

The West Bengal Comprehensive Area Development Act, 1974

WEST BENGAL

India

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Act 39 of 1974

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The West Bengal Comprehensive Area Development Act, 1974 West Bengal Act 39 of 1974 [4th September, 1974.] Assent of the President was published in the Calcutta Gazette, Extraordinary, dated the 4th September, 1974. An Act to provide for development of the State of West Bengal through area based development programme with a view to increasing agricultural and allied production and ensuring maximum benefits of such production to the cultivators. Whereas it is expedient in the public interest to provide for development of the State of West Bengal through area based development programme with a view to increasing agricultural and allied production and ensuring maximum benefits of such production to the cultivators and thereby to give effect to the policy of the State towards securing the principles specified in clause (b) and clause (c) of article 39 of the Constitution of India; It is hereby enacted as follows:-

1. Short title, extent and commencement. -

(1) This Act may be called the West Bengal Comprehensive Area Development Act, 1974. (2) It extends to the whole of West Bengal. (3) It shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act or for different areas.

2. Definitions. -

In this Act, unless there is anything repugnant in the subject or context, -(a) "agricultural production" includes production of agriculture, horticulture, pisciculture, forestry, sericulture, bee-keeping, dairy farming, piggery and poultry farming and also includes such other types of production as are ancillary or incidental thereto and as the State Government may, by notification in the Official Gazette, specify as agricultural production; (b) "Corporation" means the West Bengal Comprehensive Area Development Corporation established under sub-section (1) of section 3; (c) "cultivator" means

a person engaged in agricultural production either in the capacity of an owner or a lessee or a bargadar or a labourer;(d)"notified area" means an area notified under sub-section (2) of section 15;(e)"prescribed" means prescribed by rules made by the State Government under this Act;(f)"project" includes scheme or schemes undertaken within a notified area for the purpose of fulfilling the objects referred to in section 8;(g)"regulations" mean regulations made by the Corporation under this Act.

3. Establishment of the Comprehensive Area Development Corporation. -

(1)The State Government shall, as soon as may be after the commencement of this Act, by a notification in the Official Gazette, establish for the State of West Bengal a Corporation to be called the West Bengal Comprehensive Area Development Corporation.(2)The Corporation shall be a body corporate having perpetual succession and a common seal and may by the said name sue or be sued.

4. Members and their terms of office. -

(1)The Corporation shall consist of a Chairman, a Vice-Chairman, and such number of other members not exceeding thirty as the State Government may think fit to appoint.(2)The term of office of, and the manner of filling casual vacancies among, the members of the Corporation shall be such as may be prescribed.

5. Removal of a member from office. -

The State Government may remove from office any member of the Corporation who has, in the opinion of the State Government, so abused his position as to render his continuance in office as a member of the Corporation detrimental to the interests of the Corporation.

6. Executive Vice-Chairman. -

(1)The State Government shall, subject to such terms and conditions as may be prescribed, appoint a member of the Corporation to be the Executive Vice-Chairman of the Corporation who shall be its Chief Executive Officer.(2)The Executive Vice-Chairman shall exercise such powers and perform such duties as may be provided by regulations.

7. Officers and other employees of the Corporation. -

Subject to such terms and conditions as may be provided by regulations, the Corporation may appoint such officers and other employees as it considers necessary for the purpose of carrying out the provisions of this Act:Provided that no person whose honorarium or maximum salary exceeds fifteen hundred rupees per month shall be appointed by the Corporation except with the previous approval of the State Government.

8. Objects of the Corporation. -

[(1) The Corporation shall be responsible for drawing up and implementation of projects for comprehensive development of selected areas in the State with a view to increasing agricultural production and ensuring maximum benefits of such production to the cultivators.] [Section 8 renumbered as sub-Section (1) of that section by West Bengal Act 7 of 1980.] (2) [The Corporation shall be deemed to be an agriculturist for the purpose of any law for the time being in force in the State of West Bengal.] [Sub-Section (2) inserted by West Bengal Act 7 of 1980.]

9. Powers of the Corporation. -

The Corporation shall, for the purpose of carrying out its functions under this Act, have the following powers, namely :-(a)to acquire, hold and dispose of movable and immovable property;(b)to incur expenditure in the discharge of its functions under this Act;(c)to borrow money with or without interest subject to such terms and conditions as may be prescribed, and for that purpose pledge, hypothecate or mortgage any of its assets;(d)to advance loans on such terms and conditions as may be prescribed;(e)to write off loans subject to such conditions as may be prescribed;(f)to enter into or perform such contracts as may be necessary for the performance of its duties and the exercise of its powers under this Act.

