Land revenue practices that prevailed in Tripura during the time of the Later Manikyas (1862-1947) had percolated from the remote past. The plains in the contiguous district of British Tippera which had once constituted a springboard of the kingdom to exercise its territorial sway over the south-eastern part of Bengal in the sixteenth and seventeenth centuries, as also a *Zamindari* under the Later Mughals, witnessed various kinds of settlements made from time to time for the purpose of revenue collection from land, and gave rise to the tenurial status of different categories of tenants.

Geographically bogged down mostly in the hills and jungles, and politically too since its early contact with the Britishers, Tripura introduced different kinds of settlement in this sylvan territory in consideration of geographical constraints. Yet the historical moorings and the experiences of the management of the *Zamindari* in the plains had tremendous carry-over effects upon its land revenue practices of the hill territory. A State with a limited settled cultivation in the plains land at one hand, and with a plentiful supply of virgin land in the hills, dales and river valleys for the cultivating immigrants on the other, could not follow a single model for its revenue administration. In other words, the land revenue system of Tripura that had grown during the Later Manikyas was the agglomeration of heterogeneous models adapted to the
conditions and capabilities of the State. And this was evolved out of the age-old revenue practices extant in the plains and in the hills. Thus the Mughal forms co-existed with indigenous traditions on the British Indian model of administration. The codification of earlier revenue practices commenced during the rule of Birachandra (1862-96) and the process of streamlined administration in land revenue matters continued during the times of the other Manikya rulers. Further measures of consolidation and peripheral enlargement upon the basic structure raised by the pioneering enactments of Birachandra gave the land revenue system of Tripura a modern character in the contemporary times. The sectional treatment in this chapter will bear out our proposition.

Section I : Historical background of land tenure

The paucity of recorded materials baffles any attempt at the construction of history of land tenures that had existed in Tripura previous to the rule of Birachandra. The land grants and deeds included in some of the old and recent books as also preserved in the State Museum at Agartala may at least give an indication of the tenurial system that had existed at large in Tripura in pre-Birachandra epoch. Hunter in his "A Statistical Account of Bengal", Volume VI, also furnishes

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immensely valuable information on the land tenure system as obtained in Tripura at the beginning of the Company rule. The land tenures in the plains and in the waste lands of Hill Tripura were of the same kind as those in the neighbouring district of British Tripura\(^1\), probably because of its long association in the plains. A close study into land grants and deeds relating to settlements, both in the plains (in British Tippa) and in the hills proper, will provide us a base to construct the history of the tenurial system in this State.

The earliest record of land grant that has been retrieved relates to the period of Kalyanmanikya (1626-59 A.D.) on Lakhijadi or rent-free tenure. Most of the land grants made by the Rajahs of Tripura belong to this category with different titles according to the specific purposes for which these were granted. **Brahmottara** (to the priestly class), **Fakiran** (to the Muslim Fakir), **Aima** (to learned and religious people of Muhammadan faith or for religious and charitable uses), **Inam** (reward to any person in recognition of service), **Khanebadi** (to any respectable person for dwelling purpose), **Nankar** (to any respectable person for service or other duties, in lieu of wages), **Charadi Khavarat** (to religious Muhammadan mendicant in charge of religious Muhammadan institutions).

\(^1\) Hunter, W.W., *op.cit.*, p.506.
of mosques), Vaidvanka (to the Vaidya or doctor of indigenous system) and Devottara (for the purpose of defraying the expenses of deities kept by a Hindu grantor) are some of the rent-free tenures existing till the reign of Ishanachandra Manikya (1849-62 A.D.). These settlements under Lakhira genre conferred upon the holder a permanent and heritable right in land.

As revealed by the records, the six of these holdings varied from the fraction of an acre to several hundred acres (or even a village). Most of the settlements included a mixed classification of land, both cultivable and jungly. The exclusive settlement in either of the kind was although rare.

Evidences are there that old land grants made by the earlier rulers required its renewal by the new king at the time of or shortly after his accession. The land grant of Gobindamanikya in Tripura year 1070 (1660-61 A.D.) and another grant made by Ratnamanikya II in Saka 1607 (1685 A.D.) may be taken for instance.

Of the Khira or revenue-paying tenures at a fixed rate, the Zamindari and Talukdari occupied prominent position. Next to these tenures came the Jangal-buri, the rent of which was enhanceable after the expiry of the rent-free period, and in accordance with the stipulation. In Tripura the tenures of Zamindari and Talukdari were, in fact, the same for all practical purposes, except difference in names and the size of the

1 Sen, K.P., Shri Ralamala (IVth Lahar), p.134.
2 Sarkar, D.C., op.cit., pp.107-08.
holding. Generally the Zamindar holding was much larger in size. This tenure was directly held from the Rajah to manage the lands, realise rent and make payment according to the stipulation. The Zamindar or Talukdar was allowed a commission of ten per cent upon the total collections, and a portion of the land was exempted from the revenue assessment to the extent of twenty per cent under the denomination of Abadi-mina (a deduction from the actual area of a farm allowed to the landholder for personal support and his family) and Khanebadi (homestead land). Further deductions from the stipulated amount of revenue were also allowed to cover various charges borne by the Zamindar or Talukdar, which, as a rule, came to another twenty per cent. Generally the Zamindar or the Talukdar leased lands to the intermediaries under different tenures at a much higher rent than it was held from the Rajah. Much higher rent was progressively settled by the intermediaries with the cultivating tenants and sub-tenants. This superior tenures granted to the Zamindar or Talukdar was of permanent character till the revenue payment proved erratic. It was heritable and the landholder had the right of alienation. But this right of alienation

1 Lease deed of Ratnamaniya II in Saka 1626 as quoted by Singh, K.C., op.cit., p.558.
3 Ibid, p.568.
remained extinguished for the landholder belonging to the members of the royal family. No Rajah could transfer to any relation more than a life interest of any land, particularly in his Zamindari.¹

The Jangalburi settlement was made directly with the Talukdar either by the Rajah or the Zamindar. Generally after the rent-free period of three years, the tenants' holding was measured and assessed at equitable rates under the denomination of Mashkhadi tenure of permanent and transferable character. The right was inheritable.²

On the basis of limited source materials it is difficult to ascertain the basis of rentals prevalent for the period under review, and therefore only a general idea of it can be formed.

Lands were classified according to the fertility of the soil, type of the soil suitable for particular variety of crops and proximity to the holding already in cultivation. The classification of lands, in fact, formed the basis of rentals. Lands classified under Deshkula Amuna (more fertile land for Aman or autumnal rice harvest) and Parakula Amuna (less fertile land for Aman crop), Parakula Fasali (less fertile land for tillage), Saila

² Rajit, op.cit., p.12.
(land suitable for cultivation of Sali, a good variety of paddy), Baruva (marshy land for growing Boro, an inferior variety of paddy), Baraj (tract of land for betel leaf plantation), Pasali (land for general cultivation) and Aj党组成员 (jungly land), China (an inferior variety of millet) and sugarcane cultivation are indicative of the character and capabilities of the soil as also of the crop pattern depending on them. Lands under Aman crop in the own village of the landholder and those situated beyond his village were assessed differently, and considerably lesser rental for the latter. Rates were two to three times higher than that of the rental assessed for the ordinary cultivable land. This suggests that the classification of lands, particularly the rice lands, was the determinant for the rental, its relative variation being only in the quality of rice, cultivable in different tracts of land.

The land grants and deeds also furnish some information in regard to the mode of revenue payment to the Rajish.

| Kind of payment | As per stipulation revenue dues were paid by the landlord classes in currency. |

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2 Ibid, p.558.
3 Ibid, pp.558, 560, 564-65; Rajgi, op.cit., p.12.
the produce equivalent in money value. The conversion of share in kind into money equivalent would be the natural corollary in forwarding their dues on to the superior landholders. In the hilly areas no rent was paid by the hill people for the land used for Jhuming. But in lieu of rent, a house tax was levied and realised through the intermediary of the Sardars (headmen). The house tax was paid either in currency or in the produce equivalent in money value, the latter being preferred as the convenient mode of payment.¹

Except in rent-free tenures, and in tenures otherwise specifically restricted, Abwabs or customary cesses namely, Ratib (contribution for religious ceremony), Gudara (contribution to the ferry station), Batta (compensation for less weight of rupee coins), boat charge for the movement of the revenue officials and many other conceivable Kharch (expenses) formed together an important part of revenue transaction relating to lands in the plains,² while Taithung (acting as a porter and a guide for public servants on tour) and Labar (maintenance of jungly track and couriership) services were demanded from the hill people in lieu of Abwabs.

Long before the house tax had been introduced in the State, the hill people used to pay annual royalty in

various kinds, namely animals as were available in the hills and jungles, ivory, hides and horns of wild animals, metal gong and wares, scimitar and varieties of colourful home-spun cloth.\textsuperscript{1} The Jhum produce of \textit{til} (sesamum) and \textit{kapas} (cotton) according to a scale fixed annually by the Rajah was sometime charged as Rajakar (royalty). This sort of payment in kind by the hill people was regarded as revenue to the State. Some of the tribes rendered free service to the State, and in lieu of it, they were exempted from paying royalty to the Rajah.

The element of compulsory or customary service largely affected the conditions for determining the amount of house tax levied for the hill people, and no parallel can be drawn between it and the rent. The Kookies were practically exempted from making all money payments on the express condition that they would render military service as and when indented by the Rajah.\textsuperscript{2} Subjects from amongst some of the tribes, particularly the Tipras and the Hallams, engaged to render personal service to the royal family were called the Julai Praja. In exchange for their assignment of duties in the royal palace they were allowed some remission of house tax. Hadar Lok was another kind of tribal Praja who had been exempted from

\begin{itemize}
\item \textsuperscript{1} Sen, K.P. (IIInd Lahar), \textit{op.cit.}, p.21.
\item \textsuperscript{2} Hunter, W.W., \textit{op.cit.}, p.506.
\end{itemize}
payment of house tax on the condition of performing specified duties of the Rajah in the State capital, as and when required by the ruler. Of these service tenures prevalent in Hill Tripura, the Julai tenure was perhaps the worst and this part remission of house tax was hardly recompensed by the volume of work they were required to perform. Their position was no better than that of a serf.

As indicated earlier, the facts of geography restricted the extent of plough cultivation in the State. The plentiful supply of Jhum land in the hills never proved a restraining factor for the hill people to give up the tradition-ridden practice of Jhuming and switch over to plough cultivation. No doubt there was always a drive to reclaim the forest and marshy lands, and other kinds of waste land for agricultural settlements under Jangalburi tenure, yet success was not very much tangible. The alien climate and hostile topography combined with fever factor could not help a real breakthrough. In 1875 the portion under cultivation constituted a very small proportion of the total area of 24,74,880 acres (according to the Return of the Boundary Commission, 1875). With the exception of a few patches of the land in the interior, it was only that portion of the land adjoining British territory that had been permanently under plough cultivation.¹

And, of the land under plough cultivation, the

Rajah held very little in his direct management. As the only

Lands hold
from the State

superior land proprietor in the whole State, the Rajah had settled some of

his lands in perpetuity, and at a fixed rental with the

Talukdars. The size of these holdings were obviously smaller.

These small tenant proprietors were often granted with only a

nominal rent reserved, and their position was somewhat comparable with a

peasant proprietor where grantees were the actual cultivator.

Apart from these permanently settled lands, it was the general practice to farm out the collections through them. 1 Usually

the farmers or Talukdars were to pay in

Farming out of
lands to the
Talukdars

about nine-tenths of the whole collections2, according to the stipulation, which indicated an enhanced annual Jama (assessment) over the past century. The management of lands by the system of farming out for a fixed period of years proved advantageous to adjust enhanced rate of rentals, in consideration of the value of land increased over years. As no permanent interests in land were characterised by this temporary lease, it turned to be a ready handle for the farmer to enhance rents and squeeze the cultivating tenants. The farmer's rent, if fallen in arrear, was generally

\[1\text{ Ibid, p.503.}\\
[2\text{ Singh, K.C., op. cit., p.568.}\]
absorbed in the re-farming bid. This follows that the revenue collection, instead of being limited by Kayemi Taluk (permanently settled) grants showed a growth, ultimately at the cost of cultivating classes.

About a century after the introduction of the Permanent Settlement in 1793 an enactment called Rajaswa Sambandhiya Niyamabali (Act of 1290 T.E.) was made in Tripura in 1880 A.D. It was the first legislation of its kind on land tenure. The Act primarily dealt with the collection of land revenue (Rajaswa) from Kayemi Taluks (permanently settled estates), Khas Mahals (Government-held lands) and Karaha Praja (cultivating tenants) as also the provisions of resettlement of the defaulting tenants.

This Act was followed by Praja Bhumyadhikari Sambandha Bishayaka Ain (Act I of 1296 T.E.) in 1886. This Act dealt with the relationship between the land-lords and the tenants. It dwelt upon matters relating to payment of rents, their enhancement and deductions, procedure for recovery of public demands, ejectment of tenants, distraint of crops, rights of raiyats, measurement of lands, land acquisition by the State or by the landlords and many other related matters. On the gradation of rights four kinds of landed interest were located.

