

EVOLUTION OF LAND LAWS IN WEST BENGAL

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Pre-Independence scenario:

1. **PERMANENT SETTLEMENT REGULATION, 1793**
 - i) Estates were Permanently settled with Intermediaries or Zamindars by Lord Cornwallis for a more stable collection of Revenue
 - ii) The Raiyats did not have statutory rights on the land they cultivated or possessed, with no fixed rent system
 - iii) No proper land records registering the Raiyats were maintained by Govt.
 - iv) Numerous tiers of Intermediaries or Zamindars created between the Govt. and the Raiyat
 - v) Increasing burden of Rent on the Raiyat
 - vi) No protection of Raiyats against the autocracy of Landlords or Zamindars
2. **BENGAL TENANCY ACT, 1885**
 - i) Different classes of Tenants & Raiyats were created under the Landlords or Zamindars

- ii) **The rights of all classes of Tenants & Raiyats were recognized with provision for recording of their rights**
- iii) **A regular rent structure for the Raiyats were introduced**
- iv) **The Rights of Raiyats had statutory protection against the whims of Landlords or Zamindars**
- v) **Mauja or village wise Record of Rights (ROR) and mauja wise cadastral maps were prepared for the first time in the District Settlement Operation in the then undivided Bengal starting from 1888 to 1940**

Post-Independence scenario -

3. WEST BENGAL ESTATE ACQUISITION ACT, 1953 (West Bengal Act I of 1954)

- i) **The Estates or rights & titles of Intermediaries or Zamindars were abolished**
- ii) **The Raiyats were brought directly under the Government**
- iii) **Rents to be paid by the Raiyats to the Government were fixed**
- iv) **Individual Ceilings for different classes of Lands were imposed**

Quantum of retainable land:

- a) Agricultural land: Upto 25 acres
- b) Non-agricultural land: upto 15 acres
- c) Homestead land: upto 5 acres
- d) Tank fisheries, orchards, livestock breeding, poultry, dairy: Unlimited
- e) Mills, factories, tea gardens: As determined by Government
- f) Corporation, religious or charitable institution for public purpose: Unlimited
- g) Forest area: Cannot be retained
- v) Ceiling excess Land was vested to the State
- vi) Revised RORs and cadastral maps prepared

Implementation of Land Reforms in the State:

- 4. WEST BENGAL LAND REFORMS ACT, 1955
(West Bengal Act X of 1956)
 - i) Family was specifically defined regarding constituent members
 - ii) Individual Land Ceiling under WBEA Act, was changed to Family Ceiling under WBLR Act
 - iii) More quantum of land was vested to the State for distribution to the landless agricultural labourers and marginal farmers
 - iv) Rights of Bargadars/Bhagchasis or Sharecroppers were specially recognized

- v) In the Definition of "Land", all classes of land were included in the 2nd Amendment
- vi) Provision for One-Man-One Khatian was introduced so that, all lands belonging to one Raiyat in one mauza could be shown in one Khatian
- vii) RS ROR and Maps were revised for updated land records under WBLR Act

Salient features of Land Reforms in West Bengal

A) Ceiling provisions under WBLR Act, 1955

Quantum of retainable land:

Family size	Ceiling limit			
	Irrigated area		Non-irrigated area	
	standard hectare	acre	standard hectare	acre
1 member	2.50	6.18	2.50	8.65
2 to 5 members	5.00	12.36	5.00	17.30
6 members	5.50	13.59	5.50	19.03
7 members	6.00	14.83	6.00	20.76
8 members	6.50	16.06	6.50	22.49
9 & above	7.00	17.30	7.00	24.22

- a) 1 standard hectare = 1.00 hectare in irrigated area
= 1.40 hectares in non-irrigated area
- b) 1 hectare = 2.47 acres

B) Rights of Bargadars under WBLR Act, 1955:

- i) Right of cultivation by bargadar is heritable but not transferable
- ii) A share of the produce has to be delivered to the raiyat as per law
- iii) Right of cultivation of a bargadar cannot be terminated except by a statutory proceedings

on specific grounds, giving opportunity of hearing to both parties.

