The Santal Parganas Tenancy (Supplementary Provisions) Act, 1949

Act Bihar Act XIV of 1949. 74 sections. Bare Act with the official footnotes.

Source: India Code, Government of Jharkhand, as updated to 11 August 2026. This is the official text as held in Law Maker's Bare Acts library, checked against the official file; for use in court or an exam hall, check the Gazette or India Code copy.

Official file: https://indiacode.gov.in/server/api/core/bitstreams/8cd0f042-1043-43bb-ba37-40c4151f1df6/content

Every section online, with the old and new law side by side and exam questions:
https://www.lawmaker.in/bare-acts/santhal-parganas-tenancy-supplementary-provisions-act-1949

Contents

Opening (Sections 1 to 4)
CHAPTER II VILLAGE HEADMEN AND MULRAIYATS (Sections 5 to 11)
CHAPTER III RAIYATS (Sections 12 to 26)
CHAPTER VI (Sections 27 to 42)
CHAPTER V RENT (Sections 43 to 52)
CHAPTER VI ACQUISITION OF LAND BY LANDLORD FOR CERTAIN PURPOSES (Sections 53)
CHAPTER VII JUDICIAL PROCEDURE (Sections 54 to 63)
CHAPTER VIII LIMITATION (Sections 64 to 66)
CHAPTER IX MISCELLENEOUS PROVISIONS (Sections 67 to 71)

[1st April, 1949]

An Act to amend and supplement certain laws relating to landlord and tenant in the Santal Parganas.

Whereas it is expedient to amend and supplement certain laws relating to landlord and tenant in the Santal Parganas.

It is hereby enacted as follows:

Section 1. Short title, commencement and extent

(1) This Act may be called the Santal Parganas Tenancy (Supplementary Provisions) Act, 1949.

(2) It shall come into force on such date as the (State) Government may by notification, appoint in this behalf.

[(3) It extends to the whole of Santal Parganas Division comprising of [Dumka,Sahibganj], Godda, Deoghar and Pakur.

Section 2. Power to vary local extent of the Act and effect of the withdrawal of the Act from any area

(1) The [State] Government may, by notification withdraw this Act, of any part thereof, from any portion of the Santal Parganas [Division] and may likewise extend this Act, or any part thereof to the area from which the same has been so withdrawn.

(2) The withdrawal of this Act or any part thereof from any area under sub-section (1) shall not, -

(a) Affect the previous operation of this Act in such area or anything Duly done or suffered there under before such withdrawal; or

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred in such area under this Act before such withdrawal; or

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed under this Act with reference to such area before such withdrawal; or

(d) Affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

And any such investigation, legal proceeding or remedy may be instituted continued or enforced and any such penalty, forfeiture or punishment may be imposed as if no such withdrawal had been made.

Section 3. Repeal

The enactments mentioned in Schedule A are hereby repealed to the extent specified in the fourth column thereof.

Section 4. Definitions

In this Act, unless there is anything repugnant in the subject or context,-

(i) 'aboriginal' means a person who belongs to an aboriginal or semi-aboriginal tribe or caste specified in Schedule B and includes a person belonging to such other aboriginal or semi-aboriginal tribe or caste as may, from time to time, be notified by the [State] Government in this behalf;

(ii) "Agricultural year" means, where the Bengali year prevails, the year commencing on the first day of Baisakh, where the Fails year prevails the year commencing on the first day of Asin, where any other year prevails for agricultural purposes, that year;

(iii) "bhugut-bandha or complete usufructuary mortgage" means a transfer of the interest of a raiyat in his holding or part of the holding for the purpose of securing the payment of money advanced or to be advanced by way of loan, upon the condition that the loan, with all interest thereon, shall Be deemed to be extinguished by the profit arising from the holding or part of the holding during the period of the mortgage;

(iv) ["Commissioner' means the Commissioner of the Santhal Parganas Division];

(v) "Community" means the social group to which a person belongs and for the purposes of this Act there shall be two such groups, aboriginal and non-aboriginal;

(vi) "Deputy Collector" includes an Assistant Collector and a Sub-Deputy Collector;

(vii) ["Deputy Commissioner" means the Deputy Commissioner of the 3Dumka, Sahibganj, Godda, Deoghar, Pakur and includes],-

(a) Additional Deputy Commissioner, Sub-divisional Officer or Deputy Collector, empowered by the [State] Government to discharge any of the functions of Deputy Commissioner under this Act; and

(b) any Deputy Collector, whom, subject to the control of the [State] Government, the Deputy Commissioner may, by general or special order, authorise to exercise any of his functions under this Act;

(viii) "Holding" means a parcel or parcels of land held by a raiyat and forming the subject of a separate tenancy"

(ix) "khas village" means a village in which there is no mulraiyat nor for the time being any village headman irrespective of whether there was or was not previously a mulraiyat or village headman in the village;

(x) "landlord" means a person other than the village headman or mulraiyat entitled to receive rent and includes a proprietor, a tenure-holder, a ghatwal and the Government;

(xi) "non-aboriginal" means a person who does not belong to any aboriginal or semi-aboriginal tribe or caste specified in Schedule B or to any other aboriginal or semi-aboriginal tribe or caste notified by the [State] Government under clause (i) of Section 4;

(xii) "prescribed" means prescribed by rules made by the [State] Government under this Act;

(xiii) "raiyat" means a person not being a landlord, who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family or by hired servants; and includes the successor in interest of a person who has acquired such a right;

Explanation. - 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) 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 account of the use or occupation of the land held by him to h is 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;

(xvi) "Santal Civil Rules" means the directions issued by the [State] Government for observance in the administration of civil justice in the Santal Parganas by officers appointed under Clause (2) Section 1 of the Santal Parganas Act, 1855 (37 of 1855).

[(xvii) "Santhal Parganas" means the Santal Parganas Division comprising of Dumka, Sahibganj, Godda and Deoghar districts.]

(xviii) "Settlement rate of rent' means the rate of rent mentioned as settlement rate in the record-of-rights.

[(xix) "tenant" includes a tenure-holder, village headman and mulraiyat;]

(xx) "Vacant holding" means an abandoned holding or holding of which the raiyat has died without heirs;

(xxi) "Village" means,-

(a) the area defined, surveyed and recorded as a distinct and separate village in the map and record-of-rights prepared under any law for the time being in force, and

(b) Where a survey has not been made and a record-of- rights has not been prepared under any such law, such area as the Deputy Commissioner may, with the sanction of the Commissioner, by general or special order, declare to constitute a village:

Provided that when an order has been passed under Section 9 of the Santal Parganas Settlement Regulation (Reg.3 of 1872) directing that a survey be made and record-of- rights prepared in respect of the whole or any part of the Santali Pagans, the [State] Government may by notification, declare that in such area 'village' shall mean the area which for the purposes of such survey and record-of- rights may be adopted by the Settlement Officer, subject to the control of the Commissioner, as the unit for making the survey and preparing the record-of-rights;

(xxii) "village community means the body of all the jamabandi raiyats of a village, their co-sharers, children and heirs; and

(xxiii) "village headman" means the person appointed or recognised whether before or afte the commencement of this Act by the Deputy Commissioner or other duly authorised officer to hold the office of a village headman whether known as pradhan, mustajur, manjhi or otherwise, but does not include a mulraiyat.

CHAPTER II VILLAGE HEADMEN AND MULRAIYATS

Section 5. Appontment of a village hweadman of a khas village

On the application of a raiyat or of landlord of any khas village and with the consent of at least two thirds of the jamabandi raiyats of the village ascertained in the manner prescribed, the Deputy Commissioner may declare that a headman shall be appointed for the village and shall then proceed to make the appointment in the prescribed manner.

Section 6. Landlord to report the death of village headman

When the village headman of a village which is not khas, dies, the landlord of the village shall report the fact within three months of its occurrence to the Deputy Commissioner with a view to the appointment of a village headman in the prescribed manner.

