of Receipt for rent and Miscellaneous demands (in Bengali)

[See Rule 299]

খাজনার দাখিলা এবং বিবিধ তলব

প্রজার অংশ

জেলা নাম	মহলের নাম ও টৌজি নম্বর	সার্কলের নাম	ভূমি সহায়কের রসিদের নম্বর			
১	২	৩	৪			
গ্রামের নাম	ধানার/পরগণার নাম ও নম্বর।	জমাবন্দী নম্বর	জমির পরিমাণ			
৫	৬	৭	৮			
প্রজার নাম ও পিতার নাম ও সাকিন		কাহার দ্বারা (খাজনা) দাখিল হইয়াছে				
৯		১০				
নগদ খাজনা	পথ ও পূর্ত কর	শিক্ষা কর	গ্রামীণ কর্মসংস্থান কর এবং সারচার্জ	শস্যের পরিমাণ ও মূল্য	বিবিধ	মোট
১১	১২(ক)	১২(খ)	১২(গ)	১৩	১৪	১৫
	বকেয়া	সুদ	হাল	অগ্রিম		
	১৬	১৭	১৮	১৯		
রাজস্ব						
সেসু - পথ ও পূর্ত শিক্ষা গ্রামীণ কর্মসংস্থান (সারচার্জ সহ)						
বিবিধ						
মোট ওয়ারীল						
সর্বমোট (কথায়):						

Standard form of long-term lease of land for non-agricultural purpose

[See Rule 218]

LEASE granted by the Governor of the State of West Bengal to,
 son of of,
 in the police station. in the district of

THIS INDENTURE OF LEASE made the, day of, 19.
 BETWEEN THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter called
 'LESSOR' (which expression unless excluded by or repugnant to the context be deemed
 to include his successor in office and assigns) of the ONE PART AND
 son of of,
 hereinafter called the 'lessee' (which term
 unless excluded by or repugnant to the context be deemed to include his heirs, executors,
 administrators, representatives, and assigns) of the OTHER PART.

WHEREAS the Lessee has applied for permission to occupy for the purpose of
, the land hereinafter mentioned and described
 in Part I of the Schedule hereunder written and WHEREAS such application has received
 the approval of the Board of Revenue, West Bengal.

NOW THIS INDENTURE WITNESSETH that in consideration of the payment to the
 Lessor by the Lessee of the sum of Rs. on
 or before the execution of these presents and of the rent hereby reserved and fully mentioned
 in Part II of the Schedule hereunder written and of the covenants and conditions contained
 in Part II of the said Schedule hereunder written on the part of the Lessee to be paid
 observed and performed, the Lessor doth hereby demise unto the Lessee all that piece or
 parcel of land more particularly mentioned and described in Part I of the Schedule hereunder
 written TO HOLD the same unto the Lessee for the period of thirty years from the
 day of yielding and paying therefor the
 rents at the time and in the manner specified in Part II of the said Schedule hereunder
 written.

IN WITNESS WHEREOF the parties to these presents have hereunto set and subscribed
 their respective hands and seals the day, month and year first above written.

Signed sealed and delivered by the Collector/
 District Land & Land Reforms Officer of,
 for and on behalf of the Governor of the State
 of West Bengal in the presence of—

First witness— For and on behalf of the Governor of
 Second witness— the State of West Bengal.

(Signature)
 Collector/District Land & Land
 Reforms Officer

SEAL

APPENDIX W—Contd. 1 (Contd.)

4. In the event of the Lessee holding over after the expiration of the period of this demise the Lessee shall be held liable on account of any year subsequent to the expiry of the period of this demise for the rent at such rate as may be assessed upon the demised land at the revision of settlement.
5. Should the Lessee duly and faithfully observe and fulfil the terms, conditions and covenants on the part of the Lessee herein contained, the Lessee shall on the expiration of the aforesaid period of thirty years be entitled to have a renewal of the lease for a like period of thirty years and thereafter to successive like period upon the same terms and conditions save as to rent which may be increased or otherwise varied in accordance with the provisions of the law as may be in force for the time being.
6. If the Lessee dies before the expiration of the period of this lease or assigns his leasehold interests in the land described in part I of the Schedule hereunder written, the heirs, executors, administrators, representatives or assignees of the Lease shall duly get their names registered in the District L & L.R Office within three calendar months after obtaining possession of the holding and will possess and use the land-and be bound by all terms covenants and conditions herein contained.
7. The Lessee shall not in any way diminish the value of or injure or make any permanent alterations in the said demised land without the previous written consent of the Collector/District L & L.R. Officer and shall not sell or dispose of any earth, clay, gravel, sand or stone from the demised land nor excavate the same except so far as may be necessary for the execution of the works as stated in clause 16 of these presents. In the event of his making any ditch or excavation, which causes injury to the property without the consent of the Collector/District L & L.R. Officer it shall be filled in after due notice to the Lessee by the Collector/Dist. L & L. R. Officer who shall recover from the lessee the expenses incurred by him for the purpose as arrears of rent.
8. The Lessee shall keep me land free from jungle and all sorts of nuisance. On his failure to do so, after due notice to the Lessee the Collector/Dist. L. & L. R. Officer may cause the same to be removed and the expenses incurred for such removal shall be recovered from the Lessee as arrears of rent.
9. The Lessee shall pay and discharge all existing and future rates, taxes and assessment, duties, impositions, outgoings and burdens whatever assessed charged or imposed upon the demised premises or upon the owner or occupier thereof in respect thereof or payable by either in respect thereof.
10. The Lessee shall preserve intact the boundaries of the holding and will keep memwell demarcated according to the requisition from time to time as may be made by the Collector/D.L.L.R.O. and shall point them out when required by the Lessor or the Collector/

D.L.L.R.O. to do so to any officer duly authorised by him in writing to inspect them. Should any boundary mark be missing the Lessee shall report the fact to the Collector/ D.L.L.R.O.

11. The Lessee shall not be entitled to convert the demised land or any part thereof into a place of religious worship without the previous consent of the lessor obtained in writing or use or allow the demised premises or any part thereof to be used as place for cremation or burial.

12. The Lessee shall not use nor permit any other person to use the demised land or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purposes of the tenancy.

13. The Lessee shall not transfer part or whole of the demised land without prior permission in writing, of the Collector/D.L.L.R.O.

14. Lessee shall not use nor permit any other person to use the demised land or any share or portion thereof for any immoral, illegal or unsocial purposes in any manner so as to become a source of grave danger to the public peace or public safety.

15. If the demised land or any part thereof shall, at any time, be required by Government for a public purpose the Lcscs shall give up the same on demand without any claim to compensation in respect of the said demised land. If the land is required permanently the lease shall forthwith be determined and the Lessee shall be entitled to such fair and reasonable compensation for buildings and improvements effected by him as shall be decided by Collector/D.L.L.R.O. If a part of the land is required, whether permanently or temporarily, or if the whole land is required temporarily the lease shall not determine, but in the former case the Lessee shall be entitled to proportionate reduction of rent and in the latter case to a total remission of rent, and to such compensation in either case as shall be decided by the Collector/D.L.L.R.O. which shall be final.

16. The Lessor reserves to himself the right to all minerals on the Lands together with such rights of way and other reasonable facilities as may be requisite for working, gathering and carrying away such minerals.

17. The Lessee shall, before building any pucca house, privy or latrine or making any additions thereto or alterations therein, get the plan thereof approved by the appropriate agency such as Municipality, Development Authority, Gram Panchayat etc. A breach of this condition will render the lessee liable for ejectment.

18. The Lessee shall not make any revetment wall or pathways in the said demised land without the previous consent of the Collector/ D.L.L.R.O. The lessee shall also not cut down any tree without the previous consent of the Collector/D.L.L.R.O in writing and he shall also from year to year or within date, as the Collector/ D.L.L.R.O. may from time to time within the period of this demise by written notice fix, plant on the said demised land so many saplings and of such description as may be specified in the said notice or notices and replace any that may die or be destroyed to the satisfaction of the

Applicable on
to lands in
Darjeeling
District.

Collector/D.L.L.R.O. The Collector/D.L.L.R.O. may ask the Lessee to do any work on the land to ensure its stability and in the event of the Lessee failing to carry it out, the Collector/D.L.L.R.O. may have the work done after due notice to the lessee and the expense incurred for the purpose may be recovered from the Lessee as arrears of rent. The Lessee shall not without the previous consent of the Lessor in writing sublet the whole or part of the demised land.

19. The Lessee shall permit the Lessor and his agents on 24 hours' notice at all reasonable time during the erection of the buildings and subsequent thereto to enter upon the demised premises to view the condition of the buildings for the time being erected or in course of erection thereon and for all other reasonable purposes.

20. On breach or non-observance of any of the foregoing covenants, terms or conditions rendering the demised land unfit for use for the purposes of the tenancy, the lessee shall be liable to ejectment in accordance with the provisions of the law for the time being in force, but without prejudice to any other right or remedy of the Lessor that may have accrued hereunder.

The Lessor hereby covenants with the Lessee as follows:-

That the Lessee paying the rent hereby reserved and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the Lessor or any person rightfully claiming under or in trust for him PROVIDED ALWAYS and it is expressly agreed that if the rent hereby reserved or any part thereof shall be unpaid for 21 days after becoming payable (whether formally demanded or not) or if any covenant on the Lessee's part herein contained shall not be performed or observed then and in any of the said cases it shall be lawful for me Lessor at any time thereafter to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the right of action of the Lessor in respect of any breach of the Lessee's covenant's herein contained provided that on any such determination the Lessee shall be entitled to compensation for buildings erected or other improvements made by him on the demised land with the written permission of the Collector/D.L.L.R.O. and the amount of such compensation shall be fixed by said Collector/D.L.L.R.O. whose decision shall be final.

Applicable only in areas to which Calcutta Thikka Tenancy (Acquisition & Regulation) Act, 1981 applies.

2

Standard form of short-term lease of land for non-agricultural use

[See Rules : 218 and 228]

THIS INDENTURE made the, day of,
 19, between THE GOVERNOR OF THE STATE OF WEST BENGAL
 hereinafter called the 'LESSOR' (which expression unless excluded by or repugnant to the
 context be deemed to include his successors in office and assigns) of the ONE PART AND
 the son of of,
 in the police Station
 in the district of,
 hereinafter called the LESSEE (which term unless excluded
 by or repugnant to the context be deemed to include his heirs, executors, administrators,
 representatives and assigns) of the OTHER PART.

1. In consideration of the rent and the Lessee's covenants hereinafter and contained
 the Lessor hereby demises unto the Lessee all that piece of land situated and being more
 particularly described in the Schedule and plan attached hereto for the purpose of,
 To hold to the Lessee from
 day of, for the term of
 years paying therefor during the same term yearly rent
 of rupees, by equal half-yearly payments on the
 day of, and the,
 day of,
 every year.

2. The Lessee for himself and his assigns and to the intent that the obligation (save
 where they are satisfied earlier) may continue throughout the term has created covenants
 with the Lessor as follows:-

- (a) To pay the reserved rent on the days and in the manner aforesaid.
- (b) In default of payment of any instalment of rent within any Bengali year in which
 the rent falls due, to pay in addition to the arrear of the rent interest at the rate of 6 j per
 cent per annum on the amount of the rent in arrear from the end of the said Bengali year
 till the day of payment, which shall be realised as a public demand under the Bengal Public
 Demands Recovery Act.
- (c) To pay on or before the execution of these presents an amount not more than 10
 per cent of the market value of the holding which sum shall remain with the Lessor as a
 security deposit. The amount will be returned to the Lessee with interest at the Postal

Savings Bank rate on the termination of the tenancy. Provided that the amount will be liable to immediate forfeiture without prejudice to the right of action of the Lessor for damages, upon the Lessee's attempting to construct any kind of pucca structure on the demised holding.

