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PART-I--- Orders and Notifications by the Government of Tripura the High
Court,

Government Treasury etc.
GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No.F.39(85)-REV/75

Dated, Agartala

the 20TH November 1980.

NOTIFICATION

In exercise of the Powers conferred by section 98 of the Tripura Land Revenue and Land Reforms Act. 1960 (43 of 1960) and in supersession of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1962 framed under the Revenue Departments notification No.F. 70(37)-Rev/59(Vol-II) dated 28th March, 1962 and amended under notifications No.F. 39(45)-Rev/64 dated 3rd February, 1969, No. F.39(85)-Rev/76 dated 18th May, 1978 and No. F. 39(85)-Rev/76 dated 16th January 1979, the State Government hereby makes the following rules, namely

**THE TRIPURA LAND REVENUE AND LAND REFORMS
(ALLOTMENT OF LAND) RULES, 1980.**

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|------------------------------|--|
| Short title and commencement | 1. (1) These rules may be called the Tripura Land Revenue and Land Reforms(Allotment of Land)Rules, 1980
(2) They shall come into force at once |
| Definition | 2. In these rules, unless the context otherwise requires-----
(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 0.40 standard hectare 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 0.40 standard hectare in area and is also economically poor.

Explanation:-- For the purpose of this clause, the word 'family' in relation to a person shall mean the person, the wife or husband, as the case may be, children (excluding married daughters) and parents of the person;

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

(f) 'Schedule caste' and 'Schedule Tribes' shall have the same meaning as 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, cantonment, or any other area notified by the Government for this purpose.

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

Explanation:-- For the purpose 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 percent 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 ;

© 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.

4. 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 purpose---

(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 one standard hectare;

(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 of its members,may not exceed the area that may be allotted to the society at the rate of one standard hectare for every member; and

(iii) in the case of allotment of land for construction of a dwelling house such area not exceeding 0.08 hectare.

5. Collector shall allot land for agricultural purpose only to a person who is economically poor and will cultivate the land by himself and in allotting land adhere to the following order of reference, namely-----

Eligibility for allotment of land

Areas of land to be allotted

Eligibility and order of preference for allotment of land for agricultural purpose

- (i) **a jhumia**
- (j) 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 workers;
- (iv) a landless individual evicted under section 15;
- (v) an individual not holding in excess of one standard hectare in area.

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

6. In allotting land for construction of dwelling house the collector shall follow the following order of preference namely-----

- (i) **a jhumia**
- (ii)**a landless agricultural worker or an artisan not owing any house or site for a house;
- (iii)an individual evicted under section 15 who does not come in any of the categories mentioned in the foregoing clauses and does not own any house or site for a house;
- (iv)any other person not owing any house or site for a house and who intends to build the house for personal habitation.

preference to persons belonging to Scheduled Caste, Scheduled Tribes and ex-serviceman

7. In allotting land to a person belonging to any of the categories mentioned in rules 5 and 6-----

- (i) between persons of the same category, one belonging to any of the Scheduled Tribes, Scheduled Castes and ex-serviceman. Shall be preferred in that order; and
- (ii) between an individual entitled to a particular preference and 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.

Allotments to be made to persons residing within eight kilometers

8. Notwithstanding anything contained in rules 5 to 7 no allotment under sub-section(1) of section 14 shall ordinarily be made---

- (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 situated;

(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 situated.

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

Premium payable for allotment of land

9. (1) An allottee of land for agricultural purposes shall pay premium therefore at thirty times the annual land revenue assessed for the land.

(2) Any person allotted land for construction of a dwelling house shall pay premium equal to 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 two and half percent 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.

Premium not payable in certain case

(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.

10. Notwithstanding anything contained in rule 9. 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 sub-rule(1) of rule 9 or

(b) by a jhumia, a landless agricultural worker or an artisan or an individual having annual income not exceeding rupees three thousand six hundred in respect of land referred to in sub-rule (2) of rule 9.

Allotment of land within certain distance of roads and town lands

11. Notwithstanding anything contained in the foregoing rules—

(a) no land lying within fifteen meters of the centre line of any public road in a town or within twenty meters of centre line of any main road or within five meters of the centre line of any village road shall be allotted;

(b) no town land shall be allotted without prior sanction of the State Government and except for the purpose of homestead.

Explanation:- For the purpose of this rule, the road specified in Appendix 'A' to these rules shall be deemed to be main roads.

Conditions of
allotment

12. Any allotment of land under sub-section (1) of section 14 and in accordance with these rules, shall be further subject to the following conditions and also the conditions specified in the allotment order as in Appendix 'B'

(i) The land will be heritable but not alienable without the written consent of the collector granted on the recommendation of the advisory Committee that may be set up by the Government;

Provided that the land may be mortgaged to the Government or a Co-operative Society or a Bank of such institution as may be notified in the Official Gazette by the State Government from time to time.

