

**West Bengal Thika Tenancy (Acquisition And Regulation)
Act, 2001**

32 of 2001

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West Bengal Thika Tenancy (Acquisition And Regulation) Act, 2001

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An Act to provide for the acquisition of interests of landlords in respect of lands comprised in thika tenancies in Kolkata, Howrah and Other Municipalities of West Bengal for development and equitable utilization of such lands. Whereas it is expedient to provide for the acquisition of interests of landlords in respect of lands comprised in thika tenancies in Kolkata, Howrah and Other Municipalities of West Bengal for development and equitable utilization of such lands with a view of subserving the common good; It is hereby enacted in the Fifty-second Year of the Republic of India, by the Legislature of West Bengal, as follows:- PREAMBLE From the aim and objects of the act as given above it appears that it was made to cover under it the whole of the West Bengal where the old Act of 1981 was made for the Kolkata and Howrah only. The new Act received the Assent of the President of India which was published in Kolkata Gazette Extraordinary of 22nd November, 2002. The Calcutta Thika and other Tenancies and Lands (Acquisition and Regulations) Act, 1981 is Repealed as per section 27 of new Act. Footnote: 1. Published in the Kolkata Gazette Extraordinary Part III vide Notification No. 2118-Ldated. 22.11.2002, (w.e.f. 1.3.2003)

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001. (2) It extends to Kolkata as defined in clause (9) of section 2 of the Kolkata Municipal Corporation Act, 1980 (West Ben. Act 59 of 1980), and to Howrah as defined in clause (15) of section 2 of the Howrah Municipal Corporation Act, 1980 (West Ben. Act 58 of 1980) and such other areas as the State Government may notify from time to time: Provided that the provisions of this Act shall not extend to the

whole of, or to any area included within the limits of, Howrah, which, immediately before the 10th day of January, 1983, being the date of coming into force of the Howrah Municipal Corporation Act, 1980, was not comprised in the municipality of Howrah: Provided further that the provisions of this Act shall not extend to the whole of, or to any area included within the limits of, Kolkata, which, immediately before the 4th day of January, 1984, being the date of coming into force of the Kolkata Municipal Corporation Act, 1980, was comprised in any municipality. (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-- (1) "Bharatia" means any person by whom or on whose account, rent is payable for any structure or part thereof, owned by a thika tenant, but excludes any person paying rent to a Bharatia and any resident of a structure forfeited by the State Government under sub-section (2) of section 6, irrespective of the status, the said person may have enjoyed earlier. (2) "Controller" means an officer appointed under section 10 and includes an Additional Controller and a Deputy Controller; (3) "holding" means a parcel or parcels of land occupied by a thika tenant under one set of conditions along with any tank included in such land; (4) "hut" means any building or structure, the roof or the floor of which, excluding the floor at the plinth level, is not constructed of masonry or reinforced concrete; (5) "khatal" means a place where cattle are kept or maintained for the purpose of trade or business including business in milk derived from such cattle; (6) "land appurtenant" includes any easement, right, or any common benefits or facilities, or access, passage, drains, tanks and pools which were owned by the landlord and were enjoyed by the thika tenant and the Bharatia, if any, before the date of vesting; (7) "landlord" means any corporation, charitable or religious institution or person who, for the time being, is entitled to receive or, but for a special contract, would be entitled to receive the rent for any land comprised in the tenancy of a thika tenant or in a khatal, tank or hut owned by him, and includes any corporation, institution or person having superior interest in such thika tenancy; (8) "lease" means a lease of immovable property by which a transfer of a right to enjoy such property made for a certain time expressed or implied, or in perpetuity in consideration of a price paid or

promised, or of money, a share of crops, service or any other thing of value, to be rendered periodically or on specified occasions to the transferor by the transferee who accepts the transfer on such terms. The transferor is called the lessor, the transferee is called the lessee, the price is called the premium, and the money, share, service or other thing to be so rendered is called the rent; (9) "local authority" includes a Panchayats defined in clause (15b) of section 2 of the West Bengal Panchayat Act, 1973 (West Ben. Act 41 of 1973), or a municipality constituted under the West Bengal Municipal Act, 1993 (West Ben. Act 22 of 1993); (10) "notification" means a notification published in the Official Gazette; (11) "prescribed" means prescribed by rules made under this Act; (12) "public purpose" includes a planned development of any holding or area, or the continuation of a scheme or a project which ensures the general welfare of the public; (13) "pucca structure" means any structure constructed mainly of brick, stone or concrete or any combination of these materials, or any other material of a durable nature; (14) "thika tenant" means any person who occupies, whether under a written lease or otherwise, land under another person, and is, or but for a special contract, would be, liable to pay rent at a monthly or any other periodical rate for that land to that another person, and has erected or acquired by purchase or gift any structure on such land for residential, manufacturing or business purpose, and includes the successors-in-interest of such persons but excludes any resident of a structure forfeited to the State under sub-section (2) of section 6 of this Act irrespective of the status, he may have enjoyed earlier.

