



The West Bengal Land-Revenue, Rent and Cess (Apportionment) Act, 1948

Act 31 of 1948

Keyword(s):

Award, Common Estates, Tenures or Holding, Prescribed, Revenue Officer, Tenure

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West Bengal Act XXXI of 1948¹

THE WEST BENGAL LAND-REVENUE, RENT AND CESS (APPORTIONMENT) ACT, 1948.

ADAPTED

The Adaptation of Laws Order, 1950.

[15th October, 1948.]

An Act to apportion and fix the land-revenues, rents, and cesses in respect of the portions situated within West Bengal of certain estates, Putni and other tenures and holdings.

WHEREAS certain estates, tenures and holdings in the Province of Bengal as it existed before the date on which the award came into force are comprised of lands situated, after the said date, partly in the Province of West Bengal in the Dominion of India and partly in the Province of East Bengal in the Dominion of Pakistan;

AND WHEREAS it is expedient to apportion and fix the land-revenues or rents, as the case may be, and the cesses payable in respect of the portions situated in West Bengal of the common estates, tenures or holdings;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Land-revenue, Rent and Cess (Apportionment) Act, 1948.

Short title,
extent and
commence-
ment.

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

(3) It shall come into force on such ²date as the ³[State] Government may, by notification in the *Official Gazette*, appoint.

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

Definitions.

(1) "award" means the award of the Boundary Commission referred to in section 3 of the Indian Independence Act, 1947;

(2) the expression "common estates, tenures or holdings" means estates, tenures or holdings which are comprised of lands situated, after the date on which the award came

10 and 11
Geo. VI,
c. 30.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, dated the 11th September, 1948, Part IV, page 767; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 23rd September, 1948.

²This Act was brought into force on the 23rd December, 1948, vide notification No. 9958L Ref., dated the 18th December, 1948, published at page 1692 of the *Calcutta Gazette*, of the 23rd December, 1948.

³This word within the square brackets was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

(Sections 3-6.)

into force, partly in the ¹[State] of West Bengal in ^{2*} *
India and partly in ³[the Province of East Bengal] in ^{2*} *
Pakistan;

- (3) "prescribed" means prescribed by rules made by the ⁴[State]
Government under this Act;
- (4) "Revenue-officer" includes any officer whom the ⁴[State]
Government may appoint to discharge any of the functions
of a Revenue-officer under this Act; and
- (5) "tenure" includes a *Pumi* tenure.

Power to
order pre-
paration of
record of
lands in
common
estates,
tenures and
holdings.

3. The ⁴[State] Government may, by notification in the *Official Gazette*, make an order directing that a record be prepared in such manner and containing such particulars as may be prescribed of all lands in West Bengal forming parts of the common estates, tenures or holdings.

Preparation
of record.

4. When an order has been made for the preparation of a record under section 3, the Revenue-officer shall prepare such record accordingly containing, in addition to the particulars referred to in section 3, the amounts of land-revenues or rents, as the case may be, and of cesses payable in respect of the portions included in West Bengal of the common estates, tenures or holdings, to be determined by the Revenue-officer in such manner and in accordance with such principles as may be prescribed.

Preliminary
publication
of records.

5. When a record has been prepared under section 4, the Revenue-officer shall cause a draft of it to be published in such manner and for such period as may be prescribed and shall receive, during the period of publication of the record, any objections made in regard to any entry therein or omission therefrom relating to the apportionment of land-revenues, rents or cesses.

Final
disposal of
objections,
and confir-
mation and
final publica-
tion of
record.

6. (1) After the expiry of the period of publication of the record under section 5, the Revenue-officer shall submit the record to the Revenue authority prescribed with a summary of the objections, if any, which he has received and his report thereon.

¹This word within the square brackets was substituted for the word "Province", by para. 4(1) of the Adaptation of Laws Order, 1950.

²The words "the Dominion of" were omitted by para. 3 of, and the Eleventh Schedule to, *ibid.*

³The expression within square brackets shall stand unmodified, *ibid.*

⁴See foot-note 3 on page 97, *ante.*

XXXI of 1948.]

(Sections 7-9.)

(2) Such authority shall finally dispose of the objections submitted to it under sub-section (1) according to such rules as the ¹[State] Government may make and may confirm the record with or without amendment:

Provided that no entry shall be amended or omission supplied unless notice has been given to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter.

(3) After confirmation by such authority the Revenue-officer shall cause the record to be finally published in the manner prescribed and such publication shall be conclusive evidence that the record has been duly prepared under this Act.

7. (1) Any person who is aggrieved by any entry in, or omission from, the record finally published under section 6 in so far as such record relates to the apportionment and fixation of rents or cesses in respect of tenures or holdings, may appeal to the superior Revenue authority prescribed in such manner and within such period as may be prescribed.

Appeal and savings.

(2) Notwithstanding anything contained in any other law for the time being in force, no Court shall have any jurisdiction in respect of any issue arising out of the proceedings under this Act for the apportionment and fixation of land-revenues, rents or cesses or shall annul or alter any decision of a Revenue-officer or a Revenue authority under this Act.

8. The Revenue-officer may, at any time, either of his own motion or on application, and after giving notice to the parties concerned for such period and in such manner as may be prescribed to appear and be heard in the matter, correct any clerical or arithmetical mistake in the record finally published under section 6 or any error arising therein from any accidental slip or omission and shall make such alterations therein as may be necessary to give effect to any decision on appeal under sub-section (1) of section 7.

Correction of record.

9. On the final publication of the record under section 6,—

(a) the apportionment and fixation, thereunder, of land-revenues or rents, as the case may be, and of cesses in respect of the portions situated in West Bengal of the common estates, tenures or holdings shall, notwithstanding anything contained in any other law for the time being in force or in any contract, be deemed to have come into force and the common estates, tenures or holdings, as the case may be,

Commencement and effect of the records.

¹See foot-note 3 on page 97, ante.

(Section 10.)

shall be deemed to have been and to be partitioned accordingly, on and from the date on which the award came into force (hereinafter referred to as the said date), and

- (b) all laws for the time being in force relating to the creation or settlement of estates, tenures or holdings or to the recovery of land-revenue, rent or cesses in respect thereof shall be deemed to have been and to be applicable *mutatis mutandis* to such partitioned estates, tenures or holdings on and from the said date.

Power to
make rules.

10. (1) [State] Government may make rules² for carrying out the purposes of this Act.

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

- (a) the manner of preparing a record and the particulars to be contained therein referred to in section 3;
- (b) the manner of, and the principles for, determining the amounts of land-revenues, rents and cesses referred to in section 4;
- (c) the manner and period of publication of a draft record referred to in section 5;
- (d) the Revenue authority referred to in sub-section (1) of section 6, and the disposal of objections under sub-section (2) and the manner of final publication of a record under sub-section (3) of that section;
- (e) the period of, and the manner of giving, notice referred to in the proviso to sub-section (2) of section 6 and in section 8; and
- (f) the superior Revenue authority referred to in sub-section (1) of section 7, the manner of presentation of appeals to such authority and the period within which such appeals shall be presented under the said sub-section.

¹See foot-note 3 on page 97, *ante*.

²For the West Bengal Land-revenue, Rent and Cess (Apportionment) Rules, 1948, made under section 10, see notification No. 465L. Ref., dated 19.1.49, published in the *Calcutta Gazette, Extraordinary* of 1949, Part I, pages 91-94, as subsequently amended from time to time.