10. Meetings of the Corporation. -

(1)The Corporation shall meet at such times and at such places and observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations.(2)The first meeting of the Corporation shall be held in accordance with such procedure as may be prescribed.

11. Committees. -

The Corporation may, by resolution, constitute different committees consisting of such number of persons not exceeding five, on such terms and conditions and for such purposes in connection with execution of any scheme or schemes, as may be specified in the resolution.

12. Grants, loans, etc., in favour of the Corporation. -

The State Government may, from time to time, make grants and advance loans to, and act as a guarantor for loans to be obtained by, the Corporation for the purposes of this Act on such terms and conditions as the State Government may determine in each case.

13. District Comprehensive Area Development Councils. -

(1)The Corporation shall constitute for each district a District Comprehensive Area Development Council (hereinafter referred to as the Council) with a view to aiding and advising the Corporation

with regard to the projects undertaken in the district.(2)[The Council shall consist of the following persons:-(i)the Sabhadhipati and the Sahakari Sabhadhipati of the Zilla Parishad;(ii)the Sabhapatis and the Sahakari Sabhapatis of the Panchayat Samitis within the notified area;(iii)members of the Zilla Parishad elected thereto from the constituencies comprising the notified area;(iv)the District Magistrate;(v)the Additional District Magistrates;(vi)the Subdivisional Officers and the Block Development Officers having jurisdiction over the notified area;(vii)the Assistant Registrar of Co-operative Societies within the notified area;(viii)the district level officers of fishery, industries centre, animal husbandry, khadi, sericulture, West Bengal State Electricity Board and Irrigation and Waterways Department and such other district level officers as the Corporation may deem fit to appoint;(ix)the District Agricultural Officer or the Principal Agricultural Officer or the Project Executive Officer, as the case may be;(x)the District Panchayat Officer;(xi)the Special Officer for planning and development of the district;(xii)the Project Directors or the Officer-in-charge of the projects undertaken in the district;(xiii)one representative of a leading bank operating at the project level;(xiv)one representative of a leading bank operating at the district level;(xv)representatives of farmers' service co-operative societies within the notified area;(xvi)members of the West Bengal Legislative Assembly elected thereto from the constituencies comprising the notified area; and(xvii)such other persons as may be nominated by the Corporation.](3)[The Sabhadhipati of the Zilla Parishad shall be the Chairman of the Council and the Council shall meet] [Words substituted by West Bengal Act 7 of 1980.] at such times and at such places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be provided by regulations.

14. Projects and its contents. -

(1)The Corporation shall, with the previous approval of the State Government, select the area where any project is to be undertaken and shall submit to the State Government for its approval the particulars of such project together with the financial implications.(2)The particulars of a project referred to in sub-section (1) may include the existing as well as future provisions relating to such infra-structure and other facilities as roads, drainage, bundhs, major and minor irrigation, electricity, warehouses, cold storages, provision of staff quarters, approved centres of marketing, extension, education and training programmes, development of co-operatives, etc.

15. Power of the State Government to sanction or reject a project. -

(1)The State Government may approve either with or without modification, or may refuse to approve, any project submitted to it under section 14.(2)Whenever the State Government approves any project under subsection (1), it shall publish a notification in the Official Gazette, specifying the area in which the project shall be implemented.

16. Project Director and Advisory Board. -

(1)For each project there shall be a Project Director and an Advisory Board to be appointed by the Corporation.(2)[An Advisory Board shall consist of such number of persons belonging to the following categories as may be determined by the Corporation:-(i)Sabhapatis, Sahakari Sabhapatis of the Panchayat Samitis within the notified area;(ii)Pradhans of the Gram Panchayats within the

