

R.M.M. Law College, Saharsa

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L.L.B Part- 3rd

Subject- Bihar Tenancy Act

Paper- 4th

Date- 17/10/2020

Topic- Write short notes on the following-

(1) . Holding, (2). Permanent Settlement, (3). Raiyat, (4). Protected Tenant, (5). Village.

(1).Holding- "Holding" means a parcel of land or an undivided share thereof, held by a raiyat or an under-raiyat and forming the subject of a separate tenancy whether the raiyat or under-raiyat has held the land before or after the commencement of the Tenancy (Amendment) Act, 1928.

(2).Permanent Settlement- The Permanent Settlement, also known as the Permanent Settlement of Bengal, was an agreement between the East India Company and Bengali landlords to fix revenues to be raised from land that had far-reaching consequences for both agricultural methods and productivity in the entire British Empire and the political realities of the Indian countryside. It was concluded in 1793 by the Company administration headed by Charles, Earl Cornwallis. It formed one part of a larger body of legislation, known as the Cornwallis Code. The Cornwallis Code of 1793 divided the East India Company's service personnel into three branches: revenue, judicial, and commercial. Revenues were collected by zamindars, native Indians who were treated as landowners. This division created an Indian landed class that supported British authority.

The Permanent Settlement was introduced first in Bengal and Bihar and later in the south district of Madras and Varanasi. The system eventually spread all over northern India by a series of regulations dated 1 May 1793. These regulations remained in place until the Charter Act of 1833. The other two systems prevalent in India were the Ryotwari System and the Mahalwari System.

Many argue that the settlement and its outcome had several shortcomings when compared with its initial goals of increasing tax revenue, creating a Western-European style land market in Bengal, and encouraging investment in land and agriculture, thereby creating the conditions for long-term economic growth for both the company and region's inhabitants. Firstly, the policy (Krishna) of fixing the rate of expected tax revenue for the foreseeable future meant that the income of the Company from taxation actually decreased in the long-term because revenues

remained fixed while expenses increased over time. Meanwhile, the condition of the Bengali peasantry became increasingly pitiable, with famines becoming a regular occurrence as landlords (who risked immediate loss of their land if they failed to deliver the expected amount from taxation) sought to guarantee revenue by coercing the local agriculturalists to cultivate cash crops such as cotton, indigo, and jute, while long-term private investment by the zamindars in agricultural infrastructure failed to materialise.

(3). Raiyat- Raiyat was a general economic term used throughout India for peasant cultivators but with variations in different provinces. While zamindars were landlords, raiyats were tenants and cultivators, and served as hired labour.

A raiyat was defined as someone who has acquired a right to hold land for the purpose of cultivating it, whether alone or by members of his family, hired servants, or partners. It also referred to succession rights

(4). Protected Tenant-

(1) A person shall, subject to the provisions of sub-sections (2) and (3), be deemed to be a Protected Tenant in respect of land if he:

(a) has held such land as a tenant continuously:

(i) for a period of not less than six years, being a period wholly included in the Fasli years 1342 to 1352 (both years inclusive), or

(ii) for a period of not less than six years immediately preceding the 1st day of January, 1948, or

(iii) for a period of not less than six years commencing not earlier than the 1st day of the Fasli year 1353 (6th October, 1943), and completed before the commencement of this Act, and

(b) has cultivated such land personally during such period:

Provided that where the landholder is a minor or is serving in the Naval, Military or Air Forces in India, the tenant shall not be deemed to be a protected tenant if before the expiration of one year from the date on which the minor attains majority or the landholder ceases to serve in the said forces, the landholder gives three months' notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally:

Provided further that where the landholder is a person permanently incapable of cultivating the land by reason of mental disability the tenant shall not be deemed to be a protected tenant if before the expiry of one year from the death of the land-holder, the person who succeeds to the land gives three months notice in writing intimating his decision to terminate the tenancy if in good faith he requires the land to cultivate personally.

(2) Where more than one person would be entitled under sub-section (1) to be deemed to be a protected tenant in respect of any land, then, notwithstanding anything contained in that sub-section, the only one of such persons entitled to be so deemed shall be:

(a) the person whose qualifying period is the period specified in sub-clause (1) of clause (a) of that sub-section, or

(b) if there is no such person, the person whose qualifying period is the period specified in sub-clause (2) of that clause.

(3) A person who at the commencement of this Act is no longer in possession of land in respect of which he is deemed under sub-section (1) to be a protected tenant shall, notwithstanding anything contained in that sub-section, not be deemed to be a protected tenant in respect of such land if:

(a) he was evicted from such land in pursuance of a decree or order of a competent Court, or

(b) such land is being cultivated personally by the landholder for at least one year before the commencement of this Act, or after the land was surrendered to the landholder by the tenant, or

(c) a permanent structure has been built by the landholder on such land, or

(d) such land has been permanently diverted by the land-holder to nonagricultural uses.

(5). Village- "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 State of West Bengal, or

(b) any survey made by the Government which has been adopted by notification in the Calcutta or Eastern Bengal and Assam and Gazette or which may be adopted by notification in the Calcutta Gazette, as defining villages for the purposes of this clause in any specified 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 :

Provided that, when an order has been made under section 101 directing that a survey be made and a record-of-rights prepared in respect of any local area, estate, tenure or part thereof, the Government may, by notification in the Official Gazette, declare that in such local area, estate, tenure or part thereof "village" shall mean the area which for the purposes of such survey and record-of-rights may be adopted by the Revenue-officer with the sanction of the Board of Revenue accorded under the provisions of section 115A as the unit of survey and record.

The End

