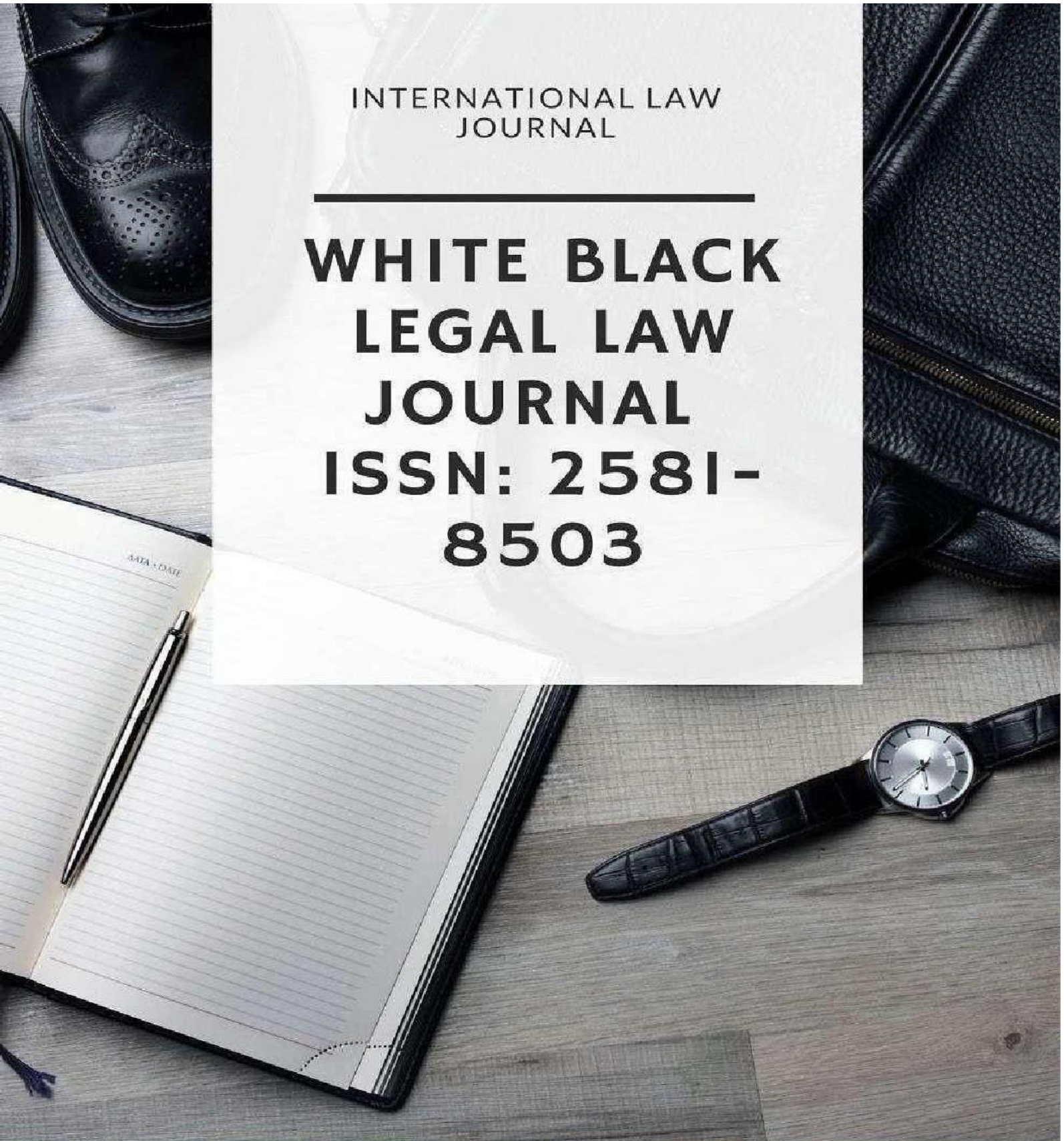




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KOLKATA REAL ESTATE AND LAND REFORMS: AN ANALYSIS OF TENANCY AND LAND CEILING LAWS.

