

## **Bihar Land Reforms (Fixation Of Ceiling Area And Acquisition Of Surplus Land) (Amendment) Act, 1978**

**07 of 1978**

### CONTENTS

1. Short Title
2. Amendment Of Section 5 Of Bihar Act Xii Of 1962
3. Amendment Of Section 15 Of The Bihar Act Xii Of 1962
4. Amendment Of Section 22 Of Bihar Act Xii Of 1962
5. Amendment Of Section 27 Of The Bihar Act Xii Of 1962
6. Insertion Of New Section 27-A After Section 27 Of Bihar Act Xii Of 1962
7. Amendment Of Section 29 Of Bihar Act Xii Of 1962
8. Substitution Of New Section For Section 45-A Of Bihar Act Xii Of 1962
9. Repeal And Savings

## **Bihar Land Reforms (Fixation Of Ceiling Area And Acquisition Of Surplus Land) (Amendment) Act, 1978**

**07 of 1978**

An Act to amend the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. Be it enacted by the Legislature of the State of Bihar in the twenty ninth Year of the Republic of India as follows:- 1. Published in Bihar Gazette (Extra-ordinary), dated 23.8.1978.

### **1. Short Title :-**

This Act may be called the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 1978.

### **2. Amendment Of Section 5 Of Bihar Act Xii Of 1962 :-**

To sub-section (i) of Section 5 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act XII of 1962) (hereinafter referred to as the said Act), the following Explanation shall be added, namely:-

"Explanation.-All lands owned or held individually by the members of a family or jointly by some or all of the members of such family

shall be deemed to be held by the family."

### **3. Amendment Of Section 15 Of The Bihar Act Xii Of 1962 :-**

In Section 15 of the said Act.-

- (i) sub-sections (3), (4) and (5) shall be omitted.
- (ii) sub-sections (6) and (7) shall be renumbered as sub-sections (3) and (4) respectively; and
- (iii) in sub-section (3) as so renumbered, the words, figures and brackets "the provisions of sub-sections (4) and (5) and" shall be omitted.

### **4. Amendment Of Section 22 Of Bihar Act Xii Of 1962 :-**

In Section 22 of the said Act, for sub-section (1) the following sub-section shall be substituted, namely:-

"(i) If there is an under-raiyat on the surplus land on the date it vests in the State under the provisions of this Act such under-raiyat shall if he makes an application in this behalf in the prescribed manner be allowed to retain as occupancy raiyat, subject to payment in the prescribed manner and within the prescribed period to the State Government the amount specified in this behalf in the Schedule, so much of the land as together with all the other lands held by him any where in the State does not exceed the area he may hold under Section 5."

### **5. Amendment Of Section 27 Of The Bihar Act Xii Of 1962 :-**

In Section 27 of the said Act for sub-section (2-a) the following sub-section shall be substituted, namely:-

"(2a) The State Government may, if it considers necessary, set a part such surplus land or portion thereof as is acquired under Section 15 or Section 15-A if such surplus land or portion thereof is required for purposes connected with, or ancillary to, the scheme of agrarian reforms including the improvement of rural economy or promotion of rural welfare or any other public purpose and the same shall not be used for agricultural purposes."

### **6. Insertion Of New Section 27-A After Section 27 Of Bihar Act Xii Of 1962 :-**

After Section 27 of the said Act, the following Section shall be inserted and shall be deemed always to have been inserted, namely:-

"27-A. Prevention of ejectment of allottees of surplus land.-(1) If any allottee of surplus land is threatened with unlawful ejectment from the land allotted to him under Section 27 or any part thereof by any person, the Collector may, of his own motion or on an application made in this behalf by such allottee or his representative initiate a proceedings for preventing such person from ejecting the allottee and may by orders in writing prevent the person from ejecting allottee.

(2) If any allottee of surplus land has been unlawfully ejected by any person from the land allotted to him under Section 27 or any part thereof, the Collector may, on receipt of an application from the allottee or his representative for restoration of possession of the land or on his own motion, make such enquiry as may be necessary and order that the allottee shall be put in possession of the allotted land or part thereof, from which he has been so ejected.

(3) If the person against whom an order has been made under subsection (2), fails to carry out the order of the Collector within such time as may be specified in the order, the Collector shall proceed to put the allottee in possession of the allotted land or part thereof as the case may be, after ejecting such person and, may for that purpose use such force as may be necessary."

#### **7. Amendment Of Section 29 Of Bihar Act Xii Of 1962 :-**

Item (ii) of clause (b) of sub-section (1) of Section 29 shall be omitted, and shall be deemed always to have been omitted.

#### **8. Substitution Of New Section For Section 45-A Of Bihar Act Xii Of 1962 :-**

For Section 45-A of the said Act, the following section shall be substituted, namely:-

"45-A Direction by the State Government.-The Government may, from time to time, give to the Collector of the district such general or special directions as the State Government may think fit to carry into effect the provisions of this Act."

#### **9. Repeal And Savings :-**

(1) The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Ordinance, 1978 (Bihar Ordinance No. 50 of 1978), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken

in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing or action was done or taken.