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Refersher Training on the Civil laws

Salient Features of

The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949

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Historical Genesis, Legislative Framework, and Territorial Jurisdiction

The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949) represents one of the most protective statutory interventions within Indian agrarian and indigenous jurisprudence. To understand its structural rigor, the statute must be examined through the long trajectory of agrarian resistance across eastern India. The primary catalyst for special tenancy legislation in this tract was the Santhal Rebellion (*Hool*) of 1855, an armed peasant uprising against systemic dispossession, commercial rack-renting, and debt bondage orchestrated by intermediary landlords (*zamindars*) and moneylenders (*mahajans*) following the Permanent Settlement of 1793.

In the wake of the 1855 uprising, colonial authorities recognized the necessity of shielding indigenous cultivators from uninhibited civil litigation and commercial market transactions. This administrative shift produced Act 37 of 1855, which carved out the Santhal Parganas as a non-regulation district, directly curtailing the operation of general civil procedural codes. This was reinforced by the Santhal Parganas Settlement Regulation III of 1872. Regulation III of 1872 introduced the historic Section 27, establishing an explicit bar on the alienation of raiyati holdings by private contract, mortgage, or sale, thereby creating an early legal barrier against peasant land loss.

Despite these early executive protections, commercial pressures and judicial loopholes continued to undermine customary tenures through informal transfers, fraudulent surrenders, and collusive decrees. Following Indian independence, the Bihar Legislative Assembly enacted the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 to consolidate, amend, and expand earlier regulations and unwritten customary practices into a unified statutory code. The Act received assent on April 1, 1949, and took effect on November 1, 1949, formalizing an anti-alienation framework centered on indigenous tenurial stability.

Pursuant to Section 1(3), the Act extends across the entirety of the Santhal Parganas Division, comprising the administrative districts of Dumka, Deoghar, Godda, Sahibganj, Pakur, and Jamtara. Section 2 authorizes the State Government to withdraw the Act, or any part thereof, from any portion of the Division by formal notification, while protecting accrued rights, ongoing legal proceedings, and established liabilities from being extinguished by any temporary geographic withdrawal.

To protect this protective framework from constitutional challenges regarding property rights, Parliament enacted the Constitution (Sixty-sixth Amendment) Act, 1990. This amendment placed the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 into the Ninth Schedule under Entry 210, providing an immunity shield under Article 31B against challenges grounded in Part III fundamental rights. Notably, Entry 210 incorporates the statute with a deliberate, singular exception: *"The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act 14 of 1949) except section 53"*. By deliberately excluding Section 53—which governs the compulsory acquisition of land by landlords for development, construction, or educational purposes—Parliament preserved judicial review under Articles 14, 19, 21, and 300A for state acquisitions, while maintaining an absolute constitutional shield around the protective provisions of the Act.

Structural Classifications: Tenurial Typologies, Villages, and Social Demarcations

The administrative machinery of the SPT Act operates on defined categories of communities, settlements, and tenancy relationships. Rather than treating agricultural land purely as a fungible commercial asset, the statute integrates sociological classifications into its tenurial rules.

Section 4(v) divides the regional population into two groups: "aboriginal" and "non-aboriginal". Section 4(i) defines an aboriginal as any person belonging to an aboriginal or semi-aboriginal tribe or caste specified in Schedule B of the Act, reserving residual power for the State Government to notify additional communities. This categorization forms the baseline for the application of mortgage limits, succession rules, and statutory restoration procedures.

The statute recognizes two primary village categories:

1. *Khas Village [Section 4(ix)]*: Defined as a village in which there is no *mulraiyat* nor, for the time being, any village headman (*pradhan*), regardless of whether such an office existed in earlier settlements. In a *khas* village, the revenue administration connects cultivating tenants directly with the landlord or the State Government.
2. *Pradhani or Non-Khas Village*: A rural settlement administered through a traditional village officer—either a hereditary Village Headman (*Pradhan*) or a *Mulraiyat*. These traditional heads are responsible for collecting rent, allocating wastelands, maintaining boundaries, and managing village commons.