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ABSTRACT

This article critically examines the complex relationship between the post-independence land reform policies implemented in West Bengal and the real estate boom in Kolkata. It investigates how significant legislative actions such as the dismantling of the Zamindari system, the enactment of the West Bengal Land Reforms Act, 1955, and the Urban Land (Ceiling and Regulation) Act, 1976, have impacted tenancy arrangements, shaped land ownership patterns, and impacted the city's urban growth trajectory. In spite of their importance in advancing rural equity and protecting tenant rights, the study explores how reforms such as Operation Barga and tenant-friendly laws unintentionally made real estate investment more difficult by fostering land fragmentation, limiting evictions, and making land acquisition for development projects more difficult. The article traces the legal and historical background of these reforms and shows how legacy ceiling and tenancy provisions caused urban redevelopment to stall, especially in central and northern Kolkata. Additionally, it highlights recent policy changes that attempt to address these structural barriers, such as the 2014 amendments to the West Bengal Premises Tenancy Act and the progressive relaxation of land ceiling standards.

Keywords: *Ownership, tenancy, Operation Barga, investment, land acquisition, eviction.*

INTRODUCTION

The real estate industry in Kolkata, the capital of West Bengal, has seen tremendous changes in recent decades. The city's urban development, initially influenced by socialist land use laws and colonial urban layouts, has evolved in response to the demands of a rapidly increasing population, shifting industrial patterns, and the growth of service industries.¹ Both private real estate endeavors and public infrastructure initiatives, such as the expansion of gated communities, business centers, and affordable housing schemes, have contributed to the real estate boom, especially in semi-urban and suburban areas.²

¹ REALTY, <https://99realty.in/real-estate-market-in-kolkata-and-key-trends/> (last visited July. 21st, 2025)

² TEAM NKR, A COMPLETE ANALYSIS OF REAL ESTATE MARKET IN EAST INDIA 3 (2013)

But because of strict or antiquated land regulations, this development has frequently been unequal and legally complicated. Tenancy laws and Land Ceiling Acts are two of the most important legal frameworks affecting urban growth in Kolkata. They were put in place to guarantee fair land distribution and shield renters from eviction. Although these reforms initially succeeded in decreasing feudal landholdings and increasing agricultural output, their long-term effects on urban land use and property law have been more contentious.³

The West Bengal Land Reforms Act of 1955⁴ and the Urban Land (Ceiling and Regulation) Act of 1976⁵ There are two important land reforms that have shaped urban development in Kolkata. Despite being designed to prevent land from being concentrated in the hands of a select few, these regulations have also led to land fragmentation, unclear land titles, and legal challenges that make real estate investment more difficult. Tenancy rules can limit the amount of land available in a developing city by discouraging landowners from developing or renting out their properties by defending the rights of tenants.⁶

Achieving a balance between economic efficiency and social justice objectives is necessary for effective urban planning. It is necessary to update and incorporate land reforms with contemporary urban development tactics, like the establishment of land banks, the digitization of property records, and flexible zoning regulations. Encouraging sustainable growth, guaranteeing fair access to housing and infrastructure, and enhancing transparency in real estate transactions all depend on these activities. The past and current structure of land reforms are inextricably related to Kolkata's real estate market.⁷

HISTORICAL BACKGROUND

West Bengal's land reforms have their roots in the socio-political changes that occurred when India gained its independence, especially the dismantling of the Zamindari system and the start of drastic agrarian reforms. These changes set the stage for the land regulations that still influence Kolkata's property laws and urban real estate today.

1. The Zamindari Prohibition and Its Effects Over Time

The Zamindari system was codified during the British colonial era in 1793 with the Permanent

³ Debasish Kundu & Eshita Boral, *Trend of Residential Real Estate Development after Metro Extension: A Case Study of Some Selected Wards of South Kolkata*, 9 ResearchGate, 2, 2-3 (2018)

⁴ West Bengal Land Reforms Act, 1955

⁵ The Urban Land (Ceiling and Regulation) Act, 1976

⁶ TEAM NKR, A COMPLETE ANALYSIS OF REAL ESTATE MARKET IN EAST INDIA 3 (2013)

⁷ REALTY, <https://99realty.in/real-estate-market-in-kolkata-and-key-trends/> (last visited July. 21, 2025)

Settlement, which is when West Bengal's land inequality began. Under this system, landowners were acknowledged as zamindars, or landlords, who were in charge of collecting land taxes from the peasants. Due to this structure, a strong landed elite that possessed vast tracts of land, often at the cost of actual farmers and tenants, rose to prominence.⁸ Land reform was made a national priority after India attained independence in order to address the profound structural injustices that were deeply ingrained in rural life. The West Bengal Estate Acquisition Act of 1953⁹ was a historic law that ended the Zamindari system in West Bengal. This Act made it possible for the state to take control of huge estates that were owned by middlemen. By doing away with absentee landlordism and giving ownership to the tillers directly, the goal was to establish a more egalitarian landholding structure.