3. Act To Override Other Laws :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or in any custom, usage or agreement or in any decree or order of a court, tribunal or other authority.

CHAPTER 2

ACQUISITION OF LANDS COMPRISED IN THIKA TENANCIES AND THE RIGHT OF LANDLORDS IN SUCH LANDS

4. Lands Comprised In Thika Tenancies And Other Lands, Etc. To Vest In The State :-

With effect from the 18th day of January, 1932, the following lands along with the interest of landlords therein shall be deemed to have vested in the State, free from all encumbrances:- (a) lands comprised in, and appurtenant to, tenancies of thika tenants

including open areas, roads; and (b) land held in monthly or other periodical tenancies, whether under a written lease or otherwise, for being used or occupied as khatal: Provided that any land comprised in, and appurtenant to, tenancies of thika tenants created after the 18th days of January, 1982, shall also be deemed to be vested in the State, free from all encumbrances with effect from the date of creation of tenancies of thika tenants: Provided further that such vesting shall not be deemed to have affected in any way the easements, customary rights or other facilities enjoyed by thika tenants, Bharatias or occupiers of land coming within the purview of this section: Provided also that nothing contained in this section shall prevent the State Government or the local authority from taking up any development work on the land appurtenant to tenancies of thika tenants for public purpose.

5. Incidents Of Tenancies In Respect Of Lands Vested In The State :-

(1) Subject to the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), and the provisions of this Act, every thika tenant, occupying any land under a landlord on the date of commencement of this Act, shall occupy such land, on such terms and conditions as may be prescribed, directly under the State as if the State had been the landlord in respect of that land. (2) Every thika tenant holding directly under the State under sub-section (1) shall be liable to pay to the State Government in the prescribed manner such revenue as may be determined. (3) If any question arises as to whether a person is a thika tenant or not, the matter shall be decided by the Controller. (4) The interests of the thika tenants holding directly under the State under sub-section (1) shall be heritable and shall not be transferable except inter se amongst the heirs and existing co-shares-interest and spouses or to the prospective heirs, with a prior permission of the Controller, subject to the provisions of sub-section (1) of section 6. (5) The thika tenants holding directly under the State under sub-section (1) shall be entitled to construct pucca structures in accordance with the building plans sanctioned under the Kolkata Municipal Corporation Act, 1980 (West Ben. Act 59 of 1980), and the rules made thereunder, or the Howrah Municipal Corporation Act, 1980 (West Ben. Act 58 of 1980), and the rules made thereunder, according as the land may be situated within Kolkata as defined in clause (9) of section 2 of the Kolkata Municipal Corporation Act, 1980, or Howrah as defined in clause (15) of section 2 of the

Howrah Municipal Corporation Act, 1980, for-- (a) residential and business purposes for themselves and the Bharatias under them; and (b) essential common facilities like common pathway, common bath, toilet, water supply, drainage, sewerage, lighting and similar other purposes: Provided that the thika tenants holding directly under the State under sub-section (1), shall obtain a no objection certificate from the Controller before making any pucca construction or changing the nature, character and dimension of an existing structure on the land, irrespective of the area of the land. (6) The thika tenant holding directly under the State under sub-section (1), shall be liable to pay rent to the State Government at such rate and in such manner as may be prescribed.