Section 7. Village headman to be granted patta and to execute kabuliyat and furnish security

(1) A village headman shall on appointment be granted a patta, and may be required to execute a kabuliyat in the prescribed form. He shall in the discharge of the duties of his office be governed by such rules as may be made by the [State] Government.

(2) The village headman on appointment or when record - of-rights is being prepared under the Santal Parganas Settlement Regulation (Reg. 3 of 1872} may be required to pledge so much only of his own or the family holding or holdings held under the same landlord as woud in the opinion of the Deputy Commissioner suffice together with the official holdings to secure the village rent for one year:

Provided that ordinarily the rent of the official holding, if any plus that of the lands pledged as security shall be at least ten per centum of the total village rent payable by the village headman:

Provided further that at every appointment of a new village head-man, the consent of co-sharers, if any, shall be taken in writing before the family holding is pledged as security for village rent. The co-sharers shall have the right to have their shares released form security , at any time after the first five years, but all arrears ofvillage rent must be paid up in full before any share is so released.

(3) A village headman shall have the option to give at any time cash security instead of, or to supplement, the security of his land. The Deputy Commissioner shall fix the amount of such cash security which when paid shall be palced in revenue deposit.

Section 8. Landlord to supply copies of jamabandi and record-of-rights to newly-appointed village headman

Whenever a person other than an heir of the last village headman is appointed a village headman, it shall be the duty of the landlord to supply the village headman with the original jamabandi or copies thereof certified in the prescribed manner and the record-of-rights of the village within three months from the date of appointment.

Section 9. Non-transferability of village headman's office

The village headman shall have no right to transfer his office in any way.

Section 10. Only land recorded as such to be treated as mularaiyat ka jote and mulraiyati jote

No land which is not recorded as such shall be recognised or treated as mulraiyat ka jote (private holding) or as mulraiyat jote (official holding). Any waste land which is reclaimed by a mulraiyat or a co-mulraiyat or any vacant holding which is found in the possession of or is settled with a mulraiyat or a co-mulraiyat shall be treated as non-transferable raiyati holding governed by the provisions of this Act relating to such raiyati holdings.

Section 11. Headmen's reward fund

All fines imposed upon, and realised from village headmen, mulraiyat and raiyats under this Act shall be deposited in to a fund to be known as the headmen's reward fund. Management of and disbursement from this fund shall be made by the Deputy Commissioner in accordance with prescribed rules.

CHAPTER III RAIYATS

Section 12. Classes of raiyats

There shall be for the purposes of this Act the following classes of raiyats, namely, --

(a) Resident jamabandi raiyats, that is to say, persons recorded as jamabandi raiyats who reside or have their family residence in the village in which they are recorded.

(b) Non-resident jamabandi raiyats, that is to say persons recorded as jamabandi raiyats who do not reside or have their family residence in the village in which they are recorded.

(c) new raiyats, that is to say, person recorded as naya raiyats or nutan raiyats.

Section 13. Rights of raiyat in respect of use of land

(1) A raiyat may use the lad comprised in his holding,--

(a) In any manner which is authorised by local usage or custom, or

(b) Irrespective of any local usage or custom, in any manner which does not materially impair the value of the land or render it unfit for the purpose of cultivation.

(2) The doing of anything on the holding that is permitted by Section 15, Section 16, Section 17, or Section 18 shall not be deemed materially to impair to the value of the land or to render it unfit for cultivation.

Section 14. Raiyats not to be ejected by order of the Deputy Commissioner

A raiyat shall not be ejected by the landlord form his holding on the ground that he has used his land in a manner not authorised by section 13 except in execution of an order of ejectment passed by the Deputy Commissioner.

Section 15. Raiyat's right to manufacture tiles and bricks

A raiyat shall have the right to manufacture bricks and tiles on his holding, free of any royalty or other charge, for the domestic or agricultural purposes of himself and his family.

Section 16. Raiyat's right to construct bandhs, etc. on his own holding and to enjoy fish and other produce

A raiyat may construct or excavate on his own holding or on land settled with him bands, agars, tanks, wells and the like water reservoirs and channels in a reasonable manner and to the extent required for drinking or other domestic purposes and purposes of irrigation, as the case may be, without the permission of the landlord, provided no injury is cased to others by such construction or excavation. If there is any dispute as to whether or not any injury has been or is likely to be caused to any other person by such construction or excavation, the Deputy Commissioner may decide the same and pass such order as he deems fit and proper. The raiyat shall enjor the fist and other produce of such water reservoirs and channels free of charge.

Section 17. Rights of raiyats in trees on his own holding

(1) Notwith-standing anything to the contrary contained in this Act or any other law or anything having the force of law in the Santal Parganas, a raiyat may-

(a) Plant trees, orchards and bamboos on any land in his holding and cut, fell and appropriate the same.

(b) Cut, fell and appropriate any trees or bamboos standing on such land :

Provided that no mahua tree shall be cut without the permission of the Sub-divisional Officer.

(c) Appropriate the flowers, fruits and other products of any trees or bamboos standing on such land:

[1][Provided that if there is any specific entry in the latest record-or-rights regarding any tree or bamboo which was standing on any such land before the date of the final publication of such record-of-rights to the effect that any right in such trees or bamboos belongs to any person other than the ladlord of such land, the right of the raiyat in such tree of bamboo shall be exercised in accordance with, any subject ot, any such entry.]

(2) A raiyat shall have the right to grow lac or rear silk cocoon free of charge on trees planted by him on his holding.

[1] Ins, by kSec. 2 of the Santal Parganas (Supplementary Proivisons) Amendment Act, 1951 (Bihar Act 11 of 1951), for the original proviso.

Section 18. Raiyat's right to erect buildings

A raiyat may erect kutcha or pucca buildings on the his holding for the domestic or agricultural purposes of himself and his family.

Section 19. Division of holding and distribution of rent

(1) A holding may be sub-divided and the rent thereof distributed with the consent of the landlord and the village headman or mulraiyat, if any.

(2) When a holding has been the subject of partition or sub-division by an order of a Court or otherwise and if the parties to the partition are unable to distribute the rent of the holding by agreement amongst themselves and with the consent of the landlord and the village headman or mulraiyat, if any, any of the parties may apply to the Deputy Commissioner to distribute the rent of the holding.

(3) (a) On receipt of such an application, the Deputy Commissioner shall serve on each of the person interested in the application, other than the applicant, a notice of the date on which he intends to hear the application.

Explanation. - For the purposes of this clause, the landlord and the village headman or mulraiyat, if any, shall be deemed to be persons interested in the application.

(b) After serving the notice required by clause (a) and hearing the parities and holding such enquiry as he thinks fit, the Deputy Commissioner. Shall distribute the rent of the holding calculated on the basisi of settlement rate of rent, and his decision shall be final.

(4) The order of the Deputy Commissioner under sub-section (3) shall take effect from such date as the Deputy Commissioner may specify in his order.

(5) The Deputy Commissioner shall have power to award cost to any party to any proceeding under this section, and any sum ordered to be paid as cost shall be recoverable from the party by whom it is payable as a public demand payable to the Deputy Commissioner.

(6) The Deputy Commissioner shall pay any sum recovered as cost by him under sub-section (5) to the party to whom such costs are payable.

Provided, firstly, that in no case shall such holding be sub-divided if the rent of any portion of the holding will be less than three rupees.

Secondly, that the private holding of the village headman pledged as security shall in no case be split up if his share together with the official, if any, will not be adequate security for the village rent. And

Thirdly, that any sub-division or partition of the holding or the distribution of its rent shall not have the effect of splitting up the joint liability of faiyats for the payment of the rent of the holding as it stood prior to the sub-division or partition.

Section 20. Transfer of raiyat's rights

(1) No transfer by a raiyat of his right in his holding or any portion thereof, by sale, gift, mortgage, will, lease or any other contract or agreement, express or implied, shall be valid unless the right to transfer has been recorded in the record-of-rights, and then only to the extent to which such right is so recorded.