- iv) Forcible or illegal termination of bargadarship shall be immediately restored.
- v) The name of the bargadar will feature in the record of rights (ROR)
- vi) A bargadar on a land vested under the WBLR Act will become a owner (raiyat) upto a limit of 1 acre.
- vii) A bargadar can cultivate a maximum of 4 hectares of land, including land owned by him.

C) Distribution of vested land under WBLR Act, 1955:

Vested land at the disposal of the State may be settled free of cost to such beneficiaries as raiyats subject to the following conditions:

- i) Such persons who are residents of the locality where the land is situated
- ii) Who together with other members of their family, own no land or less than 0.4047 hectares of land used for the purpose of agriculture
- iii) If such person is a bargadar, then one half of the land under barga cultivation will be taken into account for calculating the aggregate of such land
- iv) Such land will be brought under personal cultivation
- v) 'Pattas' or certificates of allotment of land on behalf of the Government are issued in favour of such beneficiaries jointly in the names of husband and wife. Separate RORs are also opened in their names.

- vi) Such land cannot be transferred except for simple mortgage to a scheduled bank, cooperative society etc for obtaining loans for development of the land or improvement of agriculture etc.
- vii) When a land is settled for the purpose of homestead to homeless person, the area of such land shall not exceed 0.0335 hectares or 5 cottahs

5. West Bengal Acquisition of Homestead Land Act for Agricultural labourers, Fishermen and Artisans, 1975:

This Act legalized the occupation of other raiyats' land by homeless agricultural labourers, fishermen and artisans, who built kutchha thatched huts for homestead purposes on or before 25.6.1975 upto a maximum of 0.08 acres. Separate RORs were issued for such beneficiaries.

Achievement in Land Reforms in the State

- a) Total land vested so far:
 - i) Under WBEA Act, 1953 – 26,47,874.77 acres
 - ii) Under WBLR Act, 1955 - 03,42,999.75 acres
 - Total - 29,90,874.52 acres
- b) Total agricultural land fit for distribution - 12,09,896.07 acres
- c) Total agricultural land distributed - 11,30,075.41 acres
- d) Pending for distribution - 79,820.66 acres
- e) Total Pattadars recorded - 30,47,805
- f) Total Bargadars recorded - 15,16,704
- g) Total Homestead Beneficiaries - 03,24,089

Terminologies generally used in Records of Right in Bengal

Terms	Meaning
Abwab	Illegal Cess
Adhi	Half produce rent
Adhiar	One who cultivates on a yearly agreement of giving half share of the produce to the owner
Adhinastha swatwa	Subordinate (ie.tenant's) interest
Amalnama	Writ giving preliminary possession (not a proper lease)
Atra-swatwa	This interest
Uparistha swatwa	Superior or Landlord's interest
Adhinastha or nichastha Swatwa	Interest of subordinate tenants
Badal sutra	By virtue of exchange
Badar	Correction of mistake
Bahali	Revenue free, confirmed not resumed, with ref to <i>lakheraj</i>
Bakeya	Arrears
Bandhakdata	Mortgagor
Bandhakgrihita	Mortgagee
Bandhak sutra	By virtue of mortgage
Bandobast	Settlement
Ban-kar	Rent for gathering wood
Bantak sutra	By virtue of partition
Barat	Cross reference
Bari or Basat	Homestead
Basat praja	Homestead land
Bata dag	A plot with fractional number
Batwara	Partition
Be-nama	Transaction in another's name
Benamdar	The person in whose name such transaction is made
Bhita	High land
Bhiti	Raised land

