**BRIEF NOTE ON** **TEA LAND ADMINISTRATION IN ASSAM**

**History**:

 The discovery that the tea plant grows wild the upper part of the Brahmaputra valley was made by Mr.Robert Bruce, who learnt of its existence from a Singpho Chief. Later on, his brother Charles Alexender Bruce who came as a Captain of the East India Company gunboats in 1826 to deal with the Singpho Rebellion in Sadiya area collected samples and handed over to David Scot, the Agent of the Governor General who sent these to the Botanical Gardens at Sibpur for analysis and examination.

 In the year 1834, Government of India formed a Tea Committee consisting of 12 members, of which 10 were Europeans and 2 Indians to explore the possibilities of profitable tea cultivation in Assam.

 Charles Alexender Bruce prepared tea leaves from wild tea plants in two factories one at Dibrugarh and the other at Tingrai. It was found that tea manufactured from Assam plants would be better than the Chinese variety. So in 1838 he exported 12 boxes of tea leaves to the London Tea Auction Market where till then Chinese tea were auctioned. One Captain Pidding was the purchaser of these lots of Assam tea (Souchong and Pekoe varieties) at the Mining Lane Sale Rooms on the 10 th January,1839. The Captain paid prices 20 to 30 times the cost of production. From then onwards Assam tea overcame all competitions to other varieties of tea as a commodity of world trade.

 The first Indian Tea Company, named Assam Company was formed in 1839. The experimental tea gardens opened by the Government with C.A.Bruce as the Superintendent of these gardens were not successful commercially in the early years. The experimental gardens were transferred rent free for ten years to the new Assam Company in the year 1840. Services of Bruce were also transferred to the control of this first tea company. Maniram Dewan who later became the first Indian tea planter was also an employee of the Assam Company for some time. Many regard him as the first discoverer of tea bushes in the jungles of Assam.

 The Assam Company was encouraged by the Government to acquire extremely large areas of suitable lands by grants, leases and purchases. It could also sell lands for the purpose of increasing its wealth. Initially, the Government helped the Company with the grant of an area of 33,665 Acres under the Waste Land Grant Rules of 1838. By the year 1859 the Company had planted tea in about 4,000 Acres of land only, mostly in Sibsagar District.

 The Company was also helped with various kinds of subsidies for transport, road construction and railway line construction.

 Similarly for other tea companies also, the vast tracts of unclassed lands, suitable for tea cultivation were opened up on concessional terms of revenue.

 Soon there was rush amongst the foreign planters to open Tea Gardens in Assam. In 1850, Col. Hannay started a Garden in Dibrugarh and in 1853 there were three private gardens in Sibsagar District and six in Lakhimpur District. In 1854, the first tea gardens were started in Darrang and Kamrup District. In 1855, indigenous tea was found in Cachar and the first tea garden was opened in the cold weather of 1855-56. In 1856, tea was discovered in Sylhet, but systematic cultivation started after some years. In 1860, tea was first cultivated in District on land leased to planters by the Zamindar of Mechpara.

 Observing great rush and interest in tea cultivation, the British Government had to frame definite Rules for the grant of land for the tea cultivation. Though at the beginning these Rules were very liberal, gradually with the passing of time they were modified and made less attractive to newer entrants to the industry for land became scarce and there was great deal of speculation on tea land. By the time the Indian Entrepreneurs entered the tea industry, the most suitable tea lands had already been settled with the British Companies.

**Transformation in Legislations/Rules etc. governing tea land :**

 The conditions for grant of land for tea cultivation under various Rules are summarized chronologically :

**WASTE LAND GRANT RULES OF 1838(45 Years’ Lease Rules)**:

 Waste Land Grant Rules of 1838 came into effect on 6th March,1838 and were applied to Brahmaputra valley only. Under these Rules:

1. One fourth of the grant area was to be brought under cultivation by the 5th year;
2. One fourth of the grant area was perpetually revenue free;
3. Of the remaining three fourths, no revenue was payable for first 5 years if it was under grass, no revenue was payable if the land was under reeds and high grass, and revenue free for 20 years if the land is under forest;
4. On the expiry of this period revenue was to be paid at the rate of 9 annas per acre for 3 years after which the rate was to be Rs.1-2 annas per acre for the next 22 years.

**OLD ASSAM RULES OF 1854(99 YEARS LEASE RULES**):

 These Rules were extended to Sylhet and Cachar in 1856 and remained in force till 1861.Under these Rules :

 (a) One fourth of the grant was held revenue free in perpetuity; The remaining three fourths of the grant was to be revenue free for 15 years;

(b) Thereafter these lands were assessed at 3 annas per acre for 10 years, and at 6 annas per acre for the next 74 years,

 (c) After expiry of the 99 years lease the grant was to be subject to reassessment at such moderate rates as seen proper by the Government.

