

**Bihar And Orissa Public Demands Recovery (Amendment)
Act, 1993**

23 of 1993

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**Bihar And Orissa Public Demands Recovery (Amendment)
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An Act to amend The Bihar and Orissa Public Demands Recovery Act, 1914. Be it enacted by the Legislature of the State of Bihar in the Forty-fourth year of the Republic of India as follows- 1. Published in Bihar Gazette dated 26.8.1993.

1. Short Title, Extent And Commencement :-

- (i) This Act may be called the Bihar and Orissa Public Demands Recovery (Amendment) Act, 1993.
- (ii) It shall extend to the whole of the State of Bihar.
- (iii) It shall be deemed to have come into force from 2nd February, 1993.

2. Section 2 :-

Inserted in the Text of the Act.

3. Saving :-

Anything done or any action taken in the exercise of any power conferred by or under the Bihar and Orissa Public Demands Recovery (Amendment) Ordinance, 1992 (Bihar Ordinance No. 26 of 1992) shall be deemed to have been done or taken in exercise of the power conferred by or under this Act, as if this Act was in force

on the day on which such thing or action was done or taken.

SCHEDULE 1

SCHEDULE I

1[Public Demands

[See Sections 3 (6) and 43, proviso (b)]

1. Any arrear of revenue which remains due in the following circumstances, namely-

When, under the provisions of Bengal Land Revenue Sales Act, 1859 (XI of 1859), or the Bengal Land-Revenue Sales Act, 1868 (Ben. Act VII of 1868), or any other law for the time being in force, an estate or tenure, or any share of an estate or tenure, has been sold for the recovery of arrears of revenue-due thereupon, and, after deducting the expenses of such sale, the balance of the sale proceeds remaining is insufficient to liquidate the arrears of revenue in discharge of which such sale-proceeds may, under the said provisions, be applied.

2. Any arrear of revenue which is due from a farmer on account of an estate held by him in farm, and is not paid on the latest day of payment fixed under Section 3 of the Bengal Land-Revenue Sales Act, 1859 (XI of 1859).

3. Any money which is declared by any law for the time being in force to be recoverable or realizable as an arrear of revenue or land-revenue, or by the process authorized for the recovery of arrears of revenue or of the public revenue or of Government revenue.

4. Any money which is declared by any enactment for the time being in force-

(i) to be a demand or public demand; or

(ii) to be recoverable as arrears of a demand or public demand, or as a demand or public demand; or

(iii) to be recoverable under the Bengal Land-Revenue Sales Act, 1868 (Ben. Act VII of 1868).

5. Any money due from the sureties of a farmer in respect of the revenue of the estate farmed by him.

6. Any money awarded as fees or costs by a Revenue-authority under any law or any Rule having the force of law.

7. Any demand payable to the Collector by a person holding any interest in land, pasturage, forest-rights, fisheries or the like, whether such interest is or is not transferable, when such demand is a condition of the use and enjoyment of such land, pasturage; forest-right, fisheries or other things.

8. In the case of property which under the provisions of any law for the time being in force, is under the charge of, or is managed by the Court of Wards or the Revenue-authorities on behalf of a private individual, any arrear of rent, or of any demand which is recoverable as rent, whether such arrear became due before or after the management devolved upon such Court or such authorities:

Provided that this clause shall not apply to any arrears to the person liable to pay the same or has been confirmed by a competent Court.

Note 1-The Act does not apply to rents of houses and shops and the certificate procedure cannot be applied to the recovery of such rents, unless by a written instruments, duly registered, the persons liable to pay such rents have agreed that they shall be recoverable as public demands.

Note 2-In trust estates managed by Government as express trustee, arrears of rent are recoverable under Article 7. In attached estates managed by the Revenue Authorities on behalf of private individuals, arrears of rent are recoverable under Article 8.

2[8-A. Any outstanding loans and advances payable to State Government or to a

Department or Official of the State Government by any body whatsoever.]

9. Any money payable to a servant of the Government or any local authority, in respect of which the person liable to pay the same has agreed, by a written instrument 3[x x x], that it shall be recoverable as a public demand.

4[Explanation-This item shall not apply to any money or demand specified in items 3, 4 and 7.] Act. There was no stipulation in jimmanama that dues would be recoverable as a public demand. Certificate case cannot stand even if dues in question were Government dues. Shanti Devi vs. State of Bihar, 2000(2) PLJR 206.

5[9A. Any money being arrears of dues payable on account of the supply by the State Government of water under any lift irrigation scheme or of electrical energy and in respect of which the consumer or the person liable to pay the same has agreed by a written instrument, whether executed before or after the 17th day of March, 1943, that the said money shall be recoverable as a public demand.

10. Any stamp duty payable by a proprietor in respect of a paper of partition prepared under the Estates Partition Act, 1897 (Ben. Act V of 1897).

11. In the case of a person to whom the collection of tolls has been farmed under Section 8 of the Canals Act, 1864 (Ben. Act V of 1864) or of the sureties of such person any money due in respect of such farm.

12. Any money awarded as compensation under Section 2 of the Bengal Land Revenue Sales Act, 1868 (Ben. Act V of 1868).

13. Any money due from a purchaser at a sale held in execution of a certificate under this Act, whether the sale is subsisting or not.

14. Any money ordered by a liquidator appointed under Section 42 of the Co operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the costs of liquidation (Ben. Act 5 of 1912).

6[15. Any money payable to-

(i) State Bank of India constituted under the State Bank of India Act, 1955 (No. 23 of 1955); or

(ii) a Bank specified in column (2) of the first schedule to the Banking Companies (Acquisition and Transfer or Undertaking) Act, 1970 (Act V of 1970); or

(iii) a company or a statutory body, including a registered society carrying on financial transactions, owned by or in which Government has a majority of shares or which is managed by an authority appointed under any law for the time being in force; or

(iv) the Bihar State Electricity Board. in respect of which the person liable to pay the same has agreed, by a written instrument that it shall be recoverable as public demand.]

1. For a detailed list of demands falling under Articles 3, 4 and 6 See Appendix A to the Boards Instructions.

2. Inserted by Act 20 of 1993.

3. Words "duly registered" deleted by Act 4 of 1956.

4. Inserted by Bihar Public Demands Recovery (Amdt.) Act, (XLV of 1951).

5. Inserted by Bihar Public Demands Recovery (Amdt.) Act, 1951 (XLV of 1951).

6. Inserted by Act 7 of 1974.