

**The Tripura Manoeuvres, Field Firing
and Artillery Practice Rules, 1981**

TRIPURA



GAZETTE

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PART-I—Orders and notifications by the Government of Tripura,
the High Court, Government Treasury, etc.

Government of Tripura
Home Department

No. F. 15(27)-PD/67.

Dated, Agartala, the 19th June, 1981.

NOTIFICATION

In exercise of the powers conferred by section 13 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938) the Governor of Tripura is pleased to make following rules, namely :—

PART—I

PRELIMINARY

Short title
extent and
Commence-
ment.

- Rule 1. (a) These rules may be called the Tripura Manoeuvres, Field Firing and Artillery Practice Rules, 1981.
- (b) It extends to the whole of Tripura.
- (c) It will come into force from the date of publication in the Tripura Gazette.

Definition.

2. In these rules, unless the context otherwise requires—
- (a) "the Act" means the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938);
- (b) "Collector" means the District Magistrate and Collector of the District in which the area utilised for the purpose of manoeuvres is situated ;

- (c) "Commission" means the body constituted by the collector of the District for deciding all appeals against awarding of compensation under the Act ;
- (d) "Revenue Officer" includes Additional District Magistrate and Collector, Sub-Divisional Officer, Additional Sub-Divisional Officer, Deputy Collector, Sub-Deputy Collector or any other Officer, specially authorised by the Collector to discharge the functions of a Revenue Officer under the Act or these rules ;
- (e) "Section" means a section of the Act ;
- (f) "Tehsilder" means Revenue Officer in Charge Tehsil under the Tripura Land Revenue and Land Reform Act, 1960.
- (g) the expression "Gaon Panchayat" and word "Pradhan" shall have the meanings respectively assigned to them in the United provinces Panchayat Raj Act, 1947 (Act No. XXVI of 1947) as extended to Tripura.

PART—II

PUBLICATION OF NOTICES.

Method of Publishing Notices under sections 2 and 9 of the Act.

3. (1) A notice under the sub-section (2) of Section 2 and sub-section (3) of section 9 of the Act shall be published by the State Government in the following manner, namely :—
- (i) By publishing in the Tripura Gazette ;
 - (ii) by publishing at least in two local news papers ;
 - (iii) by beat of drums or by loudspeaker in such place or places in or near the area as the Collector may direct ;
 - (iv) by affixing copies of the notice in the language of the locality in prominent places in or near the area such as courts police stations, Tahsil Offices, Block Development Office and Project Executive Office.
- (2) In addition to the methods laid down in Sub-rule (1) such notice may be published and circulated by the State Government in one or more of the following ways namely :—
- (i) by distributing copies thereof at markets, fairs or social or any other gatherings ;
 - (ii) by sending copies thereof to Gram Panchayats organisers of the Rural Development Department and the Supervisors of the Agriculture Department to give the publicity to the same ;

(iii) by sending copies of prominent persons of the locality, Gram Pradhans and Tahasildars ;

(iv) by personal service through the police of the villages situated in the area ;

(3) For publication one month and one week as nearly as may be before commencement of the Manoeuvres as required by sub-section (3) of section 2 of the Act and for publication one week as nearly as may be before the commencement of field firing and artillery practice as required by sub-section (4) of section 9 of the Act, the methods prescribed in clauses (ii) and (iii) of sub-rule (1) and such other method or methods as the local authorities may consider necessary shall be employed.

(4) Revenue Officials visiting the affected area may also be supplied with copies of the notice and instructed to make the contents known to as many people as possible.

(5) As required by the proviso to sub-section (4) of section 9, publication by beat of drum or by loudspeaker and affixation shall, in each case, be verified in writing by one Gram Pradhan and two other literate inhabitants of the locality, and notice by beat of drum or by loudspeaker shall also be given seven and two days as nearly as may be before the commencement of field firing and artillery practice.

Publication of general information.

