

Tripura Legislative Assembly: A study of its Evolution and Select Legislations (1972-2002)

**Thesis submitted for the degree of
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SUBMITTED BY

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Preface

The present Ph.D. thesis on the Tripura Legislative Assembly: A study of its Evolution and Select Legislations (1972-2003) tries to depict the evolution of the important legislations in the State of Tripura. It also focuses on the role, of the political parties in the domain of legislative process. Attempt has been made to explore & explain the total process of the legislations in the Assembly of Tripura. The study also undertakes the panchayat related areas which has a great impact on the society as a whole. It also takes the problems and issue with regard to the Tribals of the State and the problems of insurgency.

I would like to express my sincere gratitude to my supervisor Professor Manas Chakrabarty for his perennial support, guidance & encouragement throughout the writing of my thesis without whose constant guidance the thesis could not be completed.

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CHAPTER – I

STATEMENT OF THE PROBLEM / THEORETICAL FRAMEWORK

Though there is no denying the fact that now executive has become the most important organ of government, the legislature, most commonly known by the name of Parliament, is still regarded as having the most celebrated place in the political organization of a country. The word 'Parliament', that originally meant 'a talk', is derived from the French word 'Parler' and the Latin 'Parliamentum'. Garner says: "of the several organs through which the will of the state is expressed and carried out, the legislature unquestionably occupies the paramount place..... In all states it exercises a large control over the sources of supply and its power to create public offices and to establish new services. Thus, the legislature is, in a sense, the regulator of the administration.

It is said that modern Parliaments arose through a fusion of the legislature and judicial functions and the voting on taxation or supply. In medieval times a Parliament was usually a meeting of the king-in-council to which the judges were summoned for consideration of pleas and petitions to the king to redress grievances on the other hand , the word 'Parliament' may be applied to what was more normally described as colloquium , or meeting of the clergy, or any or all of them. Such a colloquium might be summoned, for instance, to discuss measures for dealing with raids by Scots over the border, or the sending of any army to Gascony. More often, the purpose was to

obtain assent for the levying of an aid or custom duties. In fine, the Parliament signifies a body of persons assembled for discussion.

As such, the legislature is regarded as the 'mirror' of the will of the nation'. It is taken as the chief means of the expression of the popular will; or a body of the representatives of the people, it is considered to be the most important organ of the political system. Hence, the legislature is exalted in the colourful phrases as 'grand inquest of the nation', 'embodiment' of the general will of the community', ' a committee' of grievances', ' a congress of opinions' and the like.

A question arises as to what should be the mode of composition of the legislature. Two important points are to be taken into consideration in this connection. It is universally taken for granted that the members of the first, or lower, or popular house should be elected by the people. Thus, the members of the House of Commons in England and Canada, the House of Representatives in the United State, Japan and Australia, of the Lok Sabha in India, of National Assembly in France and Switzerland, and of National people's congress in China are elected by the people. Second, the mode of composition of the upper and second house varies. For instance, the members of the House of Lords of U.K. enjoy hereditary membership, the Senator of America, Australia and New Zealand and the members of the Swiss Council of State are elected directly by the people; the members of the Indian Rajya Sabha and the Senators of France are elected indirectly by the governments of the units; the Senators of Canada and South Africa appointed by the Governor General.

In this direction, it may be suggested that the best course is to have direct election of the members of the first chamber of the legislature and, for

that reason, it is known as popular chamber. In case the legislature is bi-cameral, the members of the second or upper house should be elected indirectly so far as to give representation to different sections, interests, classes and units (in the cases of a federation). Moreover, the members of the upper house must be persons of higher age and experience. Garner, therefore rightly suggested: "Reason and experience would seem to suggest that if legislative bodies are to continue to be organised on the bi-cameral principle, the two chambers should be constituted on different bases and principles. The members of one chamber ought to enjoy longer tenures, they ought to represent or larger constituency, higher membership qualifications ought to be required of them, and they might well be chosen in a different manner and by a differently constituted electorate".

Now is the turn to discuss the function of a legislature. Legislation, we know, is the foremost function of a legislature. In conformity with the express provisions of the country's constitution, the legislature undertakes to make, repeal, or rescind law. Law-making power of the legislature includes purely law-making as well as deliberation. Mill distinguished between the two and observed that "a numerous assembly is little fitted for the direct business of legislation". He recommended the setting up of a small committee of experts for undertaking the task of purely law-making. The reason for the bifurcation of legislative work is that "every provision of a law requires to be framed with the most accurate and long-sighted perception of its effect on all other provisions; and the law when made should be capable of fitting into a consistent whole with the previously existing laws. It is impossible that these conditions should be in any degree fulfilled when laws are voted clause by clause in a miscellaneous assembly". While the drafting and formulation of laws should be entrusted to the small committee of specialists, the

deliberative function belongs to the whole assembly. Law is the mirror of the thinking of the whole nation. Hence, the assembly as the focus of the general will of the community deliberates on the content and final form of law. In Mill's language, the committee of experts would embody the element of intelligence, and Parliament the element of will. The actual conduct of modern legislatures does not wholly follow the pattern of legislative work as suggested by Mill. But in Parliamentary form of government the cabinet which largely undertakes the legislative initiative avails of the expert advice of the permanent officials of the government in the actual drafting of laws.

Apart from and over and above the function of making laws, the functions of legislature are many more that touch administrative, financial and judicial as well. A brief account of these functions is as mentioned below;

The legislature is the custodian of the national purse. The government, for running its various projects, administrative and welfare, has to incur a large amount of expenditure of the revenues of government. Through control over finance, the legislature controls the actual conduct of government as manifested in its internal and external policies.

The legislature also exercises control over administration of the country. In a parliamentary system, the ministers are individually as well as collectively responsible to the legislature. As such, the legislature may censure the minister. The minister may be removed by a no-confidence motion. In a presidential system, the legislature may remove the head of the state by adopting a motion of impeachment. By asking questions and their supplementary, by adopting motions and resolutions and, above all, by censuring the conduct of the executive, the legislature exercises its control over the administration of the country.

Again, in some states the legislature participates in the election of the executive and judicial heads. In our country, for instance, the President who is the chief executive is elected by the members of both the houses of Parliament and of State Assemblies. Again, in Switzerland, the Federal Assembly elect the judges of the Federal Tribunal.

Lastly, the legislature in some countries performs the functions of a judicial nature. In England, the House of Lords is the highest court of appeal in some civil and criminal cases, although its judicial function is performed by a small portion of its total membership. The Senate of America has “the sole power to try all impeachments” including those involving the President and the Vice-President. In India also the Parliament can act as court of impeachment for the trial of the President. In that case, one house would move the resolution to impeach and the other investigate the charge. It may be noted here that whenever a legislature performs some judicial function, it generally follows the technique or mode of the judiciary.

We may now come to form the impression that the functions of a legislative cover any fields. It may well be said that the role of an organised assembly is to analyse, criticise, and pass or reject the policies and proposals of the government; to voice the desires and anxieties of the mass of citizens ; to protect their liberties against any abuse of power by the government; to educate public opinion through its debates; and finally,— as the term ‘legislature’ implies—to participate in the process of law—making to the extent this is still possible in an area that relies increasingly on the expert and the administrator. Now, in view of the fact that legislature thus plays a very vital and fruitful role in parliamentary democracy it is, no doubt, necessary to make an in-depth and detailed study of the function and contribution of the legislative assembly in Tripura (and its law—making role in particular) specially

keeping the fact in view that it has obviously been functioning within the structure of India's parliamentary democracy. At the same time, since a study of the political development of the state of Tripura through legislative initiatives is also equally and highly instructive and interesting, we are starting with a brief overview on the historical account of the state and its Legislative Assembly.

Since its merger with the Indian Union in 1949 Tripura attained the status of Statehood in 1972 through a protracted process of political development. Political development is deeply interwoven with the socio-economic development of the state. This calls for critical analysis of legislations. In reality, legislative measures constitute important instruments for ushering in socio-economic development. In that way, a study of Legislative Assembly, inter alia, institutional frame, composition and party configuration brings to light the nature and direction it provides for socio – economic development of the state. While concentrating on some important legislation, it is possible to indicate the demands articulated in the political system. It is intended to study the impact of legislations on political development of the state including the rise of insurgency. Aftermath of the partition of the country there had been a heavy exodus of Hindus from erstwhile East Pakistan leading to metamorphosis in demographic composition of the state. The problem confronted that time may be summoned up thus: the need for protection of Tribal interest arose in the face of heavy exodus of displaced persons; a policy of rehabilitation with development as advocated by the government of India was pursued for the displaced persons. While overwhelming number of displaced persons brought in its train a plethora of socio-economic and ethnic problems, a good number of tribals who gradually were marginalised became restive. Political parties in

their task of interest aggregation seek to find solution to the problems emanating out of the situation through various enactments in the legislature, i.e., policy making.

Tripura Legislative Assembly evolved through the status of Territorial Council (TTC) which did not wield much amplitude of powers and functions as enjoyed by Tripura Legislative Assembly. In comparison, it is evident that Legislative Assembly status is far more propitious for ushering in socio-economic development. The Congress-led government (1972-1977) used the Legislative Assembly in order to pass legislations for propelling socio-economic development. A sample of legislation during this period relating to administrative decentralisation, socio-economic and social welfare may be undertaken for the purpose of our study. During the last twenty years of its rule the Left Front addressed itself to many important questions pertaining to political development. The Congress (I) – TUJS coalition remained in power for the period from 1988-1993. It is highly instructive to know the legislative initiatives under taken by Left Front and Congress (I) –TUJS alliance in order to underline the nature and direction of political development of the State of Tripura.

The main objectives of the present study, as have already been hinted, are to analyse some important legislative enactments for understanding political development of the State of Tripura. Political development in this context has to be studied in its many important facets:

- a) Administrative decentralisation,
- b) Socio-economic aspects and
- c) Social welfare.

During the period under review the Tripura Legislative Assembly enacted a good number of legislations in regard to these areas in

order to propel political development in the State. Thus, a study of the Tripura Panchayat Act, 1983 (as amended in 1994) brings to light the nature and scope of administrative decentralisation in the State. Similarly, socio-economic aspects of political development may reveal itself with an in-depth study of the Tripura Land Revenue and Land Reforms Act, 1974 (as amended in 1997). The most important aspect of political development, i.e., social welfare may be brought to limelight by way of thorough examination of these legislations; a) Tripura Tribal Areas Autonomous District Council Act 1979 (as amended in 1995); b) Tripura Scheduled Castes and Scheduled Tribes Act, 1991 (as amended in 1997); c) The Tripura Commission for Women Act 1993(as amended in 1994).

The study would cover both historical and empirical aspects. In order to note that evolution of the State Legislative Assembly and political process it would be necessary to collect materials from books, documents reports, legislations and party documents. Empirical aspects would be studied by way of interview and interaction with political leaders and legislators.

Research Questions

The following questions would constitute the core of the present study:-

- (1) What are the important components of political development?
- (2) What are the important legislations enacted by the state legislative assembly during the period of 1972-2002?
- (3) What is the impact of these legislations?
- (4) Do these enactments testify the wisdom of peoples' representatives in solving the emerging problems of the state?

(5) **Review of Literature**

(6) The present study is somewhat unique in the sense that there is no learned work in this regard. However pieces of information may be gathered from the under mentioned titles:

(7) Nositter, T. J., *Communism in Kerala: A study in Political Adaptation*; Oxford University Press, London, 1982.

(8) Gonchoudhuri, J. , *A Political History of Tripura*, Inter-India Publications, New Delhi, 1986.

(9) Bhattacharjee, B.K., *Tripura Administration, The era of modernisation*, Mittal Publications, New Delhi, 1986.

(10) Bhattacharjee, S.R., *Tribal Insurgency in Tripura*, Inter-India Publications ,New Delhi, New Delhi, 1989.

(11) Basu, P.K., *The Communist Movement in Tripura*, Progress Publishers, Calcutta , 1996.

(12) Majumder, B.M., *The Legislative Opposition in Tripura*, Tripura State Tribal Cultural Research Institution and Museum, Agartala, 1997.

(13) **A Political History of Tripura**

(14) The book covers the entire political history of Tripura right from the days of the mythological rulers of the state and progress through the rise of Tripura Kingdom under the Manikya Kings, merger with Indian Union, Development in the political consciousness among the people, electoral profile from the General Election of 1952 to 1983. This work has been used to the extent useful, but it has not come of much help for the present work.

(15) **Communism in Kerala: A study in Political Adaptation**

(16) This famous book deals in details with the genesis, growth, functions and problems of the communist movement in Kerala and also emergence of the Kerala Communists as the electoral force (1951-1960), Communists in government (1957-1959), Kerala and the CPI split (1960-1965), Communist accommodation (Formation of the United Front)1965-1967), Front Politics and Ministerial stability (1967-1977), Front Politics economic development and social change (1967-1975), and the basis of party support (1965-1980). This learned work has also attempted to compare the economic development in Kerala under the Left Front rule with that in West Bengal where it was commented, “ If we note the contrast with the situation in West Bengal where CPM Chief Minister Jyoti Basu has effectively begun the rejuvenation of the economy, it seems possible that the explanation for the CPM’s comparative disregard of economic growth in Kerala may lie in the very traditions of Malayali Society and Culture.” But as there is no mention in the book regarding the political and administrative happenings in Tripura during the period under review, it comes of no use for the present work excepting getting an idea about Communist movements in Kerala and West Bengal including step for economic development in these two states.

(17) The Tripura Administration, the era of modernisation

(18) This book has been very much helpful for the present work and some information has been taken from this for use from time to time.

(19) Tribal insurgency in Tripura

(20) This work in general and its chapter nos. 2,4,5 and 6 in particular have also come of use for this work.

(21) The Communist Movement in Tripura

(22) This book has also come of some use , particularly its chapters on Development of the communist Movement in Tripura II , and the Tribal Question and the Communists in Tripura.

(23) The Legislative Opposition in Tripura

(24) Last but very important is this Book in so far as the present work is concerned. At the initial stages of survey on the present work , it appeared likely that pieces of information may be collected from this book at the time of writing the different chapters of this. An in-depth study on the book also revealed that relevant data may be collected thrice in chapter II , 6 times in chapter IV , once in chapter V and 4 times in chapter VI from the pages 47 and 64; 107 -176 ; 8; and 103 and 105 . In addition to these, the chapters of the book, i.e., chapters III, IV and V are likely to go a long way in giving some insight into some legislations made in the Tripura Assembly during the period from 1963 to 1976.

CHAPTER – II

HISTORICAL EVOLUTION OF TRIPURA LEGISLATIVE ASSEMBLY

Tripura stands between Assam and Bengal. The history of the kingdom of Tripura is long, extending over several centuries. The ruling dynasty of Tripura is believed by some to have its ancestral relations with the lunar dynasty of the Mahabharata. This is in pursuance of Rajmala which is totally unhistorical in the view of R.C. Majumdar, the eminent historian. Tripura passed through several vicissitudes of history.

The ancient period of Tripura was one of peace and prosperity. It was a period of nation-building. Many temples were built and tanks dug at the orders of the kings of Tripura. The famous rock-cut images at the Unakuti hills were engraved during this period. Sanskrit learning was patronized. Many Brahmans were brought from Mithila and Kanauj for sanskritisation. So long as Bengal was ruled by the Pala and the Sena kings, Tripura was safe from the fear of external aggression. The dethronement of Lakshman Sen of Bengal in 1204 A.D. by Ikhtiyar-ud-din Muhammad Bakhtyar Khalji was a great turning point in the history of north-eastern India. After that, Tripura became exposed to attacks and aggressions by the Afgans and the Mughals. The methods adopted by the foreign hordes were uncharitable. Tripura had to shift its capital several times and to incur heavy loss in men, money and materials. It was a time of troubles. Tripura was never at rest. The incursions and invasions of the Afghans and the Mughals, destructive though they were of life and property could not completely shatter the kingdom of Tripura, which survived the passing storms. The battle of Plassey in 1757 was another turning point in the history of India. It was a great transitional period; it

marked the eclipse of the freedom of Bengal, and the rise of the foreign rule of the British East India Company. During this period and the period of British rule in India, Tripura was influenced by the patterns of administration introduced elsewhere by the British Government. Administrative decentralization, legislation, establishment of schools and hospitals, maintenance of proper records, introduction of rule of law was the main features of this period.

With the demise of Maharaja Bir Bikram Kisor Manikya Bahadur on 17.05.1947 there was a virtual end of Monarchy i.e. the Raj in Tripura . A regency under the leadership of the Queen was established in 1947 and accession to India was accomplished by her only on September 9, 1949. Merger with India did not immediately bring in its wake a responsible government of Tripura. Relentless popular movements spearheaded by political parties resulted in responsible government in Tripura.

On 9.5.1948, the Gana Mukti Parisad, a tribal platform for fighting was formed under the political leadership of Dasarath Deb, Sudhanaya Deb Barma, Aghor Debbarma and Hemanta Debbarma in Sadar North Agartala. The main objective of the conference was to highlight the demand for a responsible government among other demands. Gana Mukti Parisad organized a big rally of Tribal people followed by a conference on August 15, 1948 and observed a demand day. After some time the leaders went underground and demanded independent Tripura instead of responsible government as sought earlier. After a huge loss of life and property through oppression and repression they returned back to the main-stream of life and raised their voice for a responsible government again on some date in the middle of 1951. ¹

Since its merger in 1949 down to 1972, the tiny state of Tripura went through the following phases:

- a) Period under Chief Commissioner's rule,(15-10-1949 to 14-4-1953) ²
- b) Period under Chief Commissioner with Advisory Council,(14-08-1959 to 14-10-1959) ³
- c) Period under Tripura Territorial Council,(15-10-1959 to 01-07 -1963) ⁴
- d) Union Territory,(01-07-1963 to 20-01-1972) ⁵
- e) Period under Statehood status since 1972 ⁶

A brief narration of each phase is not out of place to mention here in order to understand why and how transition from one phase to another took place. This will help as well as bring into focus the nature and character of political movement which took place in a given period. By and large, it is true that both the political parties, Congress and C.P.I. (after 1964 ,CPI (M)) led the people to contribute to the upholding panorama of political development in the state of Tripura .

PERIOD BETWEEN (1949 TO 1953): the Chief Commissioner's Rule:

The agreement of merger of Tripura with Indian Union was signed by the Maharani Kanchan Prava Devi, the regent, on September 9, 1949 . An administrator was appointed by the government of India who took up the administration as Chief Commissioner of Tripura which was a part "C" state of India on October 15, 1949 . This was in contravention of the wishes of the people who sought for democratic system of government under the leadership of various political outfits.

So at Agartala a “ Protest day” was observed on February 25 ,1951 by holding a big rally of the people of all shades of opinion and colour, under the Chairmanship of the learned Advocate Nibaran Chandra Ghosh and others, expressing resentment to the decision of the government of India to make Tripura a part “c”state. It was decided in the meeting to form an organization , namely “ Tripura Rajya Ganatantrik Sangha”, as a common platform of the people of all shades of opinion and colour for fighting against the undemocratic decision. The T.R.G.S. organized many meetings in different parts of Tripura . At the call of T.R.G.S. ,15 August,1951 was observed as a “Demand Day” , for introduction of a responsible government in Tripura . The same demand was also voiced in the T.R.G.S. meeting held on the 16 August,1951 at its Khowai conference. ⁷

Thus different political parties fought unitedly, under the banner of T.R.G.S., for a responsible government. But this unity did not last long. As the first general election came near in 1952 , the Congress dissociated itself from the T.R.G.S. and participated in the general election in 1952 , as a separate political party. ⁸

In that general election, in absence of the provision for a Legislative Assembly or a valid title to rule the state headed by a democratic set up, participation in the election by voters was not direct in the true sense of the term. The participation in the governance of the state was , therefore, indirect and limited in electing two representatives for the Loksabha and one for the Rajya Sabha through the Tripura Electoral College constituted with 30 members directly elected by the people of Tripura . Its only function was to send one representative to the Rajya Sabha . The members had no such power as enjoyed by members of a Legislative Assembly. The political pattern emerged out of the election remained valid only as a sharp relief for electoral

battle between Congress and C.P. I. This period of Chief Commissioner's rule lasted till 14 April, 1953. ⁹

At that time only one organization namely Tripur Sangha (formed earlier during the Maharaja of Tripura in the month of March, 1947) would hold its conference at Agartala. It was patronized by the Maharaja to safeguard the Tribal Interest and to secure some privileges for the Tribals in the state. But with the advent of the Tripur Rajya Gana Mukti Parisad, an organization dominated by the Communists which secured popularity among the Tribals, Tripura Sangha lost its hold among them. ¹⁰

PERIOD BETWEEN (1953to 1959): The Chief Commissioner with Advisory Council:

On April 14, 1953 a three member Advisory Council was appointed by the President of India to aid and advise the Chief Commissioner in the discharge of his duties. It was an attempt to counter-poise the demand of the "Left wing", "Joint front" for the establishment of an Assembly in the state. The formation of Advisory Council with its members nominated primarily from a political party, in disregard to poll verdicts could hardly meet the political aspiration, recently generated by Parliamentary politics.

The State Reorganization Commission (1954 to 1956) envisaged Constitutional changes in the structure of the states. On the basis of its recommendations, in November, 1956, Indian Constituent States were reclassified as, (a) the state , and (b) Centrally Administered Territory. Tripura was re-grouped as a centrally administered territory in 1957, with an Advisory Council at the centre to advise the Union government in regard to:

- (a) General questions of policy relating to administration,

(b) All Legislative proposals pertaining to the Territory,

(c) Matters relating to annual FINANCIAL STATEMENTS of TERRITORY.

As a measure of democratization in the administration of the Territory, THE TERRITORIAL COUNCIL ACT 1956(NO.103) was passed in keeping with the structural changes of the states. Consequent upon the second general election in 1957 the Tripura Territorial Council was formed on August 15, 1959.¹²

PERIOD BETWEEN (1959 to 1963): Tripura Territorial Council:

The Tripura Territorial Council (TTC) formed under Territorial Council Act, 1956, on August 15, 1959 consisted of 32 members in all 30 of them were elected on the basis of adult franchise and 2 were nominated by the government. The Congress party, in the election of T.T.C held in 1957 secured 15 seats out of 30 seats while the C.P.I. and its alliance got 15 seats. With 2 additional members nominated by the government, the Congress party could somehow achieve majority in the Council since 2 nominated members belonged to the congress. As a result Congress leader Sanchindra Lai Singha was elected chairman of the T.T.C. The 2 Lok Sava seats were equally shared by the 2 major contesting parties.

But the subsequent election of the T.T.C. held in 1962 marked a sign of improvement in the position of the Congress. In that election Congress secured 18 seats.

Under the dispensation a sort of diarchical government was introduced u/s 28 of the T.T.C. Act. Some of the wings of the Education, P.W.D., Medical and Agriculture departments of the Tripura Administration were transferred to the T.T.C. to be Administered by its Authority.¹³ Accordingly all primary and Secondary Schools of the Education Department(except 5 senior Basic



schools, which were retained by the Tripura Administration),¹⁴ all Hospitals and Dispensaries, all major District roads, bridges and buildings under the P.W.D. and the Animal Husbandry wing of the Agriculture Department came under T.T.C. to be administered and managed under the direct guidance of the T.T.C. Thus some Autonomy status was granted in local matters but with the provision of Central interference at every stage. The executive business of the T.T.C. was transacted through the committee system, presided over by the chairman of the council. The council somehow resembled an Autonomous corporation, except with a wide electoral backing. The Chief Commissioner still wielded the long arm of power in the Administration. The new arrangement, though partially fulfilled the demand for a popular government, could not satisfy the people's aspiration for self-government. Yet the T.T.C. provided the extended training background in democracy which really proved worthy for the people of the state for achieving further democratic outlook.¹⁵

PERIOD BETWEEN: (1963 to 1972): Union Territory:

The Territorial Council held its last meeting on June 24, 1963 and with that a chapter in the history of democratization of Tripura was concluded. On July 1, 1963, the "Union Territories Act came in to force. Under this Act a Union Territory shall be administered by an Administrator appointed by the President of India under article 239 of the Constitution".

"There shall be a Legislative Assembly for this Union Territory. All the seats to the Legislative Assembly shall be filled by persons chosen through direct election. Such members shall be 40 in Himachal Pradesh and 30 in each other Territory". So Tripura got 30 members. The Central Government might nominate not more than 3 persons as members of Legislative Assembly.

In respect of the extent of the Legislative power, the Legislative Assembly of a Union Territory, like Tripura might make laws for the whole or any part of the Union Territory with respect to any matters defined in the state list or the concurrent list in the 7th Schedule to the constitution. When a bill would be passed by the Legislative Assembly of such Union Territory like Tripura, it would be presented to the Administrator who would reserve the right for the consideration of the President.

There would be a council of ministers in each Territory with Chief Minister at the head to aid and advise the Administrator. The Chief Minister would be appointed by the President and other ministers would be appointed in the same way on the advice of the Chief Minister by the President. The council of ministers would be collectively responsible to the Legislative Assembly of the Union Territory. Like other Union Territories, Tripura was also placed under this status. With the introduction of government Union Territories Act, the diarchy in the Administration of Tripura came to an end.

The popular ministry of Tripura was inaugurated on July 1, 1963 and Tripura Legislative Council was converted in to the Tripura Legislative Assembly. The former Chief Commissioner became the Administrator as head of the state.

During the intervening period between the fourth and fifth general election in 1967 and 1972 some notable changes were discerned ----

- a) The expansion of the state cabinet;
- b) The change in the designation of the Administrator;
- c) The re-organization of the District Administration.

The composition of the first popular ministry in Tripura was confined to two ministers and three Deputy Ministers. The strength of the second ministry was expanded to five ministers including the Chief Minister and one Deputy Minister. The designation the Administrator was changed to Lt.

Governor in the early part of 1970 without initiating any change in the basic structure of the Administration in Tripura.

January 21, 1972 was a “red letter day” in the political history of the state, when Tripura became a full-fledged state. It was a day of fulfillment of hopes and aspirations of the lakhs of people in Tripura . The attainment of statehood of Tripura signified some changes namely:-

The membership of the state Assembly was raised to 60--- double the strength of the elected members prescribed for the Union Territory. It had no provision for the nominated members. The 60 members Assembly is still in vogue. Under the provision the Lt. Governor was re-designated as the Governor since that time. ¹⁶ The political transformation of Tripura was gradual and peaceful. It attained full-fledged statehood status through a series of constitutional changes.

PERIOD UNDER STATEHOOD STATUS, 1972

The people of Tripura were not fully satisfied with the introduction of the democratic set-up --- Legislative Assembly and the Ministry under the government of Union Territories Act 1963. The Marxist Communist Party launched movement demanding full-fledged statehood under the Indian Union. Sri Nripen Chakraborty, the then Leader of the Opposition of the CPI (M) in Tripura Assembly , wrote at the end of 1971 that Legislative Assembly was introduced when the Communists were kept in detention without trial. The power of that Legislature under the Union Territories Act were also limited , the Council of Ministers, being dependent on the mercy of the Chief Commissioner. Thus the machinery of respective government under such disposal was too inadequate to meet the increasing responsibilities. So the struggle began again. This time Tripura was not alone. Manipur and Himachal Pradesh also came in the same line. The Communist party (Marxist) took the

leading part of the movement in Tripura. There were also demands from the Congress M.P. elected from Tripura who spoke in the Lok Sabha demanding for a full-fledged statehood for Tripura where a fully responsible government could be installed.

Meantime , Bangladesh war started in 1971 and Tripura had a large contribution to play at that time. The role it played was unfathomable. It bore the burden of responsibility of a large number of refugees almost equal to its whole population along with facing the horrors of war.

Agitational movements in the demand of statehood started and continued in Manipur and Mizoram also. At the pressure of the movements in Tripura , Manipur and Mizoram, the Centre became lenient. As a result, the North Eastern Areas (Re-organization) Act,1971 was passed in the Parliament and assented to by the President on December 30 ,1971. According to this Act Tripura , Manipur and Meghalaya attained the statehood of the Indian Union. In Tripura the Act was given effect to and from January 21, 1972. The people of Tripura thus won the long-drawn battle.

After Tripura's attainment of statehood the first election of the state Assembly was held in 1972. In that election Congress secured 41 seats out of 60. The swearing in ceremony of the new Ministers took place on March 20 and 31, 1972. The Council of Ministers was assisted by a well-organized secretariat headed by a Chief Secretary, having up-graded status of joint Secretary of the Union government from 21.1.1971. It had a Finance and Judicial Secretary also besides development Commissioner and Chief Engineer. Director of Education and Director of Rehabilitation used to function as the ex-officio secretaries of their respective departments.

The political development and the administrative improvement were rapidly changing the face of the state. The political changes led to

consolidation of the two main parties, Congress and C.P.I. (M). After the introduction of statehood a common cadre of I.A.S, I.P.S. and I.F.S. were created under the title of "Joint Tripura Manipur Cadre". A stable political executive was established after the election in 1972. The whole of the administrative setup of the state was tuned up after the British Administrative system. With the publication of daily news papers from Agartala the channels of communication between the people and the government were developed to a large extent. The political consciousness of people became very responsive. With this, the transition of Tripura from absolute Monarchy to Parliamentary democracy was complete.¹⁷

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CHAPTER – III

TRIPURA LEGISLATIVE ASSEMBLY: A STUDY OF ITS EVOLUTION AND SELECT LEGISLATIONS (1972-2002)

A. Objectives

The present study has sought to analyse some important legislative enactments for understanding the evolution and growth of the Legislative Assembly of Tripura as also the political development of the State. Now, in order to trace out the political development of Tripura during the period under review, it has been deemed necessary to highlight the gradual development of the State in three broad important facets and these are: a) Administrative decentralisation, b) Socio-Economic and c) Social welfare. The Tripura Legislative Assembly, during the period under discussion, enacted a good number of legislations in these areas with a view to propel political development in the State. It is only relevant to give a brief account of some important legislations enacted by the Tripura Assembly that fall within the purview of the three categories as mentioned above.

Administration decentralisation in the rural areas of Tripura did not get a real shape for long 23 years (1953-1982) as the state depended on the United Provinces Panchayat Raj Act, 1947 during the period. In view of the fact that this act was quite inadequate for regulating the Panchayat Institution in the State, the Tripura Panchayats Bill, 1983 was placed in the Assembly by the Left Front Government and it was unanimously passed and became an act. The act replaced the system of election of members of the Gaon Panchayat by show of hands by voting through secret ballots, provided for election of the Pradhan indirect in stead of direct as was in vogue so far, reduced the age of

voters from 21 to 18 and brought about procedural improvements in respect of its functioning, powers, financial resources as also the relation of the state government with the election of the Panchayat.¹ The act was amended in 1986,1988,1992 and 1994 to suit the changing needs of time and as a result, three –tier Panchayati Raj system has been functioning in the State with greater and greater success with the passage of time.

Again, an attempt at democratic decentralisation in the urban areas of Tripura by re-constituting Agartala municipality (the only municipality of Tripura) by elected members and to enable it to function as an unit of self-government was found when the Bengal Municipal (Tripura Amendment)Bill, 1972 (Tripura Bill No 8 of 1972) was introduced in the Tripura Assembly in 1972.

The Bill aimed at amending certain provisions of the Bengal Municipal Act, 1962 as extended to Tripura. The amendment related mainly to the preparation of electoral rolls by the Magistrate in charge of the Sub-Division in which a Municipality was situated, revision of qualification of the voters, making provisions for the holding of general election in default of timely election on the event of an election being set aside by the court and some other ancillary matters. Incidentally, election of the Agartala Municipality was kept in abeyance for long 14 years and the government wanted to hold an early election for reconstitution of the Municipality by elected commissions. But it was difficult to prepare the electoral rolls for the election of the Municipality under the existing Act, and hence was the Bill for amendment. The Bill for amendment was passed in the Assembly and it became an act in due course.² For all that, the government could not hand over the Municipal administration to an elected body during its life-time (1977—a part) similarly, the government failed to implement its own decision to declare some Sub-

Divisional towns of Tripura as Notified Areas. As a result, the Bengal Municipal (Tripura Amendment) Act, 1972 had to be amended by the Left Front Government in 1982, 1983, and 1994 in order to reconstitute the Agartala Municipality, handing it over to an elected body and also constitute Notified Area Authorities in the Sub-Divisional towns of Tripura and transfer power to those bodies.

Next, in order to have some light about socio-economic aspects of political development of the State during the period under review, we are to look back at the Tripura Land Revenue and Land Reforms (Second Amendment) Act, 1974 and its important subsequent amendments.

The TLRLR (2nd Amendment) bill, 1974 had three main objects before it. First, introducing Land Reforms in order to remove the obstacles in the matters of agricultural production and remove elements of exploitation and social injustice in the agrarian system by giving of security of tenure to holder and sharecroppers by reducing the ceiling of holdings. Secondly, providing restriction to transfer or partition of ST owners land and also making provision for restoration of the land of the ST owner transferred illegally on or after January, 1969. Lastly, repeal of the 'Tribal Reserve Order' of the last king of Tripura on the plea that it sought to protect the interests of 8 Tribes in Tripura as against 5 Tribes in the Maharaja's 'Reserve'. But the opposition in the Assembly strongly opposed the bill and it requested the government to withdraw the bill and accept its demand for reconstitution of Tribal reserve, but no heed was paid to the demand and the bill was carried after a vociferous debate.³

The main object of the 3rd amendment to the Act (moved in 1975) was to introduce a few restrictions on the rights on transfer in the areas

predominantly inhabited by the Scheduled Tribes for the Protection of their interest.⁴

The Fifth Amendment of the Bill (moved in 1979) mainly sought to extend the benefit of presumption of Barga interests on sharecroppers and to restore land to such sharecroppers who had been unlawfully evicted from the land. Provision of special machinery for recording barga interests and for dealing with all other matters relating to Barga interests was also made.⁵

The sixth Amendment Bill (moved in 1989) sought to define the term "Transfer" so as to include all possible transactions on land of Tribals. It also declared trespass on Tribal land as cognizable offence and made provision for imposing penalty on the trespassers. Provisions were also kept in it to waive limitation in any application or suit for restoration of land by a Tribal.⁶

The Tripura Land Revenue and Land reforms (seventh Amendment) ordinance 1996 was promulgated on 18th October, 1996 and it was placed before the Assembly in the form of a Bill in the year 1997. The main aim of the Bill was to provide special provisions for protecting the lands belonging to the Scheduled Tribes. The Bill was passed in the Assembly and became an act.⁷

It is evident from the above discussion that the Tripura Land Revenue and Land Reforms Act and its 2nd, 3rd, 5th, 6th and 7th amendments had been brought and passed in the Assembly with two specific intentions and those were :i) Extension of some economic safeguards to the tribesmen , and stoppage of alienation of their land and restoration of their illegally alienated land from the nontribals, and ii)making some economic benefits available to weaker sections of the nontribals and of the sharecroppers and the marginal and landless farmers and labourers in particular. In this attempt, the extent of success was not more than partial. While the attempts at stopping further illegal alienation of tribal land attained good success, the steps for restoration

of illegally transferred tribal land to the real owner are yet to go a long way. So far, the steps for the protection of right of sharecroppers on land has attained appreciable success, but steps for protecting other minimum rights to the marginal farmers and landless labourers are yet to overcome many hurdles. The solution of the problems depend on materialising development programmes, and for that peaceful atmosphere in the state is a pre-condition which , in its turn, depends largely on central response to the state's appeal for all possible assistance including supply of required number of Army and B.S.F. battalions for successfully combating the extremist activities.

Let us now turn to a set of important Legislations that went a long way in protecting and promoting social welfare of the weaker sections of the people of the State, and the Scheduled Tribes, Scheduled Castes and the womenfolk in particular. The Legislations were: a) Tripura Tribal Areas Autonomous District Council Act 1979(as amended in 1982 and 1985); b) Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991 (as amended in 1997; and c) the Tripura Commission for Women Act, 1993(as amended in 1994).

The Tripura Tribal Areas Autonomous District Council Bill, 1979, that became an act on July, 30, 1979 led to the formation of the T.T.A.A.D.C. in terms of the 7th schedule of the constitution on 18th January, 1982. The object behind setting up T.T.A.A.D.C. by the state government was to transfer power gradually with adequate financial resources to the grass –roots institution to free the tribal people from injustice and to encourage them to draw the blueprint of over all developmental programmes of the locality. How the state government, since the birth of the T.T.A.A.D.C. in 1982 had already assigned to the grass-root organisation a number of programmes of development and how the areas of work and responsibilities of the T.T.A.A.D.C. increased year

after year may be revealed from the fact that while the institution started its journey in the first year with a budget of only Rs. 79.10 lakh, in the second and the third year it went upto Rs 9.74 crores and Rs 10.81 crores respectively. In this way, the annual budget was increasing day by day and the budget of the T.T.A.A.D.C. is undoubtedly a great index to understand properly the attitude of the state government towards the development programmes of this institution.⁸

This Act was amended in 1982 as, on scrutiny of the provisions of the Act, it appeared that amendment of some sections of the Act became necessary to remove some clerical errors and also some ambiguities. Some minor amendments of some other sections were also considered necessary for sake of clarity of some provisions of the Act.⁹ In view of this, an amendment Bill was brought on the Act and it was passed in the same year.

But the Autonomous District Council under the 7th Schedule of the constitution could not satisfy the tribals of Tripura who had been pressing their demand for long for the 6th schedule. The Tripura Assembly also adopted resolutions two times urging the Central Government to introduce the 6th schedule of the constitution into the predominantly tribal inhabited areas of the state. This persistent demand led the Central Government to amend the constitution and thus the long awaited Autonomous district Council in terms of the Sixth Schedule was introduced in April, 1985. With this was paved the way for the greater autonomy of the tribal people of Tripura and also more responsible functioning of the Autonomous District Council.¹⁰

Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991 and its amendment in 1997 also went a long way in solving the problems being faced by the S.C. and S. T. population of the state in respect of the issues of reservation of vacancies in

services and posts and also some of the allied issues. The act came into force with effect from October, 1992 and at that time, reservation for SC's and ST's in the services was fixed at 15% and 28% respectively (as the S.C. & S.T population in the state was then 15.12% and 28.44% respectively). But the Act had to be amended in 1997 on some grounds such as (i) As per 1991 Census Report, the percentage of SC and ST population increased to 16.36 and 30.36 respectively and hence the percentage of reservation for SC's and ST's in services and posts was to be replaced by 16% and 31% respectively; (ii) the SC's and ST's were not as yet adequately represented in the services and posts; (iii) Provision should be there in the proposed amended Act empowering the government to review any decision taken in respect of appointment /promotion or in issuing and cancelling SC/ST certificates; (iv) the Schedule to the Act containing the 100 point roster was also needful; and (v) the modified policy of the government of India regarding reservation for ex-servicemen and physically handicapped had also to be taken into consideration.¹¹

Thus, incorporating all the above five issues, the Tripura Scheduled Castes and Scheduled Tribes Act, 1991 was amended in 1997 and in the amended act provisions were made for extending the facilities of reservation of vacancies in services and posts for the SC's and ST's, and ex-servicemen and physically handicapped alike. At the same time, provisions were kept empowering the government to review any decision regarding appointment/promotion or in issuing and cancelling SC/ST certificates.

The Tripura Commission for Women Bill, 1993 was placed before the Assembly and passed and it became an act after it received the assent of the Governor in January, 1994. The Tripura Commission for women was constituted in February, 1994 with a Chairperson, a Vice-Chairperson, 5

members and a member secretary. The major functions of the Commission, according to Tripura Commission for Women Act, are to “look into complaints and take suo moto notice of matters relating to (i) deprivation of Women’s rights, (ii) non-implementation of laws enacted to provide protection to women and also that it has all the powers of a civil court while investigating such cases of complaints”¹² The Commission dealt and has been dealing with all such cases with all seriousness. In consideration of seriousness of the cases, it takes direct action or refers some cases with due considerations to appropriate authorities which include law enforcing agencies and police department.¹³

Among the cases directly dealt with by it, the commission took and has been taking prompt steps to expedite action in the cases of serious nature like dowry murder or suicide, dowry torture, rape, kidnapping, abduction, sexual harassment in place of work, harassment of widow and her deprivation from properties, and other serious types of cruelty and torture by husband and in-laws etc. In case it is found that no action worth the same has been taken by the appropriate authority and in order to expedite the process, the commission under the leadership of the Chairperson or a member conducts enquiry with a team that visit the concerned place, enquire into the matter, cross the victims, identify the truth, prepare reports and send the same to appropriate authority with suitable recommendations for proper action.¹⁴

Again, since the commission has been strongly of the view that rehabilitation of the victim woman is the most important part of offering justice to them, it always tried and is still trying to initiate some measures in a bid to rehabilitate them. Furthermore, in course of looking into the complaints, and redressing women’s grievances, the commission tried and has been trying its utmost to solve the problems and settle their disputes amicably

outside police station and court. But when all the efforts of the commission fail to settle dispute amicably and it finds that the allegation of the victimised woman is true, the commission is left with no option but to advise the party to go to court for redress. But as the existing legal system does not work smoothly to help the women properly, the commission has to prepare a panel of legal practitioners that has started and continued to provide legal assistance to the victimised women with minimum charge of litigation.¹⁵

From the role being played by the commission for women in line with the provisions of the Act, the womenfolk of Tripura and the depressed and victimised sections among them in particular are expected to go on getting protection by the commission in the days to come also.

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B. Universe of the Study

To trace political development of the state of Tripura through legislative initiatives is highly instructive and interesting. Since its merger with the Indian Union in 1949 Tripura attained the status of statehood in 1972 through a protracted process of political development. The present study has, at the beginning, historically taken into consideration important landmarks in that evolution and a brief account of the same is as given below.