Although the feudal order in rural Bengal was successfully overthrown by this act, its execution also had important and intricate ramifications for urban land use, especially in Kolkata and the surrounding districts.¹⁰ The redistribution of these properties was frequently unclear and inconsistent, as many of the erstwhile Zamindari estates contained land in and around metropolitan areas. The legal and administrative framework for real estate development in the city has thus remained complicated by problems such as fragmented land ownership, incomplete or contested land titles, and legacy tenancy rights.¹¹

2. Land Reform Movement (Operation Barga)

A very deferential and multi-tiered agrarian structure was developed in India post-independence, with landowners placed at the top of the multiple tiers of hierarchical order, having various tiers of middlemen and downtrodden bargadars. In exchange for a percentage of the harvest, these bargadars farmed a sizable section of the land owned by organizations at higher levels of the agricultural economy. The drawback of this arrangement was that these bargadars were essentially at the whim of the landowners, who freely chose every aspect of their employment without encountering any opposition.¹²

Promises of broad political and agrarian transformation propelled the Left Front administration, headed by the Communist Party of India Marxist (CPIM), to power in 1977. The CPIM has continued to hold sway ever since. The government's redistributing efforts have made some

⁸ Anuja Saklani, *Abolition of the Zamindari System in India: A Legal Interpretation*, 3 IJALR

⁹ West Bengal Estate Acquisition Act, 1953

¹⁰ Binodehari Chowdhury, Effects of the Abolition of Zamindari in West Bengal, THE ECONOMIC WEEKLY, 1275 (1954)

¹¹ Debasish Kundu & Eshita Borai, *Trend of Residential Real Estate Development after Metro Extension: A Case Study of Some Selected Wards of South Kolkata*, 9 ResearchGate 2, 2-3 (2018)

¹² Srinjoy Ganguly, *An Eclectic Demystification of Operation Barga*, 79 SSRN 1, 4-5 (2015)

small strides. The most noteworthy accomplishments at this time have been in registering and defending bargadar rights, but ceiling-surplus land as well. ¹³In order to seize land that was over the ceiling restrictions and to plug the gaps that had previously permitted exemptions from the ceiling for plantations, fisheries, religious and charitable trusts, the Left Front took more forceful action. Additionally, the LRA was modified by the state parliament in 1979 to define "personal cultivation" more precisely in order to guarantee that the people who actually cultivated the land were the landowners. ¹⁴

West Bengal's land reform program, Operation Barga, which was started in the late 1970s, had a big influence on the state's real estate market. Large expanses of land were less available for commercial acquisition as a result of the policy's formalization of sharecroppers' (bargadars') rights and increased land security. ¹⁵Consequently, this slowed down the fast growth of cities and industries, particularly in rural and peri-urban areas. West Bengal's infrastructure and real estate development grew more slowly than other Indian states over the same period, in part because real estate developers frequently encountered legal and procedural obstacles while trying to purchase land. ¹⁶

TENANCY LAWS IN WEST BENGAL

The 1956 legislation was superseded by the West Bengal Premises Tenancy Act, 1997¹⁷, which was intended to update tenancy regulations and take into account the changing urban housing situation. However, the 1997 Act remained heavily biased in favor of tenants, mainly by restricting landlords' ability to set rent and enforce evictions. The Act restricted the reasons for tenant eviction and tightly controlled rent increases. For example, only specific conditions, such as wilful non-payment of rent, unapproved subletting, or legitimate personal need for the space, allowed for eviction. ¹⁸Furthermore, the Act allowed for the inheritance of tenancy rights by legal heirs, which often resulted in generations of tenant occupancy with minimal rent escalation. These provisions significantly disincentivized landlords from leasing out properties, leading to a shrinking formal rental market. As a result, a substantial portion of residential and

¹³ Jennifer Brown, *Land reform Law and Implementation in West Bengal: Lessons and Recommendations*, 56 ResearchGate 1, 15 (2005)

¹⁴ Srinjoy Ganguly, *An Eclectic Demystification of Operation Barga*, 79 SSRN 1, 4-5 (2015)

¹⁵ Abhijit V. Banerjee, Paul J. Gertler, Maitreesh Ghatak, *Empowerment and Efficiency: Tenancy Reform in West Bengal*, 110 CHICAGO JOURNALS 239, 242-243 (2002)