Chapter III, Section 12 establishes a tripartite classification of cultivating tenants (*raiyats*):

- *Resident Jamabandi Raiyat [Section 12(a)]*: A cultivator entered in the village rent-roll (*jamabandi*) who maintains a primary dwelling or ancestral residence within the territorial boundary of the village. These tenants hold top statutory priority in village governance and wasteland allocations.
- *Non-Resident Jamabandi Raiyat [Section 12(b)]*: A cultivator recorded in the village rent-roll who resides in an outside settlement. These raiyats retain cultivating rights over their plots, but hold secondary claims during wasteland allotments.
- *New Raiyat or Naya Raiyat [Section 12(c)]*: A cultivator settled on reclaimed wastelands or vacant holdings under the administrative mechanisms established in Chapter IV of the Act.

Tenurial / Structural Category	**Statutory Authority**	**Governance Role and Defining Attributes**	**Legal Inalienability Status**

Tenurial / Structural Category	Statutory Authority	Governance Role and Defining Attributes	Legal Inalienability Status
Village Headman (*Pradhan*)	Sections 4(xiv), 5, 6, 7, 8, 9	Traditional village leader; collects village rent, executes *kabuliyat*, holds official private holding.	Office and official private land are non-transferable under Section 9.
Mulraiyat	Sections 4(x), 4(xix), 10	Recognized original founder-cultivator or village-level tenure holder holding *mulraiyati jote*.	Restricted strictly to entries in the Record-of-Rights.
Resident Jamabandi Raiyat	Section 12(a)	Cultivator recorded in rent-roll residing within the village boundary; holds top priority for wasteland allocations.	Non-transferable; protected under Section 20.
Non-Resident Jamabandi Raiyat	Section 12(b)	Recorded cultivator maintaining domestic residence outside the village territory.	Non-transferable; protected under Section 20.
New Raiyat (*Naya Raiyat*)	Section 12(c)	Allottee of newly reclaimed waste or vacant holding via *Pradhan* or Deputy Commissioner settlement.	Non-transferable; subject to reclamation conditions.
Khas Village	Section 4(ix)	Settlement without a *Pradhan* or *Mulraiyat*; managed directly by the revenue collector or landlord.	Territorial classification.

The Anti-Alienation Fortress: Section 20 and Restrictive Doctrines

The core of the Santhal Parganas Tenancy Act is Section 20, which establishes an affirmative statutory bar against the transfer of raiyati holdings. While general property jurisprudence treats alienation as an inherent right of ownership, the SPT Act establishes a statutory presumption of **non-transferability**.

Under Section 20(1), no transfer by a raiyat of their rights in a holding—by sale, gift, mortgage, will, lease, or any contract or agreement, express or implied—is valid unless the right to transfer has been recorded in the Record-of-Rights, and then only to the extent recorded. Because settlement authorities historically omitted rights of private alienation from the *jamabandi*, this provision operates as an absolute prohibition on private land sales.

The statute recognizes four limited exceptions to this rule:

- *Excise Shop Leases*: Section 20(1) allows a raiyat to lease land for establishing or operating an excise shop for up to one year, provided prior written sanction is obtained from the Deputy Commissioner.
- *Customary Tribal Gifts*: Under the second proviso to Section 20(1), where gifts to a daughter or sister are recognized under Santhal customary law, a recorded Santhal raiyat may execute such a transfer with the prior written permission of the Deputy Commissioner.
- *Ghardi Jamai / Ghar Jamai Settlements*: The first proviso to Section 20(2) exempts conveyances by an aboriginal raiyat in favor of a resident son-in-law (*ghardi jamai* or *ghar jamai*). This provision protects the customary practice wherein a son-in-law moves into the household to support family agricultural labor in the absence of direct male heirs.
- *Widow Maintenance Leases*: Customary practice allows an aboriginal raiyat to set aside a life-interest lease over up to 50% of the holding to maintain a widowed mother or surviving wife, protecting the family from destitution while keeping title intact.

Section 20(2) further provides that even where a transfer right is formally recorded, an aboriginal raiyat may transfer their holding only to a *bona fide* cultivating aboriginal raiyat who resides within the same *pargana*, *taluk*, or *tappa*. This rule prevents land acquisitions by outside buyers, keeping holdings within the immediate community.

