

GOVERNMENT OF WEST BENGAL
MUNICIPAL AFFAIRS DEPARTMENT
WRITERS' BUILDINGS, KOLKATA

MEMORANDUM

No. 93/MA/C-10/Misc-13/2014

Dated, Kolkata, the 6th February, 2015.

WHEREAS for quite some time now, the Government of West Bengal has been considering the issues relating to providing secure land tenure to the homeless & landless urban families occupying land in the urban areas of West Bengal.

AND WHEREAS it has been noted by the Government of West Bengal that urban homeless & landless families occupy an important place in the process relating to development and inclusive growth and absence of secure land tenure hamstrings these processes in numerous ways. The implementation of schemes relating to provision of construction of dwelling house for urban poor gets particularly affected due to absence of secure land tenure ;

AND WHEREAS after examining the different aspects of the issue in details, it was felt necessary to introduce a scheme for providing land on long term settlement basis upto 99 years to the homeless and landless families belonging to Economically Weaker Section for the homestead purpose in the urban areas of West Bengal and accordingly the following scheme has been formulated for the purpose ;

AND WHEREAS the State Cabinet of West Bengal has since decided in its meeting held on 13th January, 2015 to accord its approval to formulate the following scheme for providing land on long term lease of 99 years generally for homestead purpose ;

AND WHEREAS the land so identified shall be settled to the beneficiaries on long term basis for 99 years for the purpose of construction of dwelling units wherever possible. Wherever it may not be possible to allot the land to such beneficiaries, they may be provided individual dwelling units /residential accommodation by way of construction of upto 5-storeyed building blocks comprising of individual flats with a minimum area of 25 Sq. mtr. by way of dovetailing various Central and State Sponsored Programme identified by the said ULB.

NOW, THEREFORE, the Governor, is pleased hereby to formulate the following scheme for providing land on long term lease of 99 years belonging to Economically Weaker Section of the society, for homestead purpose, in the urban areas of West Bengal :

NIJO BHUMI NIJO GRIHA PROKALPO

1. SHORT TITLE AND DEFINITIONS: -

1.1. The scheme shall be named as "Nijo Bhumi Nijo Griha Prokalpo".

1.2. For the purpose of this Scheme, -

(a) "family" means the family as defined in clause (c) of section 14K of the West Bengal Land Reforms Act, 1955.

(b) "ULB" means Municipal Corporations/ Municipalities/ Notified Areas Authority constituted under different Acts.

2. ELIGIBILITY OF BENEFICIARIES: -

2.1 Any Indian National generally belonging to Economically Weaker Section (EWS) residing on the land for homestead purpose and which are vested to the State of West Bengal or belong to any Department or Undertaking under the Government of West Bengal Department (except those land which is required by the State Government for any infrastructure or development projects) as on 1st January, 2014 will be eligible to get benefit of the scheme.

2.2 For being included in the scheme, the family belonging to Economically Weaker Section shall be eligible.

3. IDENTIFICATION OF SITES :-

At the initial stage, the Urban Local Bodies will identify possible site(s) for providing land for in-situ allotment or development by way of construction of new units of up to 5-storeyed building blocks comprising of individual flats with a minimum area of 25 Sq. mtr for dwelling purpose; or for relocation of the beneficiaries for land or for construction of up to 5-storeyed building blocks comprising of individual flats with a minimum area of 25 Sq. mtr. A proposal containing details of the selected sites shall be sent by the concerned Urban Local Bodies to the Municipal Affairs Department for finalisation on case to case basis, if the area is suitable for beneficiaries and after approval from the Municipal Affairs Department, shall conduct survey and take further steps in the proposed scheme.

4. IDENTIFICATION OF BENEFICIARIES:-

4.1 In the first stage, the Urban Local Bodies after obtaining the communication from the Municipal Affairs Department shall arrange to conduct the preliminary survey of the sites including videography and shall identify the persons residing and shall submit the draft list of

potential beneficiaries before the Urban Land Distribution Committee (hereinafter to be referred to as 'ULDC') to be constituted in Para-6 of the scheme.

4.2. In the second step, the ULDC shall physically verify whether the beneficiaries in the draft lists fulfil the criteria set in para 2 of the scheme, and shall prepare the final list of selected beneficiaries of the concerned Urban Local Bodies.

5. LAND SIZE, SUITABILITY AND BENEFICIARY SELECTION: -

5.1. The land to be identified under this scheme must be suitable for construction of dwelling units and a maximum of 5 decimals as may be notified by the Municipal Affairs Department for the respective ULB may be allotted to the beneficiaries.

5.2. The land should be in a location which is drained year round, has access to potable water for household needs with feasibility of laying of water supply line, cable line, electric poles etc. and the land shall not be in geographically hazardous or flood / disaster prone locations or in any sort of untenable locations.

5.3 The beneficiaries shall generally be provided land on Long Term Settlement basis on 'as is where is basis' i.e. where they are presently located.

5.4 If there is not enough land available to provide each deserving household for homestead purpose in a given locality, the Urban Local Body concerned may explore the possibility of accommodating the families over such plot of land where separate individual tenements or in multi-storeyed buildings is possible to be constructed for this purpose.

6. COMMITTEE FOR IMPLEMENTATION OF THE SCHEME: -

6.1. The Committee for implementation of the Scheme shall be named as Urban Land Distribution Committee (hereinafter to be referred to as 'ULDC').

