

## Land in Tripura : The Tenurial system and transfer

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Tripura State has an area of 10.491 sq. K.M.s and only 31.5% of the area of the State has come under agricultural holdings in 1980-81 as against 24.2% in 1970-71 and 29.5% in 1976-77. The other areas are covered by forests and other lands consisting of 'lunga' or 'tilla'. Thus, the availability of plain lands, which are good for wet cultivation, is very much limited in Tripura. As late as 1980-81, the not cultivated area is 84.6% of the total area of operational holdings, according to the state Report on Agricultural Census of Tripura. As in the rest of the country, agriculture is the mainstay of the economy of Tripura and the pressure on land is heavy. From the State Report on Agricultural Census it is seen that the average net sown area per Agriculturist, cultivator and Agricultural labourer together was 0.670 hectare in 1970-71 and the per capita average was 0.185 hectare in 1961. In 1971 and 1977 the net sown area per operational holding was 0.140 and 0.133 hectare respectively. In 1981, the net sown area per operational holding had come down to 0.883 hectare and the per capita net sown area to 0.132 hectare.

From the *Rajamala* it becomes evident that the hill people of Tripura used to pay 'Rajkar' or royalty every year in kind, such as various types of home-made clothes, ivory, animals etc. Some of the tribes served the State instead of paying any royalty or tax. Regarding the land tenure system prevalent in the plain lands of Tripura, it may be said that in many cases the Maharajah made grants of land under plough cultivation at a fixed rental term, and where no grants had been made it was frequently the custom to farm out the collections. Small taluks or perpetual tenures were also often granted and if the grantee was a cultivator, he virtually enjoyed the position of a peasant proprietor. Hunter observed :

In the plains, where the cultivation is carried on in the same manner as in Bengal, a peasant's holding would be considered a large one if above 15 *bighas* or two acres. A husbandman cultivating a farm of this size (i.e. 15 *bighas*), would not be in such good circumstances as a respectable shopkeeper: but he would probably be as well-off as a man earning Rs.8 or Rs.16 a month in money wages. The classes cultivating by the plough are not generally in debt, although they do not hesitate to borrow money, especially for any domestic ceremony, such as marriage.

In Hunter's *A Statistical Accounts of Bengal*. J.G. Cumming's *Survey and Settlement of Chakla Roshnabad Estate in the Districts of Tipperah and Noakhali, 1892-99*, D.C.Sircar's *Some Epigraphic Records of the Medieval Period from Eastern India*, or in D.C.Dutta and S. Banerjee edited *Rajgi Tripurar Sarkari Bangla* we have only some fragments of information about the tenurial system of Tripura and the economic conditions of the *jhumias* in the hill and the peasant cultivators in the plains. The earliest land-grant in our possession was that of Dharmamanikya granting in 1380 Saka (1458 A.D.) 29 *Brone* (one *Brone* is equal to 6.5 acre) to a Brahmin<sup>2</sup>. In the land-grant of Kalyanmanikya (1626-59 A.D.), we have the reference of *Lakhiraj* or rent-fee tenure under the category of *Brahmattara* (to the priestly class), *Fakiran* (to the Muslim Fakir), *Aima* (to the learned Muslim people or for religious or charitable uses), *Inam* (reward to any person in recognition of service), *Nankar* (to a<sup>3</sup> respectable person for service in lieu of wages) etc. etc. The land-grants of other Manikyas also throw some light on the nature of settlements which included both cultivable<sup>4</sup> and jungle lands. Let us now mention some land legislations in Tripura since 1880 A.D., i.e. nearly a century after the Permanent Settlement of Bengal.

We have first an enactment called *Rajaswa Sambandhiya Niyamabali* of 1290 T.E. (1880 A.D.) which mainly dealt with the 'Rajaswa' or land tax from 'Kayemi Taluks' (permanently settled estates), 'Khas Mahal's (Government-owned land) and 'Karsha Praja' (cultivating tenants).

Secondly, there was *Praja Bhumyadhikari Sambandha Bishyak Ain 1296 T.E.* ( 1886 A.D.), which dealt with the relationship between the landlords and the tenants, matters relating to payment of rents, their enhancement and reduction etc., procedure of recovery of public demands, eviction of tenants, rights of raiyats, measurement of lands, acquisition of lands by the State or by the landlords and other miscellaneous land matters. According to this Act, the talukdars or the tenants under them had no right over rivers, channels, forests, ordinary roads, ancient masonry buildings or walls which might be above or underground, i.e. the archaeological specimens etc. etc. It was also made obligatory in the Act that the Talukdars and the tenants of all categories had to supply 'Bhet' (complimentary presents) and to render 'Begar' (free service) on such special occasions as State festivals and the like.