Sections 20(3) and 20(4) shield raiyati tenures from both civil registries and court executions:

- Under Section 20(3), no deed or contract executed in violation of Section 20(1) or 20(2) can be registered by any registration officer, nor can it be recognized as valid by any court exercising civil, criminal, or revenue jurisdiction.
- Section 20(4) prohibits courts and judicial officers from issuing decrees for the sale of a raiyati holding, and protects such holdings from execution sales or attachment.
- To enable access to institutional credit without triggering land sales, the Bihar Act 17 of 1976 amended Section 20 to permit raiyats to execute simple mortgages (without possession) in favor of scheduled banks, cooperative societies, and state financial institutions. In the event of a default, these lenders cannot auction the underlying land to private parties; recovery remains subject to specialized revenue proceedings.

Section 20(5), as reinforced by the Bihar Scheduled Areas Regulation, 1969, grants summary restorative authority to the Deputy Commissioner. If the Deputy Commissioner discovers that land belonging to a Scheduled Tribe raiyat has been alienated in contravention of the Act—or through fraudulent practices, including collusive civil suits—the Deputy Commissioner may initiate summary proceedings. The authority has the power to evict the unauthorized occupant and restore physical possession to the original raiyat or their heirs. If the raiyat is deceased, untraceable, or unwilling to re-enter, the land may be re-settled with another eligible community cultivator under statutory priorities. Judicial interpretations, such as *Raja Mian v. Puran Mian* (1986), confirm that collusive compromise decrees are agreements within the meaning of Section 20 and can be summarily set aside by revenue courts.

Legal Conveyance / Encumbrance	**Statutory Authority**	**Permitted Beneficiaries**	**Statutory Conditions and Scope**

Legal Conveyance / Encumbrance	**Statutory Authority**	**Permitted Beneficiaries**	**Statutory Conditions and Scope**
Sale, Gift, Will, General Lease	Section 20(1)	General / Aboriginal and Non-Aboriginal	Void *ab initio* unless recorded explicitly in the Record-of-Rights.
Excise Shop Lease	Section 20(1) Proviso 1	Commercial licensee	Capped at 1 year; requires prior written sanction from the Deputy Commissioner.
Customary Tribal Gift	Section 20(1) Proviso 2	Daughter or sister of recorded Santhal raiyat	Recognized under tribal custom; requires prior written permission of the DC.
Ghardi Jamai Settlement	Section 20(2) Proviso 1	Resident Son-in-Law (*Ghar Jamai*)	Exempt from regional aboriginal transfer restrictions.
Institutional Agricultural Mortgage	Section 20(2) Proviso 2	Scheduled banks and registered cooperatives	Simple mortgage only; requires DC sanction for aboriginal raiyats.
Bhugut-Bandha Mortgage	Section 21	Restricted strictly to Non-Aboriginal raiyats	Capped at 1/4th holding area; maximum 6 years; loan extinguished by profits.
Emergency Cultivation Entrustment	Section 22	Cultivators in temporary crises	Limited to absence, sickness, lost cattle, or minority; requires formal notice.
Mutual Land Exchange	Section 23	Jamabandi raiyats inter se	Must involve lands of equal value in same/contiguous village; requires DC sanction.

Controlled Flexibility: Mortgages, Emergency Cultivation, and Land Exchange

The SPT Act balances its protective non-transferability rules with regulated mechanisms designed to address agricultural emergencies and cultivation needs.

Section 21 recognizes a limited usufructuary mortgage termed *bhugut-bandha*. To prevent exploitative debt patterns, this facility is barred to aboriginal raiyats and is available only to non-aboriginal cultivators. Under Section 21, a non-aboriginal raiyat may mortgage up to one-fourth of their cultivable paddy lands or first-class *bari* holdings for a maximum period of six years. Pursuant to Section 4(iii), the mortgage is legally self-extinguishing: both the principal loan and all accrued interest are deemed fully satisfied by the profits generated by the holding during the mortgage period. At the end of six years, possession automatically reverts to the raiyat without further financial obligation, and any continued possession by the mortgagee is treated as an unauthorized encroachment subject to summary eviction.

Section 22 provides a mechanism for temporary agricultural management without risking the loss of tenancy rights. A raiyat may temporarily entrust their land to another person for cultivation exclusively during four statutory emergencies: temporary absence from the village, disabling physical illness or incapacity, the loss of plough cattle, or situations where the raiyat is a minor or widow. To ensure that these entrustments do not mask informal sales or illegal sub-leases, the raiyat must dispatch advance written notice by registered post to both the Village Headman (*Pradhan*) and the Sub-Divisional Officer (SDO). Cultivation under Section 22 remains a permissive license and does not confer subordinate tenancy or occupancy rights on the temporary cultivator.