Bibadi	Disputed
Bibidha swatwa	Miscellaneous rights
Bujharat	Local explanation
Chakran	A service tenure
Char	Alluvial land
Chauhaddi	Boundary
Chirasthayee	Heritable and not held for a limited period
Chukani	A tenancy under a jote
Chukanidar	Rent-paying tenant under a jotedar (in Jalapaiguri)
Dag	A field plot
Daemi	Permanent
Dahar	Path
Dakhhal	Possession
Dakhalkar	Occupant, also possessor of an interest
Dakhali swatwa bisistha	Possessing rights of occupancy
Dakhali swatwa sunya or bihin	Not Possessing rights of occupancy
Dakhila	Rent receipt
Dakhil kharij	Mutation
Dan Bikraya kshamata prapta	Transferable
Dan Bikraya kshamata rahit	Not transferable
Dang or Dawng	Abbreviation of dakhhal, in possession of
Das-sala	Decennial
Dayesudi Khai khalasi	Usufructuary mortgage
Dhani	Rice land
Dhanya-karari	Produce paying tenancy
Diara	Alluvial formation by fluvial (rivers) action
Ding	Abbreviation of of 'digar' meaning, " and others"
Ekun	Total
Ewaj sutra	By exchange
Gair-mokarari	Rate of rent not fixed
Gang or gawng	And others
Gair-bandobasti	Unsettled
Gar laik patit	Unculturable fallow
Gochar	Pasture land

Terms	Meaning
Heba nama	Deed of gift
Hissa	Share
Ijara	Farming lease
Ijmali or ejmali	Joint or undivided
Ija	Continuation
Jalkar	Fishery right or rent
Jal-sechan	Irrigation
Jama	Rent
Jamabandi	Rent-roll
Janch	Checking of record
Jarip	Survey of land, survey chain
Jot	A form of tenancy
Kabuliyat	Counterpart of lease
Kaimi	Permanent
Kaimi mokarari	Permanent tenancy at fixed rate
Karari	Fixed
Khasara	Draft field statement
Khatian	Record of rights
Kismat	Village or part of village
Kist	Instalment of rent or revenue
Kistibandi	Payment by instalment
Kistwar	Cadastral survey
Korfa-raiyat	Under-raiyat
Layek patit	Culturable fallow
Lakheraj	Lands held revenue-free
Mablag	Total
Madhya swatwa	Tenure (intermediate right)
Madhya swatwadhikary	Tenure-holder
Mahal	Estate
Moi cess	Including cess
Moi jama	Including rent
Malik	Proprietor
Mauza	Village
Meyad	Term, period
Meyadi	Temporary for a term of years
Minaha	Deduction, exemption
Mukabila	Comparison
Mokarari	Rent or rate of rent fixed in perpetuity

Terms	Meaning
Maurasi	Heritable, hereditary
Mujra	Deduction
Namjari	Registration of names
Namkharij	Mutation of names
Nayanjuli	Side pits of roads for tkinf earth for repairs
Nichastha	Subordinate
Nichastha swatwa	Subordinate interest
Nilam khariddar	Auction purchaser
Nirikh	Rate of rent
Nishkar	Rent-free
Paikast	Resident raiyats of one village cultivating land in another village
Paiwasti	Alluvial accretion or formation
Ping	Abbreviation for "pisar-i" or "son of"
Praja	Tenant
Prajabili	Held by tenants
Puratan patit	Old fallow
Rakm	Class
Rakba	Area
Rasadiya	Proportionate
Rehai	Exemption
Sabek	Old
Sabek-hal	Index of old and new
Sadharaner byabaharya	Used by public
Sang	Abbreviation for 'sakin' meaning 'resident of'
Salami	Premium for recognizing a transfer
Shamil jama	Joint rent
Sanad	Deed of grant
Sebait	Priest who arranges for worship of a deity and manages the endowment
Shikasti	Diluviated
Shikasti paiwasti	Reformation
Sthitiban	Settled (raiyat)
Swatwa	Interest in land tenancy

Terms	Meaning
Swatwadhikary	Owner of interest
Tafsil	Table, list
Tahsil	Collection
Tamil	Carrying out of an order
Tasdik	Attestation of record
Thak, thakbast	Mound, used in Thak-bast Survey
Yad-dashta	Memorandum
Zabida	Authenticated, certified
Zer	Continuation
Zimma	In the custody of
Ziraat	Proprietor's private land

Share Notations in Bengali.