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1 Tripura Code, Part II, op.cit., p.4.
in the Act. As a fountain head of rights, and also because of its occasional direct ownership of land, the Government assumed the first degree importance in the scale while the actual cultivator having the permanent right to occupation held the last position in the rung, and the interests of the landlords and sub-proprietors intervened them. According to this Act, the Talukdars (landlords) or Dar-Talukdars (tenants of intermediate class) and rajyats (cultivating tenants) under them had no right over rivers, channels, forests, elephant trapping operation, ordinary roads, ancient masonry buildings or walls, treasure troves and ivory. It was made obligatory in the Act that the Talukdars and tenants of all grades had to supply Bhet (complimentary presents) and render Begar (free service) on such special occasions as State festivals and the like. A separate body of rules called Bhumi Khas Sambandhiya Niyamabali, 1338 T.E. (1928 A.D.) was laid down for the acquisition of lands.

In 1899 an Act called Jarip-O-Bandobasta Sambandhiya Bidhi, 1309 T.E. was introduced. It contained provisions relating to survey and settlement operations in the State. It was fairly comprehensive Act. Operational rules and regulations under the title of Jarip-O-Bandobasta Sambandhiya Niyamabali, Part I & II, 1323 T.E. (1913 A.D.) were also constituted in accordance with the provision of the Act. Rules relating to lijara (lease) of all kind of Mahals (estates), with an income limit of one thousand, except Mahals of cultivable
lands, were laid down in 1313 T.E. (1903 A.D.). The Act of 1309 T.E. (1899 A.D.) as referred to above, was amended in 1336 T.E. (1926 A.D.).

In order to protect the encumbered landlords within the State and take over the management and control of their estates Rangastha Bhumiadhikari Bishayak 1332 Tripurabder I Ain was introduced in 1922.

In the year 1916 an Act called Sarkari Prapya Adavya Sambandhyva 1326 Tripurabder Char Ain was promulgated laying down necessary procedures for recovery of public demands from land, and penal measures for the defaulters.

A special Act relating to the land settlement in the capital town of Agartala was promulgated in 1936. This Act was known as Rajdhani Agartala Sahar Bandobasta Sambandhyva Bidhan, 1346 T.E. in which the lands of the town had two kinds of rights for the tenants.

The hill people who lived on Jhuming had not to pay any land revenue or other tax enforceable for the cultivating tenants, except the house tax levied differently for the tribes. A special Act called Parbatya Prajaganaer Garchukti Kar Sambandhiya Ain (Act 4 of 1329) was introduced in 1919 which provided for assessment and realisation of house tax from the hill tribes of Tripura.

The review of these aforesaid pieces of Acts, Rules and
Regulations provides us a clear idea about the system of land tenure that prevailed in Tripura since its first enactment in 1880. Land tenures as emerged may broadly be grouped under two categories: (a) tenures of land owned or held directly from the State and (b) tenures on land owned or held from private persons or institutions. In the first category are included the Kayemi Taluk, Taskhishi Taluk (estate whose revenue was enhanceable after the expiry of a stipulated period), Niskar Madhya Taluk (rent-free estate) and Jote (holding of the raiyat). These tenures were of the first grade. Dar-Taluk (estate held under the Talukdar of Kayemi, Taskhishi and Niskar tenures), Jote (holding of the raiyat mediately under a Talukdar or a Dar-Talukdar) and Korfa (occupancy of the under-raiyat) fell under the other category, and in the second grade of tenure. The detailed study of these land tenures will be made in the Section III of the chapter.

Section II : Special settlement of Agartala town.

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. With the upward trend of the value in land consequent upon the

1 Singh, K.C., op.cit., p.566.
area development or urbanisation looming large, this attitude gradually got hardened. In Comilla town the upper classes of the society were not allowed to raise pucca buildings in the Zamindari of the Rajah. 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 of Birachandra was followed at Agartala also. 1 The area of the capital was much less than a square mile in 1890 and till that time no land assessment was attempted. In 1891 Re 1 annas 2 a Kani (.4 acre) of land was levied as land revenue. Only occupancy right was acknowledged. 2 By a royal proclamation a radius of one mile from the palace constituted area of Agartala town and its suburbs. It prevented the occupant from enjoying the usufruct of his land encompassed in this area. 3

Radhakishora did not think very differently from his father. To him the Kavendi settlement meant virtual parting with the land for good and a perpetual curb upon the expanding source of revenue. 4 Thus no attempt was ever made to settle Khas land at Agartala. This enjoyment and possession of the Khas land by the people of Agartala lingered till 1936 when

4 Raigī, op. cit., p. 496.
Birabikrama-kishora Manikya decided to create and maintain the rights of the tenants residing in Agartala town by an enactment called *Rajdhani Agartala Sahar Bondobasta Sambandhiva Bidhan, 1346 T.E.*

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 contravention.

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. 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

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1 *Rajdhani Agartala Sahar Bondobasta Sambandhiva Bidhan, p. 1.* (Rajdhani hereinafter).

2 Ibid, Sections 1-3, p. 2.
to let out such land to any temporary tenants. The nazar for transfer of any land either by gift or by sale or for inheritance of land was demanded by the State.

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,

Practices of conditions for transfer and sale of lands in Agartala town, and 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. The lands under each class of the tenures were settled on assessment of fair and equitable fees, nazara, and revenues according to the varying conditions which included the increased value of land and area development and position of lands. 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. While the settlement of lands in Agartala

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1 Ibid, Section 6, p.2.
3 Rajani, op. cit., Section 11, p.3.
was ordinarily performed by the Revenue Department, the lands having superior interest could not be settled without prior approval of the Rajah.\(^1\)

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 cementary 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.\(^2\) 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. This was a serious impairment of right.\(^3\) Even the tenant 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.\(^4\)

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 institution could be negotiated...

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\(^1\) Ibid, Section 12, p. 4.
\(^2\) Ibid, Section 14, p. 4.
\(^3\) Ibid, Section 10, p. 3.
\(^4\) Babul, op. cit., p. 227.
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 presents and render free service to the State as and when demanded by the State.¹

The *Rajdhani Agartala Sehar Bondobasta Samandhiya* Bidhan was truly a special Act characterised by many a provision of restrictions, of course for the improvement of 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 or heavy fine or with both running concurrently.² 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.

**Section III: Settlement of land**

Just as the nature of the tenures determines the form of settlement and what rights have to be recorded, so also it affects the method of assessment. As the landlord has to pay either lump sum or a separate charge of each holding

² *Rajdhani*, *op.cit.*, Sections 10, 14, pp.3-4.
or of the unit of survey, different methods of valuation have been found convenient. Hence it happens that several kinds of settlement have been locally developed, depending partly on peculiarities of agricultural conditions, and partly on the features and incidents of the prevailing tenure of the land in the region. Keeping this in view we propose to examine how land settlements were made in the hills, plains and tea gardens of the State.

(a) In hills

The facts of geography determine the mode of cultivation. The shifting cultivation is the characteristic of places where there are large tracts of forests and jungle-clad hills, inhabited by more or less primitive tribes. By the peculiar method of felling trees, burning the forest stuff and dibbling in seed with the ashes soaked in the rains, the cultivation is carried on in suitable hill slopes where the angle is not too critical to allow the soil and seed with it to be washed away by the heavy rainfall, and then the site is abandoned after two or three years. It is not returned till a period of years has elapsed sufficient for regrowth of the forest. This period depends largely upon the number of tribes, the land available and other circumstances. As opposed to the settled cultivation by ploughing, this form of cultivation done peculiarly in the hills is called Jhum in Tripura, which closely resembles Kumri in South India, Dahya in Madhya Pradesh.
and Taungya in Burmah.\(^1\) And the tribes living on this Jhum cultivation were known as hill Jhumias in Tripura.

The concept of land settlement originates in the settled cultivation. No right in the land is acquired by the Jhum process of cultivation, for there is no permanent occupation involved in it. If no rent or land revenue is demanded by the State, because of their frequent migration, the Jhumias cannot escape some form of assessment for the cultivation. Instead of rent on land, the Gharchukti Kar or house tax was levied upon the hill tribes who practised Jhum cultivation.

\begin{align*}
\text{Gharchukti Kar for hill Jhumias} & \quad \text{It was, in fact, a tax on cultivation at small money-rate levied on each of the Jhumia families. Because of geographical contiguity once with Burmah, this house tax has an element of similarity with the assessment made on Taungya cultivation. The latter was assessed merely by means of a small money-rate levied on each of male member of a family able to wield the Dah (heavy knife) with which the jungle could be cut for burning. The family was jointly responsible for the annual tax.}\(^2\) \text{In case of the Gharchukti Kar the family was assessed irrespective of its size, and the responsibility of tax payment lay on the} \\
\end{align*}

\(^1\) Baden-Powell, B.H., Administration of Land Revenue and Tenure In British India, p. 13.

\(^2\) Ibid, pp. 228-29.
head of the family\(^1\) whose failure to pay Gharchukti Kar was considered as an act of disloyalty to the Rajah.\(^2\)

But the house tax was not fixed at an uniform rate for all the tribes. It varied in amount according to the tribe to which the family belonged. Something of the class distinction had overridden the tax structure. A look back to the Table No. 3 of the Section I of the previous chapter on the rates of assessment of Gharchukti Kar will bear witness to this fact (p. 69). This variation was due to the concession given to the tribes in lieu of compulsory or customary service they had to render to the Rajah and his government. People from different sub-sections of the Kookies were drawn to constitute a militia of formidable irregulars, and in recognition of their compulsory military service in supreme hours of crisis they were practically exempted from the payment of house tax. The Darhula Kookies, for an example, used to pay a lump sum of Rs 60 annually to the State exchequer on behalf of the entire sub-sector\(^3\) till 1903. The Tipras and some sections of the Hallams paid a lower rate than some of the other tribes as they rendered personal service at the palace.

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\(2\) Ibid, Section 5, p. 2.

\(3\) T.S.G., Part II, No. 1 dated 31st Baisakh, 1313 T.E. (1903 A.D.).
and acted as couriers. Because of being Julai and Hadar Lok (those tribal subjects who agreed to come to the capital, as and when summoned, to perform any specific work, assigned to them by the Rajah) many of the Tipras and Hallams were even exempted from the payment of such tax. ¹ The Riangs and Noatiyas were highly discriminated against the other tribes of Tripura on the matter of house tax.²

In 1903 an attempt was made to remove this glaring discrimination to the extent it was possible to absorb the loss of the revenue on this account. The rates of house tax were

The revision of rates now revised under three slabs - Rs 3½, Rs 4 and Rs 5.³ In the same year the rate fixed for the Tipras was enhanced from Rs 3½ to Rs 4.⁴ The same was also extended to the Kookies and Lushais.⁵

The enactment on the Gharchuki Kar in 1919 provided for some more changes in the tax structure. The lump sum payment of house tax was abolished. The Julai subjects who had previously been exempted from payment of tax were now to pay at the full rates exclusively fixed for their own sects. The new subjects who had migrated to the State could not be immediately brought under assessment in view of the conspicuous

¹ Gharchukti, Sections 20, 21, p.4.
³ Ibid.
absence of any rate fixed for them. According to the new provision of the Act, house tax was paid 50% less by them for the first year, in the event of their coming to the State before Jhuming, and at the full rate from the second year hence. The tribal subject practising both Jhuming and ploughing simultaneously was required to pay at half the rate of Gharchuki Kar, and the usual rent for the cultivated lands till such time the rent would equalise the amount of house tax; but in case of the rent having been either equal to or in excess of that of his house tax, he had to pay 1/3 of his Gharchuki Kar in addition to the land revenue. The State Minister was given power to increase or decrease the rates of house tax according to the financial condition of the tribes or sects, with the approval of the Rajah. But the abatement practically proved the exception, and not the rule. The hill Jhumias residing around the upper rapid of the Dambur were levied an additional sum of Rs 4 (four) over the existing rates fixed for them in order to compensate the loss incurred from the tax evasion in their export deal on til and cotton across the State border.

The concessions granted partially or fully on account of compulsory military or customary service to the State or personal service to the palace were generally withdrawn by

the enactment of 1329 T.E. on house tax. The State policy

was now to bring most of the hill people
under the ambit of general assessment and
remunerate their service adequately.¹ The exemption of house
tax was, therefore, restricted to Galims (tribal priests
associated with worshipping the royal pantheon) and Hader Lok,²
besides a host of persons physically or mentally incapacitated, and persons otherwise considered helpless economi-
cally.³ Choudhuries (headmen) were also exempted from the
payment of Gharchunktí Kar for their service in tax collection.⁴
Other kinds of exemption were granted to the tribal Jhumia
who either had come to the State after Jhuming season or left
the territory before its commencement. In the former case
nazar was paid at the rate of Re 1 for the year of his coming
instead of Gharchuktí Kar. In case the latter had moved after
the commencement of the season already set in, he was required
to pay house tax payable for that whole year.⁵ The tribal sub-
ject resorting to plough cultivation alone was exempted from
the payment of Gharchuktí Kar.⁶ This is the most significant
provision of the Act in the sense that it was an incentive to

¹ Gharchuktí, op. cit., Sections 20-21, p.4.
² Ibid, Section 22, p.4.
³ Ibid, Section 23, p.5.
⁴ Ibid, Section 28, p.6.
⁵ Ibid, Sections 25, 27, p.5.
⁶ Ibid, Section 24, p.5.
bring the tribal population to the settled form of cultivation by Jangal-abadi tenure.

