

Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961

BIHAR

India

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Act 12 of 1962

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Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961(Bihar Act 12 of 1962)Last Updated 21st November, 2019This Act was assented to by the President on the 8th March, 1962.An Act to provide for fixation of ceiling, restriction on sub-letting and resumption by certain raiyats, for personal cultivation of land, acquisitions of status of raiyat by certain under-raiyats and acquisition of surplus land by the State in the State of Bihar and matters connected therewith.Be it enacted by the Legislature of the State of Bihar in the Twelfth Year of the Republic of India as follows :-

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1951.(2)It extends to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context:-(a)["appointment day" means the 9th day of September, 1970;] [Inserted by Act 22 of 1976 (1.11.1976) and existing clause (a) made clause (aa) thereof.](aa)["Tribunal" means the Bihar Land Reforms Tribunal constituted under section 50 of the Act;] [Inserted by Act 12 of 1987.](aaa)[] [Re-numbered by Act 12 of 1987.] "ceiling area" means the area of land fixed under Section 4 as the ceiling area;(b)["Collector"

includes an Additional Collector or any other officer not below the rank of Sub-Deputy Collector, appointed by the State Government to discharge all or any of the functions of a Collector under this Act;] [Appointment of officers under section 2(b), see Appendix B](c)["Commissioner" means Commissioner of Division and includes any officer not below the rank of the Collector of a district appointed by the State Government to discharge all or any of the functions of a Commissioner under the Act;] [Omitted by Act 22 of 1976 and Inserted again by Act 55 of 1982.](d)"Co-operative society" means a co-operative society registered under the law relating to registration of co-operative societies for the time being in force and a "co-operative farming society" means a cooperative society registered as such under such law;(e)"Diara land" means any land which is subject to diluvion or alluvion on account of any change in the course of a river or which lies between two embankments constructed to control a river and includes any land which may be surveyed as Diara land under the Bengal Survey Act, 1875 (Ben. Act V of 1875), or which after enquiry is declared as such by the Collector;(ee)["family" means and includes a person, his or her spouse and minor children; [Inserted by Act 1 of 1973.]Explanation I. - In this clause the word person includes any company, institution, trust, association or body of individuals whether incorporated or not;][Explanation II. - The personal law shall not be relevant or be taken into, consideration in determining the composition of the family for the purposes of the Act;] [Inserted by Act 22 of 1976.](eee)["minor child" in relation to a family whose ceiling area is determined under Section 4 with reference to the land held by it on the 9th September, 1970, shall mean "a person who has not attained the age of eighteen years on that date" and in respect of future acquisition as contemplated in Section 18 the date on which such acquisition takes place;] [Inserted by Act 22 of 1976.](f)"land" means land which is used or capable of being used for agriculture or horticulture and includes land which is an orchard, Kharhur or pasturage or [forest land or [also the land] [Inserted by Act 55 of 1982 and shall be deemed always to have been inserted.] perennially submerged under water] or the homestead of land-holder;Explanation I. - "Homestead" means a dwelling house for the purpose of living or for the purpose of letting out on rent together with any courtyard, compound, attached garden, orchard and out building and includes any out building for the purpose connected with agriculture or horticulture and any tank, library and place of worship appertaining to such dwelling house.[Explanation II. [Existing explanations renumbered as I and II added by Act 55 of 1982 and shall be deemed always to have been inserted.] - Land perennially submerged under water shall not include submerged in the bed of a river.](g)["Land holder" means a family as defined in clause (ee) holding land as raiyat or as under-raiyat or a mortgagee of land in possession of holding land permanently settled by Government or lessee of land not resumable by Government;] [Substituted by Act 55 of 1982 and shall be deemed always to have been substituted.](h)"mental or physical disability" means mental or physical disability by reason of which the person subject to such disability is incapable of cultivating land by personal labour or supervision;(i)"personal cultivation" with its grammatical variations means cultivation by a raiyat himself, or by members of his family or by servants or hired labourers on fixed wages payable in cash or kind but not in crop-share under his personal supervision or the supervision of any member of his family during main agricultural operation;(j)"prescribed" means prescribed by Rules made under this Act;(k)"raiyat" means primarily a person who has acquired a right to hold land for the purpose of cultivating it by himself, or by members of his family or by hired servants or with aid of partners and includes also the successors in-interest or persons who have acquired such a right and includes, in the district of Santhal Parganas' a village head man in respect of his private land, if any, but does not include in

the areas to which the Chotanagpur Tenancy Act, 1908 (Ben. Act VI of 1908, applies a Mundari, Khuntkattidar or a Bhuinhar; (l) "Schedule" means the Schedule appended to this Act; (m) "under raiyat" means a tenant holding whether immediately or mediately under a raiyat; and (n) all words and expressions used but not defined in this Act, shall have- (i) in their application to any area in which the Bihar Tenancy Act, 1885 (VIII of 1885) is in force, the same meanings as are assigned to them in that Act; (ii) in their application to any area in which the Chotanagpur Tenancy Act, 1908 (Ben. Act VI of 1908) is in force, the same meaning as are assigned to them in that Act; and (iii) in their application to any area in which the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949) is in force, the same meanings as are assigned to them in that Act.

3. Provisions of the Act to prevail over other laws.

- The provisions of this Act shall have effect, notwithstanding anything to the contrary contained in any other law, custom, usage or agreement, for the time being in force or in any decree or order of any Court: Provided that nothing contained in this Act shall be deemed to have any effect on the provisions of the Bihar Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954).

Chapter II

Ceiling of land

4. [Fixation of ceiling area of land. [Substituted by Act IX of 1973.]

- [On the appointed day the following shall be the ceiling area of land for one family consisting of not more than five members for the purposes of this Act:] (a) fifteen acres, that is, equivalent to 6.0705 hectares of land, irrigated or capable of being irrigated by flow irrigation work or tube wells or lift irrigation which are constructed, maintained, improved or controlled by the Central or the State Government or by a body corporate constituted under any law and which provide or are capable of providing water for more than one season (hereinafter referred to as Class I land). Explanation. - A land shall not be regarded as Class I land unless it is capable of growing at least two crops in a year; or (b) eighteen acres, equivalent to 7.2846 hectares of land irrigated by such private lift irrigation or private tube-wells as are operated by electric or diesel power, and provide or are capable of providing water for more than one season (hereinafter referred to as Class II land). Explanation. - Private lift irrigation or private tube wells mean those which are not constructed, maintained, improved or controlled by the Central or the State Government or by a body corporate constituted under any law; or (c) twenty five acres, equivalent to 10.1175 hectares of land, irrigated or capable of being irrigated by works which provide or are capable of providing water for only one season (hereinafter referred to as Class III land); or (d) thirty acres, equivalent to 12.141 hectares of land, other than those referred to in clauses (a), (b), (c), (e) and (f) or land which is an orchard or used for any other horticultural purpose (herein after referred to as Class IV land); or (e) thirty-seven and a half acres, equivalent to 15.368 hectares of Diara land, or chaur (hereinafter referred to as Class V land); or (f) [forty-five acres equivalent to 18.211 hectares of hilly, sandy, forest land, even land perennially submerged under water or other kind of land none of which yield paddy, rabi or cash crops (hereinafter referred to as Class VI land).] [Substituted by Ordinance 22 of

1982.]

4A. [Re-determination of ceiling area. [Inserted by Act 22 of 1976.]

- Where the ceiling area of the land for any family or any member of the family constituting the family on the appointed day has been determined by any order passed by any authority in accordance with the provisions of this Act prior to the commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1972 (Bihar Act 1 of 1973), the ceiling area of such family or member of the family shall be re-determined under this Act with reference to the appointed day in accordance with the amended provisions. Explanation. - In this section authority includes the Collector, Commissioner of the Division and the Board of Revenue.]

4B. [Validation. [Inserted by Act 22 of 1976.]

- Notwithstanding anything to the contrary contained in any Judgement, decree or order of any court the determination of ceiling area of any family with reference to the appointed day in any proceeding under this Act shall be deemed to be valid and effective.]

5. [No person to hold land in excess of the ceiling area. [Substituted by Act 55 of 1982 and shall be deemed always to have been substituted.]

(1)(i) It shall not be lawful for any family to hold, except otherwise provided under this Act, land in excess of the ceiling area. Explanation. - All lands owned or held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be owned or held by the family. (ii) No land holder holding land in excess of the ceiling area shall from the commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1972 and till the publication of notification under Section 15, transfer any land held by him except with the previous permission in writing of the Collector, who may refuse to give such permission if he is satisfied for the reasons to be recorded in writing that the transfer is proposed to be made with a mala fide intention of defeating the object of this Act: Provided that the transfer of any land made, with the previous permission of the Collector, shall be deemed to have been made from within the ceiling area admissible to the land-holder: Provided also that the transfer of any land beyond the ceiling area admissible to the land holder shall be deemed to have been made with the object of defeating the provisions of the Act. (iii) Notwithstanding anything to the contrary contained in any judgement, decree or order of any court or authority the Collector shall have power to, make enquiries in respect of any transfer of land by a land-holder whether by a registered instrument or otherwise made after the 22nd day of October, 1959, and if he is satisfied that such transfer was made with the object of defeating, or in contravention of the provisions of this Act or for retaining, benami or farzi land in excess of the ceiling area, the Collector may after giving reasonable notice to the parties concerned to appear and be heard, annul such transfer and thereupon the land shall be deemed to be held by the transferor for the purposes of determining the ceiling area he may hold under this Section. (iv) Land donated by a land-holder under the Bihar

Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954), to the extent it subsequently vests in the Bhoodan Yagna Committee constituted under the said Act before the date of the final publication of draft statement under Section 11 of this Act, shall not be taken into account in determining the area he may retain under this section.

2.

(i) Where the number of members in a family on the appointed day exceeds five the family may hold in addition to the ceiling area determined under Section 4, land not exceeding one-tenth of the ceiling area for that class of land for every such additional member: Provided that in no case the aggregate of the land held by the family shall exceed one and a half times the ceiling area. (ii) Any land which a land-holder is allowed to hold under this Section shall not be liable to be acquired by the State Government under this Act merely by reason of any subsequent improvement in the land or diminution in the number of persons referred to in clause (i): Provided that the ceiling area shall be redetermined, where subsequently the classification of land improves as a result of irrigation work constructed, maintained, improved or controlled by the Central or the State Government or by a body corporate constituted under any law for the time being in force whether or not the land holder actually draws water from the source. Explanation. - For the purpose of this section, where the land holder is a company or association or body of individuals the number of persons entitled to be maintained under their personal law and dependent upon the land-holder shall be deemed to consist of not more than five. (ii) For the purposes of this Act, except the Schedule, one acre of class I land shall be deemed to be equivalent to 1.20 acres of class II, 1.66 acres of class III, 2 acres of class IV, 2.50 acres of class V and 3 acres of class VI land. (3) The ceiling area which a Co-operative Society may hold in addition to such area as may be mortgaged or subject to it under Section 20, shall be the aggregate of the land held by its individual members, subject to the ceiling area for each member.]

6. Public notice upon certain land holders to submit returns.

- [As soon as may be, after the commencement of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1972, the State Government shall cause to be published a notice in the manner laid down in sub-section (3) calling upon all the land holders of the State who hold land in excess of the ceiling area, anywhere in the State to submit to the Collector of the district where they ordinarily reside, within thirty days of the date specified in the notice, a return containing the following particulars, namely:-] [Substituted by Act 1 of 1973.] (i) the total area and description of land held by the land-holder anywhere in the State. (ii) if the land-holder is a raiyat, the names and description of his under raiyats and the description of land held by them under him, anywhere in the State; (iii) the particulars of legal proceedings, if any, in respect of the land held by the land-holder pending on the date of submission of the return; (iv) encumbrances on the land, if any, with their full particulars; and (v) any other particulars that may be prescribed. [Provided that the Collector may, on an application made by the land holder, extend the period specified in such notice for submission of the return by a period not exceeding thirty days] [Substituted by Act 1 of 1973.] (2) If the land-holder is a minor or a person of unsound mind, the return required under sub-section (1) shall be submitted by his guardian. (3) [The substance of the notice shall be published in the Official Gazette and in not less than three issues of at least two

Newspapers having circulation in the State of Bihar.(4)Where the land-holder or the guardian mentioned in sub-section (2), as the case may be, fails to submit the return required under sub-section (1) without sufficient cause, the Collector may, after giving him a reasonable opportunity of being heard and adducing evidence, impose a fine which may extend to five hundred rupees.] [Substituted by Act 1 of 1973.]