6. Thika Tenant Not To Let Out Vacant Land :-

(1) The thika tenants holding lands directly under the State shall be entitled to let out in whole or in part structures existing on, or constructed after, the date of commencement of this Act on such lands but not any vacant land or any part thereof. (2) Any transfer or agreement for transfer, whether oral or in writing, or any activity in contravention of the provisions of sub-section (4), or sub-section (5) of section 5 or proviso to sub-section (1) of this section, shall be declared invalid under an order of the Controller and the structure or part of structure, as the case may be, shall stand forfeited to the State in accordance with the procedure as may be prescribed. (3) Notwithstanding anything contained in this section, where a pucca structure has been constructed without no objection certificate as required by the proviso to sub-section (5) of section 5, the Controller may, subject to the provisions of any other law for the time being in force, after being satisfied that the forfeiture of such structure to the State under sub-section (2) will cause hardship to the thika tenant or the Bharatia, as the case may be, issue a provisional certificate for the purpose of obtaining construction plan sanctioned by the local authority: Provided that the Controller shall not issue final certificate unless the thika tenant has produced a construction plan of such structure sanctioned by the local authority to the Controller within such time and on payment of such fee, as may be prescribed: Provided further that if the thika tenant fails to produce such sanctioned plan within such prescribed time to the Controller, the Controller may invoke the procedure of forfeiture under sub-section (2). (4) Whenever it appears to the State Government that the land comprised in any thika tenancy is needed, or is likely to be needed, for any public

purpose, it may, after giving the thika tenant and the Bharatias, if any, an opportunity of being heard, resume the land comprised in such thika tenancy with or without structures, if any, and take possession of the land: Provided that immediately after such resumption, the State Government shall pay to the thika tenant or the Bharatia, if any, an amount not exceeding ten times of the compensation determined under sub-section (6) of section 7 of the Act in addition to the compensation determined under sub-section (6) of section 7. (5) A Controller after satisfying himself that a Bharatia stays at the structure forfeited under sub-section (2), above may grant him licence as per terms as may be prescribed.

7. Payment Of Compensation :-

(1) The State shall, for the vesting of any land under section 4, pay to the landlord or landlords having any right in such land and amount as may be determined in accordance with the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976). (2) Where the landlord is a corporation or an institution established exclusively for a religious or a charitable purpose of a public nature, or is a person holding under a public trust or an endowment or other legal obligation exclusively for a public purpose which is religious or charitable, the State shall, for vesting under section 4, pay to such landlord a perpetual annuity or, where the interest of the landlord is terminable or is liable to be exhausted, an annuity for such number of years as may be prescribed, having regard to the extent of the rights of the landlord. Such annuity shall not exceed the annual net income derived from the holding as may be determined by the Controller in the prescribed manner. In determining the net annual income the Controller shall deduct from the gross income, apart from other sums as may be prescribed, charges on account of management and collection at the rate of twenty per centum of the gross income. (3) For the purposes of sub-section (2), the Controller, on his own motion or upon any information, may, after giving the person interested an opportunity of being heard, enquire and decide any question as to whether any trust, endowment, corporation or institution is for exclusively religious or charitable purpose, or as to whether it is of public or private nature, and any question of title incidental thereto as may be necessary to determine such question, by examining the document, if any, and by taking into account- (a) the actual user of income of the land, (b) the mode of user, and (c) the share of income of the land appropriated, or enjoyed, by or on behalf of

such trust, endowment, corporation or institution. (4) An appeal from any order passed by the Controller under this section shall lie under section 12. (5) No compensation shall be paid to the thika tenant for forfeiture of a structure or a part of a structure under sub-section (2) of section 6. (6) The State shall, on resumption under sub-section (4) of section 6 of any structure comprised in any tenancy, pay to the tenant having any right in such structure an amount calculated by the Controller in the prescribed manner. Such amount shall be calculated at such rate as may be prescribed, apart from other sums as may be prescribed. Where the structures are occupied by the tenant himself, fair rent determined by the Controller under this sub-section in the prescribed manner shall be deemed to be the rent paid by the Bharatias. (7) Where there are more than one landlord in respect of a thika tenancy or other tenancy vested under section 4, the amount payable to them under sub-section (1), or the annuity payable to them under sub-section (2), shall be apportioned among them in the prescribed manner.

CHAPTER 3

INCIDENTS FOR TENANCIES OF BHARATIAS IN STRUCTURES

8. Thika Tenants And Bharatias To Be Governed By West Ben. Act 12 Of 1956 :-

(1) The monthly and other periodical tenancies of the Bharatias in respect of the structures occupied by them on payment of rents to the thika tenants shall, with effect from the date of coming into force of this Act, be governed by the provisions of the West Bengal Premises Tenancy Act, 1956, in matters relating to the payment of rent by the Bharatias and their eviction by the thika tenants, the owners of the structures shall be deemed to be landlords and the Bharatias shall be deemed to be tenants under the said Act. (2) Any question as to whether a person is a Bharatia under a particular thika tenant, or where there is no thika tenant, in a particular thika land, shall be decided by the Controller. (3) Any dispute regarding payment of rent by the thika tenant to the State Government or by a Bharatia to a thika tenant, or any case of eviction of Bharatia, shall be disposed of by the Controller in such manner as may be prescribed. (4) A thika tenant may, in default of payment of rent to the State Government, be evicted or otherwise penalised by the Controller in such manner as may be prescribed. (5) For the purpose of this section, the Controller shall exercise all such powers and perform such duties as are exercisable by a Rent Controller under the West Bengal Premises Tenancy Act, 1956. (6)

