

The West Bengal Utilisation of Land For Production of Food Crops Act, 1969

WEST BENGAL

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Act 16 of 1969

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The West Bengal Utilisation of Land For Production of Food Crops Act, 1969 West Bengal Act 16 of 1969 [Dated, 11th August, 1969] An Act to provide [or 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 as follows :-

1. Short title and extent.

(1) This Act may be called the West Bengal Utilisation of Land for Production of Food Crops Act, 1969. (2) It extends to the whole of West Bengal.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "agricultural year" means the Bengali year commencing on the first day of Baisakh; (b) "Collector" means the Collector of a district and includes an Additional District Magistrate, and a Subdivisional 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. Power to requisition.

(1) The Collector may, by order in writing, requisition any land if he is of opinion that such land is suitable for the production of food 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.(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.

4. Delivery of possession.

- When an order for the requisition of any land is made under section 3, the person in possession of such land 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.

5. Utilisation of land.

(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 subsection.(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.

6. Delivery of produce or its money value to the Collector.

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

- 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: 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. Apportionment of compensation.

- 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.

9. Release from requisition or extension of the period of requisition.

- After the expiry of the period for which land has been requisitioned under section 3, the Collector may, -(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 in 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. Possession in case of extension of the period of requisition.

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

11. Appeal.

- An appeal shall lie from an order made under this Act, -(a) to the Collector of the district, where the order is made by a Subdivisional 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.

12. Power to make rules.

(1) The State Government may make rules 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 service of the order referred to in sub-section (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. Repeal and savings.

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