Section 23 allows recorded *jamabandi* raiyats to exchange agricultural plots for the purpose of land consolidation and cultivation convenience. To be legally valid, the exchange must involve registered *jamabandi* raiyats, the parcels must be situated within the same village or contiguous villages, and the lands must be of equivalent value. The exchange takes legal effect only after the

Deputy Commissioner conducts an inquiry to verify the bona fides of the transaction and grants written sanction.

Substantive Cultivator Rights and Communal Property Protections

Chapter III of the SPT Act provides protections for cultivating tenants in their day-to-day agricultural operations and domestic life. Under Section 13, a raiyat may use their land in accordance with local customs or in any manner that does not materially impair its agricultural fertility. Section 14 protects raiyats from arbitrary dispossession by barring landlords from evicting tenants for unauthorized land use without an eviction order from the Deputy Commissioner.

The Act grants raiyats the freedom to develop farm infrastructure and domestic facilities on their holdings without landlord interference. Section 15 allows raiyats to manufacture bricks and tiles on their holdings without paying royalties or fees, provided the materials are used for the domestic or agricultural needs of the raiyat's family. Under Section 18, raiyats may construct *kutcha* or *pucca* houses, cattle sheds, and grain barns on their holdings without paying conversion premiums or *salami*.

Section 16 authorizes raiyats to dig wells, construct irrigation channels, and build earthen check-dams (*bandhs* and *ahars*) on their holdings to secure drinking water and irrigation. The raiyat retains exclusive rights over all fish (*jalkar*) and aquatic produce derived from these self-constructed tanks, exempt from landlord claims.

Section 17 governs agro-forestry rights, giving raiyats ownership over timber, bamboos, and fruit trees planted by them or standing on their land. Tenants may fell trees, harvest timber for domestic use, gather fruits, cultivate lac, and rear silk cocoons without landlord charges. To protect the local ecology and tribal food security, Section 17(1)(b) establishes that no standing *Mahua* tree (*Madhuca longifolia*) may be felled without the prior written permission of the Sub-Divisional Officer.

Chapter IV secures communal village properties from private enclosure:

- *Grazing Lands [Section 37]*: Lands recorded in the settlement survey as village grazing reserves (*gochar*) cannot be cultivated, transferred, or settled as private tenancies. The Deputy Commissioner is mandated to clear illegal encroachments and restore *gochar* lands to collective use.
- *Waterways and Sacred Commons [Sections 34–36]*: Communal watercourses, drainage channels, burning ghats, burial grounds, and sacred groves (*Jaherthan*) are protected from private settlement.
- *Wasteland Allocation Rules [Sections 27–29]*: When settling reclaimed wastelands or abandoned holdings, the *Pradhan* or landlord must follow statutory priorities that favor resident *jamabandi* raiyats and permanent village landless laborers before considering non-resident cultivators. Section 29 prohibits dividing vacant holdings during settlement if it results in uneconomic fragments.
- *Paharia Village Safeguards [Section 40]*: In identified Paharia villages, wastelands and vacant holdings may be settled only with fellow members of the Paharia community, safeguarding vulnerable primitive tribal groups from land displacement.

Traditional Governance: The Pradhani System and Deputy Commissioner's Oversight

The SPT Act integrates traditional tribal governance institutions into its statutory administration, recognizing the Village Headman (*Pradhan*) and the *Mulraiyat* alongside revenue authorities.

Under Sections 6 and 7, the *Pradhan* serves as the primary administrative link between cultivating raiyats and the State, collecting village rents, executing a *kabuliyat*, receiving an official *patta*, and maintaining village boundaries and commons. To protect the office from commercial pressures, Section 9 establishes that the headmanship is strictly non-transferable. Any attempted transfer, assignment, or mortgage of the office is void. Section 10 establishes the Headmen's Reward Fund, which pools fines collected under the Act and is administered by the Deputy Commissioner to reward meritorious service in agrarian management.