The assessment for house tax was made by tribes, the Sardars (headmen) sitting with the Rajah during the Durga Puja festival. A State dinner called Hasam Bhojan was given on the occasion for the Sardars. It was a unique assembly to discuss State business relating to the tribes. Problems of mutual interest were deliberated and resolved. The Rajah was appraised of the progress of house tax collection in each area by the Sardar. The virgin tracts of land were settled with the Sardar of the tribe for Jhuming, who finally distributed them to different families. Unlike the middleman in the settled cultivation, the Sardar had no proprietary right, but a fixed responsibility which was of course remunerated by tax exemption fixed for his own tribe. Apart from the exemption he also was entitled to Inam Bakshish (gift in appreciation of performance) fixed annually for the area. The Lushai and Kookie chiefs had an one-fourth share on the realisation of the house tax. In fact the status of the Sardar or chief depended not upon what he actually derived, but upon what was

1 Sen, K.P., (II Ind Lahar), op.cit., pp.147-149.
not officially recognised. Further, acting as a close link between the Tahsil and the tax-paying head of the family, and functioning somewhat of notary duties, he built up an enviable position in his own area.

It was neither possible nor desirable to put a stop to Jhuming all at once. The tribes of Tripura could not live without it as Jhum was interwoven with their lifestyle. At the same time it was quite necessary that such an uneconomic method of cultivation should be subject to regulation, and allowed only as a matter of concession. The Raishas of Tripura tried out this idea with the method of persuasiveness as the plank to induce the Jhumias to switch over to plough cultivation in the plains or in the hillsides by terraced fields.

As late as in 1888 Birachandra had drawn up an action programme for inducing the Jhumias to plough cultivation. It included (a) official persuasion, (b) engagement of expert cultivators to train them up, (c) subsidy to agricultural inputs and (d) the establishment of a model farm for extension service. The Jangal-abadi Taskhish tenure was created by way of encouragement to the Jhumias on favourable terms. In 1899 the Jhumias were given monetary incentives

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1 Raji, op.cit., pp.184-85.
2 Memo Circularad Samgraha of 1302 T.E. (1892 A.D.), op.cit., p.11.
for their gradual switch-over to plough cultivation, and rates of house tax with the rent for cultivable lands were suitably accommodated in the enactment of Gharchukti, 1919. The hill people practising plough cultivation alone were exempted from the payment of house tax. Yet the response was not very happy. The lure of unlimited tract of virgin land was irresistible which the limited plot of land would prove depressing, and restrain their free spirit of migration.

Towards 1931 there was a shift of policy in regard to the Jhumia rehabilitation. A large tract of land in Kalyanpur was set apart as a reserve. Many families had permanently settled in the tribal reserve area and taken to ploughing, and in the course of time a number of villages sprang up there. This partly successful experiment was repeated on a large scale, and as many as 1950 square miles were reserved for the settlement of the Tipras, Noativas, Jamatias, Reangs and Hallas in those areas. But the hill people could not quietly accommodate to alien situations. To help them to adopt to the permanent form of cultivation it was necessary to attach a large tracts of forest lands to their newly grown holdings as a part

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of the necessary area for Jhuming. Accordingly 362 square miles of forest lands were de-reserved and attached to the tribal settlements for the purpose of Jhuming at the next door. In order to provide a check to the exploitation by other communities in these new tribal settlements, the transfer of lands in any form or kind was generally restricted. The land transfer was permissible only amongst these tribes, and any other deal of transfer without the specific permission of the State was considered void.

The Jhum cultivation is interesting, because in ancient times all village cultivation must have begun, even in the plains, by similar forest clearings. Only in plains land when once the jungle was removed, and the plough came into use, there would be no necessity for shifting the site. Thus from a small clearing, a large permanent village would grow. And that was attempted in the organised manner in the tribal reserves of Tripura where enough cultivable lands had been available in the valleys.

(b) In plains

As the form of land settlement is dependent upon the nature of tenure, a study into the tenures that had emerged will provide us with an idea of the land settlements in the plains.

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existing during the period of the Later Manikyas. Tenures on land can be classified into two broad groups: (a) tenures on land held or owned directly from the State and (b) tenures on land owned or held from private persons or institutions. Each division had different categories of tenancies.

The Rajah was the only superior landlord and fountain head of all land rights in the whole State. In the settlement under the first group the tenants held or owned landed interests directly from the State, of which Kayemi Taluk occupied topmost position in the classification of interests in land. The right in Kayemi Taluk was permanent, heritable and transferable. Its assessment was fixed in perpetuity. In case the revenue was not punctually discharged by a certain time, on the due date before sun-set, the right of the tenant was extinguished. The estate was then put to auction and the right was vested in the highest auction bidder. In case there was no auction bidder, the State took over the holding on a token bid of rupee one and the entire area of land was treated as Khas. The State could farm out the land in perpetuity and at a fixed rental as was

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2 Ibid, Section 10, p.10.
the tenure before or the revenue could be settled with the new farmer tenant for a prescribed period of time, and in any case processing through normal settlement procedures and fees.

In Taskhishi Taluk the right was transferable and heritable. This tenure conferred no permanent right upon the tenant to a fixed rental. The revenue was revised after a stipulated period as prescribed in the settlement order. In Tripura Taskhishi tenure was considerably favoured in the settlement of lands, particularly of waste lands, and in Agartala town. The period of rent remission was not allowed in cultivable land. Terms and conditions were stipulated in the order of settlement.

Niskar Madhya Taluka were estates or holdings held revenue-free on the strength of a valid Sanad (grant conveying title to the land) or Taldad (document of authority in confirmation of claim).

The tenant proprietor under this class was entitled to get rent from a tenant for the use and occupation of any land. His right in this sense was Madhya or intermediary.

Jote or raivati land was held either directly from the State or mediately under a Talukdar or Dar-Talukdar. It

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1 Praja Bhumyadhikari Sambandha Bishayak Ain, Act of 1296 T.E. (1886 A.D.), Sections 72-74, p.12 (herein-after Bhumyadhi-kart); Rajgi, op.cit., p.226.
was a cultivating tenancy under them. The jote right was permanent and heritable, but not transferable except with the consent of the State (where jote was held from it) or the Talukdar. But no permission was necessary to exercise this right of alienation where such right was recognised according to local custom or usage.¹ A jotedar or cultivating proprietor could get his land cultivated by another tenant under the system locally known as Barga or share-cropping. Terms and conditions were stipulated in the order of settlement. The rent could be enhanced with the value of land increased without any effort or expense on the part of the tenant.²

¹ To bring more lands under settlement the Jangal-abadi lease was introduced in the State. The desirous tenant was granted the lease of jungly lands for the purpose of reclaiming the same by jungle clearing. The grant remained Jangal-abadi lease rent-free for the first three years. He acquired the right of occupancy as soon as he had rendered the waste land ready for the cultivation. After the period of remission, a nominal rent was charged, and the rent was progressively enhanced (during a period of twenty years) till it reached the prevailing rate of the

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¹ Bhumyadikarol, op.cit., Section 21, p.4.
² Ibid, Section 35, p.6.
locality for similar other lands. Thus having acquired a
right of occupancy in the leased land and held it continuously
for more than seven years, the tenant attained the raivati
right.¹

In the other group, as discussed above, are included
tenures on land owned or held from private persons or institu-
tions. These tenures are, in fact, sub-tenures — tenures
within tenures. Estates or holdings were held between the

Tenures on land owned
or held from private
persons or institu-
tions and its settle-
ment

the proprietor of Kayemi Taluk
or Niskar Taluk and the culti-
vating raivat. Like all pro-
prietor classes of tenant, the
holder of tea garden lands under Taluki or Taskhishi settle-
ment was entitled to receive rent from the tenants for the
use and occupation of any land. The following tenures on
land were recognised under this group.

Dar-Taluk was an intermediary right existing between
the holder of Kayemi Taluk or Niskar (Madhya) Taluk and the
Dar-Taluk cultivating tenant. The tenant of this class
or Dar-Talukdar enjoyed the usufruct of his
land by establishing tenant on it. Dar-Taluk
right could be created under another Dar-Talukdar.

¹ Ibid, Section 8, p.2.
As stated above, Joṭe or raiyat land could be held either directly from the State or mediately under Talukdar or Dar-Talukdar. Any tenant who had continuously held the same Joṭe mediately under Talukdar or Dar-Talukdar land for seven years acquired an occupancy right and attained the status of settled raiyat. But such right would not accrue to the tenant in such lands where it was otherwise stipulated.¹

Whether the right was held from the State or under the Talukdar or Dar-Talukdar, the Joṭedar had inherent right to create Korfa or under-raiyat. The tenant who held land under another tenant in a subordinate right and cultivated it and paid rent for it to that tenant was denominated as Korfa or under-raiyat.² He cultivated the land as under-raiyat in Barge or Bhagchash (share-cropping) system. The Korfa right was generally hereditable. He was really a tenant-at-will.

The tenures on land held or owned from the State conferred upon the tenants proprietary right while those owned or held from the private persons or institutions gave them sub-proprietary right, except in the case of Korfas, and the

¹ Ibid, Sections 8, 15 & 16, pp.2-3.
² Ibid, Section 6, p.2.
settlement of land largely varied according to these tenures.

(c) In tea gardens

The Mukarrari Taluk (another name for Kayemi tenure) settlement of the Balisira Hills with Messrs Filney and Muir Company in 1882 appeared to be a passing event. The Company took this settlement for the purpose of tea plantation on the payment of one lakh rupees as nazar and the annual Jama (assessment for revenue) for Rs 7,600. It was also stipulated in the deed that the Company would extend its plantation to 500 acres every year in the adjoining tilla lands on the annual Jama of half a rupee per acre. The importance of tea plantation in the State was not seriously recognised till the second decade of the current century when the soil analysis carried out by Dr. A.C. Bhattacharya in the country and abroad found the soil of Tripura to be as good as that of Surma Valley for tea cultivation. His report on the 'Soils of Tripura State' largely influenced the Durbar to think anew in regard to the settlement of extensive waste lands hitherto not allowed for tea cultivation, and

1 Situated in the zamindari of the Raj in the district of Sylhet.
3 Tripura Barthabasha (a fortnightly), Falgun Issue, 1280 B.S. (1883 A.D.).
also to explore revenue in this prospective area for diversification of the State's economy. Four tea settlements made initially in 1917 gradually rose to fifty in the late thirties.¹

The settlement of lands for tea cultivation was first granted in 1917 during the rule of Birendrakishora Manikya and thus the foundations of tea industry were laid in the State with far-reaching material prospect. To invite investment from outside the State an information brochure, specifying the terms and conditions for tea settlement, with the quinquennial average of rainfall in the State and a conversion table of local land measurement into acreage, was circulated in 1917.²

The settlement for tea cultivation was stipulated for a block of twenty years including a period of remission for three years. It was renewable after every twenty years³ with an enhanceable Jama. The right of alienation was allowable, only in special circumstances, and in the area otherwise specified.⁴

⁴ Cha-Krishi Sambandhija 1827 Tripurabder 1 Atn (1917 A.D.) Section 9, p. 3 (here-in-after Cha-Krishi Atin).
The land settlement for tea plantation departed from the existing rates of Jama and nazar, and above all, secured a share in sale-proceeds. The rate of Jama varied from Rs 6 to Rs 10 a Drone (6.4 acres), depending upon the quality of the soil and facilities available. A nazar amounting to one year's Jama was to be paid at the time of such settlement. 

Apart from the paying aspect, the settlement secured a period of revenue remission for three years initially in the first block of twenty years. No remission was allowed for any renewal of the grant; to the contrary every resettlement of land for tea cultivation progressively demanded an enhanced rate of annas two (1/8 of a rupee) per rupee over the past Jama fixed for each block.

Neither this enhanceable Jama nor the payment of sizeable amount of nazarana alone characterised the tea settlement of the State. The term of settlement also secured the payment of an ad valorem export duty/royalty of 2½ per cent on the Calcutta price of tea and thus the land settlement transcends its traditional jurisdiction to become ambivalent with industry on the matter of revenue.

1 Cha-Krishi, op.cit., p.1.
2 Ibid, p.2.
Though not stipulated in the lease deed, other concessions were granted to the proprietors of the tea gardens on their performance. Most of tea estates had no fair sailing in their course of journey. In 1923 the management experienced so much tough financial constraint that it became extremely difficult for them to match between the cost of inputs and the gain from output. Soon many of them fell in arrears. The lack of experience, and small size of tea estates economically not very much viable may be accounted for their being sick.

Aware fully of the difficulties, the suspension of Jama for a year was allowed at the first instance, which was extended to a period of three years, depending upon the drive and initiative on behalf of the sick estates to recover. But this concession was not without a string. An interest at the rate of six per cent per annum was charged over the Jama suspended for a year or years.¹

Things came to such a pass that some of the tea estates were purchased by the State in revenue auction sale for re-settlement. This demanded a liberal policy of protection for the tea industry still in its infancy. The sick tea

¹ T.S.G., Part XXII, No. 6, 2nd Fortnight, dated 29 Ashad, 1333 T.E. (1923 A.D.).
estates were granted not only temporary suspension and easy instalments for payment of arrear revenue, but also they were allowed remission of interest and relinquishment of uncultivated lands. These were some of the attempts to refurbish the tea estates economically.