notified area;(iii)members of the Zilla Parishad elected thereto from the constituencies comprising the notified area or any part thereof;(iv)members of the West Bengal Legislative Assembly elected thereto from the constituencies comprising the notified area or any part thereof:Provided that if any such member is a Minister-in-charge of a department of the State Government, he may be represented on the Advisory Board through his nominee;(v)Block Development Officers having jurisdiction over the notified area;(vi)Subdivisional Officers having jurisdiction over the notified area;(vii)one representative each from the farmers' co-operative societies within the notified area;(viii)one representative of a leading bank within the notified area;(ix)the Assistant Registrar of Co-operative Societies within the notified area;(x)six co-opted members, including four from the categories of-(a)marginal farmers,(b)small farmers,(c)labourers,(d)share croppers;(xi)such other persons as the Corporation may deem fit to appoint.(3)The powers and functions of the Advisory Board and the terms and conditions of service of the Project Director shall be such as may be provided by regulations.] [Sub-Section (2) substituted by West Bengal Act 7 of 1980.](4)[The Sabhapati of the Panchayat Samiti within the notified area shall be the Chairman of the Advisory Board. If there are more than one such Sabhapati in the Advisory Board, each such Sabhapati shall be the Chairman of the Advisory Board in succession for such period and in such manner as may be determined by the Advisory Board.Explanation. - For the purposes of this section,-(a)a marginal farmer means a person who owns land measuring not more than one hectare, and(b)a small farmer means a person who owns land measuring more than one hectare but less than two hectares.]

17. Functions of the Project Director. -

Subject to the provisions of any regulations or any directions given by the Corporation, the Project Director shall be in overall and immediate charge of implementation of any project approved by the State Government under sub-section (1) of section 15.

18. Consequences of a notification under section 15. -

On a notification under sub-section (2) of section 15 being published in the Official Gazette, it shall be the duty of each cultivator-(1)to follow the directions of the Project Director with regard to the following matters, namely:-(i)the manner in which cultivation is to be carried out;(ii)the crops which are to be raised and the rotation of such crops;(iii)the manner of carrying on any other agricultural production;(iv)the application and use of various inputs for agricultural production such as, seeds, pesticides, manures, fertilisers, fingerlings, fodder, poultry feed, and such other items as may be provided by regulations;(v)provision for field channels for carrying water for purposes of irrigation;(vi)provision for drainage;(vii)location of wells, tube-wells, pumps and other sources of irrigation;(viii)erection and removal of fences over lands;(ix)provision of pastures; and(x)such other matters as may be provided by regulations;(2)to submit returns within such time and in such manner as may be provided by regulations containing a true and accurate statement regarding the following matters, namely:-(i)area of land cultivated by him, the classification of such land, his interest therein and incumbrances on such land, if any;(ii)the nature and quantity of agricultural production raised by him;(iii)any other matter which may be provided by regulations.

19. Corporation to act as co-ordinator. -

The State Government shall, for carrying out the purposes of this Act, have powers to issue such directions as may be necessary with a view to co-ordinating and integrating the activities of such agencies as the West Bengal Minor Irrigation Corporation, the Rural Electrification Corporation, the Fertilizer Corporation and the Agro-Industries Corporation and any other Corporation constituted under any law for the time being in force.

20. Loans to cultivators. -

(1)The Project Director shall arrange for giving such loans to the cultivators as may be considered necessary for the purpose of augmenting agricultural production.(2)The Project Director may act as an agent of any bank or other financial institution in the matter of distribution of loan or as an agent of the cultivator in the matter of obtaining such loan and he may also act as an agent for recovery of loan due from the cultivators.(3)Any loan advanced to a cultivator under this section including any interest chargeable thereon shall be the first charge on the crop raised or on the output of any other agricultural production carried on by the cultivator as well as on any other property acquired by him through such loan.(4)Any loan advanced by or through the Project Director including the interest chargeable thereon shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913.

21. Constitution of Debt Settlement Boards. -

In each notified area there shall be one or more Debt Settlement Boards to be established under sub-section (1) of section 3 of the Bengal Agricultural Debtors Act, 1936, which shall settle all outstanding debts in accordance with the provisions of the said Act notwithstanding that any such debt had been incurred after the first day of January, 1940.

22. Setting up of warehouses. -

Notwithstanding anything to the contrary contained in the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972-(1)in each notified area-(i)the Project Director may arrange for setting up marketing centres, equipped with warehouse and such other facilities including processing as may be required for profitable disposal of any agricultural production, and(ii)every cultivator shall, with a view to discharging any of his liabilities referred to in clause (2) deposit in the warehouses such quantity of agricultural production as may be directed by the Project Director;(2)the Project Director shall sell or cause to be sold the agricultural production deposited by a cultivator under clause (1) and pay to him the price thereof after deducting therefrom-(i)such marketing fee, storage and service charges not exceeding six per cent, of the market value of the gross agricultural production obtained by him as may be prescribed,(ii)the amount of any loan or advance together with interest thereon as may be found due against him, and(iii)the amount of any debt found due against him by the Debt Settlement Board under section 21.