Notwithstanding anything contained in this Act or in the West Bengal Premises Tenancy Act, 1956, a Bharatia under a thika tenant shall be entitled to take separate electrical connection from the electricity supplying agency and separate water supply connection from the appropriate agency for his own use. (7) A Bharatia shall be liable to pay rent to the thika tenant at such rate as may be prescribed. (8) Where there is no thika tenant, a Bharatia shall be liable to deposit rent with the Controller of the area at such rate as may be prescribed.

9. Controller :-

(1) The State Government may, by notification, appoint one or more officers as Controller or Controllers and Additional Controllers and Deputy Controllers to perform all the functions of a Controller under this Act in respect of any area or areas to be specified in the notification. (2) A Controller may be an officer belonging to the Indian Administrative Service, West Bengal Civil Service (Executive) or West Bengal Higher Judicial Service. (3) An Additional Controller and Deputy Controller may be an officer belonging to the Indian Administrative Service, West Bengal Civil Service (Executive), West Bengal Higher Judicial Service or West Bengal Subordinate Land Revenue Service, Grade-I.

10. Tenancy Of Bharatia To Continue :-

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the tenancy of a Bharatia as a tenant under a thika tenant shall not be extinguished because of subsequent non-existence of the structure or a part thereof which the Bharatia previously occupied under the thika tenant. (2) If any structure or part thereof which was in the occupation of a Bharatia as a tenant under a thika tenant ceases to exist except under any order of a court, the thika tenant shall reconstruct similar accommodation and restore possession to the Bharatia and put the Bharatia in possession of such accommodation within one month of such structure ceasing to exist, failing which the Bharatia may make an application to the Controller concerned in the prescribed manner. (3) On an application made by a Bharatia under subsection (2), the Controller having jurisdiction in the area shall, after giving the thika tenant and the Bharatia an opportunity of being heard, direct the thika tenant by an order in writing to reconstruct an accommodation in such manner as may be prescribed and restore possession to the Bharatia within such time as the Controller may specify in the order. (4) If the thika tenant fails to

comply with the order of the Controller under sub-section (3), the Bharatia shall be entitled to reconstruct the structure and, for that purpose, may make an application to the Controller who shall, after giving the Bharatia and the thika tenant an opportunity of being heard, approve such cost of reconstruction as may appear to him to be fair and reasonable and, after such reconstruction, allow adjustment of the cost of such reconstruction from the rent payable by the Bharatia in such monthly instalments as the Controller may think fit. (5) If there is any unlawful resistance by or on behalf of the thika tenant to the reconstruction by the Bharatia under sub-section (4), the Officer-in-Charge of the local police station shall, on receipt of any requisition of the Controller in writing in this behalf, render all necessary and lawful assistance to the Bharatia.

CHAPTER 4

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

11. Powers Of Controller :-

The Controller and any person deciding any appeal from his order shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters:- (a) summoning and enforcing the attendance of any person and examining him on oath as a witness, (b) requiring the discovery and production of any document or record, (c) receiving evidence on affidavits, (d) requisitioning any public record or copy thereof from any court or office, (e) issuing commission for the examination of witnesses or documents, (f) enforcing or executing orders (including an order for restoration of possession) as if such orders were decrees of a civil court, (g) remanding any case or proceedings to the officer from whose order the appeal is preferred.

12. Appeal :-

(1) Any person aggrieved by an order of a Controller may, within 30 days from the date of the order, prefer an appeal in writing before the Land Reforms and Tenancy Tribunal established under the West Bengal Land Reforms and Tenancy Tribunal Act, 1997 (West Ben. Act 25 of 1997). (2) Subject to provisions of this Act and rules made thereunder, any order passed by the Land Reforms and Tenancy Tribunal may, in the manner prescribed, be reviewed by the said Tribunal on account of some mistake or error apparent on the face of the record or for any other sufficient cause of like nature.

