

JUDICIAL ACADEMY JHARKHAND

Refresher Training on the Civil Laws

Salient Features of

The Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908)

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1. Institutional & Programmatic Overview

Attribute	Details
Institution	Judicial Academy Jharkhand
Program	Refresher Training on the Civil Laws
Subject / Legislation	Salient Features of The Chota Nagpur Tenancy Act, 1908 (Bengal Act VI of 1908)
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2. Legislative Genesis, Jurisprudential Foundations, and Scope

Dimension	Statutory & Historical Baseline
Nomenclature & Act Number	The Chota Nagpur Tenancy Act, 1908 (Bengal Act VI of 1908).
Enactment & Sanction	Enacted on November 11, 1908; received the formal sanction of the Governor-General under Section 5 of the Indian Councils Act, 1892.

Dimension	Statutory & Historical Baseline
Historical Impetus & Root Catalyst	Agrarian discontent and indigenous peasant insurrections, primarily the Birsa Munda Uprising (<i>Ulgulan</i>) of 1899–1900, directed against systemic land alienation, landlord usurpation, and colonial tenancy exploitation.
Root Grievances Addressed	Breakdown of customary communal tenures; unauthorized land alienation by non-tribal zamindars and moneylenders (<i>dikus</i>); extraction of forced agrarian labor (<i>begari</i>); and arbitrary feudal levies (<i>abwabs</i> or <i>praedial</i> conditions).
Key Drafting Contributor	Drafted with extensive technical, socio-cultural, and ethnographic input from Reverend Father John Baptist Hoffmann, S.J.
Core Legislative Objectives	Stabilize agrarian relations on the Chota Nagpur plateau; secure fixity of tenures; record ancestral tenures (<i>Mundari Khunt-Kattidari</i> and <i>Bhuinhari</i>); establish cadastral records-of-rights; and strictly prohibit inter-vivos transfer of tribal agricultural holdings to non-tribals.
Territorial Jurisdiction [Section 1(2)]	Extends across North Chotanagpur, South Chotanagpur, Palamau, and Kolhan Divisions of Jharkhand; covers rural agricultural holdings, municipalities, notified area committees, and cantonment zones.
Structural Architecture	19 Chapters, 271 Sections, accompanied by Schedule A and Schedule B (repealing earlier conflicting provincial enactments).

3. Structural Master Table of the Act (Chapters I – XIX)

Chapter	Statutory Range	Primary Matter	Subject	Core Jurisprudential Purpose
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Chapter	Statutory Range	Primary Subject Matter	Core Jurisprudential Purpose
I	Sections 1 – 3	Preliminary	Delineates territorial jurisdiction, repeals anterior laws, and codifies statutory definitions.
II	Sections 4 – 8	Classes of Tenants	Establishes a fourfold classification of agrarian actors and codifies customary tenurial categories.
III	Sections 9 – 15	Tenure-Holders	Regulates rent enhancements, mandates registration of transfers, and shields Bhuinhari lands.
IV	Sections 16 – 36	Occupancy-Raiyats	Details settled raiyat status, continuous possession rights, land usage, and rent variation procedures.
V	Section 37	Raiyats Having Khunt-Katti Rights	Preserves customary incidents of reclamation tenures established by original village clearing lineages.
VI	Sections 38 – 42	Non-Occupancy Raiyats	Regulates initial rents, written settlement agreements, and procedural conditions for eviction.
VII	Section 43	Exempted Lands	Prevents the accrual of occupancy rights in landlords' private/privileged holdings (<i>Zirat, Man, Manjhihas, Bethkheta</i>).
VIII	Sections 44 – 51	Leases and Transfers of Holdings and Tenures	Imposes statutory anti-alienation restrictions, bars execution sales, and