6.2. The Urban Land Distribution Committee shall be constituted for each Urban Local Body (except Kolkata Municipal Corporation) with the following members:

(1) Mayor of the Municipal Corporation/ Chairperson of the Municipality /Notified Area Authority	-- Chairman
(2) Sub-Divisional Officer or his representative.	-- Member
(3) Member, Mayor-in-Council/Chairman-in-council as to be nominated by Mayor / Chairman.	-- Member
(4) Sub Divisional Land & Land Reforms Officer concerned	-- Member
(5) Commissioner of the Municipal Corporation/ Executive Officer of the Municipality.	-- Member

(6) Additional District Sub-Registrar (ADSR) concerned.	-- Member
(7) Block Land & Land Reforms Officer concerned.	-- Member Convener
(8) An engineer of the Urban Local Body not below the rank of Sub- Asstt Engineer	-- Member

6.3 The Urban Land Distribution Committee shall be constituted for Kolkata Municipal Corporation with the following members:

(1) Mayor of the Kolkata Municipal Corporation	-- Chairman
(2) Member, Mayor-in-Council / Chairman-in-Council as to be nominated by Mayor / Chairman	-- Member
(3) Representative of Land & Land Reforms Department	-- Member
(4) Commissioner of the Municipal Corporation	-- Member-Convener
(5) District Land & Land Reforms Officer, South 24-Parganas or his representative	-- Member
(6) Sub-Divisional Land & Land Reforms Officer of the concerned Sub-Division of South 24-Parganas district	-- Member
(7) Representative of Inspector General of Registration	-- Member
(8) Additional District Sub-Registrar (ADSR) concerned	-- Member
(9) Block Land & Land Reforms Officer concerned	-- Member
(10) Concerned engineer of the Kolkata Municipal Corporation not below the rank of Executive Engineer as may be nominated by the Corporation	-- Member

6.4 The ULDC shall invite District Level Officer of the concerned department of which the land has been identified as & when necessary for transfer in favour of the ULB / beneficiary.

6.5 The ULDC will act upon the following:

- a. Approval of list of beneficiaries along with proposal indicating the land to be settled on long term basis against each beneficiary as per priorities set in para 4 of the Scheme upon physical inspection.
- b. Physical inspection of land to be leased out/ transferred.

- c. Recommendations of land to be transferred in the name of the ULB for those land which belong to other government departments subject to the conditions laid in para 2.1 of the scheme for subsequent leasing out on long term basis in the name of beneficiary family.
- d. Recommendations of land which are vested to the State to be leased out on long term basis.
- e. Monitor the progress of implementation of land allocation / settlement / transfer.
- f. Any other relevant actions.

7. LAND SETTLEMENT :-

7.1. Land settlement in favour of beneficiary shall be made on long term lease basis (99 years) and the lease deed shall be executed in the woman's name in case of family headed by women, and in other cases the lease deed of settlement shall be in the name of the women and men jointly. In case there is no woman in the family the same shall be executed in the name of the head of the family.

7.2 After completion of the process for identification of land, concerned ULBs may allot land owned by it, by executing long term lease for 99 years to the eligible beneficiaries selected by ULDC in the manner and on such terms as prescribed in the guideline observing usual formalities. Before allotment of such land to the beneficiaries, the Board of councillors the concerned ULB should pass resolutions to this effect.

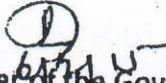
7.3, If the land in question is vested to the State, the District Magistrate concerned will take immediate step for execution of long term lease deed for settlement for 99 years observing usual procedure followed by Land and Land Reforms Department and any other directives to be issued by Land & Land Reforms Department for this purpose.

7.4 In case of land belonging to any other Government Department or Government Parastatals, necessary proposal will be prepared by the concerned ULDC by way of conducting survey & will be sent to Municipal Affairs Department through the concerned District Magistrate. Upon receipt of the proposal from the concerned District Magistrate, Municipal Affairs Department will send the proposal for inter-departmental transfer of land to L&LR Department after obtaining opinion of the concerned department. Upon receipt of approval of the L&LR Department, such plots of land will be transferred to concerned Collectors. Long Term settlement of such land in favour of beneficiaries identified by the ULDC will be executed by the Collector.

8. CONDITIONS OF SETTLEMENT: -

The long term lease shall be subject to following conditions: -

- 8.1 The land allotted to the beneficiary would be inheritable but not transferable, in any manner. In case of transfer of the land by any manner will be liable for cancellation of the long term settlement.
- 8.2 In any case of non occupancy of the allotted land by the beneficiary or his family, the ownership of land shall return to concerned ULB or the Collector, as the case may be. The ULDC concerned shall be free to identify any fresh beneficiary, as per procedure mentioned in the guideline, who may be given long term settlement of the plot by the ULB/Collector as the case may be subsequently.
- 8.3 The beneficiary shall not make any sub lease or rent out the land allotted to him and in that case, such unauthorised transfer of land will be liable for cancellation of the long term settlement.
- 8.4 If the beneficiary does not settle in the allotted land within a maximum period of three years from the date of execution of *lease deed* and/ or violates terms and conditions of settlement by way of fraud, misrepresentation etc., the State Government, in consultation with the ULDC concerned, may cancel the lease deed through a procedure as may be determined by the State Government, and lease out the same land to other suitable beneficiary family under this scheme following the procedures laid down in this scheme.
- 8.5 A salami of at a concessional rate of rupee one only shall be charged for such settlement under this scheme subject to other usual terms & conditions.
- 8.6 Annual rent in respect of such land shall be at par with land Revenue under the West Bengal Land Reforms Act, 1955 or Kolkata Land Revenue Act, 2003, as the case may be.
3. This order is issued in consultation with Land & Land Reforms Department and necessary orders from Land & Land Reforms Department as required for implementation of the scheme will be issued in due course.


By order of the Governor,
Special Secy. to the Govt. of West Bengal.