

## Land Tenure for the Capital Town of Agartala during the Princely Regime (1862 - 1947)

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Agartala, the capital city of Tripura, is not as old as Calcutta or Cuttack or many other cities of India. Calcutta celebrates its tercentenary and Cuttack its first millenium this year. Agartala, relatively a younger city, has yet to complete even its one hundred and fiftieth anniversary. The origin of the city as a habitation may be traced back to the year 1844 when Krishnakishor Manikya (1830-49) came to settle at the *Nutan Haveli*, (new habitation) now known as Agartala. In 1864 the capital town had barely a population of 875 persons and its area was, obviously, very small. Its area in 1890, had been even less than a square mile. In 1981 Agartala has grown manifold and its population exceeds 1.3 lakh mark. In recent years the study of city in its varying aspects acquires a new height of importance and the present paper is a modest attempt to study one of such aspects, namely the tenurial system of the capital town of Agartala during the princely regime.

The *Rajas* of Tripura were not generally in favour of permanent settlement of land. No *Mukarrari Taluk* (*Taluk* at a fixed rent) was granted, except to the member of royal family or to the favourite courtier in the inner circle.<sup>1</sup> With the upward trend of the value in land consequent upon the area development or urbanisation looming large, this attitude gradually got hardened. In Comilla town the upper classes of the society were not allowed during the rule of Birachandra (1862 - 96) to raise *pucca* buildings in the zamindari of the Raja. As a result they had to reside in hutments purposefully surrounded by a patch of paddy fields in order to prove that these lands were nothing but *Jote* lands. The same policy was followed by him at Agartala also.<sup>2</sup> The area of the capital was much less than a square mile in 1890 and till that time no land assessment was attempted, although Praja Bhumyadhikari Sambandha Bishayaka Ain of 1896 T. E., modelled after the Bengal Tenancy Act, 1885, was in force for the whole of the State. In 1891 Rs. 1 *Annas* 2 a *Kani* (4 acre) of land was levied as land revenue. Only occupancy right was acknowledged.<sup>3</sup> By a royal proclamation, a radius of one mile from the palace constituted the area of Agartala town and its suburbs. It prevented the occupant from enjoying the usufruct of his land encompassed in this area. Radhakisor (1896 - 1909) did not think very differently from his father. To him the *Kayemi* settlement meant vir-

tual parting with the land for good and a perpetual curb upon the expanding source of revenue.<sup>5</sup> Thus no attempt was ever made to settle *Khas* land at Agartala.

### **Town-land enactment of 1936**

And this enjoyment and possession of the *Khas* land by the people of Agartala lingered till 1936 when Birabikiamakishor Manikya (1923-47) decided to create and maintain the rights of the tenants residing in Agartala town by an enactment called *Rajdhani Agartala Sahar Bandobasta Sambandhiya Bidhan*, 1346 T. E. The reason and purpose for the town-land enactment was stated in the preamble<sup>6</sup>: "Whereas many people of the capital town of Agartala are in enjoyment and possession of the *Khas* lands of the State and are not so mindful of the improvement or enhancement of the beauty of such lands and whereas it is expedient to provide for the enhancement of the beauty of this town and for the creation and maintenance of the rights of the tenants residing in this town and whereas it is necessary to consolidate provisions for the purpose ; it is hereby provided as follows in the matter of settling land of the capital town of Agartala." It will be well to remember that at the time of this enactment the area of the Agartala town had been barely two square miles with a population of some 10,000 persons.

### **Main provisions**

The main provisions of the Act related to the creation and maintenance of the rights of the tenants living in the capital town of Agartala. Other provisions specified the basis of assessment, matters relating to town-planning and penal measures in its contra-vention.

### **Classification of lands**

The Act created two kinds of rights in the lands of Agartala town : (a) superior, and (b) ordinary. Lands in which the revenue was either fixed in perpetuity or liable to be enhanced at a specified rate after the expiry of a period, and lands which were rent-free, were classified under the superior status, and all lands other than those in the former category was included in the ordinary class.<sup>7</sup> Both of the tenures —superior as well as ordinary—recognised the right of the tenants as permanent and heritable, but conferred upon them no right of alienation which was only permissible with the express consent of the revenue Department. They were not, however, restricted to let out such land to any temporary tenants.<sup>8</sup> The holders of the lands of both kinds of rights enjoyed full right to all kinds of trees on their lands. This is an improvement upon the usual practice obtaining in Birachandra's time.

### **Nazar for transfer and inheritance**

The *Nazar* for transfer of any land of ordinary right, either by gift or by sale was demanded by the State at one year's revenue of such land and the same for inheritance of land was required to be

paid at the *lump* sum of rupee one. The *Nazar* for transfer and succession of *Kayemi* (Permanent) and *Taskhichi* (rent enhanceable after a specified period) lands of superior right were fixed differently in accordance with the usual practices applicable to them.<sup>6</sup> It may be mentioned here that rates of *Jama* (annual rent) per *Kani* for the *Jote* land (holding of a raiyat) in the town area of Agartala during the period from 1937 to 1946 ranged from Rs.2.2 to Rs. 100.00. While the same for the ordinary *jote* settlements in the other areas of the State varied <sup>10</sup> from Re. 0.19 to Rs. 3.00.