¹⁶ Jennifer Brown, *Land reform Law and Implementation in West Bengal: Lessons and Recommendations*, 56 ResearchGate 1, 15 (2005)

¹⁷ West Bengal Premises Tenancy Act, 1997

¹⁸ Anirban Dasgupta & Lorenzo Pellegrini, *The Impact of Tenancy Reform in West Bengal: Evidence from the National Sample Survey*, 21 ResearchGate 231, 233 (2014)

commercial properties, especially in older parts of Kolkata and other urban centers, remained underutilized or vacant due to the perceived legal risks and limited financial returns.¹⁹

The 1997 Act had a significant effect on the growth of real estate. It delayed urban renewal and inhibited private investment in rental housing by establishing a restrictive environment. Real estate, especially in densely populated areas, stagnated as a result of developers' and landlords' inability to reclaim rented premises for renovation.²⁰ In *Lachmi Narayan Vs Durgadas*,²¹ demonstrated the inclination of judges to give priority to tenant protection, even when there are valid landlord claims. Developers were further discouraged by this atmosphere from working on projects where long-term lawsuit risks were posed by seated tenants.²²

In 2014, the West Bengal government made significant policy changes by proposing modifications to the 1997 Act²³ in an effort to address these issues and boost the real estate industry. The revisions aimed to support urban development while balancing the interests of landlords and tenants. Flexibility in determining rent for new tenancies was one of the major reforms, enabling landlords and renters to agree on market-based pricing. Additionally, the modifications added clauses that distinguish between residential and commercial leases, allowing for more complex laws that are appropriate for various property uses.²⁴ Significantly, as long as specific procedural safeguards were observed, the 2014 amendments permitted eviction in situations where the property was needed for infrastructure or urban redevelopment projects. The renovation of deteriorated or underutilized buildings in key urban areas was made easier with this important action. Furthermore, the law promoted fixed-term leasing agreements, which gave both parties legal clarity and decreased the possibility of indefinite tenancy claims.²⁵

The 2014 revisions had a significant impact on the development of real estate. They enhanced investor trust and prompted landlords to relist properties in the rental market by offering much-needed transparency and flexibility. Developer interest in areas like central and north Kolkata,

¹⁹ Babar Ali, Tenancy and Interlinkages in Rural West Bengal: NIE Perspective, IJRRSS ONLINE (July 23rd, 2025, 7:25 PM) <https://ijrrssonline.in/HTMLPapers/International%20Journal%20of%20Reviews%20and%20Research%20in%20Social%20SciencesPID2017-5-1-1.html>

²⁰ ²⁰ Jennifer Brown, *Land reform Law and Implementation in West Bengal: Lessons and Recommendations*, 56 ResearchGate 1, 15 (2005)

²¹ *Lachmi Narayan Vs Durgadas* (AIR 2002 Cal 83)

²² Chenoy Ceil, *Deconstructing West Bengal Thika Tenancy*, 15 SSRN 1, 2-3 (2013)

²³ West Bengal Premises Tenancy Act, 1997

²⁴ Shruti Gupta, *Examining the Model Tenancy Act, 2021 and regulation of rental property in India*, PRS INDIA (June 1st, 2025, 8:32 PM) <https://prsindia.org/theprsblog/examining-the-model-tenancy-act-2021-and-regulation-of-rental-property-in-india?page=169&per-page=1>

²⁵ Ms. Aradhya Soni & Mr. Divyansh Shree, *Model Tenancy Act and it's Impact on Real Estate Development in India*, 4 IJIRL 312, 316-318 (2024)

which have historically been dominated by ancient tenanted buildings, started to increase.²⁶

LAND CEILING LAWS IN WEST BENGAL

In West Bengal, the main law pertaining to land rights and reform is the Land Reforms Act. Even though the Land Reforms Act deals with a number of land-related concerns, its primary highlights are that the buyer of a property in West Bengal must pay the West Bengal Property & Land Registration Department the stamp duty and registration fees that are due at the time of the sale.²⁷

The legislation came into force in 1955, but it was put into effect under the erstwhile rule of the Communist Government several years after the United Front Party was elected to the West Bengal State Parliament in 1967.²⁸ A fundamental aspect of the Act is the establishment of land ceiling limitations, which limit the maximum quantity of land that a family or individual may lawfully own. Originally intended to promote social fairness by allocating excess agricultural land to landless peasants, these ceilings have had a significant impact, particularly when considering urban growth and real estate development.²⁹

An individual or family is normally prohibited from owning more than 17.5 acres (about 7.08 hectares) of irrigated, multi-cropped land and 24.5 acres (roughly 9.91 hectares) of dry land, as specified under Section 14M of the Act³⁰. These caps restrict the amount of land that any one household can acquire because they are determined on a family basis, taking into account spouses and small children. Any land that exceeds this cap is considered surplus and may be acquired by the state under Section 14T³¹ following adequate notice and a chance to be represented.