Chapter	Statutory Range	Primary Subject Matter	Core Jurisprudential Purpose
			defines limited exceptions.
IX & IX-A	Sections 52 – 63B	General Provisions as to Rent	Regulates installments, statutory receipts, produce commutation, illegal cesses, and waste land settlements.
X	Sections 64 – 75	Miscellaneous Provisions as to Landlord and Tenant	Governs <i>Korkar</i> land reclamation, ejectment procedures, abandonment, and statutory restoration of tribal land.
XI	Sections 76 – 79B	Customs and Contract	Ensures customary agrarian usages prevail over unconscionable contractual agreements.
XII	Sections 80 – 100A	Record-of-Rights and Settlement of Rents	Prescribes cadastral survey operations, <i>Khanapuri</i> , attestation, publication, and legal presumption of correctness.
XIII	Sections 101 – 117	Commutation of Praedial Conditions	Abolishes customary forced labor and intermittent feudal exactions, converting them into fixed cash assessments.
XIV	Sections 118 – 126	Record of Landlord's Privileged Lands	Demarcates and registers landlord demesne lands (<i>Manjhihas</i> , <i>Bethkheta</i>) to prevent tenurial usurpation.
XV	Sections 127 – 134	Record of Rights and Obligations of Village Headmen	Formalizes customary authority and rent collection mandates of <i>Mankis</i> , <i>Mundas</i> , <i>Pradhans</i> , and <i>Manjhis</i> .

Chapter	Statutory Range	Primary Subject Matter	Core Jurisprudential Purpose
XVI	Sections 135 – 229	Suits and Applications before the Deputy Commissioner	Establishes exclusive revenue court procedures, summary trial mechanisms, decree execution, and appeals.
XVII	Sections 230 – 238	Limitation	Establishes statutory limitation periods for suits, appeals, and applications under the Act.
XVIII	Sections 239 – 256	Special Provisions with respect to Mundari Khunt-Kattidars	Imposes a protective code over Mundari ancestral communal tenures, prohibiting alienation and judicial sales.
XIX	Sections 257 – 271	Supplemental and Miscellaneous Provisions	Imposes a jurisdictional bar on civil courts, frames government rule-making powers, and confers administrative immunities.

4. Key Statutory Definitions (Chapter I, Section 3)

Statutory Term	Provision	Statutory Definition & Legal Meaning
Agricultural Year	Section 3(i)	The year prevailing in a local area for agricultural purposes; commences on the first day of April where the State Government functions as the immediate landlord.
Bhugut-Bandha Mortgage	Section 3(ii)	A transfer of the interest of a tenant in their tenancy to secure the payment of money advanced by way of loan, upon the condition that the loan with all interest is fully liquidated exclusively out of the mortgagee's operational profits and

Statutory Term	Provision	Statutory Definition & Legal Meaning
		usufruct over an administratively capped duration.
Korkar	Section 3(xiii)	Artificial land holding created by converting barren, stony, or waste jungle land into cultivated wetland suitable for transplanted paddy by a cultivator other than the immediate landlord (includes local variants: <i>Ariat</i> , <i>Khandawat</i> , <i>Bahbala</i> , <i>Jalsasan</i>).
Landlord	Section 3(xxi)	A person immediately under whom a tenant holds land, and includes the Government.
Mundari Khunt-Kattidari Tenancy	Section 3(xvi)	Autonomous ancestral family settlements cleared from the virgin forest by original Mundari settlers and held by their male-line descendants.
Praedial Conditions	Section 3(xix)	All recurring or intermittent forced services, <i>rakumats</i> , and customary feudal exactions (<i>mahtut</i> , <i>mangan</i> , <i>madad</i>) rendered alongside or in lieu of contractual rent.
Rent	Section 3(xxiii)	Whatever is lawfully payable in money or kind by an agricultural tenant to a landlord on account of the use or occupation of the holding; explicitly includes statutory cess recoveries while excluding personal manual services.
Resumable Tenure	Section 3(xxiv)	Land granted under customary or conditional agreements that reverts (lapses) to the parent estate of the grantor upon the failure of direct male-line heirs or upon specified contractual contingencies.
Tenant	Section	A person who holds land under another person and is (or but for a special contract would be) liable to pay rent for that land

Statutory Term	Provision	Statutory Definition & Legal Meaning
	3(xxvi)	to that person.
Tenure	Section 3(xxvii)	The intermediate interest of a tenure-holder; explicitly excludes Mundari Khunt-Kattidari tenancies.
Village Headman	Section 3(xxix)	Customary village leaders—such as <i>Mankis</i> , <i>Mundas</i> , <i>Pahans</i> , <i>Pradhans</i> , <i>Manjhis</i> —who oversee communal administration and rent collection.

