

West Bengal Act XVI of 1969¹

THE WEST BENGAL UTILISATION OF LAND FOR PRODUCTION OF FOOD CROPS ACT, 1969.

[11th August, 1969.]

An Act to provide for the requisitioning of land with a view to better utilisation thereof for the production of food crops for meeting the shortage of food grains in West Bengal.

WHEREAS it is expedient to provide for the requisitioning of land with a view to better utilisation thereof for the production of food crops for meeting the shortage of food grains in West Bengal;

It is hereby enacted in the Twentieth Year of the Republic of India, by the Legislature of West Bengal, as follows:ô

1. (1) This Act may be called the West Bengal Utilisation of Land for Production of Food Crops Act, 1969.

Short
title and
extent.

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

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

- (a) "agricultural year" means the Bengali year commencing on the first day of *BaisakJr*;
- (b) "Collector" means the Collector of a district and includes an Additional District Magistrate, and a Sub-divisional Magistrate empowered by the State Government to discharge any of the functions of a Collector under this Act;
- (c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Collector may, by order in writing, requisition any land Power lo if he is of opinion that such land is suitable for the production of food ^{requisitjon}- crops and is not likely to be utilised during the current or the ensuing agricultural season:

Provided that no land which forms part of any homestead or cremation or burial ground or of any place of worship shall be requisitioned under this section.

¹For 5 [a I; men I of Objects and Reasons, see the *Calctina Gazette, Extraordinary*, Pan IVAuf the 24ih June, 1969, page 2030; for proceedings of the West Bengal Legislative Assembly, j« the proceedings of Lhc meetings of that Assembly held on 4ih and 7Lh July, 1969.

(Sections 4, 5.)

(2) Such requisition shall be made for such period, not extending beyond the agricultural year in which the order under sub-section (1) is made, as may be specified in the order

(3) An order under sub-section (1) shall specify the date on which the possession of such land shall be delivered to the Collector.

(4) An order issued under sub-section (1) shall be served in such manner as may be prescribed upon the owner of the land and where the order relates to land in occupation of an occupier, not being the owner of the land, also on such occupier

Delivery or 4. When an order for the requisition of any land is made under section 3, the person in possession of such land shall deliver possession thereof to the Collector or to any officer authorised by the Collector in this behalf on the date specified in the order and in default of his doing so, the Collector may take possession thereof by force, if necessary.

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of land. S. (1) As soon as may be after the Collector is in possession of any land requisitioned under section 3, he shall, by order in writing, make over possession thereof for such period not extending beyond the current agricultural year as he thinks fit to any person for utilising such land for the production of such food crop as may be specified in the order.

(2) In making over possession of any land under sub-section (1), the Collector shall whenever possible give preference to persons who own no land or less than .8094 hectare of land and who are residents of the locality where such land is situated and who intend to bring such land under personal cultivation.

(3) Any person to whom possession of any land has been made over under sub-section (1) shall be entitled to do in, on or with respect to, such land all things necessary for utilisation of such land for the production of such food crops as may be specified in the order issued under the said sub-section.

(4) Nothing in this section shall be deemed to confer on any person to whom possession has been made over under sub-section (1) the status of a tenant or to confer on him any transferable right.

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(Sections 6-8.)

6. (1) Any person to whom possession of any land has been made over under sub-section (I) of section 5 or who has been allowed to continue to remain in possession of such land under clause (a) of section 10 shall,

Delivery of produce or its money value to the Collector.

- (a) deliver to the Collector or to any officer authorised by the Collector in this behalf* thirty-five *per cent*, of the gross produce from such land for any agricultural season or pay its money value to be determined by the Collector in such manner as may be prescribed, and
- (b) after the expiry of the period for which possession has been made over to him under sub-section (1) of section 5 or he has been allowed to continue to remain in possession under clause (a) of section 10, give back possession of such land to the Collector or to any officer authorised by the Collector in this behalf and in default of his doing so the Collector may take possession thereof by force, if necessary.

(2) If such person fails to deliver the produce or the money value thereof referred to in clause (a) of sub-section (1) within such time as may be fixed by the Collector in this behalf, the money value shall be recoverable as a public demand.

7. When any land is requisitioned under section 3, there shall be paid to every person interested compensation for such requisition and the amount of compensation shall be twenty-five *per cent*, of the gross produce from such land for the period for which such land has been requisitioned, or its money value determined under section 6:

Compensation.

Provided that if there is a total failure of crop from such land or if for any reason such land has not actually been utilised, the amount of compensation *per annum* shall be at the rate of three *per cent*, of the market value of such land on the date of the order of requisition.

Explanation. The expression "person interested" includes all persons claiming an interest in compensation to be paid on account of the requisition of land under the provisions of this Act and a person shall be deemed to be interested in land if he is interested in an easement affecting the land.

8. Where there are several persons interested in the land requisitioned under section 3, the Collector shall by order apportion the compensation among such persons in accordance with the nature and extent of interest held by each such person.

Apportionment of compensation.

(Sections 9-12.)

9. After the expiry of the period for which land has been requisitioned under section 3, the Collector may,ô

Release from requisition or extension of the period of requisition.

- (a) release the land from requisition and deliver possession thereof to the person from whom possession was taken, or
- (b) if he is of opinion that such requisition should continue, by order to writing, extend the period of requisition for such period not extending beyond one agricultural year at a time, as he thinks fit, so, however, that the total period of requisition shall not exceed three agricultural years;

Provided that no order extending the period of requisition of any land shall be made without giving the owner, and if such land is in occupation of an occupier, also the occupier, an opportunity of being heard:

Provided further that the order for the extension of the period of requisition shall be made before the expiry of the period of requisition.

10. If the period of requisition is extended under clause (b) of section 9, the Collector may,ô

Possession in case of extension of the period of requisition.

- (a) by order allow the person to whom possession has been delivered under sub-section (1) of section 5 to continue to remain in possession for such period not extending beyond the agricultural year as may be specified in the order; or
- (b) proceed under section 5 and make over possession of the land to another person.

Appeal.

11. An appeal shall lie from an order made under this Act,ô

- (a) to the Collector of the district, where the order is made by a Sub-divisional Magistrate, and
- (b) to the Commissioner of the Division, where the order is made by a Collector of a district or an Additional District Magistrate,

if preferred within thirty days from the date of the order appealed against and the decision of the Collector or of the Commissioner, as the case may be, shall be final.

Power to make rules. (1) The State Government may make rules for carrying out the purposes of this Act.

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(Section 13.)

(2) In particular, and without prejudice to the generality of the ^{1st} foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the manner of service of the order referred to in subsection (4) of section 3;
- (b) the manner of determining gross produce from any land;
- (c) the manner of determining money value of the gross produce from any land.

13. (1) The West Bengal Utilisation of Land for Production of Food Crops Ordinance, 1969, is hereby repealed.

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(2) Anything done or any action taken under the West Bengal Utilisation of Land for Production of Food Crops Ordinance, 1969, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 3rd day of June, 1969.