7. Collection of information through other agencies.

- If any person holding land in excess of the ceiling area fails to submit the return under Section 6, the Collector may obtain the necessary information through the Executive Committee of Gram Panchayat of the area concerned as constituted under [the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948), or through such agency as he thinks proper.] [Now the Bihar Panchayat Raj Act, 1992.]

8. Penalty for non-submission of return in compliance with special notice.

- [(1) Whenever it comes to the notice of the Collector that a land holder holds land in excess of, the ceiling area or has not submitted the return, within the period specified in the notice, or the extended period, under Section 6 or has submitted a return containing incorrect particulars, the Collector shall cause a notice to be served on the land holder or his guardian, if he is a minor or person of unsound mind, directing him to submit the return with the necessary or correct particulars within thirty days of the service of such notice.] [Substituted by Act 1 of 1973.](2)(i)If any person fails, without sufficient cause to submit the return in compliance with the notice served under sub-section (1), within the period specified in this notice or within such extended period as may be allowed by the Collector in this behalf, the Collector may after giving the person concerned a reasonable opportunity of being heard and adducing evidence, if any, and after considering the same impose fine which may extend to fifty rupees for every day after the expiry of the said period or the extended period until the return is submitted.(ii)If the said person does not submit the return after one month from the first date of imposition of fine, he shall on conviction by a magistrate of the first class be liable to be punished with simple imprisonment which may extend to six months or with a fine which may extend to two thousand rupees, or with both;Provided that no court shall take cognizance of any offence under this section without the previous sanction in writing of the District Magistrate.(3)[* * * *] [Omitted by Act 22 of 1976.]

8A. [Proceeding not to be invalidated. [Inserted by Act 22 of 1976.]

- No proceeding shall be invalid merely because of any irregularity in the publication of any notice under Section 6 or Section 8.]

9. [Option of family to select its ceiling area. [Substituted by Act 55 of 1982 and shall always be deemed to have been substituted.]

(1)Where the area of land held by a family exceeds the ceiling area it shall have, subject to the provisions of sub-sections (2), (3) and (4) and other provisions of this Act the option to select,

within the period prescribed in sub-section (3) of Section 10, the land which it desires to retain in accordance with the provisions of Section 5.(2)Where the land held by the land-holder includes land transferred by him in accordance with or in contravention of the provisions of clause (ii) of sub-section (1) of Section 5, the land so transferred in accordance with or in contravention of clause (ii) of sub-section (1) of Section 5 shall to the extent of the ceiling area admissible to the land holder, be deemed to have been selected by him for retention within the ceiling area; and where the total area of such land is less than the ceiling area admissible to him, the land holders shall select the balance of ceiling area from his remaining land; Provided that where the land so transferred in accordance with or in contravention of clause (ii) of sub-section (1) of Section 5 is equal to or more than the ceiling area admissible to him and if because of the selection under sub-section (2) the land-holder's homestead cannot be retained within his ceiling area, the land-holder may be permitted to hold his homestead subject to a maximum limit of two acres only.(3)Where the land held by the land holder includes land where transfer has been annulled under clause (iii) of sub-section (1) of Section 5 but does not include any land transferred in accordance with or in contravention of the provisions of clause (ii) of sub-section (1) of Section 5 the land holder shall select to the extent of fifty percent of his ceiling area from land where transfer has been annulled under clause (iii) of sub-section (1) and shall select the balance of the ceiling area from other lands held by him.(4)Where, however, the land held by the land holder includes land transferred by him in accordance with or in contravention of the provisions of clause (ii) of subsection (1) of Section 5 as well as land whose transfer has been annulled under clause (iii) thereof, the land transferred in accordance with or in contravention of clause (ii) of sub-section (I) of Section 5 shall, to the extent not exceeding the ceiling area, be deemed to have been selected by him within his ceiling area first and if this land is less than ceiling area admissible to him, he will select the remaining land to be retained by him within the ceiling area firstly from the land whose transfer has been annulled under clause (iii) of sub-section (1) of Section 5 to the extent of fifty per cent of the remaining ceiling area only and the balance will be selected by him from out of the remaining lands : Provided further that where the land-holder fails to select land within the stipulated time, it shall be lawful for the Collector to allot to the land-holder land equal to the ceiling area to be retained by him under Section 5 keeping in accordance with this Section.]

10. Preparation of draft statement.

(1)On the basis of the information given by or on behalf of the land-holder under Sections 6, 8, 9, or the information obtained by the Collector under Section 7, checked in the prescribed manner, the Collector shall cause a draft statement to be prepared showing the following particulars:(a)the area and description of:(i)each class of land held by the land-holder and the land selected by him which he desires to be included within his ceiling area;(ii)orchards held by him and the orchards in compact blocks which he desires to retain;(iii)homestead land and the pucca structures including the land necessary for the use and enjoyment of such structures; held by him on the date of commencement of this Act; and such land, pucca structures including land necessary for the use and enjoyment of the pucca structures which he desires to retain.(b)area and description of land of each of the categories in clause (a) which is allowed by the Collector to be held and retained by the landholder under Section 5;(c)the area [x x x] [Omitted by Act 55 of 1982.] description of the land which is in excess of the limit permissible under Section 5 and which the land-holder is not entitled

to hold or retain under this Act (hereinafter to be called the 'surplus land'); (c1) [the area and description of land transferred by the landholder in accordance with or in contravention of the provisions of clause (ii) of sub-section (1) of Section 5; [Inserted by Act 55 of 1982.] (c2) the substance of finding of the Collector under clause (iii) of subsection (I) of Section 5; (c3) the substance of the recommendation and order regarding exemption under Section 29; and] (d) any other particular which may be prescribed. (2) [The draft statement shall be published in the Official Gazette of the district and at such places, and in such manner, as may be prescribed: Provided that a copy of the draft statement shall be served on the land-holder or land-holders concerned or on their guardian or guardians, as the case may be, by registered post with acknowledgement due which shall be conclusive evidence of the service of such notice. (3) Any objection to the draft statement in respect of the matters specified in clauses (a), (b), (c) and (d) of sub-section (i) received within 30 days of the publication of the draft statement or service thereof under sub-section (2), whichever is later, preferred by any person having any claim or interest in said matters shall be considered by the Collector who shall, after giving the parties a reasonable opportunity of being heard and adducing evidence, pass such orders as he thinks fit: Provided that the Collector may on any application made by the land holder or a person having claim or interest in the land, extend the period of filing objection by another fifteen days.] [Substituted by Act 55 of 1982.]

11. Final publication of draft statement.

- [(1) When the objection or claim, if any, preferred under sub-section (3) of Section 10 has been disposed of, the Collector shall, whether there is any surplus land or not, make such alteration in the draft statement as may be necessary to give effect to any order passed on the objection or claim and shall cause the said statement with the alteration, if any to be finally published in the Official Gazette of the district and in such place and in such manner as may be prescribed and a copy thereof duly certified by the Collector in the prescribed manner, shall be sent to the land-holder by registered post with acknowledgement due.] [Substituted by Act 55 of 1982.] (2) [[Sub-section (2) omitted & (3) renumbered as (2) thereof by Act 55 of 1982.] Copies of such statement duly authenticated in the prescribed manner shall be sent by the Collector within such period to such authority or authorities; as may be prescribed.

Chapter III

Resumption of land by raiyat from under raiyat

12. Raiyat may resume land from under-raiyat.

- If within the ceiling area, as specified in the statement finally published under Section 11, of any raiyat, who held land in excess of the ceiling area on the date of the commencement of this Act, there be any land in possession of a non occupancy under raiyat the raiyat shall subject to the other provisions of this Act, be entitled to resume for personal cultivation, in the manner prescribed in Section 13, any such land : Provided that if the total area of all under-raiyat land which the under-raiyat holds under that raiyat and all other lands, if any, held by him as a raiyat anywhere in the State, is ten acres or more, the area resumable by that raiyat shall not exceed such limit as to

leave less than five acres of land to the under-raiyat, and if such total area is less than ten acres the area resumable shall not exceed half of such total area: Provided further that the under-raiyat shall, at his option, be entitled to retain one acre in all including his raiyati land besides his homestead or the entire area of such land held by him if it is less than one acre.

13. Procedure in case of resumption.

(1) Where a raiyat desires to resume under Section 12 any land from his under-raiyat, not having right of occupancy therein he shall, within ninety days of the final publication of the statement under Section 11, send by registered post with acknowledgement due, a notice to the under-raiyat of his intention to resume the required land. (2)(i) The raiyat shall, within sixty days of the service of the notice on the under-raiyat, make an application to the Collector in the prescribed manner for the restoration of the land to him after ejecting the under-raiyat therefrom: Provided that if the raiyat is a person serving in the Army, Navy or Air Force of the Union of India, or a minor or a person suffering from mental or physical disability, he may make the application within two years of the cessation of his service or of his attaining majority or of the cessation of the disability, as the case may be, and where such raiyat has sub-let the land for a term of years, he may make the application within two years of the expiry of the term. (ii) The application shall be accompanied with a notice in the prescribed form in triplicate and with the prescribed fee for service of the notice on the under-raiyat. (3) On receipt of such application the Collector shall cause the notice to be served on the under-raiyat and after giving the parties a reasonable opportunity of being heard and adducing evidence and after making such enquiry as he considers necessary, decide whether the raiyat is entitled to resume for personal cultivation of the land in respect of which the application is made or any portion thereof, and if so, which particular piece of land the raiyat may resume on payment of compensation in accordance with the provisions of Section 14. [In so far as such action is not inconsistent with the provision of this Act and all proceedings pending before the commencement of this Act shall be continued or modified or brought in consonance with the provisions of the said Act as amendment by this Act.] [Substituted by Act 22 of 1976.] (4) The order of the Collector under sub-section (3) shall be in writing and shall state the ground on which it is made and where the application is allowed in whole or in the part, it shall direct that the order shall take effect from the 15th day of May, of the year next following the date of the order. (5) If the under-raiyat or his legal representative refuses or fails to put the raiyat in possession of the land in accordance with the order of the Collector under sub-section (3) the Collector shall, on application of the raiyat made within the prescribed period and subject to any order on appeal or revision, eject the under-raiyat or his legal representative, as the case may be, and put the land holder in possession of the land and may, for that purpose, use such force as may be necessary. (6) If the raiyat fails to bring the land under personal cultivation the land restored to him under sub-section (5) within one year of the restoration, the Collector shall, either on application made by the ejected under-raiyat or of his own motion, restore the land to the possession of the under-raiyat and thereupon the provisions of Section 21 shall apply thereto.

14. Payment of compensation to under-raiyat ejected by raiyat.

(1) Where any land held by an under-raiyat is permitted to be resumed by the raiyat under Section 13 the raiyat shall pay, in accordance with the provision of subsection (3), such compensation, in addition to the compensation which may be determined under sub-section (2), as is specified in this behalf in the Schedule. (2) (i) An under-raiyat who is ejected from any land under Section 13 shall be entitled to receive in addition to any compensation payable under sub-section (1), such compensation as may be determined by the Collector in the prescribed manner for any improvement made by him of the land from which he is ejected. (ii) In determining compensation under clause (i) the following matters shall be taken into consideration, namely :-(a) the enhancement of the value of the land due to the improvement; (b) probable duration of the improvement; (c) labour and capital spent by the tenant on the improvement; (d) any advantage allowed to the under raiyat by the raiyat in consideration of the improvement; and (e) any matter which the Collector considers fit. Explanation. - (i) For the purpose of this section, the term 'improvement' used with reference to a raiyat's holding shall mean any work which adds to the value of the holding which is suitable to the holding and consistent with the purpose for which it was let and which, if not executed on the holding, is either executed directly for its benefit or is after execution, made directly beneficial to it. (ii) Until the contrary is shown, the following shall be presumed to be improvements within the meaning of this Section; (a) construction of wells, tanks, water channels and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture; (b) preparation of land for irrigation; (c) drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, or land used for agricultural purposes or waste land which is culturable; (d) reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes; (e) renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; (f) erection of a suitable dwelling house for the tenant and his family, together with all necessary out-offices; and (g) trees growing on the land for the domestic use of the tenant and his family. (iii) But no work executed by the tenant of a holding shall be deemed to be an improvement for the purposes of this Act if it substantially diminishes the value of the raiyat's property. (3) The entire amount of compensation payable to the under-raiyat under sub-sections (1) and (2) shall be deposited by the raiyat with the Collector to the credit of the under-raiyat in the prescribed manner in one lump sum or in such instalments as may be allowed by the Collector. (4) Notwithstanding anything contained in Section 12 or in Section 13 or in the preceding sub-sections, the raiyat shall not be entitled or permitted to resume the land until the entire amount payable under sub-sections (1) and (2) has been paid in accordance with the provisions of sub-section (3).

