

## Law Paper-II for IAS

### Model Answers & Guidelines

#### Q 1 Short Notes

**(a) Annual value of land :-** Annual value of land estate or tenure means the total rent which is payable and if no rent is actually payable would on a reasonable assessment be payable during the year by all the cultivating raiyats as such land estate or tenure or by other persons in the actual use and occupation thereof.

Explanation :- For the purpose of the foregoing definition, whatever is lawfully payable or deliverable, in money or in kind directly to the Government :-

- (a) By raiyats cultivating land in a Government estate- on account of use and occupation of the land.
- (b) By other person in the actual use and occupation of land in such an estate, shall be deemed to be rent. (Ref Sec 4 Interpretation) .

#### **(b) Person Interested (Sec-3 L.A. Act 1894)**

The expression person interested includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act and a person shall be deemed to be interested in land if he is interested in an easement affecting the land.

#### **(c) Owner (The W.B. Public Land (eviction of unauthorized occupants ) Act 1962**

Ans. Under Section 2(4) of the Act owner means :-

- (a) In relation to any land belonging to or taken on lease by, or requisitioned by or on behalf of the State Government,
- (b) In relation to any land belonging to, or taken on lease by, a local authority, company or corporation, such local authority, Company or Corporation as the case may be;

#### **(d) Master Plan [Urban Land (Ceiling and Regulation) Act 1976] -**

Ans. Sec 2(h) define master plan, in relation to an area within an urban agglomeration or any part thereof, mean the plan (by whatever name called) prepared under any law for the time being in force or in pursuance as an order made by the State Government for the development of such area or part thereof and providing for the stages by which such development shall be carried out.

#### **(e) Vacant Land [Urban Land (Ceiling and Regulation) Act 1976] –**

Sec 2(q) define Vacant Land – means land, not being land mainly used for the purpose of agriculture, in an urban agglomeration, but does not include –

- (i) Land on which construction of a building is not permissible under building regulations, in force in an area in which such land is situated.

- (ii) In an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority and the land appurtenant to such building and
- (iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day and the land appurtenant to such building. Provided that where any person ordinarily keeps his cattle, other than for the purpose of dairy farming, or for the purpose of breeding of live stock, on any land situated in a village within an urban agglomeration (described as a village in the revenue records) then, so much extent of the land as has been ordinarily used for the keeping of such cattle immediately before the appointed day shall not be deemed to be vacant land for the purposes of this clause

**Q. State under what circumstances a collector under the L.A. Act 1894 can exercise special powers vested in him under the Act ?**

Ans. Section 17 of the Act deals with exercise of special power by the collector in case of urgency.

Section 17(1) speaks –

In cases of urgency, whenever the appropriate Government so directs, the collector, though no such award has been made, may on the expiration of 15 days from the publication of the notice mentioned in Section 9(1) take possession of any land needed for a public purpose. Such land shall thereupon vest absolutely in the government free from all encumbrances.

Section 17(2) speaks-

Whenever owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway administration to acquire the immediate possession of any land for the maintenance of their traffic or for the purpose of making thereon a river side or ghat station or of provide convenient connection with or access to any such station or the appropriate government considers it necessary to any structure or system pertaining to irrigation, water supply, drainage, road, electricity, the collector may immediately after the publication of the notice mentioned in 17(1) and with prior sanction of the Government enter upon and take possession of such land which shall vest absolutely to the Government free from all encumbrances.

Proviso to section 17(2) says that the Collector shall not take possession without giving the occupiers thereof 48 hours notice or such longer notice so that the occupiers can remove their movable property without unnecessary inconvenience.

Section 17(3) provides that the Collector at the time as taking possession offer to the person interested, compensation for standing crops, trees and for any other damage caused due to sudden dispossession. If the offer is not accepted value thereof shall be allowed in awarding compensation.

Section 17(3A) provides a mandate upon the Collector before taking possession and without prejudice

- (i) Tender 80% of the compensation amount.
- (ii) To make payment if not prevented by any contingency.

Section 17(3B) provides that the amount so paid / deposited, u/s 17(3B) shall be considered at the time of award and in case of excess payment, the sum which exceeds the award amount shall be refunded within 3 months, and if not paid such amount shall be recovered as arrears of land revenue.

