

# West Bengal Act XXVIII of 1954

## THE WEST BENGAL ESTATES ACQUISITION (SECOND AMENDMENT) ACT, 1954.

[*Passed by the West Bengal Legislature.*]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 2nd October, 1954.]

*An Act to amend the West Bengal Estates Acquisition Act, 1953.*

West Ben.  
Act I of  
1954.

WHEREAS it is expedient to amend the West Bengal Estates Acquisition Act, 1953, for the purposes and in the manner hereinafter appearing;

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

1. (1) This Act may be called the West Bengal Estates Acquisition (Second Amendment) Act, 1954.

Short title  
and com-  
mencement.

(2) This section and sections 2, 4, 5, 7 and 8 shall come into force at once, section 3 shall be deemed to have come into force on the 1st day of June, 1954 and section 6 shall come into force immediately on the West Bengal Estates Acquisition (Amendment) Ordinance, 1954, ceasing to operate.

West Ben.  
Ord. IV  
of 1954.

2. For sub-section (6) of section 4 of the West Bengal Estates Acquisition Act, 1953 (hereinafter referred to as the said Act), the following sub-section shall be substituted, namely:—

Amend-  
ment of  
section 4 of  
West Ben.  
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1954.

“(6) Notwithstanding anything contained in the foregoing sub-sections, an intermediary may, at any time before the 15th day of February, 1955, apply to the State Government to have all his estates, tenures, under-tenures and other rights as intermediary, to be vested in the State and the State Government may, after considering the facts and circumstances of the case, if it thinks fit, make an order granting the application. Upon the order being made, all such estates, tenures, under-tenures and rights of the intermediary, shall vest in the State Government on and from the date of the order, free from all incumbrances (other than the rights of subordinate intermediaries, if any) and the provisions of this Act, except the foregoing sub-sections and clauses (a) and (b) of section 5, shall, with necessary modifications, apply as if, in relation to such estates, tenures, under-tenures and rights of the intermediary, references to the publication of a notification

(Sections 3, 4.)

under section 4 or to the date of vesting were references to the order granting the application or to the date of such order, and references to the vesting under section 5 were references to the vesting under this sub-section. The State Government shall have also power to make such other orders for giving effect to the provisions of this sub-section as it deems necessary.”.

Insertion of new section 5B.

3. After section 5A of the said Act, the following section shall be inserted, namely:—

“Estate or tenure not liable to be sold under Act XI of 1859, Cooch Behar Act V of 1897, Bengal Regulation VIII of 1819 and Act VIII of 1885.

5B. On and from the 1st day of June, 1954, no estate, tenure or under-tenure shall be liable to be sold under the Bengal Land Revenue Sales Act, 1859 or the Cooch Behar Revenue Sales Act, 1897 or the Bengal Patni Taluks Regulation, 1819, or the Bengal Tenancy Act, 1885, as the case may be, and any sale which took place on or after that day under any of those Acts or that

XI of 1859.  
Cooch Behar Act V of 1897.  
Ben. Regn. VIII of 1819.  
VIII of 1885.

Regulation shall be deemed to have been void and of no effect:

Provided that where by reason of the foregoing provision of this section, any estate, tenure or under-tenure is not sold, or where such sale is void and of no effect, the arrears for which the estate, tenure or under-tenure would have been sold or were sold, shall, notwithstanding anything to the contrary in any other law, bear simple interest at the rate of ten *per centum per annum* from the date on which they become or became payable or from which the sale is deemed to have been void and of no effect, as the case may be up to the date immediately preceding the date of vesting of such estate, tenure or under-tenure.”.

Amendment of section 8.

4. In section 8 of the said Act, the words “and shall without prejudice to any other mode of recovery be recoverable by attachment of any money that may be made payable as compensation to such person under this Act” occurring at the end shall be omitted and the following proviso shall be added, namely:—

“Provided that if such person be himself an intermediary, the recovery of such arrears from the compensation payable to him shall be subject to the provisions of section 26 of this Act.”

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Act, 1954.

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(Sections 5, 6.)

5. Section 12 of the said Act shall be renumbered as sub-section (1) of that section, and—

Amend-  
ment of  
section 12.

(1) in that sub-section as so renumbered, the following further proviso shall be added at the end, namely:—

“Provided further that notwithstanding anything contained in the foregoing provisions of this section, the State Government may, where, having regard to the financial position of the intermediary, there are circumstances to justify, direct *ad-interim* payments to an intermediary whose estates or interests have vested in the State and have been taken charge of by the Collector under section 10, of such amounts and at such times as seem to it to be reasonable and such payments shall be deemed to be part of the compensation payable to such intermediary and shall be deducted and adjusted against such compensation.”;

(2) after sub-section (1) as so renumbered, the following sub-section shall be added, namely:—

“(2) Notwithstanding anything contained in sub-section (1), where the whole of the interest of an intermediary which is held under a *bona fide* trust or other legal obligation for an exclusively charitable or religious purpose without reservation of any pecuniary benefit to any individual has vested in the State and has been taken charge of by the Collector under section 10, the trustee or other person entitled to the management of such interest shall be entitled to receive an annual *ad-interim* payment of the approximate net annual income of the interest, subject to deduction and adjustment in such manner as may be determined in this behalf by the Compensation Officer against the annuity payable under clause (i) of the proviso to sub-section (1) of section 17.”

6. In section 51 of the said Act,—

Amend-  
ment of  
section 51.

(a) in clause (a) of sub-section (1), for the words “which on the date of vesting they cultivate by *bargadars* as defined in the West Bengal *Bargadars* Act, 1950, or which they do not cultivate themselves or by members of their families or by servants or labourers,” the words “which on the 5th day of May, 1953, or any date subsequent thereto they cultivated by *bargadars* as defined in the West Bengal *Bargadars* Act, 1950, or which they did not cultivate themselves or by members of their families or by servants or labourers,” shall be substituted;

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(Sections 7, 8.)

(b) for sub-section (2) the following sub-section shall be substituted, namely:—

“(2) Notwithstanding anything contained in sub-section (1), a person whose lands vest in the State under that sub-section shall be entitled to retain—

(i) agricultural lands held in *khas* not exceeding 33 acres including any such land which such person may have retained under the provisions of clause (d) of sub-section (1) of section 6;

(ii) lands mentioned in clauses (a), (b) and (c) of sub-section (1) of section 6 subject to the limits prescribed in that sub-section and including any land which such person may have retained under clauses (a), (b) and (c) of sub-section (1) of section 6; and

(iii) other lands mentioned in clauses (e) to (g) of sub-section (1) of section 6;

as a tenant under the State Government on the same terms and conditions as he was holding such lands immediately before the date of vesting.”

Amend-  
ment of  
section 55.

7. In sub-section (1) of section 55 of the said Act, for the words “of section 11” the words “of sub-section (6) of section 5A or to be a Special Judge or Judges appointed for the purpose of section 11” shall be substituted.

Savings.

8. Any action taken or anything whatsoever done under the said Act as amended by the West Bengal Estates Acquisition (Amendment) Ordinance, 1954, shall, on the said Ordinance ceasing to operate, be deemed to have been taken or done under the said Act as amended by this Act as if section 6 had commenced on the 9th day of June, 1954.

West Ben.  
Ord. IV of  
1954.