13. Revision By State Government :-

(1) The State Government may, on its own motion, call for and examine the records or any order passed or proceedings taken by the Controller under the provisions of this Act and against which no appeal has been preferred for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of the procedure, and pass such order with respect thereto as it may think fit: Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.: (2) The State Government shall empower, from time to time, one or more officers to act on behalf of the State Government and to exercise all powers conferred on the State Government in this section. NOTES Revision State Government has the power on its own motion to call for and examine the records or any order passed and proceedings taken by the Controller under the provisions of the Act and against which no appeal has been preferred for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and to pass such order as it may think fit with respect thereto. This power is given to the State Government to exercise the revisional jurisdiction suo motu. This power of revision is wider in amplitude than that of section 115 of the Civil Procedure Code--Datton Pont v. Vithal Rao, AIR 1975 SC 1111; Hari Shankar v. Rao Giridhari, AIR 1963 SC 689.

14. Power Of District Judge And Chief Judge, Court Of Small Causes Of Kolkata To Withdraw And Transfer Any Proceedings :-

(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the Land Reforms and Tenancy Tribunal may, at any stage, withdraw such proceeding from one Controller and transfer it for hearing or disposal to a Controller appointed for any other area, or retransfer it for hearing or disposal to the Controller from whom it was withdrawn. (2) The Controller to whom any proceeding has been transferred under sub-section (1), shall have the same power to hear or dispose of it as the Controller from whom it was withdrawn and may, subject to any special directions in the order of transfer, either it or proceed from the stage at which it was withdrawn and transferred. Explanation.-In this section, proceeding means any proceeding drawn by a Controller under the provisions of this Act.

15. Bar To Application Of The Act To Certain Lands :-

Nothing in this Act shall apply to- (a) lands belonging to the Central and the State Governments; (b) any land, vested under any other law in or in the possession of - (i) the Central Government, or (ii) the State Government, or (iii) a port authority of a major port, or (iv) a railway administration, or (v) a statutory body meant for the development of area like Kolkata Metropolitan Development Authority, Kolkata Municipal Corporation, Howrah Municipal Corporation, Kolkata Improvement Trust, and the Howrah Improvement Trust; (c) any land which is required for carrying out any of the provisions of the Kolkata Improvement Act, 1911 (Ben. Act 5 of 1911): Provided that nothing contained in this section shall apply to any land under the control or possession of a bank. Explanation.--For the purposes of this section, a bank is one as defined in section 2(e) of the Reserve Bank of India Act, 1934 (2 of 1934).

16. Restriction Or Exclusion Of The Act By Agreement :-

Nothing in any contract between a thika tenant and a Bharatia made after the commencement of this Act shall take away, or limit, the rights of such tenant or Bharatia as provided for in this Act, and any contract which is made in contravention of, or which is inconsistent with, any of the provisions of this Act shall be void and without effect to the extent of such contravention or inconsistency, as the case may be.

17. Power To Enter And Inspect Premises To Require Information And To Summon Witnesses :-

For the purpose of any inquiry under this Act, the Controller and any person deciding an appeal under section 13, may- (a) enter and inspect any premises at any time between sunrise and sunset; or (b) authorise any person subordinate to him to enter and inspect any premises between sunrise and sunset; or (c) require, by written order, any person to produce for his inspection such accounts, rent receipts, books or other documents at such time, and at such place, as may be specified in the order: Provided that no premises shall be entered under clause (a) or clause (b) without the consent of the occupier, unless at least twenty-four hours previous notice in writing has been given.

18. Penalty :-

(1) Whoever contravenes any provision of this Act which may facilitate the commission of an offence, shall be punishable with

imprisonment for a term which may extend to five years and also with fine which may extend to ten thousand rupees. (2) Whoever voluntarily causes any resistance or obstruction to the lawful discharge of duties of the Controller or his representative, shall be punished with imprisonment for a term which may extend to one year and also fine which may extend to five thousand rupees. (3) Offences under this section shall be bailable and cognizable. (4) No court shall take cognizance of any offence punishable under this section except on a complaint made in writing by a Controller or by an officer authorised by him in this behalf. (5) An offence under this section shall be triable by a Judicial Magistrate of first class having jurisdiction over the places of occurrence of such offence. The bench was replying to a case where one person was murdered while trying to stop booth capturing during the panchayat polls. The accused were repeatedly refused bail by the trial court and the high Court. There was even a complaint registered by the police that the accused had threatened the complainant. A month later, the high court finally granted them bail. The apex court reversed the high courts order saying that though an individuals liberty should be protected by courts, in case of a commission of a heinous crime, it was the society which needed protection from the elements committing these crimes as they had the capability of spreading a reign of terror in society. "In our view, the high court has committed a manifest error in the matter of grant of bail when public tranquillity has been stated to be disturbed on election day and when there is an obstruction for the exercise of a right guaranteed under the Constitution and when there is an existence of crime against the society at large," the bench observed.