Sec 17(4) speaks that in case of any land to which, in the opinion of the Government the provisions of Sec 17(1) and 17(2) are applicable may direct that the provisions of sec 5A shall not apply, and if so directs, a declaration may be made u/s 6 at any time u/s-4 of this Act.

**Q. State the provisions for disposal of vacant land acquired under Urban land (ceiling and Regulation) Act 1976.**

Ans. Read Section 23 of the Urban Land (Ceiling and Regulation) Act 1976.

**Q. State in brief as to what procedure to be followed by the collector for eviction of unauthorized occupants ?**

Ans. Read Sec 3, 4, 4A and 5 of the W.B. Public Land (Eviction of unauthorized occupants) Act, 1962.

**Q. Short Notes**

**(a) Heritage building or site (W.B. Municipal Act 1993)**

Section 2(22A) of this Act define that heritage building or site means any building of one or more premises, or any part thereof, or any monument, or any precinct, or any site which requires preservation and conservation for historical, architectural, environmental, or cultural purpose, and includes such portion of the land adjoining such building or any part thereof as may be required for fencing or covering or otherwise preserving such building, and also includes the areas and building requiring preservation and conservation for the purpose as aforesaid under sub cl(II) of cl(a) of sub section (4) of sec 31 of the West Bengal Town and country (Planning and Development) Act 1979.

**(b) Kolkata (Calcutta) (The Bengal Public Demand Recovery Act 1913)**

Sec 3(a) of the Act define that Calcutta means the area comprised within the local limits for the time being of the ordinary original civil jurisdiction of the High Court at Calcutta.

**(c) Prohibited Arms (The Arms Act 1959)**

Section 2(1) Prohibited Arms means – (1) Fire-Arms so designed for adapted that if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty of ; (ii) Weapons of any description designed or adapted for the discharge of any noxious liquid gas or or such things, and includes artillery, anti-aircraft and anti-tank fire arms and such other arms as the Central Government may, by notification in the official Gazette, specified to be prohibited arms.

**(d) Duly Stamped (The Indian Stamp Act, 1899)**

Section (II) : Duly Stamped as applied to an instrument, means that the instrument bears adhesive or impret stamp of not less than the proper amount and that such stamp has been affixed or used in accordance with law for the time being in force in India.

**(e) Begging (Juvenile Justice (care & Protection of Children) Act 2000)**

Section 2(b) define begging which means (i) soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving aims, whether under any pretence ;

(ii) Exposing or exhibiting with the object of obtaining or extorting aims, any sore, wound, injury, deformity, or decease, whether of himself or of any other person or of an animal.

**(f) Dairy (West Bengal Municipal Act, 1993)**

Section 2 (13) define Dairy which includes any farm, cattle-shed, House, Milk-store, Milk-Shop or other place –

(a) From which milk is supplied on or for sale;

(b) In which milk is kept for the purpose of sale or used for manufacture or preparation of sale of – Butter, or Ghee, or Cheese or Curds or dried sterilized condensed or toned milk but does not include -

(a) A shop of other place in which milk is sold for consumption on the premises only-

(b) a shop or other place from which milk is sold or supplied hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place.

**(g) Gram Sansad (W.B. Panchayat Act, 1973)**

Section – 2(II) (b) :- define Gram Sansad mean a body consisting of persons register at any time in the Electoral Rolls pertaining to a Constituency of a Gram panchayat delimited for the purpose of last preceding General Election to the Gram Panchayat.

(h) Market Value (Indian Stamp Act, 1899)

Section – 2 (16B) Market Value means, in relation to any property which is the subject matter of an instrument, the price of which such property would have fetched or would fetch if sold in open market on the date of execution of such instrument as determined in such manner and by such authority as may be prescribed by Rules made under this Act or the consideration stated in the instrument, which ever is higher.

**Q. What are the powers of Gram Panchayat over public streets, waterways and other matters?**

Ans.- Read Section 25 of the W.B. Panchayat Act, 1973.

**Q. Whether instrument not duly stamped admissible in evidence ? Discuss.**

Ans. – Read. Section 35 of the Indian Stamp Act, 1899.

**Q. State the provision relating to grant of Licenses under the Arms Act, 1959.**

Ans: - Read Section – 15 of the Arms Act, 1959.

**Q. State the provision for reservation for Schedule Caste and Scheduled Tribes, vacancies to be filled up by direct recruitment.**

Ans :- Read Section – 4 of the W.B.SC and ST (Reservation of vacancies in services and posts) Act, 1976.