(d) To bear pay and discharge all existing and future rates, taxes and assessment duties, impositions, outgoings and burdens whatever assessed charged and imposed upon the demised premises or upon the owner or occupier in respect thereof or payable by either in respect thereof.

(e) Not to erect or build or permit to be erected or built on the demised premises of any pucca structure.

(f) Not to convert the demised land or any part thereof into a place of religious worship without the previous consent of the Lessor obtained in writing, nor to use or allow to be used the demised premises or any part thereof as a place of cremation or burial.

(g) Not to use or permit any other person to use the demised land or any part thereof for a purpose other than that for which it is leased or in any manner which renders it unfit for use for the purposes of the tenancy.

(h) Not to use or permit any other person to use the demised land or any share or portion thereof for any immoral, illegal or unsocial purposes or in any manner so as to become a source of grave danger to the public peace or public safety.

(i) Not to sell or dispose of any earth, clay, gravel or sand from the demised land nor to excavate the same nor to do any thing else which will diminish the value of the land nor to cut down nor in any way injure any tree not planted by him on the land without the consent of the Lessor.

(j) To keep in tact and well defined the boundaries of the demised land and to point them out when required by the Lessor to do so to any officer duly authorised by him in writing to inspect them.

(k) To permit the lessor and his agents on giving 24 hours' notice at all reasonable times to enter upon the demised premises to view its condition or for any other reasonable purpose.

(l) Not to transfer by sale, gift or mortgage or otherwise the demised premises or any building situated thereon or any portion of them nor to subdivide the demised premises with any other person or persons.

(m) Not to sublet the demised premises to any other person or persons.

(n) That on the death of the Lessee, the Lessee's heirs, executors, administrators, representatives or assigns shall duly get their names registered in the office of the D.L.L.R.O. within three calendar months after obtaining possession of the demised land.

(o) On the expiry of the period of the lease or on the earlier determination of the tenancy for breach of conditions on the part of the Lessee as provided in clause 3 herein, to yield up the demised premises to the Lessor without any claim for compensation for any structure erected thereon during the term of the lease and to remove it within the time specified by the Collector/D.L.L.R.O.

3. The Lessor hereby covenants with the Lessee as follows:-

That the Lessee paying the rent hereby reserved and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the Lessor or any person rightfully claiming under or in trust for him:

PROVIDED ALWAYS and it is hereby expressly agreed that on breach or non-observance of any of the foregoing covenants, terms or conditions or on the Lessee rendering the demised land unfit for use for the purposes of the tenancy the lessee shall be liable to ejectment in accordance with the provisions of the law for the time being in force, but without prejudice to the right of action of the Lessor in respect of any breach of the Lessee's covenants herein contained:

PROVIDED FURTHER that the Lessee or his heirs, executors, administrators, representatives or assigns shall have no right to a renewal of this lease.

3A. The Lessor hereby covenants with the Lessee as follows:

That the Lessee paying the rent hereby reserved and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the Lessor or any person rightfully claiming under or in trust for him.

PROVIDED ALWAYS and it is hereby expressly agreed that if the rent hereby reserved or any part thereof shall be unpaid for twenty-one days after becoming payable (whether formally demanded or not) or if any covenant on the Lessee's part herein contained shall not be performed or observed then and in any covenant on the Lessee's part herein contained shall not be performed or observed then and in any of the said cases it shall be lawful for the Lessor at any lime thereafter to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely

determine but without prejudice to the right of action of the Lessor in respect of any breach of the Lessee's covenants herein contained.

PROVIDED FURTHER and it is hereby agreed that if any covenant on the Lessee's part herein contained shall not be performed or observed then and in any of the said cases it shall be lawful for the Lessor at any time thereafter in addition to the remedies hereinbefore described to impose a fine representing liquidated damages which shall not exceed half the yearly rental and which shall be recoverable as a public demand.

PROVIDED FURTHER that it shall be lawful for the Lessor at any time during the period of the lease to determine the lease by two months' previous notice in writing and that at any time after two calendar months after the service of such notice on the Lessee it shall be lawful for the Lessor to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine.

PROVIDED FURTHER that the Lessee or his heir shall have no right to a renewal of this lease on the determination thereof.

4. The Schedule above referred to.

The plan of land above referred to.

IN WITNESS WHEREOF THE COLLECTOR/ D.L.L.R.O. of the district.....on behalf of the Lessor and the Lessee have hereunto set their respective hands.

Signed by..... Collector/ D.L.L.R.O. of the district of for the Governor of the State of West Bengal.

Signed by.....in the presence of.....

APPENDIX IV—Contd.

3

Standard form for renewal of long-term lease of land for non-agricultural use

[See Rule 226(iii)]

LEASE granted by the Governor of the State of West Bengal to
 son of of.....
in the Police Station.....
 in the District of.....

THIS INDENTURE OF LEASE made this.....day of 19.....BETWEEN
 THE GOVERNOR OF THE STATE OF WEST BENGAL hereinafter called the 'LESSOR'
 (which expression unless excluded by or repugnant to the context be deemed to
 include his successor in office and assigns) of the ONE

PART AND.....son of.....
of.....hereinafter called the 'LESSEE'
 (which term shall unless be excluded by or repugnant to the context be deemed to
 include his heirs, executors, administrators, representatives and assigns) of the OTHER
 PART.

WHEREAS the Lessee has applied for a renewal of the lease of the land hereinafter
 mentioned and described in Part I of the Schedule hereunder written AND WHEREAS
 such application has received the approval of the Board of Revenue, West Bengal;

NOW, THIS INDENTURE WITNESSETH that in consideration of the rent hereby
 reserved and fully mentioned in the Part II of the Schedule hereunder written and of the
 covenants and conditions contained in the Part II of the said Schedule hereunder written
 on the part of the Lessee to be paid observed and performed the Lessor doth hereby
 demise unto the Lessee all that piece or parcel of land more particularly mentioned and
 described in Part I of the Schedule hereunder written TO HOLD the same unto the
 Lessee for the

period of thirty years from the..... day of.....yielding and
 paying therefore the rents at the time and in the manner specified in Part II of the said
 Schedule hereunder written.

IN WITNESS WHEREOF the parties to these presents have hereunto set and
 subscribed their respective hands and seals the day month and year first above-written.

SIGNED SEALED AND DELIVERED by the
 Collector/D.L.L.R.O. for and on behalf of
 the Governor of the State of West Bengal

For and on behalf of the
 Governor of the State of
 West Bengal

in the presence of:

(Signature)
Collector/D.L.L.R.O.

First Witness—

Second Witness—

SIGNED SEALED AND DELIVERED by the Lessee in the presence of:

First Witness—

Second Witness—

APPENDIX IV—Contd.
3 (Contd.)
The Schedule above referred to
PART I
Particulars of the Holding

- | | |
|--|--|
| <p>1. Plot No.</p> <p>2. Tauzi No.</p> <p>3. Area of plot</p> <p>4. Name of mouza</p> <p>5. Name of Thana</p> <p>6. Sub-Registration District</p> <p>7. District</p> | <p>(of the map prepared under Notification No. _____ dated the _____)</p> |
|--|--|

Boundaries of the Plot

North—
East—
South—
West—

PART II

1. The Lessee shall carry out the terms embodied in this lease and will continue to be bound thereby.
2. The Lessee shall pay the rent of the leasehold holding in the District L. & L. R. Office of.....in equal half-yearly installments as hereunder stated.

Installment of Rent

	Rs.	P.
First installment		on
Second installment		on

3. In default of payment of any instalment of rent within any Bengali year in which the rent falls due the Lessee shall be bound to pay in addition to the arrear of the rent interest at the rate of 6\ per cent per annum on the amount of the rent in arrear from the end of the said Bengali year till the day of payment and the arrear with interest payable

thereon shall be realisable as a public demand under the Bengal Public Demands Recovery Act.

4. In the event of the Lessee holding over after the expiration of the period of this demise the Lessee shall be held liable on account of any year subsequent to the expiry of the period of this demise for the rent at such rate as may be assessed upon the demised land at the revision of settlement.

5. Should the Lessee duly and faithfully observe and fulfil the terms conditions and covenants on the part of the Lessee herein contained, the Lessee shall on the expiration of the aforesaid period of thirty years be entitled to have a renewal of the lease for a like period of thirty years and thereafter to successive like period upon the same terms and conditions save as to rent which may be increased as otherwise varied in accordance with the provisions of the law as may be in force for the time being.

6. If the Lessee dies before the expiration of the period of this lease or assigns his leasehold interests in the land described in Part I of the Schedule hereunder written, the heirs, executors, administrators, representatives or assignees of the Lease shall duly get their names registered in the District L. & L. R. Office within three calendar months after obtaining possession of the holding and will possess and use the land and be bound by all terms covenants and conditions herein contained,

7. The Lessee shall not in any way diminish the value of or injure or make any permanent alterations in the said demised land without the previous written consent of the Collector/District L. & L. R. Officer and shall not sell or dispose of any earth, clay, gravel, sand or stone from the demised land nor excavate the same except so far as may be necessary for the execution of the works as stated in clause 16 of these presents. In the event of his making any ditch or excavation, which causes injury to the property without the consent of the Collector/District L. & L. R. Officer it shall be filled in after due notice to the Lessee by the Collector/Dist. L. & L. R. Officer who shall recover from the Lessee the expenses incurred by him for the purpose as arrears of rent.

8. The Lessee shall keep the land free from jungle and all sorts of nuisance. On his failure to do so, after due notice to the Lessee the Collector/Dist. L. & L. R. Officer may cause the same to be removed and the expenses incurred for such removal shall be recovered from the Lessee as arrears of rent.

9. The Lessee shall pay and discharge all existing and future rates, taxes and assessment, duties, impositions, outgoings and burdens whatever assessed charged or

imposed upon the demised premises or upon the owner or occupier thereof in respect thereof or payable by either in respect thereof.

10. The Lessee shall preserve intact the boundaries of the holding and will keep them well demarcated according to the requisition from time to time as may be made by the Collector/D.L.L.R.O. and shall point them out when required by the Lessor or the Collector/ D.L.L.R.O. to do so to any officer duly authorised by him in writing to inspect them. Should any boundary mark be missing the Lessee shall report the fact to the Collector/ D.L.L.R.O.

11. The Lessee shall not be entitled to convert the demised land or any part thereof into a place of religious worship without the previous consent of the Lessor obtained in writing or use or allow the demised premises or any part thereof to be used as place for cremation or burial.

12. The Lessee shall not use nor permit any other person to use the demised land or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purposes of the tenancy.

13. The Lessee shall not use nor permit any other person to use the demised land or any share or portion thereof for any immoral, illegal or unsocial purposes in any manner so as to become a source of grave danger to the public peace or public safety.

14. If the demised land or any part thereof shall, at any time, be required by Government for a public purpose the Lessee shall give up the same on demand without any claim to compensation in respect of the said demised land. If the land is required permanently the lease shall forthwith be determined and the Lessee shall be entitled to such fair and reasonable compensation for buildings and improvements effected by him shall be decided by the Collector/D.L.L.R.O. If a part of the land is required, whether permanently or temporarily, or if the whole land is required temporarily the lease shall not determine, but in the former case the Lessee shall be entitled to proportionate reduction of rent and in the latter case to a total remission of rent, and to such compensation in either case as shall be decided by the Collector/D.L.L.R.O. which shall be final.

15. The Lessor reserves to himself the right to all minerals on the lands together with such rights of way and other reasonable facilities as may be required for working, gathering and carrying away such minerals.

16. The Lessee shall, before building any pucca house, privy or latrine or making any additions thereto or alterations therein, get the plan thereof approved by the appropriate

agency such as Municipality, Development Authority, Gram Panchayat etc. A breach of this condition will render the Lessee liable for ejectment.

17. The Lessee shall not make any revetment wall or pathways in the said demised land without the previous consent of the Collector/ D.L.L.R.O. The Lessee shall also not cut down any tree without the previous consent of the Collector/D.L.L.R.O. in writing and he shall also from year to year or within date, as the Collector/D.L.L.R.O. may from time to time within the period of this demise by written notice fix, plant on the said demised land so many sapplings and of such description as may be specified in the said notice or notices and replace any that may die or be destroyed to the satisfaction of the Collector/D.L.L.R.O. The Collector/D.L.L.R.O. may ask the Lessee to do any work on the land to ensure its stability and in the event of the Lessee failing to carry it out, the Collector/D.L.L.R.O. may have the work done after due notice to the Lessee and the expense incurred for the purpose may be recovered from the Lessee as arrears of rent.

18. The Lessee shall not sublet the whole or part of the demised land.

19. The Lessee shall not transfer the whole or any part of the demised land without prior permission of the Collector/D.L.L.R.O.

20. The Lessee shall permit the Lessor and his agents on 24 hours' notice at all reasonable lime during the erection of the buildings and subsequent thereto to enter upon the demised premises in view the condition of the buildings for the time being erected or in course of erection thereon and for all other reasonable purposes.

21. On breach or non-observance of any of the foregoing covenants, terms or conditions rendering the demised land unfit for use for the purposes of the tenancy, the Lessee shall be liable to ejectment in accordance with the provisions of the law for the time being in force, but without prejudice to any other right or remedy of the Lessor that may have accrued hereunder.

The Lessor hereby covenants with the Lessee as follows :

That the Lessee paying the rent hereby reserved and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised premises during the said term without any interruption by the Lessor or any person rightfully claiming under or in trust for him provided always and it is expressly agreed that if the rent hereby reserved or any part thereof shall be unpaid for 21 days after becoming payable (weather formally demanded or not) or if any covenant on the Lessee's part herein contained shall not be performed on the Lessee's part herein contained shall not be performed or observed then and in any way of the said cases it

shall be lawful for the Lessor at any time thereafter to re-enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to the right of action of the Lessor in respect of any breach of the Lessee's covenant's herein contained provided that on any such determination the Lessee shall be entitled to compensation for buildings erected or other improvements made by him on the demised land with the written permission of the Collector/D.L.L.R.O. and the amount of such compensation shall be fixed by said Collector/D.L.L.R.O. whose decision shall be final.

4

Standard form of agreement for license to shop-keepers in Government hats

[See Rule 253]

AN AGREEMENT made the day of..... between the **Governor of the State of West Bengal** (hereinafter called the Governor which term unless repugnant to the context shall include his successors and assigns) of the **one part** and.....(hereinafter called the "Licensee" which term unless repugnant to the context shall include his heirs, legal representatives and assigns) of the **other part**.

WHEREAS the Licensee has applied for leave to erect a building for a shop including his dwelling if any, for the sale of.....upon the piece of land in the.....hat belonging to the Governor in the Schedule hereto described. Now it is hereby declared and agreed by and between the parties hereto as follows:

Firstly:— The Governor hereby grants to the Licensee subject to the provisions hereinafter contained license and liberty to erect a building (such building to be in all respects in accordance with plans, elevations and design or according to such general directions as may respectively be approved or given by the Collector/District Land and Land Reforms Officer of.....) for such shop as aforesaid including his dwelling if any on the said piece of land and for that purpose but for no other purpose whatsoever to enter upon the said land and to open and break up the soil thereof and to occupy the said building for the purpose aforesaid for the period of.....years from the date hereof paying during the said period for the rights and privileges hereby granted the monthly sum or fee of Rs.....payable by the licensee to the said District Land and Land Reforms Officer by such instalments

and at such times as such District Land and Land Reforms Officer may from time to time in writing direct.

Secondly :— The Licensee shall construct and complete the building for the said shop in accordance with such plans, elevations and design or directions as aforesaid withinmonths from the date hereof and shall from the date of such completion and throughout the remainder of the said period use the same continuously as and for a shop for the sale of.....;.. .

Thirdly :— The Licensee shall not transfer or sublet his interest under this licence or the rights and privileges hereby granted or any part thereof or attempt so to do except with the previous sanction of the said Collector/District Land and Land Reforms Officer in writing.

Fourthly :— The Licensee shall maintain the said building in proper repair and shall as all times during the said period without objections and with all due expedition make such repairs to the said building as the said Collector/District Land and Land Reforms Officer by letter under his signature may require.

Fifthly :— The Licensee shall not without the previous permission in writing of the said District Land and Land Reforms Officer use the said building or the said land on which it is to be erected or any part thereof for other purpose than that for which this licence is granted, that is to say, as a shop for the sale of articles of the description aforesaid required by persons attending the said hat.

Sixthly :— The Licensee shall pay without any objection all taxes, rates and assessments for the time being imposed or payable by law by or upon the owner or occupier on account of the said building or the land on which the same shall be erected as aforesaid.

Seventhly :— The Licensee shall not participate in any movement calculated to bring into hatred or contempt and excite disaffection towards any Government established by law in India or in any offence against the State mentioned in Chapter VI of the Indian Penal Code or generally in any act of criminal conspiracy as defined in section 120A of the Indian Penal Code or criminal intimidation as defined in section 503, Indian Penal Code, including picketing and social boycott, closing of shops during hartals, or in any act inconsistent with the preservation of law and order.

Eighthly :— Should it be considered necessary by Government to remove the building to be erected on the said land as aforesaid within the said period of years, the Licensee call without any objection within one month of the receipt of a notice in writing from the

District Land and Land Reforms Officer to that effect remove and take away the said building and clear the site of all materials, rubbish and debris and he will not be entitled to any compensation whatever except the value of the building to be fixed by the Collector/ District Land and Land Reforms Officer.

Ninthly :— The said sum or fee payable hereunder shall be liable to enhancement according to the Rules for the time being in force in the locality and the Licensee shall within one month from the notice of enhancement execute an agreement for payment of the enhanced rate or remove and take away the said building and clear the site as aforesaid unless prior to the expiration of that time he concluded an agreement with Government for the purchase by Government of the said building.

Tenthly :— If any sum or fee due under this licence shall be in arrear or unpaid for.....days after the same shall have become due or if the Licensee shall for these months after receipt thereof fail to comply with a requisition to repair the said building made by the Collector/District Land and Land Reforms Officer in the manner aforesaid or if the Licensee shall without the aforesaid permission of the Collector/District Land and Land Reforms Officer use the said land or building or any part thereof for any other purpose than that for which this licence is granted or if, for the space of three months continuously, the said land and building shall not be used for the said purpose or if there shall be any other breach or non-observance of any of the agreements herein contained and on the part of the Licensee to be observed or performed or if the Licensee shall at any time be found in possession of false or defective scales, weights or measures or to be selling or to have sold by false or defective scales, weights or measures or shall be convicted of any cognizable or non-bailable offence then and in any such case the Collector shall, notwithstanding the waiver of any previous breach of any of the terms hereof, have power forthwith to determine this licence or to impose such fine as the Collector shall in the circumstances deem expedient or to exercise both such powers. In the event of such determination the Licensee shall be entitled to remove all buildings lawfully erected by him on the said piece of land, provided that such removal is effected within one calendar month from such determination and in the event of such removal not being effected within such period all buildings and erections that shall remain on the said piece of land shall become absolutely and entirely the property of Government and the Licensee shall not be entitled to any compensation in respect thereof. Arrear fee and any fine that may be

imposed under the foregoing provision shall be recoverable under the certificate procedure.

Eleventhly :— The Licensee shall not by reason of this licence or the rights and privileges hereby granted acquire or be entitled to any right or interest whatever in the soil of the land or ground upon which such building shall be erected.

Twelfthly :— If the Licensee shall duly carry out perform and observe all the terms and conditions of this agreement, then on the expiry of this licence he will be entitled to prior consideration for successive renewals thereof for further periods of..... years upon such terms as may be offered and on payment of such fee a£ may be assessed.

Schedule

Particulars of the holdings

No. of plot

Boundaries of plot

Area of plot

5

Standard form of lease for settlement of Jalkars in Navigable Rivers.

[See Rule 271]

THIS INDENTURE, made this.....day of.....One thousand nine hundred and.....between THE GOVERNOR OF THE STATE OF WEST BENGAL, hereinafter called the **Lessor**, which expression where the context so admits or implies shall be deemed to include his successors in office and as signs of the

one part and.....son of.....of village.....in thana.....in the district of.....hereinafter called the Lessee which expression shall where the context so admits are implies be deemed to include his executors, administrators and assigns of the **other part**.

WHEREAS THE LESSOR is the proprietor of the Jalkar estate..... bearing Touzi No..... of the Collectorate described more in detail in Schedule A;

AND WHEREAS THE LESSEE approached the District Land and Land Reforms Officer of..... with a proposal for settlement of the said Jalkar described in Schedule A hereto annexed;

AND WHEREAS the District Land and Land Reforms Officer of.....

has agreed to the settlement of the said Jalkar with the said Lessee;

2. NOW THIS INDENTURE witnessed! that in consideration of die Lessee agreeing to observing and performing the terms and conditions of the covenants hereinafter contained and in consideration of the payment of sclami stated in Schedule C and of the rent hereinafter reserved the Lessee hereby demise unto the Lessee all that portion of die said Jalkar described in Schedule A for a term of years from to paying therefore yearly rental of Rs..... to be paid to die District Land and Land Reforms Officer in instalments set forth in Schedule B hereto annexed.

THE LESSEE hereby covenants with the Lessor as follows :

- (1) That die Lessee shall preserve the limits of the Jalkar hereby leased and protect the interests of the Lessor therein and shall not suffer any person to dispossess him or die Lessor Uierefrom or from any part diereof.
- (2) Should die Jalkar silt up on the river change its course in any manner adverse to the Lessee's rights and interest as aforesaid, the Lessee on his application shall be exempted either wholly or partially from die payment of further rent and profits for such time as die obstruction shall continue and in case of dispute die parties shall abide by the decision of the Board of Revenue.
- (3) All arrears of rent shall carry interest at the rate of 6j per cent per aunum and shall be realisable by die procedure under the law for the time being in force for die recovery of public demand.
- (4) That the Lessee shall not catch or take or allow any person or persons to catch or take fish from any part of the said Jalkar during the close season, viz. from.....to.....(to be fixed for each district by Collector).
- (5) That the Lessee shall not employ or allow to be employed any means or methods of fishing which are or may be considered as objectionable by the Collector/District Land and Land Reforms Officer.
- (6) That the Lessee shall not obstruct the free passage of boat or do any act detrimental to the interest of trade and commerce, or public health or pollute the water of the river or commit any act in connection therewith which shall, in the opinion of the Collector, amount to a nuisance.
- (7) That the Lessee will give all facilities for inspection or survey of the Jalkar leased which may be ordered to be made by the District Land and Land Reforms Officer of.....

(8) That the Lessee shall have no right to ferries on the river nor shall he have any rights whatsoever to the subsoil of the Jalkar or any minerals therein.

(9) That in the event of failure on the part of the Lessee to pay rent or any instalment of selami for.....days after due date or of any breach by the Lessee of any of the covenants hereinbefore contained then and in any such case this Lessee shall, at the option of the Lessor, and notwithstanding the waiver of any previous breach, cease and determine.

3. AND THE LESSOR covenants with the Lessee :

That the Lessee paying the rent hereby reserved and observing and performing the covenants and conditions herein contained and on his part to be observed and performed shall and may peaceably and quietly possess and enjoy the said Jalkar hereby demised during the said term without any interruption by the Lessor or any person claiming from or under him.

IN WITNESS whereof the parties hereto have affixed their hands and seals the day and year above written.

Signed by District Land and Land Reforms Officer
of the District for the Governor of the State of West Bengal.
in the presence of —

Witness (1)

Witness (2)

Signed by (Signature and seal of the District Land and Land Reforms Officer)
in the presence of —

Witness (1)

Witness (2)

(Signature of the Lessee.)

Schedules referred to

SCHEDULE A

A portion of the river locally known as appertaining to the Government Jalkar estate bearing Touzi No. of the Collectorate sowing through the mauzas in police station in the district of bounded as follows on the

North —

South —

East —

West —

Schedule B
Schedule of Kists

	Rent		Cess (if any)	
	Rs.	P.	Rs.	P.
May
December
February
Total

Schedule C
Schedule of payment of selami (if any)

6

Standard form of lease for settlement of Fishery in Khasmahal tanks and closed Khals or closed Channels

[See Rule 273]

THIS INDENTURE, made this.....day of.....One thousand nine hundred and.....between the GOVERNOR OF THE STATE OF WEST BENGAL hereinafter called LESSOR which expression where the context so admits or implies shall be deemed to include his successors in office and assigns of the **one part** and.....son of.....village.....in thana.....in the district of.....by caste '.....by occupation.....hereinafter called the LESSEE which expression shall where the context so admits or implies shall be deemed to include his heirs executors administrators and assigns of the **other part**.

WHEREAS THE LESSOR is seized and possessed of the Fishery bearing number.....

of the Office of the District Land and Land Reforms Officer particularly described in the Schedule hereunder written and WHEREAS THE LESSEE approached the Collector/District Land and Land Reforms Officer for obtaining a lease of the said Fishery particularly described in the Schedule. NOW THIS INDENTURE WITNESSETH that the consideration

of selami of Rs.....and of the rent hereinafter reserved and conditions and

covenants on the part of the LESSEE to be observed and performed the LESSOR hereby demise unto the LESSEE ALL that Fishery particularly described in the Schedule hereunder written to have and to hold the said Fishery hereby demised or expressed so to be to the

LESSOR for a term of.....years from.....to.....yielding and paying therefor during the said term the rent of Rs.....per annum.

2. THE LESSEE hereby covenants with the LESSOR as follows :

(1) That the LESSOR shall pay the annual rent for the first year of the lease before its execution and that for subsequent years in advance before the 31st day of March immediately preceding the year for which the rent is payable.

(2) All arrears of rent shall carry interest at the rate of 6[^] per cent per annum and shall be realisable by the procedure under the law for the time being in force for the recovery of public demand.

(3) That the LESSEE shall not catch or take or allow any person or persons to catch or take fish from any part of the said during the close season viz. from.....to.....to be fixed by the Collector/District Land and Land Reforms Officer.

(4) That the LESSEE shall not, or allow any one to, kill carps or pona, such as rohu, catla, mrigala, kalbous, etc. of less than 6 inches.

(5) That the LESSEE shall not employ or allow to be employed any means or methods of fishing which are or may be considered as objectionable by the Collector/District Land and Land Reforms Officer.

(6) That the LESSEE shall not, or allow any one to do any act in detriment to the interest of public health or pollute the water of the fishery or commit any act in.....

(7) That the LESSEE shall preserve the limits of the property hereby leased and protect the interest of the LESSOR therein and shall not suffer any person to dispossess him or the LESSOR there from or from any part thereof.

(8) That the LESSEE will give all facilities for inspection or survey of the property leased which may be ordered to be made by the Collector/District Land and Land Reforms Officer.

(9) That the LESSEE shall have no right to ferries on the Fishery nor shall he have any rights whatsoever to the subsoil of the property or any minerals therein.

(10) The LESSEE shall not be entitled to transfer such tank/water-area except by way of a simple mortgage or a mortgage by a deposit of the title deeds in favour of Scheduled Bank or a Co-operative Society or a Corporation owned or controlled by the Central or State Government or both for the purpose of obtaining loan for the development of tank/water-area or for the improvement of pisciculture.

(11) That in the event of any breach by the LESSEE of any of the covenants hereinbefore contained then and in any such case this, lease shall at the option of the LESSOR and notwithstanding the waiver of any previous breach, cease and determine.

3. And the LESSOR covenants with the LESSEE:

That the LESSEE paying the selami hereinbefore mentioned and the rent hereby reserved and observing and performing the covenants and conditions herein contained and on his part to be observed and performed shall and may peaceable and quietly possess and enjoy the said Fishery hereby demised during the said term without any interruption by the LESSOR or any person claiming from or under him and that he shall have option to surrender the lease at the end of any year, provided he gives one month's notice and pays up all dues up to and including the said year.

IN WITNESS WHEREOF the parties hereto have affixed their hands and seals the day and year above written.

Signed by.....District Land and Land Reforms Officer of thedistrict;..... for the Governor of the State of West Bengal, in the presence of—

Witness (1)

Witness (2)

(Signature and seal of the Collector)

Signed by.....in the presence of—

Witness (1)

Witness (2)

(Signature of the Lessee)

**Schedule referred to
Standard form of lease for settlement of part-vested tank with the owner of the
other portion (retained portion)**

[See Rule 273]

This **Indenture**, made this..... day of.....One thousand nine hundred and.....between the **Governor of the State of West Bengal** hereinafter called the Lessor (which expression where the context so admits or implies shall be deemed to include his successors in office and assigns) of the **one part** and.....son of.....village..... in thana in the district of by caste by occupationhereinafter called the LESSEE which expression shall where the context so admits or implies be deemed to include his heirs executors administrators and assigns of the **other part**.

Whereas the Lessor is the proprietor of..... acre being the minor/ major portion of the tank as described hereunder vested in the State under the West Bengal Estates Acquisition Act, 1953;

And Whereas the Lessee is the owner retaining the remaining portion of the tank hereinafter mentioned and described in Part I of the Schedule hereunder has applied to Government/Collector for long-term lease of the said vested portion measuring.....acre of the tank for the purpose of pisciculture under Rule 222(c) of the West Bengal Land Management Manual, 1977;

And Whereas the Lessor agreed to demise the said vested portion of the tank as described hereunder the said Lease for a period of 30 (thirty) years;

Now This Indenture witnesseth that in consideration of the payment to the Lessor by the Lessee of sum of Rs..... (Rupees on or before execution these presents end of the rent hereby reserved and fully mentioned in Part II of the said Schedule hereunder written and of the covenants and conditions contained in Part II of the said Schedule hereunder written on part of the Lessee to be paid observed and performed the Lessor doth hereby demise unto the Lessee the portion of the tank vested in the State more particularly mentioned and described in Part I of the Schedule hereunder written to Hold the same into the Lessee for the period of thirty

years from the.....day of..... yielding and paying therefor the rents at the time and in the manner specified in Part II of the said Scheme hereunder written to be paid to the Collector.

In witness whereof the parties to these presents have hereunto set and subscribed their respective hands and seals the day, month and year first above written.

Signed, scaled and delivered by the District Land and Land Reforms Officer of
.....for and on behalf of the Governor of the State of West Bengal
in presence of —

First witness :

Second witness :

For and on behalf of the Governor
of State of West Bengal.

(Signature)

District Land and Land Reforms Officer
Seal.

Signed, sealed and delivered by the
Lessee in the presence of—

First witness :

Second witness :

(Signature of Lessee)

The Schedule above referred to

PART I

Particulars of the Plot/Tank :

Mouza Jurisdiction List No..... Parganas
..... Police Station Sub-Registration Dist.
.....District.....Khatian No..... Plot No.
.....Share.....Area.....

Boundaries of the Plot/Tank

North :

East:

South :

West:

PART II

1. The Lessee shall carry out the terms embodied in this lease and will continue to be bound thereby.
2. The Lessee shall pay the annual rent of the leasehold portion of the tank, in the Office of District Land and Land Reforms Officer for the first year of the lease before its execution and that for subsequent years in advance before the 31st day of March immediately preceding the year for which the rent is payable.
3. In default of payment of rent within the date fixed in the preceding clause the Lessee shall be bound to pay in addition to the arrear interest at the rate of 6j per cent per annum on the amount of arrear till the day of payment and the arrears when not paid within 21 days of the date on which they fall due, shall together with interest payable thereon, be realisable as a public demand under the Bengal Public Demands Recovery Act or under any other law for the time being in force.
4. The Lessee shall preserve the limits of the property hereby leased and protect the interest of the Lessor therein and shall not suffer any person to dispose him or Lessor therefrom or from any part thereof.
5. The Lessee shall not, or allow any one to, do any act detriment to the interest of public health or pollute the water of the Fishery or commit any act in connection therewith which in the opinion of the Collector/District Land and Land Reforms Officer may seem undesirable.
6. The Lessee shall not use or permit any other person to use the demised property/tank or any part thereof for a purpose other than that for which it is leased or in a manner which renders it unfit for use for the purpose of pisciculture.
7. The Lessee will give all facilities for inspection or survey of the property leased which may be ordered to be made by the Collector.
8. Should the Lessee duly and faithfully observe and fulfill the terms, conditions and covenants on the part of the Lessee herein contained, the Lessee shall on the expiration of the aforesaid period of thirty years be entitled to have a renewal of the lease for a like period of thirty years and thereafter to successive like period upon the same terms and conditions save as to rent which may be increased or otherwise varied in accordance with the provisions of the law or rules as may be in force for the time being.
9. If the Lessee dies before the expiration of the period of this (ease or assigns his leasehold interests in the property/tank described in Part I of the Schedule hereunder

written, the heirs executors administrators representatives or assigns of the Lessee shall duly get their names registered in the Collectorate within three calendar months after obtaining possession of the property/tank and will possess and use it and be bound by all terms covenants and conditions herein contained.

10. If the Lessee is found to possess land in excess of ceiling area applicable to him under the West Bengal Land Reforms Act and/or the Urban Land (Ceiling and Regulation) Act, 1976 the Lessor shall have the option to determine the lease and resume possession of the property leased out under this indenture and the Lessee shall not be entitled to any compensation for such resumption.

11. In the event of any breach by the Lessee of any of the covenants hereinbefore contained then and in any such case this lease shall, at the option of the Lessor and notwithstanding the waiver of any previous breach, cease and determine.

8

Standard form of lease of ferries

[See Rule 281 (v)]

THIS INDENTURE made this.....day of.....one thousand nine hundred and.....between the **Governor of the State of West Bengal**, hereinafter referred to as the "Governor" (which expression shall include his successor in office and assigns) of the **One Part** and.....son of..... resident of Village ThanaDistrict.....hereinafter called the "Lessee" (which expression shall unless excluded by or repugnant to the context include his heirs, executors, administrators, representatives and assigns) of the **Other Part**.

WITNESSETH as follows :

(1) That the Governor doth hereby grant, demise and let out to the lessee the ferry across the river and locally known as ferry and situated on the road from to at the annual rent of Rs..... for the period of one year from the 1st day of Baisaks 136 B.S. TO THE LAST DAY OF Chaitra of 136 B.S. on the terms and conditions hereinafter enclosed.

(2) That the Lessee shall deposit and keep deposited with the Collector/District Land and Land Reforms Officer of..... (hereinafter referred to as the Collector) the sum of Rs.....with the intent that the

said Collector shall hold the same until the determination of this lease as security for the due performance by the Lessee of the terms, conditons, covenants and stipulations herein on the part of the Lessee contained.

(3) The tolls that shall be levied in respect of the said ferry by the Lessee shall be according to the schedule below and the Lessee shall not be entitled to levy any other loll or at any other rate. The said Collector shall have the right and be entitled to vary or modify the rates of the tolls from time to time by notice in writing to the Lessee according to the procedure laid down in Clause (7) following and the Lessee shall levy tolls according to the rates so varied or modified.

(4) That the Lessee shall be bound to ply the ferry as hereinafter provided during the period of the Lease.

(5) That the Lessee shall;

(a) provide.....boats for the ferry and to keep the boats in proper repair and to take proper care thereof and shall provide all suitable accommodation in the ferry boats for passengers and goods traffic;

(b) employ a crew of.....men on each boat;

(c) arrange to make at least.....crossing everyday and to make arrangements that the boats to start at the hours.....from the landing places;

(d) provide and keep in order the landing stages and the travellers sheds on either or both banks of the river and the slopes and approaches to the ferry and shall also provide a light in each boat which must be displayed in a conspicuous part of the boat at night;

(e) affix the table of tolls furnished by the Collector/District Land and Land Reforms Officer as per schedule of the agreement at some conspicuous place near the ferry on both the banks of the river.

(6) The Lessee shall not be entitled to charge, levy or demand tolls for ferrying;

(a) Mails, Mailcarts, Dak-runners and Government Telegraph messengers on duty,

(b) Government Stores, animals and vehicles when accompanied by a chalan from Government Officer.

(c) Persons or peopcrty mentioned in Section 3 of the Indian Tolls (Army) Act. 1901.

(d) Police and other Public Officers and Process-serving Peons, Panchayat and Village Chowkidars when travelling on duty with their bonafidc baggage, horses, Palkies or other conveyance.

(e) Executive Officers of the District Road Department when travelling on duty.

(0 Members of the Jilla Parishad and Panchayat Samities travelling on duty connected with their office as such members.

(g) Collies engaged in repairing roads with their tools and instruments.

(h) Persons carrying dead bodies or property sent in by the Police.

(i) Government Officers, Government servants, Tahsildars, Mohurriers and Peons etc., when travelling on official duties.

(7) THE LESSEE shall not be entitled to charge, levy or demand tolls from persons who made or swim across or take cattle or other animals or property across at their own cost and risk or from persons who cross themselves, or take other persons across without charge, in their own boats.

(8) The lessee shall pay the annual rent in the following instalments into the District Treasury to the credit of the District Land Reforms Officer of

Rupees	Paise	Date
1st		
2nd		
3rd		
4th		

and shall file in the Office of the District Land and Land Reforms Officer within two days after due date of payment a duplicate chalan or Treasury receipt in proof of such payment.

But if at any time before the expiry of the period for which the ferry has been leased to the Lessee, this lease be determined for any breach of the terms and conditions of the lease or for any willful breach of the covenants the Lessee shall be liable to pay rent up to and including the installment due next after such determination of the Lease, and any rent paid in advance, will not be refunded to the Lessee. Any dispute arising as to whether the Lessee has committed any breach of the terms of the lease shall be decided by the said Collector as an Arbitrator in accordance with the provisions of the Arbitration Act.

(9) The said Collector shall have the right and be entitled to vary the rates of tolls fixed and to modify the conditions regarding the exemption from the payment of tolls and the annual rent payable in consideration of the change in the rate of tolls and the exemption from payment to tolls but before any change or modification is made and enforced, an opportunity shall be afforded to the Lessee to make his representation of the proposed variation. If on variation of the said terms, the Lessee be willing to determine this demise

he shall be entitled to do so on fifteen days' notice and on the expiration of the period of the notice this Lease shall stand determined and be at end.

(10) The Lessee shall not be entitled to claim any compensation if the roads leading to or from the said ferry be closed for repairs or on account of inundations or the breach in any bridges or on account of deficiency of water in the river on which the ferry is situated.

(11) All arrears due by the Lessee, of the tolls of the said ferry on account of his lease, any pecuniary forfeiture for breach of the covenants inserted in this deed of indenture of lease or conditions of sale by public auction and all sums due from the Lessee on the surrender of this lease shall be recoverable from the Lessee from his security deposit (if any) and also as a demand under the Bengal Public Demands Recovery Act. 1913 or any other Act for the time being in force for recovery of public demands besides other remedies available to the Governor.

(12) The lease shall be liable to be cancelled forthwith by the Collector if it shall appear to the Collector that the Lessee has failed to make due provision for the convenience and/or safety of the public within 15 days after being required to do so by notice in writing from the Collector.

(13) The Lessee may surrender his lease on the expiry of one month's notice in writing to the Collector of his intention to surrender such lease on payment of such reasonable compensation as the Collector (may with the approval of the Commissioner/Board) in each case direct.

(14) The Lessee shall affix and keep in good order and repair the table of tools mentioned in paragraph 5(e) of this Indenture and shall not remove, alter or deface such table or allow it to become illegible.

(15) The Lessee shall be bound to ferry over diligently with proper care and caution and with the least possible delay to all passengers, vehicles, animals and goods which may come to ferry ghat to be ferried over and shall not without due cause delay or detain any person, animal, vehicle or other things in crossing over the ferry.

(16) If the Collector consider the construction of a temporary bridge across the waterway for any year during the period herein mentioned necessary in the interest of the public for communication, the lessee shall construct the bridge at his own costs and expenses within the specified period and maintain it in good condition as may be approved by the Collector for the period. The lessee shall be entitled to realize tolls for the use of the bridge at the rate prescribed for the ferry but he will not get any remission

in respect of the ferry rent payable to Government such bridge shall, however on no account obstruct the free passage of the water of the stream.

If the bridge is constructed by Government at its own costs, the Lessee shall not be entitled to realise any toll for the use of the bridge but will be entitled to such remission of a portion of the rent payable by him as may be decided by Government.

(17) The Collector may at any time require the Lessee to repair or replace any boat which he considers to be in a dangerous state of disrepair, and the Lessee shall thereupon be bound to repair or replace it as directed.

(18) The Lessee shall not ply the ferry boat or boats when the current, wind or state of the weather is such as to render the crossing unsafe, and endanger the lives of the passengers.

(19) The Lessee shall when required by the Collector to do so, furnish all information in his power regarding suspicious persons or classes of persons who may have been or may come to be, ferried over.

(20) The Lessee shall mark on each boat the number of passengers, animals and vehicles and the bulk and weight of the things it is authorised to carry at a single trip.

(21) If the Lessee makes any default in the payment of rent (licence fee) for the ferry or of any penalty which may be lawfully imposed or if the Lessee does not observe and perform the covenants herein contained it shall be lawful for the said Collector to remove the Lessee from the charge of the ferry and to settle the same with some other person or hold it khas. After such removal, the Lessee shall not be entitled to any part of the proceeds of the ferry or to levy any toll therefor. And if the rent in relating the ferry falls short of the amount at which it was leased to the Lessee, and the Government hereby incurs loss the Lessee shall be responsible and liable for such difference or loss, the amount of which may be realised from the Lessee. If the deposit be not sufficient for the purpose and/or for the rent due from the Lessee shall be recoverable from the Lessee and all sums which the Lessee shall become liable to pay under these presents shall be recoverable from him as Public demand under the provisions of Bengal Public Demands Recovery Act, 1913 or any statutory modification thereof for the time being in force.

(22) The Collector shall be entitled to deduct from the said security deposit the amount of rent that may be in arrears, if any and the Lessee shall forthwith make deposit of the amount so deducted out of the security deposit and in default thereof the Lessee may be removed from the charge of the ferry.

(23) The Lessee shall not assign, sublet or part with the possession of the ferry without the previous consent in writing of the Collector.

THE SCHEDULE ABOVE REFERRED TO

(Please state here the rate of tolls)

In witness whereof the parties hereto have set and subscribed their respective hands the day month and year first above written.

Signed and delivered for and on behalf of the Governor of West Bengal by In the presence of

(Signature, description and address of witnesses.)

Signed and delivered by In the presence of

(Signature, description and address of witnesses.)

9

**Standard form of license to be executed by the Joint Steamer or other Companies
in respect of Jetties, Flats, etc., belonging to them in the Navigable Rivers
in West Bengal**

AN AGREEMENT made this day of
.....between the GOVERNOR OF THE
STATE OF WEST BENGAL (hereinafter called the Governor which term unless
repugnant to the context shall include his successors and assigns) of the **ONE
PART** and(hereinafter called the "Licensee" which term
unless repugnant to the context shall include its successors and assigns) of the **OTHER
PART.**

WHEREAS the Licensee has applied for leave to erect/anchor permanent/temporary
jetties/flats, etc., on the bed(s) or foreshore(s) of the river(s) belonging to the Governor in
the schedule hereto described. Now it is hereby declared and agreed by and between
the parties hereto as follows:—

1. The Governor hereby grants to the Licensee subject to the provision herein contained
license and liberty for a period of.....years from the date hereof
to erect anchor jetties/flats, etc., for use by and in connection with steamers belonging to
the Licensee or others plying on the said river(s) on the bed or foreshore of the said
river(s) and for the purpose of erecting/anchoring such jetties/flats but for no other
purpose whatsoever to enter into and upon the said bed(s) or foreshore(s) of the said
river(s) and to occupy the same the licensee shall throughout the period of this license
pay to the

Governor a fee of Rs..... such fee being payable annually on the.....day of.....every year at the Local Treasury.

2. In default of payment of the license fee aforesaid on the date fixed the Licensee shall also without prejudice to any other right or remedy of Government hereunder pay interest at the rate of 61 per cent per annum on the amount of arrears till the day of realization.

3. The said fee and interest shall be recoverable as a public demand under the Public Demands Recovery Act.

4. The Licensee shall design, erect, arrange and keep the said jetties/flats in sound and practical manner to the satisfaction of the Collector and shall from time to time make such alterations or arrangements for the satisfactory use of the said jetties/flats as the Collector may require including proper arrangements for the sufficient lighting thereof to ensure the safe embarkation and disembarkation of passengers and in accordance with and suitable to conditions of the traffic or each and every ghat where any such jetty/flat may be erected and maintained PROVIDED ALWAYS it is hereby specifically agreed that the said jetties/flats shall be at all times available for use of Government launches, steamers and boats free of charge.

5. The Licensee shall not during the period of this license do anything which in die opinion of the Collector may cause Uic bed of the said river(s) to deteriorate or interfere with or decrease the navigability of the said rivcr(s) or cause the bed to silt up.

6. That the Licensee undertakes to erect the structure in accordance with the plans and specifications approved by the Collector and further himself not to make any encroachment on the adjacent foreshore land.

7. Whenever in the opinion of the Collector any jetty/flat or structure erected by the Licensee or any part thereof should be removed he should give one month's notice to the Licensee calling upon the Licensee to effect such removal thereupon the Licensee shall take immediate steps to remove the structure or any part thereof in accordance with the terms of the said notice.

8. That in case the arrangements, made by the Licensee for the embarkation and disembarkation of passengers, arc not, in the opinion of the Collector, reasonably suited to the traffic of the particular ghat or if the jetties/flats arc not made for Government launches as and when required, as provided in clause 4, if the Licensee makes any

encroachment on the adjacent foreshore land in contravention of the last part of clause 6 the Governor shall be at liberty to cancel this license forthwith.

9. That the Licensee shall pay all rates and taxes and assessment whatsoever that are now or during the said period shall be imposed or assessed on the said premises on the authority of Government or any local body or otherwise.

10. That the Licensee shall not without the previous permission of the Collector in writing use the said jetties, flats or any portion of the foreshore or river bed on which such jetties/flats have been or are to be erected or anchored or any part thereof for other purposes than that for which this license is granted.

11. That the Licensee shall not by reason of this license or rights and privileges hereby granted acquire or be entitled to any right or interest whatever in the beds or foreshore of the said river upon which such jetties, etc., have been or shall be erected.

12. That on the expiry of the term of this license the Licensee shall have an option of renewal for such further period on such terms and conditions and on payment of such fee as may be fixed by Government, provided that the terms and conditions of this license have been duly observed and performed to the satisfaction of the Collector.

APPENDIX V 1

Illustrative schedule of miscellaneous receipts from Government estates

[See Rule—311]

Group-I - Sale proceeds.

1. Produce of demonstration farms and gardens.
2. Forest produce, fruit, tree, leaves
3. Old materials
4. Fish

Group - II Fees.

1. Sporadic grazing fees.
2. Fees in demarcation cases.
3. Fees realized from dry fish yards.
4. Fees for jellies, ghats etc.
5. Aeroplane landing fees.
6. Fees for stocking coal in chars
7. Fees for occasional use of land, eg. by athletic clubs, jatra parties etc.
8. Lease rent of fisheries.

Group - III Selami

Selami on account of long-term lease of land.

Group - IV . Miscellaneous.

1. Collection from hats, markets and fairs
2. Other miscellaneous profits :—
 - (a) Receipts from ferries.
 - (b) Temporary leases of thatching grass.
 - (c) Occasional settlement of small fisheries otherwise than on lease.

2

[See Rule : 3151

**Extract from Chapter XIV of the West Bengal Tauzi Manual,
1940 regarding suspension and remission of land revenue
on account of agricultural calamities**

168. The Resolution of the Government of India No. 3-9-2, dated the 25th March 1905 (reproduced in Appendix E), lays down the principles to be followed in granting suspension and remission of land revenue during agricultural calamities. The main object in view is to give relief to the cultivating classes when they are unable to pay their rents on account of failure of crops. The following rules are based on these principles for the general guidance of Revenue Officers.

Introduction.

169. Agricultural calamities shall be classified as —

Classification of calamities.

- (a) "widespread", such as famine, drought, and general failure of crops over should estates and over large areas; and
- (b) "Local" or isolated, such as are occasioned by hail, floods locusts and the like in which the failure of crops is not uniform and does not extend over large areas.

170. The rules below apply however, in the main to both classes of calamities: the only specific exceptions relating to "local" calamities are those contained in rules 175 and 180 which contemplate a field to field enquiry in such cases. In dealing with "wide spread" calamities, on the other hand, relief, if it is to be as prompt as is essential, must be based on information relating to entire villages or homogeneous groups of villages.

Applicability of the rules.

171. In deciding what proportion of the land revenue should be suspended or remitted, the Collector should take into account the fact that, in accordance with the principles laid down in the Government of India's Resolution No. 13-356-10, dated the 21st August 1906 (vide Appendix F), where only a proportion of the land revenue of an estate is suspended or remitted, the cess will nevertheless continue to be collected as usual : but

Effect of suspension or remission of land revenue on cess demand.

that where an installment of land revenue is wholly suspended or remitted, the cess demand will be suspended and should be realized with the next instalment of land revenue which is collected. Estates directly managed by the State Government.

Enquiry in the case of wide-spread calamity.

172. When the Collector has reason to believe that there has been, or will be, so great a failure of crops as to render it probable that suspension or remission of land revenue may be necessary, he shall at once either himself proceed, or shall depute an officer of as high a rank

as may be available, but not below the rank of a kanungo, to make an enquiry into the extent of the failure in the estates affected by the calamity.

Proportion of land revenue to be suspended or remitted.

173. On receipt of the officer's report, and after such test of the report as may be possible, the Collector shall decide whether the calamity is to be treated as belonging to class (a) or to class (b), and shall proceed to determine the amount of revenue which should be recommended for suspension or remission, as the case may be.

Immediate relief.

174. In the case of a widespread calamity, the enquiry under rule 172 shall be made as promptly as possible, and, to obviate delay therein, the Collector may, in submitting his original proposal, base his report as to the degree of immediate relief necessary on the agricultural conditions of entire villages or homogeneous groups of villages.

If, after making such report, the Collector finds reason to believe that the agricultural conditions of any village have been incorrectly reported, he may submit a modifying of his original proposal accordingly.

Form of relief.

175. In the case of a widespread calamity, relief shall, where possible, be given in the first instance in the form of suspension of land revenue.

In cases of local calamities, where field to field inspections have been made and properly checked remissions may be made without preliminary suspension when the circumstances, in the opinion of the authority competent to sanction remissions, justify it.

Method of calculation of damage.

176. In submitting his proposals for suspension or remission the Collector shall have regard to rule 171 above, and shall take into consideration the relation which the crop which has failed bears to the sum total of the crops of the year on the area affected, as well as the previous history of the tract affected.

Explanation :— If the winter crop normally represents 60 per cent of the year's crops and the summer 20 per cent, and the spring 20 per cent and if 50 per cent of the winter is lost and the summer has been an 80 per cent crop and a 75 per cent spring may be anticipated, the calculation is $60/100 \times 50/100 + 20/100 \times 80/100$ or $30 + 16/100 = 46$ per cent for the crop already secured, and a probable $75/100 \times 20/100$ or 15 per cent.

On account of the spring crop expected. Such a loss of crops would not ordinarily by itself constitute a sufficient ground for recommending suspension of revenue, unless the previous history of the tract is unfavourable.

177. The suspension or remission of revenue shall not ordinarily be granted except in the case of a failure which causes a loss of more than half the normal crops of the whole year. The case of every village or homogeneous group of villages shall be considered on its merits, and no relief shall be given, unless it is found necessary.

Limitation on grant of relief.

178. The Collector shall, however, take into consideration the crops of the two preceding years, and where the crops of these two years have been less than half the normal, or where any revenue is already under suspension, the provisions of rule 177 may be relaxed and a special recommendation for suspension or remission may be made. Similarly, if the result of such an examination is favourable to the area, the suspension or remission may be less than the scale.

Consideration of crops of previous years.

179. A scale of relief is laid down below for general adoption, which shall be taken as a maximum scale and should not be exceeded except in special cases for which there is a full and satisfactory explanation:—

Scale of relief.

Actual outturn of the year's crops (normal outturn being 100)	Degree of relief (Per cent)
40 per cent and less than 50 per cent of the year's normal crops:	25
25 per cent and less than 40 per cent of the year's normal crops	50
Less than 25 per cent of the year's normal crops	100

180. In dealing with local calamities falling under class (b), as field to field inquiry will have been made of the extent of the failure, consideration shall also be given to the loss suffered by such tenant in comparison with his total income, and no relief shall necessarily be given to a tenant whose crops or whose subtenant's crops have been destroyed upon fields forming only a small portion of his entire tenancy.

Inquiry in the case of local calamity.

181. It shall be the business of the Collector to make recommendations for the remission of revenue when he considers it necessary, and in doing so he shall be guided by the principles laid down in paragraph 12 of the Resolution of the Government of India (cited in rule 168), which are here reproduced:—

Principles of remission.

As soon as it becomes clear that it will be inadvisable to collect suspended revenue or any particular portion of it, it should be remitted at once. It is most undesirable to keep suspensions hanging for long over the heads of the revenue-payers; and the

Government of India are of opinion that revenue which has been under suspension for three years should ordinarily be remitted as a matter of course. They are also prepared, in the case of fully assessed tracts with an outturn which is fairly constant, to accept a rule which would limit the amount of revenue under suspension at any given time to the equivalent of the revenue demand of an ordinary year. In the latter case it would not follow that when suspension exceeded the limit, the whole amount suspended should be remitted, and logically speaking, only the balance by which they were in excess should be so dealt with. But in the case of calamities so severe as to call for heavy suspensions, greater liberality than this will no doubt be desirable. An absolute and general rule that the amount under suspension should never exceed a year's revenue would be open to objection, since there are many areas of fertile soil where there is no irrigation and the rainfall is uncertain in amount and where on account of this uncertainty revenue is pitched so low that in a really bumper year the people could pay very much more than the revenue assessed without the slightest inconvenience."

Remission
and collection of
suspended
revenue.

182. Where the damage caused to the crop is so severe that the Collector thinks that no portion of the suspended revenue should be collected afterwards, he shall, except in cases in which under the ordinary rules he has power to sanction remissions, at once report to the Commissioner the amount to be remitted. Where, however, he thinks that only a portion of the revenue should be remitted, he shall report to the Commissioner the percentage of revenue to be remitted. The balance in such case and in cases in which no remission is granted the whole of the suspended revenue shall be recovered from the tenants in such installments as may be fixed, with the approval of the Commissioner, with reference to the character of the succeeding harvests from which it is recovered and the condition of the tenants at the time.

Intimation to
tenants.

183. In every case full notice shall be given to the tenants concerned of the order of suspension or remission, if possible, one full month before the date when the instalment falls due, and in any case before collection of the instalment would ordinarily begin. The

Postponement
of collection until
after one
harvest.
Report to
Commissioner
before recovery
of an
installment.

system of merely abstaining to collect without any declaration as to the amount to be suspended shall be discarded.

184. As a general rule, no suspended revenue shall be collected until after one fair harvest subsequent to the failure has been reaped in the affected tract.

185. The Collector shall report to the Commissioner, at least two months before the first instalment for any harvest falls due, the amount which he proposes to recover out of

suspended demand from the proceeds of such harvest, in addition to the current demand payable for such harvest.

186. The grant of relief to rent-payers shall be made conditional on their giving relief to undertenants of all degrees. Relief to extend to under tenants.

187. The Collector has power to sanction the suspension of the collection of revenue or rent for the year in which suspension is granted but where the amount involved exceeds Rs. 5,000 in the aggregate, such suspension shall be provisional only and shall be subject to the confirmation of the Commissioner. When the Commissioner sanctions suspensions exceeding Rs. 10,000 in any one district in the aggregate, he shall at once report the fact for the information of the Board and of the Accountant General. All suspensions for a longer period than one year require the sanction of the Board. Power to sanction suspension.