Thirdly, in the year 1899 A.D. an Act called *Jarip O Bandebast Sambandhiya Niyamabali, 1309 T.E.* was introduced which contained Provisions relating to survey and settlement operations in the State. This Act was amended in 1323 T.E. (1913 A.D.) and 1336 T.E. (1926 A.D.).

Fourthly, with the aim of protecting encumbered and financially weak landlords and to take over the management and control of their estates *Rinagrastha Bhumyadhikari Bishyak 1332, T.E. Ain* was introduced in 1922 A.D.

Fifthly, an Act called *Sarkari Prapya Aday Sambandhiya 1326 Tripurabder Char Ain* was promulgated in 1916 A.D. laying down necessary procedures for recovery of public demands from land and prescribing penal measures for the defaulters.

Sixthly, in 1936 A.D. an Act called *Rajdhani Agartala Sahar Bandabast Sambandhiya Bidhan, 1346 T.E.* came into existence relating to matters of settlement of land in the capital town of Agartala.

All the above Acts of Princely Tripura had been repealed in 1961 by the *Tripura Land Revenue and Land Reforms Act, 1960*. During the days of Princely Tripura, lands were settled in *taluki* and *jate* rights mostly with vague boundaries and taking advantages

of irregularities and defect in settlement made without any proper survey, the *jatedars*, *talukdars* and other land-owners grabbed vast areas of 'Khash lands', prior to the cadastral survey and settlement operation carried out in the sixties.

As there was no individual ownership of land by the *jhumias*, as the tribal villages shifted along with shifting cultivation, as there was practically no fixed area of land of the *jhumia* families, so the hill people had to pay family tax or 'gharchukti kar' in place of land revenue and in 1919 was introduced an Act called *Parbatya Pajaganer Gharchukti Kar Sambandhiya Ain (1329 T.E.)* This Act had been repealed subsequently. Again, the Tripura Durbar also reserved for the tribals in the years 1931 and 1943 areas of 110 sq. miles and 1950 sq. miles respectively<sup>5</sup>. The last Maharaja of Tripura also declared<sup>6</sup> that no land in the tribal reserve for the five groups of tribals (viz. Tripura, Rieng, Halam, Jamatia, Neotia) in certain areas could be transferred by any such group without the permission of the Government. But in spite of this declaration, the compact area of the tribals ultimately lost its balance with the advent of time, particularly after the partition of India and Tripura's merger with the Indian Union in 1949 when the rate of inflow of immigrant population increased very sharply. It is better to quote the official document<sup>7</sup> in this regard:

...Since this problem of refugees does not admit of any delay, certain portions out of the reserved areas have already been utilised for building up refugee colonies. It is accordingly requested that the sanction of the Govt. of India empowering the Chief Commissioner to take out any portion of the reserved land should be communicated to this State immediately as the refugees are arriving at the rate of 10,000 a month for the last two months and the figure is increasing daily.

Thus, at the one end Tribal Reserves were broken due to the increasing rate of inflow of immigrants, and at the other end restrictions were imposed on *jhuming* since 1952 on the ground that this was unscientific and wasteful practice and definitely harmful to

ecological interests. All these naturally adversely affected the tribals as there was little wet land left. The Tripura Rajya Gana Mukti Parishad launched a historic movement in the fifties against the demolition of Tribal Reserve areas and massive land transfers. In a memorandum submitted to the Prime Minister of India<sup>8</sup> on 10 September, 1955, the Mukti Parishad declared

... the scramble for land in Tripura has reached such a point that it is no longer possible for the tribal jhumias to find new land for jhuming, nor are they in a position to retain their jhuming lands traditionally used for cultivation. So, government Khas lands around tribal habitations should be declared as reserved areas for rehabilitation of the tribal communities.

In the process of rehabilitating the refugees in land and settling the jhumias in plains-land cultivation, considerable area of marshy and beggy lands have been reclaimed by clearing of the standing woods and elephant-grass. Long before the refugees problem, the process of reclamation of land started and the Maharajas of Tripura not only for sanskritic links but for genuine economic reasons openly invited Bengal peasants to develop settled agriculture in Tripura and pay much needed land revenue. In the famous '*Jangal abadi*' system, a tenant who accepted a lease for reclamation of hilly lands by cutting jungles got remission of rent for at least three years from the date of the lease. Infact, the history of wet or settled cultivation in Tripura is another episode in which we have the genesis of the land transfer problem. Not only that, the rulers of Tripura offered attractive terms to the prospective entrepreneurs to set up tea plantations and the Acts of 1917 A.D. and 1925 A.D. in this respect empowered the Durbar to acquire any land in order to convert it into tea plantations. The doors of Tripura were invitingly open to the Ziratia tenants also. In a land-abundant, skill-poor, labour-short, state like Tripura, prevailing tenurial system and the rulers of Tripura at first virtually welcomed the non-tri-

