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L.L.B Part- 3rd

Subject- Bihar Tenancy Act

Paper- 4th

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Topic- Discuss aims and purposes of the Bihar Land Reforms Act, 1950.

Discussion

Through this Act the government of Bihar legally abolished the interests (in land as well as in trees, forests, fisheries, bazaars, mines and minerals) of zamindars and tenure-holders and vested these interests in the state.

In the first phase of implementation of the Act (May-September 1952) only 155 zamindars were affected. Then in 1954 the Act was amended to facilitate 'speedier implementation'. The amendment provided for serving a general notice to all intermediaries as opposed to the provision of individual notification in the original act. Also introduced were provisions of penalty on those intermediaries who failed to relinquish the documents relating to their estates to the appropriate authorities. District collectors were also given more power to deal with erring zamindars who had taken anticipatory action at any time after 1 January 1946 to circumvent the provisions of the Bihar Land Reforms Act, 1950 by transferring or fragmenting their interests as well as by reducing or remitting rents on their holdings. To eliminate loopholes the Act was again amended in 1959. But as far as the zamindars are concerned, the built-in safeguards in the Act were not altered in substance by either of these two amendments of 1954 and 1959.

Sections 5, 6 and 7 specifically provided for the retention by intermediaries of certain interests.

Section 5 entitled an intermediary to retain possession of all homesteads and to hold them as a tenant under the state either free of rent or, if the homesteads happen to be used by the intermediary for purposes of letting out, subject to the payment of a 'fair and equitable ground-rent' to be determined by the collector.

Here "homestead" means "dwelling house used by the intermediary for the purposes of his own residence or for the purpose of letting out on rent together with any courtyard, compound ... and includes any out-buildings used for purposes connected with agriculture or horticulture and any tank, library, and place of worship appertaining to such dwelling house".

Section 6 entitled an intermediary to hold all lands in his Khas possession, used for agricultural or horticultural purposes, as raiyats under the state having occupancy rights in respect of such lands subject to the payment of a 'fair and equitable rent' to be determined by the collector. Here, Khas possession refers to land cultivated personally by an intermediary or by his own stock or servants or by hired labour or with hired stock.

Section 7 entitled an intermediary to retain possession of such buildings or structures together with the lands on which they stand as are used as golas, factories or mills, for the purpose of trade, manufacture or commerce or used for storing grains or keeping cattle or implements for the purpose of agriculture, as a tenant under the state subject to the payment of a 'fair and equitable ground-rent' to be determined by the collector.

In 1957, the Revenue Department of Bihar estimated that, when the Bihar Land Reforms Act, 1950, was passed, there were at least 2,05,977 revenue-paying, permanently settled estates in Bihar.

Later, the Land Reforms Implementation Committee suggested that there were as many as 4,74,000 intermediaries affected by the Act. It reflects the rapid sub-division of estates by intermediaries as a means of adding to the lands they were permitted to hold within the terms of the amended 1950 act.

Capitalising on the broad classification of 'Khas possession' ex-intermediaries also began to evict their tenants in a big way. And to the extent they had to really forego part of their earlier holdings, they received handsome compensation from the state, particularly the larger and more powerful sections among them. According to figures released by the Bihar government, out of an estimated total of Rs. 60 crore, payable as final compensation to 5,22,109 intermediaries throughout the State, till 1970-71 a total of Rs. 20,60,04,000 was either already paid or made ready for payment.

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