19. Power To Make Rules :-

(1) The State Government may make rules for carrying out the purposes of this Act. The rules framed under the Calcutta Thika and other Tenancies and Lands (Acquisition and Regulation) Act, 1981 (West Ben. Act 37 of 1981), may continue as rules under this Act to the extent they are not repugnant to and transgressive of the provisions 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 matters which may be, or is required to be, prescribed or made by rules.

20. Saving Of Limitation :-

In computing the period of limitation prescribed by any law of the time being in force for an application for ejectment of a Bharatia or

for an appeal from an order or decree made on such application or suit or for the execution of an order or decree for ejectment of a Bharatia, the period from the 19th day of July, 1978 to the date of coming into force of this Act shall be excluded.

21. Bar To Jurisdiction :-

No civil court shall have jurisdiction to decide, or to deal with, any question, or to determine any matter, which, by or under this Act, is required to be, or has been, decided or dealt with, or which is to be, or has been, determined, by the Controller or the appellate or other authority specified in the provisions of this Act, and no order or judgement passed, or proceedings including execution proceedings commenced, under the provisions of this Act shall be called in question in any civil court.

22. Indemnity :-

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

23. Maintenance, Preparation And Revision Of Record-Of-Rights :-

(1) Except as hereinafter provided, Chapter VII and Chapter VIIIA of the West Bengal Land Reforms Act, 1955 (West Ben. Act 10 of 1956), and the rules made thereunder shall apply mutatis mutandis to the maintenance, preparation and revision of record-of-rights for the purposes of this Act. (2) Without prejudice to generality of the provisions of Chapter VII and Chapter VIIIA of the West Bengal Land Reforms Act, 1955, the names of Bharatias and thika tenants, the right of every Bharatia in respect of the concerned tenant, the duration and incident of tenancies with area involved in each case, rent payable by each thika tenant and each Bharatia, and the area occupied by each Bharatia shall be incorporated in such record-of-rights. (3) The State Government may, if it thinks fit, direct that such record-of-rights shall be revised or prepared only in respect of lands to which section 5 of this Act applies. (4) Notwithstanding anything contained in sub-section (5) of section 51 of the West Bengal Land Reforms Act, 1955, there shall be a separate khatian for each thika tenant or tenant of other lands holding directly under the State, but the lands owned by such thika tenant or tenant of other lands as a raiyat shall not be incorporated in such khatian.

24. Payment Of Monthly Revenue :-

(1) In respect of any holding, a thika tenant or tenant of other

lands holding directly under the State, shall pay monthly revenue to the State Government at such rate as may be prescribed. (2) The said monthly revenue shall be enhanced at such rate as may be prescribed.

25. Disposal Of Land Or Structures Vested In, Or Resumed By, The State :-

Notwithstanding anything contained elsewhere in this Act or in any other law of the time being in force, and subject to the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976), it shall be competent for the State Government to make use of, or settle with any person or authority, any land or structure vested in, or resumed by, the State under this Act for public purpose on such terms and conditions, and in such manner, as may be prescribed.

26. Disposal Of Land Or Structures Vested In, Or Resumed By, The State :-

Notwithstanding anything contained in this Act, the State Government shall not be deemed to be a landlord within the meaning of the term as in the West Bengal Premises Tenancy Act, 1956 (West Ben. Act 12 of 1956), but be a licensor and the Bharatia a licensee under the State where there is no thika tenant.

27. Repeal And Savings :-

(1) With effect from the date of commencement of this Act, the Kolkata Thika and other Tenancies and Lands (Acquisition and Regulation) Act, 1981 (West Ben. Act 37 of 1981), shall stand repealed. (2) Notwithstanding the repeal of the said Act, such repeal shall not- (a) affect the previous operation of the said Act or anything duly done or suffered thereunder; or (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Act; or (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act; or (d) affect any investigation, legal proceeding or remedy, in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed.