



झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित



संख्या - 602 राँची, गुरुवार, 20 आश्विन, 1945 (श०)
12 अक्टूबर, 2023 (ई०)

राजस्व, निबंधन एवं भूमि सुधार विभाग

अधिसूचना

9 अक्टूबर, 2023

अधिसूचना सं०-05/स०भू० गैरमजरूआ भूमि-161/2023 - 3387(5)--रा०,

विषय- गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि से संबंधित मामलों के नीति निर्धारण हेतु समिति गठन के संबंध में ।

1- The Technical Rules of the Settlement Department, Bihar 1959 d Section 125(a), 125(b), 125(c) में ये उल्लेखित हैं कि &

(i) "In the case of uncultivated lands in direct possession of the proprietor, tenure-holder or under-tenure-holder, the entry in column 4 will be *Gairmazarua khas* or some other corresponding phrase"

(ii) "In the case of tanks, roads, grazing lands etc., over which the village community exercises common rights, the entry in column 4 will be *Gairmazarua Aam* or some other phrase. "

(iii) "where the land is the property of or in occupation of Government, the entry column 4 will be *Kaisar-i-Hind* . This entry will be made even where the tenant or landlord has

encroached on portion of a Government road. The area encroached on will be plotted separately from the rest of the road, but will be entered in the *Kaisar-i-Hind* Khatiyani, the name of the person actually in possession being recorded in column 12 against the plot concerned. "

- 2- (i) छोटा नागपुर काश्तकारी अधिनियम, 1908 (Chota Nagpur Tenancy Act, 1908) d Section 6 (1, 2 & 3) में उल्लेख है कि, "6(1) *Raiyat* means primarily a person who has acquired a right to hold land for the purpose of cultivating it by himself, or by members of his family, or by hires servants, or with the aid of partners; and includes the successor-in-interest of persons who have acquired such a right, but does not include a *Mundari-Khunt-Kattidar*

Explanation- Where a tenant of land has the right to bring it under cultivation, he shall be deemed to have acquired a right to hold it for the purpose of cultivation, notwithstanding that he uses it for the purpose of gathering the produce on it or of grazing cattle on it.

6(2) A person shall not be deemed to be a *raiya*t unless he holds land either immediately under a proprietor or immediately under a tenure-holder or immediately under a *Mundari-Khunt-Kattidar* ".

6(3) In determining whether a tenant is a tenure holder or a *Raiyat*, the court shall have regard to –

(a) local custom, and

(b) the purpose for which the right of tenancy was originally acquired ".

- (ii) (Chota Nagpur Tenancy Act, 1908) के Section 17 में उल्लेख है कि, "17(1) Every person who, for a period of twelve years, whether wholly or partially before or after the commencement of the Act, has continuously held as a *raiya*t 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.

17(2) A person shall be deemed , for the purposes of this section, to have held continuously held land in a village, notwithstanding that the particular land held by him has been different at different times.

17(3) A person shall be deemed , for the purposes of this section, to have held as a *Raiyat* any land as a *raiya*t by a person whose heir he is.

17(4) Land hold by two or more co-sharers as a *raiya*t holding shall be deemed, for the purpose of this section, to have been held as a *raiya*t by each so co-sharer.

17(5) A person shall be continue to be settled *raiya*t of village as long as he holds any land as a *raiya*t in that village and for three years thereafter .

17(6) If a *raiya*t recovers possession of land under Section 71, or by suit, he shall be deemed to have continued to be a settled *raiya*t, notwithstanding his having been out of possession for more than three years .

17(7) If, in any suit or proceeding, 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 purpose of this section, until the contrary is proved or admitted, that he has twelve years continuously held that land or some part of it as a raiyat. "

(ii) (Chota Nagpur Tenancy Act, 1908) d Section 19 में उल्लेख है कि, "Every person who is a settled raiyat of a village within the meaning of Section 17 or Section 18 shall have a right of occupancy in all lands for the time being held by him as a raiyat in that village."

- 3- (i) संथाल परगना काश्तकारी अधिनियम, 1949 (Santhal Pargana Tenancy Act, 1949) के Section 4(xiii) में उल्लेख है कि, "raiyat means a person not being a landlord, who has acquired a right to hold for the purpose of cultivating it by himself or by members of his family or by hires servants ; and includes the successor in interest of person who has acquired such a right".