However, the Act also provides for several exemptions. Land held by the state, religious or benevolent institutions, cooperative societies, tea gardens, and some educational or research institutes is exempt from ceiling limits under Section 14Y³². Furthermore, upon application to

²⁶ Babar Ali, Tenancy and Interlinkages in Rural West Bengal: NIE Perspective, IJRRSS ONLINE (June 1st, 2025, 7:25PM)https://ijrrssonline.in/HTML_Papers/International%20Journal%20of%20Reviews%20and%20Research%20in%20Social%20Sciences_PID_2017-5-1-1.html

²⁷ Housing News Desk, *All About West Bengal Land Reforms Act*, Housing (June, 2nd, 2025, 8:21 PM) <https://housing.com/news/all-about-west-bengal-land-reforms-act/>

²⁸ Divyanshi Sharda, *Land Reforms in India's West Bengal: Through the Lens of Policy Theories*, Centre for Development Policy and Practice (July, 2^{4th}, 2025, 8:23 PM) <https://www.cdpp.co.in/articles/land-reforms-in-india-s-west-bengal-through-the-lens-of-policy-theories>

²⁹ The Bengal Chamber, *A Handbook of Land in West Bengal*, BCC (June, 2nd, 2025, 10:56 PM) <https://bengalchamber.com/downloads/a-handbook-of-land-in-west-bengal.pdf>

³⁰ West Bengal Land Reforms Act, 1955, § 14M, Acts of Parliament, 1955 (India)

³¹ West Bengal Land Reforms Act, 1955, § 14T, Acts of Parliament, 1955 (India)

³² West Bengal Land Reforms Act, 1955, § 14Y, Acts of Parliament, 1955 (India)

the government, land owned for public or industrial uses, such as the construction of industries, housing developments, or infrastructure, may be exempted, so long as the area is used exclusively for the specified purpose.³³ The process for awarding these exemptions is further governed by the West Bengal Land Reforms Rules, 1965.³⁴

Despite having a progressive foundation, these laws have had a mixed impact on West Bengal's real estate market. On the one hand, the total number of land parcels needed for major industrial and real estate projects has typically been constrained by ceiling restrictions. In places like Kolkata, where urban sprawl demands unified land banks for housing, infrastructure, and commercial development, this fragmentation has been a major barrier.³⁵ However, the exemption clauses have given real estate developers a legitimate avenue to get around ceiling limits. They frequently do this by working with state agencies or by requesting exemption status under township or industrial projects. Increased governmental discretion in land distribution has resulted from this, sometimes leading to claims of partiality, a lack of openness, and legal action.³⁶

In the precedent of *State of West Bengal Vs Kailash Chandra Kapur*³⁷ The Supreme Court ruled that the goal of land ceiling regulations is both effective land use and redistribution. The Court underlined how crucial it is to combine land reforms with the demands of development, particularly in states like west Bengal that are becoming more urbanised.³⁸

In order to support planned real estate development and draw in investment, there has been a growing push in recent years to rationalise land ceiling regulations, particularly in metropolitan and peri-urban areas. In response, the state government has occasionally loosened regulations for individual projects, especially those involving Public-Private Partnership (PPP) models. However, detractors contend that if these ad hoc exemptions are not openly monitored, they could weaken the egalitarian spirit of the original Act and worsen inequality based on land.³⁹

³³ Shruti Gupta, *Examining the Model Tenancy Act, 2021 and regulation of rental property in India*, PRS INDIA (July 24th, 2025, 8:32 PM) <https://prsindia.org/theprsblog/examining-the-model-tenancy-act-2021-and-regulation-of-rental-property-in-india?page=169&per-page=1>

³⁴ West Bengal Land Reform Rules, 1965

³⁵ Divyanshi Sharda, *Land Reforms in India's West Bengal: Through the Lens of Policy Theories*, Centre for Development Policy and Practice (June, 2nd, 2025, 8:23 PM) <https://www.cdpp.co.in/articles/land-reforms-in-india-s-west-bengal-through-the-lens-of-policy-theories>