The tea settlement in the Taluki land was also another incentive given to the tea industry. As a rule, tea cultivation was not allowed in the Taluki settlement without the special permission of the Durbar, nor was the tenant of landlord right authorised to make such settlement even within his estate. His interest was thus restricted by tea cultivation rules. The choice of the State, was therefore, confined to the lands held under Taskhishi tenure with a promise of the enhanceable Jama. Sickness writ large on many of the tea estates encouraged the State to allow tea cultivation in the Taluki estates in the hope that the enterprising Talukdars could develop tea estates as an economically viable unit with minimum cost on lands. For the tea plantation in the Taluki lands only the amount of nazarana was paid.


2. Cha-Krishna Ain, op.cit., Sections 6-8, p.2.

at the rate fixed by the Durbar. Earlier Jama was not enhanced any more, and, above all, a period of revenue exemption was too allowed.

But all these measures were in a sense trimmed to ensure the flow of revenue to the State coffer. When all measures for the arrear revenue, the soft measures, namely the suspension of annual Jama but with an interest for the period of suspension, the remission of interests on the arrears, and easy instalments of payment of arrear could not deliver goods, the tea estates on the run were put up in revenue auction sale, and purchased mostly by the State. In case of the shortfall the moveable and immovable properties of the proprietors were attached to balance the payment.

The Indian Tea Control Act of 1933 introduced the Tea Restriction Scheme to which the State was a participant. The Scheme limited the extension of tea cultivation in the State. As the tea industry in the State was in its early stage in the mid-thirties, the pioneer plantations being now in the middle of the second decade of their existence and the youngest group barely a

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1 Cha-Krishi Ain, op.cit., Section 10, p.3.
2 T.S.G., Part XXII, No.6 of 1383 T.E. (1923 A.D.), op.cit.
3 Cha-Krishi, op.cit., p.3.
couple of years old, the extension of tea cultivation was essentially necessary for most of the tea estates. But the attitude of the Indian Tea Licensing Committee was very tough on the matter of extension. Even with the Durbar's negotiation with the Government of India, nothing could avail. As a consequence of the tea restriction measures, several tea gardens wanted relinquishment of large portions of uncultivated land which the State had to consider as a protective measure.¹

Neither, the Indian Tea Control (Amendment) Act, 1938, nor the Tripura Tea Control Act of 1938 T.E. (1938 A.D.) promulgated in the light of the former, could improve the position. The Indian Tea Licensing Committee was hence given indirect position only. The permission for the extension of tea cultivation could now be granted by the State by arrangement with the Government of India. But such extension was allowable only to a limited liability companies with less than 300 acres of planted area or to tea estates owned by individual proprietors having the limit of 150 acres.² In 1940 only an extension of 200 acres was allotted to the Tripura State for plantation.³

These Tea Control Acts were primarily designed to control tea export in the interest of big planters. Not only

² The Tripura Tea Control Act, 1348 T.E. (1938 A.D.), Section 10, p.4.
the State was limited in its expanding economy, but the tea estates were also prevented from growing viable economic units. Thus the tea industry started to languish since its early stage of growth and the tea restriction measures had considerably balked that growth.

Section IV: Survey of land

The importance of the survey of the land was not seriously recognised in Tripura till the closing year of the last century when a comprehensive enactment called Jarip O Bandobasta Sambandhiya Nivamabali, 1309 T.E. (1899 A.D.) came into force. The hill people who constituted a major segment of the population practically subsisted on Jhum cultivation alone. There were no established rights of land where it was brought under Jhuming. By the very nature of it, neither Jhuming operations were carried on in any pre-arranged manner, nor was the site abandoned with any attachment to the tract of jungly land reclaimed for Jhuming purpose. Survey maps or land records in the truest sense of the term did not form a part of the land management in such areas. In the un-surveyed tracts the allotment was done under a system known as Jangalabadi. It was made practically without a survey, and without a detailed value of land. Areas were based more on conjecture and boundary schedules were left vague and indefinite. The ascertainment of rents was merely speculative without any basis on land statistics.
As things stood, the land survey operations could not make much leeway in the State even 15 years after the promulgation of the enactment on the land survey. The total quantity of land surveyed in 1915 constituted only 48.33 square miles, as against the entire area of the State being 4086 square miles, which was, in fact, an extension of 4 square miles over the previous year. The facts of geography may be considered the single factor for this sluggish rate of growth, and the dearth of technical hands added teeth to it.

The land survey and the consequent settlement on its basis were primarily necessitated by two factors: the protection of the rights of cultivating tenants granted in the land enactments and the competition rental value of the soil. The State's increasing involvement to make settlements which accompanied a provision for periodic assessment in tune with improved agriculture or area development, made the land survey all the more urgent. But it was not very easy to give effect to it.

At the early stage the survey operations in Tripura had foundered on the bedrock of implementation and the facts of geography wrought it badly. The rugged and hilly terrain of the State, warm and humid climate with a lengthening rainy

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season from May to October had tremendous effects upon the density of population, growth and size of the village and also upon land use. The density of population in the State was 42 per square miles according to the Census of 1901 which progressively increased with each successive census. In 1921 its population density was 92, and 98 in 1941 which was found to be far less than any plains district of Bengal. This density kept the growth and size of the State villages in low key. Roughly 3% of the villages had the population above 500 and this trend continued with no much changes since 1911 Census. This indicates that most of the villages were but mere tiny hamlets, sparsely populated, and widely scattered. The village composition gives a general idea of the land use which, in the context of Tripura, reflects that the land was not very much in demand for the increasing population, and it had the capacity to absorb the decennial rise in population without exerting much pressure on land. The competition rental value of the soil had not grown yet to be a factor. A general idea about the land use in the State previous to 1931 can be formed from the table below:

1 T.A.B. (consolidated), 1350-1352 T.E. (1940-43 A.D.), op. cit., p. 64.
2 State Census, op. cit., pp. 6, 19.
Table No. 10: Cultivable area and land use in the State Census, 1931.

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Land available for plough cultivation</td>
<td>23.6</td>
</tr>
<tr>
<td>(b) Land in operational use in (a)</td>
<td>11.7</td>
</tr>
<tr>
<td>(c) Land available for Jhum cultivation</td>
<td>50.0</td>
</tr>
<tr>
<td>(d) Land in use under (c)</td>
<td>2.7</td>
</tr>
</tbody>
</table>

From the table it may be seen that the land utilisation in agriculture was very meagre, largely conditioned by rugged topography. Only 14.4% of land had been under agricultural operation either by plough or by Jhum cultivation in 1931 and the position previous to this period can better be imagined without raking up statistics. From the point of view of the survey and settlement, 50% of land capability for plough cultivation were alone found to be unused according to the State Census Report of 1931. The density of population, the size of villages coupled with the land use generally reflect that it was not the land that had been in great demand in Tripura but the cultivating tenants who were really in short supply because of its exacting geographic condition. The absence of communication facilities in the interior and fever dread contributed no less to this factor.

The facts of geography supplied other inhibiting factor. Faraway from outlying areas, the growth of
administrative centres in the plains had allowed a peculiar practice to develop as matter of expediency. The oral practice of land transactions entrenched in the tradition had come down even about the second decade of the present century, and this had the force of a valid document when supported by proof of actual possession and local witnesses. In fact, the protection of the tenants' rights hardly assumed any importance following the land enactments in the State. It had not been felt by the tenants themselves either.

The farming out of revenue collections was partly of geographic compulsion and partly of administrative traditions. In Tripura the Talukdar or the tenant of landlord right held the settlement in perpetuity at a fixed rental or at a assessment liable to be revised periodically. He acted as an intermediary between State and the cultivating tenant, except for the land held by the State, which of course had been very little till the close of the last century. In the face of extremely slow pace of land development and critically short supply of cultivating tenants, rents proportionate to the real value and advantage of different soils in different situation could not constitute a demand for the most of the absentee Talukdars. The settlement was still made without any survey or record of rights. Detailed mappings and the

1 Circular No.31 of State Revenue Department, dated 12 Jyaistha, 1336 T.E. (1926 A.D.).
preparation of area schedules were thus considered redundant and some sort of conservatism already prevailed before and after the land survey enactments.

It would be correct to say that the conditions for introducing the land survey practice in Tripura did not truly exist at the time when it was adopted. Neither the need for protection of the rights of the cultivating tenants nor for the competition rental value of the soil did make the land survey a matter of prime importance. The administrative infrastructure could not be built to bear the brunt of the survey operations and its follow up in revenue matters till the second decade of the century for the dearth of experienced staff as well as of funds. Only with the increasing participation of the State in land management the land survey practices had taken roots in Tripura.

The modern revenue settlement is based upon the land survey which does not mean only the measurement of land in an ordinary sense. It is a halfway house between the land measurement and agricultural census for ascertainment of revenue rates. The survey of the land involves a preliminary demarcation of necessary boundary lines; because without that, neither can there be an exact account of the culturable land, and the extent of each kind of soil which requires a different rate of assessment; nor can there be any correct record of rights.
of all parties having interests in lands. On the basis of it a correct list of the revenue payers and their holdings, and a schedule accounting for every field and plot of land in each village are prepared. These are supplemented by agro-economic statistics and data on the condition of the village. Then there must be a valuation of the land, the ascertainment of revenue rates, the totalling up and adjusting them to give the sum payable by the estate or holding. Only on the basis of land survey, the revenue settlement can be made at a fair and equitable rate. In conducting the survey operations, settlement officers vested with special powers, as civil courts, can decide land disputes on spot by summary enquiry and thus save the villagers from ruinous litigation in the civil court.

This follows that the survey operations are a means to an end, that is, the settlement which, in an analysis, involved two branches of work: (1) quasi-judicial and (II) fiscal according to the State survey and settlement enactment of 1899 and its subsequent amendment in 1926. The first was concerned with the ascertainment and record of rights, the second with the valuation of land and the assessment of the revenue demand and adjustment of the rents of the tenants. The work naturally divided itself into phases — demarcation, survey, record of holdings and rights, assessment and concluding proceedings.
The demarcation, preliminary to the survey, consisted in setting up the outer boundary marks of villages and estates, and interior marks indicating the limits of holdings, shares and tenancies. Legal powers to enter on land for survey and measurement purposes, as well as to require the erection of marks were provided in the enactment. The persons entitled to record were those in possession. A disputed boundary was settled by a summary inquiry on the spot, and in the absence of documentary evidences the oral statement and evidences of possession decided the disputes.

Then followed the survey. This was not a mere topographical survey, but resulted in producing for each village the sketch map showing every field with ink number, and accompanied by a descriptive list or index of all fields called Khasra.

The examination of records of holdings and rights commenced after papers relating to the survey had been prepared, particularly the Khatian (an abstract of actual measurement account showing the extent of land held by the tenant, nature of tenure or cultivation etc.). At a place convenient to most

2 Ibid, Sections 38, 125, pp. 12, 35.
of the tenants, the scrutiny of Dakhila (rent-receipts), Pattas was made with the Talab-baki (arrear rent) papers to determine the record of rights and holdings by the Survey and settlement Officers. The relevant entries in the Khatian were read over and explained to the tenants to confirm their rights and extent of holdings. Objections to the area and classification of lands, total Jama and also boundary disputes were heard and decided on the spot. A date for the final examination of records of rights and holdings was fixed, and the entries about the total quantity of lands, the total Jama and the right of each of the tenants were announced to the assembly of concerned people. A notice was later issued, giving 15 days' time for filing any plaint for settlement of rent.¹

The assessment of fair and equitable rent was made on two counts: (a) settlement of land revenue on behalf of the State or on prayer of the owner of the estate held under the State or of the tenant of Khas Mahal and (b) settlement of fair and equitable rent on the prayer of a proprietor other than the State or of a tenant under such proprietor. In the course of the settlement of land revenue the Settlement Officer held a summary enquiry into the rate of rent and started a proceeding in each of revenue villages in which the total areas and Jamas as existed previously, and as according to the current survey, the rate of rent of the mouza (revenue

village) along with the rate of rent proposed with reason therefor were recorded. The objections filed by tenants against the settlement of rates were heard. The Settlement Officer had the power as that of the civil court to decide the dispute suit, and the court had no jurisdiction to set aside the rent settled by him. The rent so settled could not be enhanced within the period of settlement. The settlement period of a jote could be not less than 5 years and not more than 12 years. The provision thus tilted in favour of the proprietor tenants.¹

The concluding proceedings included the publication of the record of rights of the mouzas, grant of certified copies of such record of rights to all classes of tenants, and submission of final reports for incorporation in the record of settlement. Besides identification data and land statistics, the total Jāma and rate of rents according to Guiasta (previous survey) and the current one, enhancement of rates, data on the highest and lowest price of land per Kani, and cost of cultivation as also the general conditions of the tenants were also recorded in the final report.²

In passing the stages of the survey operations have been just hinted. A resume of major stages of land survey

will provide us a complete idea of the survey practices that prevailed in the princely State. With the notification of the order for preparation of a Record of Rights the survey and settlement operations commenced. Major stages of land survey, the Cherp Jarip or the survey with the help of compass constituted the first stage of land survey in order to record the account of all the lands in the village in the field book and prepare village maps. Partal (re-measurement) followed the survey. A test-check of 20% was required to be made in the Partal work.\(^1\)

The next stage was Charcha Jarip (detailed internal survey) which meant survey plot by plot, holdings by holdings. The survey numbers allotted to each of the plots and to the maps were never allowed to be altered, as they represented the fixed unit of assessment. By-numbers were used in case of carving out or incorporating the plots.\(^2\)

Tadanta (enquiry on the petition of disputes) formed the third stage of the survey. By settlement of land disputes it largely prepared the ground for the success of the next stage — the stage of attestation.\(^3\)

At this stage Dakhila, Pattas and other evidences

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1 Jarip Rules, op.cit., pp.1-3.  
2 Ibid, pp.3-5.  
3 Ibid, pp.6-7.
were verified along with the Talab-baki papers to attest the total quantity of lands, the total Jama and the rights of the tenants. The stage of attestation not only protected the rights of the tenants, but also prepared the background for settlement of the fair and equitable rents for the tenants. The phase of attestation culminated in the last stage of the land survey—the ascertainment of rent.¹

Section V: Determination of rates

The revenue is technically said to constitute a fixed fraction of the total rental "assets". It is the rental assets that are the principal criterion in determining the rates of assessment.