Santhal Pargana Tenancy Act, 1949 d Section 4(xiv & xv) में उल्लेख है कि, "A village headman shall be deemed to be a raiyat in respect of his private holding, if any

(xiv) *recorded* means recorded in the record-of-rights ;

(xv) *Rent* means whatever is lawfully payable in money by-

(a) village headman or *mulraiyat* of a village to the landlord of that village in accordance with the record-of-rights hereinafter referred to as village rent, or "

(b) a *raiyat*, on an account of the use or occupation of the land held by him to his landlord, either directly or through a village headman or *mulraiyat* as the case may be, and includes all dues (other than personal services) which are recoverable under any law for the time being in force as if they were rent. "

- 4- (i) Bihar Land Reforms Act, 1950 के Section 3(A) **Vesting of estates and tenures in the State.**- (1) *Without prejudice to the provision in the last preceding section the State Government may, at any time, by notification, declare that the intermediary interest of all intermediaries in the whole of the State have passed to and become vested in the State.*

(2) *It shall be lawful for the State Government, if it so thinks fit, to issue, from time to time, a notification of the nature mentioned in sub-section (1) in respect of the intermediary interests situate in a part of the State specified in the notification and, on the publication of such notification, all intermediary interests situate in such part of the State shall have passed to and become vested in the State.*

(3) The notification referred to in sub-section (1) or sub-section (2) shall be published in the official Gazette.

- (ii) Bihar Land Reforms Act, 1950 के Section 3(B) Where it is proposed to issue a notification under Section 3A in respect of all intermediary interests in the whole of the State, or in a part of the State, the following provisions shall apply, namely :-

(1) The State Government shall publish a proclamation in the *Official Gazette*, not less than *three* months before the date on which it is proposed to issue a notification under sub-section (1) or sub-section (2) of Section 3A, announcing its intention to take over, on the expiration of the said period, all intermediary interests in the whole of the State or, as the case may be, in such part of the State as may be specified in the proclamation.

(2) The substance of the proclamation shall be announced by beat of drum in all the villages of the State or, as the case may be, in the villages situate within such part of the State as may be specified in the proclamation.

(3) On the publication of the proclamation every intermediary shall at any time before the expiration of the said period, make to the Collector an application in the form set out in the Schedule to this Act.

(4) The application shall be verified and signed in the manner provided for the verification of a plaint and shall be accompanied by -

(a) Such documents relating to the intermediary interests held by the intermediary as are required by the Schedule: Provided that the Collector may dispense with the production of any document or any particulars in any statement.

(b) a certificate from the intermediary that he has not concealed or withheld any material information or particulars relating to his intermediary interests;

(c) a declaration by such intermediary that the documents filed by him are genuine and the information furnished by him in the application is true to the best of his knowledge and belief and that he has made no other application claiming compensation under this Act.

(5) If any intermediary fails, without sufficient cause, to make the application to the Collector or to file the documents, certificate and declaration required by clause (4) within the period specified in clause (3) or within such extended periods as may be allowed by the Collector in this behalf, the intermediary shall be liable to a penalty which may extend to *fifty* rupees for every day after the expiration of said period or the extended period until such application has been made and the documents, certificate and declaration have been filed and such penalty shall be realised as a public demand: Provided that where the sum of such penalty exceeds five hundred rupees, the Collector shall refer the matter to the Commissioner whose orders thereon shall be final: Provided further that the Commissioner may at any time, of his own motion or on the application of any intermediary, revise any order of the Collector imposing any penalty and the order of the Commissioner on revision shall be final.

(6) When an application has been made in accordance with the provisions of this Section, the Collector shall transfer it with all the materials and documents accompanying it to the Compensation Officer.

(7) Where an intermediary has intermediary interests in more than one district of the State, he shall, with his application to the Collector of the district in which the major portion of his interest lies or in which he ordinarily resides, furnish particulars and documents in respect of his intermediary interests in other parts of the State and shall state in his applications to the Collectors of other districts in which his intermediary interests lie that the particulars and documents have been so furnished.]

(iv) Bihar Land Reforms Act, 1950 के Section 4 में यह उल्लेखित है कि

Consequences of the vesting of an estate or tenure in the State. -
[Notwithstanding anything contained in any other law for the time being in force or any contract and notwithstanding any noncompliance or irregular compliance of the provisions of Sections 3, 3A and 3B except the provisions of sub-section (1) of Section 3 and sub-section (1) of Section 3A, on the publication of the notification under sub-section (1), of Section 3 or sub-section (1) or sub-section (2) of Section 3A, the following consequences shall ensue and shall be deemed always to have ensued, namely:]

(a) *Such estate or tenure including the interests of the proprietor or tenure-holder in any building or part of a building comprised in such estate or tenure and used primarily as office or cutchery for the collection of rent of such estate or tenure, and his interests in trees, forests, fisheries, jalkars, hats, bazars, [mela] and ferries and all other sairati interests, as also his interest in all subsoil including any rights in mines and minerals whether discovered or undiscovered, or whether been worked or not, inclusive of such rights of a lessee of mines and minerals, comprised in such estate or tenure (other than the interests of raiyats or underraiyats) shall, with effect from the date of vesting, vest absolutely in the State free from all incumbrances and such proprietor or tenure-holder shall cease to have any interest in such estate or other than the interests expressly saved by or under the provisions of this Act.*

(b) *All rents, cesses and royalties accruing in respect of lands comprised in such estate or tenure on or after the date of vesting shall be payable to the State and not to the outgoing proprietor or tenure-holder and any payment made in contravention of this clause shall not be binding on the State Government.*

Explanation. - The expression "rent, cess and royalty" in relation to the year in which an estate or tenure vests in the State, shall mean the amount of rent, cess or royalty accruing in respect of lands comprised in such estate or tenure for the period commencing from the date of vesting which amount shall bear the same proportion to the total rent, cess or royalty, as the case may be, accruing in respect of such lands for the whole year as such period bears to the whole year.]

(c) All arrears of revenue and cesses remaining lawfully due in respect of the estate or tenure on the date of vesting and all other amounts recoverable by the State Government from the outgoing intermediary under any law for the time being in force, shall continue to be recoverable from him and shall, without prejudice to any other mode of recovery, be recoverable, when so ordered by the Collector, by the deduction thereof from the amount payable to such intermediary under Section 32, Section 32A or Section 33.

Explanation. - The expression 'arrears of revenue and cesses in relation to an estate or tenure vested in the State shall mean the amount of land revenue and the amount of cess in respect of such estate or tenure for any period prior to the date of vesting, which amount shall bear the same proportion to the total amount of the land revenue or, as the case may be, to the total amount of cess, of such estate or tenure payable for the whole year as the period prior to the date of vesting bears to the whole year.]

[(cc) in case any outgoing intermediary have recovered any amount from the tenant of an estate or a tenure payable by such tenant as rent for any period after the date of the vesting of such estate or tenure, such amount shall without any prejudice to any other mode of recovery be recoverable from the amount of compensation payable to him under Section 32, Section 32A or Section 33:]

[Provided that an appeal against an order passed under this clause, if preferred within sixty days of the date of such order, shall lie to the prescribed authority not below the rank of the Collector of district who shall dispose of the same according to the prescribed procedure.]

(d) No suit shall lie in any Civil Court for the recovery of any money due from such proprietor or tenure-holder the payment of which is secured by a mortgage of, or is a charge on, such estate or tenure and all suits and proceedings for the recovery of any such money which may be pending on the date of vesting shall be dropped.

(e) No such estate or tenure shall be liable to attachment or sale under the processes of any Court and any orders of attachment passed in respect of such estate or tenure before the date of vesting shall cease to be in force.

[(ee) In every suit, appeal or proceeding, in respect of any estate or tenure which has vested under Section 3 or Section 3A pending on the date of the commencement of the Bihar Land Reforms (Amendment) Act, 1953, the Court in which the suit, appeal or proceeding is pending shall cause a notice thereof to be served on the State Government who may within *three months* of the service of the notice apply to the Court to be added, and shall thereupon be added, as a party there to and shall be entitled to conduct or defend such suit or proceeding, as the case may be, and in the absence of service of such notice, the decree or order passed in such suit, appeal or proceeding shall not be binding on the State Government.]

(f) The Collector shall [be deemed to have taken charge] of such estate or tenure and of all interests vested in the State under this Section.

Provided that nothing contained in this clause or in any other provision of this Act shall be deemed to authorize the Collector to take charge of any institution, religious or secular, of any trust or any building connected therewith or to interfere with the right of a trustee to apply the trust money to the objects of the trust.

(g) Where by reason of the vesting of any estate or tenure or any part thereof in the State under the provision of this Act, the Collector is of opinion that the State is entitled to the direct possession of any property he shall, by an order in writing served in the prescribed manner on the person in possession of such property, require him to deliver possession thereof to the State or show cause, if any, against the order within a time to be specified therein and if such person fails to deliver possession or show cause or if the Collector rejects any cause, shown by such person after giving him a reasonable opportunity of being heard, the Collector shall for reasons to be recorded, take or cause to be taken such steps or use or cause to be used such force as, in his opinion may be necessary for securing compliance with the order or preventing a breach of the peace.

Provided that if the order under clause (g) is passed by an officer below-the rank of the Collector of a district, an appeal shall if preferred within sixty days of the order, lie to the Collector of the district and the Collector shall dispose of the appeal in accordance with the prescribed procedure.]

(h) The Collector shall have power to make inquiries in respect of any transfer including the settlement or lease of any land comprised in such estate or tenure or the transfer of any kind of interest in any building used primarily as office or cutchery for the collection of rent of such estate or tenure or part thereof, and if he is satisfied that such transfer was made [at any time after the first day of January, 1946, with the object of defeating any provisions of this Act or causing loss to the

State or obtaining higher compensation thereunder the Collector may, after giving reasonable notice to the parties concerned to appear and be heard annul such transfer, dispossess the person claiming under it and take possession of such property on such terms as may appear to the Collector to be fair and equitable.

[Provided that an appeal against an order of the Collector under this clause if preferred within sixty days of such order, shall lie to the prescribed authority not below the rank of the Collector of a district who shall dispose of the same according to the prescribed procedure:]

Provided further that no order annulling a transfer shall take effect nor shall possession be taken in pursuance of it unless such an order has been confirmed by the State Government.]

[(hh) the Collector shall have power to make inquiries into all cases of reduction or partial or entire remission of rents of agricultural holdings comprised in such estate or tenure made by the outgoing intermediary either for a specified period or in perpetuity and may, after giving reasonable notice to the parties concerned to appear and be heard, if he is satisfied that such reduction or remission was made after the first day of January, 1946, with the object of defeating the purpose of the Act or causing loss to the State, cancel all such reduction or remission and order the restoration of the rents of such holdings or class of such holdings which were payable in respect of the said holdings immediately before the first day of January, 1946:

Provided that an appeal against an order of the Collector under this clause, if preferred within sixty days of such order, shall lie to the prescribed authority not below the rank of the Collector of a district who shall dispose of the same according to the prescribed procedure.]

(i) After serving a notice in writing on the proprietor or tenure holder for the production of such documents, registers and papers as are in his opinion necessary for the management of such estate or tenure, and if such notice is not complied with within forty-eight hours or such further time as the Collector may allow it shall be lawful for the Collector or any officer, not below the rank of a Sub-Deputy Collector, authorised by him in writing in this behalf, to enter upon any land or building with such assistance as he considers necessary and seize and take possession of such documents, registers and papers as are in his opinion necessary for the management of such estate or tenure: Provided that no action under this clause shall be taken unless a requisition under Section 40 has not been complied with within the time fixed in the said requisition.

[4A. Revision. - The Commissioner of the division may at any time call for and examine the record of any proceeding under clause (h) or clause (hh) for the purpose of satisfying himself as to the correctness, legality or propriety of any finding or order recorded or passed in such proceeding whether before or after the commencement of the Bihar Land Reforms

(Amendment) Act, 1959 and on examining the record, he may, after hearing if necessary, the person concerned. -

(a) direct such further inquiry to be made as he may specify;

(b) in a proceeding under clause (h), report the matter for orders of Government which may thereupon pass such orders as it may consider necessary;

(c) in a proceeding under clause (hh), pass such orders as he may consider necessary; or

(d) decline to interfere with the finding or order.]

5. समय-समय पर राज्य सरकार द्वारा गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि की जमाबंदी के संबंध में विभिन्न आदेश निर्गत किये गये हैं जो इस प्रकार हैं :-

(i) To appoint Sub-Deputy Collectors employed as Anchal Adhikaris, Block Development Officers or Circle Officers to discharge the functions of a Revenue Officer under clause(xxv) and sub clause (a) of clause (viii) of Section 3 of the Chotanagpur Tenancy Act (Act VI of 1908) and to empower the said officers to discharge the functions of a Deputy Commissioner under Section 67A and 132(2) (a) and (b) of clause(xxv) and sub clause (a) of clause (viii) of Section 3 of the Chotanagpur Tenancy Act (Act VI of 1908) [1959] 100 L.R. 4826 L.R.] 11-06-1959

(ii) Delegation of powers for assessment of rent on *Kabil Lagan* Lands and *Korkar* Lands to Sub-divisional Officers and Land Reforms Deputy Collectors (सचिव, राजस्व एवं भूमि सुधार विभाग, बिहार सरकार का पत्रांक- 6308 L.R., दिनांक- 01.08.1966)

(iii) गैरमजरूआ खास जमीन पर रैयती दावे को मान्यता देने के संबंध में (निदेशक, भू-अर्जन सह-विशेष सचिव, राजस्व एवं भूमि सुधार विभाग, बिहार सरकार का पत्रांक- 2308, दिनांक- 03.09.1985)

(iv) गैरमजरूआ आम एवं खास जमीन की जमाबंदी रद्द करने के संबंध में (आयुक्त एवं सचिव, राजस्व एवं भूमि सुधार विभाग, बिहार सरकार का पत्रांक- 914, दिनांक-09.12.1998)

(v) अवैध/संदेहास्पद जमाबंदी की अभियान चलाकर जाँच करने एवं समयबद्ध प्रभावकारी कदम उठाते हुए अवैध जमाबंदी को रद्द करने के संबंध में (मुख्य सचिव के स्तर से राजस्व, निबंधन एवं भूमि सुधार विभाग झारखण्ड सरकार का पत्रांक- 2074, दिनांक- 13.05.2016)

(vi) दिनांक- 03.07.2018 का मंत्रिपरिषद् की बैठक में मद संख्या-18 में "अन्यान्य" के रूप में लिए गये निर्णय का संसूचन करने के संबंध में (संयुक्त सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग, झारखण्ड सरकार का पत्रांक- 2884, दिनांक- 10.07.2018, सहपठित अनुलग्नक प्रधान सचिव, मंत्रिमंडल सचिवालय एवं निगरानी विभाग, झारखण्ड का पत्रांक- 0758, दिनांक- 03.07.2018)

