

The Ranchi District Aboriginal Raiyat's Agricultural Lands Restoration Act, 1947

Bihar Act 11 of 1948

This Act received the assent of the Governor-General on the 30th December, 1947 and the assent was first published in the Bihar Gazette, Extra-ordinary of the 23rd January, 1948.

An Act to provide for the restoration to a certain class of aboriginal *raiya*t's of certain Agricultural Lands in the district of Ranchi sold for arrears of rent in pursuance of any movement launched or believed to have been launched by the Indian National Congress in any of the years 1930 to 1942.

Whereas it is expedient to provide for the restoration to a certain class of aboriginal '*raiya*t's' of agricultural lands in the district of Ranchi sold in execution of decrees for arrears of rent in pursuance of any movement launched or believed to have been launched by the Indian National Congress in any of the years 1930 to 1942;

It is hereby enacted as follows :-

1. Short title. - This Act may be called the Ranchi District Aboriginal '*Raiya*t's', Agricultural Lands Restoration Act, 1947.

2. Definitions. - In this Act, unless there is anything repugnant in the subject or context,-

- (1) "*aboriginal raiyat*" in relation to any agricultural land in the district of Ranchi sold in execution of a decree for arrears of rent means a *raiya*t or under *raiya*t belonging to a backward tribe as defined in Part III of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, and claiming the membership of an association commonly known as *Tana Bhagats* and specified in an order made in this behalf by the Deputy Commissioner within three months from the date of the commencement of this Act as having defaulted the payment of rent in pursuance of any movement launched or believed to have been launched by the Indian National Congress in any of the years 1930 to 1942 (hereinafter referred to as the Congress Movement);
- (2) "*decree*", includes a certificate issued under the Bihar and Orissa Public Demands Recovery Act, 1914; (B. & O. Act IV of 1914).
- (3) "*Deputy Commissioner*" means the Deputy Commissioner of Ranchi or any Revenue officer not below the rank of a Deputy Collector who is specially empowered by the Deputy Commissioner to discharge any of the functions of the Deputy Commissioner under this Act;
- (4) "*holding*" means a parcel or parcels of land held by an aboriginal '*raiya*t' within a separate tenancy and includes a portion of undivided share in such land;
- (5) "*prescribed*" means prescribed by rules made under this Act;
- (6) "*Raiya*t", "*under-raiya*t" and "Revenue officer" shall have the same meanings as respectively assigned to them in the Chota Nagpur Tenancy Act, 1908; (Bengal Act VI of 1908), and
- (7) Any work which is an "*improvement*" in relation to a *raiya*t holding under Section 76 of the Bihar Tenancy Act, 1885 (VIII of 1885), shall be deemed to be an "*improvement*" in relation to a holding for purposes of this Act.

3. Effect of provisions of this Act where inconsistent with other law. - The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

4. Procedure for effecting restoration of holdings sold for arrears of rent. - If the holding of any

aboriginal *raiyat* has been sold in execution of a decree for arrears of rent in any of the years, 1930 to 1942 in pursuance of the Congress Movement and if the aboriginal *raiyat* or, if he is dead, his legal representative-

- (a) applies in the prescribed form and in the prescribed manner to the Deputy Commissioner within twelve months from the date of the commencement of this Act for the restoration of such holding to his ownership and possession, and
- (b) deposits with the Deputy Commissioner within the time allowed by him such sum as may be determined by him having regard to the amount for which the holding was sold to the auction-purchaser or alienated to the person in possession of the holding either, in whole or in part, by means of a *bona fide* transfer for valuable consideration and the amount of any compensation for improvements effected to the holding which the Deputy Commissioner may deem fair and equitable.

The Deputy Commissioner shall make an order in writing restoring such holding to the ownership and possession of such aboriginal *raiyat* or, as the case may be, or his legal representative :

Provided that the Deputy Commissioner before making an order under this section shall make an enquiry in the prescribed manner after giving the parties interested a reasonable opportunity of being heard.