Chapter IV

Acquisition of Surplus Land

15. Acquisition of Surplus land.

- [(1) The State Government or the Collector of the district specially so empowered in this behalf shall after the statement under sub-section (1) of Section 11 has been finally published and subject to appeal or revision, if any, acquire, the surplus land by publishing in the Official Gazette of the district, a notification to the effect that such land is required for a public purpose and such publication shall be conclusive evidence of the notice of the acquisition to the person or persons concerned :Provided that without awaiting the result of appeal or revision the State Government or the Collector of the district specially so empowered in this behalf may proceed to acquire such of the surplus land of the land-holder in respect of which there is no claim or dispute or which is admitted by the land-holder to be surplus:Provided further that a copy of the notification shall also be sent to the landholder concerned by registered post with acknowledgement due.] [Substituted by Act 55 of 1982.](2)[On the publication of the notification under sub-section (1), the land specified in the notification shall, subject to the provisions of this Act, be deemed to have been acquired for the purposes of this Act and vested in the State free from all encumbrances with effect from the date of the notification and all right, title and interest of all persons claiming interest therein shall, with effect from that date, be deemed to have been extinguished.] [Substituted by Act 1 of 1973.](3)[Subject to [* * * *] [Existing sub-sections (3) to (5) omitted and sub-sections (6) & (7) renumbered as (3) & (4) thereof by Act 7 of 1978.] any order made on appeal or revision the Collector may at any time after the publication of the notification under sub-section (1) take possession of any land specified in the said notification and may for that purposes use such force as may be necessary.(4)if the mortgagor becomes entitled to recover possession of his mortgaged land under Section 12 of the Bihar Money-Lenders Act, 1974 (Bihar Act XXII of 1975) and the area of such mortgaged land, together with the land, if any, held by him anywhere in the State, exceeds the ceiling area, then the provisions of Section 18 shall apply thereto as if such mortgaged lands were in acquisition under that section and thereafter the land which the mortgagor is not entitled to retain shall be deemed to have been acquired for the purposes of this Act and vested in the State in accordance with sub-section (2).]

15A. [Voluntary declaration of surplus land. [Inserted by Act 12 of 1976.]

(1)Notwithstanding any thing contained in Section 15 or any other provisions of this Act, where a Notification under Section 6 has been published, the State Government may, pending final publication of the Statement under sub-section (1) of Section 11, issue notice to any land-holder or to all land holders generally, calling upon him or them to surrender to the State such area which according to him or them is owned or held in excess of the ceiling area prescribed under Section 4.(2)The land-holder to whom such notice is issued under sub-section (1) may thereupon make an application to the Collector in the prescribed form offering to make such surrender.(3)If the land-holder is a minor or of unsound mind, the offer of surrender shall be made by his guardian.(4)Where the land-holder or his guardian, as the case may be, makes an application to the Collector offering to surrender his surplus land the State Government shall on the recommendation of the Collector acquire the surplus land specified in the application or any part thereof by publishing a notice in the manner provided in sub-section (1) of Section 15 and thereupon such land shall be deemed to have vested in the State Government under sub-section (2) of Section 15 of the

Act.(5)The order passed under sub-section (4) shall be subject to provisions contained in Section 11 relating to the final publication of the draft statement and the Collector shall, at the time of making final publication of draft statement under Section 11, make such alteration or modification in the order passed under subsection (4) as may be necessary.]

Chapter V

Restriction on Future Acquisition

16. Restriction on future acquisition by transfer, etc.

(1)No person shall, after the commencement of this Act, either by himself or through any other person, acquire or possess by transfer, exchange, lease, mortgage, agreement or settlement any land which together with the land, if any, already held by him exceeds in the aggregate the ceiling area.Explanation. - For the purpose of this Section "Transfer" does not include inheritance, bequest or gift.(2)(i)After the commencement of this Act, no document incorporating any transaction for acquisition or possession of any land by way of transfer, exchange, lease, mortgage, agreement or settlement shall be registered, unless a declaration in writing duly verified is made and filed by the transferee before the registering authority under the Indian Registration Act, 1908 (XVI of 1908), as to the total area of land held by himself or through any other person any where in the State.(ii)No such registering authority shall register any document evidencing any transaction if, from the declaration made under clause (i), it appears that the transaction has been effected in contravention of the provision of sub-section (1).(iii)No land shall be transferred, exchanged, leased, mortgaged, bequeathed or gifted without a document registered in accordance with the provisions of the Indian Registration Act, 1908 (XVI of 1908).Explanation. - Nothing in this sub-section shall be deemed to have any effect on the provisions of the tenancy law of the area relating to transfer, exchange, lease, mortgage, agreement or settlement.(3)(i)When any transfer of land is made after the commencement of the Act to any person other than a co-sharer or a raiyat of adjoining land, any co-sharer of the transferor or any raiyat holding land adjoining the land transferred, shall be entitled, within three months of the date of registration of the document, of transfer, to make an application before the Collector in the prescribed manner for the transfer of the land to him on the terms and conditions contained in the said deed:Provided that no such application shall be entertained by the Collector unless the purchase money together with a sum equal to ten percent thereof is deposited in the prescribed manner within the said period.(ii)On such deposit being made the co-sharer or the raiyat shall be entitled to be put in possession of the land irrespective of the fact that the application under clause (i) is pending for decision:Provided that where the application is rejected, the co-sharer or the raiyat, as the case may be, shall be evicted from the land and possession there of shall be restored to the transferee and the transferee shall be entitled to be paid a sum equal to ten per cent of the purchase money out of the deposit made under clause (i).(iii)If the application is allowed, the Collector shall by an order direct the transferee to convey the land in favour of the applicant by executing and registering a document of transfer within a period to be specified in the order and, if he neglects or refuses to comply with the direction, the procedure prescribed in Order 21, Rule 34 of the Code of Civil Procedure, 1908 (V of 1908), shall be, so far as may be, followed.(4)[(i) After the repeal of sub section-(3) of Section-16 of this Act, all cases or

proceedings pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or in any other Court, shall be deemed to be abated.(ii) Pursuant to the repeal of sub-section-(3) of Section-16 of this Act, any purchase money together with a sum equal to 10% thereof, already legally deposited shall be refunded, without any interest, to the depositor.]

17. Penalty for contravention of the provision of Section 16.

(1) No right, title or interest shall accrue in favour of a transferee in any land in excess of his ceiling area by virtue of any transaction made in contravention of the provisions of Section 16 and as a penalty for such transaction the right, title and interest of the transferee in such excess land purported to be transferred by such transaction to him shall, on a declaration made by the Collector in this behalf for reasons to be recorded, become void with effect from the date of such declaration: Provided that-(a) no such declaration shall be made unless the parties concerned are given a reasonable opportunity of being heard and adducing evidence; (b) nothing in this Section shall affect the liability, if any, of the transferee for payment of the consideration for such transaction; and (c) no suit or proceeding by the transferee shall lie in any court for recovery of the consideration for any such transaction. (2) In all such cases of transfer, the transferor or the transferee, his assignee, or any other person in occupation of the land on his behalf, or through him, shall be liable to be ejected by the Collector who may, for that purpose, use such force as may be necessary. (3) If the transaction is-(a) one of sale, the land shall be liable to be forfeited to the State; and (b) not one of sale, the land shall be restored to the transferor on such terms and conditions as may be prescribed: Provided that the transferor and transferee shall be given a reasonable opportunity of being heard and adducing evidence before an order is made under this sub-section.

18. Restriction on future acquisition by inheritance, bequest, gift, or on alluvial action.

(1) If, after the commencement of this Act, any person, either by himself or through any other person acquires by inheritance, bequest or gift, or by alluvial action, any land which, together with the land, if any, already held by him anywhere in the State, exceeds in the aggregate the ceiling area, then he shall, within ninety days of such acquisition by inheritance, bequest or gift, and within six months thereof by alluvial action, submit to the Collector a return by registered post, with acknowledgement due, giving the particulars specified below and selecting the land he desires to retain:-(i) the area and description of such land; (ii) the date of the acquisition; (iii) the manner of the acquisition and the particulars of the documents, if any, under which such acquisition was made; (iv) name and description of the person who held the land before the acquisition; (v) total area of land held anywhere in the State by the person in whose favour the acquisition is made; and (vi) any other particulars which may be prescribed. (2) If he fails to submit the return and select the land within the period specified in sub-section (1), the Collector may obtain the necessary information through such agency as he thinks proper. (3) [On receipt of the return prescribed in sub-section (1) or collection of information under sub-section (2), as the case may be, the Collector shall after giving the land-holder a reasonable opportunity of being heard and adducing evidence and after enquiries as he considers necessary select the land which may be retained by the land holder within his ceiling

area and also determine the land which is in excess of the ceiling area and which he is not entitled to retain under this Act.(4)The Collector shall then acquire the surplus land by publishing in the Official Gazette a notification to the effect that such land is required for a public purpose and such publication shall be conclusive evidence of the fact stated therein for the purpose of this Act.] [Substituted by Act 55 of 1982.]

Chapter VI

Restriction on Sub-letting.

19. Restriction on sub-letting.

- Save as provided in Section 20,it shall not be lawful for any land-holder to sub-let the whole or part of any land held by him.

20. Raiyat may sub-let after giving information to Collector or Executive Committee of Gram Panchayat.

- [(1) Subject to the provisions of the tenancy law of the area and other provisions of this Act, and the Rules made by the State Government under this section, a raiyat, who is minor or a widow or an unmarried, divorced or separated woman or a person suffering from mental or physical disability or a person in the service of the Army, Navy or Air force of the Union of India or a public servant in receipt of a substantive salary not exceeding two hundred and fifty rupees a month, may sublet any land during the period the raiyat remains a minor or a widow or unmarried or divorced or separated woman or suffers from mental or physical disability or remains in the service of the Army, Navy or Air force of the Union of India or remains a public servant in receipt of a substantive salary not exceeding two hundred and fifty rupees a month.Explanation. - (i) When a land is held by a raiyat mentioned in this subsection jointly with another person who is not entitled to the benefit thereof only such raiyat shall be entitled to the benefit thereof in respect of his own share of the land in the joint family.(ii)Any person who is either remunerated out of the Revenue of the Central Government or any State Government or any local authority or by any other public body including an educational institution recognised in this behalf by the State Government shall, for the purposes of Sub-section (1) deemed to be a public servant.(iii)Where any question arises as to whether any person is or is not a public servant or in the service of the Army, Navy or Air Force of the Union of India, the question shall be referred to the State Government and the decision of the State Government which shall be made after giving the person concerned reasonable opportunity of representing his case shall be final.](2)(i)A raiyat shall not be entitled to recover from the sub-lessee holding at money-rent, rent exceeding the rent which he himself pays, by more than fifty per cent of the same:Provided that where the land held by such sub-lessee is a portion of the holding of such raiyat the rent calculated for the entire holding in the aforesaid manner shall be reduced in such proportion as the area of the land sub-let bears to the total area of the holding.(ii)Where the sub-lessee pays for the land sub-let to him, rent in kind by division of the produce, the raiyat, under whom he holds that land shall not be entitled to recover rent from the sub-lessee exceeding one fourth of the produce of such land:Provided that such raiyat shall not be entitled to any share in the straw or bhoosa as rent out of

the produce of such land. Explanation. - The word "straw" in this Section includes jute sticks after the jute has been extracted therefrom, and arhar and maize sticks. (3) A sub-lessee to whom land has been sub-let under this Section shall not, irrespective of the duration of his tenancy, acquire any right of occupancy in such land and he may be ejected from such land on one or more of the following grounds but not otherwise, namely:-(i) that he has failed to pay an arrear of rent: (ii) that he has used the land in a manner which renders it unfit for the purposes of the tenancy: or (iii) that the term of the lease has expired. (4) (i) When a sub-lessee is liable to be ejected under sub-section (3), the raiyat of the land may make an application in the prescribed Form within the prescribed period for the restoration of the land sub-let to him after ejecting the sub-lessee therefrom. (ii) On such application being filed, if the Collector, after giving the parties a reasonable opportunity of being heard and adducing evidence, and making such inquiry as he thinks fit, is satisfied for reasons to be recorded that the sub-lessee is liable to be ejected, he shall direct the sub-lessee to put the raiyat in possession of the land within six months of the order. (iii) If the sub-lessee against whom an order is made under clause (ii) refuses or fails to put the raiyat in possession of the land within the period specified in the said clause, the Collector shall, on the application of the raiyat made within the prescribed period and subject to any order on appeal or revision, eject the sub-lessee and put the raiyat in possession thereof, and may, for that purpose use such force as may be necessary. (5) (i) If any sub-lessee wishes to surrender the land sub-let to him under this section, he shall submit an application to the Collector and the Collector shall, if he is satisfied that the proposed surrender is being made voluntarily, accord permission thereto and register the same in the prescribed manner: Provided that soon after the application is received by the Collector shall, in consultation with the raiyat, sub-let the land on behalf of the raiyat to another person for the remainder of the term of the original lease and until such settlement is made by the Collector the surrender shall not take effect. (ii) No document purporting to surrender the land shall be registered by the registering authority under the Indian Registration Act, 1908 (XVI of 1908), unless the document is accompanied with the permission of the Collector approving the surrender. (6) The provisions of sub-sections (2) and (5) shall apply also to an under raiyat holding land on the date of the commencement of this Act under a raiyat who on such date did not hold land in excess of the ceiling area.

