

MEMORANDUM

Raison d'être for governance and the rule of law is to protect the weak and the poor. The principles of rule of law is essentially a negation of the doctrine of might-is-right.

However, it has been noticed with concern that in the Record of Rights of the land records in the state, in many cases while the name of the owner is recorded, in the remarks column entries like বেআইনী দখল, অনুমতি দখল, জোর দখল, বিনারে দলিল মূলে, দং (in বাংলাদেশ নাগরিক কর্তৃক পরিত্যক্ত land), ১৮৭ ধারার বিরুদ্ধে হস্তান্তরিত along with the name of wrongdoer is also recorded. Such entries tend to perpetuate the might-is-right doctrine, promotes violation of laws concerning land and transfer of property. Such recordings also contribute violation of Enemy Property Act, 1968. These are also violation of Indian Contract Act, 1872, as per which coercive and unlawful agreements are not to be recognized. Eligible persons are also deprived from allotment of government land.

Such recording also undermines the rule of law as it encourages people not to register their properties in violation of Transfer of Property Act, 1882 and provision of TLR & LR Act, 1960. It weakens the rule of law and Good Governance. It also promotes black market, cash transaction beyond lawful limit and criminal activities.

Encroachment on government land is violative of Fundamental Duty of citizens to safeguard public property enshrined in Article 51A(i) of the Constitution of India. It also has security and sovereignty implications for the bordering state.

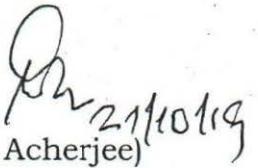
Moreover, the state government loses land revenue on such land, stamp duty and registration fees on the transfers, and premium on the allotment of

land. No government servant has any authority to cause loss to the revenue of the state except with the concurrence of the Finance Department.

Government of India had been insisting the states to adopt land titling. The state government is also exploring to adopt land titling. Land titling requires that land records be conclusive proof and not be vague. This means that land record cannot have owner as somebody and occupier as somebody else.

It has, therefore, been decided in supersession of earlier instructions, if any, with immediate effect that no Revenue officer under TLR & LR Act, 1960 shall incorporate any new entries like বেআইনী দখল, অনুমতি দখল, জোর দখল, বিনারে দলিল মূলে, দং (in বাংলাদেশ নাগরিক কর্তৃক পরিত্যক্ত land), ১৮৭ ধারার বিরুদ্ধে হস্তান্তরিত etc in the remarks column or any other column of the Record of Rights under any provision of TLR & LR Act, 1960.

This memorandum is without prejudiced to actions that may be taken on the existing such entries in Records of Rights.


(P. Acherjee)

Joint Secretary,
Government of Tripura

To

1. Principal Secretary, Revenue, Government of Tripura.
2. Director, Land Records & Settlement, government of Tripura.
3. All D M & Collectors of the state.
4. All Addl D M & Collectors of the state.
5. All Sub-Divisional Magistrates of the state.
6. All Deputy Collector & Magistrates of the state.

Copy also to:-

1. PS to the Hon'ble Minister, Revenue.
2. Additional Chief Secretary, Finance Department
3. Principal Chief Conservator of Forest, Tripura
4. Secretary, Tribal Welfare Department