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L.L.B Part- 3rd

Subject- Bihar Tenancy Act

Paper- 4th

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Topic- Write short notes on the following-

(1) . Bakast Land, (2). Settled Raiyat, (3). Occupancy Raiyat, (4). Collector, (5). Revenue Officer, (6). Agricultural Year ,(7). Tenure Holder.

(1). Bakast Land- Bakasht lands were those which the occupancy tenants had lost to zamindars, mostly during the Depression years, by virtue of non-payment of rent, and which they often continued to cultivate as share-croppers.

(2). Settled Raiyat- (1) Every person who for a period of twelve years, whether wholly or partly before or after the commencement of this Act, has continuously held as a raiyat land situate in any village, whether under a lease or otherwise, shall be deemed to have become, on the expiration of that period, a settled raiyat of that village.

(1A) A person shall be deemed, for the purposes of this section, to have continuously held land in a village, notwithstanding that such village was defined, surveyed and recorded as, or declared to constitute a village at a date subsequent to the commencement of the said period of twelve years.

(2) A person shall be deemed for the purposes of this section to have continuously held land in a village notwithstanding that the particular land held by him has been different at different times.

(3) A person shall be deemed, for the purposes of this section, to have held as a raiyat any land held as a raiyat by a person whose heir he is.

(4) Land held by two or more co-sharers as a raiyati holding shall be deemed, for the purposes of this section, to have been held as a raiyat by each such co-sharer.

(5) A person shall continue to be a settled raiyat of a village as long as he holds any land as a raiyat in that village and for one year thereafter.

(6) If a raiyat recovers possession of land under section 87, he shall be deemed to have continued to be a settled raiyat notwithstanding his having been out of possession more than a year.

(7) If, in any proceeding under this Act, it is proved or admitted that a person holds any land as a raiyat, it shall, as between him and the landlord under whom he holds the land, be presumed for

the purposes of this section, until the contrary is proved or admitted, that he has for twelve years continuously held that land or some part of it as a raiyat.

(3). Occupancy Raiyat- To acquire occupancy rights in land, a *Raiyat* must have held it for a period of 12 years; and, if he became a tenant of new lands, he could not obtain occupancy rights in them, until after the lapse of 12 years from the date when he took the lease.

Continuance of existing occupancy rights:

Every Raiyat who cultivated or held land for 12 years had a right of occupancy in the land so cultivated by him whether held under a patta or not; but this rule did not apply to lands locally known as Manjhihas, Man or Saika, nor to Khamar, Nij Jote, or Sir land belonging to the proprietor of the estate or tenure and let by him on a lease for a term or year by year.

The holding of the father or other person from whom the Raiyat inherited was to be deemed the holding of the Raiyat. A Raiyat could contract himself out of his status.

Acquisition of occupancy rights by custom:

It has been found during the Settlement operations in Ranchi and Singhbhum that as a matter of fact there is usually no difference recognized between the status of a new Raiyat and an old Raiyat.

It is found, however that occupancy rights do not accrue by custom in lands leased out on produce rent, locally known as Adhbatai, Sanjha, Saika and Maswar. The tenants of the lands held on this system are by local usage and custom liable to ejection, at the will of the landlord. Occupancy Rights which accrue by custom are equally valid with those which accrue under the statutory law, provided they are not inconsistent with it.

(4). Collector- "Collector" includes any officer appointed by the State Government to discharge all or any of the functions of a Collector under Bihar Privileged Persons Homestead Tenancy Act. A **district magistrate**, often abbreviated to **DM**, is an Indian Administrative Service (IAS) officer who is the senior-most executive magistrate and chief in-charge of general administration of a district in India. Since district magistrates are responsible for the collection of land revenue in the district, the post is also referred to as the **District Collector** in terms of the revenue department, and as the office-bearer works under the supervision of a Divisional Commissioner.

(5). Revenue Officer- A revenue officer (RO) is an individual who collects revenues, such as taxes and duties, on behalf of the government. The specific duties of a revenue officer depend on the agency that employs the individual.

Responsibilities of a Revenue Officer

A revenue officer is generally employed by a government agency such as the Internal Revenue Service (IRS).

With the IRS, for instance, the primary responsibility of revenue officers is collecting delinquent taxes and overdue tax returns from taxpayers. Their duties, therefore, include:

- Conducting face-to-face interviews with taxpayers
- Obtaining and analyzing financial information to ascertain the ability to pay the tax bill
- Designing payment plans to help those with tax arrears pay them over time
- Garnishing wages and seizing personal property to pay off delinquent taxes

A revenue officer with the IRS is also responsible for filing extensions on statutes of limitations for tax collection and also initiating administrative and judicial actions. This position is often confused with that of a revenue agent. The difference is the agent is tasked with conducting audits of tax returns.

While they are government employees, the IRS revenue officer does not carry a firearm or have the authority to arrest a taxpayer. One of the primary duties of these individuals is to help to create a payment plan for collecting any unpaid taxes. The officer will attempt to make an unannounced, in-person visit with the delinquent taxpayer.

(6). Agricultural Year- "Agricultural year" means the Bengali year commencing on the first day of Baisakh. Provided that where, immediately before the commencement of the Bengal Tenancy (Amendment) Act, 1928, any other year has prevailed for agricultural purposes that year shall continue to prevail for those purposes until the first day of Baisakh next following the date of the commencement of that Act;

(7). Tenure Holder- "TENURE-HOLDER" MEANS A PERSON WHO HAS ACQUIRED FROM A PROPRIETOR OR FROM ANY OTHER TENURE-HOLDER A RIGHT TO HOLD LAND FOR THE PURPOSE OF COLLECTING RENT OR BRINGING IT UNDER CULTIVATION BY ESTABLISHING TENANTS ON IT AND INCLUDE :-

(I) THE SUCCESSORS-IN-INTEREST OF PERSONS WHO HAVE ACQUIRED SUCH RIGHT,

(II) A PERSON WHO HOLDS SUCH RIGHT IN TRUST,

(III) A HOLDER OF A TENURE CREATED FOR THE MAINTENANCE OF ANY PERSON.

(IV) A GHATWAL AND THE SUCCESSORS-IN-INTEREST OF A GHATWAL, AND

(V) WHERE A TENURE-HOLDER IS A MINOR OR OF UNSOUND MIND OR AN IDIOT, HIS GUARDIAN, COMMITTEE OR OTHER LEGAL CURATOR.

The End