



**A
STUDY OF
The Land System of
TRIPURA**

Directed by J.N. Das

**Law Research Institute,
Eastern Region, Gauhati High Court
GUWAHATI**

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Director of the Scheme of—
A Study of the Land Systems of North Eastern
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A Study Of The Land System of Tripura

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Dated Guwahati
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A STUDY OF THE LAND-SYSTEM OF TRIPURA

PREFACE

Genesis of the scheme

In 1981, the North Eastern Council sanctioned a scheme for study, by the Law Research Institute, of the Land Systems prevailing in all the States and Union Territories of the North Eastern Region. (Vide Letter No. NEPF/14/81-82/16 dated 5.5.1981). The object of the study was to obtain a clear picture of ownership, tenures, alienation, use, survey, settlement and land-records of these States and Union Territories. A staff of one Director and 6 Research Officers were sanctioned for a period of 3 years.

Studies in 4 States completed

It was decided by the Institute to start with the studies of Arunachal Pradesh and Assam, which have since been completed and reports submitted to North Eastern Council. Tripura and Meghalaya were taken up, next, and the studies thereof have also been completed. This report and the one relating to Meghalaya are the results of these studies. The report on Meghalaya constitutes a separate volume, namely, Volume IV in the series.

Tripura Land Revenue and Land Reforms Act, 1960

Tripura now has a comprehensive and progressive legislation, namely, the Tripura Land-Revenue and Land Reforms Act, 1960. Traditions die hard, and customs relating to land matters are the most tenacious. Tripura was ruled by native princes from time immemorial till Independence of India.

There were no written land-laws during this long period till the tail-end of the nineteenth century and those

that were enacted by the ex-Rulers towards the end of that century and the first part of the twentieth century, reflected only those feudal customs which are generally found in a regime where the King claims to be the absolute owner of all lands. The newly enacted progressive legislation namely the TLR and L.R. Act of 1960 has been in force only for two decades, and it is an interesting study as to how far the progressive provisions have since taken roots by replacing the anachronistic practices of a feudalistic society.

Methodology

To find this, one has primarily to go to the field and to the people. The methodology followed by our Research officers was to study the plot-history of a number of plots selected at random in each village selected previously in consultation with the local officers. The plot history shows how the present occupant of a plot came to possess it, what are the component rights he enjoys now, whether it can be transmitted by inheritance and transferred by alienation, what is the ambit of rights, whether there are any restrictions on transfer, whether the provisions of law enacted in the interest of Scheduled Tribes are actually obeyed in the field, if the plot is under shifting cultivation, what is the period of rest and whether the jhumia returns to the same plot or not, and so on and so forth. The results of these investigations give a faithful picture of the actual land system prevailing and show the deviations, if any, from the provisions of the written law.

Villages visited

On the whole, 22 villages were visited by our Officers. Of these, five were what were known as Second-Schedule-villages, (i.e., villages where the special provisions of Chapter IX-A applied), three where the jhum-system of cultivation was predominant, nine ordinary non-scheduled villages, one which was previously under Taskhichi taluk, one under Kayemi Taluk, one under tea estate, one under a

jhumia rehabilitation scheme, and one which was growing up in an alluviated char area. The attempt was to cover as many aspects of the land-system as possible.

Interview and discussions with key persons

The results of the plot studies were further checked up by group discussions with leaders of the villages, and by interviewing the key-persons whose answers were recorded in the interview schedules.

Scheme of the report

Every land-system has a history of its own. It is the result of an evolutionary process, though enacted legislation may assist in accelerating or retarding the process. Study of the evolutionary process is important for understanding and interpreting the present and for planning for the future. Our report has therefore started with a study of the historical background and evolution of the land system (Chapter II & III). Then a summary of the newly enacted land law (The TLR & LR Act, 1960) has been given in Chapter IV.

In the next four Chapters, namely, Chapters V to VIII, the various aspects of the collected data have been discussed and, in the light thereof, the provisions of the TLR & LR Act 1960 have been put to detailed scrutiny. The results of the analysis of the data and of the scrutiny of the Act have been incorporated in the respective chapters.

In Chapter IX, the collected data on jhum land have been analysed and the jhumia rehabilitation schemes scrutinised briefly.

Certain matters relating to land-reforms and land-records have been discussed in Chapter X.

In the concluding Chapter (i. e., Chapter XI), certain imperfections in the Act and certain defects seen during the field studies have been briefly considered and the prospects for future discussed.