Chapter VII

Acquisition of status of Occupancy-raiyat by Under-raiyat

21. Under-raiyat within the ceiling area of raiyat to acquire status of raiyat.

(1) Subject to the other provisions of this Act, every under-raiyat of a raiyat, holding land in excess of the ceiling area on the date of commencement of this Act, shall, in respect of land not resumed under Section 13, be deemed to have acquired the status of an occupancy raiyat if no application for resumption is made within the period specified in sub-section (2) of Section 13, on the expiry of the said period, and where such an application has been made, on the date the application is finally rejected and the right, title and interest of the raiyat in such land shall be deemed to have been extinguished with effect from the date of such expiry or rejection, as the case may be: Provided that notwithstanding the acquisition of such status, he shall not have the right to transfer the land until

the entire amount of compensation payable under clause (ii) of sub-section (2) has been paid.(2)(i)The land in respect of which the under-raiyat is deemed to have acquired the status of an occupancy raiyat under sub-section (1) shall, for the purpose of payment of compensation to the raiyat, under whom he held it, be deemed to have been acquired by the State Government under this Act.(ii)The under-raiyat shall pay to the State Government on account of the acquisition of the status of an occupancy raiyat in the land under sub-section (1), such amount as if specified in this behalf in the Schedule.(iii)The amount payable by the under-raiyat to the State Government under clause (ii) shall be a charge on the land and shall take priority over all other claims on the land.

22. Under-raiyat on surplus land to acquire status of raiyat.

- [(1) If there is an under-raiyat on the surplus land on the date it vests in the State under the provisions of this Act, such under-raiyat shall, if he makes an application in this behalf in the prescribed manner, be allowed to retain as occupancy raiyat, subject to payment in the prescribed manner and within the prescribed period to the State Government the amount specified in this behalf in the Schedule, so much of the land as together with all the other lands held by him anywhere in the State does not exceed the area he may hold under Section 5.] [Substituted by Act 7 of 1978.](2)If the under-raiyat refuses or fails to make the application within the said period, he shall be liable to be ejected by the Collector and where he is allowed to retain the land under sub-section (1), he shall not have any right to transfer the land until the entire amount he is liable to pay to State Government under sub-section (1) has been paid.(3)The amount payable by the under-raiyat as to the State Government under sub-section (1) shall be a charge on the land and shall take priority over all other claims on the land.

Chapter VIII

Compensation

23. Determination of compensation for land acquired by the State Government.

(1)Every person whose right, title or interest in any land is acquired or deemed to be acquired by the State Government under the provisions of this Act, shall be paid compensation according to the rate specified in the Schedule.(2)The Collector shall, after he has determined the amount of compensation in accordance with the rate specified in the Schedule, prepare a compensation assessment-roll in the prescribed manner and shall:-(i)cause it to be published in the prescribed manner for the prescribed period which shall not be less than thirty days, a draft of such roll together with, a public notice stating that the amount of compensation specified therein is the entire amount of compensation payable for all interests in the land and that subject to other provisions of this Act, the persons named therein are the only persons who are entitled thereto in the proportion stated therein and that objection, if any, in respect of any entry in the draft may, be filed by any person within thirty days of the expiry of the said prescribed period; and(ii)send by registered post, with acknowledgement due, a copy of the draft together with a copy of the notice to the persons whose names appear in the draft.(3)Separate draft compensation assessment rolls shall be prepared

and published under sub-section (2) for different land-holders: Provided that it shall not be obligatory on the Collector to prepare a separate draft compensation assessment-roll for different members of an undivided Hindu family. (4) The Collector shall consider any objection which may be preferred under sub-section (2) and after giving the parties a reasonable opportunity of being heard and adducing evidence, pass such order as he thinks fit and record the reason therefor. (5) If no objection is preferred within the period specified in sub-section (2), the Collector shall cause the draft compensation assessment-roll to be finally published in the prescribed manner. (6) When such objection or an appeal or revision, if any, in regard thereto has been disposed of, the Collector shall make such alteration in the draft compensation assessment-roll as may be necessary to give effect to any order made in regard to the objection and shall cause the draft so altered to be finally published in the prescribed manner. (7) Every entry in the compensation assessment-roll finally published under sub-section (5) or sub-section (6) shall, except as provided under this Act, be final and conclusive evidence-(a) of the matter referred to therein; (b) of the nature of the interest of the persons named therein; and (c) of the apportionment of the compensation among the persons claiming interest therein. (8) When a compensation assessment-roll has been finally published under sub-section (5) or sub-section (6), the Collector shall within such time as may be prescribed endorse a certificate thereon, stating the date of the final publication thereof and shall date and subscribe the same with his name and official designation and such certificate shall be a conclusive proof of such publication and the date of such publication. (9) The Collector may, if he is satisfied that a bona fide mistake has been made in regard to any entry in the finally published compensation assessment roll, make necessary corrections therein and on such corrections being made the provisions of sub-sections (2), (4), (5), (6), (7) and (8) shall apply thereto.

24. Payment of compensation.

- Subject to the provisions of Section 25, the amount of compensation as finally determined under Section 23 shall be paid in the prescribed manner in cash or in bonds or partly in cash and partly in bonds and when the compensation or any part of it is paid in bonds, such bonds shall be negotiable and transferable and payable in thirty equated annual instalments representing the principal and interest at two and a half percent per annum with effect from the date of issue: Provided that all arrears of rent remaining lawfully due to, and all other amounts recoverable under any law for the time being in force by the State Government from the raiyat, to whom the compensation is payable, shall, without prejudice to any other mode of recovery, be recoverable, when so ordered by the Collector in the prescribed manner, by deduction thereof from the amount payable to such raiyat under Section 23.

25. Claims of mortgagee or charge-holder on surplus land.

(1) Where any land acquired or deemed to be acquired by the State Government, under the provisions of this Act is subject to a mortgage or charge subsisting on the date of the acquisition, the mortgagee or the charge-holder shall, unless the claim is amicably settled, prefer within ninety days of the acquisitions, a claim in prescribed manner before the Collector and the Collector shall thereupon proceed with and decide the claim in the prescribed manner and record the reasons for the decision. (2) (i) If the Collector is unable to decide the claim, he shall, by an order, refer the

claimant to a Civil Court of competent jurisdiction and when such order is made the compensation payable in respect of the land under Section 24 shall be kept in deposit in a Government Treasury to be paid in accordance with the final decision of the Civil Court.(ii)Where there are more claimants than one, the Collector or the Civil Courts as the case may be, shall settle the order in which each claimant is entitled to receive the amount due to him, and in doing so it shall be guided by the appropriate provisions of the Transfer of Property Act, 1882 (IV of 1882).(3)If the amount of claim allowed by the Collector or the Civil Court, as the case may be, exceeds the amount of compensation payable under Section 24, in respect of the land, the mortgagee or the charge-holder shall be entitled to realise from the executant of the instrument of the mortgage charge or from his legal representative only $y-x/y$ of the deficit and remaining x/y of the deficit shall be borne by the mortgagee or charge-holder.Explanation. - In this sub-section 'y' stands for the total area of land, including the mortgaged or charged land in question; held by the executant of the instrument or his legal representative any where in the State on the date of commencement of this Act and 'x' stands for the mortgaged or charged land in question.

26. Payment of compensation to be full discharge of liability of State Government.

(1)The payment of compensation to the land-holder or other person entitled thereto in accordance with the provisions of this Act or of the Rules made thereunder shall be a full discharge of the State Government from all liability to pay compensation for the acquisition of the surplus land and no further claim for payment of compensation in respect thereof on any ground whatsoever, shall lie.(5)Nothing in sub-Section (1) shall prejudice any right in respect of the said land which any other person may be entitled to enforce under any other law against the person to whom compensation has been paid as aforesaid.

Chapter IX Disposal of Surplus Land

27. [Disposal of surplus land. [Substituted by Act 1 of 1973.]

(1)Subject to the other provisions of this Act, [Fifty (50) per cent of the land] [Substituted by Act 22 of 1976.] acquired or deemed to be acquired by the State Government under this Act may, subject to Rules made in this behalf be settled by the Collector-(i)with landless persons belonging to the Scheduled Castes, Scheduled Tribes or Backward Classes mentioned in Government of Bihar Revenue Department Notification No. A/T-1015/55-1091-R, dated the 7th February, 1956 and no. A/T-3043/61-4523-R, dated the 23rd June, 1962, published in Bihar Gazette, dated the 22nd February, 1956 and 18th July, 1962, respectively, of the village in which the land is situated;(ii)with persons belonging to the Scheduled Castes, Scheduled Tribes or Backward Classes mentioned in the notification referred to in clause (1), of the village in which the land is situated and not having more than one acre of Class III land or its equivalent in area;(iii)with other landless persons of the village in which the land is situate;(iv)with other persons of the village in which the land is situated having not more than one acre of Class I land or equivalent area;(v)with persons serving in the Army, Navy

or Air Force of the Union of India, or with families of such persons killed in action.(vi)with ex-servicemen of Army, Navy or Air Force of the Union of India, who are resident of the village in which the land is situated;Provided that if, the village in which the land is situated is uninhabited, the land shall be settled with the aforesaid categories of persons of an adjoining village;Provided further that in the district of Santhal Parganas the Collector shall, while making such settlement, follow the principles prescribed for settlement of waste land or vacant land under Section 28 of the Santhal Parganas Tenancy (Supplementary) (Provisions) Act, 1949 (Bihar Act XIV of 1949):Provided also that the land acquired or deemed to be acquired from sugar factories,to which the provisions of sub-clause (i) of clause (a) of sub-section (2) of Section 29 are applicable may be managed by the State Government directly or in such other manner as may be prescribed;] [Added by Act No. 6 of 2019, dated 25.2.2019.](vii)[the residue of such land as is left out after settlement with the categories of persons mentioned in clauses (i) to (vi) with persons belonging to Scheduled Castes, Scheduled Tribes or Backward Classes among the repatriates of Bihar origin from Burma.] [Inserted by Act 22 of 1976.](1a)[The remaining fifty (50) per cent of the land acquired or deemed to be acquired by the State Government under this Act shall, subject to Rules made under this behalf, be settled by the Collector with women belonging to categories mentioned in sub clause (i), (ii), (iii), (iv) of sub-section (1) of Section 27,] [Inserted vide section 2 of Amendment Act 11 of 2009.](2)All arrears of rent in respect of the land so vested and due by the landholder for any period prior to the date on which the land-holders is, in consequence of such vesting divested of his possession by an order of the Collector under this Act, shall continue to be recoverable from such land-holder and may without prejudice to any other mode of recovery, be realised by deducting the amount from the compensation payable under this Act to such land-holder.(2a)[The State Government may, if it considers necessary, set apart such surplus land or portion thereof as is acquired under Section 15 or Section 15-A, if such surplus land or portion thereof is required for purposes connected with, or ancillary to, the scheme of agrarian reforms including the improvement of rural economy or promotion of rural welfare or any other public purpose and the same, shall not be used for agricultural purposes.] [Substituted by Act 7 of 1978.](3)[The land settled by the Collector under sub-section (1) shall be heritable but shall not be transferable:Provided that the settlee may enter into a simple mortgage in respect of the land with a society or bank registered or deemed to be registered under the Bihar and Orissa Co-operative Societies Act, 1935 (B & O Act VI of 1935) or with the State Bank of India or a bank specified in Column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act 5 of 1970) or with a Company or a Corporation owned by or in which not less than fifty-one percent of share capital is held by the State Government or the Central Government or partly by the State Government and partly by the Central Government, for raising loan for agricultural purposes.] [Sub-section (3) omitted and sub-section (4) re-numbered as sub-section (3) by Act 55 of 1982.]

27A. [Prevention of ejectment of allottees of surplus land. [Inserted by Act 7 of 1978.]