Tripura stands between Assam and Bengal. The history of the kingdom of Tripura is long, extending over several centuries. During the period of British rule in India, Tripura was influenced by the patterns of administration introduced elsewhere by the British Government.

With the demise of Maharaja Bir Bikram Kishore Manikya Bahadur on 17.05.1947 there was a virtual end of Monarchy, i.e. the Raj in Tripura. After the demise of the Maharaja, the Regent Maharani signed the Instrument of

accession on August 13, 1947 and with this was solemnised the accession of Tripura to Indian Union.¹

In May, 1948, the Gana Mukti Parishad, a tribal platform for fighting was formed in Sadar, Agartala. The main objective of the Organisation was to highlight the demand for a responsible government among other demands. The Parishad organized a big rally of Tribal people followed by a conference in August, 1948 and observed a demand day. After some time the leaders went underground in the face of repressive measures by the regent government and raised the demand of independent Tripura in stead of responsible government as sought earlier. It was perhaps the gravity of the situation that led the government of India to think in terms of taking over the administration of the state without any further delay. The additional task of looking after the large number of refugees from the then East Pakistan was also considered as one of the causes of the take-over.² The merger agreement was, accordingly, signed by the Regent, on behalf of the minor Prince on 9th September, 1949, and the state was taken over as a Chief Commissioner's Province on 15th October, 1949.³

An administrator was, accordingly, appointed by the Government of India who took over the administration as Chief Commissioner of Tripura which was declared as part "C" State of India. This was in contravention of the wishes of the people who sought for democratic system of government under the leadership of various political outfits. So in Agartala a " Protest day" was observed on February 25, 1951 by holding a big rally of the people of all shades of opinion and colour under the chairmanship of Advocate Nibaran Chandra Ghosh expressing resentment to the decision of the government of India to make Tripura a part "C" State. After that meeting, an organisation named "Tripura Rajya Ganatantrik Sangha" was formed as a common platform

of the people of all shades of opinion and colour for fighting the undemocratic decision. The T.R.G.S. organised many meetings in different parts of Tripura. At the call of the T.R.G.S, 15 August, 1951 was observed as a "Demand Day", for introduction of a responsible government in Tripura.⁴

Thus different political parties (Congress, CPI, Forward Block and other political parties) and non-political organisations fought unitedly, under the banner of the T.R.G.S, for a responsible government. But this unity did not last long. As the first General Election of 1952 came near Congress dissociated itself from the T.R.G.S. and participated in general election as a separate political party.⁵

The Communist Party of Tripura made a front with the T.R.G.S. and some other progressive groups and individuals. The alliance occupied 18 out of 30 seats of the Tripura Electoral College. Congress got 10 seats and unattached individuals got 2 seats. Both the Lok Sabha seats were won by CPI candidates Dasarath Deb and Biren Datta. ⁶ The Struggle for responsible government by the joint Front at the leadership of the Communist Party was resumed shortly after the General election. The Front demanded that as the Electoral College had no function other than sending one of its representatives to the Rajya Sabha, the Government of India should convert it into Legislative Assembly forthwith, and that would fulfil popular aspiration for responsible government to some extent. But no heed was paid to the demand. Shortly after that an agit-prop. movement spearheading the demand for responsible government was started by the Front all over Tripura. In order to suppress the movement, the Government of Tripura declared 144 Cr. P.C. in some subdivisions and thus meetings, processions and demonstrations were banned. ⁷

The ban lasted till the end of January, 1953. Almost simultaneously, the government of India announced its decision that as Tripura was a frontier state, it would continue to remain under the direct control of the Chief Commissioner and an advisory council would be constituted to advise the Chief Commissioner on administrative matters. Large public meetings were organised by the left parties all over Tripura, protesting against the proposed advisory council and demanding immediate setting up of a legislature.⁸ But no heed was paid to the demand and on 14.4. 1953, a three member Advisory Council was appointed by the President of India to aid and advise the Chief Commissioner in the discharge of his duties. The formation of Advisory Council with its members nominated primarily from a political party, in disregard of political verdicts could hardly meet the political aspiration, recently generated by parliamentary politics.

The States Reorganisation Commission envisaged constitutional changes in the structure of the state. On the basis of its recommendations, Indian constituent states were reclassified in November, 1956 as (a) the State and (b) Centrally Administered territory. Tripura was regrouped as a centrally administered territory in 1957 with an Advisory Council at the centre to advise the Union Government. As a measure of democratisation of administration of the Territory, the Territorial Council Act 1956 was passed in keeping with the structural changes of the states. Consequent upon the second general election in 1957 the Tripura Territorial Council was formed on August 15, 1959 with 32 members.⁹ In the Election of the T.T.C. held in 1957, the Congress Party secured 15 seats while the CPI and its alliance got 15 seats. The 2 Lok Sabha seats were equally shared by 2 major contesting parties with 2 additional members nominated by the government from the Congress party, the party

could somehow achieve majority in the council. As a result Congress leader Sachindra Lal Singha was elected Chairman of the TTC.

But the subsequent election of the T.T.C. held in 1962 marked a sign of improvement in the position of the Congress as the party secured 18 seats in the election. Under the dispensation a sort of diarchical government was introduced u/s 28 of TTC Act. Some of the wings of the Education, P.W.D., Medical and agriculture departments of the Tripura Administration were transferred to the T.T.C. to be administrated by its authority.¹⁰ Thus some Autonomy status was granted in local matters but with the Provision of Central interference at every stage. Hence the new arrangement though partially fulfilled the demand for a popular government, could not satisfy the people's aspiration for self-government. Yet the T.T.C. provided the extended training background in democracy which really proved worthy for the people of the state for achieving further democratic outlook.¹¹

The Territorial Council held its last meeting on June 24, 1963 and on July 1, 1963, the Union Territories Act came into force. "Under this Act a Union Territory shall be administered by an Administrator appointed by the President of India under Article 239 of the Constituion", it was pointed out. It was also mentioned that there would be a Legislative Assembly for the Union Territory. All the seats to the Legislative Assembly would be filled by persons chosen through direct election. Such members would be 40 in Himachal Pradesh and 30 in each other territory. So Tripura got 30 members.

In respect of the extent of the Legislative power, the Legislative Assembly of a Union Territory like Tripura might make laws for the whole or any part of the Union Territory with respect to any matters defined in the state list or the concurrent list in the 7th Schedule to the constitution. When a bill was to be passed by the Legislative Assembly of such Union Territory like

Tripura, it was to be presented to the Administrator who would reserve the right for the consideration of the President.

Further, there was provision for a council of Ministers in each Territory with Chief Minister at the head to aid and advise the Administrator. The Chief Minister would be appointed by the President and other ministers would be appointed in the same way on the advice of the Chief Minister by the President. The Council of Ministers would be collectively responsible to the Legislative Assembly of the Union Territory. Like other Union Territories, Tripura was also placed under this status. With the introduction of Government Union Territories Act, the diarchy in the administration of Tripura came to an end.¹²

The popular ministry of Tripura was inaugurated on July 1, 1963 and the Tripura Legislative Council was converted into the Tripura Legislative Assembly. The former Chief Commissioner became the Administrator as the head of the state.

The composition of the first popular ministry in Tripura was confined to two ministers and three deputy ministers. The strength of the second ministry (1967-1971) was expanded to five ministers including the chief minister and one deputy minister. The designation of the administrator was changed to Lt. Governor in the early part of 1970 without initiating any change in the basic structure of the Administration in Tripura.¹³

The people of Tripura, however, were not fully satisfied with the introduction of the democratic set up in Legislative Assembly and the Ministry under the Government Union Territories Act 1963. Hence a vigorous movement led by the Communist Party of India (Marxist) was launched in the demand of full-fledged statehood under the Indian Union started. Agitational movements in the demand of statehood started and continued in Manipur

and Mizoram also. At the pressure of the movements in Tripura, Manipur and Mizoram, the Centre became lenient. As a result, the North Eastern Areas (Re-organisation) Act, 1971 was passed in the parliament and assented to by the President on December 30, 1971. According to this Act Tripura, Manipur and Meghalaya attained the statehood of the Indian Union. In Tripura the Act was given effect to and from January 21, 1972. The people of Tripura thus won the long-drawn battle .¹⁴

The Delimitation of Assembly Constituencies of the first full-fledged Tripura Legislature was done as per section 4 of the North eastern (Regulation) Act 1971 which 6 provided that the total number of seats in the Legislative Assembly of Tripura would be 60 out of which 6 seats would be reserved for the Scheduled Castes and 19 seats for the Scheduled Tribes. The first election of the State Assembly of Tripura was held in 1972. In that election, Congress got 41 seats, CPI (M) –led front won 18 seats and the CPI got 1 seat.

A nine member council of Ministers headed by Sukhamoy Sengupta took over the charge of administration of the state in March, 1972 and in the next month, 2 more ministers were included. This Congress led government functioned upto March, 1977 and it used the Legislative Assembly in order to pass legislations for propelling socio-economic development of the state. Some of these legislations were relating to administrative decentralisation, socio-economic and social welfare and a brief account of those are as given below:

Regarding decentralisation of powers to the rural areas of Tripura, no legislation was made in the life-time of this government. It however went on following the United Provinces Panchayat Raj Act, 1947 as was extended to Tripura in 1959. Some assurances were given in the Assembly from time to

time that the task of executing the development plans of the localities would be entrusted to the Panchayats. Accordingly, provision for some money had been made for the panchayats in the budget of 1972 -73, but the money so earmarked was too meagre to meet the requirements of development of the Panchayats. In March, 1973 again, the government assured that decentralisation was its motto and that it was trying to revitalise the panchayats with that end in view, but no step worth mentioning was evident in practice. Hence, the opposition in the Assembly pointed out that though transfer of powers was one of the essential pre-requisites for activating the panchayats, the government was not at all serious about the required delegation of powers. It, therefore, demanded that immediate necessary steps should be taken to activate the panchayats by amending the existing act in order to provide for delegation of powers to them, but no heed was paid to the demand.¹⁵ The Government, however, accepted the demand subsequently to some extent by declaring its resolve to "gradually associate them with work connected with development, food distribution, etc. and thus enable them to shoulder higher responsibilities in future."¹⁶

However, step for democratic decentralisation in the urban areas of the state by reconstituting Agartala Municipality (the only Municipality in Tripura) by elected members was taken by introducing "the Bengal Municipal (Tripura Amendment) Bill, 1972 in the Assembly. The aim of the Bill was to amend some provisions of Bengal Municipal Act, 1962 as was extended to Tripura previously. Selection of the Agartala Municipality was kept in abeyance for long 14 years and the government wanted to hold an early election for reconstitution of the Municipality by elected commissioners. But it was difficult to prepare the electoral rolls for the election of the Municipality under the existing act and hence the bill was to be moved. The bill was passed

in the Assembly and became an act. But the Government could not hand over the administration of the Municipality to an elected body during its life time.¹⁷ Similarly, the government did not succeed in implementing its own decision to declare some Sub-Divisional towns of the state as Notified Areas.

Next, in order to have some light about socio-economic aspects of political development of the state during the period, we are to look back at the Tripura Land Revenue and Land reforms (Second Amendment) Act, 1974 (as amended in 1975 and 1976).

The TLRLR (2nd Amendment) Bill, 1974 mainly had three objects before it. First, introducing Land Reform which were essential to remove exploitation in the matters of agricultural production and remove elements of exploitation and social injustice in the agrarian system by giving of security of tenure to holder and sharecroppers by reducing the ceilings of holdings from 2 hectares to 7.2 hectares. Secondly, providing restrictions to transfer or partition of ST owner's land and also making provision for restoration of the land of ST owner transferred illegally on or after January, 1969. Lastly, repeal of the 'Tribal Reserve Order' of the last king of Tripura on the argument that it sought to protect the interests of 8 Tribes of Tripura as against 5 Tribes in the Maharaja's Reserve'. But the opposition in the Assembly raised its voice against the repeal of the 'Tribal Reserve' and it requested the government to withdraw the bill and accept its demand for reconstitution of the tribal Reserve, but no heed was paid to its demand, the bill was passed.¹⁸

The main object of the 3rd Amendment (moved in 1975) to TLRLR Act was that it ought to introduce a few restrictions on the rights of transfer in the areas predominantly inhabited by the Scheduled Tribes for the protection of their interest.¹⁹ The main objects of the 4th Amendment (moved in 1976) Bill was to provide exemption from the operation of ceiling for land held by Bank.

The Bill also sought to allow the members of the ST's to mortgage land for the purpose of securing repayment of any loan in favour of a Bank.²⁰

The first State Assembly functioned upto March, 1977 with the Congress Party in power and in April, the Congress government fell as most of the congress MLA's defected to the newly formed CFD party (Centre For Democracy) and then, the first coalition Government of Tripura was formed with the CFD and the CPI (M) and it lasted for 4 months. Then most of the CFD MLA's defected to the Janata Party and the Janata-CPI (M) coalition government came about and it lasted upto November, 1977 and then the government fell and the Assembly was dissolved and President's Rule was imposed on the state and that marked the end of the first State Assembly of Tripura.²¹

The second State Legislative Assembly of the State was constituted through the Assembly election held on 31st December, 1977. Out of 60 seats, this time 17 seats were reserved for Scheduled Tribes and 6 seats were reserved for the Scheduled Castes. Out of 60 seats, the Left Front won 56 seats out of which CPI(M) alone got 53 seats including one independent supported by it; RSP got 2 and FBI 1 seat, while TUJS secured 4 seats. INC, CFD and Janata Party lost all the seats they contested.²²

After the result of the elections were declared , the first Left Front Government was formed in the state under the leadership of CPI(M), Shri Nripen Chakraborty became the Chief Minister of the Government, other constituents of the Ministry were RSP and Forward Block.

From the very beginning of its assumption of power, the question of ethnic harmony became a major issue to the Left Front Government. The Front decided to form a district Council in the tribal majority area of the state and declared that steps for restoration of illegally alienated tribal land would

be taken up soon. Accordingly, the Tribal Area Autonomous District Council Bill, 1979, a bill in terms of 7th Schedule of the constitution was brought in the Assembly. The bill envisaged creation of a single compact District comprising predominantly Tribal areas. For securing self-government TTAADC was to be administered by representatives voted to the power by votes of both Tribal and non-Tribal with majority reserved seats for the former. The bill was unanimously passed in the Assembly in March, 1979 and became an act after getting the assent of the President of India on July, 30, 1979.²³

Shortly after that 'Amra Bangali' a Bengali chauvinist Party of the state called for Tripura Bandh and organised mass meetings to oppose the formation of district council. By the middle of the year communal tension in Tripura became very high. On 15th March, 1980, the TUJS, in its general meeting held in an interior place of South Tripura, adopted resolution for expulsion of "foreigners" (all people who migrated to Tripura after 15th October 1949) from Tripura. Two courses of action were taken after that meeting: (a) deputation and demonstration in front of all block offices simultaneously on 21.5.1980 and (b) the boycott of all markets in the state by Tribal people during the 1st week of June, 1980. This Bazaar boycott movement created more tension. Mischief and rumour mongers took advantage and it came to a flash point on 4th and 5th June, 1980 to escalate genocide. Numerous villages were laid waste. Thousands of people were rendered homeless and properties destroyed. Hundreds of people of both the communities were murdered. Tripura government took prompt actions, and declared pacification programmes with a view to resettle the misguided extremists to which some of them responded.

The autonomous district Council for the Tribal Areas comprising an area of 7,132,53 square Km. came into being on 18th of January, 1982 under

Schedule III of the Constitution, in terms of Tripura Tribal Areas Autonomous District Council Act, 1979. The TTAADC introduced , for the first time, tribal self-government into Tripura, allowing an elected 28 member council an opportunity to direct tribal life in a compact area comprising 164 revenue villages and 47 tehsils to protect tribal right to land , guarantee employment and to ensure the right against exploitation by village money lenders.²⁴

Although an ADC in terms of the Seventh Schedule was introduced into Tripura, it did not satisfy the aspirations of the tribals who were for an Autonomous Council under Schedule II. The Assembly also adopted resolutions on two occasions calling upon the Central Government to introduce the sixth Schedule of the constitution of India into the Tribal areas of Tripura, but to no effect within the life-time of the second state Assembly.

Another significant step of the government was to move the Fifth Amendment Bill (Bill no 6 of 1978) to the Tripura Land Revenue and Land Reforms Act in the Assembly. The Bill sought to bar the jurisdiction of civil courts in matters relating to settlement of land revenue or incidents of any tenancy to which record of rights related Provisions had also been made for revision of any entry in record of rights by Revenue officer within 3 years on application or at any time on his own notion.

The Bill also sought to confer the benefit of Presumption of Barga interests on Bargadars and to restore land to bargadars evicted from land. A special machinery for recording Barga interests and for dealing with all other matters relating to Barga interests was also provided for.²⁵

The Assembly election of 1983 in Tripura was held in January, 1983. The main political parties in the election were the constituents of the Left Front, i.e. C.P.I.(M), CPI, RSP and Forward Block on the one hand and INC and

TUJS on the other. Moreover, Amra Bangali candidates and some individual members were there.

In the election, the Left Front won the majority of seats to run the State government for the consecutive second term. The Front got 39 seats in total of which the CPI(M) captured 37 seats and RSP won 2 seats . The other constituents of the Front CPI and Forward Block could not win any seat in the election. In the opposition camp INC won 14 seats including 2 individuals and the TUJS got 6 seats. The Amra Bangali won 1 seat. ²⁶

Side by side its various pro-people activities as was pursued by the first left front government, this government raised and continued the demand for introducing the Sixth Schedule of the constitution of India into the Tribal Areas of Tripura as was done by the previous government. It was in the wake of a persistent demand that the Central Government agreed to introduce the Sixth Schedule. Accordingly, on August 23, 1984 the Constitution (Forty-Ninth Amendment) Bill, 1984 was introduced before the parliament and it was passed, providing for making applicable to Tripura the provisions of the Sixth Schedule to the constitution on such date as might be appointed by Central Government by notification in the official gazette.²⁷

The autonomous District Council in terms of the Sixth Schedule was introduced on April, 1985 replacing the 39-month old ADC under the Seventh Schedule. This paved the way for the greater autonomy of the Tripura Tribals and more responsible functioning of the Autonomous District council. The council provided for a 30-member council of whom 21 are elected tribal representatives, while 7 are general; and 2 are nominated. A 7-member Executive Committee including the Chief Executive member elected by the council disposes of all matters falling within the preview of the District Council. The Council covers now an area of 7,132,52 sq. Kms. including 462

revenue villages out of Tripura's total area of 10,477 sq. Kms and a population of about 7 lakhs out of which about 5 lakhs are Tribals.²⁸

The election of the Tripura Assembly, which was held in February, 1988, faced an unprecedented situation. One month before the election there was a stream of violence organised by the TNV (Tripura National Volunteers), a tribal extremist group that seceded from TUJS (under the leadership of Bijoy Hrankhwal). They killed more than one hundred innocent non-tribal people before 2/3 days of the election. The Union government declared the state as a disturbed area 72 hours before the election and deployed armed forces in the state ignoring the objection of the State government.

In the election, the INC bagged 24 seats and its electoral ally TUJS secured 7 seats. The CPI (M) got 26 seats and another partner of the Front RSP got 2 seats.²⁹ The Left Front got 49.26% and Congress and TUJS together got 47.48 % votes in election. Allegation of rigging for 3 seats in the counting centre at Agartala was raised by the Left Front.

This election of the State Assembly put an end to the one-decade long Left Front rule in Tripura, and the INC and the TUJS together formed a coalition government in the state under the leadership of Sudhir Ranjan Majumder.

Immediately after coming to power the coalition government dismantled the panchayats all over the state and did not take step to hold elections of those bodies as long as it was in power. In the parliamentary elections of 1984 and 1991 to the Tripura (West) parliamentary seat, shameful rigging was allegedly resorted to by the ruling alliance as a result of which congress candidates Santosh Mohan Deb won by a very big margin. In the election to reconstitute the TTAADC in 1990 also, allegation of shameful rigging and terror tactics were raised vigorously by the opposition, and the

Congress-TUJS alliance captured the ADC. For all that one commendable step of the government deserves mention and that was, it moved the Sixth Amendment Bill to the Tripura Land Revenue and Land Reforms Act in the Assembly in the year 1989. The Bill sought to further strengthen the measures to prevent alienation of tribal land and also for effective implementation of provisions for restoration. In the Principal Act the transfer of land belonging to a member of Scheduled Tribe to a person not a member of such tribe was restricted but the expression "Transfer" was not defined which created confusion in dealing with the various types of transactions of land. The bill sought to define the term "Transfer" so as to include all possible transactions on land. It also declared trespass on tribal land as cognizable offence and provided for imposing penalty on the trespassers. The bill also contained provision for constituting special court for speedy trial of such offences. The bill further provided to bar the jurisdiction of civil court in any suit for declaration of title by a non-tribal against a tribal. It also provided to waive limitation in filing any application or suit for restoration of land by a Tribal.³³ The bill became an act in the same year after obtaining the assent of the President.

The elections for constituting the Fifth State Legislative Assembly was held on 3rd April, 1993 under the President's rule. Before these elections, the INC & TUJS alliance had to quit office as their tenure was lapsed. In this election, the INC& TUJS alliance could not return to power. The Left Front already on the offensive (taking up the issue of restoration of democracy in the State and safeguarding the tribals and other minorities) came back to power securing 47 seats out of which the CPI(M) alone bagged 44 seats and F.B. and RSP got 1 and 2 seats respectively. The INC got 10 seats and its ally TUJS secured 1 seat only.³¹

After coming back to power, the first major step taken by the Left Front Government was to take the initiative to bring the extremists back to normal life. In August of the year, an agreement was signed between the state government and the ATTF (All Tripura Tribal Force) representatives and on the basis of that the ATTF members started to surrender in groups from November of the year and the process was completed within a short period of time. But another group of the ATTF named Tiger Force did not agree to surrender and its members have been continuing their terrorist activities. On the other side, the NLFT (National liberation Front of Tripura) also was divided into two factions as a result of internal contradiction and consequently another extremist organisation named TRA (Tripura Resurrection Army) was born, but in February, 1997 all the members of the organisation surrendered to the government and that marked the dissolution of the organisation. Within 1997, more than five thousand Tribal extremists surrendered and came back to normal life. For all that, no lasting solution to the extremist problem could materialise and normal condition did not come back in the state. In view of the fact that the extremist activities went on unabated, the Left Front Government had to declare a portion of the hilly area of the state as "Disturbed area" and to hand over the responsibility of law and order of that area on the Armed forces. Moreover, two heinous extremist organisations ATTF and NLFT were declared banned.

In addition to these, the government took steps to place the Tripura Land Revenue and Land Reforms (Seventh Amendment) ordinance (brought in October, 1996) in the form of a bill in the Assembly in 1997. The main aim of the Bill was to provide special provisions for protecting the land, belonging to the Scheduled tribes. The bill was passed in the Assembly and became an act in the same year.³² Among the other steps of the government, the important

ones were: Amendment of the Tripura Scheduled Castes and Scheduled Tribes Act, 1991 in 1997; placing and passing the Tripura Commission for Women Bill, 1993 in the Assembly and amending it in 1994, amending Tripura panchayats Bill, 1983 (amended in 1986,1988 and 1992)in 1994 ; amending the Bengal Municipal (Tripura Amendment Act),1972 (as amended in 1982, and 1983) in 1994. All these steps of the government went to a considerable extent in solving the major problems of the people of Tripura and the common people in particular.

On the eve of the Assembly election of 1998, the most fiery issue in the State politics was the extremist problem. The opposition parties held the Left Front Government responsible for its alleged failure to solve the extremist problem and to protect the life and property of the people of the state and of interior areas in particular. The Left Front, on the other hand, raised the allegation that Congress, TUJS, TNV and other opposition parties had been going on instigating the extremist organisations and groups on their narrow political interest and for destabilising the Left Front Government.

In the election, the Left Front got 41 seats out of which CPI (M) won 38 and CPI and RSP won 1 and 2 seats respectively. Congress-TUJS alliance won 17 seats out of which Congress got 13 seats and TUJS got 4. 2 seats were won by Independent candidates – one by Bijoy Hrankhwal and the other by Kajal Das, a Congress dissident.³³ The Fourth Left Front Government was formed after the result of the election was declared with Sri Manik Sarkar as the Chief Minister and 16 other ministers.

As per the version of the Fourth Left Front Government ever since its assumption of power, it had been taking continuous steps to upgrade the standard of living of the state populace alongside those living below poverty line. Such steps continued in the spheres of housing, agriculture and animal

resources development, drinking water supply, rural development including road construction, electrification, irrigation, self-employment schemes and rehabilitation of the landless during its tenure, and solid successes were attained in all these fields, it added. It further, mentioned specially of the 25 point package of tribal development with its own commitment to earmark 50 percent of the total plan allocation for development of the tribal areas which were in fact made hardest by violent extremist atrocities delaying such development. It pointed out in this context that it conveyed its special information to the Central Government regarding 51 extremist sanctuaries in Bangladesh territory with an appeal to bust the sanctuaries. But to no effect, it regretted. Tripura has 856 Kms of international border with Bangladesh. But the BSF had only 8 battalions when at best 18 battalions were required to man the entire border, it added.³⁴

In the Assembly Election of 2003, the Congress Party went ahead with its electoral alliance with the Indigenous Nationalist Party of Tripura (INPT). This was a tie up fraught with dangerous consequences for both the people of Tripura and National Unity, alleged the CPI (M). The speech made by INPT President Bijoy Hrankwal at Geneva advocating self-determination for the tribal people and an independent state of Tripura was also highlighted in hundreds of meetings organised by the CPI (M). The Congress leadership was asked how it could justify such an 'opportunist' and 'harmful' alliance with forces who advocated separation and promote terrorist activities. The answer was given through a joint rally organised by the Congress and INPT at Agartala in September 7, 2002. At the rally, the Congress leadership sought to explain away the written speech delivered by Hrankwal at Geneva justifying the terrorist activities of the NLFT and the ATTF alliance of Congress with the INPT.

It also resorted to its stereotyped anti-Marxist attacks of levelling the CPI (M) as 'Pro-china' and 'anti-national', the Party added. ³⁵

In his address before a mammoth gathering at Agartala on 14th September, Chief Minister Sri Sarkar and other speakers gave a 'fitting and effective reply' to that 'display of harmful opportunism'. Sri Sarkar, in his speech, bombasted the Congress for teaming up with 'the political mask of extremists' instead of pressing for the return of all the army units withdrawn by the Centre from Tripura and for adequate BSF personnel to combat trans-border terrorism. Referring to the 'usurpation' of the state power by the congress led coalition in 1988 making 'surreptitious' use of Bijoy Hrankhwal – led TNV extremists and the 5 year 'semi-fascist corrupt' regime that followed, Sri Sarkar expressed confidence that the politically conscious people of the state had thrown the gauntlet to the blatantly opportunist Congress-INPT combine going all out to stage repeat of 1988.³⁶ The election campaigns of both the alliances were, thus, continuing in full swing, and these continued till the last date of campaigning as earmarked by the state Election Commission.

In the election, the Left Front got 41 seats out of which CPI (M) won 39 and RSP won 2 seats. Congress-INPT alliance won 19 seats out of which Congress got 13 seats and INPT got 6. The Fifth Left Front Government was formed after the result of the election was declared with Sri Manik Sarkar as the Chief Minister and 17 other ministers. ³⁷

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C. Review of the Existing Literature and identification of research gap.

The present study is somewhat unique in the sense that there is no learned work in this regard. However, pieces of information may be gathered from the under mentioned titles:

Nossiter, T.J., Communism in Kerala, Oxford University Press, London, 1982.

Gan Chaudhuri, J, A Political History of Tripura, Inter-India Publications, New Delhi, 1985.

Bhattacharyya, B. K., Tripura Administration, The era of modernisation, Mittal Publications, New Delhi, 1986.

Bhattacharjee, S. R., Tribal Insurgency in Tripura, Inter-India Publications, New Delhi, 1989.

Basu, P.K., The Communist Movement in Tripura, Progressive Publishers, Calcutta, 1996

Majumder, B. M., The Legislative Opposition in Tripura, Tripura State Tribal Cultural Research Institution and Museum, Agartala, 1997

Communism in Kerala

This famous book deals in details, with the genesis, growth, functions and problems of the communist movement in Kerala and also emergence of the Kerala Communists as the electoral force(1951-1960), Communists in government (1957-1959),Kerala and the CPI split (1960-1965) , Communist accommodation (Formation of the United Front(1965-1967), Front Politics and Ministerial stability(1967-1977), Front Politics and communist Theories (1967-1977) , Front Politics , economic development and social change(1967-1975), and the basis of party support (1965-1980).¹ This learned work has also attempted to compare the economic development in Kerala under the Left Front rule with that in West Bengal where it was commented ,“If we note the contrast with the situation in West Bengal where CPM Chief Minister Jyoti Basu, has effectively begun the rejuvenation of the economy, it seems possible that the explanation for the CPM’s comparative disregard of economic growth in Kerala may lie in the very traditions of Malayali society and Culture”² But as there is no mention in the book regarding the political and administrative happenings in Tripura during the period under review, it comes of no use for the present work.

A Political History of Tripura

The book covers the entire political history of Tripura right from the days of the mythological rulers of the state and progress through the rise of Tripuri Kingdom under the Manikya Kings, merger with Indian Union, Development in the political consciousness among the people, electoral profile from the General Election of 1952 to 1983. ³ This work has been used to the extent useful, but it has not come of much help for the present work.

The Tripura Administration, the era of modernisation

This book has been very much helpful for the present work and some information has been taken from this for use from time to time. ⁴

Tribal insurgency in Tripura

This work in general and its chapter nos.2, 4, 5 and 6 in particular have also come of use for this work. ⁵

The Communist Movement in Tripura.

This book has also come of some use, particularly its chapters on Development of the Communist Movement in Tripura I, Development of the Communist Movement in Tripura II, and The Tribal Question and the Communists in Tripura. ⁶

The Legislative Opposition in Tripura

Last but very important is this Book in so far as the present work is concerned pieces of information collected from this book at the time of writing the different chapters of this thesis were thrice in Chapter II, 6 times in Chapter IV, once in Chapter V and 4 times in Chapter VI from the pages 47 and 64; 107; 174-176; 8; and 103 and 105. ⁷ In addition to these, the chapters of the book, i.e. , Chapters III , IV and V have gone a long way in giving some

insight into some legislations made in the Tripura Assembly during the period from 1963 to 1976.

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5. Bhattacharjee, S.R., Tribal Insurgency in Tripura, Inter- India Publications , New Delhi, 1989,pp. 29-47, 89-120, 123-140 and 142-180
6. Basu, P.K., The Communist Movement in Tripura, Progressive Publishers, Calcutta, 1996, pp.79-103,106-157 and 161-185.
7. Majumder, B. M. ,The Legislative Opposition in Tripura, Tripura State Tribal Cultural Research Institute and Museum, Agartala, 1997,pp. 47,64,103, 105, 174-176, 8, 103 and 105.

D. Research Questions.

The following questions have constituted the core of the present study:-

- (a) The important components of Political development.
- (b) The important legislations by the Tripura State Assembly during the period of 1972-2002.
- (c) The impact of the legislations.
- (d) To ascertain whether or not these enactments testify the wisdom of people's, representatives in solving the emerging problems of the State.

Let us now give a short account of these Research questions one by one.

(a) The important components of Political development.

It is known to the knowledgeable circle of Tripura that the movement for responsible government was crowned with success after the demand of the people for an Assembly was conceded by the Centre. After it the movement for statehood was launched. Responding to the pressure of the growing movement, on 15th December, 1971, the North Eastern Areas (Reorganisation) Bill, 1971 was passed in the Parliament and the bill received the assent of the President on 30th December, 1971. section 4 of the Act stated that on and from the appointed day there would be established a state, to be known as the state of Tripura, comprising the territories which immediately before that day, were comprised in the Union Territory of Tripura.¹ The day of fulfilment of the hopes and aspirations of the people of Tripura came on January 21, 1972 when Tripura became a state of Indian Union and the number of Assembly seats of the state was doubled from 30 to 60. After Tripura's attainment of statehood the first election of the State Assembly was held in 1972. In that election Congress secured 41 seats, CPI (M) got 18 seats along with 2 independent supported by the Party. And CPI got 1 seat.² A nine –member council of Ministers headed by Sri Sukhamoy Sengupta took over the administration of the State in March, 1972.

The political development and the administrative improvement were rapidly changing the face of the state. The political changes led to consolidation of the two main parties, Congress and CPI (M). After the introduction of statehood a common cadre of IAS, IPS and IFS were created. A stable political executive was established after the election of 1972. Again, with the publication of daily newspapers from Tripura the channels of communication between the people and the government were developed to a

large extent. The level of Political Consciousness of the People also became high. With this, the transition of Tripura from dictatorial rule of the last king to Parliamentary democracy was complete.³

But within 2 years of Congress' rule factional infighting started and aggravated. The Opposition in the Assembly took advantage of this split in the ruling Party and it utilised the situation in such a manner that its candidate for the biennial election of the Rajya Sabha of 1974 won the race by defeating the Congress candidates. Being enthused, the opposition stepped up its move which reached the point of toppling the Sengupta Ministry from power, and in order to combat the move, the Government caused the arrest of most of the opposition members including their leader on the eve of the Budget Session of 1975-76 and detained them in jail. During the emergency rule Trade Union right and individual's right were throttled in the state. Even MLAs of the opposition and a section of the ruling party were arrested and sent to the jail outside the State.⁴ Attacks came down on the government employees also to suppress their legitimate demands.

After the national emergency was withdrawn, major portion of Congress MLAs of Tripura defected from the Party and joined the CFD (Congress For Democracy) and they formed a coalition government with the CPI (M). But after 4 months, most of the CFD MLAs defected again and joined the Janata Party, and another coalition government between Janata Party and CPI (M) was formed. But this government also fell after 4 months, as the Janata Ministers went on opposing all the pro-people proposals of their communist counterparts. As a result, the first state Legislative of Tripura was dissolved and this paved the way for the holding of elections to the Second State Legislature.⁵

The assembly election held on 31st day of December, 1977 marked a new chapter in the history of this hill State. The Second State Legislative Assembly was constituted through this election. In this election the Left Front won 56 out of 60 seats of which CPI (M) alone bagged 53 seats including 1 independent supported by it, RSP got 2, FBI 1 seat while TUJS secured 4 seats. INC, CFD and Janata Party lost all the seats they contested.⁶ The first Left Front Government was formed in the state under the leadership of CPI (M), Sri Nripen Chakraborty became the Chief Minister of the Government , other constituents of the Ministry were RSP and Forward Block.

From the very beginning of its assumption of power, the question of ethnic harmony became a major issue to the Left Front Government. The Front decided to form a district Council in the tribal majority area of the state and declared that restoration of illegally alienated Tribal land would be taken up soon. But 'Amra Bengali' a Bengali chauvinist Party called for Tripura Bundh and organised mass meetings to oppose the formation of the district council.

By the middle of 1979 Communal tension in Tripura became very high on 15th March, 1980, the TUJS in its 12th General Meeting held in Taidu of South Tripura adopted resolution for expulsion of "foreigners" (all people who came to Tripura after 15th October, 1949) from Tripura. The Bazaar boycott programme (adopted in the meeting at Taidu) created further Tension. Mischief mongers and rumour mongers took advantage and it came into a flash point on 4th and 5th June, 1980 to escalate genocide. Numerous villages were laid waste. Thousands of people were rendered homeless and properties destroyed. Hundred, of people of both the communities were murdered. Tripura Government took prompt actions, and declared pacification programmes with a view to resettle the misguided extremists to which some of them responded.⁷

The Autonomous District Council for the Tribal Areas came into being in January, 1982 in terms of Tripura Tribal Areas Autonomous District Council Act, 1979. This Council introduced tribal self-govt, into Tripura and went on ensuring the right to land, guarantee employment and to the right against explanation.⁸ But the council in terms of the 7th Schedule did not satisfy the Tribals as they were for a council under Schedule VI. But for that they had to wait up to April, 1985.

The other remarkable role of the government was to bold elections within a short time both at Panchayat and municipal levels, to ensure trade-union rights for all working people, including the government employees, and to ameliorate the conditions of various sections of the people, e.g., the working class, the peasantry, students, and youths, women etc.; and to protect and promote minorities' interests and extension of educational facilities including cultural activities among them.

The Assembly election of 1983 in Tripura was held on 5th January, 1983. The political parties contesting in the election were ruling Left Front on the one hand and INC and TUJS on the other. Some Amra Bengali candidates also contested. The Left. Front was voted to power again; it won 39 seats out of which CPI (M)'s share was 37 and RSP's 2. INC got 14 seats, TUJS 6 and Amra Bengali got 1 seat.⁹

The most remarkable step taken by this govt. was to reiterate and continue the demand for introducing the 6th schedule of the constitution of India into the Tribal Areas of Tripura. Responding to persisting demand of the government and the people alike the central government took the step to concede the demand for the Sixth Schedule. Accordingly, in April, 1985 the TTAADC under the 6th Schedule was introduced in the State replacing the 39-month old ADC under the 7th Schedule.¹⁰

The election of the Tripura Assembly held in February 1988 to constitute the Fourth State Assembly was held in an unprecedented condition. There was a stream of violence masterminded by TNV, a tribal extremist group. More than one hundred innocent non-tribal people were murdered by this group 2-3 days before the election. To worsen the situation the Central Government declared the State as disturbed area 3 days before the election and deployed armed forces in the State paying deaf ears to the objection raised by the Tripura Government.

Results of the election were: INC-24, TUJS-7;and CPI(M)-26 and RSP-2.¹¹ Incidentally Congress won 1 seat by 8 votes and another seat by 9 votes. The Left Front alleged that in one counting centre rigging was resorted to by the INC-TUJS people for 3 seats. After the publication of results of the election ,INC-TUJS coalition government was formed in the state with Sri Sudhir Ranjan Majumder as the Chief Minister. The first step of the government after assumption of power was to break down all the elected panchayats in the State and no step was taken in its life time for holding elections of those bodies. The Left Front also alleged that a shameful rigging was resorted to by the ruling alliance during the parliamentary elections of 1989 and 1991 (to West Tripura parliamentary constituency) as also in the election to reconstitute the TTAADC in 1990. All these 'attacks' on democracy led the Left Parties and the CPI(M) in particular to raise vigorously the slogan of restoration of democracy from their meetings. The resentment was embroiling in the State Police force also towards the end of the regime as the State Police Battalion was dissolved and all the personnel of the force were dismissed to put down their movement.

In the assembly election held in 1993, the Left Front was on the offensive while the INC –TUJS alliance was in a retreating position after 5

years of rule. In the election the Left Front came aback to power securing 47 seats out of which CPI (M) won 44 seats and FB and RSP got 1 and 2 seats respectively. The INC got 10 seats and its ally TUJS got 1 seat only.¹¹ The first major step taken by the Left Front Government was to take the initiative to bring back the extremists to normal life. Responding to the call of the government one –group each of ATTF and NLFT surrendered. But the other groups of both NLFT and ATTF have been continuing their terrorist activities. Having no alternative, the Left Front Government declared a portion of the hilly area of the state as “Disturbed area” and to hand over the responsibility of law and order of that area on the Armed forces. Side by side with these steps ATTF and NLFT were declared banned.¹²

On the eve of the Assembly election of 1998, the opposition parties, in their campaign held the Left Front Government responsible for its alleged failure to solve the extremist problem and to protect the life and property of the people of the State. The Left Front retorted by alleging that the opposition parties themselves had been creating and aggravating the problem by instigating the extremists in their narrow political interest. The result of the election was CPI (M) -38, CPI-1 and RSP-2; Congress-13 and TUJS-4, 2 seats were won by Independent candidates.¹³ The Fourth Left Front Government was formed with Sri Manik Sarkar as the Chief Minister and 16 other ministers.

As the Assembly election of 2003 approached new election campaign were vigorously on. This time, the Congress Party made alliance with INPT (The Indigenous Nationalist Party of Tripura). The Left Front sharply reacted to this and alleged that this was a tie up fraught with dangerous consequences for the people of Tripura and for national unity at large. The speech INPT President Bijoy Hrankhwal made in Geneva supporting an independent state

of Tripura was also highlighted in hundreds of mass meetings organised by the CPI (M). In a joint rally of Congress and INPT at Agartala on 7-9-2002, the Congress leadership in Tripura sought to explain away the written speech delivered by Hrankhwal at Geneva justifying the terrorist activities of the NLFT and the ATTF, and alliance of Congress with the INPT.¹⁴

In the address before the biggest ever rally at Agartala on 14.4.2002, Chief Minister Manik Sarkar and other speakers, in their speeches, bombasted the Congress for joining hands with the political mask of the extremists' instead of pressing for the return of all the army units withdrawn by the Centre from Tripura and for adequate B.S. F. personnel to encounter border terrorism. ¹⁵ The election campaigns of both the alliances were, thus, continuing in full swing, and these continued till the last date of campaigning as was fixed up by the state Election Commission.

In the election, the Left Front got 41 seats out of which CPI (M) won 39 and RSP got 2 seats, Congress- INPT alliance won 19 seats of which Congress got 13 seats and INPT won 6 seats. ¹⁶ The Fifth Left Front Government was formed after the results of the election were declared with Sri Manik Sarkar as the Chief Minister and 17 other ministers.

NOTES AND REFERENCES.