5. Classification of Tenants (Chapter II, Sections 4 – 8)

Statutory Tier	Provision	Core Legal Characteristics & Legislative Intent
Tenure-Holder (including Under-Tenure-Holder)	Sections 4(1) & 5	An intermediary who acquires land primarily to collect rents or establish tenant-cultivators on the soil; includes tenures documented under the Chota Nagpur Tenures Act, 1869, but excludes Mundari Khunt-Kattidars.
Raiyat	Sections 4(2) & 6	An individual who acquires land primarily to cultivate it directly, through family labor, hired labor, or partners. Cultivation includes reclaiming waste land, even if forest produce is gathered or cattle grazed. Determined by local custom and original purpose of acquisition [Section 6(3)].
Settled Occupancy Raiyat /	Sections 4(2)(a) & 16–19	A raiyat holding continuous occupancy for 12 consecutive years in a village, gaining statutory fixity of tenure and security against arbitrary eviction.
Non-Occupancy	Sections	Cultivators holding land without occupancy rights;

Statutory Tier	Provision	Core Legal Characteristics & Legislative Intent
Raiyat	4(2)(b) & 38–42	governed by written settlement agreements or initial rent orders.
Raiyat Having Khunt-Katti Rights	Sections 4(2)(c) & 7	A raiyat occupying land reclaimed from virgin jungle by the original founders of the village or their direct descendants in the unbroken male line.
Under-Raiyat	Sections 4(3) & 43	Sub-tenant holding agricultural land immediately under a raiyat.
Mundari Khunt-Kattidar	Sections 4(4) & 8	A Mundari who has acquired an ancestral customary right to jungle land by clearing it and bringing it under cultivation personally or through male family members; includes male-line heirs with subsisting title.

6. Detailed Analysis of Substantive Provisions (Chapters III – VII)

Statutory Sphere	Relevant Sections	Operational Rules, Rights, and Statutory Protections
Tenure-Holders	Sections 9 – 15	• Sec. 9: Fixed-rate tenures held since the Permanent Settlement of 1793 are exempt from rent enhancement. • Sec. 10: Total ban against rent enhancement on registered <i>Bhuinhari</i> tenures under Bengal Act II of 1869.

Statutory Sphere	Relevant Sections	Operational Rules, Rights, and Statutory Protections
		• Secs. 11–13: Compulsory registration of tenure transfers; right of appeal to DC if registration is refused. • Sec. 14: On lawful resumption of a resumable tenure (e.g., extinction of male line), all subordinate leases and encumbrances are automatically extinguished.
Settled & Occupancy Raiyats	Sections 16 – 23A	• Sec. 17: Holding agricultural land in a village for 12 consecutive years confers the status of a "Settled Raiyat". • Sec. 19: Every settled raiyat automatically acquires statutory occupancy rights in all land held or acquired in that village. • Sec. 21 & 21A: Entitled to use land for agriculture, make bricks/tiles for domestic use, construct homes, dig tanks/wells (<i>bandhs/ahars</i>), set up cottage industries, and plant/manage trees/timber/produce. • Sec. 22: Cannot be evicted except by order/decreed of the

Statutory Sphere	Relevant Sections	Operational Rules, Rights, and Statutory Protections
		DC on specified grounds (rendering land unfit for agriculture or material contract breach). • Sec. 23 & 23A: Devolution and registration of transfers; fee exemptions for direct descendants, wives, and adopted sons.
Assessment & Revision of Rent	Sections 24 – 36	• Sec. 24 & 25: Obligation to pay fair rent; statutory presumption of correctness for existing rent. • Secs. 27–30: Rent enhancement applications to the DC based on productivity increases, landlord-funded irrigation, or new roads. • Secs. 33A–35: Raiyats may petition DC for rent reduction where soil fertility permanently declines from river floods or sand deposits. • Sec. 36: Statutory bar on further enhancements or reductions for fifteen years after an administrative