The prevailing rate in the neighbourhood and one-fourth of the net value of the produce obtained from each Kani of land formed the basis of assessment for rental in the State.² As the gradations of the soil, kinds of produce and the cost of cultivation were not specifically taken into consideration, the rates depending upon the net value of the produce would fluctuate differently. At best such rates could

¹ Ibid, pp.7-11.
² Bhumyadhikari, op.dit, Sections 23-34, p.6.
afford a form of standard — actual rates being kept below and not above them. The prevailing rate was generally preferred1 and the revenue and Awabs consolidated into one sum formed the prevailing rates in most cases. In case there had no rate been settled for the rent of a jote of any tenant, such rate was determined by the Settlement Officer in consideration of the total areas of the mouza and its Jamas, as existed previously and as according to current survey, and the existing rate of the mouza. The amount obtained by dividing the total Jema fixed in favour of the tenant by the total quantity of lands constituted the rate.2

Different rates of nazár were prevalent for the transfer of raiyati rights. The change of such rights by direct succession demanded one year's rent as nazár which stood doubled in case of heritance by the indirect line. Three years' rent as nazár was fixed for the purchaser of the rights

Nazár for transfer of raiyati rights of jote or raiyati right.3 In fact this demand as nazár for the transfer of raiyati rights partakes the nature of the settlement de novo. The rates of nazár for mutation

1 Jarip Rules., op.cit., Section 46, p.12.
2 Jarip, op.cit., Section 127, p.36.
3 Bhumvadhikari, Sections 18-19, 22, p.4.
of names and amalgamation and exclusion of lands varied from Re 1 to Rs 2 for the direct and indirect succession as also for the new purchase. 1

The Jangal-abadi settlement conferred upon the reclaimers the right of occupancy as soon as the entire land of the lease was reclaimed by jungle clearing and made ready for cultivation. A three-year period of remission of rent was granted from the date of such lease. After the expiry of the first three years the rent was paid as per a phased rent schedule which increased at different progressions. By every three years, the rate progressively went on increasing by annas two (1/8 of a rupee) over the basal rate till the lease completed its first twelve years. For the last eight years the rent was paid at the rate of annas twelve (3/4 of a rupee) for the entire land under cultivation. The expiry of these twenty years spelt a new term of rate, and the rent was equalised with the prevailing rate. 2

It is true that under a nominal scale of payments the land was purposively leased for a term of years, which


allowed ample time to develop cultivation in the reclaimed land. But the expectation was not always fulfilled. The Jangal-abadi leases equally invited the land speculators not intending to make use of them. The frequent auction sale of Jangal-abadi estates for insignificant amounts of arrears, sometime even for three pies (1/64 of a rupee) points to it.¹

Like many of their counterparts in different parts of the country, the hill tribes of Tripura practised Jhuming and Jhumias were ever assessed any land revenue. Gharchukti Kar or a house tax was levied on each family of the tribes instead, according to a schedule which prescribed varying rates for different groups of the tribes. We may look back to the rate schedule on house tax set out in the Table No. 3 of the chapter II. The reasons for this variation of the rates may be accounted for their services to the palace or to the State. The Reangs and Noativas were relatively charged higher rates than the Tipras, Hallams, Kookies and Lushais who served the Raj and Rajah in many a useful capacity. The tax exemption that was once extended to a few privileged tribes had been made fewer by the enactment of 1919 on the house tax, and limited only to Hadar Lok and Galims.

We have already discussed in Section II of this chapter that the capital of Agartala enjoyed a special status in the revenue settlement. Uptill 1879 no land was settled at Agartala, nor any kind of rent was levied upon the subjects, residing at Agartala. At a uniform rate each Kani of land in

<table>
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<th>Different rentals for the town Agartala</th>
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<td>the town was assessed at rupee one and annas two (Rs 1 ½) in 1889.</td>
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Lands were mostly settled under Taskhishi tenure and sparingly in Kavem tenure with moderate rentals. Rates of rental and nazar were often assessed lump sum. During 1936-37 the rate of rental in Agartala was levied at Rs 100/- per Kani when the minimum rate for land under Taskhishi settlement was only anna one and pies 9 (7/64 of a rupee) in other places of the State. On the other hand Rs 71 was fixed as nazar for a small plot of 2 gandas (.04 acre) in 1932-33. Instances are not rare when nazar was exempted. Generally during the lease period of twenty years the rent progressively increased by annas two over and above the fixed annual Jama. The rate and Jama settled by the Settlement Officer and approved by the Revenue Department, in cases of

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5. Raji, op. cit., p. 226.
controversy, lay outside the jurisdiction of the civil court. The right of transfer either by sale or gift demanded one year's rent as nazir.¹

Tea gardens were also specially assessed. In connection with the settlement of land in the tea gardens terms and conditions of such settlements have been discussed at some length in Section III of the chapter, and only the reference in passing can be made here without much repetition. The scales of rate and nazir were differently prescribed from those of ordinary settlements in the waste land. Terms and conditions that were stipulated in the lease deed for tea settlements included (a) a revenue rate varying from Rs 6 to Rs 10 per Drone of land in accordance with quality of the soil and facilities available; (b) the enhancement of revenue at the rate of annas two per rupee after every twenty years over and above the last jama; (c) a nazir amounting to one year's revenue, and (d) the payment of an ad valorem export duty or royalty of 2½ per cent on the Calcutta price of tea.² But in case tea settlements were made in Taluki lands, only a nazir fixed by the State was paid over the usual rate of rent.³ This concession was given to the tea industry of the State which had grown sick following the Tea Restriction Scheme introduced by the Government of India in 1933.

¹ Raídhanî, op.cit., Sections 7, 11, p.3.
² Cha-Krishi, op.cit., p.1.
³ Cha-Krishi Ain, op.cit., Section 10, p.3.
Culturable waste lands of the State were either settled for cultivation or tea plantation and they, by and large, increased the land revenue of the State. But there were different kinds of waste lands in the State that constituted vast stretches of grass lands, grazing lands and wild forests supplying firewood. These types of waste lands could perhaps be reclaimed for cultivation with much outlay and insignificant return. The natural assumption was to lease out such waste lands to farmers on a moderate annual Jama till the importance of the State forest got crystallized to the State.

All kind of Mahals, culturable or waste lands were leased out to the Ijaradars for a period varying from three to five years. The lease was put up to auction at an upset price fixed for the Mahal. The bid was closed in favour of the highest bidder and the Amalnama (written order for the right of possession) was issued on the full payment of the Rehan (security deposit) for the Mahal.

The Rehan in respect of the Mahal let out on Ijara was levied according to different rates, depending on the

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2 Ibid, Section 24, p.9.
amount of annual Jama for such Mahal. The Rehan was paid at a sliding rate from 100% to 25% — the full deposit of one year’s rent in case of Jama limited within Rs 10, and 25% of one year’s Jama over Rs 100 but not exceeding Rs 1000. The intervening rates of the Rehan levied between the upper and lower limits were 50% of the Jama over Rs 10 but not exceeding Rs 50, and 33 1/3% for a Mahal with the Jama ranging between Rs 50 and Rs 100.¹ The Rehan advance was adjusted to the amount of the Kist (instalment) in arrear in the terms of the annual Jama.² This is a unique innovation for the realisation of revenue in an area where some amount of uncertainty forestalled its collection.

Section VI : Payment of rent

The land revenue instalments often depended upon the harvest divisions: the Rabi (spring harvest) and the Kharif (autumn harvest). The time was so adjusted that it was really convenient for the tenants to pay their dues.

¹ Ibid, Section 29, p. 10.
Hijri year being shorter than the solar year by 11 days, its months had hardly any relevance to the harvesting seasons of the Rabi and Kharif crops. The Hijri year 971 was simultaneously counted as the year 971 of the Fasli year in order to remove confusion in the minds of the farmers and tax-collectors over the change. The Bengali Sal is an adaptation of this solarised Fasli era and the Tripura era is nothing but another adaption of this solar reckoning. Tripurabda or Tripura era is three years ahead of the Bengali Sal (era). The names of Bengali months were followed in the Tripura era without any difference. The financial year denoted the period from first of Baishakh to the last day of Chaitra.

The revenue of Kayami Taluks and reclaimed Taluks settled in perpetuity was realised before sun-set of those days fixed for a kist. The Talukdars or landowning tenants were allowed to pay their annual Jama in four equal instalments of which fell due on the days as shown below: (a) last day of Ashad, (b) last day of Bhadra, (c) last day of Agrahavana and (d) the last day of Magh. In case of the failure of a kist, wholly or partly, the defaulting Taluks were put up to auction sale for realisation.

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1 Sarkar, D.C., op. cit., pp.93-94.

of the arrear of revenue. 1

The rent in respect of the Karsha or cultivating tenants was realisable within the financial year for their

The Karsha tenants and their payment of rent jotes settled with the State. The Jama was paid in a single instalment. The defaulting land was re-settled through process of the law, and the rent in arrear was realised by such re-settlement of the jotes. 2

The month of tax collection was differently fixed for the Jhum cultivators. The month of Aswin (September-October) marked the harvesting of Jhum crops. The tribal Jhumias were extravagant in habits and the extravagance found too frequent expression in merry-making and feasts as soon as the Jhum produce had been collected. The cash in hand fleeted in no time. The month of Aswin 3 therefore synchronised with the conditions of the Jhumias when they were conveniently placed to pay Gharchakti Kar. The tribal headmen realised house tax from each of the tribal Jhumia family in active co-operation with the local Tahsil. Only, the Lushai and Kookie chiefs were

1 Raisaw, op.cit., Section 1, Appendix A, pp.1,8.
2 Ibid, Sections 20, 25, pp.6-7.
allowed 25% commission on the realisation of the total collection of the tax. The headmen of many other tribes were granted Inam Bakshish for ensuring the total collection of house tax fixed annually for their tribes within the due period of time. The failure in kist spelt no penalty unless the Jhumia family in arrear attempted to leave the jurisdiction of the State. A Jhumia family having no tax due could not even move to the other state without the payment of house tax, if the departure was timed after the commencement of the Jhuming season.

No house tax was levied for the immigrant Jhumias who got into the State after the Jhuming season had been over. They remained exempted for the year of their coming. Only a nominal nazar at the rate of Re 1 was paid by them in lieu of Gharchukti Kar. In case of their coming before the Jhuming season was in, the immigrant Jhumia was taxed half the rate for the first year in accordance with the rate prescribed for the particular tribes. The year referred to here denoted

1 Ibid, para 3.
2 Circular No. 22 of the State Revenue Department, dated 6 Poush 1351 T.E. (1941 A.D.).
3 Gharchuki, op.cit., Section 29, p.6.
4 Ibid, Section 27, p.5.
5 Ibid, Section 25 F.N., p.5
6 Ibid, Section 16, p.3.
the period from 1st of Baishakh to the last day of Chaitra of Tripura era.

The revenue of the tea estate was realised at the rate settled and in accordance with the kists sanctioned in the deed. It was paid through the concerned treasury under which the estates were located. An interest at the rate of one per cent per mensem was levied upon the amount of the kist in arrear. Instances are not rare to grant them temporary suspension of the total Jama for a period varying from one to three years, depending upon the drive and initiative on behalf of the tea estate to recover from the financial setback. But an interest at the rate of 6% per annum was charged upon the suspended Jama. Only in extreme cases, when all other concessions, namely, the remission of interest, the relinquishment of land did/work well, the tea estates were put up to auction sale. In fact, liberal terms of payment were granted to the estates to overcome the teething troubles of the growing tea industry in the State.

1 Chakrishi, op. cit., p.2.

Section VII : Recovery of public demands

Public demands are ambient in connotation. Related to the land revenue matters, public demands may include any land revenue recoverable on the expiry of the date of instalment or any land revenue falling in arrear, or the sale-proceeds of the defaulting estate or jote sold on auction for the recovery of arrear revenue or the remaining balance of the sale-proceeds insufficient to liquidate the arrear of land revenue or any amount due on account of Liara of the waste lands, or the Rehan money of the Liara adjustable to the Jama in arrear or any money due to the State on account of cess, debt, Nazar and related land tax or any local usage declared to be due to the State, or any money payable to the State on the basis of negotiable instrument or any arrear of rent or any demand recoverable in respect of property to be managed by the Court of Wards or by the State.