1. Majumder, B. M. , Op. Cit., p 46
2. Result of the Election, Tripura (1972), Election Department ,State of Tripura, Agartala,
3. Bhattacharjee, B. K.,Tripura Administration , The era of modernization, Mittal Publications, New Delhi, 1986, pp.264-268
4. Majumder, B.M., op.cit. p.64.
5. Ibid., pp.50-51

6. Results of Election, Tripura (1977), Election Department, Government of Tripura ,Agartala.
7. Basu, P.K., The Communist Movement in Tripura, Progressive Publications, Calcutta. 1996,pp. 191-192.
8. Mohanta, B., Tribal Areas Autonomous District Council: Its inevitability in Tripura(a seminar paper presented on 2.11.1991 at Women's College ,Agartala).
9. Results of Election, Tripura (1983), El. Dept., Govt. of Tripura, Agartala.
10. Vide Choudhury, P., 'Tripura Tribal Areas Autonomous District Council: Its genesis and working, principles and the Assessment' in the Seminar on Local Self-Government in Tripura at Women's College, Agartala, dt. 2nd and 3rd Oct. , '91.
11. Detailed Result of Assembly Election of Tripura held on 2nd February,1988, pp. 48-58, Election Department ,Government of Tripura, Agartala.
12. Results of Election, Tripura (1993) , Election department, Government of Tripura, Agartala .
13. Chanda, Saroj, "Bahattar Theke Atanobboi-Ekti Porjalochana"(Article in Bengali) (From '72 to 98- A Review) in Rajdhani Agartala (Monthly Journal, February, 1998, p.8.).
14. Tripura Darpan (Bengali Daily of Tripura) dt. 9.9.2002, pages 1 & 6.
15. Ibid. dt. 15.9.2002, pages 1 & 6.
16. Results of Election, Tripura (2003) , Election Department, Government of Tripura, Agartala.

(b) The important legislations by the Tripura State Assembly during the period of 1972 -2002

During the period under review the Tripura Legislative Assembly enacted a good number of legislations some of which were very important with regard to the administrative decentralisation, socio-economic development and social welfare of the people of the state. It is, therefore, very pertinent to give an account of those acts at this stage.

On administrative decentralization:

The Tripura Panchayats Bill, 1983 was passed in the Assembly and became an act and the same was amended in 1986, 1988, 1992, 1993 and 1994. This went a long way towards administrative decentralization in the rural areas of the State. It replaced the United Provinces Panchayat Act, 1947 (as adopted in Tripura in 1959) as the latter was inadequate for regulating the Panchayat Institution in the State.

The present act met the present need for constitution of the Gaon Panchayats in Tripura, made the election of the Pradhan indirect in stead of direct so long in practice, reduced the age of voters from 21 to 18 and provided procedural improvements relating to its functioning, powers, duties, financial resources including relation of the State government with the Panchayat election. ¹ By virtue of the Act and its amendments, there are three-tier Panchayati Raj System in Tripura now consisting of Panchayats, Panchayat Samities and Zilla Parishads and steps are being taken to organize and activise the Panchayats and endow them with power and authority to enable them to function as units of self-government.

Again , an attempt at reconstituting Agartala Municipality (the only Municipality of Tripura) by elected members and to enable it to function as an unit of self-government was found when 'the Bengal Municipal (Tripura Amendment) Bill ,1972 was introduced in the Tripura Assembly on 7th December, 1972.

The then Municipality of Agartala was under supervision for a good number of years and the government stated in the Assembly that it wanted to hold an early election for the re-constitution of the Municipality by elected Commissioners. But it was difficult to prepare the electoral rolls for the election of the Municipality under existing act. Hence an amendment had

been proposed in the main Act to facilitate the preparation of the electoral rolls. The qualification of the voters for taking part in the election had also been proposed to be materially changed. The amendments to the Act had been proposed on the lines of the West Bengal Municipal (Tripura (Amendment) Act, 1962 (West Bengal Act no. 22 of 1962) and became an Act.² But unfortunately, the government did not succeed to hand over the Municipal Administration to an elected body during its life time (1977- a part). It also failed to implement its own decision to declare some Sub-Divisional towns as notified areas. As a result, the Bengal Municipal (Tripura Amendment) Act, 1972 had to be amended by the Left Front Government in 1982, 1983 and 1994 in order to reconstitute the Agartala Municipality, hand it over to an elected body and constitute Notified Area Authorities in the Sub-divisional towns of Tripura and transfer powers to those bodies.

On Socio-economic aspects of Political development

The Tripura Land Revenue and Land Reforms (Second Amendment) Bill, 1974 which was introduced in the Assembly on 15th March, 1974 (and was passed after a prolonged debate) sought to introduce Land Reforms which were essential to remove the impediments in the matter of agricultural production and remove elements of exploitation and social injustice in the agrarian system by giving of security to holder and bargadars by reducing the ceiling of holdings from 2 hectares to 7.2 hectares with retrospective effect from 24 January, 1971. The Bill provided restriction to transfer or partition of ST owners' land also and made provision for restoration of the land of ST owner transferred illegally on or after 1st January, 1969. The Bill also repealed the former Ruler's (Bir Bikram Kishore Manikya) Tribal Reserve Order because the protection of 8 Tribes in Tripura was felt necessary to be made in

the Bill as against a5 Tribals in the Maharaja's "Reserve".³ The act was subsequently amended in 1975, 1976, 1979, 1989, and 1997.

In the statement of Objects and Reasons of the Third Amendment Bill introduced in the Assembly on 14th March, 1975, it was mainly mentioned that it (the Bill) sought to introduce certain reasonable restrictions on the rights of transfer in the areas predominantly peopled by the Scheduled Tribes for the protection of the interest of the Scheduled Tribes, who on account of their backward and primitive conditions and lack of education or material advantages were incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance.

The Bill provided some order of preference in the right of purchases of land in the said areas. First preference had been given to a co-sharer, second preference to an adjoining land holder who was a member of the Scheduled Tribe and the third preference to any other landless Scheduled Tribe residing in the area.⁴

The objects and Reasons of the Fourth amendment Bill (Bill No 2 of 1976) stated that the Bill sought to provide exemption from the operation of ceiling for land held by bank. Definition of family for the purpose of ceiling on land holding had been widened to include adult son and widow of the pre-deceased son. The Bill also sought to allow the member of the Scheduled Tribes to mortgage land for the purpose of securing repayment of any loan in favour of a bank.⁵

The Fifth Amendment Bill (Bill No. 6 of 1979) mainly sought to extend the benefit of presumption of Barga interests on sharecroppers and to restore land to such sharecropper who had been unlawfully evicted from the land. Provision of special machinery recording barga interests and for dealing with all other matters relating to Barga interests was also made.⁶

The Sixth Amendment Bill (Bill No. 14 of 1989) sought to further strengthen the measures to prevent alienation of Tribal land and also for effective implementation of the provisions for restoration. It also sought to define the term "Transfer" so as to include all possible transactions on land of Tribals. Further, it declared trespass on Tribal land as cognizable offence and made provision for imposing penalty on the trespassers. Provisions were also kept in it to waive limitation in any application or suit for restoration by a tribal.⁷

The Tripura Land Revenue and Land Reforms (Seventh Amendment) ordinance 1996 was promulgated on 18th October, 1996 and it was placed before the Assembly in the form of a Bill in the year 1997. The main aim of the Bill was to provide special Provisions for protecting the lands belonging to the Scheduled Tribes.⁸ The Bill was passed in the Assembly and became an act that year.

Legislations on Social Welfare:

i) The Tripura Tribal Areas Autonomous District Council Bill, 1979, a bill in terms of the 7th Schedule of the Constitution, was brought in the Assembly in fulfilment of aspirations of the Tribal people, and to give autonomy to the people to better their own lot themselves. The bill aimed at creating a single compact District comprising predominantly Tribal Area. In order to secure self-government TTAADC was to be administered by representatives voted to the power by voters of both Tribal and non-Tribal with majority reserved seats for the tribals. In March, 1979 the Bill was passed and it became an act in the same year.⁹

The act was amended in 1982 as, on scrutiny of the provisions of the Act, it appeared that amendment of Sec.4, 9, 18 and 27 of the Act were necessary to remove some clerical errors and ambiguities. Some minor

amendments of Sections 26, 29,31,32,24 were also considered necessary for the sake of clarity of some of the provisions of the Act. It had also been proposed to amend sub-sec. (5) of Sec. 30 providing for replacement of the Chief Executive Officer by the State Government on the recommendation of the District Council and empowering the State Government to withdraw the Chief Executive Officer from the District Council at any time. In addition , Sub-sec.(2) of Section 25 had been proposed to be deleted as redunent.Section 41 had been proposed to be amended to make the provision of audit of the accounts of the Auditor General's (Duties, powers and conditions of services) Act ,1971 . The TTAADC came into being on 18th January, 1982. ¹⁰

But the A.D.C. in terms of the Seventh Schedule did not satisfy the aspirations of the tribals as they were for an A.D.C under the Sixth Schedule. Hence the demand for introduction of the Sixth schedule was raised vigorously by the people as well as the then government of the State, and it was in the wake of the persistent demand that the Union Government agreed to introduce the Sixth Schedule. Accordingly the Constitution (forty-Ninth Amendments) Bill, 1984 was introduced before the Parliament and it was passed. Consequent upon this, the Autonomous Tribal District Council Bill in terms of the 6th Schedule was introduced in the State Assembly in April, 1985 and became an act. ¹¹

ii) Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts), Act, 1991 and its amendment in 1997 sought to solve the problems faced by the S.C. and S. T. population of the state with regard to issues of reservation of vacancies in services and posts and some other allied issues. The act was effected from October, 1992, and then reservation for SC's and the ST's services was fixed at 15% and 28% respectively (keeping in mind the percentage of S.C. & S.T. population in the

State of that time). The Act was to be amended in 1997 in view of the facts that a) the percentage of SC and ST population increased to 16.3 and 30.95 respectively; (b) the SC's and ST's were not properly represented till then; c) Making provision for empowering the government to review any decision taken regarding appointment /promotion or in issuing and cancelling SC/ST certificates; d) the Schedule to the Act containing the 100 point roster was also considered necessary; and e) The modified policy of the Union Government regarding reservation for ex-serviceman and physically handicapped was also considered necessary to be accommodated.¹² In the amended act all the above-mentioned issues were incorporated and as a result, the act has , till then, been going a long way in solving many problems of the state in the way of reservation in services and posts and other allied issue.

iii) The Tripura Commission for Woman Bill, 1993, (Bill No.7 of 1993) was placed before the Assembly and it became an act after it received the assent of the Governor on 1st January, 1994. The Tripura Commission for Woman was constituted in February, 1994 with 9members: a chairperson, a vice chair person, 5 members and the member secretary) and started functioning.¹³ In accordance with the Tripura Commission for Woman Act, the major functions of the Commission are “to look into complaints and take suo moto notice of matters relating to (i) deprivation of women’s rights, (ii) non- implementation of laws enacted to provide protection to women and also that it has all the powers of a civil court while investigating such cases of complaints”.¹⁴

Ever since the formation of the commission, affected woman from different parts of the State have been approaching its office at Agartala with their grievances and problems. The magnitude and nature of atrocities being

perpetrated on the women of the state during the period from March 1998 to May, 1999 may be revealed from the following particulars:

1. Total No of complaints received: 1978; 2. Bride killing: 104; 3. Rape: 35; 4. other atrocities: 1114; 5. Complaints sent to Police: 881; 6; sent to Panchayat: 41; 7. sent to other departments: 140; 8. sent for court cases: 17; 9 Judgement for payment to maintenance allowance received: 55; and 10. One time compensation realized by commission: 14

Out of a total of 1778 complaints, 830 complaints were registered in the commission during the period from March, 1998 to February, 1999; and no further information in this regard can be furnished as no detailed written record preceding or succeeding that period is available.¹⁵

The commission dealt and has been dealing with all types of cases as mentioned above with all seriousness. In consideration of seriousness of the cases, it takes direct action or refers some cases with due considerations to appropriate authorities which include law enforcing agencies and police department.¹⁶

NOTES & REFERENCES

1. The Tripura Panchayats Bill, 1983(Bill No. 12 of 1983) as passed in the Assembly and became an act in the same year.
2. The Bengal Municipal (Tripura Amendment) Bill, 1972 (Tripura Bill No. 8 of 1972) as became an act in that year.
3. The Tripura Land Revenue and Land Reforms (second Amendment) Bill, 1974 that became an act in the same year.
4. TLR & LR (3rd Amendment) Bill, 1975 that became act in that year.
5. TLR (Bill No. 2 of 1976) & LR (4th amendment) Bill, 1976 that became act in the same year.

6. TLR & LR (5th Amendment) Bill, 1979 (Bill No. 6 of 1979, an act in that year.
7. TLR & LR (6th Amendment) Bill, 1989 (Bill No. 14 of 1989) that became an act in the same year.
8. TLR & LR (7th Amendment) Bill, 1997 that became act in the same year.
9. The Tripura Tribal Areas Autonomous District Council Bill, 1979(Bill no. 5 of 1979) which became an Act in the same year.
10. The TTAADC Act ,1979 (as amended in 1982)
11. Repeal of the TTAADC Act, 1979 and constitution of Council under the 6th Schedule.
12. Quoted from Tripura scheduled Castes and Scheduled and Scheduled Tribes (Reservation of Vacancies in services and posts) Act 1991.
13. Quoted from the Tripura Commission for Women's Act, 1993 and Annual Activity Report of Tripura Women's Commission, 1989-91.
14. The Tripura Commission for Women Act, 1993,p.2
15. Majumder, B.M., "The Problem of Protection Human Rights of Womenfolk of Tripura and Role of the state Commission for Women, An Assessment", paper presented in the seminar on " Women participation in decision Making and Development Process in Tripura" organized by the Department of History, Tripura University in the year 1979.
16. Ibid.

(c) Impact of the legislations:

The main impact of the Tripura Panchayats Act, 1983 was that it replaced the system of election of member of the Gaon Panchayat by show of hands by voting through secret ballots, made the election of the Pradhan indirect in stead of direct as was practised so long, reduced the age of voters from 21 to 18 and brought about Procedural improvements in respect of its functioning, powers, financial resources as also the relation of the State Government with the election of the Panchayat.¹ The act was amended in 1986,1988, 1992 and 1994 in order to meet the changing requirements of

time and as a result of that, three –tier panchayati raj system has been functioning in Tripura with increasing success with the progress of time.

The Bengal Municipal (Tripura amendment) Bill, 1972, as became an act in due course, aimed at handing over the Municipal administration to an elected body could not reach its goal. The then government also failed to implement its own decision to form notified area committees in four Sub-Divisional towns of Tripura also. The Opposition in the assembly, therefore, strongly demanded that stops must be taken towards formation of the proposed committees and delegation of powers to them, but to no effect.² The Bengal Municipal (Tripura Amendment) Act, 1972 was, therefore, amended in 1982, 1983, and 1994 by the Left Front Governments in order to reconstitute the Agartala Municipality and hand over the same to an elected body. At the same time Notified Area Authorities were constituted in the Sub-divisional towns of Tripura and powers were transferred to them.

The Tripura land revenue and Land Reforms Act and its second,^{3rd}, 4th, 5th, 6th and 7th amendments had been brought and passed in the Assembly with two specific intentions and these were: i) Extension of some economic safeguards to the Tribesmen, and stoppage of alienation of their land and restoration of their illegally alienated land from the non-tribals and ii) making some economic benefits available to weaker sections of the non-tribals and of the sharecroppers and the marginal and landless farmers, labourers in particular. In this attempt, the extent of success was not more than partial. While the attempts at stopping further illegal alienation of tribal land attained good success, the steps for restoration of illegally transferred tribal land to the real owner are yet to go a long way. So far, the protection of right of sharecroppers on land has attained appreciable success, but steps for protecting other minimum rights to the marginal farmers and landless

labourers are yet to face many hurdles. The solution of these problems actually depends on materializing development programmes which are more often than not being obstructed for continuous extremist activities. This is, however, a problem that the state government alone cannot solve. The Government at Centre also must come forward and extend all possible assistance to the state government including supply of required number of Army and B.S.F. Battalions for successfully combatting the extremist violence and that will go a long way in bringing back peace by the state government and this alone is the pre-condition for the success of the development programmes of the state.

The Tripura Tribal Areas Autonomous District Council Bill, 1979, that became an act on July, 30, 1979 led to the formation of the TTAADC in terms of the 7th Schedule of the Constitution on 18th January, 1982. The object behind setting up TTAADC by the State Government was to transfer power gradually with adequate financial resources to the grass-roots institution to free the tribal people from injustice and to encourage them to draw the blue – print of over all development programmes from the locality. The developmental programmes of the TTAADC were being implemented mostly by the agencies of the state government functioning at the Block level. How the state government, since the birth of the TTAADC in 1982, had already assigned to the grass-root organisation a number of programmes of development and how the areas of work and responsibility of the TTAADC started its journey is revealed from the fact that in the first year with a budget of only Rs 74.10 lakh. But in the second year (1983-84) it went up to Rs. 9.47 crores and in the third year Rs. 10.81 crores. In this way, the annual budget is increasing day by day and the budget of the TTAADC is a great index to understand properly the

attitude of the state government towards the development programmes of this institution.³

But the Autonomous District Council under the 7th Schedule of the Constitution could not satisfy the tribals of Tripura who had been placing their demand for long for the Sixth Schedule. This persistent demand led the Central Government to amend the constitution and thus the long awaited autonomous District Council in terms of the Sixth Schedule was introduced in April, 1985. With this was paved the way for the greater autonomy of the tribal people of Tripura and also for more responsible functioning of the Autonomous district Council.⁴

Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991 and its amendment in 1997 also went a long way in solving the problems being faced by the S.C. and S.T. population of the state in respect of the issue of reservation of vacancies in services and posts and also some of the allied issues. The act came into force with effect from October, 1992 and at that time, reservation for SC's and ST's in the services was fixed at 15% and 28% respectively. But the Act was amended in 1997 on some grounds such as (i) As per 1991 Census Report, the percentage of SC and ST population increased to 16.36 and 30.95 respectively and hence the percentage of reservation for SC's and ST's in services and posts was to be replaced by 16% and 31% respectively, (ii) the SC's and ST's were not as yet adequately represented in the services and posts, (iii) Provision should be there in Amendment Act empowering the government to review any decision taken in respect of appointment/promotion on issuing and cancelling SC/ST certificates, (iv) the Schedule to the Act containing the 100 point roster was also needful; and (v) the modified policy of the

government of India regarding reservation for ex-servicemen and physically handicapped had also to be taken into consideration.⁵

Thus, incorporating all the above five issues, the Tripura Scheduled Castes and Scheduled Tribes Act, 1991 was amended in 1997 and in the amended act provisions were made for extending the facilities of reservation of vacancies in services and posts for the SC's and ST's , and ex-servicemen and physically handicapped alike. At the same time, provisions were kept empowering the government to review any decision regarding appointment / promotion or in issuing and cancelling SC/ST certificates.

The Tripura Commission for Women was formed in February, 1994 consequent upon the enactment of the Tripura Commission for Women's Bill, 1993 in January, 1994. Ever since its formation, the commission dealt with all cases relating to deprivation of women's rights. Besides these, the commission has been taking prompt action in the cases of serious nature like dowry murder , suicide, dowry torture , rape, kidnapping , abduction, sexual harassment, deprivation of widow from properties, and other types of cruelty and torture by husband and in-laws etc.⁶ Furthermore, in course of looking into the complaints made by the victimised woman, and redressing their grievances, the commission tried and has been trying its utmost to solve the problems and settle their disputes amicably outside police station and court. But when all its efforts failed to settle a dispute amicably and it found that the allegation of the victimized women, was true, the commission would be left with no alternative but to suggest the party to go to court for redress.⁷

From the functions being discharged by the commission as mentioned above, it becomes crystal clear that the role it played and has been playing in pursuance of the Tripura Commission for Women Act, 1994 will go a long way

in protecting and promoting the interests of the depressed sections of women of the state.

NOTES AND REFERENCES

1. The main motto as envisaged by the Tripura Panchayats Bill, 1983 that was passed and became an act in the same year.
2. Majumder, B.M., Op.cit. , p. 105.
3. Chakravorti, M. , “ The TTAADC and he state government : An Overview” , paper presented in the seminar on Local Self Government in Tripura organised by Dept. of Political Science, Women’s College, Agartala on 22nd and 23rd November ,1991 .
4. Mohanata, B, “Tribal Areas Autonomous district Council, its inevitability in Tripura”, a paper presented in the Seminar on Local Self Government in Tripura organised by Deptt. Of Political Science, Women’s College, Agartala on 22nd and 23rd November, 1991.
5. From Tripura Scheduled Castes and Scheduled Tribes Act (as amended in 1997)
6. Majumder, B.M., “Problem of Protection of Human Rights of Womenfolk of Tripura and Role of the State Commission for Women”: An Assessment, p.5. (Paper presented in the seminar on “Women Participation in Decision Making and Development Process in Tripura.” Organized by the Department of History, Tripura University in the year 1999.
7. Annual Activity report of the Tripura Commission for Women Act, 1993.

(D) Do these enactments testify the wisdom of people’s representatives in solving the emerging problems of the state?

The enactments, about which mention has already been made, undoubtedly testify the wisdom of people’s representatives in solving the emerging problems of the state. An attempt is being made hereunder to give a short account in support of the above proposition.

It has been mentioned earlier that the West Bengal (Tripura Amendment) Bill, 1972 was enacted with a view to hold an early election for reconstitution of the Agartala Municipality by elected commissioners. This was necessitated in order to overcome the hurdle of preparing the electoral rolls under the previous Act, and also to materially change the existing qualifications of voters for taking part in the election. But as the then government could not hand over the Municipal administration to an elected body, and to declare some Sub-divisional towns as notified areas; The Bengala Municipal (Tripura Amendment) Act, 1972 had to be amended by the subsequent governments in 1982, 1983 and 1994 with a view to reconstitute the Agartala Municipality, hand it over to an elected body; and to form Notified Area Authorities in the Sub-Divisional towns of Tripura and transfer power to those bodies. The legislators rose to the occasion in solving the problems that stood in the path of democratic decentralisation in the urban areas of Tripura.

Similarly, the Tripura Panchayats Bill, 1983 which was enacted in the same year and was amended in 1986, 1988, 1992 and 1994 met the need for constituting the Gaon Panchayats in the state, made the election of the Pradhan indirect, reduced the age of voters to 18 and brought about modifications relating to its functioning, power, duties, financial resources including relation of the state government with the Panchayat System.¹ The Act and its amendments have been instrumental in the formation of three-tier Panchayati Raj System in the State now and steps are being taken to organize and activate the Panchayats and endow them with power and authority to enable them to function as units of self-government. The role played by the members of the Assembly in course of enacting the Bill and amending the Act was praiseworthy as they contributed their might in overcoming the problems

that stood in the way of democratic decentralisation in the rural areas of the State.

In the like manner, the part played by the people's representatives during the deliberations the Tripura Land Revenue and Land Reforms (Second Amendment) Bill, 1974 ; TLR& LR (3rd Amendment) Bill, 1979; TLR& LR (4th amendment) Bill, 1976; TLR&LR (5th Amendment) Bill, 1979; TLR & LR (6th Amendment) Bill, 1989; and TLR&LR (7th Amendment) Bill,1997 were also highly appreciable. Thus, during the deliberations of the TLR&LR (second Amendment) Bill ,1974 members of both the sides entered into a prolonged and vociferous debate on the move of the treasury benchers to repeal the former Ruler's 'Tribal Reserve' order on the plea of extending protection to 8 tribes as against 5 tribes in the Maharaja's aa"Reserve".²

The TLR& LR (3rd Amendment) Bill, 1975 provided some order of preference in the right of purchases of land in the areas predominantly peopled by the scheduled Tribes. First preference had been given to a co-sharer, second preference to an adjoining land holder (who was a member of the Scheduled Tribe) and the third preference to any other landless Scheduled Tribe residing in the area.³ From this it is evident that the amendment was brought for protecting the interest of the scheduled Tribes in the areas predominantly inhabited by them and that the positive role of the legislators in this regard was well reflected in the fact that the bill was accepted unanimously.

The TLR& LR (4th Amendment) Bill, 1976 sought to provide exemption from the operation of ceiling for land held by bank. It also sought to allow the member of the Scheduled Tribes to mortgage land for the purpose of securing repayment of any loan in favour of a bank.⁴ The objects and reasons of the Bill

also are to provide some reliefs to the people belonging to ST communities and the legislators rightly came forward to extend their support to the Bill.

The TLR& LR (5th Amendment) Bill, 1979 was moved in the Assembly when the first Left Front Government was in power. What the Bill primarily sought was to extend the benefit of presumption of Barga interests on sharecroppers and to restore land to such sharecroppers who had been unlawfully evicted from the land.⁵ The legislators of whom 56 belonged to the Left Front stood solidly behind the pro-people bill and the other 4 opposition members (TUJS) also extended their support to it.

The TLR& LR (6th Amendment) Bill, 1989 was moved in the Assembly when Congress-TUJS alliance was in power. The Bill sought to further strengthen the measures to prevent alienation of tribal land, and with that end in view, provided for effective implementation of the provisions for restoration. It also declared trespass on tribal land as cognizable offence and made provision for imposing penalty on trespass.⁶ In view of the fact that the aim of the amendment was to prevent alienation of tribal land and restoration of illegally alienated tribal land to the tribal owners, members of both the sides extended support to it and thus the bill was unanimously carried.

The aim of the TLR& LR (7th Amendment) Bill, 1997 was to specially provide for protection of the lands belonging to the Scheduled Tribes.⁷ This bill also was carried unanimously as members of both the sides were convinced of the bona fide intentions of the same.

The Tripura Tribal Area Autonomous district Council Bill(a bill in terms of the 7th Schedule of the Constitution) was placed before the Assembly in March, 1979 with an eye to fulfil the aspirations of Tribal people, and also to give autonomy to the people to better their lot themselves. It aimed at creating a single compact District comprising predominantly tribal Area. It also

provided that the TTAADC was to be administered by representatives voted to the power by votes of both Tribal and non-Tribal with majority reserved seats for the Tribals. The Bill was passed in the same year and became an act.⁸

But the A.D.C. in terms of the 7th schedule could not satisfy the aspirations of the tribals who were for an A.D.C. under the 6th Schedule. The demand for introduction of the 6th Schedule was, therefore, raised vigorously by both the people and the government of the state, and responding to the persistent demand, the government of India, came forward to introduce the constitution(Forty Ninth Amendment) Bill, 1984 in the parliament and it was passed . After that, the autonomous Tribal District Council in terms of the 6th Schedule was introduced in the State Assembly in April, 1985 and became an act in due course, providing for greater autonomy of the Tribals.⁹

The above-mentioned two bills were placed in the Assembly and became acts when the Left Front was in power. Ever since they were the members of opposition in the state legislature, the CPI and the CPI (M) MLAs started and continued struggle both inside and outside the House for a tribal District Council in the Tribal Compact Area, but to no effect. Now that the Left Front captured the state power, their members came forward with these ingenious plans to which 4 TUJS members also extended their support.

The aim of the Tripura scheduled Tribes (Reservation and vacancies in services and posts) Act, 1991 was to solve the problems faced by the SC and ST population of the state in respect of issues of reservation of vacancies in services and posts and the allied matters. The act was effective from October, 1992, and reservation for SC's and ST's in the services was then fixed at 15% and 28% respectively (corresponding to the SC and ST population in the state at that time). That was an act of general nature as it simply responded to the policy of the then Union Government regarding reservation of services and

posts. But the act was to be amended in 1997 under some important considerations such as i) the percentage of SC and ST population increased to 16.36 and 30.95 respectively ii) the SC's and ST's were not properly represented till then ;iii) steps for empowering the government to review any decision taken with regard to appointment /promotion or in issuing and cancelling SC/ST certificates were felt necessary iv) the Schedule containing the 100 point roster was also considered necessary; and v) accommodation of the modified policy of the Central Government regarding reservation for ex-servicemen and physically handicapped was also considered necessary.¹⁰ All these issues were incorporated in the amended in the amended act and consequent on that, the act has been going on solving many problems of the state till then with regard to reservation of services and posts and other allied issues. The amended act was one of wider spectrum and hence it proves the intelligence of the members of the legislature in solving such touchy problems and issues regarding reservation of services and posts and other allied issues.

The Tripura Commission for Women was constituted in February, 1994 after the enactment of the Tripura Commission for Women's bill, 1993 in January, 1994. The major functions of the commission, as earmarked by the Tripura commission for women's Act are "to look into complaints and take suo moto notice of matters relating to (i) deprivation of women's rights, ii) non-implementation of laws enacted to provide protection to women and also that it has all the powers of a 'Civil Court' while investing such cases of complaints."¹¹

Ever since its formation, the commission dealt with all cases relating to deprivation of women's rights with all seriousness. Among the cases directly dealt with by it, the commission has been taking expeditious steps in the cases of serious nature like dowry , murder, or suicide, dowry torture, rape,

kidnapping, abduction, sexual harassment in place of work, harassment of widow and her deprivation from properties, and other serious types of cruelty and torture by husband and in-laws etc. ¹² In course of looking into the complaints and redressing women's grievances, the commission tried and has been trying its utmost to solve the problems and settle the disputes amicably outside police station and court. But when all the efforts of the commission fail to settle dispute amicably and it finds that the allegation of the victimized woman is true, the commission is then left with no alternative but to advise the party to go to court for redress. ¹³ In this way, the depressed and victimised sections of the womenfolk of Tripura have been getting protection by the commission in line with the provisions of the Act and the positive role of the members of both the sides in the assembly is clearly evident from the fact that during the process of enactment of the Bill the same was passed unanimously in the Assembly.

NOTES AND REFERENCES

1. The Tripura Panchayats Bill, 1983 (Bill No. 12 of 1983) as passed in the Assembly and became an act in the same year.
2. The Tripura Land Revenue and Land Reforms (Second Amendment) Bill, 1974 that became an act in that year.
3. TLR&LR (3rd Amendment) Bill, 1975 that became act in that year.
4. TLR&LR (4th Amendment) Bill, 1976 (Bill No.2 of 1976) that became an act in the same year.
5. TLR&LR (5th Amendment) Bill, 1976 (Bill No.6 of 1979) an act in that year.
6. TLR & LR (6th Amendment) Bill, 1989(Bill No. 14 of 1989) that became act in the same year.
7. TLR &LR (7th Amendment) Bill, 1997.

8. The Tripura Tribal Areas Autonomous District Council Bill, 1979 (Bill No. 5 of 1979) which became an act in July of that year(Act No 10 of 1979).
9. The Constitution (Forty-Ninth Amendment) Bill, 1984 as was passed and became an Act in the same year, providing for making applicable to Tripura the provisions of the 6th Schedule to the Constitution. And also, Majumder, B.M., the Legislative Opposition in Tripura, Tripura State Tribal Research Institute Museum, Govt. of Tripura, Agartala, 1997,pp. 171-176.
10. From Tripura scheduled Castes And Scheduled Tribes Act,1991 as amended in 1997)
11. The Commission for Women act, 1993, p.2.
12. Majumder, B.M., "Problem of Protection of Humana Rights of womenfolk of Tripura and Role of the state commission for women, An Assessment: paper presented in the seminar on" Women Participation in decision Making and Development Process in Tripura' as organized by the Department of History, Tripura University in the year 1999.
13. Annual Activity Report of Tripura Commission for Women Act, 1983, p. 13.

(E) Methodology.

The study has covered both historical and empirical aspects. In order to note the evolution of the state Legislative Assembly and political process it has been necessary to collect the materials from books, documents, reports, legislations and party documents. Empirical aspects were also studied by way of interaction with political leaders and legislators.

Besides these, the following books and documents were consulted:

- A. Acts, Laws,
- B. Budgets,
- C. Census Reports,
- D. Published books and journals
- E. Survey reports,
- F. Seminar Papers

F. Contents

The entire plan of work has been systemised according to the following chapters:

I.. Historical Evolution: (a) From Raj to Swaraj, (b) Emergence of Legislative Assembly, (i) Part C State Status (ii) Chief – Commissioner with Advisory Council, (iii) establishment of Tripura Territorial Council, (1v) Tripura Legislative Assembly.

[A detailed account of the historical account has been given in Chapter I of the research work and a short account of the same has been given in No. B Part, that is, 'Universe of the study' in the seminar Paper]

II. Political process and party configurations

[A detailed account of the same has been given in Chapter II of the research work and a brief account of the same has been given in No.B. Part, that is, 'Universe of the Study' in the seminar paper]

III. Important Legislations during the period under the study [Detailed discussion of the same in Chapter III of the research work and a short sketch of the same has been given in No(b) of D. of the Seminar Paper, that is the important legislations by the Tripura State Assembly during the period of 1972 -2002]

IV. Impact Study of Legislations.

a) Administrative decentralisation

b) Social welfare

c) Socio-economic changes,

[A detailed discussion on the impact of legislations in the spheres of administrative decentralisation, social welfare and socio-economic changes

have been made in Ch IV of the thesis and a brief account of the same has been given in No.(C) of D of the Seminar paper, that is, 'the impact of these legislations']

V. Problems and issues:-

- a) Ethnic
- b) Tribal-nontribal Schism
- c) Problems of insurgency, etc.

[Detailed account of the above mentioned problems and issues have been given in Chapter V of the research work and some light has been thrown here and there in the seminar paper.]

VI. Concluding observations

[In this Chapter of the research work the discussions made in Chapters I to V have been summed up and concluding observations were made. In different parts of the seminar paper the contents of this chapter and concluding observations appeared from time to time.]

CHAPTER IV

POLITICAL PROCESS AND PARTY CONFIGURATIONS

The Tripura State Legislative Assembly was constituted six times during 1972-1998 through the Fifth, Sixth, Seventh, Eighth, Ninth and Tenth general Elections. The First, Second, Third and Fourth general Elections were held to elect the members of the Electoral College in 1952, members of the Tripura Territorial Council in 1957, and 1962 (who became members of the Legislative Assembly under the Union Territories Act of 1963) and members of the Legislative Assembly in 1967. The first state Legislative Assembly was constituted in 1972 as Tripura became a full-fledged state in that year.

The Delimitation of Assembly Constituencies of the first full-fledged Tripura Legislature was done as per section 4 of the North – Eastern Areas (Regulation) Act 1971 which provided that the total number of seats in the Legislative Assembly of Tripura would be 60 out of which 6 seats would be reserved for the Scheduled Casts and 19 seats for the Scheduled Tribes.

In the Assembly Election of 1972 six political parties besides a number of independent candidates took part. The political parties were Indian National Congress (INC), the Communist Party of India (Marxist) [CPI(M)], the Communist Party of India (CPI), Bharatiya Jana Sangh, the All India Forward Block (FB) and the Tripura Upajati Juba Samiti (TUJS). Among the Independent candidates two were supported by the CPI (M). Out of the political parties that contested the election, the TUJS was a regional party formed by a section of Tripura Tribals in 1967 and contested the election for the first time, but it could not make any dent on electoral politics in Tripura till then.

The major issues that came to the fore in the election campaign in the state in 1972 were: unemployment, the grievances of the government school teachers and employees, and of the government employees, socioeconomic development of the Tribal people, introduction of Bengali as the official language etc.

In the election campaign, the main points of thrust of the INC were (a) solution of unemployment problem (b) supply of electricity to every village (c) making arrangement of supply of pure drinking water to every village (d) rehabilitation of all Jhumia (shifting cultivation) families (e) imparting education to the tribal students through Tribal language at the primary stage and (f) providing a government job to each family in which there was no government service holder. The Party also laid emphasis on 'Garibi Hatao' – a slogan of the then Prime Minister Indira Gandhi at the national level.¹

On the other hand, the main opposition Party, the CPI(M) fought the election with its election manifesto which emphasized on (a) jobs for the unemployed and provision for unemployed allowance to the unemployed (b) revocation of all Punitive measures against the government school teachers and govt. employees for raising voices for redress of their grievances, (c) pay and allowances at an increased rate and upgradation of service conditions for the government servants, (d) creating pressure for extension of railway line from Dharmanagar to Sabroom, (e) introduction of Bengali as the official language in the state (f) ensuring all admissible benefits to the members of Scheduled Caste and Scheduled Tribe Communities, (g) land reforms and writing off all arrears of land tax etc. ²

From the above it is seen that there were some common agenda in the election manifesto of both the INC and the CPI (M). Thus, unemployment

problem and the problem of the state government employees constituted a common agenda.

During that period, the INC had more influence on the Bengali voters than the tribal voters in Tripura. On the other hand, the CPI (M) had more influence on the Tribal voters than the Bengali voters. The Congress was at the helm of affairs of the state during the period when it was under the administration of Territorial council and later on, under Union Territory. At that time, a large number of displaced persons from erstwhile East Pakistan were rendered rehabilitation in Tripura. The Congress, being in power in the state, seized the opportunity of the situation and spread its influence over the refugees.

The CPI (M) had a traditional stronghold in the hill areas of the state. Moreover, the Party was also in the movement for refugees' rehabilitation in the state. As a result, it could also spread some influence over a portion of refugees.

The Election to constitute the first state Legislative Assembly of Tripura as a full –fledged state was held in time. In the Election INC again came to power securing 41 seats out of 60. The CPI (M) won 18 seats along with 2 Independent supported by the Party. And the CPI won only 1 seat.³ The war of Independence for Bangladesh, in which India played a very important role, had influenced the voters to vote for the Congress. In spite of that, Congress got 45.60% of the valid votes and CPI (M) got 41.3% votes (inclusive of votes polled by Independent candidates with its support). Thus, by getting only 4.57 percent more votes, congress got 23 more seats than the CPI (M)-led front in 1972.⁴

A nine member Council of Ministers headed by Sukhamoy Sengupta took over the charge of administration of the state in March, 1972 and in the next month, 2 more ministers were inducted. But within 2 years of Congress rule factional in fighting started and aggravated. The opposition in the Assembly took advantage of this split in the ruling party and utilized the situation in such a manner that its candidate for the biennial election of the Rajya Sabha of 1974 won the race by defeating the congress candidate. Being enthused, the opposition stepped up its move which reached the point of toppling the Sengupta Ministry from power, and in order to combat it, the Government caused the arrest of most of the opposition members including their leader on the eve of the Budget Session of 1975-76 and detained them in jail. During the emergency rule Trade Union right and individual's right were throttled in the state. Even MLAs of the opposition and a section of the ruling party were arrested and sent to the jail outside the state. ⁵ Attacks came down on the government employees also to suppress their legitimate demands.

After the national emergency was withdrawn, major portion of Congress MLAs of Tripura defected from the party and joined the CFD (Centre for Democracy as founded at all India Level by Jagjivan Ram) and they formed a coalition government with the CPI (M) with Prafulla Das as the Chief Minister and Nripen Chakraborty as the Finance Minister. But after 4 months, most of the CFD MLAs defected again and joined the Janata Party, and another coalition govt. between Janata Party and CPI (M) was formed with Radhika Ranjan Gupta as the Chief Minister and Nripen Chakraborty as the Finance Minister. But this govt. also fell after 4 months as the Janata Ministers went on opposing all the Pro-people proposals of their communist counter

parts. As a result, the first state Legislative Assembly of Tripura was dissolved and this paved the way for holding elections to the second state Legislature.

The Assembly elections of 1977 and after

The Assembly election held on the 31st day of December, 1977 marked a new chapter in the history of this hilly state. The 2nd state Legislative Assembly was constituted through this election. Out of 60 seats, this time 17 seats were reserved for Scheduled Tribes and 7 seats were reserved for Scheduled Castes.

A lot of major issues involving people's life and problems came to the fore in this election. The issue of constitution of an Autonomous District Council within the Tribal-dominated areas under the Sixth Schedule of the Constitution was a very important issue as raised by the Left Front. Demand for distribution of 10-12 essentials through Fair Price Shops was also a popular issue of the Front in the election. Further, the Front promised that, if voted to power, it would write off land tax up to 7.5 Kanis (3 acres). It also promised to de-reserve 25 percent of reserved forest for enabling the landless poor to earn their bread and for construction of their houses.

The Front also gave commitment to set up a pay commission for improvement of the salaries and allowances of the employees and teachers of the state government. The minorities, especially the Muslims were assured that steps would be taken for development of their cultural and religious traditions and education. Cases of misuse of power during the period of emergency was also a major issue in the elections. Restoration of democracy in the state was an ardent issue among people of all walks of life during those days and this was evident later on. Another important major issue was holding elections to Gaon Panchayats through secret ballots.⁶

The INC that lost power shortly after the withdrawal of the emergency could not present any concrete prospects before the people as the party was in disarray during that time. In the elections the Left Front won 56 out of 60 seats of which the CPI (M) alone bagged 53 seats including one independent supported by it; RSP got 2, FBI 1 seat while TUJS secured 4 seats. INC, CFD and Janata Party lost all the seats they contested. ⁷

After the result of the elections was declared, the first Left Front Government was formed in the state under the leadership of CPI (M), Shri Nripen Chakraborty became the Chief Minister of the First Left Front Government, other constituents of the Ministry were RSP and Forward Block.

From the very beginning of its assumption of power, the question of ethnic harmony became a major issue to the Left Front Government. The Front and especially its major constituent the CPI (M) (in accordance with its election manifesto) decided to form a district council in the tribal majority area of the state and declared that restoration of illegally alienated tribal land would be taken up soon. But 'Amra Bengali' a Bengali chauvinist party called for Tripura Bundh and organised mass meetings to oppose the formation of district council.