The study could not have been carried out, had not the Govt of Tripura rendered unstinted co-operation and

assistance in all possible forms, such as for example, provisions of transport and accommodation in district and interior places, supplying answers to various queries, handing over copies of various reports, pamphlets, notifications, rules and regulations and last, not least, an opportunity for discussions which clarified so many complicated points.

Our sincere thanks are offered to the officers at all levels who were associated in rendering the assistance mentioned above. We take this opportunity to offer our thanks also to the non-official leaders of the villages without whose cooperation it would have been impossible to collect the data in the fields.

(J. N. Das)
Director,
Law Research Institute

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A Study of The Land System of Tripura

CHAPTER-I

PHYSICAL FEATURES AND ADMINISTRATIVE DIVISIONS

Statehood

Tripura is one of the youngest States of India. Prior to Indian Independence, it was a native princely State. At the time of Independence, it merged into the Indian Union, and after passing through several stages, ultimately attained the full status of Statehood, in 1972, when the North Eastern Areas (Reorganisation) Act, 1971 was passed.

Boundaries

Tripura is a landlocked State bounded on three sides, namely, north, west and south, by the territories of Bangladesh. Only in the east it is connected with the Indian territory of Karimganj district (Assam) and Mizoram. People from the rest of India go to Tripura mostly by air from Calcutta, Gauhati and Silchar. The railway line from Karimganj side does not extend upto Agartala, its capital, but ends at Dharmanagar, the northernmost sub-divisional town of Tripura, 21 Kms. south of the Cachar-Tripura border. A road, of course, connects Agartala with Karimganj, a sub-divisional town of Cachar (now district headquarter).

Area

The total area of the State is 10,477 sq. Km. About 60% of this area is covered by low hills one of which attains a height over 2000 feet. There are six parallel ranges, —each higher than the preceding one and they connect the State with the Mizo Hills. Plain flat land covers about 40% of the total area of the State.

Rivers

There are many rivers of whom Khowai, Dhalai, Manu, Juri, Longai and Gumti are important.

Climate

The climate of the State is hot and humid. Temperature even in January goes upto 25.5°C (maximum), though the minimum may be 10°C. During the summer season, the average maximum temperature attains to 33°C and the minimum 24°C.

Rainfall

Rainfall is heavy during the monsoon season. The annual average rainfall comes to 82°7" (2100.7mm.).

Natural resources

Forests and minerals are important natural resources. More than 67% of the total area of the State is covered by forests, which yield good-quality Sal, bamboo and cane.

Of the minerals, petroleum is known to exist in abundant quantities and Oil and Natural Gas Commission of India is carrying on extensive drilling operations. Limestone and Kaolin are also known to occur but need systematic exploration.

Industry

Large-scale manufacturing industry, except tea, does not exist, due to extreme difficulties of transport and lack of market. But Tripura is renowned for its cottage industries, particularly, those relating to bamboo and cane works, brass and bellmetal articles, pottery, silk rearing and cotton weaving.

Agriculture

Agriculture is the mainstay of Tripura's economy. About 68% of the people depend upon agriculture, 44% being real cultivators and 24% agricultural labourers. Total cultivated area is about 2,45,000 hectares which is about 23% of the total State area. Cultivation of rice alone claims

about 90% of the cultivated area and other crops, namely jute, mesta, oil-seeds, pulses, potato, sugarcane and cotton the rest. Jhum cultivation is practised by the tribal population in the hilly areas but the total area involved (about 25,000 hectares) is very much less than that in the permanent cultivation (2,20,000 hectares). Area under Jhum cultivation thus forms only about 10% of the total cultivated area. Tea plantation is a major item of agriculture in Tripura, there being 56 units involving 5400 hectares under tea, but holding another 8000 hectares for ancillary purposes.

Population

The total population of the State is 20,53,058 (1981) and the density 196 per sq. km. Decadal growth-rates since 1941 are as follows:-

1941-51	..	24.5%
1951-61	..	78.7%
1961-71	..	36.3%
1971-81	..	31.9%

The abnormally high growth-rate of 78.7% in 1951-61 was due to heavy influx of immigrants immediately following Partition. After 1961, the decadal growth-rate reverted to the range of 31 to 35%. But even this rate is rather high. The natural growth rate being in the neighbourhood of 21%, growth-rate of 31 to 35% indicates immigration on a considerable scale.