- 6- विभागीय अधिसूचना सं०- 1132, दिनांक- 06.08.2015 के द्वारा सरकारी भूमि (कैसरे-हिन्द/गैरमजरूआ आम भूमि/गैरमजरूआ खास भूमि/वन भूमि/जंगल आदि/विभिन्न विभागों के लिए अर्जित/हस्तांतरित तथा अन्य श्रेणी की सरकारी भूमि आदि) जिसके संबंध में राजस्व, निबंधन एवं भूमि सुधार विभाग, प्रमण्डलीय आयुक्त, उपायुक्त या उनके द्वारा प्राधिकृत पदाधिकारी के स्तर से निबंधन पदाधिकारी को संसूचित किया गया हो, के हस्तांतरण विलेख के निबंधन को निबंधन अधिनियम, 1908 की उपर्युक्त धारा 22 "क" के अधीन लोकनीति के विरुद्ध घोषित किया गया ।
- 7- इसी प्रकार से संबंधित विभिन्न अधिसूचना एवं पत्र विभागीय स्तर से निर्गत किये गये हैं जिसकी विषयवार विवरणी निम्नवत् है :-
- (i) प्रधान सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग, झारखण्ड का ज्ञापांक- 571, दिनांक- 03.02.2017 (विषय:- अधिसूचित तथा सीमांकित वनभूमि से संबंधित अभिलेखों की प्रविष्टि जिला निबंधन कार्यालय में संधारित नेगेटिव लिस्ट में कराने के संबंध में)
 - (ii) निबंधन महानिरीक्षक का विभागीय पत्रांक- 344, दिनांक- 25.04.2017 (विषय:- प्रतिबंधित वन भूमि से संबंधित Negative List के संबंध में)
 - (iii) निबंधन महानिरीक्षक का विभागीय पत्रांक- 192, दिनांक- 12.03.2018 (विषय:- प्रतिबंधित वन भूमि की सूची का प्रविष्टि ईनिबंधन सॉफ्टवेयर में करने के संबंध में)
 - (iv) विभागीय सचिव का पत्रांक- 407, दिनांक- 19.06.2018 (विषय:- प्रतिबंधित श्रेणी की भूमि की सूची विहित प्रपत्र में उपलब्ध कराने के संबंध में)
 - (v) विभागीय सचिव का स्मार पत्रांक- 570, दिनांक- 31.08.2018 (विषय:- प्रतिबंधित श्रेणी की भूमि की सूची विहित प्रपत्र में उपलब्ध कराने के संबंध में)
 - (vi) विभागीय अधिसूचना संख्या-585, दिनांक-10.10.2019 (विषय:- NGDRS सूची में संधारित किसी प्लॉट को मुक्त करने संबंधी सक्षम प्राधिकार उपायुक्त के होने के संबंध में)
 - (vii) उप निबंधन महानिरीक्षक का पत्रांक- 360, दिनांक- 23.07.2020 (विषय:- प्रतिबंधित भूमि का निबंधन अवरुध करने हेतु निबंधन सॉफ्टवेयर (National Generic Deed Registration System-NGDRS) में प्रतिबंधित प्लॉट की प्रविष्टि के संबंध में)
 - (viii) विभागीय सचिव का पत्रांक- 2958, दिनांक- 20.10.2020 (विषय:- दिनांक-12.10.2020 को मुख्य सचिव की अध्यक्षता में सरकारी भूमि के संरक्षण हेतु SOP तैयार करने से संबंधित बैठक की कार्यवाही के आलोक में आवश्यक कार्रवाई करने के संबंध में)
 - (ix) निबंधन महानिरीक्षक का विभागीय पत्रांक- 511, दिनांक- 21.10.2020 (विषय:- प्रतिबंधित श्रेणी की भूमि का निबंधन रोकने हेतु प्रतिबंधित भूमि की प्रविष्टि निबंधन सॉफ्टवेयर NGDRS में करने के संबंध में)

- (x) विभागीय संयुक्त सचिव का पत्रांक- 250, दिनांक- 20.01.2021 (विषय:- दिनांक- 12.10.2020 को मुख्य सचिव की अध्यक्षता में सरकारी भूमि के संरक्षण हेतु SOP तैयार करने से संबंधित बैठक की कार्यवाही के आलोक में आवश्यक कार्रवाई करने के संबंध में)
- (xi) विभागीय अधिसूचना संख्या-452, दिनांक-07.09.2021 (विषय:- पूर्व में निर्गत विभागीय अधिसूचना संख्या-585, दिनांक-10.10.2019 के आवश्यक संशोधन के संबंध में।)
- (xii) निबंधन महानिरीक्षक का विभागीय पत्रांक-305, दिनांक-29.07.2022 (विषय:- NGDRS अंतर्गत प्रतिबंधित भूमि की सूची की प्रविष्टि के संबंध में)
- (xiii) विभागीय सचिव का पत्रांक- 444, दिनांक-02.11.2022 (विषय:- दिनांक-12.10.2020 को मुख्य सचिव की अध्यक्षता में सरकारी भूमि के संरक्षण हेतु SOP तैयार करने से संबंधित बैठक की कार्यवाही के आलोक में आवश्यक कार्रवाई करने के संबंध में)
8. राज्य में अलग-अलग जिलों में अलग-अलग समय में Record of Rights का अंतिम प्रकाशन हुआ। राज्य के अधिकांश जिलों में Record of Rights का अंतिम प्रकाशन हुए कई वर्ष बीत गये हैं। गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि के उपयोग के संबंध में नियमित रूप से क्षेत्रीय कार्यालय तथा विभाग में अनेक परिवाद प्राप्त होते हैं एवं इसके संबंध में उत्पन्न विवादों के फलस्वरूप विभिन्न न्यायालयों में अनेक मुकदमे भी राज्य सरकार के विरुद्ध किये गये हैं। गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि के निजी व्यक्ति के द्वारा उपयोग के संबंध में विधान सभा में भी समय-समय पर माननीय सदस्य, झारखण्ड विधान सभा द्वारा प्रश्न उठाये जाते हैं। गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि के उपयोग के संबंध में मुख्य विवाद निजी व्यक्ति और राज्य सरकार के बीच है, जिसमें समय-समय पर अलग-अलग मामले परिलक्षित होते हैं जैसे:- लगान जमा करने के संबंध में, दखल के संबंध में, दाखिल-खारिज के संबंध में, खनन/औद्योगिक उपयोग के समय मुआवजे संबंधी दावे, NGDRS अंतर्गत प्रतिबंधित सूची के संबंध में आदि ।
- (क) गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि के उपयोग के संबंध में नीति निर्धारण की आवश्यकता को देखते हुए सभी संबंधित अधिनियम/नियम/परिपत्र का अध्ययन कर प्रतिवेदन तैयार करने हेतु निम्नरूपेण समिति का गठन किया जाता है :-

