

## 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. <sup>1</sup> 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). <sup>2</sup> 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 7<sup>th</sup> 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. <sup>3</sup>

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 <sup>4</sup> 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. <sup>5</sup> 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. <sup>6</sup> 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( 2<sup>nd</sup> 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.<sup>7</sup>

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 3<sup>rd</sup> 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.<sup>8</sup>

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. <sup>9</sup>

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. <sup>10</sup>

The Tripura Land Revenue and Land Reforms (Seventh Amendment) Ordinance 1996 was promulgated on 18<sup>th</sup> 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. <sup>11</sup> 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, 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> 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 18<sup>th</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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 7<sup>th</sup> 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. <sup>14</sup> 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. <sup>15</sup>

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 . <sup>16</sup>

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.”<sup>17</sup> 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.<sup>18</sup>

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 22<sup>nd</sup> and 23<sup>rd</sup> 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 22<sup>nd</sup> and 23<sup>rd</sup> 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.
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