১ তিল - ১	1 til - ১	১২, ১৩, ১৪, ১৫, ১৬, ১৭, ১৮, ১৯, ২০
২০ তিল - ১ ক্রান্তি	20 tils - 1 Kranti	১, ১১
৩ ক্রান্তি - ১ কড়া	3 kranti - 1 Kara	১০, ১১, ১২
৪ কড়া - ১ গণ্ডা	4 Kara - 1 Ganda	১, ২, ৩, ৪, ৫, ৬, ৭, ৮, ৯, ১০, ১১, ১২, ১৩, ১৪, ১৫, ১৬, ১৭, ১৮, ১৯, ২০
২০ গণ্ডা - ১ আনা	20 ganda - 1 anna	১, ২, ৩, ৪, ৫, ৬, ৭, ৮, ৯, ১০, ১১, ১২, ১৩, ১৪, ১৫, ১৬, ১৭, ১৮, ১৯, ২০
১৬ আনা - ১ টাকা	16 anna - 1 taka	

Share Conversion

এক আনা / one anna - ১/১৬	$\rightarrow \frac{1}{16} = 0.0625 \rightarrow 0.0625$ *
দুই আনা / two anna - ২/১৬	$\rightarrow \frac{2}{16} = 0.1250 \rightarrow 0.1250$
তিন আনা / three anna - ৩/১৬	$\rightarrow \frac{3}{16} = 0.1875 \rightarrow 0.1875$
চার আনা / four anna - ৪/১৬	$\rightarrow \frac{4}{16} = 0.2500 \rightarrow 0.2500$
পাঁচ আনা / five anna - ৫/১৬	$\rightarrow \frac{5}{16} = 0.3125 \rightarrow 0.3125$
ছয় আনা / six anna - ৬/১৬	$\rightarrow \frac{6}{16} = 0.3750 \rightarrow 0.3750$
সাত আনা / seven anna - ৭/১৬	$\rightarrow \frac{7}{16} = 0.4375 \rightarrow 0.4375$
আট আনা / eight anna - ৮/১৬	$\rightarrow \frac{8}{16} = 0.5000 \rightarrow 0.5000$
নয় আনা / nine anna - ৯/১৬	$\rightarrow \frac{9}{16} = 0.5625 \rightarrow 0.5625$
দশ আনা / ten anna - ১০/১৬	$\rightarrow \frac{10}{16} = 0.6250 \rightarrow 0.6250$
গারো আনা / eleven anna - ১১/১৬	$\rightarrow \frac{11}{16} = 0.6875 \rightarrow 0.6875$
বারো আনা / twelve anna - ১২/১৬	$\rightarrow \frac{12}{16} = 0.7500 \rightarrow 0.7500$
ত্রয়োদশ আনা / thirteen anna - ১৩/১৬	$\rightarrow \frac{13}{16} = 0.8125 \rightarrow 0.8125$
চৌদ্দ আনা / fourteen anna - ১৪/১৬	$\rightarrow \frac{14}{16} = 0.8750 \rightarrow 0.8750$
পনের আনা / fifteen anna - ১৫/১৬	$\rightarrow \frac{15}{16} = 0.9375 \rightarrow 0.9375$
ষোল আনা / sixteen anna - ১৬/১৬	$\rightarrow \frac{16}{16} = 1.0000 \rightarrow 1.0000$

* দশ গণ্ডা - ১০ = $\frac{10}{32} = 0.0313$	10 ganda - ১০ = $\frac{10}{32} = 0.0313$
পাঁচ গণ্ডা - ৫ = $\frac{5}{32} = 0.0156$	5 ganda - ৫ = $\frac{5}{32} = 0.0156$
দুই গণ্ডা দুই কড়া - ২১১ = $\frac{2}{256} = 0.0078$	2 ganda 2 Kara - ২১১ = $\frac{2}{256} = 0.0078$ ($\frac{1}{128}$)
এক গণ্ডা এক কড়া - ১১ = $\frac{1}{256} = 0.0039$	1 ganda 1 Kara - ১১ = $\frac{1}{256} = 0.0039$