The procedure for filling vacancies in the office of *Pradhan* led to decades of conflicting judicial interpretations, which were resolved by the Full Bench of the Jharkhand High Court in *Alamuni*

Hansda v. State of Jharkhand (decided February 22, 2023). The Full Bench clarified the operational divergence between Section 5 and Section 6 of the Act:

- Section 5 governs *khas* villages that lack an existing headman; in such settlements, appointing a *Pradhan* requires a formal application and the consent of at least two-thirds of recorded *jamabandi* raiyats ascertained by a show of hands under Rule 3 of the SPT Rules.
- Section 6 governs *pradhani* (non-khas) villages following the death of an incumbent headman. The Full Bench held that the office of headman in a *pradhani* village is **hereditary** under Section 6 read with Schedule V. The Deputy Commissioner is not required to seek two-thirds raiyat consent or conduct an election, but must examine whether the next legal heir is a fit candidate under Schedule V criteria.
- The Full Bench affirmed that female heirs are fully eligible to succeed to the office of *Pradhan* where recognized by the governing law of succession and local custom, ensuring the hereditary framework operates in harmony with constitutional equality standards.

The statutory framework centralizes administrative dispute resolution under the Deputy Commissioner. Under Section 42, the Deputy Commissioner has summary powers to evict any person who occupies agricultural land without legal authority, whether through invalid transfers, encroachments, or unauthorized reclamation.

Judicial precedent, including *Bisan Mahton v. State of Bihar*, confirms that proceedings under Section 42 **carry no statutory period of limitation**. As a result, unauthorized occupants cannot claim title by adverse possession against a raiyat under the SPT Act. Section 63 reinforces this administrative model by barring civil courts from entertaining any suit or proceeding to vary, modify, or set aside orders passed by the Deputy Commissioner or revenue officers acting under the Act, committing tenancy disputes exclusively to the revenue appellate framework.

State Intervention, Land Acquisition, and Socio-Legal Challenges

The intersection of protective tenancy legislation and contemporary economic development remains a central point of legal and administrative debate across the Santhal Parganas. Under the SPT Act, this dynamic centers on Section 53 and state infrastructure acquisitions.

Section 53 sets out the statutory procedure under which a landlord (or the State acting in that capacity) may acquire raiyati land for specific purposes: constructing buildings, implementing irrigation or educational projects, or carrying out public development works. The landlord must apply to the Deputy Commissioner, who conducts an inquiry into the necessity of the acquisition, assesses compensation, and ensures full payment before transferring possession.

When Parliament placed the SPT Act in the Ninth Schedule via the Constitution (Sixty-sixth Amendment) Act, 1990, it inserted Entry 210 with the explicit exclusion of Section 53. By leaving Section 53 outside the Ninth Schedule's immunity shield, Parliament ensured that state acquisitions remained subject to judicial review under Articles 14, 19, and 300A.

This statutory structure gives rise to several contemporary socio-legal realities:

- *Industrial Infrastructure and Eminent Domain*: The absolute prohibition on private land sales under Section 20 prevents the development of an open real estate market, meaning industrial bodies and government development agencies must rely on compulsory land acquisition. In turn, these acquisitions frequently encounter resistance from tribal communities defending their customary lands.
- *Informal Land Markets and Insecurity of Title*: Economic demand has led to informal land transactions relying on unregistered documents (*kurfanama* or *sada hukumnama*) or collusive civil suits. However, because Section 42 is not bound by any period of limitation, purchasers under these informal arrangements face the risk of summary eviction and land restoration at any time, even after decades of continuous occupancy.
- *Credit Bottlenecks*: Although the 1976 amendment permits mortgages in favor of institutional banks, commercial lenders often remain hesitant to extend credit against raiyati holdings. Because Section 20(4) bars civil court auctions and attachments of raiyati land, financial institutions face recovery hurdles that constrain the flow of formal capital to local agricultural enterprises.

- *Gender Rights and Customary Succession*: While the High Court's ruling in *Alamuni Hansda* confirmed that female heirs can succeed to the administrative office of *Pradhan*, succession to underlying raiyati land rights remains largely tied to customary patrilineal practices. Balancing the protection of customary tenure systems with constitutional mandates for gender equality remains an evolving legal challenge in the region.