bal peasants from the economic point of view. the non-tribal Bengali peasants, who lifted Tripura out of the swamp of subsistence agriculture, no doubt broke the monotony of stagnation of hill economy, but at the same time they also widened the road for market and for the entry of the rapacious money-lenders and traders deep into the forests. There are proverbial stories how the simple tribal was exploited even in the case of weights and measurement as the tribal was not aware that when he sold his jhum products to the traders, a larger weight and measure was used, while a smaller one was applied by the traders for selling outside goods to him. Again, the money-lender-cum trader advanced 'dadan' or loan to him on various occasions and land-alienation proceeded at a fester pace as a result of tribal indebtedness. Despite some protective legislations and assurance by the authorities, the takeover of tribal lands by non-tribals went on apace. Formal enactment to stop further alienation of tribal lands came in the form of *The Tripura Land Revenue and Land Reforms Act, 1960*. This Act provided that the transfer of land from tribals to non-tribals, without the permission of the District Magistrate and Collector, was illegal. But this Act of 1960 was amended in 1974 and as per Section 187 of the amended act the transfer that took place before First January, 1969 were virtually legalised. The Dinesh Singh Committee, which visited Tripura after the June riot of 1980, was compelled to remark that inspite of some legislations the progress of restoration of land to the tribals since Independence had been 'lamentably today.

(3:4). In the words of the Committee:

"... The Committee, therefore, very strongly recommend that the problems arising out of the respective fears of the two communities should not be viewed in isolation; these are two sides of the same problem. The restoration of land to the tribals should not be delayed any longer and this measure should be immediately accompanied by full and complete rehabilitation of non-tribals from whom is taken away."(7:13).

The entire political scenario of Tripura since Independence centred round the transfer and restoration of land. With the aim to draw a lasting solution of this problem of land transfer, the Tribal Areas Autonomous District Council came into being on 18 January, 1982 in terms of the Tripura Tribal Areas Autonomous District Council Act, 1979 and it functioned upto March, 1985. The Fortyninth Amendment of the Constitution passed by the Parliament in 1984 at last provided for the long-awaited Sixth Schedule for the Tripura Autonomous District Council and fresh elections were held on June, 1985. The present TTAADC has been constituted with a total area of 7.132 sq. kms., i.e. more than 68% of the total area of Tripura. Para 3 of the Sixth Schedule of the Constitution of India provides that the District Council shall have power to make laws with respect to allotment, occupation or use or the setting apart of land, other than any land which is a Reserve Forest .

It has been observed by the District Council that a large number of jhumias and landless tribal families are in occupation of Government Khas lands for a long time, but their continuous physical occupations are yet to be regularised by way of giving formal allotment of land. According to a recent pamphlet, published by the TTAADC, the District Council had received upto April, 1988, a total number of 39,867 allotment proposals from the Sub-Divisional officers and Settlement Officers and out of these proposals, the approval of the District Council had already been conveyed in respect of total 30,449 families of which 28,043 families belong to the Scheduled Tribe and the rest 2,406 are non-tribal families .

#### Notes & References

1. W.W. Hunter, **A Statistical Account of Bengal**, Vol. VI. p. 503.
2. J.C. Dutta, (ed), **Bhumi-Lekhyapatrer Alokey Tripurar Bhumi Byabastha (1458-1850)**, (in Bengali). Govt. of Tripura, Department of Higher Education, Agartala, 1987, editorial.

3. J.C. Dutta 'Tenurial System of Tripura: An Historical Survey Till 1947' in **Educational Miscellany**, Special Issue, Vol. XIII, July 1982- June 1984, pp. 21-22.
4. **State Report on Agricultural Census (1976-77)**,: P. 29: **Ibid.** (1980-1981), pp. 26-27: **Tripura Code**, Part II, Govt. of Tripura, pp. 4 ff.; Dutta, J.C. **Op.cit.** pp. 26-28.
5. Letter of the Revenue Secretary, Govt of Tripura, to the Deputy Secretary, Ministry of Home Affairs, Govt. of India, No. 2934/Rev/69-123/55, dated Agartala, 21 August 1956. (Secretariat Archives, Agartala)
6. Order No. 325, dated 1.6.1353 T.E. (1943 A.D.) as published in the **Tripura State Gazette** -Extraordinary Issue, dated 7.6.1353 T.E.
7. J.B. Bhattacharjee, **Studies in the History of North-East India**, NEHU, Shillong, 1986, cited from p. 236.
8. M. Chakravarti, **The Tribal Areas Autonomous District Council and the Tribal Problems : Perspectives.** Government of Tripura, Agartala, 1986, pp. 3-4.
9. M. Chakravarti, 'The Ziratia Problem of Tripura' in the **Proceedings of North East India History Association.** Fifth Session, Aizawl, 1984, pp. 179-194.
10. **Third Year of Advancement (1987-88)**, Tripura Tribal Areas Autonomous District Council, 1988, Agartala, pp. 39-41.