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GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

West Bengal Act XX of 1976

**THE WEST BENGAL RESTORATION OF
ALIENATED LAND (AMENDMENT)
ACT, 1976.**

[Passed by the West Bengal Legislature.]

*[Assent of the President was first published in the Calcutta
Gazette, Extraordinary, of the 1st April, 1976.]*

[1st April, 1976.]

*An Act to amend the West Bengal Restoration of Alienated Land
Act, 1973.*

West Ben.
Act XXIII of
1973.

WHEREAS it is expedient to amend the West Bengal Restoration of Alienated Land Act, 1973, for the purpose and in the manner hereinafter appearing;

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

1. This Act may be called the West Bengal Restoration of Alienated Land (Amendment) Act, 1976. Short title.

2. After section 8 of the West Bengal Restoration of Alienated Land Act, 1973 (hereinafter referred to as the said Act), the following sections shall be inserted, namely:—

Insertion of
new sections
8A and 8B
in West Ben.
Act XXIII of
1973.

8A. (1) Notwithstanding anything contained elsewhere in this Act, with effect from the date of commencement of the West Bengal Rural Indebtedness Relief Act, 1975, it shall not be necessary for a transferor to make any payment,—

- (i) for obtaining restoration of possession of his land in accordance with the provisions of sub-section (4) of section 4, or
- (ii) where such possession has already been obtained in pursuance of an order made by the Special Officer, towards instalments under sub-section (4), or in lump amount under sub-section (6) or sub-section (8), of section 4,

for a period of two years.

West Ben.
Act XXXVII
of 1975.

*The West Bengal Restoration of Alienated Land
(Amendment) Act, 1976.*

[West Ben. Act XX of 1976.]

(Section 3.)

(2) The State Government may, by notification in the *Official Gazette*, extend the period referred to in sub-section (1) from time to time but such extension shall not exceed a period of one year at a time.

(3) A transferor shall not be liable to pay interest upon any amount the payment of which is stayed under this section.

Restriction
on transfer.

8B. Notwithstanding anything contained in any law for the time being in force or in any contract, express or implied, or in any custom or usage, to the contrary, every transferor who obtains restoration of his land in pursuance of an order made under this Act, shall be debarred from alienating such land for a period of twelve years, except by way of a simple mortgage or a mortgage by deposit of title-deed in favour of a bank or a co-operative society or a local or statutory authority or the Life Insurance Corporation of India.

Explanation.—For the purposes of this section “bank” means a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 and includes the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, a banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 and also includes any other financial institution which may be notified in this behalf by the State Government.’.

Repeal and
savings.

3. (1) The West Bengal Restoration of Alienated Land (Amendment) Ordinance, 1976, is hereby repealed. West Ben.
Ord. IV of
1976.

(2) Anything done or any action taken under the said Act as amended by the West Bengal Restoration of Alienated Land (Amendment) Ordinance, 1976, shall be deemed to have been validly done or taken under the said Act as amended by this Act as if this Act had commenced on the 30th day of January, 1976.