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

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1954-L.—15th November, 2018.—The Governor having been pleased to order, under rule 66 of the Rules

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

Bill No. 24 of 2018

**THE WEST BENGAL LAND REFORMS
(AMENDMENT) BILL, 2018.**

**A
BILL**

to amend the West Bengal Land Reforms Act, 1955.

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

West Ben. Act
X of 1956.

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal Land Reforms (Amendment) Act, 2018.

*The West Bengal Land Reforms
(Amendment) Bill, 2018.
(Clauses 2, 3.)*

(2) It shall come into force at once.

Insertion of new section after section 3A in West Ben. Act X of 1956.

2. In the West Bengal Land Reforms Act, 1955 (hereinafter referred to as the principal Act), after section 3A, the following section shall be deemed to have been inserted with effect from the 1st day of August, 2015:—

'Special provisions in respect of any holder of land in acquired territory in West Bengal.

3B. (1) Notwithstanding anything contrary contained in this Act or in any other law for the time being in force or in any agreement, custom or usage or in any decree, judgement, decision or award of any court, tribunal or authority, the right and interest of the tenants and under tenants, if any, of the acquired territory in West Bengal, shall, on and after coming into force of this section, vest in the State free from all encumbrances and any land acquired by way of transfer within the said acquired territory in West Bengal before coming into force of the Constitution (One Hundredth Amendment) Act, 2015, i.e. on or before the 1st day of August, 2015, shall stand vested in the State free from all encumbrances.

(2) Notwithstanding anything contrary contained in sub-section (1), an individual of the acquired territory in West Bengal, holding land in *khas* possession, shall, subject to other provisions of this Act, be entitled to retain as a *raiyat* of the said land which together with the other lands, if any, held by him shall not exceed the ceiling area as mentioned in section 14M, unless such holding is void under any other law for the time being in force.

Explanation I.— For the removal of doubts, the expression "acquired territory" means such territory in West Bengal as specified in Third Schedule to the Constitution of India.

Explanation II.— For the removal of doubts, the expression "*khas* possession" shall include personal cultivation, mortgage, cultivation by *bargadar* and lease or licence of the plot of land of the acquired territory in West Bengal.'

Savings.

3. Anything done or any action taken, or any notification or order issued, under the principal Act before coming into force of this Act and on or after the 1st day of August, 2015, shall be deemed to have been validly done or taken or issued under the principal Act, as amended by this Act, as if this Act was in force at all material point of time.

*The West Bengal Land Reforms
(Amendment) Bill, 2018.*

STATEMENT OF OBJECTS AND REASONS.

Consequent upon the Constitution (100th Amendment) Act, 2015, fifty-one (51) enclaves measuring more or less 7110.02 acres of land which are defined as 'acquired territory' of Bangladesh, have been included in the Indian Territory of Coochbehar district of the State of West Bengal, with effect from the 1st day of August, 2015 and at the same time, one hundred eleven (111) enclaves of Indian territory measuring more or less 17160.63 acres of land have been transferred to Bangladesh.

2. Some of the holders of the land of the 'acquired territory' i.e. land of erstwhile Bangladesh now within Indian Territory stayed and opted for Indian Citizenship and some left for Bangladesh. Some of the holders of transferred territory have returned to India.

3. Consequent upon the said Constitution (100th Amendment) Act, 2015, with effect from the 1st day of August, 2015, *de novo* survey has already been conducted by the State Government resulting in creation of 18 new *mouzas* and rest of the area amalgamated with the existing 33 *mouzas*. Thereafter, plot-to-plot physical verification has already been undertaken to ascertain the ownership status of the land and it reveals that the people have no title or records over their possession of land and the holders of the land comprised in 'acquired territory' have no legal status or title on the land under their *khas* possession and in absence of the same, they are deprived of all other facilities or benefits they are entitled to as being Indian citizen.

4. Now, therefore, it is considered necessary and expedient to make amendments in the West Bengal Land Reforms Act, 1955 (West Ben. Act X of 1956) (hereinafter referred to as the said Act), in order to ensure effective implementation of the said Act by way of bringing the said fifty-one (51) enclaves of the 'acquired territory' within the purview of the said Act, protecting and securing the rights over the land in question and in order to provide all the benefits to the people in *khas* possession of the land of the said fifty-one (51) enclaves, by inserting a special provision after section 3A of the said Act in respect of any holder of land in 'acquired territory' in West Bengal.

5. The Bill has been framed with the above objects in view.

6. There is no financial implication involved in the Bill.

KOLKATA,

The 15th November, 2018.

MAMATA BANERJEE.

Member-in-Charge.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
*Secy. to the Govt. of West Bengal,
Law Department.*