(ii) The allottee may surrender the land in the manner specified in the allotment order.

(iii) The allottee shall bring the whole area under cultivation within the time specified in the allotment order.

(iv) The allottee shall be liable to pay premium land revenue and taxes as specified in the allotment order.

(v) The allottee shall be entitled to plant trees on his land to enjoy the products thereof and to fell, utilise or dispose of the timber of any trees on his land.

(vi) The allotment will be liable to be cancelled for breach of any of the provisions of the Act. The rules or any of the conditions of allotment.

Exemption from payment of premium

13. Notwithstanding anything contained in rule 9 and 10 the State Government by an order in writing suspend or remit payment of any premium or any part thereof if in its opinion the allottee has not sufficient means to make such payment.

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

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

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

Provided that the State Government may, by order, exempt any allottee from the payment of the whole or any part of the premium or permit any allottee to pay the premium in such number of annual instalments, not exceeding twenty, as may be specified therein together with interest at two and half percent per annum on the unpaid amount.

(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 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 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 State Government from time to time. Should the allottee fail to comply with the order for removal of construction 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 therefore 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 State Government may consider reasonable to impose, in view of the special circumstances of any individual cases,

Savings

15. Nothing in these rules shall affect any previous order of allotment passed and any right, privilege, obligation or liability acquired, accrued or incurred under the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules, 1962

APPENDIX-A

(See rule 11)

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. Kailashahar---Kumarghat road
8. Kamalpur---Ambassa road
9. Melaghar---Udaipur road

10. Teliamura---Amarpur road
11. Kumarghat---Nabihampara road
12. Agartala----Assam road
13. Dharmanagar---Kailashahar road
14. Chebri---Khowai road (TG)
15. Udaipur---Amarpur road
16. Agartala---Abhoynagar road
17. Dharmanagar---Approach road
18. Agartala---Air-Field road
19. Manubazar---Upendranagar road
20. Amarpur—Nutanbazar---Tirthamukh road
21. Dhsarmanagar—Tilthai---Damchhara road
22. Pecharthat---Kanchanpur---manpai road.

APPENDIX-B

(See rule 12)

THE TRIPURA LAND REVENUE AND LAND REFORMS(ALLOTMENT OF LAND)RULES 1980

No.....

Dated.....

ALLOTMENT ORDER

Land described in the schedule below is allotted to Shri.....
.....son ofof
village.....PO.....of
district.....for the purpose of under sub-section(1) of
section 14 of the Tripura land Revenue and Land Reforms Act, 1960 subject
to the following conditions namely:-

(1)The land is heritable but not alienable without the written consent
of the Collector:

Provided that the land may be mortgaged to the Government a
co-operative society or a bank or such other institution as may be notified in
the Official Gazette by the State Government from time to time.

Explanation:-- The expression ' bank shall have the same meaning as
assigned to it by the explanation under section 109 of the Tripura Land
Revenue and Land Reforms Act.1960

(2) The allottee on giving three months notice before the end of the 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.

(3) 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.

(4) In case of wasteland allotted for agricultural purpose the allottee shall bring the whole area under cultivation within five years from the date of allotment.

(5) The allottee shall be liable to pay Rs.
(Rupees) only as premium either in lump sum or in annual instalments together with interest at two and half percent per annum on the unpaid amount. The premium or the first instalment, as the case may be, shall be paid on or before.....(date).

(6) The allottee shall be to pay Rs.
(Rupees.....) only as land revenue and Rs.....(Rupees) only as cess per year subject to such alteration as may be made under the Tripura Land Revenue and land Reforms Act 1960.

(7) The allottee shall be entitled to plant trees on his land to enjoy the products thereof and to fell utilise or dispose of the timber of any trees on his land.

(8) The allottee shall be liable to pay all other taxes for the time being in force or imposed in future under any law.

(9) The allotment shall be liable to be cancelled if----

- (a) except in cases falling under clause (4), the land is not used within two years of the date of allotment for the purpose for which it is allotted: or

- (b) the allottee commits a breach of any of the conditions mentioned hereinbefore or any of the provision of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules; 1980; or
- (c) at any time it is discovered that the allottee was not eligible for this allotment in terms of the Tripura Land Revenue and Land Reforms (Allotment of Land) Rules 1980 or guilty of misrepresentation at the time of allotment.

Provided before such cancellation is ordered, a notice is given to allottee to show cause against cancellation within a period of 15 days from the receipt of the notice

(10) No compensation shall be payable by the Government on account of cancellation of any allotment order or re-entry by the collector, but if the allottee has built any construction on the land, he shall be allowed a reasonable opportunity to remove the same.

Schedule of land allotted.

Name of Mouja

Plot No.

Area

.....

Collector

By order of the Governor

R.N. Gupta
Secretary to the Government of Tripura