By the middle of 1979 communal tension in Tripura became very high. The 'expulsion of foreigners' movement in Assam further inflamed the tension in Tripura. On 15th March, 1980, the TUJS in its 12th general meeting held at Taidu (of South Tripura) adopted resolution for expulsion of "foreigners" (all persons who came to Tripura after 15th October 1949) from Tripura. That meeting of Taidu further officially adopted two courses of action---- (a) deputation and demonstration in front of all block offices simultaneously on 21.05.1980 and (b) the boycott of all markets in the state by the Tribal people

during the 1st week of June, 1980. This Bazaar boycott programme created more tension. Mischief mongers and rumormongers took advantage and it came to a flash point on 4th and 5th in June, 1980 to escalate genocide. Numerous villages were laid waste. Thousands of people were rendered homeless and properties destroyed. Hundreds of people of both the communities were murdered. ; Tripura government took prompt actions, and declared pacification programmes with a view to resettle the misguided extremists to which some of them responded.

The Autonomous District Council for the Tribal areas comprising an area of 7, 132, 59 sq. km. came into being on 18th January, 1982 under Schedule III of the Constitution, in terms of Tripura Tribal Areas Autonomous District Council Act, 1979 (It is worthwhile to mention, in this contexts that it was introduced in the form of a bill before the Assembly and was unanimously passed on March 23, 1979 and again on July 20, 1979; and then, received the assent of the President of India). This was the fruit of a long united democratic struggle of both the tribals and non-tribals of Tripura. The TTAADC introduced, for the first time, tribal self-government into Tripura, allowing and elected 28 member council an opportunity to direct tribal life in a compact area comprising 164 revenue villages and 47 tehsils to protect tribal right to land, guarantee employment and to ensure the right against exploitation by village money lenders. ⁸

Although an autonomous District Council in terms of the seventh Schedule was introduced into Tripura, it did not satisfy the aspirations of the tribals as they were for an Autonomous Council under Schedule VI. The Left Front Government in Tripura also tried its utmost to have it for the tribals. The Tripura Assembly also adopted unanimous resolutions on two occasions calling upon the Central Government to introduce the sixth Schedule of the

constitution into the tribal areas of Tripura, but to no effect within the life-time of the second state Assembly.

Assembly elections of 1983

The Assembly election of 1983 in Tripura was held on 5th January, 1983. At that time the Left Front was in office. The main political parties in this election were the ruling Left Front constituted by the CPI (M), CPI, RSP and Forward Block on the one hand and INC and TUJS on the other. Moreover, Amra Bangali candidates and some individual members were there.

As we have already noticed, during the last five years the question of ethnic harmony became a major issue in Tripura, as the people of the state had already experienced the bitter consequences of unfortunate fratricidal riot between a section of tribals and non-tribals. The Left Front, especially its major constituent – the CPI (M) had consistently strived for maintaining amity between the Tribals and the non-tribals. In no other state such issue is so important as it is in Tripura, because the tribals, who were once majority in the state have turned into minority. This was due to a historic compulsion which led a large number of Bengali people to migrate to Tripura and settle here leaving their hearth and home in erstwhile East Pakistan. Hence, the question of ethnic harmony has always been a basic issue in all elections in the state. The Left Front, therefore, promised, as it had done before, steps for development of backward tribal people of all the communities. It also promised steps for development of the language and culture of the tribals, and placed the demand to the union government for amendment of the constitution to delegate more power to the Autonomous District Council under the sixth Schedule. Another issue of the Front was supply of 14 essential items to the people through LAMPS and PACs.⁹

On the part of the opponent, INC gave assurances to the people on the basis of the revised 20 point Economic Programme as propagated by the All India party under the leadership of Prime Minister Smt. Indira Gandhi. ¹⁰

In the Election, the Left Front won the majority of seats to run the state government for the consecutive second term. The Front got 39 seats in total of which CPI (M) captured 37 seats and RSP won 2 seats. The other constituents of the Front--- CPI and FB could not win any seat in this election. In the Opposition camp INC won 14 seats including 2 independents and the TUJS got 6 seats. The Amra Bangali won 1 seat. ¹¹

It is evident from the results of the Election that the INC and TUJS had done better in this election compared to their performance in the Assembly election held in 1977. The ethnic problem and issue was a major factor other than the commissions and omissions of the first left front government. But Pro-people programme of the Left Front Government, at the same time, enabled the CPI (M) to make inroads into the hitherto untouched section of the toiling masses. Again, anti-establishment feelings also played a role in the election. It was evident from the increase of seats of the congress party in the election.

Assembly election of 1988

The election of the Tripura Assembly which was held in February, 1988 to constitute the Fourth State Legislature was held in an unprecedented situation. One month before the election there was a stream of violence organized by the TNV (Tripura National Volunteers), a tribal extremist group that seceded from TUJS under the leadership of Bijoy Hrankhwal). They killed more than one hundred innocent non-tribal people before 2/3 days of the election. The Union Government declared the state as disturbed area 72 hours

before the election and deployed armed forces in the state ignoring the objection of the state government.

In their election campaign CPI (M) and its Front partners mainly highlighted the successes of their previous rule of two terms from 1977 to 1987. They also raised issues like more power for the states, deprivation by the centre etc. Moreover, the Front laid stress on issues like abrogation of Article 356 of the constitution of India, franchise from the age of 18 years, transfer of education to the state list, supply of fourteen essential items to the people at the subsidized rates through Fair Price Shops throughout the country, and problems of extremism aided by the foreign powers to be met, etc.¹²

The Opposition Congress and the TUJS intensified their campaign discrediting the Left Front Government for the extremist movement leading to killings of men and women in the state. This campaign was sharpened against the Left Front and its major constituent the CPI (M).¹³ This campaign influenced sizeable number of voters mainly in the Bengali dominated areas who relied on the promise of peace given by the Opposition.

As a result, the INC bagged 24 seats and its electoral ally TUJS secured 7 seats in the election. The CPI (M) got 26 seats and another partner of the Front Forward Block got 2 seats.¹⁴ Election to one constituency namely Fatikroy constituency remained postponed due to the death of the CPI (M) candidate. In the by-election which was held later on the INC captured this seat which was traditionally a CPI (M) seat.¹⁵ In the Assembly election, the Left Front got 49.26% and congress and TUJS together got 47.48% votes. It is worthy of note in this context that congress won one seat (Matabari seat) by 8

votes and TUJS won 1 seat (Golaghati seat) by 9 votes. Allegation of rigging for 3 seats in the counting centre was raised by the Left Front.

This election of the state Assembly put an end to the one-decade long Left Front rule in Tripura. For the first time the INC and the TUJS together formed a coalition government in the state under the leadership of Sudhir Ranjan Majumdar.

Immediately after coming to power the coalition government dismantled all the elected self-govt. institutions of the state like panchayats and the Agartala Municipality and it did not take step to hold elections of those bodies as long as it was in power. In the Parliamentary elections of 1989 and 1991 to the Tripura (west) Parliamentary seat, shameful rigging was allegedly resorted to by the ruling alliance in order to ensure the victory of congress candidate, Santosh Mohan Deb by such a big margin that was simply unimaginable. It is pertinent to mention ,in this context ,that out of the previous 8 parliamentary elections from 1952 to 1984 in Tripura , Congress won this seat 2 times only and by very narrow margin , CPI won two times, CPI(M) won 3 times and CFD won 1 time and every time by very large margin. In the election to reconstitute the TTAADC in 1990 also, allegation of shameful rigging and terror tactics were raised vigorously by the opposition, and the congress. TUJS alliance captured the ADC, whereas in the previous two elections in 1982 and 1985 the Left Front conducted fair and peaceful polls and its candidates won by big margins. All these attacks on democracy led the left parties and the CPI (M) in particular to raise vigorously the slogan of restoration of democracy from their meetings. The resentment was embroiling in the state police force also towards the end of the regime as the state police Battalion was dissolved and all the personnel of the force were dismissed to put down their movement. This step acted against the alliance

that ruled the state from 1988 -1993(a part). TUJS also lost its base in a remarkable size as a result of going hand in hand with the INC. The shameful incident of mass rape of Tribal women in Ujan Maidan, an interior tribal hamlet under Khowai Sub-division rocked the state. The case was judged by the Supreme Court of India and verdict was in favour of the victims.

Election of 1983 and the Major Issues focused by the Parties

In the Assembly elections held in 1993, the Left Front and mainly its major component, was on the offensive while the INC –TUJS alliance was in a retreating position after five year rule.

The Left Front took up the issue of restoration of democracy in the state and safeguarding the tribal and other minorities. It also highlighted the issues of development of O.B.C. people and the people of Scheduled Caste Communities. Further, it assured the unemployed to provide them jobs. The main thrust was given to restore democratic rights of all sections of people. ¹⁶

On the other side, the INC-TUJS alliance reiterated their promises for upliftment of the condition of the poor. The alliance urged for votes highlighting their five –year rule. It propagated that there was no starvation death and riot during the last five years. The INC also gave promises of maintaining peace and harmony in the state and it held the previous Left Front government responsible for the problems of the people citing its failures in different spheres. ¹⁷

The elections for constituting the Fifth State Legislative Assembly was held on 3rd April, 1993 under the President's rule. Before these elections, the INC & TUJS alliance had to quit office as their tenure was lapsed. In this election, the INC & TUJS alliance could not return to power. The Left Front

already on the offensive came back to power securing 47 seats out of which the CPI (M) alone bagged 44 seats and F.B. and R.S.P. got 1 and 2 seats respectively. The INC got 10 seats and its ally TUJS secured 1 seat only.¹⁸

After coming back to power, the first major step taken by the Left Front government was to take the initiative to bring back the extremists back to normal life. On 23rd August of that year, an agreement was signed between the State Government and the ATTF (All Tripura Tribal Force) representatives and on the basis of that, the ATTF members started to surrender in groups from November of the year and the process was completed within a short period of time. But another group of the ATTF named Tiger Force did not agree to surrender and its members have been continuing their terrorist activities till now. On the other side, the NLFT (National Liberation Front of Tripura) also was divided into two factions as a result of internal contradiction and consequently another extremist organization named TRA (Tripura Resurrection Army) was born, and for some time, it became very fearsome in the hilly areas of small Tripura, but in February, 1997 all the members of the organization surrendered to the government and that marked the dissolution of the organization. Within 1997, more than five thousand tribal extremists surrendered and came back to normal life. For all that, no lasting solution to the extremist problem was possible and normal condition did not come back in the state. In view of the fact that the extremist activities went on unabated, the Left Front government had to declare a portion of the hilly area of the state as "Disturbed Area" and to hand over the responsibility of law and order of that area on the Armed forces. Moreover, two heinous extremist organizations ATTF and NLFT were declared banned.

Election of 1998

On the eve of the Assembly election of 1998, the most fiery issue in Tripura politics was the extremist problem. The opposition parties held the Left Front government responsible for its alleged failure to solve the extremist problem and to protect the life and property of the people of the state and of interior areas in particular. The Left Front, on the other hand, raised the allegation that congress, TUJS and TNV and other opposition parties had been going on instigating the extremist organizations and groups in their narrow political interest and for destabilizing the left Front government.

In the Assembly election of 1993, Janata (B) party and Tripura Hill People's party were in the electoral alliance with the Left Front. But after the Front assumed power after the polls, the relation between the CPI (M), the largest partner of the Front and the abovementioned two parties began to deteriorate. Meantime, the HILL people's Party dissolved its separate entity and merged itself with the 'Indigenous People's Front of Tripura', an anti-left tribal organization. However, the Left Front brought out the lists of candidates for 59 seats keeping 1 seat (won by Janata (B) in the election of 1993) vacant and of the 2 Lok Sabha seats (as the parliamentary election also was to take place at that time). Two eminent candidates of the CPI (M) were dropped from the list of candidates for the Assembly Election that time. One was Nripen Chakraborty, the Chief Minister of the first two Left Front Governments of Tripura, who was expelled from the party in 1995, and the other was Dasarath Deb, the Chief Minister of the third Left Front government, who voluntarily withdrew himself from the electoral battle on ill health ground.²⁰

In the Congress-TUJS alliance, the new entrant was TNV (Tripura National Volunteers). After a good deal of bargaining, the seats were distributed among the partners of the 'Triple Alliance' in the manner as Congress-45, TUJS-10, TNV-5; and Congress to post candidates to both the seats of the Lok Sabha. But ultimately, TNV dissociated itself from the Alliance ultimately, and its chairman Bijoy Hrankhwal contested the election from Kulai (ST) constituency as an independent candidate.

In the election, the Left Front got 41 seats out of which CPI (M) won 38 and CPI and RSP won 1 and 2 seats respectively. Congress-TUJS alliance won 17 seats out of which congress got 13 seats and TUJS got 4. 2 seats were won by Independent candidates ---one by Bijoy Hrankhwal and the other by Kajal Das, a congress dissident.²¹ The Fourth Left Front government was formed after the result of the election was declared with Sri Manik Sarkar as the Chief Minister and 16 other ministers.

As per the version of the Fourth Left Front Government ever since its assumption of power, it has been taking continuous steps to upgrade the standard of living of the state populace alongside those living below poverty line. Such steps continued in the spheres of housing, agriculture and animal resources development, drinking water supply, rural development including road construction, electrification, irrigation, self-employment schemes and rehabilitation of the landless during the last four years and a half, and solid success were attained in all these fields, it added. It, further, mentioned specially of the 25point package of tribal development with its own commitment to earmark 50 percent of the total plan allocation for development of the tribal areas which were in fact made hardest by violent extremist atrocities delaying such development. It pointed out in this context that it conveyed its special information to the Central Government regarding

51 extremist sanctuaries in Bangladesh territory with an appeal to bust the sanctuaries, but to no effect, it regretted. Tripura has 856 Kms of international border with Bangladesh. But the B.S.F has only 8 battalions when at least 18 battalions are required to man the entire border, it added. ²²

The Assembly Election of 2003 is only a few months away and hence election campaigns are already on. The Congress Party is going ahead with its electoral alliance with the Indigenous Nationalist Party of Tripura (INPT). This is a tie up fraught with dangerous consequences for both the people of Tripura and national unity, alleges the CPI (M). The speech made by INPT President Bijoy Hrangkhwal at Geneva advocating self –determination for the tribal people and an independent state of Tripura has also been highlighted in hundreds of mass meetings organized by the CPI(M) . The Congress national leadership has been asked how it can justify such an ‘opportunist’ and ‘harmful’ alliance with forces who advocate separatism and promote terrorist activities. The answer has been given through the joint rally organized by the congress and the INPT at Agartala on September 8. At this rally, the Congress leadership in Tripura and Mani Shankar Aiyer, the AICC in charge for the state have sought to explain away the written speech delivered by Hrankhwal; at Geneva ‘justifying the terrorist activities of the NLFT and the ATTF and alliance of Congress with the INPT. Aiyer also resorted to the stereotyped anti-Marxist attacks of leveling the CPI (M) as Pro-china and anti-national’, the Party added. ²³

In the address before the biggest ever rally at Agartala on 14.09.2002, Chief Minister Manik Sarker and other speakers gave ‘a fitting and effective reply’ to this ‘display of harmful opportunism’. Sri Sarkar, in his Speech, bombasted the Congress for teaming up with ‘ the political mask of extremists’ instead of pressing for the return of all the army units withdrawn

by the Centre from Tripura and for adequate BSF personnel to combat trans-border terrorism. Refreshing the people's memory of the 1988 'usurpation' of the State power by the Congress led coalition making 'surreptitious' use of Bijoy Hrankhwal –led TNVextremists and the 5 year 'semi-fascist conrrupt' regime that followed, Sri Sarkar expressed confidence that the politically conscious people of the state have thrown the gauntlet to the blatantly opportunist congress-INPT combine going all out to stage a repeat of 1988 .²⁴ The election campaigns of both the alliances are, thus, continuing in full swing, and these will continue till the date of election will be and announced by the State Election Commission.

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CHAPTER-V

IMPORTANT LEGISLATIONS DURING THE PERIOD OF THE STUDY

During the period under review the Tripura Legislative Assembly enacted a good number of Legislations some of which were very important with regard to the administrative decentralization, socio-economic development and social welfare of the people of the stat. It is, therefore, very pertinent to give an account of those acts at this stage.

A. On Administrative decentralization:

i)The United Provinces Panchayat Raj (Tripura Amendment) Act, 1978.

In order to establish Gaon Sabhas on the basis of economic viability, social homogeneity and geographical contiguity and to ensure better administration in village self Government, it was felt necessary to amend clause (T) of section 2 and Sub-section (1) of section 3 of the United Provinces Panchayat Raj Act, 1947, as extended to Tripura.

The Act (The United Provinces Panchayat Raj Act) did not provide for reservation of seats for Scheduled Castes and Scheduled Tribes in a Gaon Panchayat beyond the 26th day of January, 1960. Hence, to provide for such reservation as long as the same was provided for in the Constitution, the amendment of sub-section (7) of section 12 of the existing Act became necessary. The United Provinces Panchayat Raj (Tripura Amendment) Act, 1978 therefore, took necessary steps to do the needful.¹

The Act was amended in the same year, i.e., 1978 (Bill no. 6 of 1978) again. In order to expedite and facilitate the holding of election of members of

the Gaon Panchayats including Panchas of the Nyaya Panchayats and Pradhans of the Gaon Sabhas, amendment of Section 9 and Section 12G of the United Provinces Panchayat Raj Act, 1947 as extended to Tripura became necessary.

It was felt necessary in public interest to reduce the qualifying age for being chosen as Pradhan and, as such, the proposed amendment in Section 5B was required. Accordingly all necessary steps in all those regards were brought about by the Amendment.²

It was further amended in 1979. In order to secure adequate financial resources to Gaon Sabhas through borrowings from financial Institutions for carrying out the purposes of the Act, the proposed amendment of section 36 of the U. P. Panchayat Raj Act, 1947 , as extended to Tripura became necessary. The amendment thus brought about went a long way in the sphere of securing adequate financial resources to Gaon Sabhas through borrowings from financial Institutions for fulfilling the purposes of the Act.³

The Tripura Panchayats Bill , 1983 (Bill no. 12 of 1983) which was passed in the Assembly and became an act and was amended in 1986,1988,1992,1993 and 1994 went a long way towards administrative decentralization in the rural areas of the state. It has been mentioned earlier that the United Provinces Panchayat Act, 1947 was adopted in Tripura in May, 1959. But as the same act and its amendment were inadequate for regulating the Panchayat Institution in the State , it was felt necessary to replace it by this new act.

The Tripura Panchayat Bill, 1983 envisaged the following:

It met the present need for constitution of the Gaon Panchayat in Tripura, made the election of the Pradhan indirect instead of direct so long in

practice, reduced the age of voters from 21 to 18 and provided procedural improvement relating to its functioning, power, duties, financial resources including relation of the state government with the Panchayat election. Thus by virtue of the Tripura Panchayats Act, 1983 and its amendments, and its 4th amendment in particular (1993), there are three tier Panchayati Raj System in Tripura now.⁴

The Act was further amended in 1986 . The Act provided that if a member of a Gaon Panchayat , set up in the election by a political party, defects from that party after election he would be disqualified for being a member of the Gaon Panchayat. Similarly an independent member also, if he joined any political party after election, would be so disqualified.⁵

The act was again amended in 1988. After supersession of 698 Gaons in the year 1988 it was decided by the Government to re-organize the existing Gaons on the basis of population distribution and geographical position with the recommendations of Block Level committees for this purpose. According to the recommendation of the said committees reorganizations were effected and the number of Gaons rose to 910 which were duly published in Government Gazetteer during 1989 -90. In September, 1990 another Gaon namely, Tlangnag under Kanchanpur Block was formed whereby the total number of Gaons rose to 911.⁶

The Act was again amended in 1992. The Tripura Tribal Areas Autonomous District Council was then considering for establishment of village Committees in the A.D. C. areas. Consequently, it was decided by the State Government to amend the Tripura Panchayat Act, 1983 in order to exclude the jurisdiction of Gaon Panchayat in regard to the provisions of extent, powers and functions from the areas of the District council and to ensure consistency in the Panchayats Act with the proposed village Council Bill of the

Tripura Tribal Areas Autonomous District Council. It, therefore, became necessary to enact laws to amend Section 1(2) , 47,72, and 76(7) of the Tripura Panchayat Act, 1983.⁷

The Act was further amended in 1993 on the basis of the Constitution (73rd Amendment) Act, 1992 that came into force on 24 April, 1993. A three-tier Panchayat system of the village level, block level and district level was created for the first time in Tripura. Soon after constitution of three-tier Panchayat system, the State Government decided that the powers and functions of the various departments would be assigned to the Panchayats. For proper functioning of the Panchayats, the State Government made funds available to them. A Panchayat Raj Training Institute (PRTI) was set up at Arundhutinagar, Agartala, for imparting training to the members of the Panchayat.⁸

The act was again amended in 1994. Inconsistencies/ omissions were noted in sections 27,42,74,87,109,139 and 191 of the Act. Further in section 109 a new sub-section(6) was inserted for making provision for payment of sitting fees to President or members and leave of absence to the President of the Standing Committees of the Panchayat Samiti.

In section 191, a new sub-section (3) was added to make provisions for imposing a restriction for simultaneous holding of office of members in both Panchayat Samiti and Zilla Parishad.

The Act does not contain any provision regarding grounds on which an election dispute might be raised or an election might be set aside. Accordingly, to cover this a new section namely, section 210 A was inserted after the section 210.⁹

Thus, by virtue of the Tripura Panchayats Act, 1983 and its amendments, and its 4th amendment in particular (1993), there are three-tier Panchayati Raj System in Tripura now consisting of Panchayats, Panchayat Samitis and Zilla Parishads and steps are being taken to organize and activate the Panchayats and endow them with power and authority to enable them to function as units of self-government.

ii) Again an attempt at re-constituting Agartala Municipality by elected members and to enable it to function as an unit of self-government was formed when the Bengal Municipal (Tripura Amendment) Bill , 1972 (Tripura Bill No. 8 of 1972) was introduced in the Tripura Assembly on 7th December ,1972.

The Bill aimed at amending certain provisions of the Bengal Municipal Act, 1932 as extended to Tripura. The Amendment related mainly to the preparation of electoral rolls by the Magistrate in charge of the Sub-Division in which a Municipality was situated in stead of the then system of preparing the same by a committee consisting of the chairman and two commissioners, revision of the qualification of the votes, making provisions for the holding of general election in default of timely election on the event of an election being set aside, the validation of the actions of the commissioners whose election was set aside by the court and some other ancillary matters. The then Municipality of Agartala was under supersession for a good number of years and the government wanted to hold an early election for the re-constitution of the Municipality by elected commissioner. But it was difficult to prepare the electoral rolls for the election of the Municipality under the existing Act. Hence an amount had been proposed in the main Act to facilitate the preparation of the electoral rolls. The qualification of voters for taking part in the election had also been proposed to be materially changed. The

amendments to the Bill had been proposed on the lines of the West Bengal Municipal (Amendment) Act, 1962 (West Bengal Act No. 22 of 1962).¹⁰ But unfortunately, the government did not succeed to hand over the Municipal administration to an elected body during its life time (1977- a part). Similarly, it failed to implement its own decision to declare some sub-Divisional towns of Tripura as notified areas. As a result, the Bengal Municipal (Tripura Amendment) Act, 1972 had to be amended by the Left Front Government in 1982. The Government felt that the age of a person to be eligible to vote at an election of commissioners of a Municipality should be reduced to 18 years from 21 years. In the STATEMENT OF OBJECTS AND REASONS of the Act, it was also mentioned that The State Government further feels that the members of the notified area Authority should be elected rather than being appointed by the State Government.

Due to amendment of the Indian Registration Act, the Code of Criminal Procedure and Limitation Act and because of the introduction of metric system in India, minor amendments to some of the provisions of the Acts are also considered necessary. The Bill seeks to achieve the aforesaid objects.¹¹

In the TECHNICAL REPORT of the Bill , it was pointed out that “The Bengal Municipal (Tripura Second Amendment) Bill ,1982 seeks to amend certain provisions of the Bengal Municipal Act, 1932 in its application to this State.

The subject matter of this Legislation is relatable to Entry 5 of the List II (State List) of the Seventh Schedule of the Constitution of India. No Provision of this Bill is repugnant to any Provision to any existing Central Law of the Constitution of India. The State Government has exclusive power to enact a law on this subject matter.”¹²

The Act was further amended in 1983. It was very necessary to delete Section 529A of the Bengal Municipal Act, 1932. As the Legislative Assembly was not in session then and the matter required immediate action, the legislation deleting Section 529A of the Act was made by an ordinance, namely the Bengal Municipal (Tripura third Amendment) ordinance, 1983 promulgated on the 27th April, 1983.

Subsequently, the Bengal Municipal (Tripura Third Amendment) Bill, 1983 (Tripura Bill No. 7 of 1983) was placed in the Assembly and was accepted and became an Act in due course.¹³

The constitution (Seventy fourth) amendment Act, 1992 inserted Part IX A which contained provisions relating to the Constitution of Municipalities in transitional and urban areas. The Municipalities to be constituted would be institutions of Self Government in each Municipal area, a Municipal Council in smaller urban Municipal area and a Municipal Corporation in larger urban Municipal area. As regards composition of Municipalities, as aforesaid, the constitution directed, that every Municipal area would be divided to Territorial constituency known as Ward and one member from each constituency would be elected by direct election.

The Tripura Municipal Ordinance, 1994 accordingly came into force in the State of Tripura. It was necessary to replace this ordinance by an Act relating to Municipalities on the lines directed in the said part of the Constitution. Accordingly, the Tripura Municipal Bill, 1994 was prepared and it became an act in due course.¹⁴

From the above discussion, it becomes evident that the Left Front Government amended the Bengal Municipal (Tripura Amendment) Act, 1972 in 1982, 1983, and 1994 in order to reconstitute the Agartala Municipality,

hand it over to an elected body and also constitute Notified Authorities in the Sub-divisional towns of Tripura and transfer powers to those bodies.

B. On socio-economic aspects of Political development:

The Tripura Land Revenue and Land Reforms (Second Amendment) Bill, 1974 which was introduced in the Assembly on 15 March 1974 sought to introduce Land Reforms which were essential to remove the impediments in the matter of agricultural production and remove elements of exploitation and social injustice in the agrarian system by giving of security of tenure to holder and bargadars by reducing the ceiling of holdings from 2 hectares to 7.2 hectares with retrospective effect from 24 January, 1971 restricting the transfer or partition of any land in certain circumstances to facilitate the operation of the ceiling law and making other ancillary changes in the Act of 1960. There were also provisions for regularizing the record-of-rights already prepared in respect of a part of a village.¹⁵

Some extensive amendments were also proposed in section 187 of the principal Act for giving relief to the members of the Scheduled Tribes in the State. The important changes proposed in this section were---

(i) making the transfer of land by a person belonging to a Scheduled Tribe by a compulsory registered instrument,

(ii) making provision for restoration of the land transferred illegally on or after the 1st January, 1969, in contravention of the aforesaid section, by a revenue officer specially appointed for this purpose.

(iii) Barring the jurisdiction of court for the sale of land of a person belonging to a Scheduled Tribe in execution of a court decree, and

(iv) Making provisions for executing a certificate filed for recovery of an arrear of land revenue in respect of the land of a person belonging to a Scheduled Tribe.

Provisions had also been made for effective implementation of the aforesaid measures of land reforms by providing for imposition of penalty etc.¹⁶

The Bill also repealed the former Ruler's Tribal Reserve Orders firstly, as these were allegedly discriminatory in nature and secondly, as adequate allegedly provisions have been made for the protection of all the tribals in Tripura in the Bill of 1974.³ The act was further amended in 1975, 1976, 1979 and 2000. In the statement of objects and reasons, it was mentioned, " The Bill seeks to achieve the above mentioned objects.

In view of the urgency, an Ordinance called the Tripura Land Revenue and Land Reforms (Second Amendment) Ordinance, 1974 was promulgated by the Governor on the twenty-eighth day of February, 1974. The present Bill seeks to replace the said Ordinance." Some members of the Opposition moved several amendments to the Bill , but all the amendments were rejected by the Government side and after that the opposition block staged walk out and the bill was put to voice vote and accepted.¹⁷

In the Technical report on the Bill , it was pointed out that:

"The subject matter of the Bill in relation to entries 18, 45 and 65 of the State List and entry 6 of the Concurrent List of the Seventh Schedule to the Constitution. As , however, the provisions of the Bill attract clause (1) of article 31 A of the Constitution , and as some of them are repugnant to some provisions of the Registration Act, 1908 and existing Central Law, it will have to be reserved for consideration of the President and will require his assent

under the first proviso to Clause (1) of article 31A and Clause (2) of article 254 of the Constitution.”¹⁸ The bill, after it received the assent of the President, became an act. As the Bill, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of Tripura, it would require the prior recommendation of the Governor under clause (3) of article 207 of the Constitution, it was mentioned.

In the statement of objects and reasons of the Third amendment Bill introduced in Assembly on 14 March, 1975, it was mentioned that the Bill “seeks to introduce certain reasonable restrictions on the rights of transfer in the areas predominantly peopled by the Scheduled Tribes for the protection of the interest of the Scheduled Tribes, who on account of their backward and primitive conditions and lack of education or material advantages are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance.

The Bill provides some order of preference in the right of purchases of land in the said areas. First preference has been given to a co-sharer, second preference to an adjoining land holder who is a member of the Scheduled Tribe and the third preference to any other landless Scheduled Tribe residing in the area.

The Bill also seeks to define the holders of land used for nonagricultural purposes which were left out in the principal Act through the provision of section 16 of the principal Act. Such persons were liable to pay land revenue to the Government. So some consequential amendments of sections 135 and 136 have also been proposed.

The Bill also seeks to amend section 109 of the principal Act by making it lawful for the under-raiyat to create a simple mortgage or a charge on his interest in the land leased by him in favour of a “subsidiary bank” as defined

in the State Bank of India (subsidiary Bank) Act, 1959 and also to exempt the Subsidiary Bank, Co-operative Land Development Bank and Co-operative Land Mortgage Bank from the operation of ceiling.

The Bill also curtails the power of the government to exempt any class of land from the operation of all or any of the provisions of the Act.

The Bill seeks to achieve the above mentioned object.

In view of the urgency, an Ordinance called the Tripura Land Revenue and Land Reforms (Third Amendment) Ordinance, 1975 was promulgated by the Governor on the twenty-seventh day of February, 1975. The present Bill seeks to replace the said Ordinance.”

The Bill, after a prolonged debate, was put to vote and accepted.¹⁹

In the technical report of the Bill, it was mentioned:

“The subject matter of the Bill is relatable to entries 18 and 45 of the State List of the Seventh Schedule to the Constitution. As however the provisions of the Bill attract clause (1) of Article 31 A of the Constitution, and as some of them are repugnant to some provisions of the Registration Act, 1908 and the Transfer of Property Act, 1982, existing Central Laws, it will have to be reserved for the consideration of the President and will require his assent under the first proviso to clause (1) of article 31 A and clause (2) of article 254 of the Constitution.”²⁰

Assent of the President was received shortly and the Bill became an act therewith. As the Bill, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State, it will require the recommendation of the governor under clause(3) of article 207 of the Constitution for consideration of the Bill in the House of the Legislature of the State.

The Objects and Reasons of the Fourth Amendment Bill (Bill No.2 of 1976) stated that it (the Bill sought to provide exemption from the operation of ceiling for land held by bank. Definition of family for the purpose of ceiling on land holding had been widened to include adult son and widow of the predeceased son. The Bill also sought to allow the member of the Scheduled Tribes to mortgage land for the purpose of securing repayment of any loan in favour of a bank.²¹

In the Technical Report of the Bill, it was pointed out that “The subject matter of the Bill is relatable to entries 18 and 45 of the State List of the Seventh Schedule of the Constitution of India. In view of article 246(3) of the Constitution the State Legislature is competent to enact any law in regard to this matter. As however, the provisions of the Bill attract clause(1) of article 31A of the Constitution, and as some of them are repugnant to some provisions of the Registration Act, 1908,an existing Central Law , it will have to be reserved for consideration of the President and will require his assent under clause(2) of article 254 of the Constitution”.²² The required assent was received in due course and the Bill was converted into an act forthwith.

In the statement of objects and reasons of the Fifth Amendment Bill (Bill No 6 of 1979) it was stated that

“The Tripura Land Revenue and Land Reforms (Fifth Amendment)Bill ,1979 seeks to adopt the definition of ‘family’ in Chapter XIII for the purpose of ‘personal cultivation’ also. It also seeks to provide that all alluvial and diluvial lands will vest in the Government subject to the condition that the original owners will have the right to possession of the land last by deluvion if it reappears within a period of 12 years.

The Bill further seeks to bar the jurisdiction of Civil Courts in matters relating to settlement of land revenue or incidents of any tenancy to which

record of rights relates. Provisions have also been made for revision of any entry in record of rights by the Revenue Officer within 3 years on application and at any time on his own motion.

The Bill seeks to confer the benefit of presumption of Barga interests on Bargadars and to restore land to Bargadars unlawfully evicted from the land. A special machinery for recording Barga interests and for dealing with all other matters relating to Barga interests is also provided for.”²³ The Bill after a detailed debate and discussion was put to voice vote and accepted and became an act in due course.

The Sixth Amendment Bill (Bill No. 14 of 1989) sought to further strengthen the measures to prevent alienation of tribal land and also for effective implementation of the provisions for restoration.

In the Principal Act the transfer of land belonging to a member of scheduled Tribe to a person not a member of such tribe was restricted but the expression “Transfer” was not defined which created confusion in dealing with the various types of transactions of lands. The bill sought to define the term “Transfer” so as to include all possible transactions on land. It also declared trespass on tribal land as a cognizable offence and provided for imposing penalty on the trespasses. The bill also contained provision for constituting special court for speedy trial on such offences.

The bill further provided to bar the jurisdiction of Civil Court in any suit for declaration of title by a non-tribal against a tribal. It also provided to waive limitation in filing any application or suit for restoration of land by a tribal.

In the statement of objects and reasons of the Tripura Land Revenue and Land Reforms (Sixth amendment) Bill, 1989, it was stated: “The Bill seeks

to further strengthen the measures to prevent alienation of tribal land also for effective implementation of the provisions for restoration.

In the Principal Act the transfer of land belonging to a member of scheduled Tribe to a person not a member of such tribe is restricted but the expression “transfer” was not defined which creates confusion in dealing with the various types of transactions of lands. The bill seeks to define the term ‘Transfer’ so as to include all possible transactions on land. It also declares to trespass on tribal land as a cognizable offence and provides for imposing penalty on the trespassers. The bill also contains provision for constituting Special Court for speedy trial of such offences.

The bill further provides to bar the jurisdiction of the Civil Court in any suit for declaration of title by a non –tribal against a tribal. It also provides to waive limitation in filing any application or suit for restoration of land by a tribal.”²⁴

In the technical report on the Bill, it was pointed out that the subject matter of the Bill relates to alienation of land and it is covered by item no.18 of the State List (List-II) of the 7th Schedule of the Constitution of India and the State Legislature is fully competent to enact Bill.

The Bill is not a money Bill and as such there is no requirement of obtaining recommendation of the Governor before introduction of the Bill in the Legislative Assembly. However as some of the provisions of this Bill are repugnant to a number of existing Central Acts, viz. the Code of Criminal Procedure, 1973 the code of Civil procedure, 1908 and the Indian limitation Act, 1963, the Bill , if passed, will have to be reserved for the consideration for the President.”²⁵ The Bill after a prolonged debate was put to vote and accepted and it became an act after the assent of the President was received.

In the statement of objects and reasons of the Tripura Land Revenue and Land Reforms (Seventh Amendment) Bill, 1997, it has been pointed out that, "The Tripura Land Revenue and Land Reforms (Sixth Amendment) Act, 1994 which came into force on the date it received the assent of the President i.e. 11th February, 1996 inserted Sections 187, 187B and other five sections in the Principal Act i.e. Tripura Land Revenue and Land Reforms Act, 1960. The aim of passing the aforesaid act of 1994 was to provide special provisions for the safeguarding of the lands belonging to the scheduled Tribes.

While conveying the assent of the President to the aforesaid Sixth Amendment Act of 1994 the Central Government advised that the State Government may make the operation of sub-section (3) of section 187 prospective so that the provisions can not be used to reopen orders passed by Court, Tribunal or any Authority which have already been executed. The Central Government also advised that penal provisions in sub-section (2) of section 187B can only have prospective effect. Accordingly, the Central Government desired that those two sub-sections may be amended by a Bill on Ordinance before enforcing the present Act to give prospective effect from the date of notification by the state government.

Accordingly, the Governor, on the instruction of the President of India, promulgated the Tripura Land Revenue and Land Reforms (Seventh Amendment) Ordinance, 1996 on 18th October, 1996. As the Principal Act, 1960 is a regular legislation it has now become necessary to replace the Ordinance by a Bill.

The Bill which contains all the relevant provisions of the Ordinance seeks to achieve the aforesaid object."²⁶

In the technical report of the aforesaid Bill it was mentioned that, "The subject matter of the bill is relatable to entry 18 of List –II (State List) of the

seventh schedule to the Constitution of India. Therefore, the State Legislature is competent to make a law on the subject.

The provisions of the Bill are not repugnant to any provisions of any Central Law on the Constitution.

But the Tripura Land Revenue and Land reforms (Sixth Amendment) Act, 1994 was assented to by the President and the Tripura Land Revenue and Land Reforms (Seventh amendment) Ordinance 1996 which is relevant to the aforesaid Act was promulgated by the Governor on the instructions of the President under clause(1) of Article 213 of the constitution of India.

Therefore, the Bill will have to be reserved for the consideration of the President to receive his assent under Article 201 of the Constitution.”²⁷

The Bill received the assent of the President of India in course of time and was converted into act.

iii) The Agricultural debtors Relief Act, 1975 .

This Act was passed by the Tripura Legislative assembly with a view to provide

- (i) relief to the landless labourers,
- (ii) marginal farmers,
- (iii) rural artisans ,
- (iv) share-croppers and
- (v) small farmers who were indebted.

Under this Act

(i) "Landless Labourers" meant a person who did not hold any Agricultural land and whose principal means of livelihood was manual labour on agricultural land.

(ii) "Marginal Farmer" meant a person not belonging to Scheduled Tribe who owned land measuring not more than one hectare and in relation to a person belonging to a Scheduled Tribe meant a farmer who owned land measuring not more than two hectares.

(iii) "Rural Artisan" meant a person who did not hold any Agricultural land and whose principal means of livelihood was production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and also a person who normally earned his livelihood by practicing a craft either by his own labour or by the labour of the members of his family in the rural area.

(iv) "Share-Cropper" – The Act defined "Share –Cropper" as a person who under the system was generally known as adhi; barga; bhag or any other term cultivates the land of any person on condition of delivering a share of the produce of such land to that person.

(v) "Small Farmer": Under this Act " Small Farmer" meant a person not belonging to scheduled Tribe, but meant a farmer who owned land measuring more than one hectare but less than two hectares and in relation to a person belonging to scheduled Tribe meant a farmer who owned land measuring more than two hectares but less than four hectares.

The object of this Act was that no such debt due from him or from any of his movable or immovable property would be charged. No such property would be liable to be attached and sold or preceded in any manner in the execution of any decree or order relating to such debt against such debtors.

No civil case would be entertain any suit, appeal or proceeding against the debtors for the recovery of any amount of such debt including interest, if any.

Every debtor undergoing detention in a civil prison in execution of any decree for money passed against him by a civil court in respect of any such debt shall be released.

At that time there were a good number of small farmers , labourers, marginal Farmers and rural artisans in Tripura who were suffering from indebtedness. This Act tried to provide some relief to these people. ²⁸

iv) The Tripura Agricultural indebtedness Relief Bill, 1979

The Tripura Agricultural Indebtedness Relief Bill, 1979 to replace the Tripura Agricultural Debtors Relief Act, 1976 , which remained mostly on paper in absence of proper enforcement procedure. The Act also provided for discharge of debt advanced before the date of commencement of the new Act. It had been made compulsory for a credit to file a statement in cases of property pledged.

The Bill also sought to provide for delivery of possession of the mortgaged property to the debtor under orders of the Tribunal to be constituted for the purpose.

The jurisdiction of the Civil Court had been barred in any matter which the Tribunal was empowered by or under that Bill to determine.

Offence under that Bill had been proposed to be made punishable. ²⁹

In the TECHNICAL REPORT of the Bill , it was pointed out that “ The subject matter of the Bill is relatable to Entry 30 of the State List (List 11) of the Seventh Schedule to the Constitution of India. The State Government has competence to enact a law on this subject matter. As however some of the provisions of the Bill are repugnant to some provisions of the Code of Criminal

Procedure, 1973, Code of Civil Procedure, 1908 and the Transfer of Property Act, 1887 the existing Central Law, the Bill will have to be reserved for consideration of the President and will require his assent under clause (2) of article 254 of the Constitution".³⁰ The Bill received the assent of the President of India and became an act in due course.

This Act was further amended in 1981 and it sought to amend Section 10(1) of the Tripura Agricultural Indebtedness Relief Act 1980, in order to bring it in conformity with the spirit of similar provisions of the Criminal Procedure Code so that offences tried summarily could not result in imprisonment over three months or even in a compulsory minimum imprisonment.³¹

v) The Tripura Sales-Tax Act, 1976: The object of the Bill was to augment the resources of the State for financing productive development programmes and projects to be implemented in the State. With this object in view the Bill sought to levy a Tax on the sale of goods in the State of Tripura.

A turnover of about Rs. 40 Lakhs was anticipated in the first year of introduction of the Sales-tax.³²

The Act was amended in 1978. The amendment of the Act became necessary (a) to give relief to the traders from tax (b) for removal of some apparent defects and errors in the existing provisions of the Act and (c) to raise the revenue of the State by imposing tax on some new commodities.³³

The Act was, further, amended in 1981 (Second Amendment). It did not provide any special provision for making realization from the defaulting dealers in a speedy and easy process and hence a new section (Section No 26) was inserted providing some special modes of recovery.