### Practices of settlement

The tenants intending the settlement of lands had to give in a written bond of acceptance (*Kabuliyat*) for the *Patta* (title deed) which specified the rate, *Nazar*, enhancement and abatement provisions of rent customary cesses, conditions for transfer and sale of lands in Agartala town and also restrictions as laid down in the Act. In a sense the *Patta* made the implicit provisions of the Act sufficiently explicit and practically served the purpose of supplementary rules for carrying out the intentions of the Act.<sup>11</sup> The lands under each class of the tenure were settled on assessment of fair and equitable fees, *Nazars*, and revenues were determined according to the varying conditions and position of lands.<sup>12</sup> The revenue payable by the tenants having ordinary right was enhanceable on the following reasons : (i) the increased value of land without any efforts on the part of the tenants and ((ii) the rise in the value of the lands because of area development of the capital town. There was, however, a provision for revenue abatement for sufficient reasons.<sup>13</sup> In case of grievances on such assessment rate fixed by the settlement officer, the tenants could file appeals with the Revenue Department for administrative justice. The Act granted them no right to challenge this decision in the civil court.<sup>14</sup> While the settlement of lands at the Agartala town was ordinarily performed by the Revenue Department, the lands having superior interest could not be settled without prior [approval of the Raja.<sup>15</sup>

### Special features

As the intention of this special Act, among other things, was to carry out the plan of improvement of the capital town and also the enhancement of its beauty, no tenant was allowed to construct a temple, a place of worship, a mosque, a church, a cemetery or a cremation-ground at any place other than that had been fixed by the State for the purpose, except without the written permission of the Department.<sup>16</sup> It was perhaps for the reason of town-planning that the tenant could not construct any *pucca* building on a land having an ordinary right.<sup>17</sup> This was a serious impairment of right. Even the tenants in the superior class were prevented from raising the *pucca* construction on the settled land unless its plan conformed to the master plan of the town and was approved accordingly by the State.<sup>18</sup>

In the exigency of selling the *pucca* building constructed on such settled lands at Agartala, it was obligatory for the tenants to

tender its sale first to the State, and the sale with the private person or institutions could be negotiated only after the State had repudiated the offer in consideration of its prevailing market price. The tenants of both classes were also bound to supply *Bhet* (presents) and render *Begar* (free service) to the State as and when demanded by the State.<sup>19</sup>

### Concluding Remarks

The *Rajdhani Agartala Sahar Bandobasta Smbandhiya Bidhan* was truly a special Act characterised by many a provision of restrictions, of course under the cloak of town-planning for the capital town of Agartala. And the contravention of any of these restrictive provisions would spell the resumption of the lands into *Khas* and demolition of the houses coupled with rigorous imprisonment to the extent of six months or heavy fine to the extent of one thousand rupees or with both running concurrently<sup>20</sup> In fact, the Act attached more importance to the town - planning aspect than to the interests of the tenants in the lands, and the draconian penal measures were primarily on the matter of *pucca* constructions that might lead to unplanned growth of the town. The eviction order of the Tripura Durbar issued in 1946 against some five hundred moslem families of Ramnagar, recently brought under the re-defined area of the Agartala town clearly demonstrates that the authority was not soft either on the people, who had been earlier in enjoyment and in possession of *Khas* lands in the close proximity of the town. The resumption of the aforesaid lands into *Khas* and demolition of hutments in Ramnagar by the Durbar did not go unchallenged. The protest movement spearheaded by the Tripura Rajya Gana parishad and the payment of compensation of Rs. 90/- per *Kani* by the State<sup>21</sup> deserve a separate treatment. It is also interesting to note that the Agartala Municipality, a whole-sale nominated body, was not allowed to play any role in its traditional jurisdiction of town-planning.

In the post-integration years the restrictive clause on the *pucca* building construction has been hardly followed in letter and spirit. The discriminatory *Rajdhani Agartala Sahar Bandobasta Smbandhiya Bidhan*, 1346 T. E. stood repealed with the coming of the Tripura land Revenue and Land Reforms Act. of 1960 into force from April 14, 1961.

### Notes & References

1. K. C. Singh, *Rajamala*, Comilla- 1896, p. 566.
2. Nabinchandra Sen. *Works of Nabinchandra*, Vol,II, Calcutta, 1959, pp. 507-08.
3. Proceedings No. 35 dated 13 Pous. 1300 TE (1890 AD).
4. Rabkari (Royal Proclamation) No. 17 dated 8 Jyaistha, 1303 T.E. (1893 A D.)
5. D. C. Datta, and S. Banerjee, (ed.) *Rajgi Tripurar Sarkari Bangala*, Agartala, 1976, p. 496.

6. *Rajdhani Agartala Sahar Bondobasta Smbandhiya Bidhan*, 1346 T.E. (1936 AD.); Agartala, 1336, p. 1 (*Rajdhani*, here after).
7. *Ibid*, Section 1-3, p. 2.
8. *Ibid*, Section 6, pp. -2-3.
9. *Ibid*, Section 7-8, p. 3.
10. State Administration Report, 1936& Consolidated Administration Reports 1937-40, 1940-43 and 1943-46 (Land Administration Sections).
11. *Rajgi*, Op. Cit, pp. 225-27.
12. *Rajdhani*, Op. Cit, Section 13, p. 4.
13. *Ibid*. Sections 4-5, p. 2
14. *Ibid*. Section 11, p.3.
15. *Ibid*. Section 12. p. 4
16. *Ibid*. Section 14, p. 4
17. *Ibid*. Section. 10. p. 3
18. *Rajgi*, Op. Cit. p. 227.
19. *Ibid*. p. 227.
20. *Rajdhani*, Op. Cit. Section 10, 14 pp 3-4.
21. Tripurchandra Sen, *Tripura in Transition*, Agartala. 1970, p.22
22. The Tripura Land Revenue and land Reforms Act, 1960, Govt. of Tripura, Agartala, Article No. 199 (i) of the Act.