

## **R.M.M. Law College, Saharsa**

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**L.L.B Part- 3<sup>rd</sup>**

**Subject- Bihar Land Reforms Act, 1950**

**Paper- 4<sup>th</sup>**

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**Topic- What are the Assessment of compensation.**

**[19. Appointment of Compensation Officer.** - The State Government shall appoint one or more officers to be designated as Compensation Officer, who shall in the case of an estate or tenure which has vested in the State under Section 3, of his own motion or on application by the outgoing proprietor or tenure-holder and, in the case of an estate or tenure which has vested in the State under Section 3-A, on receipt of an application on transfer by the Collector under clause (6) of Section 3-B, prepare in the prescribed form and in the prescribed manner a Compensation Assessment roll containing the gross asset and the net income of each proprietor and tenure-holder of estate and tenures and the compensation to be paid in accordance with the provisions of this Act to such proprietor or tenure holder and all other persons whose interests are transferred to the State under this Act together with such other particulars as may be prescribed:

**20. Separate treatment of proprietor and tenure-holder having share.** - In preparing such Compensation Assessment roll, every proprietor or tenure-holder or a member of a joint Hindu family having or entitled to a share in any estate or tenure as if there were a partition on the date of vesting shall for the purposes of assessment and payment of compensation be treated separately:

Provided that all the interests of a person so treated in all the estates and tenure owned by him or the interests in all the estates or tenure owned by the same proprietor or tenure holder shall be treated jointly for the said purpose.

**[21. Determination whether a trust is for charitable or religious purposes or not.** - (1) The Compensation Officer shall report every case of trust comprising an estate or tenure or part of an estate or tenure to the Collector, and if any trust was made after first day of January, 1946, the Collector shall take action under clause (h) of Section 4.

(2) In case of a trust which has not been annulled under clause (h) of Section 4, though made after the first day of January, 1946, or a trust made before the first day of January, 1946, the Collector shall after giving reasonable notice to the parties and considering their written statements and evidence if any, submit a report containing his findings as to whether [the trust is genuine and has been acted upon and] the net income or any portion of the net income in respect of the estates and tenures held under the trust has been dedicated exclusively to charitable or religious purposes without any reservation of pecuniary benefit to any individual, with all the relevant papers to the State Government who shall pass final order thereon.

**23. Computation of net income.** - (1) For the purposes of preparing Compensation Assessment-roll, the net income of [an intermediary] shall be computed by deducting from the gross asset of such [intermediary], as the case may be, the following, namely. -

- (a) any sum which was payable as land-revenue or rent including cesses to the State Government or to the immediately superior land-lord, as the case may be, in respect of the State or tenure of such [intermediary] for the previous agricultural year:
- (b) any sum which was payable by such [intermediary] as agricultural income-tax in respect of any agricultural income derived from such estate or tenure for the previous agricultural year;
- (c) any sum which was payable by such [intermediary] as income tax in respect of any income derived from such estate or tenure, other than royalties, for the previous agricultural year:
- (d) any sum which was payable as *chaukidari* tax or municipal tax in respect of any building or part of building used primarily as office or *cutchery* for the management of such estate or tenure;

**24. Rates of compensation.** - After the net income has been computed under Section 23 the Compensation Officer shall for the purpose of preparing the Compensation Assessment roll proceed to determine the amount of compensation to be payable in respect of the transference to the State of the interests of each [intermediary] as follows :-

(2) in the case of the holder of a temporary lease of an estate or tenure, the compensation shall be paid out of the compensation payable under this Chapter to the immediately superior landlord of such lessee and the Compensation Officer shall apportion the compensation between such lessee and his immediately superior landlord subject to the Rules made under this Act and, in making the apportionment, the Compensation Officer shall take into consideration the unexpired period of the lease, [and the advances paid by such lessee]

[ (3) in case where according to the order of the State Government under sub-section (2) of Section 21, the trust is genuine and has been acted upon and the net income or any portion of the net income in respect of any estate or tenure held under the trust has been dedicated exclusively to charitable or religious purposes without any reservation of pecuniary benefit to any individual, the compensation payable in respect of such income or such portion thereof shall, instead of

being assessed under clause (1) be assessed as a perpetual annuity equal to such net income or such portion thereof as the case may be.]