There was no provision for seizure of books of accounts, other relevant documents as well as taxable goods transported into the State in contravention of the provisions of the Act and Rules and hence a new sub-section (4) had been inserted to Section 29 for penalizing an abettor.

The Schedule of the said Act had also been proposed to be amended by adding certain new commodities.³⁴

The Act was further amended in 1984 (Third Amendment) as it was felt necessary for (a) removal of some apparent mistake in the existing provisions of the Act, (b) making provision for measures for an effective check on goods imported in to the State, (c) including some items in the schedule to the Tripura Sales Tax Act and (d) making works contract, hire purchase agreement and lease of goods taxable , as had been provided by the 46th Amendment to the Indian Constitution.

The amendment proposed for a minimum percentage of the disputed tax to be paid by the dealer before admission of the appeal / revision petitions.

Under the existing provision 15% rate of interest had been prescribed for delay in payment of tax beyond the due date. It was proposed to enhance the rate to 25% to discourage the delayed payment of tax.

There was no provision for seizure of goods found to be carried in contravention of the Act at Airport, Railway Station, Post Office etc. This power had been proposed to be provided in the Act.

It had been proposed to make it obligatory on the part of the transporters importing goods into Tripura to maintain books of accounts and to make them available for inspection by the Officials of the Tax Department.

Certain duplicate entries in the Schedule had been proposed to be deleted. Two items namely Coloured paper, glass paper, playing cards, Greeting Cards, Invitation cards, Visitors Cards, Cigarette Tissue papers and Lottery Tickets had been proposed to be included in the Schedule to be made taxable.

The 46th Amendment to the Indian Constitution had broadened the scope of tax on the sale or purchase of goods to include taxes on transfer by hire purchase agreement, of property in goods involved in the execution of a works contract etc. In the proposed Bill provisions had been made to make the aforesaid transactions taxable.

The Government considered it expedient to make the Law immediately by promulgating an ordinance as the Legislative Assembly was not in session in July, 1984. The Ordinance had been promulgated by the Governor on 12th July, 1984. It, therefore, became necessary to replace the Ordinance by introducing a Bill in the Legislative Assembly, and hence the Bill was placed before the Assembly and it was accepted after a prolonged debate, and it became an act in due course.³⁵

The Act was further amended in 1987 (fourth Amendment) (a) simplifying provisions relating to levy of tax on transfer of goods involved in execution of works contract, hire purchase and lease of good, (b) making provisions for prosecuting persons collecting tax at a rate higher than that provided under the Act and for forfeiture of any such amount collected in excess, and (c) providing some clarification, required for implementation of the Act.

The Amendment proposed forbidding any person from collecting sales tax at a rate higher than that specified in the Schedule. In case any such

amount is found to have been collected in excess, such excess amount is proposed to be forfeited to the Government.

Provision relating to admission of appeal filed by the dealer were also proposed to be simplified by inserting an explanation to the effect⁵ that amount paid, either as tax or penalty, shall be deemed to be the amount paid towards tax assessed or penalty levied.

It was also proposed to provide that in case of any dispute on question regarding payment of tax, the matter would have to be referred to the Commissioner of Taxes, whose decision thereon would be final.

Provisions relating to levying of tax on transfer of goods involved in execution of works contract, and transfer of right to use goods were proposed to be amended retrospectively with the third amendment, and other provisions were given effect to and proposed to be given immediate effect.³⁶

It was again amended in 1994 (a) to insert sub-clause (iv) after item no (4) of sub clause (iii) of clause (o) in section 2 incorporating therein the altering, ornamenting, finishing, furnishing, improving or otherwise processing or adopting any goods;

(b) To insert a new Section 3AA after the Section 3A of the principal Act with a view to making specific provision for deduction of tax at source in respect of execution of Works Contact;

(c) To replace the present Schedule attached to the Tripura Sales Tax Act, 1976 for inclusion of certain new items in the Schedule and to revise the existing rate of tax in respect of some items of goods to raise additional resources.

The proposed amendment would not involve any expenditure from the consolidated fund of the Government, it was mentioned.³⁷

Again this Act was amended in 1995 (Sixth amendment). In order to mobilize additional resources, raw rubber (Latex in liquid or sheet form) had been made taxable @ 5% under the T.S.T. (Fifth Amendment) Act, 1994, from 1.12.1994. as the tax was levied at the point of first sale, it had become incumbent on all growers to get themselves registered as 'dealers' under the T.S.T. Act. There were more than five thousand small growers of rubber in the State, out of which S.T. and S.T. communities; settled under the Jhumia settlement and other development Scheme of Government.

It was then felt in the administration of this tax on the sale of 'raw rubber' within the State, that a large number of small growers belonging to S.T. and S.C. communities would be put to hardship. It was, therefore, proposed that the item may be deleted from the schedule of the T.S.T. Act, 1976. At the same time , keeping in view the interest of the State , and the need to augment the State resources, it was proposed to include an item in the schedule of the Tripura Purchase Tax Act, 1990. The proposal for deleting 'raw rubber' from the schedule of the Tripura Sales Tax, 1976, and for inclusion of the same in the Schedule of Tripura Purchase Tax Act, 1990, would not involve any additional expenditure from the consolidated fund of the Government.³⁸

The Tripura Sales Tax was further amended in 1996 (Seventh amendment) with a view to prevent evasion of Sales Tax through the connivance of the transporters carrying taxable goods into the State. It was felt necessary to make a provision in the Tripura Sales Tax Rules, 1976 for registration of transporters, carriers and transporting agents operating the Transport business relating to taxable goods in Tripura. Accordingly, the Sales Tax (Seventh amendment) Rules, 1994 was enacted by amending rule 64A

making provision for registration of Transporters etc. The Amendment came into force w.e.f. 15.9.1996.

Doubts have been expressed about the absence of corresponding provision in the Tripura Sales Tax Act. The contention of the State Government is that section 36A providing for maintenance of Accounts by carriers the relevant provision under which 64A has been enacted. It has been opined that if a specific provision providing for registration of transporters is inserted into the T.S.T. Act, 1976 the legality of Rule 64A could be established beyond doubt.

Therefore, it is considered necessary for insertion of a provision of registration of Transporter Carrier or transporting agents operating its Transport business relating to taxable goods in Tripura as a new Section 38B of the Tripura Sales Tax Act,1976.

The proposed amendment will not involve any additional expenditure from the Conditional Fund of the Government.

At present there are 7 items of taxes in Tripura. These are: (i) Sales Tax, (ii) Additional Sales Tax, (iii) State Excise, (iv) Agricultural Tax ,(v) Professional Tax, (vi) Purchase Tax and (vii) Luxury Tax.

The total tax collection on the above taxes increased from a measure Rs. 72.37 lakh during 1976-77 to Rs. 883.07 lakh in 1986-87 and Rs. 5,416.42 lakh in 1996-97 . This indicates an increase in collection of 7 times of taxes by 12.2 times during the first ten years and 74.84 times in the last 20 years.

Sales Tax was introduced in the State from 1st July, 1976 with the introduction of Tripura Sales Tax Act ,1976. Sales Tax was being levied at the first point of sale of various commodities in the State. The rates ranged from 3 percent to 25 percent. The collection of tax had increased from Rs. 41.84 lakhs

in 1976-77 to Rs. 689.98 lakhs in 1986-87 and Rs. 3,413.23 in 1996-97. There was thus a rise of 16.5 times in the first ten years and 81.57 times in 20 years.

Additional Sales Tax is levied in case of dealers whose taxable turnover for a year exceeds Rs, 10 lakh by an additional rate of 0.50 percent on taxable turnover. The collection of Additional Sales Tax was only Rs. 10.18 lakh in 1990-91 and that increased to 145.45 lakh in 1996-97. Therefore , during this period the collection of Additional Sales Tax increased by 14 times.

Collection from Excise had also increased from Rs. 19.42 lakh in 1976-77 to 1,241.06 lakh in 1996-97. The increase in the amount of excise taxes collected during this period is due to growth of cottage and small scale industry in the state.³⁹

Collection of tax from agriculture had risen by 5.8 times during the period 1976-77 to 1996-97 which indicates moderate growth of the agricultural sector in the last 20 years.

Table: 1 ⁴⁰

Collection of Taxes in Tripura (Rs. In Lakh)				
Year	Item of Tax			
	Sales Tax	Profession Tax	Excise	Total Tax
1976-77	41.84	7.38	19.42	72.37
1980-81	195.95	26.95	25.24	254.16
1986-87	689.98	95.12	87.83	883.07
1990-91	1,324.19	338.93	462.73	2,149.44
1996-97	3,413.23	515.06	1,241.06	5,416.42

Source : Freedom at 50 challenges to meet

Publisher: Director, Deptt. of ICAT, Govt. of Tripura in collaboration with the dept. of Statistics, Govt. of Tripura.

vi) The Tripura Professions , Trades, Calling and Employments Taxation Act, 1976 sought to levy a tax on professions, trades, callings and Employments to increase the State revenue.

Under the Bill every person who carried on a trade or who follows a profession or calling or who was in employment either wholly or in part within the State would be liable to pay for each assessment year a tax in respect of the total gross income derived from such profession, trade, calling and employment. The provisions of this Bill would not apply to a member of armed forces of India.

The Bill also sought to define taxation authorities, to lay procedure for assessment and recovery of tax and fix up the rate of tax as specified in the schedule of the Bill.⁴¹

Where the total gross Annual income	Amount of Tax
1) Did not exceed Rs 5,000/-	
2) Exceeded Rs. 5,000/- but did not exceed Rs. 10,000/-	Rs. 50/-
3) Exceeded Rs.10, 000/- but did not exceed Rs 15,000/-	Rs. 100/-
4) Exceeded Rs.15, 000/- but did not exceed Rs 20,000/-	Rs. 150/-
5) Exceeded Rs.20, 000/- but did not exceed Rs 25,000/-	Rs. 200/-
6) Exceeded Rs.25, 000/-	Rs. 250/-

The Act was further amended in 1985. Since May,1982 a full time Commissioner of Taxes had been posted and he had been entrusted with the administration of Sales Tax, Agricultural Income Tax and the Professional Tax was required to be vested in him. Moreover, at that time there was no

Commissioner, Revenue, and Land Reforms and Taxes as mentioned in the Statue. Therefore, it was considered necessary to amend Sub-section (2) of Section 6 of the Act to vest the statutory powers in the Commissioner of Taxes.⁴²

The Act was again amended in 1990. It had been decided by the Government that the present exemption limit might be increased from Rs. 5,000/- to Rs. 10,000/- for the tax payable from the financial year 1988-89 and it identified and prescribed the tax liability of certain classes of assesseees from the year 1990-91. Therefore, it was considered necessary to substitute the appended Schedule.

It is also necessary to amend the provision of Section 3 of the Act to raise the maximum limit of tax from Rs. 250/- to Rs. 500/- and Section 5 of the Act so as to exempt the Indian Revenue Battalions deployed in Tripura.⁴³

The Act was further amended in 1992. With a view to give some relief to the Group 'D' employees it had been decided by the Government that the exemption limit might be increased from Rs.10,000/- to Rs 15,000/-. In order to bring about the rationalization in the norms for fixation of rate of taxes, it was felt necessary to amend the present entries against the serial No.1,2,4 and 17 of the schedule appended to the principal Act.⁴⁴

However, the Act was again amended in 1993. The (Third Amendment) Act, 1992 received the assent of the Government on the 13th November, 1992. There was no specific provision of its commencement. Therefore in absence of such provision, the Act had already come into force on the 13th November, 1992, that is, the due date on which it received assent.

But the intention of the revision of rates of Professional Tax is that it would be effective from the year 1992-93 i.e. 1st April,1992. The Government

considered it expedient to amend the (Third amendment)Act, 1992 to give effect to the revised rates, from 1st April 1992 , immediately by promulgating an Ordinance as the Legislative Assembly was not in session in December, 1992. The Tripura Profession, Trades, Callings and Employments Taxation (Fourth Amendment) Ordinance, 1992 was, accordingly, promulgated by the Governor on the 31st December, 1992. It was then necessary to replace the Ordinance by introducing a Bill in the Legislative Assembly. The Bill , after a lengthy debate was put to vote and carried and became an act after it received the assent of the Governor. ⁴⁵

This Act was further amended in 1997. The existing legislation in the State for collection of Tax on Professions, Trades, Callings and Employments became very out-dated , inflexible and unsuitable for achieving the objective of maximum revenue.

It was, therefore, keenly felt to replace the existing Act by the present enactment with a view to reducing paper work, broadening tax base, promoting assessee friendliness and maximizing revenue.

The proposed Legislation would make the Professional Tax Administrative Machinery more efficient and would substantially contribute to the mobilization of additional resources, it was expected. The expectation came true and resources of the State have been ever on the increase with the progress of time. ⁴⁶

vii) The Co-operative Societies Bill, 1973 (Tripura Bill No-3 of 1973)

In the STATEMENT OF OBJECTS AND REASONS of the Bill , it was pointed out that : “ The Bombay cooperative Societies Act, 1925 (Bombay Act 7 of 1925) was extended to Tripura in 1959 to replace the Tripura State cooperative Societies Act, 1358 T.E. (1949 a. D.). Since then the Cooperative

movement in Tripura is expanded in all sectors, such as, agricultural credit, marketing, consumers etc. But in the absence of various statutory provisions in the Bombay Act such as, inspection of Societies by the registrar at his own motion, rectification of defects in accounts, power of the registrar to direct amendment of by-laws, provisions against vested interests, categorical codification of land development banks etc. it has been found necessary to enact a new Act in this regard. As a matter of fact, the Bombay Cooperative societies act has itself been amended extensively by Maharashtra. The present Bill has been drafted keeping in view the provisions of the present Maharashtra Act. The instructions of the government of India, received from time to time, have also been considered while drafting the Bill. It is hoped that the Tripura Cooperative societies Bill, 1973 (Bill No. 3 of 1973) will satisfy the long felt want of a Cooperative Societies Act in Tripura.”⁴⁷

In the TECHNICAL REPORT of the Bill, it was mentioned “The subject – matter of the Bill is relatable to entry 32 of the State List of the Seventh Schedule of the constitution of India and the State Government has competence to enact the Bill.

MEMORANDUM ON DELEGATED LEGISLATION

Delegated legislation has been provided in the three following clauses of the Bill-

Clause 148 (6)- Under this clause, the Tripura Cooperative Tribunal has been authorized to frame regulations consistent to the provision of the Act and the rules and subject to the previous sanction of the Govt. This is necessary as the Tribunal should be left to frame its own regulations for the disposal of its business.

Clause 157-- Under this clause, the State government may, by notification in the official Gazette and subject to such conditions if any, as it may think fit to impose, delegate all or any of the powers of the Registrar to any federal society or any official thereof specified in the notification. This is necessary for facilitating the workings of Federal Societies.

Clause 165-- This is normal rule making power of the State Govt. The Rules made under this clause are required to be laid as soon as they are made before the legislative Assembly."⁴⁸

The FINANCIAL MEMORANDUM of the Bill was as follows,

"The Tripura Co-operative Societies Bill, 1972, seeks to replace the Bombay Co-operative Societies Act, 1925 in its application to Tripura. No additional expenditure is contemplated by reason of passing of this Bill.

Clauses 3,79,81,96 and 106 which provided for the appointment of Registrar and other Officers, audit inspection and inquiry, appointment of arbitrators and liquidators by the Registrar, will not entail any additional expenditure as the existing set up is already undertaking these responsibilities in terms of the existing Act.

Clause 43 of the Bill provides remission of certain taxes such as, stamp duty, fee payable by or on behalf of a society under a law relating to registration of documents and court fees and any other fee or duty payable by or on behalf of a society under any law which the Government is competent to levy.

The financial liability to the Government as a result of the application of this provision will depend upon the nature and extent of exemption given from time to time.

The existing Act in force in Tripura contains an enabling provision to exempt Cooperatives from certain fees.

Clause 52 and 54 provide for financial assistance to Co-operatives in the form of share capital and loans and other financial assistance including guarantees.

The system envisaged in this provision is already in vogue and no additional expenditure is involved.

Clause 86 provides for Inspection of Societies by the Registrar at his own motion. This system is also in vogue and no additional expenditure is envisaged.

The budget provision proposed for Tripura for 1972-73 is Rs. 21.62 lakhs out of which revenue expenditure is Rs. 17.17 lakhs and capital expenditure is Rs. 4.45 lakhs.

No additional expenditure is contemplated for introduction of this Bill."⁴⁹

Taking part in the discussion on the Bill Sailesh Shom, then Deputy Minister in Charge of the Department of Co-operation, in his speech , said that it was felt necessary to introduce such a Bill for the development of co-operative movement as well as the greater interest of the small farmers. He also mentioned that most of the poor farmers of Tripura had fallen under the trap of Jotdars and Mahajans due to poverty. It was ,therefore, felt necessary to safeguard them from Jotdars and Mahajans. He also emphasized that certain measures should be taken by way of land reforms and to prevent transfer of land from small farmers to Jotdar or Mahajans that occurred frequently at that time.⁵⁰

During the discussion on the Bill, Tarit Mohan Das Gupta , a member of the Assembly, cordially welcomed the Bill. He also applauded the rules which were framed in this regard.⁵¹

On the contrary, the leader of the opposition, Nripen Chakraborty expressed the opinion on the Bill in the following manner:

He urged the Government to establish Rural Co-operative Bank in three Districts under the financial assistance of Central Co-operative Bank at Agartala with a view to granting loan to the farmers and other Industrial Co-operative Societies. He requested the Government to make provision for granting loan to the farmers from the Rural Co-operative Bank so that they should not be compelled to take loan from Mahajan.⁵²

The Bill, after a detailed debate, was put to vote and accepted and became an act in due course.

An amendment to this act was introduced in Tripura Legislative Assembly in 1980 by Nripen Chakraborty, the then Chief Minister of Tripura in a reformed way. In the said Bill, he wanted to vest power to the toilers and made provision in the Bill to safeguard the poor farmers from the atrocities of Mahajans and to make provision for granting loan to the farmers from Urban Bank in a more easy way. In the said Bill, there was a provision to export the Products of the farmers to other States through Co-operative Societies or individually. With a view to develop the deplorable condition of farmers there was a provision in the Bill to establish PAX, LAMPS etc. in the rural areas to extend help to the farmers. Akhil Debnath , a member of the Assembly cordially welcomed the said Bill and Gopal Das, another member of the Assembly also expressed his hope that the bill, when enacted, would go a long way in looking into the interest of the poor people and workers alike.⁵³

On the contrary , Nagendra Jamatia, MLA of the opposition bench, expressed his doubt about the justification of introducing such a Bill as the prevailing system of g ranting loans from different Banks were not proper. The Banking Authority used to grant loan in a sporadic manner which might entail enormous risk to realize loan from the farmers. So he urged the Government for making provision for taking adequate steps for granting loan and realization thereof.

The Bill, after a prolonged debate, was put to voice vote and accepted and became an act ultimately.

viii) The Tripura Land Pass Book Bill, 1982

In the STATEMENT OF OBJECTS AND REASONS of the Bill, it was stated that,

“The Agricultural Land Pass Book Bill, 1982 seeks to provide for facilities of Agricultural Credit Pass Books for persons engaged in Agriculture.

2. The Bill also seeks to provide for endorsement by the Banks on the Pass Books of any assistance provided to the holders of the Pass Books. The production of Pass Books before the registering authorities at the time of transfer of any parcel of the land by the holders of Pass Books is also proposed to be made compulsory so that the Pass Books are automatically updated with the entry of all transactions relating to the land of the Pass Book holder.

3. The provisions of the Bill of Pass Books will facilitate the flow of credit to the agriculturists and reduce the delay in the sanction of credit”.⁵⁴

In the TECHNICAL REPORT of the Bill, it was pointed out:

“The Tripura Land Pass Book Bill, 1982 seeks to provide for issue of Pas Book to the land holders by the Revenue Authority, which shall be accepted by a Bank as *prima –facie* evidence of the title of the holders in respect of the

properties mentioned therein, for the purpose of granting financial assistance to such holders.

The subject matter of the Bill is relatable to Entry 18 of the State List (List-II) and Entry 6 of the Concurrent List (List-III) of the Seventh Schedule to the constitution of India. As some provisions of the Bill are repugnant to some provisions of the Transfer of Property Act, 1882, and the Registration Act, 1908 which are existing Central laws, the Bill if passed, will have to be reserved for the consideration of the President.

The State Government has competence to enact a law on this subject matter".⁵⁵

The Bill, after a lengthy debate, was put to vote and accepted, and became an act ultimately.

The Act was further amended in the form of a Bill in 1990. This Bill sought to amend section 4 of the Tripura Land Pass Book Act, 1982 to facilitate issue of Land Pass Book to every land holder.

In the Principal Act, it was provided that Land Pass Book would be issued on an application by a land holder who desired to have a pass Book. The Act was enforced in one Sub-Division in April, 1987 but as response from more and more cultivators for getting land Pass Book was coming forth, the act was enforced in some other Sub-divisions.

The Bill, after a prolonged debate was carried and was converted into an act in due course.⁵⁶

C. LEGISLATIONS ON SOCIAL WELFARE

i) The Tripura Educational Institutions (taking over of management)

Bill, 1973. Tripura was a new-born state having attained full statehood in January 1972 and with its own elected legislature and ministers. The govt.

moved a bill in the Assembly , the Tripura Educational Institutions (taking over of management) Bill ,1973. This was the only bill with regard to education. Other than that, there were certain rules notified for the purpose of providing the required power and authority for educational administration in the State, such as:

- 1) Recognition of Junior High Schools in Tripura Rules, 1954;
- 2) Grant-in Aid Rules (Recurring) for Privately Managed High Schools in Tripura;
- 3) Grant-in-Aid Rules (Recurring) for Privately Managed Primary, including Junior Basic, Schools in Tripura;
- 4) Grant-in Aid (Non-recurring)Rules for Private High Schools in Tripura; and
- 5) Rules Prescribing Terms and Conditions of a Government Sponsored College in Tripura.

With a view to securing proper and efficient management of the private institutions this Act provided the State Government with the authority to take over the management and control of private educational institutions which had no effective management. The State Government, according to this Act, could appoint an administrator or form a management committee running the institution. It could also prescribe the powers and duties of such an administrator or management committee. The Bill , after a detailed debate was put to vote and was carried and became an act in due course.⁵⁷

The Act was amended in 1974. The working of some privately managed Government aided Schools in Tripura in spite of very liberal grants given by the Government, had been found to be most unsatisfactory on account of continuous turmoil among the students and teachers. This often created law

and order problems and jeopardized educational advancement. In order to facilitate the smooth running of these educational Institutions the government had decided to take over their management temporarily by making amendments in the Tripura Educational Institutions (Taking over of management) Act, 1973 by which the administration of two institutions had already been taken by the Government.

An Ordinance called the Tripura Educational Institutions (Taking over of management) Amendment Ordinance, 1974 (Ordinance no. 1 of 1974) was promulgated by the Governor on the 22nd day of February, 1974. The only change that was made by the said ordinance in the aforesaid Act was the insertion of a Schedule at the end of the Act containing the names of the institutions the management of which was to be taken over by the government. Other consequential changes had also been made to cope with the Amendment. The present Bill called the Tripura Educational Institutions (Taking over of management) Amendment Bill, 1974 sought to replace the said Ordinance. The Bill after a lengthy discussion in the Assembly was put to vote and accepted.⁵⁸

This Act was further amended in 1978. The management and control of the Ramthakur College, Agartala and Ramkrishna Mahavidyalaya, Kailasahar the two privately managed Government aided Colleges were vested in the State government for a period of 5 years with effect from 10.02.73 in pursuance of the provision of Sub-sections (1) of Section 3 of the Act, 1973.

Accordingly to provisions of Section 7 of the Act the management and control of the aforesaid college were to be reverted to a duly constituted Managing Committee or Governing Body as the case might be. The aforesaid two Colleges were temporarily taken over by the State government in the Public interest in order to secure the proper management of the aforesaid

Institutions. The said two colleges could not constitute any Managing Committee or Governing Body until then. Further, the State government was satisfied that if the said two Institutions did not run smoothly and the inefficient management of the said two Institutions result in the lowering of the educational standard and persistence of indiscipline among the students and the teachers might create law and order problem. The Government, therefore, after careful consideration decided that in public interest the management and control of the said two Institutions would continue to vest in the State Government for some time more. Accordingly, the government promulgated an Ordinance. In the said ordinance after sub-Section (1) of Section 3 of the Act a proviso was added whereby the State government might, from time to time, issue directions to continue to vest in the State Government the management and control of any of the educational institutions specified in the schedule for such period not exceeding 2 years at a time as may be specified in the directions. So, however, that the total period such continuance does not exceed 10 years.

The amendment was proposed to be made in the Bill form so as to enable the Government to continue the vesting of the management of any educational institution specified in the schedule, for such period not exceeding 10 years, if it considers that it would not be expedient to revert the management of the said educational institutions to a managing committee/Governing Body in the public interest.

The Bill sought to replace the aforesaid ordinance. The Bill, after a vociferous debate was put to vote and accepted.⁵⁹

ii) The Tripura Educational Institutions (Acquisition of Right, Title and Interest) Bill, 1980.

At that time there were three Non-government degree Colleges in Tripura namely Belonia College and Ram Thakur College was run by a registered Society. The management of other two colleges were, at that time, relying with the state Government under the provisions of the Tripura Educational Institution (Taking over of Management) Act, 1973. The entire financial liability in respect of these three Colleges were borne by the State Government through grant-in-aid.

It was, then considered by the government that it would be possible to improve the standard of education in these colleges and also to develop them further if these colleges were taken over by the Government directly. Further, taking over of these colleges by the government would enable exchange of teachers with other government colleges and offer an opportunity to the State government to take more direct interest in their day to day running and development. This was also a long standing demand from the students, teachers and guardians. The amendment Bill sought to provide for taking over the assets, liabilities, management and control of the three Non-Government Degree College, so as to bring them at par with the other government Degree College. Responding to these impending needs and requirement, the government moved a bill in the assembly and it was passed after a detailed discussion and debate and was carried and became an act in due course.⁶⁰

The Act was further amended in 1984 and was enacted to provide, in public interest, for the acquisition of right, title and interest of certain educational institutions in Tripura by the State Government with a view to secure better and efficient management thereof. In accordance with the provisions of the Act, the right, title and interest in respect of three educational institutions, namely Ramthakur College, Belonia College, and Ramakrishna Mahavidyalaya, specified in the schedule, to the aforesaid Act,

were acquired by the state government with effect from 1st January, 1982. The State Government considered it expedient to acquire, in Public interest, the right, title and interest of Katlamara High School and its attached Primary School, Simna, Tripura which is a private educational institution and has been receiving grant-in-aid from the Government. Management of the School was taken over by the state Government from 4-3-1974 under the provision of Tripura Educational Institutions (Taking over of Management) Act, 1973. The institution was then being managed by an Administrator appointed by the Government. If the right, title and interest of this institution were acquired by the State Government under the provision of the aforesaid Act, it would enable the state Government to exchange teachers with other Government Institutions, to improve the standard of education in the institution and to further develop the institution. This would also enable the state Government to take direct interest in the day to day administration of that Institution. It was, therefore, necessary to amend the schedule to the aforesaid Act, by inserting the name of the aforesaid institution in the Schedule to the Act, for the purpose of acquiring the right, title and interest at that institution. Accordingly, a bill was moved in the assembly in 1984 in order to amend the Schedule to the previous Act. After a prolonged debate the bill was put to vote and accorded. ⁶¹

The Act was again amended in 1986. The State Government considered it expedient to acquire, in public interest, the right, title and interest of two more Educational Institutions. One of them was Hindi Higher Secondary School and its attached primary school, Kunjaban, Tripura, which was a private Educational Institution and had been brought under the Grant-in-aid Scheme on 1-7-1981. The Institution was thenceforth being managed by a managing committee. The other was Santirbazar High School, South Tripura District,

which also was a private educational institution and had been receiving grant-in-aid from the State Government, Management of the School was taken over by the State Government and an Administrator was appointed. If the right, title and interest of these institutions were acquired by the State Government under the provisions of the aforesaid Act, it would enable the State Government to exchange teachers with other Government Institutions to improve the standard of education in those institutions and to further develop the institutions. It was, therefore, necessary to amend the Schedule to the aforesaid Act, by inserting the name of the aforesaid Institutions in the Schedule to the Act, for the purpose of acquiring the right, title and interest of these institutions. Hence, an amendment bill was moved in the Assembly by the treasury bench and it was carried after some debate.⁶²

The Act was further amended in 1987. The Act of 1980, 1984, 1986, were enacted to provide, in public interest, for the acquisition of right, title and interest of certain educational institutions in Tripura by the state government with a view to securing better and efficient management thereof. In accordance with the provisions of the Act, the right, title and interest in respect of five educational institutions, namely Ramthakur College, Begonia College, Ram Krishna Mahavidyalaya, Katlamara High School and its attached primary school, in SL. No.: 1-4 and SL No.:6 in schedule to the aforesaid Act had already been acquired by the State government.⁶³

The State Government considered it expedient to acquire, in public interest, the right, title and interest of (i) Ramakrishna Ashram Vidyamandir Junior High school (Class –VI to VIII), Dhaleswar, Agartala, West Tripura (ii) Vivekananda Vidyamandir, Dhaleswar, Agartala, West Tripura, (iii) Jatindra Kumar Junior High school and its attached Primary School, Purba Noagaon, Ranir Bazar, West Tripura (iv) Jolaibari Higher Secondary(Class XII) School,

Jolaibari , South Tripura (v) Bishalgarh (Class XII) School and its attached primary school , Routhkhala , Bishalgarh, West Tripura and (vi) Karaimura (Class XII) School and Karuimura Primary School, Krishnakishore Nagar, West Tripura. All these institutions, except the Vivekananda Vidyamandir, Dhaleswar, Agartala were Government aided privately managed educational institutions. The Vivekananda Vidya Mandir, Dhaleswar, Agartala, West Tripura was a privately managed educational institution. The three institutions at (i) (ii) and (iii) above were then being managed by the managing committee. The other three institutions were then being run by Administrators appointed by the Government from time to time by superseding the Managing Committee. It was considered that if the right, title and interest of those institutions were acquired by the State Government, the exchange of teachers with other Government Institutions would be possible and that would render a scope to improve the standard of education in these institutions and to further develop the institutions. It was, therefore, necessary to amend the schedule to the aforesaid institutions in the schedule to the Act, for the purpose of acquiring the right, title and interest of three institutions. Accordingly, a bill was placed before the Assembly in order to amend the relevant schedule to the original Act (Act of 1980) . The Bill, after a prolonged debate was put to vote and carried. ⁶⁴

iii) The Tripura Tribal Areas Autonomous District Council

The Tripura Tribal Areas Autonomous District Council Bill, a bill in terms of seventh schedule of the constitution (Bill No 5 of 1979) , was brought , in fulfilment of aspirations of the Tribal people, and to give autonomy to the people to better their own lot themselves. The bill envisaged creation of a single compact district comprising predominantly Tribal Areas. For securing self-government. TTAADC was to be administered by representatives voted to

the power by voters of both Tribal and non-tribal with majority reserved seats for the former, for the purpose of self Government in such areas. The Bill was unanimously passed in the Assembly in March, 1979 and became an act after getting the assent of the President of India on July 30, 1979 (Act No 10 of 1979) .⁶⁵

It was mentioned in the Bill that

“There shall be a District Council for the Autonomous District which shall exercise powers and functions as specified in Chapter III of this Act.

The District Council shall be a body corporate by name of “the District Council (name of the District)” and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property and may by the said name sue and be sued.”⁶⁶

“The district Council shall consist of 28 members who shall be elected on the basis of adult suffrage from territorial constituencies all of which shall be single member constituency:

Provided that not less than 3/4th of the members of territorial constituencies shall be reserved for Scheduled Tribes.”⁶⁷

“The state Government shall by order notified in the Official Gazette determine the territorial limits of constituencies specifying those reserved for Scheduled Tribes into which the autonomous district shall be divided for the purpose of election of members to the District Council.

The State Government may, from time to time, by order, publish in the Official Gazette, alter or amend any order made under section. 6

A person shall not be qualified to be chosen as a member of a District Council of an autonomous district unless he is an elector from any constituency within the autonomous district.

A person shall be disqualified for being chosen as or for being a member of the District Council if he is for the time being disqualified or becomes disqualified for being chosen as a member of either house of Parliament or holds any office of profit under the Central or State Government or the District Council.

For the purpose of this section a person shall not be deemed to hold an office of profit under the District Council by reason only of his being a member, Chairman or Vice-Chairman thereof.” ⁶⁸

“A member holding office as Chairman or Vice-Chairman of the Council-

- 1) shall vacate his office if he ceases to be a member of the Council:
- 2) may at any time by writing under his hand addressed, if such member is the Chairman to the Vice-Chairman and if such member is the Vice-Chairman to the Chairman resign his office: and
- 3) may be removed from his office by a resolution of the Council passed by not less than two thirds of the members of the Council:

Provided that no such resolution for the purpose of sub-section (3) shall be moved unless thirty days notice has been given to the intention to move the resolution.” ⁶⁹

“Notwithstanding anything contained in any other law for time being in force, the District Council shall have power to levy and collect all or any of the taxes payable under any of the Acts mentioned in the Second Schedule of this Act within the autonomous district.

The district Council shall have power to levy and collect within the autonomous district all or any of the following fees, that is to say—

- (a) fees for the maintenance and development of schools, dispensaries or roads;
- (b) fees on the entry of goods into a market for sale therein and tolls on passengers and goods carried in ferries for maintenance and development thereof;
- (c) fees on vehicles (other than those mechanically propelled) and boats for regulating and managing traffic;
- (d) fees on animals at rates and in the manner as may be prescribed.”⁷⁰

“The District Council may make regulations for the regulations and control of money lending or trading within the District.

In particular and without prejudice to the generality of the foregoing power, such regulations may—

- (a) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money lending;
- (b) prescribe the maximum rate of interest which may be charged or be recovered by a money lender;
- (c) provide for the maintenance of accounts by money-lenders and for inspection of such accounts by officers appointed in that behalf by the district Council;
- (d) prescribe that no person resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the district council.

Provided that no regulations may be made under the Section unless they are passed by a majority of not less than three-fourths of the membership of the District Council;

Provided further that it shall not be competent under any such regulation to refuse the grant of a licence to a money-lender or a trader who has been carrying on business within the district since before the time of the making of such regulations

All regulations made as aforesaid shall come into effect upon their publication in the official Gazette.⁷¹

The Government may make rules regulating---

- (a) compositions of village councils and the number of village councils that may be set up defining their territorial limits within the autonomous district;
- (b) the procedure regarding cognizance by village councils;
- (c) the procedure to be followed by the village councils in the trial of suits, cases or offences;
- (d) all other ancillary matters for carrying out the provisions of sections 28 and 28A.⁷²

Such share of the royalties accruing each year from licences or leases for the purpose of prospecting for, or the extraction of minerals granted by the Government in respect of any area within the autonomous district as may be agreed upon between the Government and the District Council of such district shall be made over to that District Council.

If any dispute arises as to the share of such royalties to be made over to the District Council, it shall be referred to an arbitrator appointed by the

Government for determination and the amount determined by the arbitrator shall be deemed to be the graph to the District Council and the decision of the arbitrator shall be final.

Provided that no person below the rank of a District Judge within the meaning of Article 236 of the Constitution of India shall be appointed as arbitrator.

All regulations made under section shall come into force on publication in the Official Gazette.”⁷³

“Subject to such restrictions or conditions as the State Government may think fit and proper, all properties of the nature specified below and situated in the autonomous district shall vest in and belong to the District Council with all other properties which may become vested in the Council and shall be under the direction, management and control of the District Council and shall be held and applied for the purpose of this Act---

- (a) all public buildings constructed and maintained out of the fund of the District Council;
- (b) all public roads which have been constructed or maintained out of the fund of the District Council and the stones and other materials thereof and also trees erections, materials, implements and things provided for such roads;
- (c) all land or other properties movable or immovable, transferred to the District Council by the Government.”⁷⁴

“Estimated receipts and expenditure pertaining to an autonomous district ending on the 31st March of every calendar year shall be first placed before the District Council for discussion and then after such discussion shall

be transmitted to the Government by the 31st January of the year immediately preceding.”⁷⁵

“For every District Council there shall be a Chief Executive Officer, who shall be appointed by the State Government.

If a resolution for removal of the Chief Executive Officer is passed at a meeting of the District Council by a majority of not less than two-thirds of the total membership of the Council the State Government shall remove him immediately.

The District Council may appoint such officers and staff as may be necessary for the administration of the bye-laws or rules or regulations made by it and also for proper and efficient execution of its duties and made rules regulating their conditions of service.”⁷⁶

In order to amend the above act, a bill was moved in the Assembly in 1982. In the statement of objects and reasons of Bill , it was stated that on scrutiny of the provisions of the Act, it appeared that amendment of Sec 4,9,18 and 27 of the Act were necessary to remove some clerical errors and ambiguities .Further, some minor amendments of Sections 26, 29, 31,32,33,and 36 were also considered necessary for the sake of clarity of some of the provisions of the Act. It had also been proposed to amend sub-sec. (5) of Sec. 30 providing for replacement of the Chief Executive Officer by the State Government on the recommendation of the District Council and empowering the state government to withdraw the Chief Executive Officer from the District Council at any time. In addition, sub-sec (2) of Section 25 had been proposed to be deleted as redundant. Clause (d) of sub-sec (2) of Sec.35 had been deleted in view of the Hon’ble Gauhati High Court’s decision declaring the aforesaid provisions as void. Section 41 had been proposed to be amended to make the provision of audit of the accounts of the Auditor

General's (Duties, powers and conditions of Services) Act, 1971. After a prolonged debate, the bill was put to voice vote and carried, and the TTAADC came into being on 18th January, 1982.⁷⁷

Although an ADC in terms of the Seventh Schedule was introduced into Tripura, it did not satisfy the aspirations of the tribals who were for an Autonomous council under Schedule VI. The then government in Tripura also desired to have it for the tribals. The Assembly also adopted resolutions on two occasions calling upon the Central Government to introduce the Sixth Schedule of the constitution of India into the Tribal Areas of Tripura.

It was in the wake of a persistent demand that the Central Government agreed to introduce the Sixth Schedule. Accordingly, on August 23, 1984 the constitution (Forty Ninth Amendment) Bill, 1984 was introduced before the Parliament and it was passed, providing for making applicable to Tripura the provisions of the Sixth Schedule to the constitution on such date as might be appointed by Central Government by notification in the Official Gazette.⁷⁸

The Government of India had decided that the constitution (Forty Ninth Amendment) Act, 1984 would come into force from 1st April, 1985. With the coming into force of the Sixth Schedule in Tripura the existing District Council, constituted under the Tripura Tribal Areas Autonomous District Council Act, 1979, ceased to exist and it became necessary to hold a fresh election for constitution of a new District Council under the Sixth Schedule. To facilitate smooth transition and to avoid any possible confusion, it became necessary to repeal the TTAADC Act, 1979, as amended in 1982 and dissolve, the District Council, constituted under that act, with effect from the date which would be appointed by the State Government for bringing into force the constitution (Forty Ninth Amendment) Act, 1984. Provision had also been made in the bill for vesting all the assets and liabilities of the existing District Council to the

State Government during the interregnum (between the appointed date and the date of constitution of the new District Council) and then to the new District Council when constituted under the Sixth Schedule.⁷⁹

The Autonomous District Council in terms of the Sixth Schedule was introduced on April 1, 1985 replacing the 39 –month old- ADC under the Seventh Schedule. This paved the way for the greater autonomy of the Tripura tribals and for more responsible functioning of the Autonomous District Council. The Council provided for a 30-member council of whom 28 are elected – 21 tribal representatives, while 7 general- and 2 are nominated. A 7-member Executive Committee including the Chief Executive member elected by the council disposes of all matters falling within the purview of the District Council. The council covers now an area of 7,132,55 sq. Kms including 462 revenue villages, out of Tripura's total area of 10,477 sq. Kms and a population of about 7 lakhs out of which about 5 lakhs are Tribals .⁸⁰

iv) **The Tripura Commission for Women Bill, 1993**

In the Statement of objects and reasons of the (Tripura Commission for Women bill, it was pointed out “ The Central Government has constituted the National Commission for Women in accordance with the National Commission for Women Act , 1990 , and thenceforth the Commission has also started functioning.

The main task of the Commission shall be to study and monitor all matters relating to the Constitutional and Legal safeguards provided for women to review the existing legislations and suggest amendments , wherever necessary. It will also look into the complaints and take *suo moto* notice of the cases involving deprivation of the rights of women in order to provide support legal or otherwise to helpless women. The Commission shall monitor the proper implementation of all the legislations made to protect the

rights of women so as to enable them to achieve equality in all spheres of life and equal participation on the development of the State.

In a number of communications, the Central Government has requested the State Government to consider constitution of a Commission for Women in the State with similar powers and functions. It is felt that the State cannot progress as long as the inequality persists with reference to half of its population. Having realized the importance of the issue, the State Government has decided to set up a Commission for Women to be called Tripura Commission for Women consisting of a Chairperson, a Vice-Chairperson and three members of whom one would belong to Scheduled Castes and one to Scheduled Tribes.