4. When taking action under Part II, the Collector shall in such of ways described therein as may appear to him desirable, give wide publicity to rights and duties of the general public prescribed in the act and the rules and in particular to the principles governing assessment and payment of compensation.

PART—III

SELECTION OF AREAS FOR MANOEUVRES, FIELD FIRING AND ARTILLERY PRACTICE.

Selection of site and fixations of dates for manoeuvres or field firing and artillery practice.

5. (1) The Collector shall give every assistance to the military authorities in the selection of areas for manoeuvres or field firing and artillery practice. In doing so, due consideration should be given to the selection of a tract the temporary occupation of which will cause the least possible inconvenience to the inhabitants. Waste land or land with few inhabited sites or sparsely covered by crops should be selected as far as possible.

... to the headquarter of the Tehsil at

Tripura Gazette. Extraordinary Issue, July 20, 1981 A. D.

(2) In selecting the time for the holding of manoeuvres or field firing and artillery practice regard shall also be had to the following consideration, namely :—

(a) as far as practicable the manoeuvres or field firing and artillery practice should be held at a time when there is least likelihood of damage to standing crops or of interference with agricultural operations ;

and

(b) dates of local fairs and religious gatherings would, as far as possible, be avoided.

6. The Officer in Command of the Military forces engaged in the manoeuvres or field firing and artillery practice shall, in order to minimise the probable damage and inconvenience, at least 15 days before the date notified for the commencement of such manoeuvres or practice, consult the Collector concerned regarding :—

(a) the actual course of the manoeuvres or the direction of the field firing and artillery practice ;

(b) the time or times of the day or days during which such manoeuvres or practice shall take place.

7. The Officer in Command shall, at least seven days before the date notified for the commencement of the manoeuvres or field firing and artillery practice, forward to the Collector so far as may be possible, the exact programme and the exact areas of such manoeuvres or field firing and artillery practice and list of the areas to be considered as danger zones.

8. (1) The Collector shall take necessary steps to inform the villagers, by beat of drum or in any other manner that he may consider proper of the times and dates during which manoeuvres or field firing and artillery practice shall take place and in the case of field firing and artillery practice also of the areas declared to be danger zones. He shall also depute as sufficient police force to secure that the areas notified as danger zones are cleared of human beings and animals at least two hours before the military operations are scheduled to begin and that no unauthorised person enters the danger area until the military operations have finished.

(2) After the operations are over, the Commanding Officer of the forces shall give all 'Clear certificate' to the representative of the Collector stating that the area is no longer a danger zone. If there is any possibility of unexploded bomb or blind lying somewhere in any

Duties of
Officer in Com-
mand

Submission of
programme and
list of danger
zones to collec-
tor.

Notice of field
firing and artil-
lery practice
to the villagers.

particular area, the commanding officer of the forces shall arrange to guard the area till such time as the unexploded bomb or blind has been recovered. If this area happens to be inhabited or happens to be a cultivated field, pond and fishery etc., the persons entitled to go there shall not be allowed to enter the area. For this restriction of movement and consequent loss thereby, compensation shall be paid to the persons concerned following the rules under Part V. However, there shall be no minimum rates of compensation as stipulated in rule 34 for such cases.

PART—IV

Procedure to be followed by the Revenue Officers.

Deputation of Revenue Officers and their duties.

9. (1) The Collector shall depute one or more Revenue Officers not below the rank of Circle Officer to accompany the forces engaged in the manoeuvres or field firing and artillery practice. It shall be the duty of the Revenue Officer so deputed to see that all reasonable facilities are afforded to the inhabitants of the locality who have to evacuate the areas concerned.

(2) If more such officers than one are deputed, the area affected shall be divided between them and each officer shall be provided with a map showing the area of the circle for which he is responsible.

Notice regarding claims for compensation.

10. When the Collector takes action in accordance with rule 8 to inform the inhabitants of the areas affected of the times and dates of the military operations, he shall at the same time cause them to be informed of their rights and duties under the Act and rules and of the manner of submission of claims for compensation.