The Public Demands Recovery Act IV of 1326 T.E. (1916 A.D.) read together with its earlier counterparts Act I of 1290 T.E. (1880 A.D.) and also the Act I of 1296 T.E. (1886 A.D.) may provide a distinct idea of the items termed as public demands in all matter of land revenue, which did not differ in substance from those referred to the above. A close look into these public demands will show that the land revenue administration is entrusted not only with the ingathering of the revenue alone, but also the enforcement of payment in case of
default. In fact the discharge of the latter function assumes major importance in all enactments on land revenue, and it becomes a challenge for the administration to ensure that the revenue is realised without the minimum chance for oppression on the one hand, and for evasion on the other.

In the permanently settled estates of Tripura, the gift of the landlord-right was accompanied with the condition that the revenue must be paid punctually under threat of the immediate sale of the estate. The failure of the kist, partly or wholly, in respect of the defaulting Taluk, was held to authorise the sale. The last day for payment up till sunset was fixed under the authority of the law, by which all dues must be made good.¹

Directly the sun had set for the tenant, the time was past, and the lands must be notified for auction sale—the sale to take place fifteen days later after the issue of the notice. The defaulting tenant was granted ten days' time to pay the revenue in arrear or to file an objection, if any, to the realisation of the amount.² The defaulting land was sold at public auction

¹ Rajaswa, op. cit., Section 1, p. 1.
² Ibid, Section 2 and Appendix IV, pp. 1-2, 11.
in the open cutchery (a public office) on the date fixed in the sale proclamation. The auction bid was generally prescribed four times higher than the amount of the arrear revenue. The highest bidder was given the land with a clear title, and all tenures created by the defaulting tenant were voided by the sale. In the absence of any bidder the land was purchased on behalf of the State at Re 1 only.

The necessary evil of the auction sale was that the proprietor tenant or the Talukdar with landlord right was tempted to raise all the money he could by creating encumbrances on his Taluk liable to be voided by the sale, and then purposely let his revenue fall into arrear. In the event of compulsory auction sale, the fraudulent landowner might virtually get the price twice over, one by creating encumbrance and the other by the sale-price in excess of the value of the arrear. Chances were fair when the auction purchasers would bid the price of the Taluk as free from encumbrances. The State Administration Reports are replete with the incidence of the Taluks put up for sale under the sunset law in its land administration sections. During 1914-19 the average of 52 Taluks came in under the operation of the sunset law which rose to 141 for the period 1937-43. But all such defaulting

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1 Ibid, Sections 3, 10 and Appendix II, pp.2, 4 and 9.
Taluks were not sold off to auction; on the contrary these were mostly released on the payment of dues with usual penalty. The average of the Taluks being actually sold to auction was not over 12 and 10 respectively for the said periods.

Different practices were followed for the recovery of public demands in the case of the Khas Mahal land leased out to the Ijaradar. The failure of the kist authorised the State authority to serve a Dastak (a writ of demand) upon the defaulters giving seven days' time. The recovery of the outstanding rent within the period of time mentioned in the Dastak could only prevent the Ijaradar from the ordeal of annulment. At the event of his failure the State authority served a Dastak and another warrant upon the defaulter to pay the dues within 10 days specifying the demand now being combined with the process fee at the rate of annas four (one-fourth of a rupee) per day from the date of issue of the Dastak, and accompanying an order for deduction of the entire amount from the Rehan of the defaulting Ijaradar. In case he failed to appear and re-deposit the Rehan money within the specified time, the fate of the Ijaradar was doomed.

Balance made good by the Rehan stood annulled. The Mahal attachment and sale was taken under Khas, and re-settled later. If dues from the Ijaradar were held to have remained

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1 Ibid, Sections 13, 15, 17-19, pp.5-6.
outstanding even after making deduction from the Rehan money, the coercive measures of attachment and sale of the properties, both moveable and immovable, were resorted to liquidate the balance.

Although the legal provisions were extremely tough for the lijaradar in the default of the kist, scarcely were such coercive measures applied in reality. The pages of the Tripura State Gazette point to it. Probably the reasons may be that the rent of the Ilara Mahal was very low and the Rehan money as an investment provided necessary drive to manage the revenue matters well. The lijaradar was bound to the land only for a fixed term of years and had hardly any obligation to the cultivators and other occupants of the land. They could easily be squeezed to avoid default in payment. Besides, the lijaradar could be restored to his position with a penalty at the rate of $3\frac{1}{2}$ over the arrear Jama. In fact this penalty was nothing but an interest charged on the principal in arrear. As a matter of policy the annulment of the lease and the consequent re-settlement of the Ilara Mahal were made as an extreme case.

In the case of the Karsha or cultivating tenant who held land directly from the State, almost similar practices

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1 Ilara, op.cit., Section 41, p.13.
2 T.S.G., Part IV, No.9 dated 29 Poush, 1315 T.E.(1905 A.D.)
Eviction of Karsha tenant as those in vogue for the Ilaradar were adopted to recover the public demands. His failure to pay the rent within the last day of Chaitra meant the annulment of all his interests in land. Immediately a writ of demand was served upon the defaulting tenant, giving ten days' time to deposit the entire amount of arrears together with costs. In the event of his failure, an eviction order was issued to force the cultivating tenant out of the land. The land was later resettled by the Khas Tahsildar. The Jama for this re-settlement was always fixed at a scale so as to liquidate the rent in arrear. In case the entire rent in arrears fell short of the Jama fixed by re-settlement, the amount due was realised by the attachment and sale of the moveable properties of the defaulting tenant.

Because of the peculiar geographical conditions, it was not the land but the cultivator that was largely in demand in Tripura and this was one of the reasons why 80% of the agricultural people had owned their lands according to the State Census of 1931. Not more than 5% were the raiyat cultivators while the rest 15% were in the category of agricultural

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labourer. This suggests that the eviction of the cultivating tenant in default was not very seriously followed, except in the extreme case. It was all probable that his loss of ownership position on land did not always imply the actual loss of cultivating possession of at least a part of land. To this day if an indigent cultivator gets into the toils of the money-lender, he first mortgages his land, and then submits to the foreclosure of the mortgage. He does not leave the land, and now he cultivates only as a tenant of the purchaser. The 'ex-proprietary' cultivator has to pay rent in cash or kind. The similar thing could happen with some amount of certainty, when the re-settlement was not made with the person of the agricultural class or with any person who did not till the fields himself.

The processes of recovery of public demands are many, and in order of severity, the attachment and sale of immovable property of the defaulter occupies the foremost position. In the system of Jhum cultivation, there was no permanent interest in the land which could be annulled for the recovery of the rent in arrears. The eviction processes for the tribal Jhumias would be considered totally meaningless when they left the Jhum land themselves every two or three years in quest of the new one. The re-settlement of

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1 State Census, op.cit., p.103.
such land was beyond question while the distraint of Jhum crops in the hilly interior of Tripura was totally impracticable. These coercive measures could not be resorted to against the defaulting tribal Jhumias for obvious reasons. They were allowed to pay their dues till the time the Jhumias abandoned the land Jhumed over for years. But the greedy Sardars hardly gave defaulters respite in falling into arrears for Inam Bakshish. The legal measure followed when the tribal Jhumias had prepared to depart for any other State, leaving house tax in arrears. The moveable properties of the tribal Jhumias were immediately seized by the concerned Tahsil for the recovery of public demands. The certificate procedure was immediately adopted against the defaulters on the report of the Tahsil office. With the issue of warrant of attachment, the moveable properties of defaulting Jhumias were sold to liquidate the amount in arrears. The Takhal (heavy Jhum knife) which constituted practically the only valuable agricultural tool, and a portion of the grain necessary for subsistence and cultivation, could probably be exempted from attachment only at the mercy of the Tahsil office.

The practices as applicable to the Taluks were generally followed in case of the tea estates for the recovery of

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1 Charchukti, op.cit., Sections 29-32, p.6.
2 Circular No. 18 of the State Revenue Department dt. 25 Chaitra, 1332 T.E. (1922 A.D.).
The main difference was that an interest at the rate of six per cent was charged on arrears of the Jama. The relinquishment of a part of the tea settlements was allowed to prevent the Jama from growing further in arrears. The remission of interests on arrears, or that of total arrear dues was granted to the revenue-yielding tea estates on the simple principle that the goose that laid golden eggs should not be killed by pressing the recovery of the public demands too far. Yet the defaulting tea estates could not escape from the ordeal of auction sale. Many tea estates were put up to auction sale — four in 1930, and three in 1922. The figure rose to ten alone in 1943 when the total number of the tea estates had reached only 55. There had been no compromise with the money ultimately due to the State.

The sale of estates and the "certificate procedure" for the recovery of public demands were the two sides of the same coin. Where it was the case of recovery from a revenue-farming Talukdar or from a Government raiyat or from some other persons, and where there had been no compromise with the money ultimately due to the State.

Issue of certificate for public demands on lands 'estates' to sell, a certificate of

the arrear was issued by the Collector or any person authorised as Certificate Officer, and this operated like the decree of civil court, and was executed under the civil procedure code.

The 'certificate procedure' classified the demands into two series; in the one the certificate was more absolute and difficult to contest than in the other. A separate form of certificate for each class was generally provided. In either case, if there had been any objection, a petition must be filed with the Collector or Certificate Officer within a prescribed period of time. In the first class of cases, the entire amount recoverable by the certificate must be deposited and then only a civil suit could be filed against the State to contest the certificate. In the second class of cases it was not necessary to deposit the money, but a suit could be instituted to contest the liability, provided that the plaint had set forth that the grounds of objection sued on were duly enumerated in the petition as above to the Collector or Certificate Officer. The suit could only proceed if the certificate was issued in contravention of the provisions of the law and the amount specified in the certificate was actually paid or discharged before the signing of the certificate. In execution


2 Ibid, Section 20; p. 14.

3 Ibid, Sections 13, 15; pp. 11-12.
of a certificate, the certificate-debtor could be arrested and detained in extreme cases.¹

As the certificate was the absolute proof of the arrear and contestable only in a civil court against the deposit of the whole amount due, the legal protection for the tenants signified nothing in fact. Had he the required money to deposit, the 
avvat could have paid dues in arrear, without inviting troubles for himself. Once the tenant had entered into the arena of the court, and the hearing of the case dragged on for years, he was finished. The revenue court could prove an answer to this ordeal. The State Administration Reports frequently mention about the sale of estates under the sunset law, while the Tripura State Gazettes often report about the certificate cases.

But the State was not totally unconcerned about the importance of rehabilitating the defaulting estates financially through the State management. On the petition of the proprietor

Taking over the encumbered Taluks by the State management

tenant (Talukdar) describing himself as indebted or his immovable properties as encumbered, the charge of the management and control of the properties concerned was taken over by the State Revenue Department after an official

¹ Ibid, Section 35, p.21.
notification in the State Gazette. The estates where there was no likelihood of the entire debt being satisfied within a period of twelve years were precluded from the operation of the Act. During the period of the State management the estates were considered as free from encumbrances. All proceedings for encumbrance pending in the Court of Tripura State were stayed and the execution of the decree was annulled and set aside. Neither fresh suit could be instituted against the indebted proprietor, nor was any of his properties, moveable and immovable liable to attachment and sale. In the operational side of the management, the State was given free hand by the Act. The indebted proprietor was made sinecure. The manager appointed by the State was alone the authorised person to transact all business relating to the estate.

As the management of the encumbered estates by the State was purposive, an order of priorities was necessary to fix up in order to discharge the debt. The management cost, revenue and other incidental dues of the State formed the first charge. Next to it stood the rents due to the proprietor of a higher class if the property was held under such proprietor. The expenses as fixed by the Revenue Department for the maintenance of the indebted proprietor and his

1 Tripura Raiver Ringrastha Bhumyadhikari Bishayak Act I of 1832 (1922 A.D.), Sections 2, 3, pp. 1-2. (Ringrastha here-in-

2 Ibid, Sections 3(1)(2), p. 3.
family occupied the third order of the priority. The dues of the creditors were assigned priority just above the lowest item in the order which included the necessary expenses for the preservation and maintenance of property. A close look into the order of priorities will make one feel how the interests of the creditors were badly served. An interest at the rate of 6% per annum allowed over the debt could partly conciliate their position.

In the land revenue system of Tripura the proprietor of the estate was a consideration of first-rate importance. Under the nomenclature of the Talukdar he was the proprietor tenant with landlord-right over his estate. He resembled the Zamindar in powers, functions and rights, except in name. The Zamindar as popularly understood was conspicuously absent in Tripura. The Rajah was the only superior landlord in the State and traditionally he held very little cultivable land under his own management. The land revenue to the State was therefore mostly farmed out to the Talukdar. This follows that the Talukdar was the kingpin in the process of revenue collections. The sale of defaulting estates to the inexperienced farmers with a clear title free from encumbrance could only land the State into muddle, and hinder the inflow of revenue further. Instead of insisting

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1 Ibid, section 4, pp.3-4.
too much on the auction sale it was considered best to liquidate his encumbrances as also to rehabilitate the estate financially under the State management and control. A financially stable estate compares well with a goose that holds out a promise for golden eggs, and proves a reliable source of revenue — a lesson which the superior landlord learnt through experiences.

The encumbered estates under the State management which progressively rose to twentythree in 1946 gradually showed the sign of economic rejuvenation. In fact it was the State's investment for economic gain — the regular inflow of the remittance to the State exchequer. And the investment started paying dividend in no time with the revenue dues of the State being the first charge to discharge the debt.