1	निदेशक, भू-अर्जन, भू-अभिलेख एवं परिमाण निदेशालय	-अध्यक्ष
2	श्री संदीप कुमार, संयुक्त सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग	-सदस्य
3	वित्त विभाग, झारखण्ड सरकार द्वारा मनोनीत संयुक्त सचिव से अन्यून पदाधिकारी	-सदस्य
4	श्री शहाब सिद्दीकी, संयुक्त निबंधन महानिरीक्षक, राजस्व, निबंधन एवं भूमि सुधार विभाग।	-सदस्य
5	श्री शंभु कुमार सिंह, अवर सचिव, राजस्व, निबंधन एवं भूमि सुधार विभाग	-सदस्य

(ख) समिति द्वारा गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि के संबंध में निम्नांकित बिन्दुओं पर मंतव्य सहित प्रतिवेदन समर्पित किया जाएगा :-

(i) किन मामलों में Bihar Land Reforms Act, 1950 की धारा 4(h) के तहत Annulment of Transfer किया जायेगा ?

(ii) अवैध जमाबंदी/लगान निर्धारण से संबंधित अन्य मामले जो Bihar Land Reforms Act, 1950 की धारा 4(h) के प्रावधानों के अंतर्गत नहीं आते हैं उनमें जमाबंदी रद्द करने की प्रक्रिया क्या होगी?

(iii) गैरमजरूआ खास भूमि के किसी भूखण्ड को किस आधार पर National Generic Deed Registration System (NGDRS) में प्रतिबंधित सूची से बाहर किया जाय ?

(iv) गैरमजरूआ आम/गैरमजरूआ खास/कैशर-ए-हिन्द भूमि एवं उसपर अवस्थित संरचना के संबंध में किस परिस्थिति में भू-अर्जन के समय निजी व्यक्ति को मुआवजे का भुगतान किया जाय ।

(ग) समिति प्रतिवेदन तैयार करने के क्रम में आवश्यकतानुसार अन्य राज्यों के अधिनियम/नियम/परिपत्र का अध्ययन भी करेगी जहाँ इस विषय के संबंध में मिलती जुलती परिस्थिति है। समिति अथवा समिति के किसी भी सदस्य द्वारा अथवा समिति के अध्यक्ष के अनुरोध पर राजस्व विभाग द्वारा प्रतिनियुक्त पदाधिकारी द्वारा आवश्यकतानुसार अन्य राज्य का भ्रमण किया जा सकता है ।

(घ) समिति द्वारा मंतव्य सहित स्पष्ट प्रतिवेदन यथासंभव दो माह के अंदर विभाग को समर्पित किया जायेगा ।

(ङ) उपरोक्त प्रस्ताव पर माननीय मुख्यमंत्री का अनुमोदन प्राप्त है ।

झारखण्ड राज्यपाल के आदेश से,

अंजनी कुमार मिश्र,
सरकार के अपर सचिव ।
