

Tripura



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Part III:—Acts of the Tripura Administration.

THE TRIPURA LAND REVENUE AND LAND REFORMS (ALLOTMENT OF LAND)
RULES, 1962.

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Revenue Department
Land Reforms.

NOTIFICATION.

No. F. 70(37)Rev/59-Vol. II dated 28th March, 1962. In exercise of the powers conferred by section 98 of the Tripura Land Revenue and Land Reforms Act, 1960 (Act 43 of 1960) the Administrator is pleased to make the following rules, namely :—

THE TRIPURA LAND REVENUE AND LAND REFORMS (ALLOTMENT OF LAND)
RULES, 1962.

1. (1) These rules may be called the Tripura Land Revenue and Land Reforms (Allotment of land) Rules, 1962. Short title and commencement
(2) They shall come into force at once.
2. In these rules, unless the context otherwise requires— Definition.
 - (a) 'Act' means the Tripura Land Revenue and Land Reforms Act, 1960 (43 of 1960) ;
 - (b) 'Allottee', when used with reference to land the possession whereof has been taken by the person in whose favour it has been allotted in accordance with these rules, includes any person succeeding to the rights of the allottee ;
 - (c) 'Jhumia' means a person whose parents were at any time engaged in Jhum cultivation and who,
 - (i) has been personally carrying on Jhum cultivation for a period of not less than one year immediately before he applies for allotment of any land under these rules ;
 - (ii) derives his livelihood mainly from Jhum cultivation ; and
 - (iii) does not hold as raiyat land exceeding one standard acre in area.
 - (d) 'Landless' in relation to a person means one who, either by himself or, if he has a family, together with his family, does not possess or hold land exceeding one standard acre in area ;

Explanation—For the purpose of this clause, the word 'family' shall have the meaning assigned to it in chapter XIII of the Act and includes a parent ;

(e) Landless 'agricultural worker' means an individual who is landless and whose main source of livelihood is agricultural labour ;

(f) 'Scheduled Castes' and 'Scheduled Tribes' shall have the meaning assigned to them in the Constitution ;

(g) 'Section' means a section of the Act ; -

(h) 'Town land' means any land within the limits of a Municipality, notified area or cantonment,

3. No one who is not an Indian National shall be eligible for allotment of land under section 14. Eligibility for allotment of land

Explanation—For the purposes of this rule a person shall be deemed to be an Indian National :—

(a) in the case of a public company as defined in the Companies Act, 1956, only if a majority of the directors of the company are citizens of India and not less than fiftyone per cent of the share capital thereof is held by persons who are either citizens of India or companies as defined in the said Act ;

(b) in the case of a private company as defined in the said Act, only if all the members of the company are citizens of India ;

(c) in the case of a firm or other association of individuals, only if all the partners of the firm or members of the association are citizens of India ; and

(d) in the case of an individual, only if he is a citizen of India.

Application of rules

4. (1) Subject to the provisions of sub-rules (2) and (3), allotment of land belonging to the Government shall be made in accordance with these rules.

(2) Rules 5 to 12 shall not apply to the allotment of any town land.

(3) Rules 5 to 17 shall not apply to the allotment of land coming under any of the following categories :—

(a) land set apart or likely to be set apart under section 13 ;

(b) land acquired or held for any particular public purpose ;

(c) land required for rehabilitation of 'Jhumias' or displaced persons.

Area of land to be allotted.

5. The area of land to be allotted to any one person under sub-section (1) of section 14 shall ordinarily be :—

(a) in the case of allotment of land for agricultural purposes :—

(i) if the allottee is an individual, such area as together with the area of land, if any, already held by the allottee may not exceed two standard acres ; and

(ii) if the allottee is a co-operative society, such area as together with the areas of land, if any, already held by the society or its members, may not exceed the area that may be allotted to the society at the rate of two standard acres for every member ;

(b) in the case of allotment of land for construction of a dwelling house such area not exceeding one-fifth of an acre.

Order of preference for allotment of land for agricultural purpose.

6. In allotting land for agricultural purposes, the Collector shall follow the following order of preference, namely—

(i) a Jhumia ;

(ii) an under-raiyat who has been evicted from any land on the ground that it is required for personal cultivation of the raiyat and who is landless ;

(iii) a landless agricultural worker ; -

(iv) an individual evicted under section 15 who does not come under any of the categories mentioned in the foregoing clauses and who does not hold land exceeding two standard acres in area ;

(v) an individual not holding land in excess of two standard acres in area ;

(vi) any other person .