23. Setting up of Dharmagolas. -

(1) Notwithstanding anything contained in section 22, there shall be one or more Dharmagolas to be set up by the Project Director in such manner as may be provided by regulations in which shall be stored all items of agricultural production received from the cultivators as voluntary contribution together with all other receipts referred to in section 24. (2) The Project Director may advance loan of any item of agricultural production for such Dharmagolas to persons in distress residing within the notified area subject to such terms and conditions as may be provided by regulations.

24. Powers of the Project Director under West Bengal Act 16 of 1969. -

Notwithstanding anything contained in the West Bengal Utilisation of Land for Production of Food Crops Act, 1969, the Project Director shall have all the powers of a Collector under the said Act and the share due to the Collector amounting to ten per cent, of the gross produce of any land requisitioned under that Act within a notified area shall be deposited in the Dharmagola set up under sub-section (1) of section 23.

25. Share of crop between owner and bargadar. -

Where any land is cultivated by a bargadar, sharing of the crop between an owner and a bargadar shall be according to the provisions of the West Bengal Land Reforms Act, 1955.

26. Delegation. -

The Corporation may by order delegate to the Project Director such of its powers and functions as it considers necessary or expedient.

27. Penalty. -

(1) If any cultivator defaults in following any of the directions referred to in sub-section (1) of section 18 or in submitting any of the returns referred to in sub-section (2) of that section or in depositing the required quantity of agricultural production referred to in clause (1) of section 22, the Project Director shall bring to the notice of the cultivator the nature of default made by him and shall also direct him to fulfil his obligations within such period as may be prescribed. (2) If the cultivator does not comply with the directions issued by the Project Director under sub-section (1), a Board consisting of such number of persons not exceeding five to be appointed by the State Government in this behalf, upon complaint made to it by the Project Director, may, in such manner as may be prescribed and after giving the cultivator an opportunity to show cause against the action proposed to be taken, impose upon him a fine not exceeding five hundred rupees, and where the breach is a continuing one a further fine not exceeding twenty-five rupees for each day during which the breach continues and such fine if not duly paid shall be recoverable as a public demand under the Bengal Public Demands Recovery Act, 1913. (3) Any person aggrieved by an order passed by the Board under sub-section (2) may appeal to the Collector of the district within such time and in such manner as

may be prescribed and the order passed by the Collector upon such appeal shall be final.

28. Fund of the Corporation. -

(1)The Corporation shall have a fund to be called the West Bengal Comprehensive Area Development Corporation Fund to which shall be credited-(a)all moneys received from the State Government as grants and loans advanced under section 12;(b)all moneys borrowed by the Corporation under clause (c) of section 9;(c)all marketing fees, storage and service charges realised under sub-clause (i) of clause (2) of section 22;(d)any other receipts.(2)The fund shall vest in the Corporation and shall be under its control and shall be held in trust for the purposes of this Act.(3)All moneys belonging to the Corporation shall be deposited in such custody and in such manner as the State Government may, by special or general order, direct.(4)The accounts of the Corporation shall be operated either jointly or severally as the Corporation may direct by order made in this behalf, by the Executive Vice-Chairman and such other officer or officers of the Corporation as it may authorise.

29. Budget. -

(1)The Corporation shall in each year, by such date and in such form as may be prescribed, prepare a budget estimate showing the anticipated income and expenditure of the Corporation for the next financial year as well as a revised estimate showing the income and expenditure of the Corporation for the current financial year and shall submit to the State Government a copy each of such budget estimate and revised estimate within such time as may be prescribed.(2)The State Government may either approve or modify within such time and in such manner as may be prescribed the budget estimate and the revised estimate.

30. Restriction as to expenditure. -

No expenditure shall be incurred by the Corporation from its fund except for the purposes of this Act, and unless such expenditure is provided for in the budget estimate, or the revised estimate as the case may be.

31. Accounts and audit. -

(1)The accounts of the Corporation shall be maintained and an annual statement of accounts prepared in such form and in such manner as may be prescribed.(2)The accounts of the Corporation shall be audited annually by an auditor appointed by the State Government.(3)On receipt of the auditor's report, the Corporation shall forward the same along with the audited accounts to the State Government, and the State Government may issue such directions as it thinks fit in relation to such report and accounts, and the Corporation shall comply with such directions.