Statutory Sphere	Relevant Sections	Operational Rules, Rights, and Statutory Protections
		determination.
Raiyats with Khunt-Katti Rights	Section 37	• Rent revisions restricted to specialized proceedings before the DC. • Rent capped at rates charged to ordinary occupancy raiyats in adjacent areas; preserves customary male lineage succession.
Non-Occupancy Raiyats	Sections 38 – 42	• Rents settled by registered agreement or administrative order [Sec. 38]. • Ejectment restricted to revenue proceedings before the DC on strict grounds: rent default, refusal to pay fair rent, or material contractual breach [Secs. 40–42].
Landlord's Privileged / Demesne Lands	Section 43	• Prevents accrual of settled or occupancy raiyat protections in landlords' private demesne lands (<i>Zirat, Sir, Man, Manjhihas, Bethkheta, Khas-Khamar</i>). Cultivators work these under annual/fixed agreements.

7. Anti-Alienation Regime (Chapter VIII, Sections 46 – 51)

Section	Nature of Statutory Control	Statutory Conditions & Limitations	Competent Remedial Authority
46	Restrictions on the transfer of raiyati holdings (Sale, Gift, Mortgage, Lease)	• ST to ST: Transfer permitted only to an ST resident within the local police station limits, subject to prior written permission of the DC. • SC/OBC to SC/OBC: Permitted within the same district with prior DC sanction. • Bhugut-Bandha Mortgage: Maximum period capped at 7 years (extended up to 15 years with registered cooperative societies or financial institutions). • Any transfer made in contravention is void <i>ab initio</i>.	Deputy Commissioner (DC) / Sub-Divisional Officer (SDO)
47	Absolute bar on execution sales	• Prohibits civil, criminal, or revenue courts from issuing decrees	Civil Courts, Revenue Courts, and

Section	Nature of Statutory Control	Statutory Conditions & Limitations	Competent Remedial Authority
	under court decrees	or attachment orders for the execution sale of an occupancy or non-occupancy holding. • Strict exception: Realization of rent arrears accrued on that specific holding or statutory public demands.	Certificate Officers
48 & 48A	Protection of Bhuinhari Tenures	• Extends all protections of Section 46 and Section 47 to ancestral <i>Bhuinhari</i> holdings, prohibiting involuntary sales and unauthorized transfers.	Deputy Commissioner
49	Limited alienation for industrial and development purposes	• Permits transfer of raiyati or <i>Bhuinhari</i> land exclusively for mining, industrial enterprise, road construction, railways, or public utilities. • Requires prior written administrative consent of the DC, inquiry into legitimacy, and payment of fair compensation.	Deputy Commissioner, subject to Divisional Commissioner oversight

Section	Nature of Statutory Control	Statutory Conditions & Limitations	Competent Remedial Authority
		• Non-utilization for stated purpose within statutory timeframes empowers administrative resumption.	
50	Acquisition of holdings by landlords / Government	• Allows landlords/State to acquire tenures or holdings exclusively for religious, educational, or charitable purposes, subject to administrative approval and compensation.	Deputy Commissioner
51	Tenant payment immunity during title transfers	• Shields tenants from liability for rents paid to an outgoing landlord prior to receiving formal written statutory notice under Section 51(2).	Revenue Courts

8. Rent Administration, Tenancy Protections, and Reclamation (Chapters IX – XI)

Chapter	Sections	Key Statutory Mandates & Legal Protections
IX & IX-A: Rent Provisions & Waste Land	52 – 63B	• Secs. 52–53: Rent payable in fixed seasonal installments via cash, postal money order, or administrative deposit before the DC.