Provided that a lease of raiyati land in any sub-division for the purpose of the establishment or continuance of an excise shop thereon may be validly granted or renewed by a raiyat for a period not exceeding one year, with the previous writt3en permission of the Deputy Commissioner.

Provided further that where gifts by a recorded Santhal raiyat to a sister and daughter are permissible under the Santal Law, such a raiyat may with the previous written permission of the Deputy Commissioner, validly make such a gift;

Provided also that an aboriginal raiyat may, with the previous written permission of the deputy Commissioner, make a garnt in respect of him lands not exceeding one fhalf of the area of his holding to his widowed mother or to his wife for

her maintenance after his death.

(2) Notwithstanding any thing to the contrary contained in the record-or-rights, no right of an aboriginal raiyat in his holding or any portion thereof which is transferable shall be transferred in any manner to anyone but a bona fide cultivation aboriginal raiyat of the parganan or taluk or tappa in which the holding is situated.

Provided that nothing in this sub-section shall apply to a transfer made by an aboriginal raiyat of his right in his holding or portion thereof in favour of his gardi jamai or ghar jami.

[1][Provided further that a raiyat who is a member of aboriginal tribes or aborigine cates may, with the previous sanction of the Deputy Commissioner and a raiyat, who is not a member of the aboriginal tribes or aboriginal castes may without such previous sanction, enter into a simple mortgage in respect of his holding or a portion thereof with any Scheduled Bank within the meaning of the Reserve Bank of India Act, 1934, or a society or bank registered or deemed to be registered under the Bihar and Orissa Co-operative Societies Act, 1935(Bihar and Orissa Act VI of 1935) or a financial instituting or with a Company or a Corporation owned by or in which not less than fifty one percent of share capital is held by the State Government, or the central government, or partly by the Central government and which has been set up with a view to provide agricultural credit to cultivators.]

(3) No transfer in contravention of sub-section (1) or (2) shall be registered, or shall be in any way recognised as valid by any Court, whether in exercise of civil, criminal or revenue jurisdiction.

(4) No decree or order shall be passed by any Court or officer for the sale of the right of a raiyat in his holding or any portion thereof, nor shall any such right be sold in execution of any decree or order, unless the right of the raiyat to transfer has been recorded in the record-of-rights or provided in this Act and then only to the extent to which such right is so recorded or provided.

[2][Provided that a holding or a portion thereof an occupancy raiyat may be sold in accordance with the procedure laid down in Bihar and Orissa Public Demands Recover Act, 1914 (B and O. Act 4 of 1914) for the realisation of loans taken from any scheduled bank within the meaning of the Reserve Bank of India Act, 1934, or a society or bank registered or deemed to be registered under the Bihar and Orissa Co-operative Societies Act, 1935 (Bihar and Orissa Act VI of 1935) or Financial institution, or a company or a corporation owned by or in which not less than fifty-one percent of share capital is held by the State Government or the Centre government or partly by the State Government and partly by the Central government and which has been set up with a view to provide agricultural credit to cultivators, but if the holding or portion thereof belongs to a raiyat who is member of aboriginal tribes or aboriginal castes, it shall not be sold to any person who is not a member of the aboriginal tribes or aboriginal castes.

[(5) If at any time it comes to the notice of the Deputy Commissioner that a transfer of land belonging to a raiyat who is a member of the Scheduled Tribes as specified in Part III of the Schedule to the Constitution (Scheduled Tribes) Order, 1950, has taken place in contravention of sub-section (1) or (2) or by any fraudulent method [including decrees obtained in suits by fraud or collusion', he may, after giving reasonable opportunity to the transferees, who is proposed to be evicted, to show cause and after making necessary enquiry in the matter evict the transferee from such land without payment of compensation and restore it to the transferor or his heir, or in the case the transferor or heir is not available or is not willing to agree to such restoration, re-settle it with another raiyat belonging to the Scheduled Tribes according to the village custom for the disposal of an abandoned holding:

Provided that if the transferee has within 30 years from the date of transfer, constructed any building or structure on such holding or portion thereof, the Deputy Commissioner, shall, if the transferor is not willing to pay the value of the same, order the transferee to remove the same withing a period of six months from the date of the order, or within such extended time not exceeding two years from the date of the order as the Deputy Commissioner may allow, failing which the Deputy Commissioner may get such building or structure removed:

Provided further that where the Deputy Commissioner is satisfied that the transferee has constructed a substantial structure or building on such holding or portion thereof before coming into force of the Bihar Scheduled Areas Regulation, 1969, he may, notwithstanding any other provisions of the Act, validate such a transfer where the transferee either, makes available to the transferor an alternative holding or portion thereof, as the case may be, of the equivalent value in the vicinity or pays adequate compensation to be determined by the Deputy Commissioner for rehabilitation of the transferor:

Provided also that if after an enquiry the Deputy Commissioner is satisfied that the transferee has acquired a title by adverse possession and that the transferred land should be restored or re-settled, he shall require the transferor or his heir or another raiyat, as the case may be to deposit with the Deputy Commissioner such sum of money as may be determined by the Deputy Commissioner having regard to the amount for which the land was transferred or the market value of the land, as the case may be, and the amont of any compensation for improvements effected to land which the Deputy, Commissioner may deem fair and equitable]

[Explanation.- For the purpose of this section a financial institution means,-

i. a banking company as defined in the Banking regulation Act 1949,

ii. the State Bank of India constituted under the State Bank of India Act, 1955,

iii. a subsidiary Bank as defined in the State Bank of India) Subsidiary Bank) Act, 1959,

iv. a corresponding new bank constituted under the banking Companies (Acquisition and Transfer of Undertakings) Act, 1970,

v. Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963,

vi. the Agro- Industries Corporation,

vii. the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956, and

viii. any other institution as may be notified in this behalf as a financial institution by the State Government in the Official Gazette.]

[1] Ins, by Sec. 2 (a) of the Santal Pargans Tenancy (Supplementary Provisions) Amendment Act, 1975 (Bihar Act 17 of 1976) Published in Bihar Gazette, Extraordinary, dated 4.10.1975 Received assent on 13.8.1976

[2] Ins. Be Sec. 2(b) of Bihar Act 17 of 1976.

Section 21. Transfer of raiyati land by bhugut-bandha or complete usufructuary mortagage by a non-aboriginal raiyat and its limits

(1) Notwithstanding anything contained in Section 20, the [State] Government may by notification in this behalf published in the official Gazette, permit non-aboriginal raiyats, either of the whole of the Santhal Parganas or such protion of it as may be considered desirable, to transfer with effect from such date as may be notified, their rights in their holding up to the extent of one fourth of their paddy and first class bari lands by bhugut-bandha or complete usufructuary mortagage to,-

(i) a land mortgage bank duly established by the [State] Government, or

(ii) a grain goal recognised by the Deputy Commissioner, or

(iii) a society registered or deemed to be registered under the Bihar and Orissa Co-operative Societies Act, 1935(Bihar and Orissa Act VI of 1935), or

(iv) a raiyat of the santal Parganas :

Provided that,-

(a) no such transfer shall be recognised as valid unless it has been made by means of a registered deed and reported in the prescribed manner by the transferor and transferee to the Deputy Commissioner and to the landlord within one month of the registration of the deed,

(b) no such transfer shall be made for a period exceeding six years and, on the expiry of the period of transfer, no further transfer of any of the lands of the transferor raiyat shall be permissible for a period of six years.

(2) At the time of reporting the transfer to the Deputy Commissioner as required under clause (a) of the proviso to sub-section (1), the transferee shall deposit a fee of five rupees together with a written notice in the prescribed form in the office of the Deputy Commissioner to cover the cost of process and of re-delivery of possession to the transferor raiyat or his heir on the expiry of the period for which he has transferred his land in accordance with the provisions of sub-section (1) and no such transfer shall be deemed to be valid unless such fee has been deposited within one month of the registration of the deed

(3) The transferee shall be liable to pay the rent of the land and shall be liable to immediate evocation and the cancellation of his mortgage on failure to do so. The rent to be paid by the transferee shall be at the settlement rate for the area and class of land transferred.