Section VIII : Administrative practices

The Government that had prevailed in Tripura was despotic and patriarchal in character. With the introduction of British administrative system in the State during the reign of Birachandra, Tripura was poised for its confident entry into the modern age. A series of enactments passed and adapted during his rule brought self-imposed curb upon the personal administration of the Rajah and soon the administration assumed an impersonal character. The content and method of the administration being
gradually broadbased, the management of the State by Committees was introduced, though in a limited way. In a bid to usher in a change in the form of government the State was granted in 1939 a written constitution which, among other things, envisaged a constitutional monarchy. But the constitutional reforms as proclaimed could not be implemented owing to the war emergency, except the appointment of the Council of Ministers and the Raisabha as an Advisory Body in respect of executive and judicial matters. In spite of these changes, the form and structure of the government remained basically unaltered.

It was still based upon the leader principle — the power and authority emanating from the patriarch. Wielding the sceptre of royal powers the leader was at the top. His authority was complete in every imaginable respect. Below him, there existed a simple organisational pyramid. At every point authority and control was exercised downwards while accountability was rendered upwards at each stage. The administration characterised by this patriarchal form of government was practically sustained during the entire period of the Later Manikyas.

In the hierarchy of the land revenue administration the position of the Rajah was all-pervasive. He was the last word in all matters of permanent land settlement.¹ His

¹ Raji, op. cit., pp. 119, 123, 128-129, 131, 137, 139, 141, 144.
sanction was necessary for the sale to and settlement of the
land with the auction-purchasers.¹ The Rajah and his
sanction on reve-
nue matters.¹ The re-settlement of the Liara land
on account of annulment required the
sanction of the king.² The encumbered estate could be taken
over under the State management only with his specific san-
c tion.³ Yet the powers of the land settlement were delegated
to the various grades of revenue officers within well-defined
karnamases (powers delegated and defined in the job-charts,
specifying that could be exercised with or without the sanction
of the Rajah). Some of the powers on the land revenue matters:

Ceiling of land for
settlement by the
revenue officers
were jointly exercised when specifi-
cally indicated in the Karnamases.

The State Minister in agreement with
the Uzir (minister-confident having royal connection) could
dispose of any Taskhishi settlement with an annual Jama over
Rs 500 or any land lease exceeding the Jama of Rs 25,000.⁴ The
State Executive Council was empowered to settle 50 Drones of
Jote land in their joint capacity.⁵ Much wider power was

¹ Rajaswa, op.cit., Section 9, p.4.
² Ibid, Section 18, p.6.
³ Himgrastha, Section 2, p.1.
⁴ Robkari (Royal proclamation) No. 2 dated 11 Baishakh,
⁵ T.S.G., Part XVII, No. 5, 1st Fortnight, dated 15 Ashad,
1228 T.E. (1915 A.D.).
given to the Council of Ministers to exercise collectively in the matter of land settlements which included (a) Taluk 
(b) rent-free grant (c) land over the previous ceiling of 50 Drones and (d) jote land with the annual Jama over Rs 200 in a single deal.¹

The land deal by an individual was not very much favoured in the State, no matter whether the person was in the rank of the Chief Dewan or the State Minister.² In his independent capacity the Chief Dewan (later re-designated as State Minister) could neither transact any deal beyond 25 Drones of land, nor could he make any Liara deal exceeding Rs 10,000. It was not within their delegated powers to make any kind of Taskhish settlements.³ Later in 1929 the ceiling of land for settlements was raised for the State Dewan. Subject to usual restrictions, he was given exclusive power to settle land, cultivable or jungly, to the limit of 50 Drones.⁴ This sort of punctiliousness may not be considered very unusual in the patriarchal form of government, particularly when the land revenue had been essentially the mainstay of the State income, and its administration was pervading in influence and effect.

³ Ibid, pp.131, 137, 139.
⁴ Ibid, p.144.
The revenue administration was run in three tiers. At the State level it was managed by the Revenue Department under a State Minister. A corps of senior deputies under different designations performed a myriad of functions and assignments relating to revenue settlements. The Naib Dewan (chief executive officer entrusted with the management and superintendence of revenue settlement) occupied a key position in the revenue administration in the State. He held the independent charge of the State Revenue Department. His chief functions were to make land survey, settle land and also to superintend the revenue settlement and collections, as the head of the Department. The sanction was obtained on revenue settlement through the chief executive of the Revenue Department which was sometime presided by Naib Dewan, Chief Officer, Dewan, Chief Dewan and Minister as the administrative expediency demanded. Below the Rajah and the State Minister, the Naib Dewan in the beginning and the Dewan later occupied the top executive position in the operational level of the revenue administration.

The second tier was extended to the Divisional or Sub-divisional level. The State was divided into a number of Collection at the Divisional or Sub-divisional point, Divisions or Sub-divisions as basic administrative unit

1 Ibid, p.120.
2 Ibid, pp.124, 128-131, 136-37, 144.
and each of these Divisions or Sub-divisions was placed under the Officer-in-Charge. He was the link between the Tahsildar and the chief revenue authority on land revenue matters. The Officer-in-Charge was the chief revenue collector at the Divisional and Sub-divisional point. He was assisted by a graded staff of Deputy Collector, Sub-Deputy Collector, Revenue Inspector, Surveyor, Sarishtadar (record-keeper) Tajdik Mohrar (writer assisting in survey inspection) and Mohrar (writer).

The land revenue administration was conducted under direct supervision and control of the Officer-in-Charge at Divisional or Sub-divisional points. Powers were delegated to him to settle jungly land to the extent of 10 Drones, and

Delegation of powers

- 2 Drones of cultivable land for a temporary period of 7 years. He was empowered to lease out Mahals for petty Jama, accept relinquishment of land with a ceiling of 5 Drones and write off interest not exceeding Rs 40 accrued on arrear payment.¹ The Officer-in-charge was alone authorised to issue certificate for the recovery of public demands on jote lands, unless specific Decentralisation authorisation made by the State Revenue Department in favour of other officers.

His primary responsibility of revenue collection was shared by Deputy Collector or Sub-Deputy Collector or by both depending

upon the size of the administrative unit and the quantum of works thereat. The Revenue Inspector provided necessary administrative support to them. The surveyor undertook local survey work and aided the administration in revenue settlement while the Sarishtadar performed the notary and record-keeping functions relating to land. Apparently independent of one another, their areas of works were closely interlinked and the decentralisation was necessarily effected for administrative convenience and efficiency at the middle level.

The third tier was extended to the area of a Tahsil. It formed the grass root level. The Tahsil was comprised of a number of revenue villages and placed under a Tahsildar. His main functions were to receive revenue from the tenants of plains and hills, and keep land records up to date. On the basis of his accounts the Divisional Officer-in-Charge issued certificate of public demands. The Tahsildar could also make resettlement in agreement with the Divisional Office when a defaulter raivat was evicted. He was authorised to seize the moveable properties of the defaulting Jhumias, planning emigration, and also to obtain orders for attachment and sale.

1 Raja Swa, op. cit., Section 21, p.6.
2 Ibid, Section 25, p.7.
3 Charchuuki, op. cit., Sections 29-31, p.6.
The Tahsil was, in fact, the base upon which the pyramid of the land revenue administration rested, and the detailed and repeated inspection was considered the mainstay of its successful performance. As a matter of routine, the Tahsil was therefore put under rigorous inspection in accordance with an elaborate inspection schedule developed by the State.¹

The administrative set-up under land revenue matters was, in short, a British model cradled in the State with local variations and usages.

**Section IX: Landlord and tenant relationship**

During the third quarter of the nineteenth century Tripura saw the influx of many cultivating tenants from the neighbouring British districts who had permanently settled or intended to settle down in the State. The relative density of population and consequent pressure on land on one hand, and the lure of plentiful land at their doorstep on the other, the immigration to the State proved irresistible to many of the land-hungry cultivating class. The following table may, in a general way, indicate the trend that had already set in the last century and continued unabated till 1931.

Table No. 11: Trend of Immigration in Tripura

<table>
<thead>
<tr>
<th>Census year</th>
<th>State population with density per square mile in parenthesis</th>
<th>Immigration from British districts</th>
<th>Total</th>
<th>Tippera</th>
<th>Sylhet</th>
</tr>
</thead>
<tbody>
<tr>
<td>1891</td>
<td>1,37,442 (34)</td>
<td>31,028</td>
<td>6,845</td>
<td>11,297</td>
<td></td>
</tr>
<tr>
<td>1901</td>
<td>1,73,325 (42)</td>
<td>47,907</td>
<td>12,055</td>
<td>16,106</td>
<td></td>
</tr>
<tr>
<td>1911</td>
<td>2,29,613 (56)</td>
<td>75,548</td>
<td>35,302</td>
<td>25,549</td>
<td></td>
</tr>
<tr>
<td>1921</td>
<td>3,04,437 (74)</td>
<td>81,039</td>
<td>25,685</td>
<td>33,929</td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>3,62,450 (93)</td>
<td>1,01,208</td>
<td>33,834</td>
<td>24,961</td>
<td></td>
</tr>
</tbody>
</table>

It may be seen from the table that roughly 25% of the population rise had been due to the immigration from the neighbouring British districts, and the immigrants from Tippera and Sylhet together constituted the bulk. The density of population indicates the pattern of land in use and the capacity of land to absorb the population pressure.

The influx of the immigrant cultivators, now permanently settled in the State, underlined the importance of

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defining the landlord-tenant relationship and giving it a legal character. The Pabna disturbances of 1873-74, the Chhagalneya (in the Rajah's Zamindari in Feny Sub-division) incident in 1886-87 and similar resistance movements of the raiyats against extortionate methods of the Zamindar were a strong reminder. And the Bengal Tenancy Act of 1885 proved a ready model at hand for immediate adoption in the State with suitable modifications.

Before the terms of landlord and tenant are explained in the light of the enactment, a few words will now be necessary to describe the Zamindari right. By conquest the rulers* had become the owners of all land and at any rate they "reckoned among State rights, not only the administration of justice, the command of the military force, etc. but (most chiefly) the right to the land, including its revenue and other perquisites, which they spoke of as the Zamindar right." And the making over of this management to a capitalist farmer was known as Zamindari in the original sense of the term. In the State of Tripura the Rajah was the only superior landlord and retained his original Zamindari right in those lands not made over to the farmer. Between the Rajah and the farmer no intermediary interest prevailed. Thus farmer denominated as Talukdar in the State was treated on the same footing as

1 Baden-Powell, B.H., op.cit., p.41 f.n.
the Zemindar commonly known in Bengal and other parts of the country. The position of this Talukdar was somewhat as Huzuri (paying direct to the Husur or State exchequer). The landlord rights had thus arisen in the State in three ways: (a) from the rulership as the direct landlord, (b) from revenue-farming as the Talukdar and (c) from a State-grant of some kind as a free-hold tenant. With this short background we revert to the definition of the landlord and tenant in terms of the enactment.

Under the Praja Bhumyadhikari Bishayak Ain, Act 1 of 1296 T.E. (1886 A.D.) persons holding lands under the Bhumyadhikari (landlord) were classified under several heads. A cultivating tenant was a person who cultivated the land himself and paid rent for it to the State or a landlord. A tenant of a higher class who enjoyed the usufruct of his land by establishing tenants on it was denominated as a tenant of the intermediary category. This class of tenants was distinguished from the raiyats.

A settled raiyat was a person who had held land continuously for seven years (hereditary succession was also counted in determining the period of years). An occupancy raiyat was a person who had acquired the right of occupancy in the land under the Jugal-abadi tenure as soon as he reclaimed the land of the lease by clearing jungles and rendered it fit for cultivation. A Korfa or under-raiyat was a person who had held land...

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1 Bhumyadhikari, op.cit., Sections 4-8, 10, 73, pp.2-3, 12.
under another tenant in a sub-ordinate right and cultivated it and paid him rent for it. He was really the tenant of a tenant—a tenant-at-will. The Bhumyadhikari or landlord was simply defined without any reference to the cultivation of land like the tenant of the intermediate category. Any person entitled to get rent from a tenant for the use and occupation of any land was denominated as landlord. But the tenant who had received rent by sub-letting his land in under-raiyati right was not deemed to be a landlord.


The raiyati right accrued to the raiyat on account

1 Ibid, Section 10, p.2.
of his holding and cultivating the land continuously for seven years on payment of usual rent. The period admitted of hereditary succession from the father to the son. But this right would never go on growing if it was contracted otherwise by a registered deed. This transfer of raiyati rights was denied to the Bargar or share-cropper. No right accrued to any raiyat in the Niz-iot or Khamar (demesne or home-farm land for the proprietor's own benefit) on account of his toil and tilling in that field. The acquisition of this raiyati right was conditional upon the compulsory registration. The interests of the raiyat were protected no doubt by the provision of compulsory registration and the reduction of the period of continuous occupation as compared to the twelve years rule in Bengal, yet the denial of the right to the share-cropper by the terms of the contract or in the Niz-iot or Khamar land tilted in favour of the landlord. The landlord had every ingenious device to defeat continuous possession of land, deemed to be the charter of the cultivating classes.

The raiyati right was heritable. But the transfer of right by inheritance required compulsory registration on payment of the prescribed fee, and of one year's rent as nazar

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1 Ibid, Section 10, p.2
2 Ibid, Sections 8-10, 12, 15, 16; pp.2-3.
which got doubled in case of succession by the indirect line. Unless the right of transfer was mutated by any successor-in-interest of the raivat within six months of the date of the death of such raivat, the raivati right was extinguished and the landlord was left free to make the land Khas. The alienation of raivati land by sale was subject to the approval of the landlord except where such transfer was allowable according to local usages. The purchase of such land by any person required compulsory registration which ultimately protected the raivat's right on land.