Chapter	Sections	Key Statutory Mandates & Legal Protections
		• Sec. 54: Mandatory issuance of immediate, written statutory receipts; withholding receipts attracts administrative fines. • Sec. 60: Rent arrears constitute a first charge on the agricultural tenancy. • Secs. 61–62: Commutation of produce rents (<i>batai</i>, <i>adhabata</i>) into fixed cash assessments; cash rent locked for 15 years. • Sec. 63: Severe financial penalties against landlords for collecting unauthorized <i>abwabs</i>, cesses, or manual services. • Secs. 63A–63B: Waste land settlements must be by written <i>patta</i>; DC empowered to set aside invalid leases.
X: Reclamation, Restoration, & Ejectment	64 – 75	• Secs. 64–67A (<i>Korkar</i>): Right to convert waste land into <i>Korkar</i> wetland with DC sanction or by local custom. Cannot convert homesteads, orchards, or privileged land (Sec. 66). Automatic accrual of occupancy rights upon reclamation (Sec. 67). Rent-free for initial 4 years, then capped at half the

Chapter	Sections	Key Statutory Mandates & Legal Protections
		prevailing raiyati rate (Sec. 67A). • Sec. 71: DC empowered to restore possession to any tenant unlawfully dispossessed by force/extralegal means. • Sec. 71A: Special restoration power to evict unauthorized occupants and restore possession to ST raiyats dispossessed in violation of the Act. Compensation may be awarded in lieu of demolition for substantial building structures. • Sec. 71B: Criminal penalties (fines and imprisonment) for illegal re-entry and defiant non-compliance. • Secs. 72–73: Formal procedure for surrender and abandonment; requires village drum-beat proclamation to prevent fraud. • Sec. 74A: DC settles appointments and vacancies of traditional village headmen under customary rules.

Chapter	Sections	Key Statutory Mandates & Legal Protections
XI: Customs and Contracts	76 – 79B	• Sec. 76: Customary agrarian usages and collective tribal practices prevail over ordinary statutory provisions unless explicitly overridden. • Sec. 77: Protects service tenures granted for communal/administrative functions. • Sec. 78: Protects customary rights in homestead lands. • Secs. 79–79B: Renders null and void any contract that waives occupancy rights, bars eviction remedies, revives feudal levies, or imposes extortionate produce rents.

9. Cadastral Survey, Commutation, Headmen, and Revenue Courts (Chapters XII – XIX)

Chapter	Sections	Procedural Framework & Administrative Authority
XII: Record-of-Rights (Khatiyān)	80 – 100A	• State Government directs cadastral surveys and preparation of Records-of-Rights [Sec. 80].

Chapter	Sections	Procedural Framework & Administrative Authority
		• Multi-stage survey: Traverse, Demarcation, <i>Khanapuri</i>, Attestation, Draft Publication, and Objection Adjudication [Sec. 83]. • Sec. 84: Statutory presumption of correctness attaches to finally published <i>Khatiyān</i> entries. • Sec. 87: Civil suits challenging entries must be instituted before the Revenue Officer within three months of final publication.
XIII: Commutation of Praedial Dues	101 – 117	• Authorizes Revenue Officers to investigate, assess, and commute all feudal dues, <i>rakumats</i>, and forced labor liabilities into fixed monetary payments. • Once commuted, any exaction of personal services or customary levies is strictly illegal and punishable [Sec. 111].
XIV: Landlord's	118 – 126	• Specialized administrative survey to document authentic

Chapter	Sections	Procedural Framework & Administrative Authority
Privileged Lands		landlord private lands (<i>Manjhihas, Bethkheta, Zirat</i>). • Unrecorded demesne claims carry a statutory presumption of being standard raiyati land, shielding tenants from sham private declarations.
XV: Village Headmen Rights	127 – 134	• Formally records the authority, succession traditions, land allotments, and collection commissions of customary headmen (<i>Mankis, Mundas, Pradhans, Manjhis</i>), safeguarding the traditional self-governance tier.
XVI: Revenue Courts & Procedures	135 – 229	• Exclusive jurisdiction vested in the DC/Revenue Courts for rent suits, ejectment, lease cancellation, and <i>Korkar</i> disputes [Secs. 135–140]. • Summary trial procedure under the Code of Civil Procedure baseline; exempts seed grain, standing crops, and farm tools from execution attachment. • Sec. 208: Tenancies can be auctioned only to satisfy rent arrears accrued specifically on that holding.