(1)If any allottee of surplus land is threatened with unlawful ejectment from the land allotted to him under Section 27 or any part thereof by any person, the Collector may, on his own motion or on an application made in this behalf by such allottee or his representative initiate a proceeding for preventing such person from ejecting the allottee and may by orders in writing prevent the person

from ejecting the allottee.(2)If any allottee of surplus land has been unlawfully ejected by any person from the land allotted to him under Section 27 or any part thereof, the Collector may, on receipt of an application from the allottee or his representative for restoration of possession of the land or on his own motion, make such enquiry as may be necessary and order that the allottee shall be put in possession of the allotted land or part thereof, from which he has been so ejected.(3)If the person against whom an order has been made under sub-section (2) fails to carry out the order of the Collector within such time, as may be specified in the order, the Collector shall proceed to put the allottee in possession of the allotted land or part thereof as the case may be, after ejecting such person and may for that purpose use such force as may be necessary.]

Chapter X

Acquisition of land from land-holders holding more than one acre

28. State Government may acquire certain portion of land from landholders holding more than one acre.

(1)The State Government may, by notification published in the Official Gazette, apply the provisions of this Chapter to such area or areas as it may specify.(2)(i)On the publication of the notification under sub-section (1), the Collector shall, by general order published in the manner prescribed in sub-section (3) of Section 6, and in such other manner, if any, as may be prescribed call upon all land-holders holding land in the said area which together with any other land held by him anywhere else in the State exceeds one acre to surrender to the State-(a)one-twentieth of the total area held by him in the area notified, if the total area held by him throughout the State exceeds one acre but does not exceed five acres;(b)one-tenth of the total area held by him in the area notified, if the total area held by him throughout the State exceeds five acres but is less than twenty acres;(c)one-sixth of the total area held by him in the area notified, if the total area held by him throughout the State is twenty acres or more; and for that purpose to submit such return within such time as may be prescribed:Provided that any area of land which the land-holder has donated to the Bhoodan Yagna Committee established under the Bihar-Bhoodan Yagna Act, 1954 (XXII of 1954) or to Acharya Vinoba Bhave for the purposes of the Bhoodan Movement on or after the twenty-fifth day of December, 1960. shall be set off towards the area which the land-holder is required to surrender to the State under the provisions of this Chapter:Provided further that the land required to be surrendered under clause (a) shall not exceed such limit as to leave less than one acre of land with the landholder, and the land required to be surrendered under clause (b) or (c) shall not exceed such limit, as to leave with the land-holder an area of land smaller than the maximum area permitted to be retained after surrender under clause (a) or (b) respectively.(ii)A land-holder holding land in the area notified and also holding land outside such area anywhere in the State shall be entitled to surrender the required area out of his land situate at any place in the State.(iii)If the land-holder is a minor or a person of unsound mind, the return required under this section shall be submitted by his guardian.(3)Where a land-holder or his guardian, as the case may be, fails to submit the return required under sub-section (2), without sufficient cause, the Collector may, after giving him a

reasonable opportunity of being heard and adducing evidence, impose a fine which may extend to fifty rupees.(4)If any such land-holder or his guardian, as the case may be, fails to submit the return under sub-section (2), the Collector may obtain the necessary information through such agency as he thinks proper.(5)(i)Whenever it comes to the notice of the Collector that a land-holder holding land in excess of one acre or his guardian, as the case may be, has not submitted the return under sub-section (2) or has submitted a return containing incorrect particulars, the Collector shall cause a notice to be served on him directing him to submit the return or the correct particulars, as the case may, be, within sixty days of the service thereof.(ii)If any person fails, without sufficient cause, to submit the return in compliance with the notice served under clause (1) within the period specified in the notice or within such extended period as may be allowed by the Collector in this behalf, the Collector may, after giving the person concerned a reasonable opportunity of being heard and adducing evidence impose a fine which may extend to ten rupees for every day after the expiry of the said period or the extended period until the return is submitted:Provided that where the amount of fine exceeds five hundred rupees, the Collector shall refer the matter to the Commissioner of the division whose order thereon shall be final.(iii)The Commissioner of the division may, at any time, on his own motion or on an application made by the said person revise any order of the Collector imposing any fine and the order of the Commissioner on such revision shall be final.(6)(i)On the basis of the information given by or on behalf of the land-holder under sub-section (2), or clause (i) of sub-section (5), or the information obtained by the Collector under sub-section (4), checked in the prescribed manner, the Collector shall cause a draft statement to be published containing the area and description of the land which the land-holder has offered to surrender and such other particulars as may be prescribed.(ii)The provisions of sub-section (2) and sub-section (3) of Section 10 and Section 11 shall apply mutatis mutandis to such statement.(7)On the final publication of the statement the land specified therein as the land which the land-holder shall surrender shall be deemed to be surplus land and the provisions of Section 15 and the other provisions of this Act which apply to surplus land shall, so far as may be, apply thereto.(8)For the purpose of this section 'land' does not include home-stead, tank or any land on which any structure stands.

Chapter XI Exemptions

29. Exemptions.

(1)(a)The provisions of this Act shall not apply to-(i)land in possession of the Central Government or The State Government;(ii)land in possession of local authorities or of Gram Panchayats established under the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948);(iii)land vested in the Bhoodan Yagna Committee established under the Bihar Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954);(b)The provisions of Section 5 and Section 28, shall not apply to-(i)lac-brood farms operated by the Indian Lac Cess Committee constituted under Section 4 of the Indian Lac Cess Act, 1930 (24 of 1930);(ii)[* * * *] [Omitted by Act 7 of 1978 and shall be deemed always to have been omitted.](iii)[* * * *] [Omitted by Act 12 of 1976.](iv)[such extent of land held on the date of commencement of this Act, by educational institutions, Universities, Research Councils or Research Institutes recognised by the State hospitals, maternity homes and Orphanages, as may be notified by

the State Government in this behalf, so long as they continue as such; [Substituted by Act 1 of 1973.](v)such extent of land held on the date of commencement of this Act by such public or charitable bodies or religious institutions of public nature, running educational Institutions, hospitals, maternity homes and Orphanages, as may be notified by the State Government in this behalf, so long as they continue as such:](vi)[land required in connection with any other non-agricultural or industrial purpose, to the extent approved by Government, so long as they continue as such; [Clause (vi) omitted and clauses (vii) and (viii) re-numbered as clauses (vi) and (vii) respectively by Act 1 of 1973.](vii)any land awarded for gallantry in the First World War or in the Second World War or subsequently:Provided that the exemption under this clause shall remain in force only for the life time of the person to whom the award is made.](viii)[Land held by [Added by Act IX of 1973.](a)Banking companies as defined in Section 5 of the Banking Regulation Act, 1949.(b)The State Bank of India constituted under the State Bank of India Act, 1955.(c)Subsidiary Banks as defined in the State Bank of India (Subsidiary Bank) Act, 1959.(d)Corresponding new Banks constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970.(e)The Co-operative Banks.(f)Any other financial institution notified by the State Government as bank for the purposes of this Act.](2)[(a) The State Government may, by notification in the Official Gazette, exempt from the operation of Section 5-(i)sugarcane farms owned and operated on the date of commencement of the Act, by sugar factories holding a licence under any law relating to sugar factories for the time being in force to such extent as may be determined in the prescribed manner to be necessary for the production of sugarcane seeds but in no case exceeding one hundred acres;(ii)So much of land not exceeding fifteen acres of Class I land or equivalent area of other classes owned and held under personal cultivation by any religious institution of a public nature on the date of the commencement of the Act as may be determined by the Collector in the prescribed manner to be necessary for the purposes of performing religious rites and maintenance of the religious institutions".](b)The exemption under this sub-section shall be valid only so long as the purpose mentioned therein continue to be carried out.

Chapter XII

Miscellaneous

30. Appeals.

- [(1) (a) An appeal shall lie from any final order passed by any officer vested with the power of the Collector under this Act other than the Collector of the district to the Collector of the district or any other officer specially authorised in this behalf by the State Government within thirty days, of such an order.(b)An appeal shall lie from any final order passed by the Collector of the district to the Commissioner of the Division within thirty days of such an order:Provided that no appeal shall lie against orders passed under Section 5 and Section 29 before the final publication of the draft statement under sub-section (1) of Section 11:Provided further that appeal against orders passed under Section 5 and Section 29 shall be filed within thirty days from the date of final publication under sub-section (1) of Section 11.] [Substituted by Act 55 of 1982.](2)[An appeal under this Section shall be heard and disposed of in the prescribed manner.] [Substituted section (2) omitted and (3) renumbered as (2) by Act 55 of 1982.](3)[An appeal shall be disposed of within the period of

six months: Provided that if for any reason it is not disposed of within the period of six months, the reasons shall be recorded in writing by the Appellate Authority. (4)(i) The Collector of a district may initiate a fresh proceeding under the Act if, upon his own knowledge or information, he is satisfied that a land holder, in a proceeding under the Act, by fraudulently or by misrepresentation of facts or law, has managed to obtain an order from any of his subordinate authority with a view to defeat the objects of the Act or any provision thereof and retains land in excess of the ceiling area. (ii) The Commissioner of a division shall exercise the similar power & authority as the collector of a district where a land holder has obtained similar order from the Collector of a district falling within his Jurisdiction under similar circumstances: Provided that before initiating such proceeding under the Act, the Collector of a district or the Commissioner of a division, as the case may be, shall issue a notice to the land holder to show cause as to why land ceiling proceeding may not be initiated on the ground mentioned in the notice: Provided further that no such proceedings shall be initiated in the cases decided by Board of Revenue or other Higher Courts.] [Added by Act No. 18 of 2016, dated 2.9.2016.]

31. Power of Collector of district to make distribution of work and to withdraw or transfer cases.

(1) If the same local area is assigned to two or more officers exercising the powers of Collector under this Act, the Collector of the district may assign to each of them such business under this Act cognizable by him, as he thinks fit. (2) The Collector of the district may, at any time—(a) transfer any application or proceeding pending before him to any officer exercising the powers of Collector under this Act, or withdraw any such application or proceeding pending before any such officer and either dispose it of himself or transfer it to any other such officer for disposal; and (b) withdraw any appeal pending before any authority below his rank, prescribed under sub-section (1) of Section 30 and either dispose it of himself or transfer it for disposal to any other such authority. (3) The Authority or Officer to whom any application, proceeding or appeal is transferred under this section shall deal with and dispose of it, as if it had been preferred before him.

32. [Revision to the Board of Revenue. [Substituted by Act 22 of 1976.]

(1) A revision shall lie to the Board of Revenue from any appellate order passed by a Collector [or a Commissioner] [Inserted by Act 1 of 1973.] within thirty days of such order. (2) When a reference is made to the Board of Revenue under Section 38 or a revision is filed under sub-section (1) of this section, the Board may, after hearing the parties, confirm, modify, or set aside the order. (3) The Board of Revenue may of its own motion or on an application made to it, call for from the Collector any document or record in connection with any enquiry conducted by the Collector or may direct the Collector to institute, for the purposes of this section, an enquiry and to submit his findings to the Board. (4) [A revision shall be disposed of within the period of three months: Provided that if for any reason it is not disposed of within the period of three months, the reasons shall be recorded in writing by the revisional authority.] [Added by Act No. 18 of 2016, dated 2.9.2016.]

32A. [Abatement of appeal, revision, review or reference. [Inserted by Act 55 of 1982.]

- An appeal, revision, review or reference other than those arising out of orders passed under Section 8 or sub-section (3) of Section 16 pending before any authority on the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) [Ordinance, 1981 (Bihar Ordinance No. 66 of 1981)], shall abate :Provided that on such abatement, the Collector shall proceed with the case afresh in accordance with the provisions of Section 10 :Provided further that such appeal, revision, review or reference arising out of order passed under Section 8 or sub-section (3) of Section 16 as has abated under Section 13 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982 [shall stand automatically restored before the proper authority on the commencement of this Act.] [Substituted by Act 21 of 1987.]

32B. [Initiation of fresh proceeding. [Inserted by Act 55 of 1982.]

- All those proceedings, other than appeal, revision, review or reference referred to in Section 32-A pending on the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1982, and in which final publication under sub-section (1) of Section 11 of the Act as it stood before the amendment by aforesaid Act, had not been made, shall be disposed of afresh in accordance with the provisions of Section 10 of the Act.]

33. Authorities under this Act to have powers of Civil Court.

- The Board of Revenue, the Appellate Authority and the Collector shall have the same powers in making enquiries under this Act, as are vested in a Court under the Code of Civil Procedure, 1908 (V of 1908), in trying a suit, namely :-(a)Admission of evidence by affidavits;(b)summoning and enforcing the attendance of any person and examining him on oath;(c)compelling the production of documents; and(d)award of cost.