The Bill seeks to achieve the aforesaid objectives.”⁸¹

In the technical report of the Bill , it was mentioned:

“The subject matter of the Bill is relatable to Entry 23 of List III (Concurrent List) of the Seventh Schedule to the constitution of India read with clause(3) of Article 15 thereof . The provisions of the Bill are not repugnant to any provision of any existing Central law or the Constitution of India. The State Legislature has power to enact a law on the subject.

As the Bill involves expenditure from the Consolidated Fund of the State, recommendation of the Governor under clause (3) of Article 207 of the Constitution will be necessary for consideration of the Bill by the State Legislature.⁸²

Thus, the Tripura Commission for Women Bill 1993(Bill No.7 of 1993) was brought following the National commission for women Act, 1990. The main task of the Commission would be to study and monitor all matters relating to the constitution and legal safeguards. The Commission would also

take into cognizance, review, and suggest amendment of any existing legislation if necessary involving deprivation of the rights of helpless women including proper implementation of all legislations made to protect the rights of women. After the Bill was passed in the Assembly and became an act after it received the assent of the governor on 1st January, 1994 the Tripura Commission for women was constituted in February, 1994 with 8 member (a chair person), a vice chairperson, 5 member and the member secretary) and started functioning. ⁸³

But shortly thereafter, an amendment to the Tripura Commission for women Act, 1993 was felt necessary. The Act provided for payment of pay and allowances to the chairperson, vice chairperson and members of the commission. But, it had been considered expedient to make a provision in the Act for payment of honorarium in stead of salary and allowances to the incumbents to the aforesaid offices. Power of state Government either to pay salaries and allowances or to pay honorarium in consideration of financial position of the state government also seemed to be necessary. Accordingly, it had been sought to be amended by inserting the word "or honorarium" so that the matter could be brought to the discretion of the state government. The factual position was that the chairperson and vice chairperson and other members here at that time were receiving honorarium. Hence the proposed amendment would not involve any extra financial burden. The amendment Bill was, therefore passed in the Assembly in due course and became an Act named The Tripura Commission for Women Act, 1994 (Bill No 9 of 1994). ⁸⁴

Ever since the formation of the commission, affected women from different parts of the state have been approaching its offices at Agartala with their grievances and problems. The magnitude and nature of atrocities being

perpetrated on the women of the state during the period from 1994 to 1999 may be revealed from the following table.

1. Total No of complaints received	:	1778
2. Bride killing	:	104
3. Rape	:	35
4. Other atrocities	:	1114
5. Complaints sent to police	:	881
6. Sent to Panchayat	:	41
7. Sent to other departments	:	140
8. Sent for court cases	:	17
9. Judgment for payment to Maintenance allowances received	:	55
10. One time compensation realized by commission	:	14

Out of a total number of 1778 complaints, 830 complaints were registered in the commission during the period from March, 1998 to February, 1999; and as no detailed written record preceding or succeeding that period is available; we are not in a position to furnish any further information in this regard.⁸⁵

v) The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Service and posts) Bill ,1991

Under the Special provisions made in the Constitution of India the advancement of the Scheduled Castes and Scheduled Tribes, who are socially and educationally backward classes of people , adequate representation of appointments on posts and services were felt necessary in this State also. The State , accordingly , made provisions by administrative instructions for reservation of appointment on posts fro Scheduled Castes and Scheduled Tribes. Under the provisions of the Act, the percentage of reservation under

the State Government of Tripura and public undertakings was 15% for Scheduled Castes and 29% for Scheduled Tribes for both direct recruitment and in promotion. A 100 point Roster was prescribed for the purpose.

The State Government had been observing with pain that various Departments/appointing authorities were not attaching importance to the various orders and instructions in filling up posts on the basis of 100 point Roster with the result that the representation of Scheduled Castes and Scheduled Tribes candidates in public employment had not reached the target till then although long 40 years passed after the commencement of the Indian Constitution in 1950.

In many cases it was found that the appointing authorities were not properly maintaining the 100 point Roster which was the basis for ensuring the percentage of reservation for S.C. and S.T. An attitude of the appointing authorities had been marked in many cases that they were not sending annual statement about the recruitment made by them during a particular year.

From a statement prepared in 1987 it was seen that in the services under the State Government the representation of S.C. was as follows:-

- (a) In Class -I posts – 5.35%
- (b) In Class -II posts – 10.14%
- (c) In Class -III posts – 9.56%
- (d) In Class -IV posts – 15.85%

The average overall percentage was 11.42%. The percentage of Scheduled Tribes in services was worse. From a statement as on 31.12.88 it was seen that the representation of Scheduled Tribes under the State Government services was as follows:-

- (a) In Class -I posts – 9.27%
- (b) In Class -II posts – 7.11%
- (c) In Class -III posts – 17.94%
- (d) In Class -IV posts – 21.23%

The average overall representation came to 13.89%.

The representation of both SC and ST in public undertakings also were not at all satisfactory.⁸⁶

For better achievement of SC and ST societies through employment under the State it was considered expedient to make a law on the subject and to make suitable provision for them so that the appointing authorities could be compelled to follow the principles of reservation properly and with definite care to reach the goal. Accordingly, it was proposed to make a penal provision of Rs. 5,000/- as fine for those appointing authorities who would make appointment in violation of the law. It was also proposed that the State Government might draw up proceeding against the appointing authority for punishment under the respective service rules. Keeping in view the problems and difficulties in mind, the above –mentioned bill was placed before the Assembly and it was passed and became an act after a lengthy debate. The act was amended in 1997. At the time of enactment of the said Act in 1991 the percentage of SC & ST population in the State was 15.12 and 28.44 respectively and accordingly reservation for SCs and STs in the services was fixed at 15% and 29% respectively in the Act.

But as per 1991 census of the Government of India, the percentage of SC and ST population in Tripura increased to 16.36 and 30.95 respectively and that of the general population decreased to 52.69.

According to law and practice followed all over the country, the percentage of reservation for SCs and STs was equivalent to their percentage of population in the State.

The proposed amendment bill aimed at bringing the percentage of reservation for STs and SCs in services and posts in conformity with the latest percentage of ST and SC population in the State as per 1991 census i.e. 31% for STs and 16% for SCs.

The other reason for increasing the percentage of reservation was that the SCs and STs were not adequately represented till then in the services and posts. After an exercise, the overall representation of SC and ST in the services and posts in the State as on 1.1.1996 was found to be as follows:

- i) Representation of SC (including Sweepers)—11.75%
- ii) Representation of ST(including Sweepers) – 20.73%

The above percentage indicated that the level of representation of SCs and STs in services and posts was far below the desired level.

Besides the percentage of reservation, some other provisions in the Act needed to be amended.

It had been found that in the Principal Act there was no provision empowering the Government to review any decision taken in respect of appointment / promotion or in issuing and canceling SC/ ST certificates. As a result persons, who felt that they had been adversely affected by the application of the provisions of this Act, straightway took shelter of the Government law. A large number of cases on matters of appointment / promotion and issue and cancellation of SC/ST certificates were then pending in the Court of law.

It was, therefore, proposed to insert u/s 11 of the existing Act a provision to empower the Government to review decision taken by any authority. This would enable persons, who felt adversely affected, to file review petitions to the Government without going to the Court of law at the first instance. This might reduce the number of Court cases.

While amending various provisions of the Act as stated above the Schedule to the Act containing the 100 point roster needed to be amended in keeping with the other amended provisions.

It was, therefore, proposed to amend the schedule of the Act to give affect to the increase in the percentage of reservation.

Moreover, some difficulties had been experienced in giving effect to the 100 point roster and some confusion had arisen regarding the status of reservation for ex-serviceman and physically handicapped. For the purpose of removing those difficulties and confusion some more amendments to the schedule had been proposed.

While considering the proposal amendment of the various provisions of the Reservation Act, 1991 and the Schedule to the Act, the modified policy of the Government of India regarding reservation for ex-serviceman and physically handicapped had also been taken into consideration.

In keeping with policy of the Government of India and provision of the Central Act viz, "The persons with disabilities (Equal opportunities, protection of rights and full participation) Act, 1995" , the proposal was to introduce 3% separate reservation for physically handicapped and 2% separate reservation for ex-serviceman against their appropriate category i.e. SC/ ST/ General category, depending upon the category to which one belonged.⁸⁷

vi) The Tripura Town and Country Planning Bill , 1975

The Tripura Town and Country Planning Bill was moved in the Assembly in 1975.

In the Statement of Objects and Reasons of the Bill, it was stated “ A town and Country Planning Organisation has already been setup in Tripura. This Government’s interest in the preparation of Master plan is to control haphazard growth of urban areas and to plan their further expansions so that further worsening of the situation is checked and visible improvements are also effected in the present situation. Unless such planned development is encouraged the chronic problems from which urban areas are suffering such as slums, traffic hazards, acute congestion and insanitary conditions, lack of water supply and drainage, open spaces, park, playgrounds and other community facilities etc. may not be solved.

At present there is no law in force in the state of Tripura to provide for planning the development and use of rural and urban land and for purposes connected therewith. Therefore it becomes very necessary that the plans which are prepared are backed by adequate legislation so that they could be properly enforced and implemented. So this Bill aims at providing facilities mentioned above. “ The Bill, after a prolonged debate was put to vote and carried and became an act ultimately.

vii) the Tripura Prevention of Defacement of property Bill ,1976

In the statement of the Bill , it was pointed out: “ Posters, pamphlets writing of the walls are increasingly spoiling the decency of the buildings, walls etc. and there being no law to prohibit such activities, the defacing of walls and buildings with posters etc. is continuing unabated. This practiced not only

causes irritation to the owners of these properties but also offends against aesthetic sense of the people in general.

With a view to doing away with these nuisance (defacing) which means, in this context, impairing or interfering with the appearance or beauty or damaging, disfiguring, spoiling or injuring , in any other way any property, a Bill is required to be enacted.”

The Bill, after a prolonged debate was put to vote and was passed and became an act in due course.⁸⁹

viii) The Tripura Clinical Establishments Bill, 1976

The Bill envisaged to provide skilled and qualified medical and nursing services, physical therapy and clinical laboratory services and such others analogous to any of them, to the people. This would prevent an unqualified person or persons to run any of the clinical establishments with unskilled personnel which is injurious and pernicious to the health of people; The services rendered in Government institutions were not considered to be adequate to cater the need of public and the Bill would extend facilities to patients who would be willing to receive services on payment of necessary fees or charges would also encourage employment of skilled and trained personnel like registered medical practitioners, midwives, nurses, photologists and radiologists, physiotherapists etc. The Bill was expected to regulate the functions and activities of the Clinical Establishments. The Bill sought to achieve the aforesaid objects. The Bill , after a lengthy debate was put to vote and carried and became an act in due course.⁹⁰

viii) The Tripura Public Land (Prohibition of Unauthorised Occupation and Summary Eviction) Bill ,1977

Section 15 of the Tripura Land Revenue and Land Reforms Act, 1960 provided for eviction of unauthorised Occupants on the Government Land. Government was defined as State Government. As such unauthorised Occupants in the lands of Central Government, Corporations and Local Bodies could not be evicted by invoking the provisions of this section. Moreover, the procedure to be followed under this section was lengthy and gave the evicted persons opportunity to prefer appeal against the orders for determination of title and on various other grounds in the Court of law having jurisdiction. Therefore, it was proposed to bring an Act simplifying the procedure of eviction to effect eviction by summary proceedings from Public Land and to prohibit unauthorised occupation on Public land.

The Tripura Public Land (Prohibition of Unauthorised Occupation and Summary Eviction) Bill, 1977 sought to prohibit unauthorised Occupation of public land and to provide for speedy eviction of unauthorised occupations from such land.

The Bill also sought to provide that no person would occupy or abet any person to occupy any public land or continue in occupation of any public land in any manner or erect any shelter or enclosure or structure on such land for the purposes of residence or otherwise without the express permission in writing of the Chief Officer in the Municipal area and elsewhere that of the Collector.

The Bill provided for eviction from any public land by a summary proceedings and that the order of eviction would be final. Provision has also been made for preferring appeal by the aggrieved persons to the Tribunal

within 30 days and order passed by the Tribunal would be final and would not be called in question in any Court of Law.

It was further provided in the Bill that the State Government reserved the right to give necessary direction to the competent authority or such other Officer acting for carrying out the purpose of the Bill from time to time.

The Bill after a prolonged debate was put to vote and carried and it became act in due course.⁹¹

ix) The Tripura Building (Lease and Rent Control) Bill, 1974 (The Tripura Bill No. 8 of 1974).

This Bill was aimed at regulating the leasing of Buildings and Control the Rent of such Buildings in the State of Tripura.

The Bill was introduced in the House on the 7th October 1974 by Shri Sukhomoy sengupta, Chief Minister. After a motion moved by Shri Monoranjan Nath, Law Minister for consideration of the Bill on 10th October, 1974, Shri Kalipada Banerjee, Member, moved the following amendment to the motion and it was adopted by the House:-

“ That the Tripura Buildings (Lease & Rent control) Bill, 1974 (Tripura Bill, No. of 1974) be referred to the Select Committee consisting of the following members:-

1. Shri S. Sengupta, Chief Minister (in-Charge of the Bill)
2. Shri Kalipada Banerjee
3. Shri Sunil Chandra Dutta
4. Shri Benode Behar Das
5. Shri Radhika Ranjan Gupta
6. Shri Mongchabai Mog

7. Shri Krishnadas Bhattacharjee
8. Shri Jitendra Lal Das
9. Shri Nripendra Chakraborty
10. Shri Tarit Mohan Das Gupta
11. Shri Bajuban Riyan.⁹²

The Committee in all held eight sittings on 4th December, 1974, 6th, 7th & 8th January, 1975, 5th, 10th & 11th February 1975 and 10th May, 1975 for examination and consideration of the Bill. In its last sitting held on the 10th May, 1975 the committee finalized this Report.

As per decision of the Committee separate letters alongwith a copy of the said Press note were also sent to :-

(1) The Tripura Bar Association, Agartala. (2) Tripura State Tenants' Association, Agartala, requesting them to offer their comments/ Suggestions, if any, on the Bill. In response thereto, the Committee received comments and memorandum from the following organizations: copies of which are appended to this Report.

- (1) Tripura State tenants' Association, Agartala
- (2) Shri Ramesh Chandra Bhattacharjee , Advocate and other 143 signatories (the land lords of Agartala town area.
- (3) Shri Mukul Roy, M/S Indian Shoe Stores, Agartala and other 445 signatories.
- (4) All Tripura Merchants' Association, Agartala.
- (5) Tripura Bar Association, Agartala.

The Committee went through the comments and memorandum and also took oral evidence of the General Secretary, Tripura State Tenants' Association, Agartala. In course of examination, the Committee also examined a comparative statement showing the differences in provisions in the Tripura Bill, Kerala and West Bengal Acts as compiled by the revenue Department which were said to have been considered by the Govt. while drafting the bill.

The Committee held a general discussion on the bill and then took up the amendments various clauses of the bill for examination and consideration. After examination and due consideration the Committee recommended some amendments to the Sections: - 1(2) ,1(3), 3(2), 4(3) , 4(8)(a), 12(1)-proviso, 12(7) and 12(2)-proviso of the Bill. The Bill as amended by the Committee was appended to the Report presented by Shri S. Sengupta, the chairman of the Select Committee.

Details of discussion held on the bill and the amendments were made available in the proceedings of the meetings of the Committee which were appended to the Report.

The Committee concluded with the recommendation "that the bill as amended by the Committee be passed."

The minutes of dissent submitted by Shri Nripendra Chakraborty and Shri Bajuban Riyan (jointly) were enclosed as part of this Report.

The Committee took that opportunity to express its sense of gratitude to persons, bodies, and organizations who displayed keen interest in sending memorandum and appearing before the Committee.

The Committee also expressed its thanks and appreciation to the Officers and staff of the Assembly Secretariat, and the Officers of the Law and

Revenue Departments who helped the Committee in considering the bill and examining the amendments and also in framing of the draft Bill, and this Report. ⁹³

MINUTES OF DISSENT

To
The Secretary,
Tripura Legislative Assembly,
Agartala:

Dear Sir,

Please find enclosed a minute of dissent on Tripura Buildings (Lease and Rent Control) Bill, 1974, as modified by the Select Committee.

Yours faithfully,

Sd/- Nripendra Chakraborty

Agartala,

10—5-75

A minute of dissent on the Tripura buildings (Lease and Rent Control) Bill, 1974, as emerged from the Select Committee.

1. Though a belated move, this bill is a welcome step that comes in the wake of a pressing demand from the tenants of Agartala town.

2. The Govt. made promises at different times to bring such a Bill to protect the Tenants from the hands of the landlords who resort to unscrupulous rack-renting and eviction. In 1972 the Governor of Tripura, in his Address to the Tripura Bidhan Sava, made a categorical commitment in this regard. Taking cue from this the landlords intensified their drive for eviction. Therefore, it was expected that this proposed Act would be given

retrospective effect at least from 1972. But the provisions of the Bill do not cover this period. [Ref. Section 1(3)].

3. Though Agartala is the main city in the State, it is to be admitted that many more cities are coming up, and , the accommodation problem in almost all sub-divisional towns is coming acute. But the provisions of this Bill do not assure that it would be enforced in all towns with a specified period (Ref. Section-1(2)).

4. In Agartala town, apart from tenants under private Landlords, It is unfortunate that this Bill excludes all tenants under local bodies from application of provisions of this Bill (Ref. Section – 1(a). (1) (c)).

5 Acute shortage of accommodation in the Town of Agartala is an admitted fact. The Govt. instead of having a big housing programme, at least for meeting its own requirements, now wants to grab whatever accommodation is there for itself, for its officers and staff. This would surely put private parties in great difficulties to secure accommodation. (Ref. Section -4(3)).

6. This Bill puts all buildings under the disposal of one officer of the rank of Sub-Deputy Collector. This Officer, designated as 'Accommodation Controller', has been given wide powers. Though he would be functioning in a Municipal area, there is no provision in the Bill for any over all control and supervision of the Municipalities over such 'Accommodation Controllers'. This is highly undemocratic, and, this would open-up floodgate of corruption.

7. This Bill has a number of provisions which may help eviction of tenants, and lead to their harassment (Ref.- Section 4 (7) , Section 12 and Section 29).

8. Landlords have been given wide scope for enhancement of Rent [Ref. Section – 5 (2) and 6 (1)]. In West Bengal revision of fair can be done only once in 8 years . But in this Bill provision has been made for revision of fair rent every five years (Ref. – Section 8 (2)).

9. Lastly , powers given to the State Govt. in ‘exception’ clause is too wide , as, for any case considered by them ‘sufficient’ , they could exclude any building from operation of any clause of this act (Ref. Section- 27).

10. We are firmly of the opinion that this Bill has been drafted with a bias for the interest of the Landlords. Therefore, if this Bill is not suitably amended as suggested above, it will nullify the very objects for which it is being enacted.

Dated, Agartala

Sd/- Nripendra Chakraborty,

the 10th May, 1975.

Sd/- Bajuban Riyan.⁹⁴

From the above discussion, it is clearly evident that in its last sitting , the committee finalised the report with the recommendation that “ the bill as amended by the committee be passed” consequently the Bill was passed in the Assembly and became an Act in due course. The Act was amended two times during the years 1982 and 1983 in order to remove the cooperatives that were formed in it from time to time.

x) The Tripura Shops and Establishment (Amendment) Bill, 1982

The Tripura Shops and Establishment Act was first enacted in the year 1970 and in course of its enforcement certain drawbacks and lacunae had been observed. The object of the proposed amendments to the Act was to plug those loopholes and to ensure that the benefits contemplated under the

Act for the employees are effectively extended to them and the owners might be discouraged from contravening those provisions.

The Tripura Shops and Establishment Act, 1970 was therefore, sought to be amended. With this end in view, an amendment bill was moved in the Assembly in 1982 on behalf of the treasury benchers and after some debate the bill was carried.

The Act was further amended in 1985. Some of the existing provisions of the Act, 1970 were found to be inadequate to meet the present social needs arising out of the changed circumstances.

Under the provisions that were prevalent then, privilege leave and sick leave admissible to a person employed in a shop or an establishment could accumulate up to a maximum of not more than 30 days and 56 days respectively. It was considered necessary to enhance the accumulation of the aforesaid kinds of leave beyond its present limit.

Under the provision that prevailed then, for overtime work, a person employed in a shop or establishment was entitled to wages at the rate of one and half times of the ordinary rate or wages payable to him. It was considered necessary to enhance the rate of wages for over-time work to double the rate of ordinary rate of wages payable to the employee.

Under the provisions that existed then, the services of a person employed in a shop or an establishment might be terminated by one month's notice or by making payment of wages for a month in lieu of the period of notice. For termination of service without sufficient cause, such a person might be given one month's wages as compensation by a Magistrate, if approached and if the Magistrate was satisfied that the termination was without sufficient cause. It was considered necessary that the employee should at least get two

month's wages as compensation in the case of termination without sufficient cause.

Deterrent punishment was required to be provided for to contain repeated contravention of the provisions of the Act.

In order to plug the loopholes that were evident in the Act of 1970, a bill was placed before the Assembly in 1982 and after a prolonged debate the Bill was put to vote, was carried and became an act in due course. Thenceforth, it has been going a long way in solving many problems of the state in the way of reservation of vacancies in services.⁹⁵

xi) The Tripura Children Bill, 1982

The demographic character of child population in Tripura was such that children (0-18) constituted 46 percent of its total population. The very awkward economic conditions in Tripura drifted 83 percent of its people to live below poverty line. The attitude towards family had also undergone a striking change from joint to the nuclear type during the last three /four decades owing to various socio-economic factors. Large-scale destitution of children had therefore, been a common phenomenon in Tripura. The manifestation of such a situation was apparent in the large scale neglect of and cruelty to children and variegated exploitation of this vulnerable group. Development of anti-social behaviour amongst children up to the age group of 18 years who were frequently coming in conflict with law was causing a serious obstacle in the ways of interest of a healthy society. But there was no children Act in force in Tripura till then to tackle various problems of children and initiation of services for their welfare and correction. The present Bill therefore, sought to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and

from the trial of delinquent children in the State of Tripura through enactment of a comprehensive piece of social legislation.

To implement the provisions of the Bill, it would be necessary to set up child welfare Board, child Welfare Court, Observation- cum- Children's Home, special School for reception, trial commitment and correction of children under the statutory provision of children under the statutory provision of the proposed Bill, if it was passed by the State Legislative Assembly.

It would be necessary to finance from the Consolidated Fund of Tripura for the establishment and running of the above mentioned Institutions and Welfare programmes for the children under the provision of the Bill. The approximate expenditure was estimated at Rs. 14, 71,000.00 for the year 1982-83 to 1984-85. The break-up of the approximate expenditure for the said period was given as under:

Items of Expenditure	<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>	Total
Rev.Cap.	Rev.Cap.	Rev.Cap.		
1. Pay etc. of staff, printing of special forms, stationeries, house-rent, furniture, equipments, maintenance, of inmates etc.	3.00000/-	1.77000/-	3.94000/-	8.71000/-
2. Cost of land acquisition, construction of building.....			6.00000/-	6.00000/-
	3.00000/-	1,77000/-	6.00000 3.94000/-	14.71000/-

Provision of the aforesaid Rs. 14.71 lacs has been made in the Five year plan 1980-85. The Non-plan expenditure from 1985-86 was estimated at Rs. 4 lacs Annually.

The Bill, after a detailed debate was put to vote and carried and became an act in due course.⁹⁶

xii) The Homoeopathic System of Medicine Bill, 1979

Now a days there has been a growing interest for Homoeopathic treatment among the general public. It is the policy of the Government of India as also the State Government to encourage this treatment at all levels. With this end in view, the Government of India and also the Government of Tripura recognised this system of medical treatment.

To provide for the development of the Homoeopathic system of medicine and to regulate the practice under this system of medicine, Tripura Homoeopathic system of medicine Bill, 1978 was required to be placed in the Assembly for discussion and ratification. It was expected that his would not only the Homoeopathic practitioners, but would provide safeguards to the general public.

The Bill provided for the Constitution of the State Council, registration of particulars of Homoeopathy and powers of the State Government to made rules.

The main functions of the State Council would be the registration of particular of Homoeopathy and regulation of standard or education in Homoeopathy. The registration of practitioners on the State Register of Homoeopathy would ensure that medicine was not practised by those who not qualified in this system, and those who practise would observe a code of ethics in the profession.

The State Government would, by a notification, establish a body corporate with perpetual succession and a common seal named the Council of Homoeopathic medicine, Tripura. The Council would consist of the following members, namely:-

a) a president nominated by the State Government. Four members nominated by the State government of whom two would be registered Homoeopathic practitioners and six members, who would be citizen of India, elected from such constituencies and in such manner as might be prescribed, by the registered Homoeopathic practitioners from among themselves. All the members of the Council would be nominated by the State government and the State Government would also nominate one of the members to be the vice president. The State Government would be entitled to nominate members in certain circumstances, disqualification for nomination of election, publication of names of members, Cessation of membership, filling up of casual vacancies, and term of office of members.

The President, the Vice- President or a member might resign his office by writing under his hand addressed to the State Government of which he would send a copy to the Council. In case the President expired or resigned his office or ceased to hold office , the State Government should nominate another person as President. If the Vice President died or resigned his office or ceased to hold office, the members of the Council would elect, From among themselves, another vice- President. The members of the Council would constitute the council from among themselves. The Council would hold its meeting at such intervals and at such places as might be provided for by regulations. The Council would maintain Register of Homoeopathic practitioners. Every person who possessed any qualification mentioned in the second schedule of the Homoeopathic Central Council Act, 1973 would be subject to the provisions of the Act and on payment of such fee as might be prescribed, be eligible to have his named in part A of the Register.

The Bill , after a prolonged debate, was put to voice vote and carried and it became the act after it received the assent of the Governor on 27th April, 1979 and was notified by the Law Department on 19th May, 1979.⁹⁷

xiii) The Tripura University Bill, 1987

A post-graduate centre of Calcutta University was established in Agartala in 1976. Subsequently, the Tripura University which was set up as a State University on October 2 , 1987 under the Tripura University Act, 1987 aimed at framing a Legislative Act for setting up a University in this State. Tripura State had no University of its own, though it has made significant strides in the field of Education during the last two decades. There had been phenomenal expansion of Primary, Secondary and Higher Secondary Education, particularly after Tripura attained State-hood in 1972.

At collegiate level the State today has 9 Degree Colleges for general education and 5 technical institutions – all affiliated to Calcutta University. More than 5,000 students of the state pass the Higher Secondary Examination every year and of them nearly 3,000 seek admission to institutions of higher learning in the state for pursuing degree courses under various streams.

Through Calcutta University is an institution of worldwide reputation having a tradition of Scholarship and research and the association with this University has been welcomed by the people, the geographical aloofness of Tripura from Calcutta is proving to be a great hindrance to the proper functioning and development of the colleges of the State. Conducting University Examinations in the Colleges become a problem—the process of sending forms, receiving Admit Cards, obtaining question papers , despatching Answer-scripts often get dislocated because of transport bottlenecks. This had in the past caused hardships to the examinees and resulted in cancellation of some of the University Examinations.

In 1976 , with the approval of the University Grants Commission an autonomous Post-Graduate Centre was started in Tripura under the governance of Calcutta University. The Centre with its assets and liabilities contemplated to form the nucleus of the proposed University.

The question of setting up a University for Tripura was considered against this background of the development of Higher Education in the State. The setting up of a University in the State had been a long-felt demand of the people of Tripura and it was in response to that demand that Tripura University Bill, 1987 was placed before the House for actualisation of the demand of the people. The Bill incorporated all the stipulations laid down in the matter by the University Grants commission to which the draft Bill was sent for approval. The Bill was approved by the U.G.C. in due course and thus it became an act.⁹⁸

The Act was further amended in 1990. According to sub-section(1) of Section 19 of the Tripura University Act,1987 , the Senate shall consist of three different kinds of members, that is , (a) Ex-Officio Members, (b) Elected Members and (c) Nominated Members. It was considered that the Director of Higher Education might be included as Ex-Officio Member.

Clause (b) of Sub-section (1) of Section 19 limited inter-alia the number of Professors , Readers, Teachers, Students for being elected to the Senate , as indicated below clause-wise:-

- (x) Not more than 3 Professors.
- (xi) Not more than 3 Readers and 3 Lecturers.
- (xii) Not more than 3 Teachers.
- (xiii) Not more than 2 regular under graduate students.

It was considered necessary to increase the number of seats for Teachers from 3 to 15 in Clause (xii) and in Clause (xiii) and also to make provision for woman, Scheduled Castes and Scheduled Tribes in these two cases. It was also felt necessary to make some suitable provision for election of Professors, Readers and Lectures in Clauses (x) and (xi).

There was no provision in the Act for the representation of Teachers from colleges to the Syndicate. It was ,therefore, considered to include to the Syndicate two teachers from colleges by rotation to be nominated by the Chancellor. It was necessary to remove some technical errors in section 9(1) , 19(1) and Section 57(9).

Under sub-section (3) of Section 57 of the Act, the State Government was empowered to extend the period not exceeding two years from the date of the appointment of the first Vice-Chancellor to allow him to complete the constitution of the Senate, the Syndicate, the Academic Council, the Boards of Faculties and the Boards of Studies. But the period within which the first Vice-Chancellor could complete the constitution of those bodies was three years (period of his office) under Sub-section(4) (a) . Therefore, to remove this contradictory provision it was necessary to amend sub-section (3) . The Bill , after a lengthy debate was put to vote and carried . An Amendment Bill was brought about in 1990 and that removed the contradictory provisions. After a detailed debate on the Bill, was put to vote and was accepted. ⁹⁹

xiv) The Tripura Nursing Council Bill , 1986:

The Indian Nursing Council Act, 1947 is a Central Law which recognises certain qualifications in nursing. The recognised qualifications and higher qualifications in nursing have been given in the schedule to the said Act along with the authorities who can grant such qualifications, The State Council or similar other authorities of other state have been shown in the schedule as

authority to grant such qualifications. The State of Tripura did not have any council or similar authority to grant qualifications in nursing. We had been so long depending on the West Bengal Nursing Council to grant such qualifications.

It was, therefore, considered administratively expedient to have a separate Nursing Council for the State under the State Legislation for the purpose of granting qualifications or higher qualifications recognised by the aforesaid Central Act. In view of the above, the Tripura Nursing Council Bill, 1986 was placed before the Assembly. The qualifications to be granted by the State Council in general nursing, midwifery, auxiliary nursing midwifery, health visitor or public health nursing would have to be included in the schedule to the Central Act under sub-Section (2) of Section 10. Therefore, the Bill provided for constitution of a State Council which would give affiliation to the Institutions and grant qualifications recognised by the Central Act. The State Council would take particular care to have adequate number of trained and qualified personnel in nursing which was an urgent need in the State. The Bill, after a detailed deliberations was put to vote and passed and became an act ultimately.¹⁰⁰

xv) The Tripura State Rifles Bill,1983

In the Statement of Objects and Reasons of the Bill, it was mentioned that,

“ At present there are two Armed Police Battalions in Tripura. In the context of sporadic violent activities of extremist groups, trans-border crimes and other law and order problems, it has been found that the existing strength of armed police under the State Government is highly inadequate to meet the requirements. It has also been felt that there should be a especially trained armed force to meet effectively the difficult situations that are faced

from time to time. It is , therefore, proposed to raise a Special Armed Force as part of Tripura State Police with a high degree of fighting fitness, efficiency , discipline and better equipment on the lines of similar forces under other States and Government of India. A separate enactment is also needed to set out the constitution, superintendence, duties discipline, command and control over the members of this Special force. It is accordingly proposed that a Special Force known as “Tripura State Rifles” may be raised and an enactment made for this purpose.

The Tripura State Rifles Bill, 1983 seeks to achieve the above objects”.¹⁰¹

In the TECHNICAL REPORT of the Bill, it was stated that,

“The Bill seeks to raise and regulate a Force in Tripura to be named “ The Tripura State Rifle”. The subject matter of the Bill is relatable to Entry 2 of the State List (List II) of the Seventh Schedule to the Constitution of India. The Legislature of the State have therefore exclusive power to make a law on this subject matter. The provisions of the Bill are not repugnant to any provision of the Constitution of India. But sub-clause (3) of clause 18 of the Bill is repugnant to the provisions of the Code of Criminal Procedure, 1973. Again sub-clause (4) of clause 19 of the Bill provides for a procedure different from the Civil Procedure Code and Criminal Procedure Code in respect of any legal proceeding (whether Civil or Criminal) which may be lawfully brought against any member of the Rifles .

As the Code Procedure, 1908 and the Code of Criminal Procedure, 1973 are existing Central Laws and the provisions of the Bill as aforesaid are repugnant to some of the provisions of the said Codes, the Bill , if passed, will have to be reserved for the consideration of the President.

The Bill, if enacted and brought into operation, would involve expenditure from the consolidated fund of the State and, therefore, the recommendation of the Governor will be necessary for consideration of the Bill by the Legislature under clause (3) of Article 207 of the Constitution of India.”¹⁰²

The Bill ,after a prolonged debate was put to vote and carried, and became an act after receiving the assent of the President of India in 1984 .

While conveying the assent of the President of India, the government of India suggested some modifications of some of the existing provisions of the Act for consideration of the State Government. The State Government considered the suggestions and felt that the provisions of the Act should be amended on the lines of suggestions made by the government of India, Accordingly, the Tripura State Rifles (Amendment) Bill, 1984 was prepared and placed before the Assembly.

The Bill proposed that the offences specified in section 10 would be tried by a General Rifles Court and the offences specified in Section 11 shall be tried by a Battalion Rifles Court to be converted by either the State government or the Inspector General of Police. Every General Rifles Court or Battalion Rifles Court would be presided over by three members to be appointed by the State government or as the case may be , by the Inspector General of Police and the decision of the majority members presiding over such Court would be the decision of the Court.

Rape or assault or use of criminal force to any women amounting to outraging her modesty had been made substantive offence under section 10 of the Act. Abetment of or at tempt to commit an offence under section or under section 11 would also be an offence under the new section 11 A and such offence committed by any member of the Rifles would also be triable by

a General Rifles Court or as the case may be, by a Battalion Rifles against the person or property of a person who was not subject to the aforesaid Act, then such offence would be placed to competent jurisdiction. The Bill also proposed some other minor and formal amendments of section 10 and 12 of the Act.

The State Government or the Inspector General of Police would have the power of revision against any order passed of revision against any order passed by a General Rifles Court or as the case may be, by a Battalion Rifles Court. It had also been provided that the State Government would have the powers to direct that any offence under the Act committed by any member of the Rifles would be triable by an ordinary Criminal Court of competent jurisdiction if in the circumstances of a particular case the Stat Government considered it expedient to so.

The limitation of three months for instituting any legal proceedings (Civil or Criminal) against a member of the Rifles for anything done or intended to be done under the powers conferred by the aforesaid Act, had been deleted so that the general law of limitation could take care of such a situation. The Bill, after a detailed debate was put to vote and passed and became an act ultimately. ¹⁰³

xvi) The Tripura Vigilance Commission Bill, 1991

The Vigilance Commission Bill, 1991 made provision for appointment and functioning of Vigilance Commissioner and certain authorities for taking up investigations against certain public servants of allegations/ complaints for promotion of social welfare and sound Administration free from corruption and malpractice. Public servants include a Minister, a person having the rank of a Minister, a Government Servant, Chairman and Vice-chairman or a member of local authority. The Chief Minister , speaker, deputy Speaker,

Leader of the opposition, Judge of the High Court and other Judicial Officers under the control of the High Court had been excluded from the jurisdiction of the Commission. Jurisdiction had been sought to be conferred on the Vigilance Commission to act not only on the basis of complaints and references from the State Government but also suo motu upon its own knowledge and information for fruitful functioning of the same. The Bill, after detailed deliberations, was put to vote and was carried and became an act ultimately.¹⁰⁴

xvii) The Indian Forest (Tripura Amendment) Act, 1984

Forest resources play a significant role in the economy of this state. The term "forest produce" as defined in clause(4) of section 2 of the Indian Forest Act, 1927 (16 of 1927) which is a Central Act and is in force in Tripura, contemplates two categories of forest produce, namely, (1) those items which are considered as forest produce irrespective of whether they are found in, or brought from, a forest or not, and (2) those other items which are considered as forest produce only when they are found in, or brought from a forest. To protect the Forests from the hands of the miscreants and organised anti-social elements, the forest laws in force had to be amended. The Indian Forest Act (Tripura Amendment) Bill, 1984 was, therefore, placed before the Assembly. The Bill sought to empower the state Government to regulate and control the saw mills from using illegal timber from different sources, brought by the miscreants, restriction of issuing licence, permit etc. The Bill, after a lengthy debate was put to vote and carried and became an act ultimately.¹⁰⁵ The Act was amended in 1986 authorising confiscation of tools and machineries used in commission of any forest offence. So the section 51A of the Indian Forest Act, as applicable to this State vide Indian Forest (Tripura Amendment) Act, 1984 required to be amended. With that end in view, a bill

was placed in the Section 68(3) to amend the Tripura Amendment act, 1984 , also stipulates that a Forest Officer would not be empowered to compound offences unless he would be of a rank not inferior to that of a Ranger and was in receipt of a monthly salary amounting to at least 100 rupees. Said monthly salary of Rs. 100/- of 1927 increased manifold by then and by then there was no employee who was in receipt of a monthly salary of Rs. 100. The pay scale of a Forest Officer of the rank of ranger was Rs. 1,300/- 3,220/- at that time in the State. That necessitated an amendment of Section 68(3) of the said Act. In view of the existing pay scale of forest Ranger, it was, therefore, proposed to enhance the said figure of monthly salary from Rs. 100/- to 1,500/- . The bill, after a prolonged debate was put to vote and accepted and became an act ultimately.¹⁰⁶

xvii) The Prisoners (Tripura Amendment) Bill,1979:

The prison administration in Tripura owes its origin to the old days of the Kings. The central Jail was set up in 1874 during the reign of Maharaja Bir Chandra Manikya Bahadur. The Prisons Act, 1874 as introduced by the British was also followed in the Princely State of Tripura at that time. Later on, the Bengal Jail Code was introduced in Tripura for regulating the prison administration. The main view of the Government towards the prisoners was to ensure proper security of the prisoners coupled with their multifaceted development during their captivity so that they might be converted into good citizens and helpful to the nation and to their families.

The Tripura Prisoners (Tripura Amendment) Bill 1979 was placed before the Assembly with the specific intention to accommodate with the modern concepts of ultimate rehabilitation of prisoners in society. With that end in view, it was considered necessary that appropriate provisions should be made in law to provide for temporary release of prisoners in order to enable the

prisoners to attend to unavoidable duties relating to their families and thus reduce the personal maladjustment among prisoners. It was also further considered that in the case of prisoners sentenced to very long term of imprisonment, a suitable provision should be made in law to provide for their temporary release for long periods of time with suitable safeguards and subject to such conditions as might be laid down. The Bill sought to amend the Prisoners Act, 1900, in order to secure those objectives. The Bill was discussed at length and some members of both the sides took part in the discussion and after that it was put to voice vote and accepted and became an act in due course.¹⁰⁷

xviii) The Tripura Eyes (Authority for the use of Therapeutic Purpose) Bill, 1985

There is no separate eye Hospital in Tripura but a centrally sponsored scheme for preventive and curative measures was implemented under supervision of the programme officer of the blindness control programme in Tripura. There was one 30 bedded eye ward attached to G. B. Hospital and 10 bedded eye ward each in North South District Hospitals. During 1991-1992 , a total of 1,171 cataract operations and 1,464 other eye operations were carried out in the State. There were also facilities for Ophthalmic treatment at the Primary Health centre in all the three districts.

In view of the urgent need of taking appropriate steps for strengthening the blindness control programme, the Tripura Eyes (Authority for use for Therapeutic purpose) Bill 1985 , was placed in the Assembly . The objects of this Bill were as follows:-

In some cases the eyes of a blind man were so damaged that the same could not be cured without transplanting eyes of another person. It was experienced that nobody liked to donate his eyes for their transplantation in

the body of a blind man, who required it . It had been observed that with the death of a person, his eyes did not lose physiological property till a certain time. An eye removed from a dead body within a specified time could be preserved and transplanted subsequently on the body of a person who might require it.

It was felt necessary to have legislation authorising the competent person to remove a eye from a dead body, even if the deceased person had authorised in writing to do so before his death. There might be unclaimed dead bodies in Hospitals and prisons wherefrom eyes might be removed for the use for therapeutic purpose. There should be provision for preservation and utilisation of the same instantly. It was , therefore, considered that legislation, after it would be enacted , would help preventing blindness to a great extent. ¹⁰⁸

Performance in respect of ophthalmic operations and treatment done in the district hospitals are as follows:-

Table No. 1

Name of the District	Cataract Operation	Other Operation	No of Patients in In-Door	Treated Out-door
West Tripura	828	1,625	986	31,422
South Tripura	52	82	106	1,660
North Tripura	75	70	158	1,880

Source: Annual Administration Report.

20 Programme Health Centres were identified for the blindness control programme. Performance in respect of ophthalmic patients treated in the P.H.C.s (District Wise) were as follows:-

Table No. 2

District	No of patients treated in the PHCs	No of Patients prescribed for the spectacles
West Tripura	4,005	320
South Tripura	2,558	180
North Tripura	3,652	205

Source: Annual Administration Report.