7. In allotting land for construction of a dwelling house the Collector shall follow the following order of preference, namely—

Order of preference for allotment of land for construction of dwelling house.

- (i) a Jhumia ;
- (ii) a landless agricultural worker or an artisan, not owning any house or site for a house ;
- (iii) any other person not owning any house or site for a house and who intends to build the house for personal habitation.

Explanation—A person shall be deemed to be a person not owning any house if he owns no permanent structure for residential purposes within the territory of Tripura.

8. In allotting land to persons belonging to any of the categories mentioned in rules 6 and 7—

Preference to persons belonging to scheduled castes and scheduled tribes and to co-operatives societies.

(i) between persons of the same category, one belonging to any of the scheduled Castes and scheduled tribes shall be preferred ; and

(ii) between an individual entitled to a particular preference and a registered co-operative society constituted for the purpose for which the land is to be allotted and consisting exclusively of persons entitled to the same or higher preference, the society shall be preferred.

9. Where there are two or more applicants for the same land who are entitled to the same preference under rules 6 to 8, the allotment shall be made to the person in whose favour the lot is drawn.

Allotment to be by lots.

10. Notwithstanding anything contained in rules 6 to 9, no allotment under sub-section (1) of section 14 shall ordinarily be made—

Allotments to be made to persons residing within eight Kilometres.

(a) in favour of an individual other than a Jhumia if he does not reside within a distance of eight kilometres of the village in which the land is situate ;

(b) in favour of a co-operative society, if more than one-half of its members do not reside within a distance of eight kilometers of the village in which the land is situate.

Explanation— The distance referred to in clauses (a) and (b) shall be reckoned by the route normally used from the residence of the person concerned to the village in which the land is allotted.

11. (1) An allottee of land for agricultural purposes shall pay premium therefor at the following rates, namely :—

Premium payable for allotment of land.

- (i) in the case of land previously cultivated, at twenty times the net annual income from such land as calculated in accordance with the provisions of section 171.
- (ii) in the case of other land, at thirty times the annual land revenue assessed thereon.

(2) Any person allotted land for construction of a dwelling house shall pay premium equal to the market value of the land.

(3) The premium may be paid in lump sum or in such annual instalments not exceeding twenty as may be specified by the Collector together with interest at 2½% per annum on the unpaid amount.



(4) The premium or the first instalment thereof, as the case may be, shall be paid on or before the date of taking possession of the land; each subsequent instalment shall be payable on the same date in the succeeding years.

(5) Any amount payable under this rule shall, if it remains unpaid after the due date, be recoverable in the same manner as an arrear of land revenue.

12. Notwithstanding anything contained in rule 11, no premium shall be payable

(a) by a Jhumia or a landless agricultural worker or a co-operative society of Jhumias or of landless agricultural workers in respect of land referred to in clause (ii) of sub-rule (1) of rule 11 or

sub-rule (1) of rule 11 or

(b) by a Jhumia, a landless agricultural worker or an artisan or a co-operative society of Jhumias, landless agricultural workers or artisans in respect of land allotted under sub-rule (2) of rule 11.

13. Notwithstanding anything contained in the foregoing rules, no land lying within fifteen metres of the centre line of any public road in a town or within twenty metres of the centre line of any main road or within five metres of the centre line of any village road and no town land shall be allotted without the prior sanction of the Administrator.

EXPLANATION—For purposes of this rule, the road specified in the schedule to these rules shall be deemed to be main roads.

14. An amount equal to the market value of the land shall be charged as premium for allotment of any town land.

15. An allotment of land under sub-section (1) of section 14 shall be subject to the following conditions, namely—

(i) the land shall not be transferred by the allottee within ten years from the date of allotment, without the written consent of the Collector ;

Provided that the land may be mortgaged to a co-operative society, a co-operative bank or land mortgage bank or the Government without such consent ;

(ii) an allottee on giving three months' notice before the end of an agricultural year and on payment of all Government dues in respect of the allotted land upto the end of the said agricultural year may surrender the land allotted to him. On such surrender being made, the land shall revert to the Government ;

(iii) in case the allottee is a co-operative farming society and the registration of such society is cancelled within ten years from the date of allotment the land allotted to such society shall thereupon be deemed to have been resumed by the Government and the Government shall not be liable to pay any compensation ;

Any person holding or retaining possession of such land thereafter shall be deemed to be a trespasser ;