11. Registers of damage or injury shall be maintained by the Revenue Officer in the forms, prescribed in Schedule I.

Directions regarding the maintenance of registers,

12. The site to be occupied by the camp, if any, shall be entered by the Tehsildar or Assistant Tehsildar in registers before the manoeuvres or field firing and artillery practice commence and the fields which may be damaged by the movements of the troops shall be entered in them from day to day. The following directions in regard to the maintenance of registers shall be observed namely :-

(i) A sufficient number of blank sheets of the registers prescribed under rule 11 shall be supplied to the Revenue Officer concerned for distribution to the Tehsildars or Assistant Tehsildars and a reserved stocks shall be kept at the Tehsil. All Tehsildars or Assistant Tehsildars concerned shall be summoned to the Headquarter of the Tehsil at

least a week before the commencement of military operations and shall be instructed in their duties by the Revenue Officer or Officers who should see that the instructions given to them are duly entered by them in their diaries.

(ii) On any day on which damage is done in a circle, the Tehsildars shall send an immediate written report to the Revenue Officer so as to reach him early in the evening of the same day. The report will merely give the name or names of the villagers in which damage has been done and state whether the damage has been slight ordinary or heavy.

(iii) Whatever the incidence in any particular field may be, damage done in five fields or below will be reported as "Slight" in six to twenty fields as "ordinary" and in more than twenty fields as "heavy". If possible, the Tehsildars will fill up the first six columns of the register the same evening with regard to each field in which the damage has been done. He will be held personally responsible for seeing that no field is omitted in which damage however slight, has been done. The Revenue Officer will then arrange his programme of inspection for following day and send information to the Tehsildars concerned,

Method of making claims

13. Villagers who claim compensation of any kind of damage or loss caused to them may either make report to the Tehsildar who shall forward it to the Revenue Officers or present their claims directly before the Revenue Officer. If a claim is made orally, the Revenue Officer shall reduce it to writing.

Procedure for working out amount of compensation.

14. The Revenue Officer shall inspect all fields in which damage has been done. He shall take over the registers in form A prescribed under rule 11 from the Tehsildars and fill in columns 6 and 7 and an estimate of the area damaged expressed in terms of paisa in the rupee. The amount of the compensation shall then be worked out.

Report of damage to houses, trees, etc. and assessment of compensation.

15. The Tehsildars shall also report the damage caused if any, to houses wells trees, and other property in form B, prescribed under rule 11. The Revenue Officer shall inspect the houses wells, trees and other property so damaged and make an estimate of the amount of the compensation to be paid to the owners.

Report of damage to persons & animals and assessment of compensation.

16. Injuries to persons and domestic animals shall be reported in the respective forms prescribed under rule 11. The Revenue Officer shall personally verify the extent of the damage or loss and fix the amount of compensation to be paid for it,

