

The BIHAR TENANCY (AMENDMENT) ACT, 2017

Section 1 - The BIHAR TENANCY (AMENDMENT) ACT, 2017

THE BIHAR TENANCY (AMENDMENT) ACT, 2017 AN ACT To Amend the Bihar Tenancy Act, 1885 Be it enacted by the Legislature of the State of Bihar in the sixty eighth year of the republic of India as follows:- 1. Short title, extent and Commencement.(1) This Act may be called The Bihar Tenancy (Amendment) Act, 2017. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force at once. 2. Amendment in Section-118 of the Bihar Tenancy Act, 1885.Provisions mentioned in Section-118 of the Bihar Tenancy Act will be numbered as sub-section-(1) and after that the following new sub-sections-(2) and (3) shall be added :- "(2) Any raiyat interested in getting his raiyati land measured by Anchal Amin will submit a petition with proof of his right over the concerned land before the Circle Officer of the area. As and when such land measurement petition is received in the Anchal Office, the Circle Officer will examine the papers related to petitioner's right and title over the land and after his satisfaction, the petitioner will be directed to deposit Amin Fee. After deposition of Amin fee by the petitioner, the Circle Officer will fix a date for measurement of raiyati land of the petitioner and direct the Anchal Amin to measure petitioner's raiyati land and submit his report with map. The Anchal Amin will measure and demarcate petitioner's raiyati land on fixed date and submit his report with map in the Anchal Office. The Circle Officer will attach the said report of the Anchal Amin with the concerned measurement record and shall close further proceedings of the record. The Circle Officer will not pass any order regarding title over the land. If Circle Officer thinks necessary, he will inform boundary raiyats of the land about the date and time of measurement with a direction to make their presence at the time of measurement of the land by Anchal Amin. 4 [5 21 "(3) Appeal- Dissatisfied by the order of the Circle Officer regarding raiyati land measurement order/measurement report of the Anchal Amin, aggrieved person/persons will file appeal in the court of Deputy Collector Land Reforms against the measurement/measurement report within 30 days from the date of order of Anchal Adhikari/measurement report by Anchal Amin. The Land Reforms Deputy Collector may condone the delay after hearing parties in filing appeals provided he is satisfied that there are sufficient reasons for such delay. After hearing concerned parties, the Land Reforms Deputy Collector will pass order regarding measurement of such land by two or more Amins jointly or may declare measurement report of the Anchal Amin as null and void. If Land Reforms Deputy Collector is satisfied with the measurement report submitted by the joint team of Amins, then he may declare measurement report of the Anchal Amin as non-acceptable and pass an order to the effect that measurement report of joint team of Amins will prevail. If Land Reforms Deputy Collector is not satisfied with the measurement report of joint team of Amins, then he will order for re-measurement of such Section 3 - land by constituting another joint team of Amins 3. Addition of new sections in the Act 1885. The following new sections 158C and 158D shall be added after Section-158B of the said Act 1885 "158(C) Fixation of rent - (1) The power of fixing rent of Belagan /Kabil Lagan land, whose rent has not been fixed during Survey and Settlement operation period, shall vest in the Deputy Collector Land Reforms/Sub-Divisional Officer. (2) Sanction of rent fixation shall not be given in such cases in which Title Suit with regard to the holding or a part thereof is pending in the competent Court. (3) Sanction of Rent fixation shall also not be given of a holding or a part thereof, in which acquirer of an interest in the holding or part thereof have not physical possession over the holding or a part thereof. "158(D)Appeal- (1) An appeal against the order of the Land Reforms Deputy Collector/Sub-Divisional Officer shall lie before the Additional Collector/ Collector within 60 (sixty) days from the date of order. (2) The Additional Collector/Collector may, if he is satisfied that there are sufficient reasons for the delay, condone the delay in filing appeals. (3) The Additional Collector/Collector shall not pass any order modifying, altering or setting aside the order appealed against unless a reasonable opportunity of being heard has not given to the concerned parties. (4) Disposal of appeal relating to a rent fixation shall be made within 60 (sixty) working days from the date of filing of appeal. By Order of the Governor of Bihar, MANOJ KUMAR, Joint Secretary to the Government. [" & e) " [815*51+400*=? Website: <http://egazette.bih.nic.in>