34. Inquiries and Proceedings to be judicial proceedings.

- All inquiries and proceedings under this Act before the Board of Revenue, Appellate Authority or the Collector shall be deemed to be judicial proceedings for the purposes of Sections 193, 196 and 228 of the Indian Penal Code, 1860 (XLV of 1860).

35. Power of Collector to ask for information, etc.

- The Collector may, at any time by a written order served in the prescribed manner, require any landholder or other person or his agent to produce at a time and place specified in the order such documents, or to furnish, on affidavit or otherwise, such information relating to any land as he may consider necessary for giving effect to any of the provisions of this Act.

36. Penalty.

- If any person wilfully contravenes any provision of this Act, or of any rule made thereunder or fails to comply with any lawful order made thereunder, or contravenes any such order or offers resistance or obstruction to the taking of possession of any land [or evicts or threatens to evict any person who has been allotted any land] [Inserted by Act 55 of 1982.] in accordance with any lawful order made under this Act, or furnishes information which he knows or has reason to believe to be false or does not believe to be true, such person shall be punished with imprisonment of either description which may extend to one year or with fine which may extend to two thousand rupees or with both :Provided that no court shall take cognizance of any offence under this Section except with the previous sanction of the Collector of the district.[x x x] ['Second Proviso' omitted by Act 55 of 1982.]

37.

[* * *] [Section 37 deleted by Act 8 of 1997.]

38. Summary acquisition.

(1)[(i) If any person is found by the Collector, at any time after the expiry of the period prescribed under Section 15 or 18 to be in possession of any area of land in excess of the area he may hold under Section 5, the Collector shall give such person or other persons, if any, who may prefer any claim in respect of the land in question, a reasonable opportunity as may be prescribed to show cause and adduce evidence, if any, why the said excess area should not be acquired by the State Government.] [Substituted by Act 55 of 1982.](ii)If the Collector holds that there is any excess area which should be acquired, he shall give the person concerned a reasonable time to select any land of his equivalent to such excess area.(iii)If no selection is made by the said person within the time allowed by the Collector or if the selection made is not accepted by the Collector on the ground that the land is encumbered, the Collector shall determine which particular land should be declared as the excess land for the purpose of this section.(iv)The Collector shall then make an order declaring that the excess land is acquired by the State Government and on such declaration being made, the land shall be deemed to have vested in the State with effect from the date of such declaration:[Provided that such an order of the Collector shall take effect on confirmation by the Board of Revenue as provided in sub-section (2) of Section 32.] [Substituted by Act 22 of 1976.](2)Whenever any such land is acquired under this section, compensation shall be paid at half the rate admissible under sub-section (1) of Section 23 for such land.

39. Power of officers to enter upon land.

- The prescribed authority or the Collector or any person acting under his order may, at any time, enter upon any land, but not a dwelling house, with such other officers or persons as he considers necessary and make a survey and take measurements thereof or do any other act which he considers necessary for carrying out the purposes of the Act.

40. Indemnity.

(1) No suit or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. (2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered by virtue of any provisions of this Act, or by anything which is in good faith done or intended to be done in pursuance of this Act or any Rule or Order made thereunder.

41. Court-fees.

- Every application, memorandum of appeal or application for revision, under this Act, shall bear court-fee stamp of such value as may be prescribed.

42. Sums payable under this Act recoverable as public demand.

- Any sum payable under this Act, other than a sum payable by the State Government, shall be recoverable as a public demand under the Bihar and Orissa Public Demands Recovery Act, 1914 (B. & O. Act IV of 1914)

43. Bar of jurisdiction of Civil Court.

(1) Save and except as provided in this Act no Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act, required to be settled, decided or dealt with by the Board of Revenue [xxxx] [Word 'Commissioner' omitted by Act 22 of 1976.] the Appellate Authority or the Collector. (2) No order of the Board of Revenue, [x x x] [Word 'Commissioner' omitted by Act 22 of 1976.] the Appellate Authority or the Collector made under this Act, shall be questioned in any Court.

44. Preparation of Record of Rights.

- The State Government may, for the purposes of this Act, cause to be prepared and published a Record of Rights in accordance with the provisions contained in Chapter X of the Bihar Tenancy Act, 1885 (VIII of 1885), or under Chapter XII of the Chotanagpur Tenancy Act, 1908 (Ben. Act VI of 1908) or under the Santhal Parganas Settlement Regulations, 1872 (Reg. III of 1872) as the case may be.

45. Power of State Government to make Rules.

- [(1) The State Government may, make Rules not inconsistent with the provisions of this Act, to carry out all or any of the purposes of this Act.] [Substituted by Act 1 of 1973.] (2) Every Rule made under this Section shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one

session or in two successive sessions and if, before expiry of the session in which it is so laid or the sessions immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the Rule should not be made, the Rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

45A. [Directions by the State Government. [Substituted by Act 7 of 1978.]

- The State Government may, from time to time, give to the Collector of the district such general or special directions as the State Government may think fit to carry into effect the provisions of this Act.]

45B. [State Government to call for and examine records. [Substituted by Act 7 of 1978.]

- The State Government [x x x x x] may, at any time, call for and examine any record of any proceeding disposed of by a Collector under the Act and may, if it thinks fit, direct that the case be re-opened and disposed of afresh in accordance with the provisions of the Act.]

45C. [Substitution of legal representative in case of death of landholder. [Inserted by Act 55 of 1982 and shall be deemed always to have been inserted.]

- If the land-holder dies during the pendency of a proceeding, appeal or revision under this Act the Collector or the Appropriate Authority, as the case may be, shall on an application made in this behalf or on his own motion substitute the name of the legal representatives in the manner prescribed in the Rules, and proceeding, appeal or revision shall thereon continue to proceed against the substituted land-holder or holders.]

45D. [[Added by Act No. 18 of 2016, dated 2.9.2016.]

After repeal of section-45 B of this Act, proceedings pending before the State Government or the Bihar Land Tribunal shall be deemed to be abated and the proceeding reopened earlier under deleted section-45 B and pending before the collector shall also stand abated.]

46. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do anything not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

47. [Correction of clerical or arithmetical errors. [Inserted by Act 55 of 1982 and shall be deemed always to have been inserted.]

- Clerical or arithmetical mistakes in orders passed under this Act or any such error apparent on the face of the record existing in any document prepared under any provision of this Act may at any time be corrected by the Collector or the Appropriate Authority under the Act either of its own motion or on the application of any person interested.][Chapter XIII] [Repealed vide Section 22 of Bihar Land Tribunal Act, 2009 (Bihar Act 9 of 2009) dated 3.9.2009.] The Bihar Land Reforms Tribunal

48. Tribunal under Article 323B of the Constitution of India for land reforms matters.

- The authority referred to in clause (b) of Section 2, the Appellate Authority referred to in Section 30, the Board of Revenue referred to in Section 32 and Bihar Land Reforms Tribunal constituted under Section 50 shall be the hierarchy of tribunals for purpose of sub-clause (a) of clause (3) of Article 323 B of the Constitution, for adjudication or trial of any dispute or complain with respect to land reforms matter arising under this Act.

49. Special definitions.

- In this Chapter, unless the context otherwise requires. -(a)"Chairman" means Chairman of the Bihar Land Reforms Tribunal.(b)"Member" means member of the Bihar Land Reforms Tribunal.

50. Constitution of the Bihar Land Reforms Tribunals

(1)The State Government shall, by Notification in the Official Gazette, constitute for the State a Tribunal called the Bihar Land Reforms Tribunal (hereinafter referred to as the Tribunal) for the purpose of this Act.(2)The Tribunal shall exercise the powers and functions conferred on by or under the Act.(3)The Tribunal shall consist of a Chairman and two other members appointed by the State Government.(4)No person shall be qualified for appointment. - (a) as Chairman of the Tribunal unless he is or he is qualified to be appointed as or he has been a Judge of a High Court;(b)as a member of the Tribunal unless he has been. - (i) the Secretary to Government, Law Department, or the District and Sessions Judge for a period of not less than three years; or(ii)an Officer of the Government not below the rank of Commissioner and Secretary to Government, whether in the Secretariat or, elsewhere, and who has dealt with Land Reforms measures during his services in the Government in any capacity for a period of not less than one year in the aggregate.(5)Any vacancy in the office of the Chairman, or any member shall be filled by the Government in accordance with the provisions of this Chapter.

51. Terms and conditions of service of Chairman and member.

(1)No persons shall be appointed or shall continue in the office of the Chairman if he has attained the age of sixty-five years.(2)No person shall be appointed or shall continue in the office as the member if he has attained the age of sixty-two years.(3)There shall be paid to Chairman and the member such salaries and allowances as may be prescribed.(4)The other terms and conditions of service of the Chairman and the members shall be such as may be prescribed.

52. Powers of the Tribunal.

- The Tribunal shall have power to entertain any application against the order passed by the Board of Revenue and shall have powers vested in the Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) including the power to punish for contempt of court.

53. Procedure of the Tribunal.

(1)Subject to the provisions of the Act, or any Rule made thereunder, the Tribunal may, by order, regulate its practice and procedure.(2)All applications filed before the Tribunal shall be in the prescribed form and shall be verified in the prescribed manner.(3)Every order passed by the Tribunal shall be final and shall not be called in question in any court including the High Court under Article 226 or 227 of the Constitution of India except the Supreme Court as provided under Section 54.(4)The functions of the Tribunal shall be exercised. - (i) by a bench consisting of Chairman and two other members, or(ii)by a bench consisting of two members constituted by the Chairman; or(iii)by a single member, nominated in this behalf by the Chairman, in such cases as he deems fit.Explanation. - The single member referred to in clause (iii) may be either the Chairman or any other member:Provided that if any case, which comes up before a single member (who is not the Chairman) or a bench (of which the Chairman is not a member), involves a question of law, such single member or bench in his or its discretion reserve such case for decision by a bench of which the Chairman shall be a member.(5)(a)Where an application is heard by a bench consisting of the Chairman and two other members and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority.(b)Where an application is heard by a bench consisting of two members and the members are divided in their opinion on any point, the point shall be referred for decision to a bench consisting of the Chairman and two other members.

54. Bar of Jurisdiction of all Courts except the Supreme Court.

- Notwithstanding anything contained in any other law, the jurisdiction of all Courts except the jurisdiction of the Supreme Court under Article 32 and Article 136 of the Constitution, is excluded with respect to any matter which is by or under this Act required to be decided or dealt with by any authority, appellate court, the Board of Revenue and the Tribunal.

55. Bar of writs in High Court.

- No writ shall lie in the High Court to set aside or modify any proceeding or order taken or made by any authority, Appellate Court, the Board of Revenue and Tribunal.

56. Penalty for contravention of order of Tribunal.

- Any person who wilfully fails to comply with any summons, requirement, direction or order issued or made by the Tribunal, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

57. Cognizance and trial of offences.

(1) No Court shall take cognizance of an offence punishable under Section 56, save on a complaint made by the State Government or by any officer empowered by the Tribunal in this behalf. (2) A Judicial Magistrate of the first Class shall try an offence under this Chapter.

58. Power of the Tribunal to call for record.

(1) The Tribunal may, on its own motion or on an application call for and examine any record of any proceedings disposed of by a Collector, the Appellate Authority and the Board of Revenue under this Act to satisfy itself as to the regularity of such proceeding or the correctness or legality or propriety of any decision passed or order made therein, and if, in any case, it appears to the Tribunal that any such decision or order should be modified, annulled, reserved or remitted for reconsideration, it may pass order accordingly : Provided that every application to the Tribunal for the exercise of the powers under this section shall be preferred within such period as may be prescribed : Provided further that the Tribunal may admit an application after the expiration of the prescribed period if it is satisfied that the party concerned had sufficient cause for not presenting it within such period : (2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

59. Transfer of proceedings pending in the High Court to the Tribunal.

- All cases connected with the Land Reforms dealt under this Act and pending in the High Court immediately before the date of commencement of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1986 as would have been within the jurisdiction of such Tribunal, if the cause of action on which such proceedings are based had arisen after the said date of commencement shall stand transferred to the Tribunal with effect from the said date of the commencement. The Schedule [Part I] [Substituted by Act 9 of 1973.] Rates of compensation payable to the raiyat by the State Government for land on which there are no under raiyat-

Class I -

		Rs. 900 per acre.		
Class	-	Rs. 750 per acre.		
II	-			
Class	-	Rs. 540 per acre.		
III	-			
Class	-	Rs. 450 per acre.		
IV	-			
Class	-	Rs. 360 per acre.		
V	-			
Class	-	Rs. -	(a) Land growing crops other than paddy or rabbi or classed as Tarn II in Chotanagpur or Santhal Parganas	Rs. 150 per acre
VI	-			
(b)	Land classed as Tarn III in Chota Nagpur and Santhal Parganas.	Rs. 75 per acre		
(c)	Waste Land	Rs. 50 per acre		

Part II – Rates of compensation payable by the State Government to the raiyat for land on which there are under raiyats-

Three-fourths of the rate fixed under Part I in the case of land held by (i) occupancy under-raiyat and (2) □ of the rates fixed under Part I in case of land held by non-occupancy under-raiyats.