- Taking of receipts for adjusted claims.
- Register of compensation.
- Assessment and payment of compensation.
- Notice regarding right of appeal from award of Revenue Officer and copies of entries and orders.
- Method of paying compensation.
- Assessment when final damage is
17. In all cases under Rules 14, 15 and 16, if the award is accepted, Payment shall be made at once and receipt stamped where necessary in full satisfaction of the claim taken from the payee either on separate paper or in the remarks columns of the register, as may be convenient.
18. Registers of compensation paid for exclusion or removal of persons or domestic animals from any place declared to be a danger zone shall be maintained in the form F prescribed in the Schedule I.
19. As soon as the Revenue Officer is satisfied that an area will have to be evacuated, he will instruct the Tehsildars to fill in columns 1 to 3 of the register prescribed in rule 18. Immediately before the evacuation takes place the Revenue Officer will check the entries and, after calculating the amount of compensation due, pay the amount to the persons concerned. He will take receipt, stamped where necessary, either on separate paper or in the remarks column of the register, as may be convenient.
20. (1) Before deciding any claims for compensation the Revenue Officer shall make known to the villagers in the area affected by beat of drum or by laudspeaker and also by affixing a notice at some prominent place in the village that any claimant dissatisfied with his award may, within 15 days of the award, give notice in writing of his intention to appeal and that the appeal will, in due course, be heard by the commission prescribed in sub-section (4) of section 6 of the Act.
- (2) Any person who notified his intention to appeal in the manner provided in sub-rule (1) above shall, on application, be entitled to free copies of relevant entries and the order or award of the Revenue Officer.
21. Money awarded as compensation shall, as far as possible, be paid direct to the person concerned by the Revenue Officer on the spot immediately after making the award, whether notice of an appeal is given or not. The Officer in Command of the military forces engaged in the manoeuvres or the field firing and artillery practice will arrange for sufficient cash for immediate disbursement. Additional compensation awarded as a result of appeals shall be paid to the person concerned through the Circle Officer.
22. When it appears that damage is likely to be done in any village more than once, or that the damage or part of it may be of a temporary nature only, the Revenue Officer should use his discretion as to the time when the damage done should be assessed.

Procedure when operations continue over a long period

23. When the manoeuvres or the field firing and artillery practice continue over a considerable period of time or take place periodically over a considerable period of time, the Collector shall decide in consultation with the Officer in Command of the Military Forces, the period or periods after which an assessment of the damage caused and the award of compensation should be made.

Nomination of members of the Commission

24. Before the manoeuvres of the field firing and artillery practice commence, the Officer in Command of the forces engaged in the Manoeuvres or practice shall nominate a person to serve on the Commission to be constituted under Sub-section (4) of section 6 of the Act and the Collector concerned shall also take steps to get two persons nominated by the Block Development Committee of the Sub-Division concerned and a Member of the Tripur Legislative Assembly of the concerning area to serve on the said Commission. In case of Sadar Sub-Division the Collector shall also take steps to get one Member of the Tripura Legislative Assembly of the concerning area and person nominated by the Agartala Municipality to serve on the Commission.

Submission of statement at the close of the operations.

25. After the close of operations, when the payment of compensation has been completed and the period allowed in sub-rule (1) of rule 20 for notice of appeal has expired, the Revenue Officer shall forward to the Collector a tabulated statement in the following form, namely :—

1. Name of Tehsil—
2. Name of Village—
3. Amount of Compensation paid—
4. Remarks—

and also a list of such claimants as have given notice of their intention to appeal against his order or award under sub-section (3) of section 6 of the Act.

Constitution of Commission and fixation of the date of hearing.

26. On receipt of the lists referred to in the preceding rule the Collector shall constitute the Commission prescribed by sub-section (4) of section 6 of the Act and fix a date or dates for hearing the appeals.

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| Hearing of appeals. | 27. Appeals shall be heard, as far as possible within one month from the date of the original award and the date fixed shall ordinarily be before final hearing. In no case, however, should an appeal be heard until the claimant has been duly served with a notice fixing the date and place of hearing. |
| Procedure of hearing appeals. | 28. The Commission may determine its own procedure and may, if it considers necessary receive evidence, call for a further from the Revenue Officer concerned, or admit documents without formal proof. |
| Appearance before the Commission. | 29. It shall not be necessary to present any formal appeal unless the Commission so directs. A Claimant may appear before the commission either in person or through a duly authorised agent or pleader. |
| Submission of return after the decision of appeal. | 30. After the disposal of the appeals and the payment of compensation to the claimants, the Collector shall forward to the Officer Commanding of the Military Forces engaged in the manoeuvres or field firing and Artillery practice, a statement showing the amount of compensation paid in each village. |

PART—V

Principles to be followed in assessing compensation.

