

SYNOPSIS

1. Short title
2. Repeal
3. Definitions:

**1. Short title**

(1) This Act may be called the Bihar Tenancy Act, 1885.

(2) Commencement.-It shall come into force on such date (hereinafter called the commencement of this Act) as the State Government with the previous sanction of the Central Government may, by notification in the Official Gazette, appoint in this behalf.

(3) Local extent.-It shall extend to the whole of the State of Bihar except-

(a) the areas comprised within the districts of North Chotanagpur Division, South Chotanagpur Division Palanau Division and Santhal Parganas Division; and

(b) any area constituted or deemed to have been constituted a Municipality under the Bihar and Orissa Municipal Act, 1922 (B. & O. Act 7 of 1922) or part thereof or which is under a cantonment if such area is specified in a notification issued in this behalf by the State Government

**2. Repeal**

The enactments specified in Schedule I hereto annexed are repealed in the districts to which this Act extends.

(2) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion hereof. The repeal of any enactment by

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this Act shall not revive any right, privilege, matter or thing not in force or existing at the commencement of this Act.

### **3. Definitions:**

In this Act, unless there is something repugnant in the subject or context-

(1) "Estate" means land included under one entry in any of the general registers of revenue-paying and revenue-free lands, prepared and maintained under the law for the time being in force by the Collector of a district, and includes Government khas mahals and revenue-free lands not entered in any register;

(2) "Proprietor" means a person owning whether in trust or for his own benefit, an estate or part of an estate;

(3) "Tenant" means a person who holds land under another person, and is, or but for a special contract would be liable to pay rent for that land to that person;

(4) "Landlord" means a person immediately under whom a tenant holds, and includes the Government.

(5) "Rent" means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land held by the tenant:

in sections 53 to 67, both inclusive, sections 72 to 75, both inclusive, Chapter XII, Chapter XIII and Schedule III of this Act, "rent" includes also money recoverable under any enactment for the time being in force as if it was rent;

(6) "Pay", "payable" and "payment", used with reference to rent, include "deliver", "deliverable" and "delivery";

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(7) "Tenure" means the interest of a tenure-holder or an under tenure holder;

(8) "Permanent tenure" means a tenure which is heritable and which is not held for a limited time;

(9) "Holding" means a parcel or parcels of land held by a raiyat and forming the subject of a separate tenancy;

(10) "Village" means the area defined, surveyed and recorded as a distinct and separate village in-

(a) the general land-revenue survey which has been made of the districts to which this Act extends, or

(b) any survey made by the Government which may be adopted by notification in the Official Gazette as defining villages for the purpose of this clause in any specific area; and where a survey has not been made by, or under the authority of the Government, such area as the Collector may, with the sanction of the Board of Revenue, by general or special order, declare to constitute a village;

(11) "Agricultural year" means, where the Bengali year prevails, the year commencing on the first day of Baisakh, where the Fasli or Amli year prevails, the year commencing on the first day of Asin, and, where any other year prevails for agricultural purposes, that year:

Provided that, where the State Government is the landlord, the year commencing from the first day of April shall be the agricultural year for the purposes of this Act;

(12) "Permanent Settlement" means the permanent Settlement of Bengal, Bihar and Orissa, made in the year 1793;

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(13) "Succession" includes both intestate and testamentary succession;

(14) "Signed" includes "marked" when the person making the mark is unable to write his name; it also includes "stamped" with the name of the person referred to;

(15) "Prescribed" means prescribed from time to time by the State Government by notification in the Official Gazette;

(16) "Collector" means the Collector of a district or any officer appointed<sup>5</sup> by the State Government to discharge any of the functions of a Collector under this Act;

(17) "Revenue-officer" in any provision of this Act, includes any officer whom the State Government may appoint, by name or by virtue of his office, to discharge any of the functions of a Revenue-officer under that provision;

(18) "Registered" means registered under any Act for the time being in force for the registration of documents.

(19) "To cultivate personally with its cognate expression means to cultivate on ones own account, namely:-

(a) by ones own labour; or

(b) by the labour of any member of ones family which consists of the tenant his or her spouse or spouses and their sons and unmarried daughter; or

(c) by hired labour or by servants on wages payment in cash or in kind, but not in crop share under the personal supervision of oneself or by one or more members of ones family.

Explanation (i).--In the case of an institution or Society or Trust of a public nature, capable of holding property, the land shall be

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deemed to be cultivated personally if such land is cultivated by hired labour or by servants, under the personal supervision of an employee or authorised agent or Society or trust.

Explanation (ii).--In the case of a joint family, the land shall be deemed to be cultivated personally, if it is cultivated by any member of such family.