Comparative Analysis: Santhal Parganas Tenancy Act (1949) vs. Chotanagpur Tenancy Act (1908)

The state of Jharkhand is governed by two distinct agrarian protection frameworks: the Santhal Parganas Tenancy Act, 1949 and the Chotanagpur Tenancy Act, 1908 (CNT Act). Although both statutes share the underlying goal of preventing the alienation of tribal land, their statutory frameworks, transfer exceptions, and tenurial institutions differ significantly.

Key Feature	**Santhal Parganas Tenancy Act, 1949 (SPT Act)**	**Chotanagpur Tenancy Act, 1908 (CNT Act)**
Geographic Jurisdiction	Six Districts of the Santhal Parganas Division (Dumka, Deoghar, Godda, Pakur, Sahibganj, Jamtara).	Five Administrative Divisions: North Chotanagpur, South Chotanagpur, Kolhan, and Palamu.
Foundational Demographics	Santhals, Paharias, and regional agrarian communities.	Mundas, Oraons, Hos, Santhals, and allied tribal groups.
Core Tenancy Doctrine	**Presumption of Non-Transferability**: All transfers are void unless expressly recorded in the Record-of-Rights.	**Regulated Transferability**: Transfers permitted within community and police station limits under Section 46.
Private Land Sales	Completely prohibited, except where an explicit customary entry	Allowed between members of the same Scheduled Tribe within the

Key Feature	**Santhal Parganas Tenancy Act, 1949 (SPT Act)**	**Chotanagpur Tenancy Act, 1908 (CNT Act)**
	exists.	same police station area (with DC sanction).
Usufructuary Mortgage (*Bhugut-Bandha*)	Restricted strictly to non-aboriginal raiyats; max 1/4th holding area; max 6 years; debt self-extinguishing (Sec 21).	Open to all raiyats; max duration of 7 years generally, or up to 15 years for registered cooperative lenders (Sec 46).
Village Headman Institution	Highly centralized around the *Pradhan* and *Mulraiyat*; office is non-transferable (Sec 9) and hereditary (Sec 6).	Traditional offices (*Munda*, *Manjhi*, *Pahan*) recognized, alongside *Khuntkatti* tenures and revenue courts.
Restoration Provisions	Handled through Sections 20(5) and 42; Section 42 proceedings carry **no statutory limitation**.	Governed by Section 71A; restoration applications must be filed within a reasonable time.
Protected Customary Holdings	Preserves *Mulraiyati Jote*, *Ghardi Jamai* conveyances, and exclusive Paharia village allocations.	Preserves *Mundari Khunt-kattidari* tenures and *Bhuinhari* ancestral tenures (Chapters VIII and XVIII).

Systematic Sectional Compendium

The operational architecture of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 is codified across a structured series of chapters, detailed below:

Statutory Provision	**Legal Subject and Scope**	**Statutory Mechanism and Practical Impact**

Statutory Provision	**Legal Subject and Scope**	**Statutory Mechanism and Practical Impact**
Section 1	Short Title, Commencement, and Territorial Extent	Extends the Act across the districts of Dumka, Deoghar, Godda, Sahibganj, Pakur, and Jamtara.
Section 2	Modification of Territorial Extent	Empowers the State to vary or withdraw coverage while protecting accrued rights and remedies.
Section 4	Definitional Framework	Codifies key concepts (*Aboriginal*, *Bhugut-bandha*, *Khas Village*, *Raiyat*, *Vacant Holding*, *Rent*).
Section 5	Appointment of Headman in *Khas* Village	Requires application and the consent of two-thirds of recorded *jamabandi* raiyats by show of hands.
Section 6	Appointment of Headman in *Pradhani* Village	Mandates reporting of death within 3 months; succession is hereditary based on candidate fitness.
Section 7	Headman Documentation	Requires the Headman to receive an official *patta*, execute a *kabuliyat*, and furnish security.
Section 8	Custody of Village Land Records	Directs the landlord to deliver original or certified *jamabandi* and survey records to the newly appointed Headman.
Section 9	Inalienability of Headmanship	Prohibits the sale, lease, mortgage, or transfer of the village headman's office.