Chapter	Sections	Procedural Framework & Administrative Authority
		• Secs. 215–229: Clear appellate hierarchy: Deputy Collector → Deputy Commissioner → Judicial / Divisional Commissioner → High Court.
XVII: Limitations	230 – 238	• Sets special limitation periods for suits, applications, and appeals under the CNT Act, overriding the general Limitation Act where specific timeframes are statutorily prescribed.
XVIII: Mundari Khunt-Kattidari Tenancies	239 – 256	• Sec. 240: Total ban on alienation (sale, gift, mortgage, lease); sole exception is intra-clan <i>Bhugut-Bandha</i> mortgage capped at 7 years. • Secs. 241–244: Total immunity from court attachment and execution sales. Arrears recovered only via temporary attachment of annual agricultural produce. • Secs. 252–256: DC possesses <i>suo-motu</i> power to investigate illegal transfers and summarily restore possession to descendants of original founding lineages.
XIX: Miscellaneous & Civil Bar	257 – 271	• Sec. 258: Absolute jurisdictional bar on Civil Courts; civil courts cannot modify, set aside, or entertain challenges against orders, decrees, or rent determinations made by the

Chapter	Sections	Procedural Framework & Administrative Authority
		DC or Revenue Officers under the Act. • Sec. 264: Grants rule-making power to the State Government to regulate procedures, registers, and execution methods.

10. Constitutional Status, Landmark Precedents, and Legislative Reforms

Dimension	Subject Matter	Judicial / Constitutional Principles
Ninth Schedule Immunity	Constitution (Sixty-Sixth Amendment) Act, 1990	Added the core anti-alienation provisions of Chapter VIII (Sections 46, 47, 48, 48A, 49, 50, and 51) and the Bihar Scheduled Areas Regulation, 1969 to the Ninth Schedule of the Constitution of India. Under Article 31B, these provisions are shielded from judicial invalidation on grounds of violating Fundamental Rights (Articles 14, 19, and 31).
Judicial Application of Section 71A	<i>Situ Sahu v. State of Jharkhand</i> (2004) 8 SCC 340	The Supreme Court held that while Section 71A does not prescribe an explicit period of limitation, administrative powers of restoration must be exercised within a "reasonable time". Unexplained delays spanning decades cannot upset long-settled equities and third-party improvements where lawful surrender and settlement had occurred.
Constitutional Validity of	<i>Amrendra Nath Dutta v. State of</i>	The Full Bench of the Patna High Court upheld Section 71A as a valid socio-economic welfare

Dimension	Subject Matter	Judicial / Constitutional Principles
Section 71A	<i>Bihar</i> (AIR 1983 Pat 151)	enactment advancing the Directive Principles under Article 46 of the Constitution, confirming that technical procedural rules cannot defeat the statutory objective of tribal land protection.
Substantive Transfer Invalidation	<i>Pandey Oraon v. Ram Chander Sahu</i> (AIR 1992 SC 195)	The Supreme Court ruled that the term "transfer" in Section 71A must be construed broadly to include any device, collusive arrangement, or fraudulent transaction by which possession of a tribal raiyat's land passes to a non-tribal.
Contemporary Legislative Debates	Chota Nagpur Tenancy (Amendment) Bill, 2016	Proposed amendments to: Section 21: Permit commercial, non-agricultural, and educational land use without forfeiture of tenancy. Section 49: Broaden permissible land alienation to public infrastructure, power lines, and public-private partnerships. • Due to widespread tribal concern regarding dilution of Section 46 protections, the Governor returned the bill in 2017 without assent, preserving the unamended protective framework.

11. Core Jurisprudential Pillars of the CNT Act, 1908