The rent was paid in cash or in produce of the land, within the last day of Chaitra of the Tripura Era unless otherwise agreed upon. The tenant was entitled to obtain a Dakhila or a written receipt which specified the amount of realisation against holding of the tenant. Any amount which the tenant had been paying for long as a part of the rent could not be treated as Abwabs by the landlord. The court was authorised to impose upon the landlord a penalty of double the amount realised in excess of the rent from the tenant. In case of the refusal to accept

1 Ibid, Sections 17-21, pp. 3-4.

the rent, the tenant was free to deposit it through the court. The tenant had also right to institute a suit to obtain delivery of a receipt if refused by the landlord or his agent. The court was empowered to impose penalty for the amount tendered as rent, and grant a certificate as a proof of the rent already paid to the landlord.¹ All these provisions were designed to safeguard the interests of the tenants. But the judicial remedies were not of much practical value for the poor tenants. The provisions of penalties could hardly prove deterrent to the landlord for his evil motive. On the contrary, the landlord was entitled to sue the tenant under him for recovery of the arrear rent bearing interest at the rate of one per cent, the restraint being that his name must be mutated in the revenue office of the State.²

The tenant was guaranteed fair and equitable rate of rent by the enactment. The rate prevailing in the neighbourhood, and the value of the yield from each Kani of land professing the tenant at least 25% per cent of the profits thereof formed basis of calculation for fair enhancement and reduction of rent and equitable rates.³ This uniform rate per Kani without the consideration of fertility or physical

¹ Bhumyadhikari, op. cit., Sections 23-24, 27-32, pp.4-5.
² Sangshodhan, op. cit., Section 23(A), p.1; Bhumyadhikari, op. cit., Section 26, p.5.
³ Ibid, Sections 33-34, p.6.
quality of land negated the principle of fairness and equity. As cultivation costs had no ceiling, the profits were made evasive, and the rental value of land, whether increased or decreased, was left to the subjective interpretation. The rates varied from village to village and it was difficult to ascertain that any rate in the neighbourhood was prevalent. To prove these determinants for the enhancement and reduction of the rents in the court of law either by the landlord or the tenant was by no means an easy task, and it placed the whole exercise on a precarious footing.

The arm of law strengthened the position of the landlord in the matter of realisation of arrear rent. Though suit for the rent was required to be instituted in the civil court within the limits of whose jurisdiction the rent-land was located, it seemingly suited to the interest of the poor tenant. But he had practically been denied the right to contest the suit. The entire amount of arrear claimed in the suit must be deposited by the tenant to the court for filing any statement or raising any objection. The failure to deposit the same within the prescribed time-limit meant ex parte decree, often inescapably in favour of the landlord.¹ What was held out as a judicial remedy was allowed to be baulked by the conditional clause best suited to the cause of the landlord.

Lands held in jote and raiyati right were in all respects liable for the rent thereof and, as a natural corollary, subject to sale for such rent in arrear. In the execution of a decree for the rent-suit, the land was put up to auction sale, and the sale was publicly proclaimed in favour of the highest bidder. The tenant judgment-debtor was of course entitled to receiving due notice before the date of such sale, which, in consideration of his economic plight, proved of no practical purpose other than futile legal exercise. The landlord was generally restrained from purchasing a tenancy right under him in such auction sale, except without the previous leave of the court. But this limitation had no meaning when the ingenuity was not in wanting to purchase it in the name of his dummy underling.

The Jama in arrear was realised from the tenant in a different manner where the State was the direct landlord.

In order to adopt legal measures to recover the public demands, a certificate of the amount due was prepared by the Tahsildar and signed by the Revenue Officer authorised by the State. This certificate was the absolute proof of the arrear and operated as the decree for recovery of the public demand. The tenant

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1 Ibid, Sections 47, 49-51, p.8.
could file an objection within the prescribed time. It could only be contested by a civil suit, which again must be preceded by a deposit of the whole amount due. The certificate or the decree having thus become final the jote of the tenant was liable to sale and attachment. Instances were many when the jote lands had been sold out to auction for insignificant amount from 3 pies (one-sixtyfourth part of a rupee) to annas 11 and 6 pies (23/32 part of a rupee). This indicates how a feudalistic State could prove to be an engine of exaction, transcending many zamindaries reputed for their extortionate methods.

Though the distraint of crops as one of the coercive processes for the realisation of arrear rent may appear less severe than the land suit leading to the sale of tenancy right, but its effectiveness in threatening the mooring of the tenant had been without any parallel. The seizure of crops, which had been the only means of subsistence for the majority of the

Distraint of crops tenants, proved a handy tool at the hands of the landlord. On the strength of the application together with a statement of account of the arrears, the court delivered the warrant of distraint to the landlord, empowering him or the agent on his behalf to distrain the crops standing on the land of the defaulting tenant.

1 Ibid, Sections 52-55, p.9.
2 Sarkari Prapya, op.cit., Sections 10-11, p.10.
Unless the amount of arrear claimed in the statement was paid within seven days from the date of seizure, the distrained crops would be put up to auction sale. The landlord was prevented from purchasing the distrained crops under the provision of the enactment, which signified nothing to the people eminently qualified to adopt underhand methods.

The statement of account upon which the warrant of distraint of crops was delivered was the demand of the landlord, whether real or manipulated. In point of fact the landlord was the adjudicator of his own demand. The fact or the amount of arrear could be contested by the tenant in the court of law, which must be preceded by a deposit of the whole amount due to obtain the release of crops distrained. The legal procedure unquestionably tilted in favour of the landlord.

The sanction of eviction was a powerful weapon at the hand of the designing landlord in so far as the occupancy was concerned. As soon as the period of contract to relinquish the land was over or his right of occupancy exceeded the rights given to him in any respect (the change of land by digging, filling or any way whatsoever), the landlord was entitled to institute a suit for the decree of ejectment. The role of the court was

1 Bhuvmayadhlkar, op.cit., Section 60, p.10.
2 Ibid, Section 61, p.10.
only to see whether legal procedures were followed in granting the decree and in its execution. In case of a suit for arrears of rent, the court could only grant the tenant a specified period of time for the payment of the decretal dues. The ejectment forestalled in case of its failure. Any person who had not acquired any right of occupancy in any land held by him, the share-cropper, agri-labourers on wage basis for instances, was liable to ejectment at the will of the landlord. The constant threat of ejectment upon the occupancy and non-occupancy raiyat had great effects upon the agricultural economy of the State. They could not be expected to give their best upon whose endeavour agricultural production of the State depended. On the other hand, their ejectment artificially raised the market-rate of land rent not proportionate to the increase in the value of the produce.

The interests of the landlord were protected even in the matters of abandonment or surrender of land by the tenant. He was not allowed to quit his holding except by giving due notice at least three months ahead, nor could he escape the rent liability. Unless some one was found suitable for letting the land, the tenant violating the term was liable to pay two years' rent to the landlord for the land he had already relinquished. This

1 Ibid, Sections 63-66, pp. 10-11.
2 Ibid, Sections 69-70, pp. 11-12.
suggests that the legal provisions were trimmed to suit the landlord's point of view.

The brightest side of the landlord and tenant relation governed by the enactment of 1296 T.E. (1886 A.D.) was the right of occupancy conferred to the reclaimer of jungly waste land under the Jangal-abadi Taskhishi tenure. Mostly landless cultivators (sometime enterprising land speculators) took 20-year leases of jungly waste lands on very easy terms, including a three-year period of rent remission. As soon as they had reclaimed the entire land by clearing jungles and rendered it ready for cultivation, the right of occupancy accrued to them. After the expiry of twenty years, the rents were realised at the prevailing rate. The continuous possession of the land for seven years qualified them to acquire raivati right.

This agricultural class of people, in fact, opened up the interior of Tripura against odds of alien environs and fever dread, and made it possible to appear as a land of agricultural potentials for land-hungry immigrants from the neighbouring districts of Assam and Bengal.

The landlord was granted exclusive right and privilege to measure and survey lands held not only in occupancy right but also in other lands.

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whenever he wanted and in whatever manner he liked. The tenant was required only to attend the measurement and point out the boundaries of his land. The objection to the measurement of his land with crops standing thereupon could easily be construed by the landlord as a fit case of obstruction to be moved for judicial intervention, and the tenant was then liable to all costs of the proceeding in the court as well as of such measurement. The practice that developed was that the land in excess of the settlement, when discovered by measurement, was subject to the additional rent or the carving out of land for a new settlement, but no abatement was equally allowed for the shortfall. It may not be inappropriate to say that the measurement provisions were also for the interests of the landlord class.

Lands directly held by the State or lands sold for arrears of revenue and bought in or Paivasti land (increased land on account of alluvial deposit) or waste lands not included in any estate, constituted the kinds of Khas lands in the State. Besides these lands, the State as a superior landlord had the unrestricted right to acquire any land for the purposes of (i) the State (ii) the royal family and (iii) the work of public benefit. The State was not sueable in the court for such acquisition. The tenant

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could only contest the amount of compensation granted to him in the court of law. There had been the provisions to process his objection through the revenue authorities, and the decision of the State Revenue Minister as an appellate authority was final.

The acquisition of land by the landlord was admissible for similar purposes: the construction of his own house and the work of public utility. In this case the amount of compensation of such lands acquired was assessed by the court on the prayer of the landlord. Where the power of land acquisition by the landlord remained unrestricted, the judicial remedy, only in the matter of compensation, was of very little help to the tenant.

The demand of arrear rent by the landlord or the claim of Dakhila by tenant, or the judicial intervention on Limitation these matters was not open for the indefinite time. The time-limit for every kind of landed disputes was precisely spelt in the enactment governing the landlord-tenant relation. While the suit for recovery of an arrear rent became time-barred, three years after the date on which the arrear fell due, the lapse of one year

1 Bhumyadhikari, op. cit., Sections 82-86, p. 14.
2 Bhumi Khas Sambandhya Niyamabali, 2928 T.E. (1928 A.D.), Sections 7, 11, 14; pp. 3-4. (here-in-after Bhumi Khas).
operated limitation to any suit for eviction of the occupancy tenant, and similarly the claim of Dakhila got lost unless it was instituted within six months from the date of payment.\(^1\)

The landlord had the machinery to keep track of the actions considered necessary either for safeguarding his own interests or sharpening his tool to fight the legal battle. Generally the tenant who dreaded the court as a ruinous privilege remained unconcerned about what was being lost for his failure to respond in time. The limitation provision spurred the landlord to action, and, unfortunately, such action always against the tenant who looked up to him for mere survival.

There were some matters in which the State as the direct landlord had absolute right. No landlord, lease-holder or any tenant having any right of occupancy or any other class of tenant had any right over rivers, channels, forests, elephant trapping operation, ordinary roads or roads to pasturage, ancient masonry buildings or walls which might be above or underground, treasure troves and ivory. In keeping with the feudal traditions the superior landlord could command Bhet and Begar. It was obligatory for the landlords and tenants of all categories to render free service on special occasions and State festivals.\(^2\)

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\(^1\) Bhumyadhikari, op.cit., Sections 92, 94-96, p.15.
\(^2\) Ibid, Sections 97-102, p.16.
If the revenue-farming constituted the foundation of the land revenue system of Tripura, the State as the superior landlord could sleep over the affairs of the encumbered landlord only at the cost of its own revenue returns. The sale and attachment in the operation of the sunset law, as experienced by the State, could not improve the position any longer. The sale of the estate with a clear title voided all tenures created by the landlord, and brought about the land muddle with the Sale. This prompted the State to take over the charge of the management and control of those encumbered estates which had the likelihood of the entire debt being satisfied within a period of twelve years.¹

The principle of 'live and let live' dictated the thinking of the superior landlord, and it paid dividends in the long run. The landlords whose estates (twenty-three in all up to 1946)² were taken over under State management indulged in the life of idle pensioners at least for twelve years. The creditors had to remain satisfied with the sprinkling of repayment money and the interest on the loan.³ In ultimate analysis the superior landlord gained more than the encumbered landlords for whose interests the State management intervened.

³ Bigrastha, op.cit., Sections 10, 14, pp.5, 7.
The fate of the tenants remained practically the same with the change-over.

It may be stated in the light of the discussion that the legal remedies could hardly be availed by the vast mass of poor and ignorant tenant peasants, which, on the other hand, permitted the landlord to take the law to the court to protect his pecuniary interests, and he had the means to make the best use of them. Its obvious tilt towards the landed class was the violation of social justice, hardly expected from the feudal frame. With the growing population pressure on land the landlords gained advantage over the raiyats and no longer it was needed to court them to carry cultivation to the interior of the then State. The immigrant cultivators made the field only competitive. Indigenous cottage industries continued to provide support to the subsistence economy and still remained elastic to absorb the pressure of population. With particular accent upon the forest-based work, indigenous industries had broadly proved a source of supplementary income to the cultivating tenants and marginal farmers alike. Increased coercive measures by the landlord pushed the tenant into toils of the money-lender, and the benevolent character of this indigenous financier changed rapidly into the engine of extortion as soon as the volume of indebtedness grew too heavy. This side factor had its role in influencing the landlord-tenant relation.