188. The power to sanction remissions of revenue or rent suspended on account of agricultural calamities shall rest with the authorities competent to sanction remission of uncalisabl revenue or rent in estates managed direct. But where the amount exceeds the revenue or rent for a whole year, the sanction of the Board is necessary. Remissions should be granted as soon as it becomes clear, after proper inquiry, that it would be inadvisable to collect the revenue or rent of any portion of it. Power to sanction remission.

189. The Commissioner should settle the installments in which suspended revenue, which is not remitted, should be collected. Installments of realization to be settled by Commissioner.

196. In all cases of suspension under these rules subsequent collection of such revenue or rent shall be made without interest. Collection of suspended revenue free of interest.

N.B. — It is essential that if suspension is to have its full beneficial effect, the amount to be suspended should be settled, and that the decision to suspend should be communicated to those who would otherwise have to pay rent or revenue, before the day on which payment becomes due. In urgent cases, therefore, the collector is authorised to pass immediate orders subject to the approval of higher authorities. In all cases the error should be so published as to reach the people concerned in proper time.

Duties and functions performed and discharged at various levels of Land and

Land Reforms Administration in a district

[Rule : 28]

(A). Main functions to be discharged in District Land and Land Reforms Office :

- (1) Exercise, by the D.L.L.R.O., of powers of Collector under the W. B. Estate Acquisition Act, 1953 and W.B. Land Reforms Act, 1955 (hereinafter called E. A. Act and L.R. Act respectively).
- (2) Exercise, by the D.L.L.R.O. of powers of Settlement Officer laid down in second proviso to clause 1 of Schedule A and in Schedule B of W. B. Land Reforms Rules.
- (3) Implementation of ceiling provisions laid down in the E.A. and L.R. Acts.
- (4) Settlement of land at the disposal of the Government under section 49 of L.R. Act.
- (5) Implementation of Operation Barga and safeguarding the rights of sharecroppers.
- (6) Quasi-judicial functions under sections 19, 54 and 51A (5) of L.R. Act.
- (7) Grant of permission for conversion of land use under section 4C of the L.R. Act and exercise of powers by the D.L.L.R.O. under section 4D and 4E *ibid*.
- (8) Preparation of Compensation Assessment Rolls under the W.B.E.A. Act and W.B.L.R. Acts.
- (9) Authorisation of B L L R Os/R Os under section 76 of the Indian Evidence Act to sign and issue certified copies of R-O-Rs.
- (10) Preparation of annual, quarterly and monthly targets for various items of work performed in the district and monitoring of performance.
- (11) Planning, monitoring and supervision of work in different subordinate offices.
- (12) Appointment of such staff in the district as is prescribed in different Recruitment Rules.
- (13) Transfer of officers up to the level of SRO-II and other staff within the district and their control as head of the Land and Land, Reforms Administration at the district level, as Head of Office, as Disciplinary authority etc.
- (14) Planning and performance of crop survey and agricultural census work.
- (15) Liaison with the District Collector and other district level officers to ensure proper co-ordination in the performance of Land Reforms work.
- (16) Monitoring and co-ordination of action for avoiding/tackling, sowing and harvest disputes.
- (17) Managements of mines and minerals in the district in accordance with this manual and instructions received from Board of Revenue from time to time and exercise of powers delegated under the Mines and Minerals (Regulation and Development) Act, 1957, Minor Mineral Rules, Mineral Concession Rules, etc.

(18) Compilation of monthly Performance Reports and submission to the Board of Revenue, D L R & S, Divisional Commissioner etc. as may be prescribed from time to time.

(19) Preparation, transmission and custody of Annual Confidential Reports and Open Performance Reports of officers and staffs under his control.

(20) Attending meetings of Sthayee Samitis of which he is a member/invitee and liaison with the Panchayati Raj Institutions.

(21) Inspection of Sub-Divisional, Block-level and Gram Panchyat level offices under his jurisdiction.

(22) Allowing mutation in mouzas where Settlement work under section 51 of L.R. Act has already commenced in accordance with instructions issued by the Board of Revenue.

(23) Management of non-agricultural lands and long term and short term settlement in accordance with provisions of this Manual, and in accordance with instructions issued by the Board of Revenue.

(24) Managements of hats and markets on government lands and other sairati interests in accordance with provisions of this Manual.

(25) Reallocation of funds made available by the D L R & S and Board of Revenue to the Sub-Divisional Land and Land Reforms Officers and exercise of financial control over expenditure to be made strictly in accordance with the relevant rules in force.

Monthly verification of cash balance by the D.L.L.R.O. in his office, supervision and control over the Drawing and Disbursing Officer etc.

(26) Designation of Drawing and Disbursing Officers for the D.L.L.R.O.'s office and the Sub-Divisional Offices.

(27) Procurement and supply of stores including forms and stationery to offices within his jurisdiction.

(28) Grant of Quarry permits on lands.

(29) Collection of Land Revenue, cesses and other Government dues.

(30) Contest of Court cases pertaining to land in which Government or any officer under the control of the D.L.L.R.O. including him, is included as a party.

(B). Main functions to be discharged at Sub-Divisional Land and Land Reforms Office:

- (1) Exercise of powers of Revenue Officer with the additional designation of Assistant Settlement Officer laid down in Schedule B of West Bengal Land Reforms Rules, conferred on the S.D.L.L.R.O.
- (2) Exercise of powers granted to the S.D.L.L.R.O. under various Acts.
- (3) Implementation of ceiling provisions laid down in the E.A. and L.R. Acts.
- (4) Implementation of Operation Barga and safeguarding the rights of sharecroppers.
- (5) Formulation of work programme for the Sub-Division and preparation of annual, quarterly and monthly targets for various items of work performed in his Sub-Division and monitoring of performance in the Block and Gram Panchayat level offices in his jurisdiction.
- (6) Transfer of officers and staff below the rank of Revenue Officer within the jurisdiction of S.D.L.L.R.O.
- (7) Duties of Head of Office for Sub-Divisional establishment including the offices subordinate to it and of controlling officer for offices and staff as prescribed by the Board of Revenue.
- (8) Procurement and supply of stores including forms and stationery to offices within his jurisdiction.
- (9) Planning and Performance of crop survey and agricultural census work.
- (10) Liaison with the Sub-Divisional Magistrate and other Sub-Division level officers to ensure proper co-ordination in Land Reforms work.
- (11) Monitoring and co-ordination of action for avoiding/tackling sowing and harvest disputes.
- (12) Proper management of mines and minerals in the area under his jurisdiction in accordance with instructions received from Board of Revenue from time to time and exercise of powers delegated under the Mines and Minerals (Regulation and Development) Act, 1957, Minor Minerals Rules etc.
- (13) Preparation, transmission and custody of performance reports, including Annual Confidential Reports of Officers and staff under his control.
- (14) Inspection of Block and Gram Panchayat level offices within its jurisdiction.
- (15) Supervision of:—
 - a) Settlement of land at the disposal of the Government under section 49 of L.R. Act.
 - b) Management of non-agricultural lands and long term and short term settlement.

- (c) Management of hats and markets on Government lands and other sairati intersts
 - and
 - (d) Collection of Land Revenue, cesses and other Government dues.
- (16) Monthly verification of cash balance and supervision of work of Drawing and Disbursing Officer.
- (17) Supervision and control of Permanent Advance granted to B. L. L. R. Os.
- (18) Inspection of field work viz., Kislwar, K.B. and attestation.
- (19) Contest of court cases pertaining to land in which the Slate Government, D. L. L. R. O. or any other officer under his control is included as a party.
- (20) Compilation of monthly Performance Reports of the Sub-Division and timely submission to the D. L. L. R. O.

Main functions to be discharged at Block Land and Land Reforms Office:

- (1) Supervision and control by the B.L.L.R.O. of officers and staff posted under him and within his jurisdiction.
- (2) Planning of work for B.L.L.R.O. office and the Revenue Inspectors' offices and fixing of annual, quarterly and monthly targets for the Block and allocation of such targets to officers and offices in his jurisdiction.
- (3) Convening meeting of Bon-O-Bhumi Sanskar Sthayee Samiti of the Panchayat Samiti.
- (4) Settlement of land under section 49 of L.R. Act.
- (5) Liaison with the Panchayat Samiti and Gram Panchayats in his jurisdiction to ensure successful performance of Land Reforms works.
- (6) Administration of Minor Mineral Rules and exercise of powers under the Mines and Minerals (Regulation and Development) Act, 1957.
- (7) Contest of Civil Rules, Civil suits and Title suits pertaining to land in which State's interests are involved.
- (8) Inspection of Revenue Inspectors' Offices.
- (9) Maintenance of law and order during sowing and harvesting seasons and resolving of disputes, as may arise, with help of magistracy and police.
- (10) Disposal of proceedings under section 44(2a) of E.A. Act and under section 51A(4) of L.R. Act.
- (11) Planning and execution of Crop Survey and Agricultural Census.
- (12) Vesting of land under E.A. and L.R. Acts.

- (13) Institutional Finance to bargadars and assignees of vested lands.
- (14) Certificate cases under the Public Demands Recovery Act.
- (15) Enquiries under section 144 and 145 of Criminal Procedure Code.
- (16) Management of Government lands including sairali interests and escheat properties.
- (17) Long term and short term settlement of land for non-agricultural purposes.
- (18) Cases under section 23B of L.R. Act.
- (19) Collection of rent, royalty, cess and other Government dues.
- (20) Settlement and survey work under section 51 of L.R. Act, maintenance of R.O.Rs under section 50 *ibid*, supply of copies of Finally Published R.O.Rs to the Collector's office and R.Is' offices etc.
- (21) Modification of R.O.Rs under section 47 of E.A. Act.
- (22) Mutation and conversion of land use in accordance with instructions issued by the Board of Revenue from time to time.
- (23) Inter-district and inter-state boundary demarcation, wherever relevant, and related work.
- (24) Recording of beneficiaries under the W.B. Acquisition of Homestead Land for Agricultural Labourers, Artisans and Fishermen Act, 1975.
- (25) Implementation of Restoration of Alienated Land Act, 1973.
- (26) Implementation of Chapter III of the W.B.L.R. Act and safeguarding the rights of bargadars.
- (27) Compensation work as may be entrusted from time to time.
- (28) Statutory functions envisaged in Acts and Rules not included above.
- (29) Procurement and supply of materials including stationery to the R.I.s' offices.
- (30) Preparation and supply of certified copies of R.O.Rs.
- (31) Administrative and miscellaneous enquiries entrusted by superior officers including the Collector of the district and the Sub-Divisional Officer.
- (32) Preparation and maintenance of Registers prescribed in the various rules in force including this Manual.
- (33) Transfer of staff below the rank of Revenue Inspector. **Main functions to be discharged at Revenue Inspector's Office :**
 - (1) Supervision and guidance by the R.I. of the work of Amin, Bhumi Sahayak and other staff posted in his office.
 - (2) Collection of land revenue, various cesses and Government loans.