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| Payment of Compensation. | 31. The Compensation fixed should be adequate and payment should, wherever possible, be made direct to the person concerned. |
| Points to be considered in assessing compensation. | 32. Each case shall be decided with due regard to the actual damage caused to the land or standing crops, the existing value of the land and the prevailing market rate of the crops damaged and the probable total loss to the claimant. Damage to wells, walls, trees, houses and livestock and like matter shall also be assessed with due regard to the actual loss or inconvenience caused and shall be not less than the sum required to replace the property or to restore it to its original condition. |
| Compensation for loss of life or injury to person. | 33. In assessing compensation for loss of life regard shall be had to the age and the number of persons wholly dependent upon the deceased and the health and the earning capacity of the deceased. In case of injury to the person, regard shall be had to the age health and reduction in the earning capacity of the person as a result of that injury. |

Rate of compensation for evacuation.

34. (1) Compensation shall be paid in respect of each day or part of a day on which the evacuation of village or exclusion therefrom is in force at rates to be fixed by the Government from time to time. Such compensation shall be on the following scale :—

a) For men, women and children above 12 years daily compensation shall be at the rate of Rs. 7/-(Rupees seven).

b) for the removal of sick or invalid persons the actual cost of removal in addition to (a)

c) for the removal of cattle—

(i) One day's wages for the grazier actually in attendance thereon—

and

(ii) such other incidental charges which are reasonable and actually incurred.

2) The compensation shall be paid whenever possible at least 12 hours in advance of the hour before which the evacuation is to be completed.

35. The rates prescribed in sub-rule (1) of rule 34 are the minimum rates at which payment may be made. It will be open to the Collector to fix higher rates than the minimum rates, having regard to the time of the year and to any other special circumstances applicable to the area.

36. If the area of military operations extends over more than one District, the Collector of each such Districts shall take action according to these rules. Collectors should act in consultation with each other in order to secure uniformity of procedure throughout the area over which the operations extends.

By Order of the Governor,

S. N. Gupta

Under-Secretary to the
Governor Tripura.

SCHEDULE I

Form—A (for crops)

(Sec rule 11)

1. Name of village.
2. Jote number of the field and dag number.
3. Name of the cultivators.
4. Father's name.
5. Area of the field.
6. Whether irrigated or unirrigated.
7. In case of jum crops, the area under cultivation.
8. Name of crop or nature of sayar income (e. g. fruit or grass).
9. Extent of damage or injury assessed and expressed in terms of paise in rupee, and the area damage (roughly).
10. Cash compensation—
11. Remarks.

Form—B (for other property)

1. Name of village.
2. Jote number and dag number.
3. Number of field.
4. Name of owner.
5. Father's name.
6. Description of the property damaged.
7. Cash compensation.
8. Remarks.

Form—C (for fishery)

1. Name of the village.
2. Jote number and dag number.
3. Name of the owner.
4. Father's name—

6. Extent of loss of fish with category.
7. Cash compensation.
8. Remarks.

Form—D (for domestic animal)

1. Name of village.
2. Name of owner.
3. Father's name.
4. Number and description of the animals.
5. Cash compensation.
6. Remarks.

FORM—E (FOR PERSONAL INJURY)

1. Name of village.
2. Name of person, with father's name and caste.
3. Nature of injury or loss.
4. Cash compensation.
5. Remarks.

FORM—F (SEE RULE 18) FOR EXCLUSION OR REMOVAL OF PERSON OR DOMESTIC ANIMALS).

1. Name of the head of the family with his parentage and caste.
2. Number and description of his dependents.
3. Number and description of his domestic animals.
4. Number of days for which compensation is payable.
5. Amount payable.
6. Remarks.

SCHEDULE—II

FORM—I NOTIFICATION UNDER SECTION 2(1)

In exercise of the powers conferred by sub-section (1) of section 2 of the Manoeuvres, Field Firing and Artillery practice Act, 1938, (V of 1938), the State Government is pleased to authorise the execution of military manoeuvres over any area specified below during a period not exceeding three months commencing from _____ notice of the same as required by sub-sections (2) and (3) of the said section, having been previously published in the Tripura Gazette, dated _____ and _____ in notifications No. _____ dated _____ No. _____ dated _____, respectively.