**FEE SIMPLE GRANT RULES 1862**:

 These Rules were first issued by Lord Canning in October,1861 and were subsequently changed under the instruction from the Secretary of State for India. These Rules were in force till 1872. Because these Rules were first issued by Lord Canning, the estates granted are also known as L.C.Grant in the land records. Under these Rules:

1. Grants of compact area were put up to auction sale subject to an upset price of Rs.2 per acre;

(b) The purchase money was to be paid either instantly or by installments within 10 years;

(c) On payment of full price, the land became free for ever from payment of land revenue. The grant-holder enjoyed absolute proprietory and hereditary rights;

(d) The Fee Simple Rules also allowed 99 years grants to be redeemed to Fee Simple status by payment of 20 years’ revenue at a time;

(e) Immediately before the constitution of the province of Assam in 1874, the Fee Simple Rules were revised in February of that year.

**REVISED FEE SIMPLE RULES OF 1874**:

 Under these Rules the upset price of the lands sold was raised to Rs.8/- per acre. Other conditions remained as under Fee Simple Rules.

**NEW LEASE RULES OF 1876**:

 Under these Rules, sale of land as Fee Simple were discontinued throughout Assam. There was no provision any longer for granting land free of revenue for any period of occupation. Lands were leased at concessional rates for some years at the beginning, and after lapse of those years, assessment was made at the same rate as in other agricultural lands in the neighbourhood. These grants were for a period of 30 years with the right of renewal.

**SPECIAL PROVISIONS UNDER THE RULES UNDER THE ASSAM LAND AND REVENUE REGULATION,1886 RELATING TO SPECIAL CULTIVATION:**

With the passing of the Assam Land and Revenue Regulation,1886, a new set of Rules for settlement of lands for tea cultivation were notified. Under these Rules, no special concession is granted for tea cultivation in the leased out lands. A premium is required to be paid by the grantee to whom a lease for special cultivation is granted.

 **THE ASSAM ASSESSMENT OF REVENUE FREE WASTE LAND GRANTS ACT,1948:**

 Under this Act, all the Revenue Free Waste Land Grants in Assam were made subject to assessment of revenue. The term of assessment to revenue was made consistent and concurrent with the period of settlement for other lands in the area in which the grant is situated.

 After enactment of this Act, all the Grant Holders/Lease Holders attained the status of Land Holder under Section 8 of the Assam Land and Revenue Regulation,1886 thus having permanent, heritable and transferrable right over the tea land.

**THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS ACT,1956:**

 Under this Act, provisions for imposition of limits on amount of land that may be held were brought.

 This Act provides that no person shall be entitled to hold as owner, tenant(or mortgage in possession) land, for special cultivation of tea in excess of such land as has been used for special cultivation of tea and purposes ancillary thereto on the day of commencement of the Assam.

Fixation of Ceiling on Land Holdings,(Amendment)Act,1970 came into force. However, the State Government may allow more lands to be held for ancillary purposes and for increase in area under special cultivation of tea in accordance with the Rules under this Act.

This Act discourages diversion of tea land for non-tea purposes.

The excess land is acquired by the Government and made Ceiling Surplus. Such ceiling surplus lands are distributed to landless cultivators rendered homeless due to flood/erosion/earthquake or other landless cultivators and also for other public purposes.

**THE ASSAM LAND REVENUE RE-ASSESSMENT (AMENDMENT) ACT,1990:**

The amendments made in the Assam Land Revenue Re-assessment act,1936 provide that the State Government may by a notification assess a higher rate of revenue in tea lands not exceeding five times the existing land revenue of a tea group. This re-assessment would bring to the State exchequer additional revenue from tea lands.

**LAND POLICY OF THE GOVERNMENT:**

 Government Land Policy,1989 provides for allotment/settlement of Government land to small growers/registered societies for special cultivation like tea, coffee, rubber etc. The extent of land that can be settled with individual is 4 hectares and aggregate of the holdings of the number of members in case of registered co-operative societies.

**EXECUTIVE INSTRUCTIONS TO REGULATE ALIENATION/DIVERSION OF TEA LAND**:

 No tea land can be alienated by way of sale/ gifts etc. without the prior-approval of Government. (RSS.373/94/25Dtd.26/03/2001,RSS.573/94/23 Dtd.31/07/1998, RSS.573/94/19 Dtd.04/08/1995)

 For grant of mutation in the Record of Right against tea land alienated without the prior approval of the Government, approval of Government is required before allowing the mutation. (RSS.373/94/25 Dtd.26/03/2001)

 If any tea land found diverted/utilized for purposes other than tea shall be liable to be acquired under the provisions of the Assam Fixation of Ceiling on Land Holdings Act,1956.(RRT.6/2006/2Dtd.23/02/2006).

 Small tea growers of the State have been given special incentives by the Government. Provisions for settlement of land for special cultivation to the small growers registered under the Tea Board of India/Directorate of Tea,Assam are made subject to payment of premium @ Rs.1000 per bigha of land upto 30 Bighas.(eCF No.31465 Dtd.26.03/2018).

 Land settled thus can not be transferred by way of sale,mortgage,lease,gift etc. for next 10 years from the date of issue of settlement order or from date of taking over possession whichever is later.

 Further, the land settled specially for cultivation of tea shall not be diverted for purpose other than tea cultivation. In case of alienation of tea land by way of sale,gift etc.,prior approval of Government is mandatory.

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