Scheduled Tribes

The Scheduled Tribes population forms 29% of the total population and the Scheduled Castes 12.4% (1971 census).

There are 19 recognised tribes, namely, (1) Tripuri, (2) Rieng, (3) Jamatia, (4) Chakma, (5) Halam, (6) Mog, (7) Noatia, (8) Kuki, (9) Garo, (10) Munda, (11) Lushai, (12) Orang, (13) Santhal, (14) Uchui, (15) Khasi, (16) Lepcha, (17) Bhil, (18) Bhutia and (19) Chaimal.

The following table shows the population (1971) of each tribe and its percentage to the total Tribal population of the State (15,56,342):—

Sl. No.	Name of the tribe	Population (1971)	Percentage to the total tribal population (1971)	Percentage to the total population of the State (1971)	District in which it is predominant.
1	2	3	4	5	6
1	Tripuri	2,50,545	55.6	16.1	West Tripura
2	Riang	64,722	14.3	4.1	North Tripura
3	Jamatia	34,192	7.6	2.1	South Tripura
4	Chakma	28,662	6.3	1.8	North & South Tripura
5	Halam	19,076	4.2	1.2	South Tripura but scattered in all dists
6	Mog	13,273	2.9	0.8	South Tripura
7	Noaitia	10,297	2.2	0.6	West & South
8	Kuki	7,775	1.7	0.4	North & South
9	Garó	5,559	1.23		
10	Munda	5,347	1.18		
11	Lushai	3,672	.81		
12	Orang	3,428	.78		
13	Santhal	2,222	.49		
14	Uchui	1,061	.21		
15	Khasia	491	Negligible		
16	Lepcha	175	Negligible		
17	Bhil	169	do		
18	Bhutia	3	do		
19	Chaimal	—	—		

It is thus seen that the Tripuris are by far the most numerous tribe in Tripura. The Tripurians and the Riangs are supposed to be the earliest settlers in Tripura, the rest having immigrated in subsequent periods.

Administrative districts

Tripura State is divided into three districts and ten sub-divisions for the purpose of administration.

Sl. No.	District	Sub-division
1	South Tripura District	(i) Amarpur
		(ii) Belonia
		(iii) Sabroom
		(iv) Udaipur
2	North Tripura District	(i) Kamalpur
		(ii) Kailasahar
		(iii) Dharmanagar
3	West Tripura District	(i) Khowai
		(ii) Sadar
		(iii) Sonamura

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CHAPTER XI

Concluding Remarks

TLR & LR Act, 1960. A comprehensive legislation

The Tripura Land Revenue and Land Reforms Act, 1960, is a progressive and comprehensive legislation based on modern ideas of land-reforms. In less than 200 sections, it has compressed matters which, in Assam, have been scattered, often with duplication, in 9 Acts and 474 sections.

Provision for land reforms

It repealed all the previous legislations on land matters, enacted during the ex-Ruler's time. The State of Tripura thus had a clean slate to write upon, and it did write well. After repealing the old legislations, the new Act simplified the tenures, conferred substantial rights on the tillers of the soil, and introduced land-reforms in the form of abolition of intermediary rights, imposition of ceiling on land holdings and prevention of fragmentation of holdings. On abolition of intermediary rights, the raiyats came into direct contact with the State. The under-raiyats except those in resumable lands, were also entitled to become raiyats by payment of nominal compensation.

Basic philosophy of the Act

The basic philosophy of the Act seems to be to make the tiller of the soil the owner of it. Peasant proprietorship appears to be the fundamental basis of the new land-system introduced by the Act. The raiyat is sought to be made a peasant proprietor who has the perennial right of use and occupancy in his land. He owns the land which he uses, and his right is recorded in the Khatian. He does not enter into engagement with the Government, as does the landholder of Assam whose tenure comes to an end at the expiration of a specified period. He, of course, has

certain liabilities e. g. to pay land revenue, and his rights are subject to certain restrictions in the interest of the tribal population and the general public. Otherwise, he is the master of the surface soil of his land.

Certain imperfection

It is, however, not suggested that the TLR & LR Act 1960 is perfect in all respects. No legislation can ever be perfect that way. The matters in which we felt that there were certain defects have been pointed out in their relevant contexts. We need only recapitulate the important ones here.

Multiplicity of tenures

Firstly, it is found that three other classes, besides the raiyat, have been recognised as holders of certain rights over land. These classes are the allottees, the under-raiyats and the bargadars. They are actual tillers of the soil, but they are not recognised as raiyats. This has introduced a multiplicity of tenures which all good land-systems avoid.