Part III – Rates of compensation payable by the State Government to the under raiyats who do not want to acquire raiyati status-

One fourth of the rates fixed under Part I to occupancy under-raiyats for different classes of land.

Part IV – [Rates of compensation payable by the raiyats and under-raiyats.] [Substituted by Act 55 of 1982.]

(i) Rates of compensation payable by the raiyats for resumption of lands from non-occupancy under-raiyats □ of the rate fixed under Part I. (ii) Rate of compensation payable by the under-raiyat for getting raiyati status. (a) In the case of occupancy under-raiyats, Rs. 37.50 per acre of Class I land per annum, for 30 years; and (b) In the case of occupancy under-raiyats, Rs. 43.75 per acre of Class I

land per annum, for 30 years.(iii)[* * * *] [Omitted by Act 55 of 1982.](iv)Rates of other classes of lands will bear the same proportion which the rates in Part I bear to one another.

Part V – Trees

(i)Fruit-bearing trees. - Eight times the annual fair average letting value of fruit crops.The annual fair average letting value shall be deemed to be the arithmetic means of five year's annual value.(ii)For young fruit-trees which have not yet borne fruits. - Cost of the plant and expenditure of labour and planting.(iii)Trees whose value lies in the timber thereof. - Local market value or unfilled timber of such trees according to the cubic contents thereof.Compensation for trees shall include the compensation for land on which the trees stand.

Part VI – Where instalments are prescribed for payment, payment can be made in one lump sum of all pending instalments which have not fallen due and in such a case a rebate of ten percent shall be allowed on such lump sum.

Appendix A[Executive Instructions] [These Executive Instructions were issued vide letter No. A/C.L. 1025/63-8245 L.R., dated 16.8.1963.][Executive Instructions of Government in connection to and incidental to the implementation of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, are reproduced hereunder for ready reference]Section 6(1) Public notice upon the land holders to submit returns under Section 6. - (i) The notices to be issued under Section (1) shall be signed by the Collector of the district and then these notices so signed shall be forwarded to the S.D.O. of the area concerned for necessary action for publication.(ii)The S.D.O. will immediately open a record in respect of all the villages to which the notices relate comprised within one Panchayat and take action for publication thereof, in accordance with Section 6(3) read with Rules 3, 4 and 5.(iii)A certificate shall be recorded in each record in token of having published the notices at the requisite places as required under Section 6(3).(iv)The S.D.O. will make an enquiry from the Panchayat asking for a list of persons who are likely to be effected by the ceiling limits to enable him to issue special notices.(2)Records dealing with the fixation of ceiling limits. - (a) These records may originate in any one of the following ways :(i)a return may be filed.(ii)a petition for extension of time may be received; and(iii)a special notice may be served by the Sub-Divisional Officer.(b)One record should be opened for each land-holder except in the case of a joint family where one record may cover all the co-partners.(c)The same case record will be used till the land-holder files a subsequent statement indicating the lands which he wants to retain and till statement is verified, draft is published, objections are heard and the statement under Section 11 is finalised.(d)A copy of the draft statement under Section 10(2) will be sent also to the Anchal/ Block/ Haika Karamcharis and the Gram Panchayat before inviting objections and a copy of the draft statement finally published under Section 11 will be sent to the Collector of the district/the Divisional Commissioner/and the Revenue Department for publication in the Official Gazette.A copy of the Gazette Notification will be attached to the case record and if any claim is filed, it will be heard and, decided and subject to appeal or revision, the record will then be treated as disposed

of.(3)Institution of proceedings. - A separate proceeding shall be started in respect of each case under the Act with regard to the lands of the land-holders, provided that in the case of land-holder, representing a joint family, one proceeding should be sufficient.(ii)Each proceeding will form a separate revenue record to which an order-sheet prescribed in Rule 29 of the Bihar Records Manual, 1941 (Schedule XIV-Form 565) will be attached.(iii)Each such case shall bear a serial no. and shall be prescribed as Case No. of 20..... under Section of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962).(iv)Each such case shall be entered in "Register 8-Miscellaneous case", prescribed at page 17 of the Bihar and Orissa Register and Return Manual, 1932 (copy reproduced in Appendix 1).(v)All entries in the order-shall be made by the Collector personally.(4)Issue of Notice under the Act. - (i) All notices to be issued by the Collector will, before issue of the Nazir, be entered in "Register 11-Processes of Department made over to the Nazir for service" prescribed at pages 19-20 of the Bihar and Orissa Register and Return Manual, 1932.(ii)The Nazir in his return shall enter the notices in his "Register 43-Process (other than those for realisation of money)" prescribed at page 42 of the said manual. He shall however, maintain a separate volume of this register for the purpose to be called "Register 42-Process under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961".(5)Record to be maintained by the Collector regarding resumption of land by a raiyat. - (a) On receipt of a copy of a notice given by a raiyat to his under raiyat of his intention to resume land under Section 13, a separate record shall be started by the Collector under Chapter II of the Act, and the copy will be retained therein for record and further action if any, according to Sections 12,13 and 14 of the Act, shall be taken.(b)The particulars of every such case shall be numbered serially, and all such records will be entered in a Register of "Resumption case under Chapter III of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962)" and kept in the form prescribed for "Register 8-Misc. case" at page 17 of the Bihar and Orissa Register and Returns Manual, 1932.(c)The order-sheet will be in the form given in Schedule XIV Form No. 562, as prescribed in Rule 109 of the Bihar Records Manual, 1951. Except matters of purely routine, nature, entries on the order-sheet shall be made by the Collector himself.(d)A copy of the final statement under Section 11 indicating the lands to be retained will be attached to the case record as resumption will be confined to only these lands.(e)The following miscellaneous cases will also arise under the Act-(i)Case under Section 15(5) Redemption of mortgage.(ii)Case under Section 16(3) - Preemption.(iii)Case under Section 17 - Contravention of Section 16.(iv)Case under Section 18 - Inheritance.(v)Case under Section 20 (1) - Sub-letting.(vi)Case under Section 20 (4) - Ejectment.(vii)Case under Section 20 (5) - Surrender.(viii)Case under Section 25 - Compensation for mortgage claim.(ix)Case under Section 59 - Exemptions.(x)Case under Section 35 - Information cases.(xi)Case under Section 36 - Penalties.(xii)Case under Section 37 - Dispute cases.(xiii)Case under Section 38 - Summary acquisition(xiv)Case under Section 39 - Other Miscellaneous under Section 31.A register prescribed for miscellaneous cases namely, "Register 8-Misc." as prescribed at page 17 of the Bihar and Orissa Register and Return Manual, 1932, a copy of which is reproduced in Appendix I should be maintained for the aforesaid classes of cases.(f)Appeal and Revision. - A separate register will be maintained for Revision and Appeal cases arising out of Sections 30 and 32 in the Form in "Register 15-Register of Appeals and Motion" prescribed at pages 22-23 of the Bihar and Orissa Register and Return Manual, 1932, a copy of which is reproduced in Appendix II.(6)On declarations in writing to be made and filed by the transfers under item (i) of sub-section (2) of Section 16 of the Act before

the registering authority in Form LC-12, these will be forwarded by registering officer in a bundle with a covering letter to the officer functioning as Collector under the Act. The Collector under the Act will then get the contents of the declarations checked up with assistance of the field staff.(7)(i)When an information is received in duplicate in Form LC-15 from a raiyat with regard to the land sublet by him under Section 20 of the Act, a receipt shall be granted by the Collector, or the Executive Committee of the Gram Panchayat, as the case may be, and shall be sent to the raiyat by post office or by handing it over to the raiyat or his duly authorised agent if he appears personally to receive the same. An endorsement on the information received shall also be made by the receiving officer to the effect that a receipt in token of having received the information has been granted to the raiyat subletting the land.(ti)The details contained in the information received in Form LC-15 shall be entered in a register in Form LCE-1. If the information in Form LC-15 is received by the Collector he will send a copy thereof to the Executive Committee of the Gram Panchayat concerned. Similarly, when the information is received by the Executive Committee, they will send copy to the Collector of the area concerned under the Act.(8)Compensation case may be of three categories :-Group A - Cases under Section 21;Group B - Cases under Section 22;Group C - Cases under Section 23;(i)In all these cases there is a recurring annual payment for a period for 30 years. In the first two cases, the payment will be made to Government by the under-raiyats and in the third case the payment will be made to the raiyat by Government. These cases records will deal with the assessment of compensation, publication of the statement, inviting objections and finalisation of the recurring annual payment. These records will have to be preserved for whole period for which the payments are continuing. Subject to appeal or revision, the recurring annual payment decided will be controlled through a ledger as in the case of Land Improvement and Agriculturists Loans and the case record will be consigned to the Record Room and referred to in cases of doubt. The annual recovery will be regulated through ledgers and if there is default in payment a separate case record will be started. This procedure will govern the first two groups.(ii)So far as the payments by Government are concerned, bonds will be issued and thereafter the payment will be automatically regulated by the Public Debt Office or the Treasury. In case of petty payments which may be paid in cash or in case of part amounts which may be paid in cash in addition to bonds, the amounts paid will also be noted in the case record and the records may thereafter be treated as disposed of.(iii)The progress will be controlled through a register in the form prescribed for miscellaneous cases.(9)The maintenance of records to the settlement of surplus lands under Section 27. - (i) Records in such cases should be opened village wise with a list of lands declared surplus with regard to that village after the draft statements are finally published under Section 11.(ii)The surplus lands will be made over to the Gram Panchayat wherever a Co-operative Society has been formed and the terms and conditions will have to be duly incorporated in the agreement to be executed by the Panchayat. If the Gram Panchayat is not able to form any Co-operative Society within a period of one year of the date on which the surplus lands are entrusted to the Gram Panchayat or where such lands are not situated within the jurisdiction of any Gram Panchayat, the Collector shall settle the land in the order of preference laid down in Section 27 (4) subject to the Rules made in this behalf.(iii)The Collector will get a list of persons for purposes of settlement and then after settlements are made, lands will be demarcated and pattas will be given. A specific mention in the pattas will be made that the lands are not transferable till compensation is paid.(iv)Mutation should accordingly be effected in the Government revenue record and the collecting agencies should also be informed.(v)A Register indicating each individual settlement made will be maintained in Form LCE-2.(10)Submission of

statement, return or reports regarding compensation sanctioned or paid. - The Collector shall prepare in Form LCE-2 for each calendar month a list of the land-holders to whom compensation has been sanctioned or paid by him during each calendar month and forward a copy of it to the Collector of the district, the Divisional Commissioner and to the State Government in the Revenue Department (Land Reforms Ceiling Section) on the basis of the list received from all the Collectors under the Act in the district. The Collector of the district shall prepare a district wise list in the same form and shall publish a copy of the list in his office as soon as possible, and send one copy each to the Secretary, Revenue Department Land Reforms (Ceiling) Section, Bihar/ Divisional Commissioner/ and the Accountant-General Bihar for information.(11)Periodical reports, returns, statement or information and inspections of registers, records, accounts, etc. - For carrying out all or any of the purposes of the Act or for removing any difficulty which may arise in giving effect to any of the provisions contained there in, the State Government, or any Officer to be deputed by them in this behalf, the Board of Revenue, the Land Reforms Commissioner, the Divisional Commissioner, the Collector or the Additional Collector of the district and the Sub-divisional Officer or the Deputy Collector in-charge Land Reforms of the Subdivision may :-(i)call for, by an order in writing from the Collector, under the Act or any other authority subordinate to them or below their rank as the case may be, of the area concerned, such periodical reports, returns statement or information as may appear to be necessary from time to time; and(ii)inspect, when any occasion arises, or at regular intervals, all or any of the registers, records and accounts maintained by the Collector or any authority subordinate to them under the Act or the Rules made thereunder, and record a memorandum or notes of inspections held by them, provided that if any such inspection is held by as if any such inspection is held by the Collector of the district, or the Divisional Commissioner, or the Board of Revenue, a copy thereof shall be forwarded to the State Government in the Revenue Department (Land reforms Ceiling Section) for their information.