(4) On expiry of the period of mortagage, the Deputy Commissioner shall of his own motion cause a notice to be served on the parties to the transaction that the period of the mortagage has terminated and shall proceed to evict the transferee and deliver possession to the transferor raiyat.

(5) Any transfer of land made otherwise than under the provisions of the foregoing sub-section shall be deemed to be transfer made in contravention of sub-section (1) of Section 20.

(6) Any mortagagee found in possession of any land belonging to a raiyat after the expiry of the period of such mortagage shall be punished with imprisonment for a term which may extend to three months and shall also be liable to fine which may extend to five hundred rupees and in the case of a continuing offence, to a further fine not exceeding ten rupees for each day during which the offence continues.

Section 22. A raiyat may make over his holding temporarily on trust for cultivation

(1) Notwithstanding anything contained in Section 20 and 21 in the event of,-

(a) a raiyat's temporary absence from the village, or

(b) his sickness or physical incapacity, or

(c) loss of plough cattle due to any cause beyond his control, or

(d) the raiyat being a widow or minor,

He may, after informing by registered post the village headman, mulraiyat or landlord, as the case may be, and the sub-divisional Officer, make over his holding temporarily on trust for cultivation to a raiyat of the Santal Parganas.

(2) In cases covered by clauses (a) and (c) of sub-section (1), if no period has been stipulated, and the raiyat does not resume cultivation himself, the holding shall be presumed to be abandoned after the expiry of a period of ten years.

(3) Any transfer of a holding for cultivation, temporary or otherwise, made otherwise than under the provisions of sub-section (1) shall be deemed to be a transfer made in contravention of sub-section (1) of Section 20.

Section 23. Exchange of raiyati land

(1) Raiyats desiring to exchange their lands may apply in writing to the Deputy Commissioner who may in his discretion permit such an exchange to be made,-

Provided that the Deputy Commissioner shall not permit an exchange to be made unless he is satisfy that,-

(a) The parties to the exchange are both jamabandi raiyats with respect to the lands proposed to be exchanged,

(b) The lands proposed to be exchanged are situated in the same village or in a contiguous village,

The transaction is not a concealed sale but is a bona fide exchange sought to be made for the mutual convenience of the parties, and

(d) The lands proposed to be exchanged are of the same value.

(2) Any exchange of lands made otherwise than under the provisions of sub-section (1) and without the previous permission in writing of the Deputy Commissioner shall be deemed to be a transfer made in contravention of Section 20.

Section 24. Registration of certain transfers of raiyati holdings

(1) When a raiyati holding or any portion thereof is transferred by sale, gift, will or exchange in accordance with the provisions of this Act and the record-of - rights, the transferee or his successor in title may cues the transfer to be registered in the office of the landlord of the village.

(2) Notwithstanding anything to the contrary contained in the record-of-right or any law or anything having the force of law in the Santal Pargana, the landlord shall allow the registration of such transfers, and shall not be entitled, except in the case of a transfer by sale, gift or will, to levy any registration fee. In the case of a transfer by sale, gift or will, the landlord shall be entitled to levy a registration fee of the following amount,nam,-

(a) when rent is payable in respect of the holding or portion, a fee of two per centum on the annual rent thereof:

Provided that such fee shall not be less than eight annas or more than fifty rupees; and

(b) When rent is not payable in respect of the holding or portion, a fee of one rupee:

Provided that a gift to the husband or wife of the donor to a son adopted under the Hindu Law, or the daughter, sister, adopted son or adopted daughter of the donor under the Santal Law, or to a relation by consanguinity within three degrees of such shall not require any registration fee to be paid to the landlord.

(3) If any landlord refuses to allow the registration of any such transfer as is mentioned in sub-section (1), the transferee or his successor in the little may apply to the Deputy Commissioner and the Deputy Commsisioner shall thereupon, after causing notice to be served on the landlord, make such enquiry as he considers necessary, and shall, if he is satisfied that the transfer is not contrary to the provisions of this Act or the record-of-right, pass an order declaring that the transfer shall be deemed to be registered, and may also pass order as he thinks fit in respect of the costs of any such enquiry.

Section 24-A. Registration of certain transfers of homestead

{(1) When a homestead or any portion thereof, which a raiyat holds otherwise than as part of this holding as a raiyat is transferred by sale gift will or exchange in accordance with custom or record-of -rights, the transferee or his successor-in-interest may cause the transfer to be registered in the office of the landlord of the village.

(2) Notwithstanding anything to the contrary contained in the record-of-rights or in any law or anything having the force of law in the Santal Parganas, the landlord shall allow the registration of such transfer, and shall not be entitled, except in the case of transfer by sale,gift or will, to levy any registration fee and in the case of a transfer by sale, gift or will, the landlord shall be entitled to levy such registration fee as may be prescribed.

(3) If any landlord refuses to allow the registration of any such transfer as is mentioned in sub-section (1) the transferee or his successor-in- interest may apply to the Deputy Commissioner and the Deputy Commissioner shall after causing notice to be served on the landlord make such enquiry as he considers necessary and shall, if he is satisfied that the transfer is not contrary to custom or the record-of-rights, pass and order declaring that the transfer shall be deemed to be registered, and may also pass such order as he thinks fit in respect of the costs of any such enquiry.}

Section 25. Payment of landlord's registration fee, etc. compulsory at the time of the registration of a deed of gift or sale of a raiyati holding or a portion thereof

(1) A registration officer shall not register any instruments purporting or operating to transfer a raiyati holding or portion of a raiyati holding by sale or gift unless there is paid to him, in addition to any fees payable under the Act for the time being in force for the registration of documents, a process fee of the prescribed amount and the landlord's registration fee payable under sub-section (2) of the section 24 together with the costs necessary for the transmission of the registration fee to the landlord.

(2) When the registration of any such instrument is complete, the registering officer shall send to the Deputy Commissioner the registration fee and the costs necessary for the transmission of the same to the landlord and a notice of the transfer and registration in the prescribed form, and the Deputy Commissioner shall cause the fee to be transmitted to, and the noticed to be served on, landlord named in the notice in the prescribed manner.

Section 26. Effect of registration

On registration of a transfer under sub-section (2), or on the passing of an order for registration by the Deputy Commissioner under sub-section (5) of Section 24, the landlord shall be deemed to have consented to the transfer and shall be bound by the terms and conditions thereof.

CHAPTER VI

Section 27. Settlement of waste land to be made by patta in prescribed form

Settlement of waste land shall be made by a patta or amalnama in the prescribed form. The patta or amalnama shall be prepared in quadruplicate, one copy shall be given to the raiyat concerned, one copy shall be sent to the Deputy Commissioner, one copy shall be sent to the landlord and the fourth shall be retained by the village headman or mulraiyat, as the case may be.

Section 28. Principles to be followed in settling waste land or vacant holding

In making settlement of waste land or vacant holdings regard shall be had to the following considerations in additions to the principles recorded in the record-or-rights,

(a) Fair and equitable distribution of land according to the requirements of each raiyat and his capacity to reclaim and cultivate;

(b) any special claim for services rendered to the village community, society or State:

(c) contiguity or proximity of the wste land to jamabandi land of the raiyat;

(d) Provision for landless labourers who are bona fide permanent residents of the village and are recorded for a dwelling house in the village.

Section 29. A mulraiyat, Pradhan or village headman not to settle waste land or vacant holding with himself or co-mulraiyat without the sanction of the Deputy Commissioner

A mulraiyat, pradhan or village headman shall not settle any waste land or vacant holding with himself or any co-mulraiyat without the previous sanction in writing of the Deputy Commissioner.