The land plan may be inspected at the office of the _____ details of areas _____.

FORM-2.

DETAILS OF THE AREA
NOTICE UNDER SECTION 2(2).

In pursuance of sub-section (2) of section 2 of the Manoeuvres, Field firing and Artillery practice Act, 1938, (V of 1938) 9 the State Government hereby notifies his intention to issue on the expiry of atleast three months from the date of the publication of this notice in the Tripura Gazette, a notification under sub-section (1) of the said section authorising the execution of military mancouvres over any area specified below during a period not exceeding three months. The land plan may be inspected at the office of the _____ details of area _____.

FORM-3

DETAILS OF THE AREA
NOTICE UNDER SECTION 2(3)

In pursuance of sub-section (3) of section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby repeats the notice of his intention to issue a notification under sub-section (1) of the said section authorising the execution of military Manoeuvres over the area specified below during the period not exceeding three months on the expiry of one month and one week as nearly as may be, from the date of publication of this notice, the same having, as required by sub-section (2) of the said section also been previously published in the Tripura Gazette, dated the _____ in notification No. _____ dated.

The land plan may be inspected at the office of the _____ details of area _____.

FORM-4.

DETAILS OF THE AREA
NOTIFICATION UNDER SECTION 9(1).

In exercise of the powers conferred by sub-section (1) of section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, (V of 1938), the State Government is pleased to define the area specified below as the area within which for a period of _____ years commencing from the _____ day of _____ 19____, the carrying out periodically of Field Firing and Artillery practice may be authorised.

The land plan may be inspected at the office of the _____ details of area _____.

FORM-5

DETAILS OF THE AREA
NOTIFICATION UNDER SECTION (2)9

In exercise of the powers conferred by sub-section (2) of section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, (V of 1938), the State Government is pleased to authorise during the periods specified below, the carrying out of field firing and artillery practice throughout the area mentioned in the schedule, and notification as required by sub-section (1) of said section defining the said area as the area within which for term of _____ years commencing from _____ the carrying out periodically of field

ing and artillery practice may be authorised, and notices in respect of the same as required by sub-sections (3) and (4) of the said section publishing the intention to issue notification having been previously published in the Tripura Gazette, dated ——— and ——— in notification No. ——— dated ——— No. ——— dated ——— No. ——— and No. ——— dated ——— respectively.

The land plan may be inspected at the office of the ——— periods during which field firing and artillery practice are authorised ——— details of area ——— Schedule.

Item 6.

Notice under section 9(3)

[See rule 3 (1)]

In pursuance of sub-section (3) of section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby notifies his intention to issue, on the expiry of at least 2 months from the date of the publication of the notice in the official Gazette, and notification under sub-section (2) of the said section authorising the carrying out of field firing and artillery practice throughout the area notified below or any specified part thereof during the period commencing from the ——— day of ——— 19 and ending with the ——— day of ——— 19, a notification defining the said area as the area within which for a term of ——— years commencing from ——— the carrying out periodically of field firing and artillery practice may be authorised having been previously published in the official Gazette dated the ——— in notification No. ——— dated ———.

The land plan may be inspected at the office of the ——— details of area ———.

Item—7.

Details of the area Notice under Section 9(4).

In pursuance of sub-section (4) of section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938, (V of 1938), the State Government hereby repeats the notice of his intention to issue a notification under sub-section (2) of the said section authorising the carrying out of field firing and artillery practice throughout the area notified below or any specified part thereof during the period commencing from the ——— day of ——— 19 and ending with the ——— day of ——— 19 on the expiry of one week as nearly as may be after the publication of the notice, the first notice as required by sub-section (3) of the said section having been previously published by notification No. ———, dated ——— in the official Gazette, dated the ———.

The land plan may be inspected at the office of the ——— details of area.