5. Effect of order for restoration of land. - When the Deputy Commissioner makes an order under Section 4 restoring any holding or land sold to the ownership and possession of an aboriginal *raiyat* or his legal representative, such order shall have effect from such date as may be fixed by the Deputy Commissioner and if, on or before that date, the person in possession of the holding or land sold, has not yielded possession thereof to such aboriginal *raiyat* or his legal representative, the Deputy Commissioner may of his own motion, and shall, on the application of the aboriginal *raiyat* or his legal representative, eject such person and place such aboriginal *raiyat* or, as the case may be, his legal representative in possession of the holding or land sold.

6. Manner of payment of compensation for land restored. - (1) If the auction-purchaser of any holding or land in respect of which an order under Section 4 has been made has not alienated the whole or any part of the holding or land purchased by him and is in possession thereof, the amount deposited with the Deputy Commissioner under clause (b) of Section 4 shall be paid to him on his application and in the prescribed manner.

(2) If the auction-purchaser of such holding or land has alienated the same or any part thereof prior to the date of the order, under Section 4, the amount deposited with the Deputy Commissioner under clause (b) of Section 4 shall be paid on the application of the person entitled to payment under this sub-section and in the prescribed manner,-

- (a) in the case of alienation by means of-
 - (i) a *bona fide* sale or exchange for valuable consideration, or
 - (ii) a *bona fide* gift by registered instrument, or
 - (iii) a usufructuary mortgage, to the person in possession of the holding or land sold or, if more than one person are in possession thereof, to all such persons in such proportions as the Deputy Commissioner may deem fair and equitable;
- (b) in the case of alienation by means of a *bona fide* lease for valuable consideration to the auction-purchaser and any person or persons claiming through the auction-purchaser and in possession of

the holding or land sold, in such proportions as the Deputy Commissioner may deem fair and equitable.

7. Appeals. - (1) An appeal shall lie from an order passed under Section 4,-

- (i) if such order is passed by an officer, other than the Deputy Commissioner; to the Deputy Commissioner.
- (ii) if such order is passed by the Deputy Commissioner to the Commissioner;

and the decision of the Deputy Commissioner or of the Commissioner on any such appeal shall be final.

(2) Appeals under this section shall be heard and disposed of in accordance with the prescribed procedure.

8. Exclusion of jurisdiction of Civil Court and High Court. - Neither the High Court nor any Civil Court shall have jurisdiction in any matter which the Deputy Commissioner is empowered to dispose of under this Act and the order of the Deputy Commissioner under any provision of the Act shall, subject to the provisions of Section 7 be final and shall not be questioned in any Court.

9. Power of Deputy Commissioner in emergency. - Notwithstanding anything contained the foregoing provisions, if, in the course of an enquiry made in respect of an application made under Section 4, the Deputy Commissioner considers that the enquiries, procedure and appeals, referred to in this Act will occupy such length of time as in the meantime to endanger the maintenance of peace or public order, the Deputy Commissioner with, the sanction of the Commissioner, may, pending the completion of the said enquiry, procedure and appeals, take possession of the holding or land in respect of which the application has been made, retain it in his *khas* possession or get it cultivated by such person and subject to such terms as may from time to time be fixed by the Deputy Commissioner and dispose of the net income, if any, derived therefrom in the prescribed manner.

10. Power to make rules. - (1) The Provincial Government may make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

- (a) the form of the application made under clause (a) of Section 4;
- (b) the manner in which an aboriginal *raiyat* or his legal representative is to apply to the Deputy Commissioner under clause (a) of Section 4;
- (c) the procedure for enquiries for the purposes of Section 4;
- (d) the manner in which the payments referred to in Section 6 are to be made;
- (e) the procedure to be followed in hearing and disposing of appeals under Section 7;
- (f) the manner in which the net income, if any, derived from the holding or land referred to in Section 9 shall be disposed of; and
- (g) generally, any matters incidental to the purpose of this Act