Section 30. Vacant holding not to be sub-divided for purpose of settlement

No vacant holding shall be sub-divided for the purpose of settlement without the consent of the landlord and the approval of the Deputy commissioner.

Section 31. Two or more village headman, co-mulraiyat or landlords to settle waste land jointly

Excepts as otherwise provided in this Act, where there are two or more village headman, co-mulraiyat or landlords in a village held jointly by them and the settlement of waste land has not been made jointly by all such village headmen, co-mulraiyats or landlords, as the case may be, the settlement may on objection be set aside or modified at the discretion of the Deputy Commissioner.

Section 32. Objection before the Deputy commissioner against settlement of waste land and vacant holdings

(1) A person, if aggrieved by any act of the village headman or muraiyat or landlord, as the case may be, in setting or refusing to settle waste land or a vacant holding, or if aggrieved by any act of any other person in respect of such land or holding, may make an application before the Deputy Commissioner within one year from the year on which reclamationin pursuance of settlement was commenced or settlement was refused.

(2) (a) On receipt of such an application the Deputy Commissioner shall serve in the prescribed manner on the parties interested other than the applicant, notice of the date on which he intends to hear and decide the application.

Explanation.-For the purpose of this clause all th Jamabandi raiyats of the village and the village headman or mulraiyat if it is pradhani village or mulraiyate village or the landlord if it is khas village, shall be deemed to be parties interested.

(b) After serving the notice required by clause (a) and hearing the parties and the enquiry the Deputy Commissioner may, in cases where settlement has been made, either confirm or modify or set aside The settlement, or, in cases where settlement has been refused, order the waste land or vacant holding to be settled. He may himself settle the land or holding in question with a jamabandi raiyat in accordance with the principles laid down in Section 28 and in the record-of-rights on such terms as he may think proper.

(3) No claim for compensation by any person evicted from land reclaimed or held in contravention of the provisions of this Act or any law or anything having the force of law in the Santal Parganas shall be admissible.

Section 33. Settlement of waste land liable to be set aside if not cultivated within five years

In the event of any land settled as aforesaid not being brought under cultivation within a period of five years from the date of settlement, it shall be open to the Deputy Commissioner on an application made by a jamabandi raiyat, the village headman, mulraiyat or the landlord, as th case may be, to set aside the settlement and to make such resettlement as is permissible under this Act or any law or anything having the force of law in the Santal Parganas.

Section 34.

Deputy Commissioner may set apart village waste land jaherthan, or burning or burial ground is found at any time to be inadequate or unsuitable, the Deputy Commissioner may in consultation with the resident jamabandi raiyats and village headman or mulraiyat, if any, set apart suitable portions of the village waste land for the purpose of being used in jaherthan or burning or burial ground, as the case may be.

Section 35. Water reservoirs and chamnnels for irrigation, etc.not be cultivated or converted to other purposes

(1) Bandhas, aharas, tanks and other water reservoirs or channels, which are used either for the purposes of protection from flood or for irrigation, bathing, washing or drinking, shall not be settled for or converted to any other purpose without the consent of the raiyats and the village headman or mulraiyat, or the landlord inkhas village, and the approval of the Deputy Commissioner. No one shall bring under cultivation any such water reservoir or channel.

(2) No proprietor or landlord shall be entitled to levy any charge for the use of water reservoirs and channels mentioned in sub-section (1) for irrigation, bathing, washing or drinking purposes.

Section 36. Rivulets or nalas on the boundaries of villages, burning and burial grounds, camping grounds, boundary marks, roads, paths and places of worship not to be settled

Rivulets or nalas on the boundaries of villge, burning and burial grounds, camping grounds, land bearing boundary marks,public roads, village paths, jaherthan and other places of worship shall not be reclaimed or cultivated or converted to any other purpose by any raiyat. No proprietor, landlord, village headman or muraiyat shall appropriate these to their own use, nor shall they settle these with any raiyat.

Section 37. Raiyat's right to graze cattle

All raiyats of the villages shall have the right to graze their own cattle within the village on the recorded grazing land and on grazing land set apart by the Deputy Commissioner under sub-section (2) of Section 38 and on village waste land which is neither excluded from the village under the santal parganas settlement Regulation (Reg.III of 1872) nor reserved or enclosed to promote growth of forest nor set apart under section34:

Provided that nothing in this section shall affect the right of reclamation of waste land after due settlement:

Provided further that the right of granzing cattle shall be subject to such forest rules as may for the time being be in force for the Domin-I Koh Government Estate or other private forests taken under the management of Government.

(2) No cattle of persons other than raiyats of the village may grazes within the village without the consent of the village community.

(3) No fee shall be chargeable by any person for the grazing of cattle within any village.

Section 38. Grazing land shall not be cultivated

(1) No land recorded as village grazing land or gopher shall be settled or brought under cultivation or utilised for any other than grazing by any one.

(2) If the area recorded as grazing land or gochar be less than five per centum of the total area of the village headman or mulraiyat, and raiyats, set apart suitable area of village waste land for grazing. Such land when so set apart shall be governed by the provision of sub- section (1).

Section 39. Raiyat's right to excavate tanks, etc., other than their holdings

Raiyats may, with the permission of the landlord, excavate on lands other than their holdings, tanks and other reservoirs required for drinking and other purposes, and may enjoy the fish and other produce of the same according to arrangement made with the landlord Provided that such permission shall not be refused by the landlord without sufficient reason and on such refusal the Deputy Commissioner may, on the application of the raiyat, grant such permission on such conditions as he deems fit.

Section 40. Right of fishery in a khas tank not to interfere with raiyat's rights

Where any person in in enjoyment of the right of fishery in a khas tank or other water reservoir, the extent and nature of his right will depend on the terms of the lease under which he holds, But neither he nor the landlord shall interfere with any right irrigation that may been acquired by any person.

Section 41. No settlements of vacant holding and wast land in a Paharia village with a non-Paharia

No vacant holding and no waste land in a Paharia village within the Damin-i-KOh Government Estate shall be settled with a person who is not a Paharia.

Explanation.- For the purposes of this section Paharia village is one which is recorded, recognised or declared as such by the Commissioner.

Section 42. Ejectment of a person in unauthorised possession of agricultural land

The Deputy Commissioner may at any time either of his own motion or on an application made to him pass an order for ejectment of any person who has encroached upon, reclaimed, acquired or come into possession of agricultural land in contravention of the Provisions of this Act or any law or anything having the force of law in the Santal Parganas.

CHAPTER V RENT

Section 43. Rent in the kind not to be realised or recognised by any Court

(1) Nothing in contract, express or imployed, between a landlord, a village headman or a mulraiyat and a raiyat made before or after the commencement of this Act, shall entitle the landlord or the village headman or the mulraiyat to rent in kind whether known as bhaoli, batai, krisani, danabandi or otherwise.

(2) No rent in kind shall, in any way, be recognised as valid by any Court whether in the exercise of civil, criminal or revenue jurisdiction:

Privided that if the Deputy Commissioner directs that a holding given in khas possession to a decree-holder for satisfaction of decree under the provision of the Santal Civil Rules be made over for cultivation to the evicted raiyat or his heirs, the decree-holder shall be entitled to take not more than half the produce as his share by division.

Section 43-A. Time for payment of rent

[(1) Notwithstanding anything to the contrary contained in the Santal Paraganas Settlement Regulation, 1872 (Reg.III of 1872) or the village record- of-rights prepared there under, a money rent payable by a tenant shall be paid in four equal instalments failing due on the last day of each quarter of the agricultural year.

(2) Every tenant or the mortgagee of his holding or tenure shall pay each instalment of rent before sunset of the day on which it falls due.

(3) Any instalment or part of an instalment of rent not duly paid at or before the time when if falls due shall be deemed to be an arrear:

Provided that where rent is payable to the State Government, any instalment or part of an instalment not duly paid at or before the time when it falls due shall be deemed to be an arrear only at the end of the agricultural year.