Statutory Provision	Legal Subject and Scope	Statutory Mechanism and Practical Impact
Section 10	Headmen's Reward Fund	Allocates fines collected under the Act into a fund for rewarding meritorious rural service.
Section 12	Classes of Cultivating Raiyats	Categorizes raiyats into Resident Jamabandi, Non-Resident Jamabandi, and New (*Naya*) Raiyats.
Section 13	Cultivator Land-Use Rights	Grants raiyats freedom of agricultural use provided land fertility is not materially impaired.
Section 14	Protection from Eviction	Prohibits landlords from ejecting raiyats without a formal execution order from the Deputy Commissioner.
Section 15	Brick and Tile Manufacture	Permits royalty-free brick and tile making on agricultural land for domestic or agricultural use.
Section 16	Water Infrastructure and Fishery Rights	Authorizes construction of *bandhs*, *ahars*, and wells; grants exclusive *jalkar* (fishery) rights to the raiyat.
Section 17	Tree and Forest Produce Rights	Grants timber ownership; permits lac and silk rearing; requires SDO sanction to fell *Mahua* trees.
Section 18	Domestic Homestead Construction	Authorizes construction of *kutcha* or *pucca* houses and farm structures on agricultural holdings royalty-free.
Section 20	Prohibition on Land Alienation	Invalidates unauthorized transfers, regulates tribal exceptions, bars court sales, and empowers

Statutory Provision	Legal Subject and Scope	Statutory Mechanism and Practical Impact
		summary restoration.
Section 21	Usufructuary Mortgages (*Bhugut-Bandha*)	Restricts mortgages to non-aboriginals; capped at 1/4th land area and 6 years; self-extinguishing.
Section 22	Emergency Cultivation Entrustment	Permits temporary management during crises (absence, sickness, lost cattle, minority) with formal notice.
Section 23	Mutual Exchange of Holdings	Authorizes plot exchanges between *jamabandi* raiyats of equal value for land consolidation via DC approval.
Sections 24–25	Transfer Registration and Landlord Fees	Establishes registration procedures and regulates landlord fees for validly executed transactions.
Sections 27–28	Wasteland Settlement Principles	Prioritizes resident *jamabandi* raiyats and permanent landless laborers in wasteland distributions.
Section 29	Protection Against Land Fragmentation	Prohibits dividing vacant holdings during settlement if it results in uneconomic fragments.
Section 37	Village Grazing Commons (*Gochar*)	Imposes an absolute statutory ban on settling, cultivating, or enclosing communal grazing reserves.
Section 40	Paharia Village Settlement Safeguards	Restricts wasteland settlements in Paharia villages exclusively to members of the Paharia community.

Statutory Provision	Legal Subject and Scope	Statutory Mechanism and Practical Impact
Section 42	Summary Eviction Powers	Empowers the Deputy Commissioner to summarily evict unauthorized occupants; operates without a limitation period.
Section 53	Landlord Acquisition for Public Works	Governs acquisitions for building, school, or development projects (deliberately excluded from the 9th Schedule).
Section 63	Statutory Exclusion of Civil Courts	Prohibits civil courts from hearing suits to vary, modify, or vacate revenue orders passed under the Act.

Legal Conclusions

The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 continues to serve as an enduring model of protective tenancy jurisprudence in India. Rooted in the historical aftermath of the 1855 Santhal Rebellion, the statute creates an integrated legal framework designed to prevent peasant dispossession, maintain demographic stability, and safeguard customary community self-governance.

The operational strength of the Act rests on several interlocking features:

- Section 20 establishes a statutory presumption of inalienability, rendering unauthorized sales, mortgages, leases, and collusive decrees void *ab initio*.
- Section 42 grants the Deputy Commissioner broad, summary eviction powers that are exempt from the Limitation Act, preventing wrongful occupants from establishing title through adverse possession.
- The traditional *Pradhani* governance model integrates customary village authorities into statutory land administration, a structure reaffirmed by the Full Bench in *Alamuni*

Hansda v. State of Jharkhand (2023) by establishing the hereditary character of the office in non-khas villages while recognizing the right of female heirs to succeed.

At the constitutional level, the Act's inclusion in the Ninth Schedule under the 66th Constitutional Amendment safeguards its protective core from fundamental rights challenges, while the deliberate exclusion of Section 53 preserves judicial review over state acquisitions. While market and industrial pressures present ongoing administrative challenges, the SPT Act remains the cornerstone of agrarian stability and indigenous tenurial protection across the Santhal Parganas.