Form L.C.E. 1Registers to be maintained by the Collector under the Act/Gram Panchayat for entering details of the information received in form LC-15 from a raiyat with regard to the land sublet by him, and also surrender of land if any made by the sub-lessee.[Vide Rule 22, read with Section 20(i) and 20(5)](1)Serial no.(2)Date on which the information in Form LC-15 was received in Office (Quote also the office no. and date of the memo, by which acknowledgement receipt was granted).(3)Name of the raiyat in whose behalf the land is sublet, together with his full address.(4)Name of the person to whom the land has been sublet, together with his full address.(5)Description of the land sublet-(i)Name of the village in which the land sublet is situated.(ii)Khata no. plot no. and area sublet of each plot.(iii)Classification of the land, such as I, II, III, IV and V as specified in Section 4.(iv)description of the land such as land for agricultural or horticultural or homestead purposes for growing Kharhur, Banswari, fodder, etc.(6)Date when the document by which the land has been sublet was registered under the Indian Registration Act.(7)Term of lease-date when it commences and date when it will expire.(8)Signature of the Collector/ Office-bearer on behalf of the Executive Committee of the Gram Panchayat.(9)Remarks, if any.

Form L.C.E. 2Register of settlement of surplus land under Section 27 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.(1)Serial no.(2)Name of person with whom land settled, together with father's name and full address.(3)Area and description of lands settled, location, village, P.O., P.S., Anchal, etc.(4)Classification such as I, II, III, IV and V as specified in Section 4 of the Act.(5)Description of holdings-Plot no.Area.(6)Date with effect from which the settlement will take effect.(7)Rent assessed on the land.(8)Date of order sanctioning the settlement and the number

and year of the settlement case record.(9)Whether the land has been demarcated and delivered?(10)Date and number of the patta issued.(11)Signature of the Collector.

Form L.C.E. 3List of land-holders to whom compensation has been sanctioned or paid in the calendar month of 20 by the Collector under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962).

(1)Serial no.(2)Name of the land-holder entitled to receive compensation under the Act with his/ her father's name.(3)Place of residence of the land-holder with postal address, Police Station and Sub-division.(4)Number and date of publication of the notification in the Bihar Gazette under Section 15(1).(5)Total area of land of the land-holder under each class I, II, III, IV and V as specified in Section 4 of the Act with name and names of village/ villages vested in the State under the Act.(6)Amount of compensation payable under Section 23.(7)Amount, if any, deducted under proviso to Section 24.(8)Amount of compensation on account of mortgage or charge paid to the mortgagee or charge-holder in Cash/ Bond.(9)Amount of compensation sanctioned to the land-holder.(10)Amount refused or suspended or withheld or kept in deposit.(11)Amount of compensation paid to the land holder in Cash/ Bond, with date on which payment made. (For use in Audit Office).(12)In case of payment in cash, number and date of Treasury Voucher.(13)In case of Bond, number and date of the Bond with face value thereof. (For use in Audit Office).(14)Initial of the Superintendent where necessary.(15)Remarks, if any.

.....Signature of the Collector under the Act or Addl. Collector of the District(Name in Block Letters)

Appendix IRegister No. 8 - Miscellaneous Cases(1)Serial no.(2)Name of petitioner, or nature of document occasioning the case.(3)Abstract of case(4)Date of institution(5)Date of order(6)Abstract of orders(7)RemarksAppendix II

Register No. - Register of Appeals and Motions(1)Serial no.(2)Name of parties(3)Name and office of Officer against whose decision the appeal is made.(4)Date of decision of lower court.(5)Date of institution of appeal.(6)Date of order in appeal and by what Officer passed.(7)Purport of order(8)RemarksAppendix B

Appointment of OfficersNotification No. ACL-1027/63-8243-R., dated the 16th August, 1963. - In exercise of power conferred by clause (b) of Section 2 of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) the Government of Bihar is pleased to appoint-(a)All Anchal Adhikaris/ Circle Officers, Block Development Officers to discharge, within the local limits of their respective jurisdiction, the functions of the Collector under Sections 20, 33, 35 and 39 of the said Act;(b)All Land Reforms Deputy Collector to discharge, within the local limits of their respective jurisdiction ;(i)the function of a Collector under Sections 13, 14, 22, 33, 35 and 39 of the said Act; and(ii)all the functions of a Collector under the said Act except power under Sections 13, 14, 20 and 22 of the said Act;(ii)in the absence of the Land Reforms Deputy Collector, the function of a Collector under Sections 13, 14 and 22 of the said Act; and(iii)in the absence of Anchal Adhikari/ Circle Officer/ Block Development Officer and Land Reforms Deputy Collector, the function of the Collector under Section 20 of the said Acts.(ii)in the absence of Anchal Adhikari/ Circle Officer/Block Development Officer, the function of a Collector under Section 20 of the said Act; and(iii)all Officer in-charge of a sub-division of a district to discharge, within the local limits of their respective jurisdiction,-Appendix C

Form LC-13Form of application by co-sharer or a raiyat of adjoining land for transfer of land to him under section 16(3) (i) of the B.L.Ft. (F.C. Area and A.S. Land) Act, 1961 (Bihar Act XII of 1962).[See Rule 19(i)]To the Collector (appointed under Bihar Act XII of 1962.)Sir,

1. I, the under-mentioned co-sharer raiyat of the land adjoining the land of the raiyat, named of village P.S. Sub-division District beg to state that transfer of Acre/ acres of land, as described in Schedule I attached hereto, has been made by the aforesaid raiyat to a person/persons other than co-sharer or a raiyat of adjoining land through a document registered on the day 19..... under the Indian

Registration Act, 1908.2.1 beg to enclose the following documents :-(i) A copy of District/Sub-treasury challan bearing No.....dated the day of of 19 in token to having deposited a sum of Rs. equal to the amount of the purchase money together with a sum of Rs equal to ten percent thereof to the credit of the Collector under the Act of the area concerned, namely,(ii) A copy of the registered deed by which the land has been transferred by the raiyat transferor.

3. As I am a co-sharer of the transferor/ a raiyat, holding land as described in Schedule II attached hereto, adjoining the land specified in Schedule I, I hereby make this application that the land transferred by the aforesaid transferor raiyat be transferred to me on the terms and conditions contained in the sale deed.

4. I request that pending decision of the application, I may be declared to be entitled to be put in possession of the land with immediate effect.

Yours faithfullySignature of the applicant(Name in block letters)Place of filing this application
AddressVillagePolice StationPost OfficeSub-divisionDate

I

(Description of the land transferred)Name of the districtDescription of the land whether held for agriculture, horticulture or homestead.Sub-divisionPolice StationVillagePlot number of the landArea of each plotClassification of each plot(I, II, III, IV, V)

II

(Description of the adjoining land held or land held by the co-sharer)Extract from Bengal Revenue Commissioners Regulation, 1829Section 4 : Commissioners to have powers of Board of Revenue and Court of Wards. - First. - The said Commissioners shall, until otherwise specifically provided for by law, possess and exercise within the several districts comprised in their respective divisions, the powers and authority now vested in the Board of Revenue and Courts of Wards subject to the control and direction of a Sadar or Head Board, to be ordinarily stationed at the Presidency, unless

otherwise directed by the State Government and to such restrictions and provisions as the State Government or the said Sadar Board, with its authority or sanction, may prescribe etc. Extract From the Bihar and Orissa Board of Revenue Act, 1913 Section 5 : Construction of references to former Boards. - All references in any enactment or in any notification, order scheme, rule, form or by-law issued, made or prescribed under any enactment to-(a)the Board of Revenue as consistent under the Bengal Board of Revenue Regulation, 1822, and under clauses first of Section 4 of the Bengal Revenue Commissioners Regulation.(b)the Board whose functions were transferred to the said Board of Revenue by the Bengal Board of Revenue Act, 1850, shall be construed as references to the Board as reconstituted by or under this Act. Appendix D Instructions for Affidavit Regarding Transfer of land [See section 5(1) (i) Proviso] Government of Bihar Revenue Department [N.

5LR-LA-1052/70-9234/LR] From, Shri C.R. Vaidyanathan, Secretary to Government, To, The Inspector General of Registration, Bihar, Patna Patna 15, dated 12th October, 1970. Subject. - Promulgation of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1970-Filing of affidavit etc. Sir, I am directed to say that it came to the notice of the State Government that in the wake of speedy implementation of the provisions of the Ceiling Act, Surplus land-holder had taken recourse to mass-scale transfer of land by outright sale, farzi transaction, thereby defeating the very purpose of the Act. In order to put a restriction on such transfers of land by Surplus land holders the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1970, has been promulgated. The Ordinance has come into force w.e.f. 9.9.1970 and the following proviso has been inserted thereby to Section 5(i)(ii) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 : Provided that Land-holder holding land in excess of the ceiling area shall from and after the date of commencement of this ordinance and until the publication of notification under Section 15 cannot transfer any land held by him except with the previous permission in writing of the Collector, who may refuse to give such permission if he is satisfied for the reasons to be recorded in writing that the transfer is proposed to be made with a mala fide intention of defeating the object of this Act.

2. In view of the above provisions, it is necessary that all transferors should be asked to file an affidavit sworn before a Magistrate to the effect that they do not possess land in excess of the ceiling and that they do not require to obtain prior written permission of the Collector to transfer the land, along with the document presented for registration.

3.1am, therefore, to request that necessary instruction may kindly be issued to all Registering Officers of the State immediately so that no registration of document without affidavits sworn in by the transferor and the written permission of the Collector in favour of the big land holders is done. Notifications S.O. 1065, the 16th October, 1989. - In exercise of the powers conferred under Sub-section (1) of Section 30 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 as amended by Bihar Act 22 of 1976 the Governor of Bihar is hereby pleased to specially authorise the following Additional Collectors to dispose of appeals of the cases finally disposed of by the officers below their rank within respective jurisdiction.

Empowered Officers

Limitation of area.

1. Additional Collector, Jehanabad Jehanabad.
2. Additional Collector, Dumka. Dumka.
3. Additional Collector, Deoghar. Deoghar.
4. Additional Collector, Sahebganj. Sahebganj.
5. Additional Collector, Godda. Godda.
6. Additional Collector, Madhepura. Madhepura.
7. Additional Collector, Gumla. Gumla.
8. Additional Collector, Lohardagga. Lohardagga.
9. Additional Collector, Khagaria. Khagaria.

S.O. 99, dated the 30th May 1967 (Published in Bihar Gazette (extraordinary), dated 19.7.1967). - In exercise of the powers conferred by clause (b) of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), the Governor of Bihar is pleased to appoint all Land Reforms Deputy Collectors to discharge the function of a Collector under sub-section (3) of Section 16 of the aforesaid Act, within the local limits of their respective jurisdictions.S.O. 522, dated the 18th January, 1969 (Published in Bihar Gazette (extraordinary), dated 12.3.1969). - In exercise of the powers conferred by clause (b) of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), the Governor of Bihar is pleased to appoint all Land Reforms Deputy Collectors to discharge the functions of a Collector under Sections 6 and 8 of the aforesaid Act, within the local limits of their respective jurisdictions.S.O. 737, dated the 25th July, 1970. - In exercise of the powers conferred by clause (b) of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) the Governor of Bihar is pleased to appoint all Land Reforms Deputy Collector to discharge the functions of a Collector under Section 10 of the aforesaid Act, within the local limits of their respective jurisdictions.S.O. 1172, dated the 27th November, 1970 (Published in Bihar Gazette (extraordinary) dated 30.11.1970). - In exercise of the powers conferred by clause (b) of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), the Governor of Bihar is pleased to appoint all Land Reforms Deputy Collectors to discharge the functions of a Collector under Section 11 of the aforesaid Act, within the local limits of their respective jurisdictions.S.O. 454, dated the 26th May, 1971 (Published in Bihar Gazette (extraordinary) dated 3.6.1971). - In exercise of the powers conferred by clause (b) of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), the Governor of Bihar is pleased to appoint ail Land Reforms Deputy Collectors to discharge the functions of a Collector under Section 15 of the aforesaid Act, within the local limit of their respective jurisdictions.S.O. 630, dated the 16th May, 1981. - In exercise of the powers conferred by sub-section (1) of Section 15, of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), the Governor of Bihar is pleased to specially empower all Collectors of the district under the aforesaid sub-section to acquire the surplus land.S.O. 796, dated the 30th May, 1981. - In exercise of the powers conferred under clause (b) of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962), as amended by Bihar Act 22 of 1976, the Governor of Bihar is hereby pleased to appoint all Land Reforms Deputy Collectors to discharge the function of Collector under Section 5(1) (iii) of the aforesaid Act, within their respective jurisdictions.