Section 44. Raiyat, village headman and mulraiyat not liable to transferee of landlord's or mulraiyat's interest for rent paid to former landlord or mulraiyat, without notice of the transfer

(1) When the interest of the landlord or mulraiyat is transferred, no raiyat, village headman or mulraiyat, as the case may be, shall be liable for rent which became due after the transfer and was paid in good faith to the landlord or mulraiyat, as the case may be, whose interest was so transferred unless the transferee has before the payment served notice of the transfer on the raiyat, village headman or mulraiyat.

(2) Where there is more than one raiyat, village headman or mulraiyat paying rent to the landlord or mulraiyat, as the case may be, whose interest is transferred, a general notice from the transferee to the raiyats, village headmen or mulraiyats, published in the prescribed manner, shall be a sufficient notice for the purpose of this section.

Section 45. Payment of rent by postal money order

Payment of rent by a raiyat to his landlord, village headman or mulraiyat, as the case may be, in respect of his holding in any village may be made by remitting the amount of the rent by postal money order in the prescribed form. A village headman or a mulraiyat may be like money-order remit the amount of rent due from him to his landlord.

Section 46. Maintenance of account of rent of each raiyat by village headman, mulraiyat or landlord

(1) A village haddman or a mulraiyat in a pradhani or mulraiyati village, land a landlord in a khas village, shall maintain a statement of account in the prescribed form for each village showing the rent due, payments made by each raiyat During each agricultural year, the manner in which such payments have been credited in the accounts, the balance, if any, remaining unpaid by such raiyat at the end of the said year and the interest claimed thereon.

Section 47. Receipts for rent and interest thereon

(1) Every raiyat, village headman or mulraiyat who makes a payment on account of rent, or interest due thereon, or bothm, to his landlord, village headman or mulraiyat, as the case may be, shall be entitled to obtain forthwith from the landlord or his agent, village headman, or mulraiyat, as the case may be, free of charge, a signed receipt for the same, in the prescribed form.

(2) The landlord or his agent or the village headman, or muilraiyat, as the case may be, shall prepare and retain a counter-foil, in the prescribed form, of the receipt.

(3) It a receipt does not contain substantially such of the particulars to be entered in the prescribed form of receipt as can be specified by the rent-receiver at the time of payment, it shall be presumed, until the contrary is proved, to be an acquaintance in full of all demands for rent and interest thereon up to the date on which the receipt was given.

(4) If any landlord or his agent, village headman, or mulraiyat fails to grant such a receipt or to prepare and retain such a counterfoil or to maintain and deliver to a raiyat, a statement of account as prescribed in Section 46 then on proof thereof, the Deputy Commissioner may, in summary proceeding, by order, impose on the landlord, village headman, or mulraiyat, as the case may be, a fine which may extend to fifty rupees in respect of each such failure; and may, in his discretion, award to the raiyat or village headman or mulraiyat, as the case may be, by way of compensation, such portion of the fine as the Deputy Commissioner may think fit.

(5) If, in a proceeding instituted under sub-section (4), the Deputy Commissioner discharges any landlord, village headman or mulraiyat and is satisfied that the complaint or allegation of the raiyat, village headman or mulraiyat on which the proceedings were instituted is false or vexatious, the Deputy Commissioner may, in his discretion by his order of discharge, direct the raiyat, village headman or mulraiyat, as the case may be, to pay to the village headman or mulraiyat or landlord, as the case may, be such compensation, not exceeding fifty rupees, as the Deputy Commissioner may think fit.

(6) An appeal shall lie to the Commissioner against any order of the Deputy Commissioner imposing a fine under sub-section (4) or Awarding compensation under sub-section (4) or sub-section (5); and the order passed by the Commissioner on such appeal shall be final.

(7) Any fine imposed or compensation awarded under this section may be recovered in the manner provided by any law for the time being in force for the recovery of public demand.

(8) For the purpose of an enquiry under this section, the Deputy Commissioner shall have power to summon, and enforce the attendance of, witnesses, and compel the production of documents in the same manner as is provided in the Santal Civil Rules.

(9) If, in any suit or other proceeding under this Acvt any other law in force, the Court or Presiding Officer (not being the Deputy Commissioner) finds that any landlord or his agent, village headman, or mulraiyat, has failed-

(a) to deliver to a raiyat, villag headman or mulraiyat a receipt in the prescribed form, or

(b) to prepare and retain a counterfoil, in the prescribed form, of a receipt delivered to a raiyat, village headman or mulraiyat as aforesaid, or

to maintain and deliver to a raiyat or village headman, as the case may be, a statement of account as prescribed in Section 46,

Such Court or Officer shall report the fact to the Deputy Commissioner.

Section 48. State Government to prepare forms of receipts and statement of accounts

(1) The 1[State] Government shall cause to be prepared and kept for sale to village headman, mulraiyat and landlords at all sub-divisional offices forms of receipts with counterfoils and of statements of accounts suitable for use under the foregoing sections.

(2) The forms may be sold in books with the leaves consecutively numbered or otherwise as the [State] Government thinks fit.

Section 49. Rent to be first charge on holdings

Where a raiyat's holding is transferable, the rent of the holding shall be a first charge on the holding and, in the case of a village headman or mulraiyat, the village rent shall be first charge on the holding of the village headman or mulraiyat pledged as security for payment of such rent:

Provided that, if a holding or a portion thereof is sold in execution of a decree for arrears of rent, the purchaser shall acquire the holding free of all liability for rent for any period prior to the date of the sale, and rent due for any such period shall be a fist charge on the sale proceeds of the holding or portion thereof.

Section 50. Reduction of rent for special reasons

(1) Notwithstanding anything to the contrary contained in any law or anything having the force of law in the Santal Parganas, the Deputy Commissioner may, if specially authorised by the [State] Government in that behalf, reduce by order in writing the rent of holdings of recorded raiyats in any area or village or of any class of land belonging to such raiyats, which has been settled by the Settlement Officer under the provisions of the Santal Parganas Settlement Regulation or which is entered in the rent-roll, as the case may be, on any one or more of the following grounds,-

(a) that the soil of a portion or the whole of such holdings of area has without the faults of the raiyats become permanently deteriorated by a deposit of sand by sub-mersion under water or by any other specific ground, sudden or gradual;

(b) that the landlord of such holdings or area has failed in spite of due notice to carry out within a period of six months from the date of service of notice the arrangements in respect of irrigation which he is bound to maintain;

(c) that there has been a fall not due to temporary cause in the average local Prices of staple food crops during the currency of the present rent.

Explanation.-(1) The expression "permanently deteriorated "in clause (a) means deteriorated for a period of seven years or more, such period being determined by the Deputy Commissioner.

(2) in the case referred to in clause (a) the reduced rent shall bear top the previous rent the same proportion as the current prices bear to the prices prevailing at the time when the previous rent first became payable.

(2) No proceeding under sub-section (1) shall be initiated on applications made by raiyat individually; but the initiative may be taken by the Deputy Commissioner himself if he is satisfied after due enquiry and after hearing all interested persons that there are sufficient grounds for such action.

(3) No proceedings under sub-section (1) shall be initiated until after the expiry of a period of seven years from the

date on which the rent settled under the Santal Parganas Settlement Regulation, or the rent specified in a rent-roll published under the Santhal Parganas Rent Regulation, 1886, took effect.

(4) An order of the Deputy Commissioner under this section shall take effect from such date as may be specified in that order.

(5) The powers conferred on the Deputy Commissioner under this section shall be exercised in accordance with the prescribed procedure.

Section 51. Duration of reduction of rent

Where rent has been reduced under Section 50, no further reduction of rent shall be granted on the same ground unbtil a fresh record-of-rights is prepared under the Santal Parganas Settlement Regulation, or until fresh table of rates and rent-roll are published under Santal Parganas Rent Regulation, 1886.

