

# The Ranchi District Tana Bhagat Raiyats' Agricultural Lands Restoration Act, 1947

Bihar Act 1 of 1948

This Act received the assent of Governor-General on the 30th December, 1947 and published in Bihar Gazette (extra-ordinary) dated 23.1.1948.

An Act to provide for the restoration to [Tana Bhagat] *Raiyats* of Certain Agricultural Lands in the District of Ranchi sold for arrears of rent in pursuance of any [Freedom movement] launched or believed to have been launched [xxx] in any of the years [1913] to 1942;

Whereas it is expedient to provide for the restoration to [Tana Bhagat] *raiya*ts of agricultural lands in the district of Ranchi sold in execution of decrees for arrears of rent in pursuance of any [Freedom movement] launched or believed to have been launched [xxx] in any of the years [1913] to 1942;

It is hereby enacted as follows :-

**1. Short title.** - This Act may be called the Ranchi District [Tana Bhagat] *Raiyats'* Agricultural Lands Restoration Act, 1947.

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

[(1) "*Tana Bhagat 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 who defaulted in payment of arrears of rent or any decree for such arrears in pursuance of any freedom movement launched or believed to have been launched in any of the years 1913 to 1942;]

(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 officer not below the rank of a Sub-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 a [Tana Bhagat] *raiya*t within a separate tenancy and includes a portion or undivided share in such land;

(5) "*prescribed*" means prescribed by rules made under this Act;

(6) [ "*raiya*t and under-*raiya*t" ] 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 word 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.** - (1) If the holding of any Tana Bhagat *raiya*t has been sold in execution of a decree for arrears of rent due to the default, in payment of such arrears or decree, made by such *raiya*t in pursuance of any freedom movement launched or believed to have been launched in any of the years 1913 to 1942, the Deputy Commissioner shall, on an application made in the prescribed form and in the prescribed manner by the Tana Bhagat *raiya*t or if he is dead, his legal representative or any other person duly authorised in

this behalf by such Tana Bhagat *raiyat* or his legal representative, for the restoration of such holding to the ownership and possession of the Tana Bhagat *raiyat* or, as the case may be, his legal representative, make an inquiry in the prescribed manner after giving the parties interested a reasonable opportunity of being heard.]

(2) If after the inquiry under sub-section (1), the Deputy Commissioner is satisfied about the claim of such Tana Bhagat *raiyat* or his legal representative he may require him to deposit 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, in any of the ways specified in sub-section (2) of Section 6, to the person in possession of the holding, either in whole or in part, for valuable consideration and the amount of any compensation for improvements effected to the holding which the Deputy Commissioner may deem fair and equitable.

(3) If the Tana Bhagat *raiyat* or, as the case may be, his legal representative makes the deposit required under sub-section (2), the Deputy Commissioner shall make an order in writing restoring the holding to the ownership and possession of such Tana Bhagat *raiyat* or his legal representative.

(4) Notwithstanding anything contained in sub-section (1), the Deputy Commissioner may, on receipt of any information, or on his own knowledge, that the holding of any Tana Bhagat *raiyat* has been sold in execution of a decree for arrears of rent for the reasons stated in sub-section (1), initiate of his own motion proceedings for restoration of such holding to the ownership and possession of such Tana Bhagat *raiyat* or, if he is dead, to his legal representative and thereupon the provision of sub-section (1), (2) and (3) shall apply *mutatis mutandis* to such proceedings:

Provided that no proceedings shall be initiated under sub-section (1) or subsection (4) [after the 31st day of March, 1962.]

**Explanation.** - In this section-

- (i) "*parties interested*" means the auction-purchaser of the holding or any person who may be in possession of such holding by alienation in any of the ways specified in sub-section (2) of Section 6, and
- (ii) "*holding*", includes a portion of a holding.

**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 [a Tana Bhagat] *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 [Tana Bhagat] *raiyat* or his legal representative, the Deputy Commissioner may of his own motion and shall on the application of the [Tana Bhagat] *raiyat* or his legal representative, eject such person and place such [Tana Bhagat] *raiyat* or as the case may be, his legal representative in possession of the holding or land sold [and the Deputy Commissioner may for that purpose use such force as may be necessary],

**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 [sub-section (3)] 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 [sub-section (3) 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,

(ii) a *bona fide* gift by a 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 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.** - [*repealed by Section 6 of Bihar Act XVIII of 1956.*]

**10. Power to make rules.** - (1) The [State] 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 [sub-section (1)] of Section 4.

(b) the manner in which [a Tana Bhagat] *raiyat* or his legal representative is to apply to the Deputy Commissioner under [sub-section (1)] 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 2 shall be disposed of; and

(g) generally, any matters incidental to the purposes of this Act.