One mobile eye team had been functioning as usual under the blindness control programme throughout the State. 42 camps had been set up to treat the ophthalmic patients. 894 cataract operations and 153 other operations had been done by the eye team and 16, 452 patients have been treated in the camps. Besides this , 73 cataract, 6 glaucoma and 10 other operations had been done by the private practitioners during the year 1990-91.¹⁰⁹

xix) The Tripura Lepers (Repeal) Bill, 1985:

This is a Scheme which is 100% sponsored by the Central Government. It had been implemented under the direct Supervision of the Dy. Director of Health Service with the assistance of the leprosy control units one each in three Districts (now 4 Districts). All the four Districts were divided into 25

Sectors each and paramedical works were posted in each sector under the control of the leprosy control unit.

The Lepers Act, 1898 had been considered to be piece of Legislation which was derogatory to the interests of the leprosy patient, and their basic rights as human beings. The Central Government appointed a working Group which made certain recommendations on eradication of leprosy. One of the recommendations was that the lepers Act, 1898 which was based on outdated and un-scientific premises, should be repealed at once. To create an atmosphere, where the leprosy patients will bear no stigma, it was considered necessary to repeal the Lepers Act, 1898.

In view of the above, the Tripura Lepers (Repeal) Bill, 1985 was moved in the Assembly. Some members of both the sides took active part in the discussion on the Bill and after a lengthy deliberation, the Bill was put to vote and carried and became an act in due course. ¹¹⁰

xx) The Inland fisheries Bill, 1986:

Before independence the entire requirement of fish protein in the diet of our population used to be met from supplies received from the vast and rich fisheries resources in the adjoining areas now in Bangladesh. The landlocked hilly Tripura with limited natural water resources faces the difficult task of meeting the fish requirement for its fish eating population. The necessity of developing fisheries was considered necessary only after partition when population also increased in leaps and bounds due to heavy influx of refugees from Bangladesh (erstwhile East Pakistan). The Government of Tripura had also taken a bold step in producing fish seed of high yielding varieties by adopting Induced Breeding technique. With the progress of development through the production of fish went the increasing demand. As a result there remained a wide gap between production and demand. After identifying the

bottlenecks, some policy decisions were adopted by the State Government in order to develop the fishery activities in the State. To strengthen the development of Fisheries which also came into existence being separated from the development of Agriculture in accordance with the first Cabinet decision of the Left Front Government. In addition to this, Government had also drawn up special programme for the upliftment of the poor families belonging to Scheduled Castes and Scheduled Tribes communities by involving them in the fisheries activities. Lastly, to strengthen the development of Fisheries as well as to promote the socioeconomic condition of the poor fishermen belonging to Scheduled Caste Communities, the government presented a bill in 1986 before the House for implementation of their policy in this regard. The Bill had not been passed in the House directly. Ultimately the said Bill had been referred to the select Committee for proper decision. Ultimately the positive recommendation of the Select Committee went in favour of the Bill.

The Select Committee appreciated the fact that the need for adequate provisions for development, conservation, propagation and protection of inland fisheries in the State had been felt for some time past. The provisions of the Inland Fisheries Act, 1897 were not adequate to take care of the development needs of the Fisheries sector, specially in view of the added responsibilities for conservation of inland fisheries. It was, therefore, felt necessary that the problems faced in the sector could be tackled effectively only if a comprehensive legislation could be enacted covering areas of present concern.

The specific provisions required were for restrictions on mesh size of gears and tackles for restricting catch of fishes below particular size, ban on use of explosives to prevent pollution, unauthorised angling, provision for

standard measure for regulation of fish spawn sale, provision for formation of fish production group, provision to take control of management of tanks when found under-utilized , levy on producers and wholesalers for ensuring supply to consumers, regulations on sale of substandard fish, provision to declare protected water areas to regulate production and harvesting of fish, penal provision and provision to compound offences by Fishery Officers to ensure protection, conservation and propagation of fishery resources for the benefit of the people of the State.

All these issues came to the fore at the time of the discussion and debate on the Bill that was made in minute details and after that it was put to vote and accepted and it became an act in due course.¹¹¹

xxi) The Tripura Motor Vehicles Tax Bill, 1972

In the STATEMENT OF OBJECTS AND REASONS of the Bill , it was mentioned ,

“At present the Bengal Motor Vehicles Tax Act, 1932 , as amended by the West Bengal Motor Vehicles Tax (Amendment) Act, 1963 , is in force in Tripura. Both the main Act and the amending Act were extended to Tripura by separate notifications issued under section 2 of the Union territories (Laws) Act, 1950. Since the extension of the amending Act to Tripura with effect from the 22nd March, 1971 there were objections from the owners of the Motor Vehicles against the rise of the rates of taxes, Government had, after careful consideration, remitted the rate of tax to the extent of 50% in certain cases. The present Bill incorporates all the amendments of the act including the rate of tax remitted by the government.

The Bill in question, being a money bill requires the prior recommendation of the Governor for its introduction in the Assembly.

Accordingly, the recommendation of the governor has been obtained. The subject matter of the Bill is relatable to Entry 57 of the State List of the Seventh Schedule to the Constitution and the State Legislature has competence to pass the same.”

The Bill, after a prolonged debate was put to vote and carried, and became an act in due course.¹¹²

S. Sengupta

Chief Minister , Tripura.

xxii) (a) TRIPURA MOTOR VEHICLES TAX Act , 1972(as amended in 1973)

The Act was amended in 1973, 1974,1976,1978,1989 and 1994.

In the Statement of Objects and Reasons of the Bill moved in 1973, it was pointed out: “The present Bill seeks to amend some of the provisions of the Motor Vehicles tax Act, 1939 (Act 4 of 1939). The constitution of the State Transport Authority in Tripura was found from the 26th May, 1968. The irregularity was due to the delay in nominating some non-official members of the State Transport Authority. It is, therefore, necessary to regularise the constitution of the State transport Authority by inserting a new Section after Section 44 of the Motor Vehicle Tax Act. Besides some amendments are also necessary in section 58 and Section 62 of the Act. Hitherto, the State Transport Authority in Tripura has been issuing temporary permits to all buses in Tripura which is not strictly legal in view of the provisions of section 62 and Section 58 of the Act. Section 62 provides that temporary permits can be issued only under certain circumstances and section 58 provides that non-temporary permits could be issued for a period not less than three years and not more than 5 year. The State Transport Authority had to issue permits against the provisions of this section to facilitate the plying of buses by the

Tripura Road Transport, which is a state Tripura Road Transport, which is a State Transport undertaking. Provisions had been made in the Bill to regularise the actions of the State Transport Authority and also to issue permits for a period less than the minimum prescribed in the Act.

As the subject-matter of the Bill is relatable to entry 35 of the concurrent List, the draft Bill was referred to the Govt. of India for their approval and the said Government have approved the Bill.”¹¹³

(b) The Bill after a lengthy debate was put to vote and accepted.

In the Statement of Objects and Reasons 1st Amendment Bill of 1974 , it was stated, “ In the present amendment Bill three amendments of the Tripura M.V. Act, 1972 (Act 7 of 1972) have been proposed. In sub-section(3) of section 4 of the Act, it has been proposed to insert the words “ for the year” after the words “ tax payable” . In sub-entry (II) of entry “ B. Vehicles for carrying passengers plying for hire” of the Schedule, the amount of Rs. 50/- has been proposed to be made Rs 30/- . there is also an amendment by the insertion of a new Section 9A.

The amendment in section 4 is necessary to make the meaning of the section more clear and the amendment in the Schedule is necessary to bring the rate of tax in conformity with Govt.’s decision to reduce the rate of tax to half of the originally enhanced rate in some cases. The insertion of section 9A is necessary to make provisions for the refund of any tax paid in excess.

The Bill has been given retrospective effect from the 15th December, 1972 as the principal Act came into force on that date.”¹¹⁴

The Bill , after a prolonged debate was put to vote and was passed.

(c)In the Statement of Objects and Reasons of the Bill moved in 1976, it was pointed out : “ The Tripura Motor Vehicles Tax Act, 1972 came into force

or and from the 15th December ,1972 . Thereafter, no increase in the structure of Motor Vehicles Tax has been made during the last 3 years though the taxes prevalent in Tripura is much on the lower side in comparison to the taxes prevalent in other neighbouring States.

In order to find out additional resources for financing the development schemes, it has become necessary to increase motor Vehicles Taxes in Tripura . The Bill seems to achieve the aforesaid object.” ¹¹⁵

The Bill , after a lengthy and vociferous debate , was put to vote and was carried.

(d) In the Statement of Objects and Reasons of the third amendment Bill on the Act issued in 1978, it was mentioned : “ The Tripura M.V. Act, 1972 came into force on and from the 15th December , 1972.

The Second amendment of 1976 made to the Tripura M.V. Act, 1972 levied enhanced taxes in Tripura on Motor vehicles to the extent of 7.5% of the rates of Motor vehicles taxes as were prevailing in Assam during the relevant period with the approval of the Council of Ministers. But the amendment of 1976 did not cover all aspects to earn revenue as was envisaged earlier at the time of second amendment as there remained certain lacunae in the tax Schedule and clauses of certain section.

Therefore , to earn more revenue after removing those difficulties the proposed Bill (Third Amendment, 1978) seeks to amend the following clauses to the Tripura M.V.Tax Act, 1972:-

(a) Sub-entry (1) to entry “ A. Vehicles for carrying passengers not plying for hire,

(b) Clause (b) of sub-entry (1) of entry “ D. Vehicles for carrying passengers plying for hire; and

(c) Clause (d) to entry "B. Vehicles for transport of goods." ¹¹⁶

As regards item (a) above, it may be stated that there is no provision in the existing clauses of sub-entry (1) to entry " A. Vehicle for carrying passengers not plying for hire" to levy taxes on motor cars of different makes (except, Fiat , Ambassador, Jeep, Station Wagon, Motor Cycle/Scooter) kept for the personal use of owners not being registered under the companies Act, 1956 and invalid carriages as also motor cars owned by Companies registered under the Principal Act for carrying employees or other passengers . Taxes for such different makes of vehicles are being realised by comparing and also taking at par with other similar types of vehicles which are not covered by the Act itself. Therefore, realisation of such taxes is required to be legalised by the law after amendment of the Tax Act, 1972 as regards item (b) , it may be stated that in the Schedule (b) of sub-entry (1) of entry "D. Vehicles for carrying passengers plying for hire" of the Tripura M. V. Act,1972 , there is a provision for charging tax from stage carriages upto the maximum seating capacity of 45. The Act provided to levy tax from stage carriages upto the maximum seating capacity of 45. Subsequently the said rule was amended making provision for 50 seats of each stage carriage. The said rule as has been amended did not provide any scope for further levy of tax on the stage carriages which have or likely to have more than 50 seats.

So it is proposed not to indicate maximum seating capacity of stage carriages in the schedule proposed to be amended. Such amendment will enable government to realise more revenue form stage carriages having seating capacity of more than 45 and also to avoid further amendment in future.

As regards item (c) , it may also be stated that in the tax schedule there is no provision after clause (d) to entry " B. Vehicles for transport of goods" for

charging tax in excess of registered laden weight of 12,219 kgs. So, a separate clause is proposed to be inserted after clause (d) to entry referred to above. By this amendment the revenue of the state will increase, as occasionally ONGC vehicles and other vehicles on Assam –Agartala Road are plying with laden weight exceeding 12,219 kgs with the permission of Border Roads Organisation (PUSHPAK), since the Assam-Agartala Road is controlled by the said Organisation. As and when the restriction is lifted by Border Road Organisation on registered laden weight of vehicles for transport of goods, no further amendment will be necessary. The said amendment will enable 12,219 kgs. laden weight as provided in the Act of 1972.

The Bill seeks to achieve the aforesaid objects. ¹¹⁷

(d) In the Statement of Objects and Reasons of the Fourth Amendment to the Act, it was stated that the Tripura Motor Vehicles Tax Act, 1972 came into force on and from the 15th December, 1972.

The proposed Bill (Fourth Amendment) 1989 seeks to introduce a new system of one time lump-sum payment of Motor Vehicular Tax at the initial stage of registration in respect of personalised vehicle like cars, Motor cycle and other two wheeler etc. , by amending the Tripura Motor Vehicles Tax Act, 1972 to give better facilities to the owners of vehicles and also the reduction in the pressure of work on the motor vehicles Department. A Ready Reckoner of one time Tax is prepared as in schedule “A” taking into account of life of the vehicle as 10 years.” ¹¹⁸

The Bill , after a lengthy debate was put to vote and accepted.

(e) In the Statement of Objects and Reasons of the amendment Bill moved in 1994 , it was pointed out “there has been no revision of the Motor Vehicles Taxes in Tripura since 1978 . For construction and maintenance of

roads and other infrastructure for the development of Motor transport in the state, it is necessary to revise the tax rates for Motor Vehicles.

There has been a rapid development of road transport during the past few years and large increase in the number of Motor Vehicles on the road; with the rapid development of road transport suggestions for amendment of Tripura Motor Vehicles Tax Act, 1972 have been received from different corners.

For the facility of Motor Vehicle owners, option for the payment of lump-sum one time tax on personalised vehicles has been provided.

At present there is no provision in the Tripura Motor Vehicles Act, 1972 for imposition of composite tax on National Permit Good Carriages, while most of the states have already made provision in their Acts for imposition of composite tax.

The main purpose of the Bill is to provide for revision of motor vehicle tax rates including one time tax on personalised vehicles and for making provision for imposition of Composite Tax on National Permit Goods Carriages.”¹¹⁹

The Bill, after a detailed debate was put to vote and was passed.

xxiii) The Tripura Public Premises (Eviction of Unauthorised Occupants) Bill, 1982 was placed before the Assembly on 9.8.1982 to provide for the eviction of unauthorised occupants from public premises and for certain incidental matter.

It was also pointed out that “ Be it enacted by the Legislative Assembly of Tripura in the Thirty –third Year of the republic of India as follows:-

1. (1) This Act may be called THE TRIPURA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1982.

(2) It extends to the whole of Tripura.

(3) It shall come into force at once. ¹²⁰

2. In this Act, unless the context otherwise requires,--

(a) "estate officer" means an officer appointed as such by the State Government under Section 3;

(b) "premises" means any land or any building or part of a building and includes--

(i) The garden, grounds and outhouse, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "public premises" means any premises belonging to or taken on lease or requisitioned by, or on behalf of the State Government and includes any premises belonging to , or taken on lease by, or on behalf of—

(i) any company as defined in Section 3 of the Companies Act, 1956 in which not less than fifty-one per cent of the paid –up share capital is half by the State Government; or

(ii) any Corporation (not being a company as defined in Section 3 of the Companies Act, 1956 or a local authority) established by or under a Central or State Act and owned or controlled by the State Government ; or

(iii) any Municipal Committee or notified area Authority;

(iv) any Gaon Sabha constituted under U.P. Panchayat Raj Act as extended to Tripura;

- e) "rent", in relation to any public premises , means the consideration payable periodically for the authorised occupation of the premises and includes---
- (i) any charge for electricity , water or any other services in connection with the occupation of the premise,
 - (ii) any tax (by whatever name called) payable in respect of the premises, where such charge or tax is payable by the State Government or the statutory authority;
- (f) " statutory authority" means any authority referred to in clause (d) of this section;
- (g) "unauthorised occupation", in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation, and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant of any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

The Bill provided in section 3 that "The State Government may, by notification in the Official Gazette,--

- (a) appoint such persons, being gazetted officers of the Government or officers or equivalent rank of the corporate or statutory authority, as it thinks fit, to be estate officers for the purposes of this Act: Provided that an officer of a corporate or statutory authority shall be appointed, in consultation with that authority , as an estate officer in respect of only those public premises which are controlled by that authority; and

- (b) define the local limits within which , or the categories of public premises in respect of which, the estate officers shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under this act. ¹²¹

Issue of Notice to show cause against order of eviction was also provided in the following manner in the Section 4

- (3) If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should be evicted, the estate officer shall issue in the manner hereinafter provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.
 - (4) The notice shall—
 - (a) Specify the grounds on which the order of eviction is proposed to be made; and
 - (b) Require all persons concerned, that is to say, all persons who are, or may be, in occupation of or claim interest in the public premises;--
 - (i) To show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than ten days from the date of issue thereof, and
 - (ii) to appear before the estate officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown , and also for personal hearing, if such hearing is desired.
- ¹²²
- (3) The estate officer shall cause the notice to be served by having it affixed on the outer door or some other conspicuous part of the public premises, and in such other manner as may be prescribed, whereupon

the notice shall be deemed to have been duly given to all persons concerned.”

Provisions for eviction of unauthorised occupants were also kept in section 5(1) and (2) in the following manner,

If, after considering the cause, if any, shown by any person in pursuance of a notice under Section 4 and any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-section (2) of Section 4, the estate officer is satisfied that the public pre-
eviction , for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises.

If any person refuses or fails to comply with the order of eviction within thirty days from the date of its publication under sub-section (1) , the estate officer or any other officer duly authorised by the estate officer in this behalf , may , after the expiry of the period aforesaid, evict that person from, and take possession of , the public premises and may, for that purpose, use such force as may be necessary. ¹²³

In section 6(1) and (2), power to remove unauthorised constructions etc. was given and that was mentioned below,

“ 6.(1) No person shall—

- (a) erect or place or raise any building or other structure or fixture; or
- (b) bring or keep any cattle or other animal; or
- (c) display or spread any goods, on, or against, or in front of any public premises except in accordance with the authority (whether by way of grant or

any other mode of transfer) under which he was allowed to occupy such premises.

(2) Where any building or other structure or fixture has been erected or any cattle or other animal has been brought on, or any goods have been displayed or spread, in public premises in contravention of the provisions of Sub-Section (1) , the estate officer may serve upon the person erecting such building or other structure or fixture or bringing such cattle or other animal or displaying or spreading such goods on the public premises, a notice requiring him either to remove, or to show cause why he shall not remove, such building, other structure or fixture ,or, as the case may be , such goods or cattle or other animal from the public premises within such period, not being less than seven days, as he may specify in the notice, and on the omission or refusal or such person either to show cause, or to remove such building or other structure or fixture, or as the case may be, such goods or cattle or other animal from the public premise, or, where the cause shown is not in the opinion of the estate officer, sufficient , the estate officer may remove the building or other structure or fixture, or, as the case may be , such goods or cattle or other animal form the public premises and recover the costs of such removal from the person aforesaid as an arrear of land revenue.” ¹²⁴

At the same time , order of demolition of unauthorised construction was provided for in Section 7(1) , (2), (3),(4) and (5) where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed, on any public premises by any person in occupation of such public premises under the authority (whether by way of grant or any other mode of transfer), and such erection of building or execution of work is in contravention of , or not authorised by, such authority, then, the estate officer may, in addition to any other action that may be taken

under this Act, or in accordance with the terms of the authority aforesaid , make an order , for reasons to be recorded therein, directing that such erection or work has been commenced , or is being carried on, or has been completed , or within such period, as may be specified in the order, not being less than seven days, or more than fifteen days, from the date of publication of the order under sub-section(3):

Provided that no order under this sub-section shall be made unless the person concerned has been give, by means of a notice served in the prescribed manner, a reasonable opportunity of showing cause why such order should not be made.

(2) Where the erection or work has not been completed , the estate officer may, by the same order or by a separate order, whether made at the time of the issue of the notice under the proviso to sub-section (1) or at any other time, direct the person at whose instance the erection or work has been commenced or is being carried on, to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under section 11.

(3) The estate officer shall cause every order made under sub-section (1), or as the case may be under sub-section (2) , to be affixed on the outer door, or some other conspicuous part, of the public premises.

(4) Where no appeal has been preferred against the order of demolition made by the estate officer under sub-section(1) or where an order of demolition made by the estate officer under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the appellate officer on appeal, and , on the failure of the person to comply with

the order within such period, the estate officer or any other officer duly authorised by the estate officer in this behalf , may cause the erection or work to which the order relates to be demolished.

(5) Where an erection or work has been demolished, the estate officer may by order, require the person concerned to pay the expenses of such demolition within such time , and in such number of instalments, as may be specified in the order.¹²⁵

In sub-sections (1),(2),(3),(4) and (5) of Section 8, provisions for disposal of property left on public premises by unauthorised occupant were kept,

“8 (1) Where any persons have been evicted from any public premises under section 5 or where any building or other work has been demolished under section-7 , the estate officer may, after giving fourteen days’ notice to the persons from whom possession of the public premises has been taken and after publishing the notice in at least one newspaper having circulation in the locality, remove or cause to be removed or dispose of by public auction any property left by such persons and remaining on such premises.

(2) Where any materials, cattle or other animal have been removed from any public premises under section 6 , the estate officer may , after giving fourteen days’ notice to the persons owning such materials, cattle or other animal and after publishing the notice in at least one newspaper having circulation in the locality , dispose of , by public auction, such materials, cattle or other animal.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the giving or publication of any notice referred to therein shall not be necessary in respect of any property which is subject to speedy and natural decay, and the estate officer may, after recording such evidence as he may think fit, cause

such property to be sold or otherwise disposed of in such manner as he may think fit.

(4) Where any property is sold under sub-section (1), the sale proceeds thereof shall, after deduction of the expenses of the sale and the amount, if any, due to the State Government or the corporate authority on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the estate officer to be entitled to the same:

Provided that where the estate officer is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the apportionment of the same , he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final .

(5) The expression 'costs', referred to in sub-section (4) shall include the cost of removal recoverable under section 6 and the expenses of demolition recoverable under Section 7." ¹²⁶

Notes and References

1. The United Provinces Panchayat Raj (Tripura Amendment) Act, 1978.
2. Amendment of Section 9 and Section 12 G of the United Provinces Panchayat Raj act, 1947 in the same year , i.e. , 1978.
3. Amendment of the united Provinces Panchayat Raj Act, 1947 in 1979.
4. The Tripura Panchayat Bill, 1986 (Bill no . 12 of 1983) which became an act in the same year.
5. Amendment of the Tripura Panchayat Act, 1983 in 1986.
6. The Tripura Panchayati Act, 1983 as amended in 1988.
7. The Tripura Panchayat Act, 1988 as amended in 1982.
8. The Act as amended in 1993.
9. Further amendment of the Act in 1994

10. The Bengal Municipal (Tripura Amendment) Act 1972.
11. The STATEMENT OF OBJECTS AND REASONS OF the Bengal Municipal (Tripura Amendment) Act, 1982.
12. The Technical Report of the Bill.
13. The Bengal municipal (Tripura Third Amendment) Bill , 1983 (Tripura Bill No. 7 of 1983)
14. The Tripura Municipal Bill, 1994 that became an act in due course.
15. STATEMENT OF OBJECTS AND REASONS OF THE TRIPURA LAND REVENUE AND LAND REFORMS (SECOND AMENDMENT) BILL, 1974
16. Ibid.
17. Tripura Legislative Assembly Proceedings, 22.3.1974, 23.3.1974 and 25.3.1974, 26-41 vide Majumder, B.M. The Legislative opposition in Tripura, pp. 172-176.
18. THE TECHNICAL REPORT OF THE BILL
19. STATEMENT OF OBJECTS AND RESONS OF THE (THIRD AMENDMENT) BILL, 1975.
20. THE TECHNICAL REPORT OF BILL.
21. STATEMENT OF OBJECTS AND REASONS OF the Fourth Amendment Bill, 1976.
22. The Technical Report of the Bill.
23. Statement of objects and Reasons of the Fifth amendment Bill (Bill No. 6 of 1979).
24. Statement of objects and Reasons of the Fifth Amendment Bill ,1989.
25. The Technical Report of the Bill.
26. The Statement of objects and reasons of the Seventh Amendment Bill , 1997.
27. The Technical Report of the Bill.
28. The Tripura Agricultural Debtors Relief Bill , 1976.
29. This Bill was moved to replace the Tripura Agricultural Debtors Relief Act, 1976 and became an act shortly thereafter.
30. The Technical Report of the Bill .
31. Amendment of the Act in 1981
32. The Tripura Sales Tax Act, 1976.

33. The Act as amended in 1986.
34. Further amendment of the Act in 1981(Second Amendment)
35. Amended further in 1984 (Third Amendment)
36. Further Amendment in 1987 (Fourth Amendment)
37. Amended further in 1994(Fifth Amendment)
38. Further Amended in 1995 (Sixth Amendment)
39. Amended further in 1996 (Seventh Amendment)
40. Impact of the act and the tax collected during the period form 1976-77 to 1996-97 from agriculture as shown in a Table.
41. The Tripura Professions, Trades , Calling and Employments Taxation Act, 1976 and the rate of tax as specified in the Schedule of the Bill.
42. Amendment in the Act in 1985.
43. Further amendment of the Act in 1990.
44. Amended further in 1992.
45. Further amended in 1993.
46. Amended further in 1997.
47. The Co-operative Societies Bill , 1973 (Tripura Bill No. 3 of 1973 and the Statement of Objects and Reasons of the Bill.
48. The Technical Report of the Bill.
49. The Financial Memorandum of the Bill.
50. Speech of Sailesh Shom, the then Deputy Minister in Charge of the Department of Co-operation.
51. Address by Tarit Mohan Dasgupta, a member of the Assembly welcoming the bill and applauding the rules framed in that regard.
52. Address by Nripen Chakraborty, then Leader of the Opposition requesting the Govt. to made Provisions for granting loan to the farmers from the Rural Co-operative Bank so that they would not be compelled to take loan from Mahajans.
53. Amendment to this Act as moved in Tripura Assembly in 1980 by Nripen Chakraborty, the then Chief Minister of Tripura.
54. The Tripura Land Pass Book Bill, 1982 and the Statement of Objects of the Bill.
55. The Technical Report of the Bill

56. The Act as amended in 1990
57. The Tripura Educational Institutions (taking over of management) Bill, 1973 that became an act in the same year.
58. Amendment of the Act in 1974.
59. Further amendment office Act in 1978.
60. The Tripura Educational Institutions (Acquisition of Right, Title and Interest) Bill, 1980 that was moved and passed in order to take over three degree colleges of Tripura as Government Degree Colleges.
61. Amendment of the Act in 1984 and the purpose.
62. Amended further in 1986.
63. Further amendment in 1987.
64. Purpose of the amendment – To acquire the right, title and interest of some privately managed school of the State.
65. The Tripura Tribal Areas Autonomous District Council Bill, 1979 (Bill No. 5 of 1979) which became an act in July of the year (Act No. 10G of 1979).
66. Section no. 4 of the Bill.
67. Section no. 5 of the Bill.
68. Section no. 6, 7, 8 and 9 of the Bill.
69. Section no. 18 of the Bill.
70. Section no. 27 of the Bill.
71. Section no. 26 of the Bill.
72. Section no.29 of the Bill.
73. Section no. 31 of the Bill.
74. Section no. 32 of the Bill.
75. Section no. 33 of the Bill.
76. Section no. 36 of the Bill.
77. Amendment of the TTAADC Act 1979 by moving a bill in 1982 which was passed and became an act shortly thereafter that led to the formation of the ADC in Tripura.
78. The Constitution (Forty Ninth Amendment) Bill, 1984 as was passed and became an Act in the same year, providing for making applicable to Tripura the provisions of the 6th Schedule of the constitution.

79. Repeal of TTAADC Act 1979, dissolution of the District Council constituted by that act and other necessary steps before the continuation of the Council under the 6th Schedule.
80. Vide P. Choudhury, 'Tripura Tribal Autonomous Area District Council, its genesis and working principles and the Assessment,' in the Seminar on Local Self Government in Tripura at Women's College, Agartala, dated 2nd and 3rd October, 1991.
81. The Statement of Objects and reasons of the Tripura commission for Women Bill.
82. The Technical Report of the above Bill.
83. Quoted from the Tripura Commission for Women's Act, 1993, and Annual Activity Report of Tripura Women's Commission, 1994-99, Table 4, p.9.
84. Majumder, Problem of Protection of Human Rights of Womenfolk of Tripura and Role of the State Commission for Women: An Assessment (paper presented in the Seminar on " Women Participation in Decision making and Development of Tripura Organised by the Department of History, Tripura University, Agartala , in 1979.
85. Quoted from the Annual Activity Report of Tripura Women's Commission, 1994-1999.
86. The Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Bill 1991 and its background.
87. Decisions adopted by the Bill as was converted into an act shortly thereafter.
88. The Tripura Town and Country Planning Bill, 1975 that became an Act in the same year.
89. The Statement of Objects and Reasons of the Tripura Prevention of Defacement of Property Bill, 1976 and was passed and became an act shortly thereafter.
90. The Statement of Objects and Reasons of the Tripura Clinical Establishments Bill, 1976 that became an act in the same year.
91. The Tripura Public Land (Prohibition of Unauthorised Occupation and Summary Eviction) Bill, 1977 that became an act shortly after being passed in the Assembly.
92. Members of the Select Committee of the Tripura buildings (Lease and Rent Control) Bill, 1974.

93. Meetings of the Select Committee and the decisions taken.
94. Minutes of dissent by Nripreen Chakraborty and Bajuban Riyan.
95. The Tripura Shops and Establishment (Amendment) Bill, 1982. The Shops and Establishment Act, 1970 as enacted first in 1970 was amended in 1982 and it plugged the loopholes.
96. The Tripura Children Bill, 1982, and its conversion into an act in due course.
97. The Homeopathic System of the Medicine Bill, 1979 that was passed in the Assembly and became an act after it received the assent of the Governor in April, 1979.
98. Background of setting up of a University for Tripura and the passing of the Tripura University Bill, 1987 that became an act after it was approved by the U.G.C.
99. Amendment of the Act in 1990 in the form of a bill and the same was passed in the Assembly and became an act.
100. The Tripura Nursing Council Bill, 1986 that after a detailed discussion, was put to vote and became an act shortly.
101. The Statement of Objects and Reasons of The Tripura State Rifles Bill, 1983.
102. The Technical Report of the Bill.
103. The Tripura State Rifles (Amendment) Bill, 1984 that became an act in due course.
104. The Tripura Vigilance Commission Bill, 1991 as was carried after detailed deliberations and became an act in due course.
105. The Indian Forest (Tripura Amendment) Act, 1984 and its contents.
106. The Indian Forest (Tripura Amendment) Act 1986.
107. The Tripura Prisoners (Tripura Amendment) Bill, 1979 that was discussed at length in the Assembly and then put to voice vote and carried and became an act shortly thereafter.
108. The Tripura eyes (Authority for the use of Therapeutic Purpose) Bill, 1985 and its objects.
109. Performance in respect of ophthalmic operations and treatment done in the district hospitals after the Bill was enacted.

93. Meetings of the Select Committee and the decisions taken.
94. Minutes of dissent by Nripen Chakraborty and Bajuban Riyan.
95. The Tripura Shops and Establishment (Amendment) Bill, 1982. The Shops and Establishment Act, 1970 as enacted first in 1970 was amended in 1982 and it plugged the loopholes.
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105. The Indian Forest (Tripura Amendment) Act, 1984 and its contents.
106. The Indian Forest (Tripura Amendment) Act 1986.
107. The Tripura Prisoners (Tripura Amendment) Bill, 1979 that was discussed at length in the Assembly and then put to voice vote and carried and became an act shortly thereafter.
108. The Tripura eyes (Authority for the use of Therapeutic Purpose) Bill, 1985 and its objects.
109. Performance in respect of ophthalmic operations and treatment done in the district hospitals after the Bill was enacted.

110. The Tripura Lepers (Repeal Bill) , 1985, its objective, discussion on the Bill and its acceptance in the House that led to its conversion into an Act.
111. The Inland Fisheries Bill, 1986 , the necessity felt for development of fishers by the Government , discussion and debate on the Bill in the House, putting to vote and conversion to act in due course.
112. The Tripura Motor Vehicles Tax Bill, 1972- The purpose highlighted in the Statement of Objects and Reasons of the Bill, and its acceptance in the Assembly.
113. The Act as amended in 1973.
114. The Act as amended in 1974.
115. The amendment of the Act in 1976.
116. The amendment of the Act in 1978.
117. Contents of the amended the Act 1978.
118. The Amendment Bill of 1989 and its motto.
119. The Amendment Bill moved in 1994 and its content.
120. The Tripura Public Premises (Eviction of Unauthorised Occupants) bill, 1982 as was placed before the Assembly to provide for the eviction of unauthorised occupants form Public Premises and for incidental matter.
121. Appointment of Gazetted Officers by the State Government as provided for in Section 3 of the Bill that became an act shortly thereafter.
122. Issue of notice to show cause against order of eviction was also provided for in the manner that was sanctioned in this section. [Section 4(t)].
123. Provisions for eviction of unauthorised occupants were kept in Section 5(1) and 5(2) as mentioned in the Act.
124. Power to remove unauthorised constructions was also kept in Section 6(1) and (2) of the Act.
125. Order of demolition of unauthorised construction as provided for in Section 7(1) ,(2) , (3), (4) and (5) of the Act.
126. Provisions for disposal of property left on Public Premises by unauthorised occupants as earmarked in Sub-Sections (1),(2),(3),(4) and (5) of Section 8.

CHAPTER-VI

IMPACT OF THE PANCHAYAT RELATED LEGISLATIONS

Administrative decentralization in the rural areas of Tripura did not get a real shape for long as the state depended on the United Provinces Panchayat Raj Act, 1947 for about two decades and a half (1959 to 1982) . Experience showed it fairly well that this act was quite inadequate for regulating the Panchayat Institution in the state and hence the Tripura Panchayats Bill, 1983 was placed in the Assembly and it was unanimously passed and became an act in that year.

The main impact of the act was that it replaced the system of election of members of the Gaon Panchayat by show of hands by voting through secret ballots, made the election of the Pradhan indirect in stead of direct as was practiced so long, reduced the age of voters from 21 to 18 and brought about procedural improvements in respect of its functioning , powers, financial resources as also the relation of the state government with the election of the panchayat. ¹ The Act was amended in 1986,1988,1992 and 1994 in order to meet the changing requirements of time and as a result of that, three -tier panchyati Raj system has been functioning in Tripura with increasing success with the progress of time.

Let us now point out the attempt at democratic decentralization in the urban areas of Tripura and of the Agartala Municipality in particular. It is pertinent to point out in this context that the people of Agartala had a genuine grievance that the election of their municipality (the only municipality of Tripura) had been kept in abeyance for long fourteen year (from 1958 to 1972). ² It was ,therefore, only natural that the demand for reconstitution of

the Agartala Municipality by elected members was raised repeatedly both inside and outside the Assembly, and responding to that demand, the then government introduced a Bill in the Assembly entitled 'The Bengal Municipal (Tripura Amendment) Bill, 1972 on 7th December, 1972.

In course of discussion on the Bill, the Treasury benchers observed that the government wanted to hold an early election for reconstituting the Municipality by elected commissioners. But since it was difficult to prepare the elected rolls for the election of Municipality under the existing Act, the proposed amendment to the main Act was brought in order to facilitate the preparation of the electoral rolls. Further, the qualification of voters for taking part in the election had also been proposed to be materially changed. The amendments to the Bill had been proposed on the lines of the West Bengal Municipal (Amendment) Act, 1962. The Bill for amendment was passed in the Assembly and it became an act in due course. For all that, the government could not hand over the Municipal Administration to an elected body. ³

In March, 1974, the government informed the House that it was its ardent desire to hand over the Municipal administration to an elected body at the earliest opportunity. In March, 1975 again, it informed that the Tripura Municipal Election Rules, 1961 were under process of amendment ⁴ and also a lot about the improvement that had been effected in municipality in the field of conservancy service, setting up of markets, sanitation and supply of drinking water. But it could not mention specifically the time within which it would hold the municipal election. ⁵ Unfortunately, the government was not able to hand over the Municipal Administration to an elected body during its life time, i.e. up to a part of 1997.

The government did not succeed to implement its own decision to form notified area committees in four Sub- Divisional towns of Tripura also (Dharmanagar, Kailashahar, Udaipur and Belonia). It was clearly mentioned in the government statements of 1973 and 1974 that notified area committees would be formed and also that a committee was formed to examine and place report of the committee was examined. But there was no mention in any official statement of 1975 -76 as to when the committees would be formed and when they would be entrusted with powers and responsibilities.

The opposition in the Assembly, therefore, strongly demanded that steps must be taken towards formation of the proposed committees and delegation of powers to them, but to no effect. ⁶ The Bengal Municipal (Tripura Amendment) Act, 1972 was, therefore, amended in 1982, 1983, and 1994 by the Left Front Governments in order to reconstitute the Agartala Municipality and hand over the same to an elected body. At the same time Notified Area Authorities were constituted in the sub divisional towns of Tripura and powers were transferred to them.

Next ,in order to have some light about socio-economic expects of political development of the state during the period under review ,we are to look back at the Tripura Land Revenue and Land Reforms (Second Amendment) Act,1974 as amended in 1975 ,1976.1989,and 1997) for an in-depth study.

The TLRLR(2nd Amendment) Bill, 1974 mainly had three objects before it. First, introducing Land Reforms which were essential to remove the obstacles in the matters of agricultural production and remove elements of exploitation and social injustice in the agrarian system by giving of security of tenure to holder and sharecroppers by reducing the ceilings of holdings from 2

hectares to 7.2 hectares. Secondly, providing restriction to transfer or partition of ST owner's land and also making provision for restoration of the land of the ST owner transferred illegally on or after January, 1969. Lastly, repeal of the 'Tribal Reserve Order' of the last king of Tripura on the argument that it sought to protect the interests of 8 Tribes in Tripura as against 5 Tribes in the Maharaja's 'Reserve'.

But the opposition in the Assembly raised its voice against the bill on the following grounds:

i) in the Bill, a provision was kept that only those tribal lands that had been illegally transferred after 1968 would be taken up for restoration, while the original act (1960) provided that all tribal lands that were illegally alienated with effect from 1960 would be restored; and the present provision would give scope to the exploiting jotedars and moneylenders to legalize their possessions on the lands that they illegally occupied from 1960 to 1962.

ii) In stead of repealing, the reserve order of the Maharaja could have been so amended as to extend the benefits of the reserve to all the 19 tribes.⁷

It, therefore, requested the government to withdraw the bill and accept its demand for reconstitution of the tribal reserve, but no heed was paid to its demand, and the bill was passed after a vociferous debate.

The main object of the 3rd Amendment to TLRLR Act was that it sought to introduce a few restrictions on the rights of transfer in the areas predominantly inhabited by the Scheduled Tribes for the protection of their interests.⁸

The Fifth Amendment Bill mainly sought to extend the benefit of presumption of barga interests on sharecroppers and to restore land to such

sharecroppers who had been unlawfully evicted from the land. Provision of special machinery for recording barga interests and for dealing with all other matters relating to Barga interests was also made. ⁹

The Sixth Amendment Bill sought to define the term “Transfer” so as to include all possible transactions on land of tribals. It also declared trespass on tribal land as cognizable offence and made provision for imposing penalty on the trespassers. Provisions were also kept in it to waive limitation in filing any application or suit for restoration of land by a tribal. ¹⁰

The Tripura Land Revenue and Land Reforms (Seventh Amendment) Ordinance 1996 was promulgated on 18th October, 1996 and it was placed before the Assembly in the form of a Bill in the year 1997. The main aim of the Bill was to provide special provisions for protecting the lands belonging to the scheduled Tribes. ¹¹ The Bill was passed in the Assembly and became an act in the same year.

From the above discussion, it is evident that the Tripura Land Revenue and Land Reforms Act and its second, 3rd, 5th, 6th and 7th amendments had been brought and passed in the Assembly with two specific intentions and those were: i) Extension of some economic safeguards to the tribesmen, and stoppage of alienation of their land and restoration of their illegally alienated land from the nontribals and ii) making some economic benefits available to weaker sections of the nontribals and of the share croppers and the marginal and landless farmers, labourers in particular. In this attempt, the extent of success was not more than partial. While the attempts at stopping further illegal alienation of tribal land attained good success, the steps for restoration of illegally transferred tribal land to the real owner are yet to go a long way. So far, the protection of right of sharecroppers on land has attained

appreciable success, but steps for protecting other minimum rights to the marginal farmers and landless labourers are yet to face many hurdles. The solution of these problems actually depend on materializing development programmes which are more often than not being obstructed for continuous extremist activities. This is, however, a problem that the state government alone cannot solve. The Government at Centre also must come forward and extend all possible assistance to the state government including supply of required number of Army and B.S.F. Battalions for successfully combatting the extremist violence and that will go a long way in bringing back peace by the state govt. and this alone is the pre- condition for the success of the development programmes of the state.

Last but not the least in importance is a set of important legislations that went a long way in protecting and promoting social welfare of the weaker sections of people of the state, and the Scheduled Tribes, Scheduled Castes and the womenfolk in particular. The legislations were: a) Tripura Tribal Areas Autonomous District Council Act, 1979; (as amended in 1982 and 1985); b) Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991 (as amended in 1997); and c) the Tripura Commission for Women Act, 1993 (as amended in 1994);

Let us now discuss the role played by the above mentioned acts in protecting and promoting social welfare of the weaker sections of people of the state one by one.

The Tripura Tribal Areas Autonomous District Council Bill , 1979 , that became an act on July,30, 1979 led to the formation of the TTAADC in terms of the 7th Schedule of the constitution on 18th January,1982. The object behind setting up TTAADC by the state government was to transfer power

gradually with adequate financial resources to the grass-roots institution to free the tribal people from injustice and to encourage them to draw the blueprint of over all developmental programmes for the locality. The developmental programmes of the TTAADC are being implemented mostly by the agencies of the state government functioning at the Block level. How the state government, since the birth of the TTAADC in 1982 had already assigned to this grass-root organization a number of programmes of development and how the areas of work and responsibility of the TTAADC started its journey in the first year with a budget of only Rs. 74.10 lakh . But in the second year (1983-84) it went upto Rs. 9.74 crores and in the third year Rs 10.81 crores. In this way, the annual budget is increasing day by day and the budget of the TTAADC is a great index to understand properly the attitude of the state government towards the developmental programmes of this institution.¹²

This act was amended in 1982 as, on scrutiny of the provisions of the Act, it appeared that amendment of some sections of the Act became necessary to remove some clerical errors and also some ambiguities. Some minor amendments of some other sections were also considered necessary for sake of clarity of some of the provisions of the Act.¹³ In view of this, an amendment Bill was brought on the Act and it was passed in the same year.