Section 52. Penalty for exaction by landlord, etc., from tenant of anything in excess of the rent payable

(1) If a landlord or his agent exacts or levies from a raiyat, village headman, or mulraiyat under such landlord, or if a village headman or mulraiyat exacts or levies from a raiyat under such village headman or mulraiyat, any toll, abwab, salami, Kayali, or forced labour or, except as provided in this Act or any special enactment for the time being in force, any sum of money or anything in excess of the rent or local cess lawfully payable by such raiyat, village headman or mulraiyat and the interest payable on an arrear of such rent or cess, such landlord or his agent, or village headman, or mulraiyat , as the case may be, shall be punishable with simple imprisonment for a a term which may extend to six months ,or with fine, which may extend to five hundred rupees, or with both.

(2) An offence under sub-section (1) shall be bail able , and shall be compoundable with the leave of the Court.

CHAPTER VI ACQUISITION OF LAND BY LANDLORD FOR CERTAIN PURPOSES

Section 53. Acquisition of land by landlord for building and other purposes

(1) (a) The landlord of village who is desirous of acquiring the holding or part of the holding or any land over which the inhabitants of such village have any common right for any reasonable and sufficient purpose having relation to the good of the holding, village or estate, or for the erection of buildings or for any religious, educational or charitable purpose; or for the purposes of mining, manufacture or irrigation, or effecting any agricultural or horticultural improvement or giving effect to any national policy of the Government may apply to the Deputy Commissioner for sanction to acquire the same.

(b) The Deputy Commissioner may, on the application of a village headman, mulraiyat or raiyat of the village or of his own motion, sanction acquisition proceedings to be started with respect to such land as is referred to in clause (a), if he is satisfied after due enquiry that the acquisition is to be made for any of the purposes specified in the said clause.

(c) On receipt of such application as is referred to in clauses (a) and (b), the Deputy Commissioner shall scrutinise it with a view to see that it satisfies the conditions of acquisition prescribed by the 1[State] Government in this behalf. If on such scrutiny of Deputy Commissioner considers the application to be not maintainable on the face of it, he may reject the application summarily.

(2) If the application is not rejected summarily under clause of sub-section (1), the Deputy Commissioner shall issue notice to the raiyats and other persons interested to appear before him and to file objections, if any. If after due enquiry the Deputy Commissioner is satisfied that the purpose stated in the application is as specified in clause (a) of sub-section (1) and that the objection, if any taken to the application are such that they may fairly be disregarded, the Deputy Commissioner may by order sanction acquisition proceedings to be started.

(3) On the passing of an order under sub-section (2), the Deputy Commissioner shall, after issuing notice to the raiyats and other persons interested, decide claims and objections as to compensation, and may authorise the landlord, village headman, mulraiyat or raiyat, as the case may be, to take possession of the land on such terms and on payment to the raiyat whose land is acquired or other persons interested of such compensation as he thinks fit and reasonable.

(4) If the applicant landlord, village headman, mulraiyat or raiyat, as the case may be, tenders to the raiyat whose land is acquired or other interested persons such sum as the Deputy Commissioner has approved under sub-section (3) as compensation and the latter refuses to receive the same, the Deputy Commissioner may, on the landlord, village headman, mulraiyat or raiyat, as the case may be, depositing the said sum with the Deputy Commissioner, give possession of the land to him in the prescribed manner and may execute a lease in the prescribed form in his

favour.

(5) The raiyat whose land is so acquired shall be entitled to receive proportionate reduction of rent in addition to compensation.

(6) If the land so acquired is not utilised for the purpose for which it was required within five years of taking possession, the Deputy Commissioner may pass an order restoring the land to the original raiyat or his heirs or to the persons interested on such terms as he thinks fair and reasonable and, on the failure of such persons to take back the land, the Deputy Commissioner may settle the land as if it were village waste land.

CHAPTER VII JUDICIAL PROCEDURE

Section 54. Power of State Government to make rules regarding procedure

(1) the [State] Government may make rules prescribing the procedure to be followed by the Court of the Deputy Commissioner and Courts of other officers invested with the powers of the Deputy Commissioner in dealing with applications and other proceedings under this Act and by the courts exercising appellate and revisional jurisdiction in dealing with appeals and revisions and other proceedings arising form such applications in respect of matters for which a procedure is not provided hereby; and may by any such rules direct that any provisions of the Santal Civil Rules shall be followed with or without modifications in dealing with all or any classes of such cases.

(2) Until rules are made under sub-section (1) and subject to those rules when made and the other provisions of this Act, the provisions of the Santal Civil Rules shall, far as may be and so far as they are not inconsistent with this Act, be followed in dealing with cases referred to in sub-section (1).

Section 55. Successive suits against raiyat for recovery of rent

Where a landlord has instituted a suit against a raiyat for the recovery of any rent of his holding, the landlord shall not institute another suit against him for the recovery of any rent of that holding until after six months from the date of the institution of the previous suit.

Section 56. Ejectment

No person shall be ejected from agricultural land, except by an order of the Deputy Commissioner passed under the provisions of this Act:

Provided that where a raiyat is ejected from his entire holding, the Deputy Commissioner may, in his discretion, permit him to remain in possession of his dwelling house only which may thereupon be assessed to rent if the Deputy Commissioner thinks fit.

Section 57. Appeals

Except as otherwise provided in this Act, from every order passed under this Act, an appeal shall lie, when the order was made,-

(a) by a Deputy Collector exercising powers of the Deputy Commissioner, to the Sub-divisional officer vested with the powers of the Deputy Commissioner in this behalf:

Provided that the Deputy Commissioner shall have power to order any such appeal to be transferred to his own file or to the file of the Additional Deputy Commissioner empowered in this behalf;

(b) by a sub-divisional Officer exercising powers of the Deputy Commissioner, to the Deputy Commissioner:

Provided that the Deputy Commissioner shall have power to order any such appeal to be transferred to the file of the Additional Deputy Commissioner empowered in this behalf;

(c) by the Deputy Commissioner or the Additional Deputy Commissioner, to the Commissioner;

(d) by the commissioner confirming the order of the Deputy commissioner dismissing a mulraiyat or co-mulraiyat under Section 11 of the Record-of-rights of Mulraiyati village, to a tribunal appointed by the 1[State] Government in this behalf.

Section 58. Second Appeal

(1) Subject to the provisions of Section 59 with respect to revision, an appellate order shall be final in all cases where the decision of the lower Court is affirmed, and no second appeal shall be allowed except when the Sub-divisional Officer, the Additional Deputy Commissioner has varied the decision of the lower Court, in which case an appeal shall lie,-

(a) When the appellate order was made by a Sub-divisional Officer vested with appellate power, to the Deputy

Commissioner:

Provided that the Deputy Commissioner shall have power to order any such appeal to be transferred to the file of the Additional Deputy Commissioner empowered in this behalf;

(b) When the appellate order was made by the Deputy Commissioner or the Additional Deputy Commissioner, to the Commissioner.

(2) No second appeal shall lie from any order passed on appeal by the Commissioner or by the tribunal appointed under clause (d) of Section 57.

Section 59. Revision

(1) The Commissioner or the Deputy Commissioner may, on his own motion or otherwise, call for the record of a case decided by Court under his control in which an appeal does not lie or in which for cause shown to his satisfaction an appeal has not been preferred within the time limit there for, and may pass such order in the case as he thinks fit:

Provided that the Commissioner shall not pass such order on an application by a party until the Deputy Commissioner or the Additional Deputy Commissioner, as the case may be, has heard the matter in revision or appeal and passed an order.

(2) The Deputy Commissioner may, by order in writing, empower any Sub-divisional Officer under his control to exercise the powers conferred on the Deputy Commissioner by sub-section (1) with respect to the decisions of all or any of the Courts of Deputy Collectors not in charge of a sub-division, under the Control of the Deputy Commissioner.

Section 60. Review

(1) The Commissioner may, fore sufficient reasons to be recorded in writing, review any order which has been passed by himself or a predecessor in exercise of any power conferred by this Act.

