

Rules Under the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951

JHARKHAND

India

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Rule

RULES-UNDER-THE-BIHAR-EMERGENCY-CULTIVATION-AND-IRRIGATION of 1951

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Rules Under the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951In exercise of the powers conferred by Section 16 of the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951, the Governor of Bihar is pleased to make the following rules:-

Chapter II

1. [Section 3 (1)].

- Whenever it comes to the notices of the Collector that culturable land was lying fallow continuously for a period of one year ending with the 30th Kartik 1358 Fasli, he will issue a general notice in the village in which the land is situated intimating the time and place where the enquiry will be made for setting the land for cultivation under the provisions of the said Act and asking all intending applicants to appear before him. A copy of the notice shall also be served on the "Occupier" of the land.

2.

The Collector shall hold an enquiry in the village or shall depute an officer not below the rank of a Sub-Deputy Collector to hold the enquiry. The Officer holding the enquiry shall record a memorandum of local inspection and a memorandum of the statements if any, made by the occupier and other applicants for the land. If the Collector is satisfied from the enquiry that the land should be settled for cultivation in accordance with sub-section (1) of Section 3 he shall pass an order in

writing settling the land with any person, hereinafter referred to as the "Emergency Tenant."

3.

The emergency tenant shall be granted a lease in the Form prescribed in the Schedule hereto annexed. One form of lease should be used in respect of the land of each "Occupier" in each mauza. The lease shall be sent by registered post to the "Occupier."

Chapter III

4. (Section 8).

- Whenever it comes to the notice of the Collector that any land is likely to be irrigated from any irrigation work he shall issue a general notice in the village or villages in writing that such land may be irrigated from that irrigation work.

5.

The enquiry may be held by the Collector or by any officer not below the rank of a Sub-Deputy Collector to be deputed by him. The officer holding the enquiry shall record a memorandum of local inspection and a memorandum on the oral statements, if any, made before him.

6.

If the Collector is satisfied from the enquiry that a certain land is likely to be benefitted by any irrigation work without adversely affecting the lands which were benefitted by the irrigation work before the commencement of this Act, he shall pass an order in writing that such land may be irrigated from that irrigation work.

Schedule

Form of lease under Section 32 of the Bihar Emergency Cultivation and Irrigation (Temporary Provisions) Act, 1951(1)Whereas I, the Collector of.....district.....am satisfied that the land comprised in survey plot nos. in village.....thana no. in the district has been lying fallow continuously for a period of one year ending the 30th Kartik, 1358 Fasli, on account of the inability or negligence of the occupier namely son of.....of village to cultivate the same, I hereby authorise you son of.of village..to occupy and cultivate the same up to the 20 Jeth 1358 Fasli.(2)You, viz., the (emergency tenant) shall not re-sell, mortgage or otherwise transfer any interest in such land or any portion thereof.(3)You shall pay a total rent of.....to the abovementioned occupier, viz.....on the 30th Jeth 1358 Fasli.(4)You shall be liable to ejectment from the land on one or more of the following grounds and not otherwise, namely:-(a)on the ground that you have failed to pay to the occupier an arrear of rent due in respect of the land;(b)on the

ground that you have made no reasonable efforts to cultivate the land within a period of one month from the date of settlement made by the Collector under section 3 of the Act; and(c)on the ground that the period for which settlement made has expired.(5)In case you have made yourself liable for ejectment on any of the grounds specified above, you or your legal representative shall quit possession of the land and if you fail to do so, I, the Collector, shall eject you and restore the land to the possession of the occupier or if the occupier be dead to the possession of his legal representative, and shall use force, as may reasonably be necessary for effecting the ejectment.Collector of DistrictI.....son of village.....agree to occupy and cultivate the land specified above on the terms mentioned by the Collector.Signature or Thumb impressionWitnesses

1.

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2.

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