- (iv) in case of waste land allotted for agricultural purposes, the allottee shall bring the whole area under cultivation within three years from the date of allotment ;
- (v) the allottee shall be liable to pay such amount as land revenue as may assessed under the Act and the Rules made thereunder ;
- (vi) the allottee shall within the time fixed in the allotment order pay to the Government an amount equal to the market value of the trees and structures, if any, standing on the land ;
- (vii) the allotment shall be liable to be cancelled if, except in cases falling under clause (iv), the land is not used within 2 years of the date of allotment for the purpose for which it was allotted or if the allottee commits a breach of any of the conditions of allotment or the provisions of these rules and the Collector may re-enter on the land :

Provided that no such cancellation or re-entry shall be made unless the allottee is given a reasonable opportunity of being heard ;

- (viii) no compensation shall be payable by the Government on account of cancellation of any allotment or re-entry by the Collector under these rules, but if the allottee has built any constructions on the land he shall be allowed a reasonable opportunity to remove the same.

16. Notwithstanding anything contained in rules 5 to 15, the Collector may by an order in writing suspend or remit payment of any premium or any part thereof if in his opinion the allottee has not sufficient means to make such payment provided that before allowing suspension or remission of payment of premium in whole or in part in respect of town land, prior approval of the Administrator shall be obtained.

Exemption from payment of premium

17. Notwithstanding anything contained in rules 5 to 15, if the Collector is of opinion that any land, belonging to Government because of its unusual size, or awkward shape or situation, cannot suitably be allotted according to the foregoing rules, he may allot it to such person and in such manner, as appear to him most suitable in the circumstances of the case.

Allotment of land of unusual size or awkward shape.

Provided that in case of town land the Collector shall obtain the approval of the Administrator before making any allotment.

18. The allotment of land under sub-section (2) of section 14 shall be subject to the following conditions, namely—

Allotment of land for the purpose of industry or for any purpose of public utility.

- (i) the allottee shall be liable to pay a premium equal to the market value of the land :

Provided that the Administrator may, by order in writing exempt an allottee of any land from the payment of premium or any part thereof if in his opinion the allottee has not sufficient means to make such payment ;

- (ii) the allottee shall be liable to pay such land revenue as may be specified in the allotment order :

Provided that the land revenue so specified shall not exceed the land revenue assessed in accordance with section 19 ;

- (iii) the land shall be liable to be resumed by the Government if used for a purpose other than that for which it has been allotted, or if the allottee has committed breach of any of the conditions of allotment ;
- (iv) no compensation shall be payable by the Government on account of resumption of any land under clause (iii) except when a premium has been paid by the allottee in respect of the allotment of land ; and in a case where such premium has been paid, the compensation payable by the Government shall be the amount so paid as premium or the market value of the land at the time of resumption whichever be less ;
- (v) if the land be resumed by Government, it shall have the option of—
- (a) taking over any construction built on the land on payment of their cost or their market value at the time of resumption, whichever be less ; or
- (b) requiring the allottee to remove the construction and to restore the land to its original condition within a reasonable period to be fixed by the Administrator which period may be extended by the Administrator from time to time. Should the allottee fail to comply with the order for the removal of constructions or to restore the land to its original condition within the time so fixed or, as the case may be, within the extended period, the construction shall vest in the Government without payment of any compensation therefor and the cost incurred in restoring the land to its original condition shall be recoverable on the allottee as arrear of land revenue ; and
- (vi) any other condition which the Administrator may consider reasonable to impose, in view of the special circumstances of any individual case.

SCHEDULE.

1. Agartala-Simna Road.
2. Agartala-Melaghar-Sonamura Road.
3. Udaipur-Sabroom Road.
4. Bagafa-Belonia Road.
5. Bisramganj-Udaipur-Matabari Road.
6. Khowai-Teliamura Road.
7. Kailasahar-Kumarghat Road.
8. Kamalpur-Ambasa Road.
9. Melaghar-Udaipur Road.
10. Teliamura-Amarpur Road.
11. Kumarghat-Nabihampara Road.
12. Agartala-Assam Road.
13. Dharmanagar-Kailasahar Road.
14. Chebri-Khowai Road. (T. G.)
15. Udaipur-Amarpur Road.
16. Agartala-Abhoynagar Road.
17. Dharmanagar-Approach Road.



By order of the Administrator,

B. N. RAHMAN
Chief Secretary.