(2) An officer subordinate to the Commissioner shall not review any order made by him or by a predecessor, except for the purpose of correcting a clerical error other error or, manifestly the result of an oversight, without previously obtaining,-

(a) in the case of a Deputy Collector or a Sub-divisional Officer, the permission of the Deputy Commissioner; and

(b) in the case of the Deputy Commissioner or the Additional Deputy Commissioner, the permission of the Commissioner.

Section 61. Order not revisable on technical grounds alone

An order passed by the Deputy Commissioner in exercise of any of the powers conferred by this Act shall not be reversed or varied on appeal or Revision on account of any irregularity of procedure, unless the irregularity has occasioned or is likely to occasion failure of justice.

Section 62. Control over Deputy Commissioner and Deputy Collectors

In the performance of his duties and the exercise of his powers under this Act, the Deputy Commissioner, shall be subject to the general direction and control of the Commissioner, and the Additional Deputy Commissioner, Sub-divisional Officers and Deputy Collectors exercising the functions of the Deputy Commissioner, shall be subject to the direction and control of the Deputy Commissioner.

Section 63. Bar to suits

No suit shall be entertained in any court to vary, modify or set aside, either directly or indirectly, any order of the Deputy Commissioner in any application which is cognizable by the Deputy Commissioner under this Act and every such order shall, subject to the provisions of this Act relating to appeal and revision, be final :

Provided that nothing contained in this section shall bar the jurisdiction of a Civil Court in matters in which it had jurisdiction immediately before the Commencement of this Act.

CHAPTER VIII LIMITATION

Section 64. General rule of limitation

all applications made under this Act, for which no period of limitation is provided elsewhere in this Act, shall be made within one year from the date of the accruing of the cause of action :

Provided that there shall be no period of limitation for an application under Section 42.

Section 65. Limitation for ejectment suits

An application for ejectment of a raiyat on the ground mentioned in Section 14 shall be made within two years from the date of the misuse complained of.

Section 65-A. Limitation for suits for arrears of rent by or on behalf of Government

[Notwithstanding anything to the contrary contained in any law for the time being in force, the period of limitation for a suit for recovery of arrears of rent brought by or on behalf of the State Government shall be ten years from the end of the agricultural year in which the arrears become due.]

Section 66. Limitation for appeals

Every appeal under this Act shall be presented,-

(a) to the tribunal appointed under clause (d) of Section 57 or to the Commissioner, within ninety days from the date of the order appealed against; and

(b) to the Deputy Commissioner or to the Sub-divisional Officer within sixty days of the order appealed against.

CHAPTER IX MISCELLENEOUS PROVISIONS

Section 67. Penalties

(1) If any person-

(a) being a landlord, fails to repair and maintain any has bandhs, ahars dykes, dams, danrs, drains, tanks or any other water reservoirs or channels which he is bound, by the provisions of this Act or any law or anything having the force of law in the Santhal Parganas including any custom entered in the record-of-rights, to repair and maintain, or

(b) being a landlord or an agent of a landlord, a village headman or mulraiyat, fails to perform any of the duties imposed by this Act, or any law or anything having the force of law in the Santhal Parganas including any custom entered in the record-of-rights, or

(c) being a landlord, or the agent of a landlord, village headman or a mulraiyat, fails to repair, with the assistance of the raiyat, any bandhs, ahars, dams, dykes, drains, tanks, any other water reservoirs and irrigation channels, village paths or boundary marks which he and they are bound, by the provision of this Act or any law or anything having the force of law in the Santhal Parganas including any custom entered in the record-of-rights to repair, or fails to preserve any of the recorded village paths or camping or grazing grounds, or

(d) being a landlord, or the agent of a landlord, a village headman or a mulraiyat, fails to report to competent authority any transfer of village land made in contravention of Section 20, or

(e) being a landlord, or the agent of a landlord, fails to report to the Deputy Commissioner the death of a village headman as provided in Section 6, or

(f) being a landlord, or the agent of a landlord, a village headman or a mulraiyat, settles any village waste land or vacant holding or any other holding or land with a non-jamabandi raiyat, or

(g) being a landlord, or the agent of a landlord, fails to supply a newly appointed village headman either with original or with certified copies of the jamabandi and the record-of rights within the period specified in Section 8, or

(h) being a raiyat-

(i) fails to assist the landlord, or village headman or mulraiyat, as the case may be, in the repair of any village bandhs, ahars, dykes, dams, danrs, drains, tanks, any other water reservoirs and irrigation channels, village paths or boundary marks, which he is bound to do by the provisions of this Act or any law or anything having the force of law in the Santhal Parganas including any custom entered in the record-of-rights, or

(ii) encroaches on any of the recorded village paths, camping or grazing grounds, or

[* * *]

(iii) cuts down any village trees in contravention of the provisions of this Act or any law or anything having the force of law in the Santhal Parganas including any custom entered in the record-of-rights or otherwise uses, or prevents the use of, village forest in contravention of the provisions of this Act or any law or anything having the force of law in the Santhal parganas, he shall be liable to a fine which may extend To two hundred rupees and in the case of a continuing offence to a further fine not exceeding five rupees for each day during which the offence continues.

[(2) If any land is transferred in contravention of the provisions Section 20 or any other provision of this Act or by

fraudulent method and is held or cultivated by any person with knowledge of such transfer, he shall be punished with imprisonment of either description for a term which may exited to three years or with fine which may extend to one thousand rupees or with both, and in the case of a continuing offence, to a further fine not exceeding fifty rupees for each day during which the offence continues.]

[(3) Such fine shall be imposed by the Deputy Commissioner after such enquiry as the Deputy Commissioner may hold either on his own motion or on information received or upon the complaint of the party aggrieved made within three months from the date on which the offence was committed.

[(4) An appeal shall lie to the Commissioner against any order of the Deputy Commissioner imposing a fine under sub-section (2) and the order passed by the Commissioner on such appeal shall be final.

Section 68. Service of notice on landlord

Every notice required by this Act to be served on a landlord shall, if served on an agent empowered by a written authority under the hand of the landlord to accept service of or receive the same on behalf of the landlord, be as effectual for the purposes of this Act as if it had been served on the landlord in person.

Section 69. Bat to acquisition of right over certain lands

Notwithstanding anything contained in any law or anything having the force of law in the Santhal Parganas, no right shall accrue to any person in,-

(a) land held or acquired in contravention of the provision of Section 20, or

(b) land acquired under the Land Acquisition Act, 1894, for the Government or for any local authority or for a railway company, while such land remains the property of the Government or of any local authority or of a railway company, or

(c) land recorded or demarcated as belonging to the Government or to a local authority which is used for any public works, such as a road, canal or embankment, or is required for the repair or maintenance of the same, while such land continues to be so used or required, or

(d) a vacant holding retained by a village headman, mulraiyat and members of their family, or a landlord, or

(e) village headman's official holding, grazing land, jeharthan and burning and burial grounds.

Section 70. Recovery of dues

(1) All costs, interest, damages and compensation awarded under this Act, shall be recoverable unless otherwise provided in this Act in the manner provided for the recovery of money due under a decree.

(2) All fines and penalties imposed under this Act shall be recoverable in the manner prescribed by any law for the time being in force for recovery of a public demand.

Section 71. Power to make rules

(1) The [State] Government may, by notification, make rules for carrying out the objects of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the [State] Government may make rules with respect to all or any of the following matters,-

(i) the manner of ascertaining the consent of resident jamabandi raiyat under Section 5;

(ii) the manner in which a village headman shall discharge his duties;

(iii) the manner in which copies of jamabandi will be certified under Section 8;

Prepared by Law Maker (lawmaker.in), operated by Bitola Industries Pvt Ltd, from the official text. Free judiciary mock tests, past papers, landmark judgments and the old and new criminal laws side by side: https://www.lawmaker.in