But the Autonomous District Council under the 7th Schedule of the constitution could not satisfy the tribals of Tripura who had been placing their demand for long for the sixth Schedule .The Tripura Assembly also adopted resolutions two times requesting the Central Government to introduce the sixth schedule of the constitution into the predominantly tribal inhabited areas of the state. This persistent demand led the Central Government to amend the constitution and thus the long awaited Autonomous District

Council in terms of the sixth schedule was introduced in April, 1985. ¹⁴ With this was paved the way for the greater autonomy of the tribal people of Tripura and also for more responsible functioning of the Autonomous District council. ¹⁵

Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Acts, 1991 and its amendment in 1997 also went a long way in solving the problems being faced by the S.C and S.T. population of the state in respect of the issues of reservation of vacancies in services and posts and also some of the allied issues. The act came into force with effect from October, 1992 and at that time, reservation for SC's and ST's in the services was fixed at 15% and 25% respectively (in consideration of the fact that the S.C & S.T. population in the state was then 15.12% and 28.44% respectively) . But the Act had to be amended in 1997 on some grounds such as (i) As per 1991 Census Report, the percentage of SC and ST population increased to 16.36 and 30.95 respectively and hence the percentage of reservation for SC's and ST's in services and posts was to be replaced by 16% and 31 % respectively; (ii) the SC's and ST's were not as yet adequately represented in the services and posts; (iii) Provision should be there in Amendment Act empowering the government to review any decision taken in respect of appointment / Promotion or in issuing and canceling SC/ST certificates, (iv) the Schedule to the Act containing the 100 point roster was also needful; and (v) the modified policy of the government of India regarding reservation for ex-serviceman and physically handicapped had also to be taken into consideration . ¹⁶

Thus, incorporating all the above five issues, the Tripura Scheduled Castes and Scheduled Tribes Act, 1991 was amended in 1997 and in the amended act provisions were made for extending the facilities of reservation

of vacancies in services and posts for the SCs and STs , and ex-serviceman and physically handicapped alike. At the same time, provisions were kept empowering the govt. to review any decision regarding appointment/promotion or in issuing and cancelling SC/ST certificates.

The Tripura Commission for Women Bill, 1993 was placed before the Assembly and passed and it became an act after it received the assent of the governor on January, 1994. The Tripura Commission for Women was constituted in February,1994 with a Chairperson, a vice Chairperson , 5 members and a member secretary. But in order to replace the provision for payment of allowances to the members of the commission (including the Chairperson and Vice-Chairperson) in the Act by the provision for payment of honorarium was felt necessary. Hence an amendment bill was placed and passed in the Assembly in due course and it became an act named. 'The Tripura Commission for Women Act, 1994'. The major functions of the commission, according to Tripura commission for Women Act, are to “ look into complaints and take suo moto notice of matters relating to (i) deprivation of Women’s rights,(ii) non-implementation of laws enacted to provide protection to women and also that it has all the powers of a civil court while investigating such cases of complaints.”¹⁷ The Commission dealt with all such cases with all seriousness. In consideration of seriousness of the cases, it took direct action or referred some cases with due considerations to appropriate authorities which included law enforcement agencies and police department.¹⁸

Among the cases directly dealt with by it, the commission had been taking prompt steps to expedite action in the cases of serious nature like dowry murder or suicide, dowry torture, rape, kidnapping, abduction, sexual harassment in place of work, harassment of widow and her deprivation from

properties, and other serious types of cruelty and torture by husband and in-laws etc. In case it was found that no action worth the name was taken by the appropriate authority and in order to expedite the process, the commission under the leadership of the Chairperson or a member conducted enquiry with a team that visited the concerned place, enquired into the matter, crossed the victims, identified the truth, prepared reports and sent the same to appropriate authority with suitable recommendations for proper action.

Again, since the commission has been strongly of the view that rehabilitation of the victim women is the most important part of offering justice to them, it always tried and is still trying to initiate some measures in a bid to rehabilitate them. Furthermore, in course of looking into the complaints, and redressing women's grievances, the commission tried its utmost to solve the problems and settle their disputes amicably outside police station and court. But when all the efforts of the commission failed to settle a dispute amicably and it found that the allegation of the victimized women was true, the commission would left with no option but to advise the party to go to court for redress. But as the existing legal system did not work properly to help those women properly, the commission had to prepare a panel of practitioners that started and continued to provide legal assistance to the victimized women with minimum charge of litigation.

From the activities of the state commission for women as discussed so far, it is amply evident that the role it played and had been continuing to play, in line with the provisions of the Act, the womenfolk in Tripura and the depressed section among them in particular will go on getting protection by the commission in the days to come also.

Notes and References

1. The main motto as envisaged by the Tripura Panchayats Bill, 1983 that was passed and became an act in the same year.
2. Majumder, B.M., Op.cit. P.103
3. ibid.
4. Vide Majumder, B.M., and Op.cit. P.103
5. ibid
6. Majumder, B.M., Op.cit. P.105
7. Majumder, B.M., Op.cit. P. 174-176
8. Third Amendment Bill to TLRLR Act. Statement of objects and reasons thereof
9. Fifth Amendment to TLRLR Act
10. Sixth Amendment to TLRLR Act
11. Seventh Amendment to TLRLR Act
12. M. Chakraborty " The TTAADC and the state government: An overview" paper presented in the Seminar on Local Self Government in Tripura organized by Dept. of Pol. Science, Women's College, Agartala on 22nd and 23rd November, 1991
13. Tripura Tribal Areas Autonomous District Council Act, 1979(as amended in 1982)
14. B. Mahanta, "Tribal Areas Autonomous District Council". Its inevitability in Tripura, paper presented in the Seminar on Local Self Govt. In Tripura organized by Deptt. Of Pol Science, Women's College, Agartala on 22nd and 23rd November, 1992.
15. Quoted from Tripura Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Acts, 1991
16. From Tripura Scheduled Castes and Scheduled Tribes Act (as amended in 1997)
17. The Commission For Women Act, 1993, p.2
18. B. Majumder: "Problem of Protection of Human Rights of Womenfolk of Tripura and Role of the State Commission for women; An Assessment". P.4 (Paper presented in the Seminar on "Women Participation in

Decision Making and Development process in Tripura” as organized by the Department of History , Tripura University in the Year 1999.

19. Ibid,p.5

20. Annual Activity Report of Tripura Commission for Women Act, 1933, p.13.



CHAPTER – VII

PROBLEMS AND ISSUES

The problems and issues that are noticeable in Tripura during the period under review may be grouped under three major heads and these are: Ethnic, Tribal-nontribal Schism, and problems of insurgency. Let us now discuss these problems one by one.

a) Ethnic problem: The ethnic factors play not an unimportant role in Tripura politics. The economic and social safeguards to the tribals-the original inhabitants of Tripura- have been a major issue in Tripura Legislature and hence laws after laws were enacted in the Assembly during the period under discussion with those ends in view.

It is known to us all that previously most of the inhabitants of Tripura were tribals. According to the census of 1941, the total population of this hill state was 5,13,010 majority of whom were tribals belonging to 19 tribes.¹ The influx of refugees to Tripura in 1942 and 1946 from the then East Bengal totally upset the demographic character of the state and the tribals were reduced to minority. The immigration that ensued then and continued in a faster pace subsequently brought in its wake manifold problems for the tribals. Grant of permanent land rights to the refugees even deep into the interior and ever expanding reserve forests led to the shrinkage of jhumland and it added to the misery of the tribals more than 50% of whom had to subsist on shifting cultivation. The other portion of the Tribals, who were land-owners and learnt plough cultivation were also losing grip on their land due to the tricky moves of the nontribal moneylenders.²

The change of the demographic pattern would become clear from the fact that tribal population in the state went down according to 1951,1961,1971,and 1981 Census Reports to 36.85%,31.53%,28.95% and 28.44% respectively.³ The lurking fear-psychosis of the tribal people is easily understandable in such a situation where they are reduced to a minority position. Therefore, immediately after Independence, the forces demanding a definite area reserved for the tribal people came to the fore. In a note to the Dhebar Commission , the Chief Commissioner of Tripura pointed out in 1961 that a specified area should be declared as reserved for the tribal people under Schedule V of the constitution.⁴ The Dhebar Commission recommended the setting up of Tribal Development Blocks in tribal areas and if that measure failed to bring any material change and improvement , then steps under Schedule V of the Constitution might be given a trial.⁵ Again , the Administrative Reforms Commission also recommended Tribal Councils in predominantly tribal areas of Manipur and Tripura. ⁶ Thus from the official side, there was, no doubt , some recommendations that some degree of autonomy should be extended to the Tribal people , but no step worth the name was taken by the government upto 1977(a part).

As a result, problems of the tribals and poorer sections among them in particular, went on rising. In order to mitigate the problems, the demand for an Autonomous Tribal District Council was raised vigorously and it took the shape of a strong movement in which large majority of both tribals and non-tribals took part .The then government responded to the demand and it took the initiative in placing and passing the TTAADC Bill in March, 1979 under the 7th Schedule of the Constitution. It is also to be mentioned, in this context that it was possible to introduce the TTAADC because of the long heritage of democratic struggles by both the tribals and the non-tribals. It does not,

however, mean that there was no opposition to the TTAADC from any section of the non-tribals. There was and it created a lot of tension at the time of the introduction of the TTAADC. But history shows that fear and tensions were inherent in a situation where a relatively backward tribal people found them not only outnumbered but overwhelmed in many ways by comparatively advanced non-tribal sections. No one can underestimate the fear –psychosis of the tribal people. ⁷ The answer to the above fear is believed by many to be the constitution of the TTAADC and formulation and implementation of continuous development programmes in the ADC area.

The tribals of Tripura have got in the ADC their long cherished aspiration for self-government. The purpose of the council is to protect the social, economic and cultural interest of the tribal people of Tripura. The introduction of the Sixth Schedule provides for greater autonomy of the Tribals. Now the Autonomous Council is expected to play a more effective role in improving the living condition of both the tribals and the non-tribals living in its area. It can look, in particular, into the development of tribal lands, language and culture and can protect the tribal right to land. ⁸

ADC is a bond of unity between the tribals and the non-tribals in Tripura as it was the product of a united struggle of both the communities. This bond of unity may be further strengthened by removing the material disparities that separate the advanced and backward sections of society. The realities of the present situation underline the fact that a comprehensive well being of the tribal people cannot be achieved by fomenting separatist and communal feeling, or whipping up linguistic and social hatred against any fraternal community. It can only be achieved by cementing the bond of unity and harmony between the tribal and non-tribal communities. The Tripura Tribal Areas Autonomous District Council opens up a vista in that direction. ⁹

Mention may be made, at this point, of a unique feature of the ADC in Tripura in comparison with the District Councils of North East India. In other Tribal inhabited states of the region, there exists state-basis autonomous council. But in Tripura a single Tribal Autonomous Council is envisaged for all the nineteen distinct tribes. It is thus a biggest one of its kind and a new experiment in the country toward solution of the ethnic problem.

b) Tribal-non-tribal Schism: Tribal-nontribal Schism also posed and still poses a major problem in the way of unity and integrity of Tripura and of the country at large. It is a fact that the tribals of Tripura once constituted the majority of the population and they were outnumbered subsequently by the immigrant. At the same breath, it is to be mentioned that refugees from erstwhile East Pakistan, who came to Tripura after 1947, took shelter in the state under a historic compulsion and that most of them came as destitutes. Only a small fraction of the immigrants who started and continued money lending and various other deceitful trades in the tribal areas of Tripura went on grabbing the lands of the tribals in alarming proportions. What worsened the situation was the step of the then government to give settlement to many immigrants even in interior tribal majority areas. This led to make the land problems of the tribals very acute.¹⁰ At the sight of the gravity of the problem, the commissioner for scheduled tribes in his report of 1956-57 recommended that alienation of Tribals' Land inside and outside the 'Tribal Reserve' (as constituted by the last king of Tripura in 1931) be stopped immediately. ¹¹ But no effective step was taken by the government in that direction.

Side by side with the land problem, the continuous influx of refugees into Tripura and the contact of the tribal people with them brought for the latter a new challenge—a challenge of keeping up their racial entity. There was a high rate of illiteracy among the Tribals. Moreover, they dwelled in pre-

feudal mode of production and abysmal economic backwardness. In this situation, the general tribals became a prey to an uneven competition of life. Naturally, they suffered from lurking fear if they would be able to live up to their ethnic identity. They also feared that they would be swamped and engulfed by the non-tribals, their distinctive identity would be at stake and endangered too would be their language, culture and every sphere of their way of life. The situation warranted for a constitutional safety-valve for the tribals. It was specially needed again to win the confidence of the peace loving tribal people for the unity and integrity of the country in the situation when a section of misguided tribals were politicized in a dangerous way and they indulged in giving the slogan of 'separate tribal state' or 'Independent Tribal State'. 'The Tribal Union', (formed in 1955), for instance raised the slogans'.

'Bengali refugees—go to Delhi'; 'Seal the border; Drive out the Bengalees'; 'Make Tripura a Tribal State'.

Similarly, in November 1967, wall posters in the Kanchanpur area of North Tripura appeared in the name of 'Sengkrak' which directed the Bengalees to vacate Tripura.¹²

Political waywardness of this kind is a menace to the unity and integrity of the country. In the circumstances, the question arose as to how to reconcile the apparently irreconcilable demand of such politically misguided groups and set an example of beneficent working of the State-administration, but the response of the then Government (1972-1977[a part]) was anything but positive. The next Government took the initiative to constitute the TTAADC in 1979 and formed the same under the seventh schedule of the constitution. But in June, 1980 a dangerous fratricidal riot took place in which extremist elements of both the communities took part. The government took immediate

steps and peace and tranquillity were brought back in the state within a short time.

But the Schism that went down for that time continued to raise its head from time to time. The State governments left no stone unturned to bring back the misguided youths to the mainstream, and to counteract the terrorist and extremist activities. But the state government alone cannot put down this menace. The Union government also should come forward to assist the state governments in their continuous efforts to face the challenge successfully.

c) Problems of insurgency: Discussion on the root and growth of insurgency has been made in course of our deliberations on Tribal –nontribal Schism. But much more remains to be discussed in this regard. These are: 1) Failure of the Congress Government to solve the problem of continuous influx of refugees, and 2) Its failure to provide economic safeguards to the tribals and bring about their rapid development.

We have already pointed out how the tribal compact area of Tripura ultimately lost its balance after the Partition of the Country, particularly with the mounting refugee problem. In 1955 Pandit Govida Ballav Pant, the-then Home Minister of India had to admit that the pressure of population in Taripura had already reached a 'saturation point' and it would not be advisable to allow any further absorption of additional people from the other side of the border, as the changed demographic pattern created a heavy pressure on land and economy.¹³

For all that, the inflow of the displaced persons to Tripura continued unabated as a result of which the population of Tripura rose from 5,13,010 in 1941 to about 15,56,342 in 1971 and from that point to 20,153,058 in 1981¹⁴

From a government statement of 1963-1964 it was learnt that the government placed a request to the Government of India for settling the refugees (who had migrated to the State after 1963) to Dandakaranya to which the Union Government responded favourably. If the influx of refugees continued, the Government of India would be moved for taking more families for settling them elsewhere, it added.¹⁵ But out of the refugee families who were sent to different states of India for rehabilitation, 5000 families were compelled to come back and continued to stay in Tripura.¹⁶

The influx of refugees continued in a faster pace subsequently. Opposition in the assembly expressed concern that if the present policy of indecision regarding the continuous inflow of the refugees persisted, it would jeopardize the economic foundation of the territory. It, therefore, raised the demand for taking a concrete decision on the issue, but the government paid no heed to the demand.¹⁷ In view of the acuteness of the problem, the Opposition raised the demand that the government should move different state governments for their cooperation for rehabilitation of immigrants, but the demand was rejected.¹⁸ The discussion made so far proves it fairly well that the then government utterly failed to solve the serious problem arising out of continuous influx of the displaced persons from erstwhile East Pakistan which, in its turn, brought manifold problems to the State and played as one of the major causes for the rise of insurgency by some misguided tribal youths.

2) Closely related with the above problem is the failure of the then government to provide economic safeguards to the Tribals. The Scheduled Tribe population of Tripura had been very backward both socially and economically during the period under discussion and therefore adequate protective measures were urgently called for. The Govt. claimed that it had

done a lot for improving the economic condition of the tribals, but the Opposition in the Assembly contradicted the claim with supporting data and contended that the tribal economy, on the other hand, reached the point of collapse due to the indifference of the government. It, therefore, pressurized the government to be up and doing for the economic uplift of the tribals, but not much attention was paid to its demand.¹⁹

The opposition also raised its voice time and again against the exploitation of the tribals by the moneylenders and eviction of the tribals from their land. It also demanded that steps must be taken to prevent eviction and migration of tribals and alienation of their lands and also that provisions of the 5th Schedule of the constitution should be applied to the tribal majority areas in order to safeguard the landed and other interests of the tribes of Tripura; but the government did not pay any heed to its demand²⁰

The Opposition also stood firmly against the alienation of tribal land to non-tribals inside the "Tribal Reserve" as constituted by the last king of Tripura in 1931 and it strongly demanded that steps must be taken for protection of the conditions of the 'Reserve',. Far from doing that, the government repealed the 'Reserve' order itself through an ordinance in 1974. When it was presented in the Assembly in the form of a bill, the Opposition moved several amendments on the Bill, but the amendments were voted down and the bill was accepted. After that the opposition pressurized the government to reconstitute the Reserve, and the government constituted some mouza based reserves, but as no institution was there in those reserves to take steps for socio-economic development of the tribals, those did not come of any real benefit to them.²¹

The failure of the Government in the abovementioned two spheres gave ample scope to insurgency to raise its head in the state and carry on anti-people activities. Let us now give a short account of the extremist groups and their activities in the state following the terrible ethnic riot of 1980 that made the problem of insurgency acute. In and around 1980, an extremist group of the Tripura Upajati Juba Samity (T.U.J.S.) formed an organization named Tripura National Volunteers (TNV). The organization declared that its aim was to transform Tripura into an 'Independent State' and it would be free from the influence of the Bengalees. With that end in view, the organization started and continued armed attacks in the state and in the hill areas in particular from its secret camps in Chittagong of Bangladesh. Many innocent Bengali and Tribal people were killed by the terrorists of TNV. The Government invited Bijoy Hrankhwal , the Chairman of TNV, many a time for discussion with an eye to bring back peace and order in the State, but every time he refused to accept the invitation branding the Government as 'Govt. of the refugees' which the TNV did not recognize.²²

The Government gave proper stress on security measures for combatting the terrorist activities of the TNV. At the same time , the Left Front took a comprehensive political initiative in order to arouse public opinion against terrorism and to keep the Tribal –Non-tribal amity unaffected. Within a few days after the Left Front returned to power following the Election of 1983, a rift within the TNV took place and a group under the leadership of Binanda Jamatia got itself separated and set up a new organization named All Tripura People's Liberation Organization (ATPLC). Of course, within a short time, members of this organization surrendered on the basis of a secret understanding with the government and without any formal memorandum of understanding. After the stage of surrender was over, ATPLO declared its own

dissolution and merged itself with Ganamukti Parishad, the Tribal wing of the CPI (M). Binanda Jamatia was nominated as the Vice-President of the GMP, but unfortunately he was murdered shortly after that by unknown assassins. On the other side, a faction of TUJS also defected opposing its alliance with Congress and formed a new political party named Tripura Hill People's Party. From the very beginning, the party selected CPI (M) and the Left Front as its political ally and this alliance remained unbroken upto the Assembly election of 1993²³

The Assembly election of 1988 was held in an abnormal situation. As the date of the election was coming near the extremist activities of the TNV also was on the increase. The target of attack was the Bengalees and its aim was to drag them to the position of anti-left front by creating in their mind a sense of lack of security. Within 2/3 days before the election TNV murderers organized mass-murders in which about 100 Bengalees lost their lives. Moreover, declaration of the whole state as 'Disturbed Area' only 72 hours before the Election and alleged rigging in some counting centres allegedly led to the victory of the Cong-TNV alliance to come to power. Within 6 months of its coming to power, the Union Govt., the State Govt. and the representatives of the TNV signed a tripartite pact by dint of which the TNV extremists surrendered to the Govt. with their arms and ammunition. After that pact, Tripura was also relieved from extremist violence for some time. But just after two years, a new extremist organization named All Tripura Tribal Force (ATTF) was born. On the other side, a faction of the TNV went back to jungle life again and announced the formation of a new organization named National Liberation Front of Tripura (NLFT).²⁴

After coming back to power after the Assembly election of 1993, the Left Front Government took the initiative to bring back the extremists to

normal life. A memorandum was signed between the Govt. and the representatives of the ATTF in August of that year and on the basis of that member of a faction of the ATTF completed their process of surrender to the Government. But another faction named All Tripura Tiger Force did not agree to surrender and its members have been carrying on their extremist attacks and violent activities. On the other side, NLFT also was bifurcated and another extremist group named Tripura Resurrection Army (TRA) was formed. This group became the centre of terror in the hilly areas of south Tripura for some time, but all the members of this group surrendered in February, 1997 and announced its own dissolution. Within 5 years of the 3rd L.F. Govt. more than five thousand extremists surrendered to it and came back to normal life, but normalcy did not return in the state. In view of the fact that ferocity and terrorist activities went on increasing day by day, the Govt. had to declare a part of the state as 'Disturbed Area' and to hand over the task of maintaining its law and order on the Army personnel. At the same time, two notorious extremist organization--- ATTF and NLFT were declared banned.²⁵

In the election of 1998, the issue of extremist violence and terrorism was a major issue to both the Opposition Parties and the Left Front. The Opposition Parties, in their election campaigns, held the Govt. responsible for its alleged failure to solve the extremist problem and to provide security of life and property to the people of the state. On the other hand, it was alleged on behalf of the Left Front that the Opposition Parties inclusive of Congress, TUJS and TNV went on giving indulgence to the extremists in their narrow political interest and also in order to destabilize the Front Government.²⁶ In the Election, the Left Front came back to power with an absolute majority, and the fourth Left Front Govt., from the very beginning, took the initiative to subdue the extremist violence. Side by side, it started and continued its

political initiative to persuade and bring back the misguided tribal youths from the clutches of the extremists to the mainstream. The State Government and the police have been earnestly engaged in combating the extremist attacks concentrated in remote Tribal areas. For all that, the innocent people, and the Left Front and GMP cadres continue to be targeted and attacked. There are 51 camps of the NLFT and the ATTF in the bordering areas in Bangladesh from where murderous forays are made into the state. Tripura has 856 Kms. Of international border with Bangladesh. Yet, the Government at Centre has withdrawn the Indian army from the state, the Govt. alleges. The Indian Army continues to conduct operations in Assam against the ULFA. Yet, in Tripura, which is facing armed attacks from three sides of the border, the Centre refuses to deploy the army. The Government has stated time and again, this is not a problem which can be tackled only by the state police; it is the responsibility of the Centre to man the borders. Yet, the BSF has only eight battalions when at least 18 battalions are required to man the entire borders.

²⁷ In view of the above, the Left Front has taken all out initiative in mobilizing all democratic forces to demand that the Centre send adequate security forces to Tripura and deploy the Indian Army here, which, if materialized, will go a long way in successfully combating extremist activities as also in solving the problems of insurgency to a large extent.

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CHAPTER – VIII

CONCLUDING OBSERVATIONS

In our discussion attempts have been made to give an account of the important components of political development in Tripura. Again, a brief descriptive and historical account of this hill State relating to its evolution from absolute Monarchy to Parliamentary democracy has been given. Apart from this, some light has been thrown on political process and party configurations in the state as reflected in the Assembly elections of 1972, 1977, 1983, 1988, 1993 and 1998.

The core of our study mainly begins with a detailed study of the important legislations during the period 1972-2003, and hence it is very pertinent to give a write-up on those legislations in brief here again.

Thus, on 7th December, 1972 , ' The Bengal Municipal(Tripura Amendment)Bill ,1972 (Tripura Bill No. 8 of 1972) was introduced in the Tripura Assembly with an eye to re-constitute Agartala Municipality(the only Municipality in Tripura) by elected members. Incidentally, election of the municipality was kept in abeyance for long 14 years from 1958 .¹ The Bill sought to amend some provisions of the Bengal Municipal Act, 1932 as extended to Tripura. The amendments to the Act had been proposed on the lines of the West Bengal Municipal (Amendment) Act, 1962 (West Bengal Act 22 of 1962). The Bill was passed in the Assembly and became an act. In March ,1974 and again in March ,1975 the Government informed the House that it would hand over the Municipal administration to an elected body at the earliest opportunity, now that the Bengal Municipal Act, 1932 had been amended and the Tripura Municipal Election Rules, 1961 were under process

of amendment.² But the Opposition in the Assembly alleged that though the Government stated about the amendment of municipal rules and a lot about the improvement of the municipality in different spheres, it did not tell anything about any specific time within which it would hold the municipal election.³ The Government ultimately failed to hand over the municipal administration to an elected body during its life time (1977—a part). At the same time, it failed to implement its own decision to constitute Notified Area Authorities in some Sub-Divisions of the State. In order to accomplish these unfinished tasks, the Left Front Govt. amended the Bengal Municipal (Tripura Amendment) Act, 1972 in 1982, 1983 and 1994 whereby Agartala Municipality was handed over to an elected body and notified area authorities were constituted in the Sub-divisional towns of the state.

On 15.3.1974, the Tripura Land Revenue and Land Reforms (Second Amendment) Bill was introduced in the Assembly and was passed after a vociferous debate and became an Act. The bill aimed at introducing Land Reforms as were necessary to remove elements of exploitation and social injustice in the agrarian system by providing security of tenure to holder and bargadars by reducing the ceiling of holdings with effect from 1.1.1971. It also provided restriction to transfer or partition of ST owner's land and also provided for restoration of the land of the ST owner transferred illegally on or after 1.1.1969. The Bill also repealed the Tribal Reserve order of the last king of the state on the plea that protection of 8 Tribes in Tripura was made in the Bill as against 5 Tribals in the King's 'Reserve'.⁴ The act was amended subsequently in 1975, 1976, 1979, 1989, 1997 and 2000.

In the month of March, 1979, 'The Tripura Tribal Areas Autonomous District Council Bill, 1979', a bill in terms of the Seventh Schedule of the Constitution was introduced before the Tripura Legislative Assembly. The Bill

was unanimously passed by the Assembly on March 23, 1979 and it became an act in July 1979 after getting the assent of the President of India. The Tripura Tribal Areas Autonomous District Council came into being on 18.1.1982. It introduced, for the first time, Tribal Self-government into Tripura, allowing an elected council every opportunity to direct tribal life in a compact area to protect tribal right to land, guarantee employment and to ensure the right against exploitation by village moneylenders.⁵

The Act was amended in 1982 in order to remove some clerical errors and ambiguities and also for the sake of clarity of some of the provisions of the act.

But the ADC under the Seventh Schedule could not satisfy the aspirations of the tribals who were for an ADC under Schedule Vi. The long – awaited Sixth Schedule for the TTAADC was passed by the parliament (Forty-ninth Constitutional Amendment) Act, 1985 and the election for TTAADC under the 6th Schedule was held on 30.6.1985 and an important demand of the Tribal movement was thus fulfilled.

The Tripura Panchayats Bill, 1983(Bill No. 12 of 1983), as was passed in the Assembly and became an act, was a big step towards administrative decentralization in the rural areas of the State. As the United Provinces Panchayat Raj Act, 1947 as adopted in Tripura in May, 1959 could not regulate the Panchayat Institution in the State smoothly; it was felt necessary to replace it by this new act. The act and its amendments in 1986, 1988, 1992, 1993 and 1994 went a long way in introducing and activating the three Panchayati Raj System in Tripura and also endowing all the three tiers with powers and authority to enable them to function as units of self-government.

The Tripura Commission for Women Bill ,1993(Bill No. 7 of 1993) was introduced in the Assembly in the last part of 1993 and was passed and became an act in January, 1994 , and in February, 1994 the Tripura Commission for Women was constituted and started functioning . The main tasks set forth before the Commission were:

i) To study and monitor all matters relating to the constitution and legal safeguards.

ii) To take into cognizance , review and suggest amendment of any existing legislation if necessary involving deprivation of the rights of helpless women including proper implementation of all legislations made to protect the rights of women.⁶

Ever since the formation of the commission, affected women from different parts of the state have been approaching it s office at Agartala with their grievances and problems and the role being played by the commission in mitigating and solving the problems is highly appreciable.

The first amendment Bill to Tripura Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1991 was brought in 1997 (Bill No.6 of 1997) in view of the fact that as per 1991 census of the government of India, the percentage of SC and ST population increased to 16.36 and 30.95 respectively (from 15% and 29% respectively). The proposed amendment bill, therefore, aimed at bringing the percentage of reservation for SCs and STs in Services and Posts to 16% for SCs and 31% for STs.

The other provisions in the Act that needed to be amended were:

i) To insert U/S 11 of the Act a provision to empower the government to review decision taken by any authority in respect of appointment / promotion or in issuing and cancelling SC/ST Certificates.

ii) To amend the Schedule to the Act containing the low position reservation to give effect to the increase in the percentage of reservation.

iii) To introduce 3% separate reservation for physically handicapped and 2% separate reservation for ex-serviceman against their appropriate category, i.e. SC/ST general Category, depending upon the category to which one belonged.⁷

The Bill, after being passed into an Act, went on solving many problems of the State relating to reservation of vacancies in services and posts and other allied issues.

In Chapter IV, a detailed discussion on the impacts of the Legislations as referred to above has been made. Chronologically speaking, the first legislation of the period was 'The Bengal Municipal (Tripura Amendment) Act, 1973 which came into force with an eye to hold election of the Agartala Municipality. But the then Government did not succeed to hand over the municipal administration to an elected body. It also failed to constitute notified area authorities in the Sub-divisional towns of the state. It was the Left Front Government that succeeded it that amended the Act in 1982, 1983 and 1994, held election to the Municipality and handed over the administration to that body; and also constituted notified area committees in the sub-divisional towns of the state. This went a long way in democratization of local self-government institutions in the urban areas of the state.⁸

The Tripura Land Revenue and Land Reforms Act, 1974 and its amendments in 1975, 1976, 1979, 1989, 1997 and 2000 attained a few successes in the sphere of extension of some economic benefits to the tribals and stoppage of alienation of their land. But the success in the spheres of restoration of illegally alienated tribal land and safeguarding minimum rights of the marginal farmers and landless labourers is yet to go a long way. Any breakthrough in these spheres depends mainly on the success of continuous development programmes, which in their turn, depend on a peaceful atmosphere. So, in order to ensure peace and development in the State, the Government of India should assist the state Govt. with adequate army units and BSF battalions so that the extremist activities can be encountered successfully.

The Tripura Tribal Autonomous Areas District Council Act, 1979 and its amendments in 1982 (in terms of the Seventh Schedule of the Constitution) for the first time introduced Tribal Self -Government into Tripura, giving an elected council all opportunity to direct Tribal life in a compact area to safeguard tribal right to land, ensure employment opportunity and to ensure the right against exploitation by rural moneylenders. But the ADC under the Seventh Schedule did not satisfy the aspirations of the tribals as they launched and continued their struggle for long for an ADC under the Sixth Schedule of the Constitution .⁹ The demand was conceded by the government of India by passing the (Forty-ninth constitutional Amendment) Act and the first TTAADC was formed under the 6th Schedule in June, 1985 and thereby fulfilling an important demand of the tribals.

The impact of the Tripura Panchayat Act, 1983 and its amendments in 1986, 1988, 1992 and 1993 in respect of administrative democratization in the

rural areas of the state was great. These played big role in introducing and activating the three –tier panchayati Raj system in Tripura.

The two other legislations of great importance during the period of our discussion were The Tripura Commission for Women Act, 1994 and the Tripura Scheduled Caste and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1991 as amended in 1997. The State Commission for Women (as constituted in 1994 in pursuance of the Tripura Commission for Women Act) has been playing big role in taking prompt steps to expedite action in the cases of serious nature like dowry murder or suicide , dowry torture, rape, kidnapping, abduction , sexual harassment , and other serious types of cruelty and torture by husband and in-laws etc.¹⁰ The other legislation, i.e. the Tripura Scheduled castes and Scheduled tribes Act, 1991 as amended in 1997 has likewise, been going on protecting the facilities of reservation of vacancies in services and posts for the SCs and STs , and ex-servicemen and physically handicapped alike. ¹¹

Observations on the problems and issues in Tripura like Ethnic Problem, Tribal-nontribal schism, and problems of insurgency are required to be made at this final stage of our discussion.

The root of ethnic problem in the state lay in migrant waves from East Pakistan (now Bangladesh) that disrupted its demographic pattern. The lurking fear –psychosis of the tribal people is easily understandable in such a situation where they were reduced to a minority position. Demand was therefore raised vigorously for a definite area reserved for the tribal people, but no heed was paid by the then government to the demand. Hence, problems of the tribals and poorer sections among them in particular, aggravated. And movement in the demand of a Autonomous District Council

started. Responding to the demand, the Left Front Government placed and passed the TTAADC Bill in 1979 under the 7th Schedule of the constitution and in it the tribals got their aspiration for self –government. With the introduction of the 6th Schedule, greater autonomy was provided enabling the Council to play a more effective role to protect the social, economic, and cultural interest of the tribal people of Tripura.

Now, since the ADC is the product of a united struggle of the tribals and non-tribals alike, it should be considered as a bond of unity between the two communities. And, in order to strengthen this bond further, removal of the existing internal disparities between the advanced and backward sections of society is a must, and people at the helm of affairs should work heart and soul in this direction. The misguided youths of both the communities are to be made convinced that solution of the ethnic problem in the stat cannot be brought about by fomenting separatist and communal feeling. The solution, on the contrary, lies in cementing of the bond of unity between the two communities. Unlike in other states of North East India, the ADC in Tripura has been envisaged for all the nineteen tribes and it is thus a new experiment in the country towards solution of the ethnic problem.¹²

As in case of ethnic problem, Tribal-non tribal Schism also started due to continuous influx of displaced persons from beyond the borders of Tripura. In absence of any restriction on purchasing tribal's land before 1960, good number of non-tribals purchased many lands of the tribals. The role of the then government was further harmful as it gave settlement to many immigrant families even in interior tribal majority areas. The cumulative effect of them led to aggravate the land problem of the tribes so much that the commissioner for Scheduled Tribes, in his report of 1956-57 recommended

that transfer of tribal land inside and outside the 'Tribal Revenue' be stopped forthwith, but to no effect.¹³

Again, the continuous influx of the immigrants led the Tribals to fear that they might be swamped and engulfed by the newcomers and their language, culture and every sphere of their way of life might be endangered. The situation, therefore, necessitated a constitutional safety valve for the tribals, specially in the condition when a section of misguided tribals indulged in giving the slogan of 'Separate Tribal State' or 'Independent Tribal State'.¹⁴ The need of the hour was to set an example of beneficent working of the state Administration, but the then government could not rise to the occasion. The first Left Front Government passed the TTAADC Bill in 1979 to meet the challenge. But the fratricidal riot of 1980, in which extremist elements of both the tribal and nontribal communities took part, stalled the process of development for the time being. The timely intervention of the government, however, succeeded in bringing back normalcy and peace in the state shortly thereafter.

But the schism that was minimized for the time being went on appearing after every short interval. The state governments have been continuing their efforts to bring back the misguided youths to the mainstream and also to combat the extremists' challenges. But it is beyond the capacity of the state government to successfully combat the extremists all alone and hence the assistance of the central government is urgently required in this regard.

Last but not the least in importance is the problem of insurgency. It is known to the knowledgeable circle of the country that the entire region of North East India and Tripura in particular is rich in natural resources, like Oil,

Natural Gas, Tea, Rubber, Horticulture produce, Medicinal Plants, Bamboo and Cane but even its minimum potential could not be exploited for long for want of infrastructural development, lack of finances and entrepreneurial skills. The economy of Tripura got further disrupted by migrant waves from neighbouring East Pakistan which upset its demographic pattern. All these and also loss of markets, lack of infrastructure, communication and the urge to preserve the ethnic identity led to seeking separation or autonomy in as early as 1956.¹⁵ The situation worsened subsequently for the failure of the Congress Government to solve the problem of influx of displaced persons from East Pakistan, and its failure to extend economic protection to the tribesmen and take up programmes for their rapid development. As a result, insurgency got the scope to raise its head again in the state and to start and continue its subversive activities.

It is only worthwhile, at this stage, to briefly mention about the extremist groups and their anti-people activities following the terrible ethnic riot of June, 1980 till date, and the steps taken by the governments to counteract those activities. After the June riot of 1980, a faction of the TUJS formed an extremist organization named Tripura National Volunteers, declared its aim to transform Tripura into an 'Independent State', started and continued armed attacks in the hill areas of the state in particular in which many innocent people of both the communities were killed. In order to combat the terrorist activities of the organization, the government took two-pronged steps—it gave due stress on security measures, and took a political initiative to generate public opinion against terrorism. In 1983, a faction of the TNV broke away from it and formed an organization named All Tripura People's Liberation Organization (ATPLO) and the members of the organization surrendered to the government and joined the Ganamukti

Parishad of the CPI (M). Almost simultaneously, a faction of the TUJS defected and formed a new organization named 'Tripura Hill People's Party and it became an ally of the Left Front'.¹⁶

Side by side, the TNV continued its terrorist activities and on the eve of the 1988 election, its members murdered about 100 people belonging to Bengali Community. After the election, Congress-TUJS Alliance came to power and shortly thereafter, the Central Government, the State Government and the TNV representatives signed a pact, and then the TNV extremists surrendered with their arms and ammunition. But in 1990, another extremist organization named All Tripura Tribal Force (ATTF) was formed. A faction of the TNV also broke away shortly thereafter and formed an organization named National Liberation Front of Tripura (NLFT) and returned to jungle. After the Left front Government returned to power in 1993, it signed a pact with the ATTF whereby members of one of its factions surrendered to the Government but the other faction that formed an organization named All Tripura Tiger Force has been continuing violent activities. Within 1997, about five thousand extremists surrendered, but still terrorist activities went on increasing. Hence the Government declared a part of the State as 'Disturbed Area', transferred the task of its law and order on the Army and declared ATTF and TNV banned.¹⁷

Ever since its assumption of power following the election of 1998, the fourth Left Front Government and the Police have been continuously combatting the extremist attacks on the innocent people in the state and remote tribal areas in particular. But this is not a problem that can be tackled by the State Police alone. The Centre must also come forward to man the borders for which at least 10 more BSF battalions are required ; and also deploy Army personnel to conduct operations against the NLFT and ATTF

extremists who have been continuing mindless violence in the state and in the 'Disturbed Area' and the interior areas in particular.

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- 61) The present study is somewhat unique in the sense that there is no learned work in this regard. However pieces of information may be gathered from the under mentioned titles:
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- 68) **A Political History of Tripura**

- 69) The book covers the entire political history of Tripura right from the days of the mythological rulers of the state and progress through the rise of Tripura Kingdom under the Manikya Kings, merger with Indian Union, Development in the political consciousness among the people, electoral profile from the General Election of 1952 to 1983. This work has been used to the extent useful, but it has not come of much help for the present work.
- 70) **Communism in Kerala: A study in Political Adaptation**
- 71) This famous book deals in details with the genesis ,growth ,functions and problems of the communist movement in Kerala and also emergence of the Kerala Communists as the electoral force (1951-1960), Communists in government (1957-1959),Kerala and the CPI split (1960-1965), Communist accommodation (Formation of the United Front)1965-1967), Front Politics and Ministerial stability (1967-1977), Front Politics economic development and social change (1967-1975), and the basis of party support (1965-1980). This learned work has also attempted to compare the economic development in Kerala under the Left Front rule with that in West Bengal where it was commented, " If we note the contrast with the situation in West Bengal where CPM Chief Minister Jyoti Basu has effectively begun the rejuvenation of the economy, it seems possible that the explanation for the CPM's comparative disregard of economic growth in Kerala may lie in the very traditions of Malayali Society and Culture." But as there is no mention in the book regarding the political and administrative happenings in Tripura during the period under review, it comes of no use for the present work excepting getting an idea about Communist movements in Kerala and West Bengal including step for economic development in these two states.
- 72) **The Tripura Administration, the era of modernisation**
- 73) This book has been very much helpful for the present work and some information has been taken from this for use from time to time.
- 74) **Tribal insurgency in Tripura**
- 75) This work in general and its chapter nos. 2,4,5 and 6 in particular have also come of use for this work.
- 76) **The Communist Movement in Tripura**

- 77) This book has also come of some use , particularly its chapters on Development of the communist Movement in Tripura II , and the Tribal Question and the Communists in Tripura.
- 78) **The Legislative Opposition in Tripura**
- 79) Last but very important is this Book in so far as the present work is concerned. At the initial stages of survey on the present work , it appeared likely that pieces of information may be collected from this book at the time of writing the different chapters of this. An in-depth study on the book also revealed that relevant data may be collected thrice in chapter II , 6 times in chapter IV , once in chapter V and 4 times in chapter VI from the pages 47 and 64; 107 -176 ; 8; and 103 and 105 . In addition to these, the chapters of the book, i.e., chapters III, IV and V are likely to go a long way in giving some insight into some legislations made in the Tripura Assembly during the period from 1963 to 1976.