[Provided that where the property dedicated to a trust consists only of mines and minerals, compensation under Section 32, instead of perpetual annuity, shall be payable to the trust, as if it were an intermediary.]

**[24A. Determination of compensation of any intermediary of temporarily settled estate.**

- (1) In the case of each intermediary of a temporarily settled estate, the Compensation Officer shall determine the compensation payable in respect of the transference to the State of the interest of the intermediary in such temporarily settled estate, whether let in form or held khas, at a sum equal to twenty times of the malikana payable to him during the previous agricultural year and where the intermediary has taken out the engagement of the land comprised in such estate for a fixed period on the payment of a fixed jama, also a sum equal to the pro rata refund of the fixed jama paid by him for the unexpired period of the engagement.

(2) Where an intermediary of a temporarily settled estate also holds interest in a permanently settled estate or a permanent or resumable tenure, his total net income shall be computed for the purpose of determining the total amount of compensation payable to him under this Act on the basis of the amount of compensation payable to him under sub-section (1) increased by the valuation of net income of his interest in such estate or tenure determined under Section 23.]

**25. Computation of compensation payable for mines and minerals.** - (1) The Compensation Officer shall prepare in the prescribed form and in the prescribed manner a Compensation Assessment-roll containing in respect of every [intermediary] in receipt of royalties on account of mines and minerals or directly working mines comprised in the estate or tenure -

- (a) his gross income and net income from such royalties;
- (b) his gross income from mines worked directly by him and the amount deemed to be his net income from royalties in respect of such mines;
- (c) the amount of compensation payable to him under the provisions of this Act for mines and minerals; and
- (d) such other particulars as may be prescribed.

**[26. Preliminary publication of Compensation Assessment Roll.** - (1) (a) After the amount of compensation including the amount assessed as an annuity under clause (3) of Section 24 to be paid in respect of the interests of the intermediaries which have vested in the State under the provisions of this Act has been determined in accordance with the provisions of Section 24, Section 24A and Section 25, the Compensation Officer shall prepare the Compensation Assessment-Roll under Section 19 or Section 25, as the case may be, and when such roll has been prepared.

**28. Final publication of the Compensation Assessment-roll.** - When all such objections and appeals have been disposed of, the Compensation Officer shall make such alterations in the draft Compensation Assessment-roll as may be necessary to give effect to any orders passed on objections made under subsection (1) of Section 26 or on appeals preferred under Section 27 and shall cause the said roll as so altered to be finally published in the prescribed manner and every entry in the roll so finally published shall, except as hereinafter provided, be final and conclusive evidence of the matter referred to in such entry and also of the nature of the interests of [an intermediary] and the apportionment of compensation among the persons claiming interest therein.

**29. Certificate and presumption as to final publication of compensation Assessment-roll.** - When a Compensation Assessment-roll has been finally published under Section 28, the Compensation Officer shall, within such time as the State Government may by general or special order require, make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same with his name and official designation and such certificate shall be a conclusive proof of such publication and of the date thereof.

**30. Correction by Compensation Officer of bona fide mistakes.** - A Compensation Officer may, on application or on his own motion, at any time before payment of compensation in accordance with a Compensation Assessment-Roll under Section 32, correct any entry in the Compensation Assessment-Roll as finally published in respect of any [intermediary] to whom such Compensation Assessment-Roll relates or any entry in such Compensation Assessment-Roll which he is satisfied has been made owing to a bona fide mistake or is necessary as a result of succession to or transfer of the interest of [an intermediary] or any other person whose name appears in such roll as a person entitled to compensation:

**The End**