$1 \text{ taka} = 16 \text{ anna}$	
$1 \text{ anna} = 16 \text{ gand}$	
$1 \text{ gand} = 16 \text{ kara}$	
$1 \text{ kara} = 16 \text{ kranti}$	
$1 \text{ kranti} = 16 \text{ til}$	

$1 \text{ til} = \frac{1}{7680} = 0.00013$	$1 \text{ til} = \frac{1}{7680} = 0.00013$
$10 \text{ til} = \frac{10}{7680} = 0.0013$	$10 \text{ til} = \frac{10}{7680} = 0.0013$
$1 \text{ kranti} = \frac{1}{3840} = 0.00026$	$1 \text{ kranti} = \frac{1}{3840} = 0.00026$
$1 \text{ kara} = \frac{1}{1280} = 0.00078$	$1 \text{ kara} = \frac{1}{1280} = 0.00078$
$1 \text{ ganda} = \frac{1}{320} = 0.0031$	$1 \text{ ganda} = \frac{1}{320} = 0.0031$
$1 \text{ anna} = \frac{1}{16} = 0.0625$	$1 \text{ anna} = \frac{1}{16} = 0.0625$
$1 \text{ taka} = 1 = 1.0000$	$1 \text{ taka} = 1 = 1.0000$

- i) 1 taka → (16 anna) (1 taka) → 1.0000 → 1.0000 (full share)
- ii) 4 anna → (1 anna) (1 anna) → 0.0625 → 0.2500 ($\frac{1}{4}$ share)
- iii) 16 gand → (1 gand) (1 gand) → 0.0031 → 0.0125 ($\frac{1}{8}$ ")
- iv) 16 kara → (1 kara) (1 kara) → 0.00078 → 0.0031 ($\frac{1}{32}$ ")
- v) 16 kranti → (1 kranti) (1 kranti) → 0.00026 → 0.0013 ($\frac{1}{64}$ ")
- vi) 16 til → (1 til) (1 til) → 0.00013 → 0.00026 ($\frac{1}{128}$ ")
- vii) 16 → (1 anna) (1 anna) → 0.0625 → 0.1250 ($\frac{1}{8}$ ")
- viii) 8 → (1 anna) (1 anna) → 0.0625 → 0.1250 ($\frac{1}{8}$ ")
- ix) 8 → (1 anna) (1 anna) → 0.0625 → 0.1250 ($\frac{1}{8}$ ")
- x) 4 → (1 anna) (1 anna) → 0.0625 → 0.1250 ($\frac{1}{8}$ ")
- xi) 2 → (1 anna) (1 anna) → 0.0625 → 0.1250 ($\frac{1}{8}$ ")

Share Notations in Bengali

Miscellaneous examples of shares :-

- i) ১. ১০ $\frac{১}{১০}$ ($\frac{১}{১০}$) = ১০০/১১০ \rightarrow ১০০ গজা ১০ কজা ১১০ ক্রিমা = ০.৯০৯১ - ০.১১১১
- ii) ১. ১০ $\frac{১}{১০}$ ($\frac{১}{১০}$) = ১১০/১১০ \rightarrow ১১০ গজা ১০ কজা ১১০ ক্রিমা = ০.৯০৯১ \rightarrow ০.১১১১
- iii) ১. ১০ $\frac{১}{১০}$ ($\frac{১}{১০}$) = ১১০/১১০ \rightarrow ১১০ গজা ১০ কজা ১১০ ক্রিমা = ০.৯০৯১ - ০.১১১১
- iv) ১. ১০ $\frac{১}{১০}$ ($\frac{১}{১০}$) = ১১০/১১০ \rightarrow ১১০ গজা ১০ কজা ১১০ ক্রিমা = ০.৯০৯১ - ০.১১১১

Typical examples of shares :-

- i) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- ii) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- iii) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- iv) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- v) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- vi) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- vii) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১
- viii) ১০০০ - ১০০ গজা ১০ কজা ১১০ ক্রিমা = $\frac{১০০}{১১০}$ ($\frac{১০০}{১১০}$) = ০.৯০৯১ \rightarrow ০.১১১১