- (3) Maintenance of Jamabandi Register or Rent Roll (Register I) and Tenants' Ledger (Register II) and other Registers.
- (4) Khanapuri-Bujharat and prc-attestation work under section 51 of W.B.L Act.
- (5) Issue of barga certificates and homestead title-deeds to bargadars homestead beneficiaries recorded by the Revenue Inspector dur Khanapuri-Bujharat of a mouza.
- (6) Preliminary work in connection with distribution of vested land.
- (7) Tamilling by R.I. in his own hand and under his signature of all ord passed by him or by his superior officers in the first copy of the R-O-
- (8) Issue of pattas, barga certificates and homestead title-deeds on the basis orders passed by superior officers.
- (9) Crop Survey and Agricultural Census.
- (10) Submission of reports and returns.
- (11) Causing service of processes of his office and those received from hig offices.
- (12) Various enquiries including those in connection with mutation, bar; recording and recording of homestead beneficiaries etc.
- (13) Liason with local Gram Panchayat and other Gram Panchayat ba« institutions regarding institutional finance to bargadars and palta-hold and other programmes entrusted to him.
- (14) Submission of report to higher authorities on :—
 - a) Change in land area of a mouza due to alluvion or diluvion;
 - b) Change in land-use;
 - c) Illegal transfer of Land belonging to Scheduled Tribes.
 - d) Evasion of Ceiling Laws;
 - e) Attempts at and encroachment on Government land;
 - f) Illegal and benami tenancy;
 - g) Eviction of bargadars;
 - h) Unauthorised occupation of vested land;
 - i) Other cases of violation of land laws; and
 - j) Sowing and harvesting disputes.
- (15) Preliminary work in connection with land utilisation.
- (16) Regular inspection of Injunction pilars and other permanent survey mai and reporting to higher authorities about the condition of such pilars a marks.
- (17) Preparation and continuous updating of village Note Book:

(18) Any other work connected with proper performance of his duties and su other work as may be entrusted to him.

APPENDIX VII

[See Rule : 474]

Rules relating to the cutting of trees in the Sadar, Kalimpong and Kurseong Sub-divisions of Darjeeling District

1. The raiyats of the Kalimpong, Sadar and Kurseong Sub-divisions may be allowed o cut not more than one tree, whatever the size of the holding for their domestic use only with the prior permission in writing of the District Magistrate or officers authorised by the government in this behalf.
2. Applications for permission shall be made to the Revenue Inspector concerned, who shall personally inspect the holding of the raiyat to ascertain whether cutting of the treee will adversely affect the soil conservation in the area. Attention should be paid specially o see whether any public easerment rights such as Jorah, road etc. will be adversely affected if the tree is cut and if it is necessary at all to cut the tree for domestic use by the raiyat. Cutting of trees for sale should not be allowed.
3. The Revenue Inspector shall send a report on his personal enquiry to the BLLRO within a week from the receipt of the application by him.
4. The BLLRO shall forward the application along with his remark to the SDLLRO concerned immediately after its receipt in his office.
5. The SDLLRO, after convincing himself of the domestic need of the raiyat and if cutting of the tree does not adversely affect soil conservation and public easement rights n the area, shall seek the approval of the SDO.
6. The Sub-Divisional Officer shall have the power to veto the cutting of trees in any individual case or in any particular area, for reasons to be recorded in writing.
7. Utmost endeavour should be made to sec that applications for cutting of trees are disposed of within a month of their receipt. It shall be the duty of the Revenue Inspector should ensure that cutting of trees is not undertaken before disposal of the application for permission.
8. While granting permission the SDO shall stipulate the number and the species of saplings suitable for the locality, to be planted by the raiyat within a month of cutting of the tree. The number of such saplings shall not ordinarily be less than ten. The saplings should be protected by strong cages by the raiyat for a sufficient length of period to

avoid damage by animals. It shall be the duty of the Revenue Inspector to ensure compliance of such directions.

9. Any departure from these directions should be viewed seriously.

APPENDIX VIII

Finance Department

Memo. No. 5T-F., dated the 25th April, 1935

Procedure to be followed in prosecutions for the embezzlement of Government money.

1. The following instructions are issued for the guidance of departmental officers, with special reference to cases in which prosecutions in the criminal courts are or are likely to be necessary.

2. Reports to be submitted to the Accountant-General and Government. — (a) All losses of the kind referred to in Article 29 of the Civil Account Code, Volume I, must be reported forthwith by the officer concerned, not only to the Audit Officer, but also to his own immediate official superior. Reports must be submitted as soon as reasonable grounds exist for believing that a loss has occurred : they must not be delayed while detailed enquiries are made.

(b) Reports submitted under (a) above must be forwarded forthwith to Government through the usual channel with such comments as may be considered necessary.

3. Criminal investigation and prosecution. — (A) In cases calling for prosecution on a criminal charge, it is important that a first information should be lodged with the police at the earliest possible moment. The step should not be delayed for the mere sake of completing departmental proceedings; it should be taken as soon as it is decided that a criminal investigation, with a view to prosecution, ought to be instituted.

(B) The decision whether a first information is to be lodged or not will rest with the District Magistrate except in cases in which the alleged offender is subordinate to the District Judge when it will rest with the District Judge.

(C) First information should be lodged by the senior officer of the department concerned who is available in the district or sub-division. Where that officer is the District Magistrate, District Judge or District Superintendent of Police, he may, and ordinarily should direct an officer of suitable seniority subordinate to him to lodge the first information.

(D) Officers lodging first information will :—

(a) request the Superintendent of Police to arrange for the investigation to proceed from day to day;

(b) arrange that all witnesses and documents are made available to the investigating officer, and

(c) associate with the investigating officer an officer of the department who is not personally concerned with the irregularity leading up to the alleged embezzlement, but who is fully cognisant of the rules and procedure of the office in which the loss has occurred.

(E) If, on completion of the police investigation, it is decided to prosecute, the departmental representative will ascertain from the prosecuting officer whether, having regard to the engagements of the prosecuting staff, and the slate of work in the court which would ordinarily hear the case, it is necessary to move the District Magistrate to make special arrangements for a speedy trial, and will request the prosecuting officer to make any application that he may think necessary.

4. Sanction of Government under section 197, Criminal Procedure Code. — If this sanction is required by the circumstances of the case, it should be applied for after police investigation has been completed but before the investigation officer has taken action under section 170, Criminal Procedure Code. The applications should be made by the senior officer of the department stationed in the district.

5. As regards prosecution in the courts. — When the case is put into court by the police, the officer who lodged the first information, or his successor present in the station will see that all witnesses serving in the department, and all documentary evidence in the control of the department, are punctually produced, and will also appoint an officer of the department (preferably the officer who attended the investigation) to attend the proceedings in the court and assist the prosecuting staff.

6. As regards appeals. — If any prosecution results in the discharge or acquittal of any person, or in the imposition of sentences which appear to be inadequate, the senior officer of the department concerned present in the district will at once consult the District Magistrate as to the advisability of instituting further proceedings in revision or appeal, as the case may be, and if the District Magistrate is of opinion that further proceedings are necessary, will request him to proceed in the usual way.

Appeals against acquittals can be made only under the orders of Government.

7. As regards further reports to Government. — The senior officer in the district of the department concerned will see that, in addition to the reports required under paragraph 2, prompt reports are submitted to Government through the usual channel regarding :—

(a) the decision to lodge a first information or not;

- (b) the decision to prosecute or not to prosecute in any particular case;
- (c) the result of any prosecution;
- (d) the decision to proceed further in revision or appeal in any case;
- (e) the result of any proceedings in revision or appeal.

8. Consultation with Government. — Notwithstanding anything in paragraphs 3 and 6, any matter may, if necessary, be referred to Government before action is taken and this should be done in all cases where the alleged offender is a member of a State or all-India Service. Such references must be made, and transmitted, with the greatest possible expedition.

APPENDIX IX

[See Rule : 295]

Government of West Bengal

Standing guidelines for settlement of disputes relating to cultivation and harvesting—protection to bargadars and assignees of vested lands

1. It is the intention of the Government to ensure peaceful cultivation and harvesting by maintaining order by effective implementation of the land reforms laws.
2. Bargadars whether recorded or unrecorded should be given full legal protection not only in cultivating the land and harvesting the crop but also in sharing the produce strictly according to law.
3. While it is neither possible nor desirable to list all possible types of cases of agrarian disputes relating to cultivation and harvesting, a few major types of potential conflicts are being mentioned in the following paragraphs by way of illustration. Solutions of the variety of disputes may have to be locally found with the good offices of Panchayat bodies.
4. Where the dispute is between the land-owner and the recorded bargadar (including the bargadar who has got any document showing his *prima facie* right of cultivation issued by any public officer under any Act or Rules) the latter should receive full protection from the administration in cultivating the land and harvesting the crop and getting proper share of the produce.
5. Though legally there is no distinction between recorded and unrecorded bargadars, so far as the benefits of the land reforms laws are concerned, there might be difficulties in delivering the benefits to unrecorded bargadars. Attention is drawn to section 21B of the West Bengal Land Reforms Act which reads as follows:—

"21B. Person cultivating land of another person to be a bargadar in certain cases :

A person lawfully cultivating any land belonging to another person shall be presumed to be a bargadar in respect of such land if such person is not a member of the family of the other person whose land he cultivates and the burden of proving that such land is in his personal cultivation shall, notwithstanding anything to the contrary contained in any other law for the time being in force, lie on the person who alleges that the person cultivating the land is not a bargadar in respect of such land."

Therefore, under the law, if any person lawfully cultivates the land of another person he is presumed to be a bargadar. He should, therefore, get all protection under the law. 6! A problem may arise if two or more persons claiming as bargadars raise a dispute about cultivation and harvesting. In all probability one will be the genuine bargadar and the other a fake one. Local enquiries should be held to ascertain the fact and protection should be given to the genuine bargadar. Here again good offices of the Panchayat bodies may be sought.

7. The possibility of disputes between two genuine bargadars, one who had been illegally evicted earlier and the other who has been engaged in his place, cannot be ruled out: As contemplated under section 19B (1) (b) of the West Bengal Land Reforms Act, the newly engaged bargadar will cultivate the land, harvest the crop and share the produce with the old bargadar who had been illegally evicted. Land-owners in such cases will not get any share of the produce. It is desirable to bring about a solution on this line through the good offices of the elected Panchayat bodies. Such disputes should not be allowed to develop into open confrontation. Every attempt should be made to prevent, as far as practicable, conflicts between and among the poor.

8. The problem may be slightly different regarding cultivation of vested land and harvesting of produce thereof. Where the patta-holder is an eligible person under section 49 of the West Bengal Land Reforms Act, he should be given all protection to cultivate the land, harvest the crop and take the entire produce.

9. Where patta-holder is *prima facie* a non-eligible person but his patta has not yet been annulled, he should be allowed to cultivate the land and harvest the crop, if there is evidence that he is in actual possession of the land and he raised the crop himself.

10. In case where the land reforms machinery has failed to hand over possession of the allotted land to the patta-holder who is an eligible person, all attempts should be made to put him in possession of the land immediately in accordance with the rules including rule 20 (A) 3 (b) of the West Bengal Land Reforms Rules. Where, however, such allotted

land has been cultivated illegally by a person other than the allottee, efforts should be made to sort out the problem by effecting amicable compromise through the good offices of the elected Panchayat bodies, wherever necessary.

11. Determined efforts should be made to prevent and eliminate possibilities of violence during cultivation and harvesting. Sensitive areas should be identified where serious breach of the peace is apprehended because of the threat of violence and precautionary measures should be taken to forestall any occurrence of breach of the peace. Help and good offices of the elected Panchayat bodies should be taken in this regard.

12. Government expects that the functionaries at all levels in the district administration should act impartially. They should always bear in mind that the weaker section of the community who have so far been deprived of and denied of their legitimate rights and privileges are given full benefits and protection that they are entitled to under various laws.

Writers' Buildings,
Calcutta, The 31st July 1979.