Right to lease may revive intermediary rights

Secondly, the raiyats are allowed to lease out their lands. After abolition of intermediaries and after allowing the under-raiyats to become raiyats by payment of compensation, this appears to be a retrograde step. This step may bring back the intermediary system disguised in a new garb.

Allottees not allowed to become raiyats

Thirdly, even though the under-raiyats may acquire the rights of a raiyat by payment of compensation, the allottees are condemned to remain as such for good. There is no method by which the allottees' rights can ripen into those of the raiyats.

These defects impinge on the basic philosophy of the Act mentioned before.

Protection to tribals to be made more effective

Protection to tribals is a good feature of the Act, but the provisions of Chapter IX-A are so cumbersome, that they are virtually ineffective. The setting up of an Autonomous District Council for tribal areas is a laudable move, but here also the lack of power to make laws or bye-laws in certain vital matters including allotment of land is likely to dig a big hole in the scheme.

In the second-schedule-villages as well as the villages included in the Autonomous District, the Collector has the power to allot land to non-tribals. If he actually does so on a large scale, then the restrictions on transfer by private individuals may be of very little help towards protection of the tribals. In our view the same restrictions as apply to alienations by private individuals in these villages should also apply to allotment of land by Government.

Overlapping of A.D.C. & scheduled areas

The Autonomous District under the Autonomous District Council Act, 1980 and the scheduled villages under Chapter IX-A of the T.L.R. & L.R. Act, 1960 are, in substance, a mere duplication. In our view, after giving power to the District Council to make laws on the vital matters mentioned in Section 31 of the Autonomous District Council Act, 1980, the Chapter IX-A of the T.L.R. & L.R. Act, 1960 may be deleted. If need be, some of its provisions may with suitable modifications, be included in the A.D. Act, 1980.

No Jhumland Regulation

The T.L.R & L.R. Act, 1960 does not deal with jhum lands and land-rights in relation to them. Jhumland area comes to about 25% of the area under permanent cultivation in Tripura. It is, therefore, an important part of the land system. There is no Jhumland-Regulation in Tripura as is prevalent in Nagaland, Arunachal and Meghalaya. Some such regulation seems necessary.

Defects seen during field studies

Our field-studies brought into view certain other defects which relate to implementation aspect.

Transfer of lands by tribals to non-tribals seems to continue in spite of the inhibition of section 187 of the TLR & LR Act 1960. Provisions of Chapter IX-A which relate to transfer by non-tribals living in scheduled villages do not seem to have operated in the field on a palpable scale.

Rents prevailing in the field are often in disparity with the rates laid down in the Act. Under-raiyats are charged by the landlord frequently, sometimes in less than a year, perhaps with an idea that, otherwise, they would become perpetual tenants. Transfers in the form of gift and sale took place on a large scale when the ceiling limit was reduced by the Amendment Act of 1975.

Alluvial lands are found to have been occupied by persons without having any authority from the competent authority.

Rehabilitation schemes for jhumias

Government's attempt to wean away the jhumias from the habit of jhuming is commendable. Rehabilitation colonies for the jhumias are a step in the right direction. But the area of wet-cultivation land allotted to the jhumias in recent years seems to be too small to be of much help. High lands allotted to them, though not inadequate, suffer from lack of water-supply, without which they become useless.

In the Jhampui Hills a considerable number of jhumias have now turned to orange-plantation. But their lands have not been mapped and rights recorded. They need encouragement by way of being conferred permanent rights over their lands.

Tea-gardens

Tea-estates were unnecessarily treated as intermediary interests. On the other hand, raiyats who having under-

raiyyats below them, were real intermediaries were treated as peasant proprietors. Instead of looking at the letter of law, the substance of the law should have been considered and given effect to. Tea-garden surplus lands could have been easily acquired under the ceiling-law, instead of under the law for acquisition of intermediary interests.

Good prospect for future

The new land system in Tripura has been in operation for a short period of two decades only. Traditions die hard, and so the habits and customs of ex-Rulers' time prevailing among the agriculturists who are generally conservative, tend to continue. Besides, the unprecedented influx from East Bengal immediately after the Partition altered the entire rural picture. It requires a little time for any system, even if it be very good, to dig and settles down. But a good beginning seems to have been made, and the future, if unhindered, seems to be bright.

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