³⁶ Chenoy Ceil, *Deconstructing West Bengal Thika Tenancy*, 15 SSRN 1, 2-3 (2013)

³⁷ *State of West Bengal Vs Kailash Chandra Kapur* (996 INSC 1419)

³⁸ CASEMINE, *Testamentary Succession in Leasehold Transfers: State of West Bengal & Anr Vs Kailash Chandra Kapur & Ors*, <https://www.casemine.com/commentary/in/testamentary-succession-in-leasehold-transfers:-state-of-w.b-and-another-v.-kailash-chandra-kapur-and-others/view> (last visited June 2nd, 2025)

³⁹ Babar Ali, *Tenancy and Interlinkages in Rural West Bengal: NIE Perspective*, IJRRSS ONLINE (July 2^{3rd} 2025, 11:18 PM) https://ijrrssonline.in/HTML_Papers/International%20Journal%20of%20Reviews%20and%20Research%20in%20Social%20Sciences__PID__2017-5-1-1.html

Despite being crucial in forming the socioeconomic environment of rural Bengal, the West Bengal Land Reforms Act ⁴⁰presents regulatory difficulties in the context of contemporary real estate development. Policy discussions are still influenced by the conflict between the need for urban consolidation and fair land distribution. A balanced strategy—reviewing out-of-date ceilings, guaranteeing clear exemptions, and safeguarding disadvantaged stakeholders—will be essential to balancing land reforms with sustainable development as West Bengal strives for more industrial and urban growth. ⁴¹

IMPACT ON KOLKATA'S REAL ESTATE MARKET

For many years, Kolkata's land dynamics were greatly impacted by the Urban Land (Ceiling and Regulation) Act (ULCRA). The regulation essentially limited land availability in metropolitan areas by limiting the amount of undeveloped property that an individual could lawfully own, which was approximately 500 square metres. In order to get around the ceiling, landowners frequently established several legal companies, which led to artificially divided plots and constrained possibilities for large-scale projects. ⁴²As a result, there was less land available for development, which raised prices and limited companies' capacity to scale. West Bengal kept up its enforcement of the ULCRA until recently, despite its central repeal in 1999. Exemptions were added in 2025, especially for land that was given to the government, allowing developers to work on bigger projects without being constrained by ceilings. It is anticipated that these adjustments will boost the supply of land and slow price increases in the upcoming years. ⁴³

CONCLUSION

The land reform measures that have historically influenced land ownership and use in West Bengal are essential to understanding the development of Kolkata's real estate market. Although the intended purpose of land ceiling controls and tenancy protection legislation was to rectify long-standing feudal injustices and advance social justice, their impact has been conflicting. ⁴⁴On the one hand, they helped ensure that the marginalised have tenancy rights

⁴⁰ West Bengal Land Reforms Act, 1955

⁴¹ Ms. Aradhya Soni & Mr. Divyansh Shree, *Model Tenancy Act and it's Impact on Real Estate Development in India*, 4 IJIRL 312, 316-318 (2024)

⁴² Sejal Arora, *How Urban Land Ceiling Laws Influence property pricing in Tier 1 Cities*, HOUSING (July.24th, 2025, 6:07 P.M), <https://housing.com/news/how-urban-land-ceiling-laws-influence-property-pricing-in-tier-1-cities>

⁴³

⁴⁴ Chenoy Ceil, *Deconstructing West Bengal Thika Tenancy*, 15 SSRN 1, 2-3 (2013)

and helped to distribute land more fairly. Conversely, they made ownership patterns complicated and dispersed, deterred private investment, and held down the development of infrastructure and urban regeneration.⁴⁵ However, recent policy changes like the West Bengal Premises Tenancy Act reforms in 2014 and the ULCRA's selective relaxation of ceiling laws indicate a practical shift toward promoting planned development while upholding the fundamental goal of equity.⁴⁶



⁴⁵ Divyanshi Sharda, *Land Reforms in India's West Bengal: Through the Lens of Policy Theories*, Centre for Development Policy and Practice (July, 2^{4th}, 2025, 8:23 PM) <https://www.cdpp.co.in/articles/land-reforms-in-india-s-west-bengal-through-the-lens-of-policy-theories>

⁴⁶ Ms. Aradhya Soni & Mr. Divyansh Shree, *Model Tenancy Act and it's Impact on Real Estate Development in India*, 4 IJIRL 312, 316-318 (2024)