32. Fixing minimum wages for agricultural labourer. -

Whenever the Corporation is of opinion that the minimum rate or rates of wages payable to any class of agricultural labourers ought to be fixed or revised the Corporation shall make a reference in this behalf to the State Government and the State Government shall take such steps as may be necessary in order to fix or revise such wages in accordance with the provisions of the Minimum Wages Act, 1948: Provided that the rate or rates of wages payable to any class of agricultural labourers may, if the Corporation so thinks fit, be higher than the minimum wages notified under the Minimum Wages Act, 1948.

33. Notice to be given in case of registration of an instrument for transfer of holding. -

Notwithstanding anything to the contrary contained in the West Bengal Land Reforms Act, 1955, the Registering Officer shall not accept for registration any instrument for transfer of the holding of a raiyat or a share or portion thereof within the area notified under sub-section (2) of section 15, unless there is tendered along with it a notice giving the particulars of the transfer in the prescribed form for transmission to the Corporation.

34. Certain persons to be deemed to be public servants. -

The members of the Corporation and of the Council and persons in the service of the Corporation shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

35. Indemnity. -

No suit, prosecution or other legal proceeding whatsoever shall lie against any person for anything in good faith done or intended to be done under this Act.

36. Power to remove difficulties. -

If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

37. Power to make rules. -

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :- (a) the term of office of, and the manner of filling casual vacancies among, the members of the Corporation referred to in sub-section (2) of section 4; (b) the terms and conditions of service of the Executive Vice-Chairman referred to in sub-section (1) of section 6; (c) the conditions subject to which officers and other employees of the

Corporation are to be appointed under section 7;(d)the terms and conditions subject to which the Corporation may borrow money, advance loans or write off loans under clauses (c), (d) and (e) of section 9;(e)the procedure in connection with the first meeting of the Corporation referred to in sub-section (2) of section 10;(f)the rates of marketing fee, storage and service charges under sub-clause (i) of clause (2) of section 22;(g)the period within which obligations are to be fulfilled referred to in sub-section (1), the manner of hearing objections referred to in sub-section (2), and the time and manner of filing appeal under sub-section (3), of section 27;(h)the date by which and the form in which a budget estimate and a revised estimate shall be prepared and the time within which such budget estimate and revised estimate shall be submitted to the State Government under sub-section (1), and the time within which and the manner in which the State Government may approve or modify such budget estimate and revised estimate under sub-section (2), of section 29;(i)the form and manner in which the annual statement of accounts shall be prepared under sub-section (1) of section 31;(j)any other matter which may be, or is required to be, prescribed.

38. Regulations. -

(1)The Corporation may, with the previous sanction of the State Government, make regulations not inconsistent with this Act and the rules made thereunder for the administration of the affairs of the Corporation.(2)Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :-(a)powers to be exercised and duties to be performed by the Executive Vice-Chairman of the Corporation referred to in sub-section (2) of section 6;(b)the terms and conditions of service of the officers and other employees of the Corporation appointed under section 7;(c)place, time and number of meetings of the Corporation and the rules of procedure to be followed at such meetings referred to in sub-section (1) of section 10;(d)place, time and number of meetings of the District Comprehensive Area Development Councils and the rules of procedure to be followed at such meetings referred to in sub-section (3) of section 13;(e)powers and functions of the Advisory Board and the terms and conditions of service of the Project Director referred to in subsection (3) of section 16;(f)conditions subject to which the Project Director shall discharge his functions under section 17;(g)other items referred to in sub-clause (iv), and matters referred to in sub-clause (x), of clause (1) of section 18, regarding which the Project Director may issue directions;(h)time within which and manner in which a return is to be submitted under clause (2) of section 18;(i)manner in which Dharmagolas are to be set up under sub-section (1), and the terms and conditions subject to which loan of any item of agricultural production is to be advanced under sub-section (2) of section 23;(j)any other matter which may be, or is required to be, provided by regulations.

39. Act to override the provisions of other laws. -

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract, express or implied, or in any instrument and notwithstanding any custom or usage to the contrary.[Sub-Section (4) inserted by West Bengal Act 7 of 1980.][Sub-Section (2) substituted by West Bengal Act 7 of 1980.]