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L.L.B Part-3rd

Subject-Bihar Tenancy Act

Paper-4th

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Topic- Discussion and distinguish between an Occupancy Raiyat and a Settled Raiyat.

Introduction-

Continuance of existing occupancy rights:

Every Raiyat who cultivated or held land for 12 years had a right of occupancy in the land so cultivated by him whether held under a patta or not;but this rule did not apply to lands locally known as Manjhihas, Man or Saika, nor to Khamar, Nij Jote, or Sir land belonging to the proprietor of the estate or tenure and let by him on a lease for a term or year by year.

The holding of the father or other person from whom the Raiyat inherited was to be deemed the holding of the Raiyat. A Raiyat could contract himself out of his status.

Acquisition of occupancy rights by custom:

It has been found during the Settlement operations in Ranchi and Singhbhum that as a matter of fact there is usually no difference recognized between the status of a new Raiyat and an old Raiyat.

It is found, however that occupancy rights do not accrue by custom in lands leased out on produce rent, locally known as Adhbatai, Sanjha, Saika and Maswar. The tenants of the lands held on this system are by local usage and custom liable to ejection, at the will of the landlord. Occupancy Rights which accrue by custom are equally valid with those which accrue under the statutory law, provided they are not inconsistent with it.

Settled Raiyats:

To acquire occupancy rights in land, a Raiyat must have held it for a period of 12 years; and, if he became a tenant of new lands, he could not obtain occupancy rights in them, until after the lapse of 12 years from the date when he took the lease. Applying the criterion of 12 years possession it was found during the settlement operations in Ranchi district, that about 1/3rd of the total number of Raiyati tenancies were non-occupancy holdings.

Under the present law, a Raiyat, who is settled Raiyat of the village obtains a right of occupancy in all lands held by him as a Raiyat in the village.

Difference between an Occupancy Raiyat and a Settled Raiyat:

Every occupancy Raiyat is not necessarily a settled Raiyat. Thus, the occupancy right in a holding may be purchased, when a Raiyati tenancy is sold by the court for arrears of rent. But, the purchaser may not be a settled Raiyat or even a Raiyat of the village. The status of an occupancy Raiyat cannot be transferred at all. The latter status can only be acquired by cultivating land in the village for a period of 12 years, or by inheritance from a settled Raiyat.

Again occupancy rights accrue at once in the class of lands known as Korkar. But, the Raiyat who has prepared the Korkar, may not be a settled Raiyat of the village.