

# LAND GOVERNANCE IN ASSAM: A STUDY ON LAND RIGHTS QUESTIONS IN ASSAM-NAGALAND BORDER OF GOLAGHAT DISTRICT

*A Thesis Submitted to the Dibrugarh University for the Award of the Degree of Doctor of Philosophy in Political Science*



*Submitted By*

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

  
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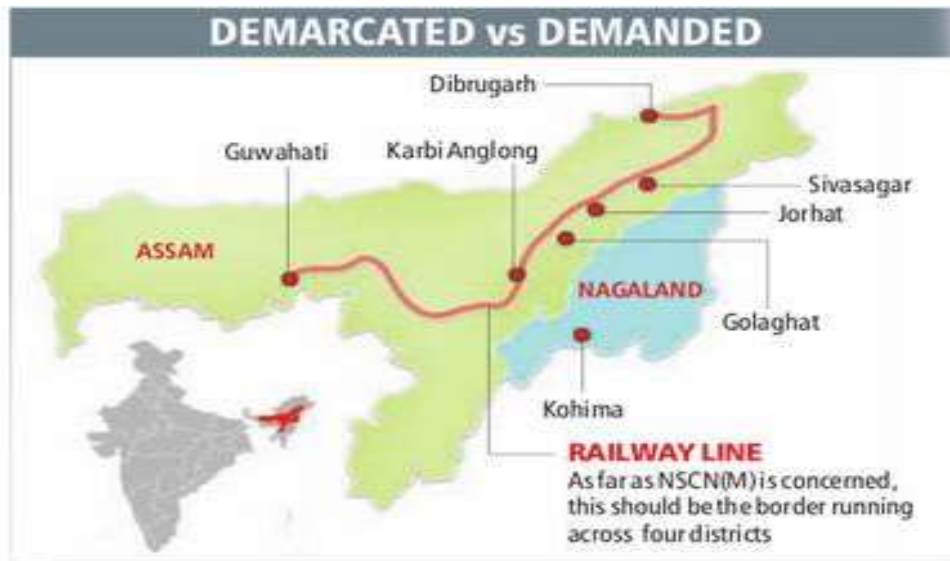


### Map of Political Boundaries of Assam



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### Map of Demarcated and Demanded Boundaries between Assam and Nagaland



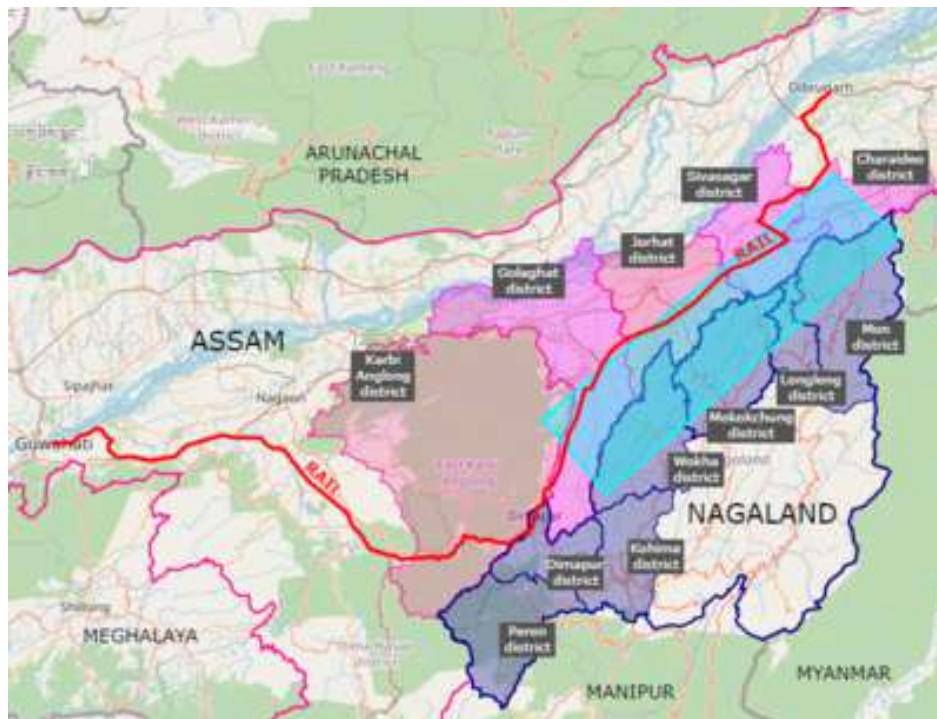
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### Map of Tension Areas along the Assam-Nagaland Border



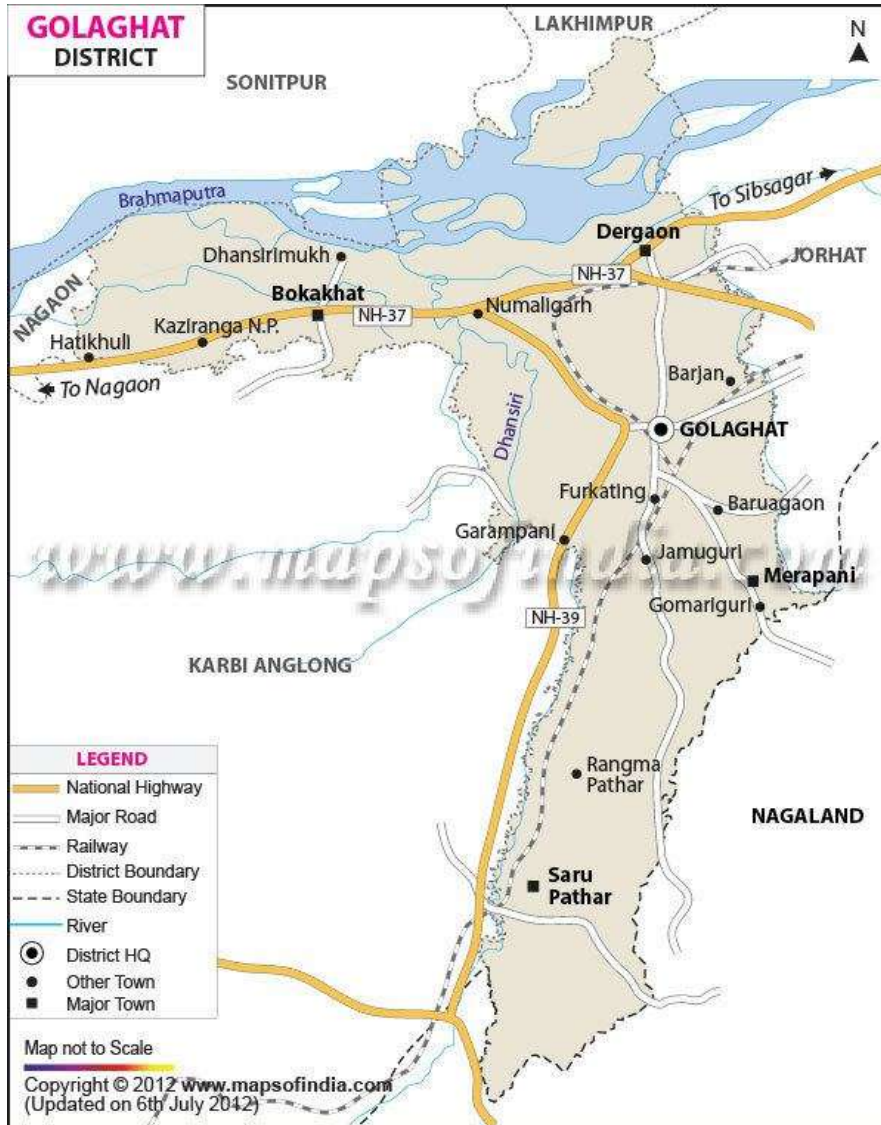
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### Sites of Border Disputes in between Assam and Nagaland



Source: [www.mapsofindia.com](http://www.mapsofindia.com)

## Map of Golaghat District



## LIST OF ABBREVIATIONS

AANSU	-	All Assam Nepali Students Union
AASAA	-	Adivasi Students Association of Assam
AASU	-	All Assam Students Union
AATS	-	All Assam Tribal Sangha
ABSU	-	All BodoStudents Union
ACSTU	-	All Assam Chutia Students Union
ACHPR	-	African Charter on Human and Peoples' Rights
ACHR	-	American Convention on Human Rights,
ADC	-	Autonomous District Council
AJYCP	-	Assam Jatiya Yuva Chatra Parishad
ANBSCU	-	Assam-Nagaland Border Coordination Students' Union
ATMA	-	Appropriate Technology Mission Assam
BDTUSS	-	Brehottar Doyang-Tengani Unnoyan Sangram Samiti,
BEFR	-	Bengal Eastern Frontier Regulation Act
CPI	-	Communist Party of India
CPR	-	Common Property Resources
CRPF	-	Central Reserve Police Force
CRPF	-	Central Reserve Police Force
CSP	-	Congress Socialist Party
DAB	-	Disputed Area Belt
DLC	-	District-Level Committee
ECPHRFF	-	European Convention for the Protection of Human Rights and Fundamental Freedoms

FAO	-	Food and Agricultural Organisation
FRA	-	Forest Resource Assessment
FRA	-	Forest Rights Act
FRC	-	Forest Rights Committee
FTC	-	Forest and Tree Cover
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
ICJ	-	International Court of Justice
IDP	-	Internally Displaced People
ILO	-	International Labour Organisations
ILP	-	Inner-Line Permit
JFM	-	Joint Forest Management
JNM	-	JesthaNagarik Mancha, Dhansiri
JVP Committee-		JawaharlalNehru,VallabhBhaiPatelandPattabhiSitaramayya
KMSS	-	KrishakMuktiSangramSamiti
KNP	-	Kaziranga National Park
LARRA	-	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
MDG	-	Millennium Development Goals
MTA	-	Ministry of Tribal Affairs
NBA	-	Narmada BachaoAndolan
NFP	-	National Forests Policy
NDA	-	National Democratic Alliance
NGO	-	Non-Government Organisation
NP	-	National Parks
ONGC	-	Oil and Natural Gas Corporation
OTFD	-	Other Traditional Forest Dwellers

PA	-	Protected Areas
PIL	-	Public Interest Litigation
PS	-	Permanent Settlement
RCPI	-	Revolutionary Communist Party of India
RR	-	Rehabilitation and Resettlement
SDC	-	Sub-divisional Committee
SDG	-	Sustainable Development Goal
SEZ	-	Special Economic Zone
SLMC	-	State-Level Monitoring Committee
ST	-	Scheduled Tribes
UDHR	-	Universal Declaration of Human Rights
UN	-	United Nations
UNDP	-	United Nations Development Programme
UNO	-	United Nations Organisation
UPA	-	United Progressive Alliance
WLS	-	Wild Life Sanctuaries



**CHAPTER – I**

**INTRODUCTION**



# CHAPTER- I

## INTRODUCTION

### 1.1 BACKGROUND OF THE STUDY

Land governance has been a significant politico-economic issue that has invited manifold debates among the policy planners, bureaucrats, civil society activists and academics in post-independent India. However, the fundamental issues and concerns raised in the discussions contrast with the country's current uneven land governance structure and policy prescriptions. Since independence, establishing a sound land governance system has been a demand in India. On the contrary, India's land ownership and distribution inequalities have remained unsolved. So far, the land reform measures adopted by the Government of India have had minimal success in bringing justice, transparency and accountability to the country's land governance system.

Notably, there was no official land ownership (individual) system in pre-British India. The British administration introduced the concept of private property in land by changing the traditional land ownership and land use patterns. For instance, they introduced the Zamindari system, whereby feudal lords became owners of large tracts of land. Under the Ryotwari system, individual cultivators or ryots were proprietors of land against revenue payments. Under the Mahalwari system, entire villages had to pay revenue, with farmers contributing their share in proportion to their holdings. These systems had created enormous inequality in the land distribution in



India. Moreover, they introduced land laws, such as the *Land Acquisition Act* (LAA), 1894, which has been in effect for nearly 120 years and has shaped India's post-independence land governance system (Bandyopadhyay, 1993).<sup>1</sup>

The post-independent Indian government and leaders promised tens of millions of landless people to introduce a sound land governance system. Accordingly, several Articles, namely Articles 23, 38 and 39 of the Constitution of India, allow states to make their own Zamindari Abolition Acts to abolish Begari and redistribute land and community resources such as ponds, lakes and forests. In addition, the Agricultural Land Ceiling Acts were introduced in various states to minimise inequality in land ownership and the surplus lands distributed among the landless and marginal farmers.

In 1951, India had just 27.3 million landless agricultural labours, increasing to 144.3 million (14.4 crores) in 2011. The Socio-economic and Caste Census, 2011 recognised and found lack of land as a vital factor of poverty, putting the household with no land at 56.41 percent of the total rural family (Mohanty, 2018).<sup>2</sup> These government statistics depict two images of India's land governance system. First, the country's governments have failed to introduce a sound land governance mechanism. Secondly, as a result, the number of landless families, i.e. the poorest of the poor, is rising day by day.

The neoliberal economic reforms of the 1990s have made the hitherto underrated questions about land in India relevant and critical. On the one hand, the neo-

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<sup>1</sup> Bandyopadhyay, R. (1993). Land System in India: A Historical Review. *Economic & Political Weekly*, 28 (52), A149-A155.

<sup>2</sup> Mohanty, P. (2018, October 8). "India's landless poor: Amid rising rural poverty and lower access to land, empowering this group must be priority", *Firstpost*. Retrieved from <https://www.firstpost.com/india/indias-landless-poor-amid-rising-rural-poverty-and-lower-access-to-land-empowering-this-group-must-be-priority-5338711.html> on 22.02.2022.

liberalisation of the economy has made land one of the most needed resources. But on the other hand, the process also has developed a deep concern for fair and righteous use of the most needed resources.

The move towards economic liberalisation was further insisted by the fact that farming remained the least productive sector of the economy in the decades of independence. It accounts for only 15 percent of India's GDP, where more than half its workforce is engaged. Hence, identifying it as a fundamental cause of India's poverty, the post reforms governments have adopted two basic ways to increase land productivity - i) make agriculture more efficient and ii) divert land use from agriculture to something else. The Indian states have begun a large-scale agricultural modernisation drive, accompanied by a massive state-led industrialisation and urbanisation drive. The indirect goal of the campaign is to pursue the country's neoliberal development demands (Chakravarty, 2013, p. 45).<sup>3</sup>

On the other hand, the multidimensional land issues brought about by India's neoliberal agendas have posed several new challenges to the land rights of the tribal and other vulnerable communities. For instance, many new lands and forest laws have been enacted in the name of 'public welfare' and 'environment conservation'. But in reality, the 'public purpose' of the state is seen to be serving a few capitalist classes. Over the years, many agricultural lands have accumulated for various capitalists' investments. The displaced have hardly been provided compensation and rehabilitation

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<sup>3</sup>Chakravarty, S. (2013). *The Price of Land: Acquisition, Conflict, Consequences*. New Delhi: Oxford University Press.

facilities by the state (Chakravorty, 2013, p. 35).<sup>4</sup>The tribal's and Davits (formerly untouchables) were the worst victims of such displacements. The tribal's, which account for just 8 percent of India's total population, have to bear the brunt of land acquisition and displacement policies, accounting for more than 40 percent of all displacements (Saxena 2015).<sup>5</sup>The accumulated lands have been transferred to the corporatists to develop private industries, infrastructures, real estate and Special Economic Zones (Levine, 2017, p. 50).<sup>6</sup>

In many cases, the state indulged in forcible means to acquire land, transforming the 'welfare Indian state' into a 'land broker state' (Levine, 2013<sup>7</sup>; 2017, p. 54<sup>8</sup>). Based on an empirical study, Walter Fernandes (2008)<sup>9</sup> contemplated that tens of millions of people have been dispossessed of their land because of state-steered development projects. Studies (Kothari, 1995)<sup>10</sup> have shown that displacement has had widespread adverse psychological and socio-cultural effects on the lives of dispossessed people. Significant among them are the dismantling of the traditional production system, loss of ancestral spiritual lands, diffusion of conventional family structure and informal social networks, etc. Under such type of insular state treatment,

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<sup>4</sup>Chakravorty, S. (2013). *The Price of Land: Acquisition, Conflict, Consequences*. New Delhi: Oxford University Press.

<sup>5</sup>Saxena, K. B. (2015). The Ordinance Amending the Land Acquisition Law (2013): Farmers lose out in the unequal contest of power. *Social Change*, 45(2), 324–336.

<sup>6</sup>Levien, M. (2017). From Primitive Accumulation to Regimes of Dispossession: Thesis on India's Land Question. In A. P. D'Costa & A. Chakravarty (Eds.), *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication, pp. 49–75.

<sup>7</sup>Levien, M. (2013). Regimes of Dispossession: From Steel Towns to Special Economic Zones. *Development and Change*, 43, 381–407.

<sup>8</sup>Levien, M. (2017). From Primitive Accumulation to Regimes of Dispossession: Thesis on India's Land Question. In A. P. D'Costa & A. Chakravarty (Eds.), *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication, pp. 49–75.

<sup>9</sup>Fernandes, W. (2008). India's Tribes after Sixty Years- A Study. *Sanhati*. Retrieved from <http://sanhati.com/articles/1094/on> 12.11.2021

<sup>10</sup>Kothari, S. (1995). Whose Nation? Displaced as victims of development. *Economic & Political Weekly*, 31(24), 1476–1485.

the primary objective of economic development, i.e. the advancement of people's welfare, remains a dream, and less privileged communities in the society are denied their human rights and have to face the crisis at the cost of development (Singh, 2020).<sup>11</sup> Tribal and other marginal communities, previously perceived as a politico-economic burden in many quarters, are now viewed as a threat to the natural biodiversity where they have lived for centuries. Hundreds of cases are currently being heard in which Indian courts have ordered the state to relocate tribal villages that have lived in and around designated forests for decades.

The underpinning of many land rights consciousness in India has been built up in such a politico-economic backdrop. People in India consider land a basic necessity since most people live by agriculture. More importantly, the land is one of the scarcest resources in India. Therefore, access to land is of crucial importance not only for combating poverty but also for living with dignity. Secure access to land is also considered necessary for achieving the UN Millennium Development Goals (MDGs). In April 2014, an open letter sent by many international organisations sought the 'Right to Land and Property to be included as one of the new United Nations Millennium Development Goals' (Kohli and Menon, 2016)<sup>12</sup>. Such appeal can be very perceptible in India's unequal, unjust and undemocratic land management records published in the Agricultural Census Report 2011–12<sup>13</sup> and the Socio-economic Caste

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<sup>11</sup> Singh, A. K. (2020). Development Induced Displacement: Issues and Indian Experiences" *Journal of the Anthropological Survey of India*, 69(2), 276–289.

<sup>12</sup> Kohli, K. & Menon, M. (2016). Should individual citizens own India's land water, pastures, and forests? *Scroll*. Retrieved from <https://scroll.in/article/811169/why-individual-citizens-should-own-indias-land-water-pastures-and-forests> on 11.06.2021.

<sup>13</sup> Agricultural Census Report, 2011-12, Ministry of Agriculture & Farmers Welfare, Government of India. Retrieved from <https://agcensus.nic.in/document/is/AIRonIS2011-12.pdf> on 09.07.2021.

Census 2011.<sup>14</sup> According to the reports:-i) no more than 4.9 percent of farmers control 32 percent of India's farmland. ii) A large farmer in India has 45 times more land than the marginal farmer. Around 95.1 percent of Indian farmers are called marginal, small and semi-medium because they hold around 2.47, 4.94 and 9.88 acres of land. iv) 101.4 million people, or 56.4 percent of rural households, own no land. v) Only 12.9 percent of land- the size of Gujarat- marked for takeover from landlords was taken over by December 2015. vi) Five million acres- half the size of Haryana- were given to 5.78 million poor farmers by December 2015.

Furthermore, since India's independence, it is estimated that more than 50 million acres of land, or about 6 percent of India's total land, have been acquired or converted, and more than 50 million people have been affected. A small amount of compensation was given to the affected families. Many were never paid. Non-owners who were dependent on the land for livelihoods were routinely not paid. Very little resettlement or rehabilitation was done, and what was done was careless (Chakravorty, 2013, p. 35).<sup>15</sup> Tribals and Dalits were the worst sufferers. The tribal population (consisting of only 8 percent of the total population in India) has borne the brunt of the land acquisition and displacement policies, with more than 40 percent share in displacement (Saxena, 2015).<sup>16</sup>

Thus, the above-stated data have revealed the present state of dispossession of land of millions of Indians who belong to the poor and marginal categories. These

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<sup>14</sup>Socio-economic and Caste Census, 2011. The Ministry of Rural Development, Government of India. Retrieved from <https://secc.gov.in/> on 02.06.2021.

<sup>15</sup>Chakravorty, S. (2013). *The Price of Land: Acquisition, Conflict, Consequences*. New Delhi: Oxford University Press.

<sup>16</sup> Saxena, K. B. (2015). The Ordinance Amending the Land Acquisition Law (2013): Farmers lose out in the unequal contest of power. *Social Change*, 45(2), 324-336.

injustices, in turn, have given birth to several land rights movements in India. *Narmada Bachao Andolan* (NBA) is the first popular movement in India to spearhead resistance and provide a training ground for Non-Governmental Organisations (NGOs) and civil society organisations against forcible land acquisition. Recognition of local peoples' right to use, own and control their lands are the primary demand raised by different land rights movements in India (Gilbert, 2013).<sup>17</sup>

India witnessed large-scale state-led land accumulation in the post-liberalisation decades. The state then considered it necessary for the nation's public interests, which pushed the ordinary people into a dilemma- 'why can't they surrender their lands for the nation's interest?' But gradually, it became clear that the government's assurance of 'public interests' was actually for 'private corporate interests'. As a result, the acquired lands were transferred to the corporatists to develop private industry, infrastructure, real estate and Special Economic Zone (Levien, 2017, p. 49).<sup>18</sup>

Several land rights movements occurred in India during the post-independence decades. According to Sundar (2011, p. 176)<sup>19</sup>, many land rights movements have emerged due to the failure of existing legal-institutional mechanisms. Referring to the Land Acquisition Act, 1894, Sundar argues that it consistently failed to put in place a legal regime that protects the interests of the marginal people and guarantees the right

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<sup>17</sup> Gilbert, J. (2013). Land Rights as Human Rights: The Case for a Specific Right to Land. *International Journal on Human Rights*, 10(18), 115- 134.

<sup>18</sup>Levien, M. (2017). From Primitive Accumulation to Regimes of Dispossession: Thesis on India's Land Question. In A. P. D'Costa & A. Chakravarty (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. 49-75.

<sup>19</sup>Sundar, N. (2011). The Rule of Law and the Rule of Property: Law Struggles and the Neo-Liberal state in India. In A. Gupta and K. Sivaramakrishnan (Eds.). *The State in India after Liberalization: Interdisciplinary Perspectives*. London: Routledge. pp. 175-93.

to resettlement and rehabilitation for displaced groups. Therefore, demands were made by many organisations to modify the legal underpinnings of the existing land laws to be able to stop the large-scale acquisition of land for private sector benefits (Palit, 2012<sup>20</sup>; Levien, 2011<sup>21</sup>). Subsequently, after a prolonged law-making process, the Government of India placed a new land bill known as LARRA<sup>22</sup> on 7 September 2011, which got parliamentary approval on 27 September 2013 and came into force on 1 January 2014. According to the preamble, the LARRA, 2013 would arrange ‘a pro-people, participatory, informed and transparent process for land acquisition for industrialisation, development and urbanisation with the least disturbance to the landowners and provide the affected families a just and fair compensation...and (ensure) that the cumulative outcomes of compulsory acquisition should be that affected persons become development partners.’<sup>23</sup> Thus, the LARRA, 2013 has brought together land acquisition, rehabilitation and resettlement provisions in one law for the first time in history. The Act provides higher compensation at least four times market prices in rural areas and twice in urban areas and makes consent of 80 percent and 70 percent of affected landowners must acquire land for private and public-private partnership (PPP) projects, respectively. In addition, it has compensation provisions for landless households like tenant farm workers, who depend on farming activity on the acquired land. Furthermore, the automatic rehabilitation and resettlement (R&R)

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<sup>20</sup>Palit, A. (2012). The Land Acquisition, Resettlement and Rehabilitation (LARR) Bill 2011: Providing Solutions or Raising Questions? *Journal of Emerging Knowledge on Emerging Markets*, 4, 1-14.

<sup>21</sup>Levien, M. (2011). Rationalizing Dispossession: The Land Acquisition and Resettlement Bills. *Economic & Political Weekly*, 46(11), 66–71.

<sup>22</sup>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARRA), 2013. Retrieved from <https://legislative.gov.in/sites/default/files/A2013-30.pdf> on 10.3.2021.

<sup>23</sup>Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARRA), 2013. Retrieved from <https://legislative.gov.in/sites/default/files/A2013-30.pdf> on 10.3.2021.

packages are applicable if the acquired land is more than a hundred acres in rural areas and fifty acres in urban areas (Sing, 2016).<sup>24</sup>

However, differences are seen in opinion across the social and political spectrum about the impact of the central land laws on the country's federal structure. The land is a state subject under the constitution, while the matters of its acquisition and re-acquisition fall under the concurrent list of the seventh schedule. When the law was being drafted, states such as Tamil Nadu were vocal about how any legislation on land acquisition was an encroachment into the legislative domain of the state governments since the constitution places the land and revenue-related matters on the state list. Hence, apprehension over state autonomy regarding the land laws and regulations has been a matter of concern in present India.

In 2006 the Government of India enacted another significant Act called the Scheduled Tribes and Other Traditional Forest Dwellers Act or FRA, 2006 to advance government attitudes toward aboriginal peoples and their rights. The preamble of the FRA 2006 notes that it is “an Act to recognise and vest the forest rights and occupancy of forest land in forest-dwelling Scheduled Tribes and other forest dwellers who have lived in such forests for centuries but whose rights could not be recorded, and to provide for a framework for documenting the forest rights so vested and the existence of the facts needed for such rights”.<sup>25</sup> It aims not only to redress the ‘historical injustice’ perpetrated by the colonial and post-colonial authorities but also to grant a primary role to forest dwellers in protecting forests. The legislation effectively gives

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<sup>24</sup>Singh, S. (2016). Land Acquisition in India: An Examination of the 2013 Act and Options. *Journal of Land and Rural Studies*, 4(1), 66-78.

<sup>25</sup>FRA, 2006, Ministry of Tribal Affairs, Government of India. Retrieved from <https://tribal.nic.in/FRA.aspx> on 01.3.2021.



legal protection to the rights of indigenous forest-dwelling groups, partly corrects the inequality created in the 19th and 20th centuries by subsequent forest policies, and starts to give a voice in forest and wildlife management to those groups and the public (Perera, 2009 p. 18<sup>26</sup>; Baginski et al, 2009<sup>27</sup>).

### ***Land Governance in Assam:***

The emergence of land governance as a politico-economic issue in Assam politics is comparatively new. It is either because of the pre-dominant existence of ethno-cultural issues or the late arrival of the neoliberal market economy in the state that land governance was not an issue of public debate till the first decade of the 21st century. However, land governance is now one of the most contentious issues in Assam politics. The land is now connected with many ethno-political problems in the state. Possession of land and other related resources is widely thought of in Assam today to be essential for preserving the ethno-cultural diversity of indigenous Assamese groups.

The history of post-independence Assam is known for its nationalities' diverse ethno-cultural movements (also known as identity movements) against illegal immigrants. Large scale influx of illegal immigrants, mainly from Bangladesh, into the state has challenged the lingo-cultural and politico-economic existence of the natives of the state. The land fields (wetlands, forest lands, agricultural lands, char areas)

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<sup>26</sup> Perera, J. (Ed.). (2009). *Land and cultural survival: The communal rights of indigenous peoples in Asia*. Asian Development Bank.

<sup>27</sup> Baginski, O. S., Sarin, M., Ghosh, S., Dasgupta, P., Bose, I., Banerjee, A., Sarap, K. Misra, P., Behera, S., Reddy, M.G and Rao, P.T. (2009). *Redressing 'historical injustice' through the Indian Forest Rights Act 2006: A Historical Institutional analysis of contemporary forest rights reform*. Discussion Paper Series Number twenty-seven IPPG Discussion Papers.

which were open for decades have been systematically encroached on by the immigrants. Consequently, the native people of the state have lost their customary rights over land and control over the state's politics. Hence, the question of land rights or protection of the rights of the indigenous people over land and other natural resources has become central in the politics of Assam.

The question of land rights<sup>28</sup> got more politico-economic impetus after the submission of the Brahma Committee Report<sup>29</sup> to the Government of Assam. The report painted a bleak image of the landlessness of *khilonjiya Asomiya* households of the state. The committee concluded that illegal immigration is a constant threat to indigenous peoples' very survival and that of Assam itself. Such a danger comes from the unregulated influx of illegal Bangladeshi immigrants whose voracious hunger for land. The committee report also noted that most of the natives of Assam do not have permanent *land patta*, i.e. permanent land settlement. They either have *eksaniya patta* (annual land settlement) or occupy government land, whereas many are landless (Final Report, p.185).<sup>30</sup> Because of the given landlessness of indigenous peoples at the hands of land-grabbing immigrants, the Brahma Committee urges the government to

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<sup>28</sup> The UN Food and Agricultural Organization (FAO) consider land rights as those privileges of the people or community that extensively allude to rights to utilise, control and transfer a parcel of land. These rights likewise incorporate the right to own and use land and resources, restrict or exclude others from land, transfer, sell, purchase, grant or loan.

<sup>29</sup> The Government of Assam formed the Brahma Committee to research the protection of the land rights of indigenous peoples of the state under the leadership of former Chief Electoral Commissioner Hari Sankar Brahma in February 2017. The committee was to recommend steps to amend the Assam Land and Revenue Regulation (ALRR) of 1886, to draw up a uniform land policy for listing the available government lands and the extent of encroachment therein, to encourage the Assam government in granting land *pattas* to the indigenous populations of the state.

<sup>30</sup> Final Report: Committee for Protection of Land Rights of Indigenous People of Assam submitted on 30 December 2017. Retrieved from <https://pratidintime.sgpl.digitaloceanspaces.com/2018/05/BRAHMA-COMMITTEEM-Report.pdf> on 13.02.2021.

consider the issue as a matter of urgency and to take steps to halt the ceaseless infiltration of illegal Bangladeshis poised to eclipse the very identity of the indigenous people of Assam (Final Report, Ibid.).

The threats posed by Bangladeshi immigrants are not only restricted to the land crisis of indigenous Assamese. Instead, their challenges range from politics to language and culture. In 15 of Assam's 33 districts, immigrants now outweigh indigenous people in terms of political power. Thousands of bighas of government land in Assam, including forest land, grassland, wetlands and others, are illegally occupied by illegal immigrants. According to the Brahma Committee Report, illegal Bangladeshi immigrants threaten the existence of many *Vaishnavite Satras* of Assam. As the Asom Satra Mahasabha, an umbrella organisation of the Satras, reports that 7,000 bighas (937.08 hectares) of land belonging to 39 Satras are under unlawful encroachment. The majority of the encroachers are suspected to be illegal Bangladeshi Muslims. In July 2012, the Northeast Policy Institute found 5,548 bighas of land (742.70 hectares) belonging to 26 Satras encroached on by illegal settlers (Deka, 2019).<sup>31</sup>

It shows that the land crisis of the indigenous Assamese is a harsh reality. In addition to the encroachment of illegal immigrants, land questions in Assam have become increasingly important due to the ravages of nature and the acquisitive powers of capitalism, such as timber merchants, contractors and industrialists colluding with the politicians. Natural threats to the land rights of poor rural people are primarily

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<sup>31</sup> Deka, K. (2019, August 11). "Deconstructing the NRC: With wrongful expulsion and inclusion of names, will the list do justice to the Assamese?" Retrieved from <https://www.dailyo.in/politics/nrcassam-is-nrc-anti-muslim-illegal-migration-bengali-hindus-in-assam> 07.08.2021.

caused by floods and erosion, mainly due to non-scientific embankments with low-standard materials and river dams. Large swaths of land in the state erode every year due to recurrent floods and river erosion. Many families have abandoned their homes and villages, and agricultural fields have fallen beneath the sands. The government has hardly any rehabilitation or resettlement facilities for dispossessed land (Gohain, 2006).<sup>32</sup> There is no option for the dispossessed families other than encroaching on the forest lands (Sultana, 2018).<sup>33</sup> Currently, the Assam state engages with multiple forest land conflicts caused by natural calamities.

Moreover, the state's rising desire for land and natural resources to accomplish its development agendas has exacerbated the land rights concerns more in Assam. Many land and forest policies adopted throughout history to meet the needs of the state have caused several situations of tribal land alienation. Land alienation has subsequently resulted in several land conflicts in Assam between the state and alienated groups and between ethnic groups and immigrants. Several researchers (Fernandes, 2008, p. 91<sup>34</sup>; Borbora, 2002<sup>35</sup>, 2008<sup>36</sup>, 2009<sup>37</sup>; Vandekerckhove, 2009<sup>38</sup>)

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<sup>32</sup> Gohain, H. (2006). Land Question in Assam. *Economic & Political Weekly*, 41(32), 3459.

<sup>33</sup> Sultana, P. (2018). Jati, Mati, Veti and the Politics of Convenience. *Northeast Now*. Retrieved from <https://nenow.in/north-east-news/jati-mati-veti-politics-convenience.html> on 09.11.2021.

<sup>34</sup> Fernandes, W. (2008). Sixty Years of Development- Induced Displacement in India. In H. M. Mathur (Ed.). *India Social Development Report 2008: Development and Displacement* (Pp 89- 102), New Delhi: Oxford University Press.

<sup>35</sup> Barbora, S. (2002). Ethnic Politics and Land Use: Genesis of Conflicts in India's North-East. *Economic & Political Weekly*, 37(13), 1285-1292.

<sup>36</sup> Barbora, S. (2008). Autonomous Districts and/or Ethnic Homelands: An Ethnographic Account of the Genesis of Political Violence in Assam (North-East India) Against the Normative Frame of the Indian Constitution. *International Journal on Minority and Group Rights*, 15(2-3), 313-334.

<sup>37</sup> Borbora S. 2009). Natural resources contested in autonomous councils: Assessing the causes of ethnic conflict in North-East India. In U. Geiser and U. Rist (Eds.). *Decentralisation Meets Local Complexity: Local Struggles, State Decentralisation and Access to Natural Resources in South Asia and Latin America*, (pp 191–215), University of Bern, Bern: Geographica Bernensia, 4: Perspectives of the Swiss National Centre of Competence in Research (NCCR) North-South Perspectives.

<sup>38</sup> Vandekerckhove, N. (2009). We are Sons of this Soil. *Critical Asian Studies*, 41(4), 523–548.

have concluded that the land crisis produced by native land alienation is the fundamental cause of identity-based ethno-political conflicts in northeast India in general and Assam in particular.

There has been a growing concern for industrialisation in Assam. Consecutive state governments have adopted systematic policies to invite the industrialists by creating a business-friendly environment. For these purposes, the government has started vacating the government lands to reduce the land scarcity problem. Hundreds of acres of land are given to the mega industrial farms. For instance, 150 acres of land is given to Baba Ramdev-owned PatanjaliHerbal (Patanjali Herbal and Mega Food Park) for setting up manufacturing units in the Sonitpur district of Assam. Under the Assam Ceiling Act, 1971 (amended), an individual can own up to 50 bighas of land. On the other hand, large farmhouses and wealthy individuals in Assam hold thousands of bighas of land, and the state has failed to evict them from their excess possessions. The dispossessed people have organised protest rallies against such unlawful possession of lands by the absentee landlords and have demanded redistribution of the surplus lands amongst the dispossessed. The Krishak Mukti Sangram Samiti (KMSS) has played a vital role in bringing out the issue.

## **1.2 STATEMENT OF THE PROBLEM**

The Golaghat district of Assam has been a hotspot of land conflicts for many decades. The current phase of the land rights movement in Assam is said to be started in the district. The famous Doyang-Tengani movement for land rights (located on the southern border of the Golaghat district) has been an alive land conflict in the recent

history of Assam. Notably, the southern part of the district is in a disputed zone so far as the Assam-Nagaland border dispute is concerned, and hence the land question of the region has multiple dimensions. A brief sketch of the land tension developed in the southern border of the Golaghat district shared with Nagaland is presented below, which also defines the scope of the present study.

### ***Assam-Nagaland Border Dispute and the Land Question:***

Up to 1963, Nagaland was a part of the undivided Assam, and there was no dispute between the two states. The conflicts between the two states started just after Nagaland obtained full-fledged statehood in 1963. The creation of Nagaland as a state with existing boundary demarcation did not satisfy certain Naga nationalists, who fiercely demanded more territory from Assam, resulting in an inter-state boundary conflict. Their immediate demand was mainly to 'restoration' all Naga areas that they said 'historically' belonged to them. The Assam government, on the other hand, wanted to keep the boundary that was established on 1 December 1963, when Nagaland was formed.<sup>39</sup>

The Assam-Nagaland border is 512.1 kilometres long, covering a vast area from Sivasagar, Jorhat, Golaghat and Karbi Anglong to the Dima Hasao districts. The Golaghat district shares the most contentious part of the border, spanning around 125 kilometres of the Assam-Nagaland border. Before human settlement, the whole length of the boundary was protected by reserve forests established during the British

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<sup>39</sup>"Assam-Nagaland border case, SC takes note of adjournment plea", *The Hindu*. New Delhi, 2 July 2015. Retrieved from <https://www.thehindu.com/news/national/article7378823.ece> on 03.06.2021.

colonial administration in Assam. By the 1970s, however, the entire stretch of the Assam-Nagaland border of the Golaghat district was deforested entirely. Amid the unrestricted people migration to the deforested plains closer to the border, Nagaland began claiming large portions of Golaghat district as 'historically belong to them'. The claim made by the Nagas led to several consequences in various ways.

The Assam-Nagaland border conflict is one consequence that supersedes all the others. The first confrontation between both sides of the border occurred in 1965, when a gang of Naga terrorists killed over 100 civilians in the Golaghat district, including Assam Police officials, reportedly with the backing of Nagaland police. Similarly, both states had two deadliest cross-border confrontations in 1979 and 1985. A similar type of armed violence was provoked by Naga groups in August 2014, taking the lives of innocent Assamese civilians.

The border between the two states was divided into six administrative sectors, namely A, B, C, D, E and F, based on the competing positions of both sides along the border. The Golaghat district contains the A, B, C and D sectors, representing the most contentious parts of the Assam-Nagaland border (Kindo and Minj, 2008, p.14)<sup>40</sup>. The Nagas want all four sectors, totalling 12,883 square kilometres, to be annexed to Nagaland. They assert that this territory was guaranteed to them in the 16-point agreement<sup>41</sup> signed by the then Prime Minister J. L. Nehru and that the region historically belonged to their tribes. The Assam government, on the other hand, argues

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<sup>40</sup>Kindo, C. and Minj, D. (2008). Impact of Assam-Nagaland Territorial Dispute in the District of Golaghat, Assam. In L. Jeyaseelan (Ed.) *Conflict Mapping and Peace Processes in North East India*. Guwahati: North Eastern Social Research Centre.

<sup>41</sup>The 16-point agreement was signed between the prime minister of India (J Nehru) and the leaders of the Naga People's Convention in 1960, whereby the Indian Government acknowledged Nagaland as a full-fledged state within the Union of India.

that it has been governing the six sectors for over a century, with no contrary directive from the central government since.<sup>42</sup>

Since 1971, the central neutral forces have been stationed along the disputed area belt (DAB)<sup>43</sup>. There are currently 31 border outposts, 26 of which are run by the CRPF and five by the Assam Police. The Nagaland government has also established several Nagaland Police Battalion camps. The neutral forces are responsible for establishing peace and providing security to the people of both sides. However, the overall situation remains unchanged even after deploying central neutral forces. Violence and bloodshed continue unabated, with no protection for life or property. People are still terrified and tense. The victims of the conflict are mostly the poor landless Assamese people.

In 1971, the Indian government constituted a border commission under the chairmanship of K.V.K. Sundaram, also known as the Sundaram Commission, to resolve the vexing boundary dispute between Assam and Nagaland. The Sundaram Commission submitted its report with the conclusion that the Naga claim to 4975 square miles of Assam territory was not based on verifiable facts. The Naga government rejected the commission's recommendations in response to the findings. Similarly, the Shastri Commission of 1985 and the J.K. Pillai Commission of 1997 failed to provide any solution to the border dispute since their conclusions were rejected by one of the two states. While Nagaland rejected the Sundaram Commission

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<sup>42</sup> "Nagaland, Assam ready for out-of-court settlement of border dispute, says CM Neiphiu Rio", The Scroll, 24 January 2022. Retrieved from <https://scroll.in/latest/1015802/nagaland-assam-ready-for-out-of-court-settlement-of-border-dispute-says-cm-neiphiu-rio> on 07.05.2022.

<sup>43</sup> Following the 1979 incident, a 10 km wide Disputed Area Belt (DAB), a neutral area within Assam's administrative boundary claimed by Nagaland, was established as part of the border dispute resolution process.



and Shastri Commission's recommendations, Assam rejected the J.K. Pillai Commission's findings. The primacy given to political interests on both sides of the border is the primary reason for border commissions' failure (Kindo and Minj, Ibid, 16). In 1988, the Assam government filed a suit in the Supreme Court, which was renewed in 1998, to resolve the dispute through the Apex Court's ruling. At present, the issue is under the Supreme Court's supervision.<sup>44</sup>

In this political blame game, the most fragile victims are the poor landless Assamese families, who had settled along the Assam Nagaland border of Golaghat with full government backing. As a result, the inhabitants are living in terror and uncertainty. Fear of life is instilled in them by armed Naga gangs who threaten them for failing to vacate their villages and agricultural fields or for failing to pay taxes.<sup>45</sup> So far, several innocent villagers have been killed for refusing to comply with the demands of the Naga armed gangs. Furthermore, their presence on the border is fraught with ambiguity due to the Assam government's refusal to recognise their land occupation rights.

### ***Forest Land Crisis in Assam-Nagaland Border and the Land Question:***

Apart from the ongoing border dispute, the people on the Golaghat side of the border have been engaging in intermittent forest land conflicts with the state forest and revenue department since the 1960s. Before the human settlement in the region with

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<sup>44</sup>“What has triggered clashes at the Nagaland-Assam border?” *The Economic Times*, 21 August 2014. Retrieved from <https://economictimes.indiatimes.com> on 12.11.2021.

<sup>45</sup>In the initial days of settlement, the Naga insurgents encouraged them to reside there in exchange for a “Naga tax”. Farmers who refused to pay the taxes were subjected to harsh punishment. The issue of Naga taxation being imposed forcibly has become more sensitive over time. The Naga taxes include land tax, house tax, cattle tax and agri-tax.

full support from both Assam and Nagaland governments, the whole length of this fragile region had been covered by several reserve forests that were constituted during colonial rule in Assam. For instance, the entire patch of the Assam-Nagaland border under the Golaghat district occupies roughly 125 kilometres, with four reserve forests, namely (i) Diphu Reserve Forest (founded in 1887), (ii) Nambor (South) Reserve Forest (founded in 1872) (iii) Rengma Reserve Forest (founded in 1887) and (iv) Doyang Reserve Forest (founded in 1888). Human migration to these forest lands backed by the state was so volatile that the whole patch of forest lands was deforested within a few decades. Villages have substituted yesteryear's lush flora and biodiversity, and the forestlands have been converted into cultivable lands producing rich crops.

Most families who migrated to the forested lands near the Assam-Nagaland border were landless due to river erosion caused by recurring floods of the mighty Brahmaputra and its tributaries. There were also other migrant groups searching for new lands closer to the Nagaland frontier. For instance, the tea garden labourers from central Indian states who came to work in various tea gardens in the nineteenth century did not return to their ancestral places. After their agreements with the tea companies ended, they tended to settle down and make a new life as peasants (Saikia, 2008).<sup>46</sup>

However, to have a comprehensive perspective on the forest land conflicts developed in the area, it is needed to focus on the constitution of the administrative sectors and the present human composition on both sides of the border. The A-sector

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<sup>46</sup> Saikia, A. (2008). Forest land and peasant struggles in Assam, 2002-2007. *Journal of Peasant Studies*, 35 (1), 39-59.

consists of the parts of the Diphu Reserve Forest that belonged to the Golaghat and Karbi Anglong districts of Assam. It has an area of 18,365,71 hectares and is almost entirely encroached upon by 48 (43 Naga and 5 Assamese) villages of various groups that migrated from both states.<sup>47</sup>In practice, the administration of Assam is non-existent in the sector. By undertaking an intimidating posture, the Naga government set up voting booths in this sector in 1984 and 1987, and on 28 November 1991, it formed a sub-division with the signboard 'Homeland'. The Assam government has provided a residence for its Border Magistrate at Homeland, and no Border Magistrate stays there (Kindo and Minj, Ibid, p.16).

The Bsector along the Assam-Nagaland border is contained in the Nambor (South) Reserve Forest and is a part of the Rengma Reserve Forest and covers an area of 27,057.55 hectares. According to the 2011 Census, the sector accommodated 195 villages, 143 of which were Assamese and 52 Naga.<sup>48</sup> In terms of population, the Assamese community has around 50,420 people, while the Nagas have 23,923 people. With a similar game plan to Sector A, the Nagaland government formed a new subdivision named 'Newland' on 10 February 1987 (Kindo and Minj, Ibid).

The Csector consists of Rengma Reserve Forest and a minor portion of Nambor South Reserve Forest, totalling 13,921.68 hectares. It contains 84 villages, 4 of which are Naga, and the rest 80 are Assamese.<sup>49</sup> The sector has a total population of 35,890 people, of which 34,647 are Assamese, and 1,243 are Nagas.<sup>50</sup>

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<sup>47</sup>"Dhansiri Sub-Division, Government of Assam, India". Retrieved from <https://golaghat.gov.in/frontimpotentdata/dhansiri-sub-division> on 13.12.2021.

<sup>48</sup>Retrieved from <https://golaghat.gov.in/frontimpotentdata/dhansiri-sub-division> on 12.12.2021.

<sup>49</sup>Retrieved from <https://golaghat.gov.in/frontimpotentdata/dhansiri-sub-division> on 12.12.2021.

<sup>50</sup>Retrieved from <https://golaghat.gov.in/frontimpotentdata/dhansiri-sub-division> on 12.12.2021.

Unlike the A, B and D sectors, which are in the Dhansiri sub-division of the Golaghat district, the D sector contains part of the Gamariguri Development Block of Merapani and the Doyang Reserve Forest. The Dsector covers 24,635.77 hectares, out of which encroachers from Assam have occupied 23,000 hectares, while Naga encroachers have occupied 1,000 hectares.<sup>51</sup>

The significance of the lands belonging to all four administrative sectors, which are fertile and enriched in underground resources such as oil and gas, has increased political interest in the border. Both states, therefore, want to maintain control over this naturally rich part of the contentious border. Conflicts have also arisen between the two about sharing royalties from the region's oil and natural gas production. As a result, the land rights concerns of the settlers remain unresolved and uncertain.

#### ***Movement for Land Rights and State Responses:***

For more than seven decades, people residing on the Golaghat side of the border have been denied ownership rights to their locality's land and other natural resources. For more than two decades, a united group of people has been demanding recognition of their holdings over land and other related properties under the banner of various civil society organisations. Along with the land ownership demand, other demands of the residents include: i) resolving the Assam-Nagaland border dispute with sincere political intention, ii) establishing peace and tranquillity in the region, iii) converting the forest lands to human habitat land, iv) granting land pattas to the

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<sup>51</sup>Retrieved from <https://golaghat.gov.in/frontimpotentdata/dhansiri-sub-division> on 12.12.2021.

inhabitants, v) improving road connectivity in the border region, vi) electrification and vii) establishing higher educational institutions and medical infrastructure.

In response to the people's demands, the Assam government has emphatically denied their claims and continues to regard their settlement as illegal. The state has officially designated the entire land area adjacent to the Nagaland border as a '*bonanchal*,' divided into four designated reserve forests. Human settlements in the *bonanchal* have continued unabated, violating the national forest law of 1980 and hastening the area's deforestation rate. Several village eviction drives have been carried out to evict the *bonanchal* residents. However, with the assistance of the district administration, the state forest department has been unable to clear the forested lands of human settlement. People protesting against the state eviction drives have argued that the reserve forests have been under civilian occupation for over seven decades. But their land ownership rights have yet to be recognised. They say that by negating it, the state government has violated their property rights over land and their right to peace and security.

The region's inhabitants have also demanded effective implementation of the FRA, 2006, which recognises and vests the forest rights and occupancy of forest land in forest-dwelling scheduled tribes and other forest dwellers who have lived in such forests for decades. By demanding rights under the Act, the residents have also asked the state government to entrust responsibility for protecting and promoting afforestation and performing other environmental obligations.

Non-recognition of the people's land rights along the border has led to many other issues of politico-economic insecurities. For example, the state administration

has barred the inhabitants from building *pucca ghar* (permanent houses) and other permanent structures in the villages along the border. Residents must obtain prior authorisation from the local administration (one from the local civil administration and the other from the central neutral forces) for any permanent construction. Students in the region who are refused a Permanent Residential Certificate (PRC) are ineligible for government scholarships. Farmers in the *bonanchal* have been denied access to various government schemes. Thegaonburhas (village chiefs) serve in over 247 villages throughout the *bonanchal* near the Assam-Nagaland border of the Golaghat district without official recognition and remuneration. They perform the same duties as a government gaonburha. They risk their lives to protect the lives and resources of other Assamese settlers in a militancy-prone region. For instance, if there is any movement for safeguarding the villagers' rights and properties, that goes against the interests of Naga landlords and militants. In that case, the gaonburhas become an easy target for the Nagas. The *bonanchal*, which encompasses 10 Panchayats in the Golaghat (South) Development Block and Gamariguri Development Block, lacks higher education institutions, banking services and adequate road infrastructure.

### **1.3 LITERATURE REVIEW**

A thematic review of the literature has been undertaken below to identify the research gaps and make the study more focused.

#### ***State Accumulation of Land and Dispossession:***

The land issues in India involve several reasons since the land issues vary from place to place. Land issues in the state of Gujarat, for instance, are not identical to the

state of Assam. Nevertheless, the fundamental debate in post-liberalisation India on land governance is on land commoditisation. The commoditisation of land has radically changed the market values of land that pushed farmers to sell their agricultural land at minimum prices. But on the other hand, capitalists continued to buy large-scale fertile and wetlands throughout the country to satisfy their imperialist needs. Moreover, the state has focused on accumulation under the pretext of public interests, such as the construction of housing colonies, highways, commercial corridors and special economic zones, etc., which are simply in the hands of large business houses. Consequently, large-scale land dispossession has contributed to the loss of the livelihoods of thousands of poor/marginalised families in the country.

In their edited volume, *The Land Question in India: State, Dispossession, and Capitalist Transition*, D'Costa and Chakraborty (2017)<sup>52</sup> take a critical look at the crisis of state dispossession and capitalist transition. Instead of re-engaging in the conventional debate, they begin the chapter by looking at the land question in India from a different perspective, in which agricultural transition is seen as a necessary historical step towards development. It offers new theoretical perspectives on land acquisition processes (primitive and modern accumulation), their legal and ethical ramifications, and India's multi-faceted geographical diversity of acquisition experience. Another emphasis of the volume is the state's role in pushing a mechanism of dispossession of peasants by direct expropriation for development purposes.

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<sup>52</sup>D'Costa, A. P. & Chakravarty, A. (Eds.). (2017). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication.

Michael Levien (2007)<sup>53</sup> observes that land dispossession is a fundamentally political process in which wealth owners redistribute assets from one party to another using coercion. The role of the state remains central. He also examines the various means of coercion and refers to them as regimes of dispossession. The regime of dispossession is an institutionalised way of dispossessing land from existing owners or consumers. Shapan Adnan (2017)<sup>54</sup> follows a distinct theoretical perspective. The mechanisms of accumulation by dispossession are not restricted to using force but include land transfer by an agreement concerned with very different objectives. For him, the post-liberal expansion of India cannot entirely conform with the classical Marxian scheme of transformation to capitalism. Arindam Banerjee (2017)<sup>55</sup> thoroughly explores the historical trajectories of capitalism and the resolution of the agrarian issue therein. It ties the agrarian question to the land question and draws insights into the numerous streams of increasing opposition to land acquisition in recent times. His main point is if the peasantry's historical role is reduced to simply abstaining from demands for industrialisation on land and other natural resources, one category of peasant resistance to land acquisition should not be interpreted as anti-progressive or anti-capitalist. Kenneth Bo Nielson and Alf Gunvald Nilson (2017)<sup>56</sup> broaden the concept

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<sup>53</sup>Levien, M. (2017). From Primitive Accumulation to Regimes of Dispossession: Thesis on India's Land Question. In A.P. D'Costa & A. Chakravarty, (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. p. 49.

<sup>54</sup>Adnan, S. (2017). Land Grabs, Primitive Accumulation, and Resistance on Neoliberal India: Persistence of the Self-Employed and Divergence from the "Transition to Capitalism"? In A. P. & A. Chakravarty (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp. 76–100.

<sup>55</sup> Banerjee, A. (2017). Agrarian Crisis and Accumulation in Rural India: Locating the Land question within the Agrarian Question. In A. P. & A. Chakravarty (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp. 101–128.

<sup>56</sup>Neilson, K. B. and Nilson, A. G. (2017). Law Struggles, Lawmaking, and the Politics of Hegemony in NEO-Liberal India: Towards a Critical Perspective on the 2013 Land Acquisition Act. In A. P.



of dispossession regimes by looking into institutionalising such a system. They argue that passing legislation in state legislatures is one such method for either promoting land acquisition or containing political voices opposed to the state's frequent means of acquisition.

Malabika Pal (2017)<sup>57</sup> investigates the fair arguments of the LARR Act 2013 by introducing Frank Michelman, an American constitutional theorist who studies judicial decisions from an ethical standpoint. According to Pal, this study is critical to the current land issue in India, as millions of people have been unnecessarily robbed of their land and livelihoods. She explores the role of the Indian Judiciary in interpreting land acquisition laws, provided that seminal decisions affect the morality of society. Rajesh Bhattacharya, Snehasis Bhattacharya, and Kaveri Gill (2017)<sup>58</sup> argue that the statutes enabled capital access to natural resources by reviewing the Indian legislature's inability to secure Adivasi customary community rights over natural resources.

Increased land-owning rural households have been prevalent throughout rural India and Andhra Pradesh. R. Vijay (2017)<sup>59</sup> analyses that these households continue to impact the farm and farm-leasing markets and form the agricultural production system. Thus, they establish a new class of landowners who own property but do not farm the

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D'Costa & A. Chakravarty, (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp.129–150.

<sup>57</sup> Pal, M. (2017). Land Acquisition and Fair Compensation of the Project Affected: Scrutiny of the Law and its Interpretation. In A. P. D'Costa & A. Chakravarty, (Eds.). (2017). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication.

<sup>58</sup> Bhattacharya, R., Bhattacharya, S. and Gill K. (2017). The Adivasis Land Question in the Neoliberal Era. In A. P. D'Costa, & A. Chakravarty (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp.176–198.

<sup>59</sup> Vijay, R. (2017). Non-cultivating Households Owning Land in an Agrarian Economy: Some Observations from the Andhra Pradesh. In D'Costa, A. P. & A. Chakravarty *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp.199–215.

land themselves. As Vijay indicates, these households do not inhabit their land either because of rising land prices or rental income from such land. Thus, this resurgence of various absentee landlords (different from former landlord families) has meant a departure from the classic dynamic of transformation. Anirban Dasgupta (2017)<sup>60</sup> revisits the history of land reform in Kerala and West Bengal to provide a comparative study of the effect of left reformism on the existence of capital accumulation in these two states. His analysis reveals that land reform has not been able to stimulate a phase of inclusive industrial development in either state. In Kerala, land reforms did not revitalise agricultural development mainly because of a robust trade union movement leading to overpriced labour and resistance to technical improvement. On the other hand, West Bengal experienced a substantial improvement in agricultural production at the initial stage of land reform. Still, several structural considerations hindered the transition of this progress to the economy as a whole, especially in the manufacturing sector.

Chakravorty (2013)<sup>61</sup> examines the Indian land governance structure from an economic point of view and argues that the land markets in India have undergone several profound transformations. Land prices have soared unimaginably, on the one hand. On the other side, protests and opposition have become more effective due to the spread of information technology. Chakravorty paints an unsettling and bleak portrait of the political world. Political parties either do not have a coherent stance on land

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<sup>60</sup>Dasgupta, A. (2017). Land Reform in Kerala and West Bengal: Two Stories of Left Reformism and Development. In A. P. D'Costa, & A. Chakravarty (Eds.) *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp. 242–264.

<sup>61</sup>Chakravorty, S. (2013). *The Price of Land: Acquisition, Conflict, Consequences*. New Delhi: Oxford University Press.

governance or behave out of pure self-interest. However, developing an appropriate legal system requires knowledge as a precondition. For Chakravorty, the average land dispute is not between peasants and private businesses, but the total amount of conflicts (about 90 percent) revolves around public ventures. It contradicts the mainstream understanding of land disputes as a phenomenon of capitalist exploitation through dispossession, as argued by D'Costa&Chakravarty(2017).However, Chakravorty agrees that, with the advent of SEZ, the role of private interests in acquiring land became more complicated.

Moreover, for Chakravarty, not only are the players involved in land disputes identical, but the motives for resistance to land acquisition are often distinct. In some instances, resistance arises when landowners have not had adequate time to raise objections or participate in talks. Using the Indian state's giving and taking mindset, Chakravorty reveals how the state engaged in redistributive land policies on the one side (the giving state) and displaced millions of people in the name of the modern developing state (the taking state). Especially in independent India, this land allocation and redistribution regime played an important economic and political role.

Chakravorty ends his book with a short assessment of the current legal framework of LARRA. He has little doubt that the current land legislation represents a fundamental break from the LAA system by widening the conditions for approval and compensation. Yet it remains critical; while the old law under-compensated the land losers, the current law overcompensates them.

Abhijit Guha (2007)<sup>62</sup> examines the various aspects of development brought about by displacement in West Bengal under the Left Front government. The main area of discussion in the book is the government's land purchase for industrial development and its adverse effects on the peasantry. The issue is being assessed in light of West Bengal's pro-peasant policies implemented by the Left Front government. The study indicates that land acquisition without a rehabilitation programme in West Bengal is a self-defeating tactic. It has induced the dispossession and disempowerment of small and marginal farmers. The pessimistic image of land acquisition is hidden from the public eye under the growth slogan. People only know how much land has been acquired for industrial purposes and very little about how long it will take to compensate the affected family or the number of ongoing projects for which land has been obtained. Furthermore, land acquisition has many other socio-economic and political consequences, such as the depletion of fertile land, the disempowerment of small and marginal peasants, and so on, which have never been addressed on the Assembly floor, even during the Left Front Government (LFG) regime.

Michael Levien (2012)<sup>63</sup> discusses how Special Economic Zones (SEZs) have become focal points for land protests in India and how farmers are protesting the state's forced sale of their land to capitalists. This paper focuses on the role of 'accumulation through dispossession in Indian capitalism today and its implications for rural India, based on 18 months of research into the SEZ in Rajasthan. It claims

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<sup>62</sup> Guha, A. (2007). *Land, Law and the Left: The Saga of Disempowerment of the Peasantry in the Era of Globalization*. New Delhi: Concept Publishing Company.

<sup>63</sup> Levien, M. (2012). The Land Question: Special Economic Zones and the Political Economy of Dispossession in India. *Journal of Peasant Studies*, 39(3-4), 933-69.

that the existing theories of land grabs do not sufficiently explain why dispossession is vital for accumulation at specific times and locations. It then reveals the unique style of IT-driven accumulation made possible by dispossession in SEZs and by the real-estate-driven agricultural transformation in the surrounding countryside. Land speculation amplifies class, and caste inequality marginalises women and eventually impoverishes the rural poor. Given the marginal benefits to rural India under this development model, farmers' opposition to land expropriation is likely to persist and pose the most significant obstacle to capitalist growth in India. As a result, the agrarian problems of labour and capital are now part of the land debate.

The literature discussed above concentrates primarily on the state accumulation of land by dispossession during the post-liberal period. As narrated in the literature, the common purpose behind land accumulation is to satisfy India's need for neoliberal expansion. The state has kept it very tactfully in the dark under the popular intent of public interest. As the state is the provider of space for industrial installations, it has implemented various policies, such as civil, administrative and standard compensation packages, to pursue the citizens concerned about the need for property for the country's public interest. However, the literature reviewed above restricted reference to the real need for land to implement neoliberal imperialist development and the issue of the well-being of the people affected. A critical component of state-judicial disputes over forcible land accumulation and dispossession has been overlooked in the literature. Furthermore, fair compensation, reconstruction and resettlement are crucial issues to address in cases of land dispossession that the reviewed literature has not covered.

***Dispossession of Land: the Legal-Institutional Dimension:***

Jairam Ramesh and Ali Khan (2015)<sup>64</sup> present the details of the new LARRA, 2013, from the drafter's point of view. The book is also a realistic glimpse into the field of law-making rather than academics. Most parts of the book are devoted to explaining the many different provisions of the new land law by comparing LARRA with LAA, 1884. Ramesh and Ali Khan undoubtedly deem the current land law a significant achievement. Reading the authors' descriptions of the new Act's various provisions leaves us feeling that LARRA can be considered a landmark in the history of Indian laws. Starting with a brief assessment of the policy area of land acquisition, the UPA government's "rights-based approach" is emphasised as an important factor in the new Act. Emphasising the need for a social impact assessment (SIA) before purchasing property, the authors clarify how the logic behind each clause has taken place. Thus, Ramesh and Ali Khan's book somewhat refutes Chakravorty's (2013, Ibid.) representation of an uninformed and substandard policy sphere of land acquisition. In contrast, the writers offer another insight into how seriously the drafting committee has taken on the challenge of reforming the land acquisition system.

However, their book is skewed because, in addition to describing the LARRA, the author's primary purpose is to support the achievement of the UPA-led Union Government and to protect it against criticism. But the reality is making a different point. For example, the social impact assessment by the expert group can also be

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<sup>64</sup>Ramesh, J. and M. A. Khan (2015). *Legislating for Justice: The Making of the 2013 Land Acquisition Law*. New Delhi, Oxford University Press.

overruled by the government if the expert group advises that it withdraw from pursuing the purchase.

Michael Levien(2011)<sup>65</sup> explains how the rapidly increasing demand for land under India's neoliberal regime has faced a comparatively un-expandable agricultural production supply in India. Farmers and other landowners cannot surrender their means of production to capitalists. This antagonism has contributed to leaning battles across India against land acquisitions. The state has adopted amendments to the Land Acquisition Act (Amendment Bill 2009 and the Resettlement and Rehabilitation Bill 2009). As the author claims, the proposed amendments to the Land Acquisition Act would only promote the state's current position as a land broker. As a result, the Resettlement and Rehabilitation Bill would allow the Land Acquisition Bill to rationalise dispossession by providing more secure and predictable corporate access to land.

Ghatak and Ghose (2011)<sup>66</sup> have expressed their doubt about the arbitrary provision of the LARRA Bill to determine compensation amounts of land tabled in the parliament in 2011. For them, this would guarantee neither social justice nor the efficient use of resources. The Bill also lays out needless and severe requirements for land procurement, such as limits on the usage of multi-cropped land and insistence on public intent, both of which would stifle the growth rate without promoting the interests of farmers. The authors propose an alternative approach that will encourage farmers to select either land or cash reward, decide their price instead of leaving it to the mercy of the Governments, and reallocate the remaining farmland most

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<sup>65</sup>Levien, M. (2011).Rationalizing Dispossession: The Land Acquisition and Resettlement Bills.*Economic & Political Weekly*, 46(11), 66-71.

<sup>66</sup>Ghatak, M. & Ghose, P. (2011).Land Acquisition Bill: A Critique and a Proposal.*Economic & Political Weekly*, xlvii (41), 65-72.

productively. The suggested approach involves a land auction covering the project site and the surrounding agricultural land.

In an essay entitled “Land Acquisition in India: An Examination of the 2013 Act and Options”, author Sukhpal Singh(2016)<sup>67</sup> explores the issue of land acquisition in India in the sense of its scarcity. It seeks to understand the land acquisition process and the state’s position at different levels since it is a state (provincial) subject in India. The author highlights the various facets of the Land Acquisition Act concerning their justice and equality aspects, including the proposed and now removed amendments. As he states, the 2013 Act and the proposed (now withdrawn) amendments demonstrate that, considering the rights-based framework introduced for the 2013 Act, the Act and the proposed (now withdrawn) amendments contain several loopholes and shortcomings. The National Democratic Alliance (NDA)-led Union government used these loopholes to make a case to amend the 2013 Act, although its directions did not change the irregularities. The significantdrawbacks of the revised Land Act (2013) from a rights perspective include: firstly, the lack of meaningful veto authority on land ownership by developers, provided that certain states retain land reserves on which they grant land to private companies; secondly, the proposed compensation rate would not compensate for the market value of the land; and thirdly, the farm value of the land is different from that of farmers. Therefore, the author suggests and explores alternate frameworks and strategies for sustainably using land resources, thus preventing land-related conflicts. States need to make their own rules. Governments could make their own rules as long as they did not violate the laws of the Union. States can choose compensation paths or even provide more benefits and

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<sup>67</sup>Singh, S. (2016). Land Acquisition in India: An Examination of the 2013 Act and Options. *Journal of Land and Rural Studies*, 4(1),66–78.



protections for the farmers involved. In addition, as an alternate mechanism, instead of purchasing land, it can be rented to farmers long-term, which farmers are more likely to use as a practice. It is high time that state-level land-use regulations are devised as part of natural resource conservation and use policies.

The literature reviewed above has raised a couple of legal-institutional dimensions concerning India's land issue. The most legitimate way for the state in India to acquire land from farmers is through legislation approved by the parliament. The Indian states have accumulated thousands of land at their convenience through various laws. The LARRA 2013 seeks to end the current state monopoly on land acquisition by granting rights to the owners of the lands to be acquired. Regardless of LARRA, the governments in power view the land acquisition acts through their own political and ideological lenses. Moreover, the literature hardly addresses the role of opposition parties in developing land acquisition bills and the influence of civil society organisations and Non-Governmental Organisations (NGOs) in this regard. The literature also lacks a dimension of people's resistance to and against a just and unjust land governance system, which is instrumental in bringing about various land acquisition laws in the legislature.

#### ***Land Dispossessions: The Rehabilitation and Resettlement Dimension:***

Abhirup Sarkar (2007)<sup>68</sup>, in his article "Development and Displacement: Land Acquisition in West Bengal", examines the process of displacing people from their traditional occupations and subsistence in West Bengal, as well as the mechanism for acquiring agricultural lands for the construction of roads, factories, and other facilities.

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<sup>68</sup>Sarkar, A. (2007). Development and Displacement: Land Acquisition in West Bengal. *Economic & Political Weekly*, 42(16), 1435–1442

While such acquisition is necessary for industrialisation, the article contends that the state's progress also depends on a well-thought-out compensation and rehabilitation policy, which the state has sadly lacked. Instead, the government is more concerned with investors than with the displaced people caused by development.

Since independence, the country has seen hundreds of land rights movements. They are all opposed to governments' inability to provide adequate compensation and rehabilitation to those affected. Some movements have met their objectives, while others have not. On the other hand, land rights awareness has grown in India, not just due to the expansion of capitalist land accumulation. It is also due to large-scale migration of people in legal and illegal forms and natural disasters such as floods and erosion. Land rights in Northeast India, for example, are under threat from illegal Bangladeshi immigrants.

Moreover, migration has resulted in the loss of indigenous communities' lands and ancestral rights to land and other natural resources. But on the other hand, changes in land-use patterns have wreaked havoc on land tensions in the northeastern hills, leading to inter-ethnic conflict. And the literature on the land in other parts of India lacks these dimensions.

### ***Land Rights: Customary vs Positive:***

Chakrabarty and Roy (2017)<sup>69</sup> address the state's role in reforming property rights institutions in the hills of North-East India. They investigate the appropriation of

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<sup>69</sup>Chakrabarty, G. and Roy, A.K. (2017). Land and Dispossession: The criticalities of the Hills of North East. In A. P. D'Costa & A. Chakravarty, (Eds.). (2017). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp. 302–324.

communal land and the subsequent dispossession of tribes in the social economy of the hills. They point out that the historic-epistemological hiatus between the customary law-abiding tribals vis-a-vis favourable laws imposed by the state is fundamental to understanding the difference between the two contrasting interpretations of property rights enacted in the highlands of the region. Shifting cultivation was the region's primary agricultural production system, which both the colonial and post-colonial states discouraged. Thus the policy shift towards settled cultivation led to the large-scale dispossession among the tribal groups by the settler from neighbouring regions. The authors argue that the emerging issue of hydropower in Arunachal Pradesh and the associated threat of dispossession of communities through wet rice and commercial crop cultivation under the hegemony of state-owned business collusion are a manifestation of the continuing process of the appropriation of community resources in the Northeast Hills.

***Migration and Land Rights Questions:***

Borbora (2002)<sup>70</sup> seeks to discover how specific processes have influenced social ties within the larger Dimasa community and, by extension, between Dimasa and other ethnic groups in the region. The author advocates for a sustained commitment to issues and a greater public understanding of the complexities of ethnic relations in the area to catalyse non-militaristic change in the existing system. According to him, the state apparatus, including the Autonomous Council, is inept at

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<sup>70</sup>Barbora, S. (2002). Ethnic Politics and Land Use: Genesis of Conflicts in India's North-East. *Economic & Political Weekly*, 37(13), 1285–1292.

disseminating racial conflicts and democratically eradicating socio-economic inequality.

Vandekerckhove (2009)<sup>71</sup>, in his paper “We are the son of the soil. The endless battle over indigenous homelands in Assam, India”, contends that the sons of soil conflicts in India’s Assam region are not a reactionary uprising against the de-rooting of identity within the engulfing neoliberal environment. Instead, the sons of the soil conflicts in Assam are developed out of the territorialised ethnic identities. Reaffirming geo-cultural relations between ethnic groups and territory fostered by state and local political agents is another important cause of these conflicts. Indeed, the colonial and post-colonial states reshaped the Northeastern Indian political system through a continuing but ambiguous politics of identification, grouping, and ethnographic mapping, providing a fertile basis for many Assamese territorial disputes. Such selective but highly mobilising politics of belonging have not only given rise to fierce struggles over the protection and demarcation of native land between ‘true’ and ‘fake autochthons’ (i.e., Bodos and Adivasis in western Assam) but also between true autochthons (Karbi and Dimasa in Karbi Anglong, and Dimasa and Hmar in the Dima Hasao district).

Centred on an ethnographic analysis of two land conflicts in the rural Assamese district of Karbi Anglong, Vandekerckhove (2011)<sup>72</sup> questions the notion that the introduction of new institutional actors, with their varied set of rules, would eventually lead to an open institutional confrontation. Although a diverse group of

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<sup>71</sup> Vandekerckhove, N. (2009). We are Sons of this Soil. *Critical Asian Studies*, 41(4), 523–548.

<sup>72</sup> Vandekerckhove, N. (2011). The State, the Rebel and the Chief: Public Authority and Land Disputes in Assam, India. *Development and Change*, (International Institute of Social Studies. Published by Blackwell Publishing), 42(3), 759–779.

political actors is involved in governing land tenure rights in Karbi Anglong, they cannot be viewed as institutional structures ready to compete with each other. Like in other parts of Northeast India, none of the public power applicants involving the state, the rebel, or the chief achieves full sovereignty, necessitating them to exercise authority primarily through negotiation and accommodation. There is an open institutional confrontation in the Dhansiri Forest and the Singhason Plateau because one of the institutional players has overstretched and sought to exert authority outside its sphere of control.

***Inter-state Border Disputes and the Land Rights Questions:***

In his essay “*Doyang Tenganir Andolon Aru Bonanchal Basir Bhumi Adhikar Prasonga*” (2014)<sup>73</sup>, Akhil Gogoi provides a historical context for the ongoing Doyang-Tengani land rights movements of the Golaghat district, close to the Assam-Nagaland border. By refuting the dominant state narrative about forest land encroachments in Doyang and Tengani, the author offers an alternative narrative to the entire debate. He contends that the state is the primary encroacher in the forested lands of the reserve forests on the Assam-Nagaland border in the Golaghat district. Furthermore, the state facilitated human settlements in Doyang and Tengani to achieve specific politico-economic goals. As he mentioned, the area of Doyang and Tengani was not originally under reserve forest lands. In 1838, the British India administration established villages in Doyang and Tengani. The number of villages grew over time.

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<sup>73</sup>Gogoi, A. (2014). *Doyang Tenganir Andolon aru Bonanchal Basir Bhumi Adhikar Prasonga*. In his *GanaSangramarDinlipi*. Guahati, AakhorPrakash.

Assam's post-independence government saw the villages as a threat to the survival of the forests and ordered their eviction. Every political party in Assam has made political commitments to resolve the land rights issues of Doyang and Tengani when it comes to power. However, no government or political party took the issue sincerely, and as a result, no land rights have been granted to the people so far. On the other hand, the unresolved border disputes between Assam and Nagaland have heightened the importance of land rights.

R.B. Goswami's (2017)<sup>74</sup> volume *Naga Simantar Pora Koichuis* a collection of articles on various issues related to the Assam-Nagaland border dispute and its potential impact on people's land rights living in the border areas of Assam after the formation of Nagalim. Instead of the ongoing political narrative of the problem, the author looks at the issues from a sociological perspective. According to the author, the border conflict between the two is purely political and politically maintained. The inhabitants who reside on either side of the border regions have no issues with each other and have maintained strong cultural ties. However, either the NSCN or the Nagaland Police are creating trouble in the area. The author has also recommended two parallel approaches to conflict resolution: through proactive government programmes, i.e. through dialogue and negotiation, and, secondly, through increasing people-to-people contacts on the border. Civil society organisations in both states should also be instrumental in identifying the root causes of the conflict and finding a solution.

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<sup>74</sup> Goswami, R. B. (2017). *Naga Simantar Pora Koisu*. New Guahati: Eastern Readers Publication.

The literature reviewed here has exemplified the current political-economic and legal-institutional aspects of land possession and dispossession in India. The discussion on land governance in India has revolved around several key issues outlined below.

The state has acquired large-scale agricultural land or wetland in various parts of the country for national interests (road building, SEZs, industrial parks and satisfying the needs of the neoliberal agenda, etc.). But, in reality, national priorities are determined by the ruling bourgeoisie, which has spent a million rupees on the election to bring their preferred political party to power in the country. The needs of the state are thus the needs of the big capitalists. As a result, there are massive disparities between the state's actual demand for land and the rate at which it is accumulated.

The state has invalidated widespread popular protests against the unjust and undemocratic accumulation of agricultural lands through legal and institutional means. Before dispossessing any land, the state governments usually pass a law in the state legislatures to obtain legal approval for the state's motive. As a result of the state government's legal consent, the people's rights over their lands and democratic resistance movements for a just land governance system in the country have been de-recognised. In reality, the state enacts laws based on the ruling party's wishes in the centre. It also causes a slew of centre-state conflicts.

The state's promise of financial compensation, rehabilitation and resettlement of the displaced is rarely met. Many land rights protests have arisen in response to the state's land acquisition. Many others are in response to the government's failure to

fulfil its promises to rehabilitate and resettle the dispossessed. It reflects the country's inability to run a fair and equitable land governance system.

The Indian state has encountered several other land governance issues that differ from region to region. Land crises, for example, have emerged in the North East in general, and in Assam in particular, for three reasons. The land crises are due to i) contrasting tribal customary and favourable state laws; ii) land incursion by illegal Bangladeshi immigrants; and iii) natural disasters and encroachment into reserve forest lands.

#### **1.4 RESEARCH QUESTIONS**

The following research questions have been framed to comprehend the land rights questions on the Assam-Nagaland Border of the Golaghat District.

1. What are the major issues and dimensions of land rights tensions developed in the Assam-Nagaland border of the Golaghat district?
2. What roles have the civil society organisations been playing in articulating the land rights questions on the Assam-Nagaland border of the Golaghat district?
3. What approaches have been adopted by the state to address the land rights questions on the Assam-Nagaland border of the Golaghat district?

#### **1.5 RESEARCH OBJECTIVES**

The present study has three primary objectives:

1. To study the political-institutional frameworks pertaining to the land rights questions on the Assam-Nagaland border of the Golaghat district.



2. To examine the role played by different civil society organisations in moulding land rights consciousness on the Assam-Nagaland border of the Golaghat district.
3. To study the state's role in addressing the land rights questions on the Assam-Nagaland border of the Golaghat district.

## 1.6 CONCEPTUAL FRAMEWORK

### ***Land Rights:***

Land rights broadly refer to the right to possess, utilise land and other related resources, sell and purchase, grant or loan, inherit and bequeath, develop or improve, rent or sublet and benefit from improved land values or rental income.<sup>75</sup> Legally, land rights fall within land laws, land tenure agreements or planning regulations, but they are rarely associated with human rights law. Internationally, no treaty or declaration refers explicitly to a human right to land.

Land rights play a significant role in economic growth, social development and poverty alleviation.<sup>76</sup> Yet, according to an estimate, nearly half of the world's rural population lacks secure property rights on the land. Up to one-quarter of the world's population is anticipated to be landless. The lack of access to land is an apparent cause of poverty.<sup>77</sup>

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<sup>75</sup>FAO (2002). *Land tenure and rural development*. Rome. (FAO Land Tenure Studies, 3). Retrieved from <https://www.fao.org/3/y4307e/y4307e00.htm> on 14.03.2021.

<sup>76</sup>International Land Coalition (ILC) (2003). *Towards a common platform on access to land: the catalyst to reduce rural poverty and the incentive for sustainable natural resource management*, Rome. Retrieved from [http://www.hubrural.org/IMG/pdf/common\\_platform\\_on\\_access\\_to\\_land\\_eng.pdf](http://www.hubrural.org/IMG/pdf/common_platform_on_access_to_land_eng.pdf) on 01.05.2020.

<sup>77</sup> United Nations Human Settlements Programme (UN-HABITAT), (2008). *Secure land rights for all*. Nairobi, Kenya: UN-HABITAT; Global Land Tool Network (GLTN).

Landlessness has resulted in several land rights movements worldwide claiming the recognition of the fundamental human right to land. The assertion of a right to land is perceived as a reason to advance the protection and promotion of a critical social issue, acknowledging that local people have a right to use, own, and control the developments initiated on their lands. Thus, land rights directly impact individual property rights and are also at the heart of social justice.

### ***Land Governance:***

Conceptually, governance is complex and imprecise as it has dozens of meanings. In most dictionaries, ‘government’ and ‘governance’ are interchangeably used, both denoting the exercise of authority in an organisation, institution or state. Government is the entity exercising the power of a state. But governance is a broader term than government. In a broader sense, governance refers to the various ways social life is coordinated. Government or state is one of the actors in the governance process, civil society, non-governmental organisations, and the private sector (Sing, 2016, p.2).<sup>78</sup>

Governance is the useful exercise of political, economic and administrative authority to manage a country’s resources for development. The UNDP<sup>79</sup> emphasises institutional arrangements that enable citizens and groups to assert their preferences, practice their legal rights, keep their promises, and help facilitate their disagreements. In governance, citizens are rightly concerned with a government’s responsiveness to their needs and protection of their rights.

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<sup>78</sup> Singh, S. (Ed.). (2016). *Governance: Issues and Challenges*. New Delhi: Sage Publications.

<sup>79</sup> Governance for Sustainable Human Development: A UNDP Policy Document United Nations Development Programme, 1997. Retrieved from <https://digitallibrary.un.org/record/492551?ln=en> on 14.03.2021.

Land is the most needed but limited recourse in the world. Therefore, sound governance is considered the key to achieving the millennium development goals (MDGs) of equitable and sustainable land distribution across the globe. But the land has long been known as one of the sectors most affected by bad governance. The need for sound land governance is reinforced by three broad global trends- increased and more volatile commodity prices, population growth, and increased demand for rural and urban land (Deininger & others, 2010).<sup>80</sup>

Land governance refers to the policies, processes, and institutions by that land is managed. It includes decisions about access to land, land rights, land use and land development. Land governance encompasses all the activities associated with land management that are required to fulfil political and social objectives and achieve sustainable development. Good land governance also means accountability and ethics in land policies, transparency, responsiveness, and equity in the landholding and land distribution system.

## **1.7 THEORETICAL ORIENTATION OF THE STUDY**

The current research is based on the premise that the existing configurations of the state's political, administrative and legal power have led to unequal land distribution and forceful land dispossession in Assam in general and the Assam-Nagaland border in particular. The configuration also reflects the state of violation of (human) rights over land and the food and livelihood insecurity, especially of the

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<sup>80</sup>Deininger, K., Augustinus Stig, C., Paul, E. & Faure, M. (2010). *Innovations in Land Rights Recognition, Administration and Governance*. Joint Organizational Discussion Paper- Issue 2 THE World Bank, GLTN, FIG, AND FAO.

landless, marginal people living on the border. Hence, the study will emphasise finding ways about how land rights could be granted to the people living for decades on the Assam-Nagaland border of the Golaghat district. It will not only bring justice to the landless families on the Golaghat side of the border but also promote equity, ensure livelihood security and dignity, and create an environment of human rights and fundamental freedom.

Moreover, the uncontrolled population growth and the growing interests of the capitalists over natural resources have increased pressure on land in India and posed a severe threat to the sustainability of the reserve forests. Due to the growing domestic and global concerns about good forest governance, the Indian state has also made various forest laws to protect and develop forest areas. However, in doing so, the Indian state must recognise the customary community rights over forests of the forest dwellers (who have relied for generations on the forest). With this perspective, the present study will also examine the existing contradictions between modern forest laws and customary community forest rights in Assam. Establishing a sound forest governance system is equally vital to addressing the forest land conflicts on the Assam-Nagaland border. Sustainable forest governance is similarly crucial for recognising the rights of forest dwellers.

## **1.8 SIGNIFICANCE OF THE STUDY**

Several research studies have already been undertaken to define and explain the causes and nature of the existing border disputes between Assam and Nagaland.

The present research claims differences in focus and perspective from the other studies. Instead of concentrating on the causes and nature of the border disputes, the current studies dealt with the land rights questions developed on the Assam side of the border. Here the emphasis is made to examine the land rights questions on the backdrop of the conflicting positions of the state and the settlers. It's a fact that the State of Assam has not yet recognised individual land rights on the border. According to the state, the people settled on the forested lands on the Assam-Nagaland border are unlawful intruders on the forest lands belonging to four designated forests. Hence, there is no question of their recognition of land occupation rights (land pattas). On the other hand, the settlers with proper government documents have claimed that their settlements along the border are not illegal. Instead, the state allowed and facilitated them to be settled in the forest land along the border to protect the reserve forests and the territories from the potential Naga aggression.

The conflicting position of the state and the settlers has resulted in several land conflicts along the border. At this juncture, the present study asserts its significance. A sound land governance system is essential for sustainable economic growth and crucial for establishing social justice.

## **1.9 LIMITATIONS OF THE STUDY**

The universe of the study moves around four specific variables, i.e. land governance, border disputes, forest land conflicts and land rights movements on the border of the Golaghat district. Each of the four variables can potentially be the topic of extensive study with varying perspectives. However, the researcher has combined

all four variables into a single view in the current study, limiting their scope. The present research is also limited to examining the land rights demands of the people residing on the forested lands on the Assam-Nagaland border of Golaghat district and the state's responses to them. For this purpose, the current study has primarily dealt with the connections between land rights and Assam-Nagaland border disputes and land rights and forest land conflicts.

Furthermore, the current study is restricted to the Golaghat side of the Assam-Nagaland border due to technical, financial and time constraints. The Assam-Nagaland border spans 512.1 kilometres, stretching from the districts of Sivasagar-Jorhat-Golaghat-Karbi Anglong to Dima Hasao of Assam. The Golaghat district, which represents the most contentious section of the border, spans approximately 125 kilometres.

There are many other interconnected issues concerning land governance in Assam that must be researched to gain a balanced perspective on land governance issues. Illegal immigration, the political economy of border disputes, insurgency, un-development, capitalist interest in natural resources, and so on are examples of such issues.

## **1.10 METHODOLOGY**

The study is primarily analytical in nature and qualitative in orientation. For this purpose, the study has used a mixed methodology to analyse both qualitative and quantitative data on the land rights questions on the Assam-Nagaland border of the Golaghat district.

The primary data for the study have been collected using various tools. The tools used for collecting the primary data for this study are as follows:

- a. Both structured and unstructured questionnaires were used to collect data from the leaders of the local wings of various active civil society organisations in the Golaghat district, such as Brihattar Doyang-Tengani Unnayan Sangram Samiti (BDTUSS), All Assam Students' Union (AASU), Krishak Mukti Sangram Samiti (KMSS), Assam Jatiya Yuva Chatra Parishad (AJYCP), Adivasi Students Association of Assam (AASAA), All Bodo Students' Union (ABSU), All Assam Nepali Students' Union (AANSU), All Assam Chutia Students Union (ACSTU) and Jestha Nagarik Mancha, Dhansiri (JNM).
- b. Both structured and unstructured questionnaires were used to interview the affected people in the border conflicts and government eviction drives.
- c. The present study also used structured interview schedules to collect data from the related government officials of the Golaghat district administration.
- d. Similarly, the ex and present MLAs of the Sarupathar Constituency were interviewed through an unstructured interview schedule to comprehend the state's role. The audio-visual aids were also used in this regard.

The secondary data for the study were gathered from various sources, including books, research articles, newspaper reports, journal articles, periodicals, memorandum and pamphlets, published proceedings of various annual conferences of local civil society organisations, and records available at the district's government offices. In addition, extensive use of internet materials, especially e-journals, was also made.

The present study adopted a stratified random sampling technique for the selection of the respondents as only a select section of the population is aware of the land conflicts on the Assam-Nagaland border in Golaghat district.

However, the final sampling design of the study was done after several pilot studies in the chosen areas. In addition, the researcher used the focus group discussion method to reduce the potential error of sampling in this respect.

A total of 300 respondents were selected and interviewed to make the study inclusive. Out of the 300 respondents, 18 (the existing president and secretary) were chosen and interviewed from nine active civil society organisations in the Golaghat district. Additionally, 14 respondents were selected and interviewed from the local political leadership of the Golaghat district (3 M.L.A.s (1 existing + 2 Ex.) of 94 Sarupathar LAC, one representative from Golaghat South Anchalik Panchayat, and one representative each from 10 Gaon Panchayats along the border). A total of 250 respondents were selected from the villages nearer to the Assam-Nagaland border of the district, and 18 were from the officials of the district civil administration (including civil administrators, gaonburhas, officials of land revenue and forest departments).

## **1.11 CHAPTERISATION**

The present study is organised into the following seven chapters:

### **Chapter I: - Introduction**

The first chapter introduces the study. Then, the chapter specifies the statement of the problem, literature review, research questions, research objectives, conceptual



framework, theoretical orientation of the study, the significance of the study, limitation of the study and methodology.

## **Chapter II: - State and Land Governance in India**

The second chapter of the study discusses the development of the land governance system in India, policies and approaches to establishing a sound land governance system and property rights in land from a human rights perspective.

## **Chapter III: - Land Governance in Assam: Issues and Policy Reflections**

The third chapter focuses on the issues and policy implications of Assam's land governance system. The chapter analyses Assam's land governance patterns from the Ahom rule to the post-independence era. In addition, the chapter examines the various land rights issues confronted by the state during the post-independence decades to understand the land rights issues on the Assam-Nagaland border of the Golaghat district.

## **Chapter IV: - The Assam- Nagaland Border Disputes and the Land Rights Questions**

The fourth chapter of the study explains the land rights issues that arose on the Assam-Nagaland border of the Golaghat district, as well as the complexities involved in recognising the settlers' land rights in the context of ongoing Assam-Nagaland border disputes.

## **Chapter V: - Governance of Forest Land on the Assam- Nagaland Border of the Golaghat District**

The fifth chapter delves into the forest land issues inherent in the land rights questions developed on the Assam-Nagaland border of the Golaghat district and the legal and political complexities involved in granting land rights to settlers in the Golaghat district's Assam-Nagaland border.

## **Chapter VI: - Movement for Land Rights on the Assam-Nagaland Border of the Golaghat District and the State Responses**

The sixth chapter of the study highlights the demands and approaches of the ongoing movement for land rights along the Assam-Nagaland border of the Golaghat district and the state responses to them based on primary data.

## **Chapter VII: - Conclusion**

The seventh chapter concludes the study by summarising the research's significant findings and future policy implications.



**CHAPTER – II**

**STATE AND LAND GOVERNANCE**

**IN INDIA**



## CHAPTER – II

### STATE AND LAND GOVERNANCE IN INDIA

#### 2.1 INTRODUCTION

As one of the essential properties in most countries globally, the land is crucial for everything from governance to exercising citizens' rights. The extent of access to land, security of tenure, and land management significantly impact a nation's and its people's overall development. A sound land governance system is thus a necessary component of the infrastructure for an efficient economy, affecting all aspects of how people earn a living. A proper land governance system is vital for collecting land taxes, raising revenue for the government, and providing food security and long-term rural development. Access to land, particularly for the rural poor, is critical in reducing poverty and hunger, increasing agricultural productivity and improving rural conditions. An equitable and effective land tenure mechanism is required to manage who owns which natural resources for what purposes, for how long and under what conditions (FAO, 2007).<sup>1</sup>

As defined in the introductory chapter of the present study, the term governance means how authority is exercised by the government and other actors (both formal and informal) in administering a country's social, economic, and natural resources. It is the process of making decisions and putting those decisions into action. Governance is primarily concerned with the organisational processes and mechanisms

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<sup>1</sup>FAO(2007).GoodGovernanceinLandTenureandAdministration,Rome.Retrievedfrom<https://www.fao.org/3/a1179e/a1179e00.htm>on12.03.2020.

through which individuals engage in decision-making, how government holds its citizens culpable, and how it obligates members of a society to pursue its rules and laws (Grover, 2007).<sup>2</sup>

Land governance on the line can be defined as the policy initiatives, procedures, and power structures through which land, property, and other natural resources are managed. Organisational power structures for land governance and administration vary significantly across countries and regions worldwide, reflecting nations' cultural and judicial settings and jurisdiction. The judicial and institutional systems may evolve better to facilitate land policy initiatives and good land governance. Land governance activities in most countries can be classified into land policies, land information infrastructures, and land administration functions.

Moreover, land governance or land administration involves creating and enforcing land tenure laws. It includes land registration, land management and land consolidation. The taxation system levied on land is also part of the land governance system. Creating institutional mechanisms to define and secure people's land tenure rights is also a primary concern for a country's land governance system. Land tenure refers to people's relationship with the land, whether lawfully or conventionally delineated (Palmer, Fricska and Wehrmann, 2009).<sup>3</sup>

The importance of a sound land governance system has recently become explicit in countries like India. A good land governance system prevails with

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<sup>2</sup>Grover,R.(2007).*Good Land Governance in Land Tenure and Administration*. Room: FAO,LandTenure Studies.

<sup>3</sup>PalmerD,S.Fricska&B.Wehrmann(2009).*TowardsImprovedLandGovernance*. LandTenureWorkingPaper11,FoodandAgricultureOrganizationoftheUnitedNationsHumanSettlementsProgramme.Retrievedfrom <https://www.fao.org/3/ak999e/ak999e.pdf>on13.07.2019.

administrative transparency, land ownership equality and land distribution accountability. Typically all these characteristics represent a good governance system. On the other hand, a governance system can be unjust or bad even though the system is un-corrupt but dictatorial, or the government is democratic but ineffective and incompetent. Good governance in land administration necessitates a firm commitment from those associated. A well-communicated land policy with clearly defined goals for legal and institutional reforms aids in establishing such people's ownership of the change process (Grover, 2007).<sup>4</sup>

On the contrary, weak governance of land and other natural resources has detrimental consequences for society. Weak land governance refers to unequal, impermeable landholdings where the poor's land rights are not secured. The poor are especially vulnerable to weak governance because they cannot defend their rights to land and other natural resources. The poor live in many places in many countries, including India, under the threat of forced evictions or, more generally, development-induced evictions. Women and children and ethnic minorities and indigenous groups, the disabled, and the elderly are frequently vulnerable to poor land governance. Under legislative and traditional laws, women may face detriment in practising their land ownership rights. When defending their rights, they may face cultural consequences. The children may be highly susceptible and lose their inheritance rights, especially those separated from their families due to ethnic or communal violence or other circumstances. The minority groups, including ethnic and religious minorities and

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<sup>4</sup>Grover,R.(2007).*Good Land Governance in Land Tenure and Administration*.Room: FAO, LandTenure Studies.

internally displaced persons and refugees, are vulnerable to discrimination. The impoverished, typically the least educated and often uneducated, may struggle to understand the mechanisms and lack the political associations or financial ability to employ skilled aides necessary to manage a challenging land tenure setup.

Human rights and fundamental freedoms have influenced ideas about good land governance. Some elements of good land governance are enshrined in international human rights laws. Specific property-related human rights have consequences for good governance in land tenure. Private property rights on land are protected in the UDHR, African Charter on Human and Peoples' Rights, American Convention on Human Rights, and the (European) Convention for the Protection of Human Rights and Fundamental Freedoms. They have established legal precedents that explain the connection between human rights and land rights in areas such as excessive and unreasonable taxation, exploitation of ownership rights, land registration, land management, and restoration. Some aspects of good land governance can be described as legally binding human rights. However, international law has no universal agreement on what comprises good land governance, despite specific essential points being universally agreed upon (FAO, Ibid.).

The United Nations Organisation (UNO) prioritised good governance on land to achieve the Millennium Development Goals (MDGs).<sup>5</sup> The United Nations has identified secure access to land and other natural resources as a direct factor in reducing hunger and poverty worldwide. Rural landlessness is still an essential

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<sup>5</sup>The MDGs are eight goals that all 191 UN member states have committed to aiming to accomplish by 2015. The United Nations Millennium Declaration, 2000 committed world leaders to combat poverty, hunger, illness, illiteracy, environmental degradation and violence against women. From this Declaration, the MDGs are derived, and all have unique goals and measures.

indicator of hunger and hardship in many countries today. The poorest are usually landless. Secure or protected access to land can make it possible for a family to produce food and increase household income by producing marketable commodities. In urban areas, tenure protection is a requirement for reducing poverty.

Similarly, full and equal involvement of men and women in eradicating poverty, ensuring food security, and ensuring long-term rural growth is equally important. Without gender equality and economic and social change for rural women, countries cannot achieve food security. Unfortunately, women have minimal access to land rights around the world. Several factors conspire to deny women in the countries land rights. Gender biases in formal land legislation, customs, and the division of labour in society are the most significant factors. Initiatives for a gender-neutral land tenure system, on the other hand, will undoubtedly increase the role of women in agricultural production and help safeguard their inheritance rights. Secure land rights to women will also improve their political voice and engagement in decision-making processes.

Thus, it demonstrates that good land governance has a wide range of societal implications and that the state is crucial in ensuring good land and natural resource governance.

## **2.2 PEOPLE'S RIGHTS OVER LAND**

Historically, control over land and other natural resources has been an instrument of socio-cultural oppression and colonisation. In numerous nations, land access and rights often varied from castes to castes and colour to colour. In many



countries, people were given land rights based on the social hierarchy of caste and colour, where the lower castes, blacks, poorest and less educated did not hold the security of land tenure. For example, lower caste individuals in India did not have land tenure rights. In South Africa, land rights were utilised as a focal bit of the politically-sanctioned racial segregation system, and black people groups could not request landholding rights. Albeit less extraordinary, the broad social movements of landless labourers throughout Latin and Central America respond to the control of lands by affluent and predominant elites (Leckie, 2008).<sup>6</sup> Thus, these historical details are ample testimonials to explain how unequal land rights have created tremendous socio-economic inequality and how unequal land rights have been counterproductive to the social growth of marginalised parts of society.

People's land rights refer to landholders' rights, including the right to manage land, transfer land and economic rights over land. A landholder is an individual who creates major decisions about resource use and has managerial control of their agricultural holding (which includes all plots and livestock). Landownership entails the ability to alienate or transfer land, manage or improve it, exclude others and control the proceeds of the land. Landownership may be documented through the land title, deed, use rights certificate, will or a sale receipt. In many developing countries, however, reported ownership (as determined by survey questions about who owns the land) is frequently used to measure landownership information. The right to manage land entails the ability to decide how it will be used. It includes determining whether

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<sup>6</sup>Leckie, S. (Ed.). (2008). *Housing, Land, and Property Rights and Other Peace Operations: A Comparative Survey for Reform*. New York: Cambridge University Press.

*in Post-Conflict United Nations and Proposal*

to plant crops or leave the land fallow, which crops to grow, what inputs to use, and when to harvest. These decisions have an impact on the holding's productivity. Land transfer rights include selling, bequeathing, and renting the plot. Women and men in many countries have the right to bequeath their property but not to sell or rent it out. Economic rights to land are the rights to derive economic benefits from agricultural production or selling plots. Control over these outputs determines whether women or men (or both) have the right to benefit economically from land. Because ownership, management, and economic rights do not always overlap, these terms should not be used interchangeably.

The legalisation of land tenure has been a problem addressed by modern land governance practices. Land tenure legalisation is incorporating a tract of land's possession and management into a national legal system- directly or indirectly through acknowledgement of community-based rights and authorities- and defining the rights and obligations of the individuals and entities involved (Otto and Hoekema, 2011).<sup>7</sup> Many law and development specialists believe that creating legal certainty would eliminate the problem of many rural small and marginal farmers' unregistered, lawless landholdings. It is also said that by establishing legal certainty, people would be able to accelerate rural development worldwide. Individual property rights, titles and strong forms of public registration would provide this legal certainty, create land markets, and allow farmers to invest and contribute to rural economic growth.

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<sup>7</sup>Otto, J.M. and Hoekema, A. (2011). *Fair Land Governance; How to Legalise Land Rights for Rural Development*. Leiden University Press. Retrieved from <https://library.oapen.org/bitstream/id/8c23c2a5-092d-401f-a342-fe3d133c4b66/595092.pdf> on 13.07.2019.

Meanwhile, many civil society organisations, NGOs, scholars, and some politicians have argued that unregistered landholdings do not necessarily impede rural development. Their advocacy makes a lot of sense, especially since such holdings have been well protected and managed by local communities that practice customary law and authority.

It is worth noting that, despite the logic of their arguments, recent economic and social developments have weakened such local land tenure arrangements faster than before. People in many areas, particularly remote areas, face unprecedented internal and external challenges. The advent of individualisation and marketisation, population growth, migration, mass communication and transportation, education, women's emancipation, and democratisation are interconnected processes. And these processes have transformed rural community life almost everywhere and have exacerbated intra-community tenure insecurity and land conflicts. External threats are primarily the result of commercial interests and state intervention. Rural areas are becoming more integrated into national and global economies. Local landholders are under pressure to make way for large-scale agribusiness, whether for food, timber or bio-fuel production.

Furthermore, where communal land tenure arrangements are not recognised or have ceased to exist, local smallholders frequently cultivate land formally classified as state land. They often lack official titles or other means of protection against large-scale agriculture, irrigation, mining, and infrastructure projects subverting their plots. As a result, they risk being labelled as encroachers on their land or as people who can be quickly evicted without adequate compensation for 'their' land loss. Given these

external threats, these landholders must be legally empowered not to rely solely on unregistered customary arrangements for protection, even if their communities appear resilient.

There are two types of land tenure legalisation- community-based and individual (or family-based). The community-based type refers to community-based arrangements in which a village head, a chief, or another community leader, has the right to manage and control the land and often rent out the land to outsiders. Such community-based land tenure arrangements are frequently unofficially recognised. Individuals or families have the right to use and exploit the land and the right to bequeath it.

### **2.3 STATE AND ITS ROLE IN LAND GOVERNANCE**

Since the World Bank's 1992 report on good governance and development, the concept of governance- particularly 'good' governance- has occupied a central place in policy objectives globally and nationally. The concept refers to the functions of the state in development efforts and encompasses aspects of politics, administration, law, and state-society relations. These aspects are visible in the land policies in developing countries, both past and present.

In the late colonial era, the colonial powers and their aided private businesses profited greatly from their land acquisition and agricultural labour. After the Second World War, most developing countries won independence, and colonial governance was replaced by national regimes that attempted to build the nation and promote development through strong, centralist, and authoritarian leadership. Governments

introduced ambitious programmes inspired by socialist models for land law unification, land registration, and land reform using various reformative strategies.

The above-mentioned governing style has sparked widespread opposition and prompted calls for political participation, economic freedom, democratic decentralisation, human rights, and the rule of law. While the state's distributive capacity has declined, strong business communities in recent decades and civil society organisations representing weaker social groups have emerged. Since the fall of the Soviet Union, international and national development policies have prioritised competitive liberalism over social justice. To some extent, this is a worldview by default, conceived of the accomplishment that the 1960s and 1970s 'big government' and 'legal centralism' failed to perform.

Regardless of one's worldview on the suitability of centralised land governance versus decentralisation, land policies cannot be implemented without a solid public administration and an effective civil service. The administrative capabilities are necessary to run a successful land administration. An applicable rule of law environment is also critical to the success of any land policy.

## **2.4 REVISITING INDIA'S LAND GOVERNANCE PATTERNS AND THE PEOPLE'S LAND RIGHTS CONCERNS**

### ***Pre-Independence Period:***

The history of land governance in India dates back to the kings and kingdoms of the old days. Land revenue had been a significant source of income for the domains since Manu's time. The paid officials collected the land revenues during the

Mauryan and Gupta periods, similar to the modern revenue administration system. The state revenue was obtained by donees of Brahmadeya, Devadana and Agrahara Lands during the post-Mauryan and Gupta periods. The donees were feudal intermediaries who transferred a portion of their revenue to the King (Rao, 1989).<sup>8</sup>

The Department of Revenue is the oldest arm of land governance, operating from time immemorial in the country. Initially, the Mughal rulers entrusted land revenue administration to three revenue collectors, the Jagirdars, Subedars, and Inamdars, who acted as intermediaries and passed on the revenue to the kings. During their reign, there were two sources of revenue: religious and secular. The former, known as *Zaker*, was owed by Muslims, while the latter, known as *Jigya*, was owed by non-Muslims. Sher Shah Suri (1540–45) was a prominent Mughal ruler who spearheaded the establishment of a land revenue mechanism. It was carried on and enhanced during the reign of Mughal Emperor Akbar (1556–1605). Todar Mal, the most outstanding revenue expert who began his career under Sher Shah Suri and later joined the service of Akbar, is acknowledged to this day for developing a system of revenue estimation and survey- a system that managed to draw a balance between the demands of the state and the needs of the subjects (Rao, Ibid.). There are numerous reasons to believe that the land-revenue strategy adopted by Todar Mal during Akbar's reign was the commencement of systematic efforts to manage the land in India. The main components of this strategy were rent measurements such as yard, *bigha*, *gaz*, classification, and rent fixation.<sup>9</sup> In addition, the scholars observed the state to be the

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<sup>8</sup>Rao, C.U. (1989). *Land Revenue Administration-A Historical Look*. Amr-Apard, Hyderabad.

<sup>9</sup>For this purpose, the land was divided into four categories, namely, *Palaj* (the ideal and best type of land), *Parati* (land that was out of cultivation temporarily in order to recoup their lost fertility), *Chachar* (land that allowed to be

sole owner of the land under various pre-British regimes, with revenues collected from land and land produced confirming the state's right to land production (Deshpande,2003).<sup>10</sup>

### ***British Systems of Land Governance:***

By the time of the British arrival in India, it was hard to say what India's original land revenue systems had been. Different British administrators had given different opinions about it. However, it was a fact that like the Mughals, property or land tax continued to be the critical source of government revenue during the British rule in India. Land taxes, as stated, accounted for 60 percent of overall British government income in 1841 and remained one of the significant sources in the years to come. However, it declined in proportion due to identifying other sources of tax capital (Banerjee and Iyer, 2005).

Nevertheless, the colonisers survived and expanded their ranks by extracting large sums of money from the peasantry's land revenues. They taxed a cultivator's output at 75 percent or higher. It was the economic model of all pre-colonial regimes in India, from the Mughals to the Marathas; the only difference was the rate of revenue extraction and method of revenue collection (Chakravarty, 2013, xviii).<sup>11</sup> Thus, land governance under British colonial rule was simply a method for obtaining profits from land in a structured manner convenient to them.

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veormoreyears).Accordingly,thestate'srevenuesharefixationwasdone.

<sup>10</sup>Deshpande,R.S.(2003).*CurrentLandPolicyIssuesinIndia*.LandReforms,SpecialEdition,Rome:Foodand  
AgriculturalOrganization.

<sup>11</sup>Chakravarty,S.(2013).*ThePriceofLand:Acquisition,Conflict,Consequences*.NewDelhi:  
OxfordUniversityPress.

Non-cultivating intermediaries were also allowed by the British rulers, who took a page from the Mughal land administration system. These exploitative intermediaries served as an economic tool for extracting large sums of money while also ensuring the country's political dominance. Thus, during British rule in India, the agrarian structure was exploitative. A small number of landowners controlling a large portion of the land were pitted against a dense population of tenant cultivators, many of whom had unprotected tenancy agreements and exploitative production relations. (Appu, 1996).<sup>12</sup>

The British administration maintained nearly identical land-revenue policies and practices to the Mughals, with a few but substantial changes. Most importantly, the British made the tax-collecting Zamindars the owners of the plots of land over which they had tax collection responsibilities. They intended to accomplish two goals with the Zamindari system: first, to simplify the collection of land revenue, and second, to create a rural elite with a vested interest in British rule. To achieve both objectives, colonial Britishers made numerous changes to India's land revenue and tenure systems throughout the colonial period. It is said that under British rule in India, revenue administration was scientifically systematised (Rao, Ibid.). They recognised the need to form a legal system that would, among other things, protect ownership rights and penalise tax evaders for the system to function at their convenience (Swami, 2010<sup>13</sup>; Biswas, 2014<sup>14</sup>).

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<sup>12</sup> Appu, P.S. (1996). *Land Reforms in India: A Survey of Policy, Legislation and Implementation*. New Delhi: Vikas Publishing House.

<sup>13</sup> Swamy, A.V. (2010). *Land and Law in Colonial India*. In Ma, D., and Van Zanden, J.L. (Eds.). (2011). *Law and Long-*



In 1786, Lord Cornwallis advocated for a once-for-all settlement with the zamindars to collect land revenue. Again in 1793, he decided to introduce the Permanent Settlement System<sup>15</sup> (PS) in Bengal, Bihar, and Orissa. Local money lenders and business people were granted Zamindar rights under the permanent settlement system hoping that their funding and local knowledge would enhance agricultural productivity and thus increase revenue. Both systems founded an intermediary Indian aristocratic class between the cultivators and the state that assisted British authority and conferred their land ownership rights in exchange for timely payment of a fixed rate of revenue to the government. If the zamindar failed to meet his obligations, the state had the authority to sell his plots of land to recoup its losses. As a result, to avoid revenue delinquencies, the zamindars subcontracted their plots of land to several sub-landlords, who in turn rented their lands to other intermediaries.

As a result of the PS system, three stakeholders in the land revenue system were established: the government, the zamindars and the cultivators. In addition, it developed two revenue payment systems- the revenue paid to the zamindars by cultivators and the revenue paid to the government by the zamindars. The British land revenue system annihilated India's self-sufficient village economy.

Under this system, the collection of land revenue from the liable village or villages was entrusted to a single landlord. The landlord was free to fix the revenue

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*Term Economic Change: A Eurasian Perspective* (1sted.). Stanford University Press. Retrieved on <https://web.williams.edu/Economics/wp/SwamyLandAndLawInColonialIndia.pdf> on 13.5.19.

<sup>14</sup>Biswas, S.D. (2014). "Land rights formalization in India: Examining de Soto through the lens of Rawls' theory of justice". Working Paper, No 18. Retrieved from [https://www.academia.edu/8650582/Land\\_rights\\_formalization\\_in\\_India\\_Examining\\_de\\_Soto\\_through\\_the\\_lens\\_of\\_Rawls\\_theory\\_of\\_justice](https://www.academia.edu/8650582/Land_rights_formalization_in_India_Examining_de_Soto_through_the_lens_of_Rawls_theory_of_justice) on 16.5.19.

<sup>15</sup>The Permanent Settlement, also known as the Permanent Settlement of Bengal, was an agreement between the East India Company and Bengali landlords to raise revenues from land. It had far-reaching consequences for agricultural methods and productivity in the entire British Empire and the political realities of the Indian countryside.

conditions for the cultivators of the villages under his jurisdiction and dispossess the farmers who failed to pay the tax. After paying rent to the British, the landlords had the indirect right to retain the income that persisted. In addition, the landlord's revenue-collection rights could be donated or sold. This way, landlords under British rule in India could exercise their property rights on the land.

However, the Permanent Settlement system proved inadequate in attaining the overall aims and objectives. After a long bureaucratic challenge, Thomas Munro, a former military officer who moved into an administrative position in the 1790s, launched a competing system known as the Ryotwari System (Biswas, Ibid.). The Ryotwari System of revenue collection was introduced in a major part of Madras, Bombay Presidency and Assam. It was a direct land tax collection system. Under this system, the revenue was directly collected from the individual Ryot or cultivators. Unlike the landlord system, the land tax was not fixed in the Ryotwari System. The tax was collected by calculating the monetary value of the share of the estimated average agricultural production. The percentage was different from place to place, soil to soil. In other words, the revenue was derived in proportion to the productivity of the land (Banerjee and Iyer, Ibid.).

The British administration introduced the Mahalwari land revenue system, especially in the Northwest provinces and Punjab. Mahalwari was a village-based revenue collection system in which the villages were responsible for the land taxes instead of landlords or individual cultivators. For this purpose, the villagers were advised to constitute their respective village bodies so that the body could collect the entire land taxes from the village's farmers- the formations of the village bodies varied

from village to village and their way of collection. For instance, in some areas, a single person who was influential in different ways made up the village body. While in other areas, it was by a group of members, with each member being responsible for a fixed share of the land tax. The revenue share under the system was calculated based on the quality of the land and the tenant caste, irrigation ability, and fertiliser control, all of which received attention. (Banerjee and Iyer, Ibid.).

As previously stated, the British land administration system was merely a system of collecting land taxes for the colonial exchequer. They established an intermediary tax collection system known by various names, such as Zamindari, Ryotwari and Mahalwari, and made them responsible for collecting land taxes (agri-taxes) from tenants. During the British rule in India, no individual could have permanent rights to land or other resources. Even the intermediary class could exercise their rights over land under their jurisdiction as long as they paid taxes to the British administration. It means that land rights were not distributed democratically, leaving the country's landless agricultural families as tenants under the control of village zamindars.

The British colonial administration's land revenue system is widely believed to have destroyed India's self-sufficient village economy (Banerjee and Iyer, Ibid.). There were numerous reasons for this. The most prominent argument is that the British Land Revenue Administration separated actual cultivators from the means of production, thereby altering the traditional production relations. The landless and impoverished peasants who arose due to the intermediaries swelled the ranks of agricultural labourers. Agriculture labourers increased rapidly, rising from 12.5

million in 1881 to 42.2 million in 1931 and 49 million in 1951. The increase was especially noticeable between 1921 and 1931, when their population increased from 28 million to 42 million. The truth is that the massive recession, and the subsequent fall in agricultural prices, forced small farmers to sell their land, concentrating ownership in the hands of non-cultivating owners. In 1891, this landless agricultural labour class accounted for 13% of the country's rural agrarian population; 50 years later, in 1951, the number increased to the point where it accounted for 30.4 percent of the agricultural population and 22.7 percent of the total population (Banerjee and Iyer, Ibid.).

Another critical aspect of the British land administration system in India was the regulation of forests and related resources. Before the arrival of the colonial Britishers in India, forests were almost open and standard features of the country's landscape. The locals could quickly enter the forests and reap the required benefits. The colonial British recognised the economic and commercial importance of the forest resources that had remained untouched in India. To pursue these economic and commercial benefits, they planned to implement forest use regulations that would prevent local people from exercising their ancestral rights over forest resources. They imposed restrictions to preserve ecological sustainability, declaring Indian forests to be the exclusive property of colonial Britishers. As a result, a forest department was established to regulate and monitor the country's forest resources.

***Post-Independence Land Governance Patterns:***

The British departure from India technically left many issues unresolved, and the land question of the farmers was one of them. The problem of unequal landholding was the immediate cause of concern for the larger land question confronting India's thousands of farming families. That means a small group of landlords owned the majority of the country's land, while a vast majority of the population did not own any land. According to a statistic, 7.5 percent of households owned 59 percent of the land in India. These uneven landholding patterns have generated enormous socio-economic disparities in India and left most of its population impoverished and malnourished. Moreover, the unequal distribution of the country's land has created social imbalances that surface in social distortions like violence, suicide by farmers or a rise in crimes in rural India (Agarwal, 2010).<sup>16</sup>

Freedom from British colonialism also entailed freedom from British-driven intermediaries in land governance. Hence, the issue became prominent among the leaders and policymakers in the following decades of independence. Bringing a large-scale reform<sup>17</sup> to the country's land governance system was indeed a pre-independence commitment of the national leaders. At the time of independence, the standard size of landed properties held by a farmer was less than three acres.<sup>18</sup> At the time of independence, the standard size of land properties held by a farmer was less than three acres. The normal landownership in states such as Kerala, Uttar Pradesh, Bihar, West

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<sup>16</sup> Agarwal, P.K. (2010). *Land Reforms in States and Union Territories in India*. New Delhi: Concept Publishing Company PVT. LTD.

<sup>17</sup> Land reform is primarily a redistribution of land rights and interests favouring landless and poor farmers. The rural land reform covers the whole structural system of property relations or relations of production relating to land. Land reform thus provides a way of redistribution of landed property by systemic changes that will bring about progressive changes in the standard of living for rural poor people. The rural poor people did not enjoy any secure land rights due to the dominance of the rural propertied classes. The authority of the propertied class had prevailed in all domains of rural life, including political, administrative, social and religious spheres.

<sup>18</sup> In Assam, 0.3306 acre is equal to 1 bigha land.

Bengal and Tamil Nadu was between half an acre and two acres. Furthermore, many other factors, such as the excessive pressure on cultivable land, the concentration of land in the hands of a tiny landlord, modernised cultivation methods, etc., have led the country to reform the existing land governance patterns.

In 1949, shortly after independence, the Congress Agrarian Reform Committee was formed to investigate the land issue, chaired by the late J. C. Kumarappa (a senior Congress leader). The Kumarappa Committee's report advocated for substantial agricultural reform in India. The Report of the Kumarappa Committee (1949) is regarded as the first official step for reformation in land governance in India. The committee's recommendations influenced and shaped the country's land policy throughout the post-independence decades.

The land reform initiatives taken in the post-independence decades can be clubbed into four large categories- repeal of intermediaries, tenancy reform, land ceilings and land consolidation. The first initiative was to repeal intermediaries who were rent collectors under the pre-independence land revenue system. The second land reform initiative is for tenancy regulation, which attempts to improve the contractual terms of the tenants, such as crop shares and security often re. The third initiative is about introducing ceiling limits on landholdings to redistribute surplus land to the landless. The fourth initiative is to bring disparate landholdings together (Deshpande, 2007<sup>19</sup>, Besley and Burgess: 2000<sup>20</sup>). Also, in a general sense, these reforms were implemented in three phases: in the late 1940s to the early 1950s, then in the early

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<sup>19</sup>Deshpande, R.S. (2007). *Emerging Issues in Land Policy*. INRM Policy Brief No. 16.

<sup>20</sup>Besley, T. and R. Burgess (2000). Land Reform, Poverty Reduction, and Growth: Evidence from India, *Quarterly Journal of Economics*, 115(2), 389-430.

1960s, and finally in the late 1960s into the early 1970s (Chakravarty, 2013).<sup>21</sup> According to India's Constitution, the land is a State List subject. The Central government can provide guidance and support and create enabling national policies and laws. However, specific guidelines on land governance have to be made by the state legislatures. Hence, there are significant variations in state-level policies from the beginning of the land reform initiatives and these variations have only increased over the decades. Besley and Burgess (Ibid.) write that India has seen 'the largest body of land reform legislation ever passed in such a short period in any country'.

Raj Krishna (1961)<sup>22</sup> classified land-reform initiatives into four categories: liberative, distributive, organisational and developmental. These classifications guide in clarifying the function of land reform policies as part of the broader development process. The liberative measures attempted to free the actual tillers of the land from the landlord's oppression. It was to be accomplished by granting the tenant land ownership or occupation rights. The rent fixing was done in a few states, such as West Bengal's Operation Barga, where the tenancy was documented. The measures intended to provide tangible resources to the underprivileged, as guaranteed by the Indian Constitution, particularly those who needed land as a productive resource. It was to be accomplished by dispersing land ownership from wealthy landholders to the landless, particularly socially disadvantaged groups. According to Raj Krishna's

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<sup>21</sup>Chakravarty, S. (2013). A New Price Regime: Land Markets in Urban and Rural India. *Economic & Political Weekly*, 48(17), 95.

<sup>22</sup>Krishna, R. (1961). Land Reform and Development in South Asia. In W. Frochlich (Ed.), *Land Tenure, Industrialization and Social Stability: Experiences and Prospects in Asia*, Wisconsin: The Marquette University Press.

classification, the tenancy reforms and landholding ceilings were liberative and distributive policies.

The organisational reforms started in the mid-1960s and aimed at selecting and executing specific agricultural production techniques with the support of technical advancement. These three approaches (liberative, distributive and organisational) imposed a strain on land resources, necessitating development reform. Developmental reforms included various concerns related to land policy that influenced the overall growth of the agricultural sector. All four land reform initiatives were parts of the overarching distributive and development programmes implemented soon after independence. Although Raj Krishna wrote this during the start of the first phase of land reforms, his analysis provides a clear theoretical understanding of the changes that proceeded over the next two decades.

## **2.5 IMPLEMENTATION OF LAND REFORM POLICIES IN INDIA**

The state did not solely drive land reforms in the post-independence decades. Besides the state-led initiatives, the country witnessed many individual-level initiatives. For example, VinobaBhave started the Bhoodan Movement in 1948, expecting voluntary participation from landowners. Naxalbari villagers took up guns in 1967 to forcibly acquire land from intermediaries. By the 1990s, the country could retake thousands of hectares of land from the landowners despite their resistance.

Economic growth without social justice is inhuman, but social justice without economic growth is impossible. Land reforms have remained a significant concern on the national agenda since the First Five Year Plan to achieve agrarian reforms and



rebuild rural economies. Land reform has been seeking to ensure social justice for the actual farmers and hundreds of landless rural low-income families. Developing a sustainable base for the overall growth of our economy's industrial and tertiary sectors is also impossible without properly implementing sound land policies. The Central government has played an advisory and coordinating role in achieving these land reform agendas. However, the prime responsibility of implementing the land reform agendas is in the hands of the state governments as the land is a subject that falls under the states' exclusive legislative and administrative jurisdiction.

The redistribution of lands takes precedence in any land reform programme. It implies and includes the state seizing land from landholders to transfer it to needy people, i.e., those who farm the land. In general, landless individuals are the poorest people in rural villagers. It was the first general public understanding of the land reform legislation introduced in India. People hoped that the distributional land reform programmes would help the poor landless families obtain the right over their cultivated lands. Notably, during that time, the landless rural families were recorded as sharecroppers and provided some stability in their right to cultivate by their landowners. However, in reality, they were working as tenants on the agricultural lands owned by the landlords. They did not enjoy any land or crop entitlement rights over it. Hence, transferring land ownership to landless farmers was a priority of the land reform agendas. These entitlement rights would provide better security to tenants, such as ad-hoc or temporary government employees or factory workers who are provided with some land of protection to continue in their jobs (Agarwal, Ibid., 5)

## 2.6 PERFORMANCE BY THE VARIOUS STATES OF INDIA UNDER LAND REFORMS

Implementing land reform in densely populated states such as Kerala and West Bengal leads to a slow transformation in rural social relations and power restructuring. Still, it does not address other socio-economic issues such as unemployment and underemployment. Moreover, the logistic approach, adherence to all court procedures, compensation payments etc., have slowed down the rate of change and reduced the redistributive effect. These complexities have also impacted new investments in the country's farming industry (Bergmann, 1984).<sup>23</sup>

The first category of reforms enacted in the decade following independence was the abolition of intermediaries, which meant the removal of the zamindars and inamdars, as well as their agents or intermediaries, who were responsible for collecting revenue in the feudal system. By 1958, all but five states had passed legislation: Gujarat, Kerala, Odisha, Assam, and Uttar Pradesh. The zamindari system governed approximately half of the country's cultivable lands, and there was overwhelming public support for ending the system. These abolition policies are now regarded as the most successful of independent India's land reform policies. They might have benefited as many as 20 to 25 million tenant households, with many obtaining land titles. In the process, the zamindar class vanished from India.

Tenancy reform refers to efforts to improve the situation of tenant farmers by providing them with more rights. Before independence, the feudal system of colonial

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<sup>23</sup>Bergmann, T. (1984). Agrarian Reform in India with special reference to Kerala, Karnataka, Andhra Pradesh and West Bengal. *Indian Journal of Agricultural Economics*, 40 (4), 568.

agriculture gave rise to various tenancy structures, many of which offered tenants little or no legal rights or protections. Many were verbal agreements implemented more by custom and landlord power than by a legal apparatus. These reforms occurred in a complex system of records of rights (RoR) in rural India, which included ownership rights, homestead rights, patta rights, *dakhalkar* rights, sharecroppers' rights, rights regarding forcible possession, and permissive possession rights.

Another type of land reform programme was land ceiling laws, which tried to limit the size of landholdings operated by a family using its own resources. The size of the ceiling varies depending on the state and the quality of the land. These laws went into effect in two waves. The first occurred in the late 1950s to the early 1960s, and after these failed, the country experienced agricultural reduction and many militant movements centred on the land issue. The most noteworthy was the Naxalite movements in eastern and southern India. There was a second round of legislation in the late 1960s and early 1970s. Both rounds of ceiling laws are now regarded as failures.

Consolidation of disparate and fragmented landholdings was another land reform effort in India. The goal was to consolidate or adjoin individual farmers' geographically dispersed landholdings to improve farming efficiency. However, land records were limited and contested. Because the holdings were scattered and of varying quality, legislation in these areas was sporadic and inconsistent, making land consolidation challenging in practice (Agarwal, 2010, p. 24).<sup>24</sup>

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<sup>24</sup>Agarwal,P.K.(2010).*Issues* in Land Reforms.RGICSWorkingpaperseriesNo.18,RajibGandhiFoundation,NewDelhi.

### ***Distribution and Redistribution of Land:***

In India, three types of land are distributed and redistributed: government wasteland, Bhoodan land and ceiling surplus land. Government wasteland is the land that is difficult to harvest and is not in private ownership. Till 2002, approximately 15 million acres of government wasteland had been dispersed to landless peasants. If this land were to be cultivated, it would account for roughly 4.25 percent of the total area under cultivation. Nearly half of the wasteland dispersion occurred in two states: Andhra Pradesh distributed 4.2 million acres, and Uttar Pradesh distributed 2.5 million acres.

The Bhoodan movement sought to convince landowners to voluntarily transfer land to the poor. There have been claims that large amounts of land have been given to them, particularly in Bihar and Andhra Pradesh, but there is little evidence to support these claims. There are currently no standard estimates of how much Bhoodan land has been dispersed. In the mid-1970s, Jayprakash Narayan discovered that no single gram dan pledge necessity had been fulfilled in Bihar. Little of the donated land was suitable for cultivation. Furthermore, there is no evidence that the assigners of the Bhoodan lands are in possession, whether the title has passed to them, or whether they deprive the land of sustenance (Committee on Land Reforms, 2009).<sup>25</sup> However, given how little land the Bihar Bhoodan committee obtained, even if it had redistributed all

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<sup>25</sup>AnnualReport2008-2009,MinistryofRuralDevelopment,GovernmentofIndia.Retrievedfrom[https://rural.nic.in/sites/default/files/anualreport0809\\_eng\\_0.pdf](https://rural.nic.in/sites/default/files/anualreport0809_eng_0.pdf)on19.04.2019.p.30.

of the lands it received efficiently, it would not have made much of a dent in the inequality of land distribution of landlessness.

***Ceiling Surplus Land:***

In India, around 6.6 million acres of land had been declared surplus as of 2007. Out of this, about 5 million acres had been distributed to approximately 5.5 million families. It means that, on average, each family received less than an acre. West Bengal alone, with about 3 percent of the country's agricultural land, contributed approximately 40 percent of the total beneficiaries in the country. Over a million acres of surplus land are being held up in court. Almost 84 thousand acres of ceiling surplus litigation have been filed in Uttar Pradesh alone.

Indeed, land and property-related legal disputes are a significant by-product of the country's land reform legislation. The social cost of litigation, which clogs many states' court systems, is far greater than the social benefits derived from redistribution. There are hundreds more land reform-related cases and litigation arising from tribal land protection laws. The adverse effects of large landowners who were not only engaged in *benami* exchanges to keep their lands under ceiling limits but also engaged in pre-emptive expulsion of tenants to refute any claim on their lands. As a result, the county's ceiling surplus legislation has been a failure.

***Tenancy Reforms:***

The tenancy reform legislation has had a more positive distributional impact. Approximately 12.2 million tenants have benefited from tenancy reforms, either through secure and inheritable rights or through outright ownership of 15.6 million

acres. However, the national results are skewed by the outcomes in two outlier states: West Bengal and Kerala, where the state machinery of left-wing administration strongly supported tenancy reforms. Approximately 11.8 and 22.9 percent of tenants who received ownership rights came from West Bengal and Kerala states, which have a population share of the nation of about 7.1 and 2.3 percent, respectively, and a combined share of agricultural land of less than 4.5 percent of the national total. Moreover, Kerala is now the only state that has effectively banned tenancy entirely.

The state of West Bengal is well-known for Operation Barga, a coordinated effort to enhance the rights of sharecroppers that began in 1978, just one year after the CPM-led Left Front took power for the first time. Operation Barga was not an entirely new programme. It imposed existing agricultural tenancy laws that governed rent and the security of tenure for sharecroppers. However, it was assumed that the success of Operation Barga laid the groundwork for the Left Front's three-decade rule of West Bengal (Bardhan, 2015).<sup>26</sup>

Besides Kerala and West Bengal, land reform laws in India were largely ineffective. Large landowners took aggressive and harsh measures to protect their interests wherever possible. They could do so in states without feasible leftist political parties. They evicted tenants on a large scale to deny them a long-term shareholding in any single plot, and a flood of litigation has clogged the courts for years. As a result, it may be fair to argue that tenancy and ceiling reforms in most states have been worse than ineffective. They have hurt the interests of the very population they were meant to serve, the land-poor and tenants farming most of the rural population.

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<sup>26</sup>Bardhan,P.(2015).ReflectionsonIndianPoliticalEconomy.*Economic&PoliticalWeekly*,50(18),14-17.

## 2.7 FACTORS IN LAND REFORMS

Despite the measures taken by state governments, only a few states have successfully implemented land reform initiatives. There are numerous reasons behind state governments' inability to establish a just land governance structure. The root causes are primarily economic, social, legal, and political.

The economic aspect of land reforms involves land ownership by a relatively small group that did not cultivate but used actual tillers, who were tenants and agricultural labourers. However, they could not undertake land improvements due to insufficient returns and a lack of surplus with the tenants. Because the landlords had no genuine interest in their possessions, they had no desire to invest in land improvement. As a result, land productivity continued to fall, a case of an underdeveloped agricultural dynamic.

Conventionally, the upper castes owned land in the sociological dimension, and the lower castes were tenants/agricultural labourers. Even today, the lower castes own minimal land, while the upper castes operate as tenants/agricultural labourers in India. This social aspect played a role in the perpetuation of social inequalities. The social inequality in agrarian relations exacerbated the economic disparities created by the economic dimension.

It is noteworthy that landowners have historically been patrons of the governments in power. It was particularly noticeable during the British rule in India. They relied on the government for protection due to their numerical minority as former zamindars and later landlords and their economic influence over the tenants (thus

promoting their self-interest). Simultaneously, the government relied on them for its existence as long as tenants, despite their vast numbers, did not start organising against the extractive political and social systems. Almost every country that has faced agricultural problems has gone through this (Thimmaiah, 2001).<sup>27</sup>

## **2.8 LAND REFORM AND LAND OWNERSHIP IN THE POST-ECONOMIC LIBERALISATION ERA**

The development of the idea of land titling in India can view from the changing politico-economy scenario of the 1990s. The country's neoliberal economic policies, implemented in the 1990s, have resulted in a close alliance between the state and capital, with the state committed to the growth and expansion of the capitalist class (Chibber and Usmani, 2012, p.106).<sup>28</sup> According to Kohli (2012, p. 2, 5, 217)<sup>29</sup>, the neoliberal turn of the Indian state has caused it to shift from rhetoric of socialist development to pro-capitalist development promoting rapid private sector-led growth. The Indian state has emerged as a facilitator of capitalist-led economic growth. The state prioritises economic growth and production by allowing the private sector to play an active role in economic growth and production through the market. At the same time, the rhetorical commitment to the poor and the inability to translate rhetoric into practice are a continued feature of old Indian politics. A close ruling alliance between

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<sup>27</sup>Thimmaiah,G.(2001).NewPerspectivesonLandReformsinIndia.*JournalofSocialandEconomicDevelopment*,July-Dec.179–198.

<sup>28</sup>Chibber,V.&Usmani, A.(2013).TheStateandthecapitalistclassinIndia.InA.KohliandP.Singh(Eds.).*RoutledgeHandbookofIndianPolitics*. London: Routledge.Pp.104–110.

<sup>29</sup>Kohli,A.(2012).*PovertyamidplentyinthenewIndia*. Cambridge: CambridgeUniversityPress.



the state and the business class for economic growth and dynamism has created difficulties in accommodating the socially excluded classes.

The politico-economic perspective of land in India is characterised by the liberalisation of land laws and the transformation of agricultural land for non-agricultural reasons. Private capital is reliant on the government to grab land for investment. The government acts as a facilitator for foreign and private capital investment (Chandra, 2015).<sup>30</sup>

The Committee Report on State Agrarian Relations and the Unfinished Task in Land Reforms has accurately noted the changing politico-economic landscape of land in India and the influential factors that have pushed land to the forefront of public policy in India. According to their report, land has become a topic of national debate after a long absence. At the beginning of the 1950s, the ideological considerations of the freedom struggle were maintained, and the state made significant changes in land governance. The land rose to prominence once more in the early 1970s, with a powerful political consensus in support of the poor. Finally, in the early 1990s, the land issues of the marginalised sections were swamped by a transition in the development paradigm toward neo-liberalisation (Government of India, 2009).<sup>31</sup>

Since the 1990s, state governments in India have fiercely competed to attract domestic and foreign capital to their provinces. They regularly hold business conclaves and investor meetings for domestic and foreign investors. The land has become a significant draw for capital investment. The era of land liberalisation has

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<sup>30</sup>Chandra, K. (2015). The New Indian State: The Relocation of Patronage in the Post-Liberalisation Economy. *Economic & Political Weekly*, 50(41), 48–58.

<sup>31</sup>Government of India (2009). *Report of the Committee on State Agrarian Relations and the Unfinished Task in Land Reforms*. New Delhi: Department of Land Reforms, Ministry of Rural Development.

arrived in the Indian policy process. The rules and regulations governing the transfer and alienation of lands are being relegated. Gujarat, West Bengal, Odisha, and Tamil Nadu have implemented market-friendly land policies to establish manufacturing, infrastructure, mining extraction and special economic zones (SEZ). It is asserted that India's land liberalisation policy is pro-business rather than pro-market. The supply of land by the state governments to private business projects has driven the land policy changes. In states like Gujarat, which have deregulated land policies to encourage private capital investment, land reform for the poor remains merely political rhetoric. Land liberalisation policies have become politically acceptable in states such as Gujarat, and there is no substantial political opposition to such pro-business land policies (Sud, 2009a,<sup>32</sup> 2009b<sup>33</sup>).

As a result, changes in the political economy of land and development and the politics of neoliberal economic strategy have shaped the state land policies in India. The liberalisation and deregulation of land laws initiated by Indian states indicate new ideas on land politics and economics in India (Nayak, 2021, p.17).<sup>34</sup>

Hence, the land policy of the independent Indian state was profoundly ambiguous. On the one hand, it tried to give or redistribute land, while on the other, it took or acquired land. It took more than it delivered, and the giving ceased a long time ago, while the land taking has increased in recent years. Moreover, the populations that benefited from land takings differed significantly from those whose lands were

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<sup>32</sup>Sud,N.(2009a).Liberalisation,HinduNationalism and the Indian State in a Liberalising Landscape. *Development and Change*, 40(4), 645-665.

<sup>33</sup>Sud,N.(2009,b).The Indian State in a Liberalising Landscape. *Development and Change*, 40(4), 645-665.

<sup>34</sup>Nayak,P.(2021). *Land Reform to Land Titling; Emerging Paradigms of Land Governance in India*. New Delhi: Sage Publication.

taken. The land takings by the state adversely affected India's most marginalised groups, particularly the Adivasis and, to a lesser extent, Dalits. These marginalised and other communities that had lost their land and livelihoods were frequently wiped out. Their losses effectively subsidised India's development, or, more precisely, the winners who received power, roads and water. This repugnant land redistribution system lasted well into the 2000s. It was politically viable for several reasons. Most importantly, the direct winners outnumbered and were more politically powerful than the direct losers. Even if the worst accounts of land seizures are exaggerated, as are the highest numbers of people affected, this must be considered an intensely inequitable and substantial state failure by contemporary standards (Chakravarty, 2013, Ibid.).

## **2.9 PEOPLES' MOVEMENT FOR LAND RIGHTS**

People in India and other parts of the world rarely remember the unjust land governance institutionalised by various regimes by denying the vulnerable section's fundamental land rights. The denials can range from forced labour to eviction of indigenous people from their ancestral lands. It has been a flagrant violation of their fundamental human rights about landed properties. Liberalising the Indian economy has exacerbated the competition for land grabbing in the name of the public good. States have become more possessive in land matters, and the refusal to grant land rights to the landless (primarily indigenous peoples who lack land formalisation or legalisation) has increased.

As a result, indigenous peoples have become increasingly disconnected from their lands and other natural resources such as forests, timber and minerals. These have

been indigenous peoples' inalienable resources, determining their identity and livelihood. So, recognition of their ancestral rights to use and ownership of these landed resources has been a significant land rights demand. Their demand for genuine autonomy over land and natural resources is also part of their land rights. Together with adequate housing, these resources provide the underpinnings for an economic base, allowing indigenous people to be self-sufficient and independent of government assistance. Indigenous peoples' access to, ownership of, and control over land enables long-term planning and development to improve their economic, health, and social status. Land rights are critical to rectifying past wrongs and mitigating economic inequality.

The landless or land dispossessed people worldwide, including India, have long fought for recognition of their fundamental rights to land and other natural resources. Land rights are required for indigenous people to have a spiritual and economic foundation not based on profit and loss and the opportunity to become self-reliant. Their demand to the state is that they not be given or granted any land rights. Instead, they require state recognition of their ancestral rights to their lands.

### ***Can Land Rights be Human Rights?***

There are several attempts internationally and nationally to recognise or guarantee land rights as fundamental human rights. The assertion of a right to land is presented as a means of advocating for advancing an important social issue, recognising that local people have a right to utilise, possess and regulate the improvements initiated on their lands. Despite being a focal issue for social justice and equality, land rights are generally missing

from the Human Rights dictionary (Gilbert, 2013).<sup>35</sup> Indeed, there is no international law conceding human rights to land. Internationally, no arrangement or affirmation explicitly alludes to human rights to land.

Notwithstanding, numerous national and international treaties and contentions have perceived land rights as a vital human rights issue. Because of such attempts and initiatives, there has been an expanded spotlight within international jurisprudence on land rights as a human rights issue (Plant, 1993).<sup>36</sup> The following points stand this argument.

#### ***Land rights for Cultural Identity of the Indigenous people:***

The first premise regards land rights as a human right because land rights are very much part of the cultural rights of indigenous peoples. In another way, their idea of land is fundamentally related to their traditional culture. Land or territory serves for the social identity and the moral and cultural distinctiveness of the aboriginal or indigenous people. It also represents the economic reliance of indigenous peoples on such ancestral lands. In recent decades, international law, particularly international human rights law, has increasingly recognised the indigenous peoples' multifaceted, profound and distinctive correlation with their ancestral lands as essential to their life and well-being (Perera, 2009, p. 16)<sup>37</sup>. Article 13 of the ILO Convention Concerning Indigenous and Tribal Peoples in Independent Countries of 1989 (ILO Convention

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<sup>35</sup> Gilbert, J. (2013). Land Rights as Human Rights: The Case for a Specific Right to Land. *International Journal on Human Rights*, 10(18), 115–134.

<sup>36</sup> Plant, R. (1993). *Land rights in human rights and development: introducing a new ICJ initiative*. International Commission of Jurists Review, Geneva, Switzerland, no. 51, pp. 10–30.

<sup>37</sup> Perera, J. (Ed.). (2009). *Land and cultural survival: The communal rights of indigenous peoples in Asia*. Asian Development Bank.

169) has reiterated the intrinsic relations between culture and land rights of the indigenous people. The Convention stated that in implementing it, governments must respect the priority of the cultures and spiritual values of the peoples concerned and the collective aspects of their correlation with the lands they occupy or otherwise use.

Reiterating the close relationships of the indigenous peoples with land, Martinez Cobo (1987)<sup>38</sup> states that the indigenous peoples have a historical link with pre-invasion or pre-colonial societies that emerged on their land territories. And they believe themselves distinct from other sectors of the societies now prevailing in those territories or parts. They are currently non-dominant sectors of society and are determined to preserve, develop and transmit their ancestral territories and ethnic identity to future generations, as the basis of their continued existence as peoples, according to their cultural patterns, social institutions and legal institutions systems. The very attachment of the indigenous peoples to the land and the environment is their primary defining characteristic (Davis, 1993<sup>39</sup>; Stavenhagen, 2007<sup>40</sup>).

The United Nations Development Program (UNDP) also highlights the connectivity between land and indigenous people. It is stated that “indigenous people often have a special connection with land-for many. It is also their source of survival and subsistence and the foundation of their community’s existence. The right to own,

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<sup>38</sup>Cobo, M.J. (1987). *Study of the Problem of Discrimination against Indigenous Populations*. Final report (last part), Vol. V, Conclusions, Proposals and Recommendation. United Nations, New York. Retrieved from <https://endoc.docip.org/collect/cendocdo/index/assoc/HASH01a2/55590d02.dir/Martinez-Cobo-a-1.pdf> on 16.3.2020.

<sup>39</sup>Davis, S.H. (1993). *Indigenous Views of Land and the Environment*. Washington, DC: World Bank Discussion Paper 188.

<sup>40</sup>Stavenhagen, R. (2003). “Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.” Retrieved from <https://digitallibrary.un.org/record/566046?ln=en> on 16.3.2020.

possess and use land jointly is intrinsic in the self-conception of indigenous peoples, and this right is usually bestowed not on the individual but the local group, tribe or indigenous nation” (UNDP 2004).<sup>41</sup> Scholars like Gilbert (Ibid.) describe indigenous peoples similarly, as those who used to occupy, continue to live and wish to retain their strong connection to a given territory. This binding tie to the land is the core aspect of the indigenesness of any group of people. According to Article 1 of ILO Convention 169, indigenous peoples are indigenous because they are descended from the communities that occupied the region at conquest, colonisation, or the establishment of current state boundaries.<sup>42</sup>

However, indigenous peoples worldwide are at the bottom of the economic and social hierarchy. In any society, they are among the disadvantaged groups. Social indicators such as life expectancy, maternal mortality, nutrition, education and health show that they are the most unfortunate. They do not have enough land to store or grow food or raise domesticated animals. They have barely any chances to learn new abilities or obtain medical care, and they think it is hard to influence national policies, laws, and institutions or improve their livelihood (Perera, Ibid., p. 1).

Indigenous people are referred to differently in different countries as tribals, Adivasis, forest dwellers, scheduled tribes, ethnic minorities, national minorities, indigenous cultural societies and indigenous groups. The Constitution of India addresses indigenous people as tribes or Scheduled Tribes or STs. The Constitution,

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<sup>41</sup>UNDP(2004).*HumanDevelopmentReport2004:culturallibertyintoday'sdiverseworld*.NewYork:Oxford UniversityPress.

<sup>42</sup>IndigenousandTribalPeoplesConvention,1989(No.169)Retrievedfrom[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C169,/Document#:~:text=Article%204-,1.,wishes%20of%20the%20peoples%20concernedon](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document#:~:text=Article%204-,1.,wishes%20of%20the%20peoples%20concernedon)14.11.2020.

however, does not define tribes. Article 342 of the Constitution of India states that the scheduled tribes are ‘tribes or tribal communities or sections or groups within tribes or tribal communities’ and may be defined by the President by public notice. The President correctly stated them by the 1950 Order of the Constitution (Scheduled Tribes). Indigenous communities are at the bottom of society in India, where they are recognised as STs. They are the poor, most underprivileged, exploited and impoverished people in the country (Nathan, 2004<sup>43</sup>; Rath, 2006<sup>44</sup>). India, like other countries, has consolidated international legal frameworks into national law to protect its scheduled tribes. The Indian Constitution has provided them with fundamental safeguards such as reserving seats in politics and providing education and employment.

Historically, the different legal, economic and political institutions of modern nations have marginalised the indigenous people from communal land management in their ancestral domains. For the most part, indigenous people groups guarantee legal rights to the land customarily involved or utilised by their precursors. They endeavour to apply a measure of aggregate administrative power over the allocation and use of such land and natural resources. Furthermore, present state policies and laws do not acknowledge the areas of indigenous people groups alongside their exercise rights as groups (Ibid.). According to Mathur (2009), India’s traditional communal land systems that prevailed widely in tribal areas are now limited to remote, inaccessible tracts in the northeast. Even these tribal people are largely influenced by the pressures

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<sup>43</sup>Nathan, D. (2004a). The Future of Indigenous People. *Seminar* 537. May: 33–37.

<sup>44</sup>Rath, G. C., (Ed.). (2006). *Tribal Development in India: The Contemporary Debate*. Delhi: Sage Publications



of globalisation and emerging market systems, which are vital factors for their change from shifting cultivation to permanent cultivation of tribal land. It has prompted the formation of private property in tribal areas.

Gray (1995, p. 36)<sup>45</sup> mentions that resources within indigenous and tribal lands are taken without their permission in Asia. The territories that belonged to them for hundreds of years were also confiscated for forestry and mining. The indigenous resources most affected are wood, water and minerals. In addition, here and elsewhere, indigenous peoples are barred from ecological protection from their traditional lands. At the same time, national and local governments allow large companies to exploit natural resources on the same ground in the name of growth (Perera, Ibid.). As a result, the tribal population (consisting of only 8 percent of the total population in India) has withstood the worst of the land acquisition and displacement policies, with more than 40 percent share in displacement (Saxena, 2015).<sup>46</sup>

Over the long term, the UN has become a vital dialogue forum where the rights of indigenous peoples groups are formed and communicated in declarations, promises and various instruments that structure a significant segment of international human rights law and fundamental individual freedom. According to the 1972 Stockholm Declaration on the Human Environment, man has the right to liberty, equality, justice and decent living conditions in a quality environment that allows for a life with dignity

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<sup>45</sup>Gray, A. (1995). *The Indigenous Movement in Asia*. In Barnes, R. H., A. Gray, and B. Kingsbury (Eds). *Indigenous Peoples of Asia*. Ann Arbor, MI: Association for Asian Studies.

<sup>46</sup>Saxena, K. B. (2015). *The Ordinance Amending the Land Acquisition Law (2013): Farmers lose out in the unequal contest of power*. *Social Change*, 45(2), 324–336.

and well-being.<sup>47</sup> In 1992, just about 20 years after the Stockholm Declaration, the United Nations Conference on Environment and Development (the Earth Summit), held in Rio de Janeiro, denoted a defining moment in advancing the rights of indigenous groups, especially in identifying with nature. In other words, the claims of Stockholm and Rio have built up a worldwide legal framework that perceives the one-of-a-kind relationship indigenous groups have with their customary land or domain.<sup>48</sup>

Another huge global improvement in such a manner is quickened by the International Labour Convention No. 169. The Convention has linked a human rights-based approach to the land rights of the indigenous people. Article 13 of the Convention affirms that “governments shall respect the cultures and spiritual values of the peoples and their relationship with the lands they occupy or otherwise use, particularly the collective aspects of this relationship” (ILO, 1989).<sup>49</sup> Although only a few nation-states consented to the Convention at the beginning, an ever-increasing number of nation-states are now part of it. The Convention has become a powerful legal instrument regarding land rights for indigenous people groups.

Furthermore, for numerous indigenous networks across the world, territories and lands are the basis of economic livelihood and the source of cultural and social identity (Gilbert, *Ibid.*). The UN’s Human Rights Committee, 1994 (HRC) has

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<sup>47</sup>DeclarationoftheUnitedNationsConferenceontheHumanEnvironment.Retrievedfrom[https://www.soas.ac.uk/cedep-demos/000\\_P514\\_IEL\\_K3736Demo/treaties/media/1972%20Stockholm%201972%20-pdfo](https://www.soas.ac.uk/cedep-demos/000_P514_IEL_K3736Demo/treaties/media/1972%20Stockholm%201972%20-pdfo)n13.7.2020.

<sup>48</sup>UnitedNationsConferenceonEnvironmentandDevelopment,RiodeJaneiro,Brazil,3-14June1992.Retrievedfrom<https://www.un.org/en/conferences/environment/rio1992>on13.7.2020.

<sup>49</sup>ILO. (1989). Convention No. 169 on the Rights of Indigenous and Tribal Peoples. Geneva, 76th ILC session, 27 Junho.Retrievedfrom[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55\\_TYPE,P55\\_LANG,P55\\_DOCUMENT,P55\\_NODE:REV,en,C169,/Document](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:REV,en,C169,/Document) on 13.7.2020

emphasised the association between cultural rights and land rights of the indigenous communities. “Regarding the exercise of cultural rights guaranteed by article 27, the HRC mentioned that culture manifests itself in many forms, including a specific way of life associated with land resources, particularly in the case of indigenous peoples. This right may include traditional activities such as fishing or hunting and the right to live in legally protected reserves.”<sup>50</sup>

The Draft Declaration of the Principles on Human Rights and the Environment of 1994 perceives and stresses the environmental aspects of human rights. Section 14 of the draft declaration stated that “indigenous peoples have the right to control their lands, territories and natural resources and maintain their traditional way of life. It includes the right to security to enjoy their means of subsistence.” According to Magraw and Lynch (2006)<sup>51</sup>, these rights of the indigenous people display the indistinguishable connection between sustainable development and environmental justice. As they maintain, there are three crucial sets of rights in International Law which legitimise the link between sustainable development and environmental justice: i) the right to life, including the right to a healthy environment; ii) the traditional and customary property rights of indigenous and other local communities, and iii), participatory and procedural rights such as the right to be informed and the right to know.

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<sup>50</sup> U. N. Human Rights Committee (1994). General Comment 23, Article 27 (Fiftieth session, 1994), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 38. Retrieved from <http://hrlibrary.umn.edu/hrcommittee/hrc-annual94.htm#:~:text=1.,Optional%20Protocol%20to%20the%20Covenant> on 15.7.2020.

<sup>51</sup>Magraw, D., and O. Lynch. 2006. One Species, One Planet: Environmental Justice and Sustainable Development. In *World Bank Legal Review: Law, Equity, and Development* (vol. 2). Washington, DC: World Bank and MartinusNijhoff Publishers.

Many nation-states also acknowledge the link between indigenous people's culture and land rights in their reports to various conferences of the UNO. In such a manner, the usual understanding that prompts an international consensus is that land is of focal centrality to the sustenance of culture; the option to make the most of one's way of life requires the protection of land (Scheinin, 2000).<sup>52</sup>

The Declaration on the Rights of Indigenous Peoples, 2007 has enhanced jurisprudential accomplishment to see land rights as fundamental liberties of indigenous peoples. The declaration devotes a few of its articles to land rights, making land rights a fundamental liberties issue for indigenous people groups (Gilbert & Doyle, 2011).<sup>53</sup> According to Article 25 of the declaration, indigenous peoples have the right to preserve and enhance their unique spiritual connection with their traditionally owned lands and other related resources and maintain their obligations to succeeding generations in this regard (UN, 2007)<sup>54</sup>. Even though the declaration is not legitimately official in the manner a convention or an act of parliament is, it could nevertheless be regarded as a soft law (Perera, Ibid., p. 6). Gilbert (2009), in a similar way, states that although the declaration is not a treaty, the rights expressed in it represent contemporary international law as it pertains to indigenous peoples. It also

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<sup>52</sup>Scheinin, M. (2000). The right to enjoy a distinct culture: indigenous and competing uses of land. In Orlin, T. S., Rosas, A., Scheinin, M. (Eds.) *The Jurisprudence of Human Rights Law: A Comparative Interpretive Approach*. Turku/Abo: Abo Akademia University.

<sup>53</sup>Gilbert, J. & Doyle, C. (2011). A new dawn over the Land: Shedding Light on Indigenous Peoples' Land Rights. In Allen, S. & Xanthaki, A. (Eds.). *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Oxford: Oxford University Press.

<sup>54</sup>U.N.(2007).UnitedNationsDeclarationoftheRightsoftheIndigenousPeoples.Retrievedfrom[https://biocultural.iied.org/un-declaration-rights-indigenous-peoples#:~:text=%E2%80%9CIndigenous%20peoples%20have%20the%20right,%E2%80%A6%E2%80%9D%20\(Article%2031\)on15.7.2020](https://biocultural.iied.org/un-declaration-rights-indigenous-peoples#:~:text=%E2%80%9CIndigenous%20peoples%20have%20the%20right,%E2%80%A6%E2%80%9D%20(Article%2031)on15.7.2020).

suggests a solid international understanding of the value of a human rights-based approach to land rights for indigenous peoples (Ibid.).

***Land Rights for Adequate Food:***

The right to food is also a fundamental human right inextricably linked to the right to health and the right to life. The implementation of these rights to health and life depends on the enforcement of the right to food. To genuinely appreciate the right to food, people need access to health care and education, respect for their cultural traditions, the right to own land and the freedom to organise themselves economically and politically. People cannot lead safe and productive lives without sufficient food.

The vast majority of people experiencing hunger worldwide are landless agricultural farmers, wage labourers, artisans, forest-dwelling peoples and indigenous groups. These people depend highly on agricultural land, forest, water, fisheries and surface minerals for their livelihoods. Therefore, the right to access and manage landed resources is required for a decent living.

India, for example, has the world's largest malnourished population. According to FAO reports, 189.2 million people are undernourished. Twenty percent of children under 5 are underweight, 34.7 percent of children under five years of age are malnourished, and 51.4 percent of women of reproductive age (15- 49) are anaemic in India.<sup>55</sup> India was ranked 102 out of 117 countries in the 2019 Global Hunger Index

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<sup>55</sup>HungerinIndia,Retrievedfrom<https://www.indiafoodbanking.org/hungeron13.10.2020>.

(GHI),<sup>56</sup> with a score of 30.3.<sup>57</sup> India failed to improve in the GHI, 2021, which ranked India 101st out of 116 countries with a score of 27.5.<sup>58</sup> India suffers from a severe hunger level assessed based on three leading indicators- prevalence of wasting and stunting in children under five years, under-five child mortality rate, and the proportion of undernourished in the population.

The demands on land are drastically rising. The rise in the population, depletion of agricultural land due to degradation, export-oriented agriculture policies, large-scale commercial farming models for the processing of cash crops and bio-fuels, increasing investments of national and foreign investors in resources, fossil fuels, timber and food commodities, and climate change mitigation or environmental conservation initiatives are all contributing to intensifying competition over land. These changes jointly limit access to use and ownership of land by disadvantaged, needy or oppressed people and, as a result, weaken the enjoyment of their right to food.

Various international conventions such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), and Convention on the Rights of Persons with Disability, 2008 (CRPD) have acknowledged that everyone has the right to an adequate standard of life, including food, clothing and housing. Furthermore, according to Article 11.2 of the International

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<sup>56</sup>The GHI is a yearly report published collectively by Concern Worldwide and Welthungerhilfe that is intended to comprehensively research, identify and report on hunger at the global, regional, and country levels. Each year, GHI points are analysed to measure advancement and downfalls in the fight against hunger.

<sup>57</sup>“India Ranks 102 Out of 117 Countries in Global Hunger Index”. Retrieved from <https://thewire.in/food/india-ranks-102-out-of-117-countries-in-global-hunger-index> on 13.10.2020.

<sup>58</sup>India-Global Hunger Index (GHI). Retrieved from <https://www.globalhungerindex.org/india.html> on 13.10.2020.

Covenant on Economic, Social and Cultural Rights (ICESCR), 1976, everybody has the fundamental right to be free from hunger. To ensure the full enjoyment of this right for all, the nation-states shall, individually and by international collaboration, take the requisite steps to enhance food production, conservation and distribution methods. For that, they need to change their agricultural systems in such a way as to achieve the most productive growth and utilisation of natural resources.

The Rapporteur on the Right to Food<sup>59</sup> states that countries will violate the human right to food if they have deprived the local population of access to agricultural resources that are important to their livelihoods in large-scale land acquisitions and leases (Schutter,2009).<sup>60</sup> Jean Ziegler, the first Special Rapporteur, emphasises that access to land is one of the main elements required to eliminate hunger. He also added that many rural people suffer from hunger because they are landless, do not have a secure tenancy, or their assets are so limited that they cannot produce food to nourish themselves (UN, 2002, para, 22).<sup>61</sup> While discussing the situation in India, Ziegler stated that pervasive institutional racism forbids Dalits from owning the land because they are considered the working class. Even if they obtain land through redistribution and agrarian reform programmes in some states, such land is frequently forcibly taken by upper caste people (UN, 2006, para, 11).<sup>62</sup> As higher castes and wealthier

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<sup>59</sup>The Special Rapporteur on the Right to Food is a Special Rapporteur working with the United Nations and advising on the right to food. The mandate was created in 2000 by the previous Human Rights Commission, which appointed the first Rapporteur, Dr. Jean Ziegler.

<sup>60</sup>Schutter, O.D. (2009). Report of the Special Rapporteur on the right to food. UN General Assembly, Human Rights Council Thirteenth session/ Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, A/HRC/13/33/Add.2, para. 15p.8.

<sup>61</sup>UN Reports: Report of the Special Rapporteur on the right to food, Jean Ziegler, UN Doc. A/57/356 (2002). Retrieved from <http://www.righttofood.org/publications/un-reports/> on 14.10.2020.

<sup>62</sup>CESCR General Comment No. 12: The Right to Adequate Food (Art. 11). Retrieved from <https://www.refworld.org/pdfid/4538838c11.pdf> on 14.10.2020.

landowners control lands, landlessness among the Dalits is a common feature in the rural economy, and this directly affects the realisation of their right to food.

In its general observation 12, the ICESCR committee stated that maintaining resources for food requires the nation-states to ensure equitable access to economic resources, including the right of inheritance and land ownership for all people, particularly women (UN, 1999, art. 11, para, 6).<sup>63</sup>

The relations between land rights and the right to food have been made much more evident in the light of large-scale land acquisitions, also known as land grabs (Taylor, 2009<sup>64</sup>, Gilbert, Ibid.). In other words, the food insecure governments such as South Korea and the Gulf States, which rely on imports of agricultural goods, have introduced a programme to purchase significant agricultural land areas abroad to produce offshore food. These governments also wish to expand their investment in highly profitable foreign agrarian land. Examples of such offshore food productions are Libya in Mali, South Korea in Madagascar and Saudi Arabia in Sudan. North Atlantic countries have also fuelled foreign government-driven land control purchases by implementing laws allowing for greater financialisation of capital, which has intensified betting on food markets (Taylor, Ibid.).

Academic and activist analysis has found that the consequences of land grabbing on rural poor communities and ecosystems have been overwhelmingly negative. Local people are displaced because their land is required. The state has

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<sup>63</sup> CESCR General Comment No. 12: The Right to Adequate Food (Art. 11). Retrieved from <https://www.refworld.org/pdfid/4538838c11.pdf> on 14.10.2020.

<sup>64</sup> Taylor, M. (2009). *The global 'landgrab': mitigating the risks and enhancing the opportunities for local stakeholders*. Rome: International Land Coalition.



woven a web of broken deals with the displaced peoples regarding payment for loss, resettlement, and compensation. In eviction cases, the loss of land which has at least given a subsistence of survival is one of the most significant possible losses for people living on the margins.

Olivier de Schutter (2011) has specifically linked the right to food to the problem of large-scale land acquisitions. In a recent study, he argued that states should ensure land tenure security for their farmers and local communities to provide the most vulnerable people with the right to food and place policies to ensure equitable land rights (Ibid.).

In 2004, to facilitate the progressive realisation of the right to adequate food in the light of national food security, the Food and Agricultural Organization (FAO) released its voluntary guidance (FAO, 2004).<sup>65</sup> The guidelines focus on all existing international treaties about the right to food and suggest 19 guidance standards to assist states in ensuring that the right to food is progressively realised. Guideline 8(B) reflects primarily on women's and indigenous peoples' land rights as an essential factor in ensuring the right to food.

### ***Land Rights for Adequate Housing:***

The land is also essential for the right to proper housing or accommodation. Access to land and the security of land tenure is required to enjoy the right to housing in rural and urban areas. Increased demands for land and property, urban planning and

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<sup>65</sup>FAO(2004). *Voluntary guidelines to support the progressive realisation of the right to adequate food in the context of national food security*. Rome: 127th Session of the FAO Council, November 2004.

commodification of natural resources have a considerable impact on the right of rural and urban residents to decent housing.

In the urban context, increasing land prices lead to rising housing costs and breaches of the legal protection of tenancy due to severe property speculation and privatisation, renovation and so-called city revitalisation. As a result, thousands of people are forced to live in slums and unregulated colonies in poor and overcrowded housing. They lack essential services, sanitation, safety and a culturally acceptable living environment. In this respect, deprived groups and classes with low wages, including women, immigrants and indigenous peoples, also suffer from different prejudices and have been denied proper housing rights.

Likewise, peasants, artisans, aboriginal peoples and many others in small towns or rural areas are forcibly displaced from their land and thus from their homes. The key reasons for these expulsions are the mass acquisition of land, construction of dams, highways and resorts, extraction and mining, land disputes and armed conflicts.

Lack of proper accommodation or homelessness is a vital dimension of human rights violations. The Universal Declaration of Human Rights identifies homeless people as those who do not reside in regular residence due to a lack of proper accommodation, security and accessibility (Goel and others, 2017).<sup>66</sup>India considers 'homeless' as people that do not stay in Census houses but rather reside on pavements, railway stations, temples or other open spaces. In India, there are 1.77 million people documented as homeless, accounting for 0.15 percent of the total population (Jha,

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<sup>66</sup>Goel,G.,Ghosh,P.,Ojha,M.K.,&Shukla,A.(2017).UrbanhomelesssheltersinIndia:Miseriestoldandpromisesunmet. *Cities*,(71),88–96.

2016).<sup>67</sup> The 2011 Census recorded a shortage of 18.78 million homes in the country. In addition, India is home to around 78.48 million slum dwellers or 17 percent of the world's slum dwellers.

Many other legally binding international treaties<sup>68</sup> also protect the human right to decent housing that India has ratified. According to para 66 of the Special Rapporteur on appropriate accommodation, the land is a crucial component of the human right to housing as a resource for housing. Insufficient accommodation for the poor is often the product of being barred from access to land, capital and building materials. Usually, there is no tenure until access is granted. The lack of legislative protections for communities to occupy or own land and make productive use of natural or ordinary capital is an obstacle to implementing the right to decent housing (Rolnik, 2013).<sup>69</sup>

Thus, land right is undoubtedly an issue of human rights, and the various international treaties and conventions have already recognised it. Although the declarations are not legitimately official in the manner an act of parliament is, they could nevertheless be regarded as soft laws. In another sense, though all nation-states do not overwhelmingly accept the declarations, the rights expressed in the statements represent contemporary international law about indigenous peoples. They also suggest

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<sup>67</sup>Jha, S. (2016). 1.77 million People live without shelter, albeit the number decline over a decade. *Business Standard*. Retrieved from [https://www.business-standard.com/article/economy-policy/1-77-million-people-live-without-shelter-albeit-the-number-decline-over-a-decade-113120600835\\_1.html](https://www.business-standard.com/article/economy-policy/1-77-million-people-live-without-shelter-albeit-the-number-decline-over-a-decade-113120600835_1.html) on 15.10.2020.

<sup>68</sup>International Convention on Elimination of all Forms of Racial Discrimination (1969), Convention on Elimination of all Forms of Discrimination against Women (1979) and Convention on the Rights of the Child (1989) etc. are a few to state here.

<sup>69</sup>Rolnik, R. (2013). Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in This Context, Raquel Rolnik.

a solid international understanding of the value of a human rights-based approach to land rights for indigenous peoples.

## **2.10 LAND RIGHTS AS FUNDAMENTAL HUMAN RIGHTS AND INDIAN STATE**

Land has been a significant matter of governance in India. The competing demands of people and states for land have spawned many debates about land governance in India. For people, land is a fundamental need. But on the other hand, the state also needs land to pursue its development agendas. So it has been a competing ground between the two for the last few decades in the country.

Initially, under Articles 19 and 31, the Constitution of India guaranteed the right to property (which includes land) as a fundamental right. Article 19 ensured the freedom of all residents to obtain, retain and dispose of properties. Article 31 provided that no Indian shall be deprived of their property except by the authority of law. It also specified that compensation must be given to a person whose property was taken for public purposes.

The Forty-Fourth Amendment of 1978, with the implementation of a new clause, Article 300-A, removed property rights from the list of fundamental rights (Constitution 44th Amendment, w.e.f. 10.6.1979). The amendment ensured that the property right is no longer a fundamental right but a legal right or a statutory right. In the case of violation, the redress applicable to the aggrieved party is through the High Court of the states under Article 226 of the Indian Constitution and not the Supreme Court under Article 32 of the Constitution.

Currently, the land is classified as a state subject under the Seventh Schedule of the Constitution. While certain land-related subjects are included in the Concurrent List, on which both parliament and state assemblies would legislate. It is within the states' jurisdiction to develop policies and enact laws. It means that the Union government can legislate and advise, but the configuration and application are the responsibility of individual states (Appu, Ibid).

## **2.11 FOREST LAND GOVERNANCE AND CONFLICTS IN INDIA**

Forests, like land, have long been a source of contention in Indian politics. Historical documents offer various interpretations of forest governance, forest dweller rights and state. However, while the pre-colonial state encouraged agricultural expansion and shared forest resources with the community, the colonial period marked the beginning of a period of exclusive state control and management of forests and intensive commercial use of forest resources. With the foundation of the colonial forest department in 1864 and the implementation of forest laws beginning in 1965, the colonial state staked claim to the use of forest resources. The rights of forest people and village communities to use forest resources were gradually confined. The colonial period in India's environmental history is a watershed moment (Gadgil and Guha, 1992, p.135).<sup>70</sup>

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<sup>70</sup>Gadgil, M. and Guha, R. (1992). *The Fissured Land: An Ecological History of India*. Berkeley and Los Angeles, CA: University of California Press.

The idea of the colonial period as a watershed moment has not gone unchallenged. According to Richard Grove (1998, p.54)<sup>71</sup>, the British colonial forest policy in India was guided not only by business and trade but also by a desire to limit the depletion of tree cover. He also claims that state intervention and environmental destruction were not solely the domain of the British. However, the intensity and speed of change in the forest landscape under the British were unprecedented in Indian history.

The colonial state's establishment of a railway network, the commercial use of timber to increase state revenue, and the encouragement of the plantation economy, which resulted in the sale of large tracts of forestland to European planters, all contributed to unprecedented levels of deforestation.

The acquisition of the forests was a hit to the local population's livelihood, and there were resistance movements in response to this violation of their traditional right of access and use of the forests. However, it is needless to say that the state brutally suppressed all such movements.

Following independence, the conflict between state and citizens over the forests has intensified due to industrial and development demands. According to Madhav Gadgil and Ramachandra Guha, the difference between colonial and post-colonial forest-based conflicts is that earlier conflicts arose from competing claims of state and people. These conflicts are occurring against a rapidly dwindling forest resource base. To put it another way, the moral/political/economic dimensions of

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<sup>71</sup>Grove, R., Damodaran, V. and Sangwan, S. (1998). *Nature and the Orient: The Environmental History of South and South East Asia*. Delhi: Oxford University Press.

social conflict over forests and wildlife have assumed a new ecological dimension (Gadgil and Guha, 1994).<sup>72</sup>

After independence, India's perspective toward forests has been divided into three phases: extractive (1947-71), protectionist (1972-89) and degenerate (1990-present) (Singh, 2012, p.118).<sup>73</sup> The colonial forest policy was maintained during the extractive phase, with a few exceptions. According to the 1952 national forest policy, the state retained control of the forest, while private forest owners had full rights and local communities had only limited rights in certain types of forests. Commercial use of forest produce and timber for industry remained crucial. Forest land, whether inhabited or used for shifting or settled cultivation by tribal communities, was still regarded as state forest.

Attempts to save forests for tigers and to stop arbitrary and widespread deforestation characterised the protectionist phase. The Wildlife Protection Act of 1972 introduced a new policy paradigm for forest management and wildlife conservation. Although the Act was a significant step toward forest conservation, it created a new conflict between people and the state. The original Act allowed for the notification of a sanctuary without establishing people's rights. Subsequently, thousands of people living in protected areas became outsiders and encroachers on their land and faced eviction. During the same period, the 'forest' subject was moved from the state list to the concurrent list, allowing both the Union and state governments to legislate.

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<sup>72</sup>Gadgil, M. and Guha, R. (1994). *Ecological Conflicts and the Environmental Movement in India. Development and Change*, (25), 101–136.

<sup>73</sup>Singh, N. (2016). *Tribes and Prejudice: A Historical Perspective of Forest State Relations*. In S. Singh (Ed.), *Governance, Issues and Challenges*. New Delhi: Sage. Pp. 110–121.

The degenerate phase is distinguished by government pressure to meet the demand for rapid growth. The period, however, was also marked by legislative and jurisdictional ambiguity between the centre and the states. Several laws were passed during this time to correct historical injustices to tribal and forest dwellers caused by previous legislation. However, deforestation has continued unabated, and tribal protests have only become louder.

## **2.12 THE FOREST RIGHTS ACT, 2006**

In 2006, India enacted the Scheduled Tribes and Other Traditional Forest Dwellers Act (Recognition of Forest Rights). This Act, known as the FRA, is a landmark in advancing government attitudes on aboriginal peoples and their rights.

The FRA, 2006 seeks to recognise and grant ownership and land-use rights to forest-dwelling Scheduled Tribes (STs) and other traditional forest dwellers (OTFD) on an individual and community level. It was designed for citizens residing in forests for generations but whose rights could not be documented (MTA, 2006, p. 1).<sup>74</sup>

The Act, enacted by the UPA government, aimed to protect the marginalised forest-dwelling families and synergy the right to the environment with the human right to life and a livelihood (Rajagopal, 2019).<sup>75</sup> Several regarded the Act as a step toward redressing historical injustices and providing community members with the opportunities to engage in forest and wildlife preservation management. Others called

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<sup>74</sup>MTA(2006):“ForestRightsAct,2006ActRulesandGuidelines”,GovernmentofIndia,NewDelhi,29December,Retrievedfrom<https://tribal.nic.in/FRA/data/FRARulesBook.pdf>on01.3.2021.

<sup>75</sup>Rajagopal,K.(2019).“SCStaysFeb13OrderforEvictionofTribals,ForestDwellers”,*The Hindu*,19February.Retrievedfrom<https://www.thehindu.com/news/national/sc-stays-feb-13-order-for-eviction-of-tribals-forest-dwellers/article26396154.eceon>18.03.2022.



the Act eco-suicide, claiming it would devastate India's forest biodiversity and ecosystem (Munster and Vishnudas, 2012).<sup>76</sup> The legislation effectively gives legal protection to the rights of indigenous forest-dwelling groups, partly corrects the inequality created in the 19th and 20th centuries by following forest policies, and starts to give a voice in forest and wildlife management to those groups and the public (Perera, Ibid.; Baginski, Ibid.).

The FRA's primary role is to identify, resolve and vest rights in traditional forest dwellers by carefully investigating the submitted demands. A person or group can file a claim with the gram sabha for the rights to forested areas, forest resources, or both. The gram sabha is tasked with compiling, verifying, and creating a site map. It entitles and entrusts the investigation of the demand of the Forest Rights Committee (FRC). The gram sabha deliberates on their observations and provides resolutions, which are then communicated with the sub-divisional committee (SDC). Based on their review of the claim, the SDLC can either send their suggestion to the district-level committee (DLC) or return it to the gram sabha for revisions. The state government has formed a state-level monitoring committee (SLMC) to oversee the proper implementation of the guidelines outlined in the Act.

However, the various rights recognised by the FRA can be divided into four broad categories.

Land rights: No forest-dweller may claim user rights to any forest land they did not cultivate before December 13, 2005, and does not currently cultivate. Many

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<sup>76</sup>Munster, U and Vishnudas, S. (2012). In the Jungle of Law: The Implementation of the Forest Rights Act in Kerala. *Economic & Political Weekly*, 47(19), 38–45.

farmers of such land who lack documentation to support continuous land use will gain up to 4 hectares if they only farm the land for their livelihood. Once the state approves such claims to a person/family/society, they cannot be sold or passed on to others other than through inheritance.

User rights: The FRA retains the right of forest dwellers to harvest small forest items such as edible herbs and medicinal plants. Although forest dwellers cannot cut down trees for profit, they are permitted to take wood from trees only for household use. The legislation also acknowledges grassland and water sources by nomadic or pastoral groups.

Right to protect and Conserve Forest: Only the Forest Department was responsible for safeguarding forests until the FRA was implemented in 2006. For the first time, this Act grants forest-dwelling societies the ability to preserve and control the land they live in. It is significant because thousands of forest-dweller families are fighting to protect their forests and biodiversity from attacks by forest mafias, factories and land grabbers, most of whom are working in tandem with the Forests Department.

Right to Rehabilitation and Development: On forest security constraints, the FRA guarantees the right to be rehabilitated in the event of unlawful eviction or forced displacement and the right to necessary amenities.

From the formulation of the Act to its implementation, it has spawned endless debates among politicians, tribal leaders and environmental activists. However, the Act has provided the legal ground in identifying people associated with the forests and their rights. This Act, however, marks a significant departure from previous attempts of the state to enact laws concerning the forest and its inhabitants. In post-independent

India, for the first time, the state has addressed the forester beyond the notion of ‘tribe’ in general and ‘scheduled tribes’ in particular by including the words ‘traditional forest dwellers’ in the Act. More importantly, it is perhaps for the first time in Indian history that legal recognition has been given to the rights of forest dwellers to use, manage and conserve their habitat (Singh, Ibid.).

The Act has its critics. Some environmentalists regard it as anti-conservationist. Some consider it a land distribution scheme that will lead to the handing over forests to tribals and forest-dwellers. Others believe it is anti-development.

In this context, the effort of civil society, environmentalists and tribal leaders to protect the forest people’s rights, identity and unique culture need to be appreciated. From a historical perspective, the significance of this Act lies in the fact that it indicates that the forest people who have been the silent voices of history are finally being able to make their voices heard within the corridors of so-called mainstream civilisation. Unfortunately, however, 15 years after the Act came to force, its implementation leaves much to be desired.

## **2.13 CONCLUSION**

Land governance is a multifaceted process of governing land, forests and other natural resources and the rights and limitations of the state’s citizens. It covers all aspects of managing land and natural resources needed to achieve political and social objectives. Good and transparent land governance could

benefit a country's national resource management and citizens' rights and contribute to reducing poverty. Furthermore, good land governance is crucial to ensure relevant, sustainable development goals (SDGs).

Good land and forest governance systems are required for countries such as India, where most people rely on land and forests to make a living. Poor governance of land and forests has resulted in enormous socio-economic disparities and poverty throughout India's history. While access to forests is restricted for people whose livelihoods have been based on forests for generations, private business enterprises have been granted legal licences over forest resources. The state has done all this in the name of forest conservation. Meanwhile, the presence of residents in and around forests is viewed as a threat to the forests' survival. As a result, the landless peoples of the country gradually identified themselves as disconnected from their land and forests. People's landlessness has sparked several land rights movements in India.

The introduction of a neoliberal market economy has exacerbated the people's land crisis. The state requires more land and forests to pursue neoliberal agendas. State acquisition of land for development has become a national priority. The state has forcibly removed millions of people from their living spaces in the last few decades. Many have never provided an alternative location for settlement, and many have yet to be compensated. The state has enacted numerous legal provisions to protect the interests of the dispossessed, but these provisions have barely reached the ground. Sometimes it is due to administrative

inefficiencies, lengthy administrative procedures, or the unwillingness of administrative personnel to address the rights of landless people.

Additionally, changes in political-ecology have exacerbated forest land conflicts in India. The regularisation of ecological resources was a colonial political manifestation that the independent Indian governments have continued. Its primary goal is to preserve forest ecology while restricting traditional access to forest resources for the state to monopolise them. Many forest laws have been enacted to protect forest ecology. Human habitation is prohibited in protected forest areas, and thousands of families living in or near the forests are forcibly removed. On the other hand, the same state allows large private corporations to mine in protected forest lands. Eco-tourism is a modern manifestation of how the state has commercialised forest conservation and transferred forest-regulating authority to capitalists.

These circumstances have resulted in a massive humanitarian crisis in the country. People all over the country have long fought to secure their rights to their lands and forests. People without land have few other options for a living. Moreover, millions of rural Indians derive their cultural identity from their land. Claiming their rights to land and other natural resources is similar to claiming political, economic and cultural rights. Therefore, when dealing with land governance, policymakers should remember Article 17 of the Universal Declaration of Human Rights. The Article states that everyone has the right to own property alone and in alliance with anyone else, and no person shall be deprived of their property.





**CHAPTER – III**

**LAND GOVERNANCE IN ASSAM: ISSUES  
AND POLICY REFLECTIONS**



## CHAPTER- III

# LAND GOVERNANCE IN ASSAM: ISSUES AND POLICY

## REFLECTIONS

### 3.1 INTRODUCTION

The land has always been and remains the most precious natural resource for people in Assam, particularly tribal and other indigenous communities. For them, the land is both a source of survival and identity. Around 75 percent of Assam's population relies heavily on farming and forest produce for living and economic self-sufficiency (Fernandes and others, 2019, p.1).<sup>1</sup> The importance of land in tribal culture cannot be overstated. It has aided their communities in preserving agricultural practices, agro-bio-diversity and knowledge. The land is not only an economic matter but also the centre of their social and cultural life. Land use by tribes and other indigenous communities is based on indigenous and traditional knowledge, which aids long-term management (Bharali, 2012, p. 65).<sup>2</sup> However, this fundamental source of the economy and cultural identities of the indigenous communities is currently under attack from various land-hungry internal and external factors. The region has seen massive land alienation among indigenous communities, resulting in numerous ethnic conflicts.

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<sup>1</sup>Fernandes, W., Baruah, J. and Millik, A. (2019). *Ownership, Management and Alienation: Tribal Land in Northeast India*. Guwahati: North Eastern Social Research Centre and OKDISCD.

<sup>2</sup>Bharali, G. (2012). Land and Conflicts in NEI. In N. Mahanta and D. Gogoi (Eds.). *Shifting Terrain: Conflict Dynamics in NEI*. Guwahati: DVS Publishers.



Analysing the state's role in dealing with land issues in the transition from agriculture to non-agriculture-driven growth may be a significant field of inquiry (Chakraborty & Ray, 2017, p. 303).<sup>3</sup> The previous chapter shows that land is such an asset that it is always related to the political-economic issues of individuals and communities and is thus a central issue of governance. Moreover, increased population growth worldwide and non-increased land areas have reflected an imbalance in demand and supply. That is why land is known to be one of the scarcest commodities in the world and demands special state attention.

Assam, which stretches from latitude 24.1° N to 26.0° N in wide and from longitude 89.67° E to 96.04° E in length, is home to 2.64 percent of the country's population. Assam is the Northeast's most populous state. Northeast India includes eight states (Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim). It is bordered to the north by Bhutan, Tibet, and China, east by Myanmar, and south by Bangladesh. Assam shares borders with all other north-eastern states and Bhutan and Bangladesh. The political territory of Assam at the time of independence included the states of Mizoram, Meghalaya and Nagaland. The state was even larger before the partition of India. During the partition of India, a large geographical area of the state of Assam was transferred to East Pakistan. However, due to reorganisation, the state's territory had been reduced from 2,55,000 square kilometres to 78,438 square kilometres by 1980.

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<sup>3</sup>Chakraborty, G. and Roy, A.K. (2017). Land and Dispossession: The criticalities of the Hills of North East. In A. P. D'Costa, & A. Chakravarty, (Eds.). *The Land Question in India: State, Dispossession, and Capitalist Transition*. New Delhi: Oxford Publication. pp. 302–324.

The Assam state has abundant agricultural land and water resources, with a total geographical area of 78,438 square kilometres, of which 98.4 percent is rural. Assam accounts for approximately 2.4 percent of the country's total geographical area and is home to roughly 2.6 percent of the country's population.<sup>4</sup> The state of Assam is divided into three physiographic regions: the Brahmaputra valley, the Barak valley, and the Karbi Anglong and North Cachar hills. Most of the state's population lives in the lush valleys of the state's two major river systems, in the 30 districts of the Brahmaputra valley and three districts of the Barak valley. Three hill districts, Karbi Along, West Karbi Along and Dima Hasao, are less densely populated and are located in the low-lying hills that separate the two valleys. The state is divided into 33 administrative and revenue districts. Four districts are part of the Bodoland Territorial Council (BTC) area, namely Kokrajhar, Chirang, Baksa and Udalguri, and six newly created districts, namely Biswanath, Charaideo, Hojai, South Salmara-Mancachar, West Karbi Anglong and Majuli.<sup>5</sup>

Nature has abundantly graced the state. The rivers like the mighty Brahmaputra and Barak River in the south and their tributaries provide a plentiful water resource. Similarly, the high-density forest cover is home to a wide range of valuable trees, bamboo, and medicinal plants. The fertile valleys of the state and hill slopes fertilise tea plantations and horticultural crops. Moreover, petroleum, natural gas, coal, limestone, and various minor mineral deposits are among the natural resources found

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<sup>4</sup>State profile of Assam, Government of Assam Transformation and Development directorate of Economics and Statistics. Retrieved from <https://des.assam.gov.in/information-services/state-profile-of-assam> on 13.9.2020.

<sup>5</sup>State profile of Assam, Government of Assam Transformation and Development directorate of Economics and Statistics. Retrieved from <https://des.assam.gov.in/information-services/state-profile-of> on 13.9.2020.

in Assam. Western Assam has a small amount of iron ore as well. As such, Assam is located in the bio-diversity hotspot region. Assam is home to several tropical rainforests, including the Dehing Patkai rainforest. Many areas have been safeguarded by establishing national parks (NP) and reserved forests. Assam is home to 5 NPs, 18 Wild Life Sanctuaries (WLS) and several other unclassified reserve forests, which comprise 35.28 percent of the state's total geographical area. Recently, the Government of Assam has declared two new national parks, Dehing Patkai and Raimona, bringing the total number of such protected areas in the state to seven. The state's two world heritage sites are Kaziranga and Manas. Kaziranga is home to the endangered Indian rhinoceros, and Manas National Park is home to tigers. Natural calamities are also common in the state. Each year the state faces floods caused by high rainfall, deforestation and other factors. These frequently result in massive loss of life, assets and livelihood. The province is also earthquake susceptible. Assam has a diverse population that includes socio-cultural and ethnic groups. According to the 2011 Census of India, Assam has a population of 312.05 lakh people, with 159.39 lakh males and 152.66 lakh females.

The issue of land governance in Assam has become increasingly important day by day. In another way, land governance in Assam is now seen as one of the most significant issues of the state, which has an irrefutable link with issues of ethnic identity and other political and economic rights issues. Assam, a north-eastern state of India, has become a melange of ethnic diversity. Several ethnic groups with diverse ethno-cultural heritages have lived in the state. Each ethnic group has its customs and practices by which it governs/manages its ancestral lands and associated properties.

However, the introduction of new land laws at various stages of the post-independence period has created tremendous land tensions among conventional tribal groups. Moreover, modernism, particularly in the post-liberal decades, has changed the lifestyle of the ethnic groups and their way of life. During the post-liberalisation decades, the most vulnerable sector is their land tenure rights.

The illegal influx of foreign nationals through the state's porous border has contributed to immense demographic changes in Assam, directly affecting its residents' traditional land tenure rights. In the traditional land tenure systems, the land was governed by customary laws, and a few plots of land were kept as common properties for various community purposes. Thus, thousands of hectares of land in and around the villages remained uninhabited and uncultivated. However, following the massive migration of land-hungry Bangladeshi immigrants, these untouched community lands of indigenous communities began to dwindle. Migration has become an unstoppable phenomenon in the state over time. The state's political parties have started a political blame game without taking adequate preventive measures to stop migration. The traditional land tenure rights of the state's indigenous communities are among the most vulnerable areas affected by migration. Traditional Assamese communities have become minorities and landless in many parts of the state due to aggressive land-grabbing Bangladeshi Muslim migrants. It impacts the indigenous Assamese communities' economic security as well as their ethno-cultural identities.

The land displacement caused by varied factors represents another significant issue of land conflict in Assam. Land displacement occurs in the state in two kinds- natural and development-induced. Natural displacement includes displacements caused by flooding, droughts and earthquakes. Millions of people temporarily become

homeless yearly due to natural disasters such as floods and river erosion. Many of them cannot resume life again when they return home because they lose much of their belongings, including annual crops.

On the other hand, the development-induced displacements are relatively recent where eviction occurs due to the construction of bridges, dams, industrial parks and cities. Various studies have shown that infrastructure projects have induced 50- 60 million displacements in post-colonial India (Fernandes, 2004).<sup>6</sup> Most of them were from river dams (Baboo, 2002, p.195).<sup>7</sup> Just 25 percent of the displaced were partly resettled, others were negligently paid, and some were neglected (Nag, 2002, p. 28).<sup>8</sup> The displaced peoples have been forced into poverty and have lost their prominence, most of them from the already vulnerable communities (Bharali, 2006).<sup>9</sup>

Similarly, the forest land crisis is another critical dimension of the land crisis in Assam. This crisis, in reality, is a human inhabitation crisis in forest land or near reserved forests. The fundamental issue that exemplifies the problem is, should human beings be removed from the forest and wildlife conservation regime or should they be part of the conservation process? (Saberwal and others, 2001, p.3).<sup>10</sup> The proponents of the first part of the question consider the involvement of local populations to be counter to the environmental interest. It supports the establishment of ‘people-free

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<sup>6</sup>Fernandes, W. (2004). Rehabilitation Policy for the Displaced. *Economic & Political Weekly*, 39(12), 1191–1193.

<sup>7</sup>Baboo, B. (2002). Dams, Displacement and Violation of Human Rights: The Case Hiraakud Dam in Orissa. In P. M. Katare, and B.C. Barik, (Eds.). *Development, Deprivation and Human Rights Violation*. Jaipur: Rawat Publications.

<sup>8</sup>Nag, S. (2002). Whose Nation is it anyway: Nation Building and Displacement in Indian Sub-Continent. In C. J. Thomas (Ed.). (2002). *Dimensions of displaced people in north-east India*. New Delhi: Regency Publications, pp 26–50.

<sup>9</sup>Bharali, G. (2006). *Development-Induced Displacement and Human Security in Assam*. Paper presented at the Seminar on Human Security, Department of Political Science, Gauhati University, November 17–18.

<sup>10</sup>Saberwal, V., Rangarajan, M. and Kothari, A. (2001). *People, Parks and Wildlife: Towards Coexistence*. New Delhi: Orient Longman.

spaces' in and around the forests, viewing humans as outsiders to the natural environment. It is considered the safest way to preserve forests and wildlife (Thapar and Manfredi, 1995<sup>11</sup>; Karanth, 2008, p. 274<sup>12</sup>, Kothari, 2003<sup>13</sup>). This view is expressed in creating protected areas (PAs) for protecting wildlife and habitats by the colonial and post-colonial Indian states. It upholds a conservation regime that believes in protecting forests and bio-diversity by prohibiting local forest-dwellers with 'fences and fines' or 'guns-and-guards' (Kothari, Ibid.).

Conversely, the advocates of the second part of the question claim that individuals must be considered central to the conservation mechanism. They advocate for a more inclusive park management structure where the voices of forest-dwelling families and other residents can be engaged (Guha, 2006, p.140).<sup>14</sup> However, the development of national parks and sanctuaries removed forest-dwelling groups from the source of subsistence without acknowledging their customary rights to forests. Saberwal and others (2001, Ibid.) believe that the latest crisis with the Indian conservation scene is because of its exclusionary approach. Forests in India have remained homes for many indigenous peoples for years. These forest dwellers have developed several strategies for using land and other resources within forests for survival. As a result, smuggling and poaching have risen in the PAs. The denials of access to forest resources for livelihoods have resulted in local hostilities to

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<sup>11</sup>Thapar, V. and Manfredi, P. (1995). Saving our Forests. *Seminar*, (426) 27–30.

<sup>12</sup>Karanth, U. K. (2008). Sacred Groves for the New Century. In A. Prasad (ed.). *Environment, Development and Society in Contemporary India: An Introduction*. New Delhi: Macmillan. pp. 273–279.

<sup>13</sup> Kothari, A. (2003). *Keepers of Forests: Foresters or Forest Dwellers?* New Delhi: Centre for Civil Society.

<sup>14</sup>Guha, R. (2006). *How Much Should a Person Consume? Thinking through the Environment*. Delhi: Permanent Black.

conservation strategies and a frequent clash with forest authorities. The cases of Kaziranga National Park, Amchang Sanctuary and Nameri National Park of Assam are unmistakable evidence.

The introductory analysis demonstrates how land is a critical governance issue in Assam. The state is witnessing several land rights movements due to the above causes. Land governance is no longer a mere politico-economic issue that the state has traditionally debated. It is also a matter of indigenous peoples' livelihood and dignity. Access to land and related natural resources is an inalienable right of the people that the state must recognise and protect. In the post-independent era, land governance in India has emerged as a state subject, with the Land Revenue Department as the vital custodian. At the same time, the real responsibility is borne by a range of state and local departments and agencies, making land governance complicated with overlapping jurisdictions.

### **3.2 STATE AND LAND GOVERNANCE IN ASSAM: A HISTORICAL PERSPECTIVE**

Before the British invasion of Assam, the state was ruled by various rulers, the most powerful and long-lasting of which was the Ahom dynasty. During the reign of Ahoms, the concept of complete state ownership of lands was prevalent in Assam. The Ahom king considered himself the sole owner of all lands in the Ahom kingdom. The kings occasionally made gifts to divinities, Brahmin religious institutions, and elites in knowledge and administration. The kings distanced their proprietorial rights favouring these awardees by making such grants. When the British invaded and occupied Assam,

these awardees attempted to claim the same proprietary rights they had under Ahom rule. However, the British colonial government did not immediately recognise these claims (Hawelia and Gope, 2020, p.2).<sup>15</sup> British General Jenkins, the then Commissioner, conducted a thorough investigation and classified such awards or grants into three categories: *Devottar* (dedicated to idols/divinities), *Dharmaottar* (dedicated to religious purposes), and *Brahmottar* (dedicated to Brahman/priests). He recognised the Devottar grants, which included *Bhogdhani* and *Paik* lands, as *Lakhiraj*, or revenue-free estates. Jenkins assessed the other two classes to half the ordinary revenue rates, resulting in *nisfkhiraj*, or half-revenue-paying estates (Hawelia and Gope, Ibid., p. 2).

Apart from these grants made by the Ahom kings to the satras, temples, brahmins, or learned people, paiks were permitted to cultivate all other lands during the Ahom period. The entire population was divided into khels. Each khel housed 1,000 to 5,000 people, and each khel was subdivided into *Gotes*. Each gote contained 3 to 4 paiks or raiyats. One paik from each gote provided personal service to the kings or some state officers. In exchange, each paik of the gote was given two *puras* (8 bighas) of free rice-land or orchard, with the two paiks who stayed at home cultivating not only their own shares but also the shares of the third paik, whose turn it was to give his labour to the state. In addition, each paik was given a plot of land on which to build his house and *bari*, for which he paid Re 1 a year in house tax or poll tax. If a paik cultivated more rice land than his two puras, he would have reprimanded Re 1 per

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<sup>15</sup>Hawelia, N. and Gope, M.L. (Eds.). (2020). *An Introduction to the Land Laws of Assam*. Guwahati: Book Land.



pura. Non-cultivators paid a higher poll tax rate, pan cultivators paid a tax on their ploughs, and hill tribes paid a hoe tax (Hawelia and Gope, *Ibid.*, p. 2).

As such, two categories of land rights prevailed during the Ahom rule in Assam: i) absolute proprietary rights of *Lakhirajdars*, who were completely exempted from payment of land revenue, and ii) occupancy right of paiks who were actual cultivators and rendered service to the king in place of cultivable land allotted to them. Thus, from the initial situation in which the state had absolute ownership of all lands, a progression was reached when the Lakhirajdars began to have absolute proprietary rights due to the state's outright revenue-free grant or gift of land.

The British administration embraced the concept of absolute state ownership of land in Assam. They also followed the state's two-tiered landholding divisions. However, the British administration introduced other sub-divisions to systematise the various tenures in multiple parts of the province. In addition, the British colonial government implemented several wasteland grant rules for special cultivation and settlement rules for ordinary cultivation in Assam by following various Bengal Regulations and Acts of Governor-General-in-Council.

The British administration implemented the all-encompassing and well-written Assam Land and Revenue Regulation in 1886, which is still in effect today. This regulation legitimised the various rules and orders in force in Assam and repealed the previous Bengal Regulations and Acts of Governor-General-in-Council. Moreover, the law enshrined the fundamental principles of land rights that the British government decided to recognise.

The British government recognised the following categories of land rights under section 6 of the Assam Land and Revenue Regulation, 1886:

- i) Rights of proprietor, landholder and settlement holder other than landholder;
- ii) Right legally derived from (i);
- iii) Rights acquired under sections 26 and 27 of the Indian Limitation Act and;
- iv) Rights acquired by any person as a tenant under any Rent Law in force.<sup>16</sup>

Though four categories of land rights are stated here, categories (ii), (iii) and (iv) are all derivative rights derived from category (i). Those under category (i) are the fundamental rights that relate to the proprietor, landholder and settlement holder. A landholder is a broader class known as a settlement holder, so in the end, the regulation only recognises two general classes. They conform, albeit tangentially, to the two classes under the Ahom Rule.

As narrated in the introduction to the Assam Land and Revenue Regulation, the history of land rights is primarily a history of the evolution and systematisation of the rights of the proprietor, landholder, and settlement holder other than the landholder. Thus, to include the rights of the owners of permanently settled estates such as Goalpara and Sylhet, which were not found in the rest of Assam, they were included within the definition of proprietor alongside the owners of Lakhiraj and revenue-free waste land grants. Again, to promote permanent cultivation, people who had owned land for more than ten years were given permanent heritable and transferable rights, forming a superior sub-class within the larger settlement holder

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<sup>16</sup>Assam Land and Revenue Regulation, 1886. Retrieved from <https://asdma.assam.gov.in/sites/default/files> on 13.9.2020

class. In short, all classes of lands were brought under the scope of estates of these three classes, namely-proprietor, landholder, and settlement holder other than landholder, in one way or another (Hawelia and Gope, Ibid., p.4).

The state could also assign land for *jhum* cultivation, also known as migratory or shifting field cultivation, under Section 14 of the Land and Revenue Regulation. Because tribal families practise shifting cultivation, this provision was designed specifically for them. However, no rules were framed for governing the allotment and control of such lands and the rights, presumably because of the communal ownership system among tribes.

Several specific provisions were made in Section 160 of the Regulation to protect the people's interests belonging to backward classes of society, such as tribals and tea garden labourers. The constitution of tribal belts or blocks that were exclusively reserved for their use and occupation for cultivation and allied purposes was stipulated as a protective measure for this group of people (Section- 161). The tribal belt lands were settled on an annual and periodic lease basis for ten years or more. On the other hand, the landholder's right to transfer or sublet the holding in these reserved belts was restricted to those from the backward classes.

### ***Land Governance during Post-Independence Era:***

Assam is the leading state in northeast India in terms of land reform. Assam initiated several steps to fabricate tribal lands and land reforms in the post-independence period. The Assam State Acquisition of Zamindaries Act of 1951 repealed all intermediaries in the land system in the permanently settled districts of

Goalpara, Dhubri, Kokrajhar and Karimganj. This legislation repealed 3628 zamindari estates and gave the state government 6.76 lakh hectares of land.

New ceiling acts were passed in 1956 for rural areas and 1976 for urban areas to ensure equitable land distribution. The rural ceiling is 6.68 hectares per family, while the urban ceiling is 2,000 square metres per family. Ceiling acts have been implemented in both rural and urban areas. As a result, 2.34 lakh hectares of land have been procured in rural areas alone. These surplus lands have been distributed to rural landless farmers.

The Assam (Temporarily Settled Areas) Tenancy Act was passed in 1971 as part of land reform measures, recognising the rights and obligations of occupancy and non-occupancy tenants. These policies benefited the community's poorest members, tiny, marginal and landless farmers. In 1979, the state government took another step toward aiding similar landholders by exempting landholders owning less than ten bighas from land revenue.

In the post-independence period, special provisions in land laws have been added to protect tribal land by establishing protected belts and blocks. Transferring protected lands to non-tribals has become illegal, and any registered document containing such transactions has been declared invalid. In March 1990, the government enhanced the legal provisions by instituting harsh penalties such as fines and imprisonment for violations of the legal conditions. The administrative machinery has been bolstered by the appointment of full-time Additional Deputy Commissioners and Circle Officers. In addition, infrastructure facilities have been set up to ensure the

smooth execution of land reform measures and provisions relating to tribal land protection.

***Land Ceiling Situation:***

In 1958, the ceiling was set at 150 bighas per person/family for all types of land except land used for tea cultivation and supplementary purposes, regardless of family size, soil type or irrigation availability. The ceiling was reduced to 75 bighas and 50 bighas by two separate Act amendments in 1970 and 1972, respectively. In 1975, the Act got amended again to prevent owners from skirting the ceiling provisions by claiming a sizable portion of excess land as orchard land.

In 1955, the zamindari system got officially abolished. The Act empowered the seize of interests associated with these estates, such as rights to minerals, forests, fisheries, rent redistribution, etc. It also allowed the tenants in these estates to keep their land under the same terms as before.

The Assam State Acquisition of Lands Belonging to Religious or Charitable Institutions of Public Nature Act of 1959 resulted in a significant shift in Assam's land distribution patterns. It ruled over the powerful feudal lords known as Satradhikars of upper Assam and Majuli of the then Jorhat district. According to the Act's provisions, the powerful feudal Satradhikars were deprived of their land and forced to live on an annuity. Tenants who were already on the Satras' lands became owners automatically.

### ***Position of Tenants or Sharecroppers:***

In direct opposition to the paik and khel system instituted by the Ahom rulers in the nineteenth century, the farmers of Assam surged in rebellion against the British. Even though the Tenancy Act of 1971 recognises *adhiars* or sharecroppers as tenants, many adhiars have not improved significantly. The following are the main provisions of the Tenancy Act of 1971:

- i. Because sharecroppers fall under the definition of a tenant, they will be entitled to all of the Tenancy Act's protections.
- ii. Instead of the previous five classes of tenants, there will be only two: occupancy and non-occupancy tenants.
- iii. The right of occupancy will be granted after three years of occupation, instead of the previous law's requirement of twelve years.
- iv. Rights to acquire ownership and intermediary rights and confer them on cultivating tenants, both occupancy and non-occupancy tenants, including former under-raiyats, have been granted.
- v. Enabling rights have been granted to both occupancy and non-occupancy tenants to acquire their landlords' ownership rights by completing an application and depositing compensation equal to 50 times the land revenue for such land.
- vi. While occupancy tenants are fully protected against eviction, non-occupancy tenants can only be evicted for specific reasons.
- vii. Non-occupancy tenants have a limited right to mortgage, whereas occupancy tenants have heritable and transferable rights.

viii. The upper limit for fair rent regarding crop rent has been prescribed as one-fifth of the produce of one major crop, whereas cash rent should not exceed three times the land revenue.

In the event of crop failure, there is a provision for payment of money rent equal to twice the amount of land revenue. Under current tenancy law, sharecroppers who have worked for the same landowner for three years in a row are entitled to the status of Occupancy Tenants.

Unfortunately, the empirical reality contradicts the legality. As a result, adequate steps must be taken through an appropriate cash programme to ensure the implementation of the relevant legal provision to ensure the realisation of the mission of law.

Even though the Tenancy Reforms Act of 1971 requires tenants to pay one-fifth of the gross produce of the main crop to the landlord as crop rent, in practice, sharecroppers are mandatory to pay up to 50 percent of the gross produce. The sharecroppers are suffering greatly as a result of this. Hence, steps must be taken to implement legal provisions to realise the benefits sanctioned by law in favour of tenants.

The former occupancy tenants should be granted ownership rights for payment of not more than 20 times the annual revenue. Many of the occupancy tenants have been in the same situation for several years because they have been unable to pay the required compensation amount of 50 times the total rate of annual land revenue. The law required such increased remuneration should be amended accordingly.

The tenants typically lease a small amount of land with no irrigation potential. Steps should therefore be taken to develop irrigation possibility and connect it to banking institutions and rural development programmes.

According to a Government of India report, 29.08 lakh tenants in Assam had been granted ownership of 31.75 lakh acres of land as of September. There may be some gaps here and there because land reform is a vast field, but the Assam government's performance on this front can be lauded as satisfactory. However, there is potential for an extensive operation type campaign in the second phase of tenancy reforms. The remaining sharecroppers can at least be recorded, even if ownership rights are not granted. The state's revenue administration should be prepared to prioritise the remaining vested land returns. The state's tribal population is entitled to a fair share of the nation's wealth. It will necessitate specialised training of revenue officials from outside the state. State agricultural technological innovations should be implemented on a large scale so that men-folk are more attracted to agriculture and female folk are treated fairly. Their names should be undoubtedly documented in government leases or pattas, as in other states, so their field labour is identified and acknowledged.

### **3.3 LAND QUESTIONS DURING THE POST-INDEPENDENT ASSAM**

The history of post-independent Assam is less known for any direct land crisis. The state's primary issues were ethno-cultural in the immediate decades of independence. Hence, the land question of the people was hardly an issue of public



debate. However, currently, the land questions are getting special public attention. Here are some exciting land issues now being debated in the state of Assam.

### ***Forest land Crisis***

Land questions of the people settled in and around the reserved forests have been an ordinary matter of public debate due to erratic boundary demarcations of the reserve forests in Assam. Such demarcation of the boundary has quite profoundly violated the rights of the Scheduled Tribes in particular and the other traditional dwellers of the state in general.

In Assam, the state forest department considers human encroachment on forested land a severe threat to wildlife and forest bio-diversity. Human encroachment is believed to be one of India's primary reasons for forest land diversion (Jain, 2016).<sup>17</sup> Hence, the state forest department has adopted various approaches to prevent further human encroachment on the forested lands and conserve the latter. The demarcation of boundaries of the reserve forests is one such approach that has frequently caused great dissatisfaction among the people who live in and around the reserved forests.

Human encroachment in and around the open fields of reserve forests in Assam is mainly because of natural calamities such as floods and erosion and illegal land-hungry human immigration. Natural threats to the state's ancestral lands of poor rural people are primarily due to non-scientific embankments with low-standard materials and river dams. Several families have abandoned their homes and villages, and

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<sup>17</sup> Jain, D. (2016, August 25). "How much of India's forest land have been encroached upon?" Retrieved from <https://www.livemint.com/Opinion/yBPIlAC4NwIwmmE6OxYXIL/What-Indias-foreststatistics-really-show.html> on 02.11.2021.

agricultural fields fell beneath the sands (Gohain, 2006).<sup>18</sup> The government has not provided the dispossessed with any rehabilitation or resettlement facilities. Thus it has become a question of life and death for landless households. The dispossessed had to penetrate the reserve forests to protect their lives and livelihoods, despite state forest rules expressly prohibiting it. Thus, the forest lands are converted into human habitats, starting the conflict between men and the state.

Many forest land conflicts experienced in Assam state's role have been dubious. At one level, the state itself encourages human migration into protected forests to fulfil its specific purposes. Yet, on some other days after fulfilling its objectives, the same state deems once welcomed migrants to be encroachers and urges them to be evacuated. The Doyang-Tengani land rights movement in the Golaghat district's southern frontier is a living example of such erroneous state policies.

The Doyang area is a part of the Doyang Reserve Forest, which the British administration constituted under the Indian Forest Act 1878. The British administration promoted human settlement in Doyang to protect the forest by setting up four 'forest villages', namely Merapani, Chaudangpathar, Katamari and Amguri, in 1905. Human migration to Doyang continued, although intermittently, in the post-independence period. Between 1951 and 1954, the district administration allotted land for establishing 12 new villages in Doyang (Gogoi, 2014, p.111).<sup>19</sup> Similar allotment of land for human settlement in Doyang Reserve had been granted in different forms. For instance, in 1968-70, the Government of Assam adopted the 'half-mile belt

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<sup>18</sup>Gohain, H. (2006). Land Question in Assam. *Economic & Political Weekly*, 41(32), 3459.

<sup>19</sup>Gogoi, A. (2014). Doyang Tenganir Andolon aru Bonanchal Basir Bhumi Adhikar Prasonga. In his *Gana Sangramar Dinlipi*. Guahati: AakhorPrakash.

scheme'. The state government encouraged the landless people across the state to settle in the open fields of Doyang nearer to the border with Nagaland. The scheme intended to accomplish two indirect purposes of the government. The first purpose was to create a human shield to defend the contested areas of the Assam-Nagaland border from possible Naga aggression, and the second was to maintain control over the plains and forestlands on the Assam-Nagaland border (Gogoi, Ibid.). The scheme encouraged hundreds of landless families from across the state to migrate to Doyang along the Nagaland border, which eventually left the latter wholly deforested. The Assam government facilitated them with voting rights and established government institutions such as schools, panchayat offices and cooperative societies.

Tengani, which comes under the Sarupathar assembly constituency, is the northern sector of the Nambor Reserve Forest demarcated under Indian Forest Act, 1878. Before the boundary demarcation of the reserve forest, the British administration promoted the establishment of two revenue villages in the Tengani area in 1838, Tengani and Borhula. During the post-independence period, the state government permitted the settlement of seven other forest villages in Tengani. As a result, by 1980, the entire Tengani area of the Nambor Reserve got deforested by human habitation (Gogoi, Ibid., p. 112). Villagers of the Tengani have been provided with voting rights since 1970. The Tengani Gaon Panchayat and Tengani Cooperative Society were founded in 1991 and 1993.

Initially, the state's human settlement policy in the forested lands of both regions received widespread support from different quarters of the state. Because of this policy, hundreds of landless Assamese families affected by natural disasters got

resettlement. But the state forest department began to oppose its previous ‘half-mile belt scheme.’ It began viewing human settlements as dangers to the natural balance of the forests. As a result, the department imposed eviction notices on the inhabitants of Doyang and Tengani. The eviction notifications issued by the forest department explicitly stated the state government’s new intentions regarding the ‘illegitimate dwellings’ along the demarcated boundaries of Doyang and Nambor forests. Likewise, the state forest department had carried out multiple eviction drives in Doyang and Tengani during the 1990s. The eviction in June 2002 was the most heinous, displacing hundreds of poor landless families. The administration offered no rehabilitation facilities to the displaced people. It eventually compelled the villagers of Tengani and Doyang to join together in 2002 under the banners of ‘*Brihattar Tengani Unnayan Sangram Samiti*’ in Tengani and ‘*Doyang Mukti Sangram Samiti*’ in Doyang with the shared goal of defending their land rights.

In sharp contrast to the state narratives, the *Doyang-Tengani Mukti Sangram Samiti* unveiled a different rendering of the whole crisis. The Samiti advocated that the allegation of ‘illegal encroachment’ or ‘illegitimate dwelling’ in Doyang and Tengani is not based on historical records. Instead, due to unusual circumstances, the state administration permitted landless peoples to be settled in Doyang and Tengani in different time courses. Regarding the deforestation in the Doyang and Nambor Reserves, the Samiti contends that the deforestation in both reserve forests started long before the people’s settlement in the forested lands near the Assam-Nagaland border of Golaghat district. In reality, deforestation began when the local administration

permitted several sawmills to operate in the reserve forests, aided by forest mafias and corrupt government officials.

Aside from the conflicts in Doyang and Tengani, the erratic boundary demarcations of reserve forests have created a new land quandary in Kaziranga National Park (KNP) and Amchang Wildlife Sanctuary. The Governments of Assam have carried out several eviction drives in several places for alleged settlements by villagers within the periodically expanded boundaries of both reserve forests. Several villagers lost their lives to police atrocities in many such state eviction drives. Several others wound up in conflict with police forces. The evicted people were left homeless. They received no rehabilitation services from the state. It's a massive humanitarian crisis for which the state government has faced severe criticism from various segments of society. Moreover, the state has frequently ignored indigenous and lawful dwellers' traditional land rights in and around the parks' expanded boundaries.

### ***Land Crisis as a Result of Illegal Immigrants:***

As mentioned in the introductory part of the chapter, the mass influx of illegal immigrants, mainly from Bangladesh, into the state has jeopardised the natives' lingo-cultural and politico-economic existence. Moreover, immigrants have systematically encroached on land fields (wetlands, forest lands, agricultural lands, and char areas) that have been open for decades.

There are inextricable connections between the land questions in Assam and the issues of ethnic identities. No nationality could persist for long without ownership over its land and other natural resources. This understanding has emerged mainly due

to the Brahma Committee Report<sup>20</sup> submitted to the Government of Assam, which painted a bleak image of the landlessness of *khilonjiya Asomiya* or indigenous/native Assamese households in their own state. The committee concluded that illegal immigration constantly threatens indigenous peoples' and Assam's survival. Such a danger arises from the unregulated influx of illegal Bangladeshi immigrants whose voracious hunger for land. Most Assamese people do not have permanent land patta or permanent land settlements. They either have *eksania* patta (annual land settlement) or occupy government land, whereas many are landless (Final Report, p, 185).<sup>21</sup> Given the landlessness of indigenous peoples at the hands of land-grabbing immigrants, the Brahma Committee urges the state government to consider the issue urgently and to take steps to halt the ceaseless infiltration that has posed challenges to the very identity of Assam, or indigenous people of Assam (Ibid., p.185)

The threats posed by Bangladeshi immigrants are not only restricted to the indigenous Assamese's land rights. Instead, their challenges range from politics to the indigenous Assamese language and culture. In 15 of Assam's 33 districts, immigrants now outweigh indigenous groups in political power. Their large-scale infiltration into the districts of Assam has also resulted in several environmental challenges. Thousands of bighas of government land in Assam, including forest land, grassland,

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<sup>20</sup> The Government of Assam formed the Brahma Committee to research the protection of the land rights of indigenous peoples of the state under the leadership of former Chief Electoral Commissioner Hari Sankar Brahma in February 2017. The Committee also recommended steps to amend the Assam Land and Revenue Regulation (ALRR) of 1886 to draw up a uniform land policy. Moreover, the committee listed the available government lands and the extent of encroachment therein to encourage the Assam government to grant land pattas to the indigenous populations of the state.

<sup>21</sup> Final Report: Committee for Protection of Land Rights of Indigenous People of Assam submitted on December 30, 2017. Retrieved from <https://pratidintime.sgp1.digitaloceanspaces.com/2018/05/BRAHMA-COMMITTEEM-Report.pdf> on 16.09.2021.

wetlands, and others, are illegally occupied by illegal immigrants. According to the Brahma Committee Report, illegal Bangladeshi immigrants threaten Assam's many 'Vaishnavite Satras'. By validating the observation, the Asom Satra Mahasabha, an umbrella organisation of the Satras, also estimated that about 7,000 bighas (937.08 hectares) of land belonging to 39 Satras are under unlawful encroachment. The majority of the encroachers are suspected to be illegal Bangladeshi Muslims. A study by the Northeast Policy Institute in July 2012 found 5,548 bighas of land (742.70 hectares) belonging to 26 Satras encroached on by illegal settlers (Deka, 2019).<sup>22</sup> Hence, the land crisis of the indigenous Assamese is a harsh reality in Assam. Thousands of indigenous families are landless in the state, living on grazing lands or in non-cadastral zones.

### ***Land Crisis as a Result of Natural Calamities:***

Aside from the encroachment of illegal immigrants, land issues in Assam have gained extraordinary importance as people's rights are threatened by the twin ravages of nature and the acquisitive forces of capitalism such as timber merchants, contractors and industrialists colluded with the politicians (Gohain, 2006).<sup>23</sup> The natural threats to the land rights of poor rural people are primarily floods and erosion, which are essentially the result of unscientific embankments with substandard materials and river dams. Many families have lost their homes and villages, and sands have buried agricultural lands throughout the state. This picture is evident in districts such as

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<sup>22</sup>Deka, K. (2019, August 11). "Deconstructing the NRC: With wrongful expulsion and inclusion of names, will the list do justice to the Assamese?" Retrieved from <https://www.dailyo.in/user/1282/kdscribe> on 6.11.2021.

<sup>23</sup>Gohain, H. (2006). Land Question in Assam. *Economic & Political Weekly*, 41(32), 3459.

Lakhimpur, Dhemaji and Majuli. The dispossessed families have received no rehabilitation or resettlement services from the state government. The dispossessed people had to enter the forest lands to protect their lives and earn a living. But encroachment into forest lands is strictly prohibited according to the laws. The state governments frequently issue eviction notices to the villages settled on forest lands to protect the reserve forests. The state eviction drives are met with vehement opposition from the landless masses, which frequently escalates into land wars between the government and the displaced. Thus scarcity of land resources has been a continual source of contention for the State (Gohain, Ibid.; Sultana, 2018<sup>24</sup>).

### ***River Dams:***

River dams (both large and small) are a significant source of human displacement in India and throughout the world. Extensive studies have been carried out to assess the adverse impact of the dam on the downstream river eco-system, biodiversity and socio-economic life of the people living downstream.

Since the beginning of the twenty-first century, Assam has been a hotbed of dam politics. The Central government intends to make the entire Northeast a power house of India. Many mega and small dam projects are planned in the region. According to reports, Arunachal Pradesh has the highest potential for dams in the Northeast. Many of the projects have also been approved by the state government of Arunachal Pradesh, and construction has started.

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<sup>24</sup>Sultana, P. (2018). Jati, Mati, Veti and the Politics of Convenience. *Northeast Now*. Retrieved from <https://nenow.in/north-east-news/jati-mati-veti-politics-convenience.html> on 18.09.2021



Among the many, the Lower Subansiri Hydro-Electric Project dam is the most contentious, which is located 2.3 kilometres upstream of Gerukamukh village in Lower Subansiri district on the border of Assam and Arunachal Pradesh. According to an estimate, the dam will generate 2,000 MW of power, making it Asia's second-largest river dam. People in both Assam and Arunachal Pradesh are concerned about the impact of such a large dam on their lives as the dam's construction begins. The Appropriate Technology Mission Assam (ATMA) has filed a Public Interest Litigation (PIL) against the Lower Subansiri dam's construction, claiming no proper study of the downstream impacts such as flooding, erosion and bio-diversity loss has been conducted.<sup>25</sup> The downstream people will lose their customary rights to the river and land, the two primary sources of their earnings. Hundreds of Bighas of land have been accumulated to build dam infrastructure, and thousands of families will have faced eviction due to the dam's various downstream effects. Thus, the dam's construction threatens the environmental sustainability of the downstream and the survival of hundreds of families in Assam's Lakhimpur, Dhemaji, and Majuli districts.

Another proposed multi-purpose river project in the Pagladiya River at Thalkuchi in the Nalbari district of lower Assam threatens to displace more than 50,000 people and more than 5,000 families (Dutta, 2003).<sup>26</sup> The area is inhabited by various castes and communities but is dominated by Bodo tribal groups. The Brahmaputra Board claims that only 20 percent of the potential displaces belong to the scheduled tribes, but the affected people say that it is around 90 percent (Ibid.).

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<sup>25</sup>"PIL Against Subansiri Project Filed in HC", *The Assam Tribune*, November 26, 2009. Retrieved from <https://assamtribune.com/hc-puts-onus-on-state-govts> on 28/03/2012.

<sup>26</sup>Dutta, A. R. (2003). Pagladiya Project Poor Rehabilitation of Oustees. *Economic & Political Weekly*, 38(49), 5149.

According to Guwahati-based researcher GeetaBharali, the Pagladiya Project will displace 20,000 families. The construction of dams, roads, reservoirs and canals will lead to the displacement of about 1,05,000 people from their lands and homes (Bharali, 2004).<sup>27</sup> About 34,000 acres of land are proposed to be acquired for the project. Land in the proposed area is highly fertile, and most people are poor peasants. The government has proposed to grant Rs. 20,800 per displaced family and Rs. 1,000 as a material grant. The local people, and many civil society organisations in the state, have been protesting against the proposed dam project on the river. For them, the dam would create livelihood insecurity and make them detached from their land and villages.

Moreover, the hydro-electric dams' downstream effect is another point of concern. It is perceptible in the latest devastations caused by the Ranganadi Hydroelectric Dam and Doyang Hydro-Electric Dam in Lakhimpur and the Golaghat districts of Assam, respectively. Hundreds of agricultural lands in the affected districts have gone under the sand. It has created havoc and tensions among the landless people in both districts- the ongoing anti-dam movements in the state result from such devastating experiences.

### ***Inter-state Border Disputes and the Land Questions:***

The inter-state border dispute is another critical dimension of the land question of Assam. The Assam state shares a border with four neighbouring states, namely

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<sup>27</sup>Bharali, G. (2004). "Development-Induced Displacement; the Struggles behind It". The report was presented in the International Conference on Development and displacement: Afro-Asian Perspective, Hyderabad: Osmania University, November 27–28.

Nagaland, Meghalaya, Arunachal Pradesh and Mizoram of the Indian Union and has boundary disputes with all of them. The conflict between Assam and Nagaland has been the bloodiest one, while the battles with others are sporadically sensitive. In every border dispute, there is a clash between history and modernity, political and ethnic boundaries.

The length of the Assam-Arunachal Pradesh border is 804.1 kilometres touching eight districts of Assam. The first reports of border disputes surfaced in 1992 when the Arunachal government claimed that Assamese citizens erected houses, markets, and even police stations. Since the 1992 incident, there have been sporadic confrontations along the border between the two states. In 2005, Assam Police and forest officials allegedly set fire to several hundred houses in Arunachal Pradesh's East-Kameng district. In 2007, tensions along the Assam-Arunachal border erupted once more when villagers from the other side opened fire on an Assam peace meeting, injuring eight people.

The Assam- Meghalaya Border has also created tensions among the border settlers. However, all efforts are being made to bring about a mutually acceptable solution at the bilateral level. At the behest of Government of India, Nodal Officers from the two states have been appointed for the Assam-Meghalaya border issues. Meetings of Nodal Officers are held regularly to resolve border issues between the two states and to minimise differences. The most recent meeting between the chief ministers of Assam and Meghalaya was in March 2022. The situation is now under control.

Assam- Mizoram Border Land Disputes: Assam shares 164.6 kilometres long border with Mizoram, and it touches the districts of Cachar, Hailakandi and Karimganj of Assam. Notwithstanding the contentious nature of the border, the Assam-Mizoram border has remained relatively calm. However, hostilities along this border ignited several times, notably in 1994 and 2007. However, a potential conflict was averted due to timely intervention by the Central government, and the situation came under control. Following the 2007 border incident, the Mizoram government asserted that it does not maintain the existing boundary demarcation with Assam. Instead, Mizoram has demanded that the Inner Line Reserve Forest, 1875 notification issued under the East Bengal Frontier Regulation of 1873 be used to delineate the border.

***Tribal Land Alienation and the Sons of the Soil Conflicts:***

Tribal land alienation is another significant issue of land governance in Assam and the Northeast. Nongkynrih (2008)<sup>28</sup> observes four types of tribal land alienation in the Northeast, namely i) transfer to non-tribals, ii) encroachment by the immigrants, iii) acquisition of development projects without recognising community rights, and iv) monopolisation by the tribal elite. This tribal land alienation started during the colonial age and with the change of the legal system that did not recognise the differences between the tribal tradition and the formal law. However, the growing importance and scarcity of land have made the tribal groups conscious of their rights over land. As a result, numerous sons of soil conflicts have occurred on land issues among the tribes

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<sup>28</sup>Nongkynrih, A. K. (2008). Privatisation of Communal Land of the Tribes of North East India: A Sociological Viewpoint. In Fernandes, W. and Barbora, S. (Ed.). *Land, People and Politics: Contest over Tribal Land in Northeast India*. Guwahati: North Eastern Social Research Centre, International Workgroup for Indigenous Affairs, pp. 16–37.

in Assam in particular and northeast in general. For instance, many conflicts occurred between Karbi and Dimasas in Karbi Anglong, Dimasas and Mars/Kukis in Dima Hasao, and Bodos and Adivasis in Bodoland of Assam.

Sanjoy Borbora (2002)<sup>29</sup> has identified the growing importance of land relations and land use as the roots of such ethno-national conflicts in Assam. By focusing on the changes in land-use patterns and social control over land in a portion of North Cachar Hills, he attempts to trace how certain processes have affected social relations within the larger Dimasa community and, by extension, between the Dimasa and other ethnic groups in the region. Nel Vandekerckhove and Bert Suykens (2008)<sup>30</sup> have considered migration a paradigmatic framework to analyse the territorial homeland conflicts in Assam. Focusing on forestry and tea estates in Bodoland, they contend that these form important restrictive structures which caused tribal entrapment and finally led to violence in the region. The Bodo militant groups opted for ethnic cleansing to de-root the ‘migrated others’ from the area. Nel Vandekerckhove (2009)<sup>31</sup> examines the sons of the Assam soil conflict from a distinct perspective. According to him, the sons of the soil conflicts in Assam are not a reactionary outcry against the neoliberal world’s de-rooting of identity. Instead, these conflicts are occurring due to the territorialisation of the ethnic identities and the reaffirmation of natural geo-cultural connections promoted by state and local political actors.

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<sup>29</sup>Barbora, S. (2002). Ethnic Politics and Land Use: Genesis of Conflicts in India’s North-East. *Economic & Political Weekly*, 37(13), 1285-1292.

<sup>30</sup>Vandekerckhove, N. & Suykens, B. (2008). The Liberation of Bodoland: Tea Forestry and Tribal Entrapment in Western Assam. *South Asia: Journal of South Asian Studies*, 31(3), 450–471.

<sup>31</sup>Vandekerckhove, N. (2009). We are Sons of this Soil. *Critical Asian Studies*, 41(4), 523–548.

### ***Land Grabbing for Development Projects:***

There has been a growing concern for industrialisation in Assam. The consecutive state governments have adopted systematic policies to invite the industrialists by creating a business-friendly environment. For this purpose, the government has started vacating the government lands to reduce the land scarcity problem. The state has granted hundreds of acres of land to large industrial farms. For instance, the state has given 150 acres of land to the Baba Ramdev-owned Patanjali Herbal (Patanjali Herbal and Mega Food Park) to set up manufacturing units in the Sonitpur district of Assam. There are many other instances of thousands of bighas of land possessed by the big farmhouses and individuals, and the government has not acted against them. The dispossessed people have brought protest rallies against such unlawful possession of lands by the absentee landlords and therefore demanded redistribution of the excess lands amongst the dispossessed.

Development-induced displacement has been on the rise in Assam. From 1947 and 2000, as per government data, 391,772.9 acres of land have been accumulated for various development projects, which displaced 343,262 persons across Assam. The unofficial sources show that no less than 1,401,184.8 acres were gathered, and 1,909,368 persons were displaced. According to the state government, the accumulated lands are state property, and the persons displaced are illegal encroachers (Fernandes, 2008).<sup>32</sup> Tribal organisations like the All Assam Tribal Sangha (AATS)

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<sup>32</sup>Fernandes, W. (2008). "Land as Livelihood vs. Land as Commodity". Retrieved from <https://studylib.net/doc/7426128/land-as-livelihood-vs-land-as-commodity-in-india> on 12.11.2021.

have accused the state government of widespread land transfer rules and regulations violations in existing tribal belts and blocks. Cases of transferring land to non-tribals or non-bonafide people are rising. The non-tribal and other people purchase land in the name of private school, societies, trust etc. and use this land for commercial purposes.<sup>33</sup>

### 3.4 LAND RELATIONS IN ASSAM

In addition to its economic value, land plays a vital role in the psyche of the indigenous people. Their numerous land-related rituals, intended to forge an emotional connection between them and their land, represent its cultural and psychological ramifications.

#### *Traditional Land Management Systems:*

The tribal customary laws have norms governing clan and family-managed land distribution, use and alienation. The communities ensure that each family has enough land to live on. They protect and live with land and forests under traditional practices (Pereira & Rodrigues, 2016)<sup>34</sup>. The state's tribes and other indigenous communities living in the hills and the plains have used various land and forest management techniques. Most people in the plains practice settled agriculture, but its nature varies depending on geography. People on hilly terrain prefer jhum cultivation

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<sup>33</sup> Asia Indigenous and Tribal Peoples Network (AITPN) (2008). Retrieved from [http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp\\_content/S000033SO/P000290/M005814/LM/1495602133m\\_18\\_lm.pdf](http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S000033SO/P000290/M005814/LM/1495602133m_18_lm.pdf) on 02/11/2011.

<sup>34</sup> Pereira, M. and Rodrigues, S. (2016). Internal Minorities within Cultural Communities: The Case of Women in Tribal Communities of Northeast India. In M. K. Srivastava (Ed.), *Women Empowerment in Northeast India: The Context and Concerns*. New Delhi: Lakshi Publishers and Distributors. pp. 50–51

(Bathari, 2008).<sup>35</sup> Most hill tribes who practice jhum cultivation rely on common property resources (CPR). Each system has its management guidelines (Fernandes & Pereira, 2005).<sup>36</sup>

One of the crucial aspects of customary land laws is inheritance and transfer. The son inherits family land in most tribes, but the woman is the heiress in many northeast tribes. However, all tribes, even those that are matrilineal, are patriarchal. The woman may wield some power within the family, but the man wields social power. In Khasi society, for example, the youngest daughter inherits ancestral land. Among the Garo, one of the daughters inherits it. The village council is run entirely by men. The land is given to the closest male kin in most patrilineal tribes if there is no male heir. However, tribes generally maintain a clear distinction between clan land and acquired land. The clan land is controlled and inherited by men. Acquired and inherited lands can be gifted or sold as desired (Fernandes and others, 2007, p.29).<sup>37</sup>

### ***Types of Land in Assam and Northeast India:***

The land retains the key to understanding ethnic conflicts in the North-eastern states due to the emotional and sensitive nature of the link between tribes and their livelihoods. It also implies that understanding the land issue is essential to resolving conflicts because they can hurt people's feelings and harm their livelihood. The

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<sup>35</sup>Bathari, U. (2008). Land, Laws, Alienation and Conflict: Changing Land Relations Among the Karbis in Karbi Anglong District. In W. Fernandes and S Borbora (Eds.). *Land People and Politics: Contest over Tribal Land in Northeast India*. Guwahati: North Eastern Social Research Centre. p.142.

<sup>36</sup>Fernandes, W., Pereira, M. (2005). *Changing Land Relations and Ethnic Conflicts: The case of Northeastern India*. Guwahati: North Eastern Social Research Centre. p.18.

<sup>37</sup>Fernandes, W., Pereira, M. and Khasto, V. (2007). *Customary Laws in Northeast India: Impact on Women*. New Delhi: National Commissions of Women. Pp. 29-30.



division of land today is governed by formal state laws. However, traditional communities did not distinguish land the way we do today. Instead, they viewed all land as an interconnected whole. Each type of land served a different purpose, but they were all managed by the same system. The division of land into the forest, agricultural, wastelands, and non-cultivable waste date back to the colonial era (Nongkynrih, 2008).<sup>38</sup>

The traditional land and forest management system differs depending on the tribe. The Kuki, Lushai, Khamti and Nocte tribes consider their community leaders the sole owners of all lands in their village. Some other tribal traditions, on the other hand, believe lands belong to the village as a whole and manage by a village council presided over by a gaonburha or headman. Every Naga tribe has their own system. All shared three types of land, each with its management system: community land, individual land and clan land.

**Community Land:** This is the land that the tribe's members use without the right to private ownership. It may be the property of a clan, a village, or the entire tribe. It is located near their residential areas and set aside for public use, and the land is used for commercial purposes if it is far from their residential areas. Their customary regulations specify that all clan or tribe members have equitable rights to it. In theory, tribes with communal holdings have no homeless or landless people. The village maintains its unity by maintaining collective control over it. Changes in practice can result in inequity and a weakening of solidarity.

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<sup>38</sup>Nongkynrih, A. (2008). Privatisation of Communal Land of the Tribes of North East India: A Sociological Viewpoint. In W. Fernandes and S Borbora (Eds.). *Land People and Politics: Contest over Tribal Land in Northeast India*. Guwahati: North Eastern Social Research Centre, pp. 20–24.

**Individual Land:** Individual land is private as well as inherited. The tribal tradition of personal ownership and the modern non-tribal practice of private property are markedly different. Many plots that are now referred to as private were cultivated and managed by a family under customary law rather than owned by an individual. They did not have a patta. Second, tribes, in theory, do not allow the transformation of community land into private land. In practice, a plot allotted for a residence or economic activities becomes the land of the family that makes permanent improvements to it over generations. For instance, among the Dimasa and several other tribes, the land became theirs if a family planted long-term crops like trees. At present, families have the right to sell that land. Many tribe members convert communal lands into private property because of their high market value and the possibility of exploiting the resources grown on them.

**Clan Land:** Clan lands are owned by the entire clan or tribe. Only members of a given clan were permitted to use it, and those who did not belong were barred from using it. However, outsiders could sometimes use it after paying rent or a fine to the clan's head (Nongkynrih, Ibid.).

### ***Changes in Land Management Systems of the Indigenous Groups:***

Over time, numerous changes implemented from outside have caused gradual but visible modifications in the traditional land management system. The privatisation of community land began during the colonial administration and was the first change. However, the colonial regime did not interfere with the traditions that govern land relations in the hill areas. The strike on hilly land began primarily after 1947. The land

is subject to the jurisdiction of the states under the Seventh Schedule of the Constitution. The state has the right to implement land-rights legislation even in mountainous areas. However, an exception has been made in the Sixth Schedule of the Indian Constitution by granting authority to an autonomous district council (ADC) established under it to make laws concerning the allotment, occupation, or use of land, the regulation of jhum, and so on (Fernandes& Pereira, Ibid.).

As a result, the traditional land management system has undergone significant changes since 1947. One of the causes was the imposition of formal law on tribes that had previously operated under customary law. The tendency to view the nation from the centre and ignore the periphery is fundamental. This perspective augmented land laws as well. The norms of formal law came to be used to judge customary laws. Subsequently, the formal land laws gradually transformed the tribal lands into marketable commodities that could be traded within and outside the tribe. It is also noticeable in the internal transfer of landed property and mortgaging, which has expanded class divisions within many tribes. The introduction of commercial land values has lessened traditional land management practices (Fernandes, Pereira, Ibid.).

Policies implemented after independence are among the external factors influencing changing land relations. In addition, despite constitutional provisions designed to protect tribes, formal laws and policies enacted by various political bodies such as the state government or the ADCs have lessened tribes' rights to administer themselves under their traditions (Nongkynrih, Ibid.).

Immigration affects land use and land relations of the state's indigenous communities. Between 1951 and 2001, Assam received thousands of refugees from

erstwhile East Pakistan and illegal immigrants from present-day Bangladesh. The other north-eastern states, such as Tripura and Arunachal Pradesh, had to withstand the worst of high-volume immigration. In the post-partition periods, the immigrants unquestionably occupied thousands of hectares of tribals' community lands for self-rehabilitation in Assam. Following the end of the emergency, immigrants from Bangladesh, Bihar and Nepal continued to intrude on the tribal community lands, unrecognised under the formal laws. Indeed, among the pull factors for migration were ambiguous laws governing the region's fertile lands and the availability of unskilled labour (Bhaumik, 2003).<sup>39</sup>

Furthermore, development projects have alienated more of their land. There has been a massive land loss because of the ambiguity between the state and tribal systems. It is one of the primary causes of ethnic strife in the state.

### ***Consequences of Land Alienation:***

In much of Northeast India, two types of land administration systems exist. The first is customary law-based community management, and the second is formal law-based individual ownership and land tenure (Fernandes and others, 2007).<sup>40</sup> With the interaction of the two types over many decades, formal law superimposes customary law. It has led to colossal land alienation and reduced the size of community-managed lands. Tribes that have traditionally managed their land are gradually losing control over it due to its alienation. Because tribal lands are almost

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<sup>39</sup>Bhaumik, S. (2003). Tripura's Gumti Dam Must Go. *The Ecologist Asia*, 11(1), 84–89.

<sup>40</sup>Fernandes, W., Pereira, M. and Khasto, V. (2007). *Customary Laws in Northeast India: Impact on Women*. New Delhi: National Commissions of Women. pp. 29–30.

ancestral, their alienation causes poverty and insecurity about their future. They are concerned that if they are removed from their home, they will be unable to cope with the change (Ramakrishnan, 2001, p.35).<sup>41</sup>

This sense of insecurity has fuelled many conflicts in states such as Tripura in the 1980s, Mizoram and Manipur in the 1990s, and so on, resulting in thousands of deaths and tens of thousands of internally displaced people (IDP) (Bhaumik, 2005, p. 161<sup>42</sup>; Fernandes et al., 2017, p.31,<sup>43</sup>; Hussain and Phanjoubam, 2007<sup>44</sup>). There have also been ethnic conflicts over identity and land in Arunachal Pradesh and Meghalaya. Thousands of IDPs faced displacement due to ethnic clashes in Assam's Dima Hasao and Karbi Anglong districts (Mangattuthazhe, 2008, p.46).<sup>45</sup> The BTAD in Assam witnessed numerous inter-ethnic conflicts in the 1990s, causing havoc among IDPs.

Internal land alienation and subsequent privatisation is a relatively new phenomenon. The wealthy members of a tribe distance themselves from the land of the tribe's poorer members. It is due to the state's failure to develop rural health, education, and transportation infrastructure. It compels people to send their children to large cities or outside the region for higher education and other extracurricular activities. For this purpose, they sell their only assets, land, to the community's

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<sup>41</sup>Ramakrishnan, P.S. (2001). Climate Change and Tribal Sustainable Living. In W. Fernandes and N. G. D' Souza (Eds.). *Climate Change and Tribal Sustainable Living: Responses from the Northeast*. Guwahati: North Eastern Social Research Centre.

<sup>42</sup>Bhaumik, S. (2005). India's North East: Nobody's People in No Man's Land. In P. Banerjee and S. B. Roy Chaudhary and S. Das (Eds.). *Internal Displacement in South Asia*. New Delhi: Sage Publication. pp. 160–162.

<sup>43</sup>Fernandes, W., Dutta, A. and Avasia, H. (2017). *The Even Sisters of North East India: Identity, Resources and Conflicts*. Guwahati: North Eastern Social Research Centre. pp. 30–31.

<sup>44</sup>Hussain, M. and Phanjoubam, P. (2007). *A Status Report on Displacement in Assam and Manipur*. Kolkata: Manirban Calcutta Research Group, p. 15.

<sup>45</sup>Mangattuthazhe, T. (2008). *Violence and Search for Peace in Karbi Anglong*. Guwahati: North Eastern Social Research Centre.

wealthier members. In a medical emergency, they have no choice but to sell the best plots at a loss to transport a patient to specialised units away from home. As a result, much of the land alienation today is internal (Fernandes, 2017).<sup>46</sup> Another cause is the division of inherited lands among sons and then among the sons of the inheritors. (Shimray, 2006, p. 37).<sup>47</sup>

### **3.5 LAND RIGHTS QUESTIONS ON THE ASSAM-NAGALAND BORDER OF THE GOLAGHAT DISTRICT**

Geographically, the Golaghat district is at the epicentre of the border conflict between Assam and Nagaland. On 23 October 1987, Golaghat district got elevated to the status of a full-fledged district. According to the 2001 census, the Golaghat district had a population of 9,46,279 and is rich in flora and fauna. The Brahmaputra borders the district on the north and Nagaland on the south. The Kakadonga river and Jorhat district border the east, and Nagaon and Karbi Anglong districts are on the west.

The Golaghat district consists of three sub-divisions: Golaghat, Bokakhat, Dhansiri, and six revenue circles: Golaghat, Bokakhat, Dergaon, Sarupathar, Morongi and Khumtai. There are eight development blocks in the Golaghat district, namely North Development Block, Dergaon, Golaghat West Development Block, Bokakhat Kakadonga Development Block, Sitalpathar, Morongi Development Block, Morongi, South Development Block, Sarupathar, Golaghat Central Development Block, Gomariguri Development Block, Gomariguri, East Development Block, Padumani.

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<sup>46</sup>Fernandes, W. (2017). Land Alienation and Rural Development in Northeast India. *Indian Sociological Society*, 1(1), 31–47.

<sup>47</sup>Shimray, U.A. (2006). *Tribal Land Alienation in North East India: Laws and Land Relations*. Guwahati: Indigenous Women's Forum of North East India and North Eastern Social Research Centre.

Nagaland was never a part of Assam in the past. The colonial administrators added it to Assam as the Naga Hill District through a notification dated 15 November 1866. The notification was ambiguous and unclear about the actual size and boundary of the Naga Hill District. Following the Naga Hills District's establishment, the British administration added some reserve forests in the foothills for administrative purposes. As a result, modifications in the boundary line took place from time to time, along with transferring reserve forests on the foothills to the administrative control of the then Sivasagar district of Assam. After several modifications, the Naga Hills District's boundary was finalised via Notification No. 3102R, dated 25 November 1925. The notification replaced all previous notifications regarding the boundary demarcation (Kindo and Minj, 2008).<sup>48</sup>

However, the notification of 1925 made no explicit mention of the district's natural boundaries, such as hills, rivers and streams. Instead, the notification referred to some pillars based on a survey of India report as the Naga Hills District's border. There are currently no pillars mentioned in the notification to be considered the official border between Assam and Nagaland. These pillars were either destroyed or removed by Naga authorities. As a result, the notification is no longer considered an official document about the demarcation of the Assam-Nagaland border. However, the notification of 1925 serves as a guideline in resolving border conflicts between the two neighbouring countries. It remained in operation until 1947 when Nagaland got divided into two administrative units– the Naga Hills District and the Naga Tribal

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<sup>48</sup>Kindo, C. & Minj, D. (2008). Impact of Assam-Nagaland Territorial Dispute in the District of Golaghat, Assam. In L. Jeyaseelan (Ed.). *Conflict Mapping and Peace Processes in North East India*. Guwahati: North Eastern Social Research Centre.

Area. On 1 December 1957, they merged to form the Naga Hills-Tuensang Area and were administered as a 'Part B Tribal Area' (Kindo & Minj, Ibid.).

Since India's independence, some Naga nationalists demanded a 'sovereign Naga state', which the Indian army silenced with an iron hand. The Government of India outlawed all Naga nationalist organisations. However, the conflict raged on. Amid the upheaval, a peace process was initiated by the Government of India in the hills. One group of Naga nationalists consented to a solution based on the Indian Constitution. Following that, Nagaland became the sixteenth state of the Indian Union on 1 December 1963, under the State of Nagaland Act, 1962, which included the territories that had previously been included in the Naga Hills- Tuensang Area, and the said territories ceased to be a part of the state of Assam. The new state's boundaries were identical to those of the merged Naga Hills District and Naga Tribal Area before 1957. However, the conflict continued, with another faction of the Naga nationalist movement waging an armed campaign for a sovereign Nagaland.

As mentioned in the introductory chapter of the present study, the Assam-Nagaland border has a total length of 512.1 kilometres covering a vast area from Sivasagar- Jorhat- Golaghat- Karbi Anglong to the Dima Hasao districts of Assam. Golaghat district shares the most contentious part of the border and spans around 125 kilometres of the whole Assam-Nagaland border. Before the state-aided human settlement along the border in both Assam and Nagaland, the entire length of this fragile region was covered by several reserve forests constituted during colonial rule in Assam. The human settlement was strictly prohibited in the forested lands of the reserve forests. However, the British administration established a few 'forest villages'



(*bongaon*) to protect and inspect the woods from unauthorised timber merchants and local uses of forest resources. The present Assam-Nagaland border under the Golaghat district shares lands with four such British declared reserve forests, namely: (i) Diphu Reserve Forest (founded in 1887), (ii) Nambor (South) Reserve Forest (founded in 1872), (iii) Rengma Reserve Forest (founded in 1887), (iv) Doyang Reserve Forest (founded in 1888). Human migration to these forest lands backed by the state was so volatile that the whole patch of forest lands was deforested within a few decades. Villages have substituted yesteryear's lush flora and bio-diversity, and the forested lands have been converted into cultivable lands producing rich crops.

The forest department of the Government of Assam did not pay much attention to the issue until forest conservation became a priority on the international and national levels. Forest conservation became a national priority in India after the Forest Conservation Act was passed in 1980. The Act empowers forest departments across the country to clear forested lands of human encroachment. In the decades since, the Assam Forest Department, with the assistance of the local civil and police administration, has conducted several eviction drives in villages settled on forested lands near the Assam-Nagaland border of the Golaghat district. Many people died while protesting the eviction drives. The eviction of the Forest Department made thousands of families homeless and left villages with no afforestation. It has resulted in enormous human tensions among poor landless villagers in the areas, which later escalated into forest land conflicts. Chapter- V of the present study provides a detailed account of the forestland conflicts that arose along the Assam-Nagaland border in the Golaghat district.

Aside from the forest land crisis, the Assam-Nagaland border of the Golaghat district has long been contested between the two states. In short, the dispute stems from ambiguities in official documents signed when Nagaland was formed as a separate state from Assam. As a result, no official records have specifically mentioned the actual border, indicating any natural or artificial boundary between the two states. Furthermore, Nagaland has advocated for the re-demarcation of the border based on their oral history. According to their oral history, the Nagas originally owned a substantial portion of the current Golaghat district near the border. Assam, on the other hand, maintains that the boundary was mentioned during the creation of Nagaland as a separate state. As such, their border disagreements have resulted in several intermittent conflicts, resulting in the deaths of hundreds of innocent poor settlers on the Golaghat side of the border.

However, because of the competing claims of the Nagaland and their aggressive behaviour along the border, the entire Assam-Nagaland border has been divided into six administrative sectors, namely A, B, C, D, E, and F Sectors. Among them, the A, B, C, and D Sectors, representing the most contentious parts of the border, fall under the Golaghat district of Assam (Kindo &Minj, Ibid., 14). Nagaland claims all these four sectors of the Golaghat district, constituting 12,883 square kilometres, to be annexed with them. They assert that a vast territory currently under the jurisdiction of the Golaghat district of Assam was guaranteed to them in the 16-point agreement<sup>49</sup> signed by the then Prime Minister J. L. Nehru, which

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<sup>49</sup>The 16-point agreement was signed between Jawaharlal Nehru, who was the then prime minister of India, and the Naga People's Convention leaders in 1960, whereby the Government of India recognised Nagaland as a full-fledged state of India.

historically belonged to their tribes. The Assam government, on the other hand, claims that all six sectors near the border have been part of Assam for more than a century, with no contrary directive from the Central government since.<sup>50</sup> Chapter IV of the present study provides a detailed analysis of border conflicts between Assam and Nagaland and their impact on villagers' land rights in the Golaghat district.

### 3.6 CONCLUSION

As in other Indian states, land governance has become a prominent topic of public debate in Assam. Many issues, such as natural disasters, illegal immigration, capitalists' land accumulation, and conflicts between modern land laws and indigenous communities' traditional land governance patterns, have made the debate more focused and relevant in Assam. On the other hand, these issues have provided ample evidence of how Assam's land has been subjected to tremendous pressures from both internal and external factors. These factors have caused massive land crises among the state's indigenous communities. More specifically, the indigenous people's land crisis in Assam has arisen primarily due to the state's unsound land governance system.

Most of the state's indigenous communities are primarily agriculturalists, and land is their primary source of income and livelihood. Land rights determine their social dignity and help to shape their cultural identity. Their way of life, worship, and cultural festivals are based on their land and agriculture connections.

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<sup>50</sup>“Nagaland, Assam ready for out-of-court settlement of border dispute, says CM Neiphiu Rio”, *The Scroll*, January 24, 2022. Retrieved from <https://scroll.in/latest/1015802/nagaland-assam-ready-for-out-of-court-settlement-of-border-dispute-says-cm-neiphiu-rio> on 15.06.2021.

However, the state's current land governance patterns are incapable of addressing the land concerns of the state's indigenous communities. According to the Brahma committee report, about ninety percent of indigenous Assamese families lack *myadi* (permanent) land patta (legal document for land ownership), and at least eight lakh indigenous families are landless.<sup>51</sup> The committee also reported that thousands of hectares of government land, including forest and grazing lands, are illegally occupied across Assam, with at least seven to eight lakh indigenous families lacking access to land. The vast majority of land pattas in the state are *eksania pattas* (annual land settlement).

The committee also observed that many indigenous families in upper Assam, whose predecessors lost their land in the 1950 earthquake, lack land and documents.<sup>52</sup> No community can exist without land, especially one whose livelihood depends on it. As a result, it is the government's fundamental responsibility to safeguard the land of the state's indigenous communities.

The Revenue Department of the Government of Assam has remained very traditional in its operations. Many indigenous villages that have existed for hundreds of years are still outside revenue circle areas. The department has not conducted additional land surveys to reclassify their land and villages. Furthermore, the land records in Assam have not yet been digitised. The

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<sup>51</sup>“90% of Assam natives don't have land-ownership papers”- *The Economic Times*, May 02, 2017. Retrieved from <https://m.economictimes.com/news/politics-and-nation/90-of-assam-natives-dont-have-land-ownership-papers/articleshow/58471648.cms> on 17.03.2021.

<sup>52</sup>“90% of Assam natives don't have land-ownership papers”- *The Economic Times*, May 02, 2017. <https://economictimes.indiatimes.com/news/politics-and-nation/90-of-assam-natives-dont-have-land-ownership-papers/articleshow/58471648.cms#:~:text=GUWAHATI%3A%20A%20state%2Dsponsored%20committee,8%20lakh%20native%20families%20are> on 19.06.22.

department has kept the state's land records in a traditional manual system. As a result, the department lacks accurate data on people's land ownership. The digitisation of land records and the development of a proper, up-to-date state land mapping system are essential for a sound land governance system in the state.

The forest land crisis is another relevant land governance issue in the present state of Assam. Human demands and pressure on forests and other natural resources have accelerated their depletion at an alarming rate. The state's ability to protect, preserve and maintain these resources is woefully inadequate and disorganised. In Assam, the situation is exacerbated because many tribal people live in forested areas and depend on forests for survival. These forested areas are also rich in minerals and water resources, making them appealing to domestic and foreign investors. In other words, Assam's forest matters are now confronted with the significant challenge of balancing the path of rapid economic development with the ability to deal with complex societal issues (Guha et al., 2012).<sup>53</sup>

Looking ahead, it is clear that competition for land, forest and other natural resources will intensify in Assam, like in different states of the country, aggravating the competing claims between economic development and people's rights and between inclusive growth and growth limits. The high expectations raised by the passing of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been derailed due to slow implementation on the one hand and insufficient policy response by the state on the

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<sup>53</sup>Guha, R., Sundar, N., Baviskar, A., Kothari, A., Pathak, N., Saxena, N. C., Lele, S., Roberts, D.G., Das, S., Singh, K.D., Khare, K. (2012). *Deeper Roots of Historical Injustice: Trends and Challenges in the Forests of India*. Washington, D.C: Rights and Resources Initiative.

other. Forest policies are now deeply entrenched in other sub-regional policies and economic policies in general (Guha et al., 2012).<sup>54</sup>

Assam, like other Indian states, has an uneven distribution of forests. Forests are primarily concentrated in tribal concentrated areas and areas with low agricultural productivity. In its most common sense, forest refers to uninhabited wooded and wildlife habitat areas. Nevertheless, millions of people in India, including Assam, live as forest dwellers in and around forest lands, and forests have remained an essential source of their livelihood and means of survival for them. As a result, India shelters the highest number of people who rely on forests in Asia (Saxena, 2006).<sup>55</sup> In addition, forests provide a source of income for forest dwellers.

Environmental and development concerns have been growing throughout the country in the past few decades. Simultaneously, there have been massive suggestions for adopting approaches such as community-based natural resource management approaches, decentralisation of natural resources and participative forest management approaches to addressing environmental and development concerns. The centralised, governmental, and techno-centric methods have failed to address the problems (Saigal and others, 2009).<sup>56</sup> Under such approaches, the local communities are actively involved in designing, managing, and implementing

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<sup>54</sup>Guha, R., Sundar, N., Baviskar, A., Kothari, A., Pathak, N., Saxena, N. C., Lele, S., Roberts, D.G., Das, S., Singh, K.D., Khare, K. (2012). *Deeper Roots of Historical Injustice: Trends and Challenges in the Forests of India*. Washington, D.C: Rights and Resources Initiative.

<sup>55</sup>Saxena, N. C. (1997). *The Saga of Participatory Forest Management in India*. Jakarta 10065, Indonesia: Center for International Forestry Research.

<sup>56</sup>Saigal, S., Vira, B., Dahal, G. R. (2009). *Cooperation in Forestry: Analysis of Forestry Cooperatives in Rajasthan, India*. CIFOR-RRI Project on Improving Equity and Livelihoods in Community Forestry.

environmental and development programmes (Mansuri and Rao, 2004).<sup>57</sup> As various policy experts have argued over the years, the involvement of indigenous knowledge in land and forest management and power transfer with accountability to residents required genuine political will.

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<sup>57</sup>Mansuri, G. and Rao, V. (2004). Community-based and -driven development: a critical review. *The World Bank Research Observer*, 19 (1), 1–39.



**CHAPTER – IV**

**THE ASSAM-NAGALAND BORDER DISPUTES  
AND THE LAND RIGHTS QUESTIONS**





## **CHAPTER - IV**

# **THE ASSAM-NAGALAND BORDER DISPUTES AND THE LAND RIGHTS QUESTIONS**

### **4.1 INTRODUCTION**

The previous chapters of the present study presented an insightful peek into the forest land crisis of hundreds of inhabitants on the Assam-Nagaland border of the Golaghat district. According to that analysis, the state authority has denied them land rights primarily because the claimed land areas officially belong to four reserved forests. Without the Central government's authorisation, no forest land can be converted to human habitation land in a state in India. According to the national forest rules, human development in forest areas is considered an illegal encroachment that indirectly threatens the forest's ecological balance. Besides it, another major impediment to granting land rights in the region appears to have surfaced. The territory where individuals are denied settlement rights has been claimed by Nagaland as historically belonging to them. The Naga claim to the land has brought a new narrative into the debate. These additional complexities are, in fact, not only exacerbating the problem but also transforming it into a contentious issue. It is not just a claim made by the Nagas that roam the surface; its consequences have been seen in a variety of ways.

The Assam-Nagaland border has witnessed several violent occurrences since the formation of Nagaland as a state. Naga armed gangs, on several occasions, have

ruthlessly assaulted villagers on the Assam side. The first confrontation between the two states occurred in 1965, when a band of Naga terrorists killed over 100 civilians in the Golaghat district, including Assam Police officials, reportedly with the backing of Nagaland police. Similarly, both states had two deadliest cross-border confrontations in 1979 and 1985. On 5 January 1979, gunmen from Nagaland slaughtered 54 Assamese villagers in Chungajan, Uriamghat and Mikirbheta in the Golaghat district, while over 23,500 people were leaving for relief shelters. The attack on Merapani, Golaghat, in June 1985 killed 41 Assamese people. There were 28 Assam Police personnel among them. It was claimed that Nagaland police officers were among the assailants in both incidences (Kashyap, 2014).<sup>1</sup> A similar type of armed violence was provoked by Naga groups in August 2014, taking the lives of innocent Assamese civilians and ultimately resulting in a fierce Assamese-Naga border dispute.

Both the state and Union governments have devised several steps to address the border problem. Aside from the bilateral efforts of the two states, the Union government had established two commissions under the chairmanship of K.V.K. Sundaram in 1971 and under R.K. Shastri in 1985 to investigate potential solutions to the situation. Both commissions have submitted their reports with specific recommendations to the relevant authorities. However, regarding implementing the findings, the Naga government expressed dissatisfaction with the commission's recommendations in both circumstances. As a result, the Assam-Nagaland boundary

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<sup>1</sup>Kashyap, S.G. (2014). Explained: Assam vs Nagaland, a border dispute of five decades. *The Indian Express*. Retrieved from <https://indianexpress.com/article/india/india-others/explained-assam-vs-nagaland-a-border-dispute-of-five-decades/on11.05.2021>.

issue has remained unsolved. However, the matter is under the supervision of the Supreme Court of India now.

The Nagas' claim to a wide swath of land on the Assam side of the border has rendered the area contested. Today, the matter is being investigated by the Supreme Court of India, which has inevitably abdicated the Assam government's jurisdiction to make decisions on providing land rights to its inhabitants.

Under these circumstances, this chapter provides insight into how the Assam-Nagaland border conflict has evolved as a barrier to awarding land rights to the inhabitants on the Golaghat side of the border. The chapter also examines how much the state governments of Assam demonstrated their political interests in resolving disputes with neighbouring states, particularly with Nagaland, which separated from Assam in 1963. In addition, the chapter conducts a historical investigation of how the governments of both the states themselves induced people to settle along the border. Finally, it is suggested that people's struggles for land rights along the border may be a significant democratic force in resolving the contested existence of the land and the ecological issues related to the land.

### ***Inter-state Border Dispute***

Before dealing with the land crisis in the Assam-Nagaland border dispute, it would be fair to have a consensus on the terminology "inter-state border" and how it acts. According to the Collins English Dictionary, a border dispute is a disagreement between countries concerning where the boundary between them should be defined. The border-related conflicts happen when two or more governments cannot determine

where the border between their territories should be drawn. One example is the disagreement between Pakistan and India over the portion of Kashmir that Pakistan claims as its own. In contemporary history, there are several examples of boundary disagreements between or among nation-states.

Border disputes can occasionally lead to war. Inter-state border or territorial disputes are generally based on land ownership, forests, rivers, and other natural resources. Border disputes can occur between independent nation-states or intra-state borders in a federal state. The present border conflict in India between Assam and Nagaland is a real example of the latter type of border conflict. Irredentism is frequently an issue on the border. Irredentism refers to a state's or part of its inhabitants' desire to acquire regions from the other state. Those seeking the land believe it belongs to them since the other state seized it or wish to free the people living there because they are of the exact ethnic origin or have some other relation. The bulk of global border conflicts are the product of ambiguous wording in treaties and, in some cases, imaginations based on oral history that established the initial line.

Furthermore, border conflicts are, in reality, a feature of border life that arises from the interplay of societies and groups on the frontiers of territories. Territorial disputes contribute to the ongoing reshaping of our planet's areas. Nobody should be shocked by the continuous shifts that geographers and historians have painstakingly chronicled. Borders are never fixed but are constantly in motion, although slowly and gradually (Brunet-Jailly, 2015).<sup>2</sup>

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<sup>2</sup>Brunet-Jailly, E. (Ed.). (2015). *Border Disputes: A Global Encyclopedia*. ABC-CLIO, Santa Barbara.

Border disputes are about territory, or ‘terra,’ which in the Latin language means ‘land’ or ‘earth.’ The causes of border disputes are the most complex, all-encompassing and historically tense. International disputes are typically seen in terms of state sovereignty, but they are often linked to various other variables such as ethnicity, language, religion, culture and natural resources. Furthermore, geographical and topographical considerations impact border conflicts because they are usually associated with issues about the nature of the territory or the resources available on land and water. Additionally, the history of colonisation, occupation and deportation makes it difficult to resolve such issues. As a result, territorial disputes are closely related to the many problems concerning existing lands and the people who live in contested territories.

Human civilisation began constructing borders and delimiting areas thousands of years ago. Land demarcation, fencing and walling are thought to date back to the first human civilisations. However, nations’ official systematic documentation of land ownership is novel in the modern notion of boundary demarcation. The Treaty of Westphalia, 1648, was the first international legal document to establish internationally and legally institutionalised territorial ownership by nation-states and the ability to wield authority as sovereign within the territory. The invention of the chronometer in 1770 was a watershed moment in mapping and topography, allowing authorities of nation-states to utilise precise maps to identify and demarcate all of their territories.

The formation of the United Nations Organisations (UNO) in 1945 as an inter-governmental organisation whose major purpose is to encourage cooperation among

its member-states has introduced many additional elements to the border discourse. The International Court of Justice (ICJ), established in 1946, has served as the United Nations' principal agency for resolving all disputes or conflicts between UN member states in line with international law. In order to settle the boundary conflicts, the ICJ appears to have generally recognised several areas as the foundation for border disputes and claims, including treaties, geography, economy, culture, effective control, history, diplomacy and ideology. However, three of these appear often in ICJ decisions: treaty, diplomacy and effective control (Brunet-Jailly, Ibid.).

However, nation-states have encountered severe historically unresolved conflicts, particularly those involving the people settled on the border, which contradict the key regulations outlined in the Treaty of Westphalia and ICJ rulings. The origins of these unsolved disagreements were embedded in the bordering people's conflicting historical imaginations about their past and connection to the land. People on both sides of the border usually have developed conflicting historical imaginations. These imaginations can be either about the political history of the disputed territory, i.e., who occupies the land or who conquered the land, or about the geography, people and nature of the territory, i.e. who controls the available natural resources such as rivers, mountains, forests, agricultural fields, oil, gas, coal and aquifers.

Hundreds of new nation-states have arisen since the UNO's inception, either via exercising their right to self-determination or international recognition. The increasing number of new nations has also increased the number of frontiers and a shift in international politics, with local and regional political power and claims to self-determination and identity fundamentally altering the globe. Furthermore,

establishing new boundaries has resulted in numerous new psychological and political barriers, complicating making and unmaking inter-state borders. The effect of local political power is seen as a significant component of current border research in this respect. It contrasts between obvious demarcations that connect or filter individuals, sometimes persons with multiple identities and legitimacy, and frontiers that cut across culturally homogeneous and national groupings.

According to border conflict experts (Keating, 2001<sup>3</sup>; Mandel, 1980<sup>4</sup>; Huth, 1996<sup>5</sup>; Woodwell, 2004<sup>6</sup>), the importance of land or the value of territory in border disputes is at the centre of the disagreement and, as a result, at the heart of the issue's resolution. It may be highly significant if the region has valuable natural resources or a strategic position since it suggests that realistic agreements and solutions are advantageous to all parties. Therefore, territorial border disputes are multifaceted and typically more complex and aggressive than other forms of border disagreements.

## 4.2 BORDER DISPUTES IN INDIAN STATES

The inter-state boundary disputes, a source of contention among almost all federating states in post-colonial India, are the subject of considerable discussion. India has dozens of internal border disputes between its federating units, many of which have resulted in the bloodiest killing of nationals. The country has had to devise

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<sup>3</sup>Keating, M., & McGarry, J. (Eds.). (2001). *Minority Nationalism in the Changing State Order*. Oxford, UK: Oxford University Press.

<sup>4</sup>Mandel, R. (1980). Roots of the modern inter-state border dispute. *Journal of Dispute Resolution*, 24(3), 427–54.

<sup>5</sup>Huth, P. (1996). *Standing your ground: Territorial Disputes and International Dispute*. Ann Arbor: University of Michigan Press.

<sup>6</sup>Woodwell, D. (2004). Unwelcome Neighbors: Shared ethnicity and international dispute during the cold war. *International Studies Quarterly*, 48(1), 197–223.

many approaches to address the border disputes between and among its federating states. The fundamental causes of inter-state boundary disputes differ from state to state. In certain situations, border conflicts have devolved into violent clashes. It is especially noticeable around the boundaries of north-eastern India.

Historically, India is not the only country dealing with regional political aspirations and inter-state border crises worldwide. Many countries have fought to maintain national unity in the face of calls for autonomy and separatism. There are a plethora of such situations. For example, Great Britain has yet to solve what has been briefly known as the Irish Question. Canada is still unclear about Quebec's status. Similar concerns contributed to the demise of the USSR and Yugoslavia. Nigeria's federal system is currently under strain. Western Europeans are moving toward a loose coalition (i.e., confederation). However, they are anxious about the unification of Eastern Europe, and much more so with Muslim Turkey being a potential EU member (Majeed, 2003)<sup>7</sup>.

The case of India has also added momentum to global internal border issues, necessitating observation to identify some commonalities of inter-state border disputes that occurred between and among the country's federating states. India was made up of 27 detached states (Part A, Part B, and Part C) separated primarily on political and historical considerations rather than linguistic or cultural barriers when it gained independence in 1947. However, this was just a temporary arrangement. Because of the states' multilingual character and the discrepancies, the states needed to be immediately reorganised. The reorganisation of multilingual states on a linguistic basis

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<sup>7</sup>Majeed,A.(2003).TheChangingPoliticsofStates'Reorganization.*TheJournalofFederalism*,33(4),83–98.



was a frequent demand from many corners of the country. For instance, several states, including Assam, West Bengal, Andhra Pradesh, Maharashtra and Uttar Pradesh, have experienced demands for separate states from specific regions (Majeed, Ibid.). Between 1948 and 1956, four commissions were constituted to address the desire for state reorganisation. The S.K. Dhar Commission, appointed in 1948, favoured state reorganisation based on administrative convenience, incorporating historical and geographical grounds rather than language lines. In December 1948, the J.V.P. Committee (including Jawaharlal Nehru, VallabhBhai Patel and PattabhiSitaramayya) was constituted to investigate the matter. This panel also opposed the concept of reorganising states based on language. However, the establishment of Andhra as the first linguistic state from Madras in the face of a long-running protest and the death of PottiSriramulu after 56 days of hunger strike has given additional impetus to the continued demand for linguistic states. On 22 December 1953, Jawaharlal Nehru established a commission headed by Fazal Ali to investigate these new demands. It submitted its findings in 1955, which eventually became known as the States Reorganisation Act, 1956, and proposed state linguistic reorganisation. This Act, in effect, abolished all political hurdles to establishing a new state based on linguistics. The 7th Constitutional Amendment Act was enacted in October 1956 to implement the States Reorganisation Act. According to the suggestion of the States Reorganisation Act of 1956, the previous 27 states separated into Parts A, B, and C was combined to form 14 states. This amendment not only dealt with the formation of new states by changing the territories and boundaries of the then-existing states, but it also resulted in the removal of Part A, Part B and Part C states and the designation of specified

areas as Union Territories. As a result, India witnessed the formation of additional 15 states on linguistic grounds within its boundaries, bringing the total number of federating states to 29 by 2021. As AkhtarMajeed (Ibid.) claims, the entire linguistic reformation project of states in India was in shambles. The reorganisation was carried out in response to pre-existing fissiparous tendencies in several regions of the states, which put pressure on an unwilling Centre. Furthermore, it was lacking because it did not grant territorial status to all linguistic regions.

The linguistic reorganisation of Indian states could not accomplish the demarcation of borderline on linguistic lines. Numerous border disputes have occurred between the federating states, demonstrating India's failure to implement an inclusive borderline demarcation. For instance, the boundaries of Karnataka, Kerala and Maharashtra were laid down in the 1956 State Reorganization Act. However, Karnataka and Maharashtra disagree as Maharashtra claims that the 865 Marathi-speaking villages in Belgaum, Karwar, Gulnarga and Bidar are nearer to the merged border with Karnataka under the Act. To settle the dispute, a commission under M.C. Mahajan, the third Chief Justice of the Supreme Court of India, was appointed in 1966. The commission submitted its report in 1967 and recommended that 264 villages, except Belgaum, be moved from 865 villages claimed by Maharashtra. It also proposed the move of 247 villages from Maharashtra out of 516 villages claimed by Karnataka. However, the commission's attempts were unsuccessful, as Maharashtra found the report inconclusive. Thus, their boundary disputes are continuing.

Similarly, Karnataka and Kerala fight over the Kasargod district of Kerala, comprising mainly Kannada-speaking people. Punjab and Haryana are at odds in

northwest India over the relocation of Chandigarh to Punjab and a portion of Punjab's Fazilka sub-district to Haryana. Haryana argued that because the separation was based on linguistics, the Hindi-speaking parts of Chandigarh should have been attached to it rather than Punjab. Punjab made a similar claim regarding the attachment of the Fazilka Sub-district to Haryana. In 1967, Justice M.C. Mahajan's Committee recommended that Kasargod Taluk, north of Chandragiri and Payaswini, be granted to Karnataka (Nijhawan, 2014).<sup>8</sup>

The inter-state border between Bihar and Uttar Pradesh continued to fluctuate due to periodic river shifts, giving rise to problems in revenue administration and law and order. In addition, conflicts between private parties have continued because arbitrators considered this topic in the 1960s and the law.<sup>9</sup>

West Bengal and Odisha have conflicted for over 30 years. Both states disagree on more than 72 points along the current borderline. Odisha has border disputes with three other states besides West Bengal: Andhra Pradesh, Chhattisgarh and Jharkhand. The ownership and transfer of four districts, Koraput, Malkangiri, Rayagada, Gajapati and Ganjam, have been a source of contention with Andhra Pradesh, with whom the state shares a border. A border dispute between Odisha and Jharkhand has erupted over seven villages in the Mayurbhanj and Keonjhar districts. Odisha asserted territory in the former princely states of Seraikel and Kharsuan, which are now part of Jharkhand. Change in the course of the Baitarani River sparked

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<sup>8</sup>Nijhawan, K. (2014). 2 States and More: Inter-State Disputes in India: A Historical Perspective on Unending Conflicts between States in India. Retrieved from <https://www.newslaundry.com/2014/09/30/2-states-and-more-inter-state-disputes-in-india> 22.06.2021.

<sup>9</sup>India alone has a dozen border disputes! Hindustan Times, May 16, 2007. Retrieved from <https://www.hindustantimes.com/india/india-alone-has-a-dozen-border-disputes/story-YV6IxFzqRj2f6KHncFzIUJ.html> on 30.05.2021.

another border conflict with Jharkhand. Odisha and Chattisgarh have a border dispute over three villages in the Naupada district, which the state shares with Chhattisgarh. Both states have done several joint inspections to resolve the disagreements. Nevertheless, their reports are yet to complete, and thus no progress in resolving the dispute has been made.<sup>10</sup>

Aside from linguistic differences, many other factors have contributed to inter-state border disputes in India. In many cases, unclear territorial demarcation is another primary source of concern. For example, Mangadh Hill is an area of disagreement between Gujarat and Rajasthan, located on the border of the two states. Gujarat asserts half of the hill, while Rajasthan claims the entire hill. Similarly, Haryana has a reservation with Uttar Pradesh on its changing border. Himachal Pradesh is at odds with Uttarakhand over six locations in the district of Dehradun, which borders Shimla.

Furthermore, inter-state conflicts have arisen due to the migration of job seeker populations from one state to another. It has eventually led to mass protests in many states against inter-state migration, which they view as a threat to the unemployed youths in the holding states. In addition, some states' available facilities and job opportunities are insufficient to meet the needs of their growing population. Therefore, protesters have advocated for preferential treatment in employment in the states involved, citing the sons of the soil concept.

### ***Sharing of River Waters and Inter-state Disputes:***

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<sup>10</sup>“Odisha’s border disputes with four states remain unresolved”. *TheHindu*, November 18, 2019. Retrieved from <https://www.thehindu.com/news/national/other-states/odishas-border-disputes-with-four-states-remain-unresolved/article30001706.eceon01.06.2021>.

The sharing of river waters might be the most complicated and contentious inter-state issue. Most Indian river systems are inter-state, meaning they stream through more than one state. Several inter-state disputes over sharing river waters have arisen due to increased demand for water. In recent years, a rapid increase in urban and rural demand for freshwater, combined with contentious political dynamics, has exacerbated rising water shortages, resulting in inter-state water disputes (Swain, 1998). Such disputes over the control and ownership of river water have existed since the formation of the Indian republic, with resolutions taking a long time due to many historical, institutional, and political circumstances (Raghavan, 2016).<sup>11</sup> The Inter-State River Water Disputes Act was enacted by the Indian government in 1956 to address the issue of river water sharing among states. When a water disagreement emerges between two or more state governments, the Act states that the Union government needs to receive an invitation under Section 3 of the Act from any associated parties concerning the validity of a water disagreement.

India has seen dozens of inter-state disputes over river water sharing since independence. Among them, a few famous water disputes are namely the Godavari water disputes between Maharashtra, Andhra Pradesh, Karnataka, Madhya Pradesh, and Odisha, the Krishna water dispute between Maharashtra, Andhra Pradesh, and Karnataka, the Narmada water dispute between Maharashtra, Madhya Pradesh, Rajasthan, and Gujarat, the Ravi Beas water

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<sup>11</sup>Raghavan,P.(2016).Therehasnotbeenafinalsettlementonanyinter-stateriverwaterdisputesince1980.*TheTimesofIndia*.Retrievedfrom<https://timesofindia.indiatimes.com/blogs/minorityview/there-has-not-been-a-final-settlement-on-any-inter-state-river-water-dispute-since-1980/on30.05.2021>.

dispute between Punjab, Haryana, and Rajasthan, and the Cauvery water dispute between Kerala, Karnataka, Tamil Nadu and Puducherry. These disagreements have an impact not only on state politics but also on the federal water governance of the country. Because river basins are shared resources, a synchronised strategy among states, with adequate participation from the Centre, is required for the conservation, equal sharing, and environmentally friendly use of river water (Modak and Ghosh, 2021).<sup>12</sup>

#### ***Impact of Border Disputes on Border Inhabitants:***

Thousands of villagers along the border are experiencing an identity crisis due to the ongoing border conflicts between the Indian states. Among some, the disputes have been a blessing, while it has been a curse for others. People from scores of villages along the inter-state borders have taken advantage of the geographical perplexity in numerous ways, ranging from rations to government-sponsored facilities to voting rights. However, conflicts harm some people. These settlers do not know which state they belong to because they do not have identification certificates to show their residency status. As a result, these settlers are denied state benefits such as rations, voting rights and land rights.

### **4.3 INTER-STATE BORDER DISPUTES IN NORTH EAST INDIA: ISSUES AND PATTERNS**

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<sup>12</sup>Modak,S.andGhosh,A.K.(2021).FederalismandInter-stateRiverWaterGovernanceinIndia.OccasionalPaper,ORF.Retrievedfrom<https://www.orfonline.org/research/federalism-and-inter-state-river-water-governance-in-india/on30.05.2021>.

The inter-state border dispute is relatively more intense and critical in the north-eastern part of the country. The north-eastern region consists of eight states: Assam, Meghalaya, Arunachal Pradesh, Manipur, Mizoram, Nagaland, Tripura and Sikkim. This region of India shares borders with four foreign countries, including Bhutan, Myanmar, Bangladesh and China, and it tends to indicate the region's strategic importance. The region's significance has grown due to its tenuous link to mainland India via a narrow corridor. The region's history is also known for a slew of upheavals that cast doubt on India's image as a prosperous and well-functioning democracy. The inhabitants of northeast India are primarily of Tibeto-Burman/Mongoloid descent. They differ ethnically, linguistically and culturally and are quite distinct from the other Indian states. It is worth noting that cultural and ethnic variety are not sources of conflict in and of themselves, but rather the demarcation of state boundaries in the 1950s, which overlooked ethnic and cultural nuances, eventually leading to dissatisfaction and manifestation of one's identity. Moreover, the border disputes erupting among north-eastern states result from some ethnic groups, many of whom are still destitute, being tempted by the future value of land and other natural resources they seek to control through the governmental legitimacy they now have. Those disputes appear to be kept alive by the Centre through apathy or deliberation (Gohain, 2007).<sup>13</sup>

Except for Sikkim, all North-eastern states share their boundaries with Assam and have disputes about their borders. Also, all of them have territorial infringement

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<sup>13</sup>Gohain, H. (2007). Violent Borders: Killings in Nagaland-Assam. *Economic & Political Weekly*, 42(32), 3280–3283.

charges against their parent state, Assam, which have often culminated in violent outbursts (Tunyi&Wouters, 2016).<sup>14</sup> A few of these changes have been going on for decades, becoming increasingly violent. Among all the boundary disputes, the dispute between Assam and Nagaland is the most prolonged and aggressive.

The creation of four new states by curving the territory of Assam led to inter-border conflicts. Today, the relationships between the parent and the separated states have plagued the North East. Their boundary demarcation of the states needed to be the same as on the date of secession. Alternatively, it should be as per the notification on the issue (Barpujari, 1998, p. 27).<sup>15</sup> However, this is not the case since all the neighbouring states have claimed the Assam territories by presenting their claims based on their ethnic history and traditions. These assertions are difficult to describe and justify (Bhattacharyya, 1995, p. 18.).<sup>16</sup> Moreover, many of the tribes' claims are unsupported by historical documents.

To explore the historical roots of the border conflicts in North-East India, re-examining the area's colonial past is required. After the annexation of the province of Assam by British India in 1826, the British government adopted different administrative policies to rule over the frontier tribes of the province. Accordingly, during the initial stage of rule, the British decided to follow a policy of non-intervention against the hill tribes to maintain peaceful relations with them. Problems

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<sup>14</sup>Tunyi,Z.&Wouters,J.JP.(2016).India'sNortheastanInternalBorderland:DomesticBorders,Regimesof Taxation,andLegalLandscapes.*TheNEHUJournal*,XIV(1),1–17.

<sup>15</sup>Barpujari,H.K.(1998).*North-EastIndia:Problem,PoliciesandProspects*.Guwahati: Spectrum Publication.

<sup>16</sup>Bhattacharyya,B.(1995).*The Troubled Border: Some Facts about Boundary Disputes Between Assam-Nagaland, Assam-Arunachal Pradesh, Assam-Meghalaya, and Assam-Mizoram*.Guahati: Lawyer'sBookStall.



with tribal groups, however, were a common phenomenon, and the administration attempted to settle the issues through financial and strategic means. On the other hand, the British never attempted to seize and govern the tribal areas directly. However, they never followed a specific policy regarding the governance of tribal issues in the northeast. To bring the tribes under control, the region's colonial administrators frequently used an approach of moderate intervention, annexation, and a policy of non-interference. Moreover, it was part of their forward-thinking policy, implemented during the turmoil in the region's hills and plains. Under this administrative policy, the colonial rulers pursued a gradual but steady infiltration into the administrative and cultural affairs of the hill tribes (Borpujari, 1992, p. 354).<sup>17</sup>

The inner line was another institutional means to control the tribes and their trusts. The British created an administrative mechanism called the Inner Line System to separate tribal-populated hill areas from plains groups in India's north-eastern regions. No one from the plains was permitted to enter and settle in the hills. Hills were designated as the exclusive property of the hill tribes. Thus, the British endeavoured to divide the hill tribes from the plains people to retain their trust and administrative support. To enter and stay in these areas for any time, Indian citizens from other areas must obtain an Inner Line Permit (ILP). Arunachal Pradesh, Nagaland and Mizoram are protected by the Inner Line. Manipur was later added to the list according to the Bengal Eastern Frontier Regulation Act (BEFR) of 1873.

The colonial rulers' policy of tribal isolation fostered a great deal of distrust among the region's tribes and plains people. Indeed, the colonial rulers imposed a slew

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<sup>17</sup>Barpujari, H.K. (Ed.). (1992). *The Comprehensive History of*  
Publication Board, Assam.

*Assam*, Vol. IV, Guahati:

of regulations governing the ethnic territories, which barred plains people from entering. Many border disputes have arisen in modern northeast India due to the colonial pattern of ethnic territorial demarcation. For example, Assam and Meghalaya have been at odds over their existing territorial boundaries. It all started when Meghalaya questioned the Assam Reorganisation Act of 1971, which attached the current KarbiAnglong district to Assam. By citing a historical arrangement, the state of Meghalaya objected to the attachment because the current KarbiAnglong district was a part of the United Khasi and Jaintia Hills when it was formed in 1835. At present, there are twelve points of contention along the 733-kilometres long border between Assam and Meghalaya.

Similarly, Assam has border disputes with Arunachal Pradesh and Mizoram. Both states are unwilling to accept the current boundary demarcation with Assam. According to Arunachal Pradesh, from the border standpoint, the relationship between Assam and Arunachal Pradesh has been one of aggressors and defenders. Mizoram stated in 2007 that it does not accept the current boundary with Assam. The State Reorganisation Act of 1971 cannot be a deciding Act in defining its boundaries. Instead, Mizoram demanded that the border be delineated as described in the 1875 notification under the East Bengal Frontier Regulation of 1873 (Das, 2008).<sup>18</sup>

Moreover, the border disputes are flaring up between the north-eastern states because some groups of tribal populations are tempted by the lucrative opportunities of land and natural resources they want to control through the political influence they

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<sup>18</sup>Das,P.(2008).*Inter-stateBorderDisputesintheNortheast*.ManoharParrikarInstituteForDefenseStudiesandAnalysis.Retrievedfrom<https://www.idsa.in/issuebrief/disputes-in-northeast-india-pdas-290721>on01.06.2021.

enjoy. These disagreements are kept boiling down to the Centre – either out of apathy or even deliberately (Gohain, 2007).<sup>19</sup>

#### 4.4 ASSAM-NAGALAND BORDER DISPUTE

As previously stated, the Assam-Nagaland border dispute is the most visible in the northeast, resulting in a long history of violent conflicts. The present boundary is not considered to be settled by either side of the border. Hence, both states have blamed each other for unlawfully possessing each other's territory. The conflict between the two dates back to the creation of Nagaland state in 1963. Of course, its origins may be traced back even further than the formation of Nagaland.

The first instance of boundary disputes was observed in 1956 when a Naga radical nationalist element found a base in a vast stretch of territory in Rangma and Nambor, south of the present Golaghat districts of Assam (Bhattacharyya, 1995, p. 18).<sup>20</sup> They also created a comfortable space for other Naga citizens to reside on forest land near the Assam border. Later, when their proposed state of Nagaland was created, many preferred to remain in those forest areas of Assam with their families. The new Nagaland government offered its support to their settlement over the forestland (Ibid.). At the time, the Assam government was too ignorant of the situation to take preventive actions. The Naga settlers took advantage of the circumstances and maintained control over the region. However, it was too late when the Assam government became aware

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<sup>19</sup>Gohain, H. (2007). *Violent Borders: Killings in Nagaland-Assam*. *Economic & Political Weekly*, 42(32), 3280–3283.

<sup>20</sup>Bhattacharyya, B. (1995). *The Troubled Border: Some Facts about Boundary Disputes Between Assam-Nagaland, Assam-Arunachal Pradesh, Assam-Meghalaya, and Assam-Mizoram*. Guahati: Lawyer's Book Stall.

of the situation (Bhattacharyya, Ibid.). The Naga aggression on the border was not restricted to the settling of villages on the Assam side of the Rengma and Nambor reserves. Instead, their aggressive expansionism was continued in the Disoi reserve of the Jorhat district as well. A considerable amount of forest land in the Sivasagar district is also under Naga infestation (Bhattacharyya, Ibid.).

A conference between the Chief Secretaries of Assam and Nagaland on border issues was held in 1963. Based on the 1925 Notification (Notification No. 3102R dated 25 November 1925), which lays out the borders of the then Naga Hills districts, it was decided that the Indian Survey must conduct and transmit the inter-state boundary (Bhattacharyya, Ibid., 20).

The Naga leaders decided to leave after harvesting their crops when the Assam government ordered the evacuation. Unfortunately, Nagas conquered more of the territories of Assam instead. On the southern frontier of the Geleki Reserve, Nagas decided to set up a public sector paper and pulp project financed by the Hindustan Paper Corporation within the reserve forest. The same factory had to be situated at Tuli of Nagaland earlier. It was a gross breach of the 1925 notification (Bhattacharyya, Ibid.).

This intrusion of reserve forests by the Nagas was not justified. It was reported in the Assam Forest Administration Progress Report for 1874–75 that areas of the Nambor Reserve Forest were only temporarily shifted to the Naga Hills for administrative purposes. It was made evident in para 19 that Nambor Forest was formerly part of the Nagaon district. While it was relocated for administrative convenience, the government had not surrendered its land and production rights. The

Reserved Forests of Abhoypur and Disoi were established in 1881 and 1883 within the district of Sivasagar. The Reserved Forests of Rengma were formed in areas once part of the former district of Nagaon.<sup>21</sup> Doyang Reserved Forest was also established in the district of Sivasagar in 1883. The constitution of the Doyang Reserved Forest and the alteration of the Inner-Line made it clear that the revenue survey boundary was never the political boundary or administrative unit of the Sivasagar district.

It must be noted here that the southern border of the Doyang Reserved Forest was at the foot of the Naga Hills. This incremental change to the plains was due to economic growth. Hill districts were a series of commercial places primarily run by the plains. Similarly, the tribes of the hills relied on the plains for many things in their lives. It was due to increased soil erosion. Another factor was the connectivity on which the hill people had to rely on the plains. This population change and development in border regions has led to tensions between people living along the border and, at times, to conflict (Rao, 1976, p. 84).<sup>22</sup>

As tension persisted between Assam and Nagaland on the border issue, the Government of India appointed Sri K.V.K. Sundaram, at the time Chairman of the Law Commission, as Advisor to the Ministry of Home Affairs to research the border issue between the two states. It came into operation on 16 August 1971 for six months.<sup>23</sup>

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<sup>21</sup>Notes submitted by the Government of Assam to the Adviser on Assam-Nagaland Boundary on 1 May 1972.

<sup>22</sup>Rao, V.V. (1976). *A Century of Tribal Politics in North-East India, 1874-1974*. New Delhi: S Chand.

<sup>23</sup>Lok Sabha Debates: Inter State Border dispute between Assam and Nagaland on 28 April 2005. Retrieved from <https://indiankanoon.org/doc/1854317/on01.06.2021>.

The Union government had explicitly specified in the guideline that the Sundaram Commission must determine the facts of the border between Assam and Nagaland. He also claimed that he would strive to formulate ways to support the security and desires of the people of both nations and makes recommendations for stability and tranquilly in border areas awaiting final advice.

When the Interim Agreement was drawn up in 1972, it was reported that the border between Nagaland and Sivasagar was clearly established in the 1925 notification.<sup>24</sup> In his study, Sundaram stated that the Naga forest encroachments that began during the turmoil before statehood have increased over the years. The Nagaland government was not pleased with the Sundaram Committee's opinion and believed that they would support R.K. Shastri Commission of inquiry until the boundary issue has been thoroughly settled. However, the Assam government found that the Interim Agreements had ended after the Sundaram report had been submitted. So the matter has proceeded with a sporadic explosion of tension. Another aggravating problem was the inclusion of the residents of areas within Assam in their electoral rolls. Thus, during the elections, polling stations were set up throughout the jurisdiction of Assam (Bhattacharya, Ibid.).

As a result, skirmishes along the Assam-Nagaland frontier became a regular feature. Stray incidents have occurred in the state, especially in the Golaghat district. Adding fuel to the issue, the Nagaland Chief Minister announced one crore to build the boundary wall of a seed farm. The announcement had undoubtedly generated

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<sup>24</sup>Can1925notificationbeacceptabletoNagas?Retrievedfrom<https://www.nagalandpost.com/index.php/can-1925-notification-be-acceptable-to-nagas/on03.06.2021>.

anxiety and apprehension among the people of Assam living along the border (Kashyap, Ibid.).

On the other hand, the Government of Assam is concerned about the depletion of its reserve forest. The government says Golaghat is strained due to its proximity to Dimapur, a rising business centre. Another primary consideration is the fertile lands of the Golaghat district. The blame games between the two states have been going on for thirty years. However, no political parties, whether national or regional, have shown any political will to solve the problem emerging out of the boundary dispute. They all know, including the party at the Centre, that it might affect their political future in the concerned states.

#### **4.5 LAND RIGHTS IN THE DISPUTED AREAS OF THE ASSAM-NAGALAND BORDER**

Indeed, almost all people settled in the Assam-Nagaland border area of Golaghat have been refused land patta or land rights. Because there is no land to provide patta, their settlement over the area is likewise unlawful. The state is often reported to have refused land pattas for two reasons. To start, the district's whole A, B, C and D sectors are part of four reserved forests where any human intrusion is considered a threat to the forest's survival. The second reason for denying patta to the area's people is that the entire four sectors bordering Nagaland are disputed in nature. A Naga group, backed by their state government, has claimed ownership of all four sectors as historically theirs. The Assam government has unlawfully and forcibly

retained control over the sectors. They maintain that the people who have settled in the sectors must depart for the Nagas to exercise their historical rights over the area.

In theory, both causes are unbreakable in awarding land pattas to the region's inhabitants. But, aside from that, a segment of the four sectors feels that the state government of Assam's political reticence to resolve the matter is a convenient factor. So yet, no state governments have demonstrated genuine political interest in addressing the issue. Instead, the state governments' varied decisions in different courses of action strongly influenced their settlement in the area. However, before delving into the intricacies of the first two factors, it would be appropriate to briefly discuss the history of human migration and deforestation into the border of the Golaghat district.

#### **4.5.1 State-led Migration on the Border**

In this regard, the study finds that the desire of both states to keep possession of the forested lands along the border is the root cause of the Assam-Nagaland border dispute. There have been moments in history when both states raced to encourage their citizens to settle on forest lands along the border to maintain control over them. Until 1947, all the land areas in the current A, B, C and D Sectors along the border were free of encroachment. Until then, only forest settlements in forest villages were permitted in the area to conserve and maintain forest biodiversity. For instance, in 1905, four forest villages, namely Merapani, Soundangpathar, Kasomari and Amguri, were founded in Doyang Reserve Forests, with a few more later at Uriamghat in



Rengma Reserved Forest and M.V. Chungajan in Nambor South. There were no additional human settlements recorded during the British rule in Assam.

However, the first wave of human migration to the borderlands occurred in the post-independence era when the Naga government decided to grant land allotment to Naga insurgents who surrendered. As the news spread across Assam, the state government feared losing the border's whole forest tract. It was widely assumed that the Naga government intended to establish control along the border through this land allotment to the surrendered insurgents and their families. To counterbalance the Naga government's move, the Assam government decided in 1962 to grant land pattas to retired army personnel between Chungajan and Bokajan, closer to the border. In the following period, too, many landless people from other regions of Assam migrated and settled in the reserve forest with the encouragement of some state political figures.

Again in 1968-70, the Government of Assam adopted the 'half-mile belt scheme'. Through the scheme, the government encouraged the migration of landless people to the open fields nearer to the Assam-Nagaland border. The plan was intended to accomplish two indirect objectives: (i) to create a human shield to defend the contested areas of the Assam-Nagaland border from possible Naga aggression, and (ii) to maintain control over the plains and forestlands on the Assam side of the border (Gogoi, 2011).<sup>25</sup> Many Naga villages were also established with government assistance, particularly in Sector B of Golaghat district, and are now fully supported by the Nagaland government, which provides necessities such as schools, electricity, road connectivity, etc. As a result, a human settlement arose, and the forest lands today are entirely deforested along the border. In addition to the settlers, the deforestation

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<sup>25</sup>Gogoi, A. (2011). *GanaSangramorDinlipi*. Guwahati: AkhorPrakash.

process was spearheaded more when the local administration on both sides of the border permitted several sawmills to operate in the reserve forests, aided by forest mafias (i.e., timber merchants) and corrupt government officials. It proves that human encroachment on the forested territories along the border is a crucial aspect of the current Assam-Nagaland border conflict.

Another critical aspect of the discourse is the political will of both Union and State governments to resolve the border dispute. The ambiguity about the actual demarcation of the border between the two states and the failure of the mediating Union government to reach an equitable and long-term solution to the vexing border issue is widely believed to be perceptible. The Union and the state governments of Assam and Nagaland do not appear sincere in finding a durable solution to this situation. They appointed commissions, but their reports and agreements inked between Assam and Nagaland are just on paper. For instance, during the tenure of the K.V.K. Sundaram commission, both the state governments agreed to sign four interim agreements on border peace and tranquillity. The agreements sought to maintain the status quo in border areas until the border dispute could be resolved. In theory, the agreements are still in force but are constantly violated in practice. The Nagas, for example, are constructing permanent structures such as schools, community halls, churches, and roads in contested border areas.

Meanwhile, the Nagaland government has established two sub-divisions in the A and D sectors, Newland and Homeland. In recent decades, the most common intention behind the Naga's aggressive investment along the border has been to derail the Assam government's stand on the lands. As a result, there is perpetual resentment on both sides, which directly impacts the peace and tranquillity of the region.

#### 4.6 RESPONDENTS' VIEWS ABOUT THE ASSAM-NAGALAND BORDER DISPUTES AND THE LAND RIGHTS QUESTIONS

Due to the long-standing border disputes between Assam and Nagaland, many people on the Golaghat side have died in violent clashes. The entire region is currently under the supervision of central neutral forces and is thus considered a disputed border site. The Assam government has filed a case in the Supreme Court of India. As a result, both states are asked not to make any decisions that impede the Supreme Court's ability to find a long-term solution to the problem. In such context, it is also widely discussed that the border dispute between the two neighbouring states is being used as an excuse to deny land rights to settlers on the Golaghat side.

The study's respondents provided a range of responses to the border disputes between Assam and Nagaland and questions about land rights. Most respondents are dissatisfied with the roles of the state and federal governments in resolving the vexing border dispute. Table 4.1 below shows how the study's respondents perceive the current state of the Assam-Nagaland border dispute.

**Table 4.1: Distribution of Respondents' views on the present state of the Assam-Nagaland border dispute**

Present state of the Assam-Nagaland border dispute	Variables	Number of Responses
	Not resolved	277 (92.33)^
	About to resolve	15 (5)^
	No Idea	8 (2.67)^

\*Source: Field survey

^Figures in the parentheses are in percentage

As per Table 4.1, 92.33 percent of respondents said the dispute was still ongoing, while 5 percent said it was about to be resolved. Even though there have been no direct border clashes between the two countries since 2014, the situation remains tense. People living on the Golaghat side of the border continue to live in fear of Naga atrocities. According to a respondent of Morajan village, “every month, they must meet with their Naga counterparts to discuss thievery, domestic animal robbery and agricultural land issues.” These are everyday occurrences that make their lives miserable. In their villages, complete normalcy has yet to be restored. Their lives have become more complicated due to the unresolved border issue. 2.67 percent of those surveyed were unsure about the question.

***Causes of Assam-Nagaland Border Disputes:***

People also disagree on the causes of the Assam-Nagaland border disputes in the Golaghat district. Many people have blamed the disagreements on a variety of factors. Similarly, both states have differing perspectives on the original border demarcation. On the other hand, the Union government has demonstrated half-heartedness in finding solutions to long-standing border disputes. The various dispute resolution commissions established so far have failed miserably to provide an all-accepted solution to the conflict.

In this context, it is critical to describe how residents perceive the Assam-Nagaland border dispute and what, in their opinion, are the relevant causes of the dispute. The views of the respondents are reflected in table 4.2 below.

**Table 4.2: Distribution of Respondents' views on the major causes of border disputes between Assam-Nagaland**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Major causes of the border disputes</b>	The dispute is politically motivated	15 (5)^
	Competing possession of the forested lands	19 (6.33)^
	For economic reasons	12 (4)^
	All of the above reasons	254 (84.67)^

\*Source: Field survey

^Figures in the parentheses are in percentage

The respondents provided diverse answers regarding the major causes of the Assam-Nagaland border disputes. Five percent of the respondents said the dispute is politically motivated. According to them, the invading Naga groups are supported by their civil and political organisations, which validate the killing of innocent villagers on the Golaghat side of the border. No Naga government is willing to accept any solution the central conflict resolution commissions provided. They also vehemently rejected all proposals offered by the Assamese counterpart in their bilateral talks. Instead, they argue that the land has historically belonged to the Nagas, and thus their occupation of the forested lands along the border is legal. According to 19 percent of respondents, the long-running border dispute stems from both states' desire to retain possession of land areas along the border. According to 4 percent of respondents, one of the reasons for the dispute is the Nagas' economic conditions. For them, the given fertile land of the region, which is very rich in producing agricultural products, drew the Nagas to the areas and forced them to claim and occupy them. The majority, or 84.67 percent of respondents, believe that the causes mentioned in the table (political,

desire for land and economic) are equally instrumental in the Assam-Nagaland border dispute.

***Border Dispute Is an Excuse Not to Grant Land Rights:***

During the field study, many respondents said that the unresolved border dispute between the two states is a big excuse for denying the residents’ land rights demands on the Golaghat side of the border. According to their observations, when the residents started demanding land rights, the state authorities dismissed their demands by stating that the area was disputed. The disputed nature of the area was declared by the K.V.K. Sundaram Commission, which the Union government appointed in 1971. Both state governments are asked to keep statuesque on the disputed sites of the border and are barred from granting or approving any residents’ appeals. As such, the region’s law and order issues were delegated to a central neutral force stationed at various disputed sites. Since then, the state government of Assam has maintained the statuesque on the border and denied the land rights demands of the residents. The responses of respondents in this regard are shown in the table below.

**Table 4.3: Distribution of Respondents’ views on border dispute as an excuse not to grant land rights**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Border dispute as an excuse</b>	Yes, the border dispute is an excuse	258 (86)^
	No, the border dispute is not an excuse	38 (12.67)^
	No response	4 (1.33)^

\*Source: Field survey

^Figures in the parentheses are in percentage

Table 4.3 shows that most respondents (86 percent) believe that the border dispute is simply an excuse to deny residents' land rights demands. According to them, in 1974, the K.V.K. Sundaram Commission declared the A, B, C, and D sectors along the border disputed due to competing Naga claims and maintaining peace and tranquilly. Since then, the sectors have been officially disputed. However, the Nagas have continued to vie for control of the forested lands on the Golaghat side of the border. As a result, there have been intermittent border conflicts between Nagas and Assamese settlers. The state governments of both states have failed to find a long-term political solution to the problem. Instead, the region's people have been kept in the dark by referring to the area as disputed. Interestingly, OIL and ONGC have unrestricted access to the natural resources of the disputed border areas. Furthermore, the Naga governments have permitted the construction of permanent structures such as schools, churches, and other structures on the disputed sites. They also issued land ownership to their settlers. However, 12.67 percent of respondents believe the border dispute is genuine. Thus it prevents the state government of Assam from granting land rights to the residents of the Golaghat side, while 1.33 percent of the respondents did not respond to the inquiry.

#### ***Role of State and Union Government in Resolving the Border Disputes:***

The role of the Union and state governments in resolving the ongoing border disputes between Assam and Nagaland has been vital. The border dispute cannot be resolved without the political will of the Union and state governments. Many attempts have been made to resolve the dispute since its inception. However, the border dispute

has yet to be resolved. In this regard, the study's respondents expressed various opinions, as shown in the table below.

**Table 4.4: Distribution of Respondents' views on the role of State and Union Government**

Role of State and Union governments	Variables	Number of Responses	
		Union government	State government
	Effective	18 (6)^	45 (15.33)^
	Less effective	66 (22)^	36 (12)^
	Not effective	201 (67)^	203 (67.67)^
	No idea	15 (5)^	15 (5)^

\*Source: Field survey

^Figures in the parentheses are in percentage

According to Table 4.4, despite various government efforts to resolve border disputes, only 6 percent of respondents thought the Union government's role in this matter was effective. In contrast, 67 percent thought it was ineffective. Moreover, 22 percent of respondents deemed the Union government's role less effective. Similarly, only 15.33 percent of respondents thought the State government's role was effective, 67.67 percent thought it was ineffective, and 12 percent thought it was less effective. Most respondents believe there has been a significant lack of political will among all involved governments to resolve the dispute. The Union government has relinquished its responsibility to form a few border conflict resolution commissions. State governments have struggled to reach an agreement on the border issue. As a result, the dispute between Assam and Nagaland continues.



Another cause of the unsettled border dispute between Assam and Nagaland is the failure of border commissions, which may be linked to the prominence given to political interests on both sides of the border. The Sundaram Commission of 1971, the R.K. Shastri Commission of 1985, and the J.K. Pillai Commission of 1997 failed to make significant contributions to the solution since one of the two states rejected their recommendations. Political parties in power only see the situation in terms of their political gains and losses, which are frequently expressed as a vote bank. It is one of the reasons why the residents of the border have to live in terror, uncertainty and as second-class citizens.

The value of the borderlands, a large portion of which are fertile and oil and gas bearing, has undoubtedly increased vested political interests. A sizable proportion of respondents believe that political propaganda about the contested nature and history of the lands is being spread from both sides of the border. The hidden agenda behind this propaganda is to divert the people's attention from the ongoing land crisis to the Assam-Nagaland border conflicts. As long as the propaganda persists, both states may be able to reap economic benefits from the borderlands' natural resources. In that manner, it is expected that as long as the lands are contested, no inhabitant will be able to claim ownership of any part of the territory. Residents of the region are currently prohibited from constructing any permanent structures along the border. Before building any permanent structure, even for a *puccaghar* (brick and mortar house), they must obtain permission from local authorities. By implying such existing legal-institutional complexities, residents are denied their fundamental human rights to life.

The study also realises that the role of political parties that are not in power is similarly insincere in finding a solution to the land crisis of the people on the Golaghat side of the border. In this regard, 39 percent of respondents found the role of opposition political parties ineffective. In comparison, 30 percent and 26 percent found it to be effective and less effective, respectively. Many respondents even accused political parties of inciting tension for political gain and using poor landless people along the border as vote banks. Before elections, each political party makes hollow promises to attract poor landless voters, and then they forget everything once in power. Subsequently, the villages of the borderlands continue to be cut off from road connectivity, education and medical services, internet access, and post office services.

The unresolved border dispute between Assam and Nagaland has given political parties another opportunity to play vote bank politics. It is worth noting that the forestlands of the Assam-Nagaland border have recently witnessed another wave of human migration, which may be referred to as the third wave of migration of suspected nationals amidst the ongoing border clashes. The majority of them are currently concentrated in and around Merapani in D Sector and Bidyapur and Koraihat in the C sector. It is astonishing to see another wave of human settlement in the borderlands, where many settlers have already fought and died for land rights and the remaining settlers live without the necessities of life. Even in such a chaotic environment, the suspected nationals received political support from some local political leaders and government officials who had a vested interest in their presence. Their migration and settlement in the borderlands had sparked widespread resentment among the locals, who demanded that the local government take appropriate action. However, as told to the researcher in the C sector,

suspected nationals have their names added to the electoral roll with the help of powerful police and government officials instead of being evicted. Many of them are now employed as tenants in Naga-occupied lands. The Naga landlords also provided them with houses and agricultural machinery. In exchange, the tenants must return a fixed percentage of their output to the landowners.

***On the Alleged ‘Naga Tax’:***

The villagers on the Golaghat side of the border harbour yet another form of resentment towards the Assam government. Many villagers along the border are survivors of ‘Naga taxation’ levied by Naga landlords and militants, which the security forces, including the central neutral forces, have failed to stop. Poor farmers are helpless in the face of Naga landowners aided by armed militants. Taxes (land tax, house tax, agricultural tax, cattle tax, ransom tax and random monetary demands) are collected in cash or form agri-products from those residing and cultivating crops on lands once owned by the Reserve Forests. Those who refuse to pay tax risk being shot or kidnapped for a hefty ransom.

**Table 4.5: Distribution of Respondents’ views regarding paying the alleged Naga tax imposed by the Nagas**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Regarding paying the alleged ‘Naga tax’</b>	Yes, paying	54 (18)^
	Not paying	207 (69)^
	No response	39 (13)^

*\*Source:* Field survey

^Figures in the parentheses are in percentage

In this regard, 18 percent of respondents acknowledged paying Naga taxes in various ways, while 69 percent of the total responded negatively to the question. A few respondents from the Nakhuti area of the A sector admitted to paying ‘house tax’ to Naga insurgents. The residents have no choice but to pay the taxes imposed on them. They also informed the researcher that those purporting to represent Naga tax collectors have unrestricted access to tax collection, primarily in sectors A, B and C. When tax-related complaints are brought to the attention of security forces, their responses are hardly deterrents to illegal taxation. In addition, the local administration rarely responds to the issue with genuine intent. Despite numerous media reports on Naga’s illegal taxation, the local administration often attempts to ignore the news. As a result, tax collectors have a free run to carry on their activities. As shown in the table, a significant number of respondents (13 percent) did not respond to the question.

***Role of Civil Administration:***

Legally, the individual Nagas do not have the authority to levy taxes on land, agriculture, houses, or other resources along the border. The imposition of a tax on any of these items is entirely within the purview of the states. From this point of view, the alleged individual Naga tax on the Assamese residents of the region is entirely illegal. Furthermore, the areas where the alleged Naga taxes are levied are on the Assam side of the border. Hence, it is a matter of law and order over which the local administration has complete jurisdiction. In this context, the role of the local Dhansiri civil administration is a matter of inquiry. As regards the measures taken by the

Dhansiri civil administration to safeguard the landless farmers from illegal Naga taxation, respondents' responses varied. The table below is a reflection of it.

**Table 4.6: Distribution of Respondents' views on the role of Dhansiri civil administration in preventing residents from paying Naga taxes**

<b>Role of Dhansiri civil administration</b>	<b>Variables</b>	<b>Number of Responses</b>
	Effective	68 (22.67)^
	Not effective	216 (72)^
	No idea	16 (5.33)^

\*Source: Field survey

^Figures in the parentheses are in percentage

Table 4.6 shows that 22.67 percent of respondents deemed the measures of the Dhansiri civil administration adequate. In this regard, respondents remarked on the steps taken by the local administration. These include establishing two posts of Border Magistrate (BM) to look after matters relating to people nearer to the border, making regular visits by BM to the border, holding regular talks with Naga counterparts, and making neutral forces more alert to the security and safety of human lives and livestock. However, despite the efforts of the civil administration, 72 percent, i.e. a majority of the respondents, said the actions were ineffective and half-hearted. They claimed that establishing posts like border magistrates is merely a formal exercise to divert people's attention. In reality, BMs never stay at the border and only arrive when there is an incident. Furthermore, residents of the region have to travel to Sarupathar town, which is approximately 40 kilometres away, for a simple approval of the BMs. Subsequently, the Naga landlords, aided by armed militants, continue to exercise their power along the border. However, 5.33 percent of those surveyed had no idea about the issue.

### ***Role of Central Neutral Forces:***

The present study also draws some interesting inferences about central neutral forces' role in establishing peace and normalcy on the Assam-Nagaland border. However, public reactions to their neutrality and effectiveness in bringing peace have mainly been adverse.

**Table 4.7: Distribution of Respondents' views on the role of Central Neutral Forces**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Role of central neutral forces</b>	Neutral	22 (7.33)^
	Effective in maintaining peace and harmony	52 (17.34)^
	Partial	213 (71)^
	No idea	13 (4.33)^

*\*Source:* Field survey

^Figures in the parentheses are in percentage

As presented in Table 4.7, a sizable number of respondents (i.e., 71 percent) on the Golaghat side of the border viewed the role of neutral forces as not neutral and, thereby, were unwilling to stop the miscreants of peace and tranquillity in the area. Only 7.33 percent of those surveyed thought their activities were neutral. Many of them even described them as detrimental to the peace. They are accused of sympathising with the Nagas. Some claimed that they used to collaborate with the insurgents and assisted them by being passive in enforcing their demands. Many others believed that the security personnel were terrified of the insurgents. There have also been numerous cases of inhumane behaviour by Naga armed goons, but the neutral forces have done nothing to stop them or apprehend the perpetrators.

The media frequently reports on CRPF personnel getting into fights with locals. There has been an allegation that CRPF personnel were involved in collecting *gunda* tax (extortion money) from the business community of Merapani. A few respondents from the B and C sectors have accused CRPF officers (without naming them) of demanding bribes to allow them to build houses and other structures. After engaging in such non-neutral activities, the CRPF unit is immediately transferred, and a new unit is assigned. Ironically, the people face the most vulnerability and insecurity from those who are supposed to protect them.

Nearly 17.34 percent of respondents thought the role of central neutral forces was effective in maintaining peace and harmony on disputed border sites. They believe that the presence of the CRPF has deterred Naga criminals and made their lives easier. The central neutral forces are the only ray of hope for many poor border families.

#### **4.7 CONCLUSION**

Inter-state border disputes are undoubtedly a source of contention in Assam. The border dispute with Nagaland has been the bloodiest and longest, resulting in the deaths of hundreds of innocent Assamese citizens. The most contentious parts of Assam's border with Nagaland are in the Golaghat district. Many intermittent disputes have occurred between residents on both sides of the border. Initially, the dispute was limited to the Assamese and Naga villagers, but they quickly escalated into inter-state border clashes.

Aside from issues of peace and tranquillity, the most significant impact of the border dispute is the uncertainty of the settlers' land rights along the border of the

Golaghat district. Due to ongoing border escalation, the entire Assam-Nagaland border of the Golaghat district has been declared a disputed area where no state government law or rule applies. The central neutral forces stationed along the border maintain the law and order situation in the disputed sites of the border. The state government of Assam has minimal powers to carry out any political or economic development in the disputed areas.

Furthermore, the state government's power is limited because the Assam-Nagaland border dispute is still pending before the Supreme Court of India. The Supreme Court has barred both states from making any politico-economic developments in the disputed sites of the border. It has urged that the current situation be maintained until its verdict is issued.

Despite these developments, the residents on the Golaghat side of the border have lived in fear and uncertainty. They have been deprived of fundamental necessities of life such as road access, medical care, higher education, electricity and banking services. The border area is far from the district and sub-divisional offices. The land on the Golaghat side of the border has yet to be converted to revenue land.

There is widespread public dissatisfaction regarding the political will of the state government of Assam in resolving the border dispute with the neighbouring Nagaland. Both states have engaged in bilateral talks to resolve the dispute since it began. However, no long-term solution has been found thus far. Nagas have forcibly infringed on thousands of hectares of forested land in the Golaghat district. They extend far into Assam from the pillars of the border defined in the 1925 notification. Naga encroachers have threatened the Assamese settlers on the border with various



forms of force. Many Assamese civilians have died due to Naga atrocities on the border so far.

As previously stated, Assamese people continue to pay Naga tax or gunda tax on their houses, agricultural land and products and cattle in some areas. The matter has drawn the attention of the Golaghat district administration and central neutral forces, but no preventive measures have been developed. The Golaghat district administration avoided the issue by referring to the area as disputed. People in the villages are terrified and anxious. As a result, there are no other options for people to pay the Naga tax. The settlers residing on both sides of the border are dissatisfied with the role of the central neutral forces. Many people have questioned the neutrality of the neutral forces. Thus, it demonstrates that no state stakeholders are willing to provide a long-term solution to the vexing problem between Nagaland and Assam.

Therefore, granting land rights to the people of the Assam-Nagaland border of the Golaghat district is extremely difficult until the disagreements are resolved. The essential requirement for this purpose is both states' political will. Political means are the only viable option for resolving the long-standing border dispute. If the governments of Assam and Nagaland agree on their respective political boundaries, finding a solution to the land rights issues will be easier.

Christian churches can play a significant role in resolving the Assam-Nagaland border dispute in Golaghat. As stated in the introductory chapter of this study, Adivasis are the largest community on the Golaghat side of the border, and most are Christian. The Nagas, on the other side, are also Christian by religion. On both sides of the border, there are several Christian churches. Their religious homogeneity can be a

powerful tool for fostering people-to-people contact and cultural exchanges. The state administration must create more spaces to interact and exchange ideas to transform their ethnic antagonism into cultural harmony.

There is also widespread suspicion that local capitalists want to keep the border disputes along the Assam-Nagaland border alive. The dispute has prevented the settlers from claiming the benefits of natural resources available on the disputed border sites. It is worth noting that the most contested border areas have been sources of capitalist investments such as oil, natural gas, stones, coal and sand. Hundreds of commercial trucks enter the disputed border areas daily to extract natural resources. In collaboration with Naga capitalists, local capitalists from the Golaghat districts reap commercial benefits from the border's natural resources. Local capitalists have close relationships with political leaders and local administrative officials, allowing them to extract free resources. They are politically and economically powerful and do not want to settle the border dispute peacefully. Therefore, it is in the interests of the capitalists' nexus to keep the border dispute going.

All of the issues mentioned above have to be dealt with priority to find a durable solution to the long-standing border dispute between Assam and Nagaland and the land rights concerns of the settlers.



**CHAPTER – V**

**GOVERNANCE OF FOREST LAND ON THE  
ASSAM-NAGALAND BORDER OF  
GOLAGHAT DISTRICT**



## CHAPTER –V

# GOVERNANCE OF FOREST LAND ON THE ASSAM- NAGALAND BORDER OF GOLAGHAT DISTRICT

### 5.1 INTRODUCTION

The land question in the Golaghat district near the Assam-Nagaland border has many critical angles. Without addressing these angles, it is impossible to draw any conclusion on the land question. The forest land issue is one of these vital issues. The border area of the Golaghat district nearer to Nagaland has long been a source of contention between the state forest department and the settlers. The contention has resulted in intermittent conflicts between the settlers and the department, and many people have died. Notably, according to the official record of the state forest department, the entire 512.1 kilometres-long Assam-Nagaland border shares lands with six designated reserve forests spanning from Assam's Sivasagar district to the DimaHasao district. The Golaghat district alone shares land with four designated reserve forests along its 125 kilometres-long border with Nagaland.

Although human habitations have entirely deforested the entire forest reserves along the border of the Golaghat district, the state official records remain unchanged. The settlers have demanded long to convert the deforested lands into human habitat lands. However, the state forest department regards the area as forest lands and human habitations as illegal encroachment. According to the existing forest laws of the

nation, no individual or group of individuals can invoke land rights in any government-designated forest in India. Any un-authorised or illegal human habitation or activity on forest lands may be considered a breach of the forest laws. In such circumstances, this chapter investigates how residents of the Assam-Nagaland border of Golaghat district (i.e., officially *bonanchal*) can obtain state recognition for their long-standing land rights demands.

The present chapter also discusses the state's role in addressing the forestland issues and the settlers' land rights. The state's responses in this regard have been riddled with ambiguity. From one point of view, the state forest department still considers the border area forestlands and human settlements illegal encroachment. The forest department has conducted several eviction drives on illegally settled villages and is still notifying the settlers to vacate the lands. On the other hand, the state revenue department has implemented policies that encourage human migration to the plains lands of the district near the Assam-Nagaland border. Hundreds of families have migrated to the forestlands due to state governments' political incitement. The state did it to protect its plains lands from Naga encroachment. People who wanted to settle in the human-inhabited forestlands on the border were granted land under the half-a-mile scheme. The state's revenue department justifies human settlement along the border as being in Assam's best interests. Furthermore, the Assam government declared its intention to allot land pattas to settlers in the state legislative assembly in 1968. The state government's political incitement resulted in increased human migration to the border and total deforestation of the reserve forests.

Thus, it demonstrates that the state's role in the forestland issue is dubious. Although at a minimal level, the state currently provides state services to those it considers to be illegal encroachers. This level of scepticism in its approaches has brought numerous previously overlooked concerns to the forefront of the current debate. The first point of concern is that the state government of Assam lacks a long-term land policy to address the issue of landlessness. Landlessness can occur due to various factors, including innate inequality in land holdings, natural disasters, population growth, state land accumulation and illegal immigration of outsiders.

Nevertheless, the Assam government has paid little attention to these issues and has provided few alternatives for settling the land dispossessed. As a result, landless people must live in uncertainty and encroach on forestlands to make a living. The majority of forestland encroachments in Assam today are the result of landlessness. Remarkably, the state departments have taken no precautionary measures until the landless people infringe on the forestlands. In many cases, supplying state services such as road communication, electricity, government schemes, and education to the deforested areas occur concurrently with eviction drives against settlers.

Furthermore, most of the country's forestland issues remain unresolved due to the Centre-state dichotomy. The centre-state dichotomy or contradiction arises from the unclear division of constitutional jurisdictions over forest matters between the union and state governments. Until 1976, the subject 'forest' was a part of the State List subjects of the Constitution of India. State governments had complete control over forest issues. The state forest departments managed forests per the Indian Forest Act of 1927. But the subject 'forest' was moved from the State List to the Concurrent List by

the 42nd amendment in 1976. As a result, the states' ability to control and manage forests within their territorial jurisdiction was diminished. By promulgating the Forest Conservation Ordinance (No. 17 of 1980), which was later transformed into an Act, the Government of India increased its power on forest governance and further reduced state powers over forests. The Act requires states to obtain approval from the Government of India before diverting any forestland for non-forestry uses, with a provision for compensatory afforestation, preferably on non-forest land.

In addition, the contrasts between the customary land rights of the tribal communities (indigenous people) and the formal forest laws of the states have generated tremendous debates in India in recent years. The introduction and implementation of the state's legal forest laws have gradually eroded tribal communities' customary rights to forests and lands. As a result, the forest resources on which tribal communities have relied for generations have no longer remained free resources of the tribal communities. Their disconnection from ancestral resources has resulted in a massive livelihood crisis among tribal communities. Moreover, it appears to be fraught with conflict as communities face new types of violations of their traditional rights due to development projects such as major dams, mining, and conservation (Mitra and Gupta, 2009, p.202).<sup>1</sup> According to Saxena (2005)<sup>2</sup>, up to 1990, the Indian states had displaced about 8.5 million tribals due to mega-projects or

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<sup>1</sup>Mitra, K. and Gupta, R. (2009). Indigenous People's Forest Rights. In J. Perera (Ed.). *Land and Cultural Survival: The Communal Rights of Indigenous Peoples in Asia*. Asian Development Bank Institute.

<sup>2</sup>Saxena, N.C. (2005). Draft National Policy on Tribals: Suggestions for Improvement. National Advisory Council, Ministry of Tribal Affairs, Government of India.

other forest designations as National Parks. The tribals make up at least 55.16 percent of the country's homeless persons.

Following the alienation of tribal forest rights, several land rights movements started in post-independence India. These movements have consistently criticised modern forest laws for failing to recognise their indigenesness and customary forest rights. According to Xaxa (1999)<sup>3</sup>, tribals' claim for recognition of their indigeneity is due to their utter loss of control over land and other forest resources. The state's excessive control of forests and the traditional tenancy rights of tribal forest-dwelling groups have resulted in the massive marginalisation of tribal communities. They, therefore, contended that modern forest governance in India is detrimental to forest-dwelling tribal populations and their subservience. As a result, they oppose increased economic exploitation and state control over their traditional relationship with forests (Arnold, 2001, p.165).<sup>4</sup>

## 5.2 GOVERNING THE FORESTS

Governance of forest matters across the country, including Assam, has recently acclaimed deeper insights and focuses from all quarters of society, including academics, social and environmental activists and government and non-government agencies. The kind of acknowledgement that the forest concerns have received in the last decades in India has implicitly brought many issues associated with forest governance to the forefront of public debate. With the rise of neoliberalism in the

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<sup>3</sup>Xaxa, V. (1999). Transformation of Tribes in India. *Economic & Political Weekly*. 34(24), 1519–1524.

<sup>4</sup>Arnold, D. (2001). Disease Resistance and India's Ecological Frontier, 1770–1847. In Scott, J. and N. Bhatt (Eds.). *Agrarian Studies: Synthetic Work at the Cutting Edge*. New Haven: Yale University Press.



years after the cold war's dissolution, concerns for protecting forests and other natural resources have become increasingly complicated.

The development of neoliberal capitalism and advancements in contemporary forest conservation approaches started simultaneously, which is more than a coincidence. The co-implementation of both approaches has generated numerous ambiguities, especially on whether capitalism is expanding with conservation as a tool or conservation with capitalism as a tool (Dhandapani, 2015).<sup>5</sup> It is similar to a situation in which nation-states are asked to be more concerned about forest and biodiversity conservation while simultaneously being pushed to achieve neoliberal capitalist agendas through biodiversity conservation.

Furthermore, neoliberal forest conservation practices promote a new global environmentalist paradigm, through which modern conservation approaches are presented as a valid global model for environmental protection. Whether these neoliberal conservation approaches/policies achieve their stated goals is heavily debated. Nonetheless, one seeming achievement of these policies in contemporary environmentalism is that they have made it possible to commercialise nature while failing to recognise that indigenous people living in forests face livelihood challenges other than economic situations. As a result, neoliberal capitalistic policies have resulted in the loss of nature's inherent worth, affecting indigenous lives and functioning as a tool of modern imperialism, benefiting the transnational capitalist class<sup>6</sup> while harming indigenous people (Dhandapani, Ibid.).

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<sup>5</sup>Dhandapani, S.(2015). Neo-liberal Capitalistic Policies in Modern Conservation and the Ultimate Commodification of Nature. *Journal of Ecosystem &Ecography*, 5 (2), 13–25.

<sup>6</sup> This class comprises business executives, officials and lawmakers, professionals, merchants, and the media, who endeavour to promote global economic development based on the 'cultural ideology of consumerism.'

Contemporary global environmentalism has heavily relied on biodiversity conservation by designing Protected Areas<sup>7</sup> (PA) that include national parks, wildlife sanctuaries and community reserves. PAs are essential to global nation-state commitments to biodiversity protection and other natural and cultural resources. Contemporary global environmentalism significantly influences nation-states and their conservation policies (Borrini and Others, 2004).<sup>8</sup> There are around 102,000 PAs worldwide, covering approximately 12 percent of the world's geographical surface (Rodrigues and Others, 2004).<sup>9</sup> India has 981 PAs, including 104 National Parks, 566 Wildlife Sanctuaries, 97 Conservation Reserves and 214 Community Reserves distributed across an area of 1,71,921 kilometres, which is approximately 5.03 percent of the country's geographical area. Assam is home to 5 NPs, 18 WLSs and several other unclassified reserve forests, which comprise 35.28 percent of the state's total geographical area.

Managing PAs in a democratic and densely populated country like India is difficult. Human encroachment combined with the commercialisation of nature, and the growing demand for the diversion of more land into protected areas for development purposes, all pose difficulties and challenges in their management (Maan and Chaudhry, 2019).<sup>10</sup> In India, 5 million people live within reserve forests, while an

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<sup>7</sup> The International Union for Conservation of Nature (IUCN) defines a Protected Area as an area of land and sea primarily dedicated to protecting and maintaining biological diversity and related cultural resources and managed through legal or other effective means.

<sup>8</sup> Borrini, G., Kothari, A., Oviedo, G. (2004). *Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation*. World Commission on Protected Areas (WCPA) Best Practice Protected Area Guidelines Series No. 11 IUCN- The World Conservation Union.

<sup>9</sup> Rodrigues, A. S. L., and Others, (2004). Effectiveness of the global protected area network in maintaining species diversity, *Nature*, 428, 640–643.

<sup>10</sup> Maan, J. S., Chaudhry, P. (2019). People and protected areas: some issues from India. *Animal Biodiversity and Conservation*, 42(1), 79–90.

additional 147 million rely on the resources supplied by these reserves (Kutty and Kothari, 2001).<sup>11</sup> Human pressures persistently jeopardise wildlife survival, habitat conservation and biological variety in many Asian PAs. These challenges cause biodiversity loss, habitat alteration, and land use changes cover (Gadgil and Guha, 1992<sup>12</sup>; Kothari and others, 1995<sup>13</sup>). People who live near PAs may well have positive or negative attitudes toward forest conservation. Their sentiments about the natural resource management system, namely the creation of PAs, are shaped by the actual benefits vs costs of living in or near such areas. Sometimes, development amenities do not reach their villages and communities located within PAs on time. As a result, residents within PAs have access to natural resources for survival and livelihoods. Still, they frequently live amid hardship, poverty and confrontation with PA management, which regularly blames them for wildlife loss (Lasgorceix and Kothari, 2009).<sup>14</sup>

Displacement and relocation of people from PAs is a recurring and fundamental problem in India's environmental conservation challenge. People who lived in forests grazed, harvested forest products or cultivated land for generations were evicted as a vital precondition of twentieth-century forest conservation in India, with varying results (Hussain and others, 2016).<sup>15</sup> Conservation approaches are

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<sup>11</sup>Kutty, R., & Kothari, A. (2001). *Protected areas in India: A Profile*. New Delhi: Kalpavriksh Publications.

<sup>12</sup>Gadgil, M., & Guha, R. (1992). *This fissured land. An ecological history of India*. New Delhi: Oxford University Press.

<sup>13</sup>Kothari, A., Suri, S., & Singh, N. (1995). People and protected areas: Rethinking conservation in India. *Ecologist*, 25, 188–194.

<sup>14</sup>Lasgorceix, A. and Kothari, A. (2009). Displacement and Relocation of Protected Areas: A Synthesis and Analysis of Case Studies. *Economic & Political Weekly*, xlv(49), 37–47.

<sup>15</sup>Hussain, A., Dasgupta S. and Bargali, H.S. (2016). Conservation perceptions and attitudes of semi-nomadic pastoralist towards relocation and biodiversity management: a case study of Van Gujjars

constantly altering in reaction to social and economic developments and scientific and social science advancements. The conventional PA approaches have evolved to consider people and the environment as different entities, frequently demanding the removal of human groups from focus areas, forbidding their use of land and resources, and viewing their priorities as contradictory to conservation (Borrini and others, Ibid.).

These ongoing environment conservationist approaches have faced relentless criticism from tribal bodies internationally for not recognising the human rights of traditional forest-dwelling communities. Furthermore, there is mounting evidence that PAs substantially exacerbate the misery of existing economically disadvantaged people by denying access to livelihood resources, causing physical displacement and other consequences (Kothari, 2008).<sup>16</sup> As a result, the perception of traditional conservation approaches of the neoliberal states has shifted to an inclusive conservationist perception, aiming to incorporate the sustainable use of natural resources and the constructive engagement of indigenous and local populations in managing biodiversity conservation. The new approach has recognised the link between the natural resources, their management and protection, and the people who live on them.

Including indigenous peoples' and local communities' rights in protected area management is a relatively new development. A human rights-based approach to PA management comprises assessing Protected Areas' current, historical and future implications on a large variety of rights of indigenous groups, such as the right to

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residing in and around Corbett Tiger Reserve, India. *Environment, development and sustainability*, 18 (1), 57-72.

<sup>16</sup> Kothari, A. (2008). Protected areas and people: the future of the past, *Parks*, 17 (2), DURBAN+5, 23-34.

community ownership of lands and natural resources. It is vital to note that those indigenous peoples, as well as local and mobile communities, advocate for collective rather than individual rights. On a global scale, significant efforts have been made to build collaborative management for conservation by counselling member states to recognise indigenous rights in forest conservation, establish co-management agreements, and assure fair benefit-sharing (IUCN, 1996).<sup>17</sup>In addition, the indigenous people and other traditional peoples have traditionally been linked with nature and contributed significantly to the conservation and protection of many of the world's most vulnerable ecosystems. Hence there should be no inherent contradiction between the priorities of protected areas and the presence of indigenous peoples within and around their boundaries (Borrini and others, Ibid.).

### **5.3 INDIA'S FOREST POLICIES AND FOREST RIGHTS OF THE FOREST DWELLERS**

As of 2019, India's total forest cover accounted for 21.67 percent of its entire geographical area. Following agriculture, forestry is the country's second most significant land use. However, data show that since independence, the country witnessed around 41 percent of its forest cover conversion for some other purposes (MoEF, 2002).<sup>18</sup> More than 14 percent of India's population resides in and around forests, which provide both physical (directly quantifiable products) and indirect

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<sup>17</sup>IUCN World Conservation Congress (WCC) Resolution 1.53. Retrieved from <https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC1.pdf> on 16.5.22.

<sup>18</sup>Ministry of Environment and Forests, Government of India (2002). Sustainable Development Learning and Perspectives from India Based on a Nationwide Consultative Process. Retrieved from [http://moef.gov.in/wp-content/uploads/wssd/doc4/consul\\_book\\_final.pdf](http://moef.gov.in/wp-content/uploads/wssd/doc4/consul_book_final.pdf) on 12.05.22.

services (such as biodiversity conservation, pollution control, and aesthetic and cultural attributes) (Kumar, 2002).<sup>19</sup> Forests have an important role in people's physical, economic and spiritual life (Byron and Arnold 1999).<sup>20</sup> Historically, India's natural resources have been given appropriate priority. Forests in India have been seen as a source of unlimited produce. India has a high level of biodiversity and is one of the world's 12 designated mega bio-diversity areas.

Forests are vital not just in the national context of India but also in a global context. The global recognition of the importance of forests and their governance has resulted in the formation of several international organisations, such as the International Union of Forestry Research Organization (IUFRO), the Intergovernmental Panel on Climate Change (IPCC) and the UN Conference on Environment and Development (UNCED). For that matter, the nation-states have also reached a consensus in signing numerous multilateral agreements, such as the Convention on Biological Diversity (CBD) and the UN Framework Convention on Climate Change (UNFCCC). In addition, forest cover changes have been listed as one of the 48 Millennium Development Goals (MDGs) indicators under Goal 7, i.e. ensuring environmental sustainability (Rawat, & others, 2003).<sup>21</sup>

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<sup>19</sup>Kumar, S. (2002). Does Participation in Common Pool Resource Management Help the Poor? A Social Cost-Benefit Analysis of Joint Forest Management in Jharkhand, India, *World Development, Elsevier*, 30(5), 763-782.

<sup>20</sup>Byron, N. & Arnold, JEM (1999). What futures for the people of the tropical forests? *World Development*, 27(5), 789-805.

<sup>21</sup>Rawat, V., Singh, D., Kumar, P. (2003). Climate change and its impact on forest biodiversity, *Indian Forester*, 129(6), 787-798.

### ***Definition of Forest and Forest Rights of the Forest Dwellers:***

Because of the global and local importance of forests and forest rights of local forest dwellers, the question of forest rights gets of worldwide significance. The Oxford English Dictionary defines a forest as a large land covered with trees and undergrowth, occasionally mixed with grassland. The Forest Resource Assessment (FRA) 2005 (FAO, 2005)<sup>22</sup> defines a forest as any area covering more than 0.5 hectares with trees higher than five metres and a forest cover of more than 10 percent. It doesnot include land primarily used for agricultural or urban development. The Forest Survey of India (FSI) defines a forest or forest cover as an area larger than 1 hectare with a tree cover density of 10 percent or more. In interpreting a section of the Forest (Conservation) Act, 1980, the Supreme Court of India declared that “the word ‘forest’ must be defined according to its dictionary meaning.” This description applies to all statutorily recognised forests, whether reserved, protected, or otherwise in the government record, regardless of ownership (Godavarmanvs UOI, 1996).<sup>23</sup>

### ***Forest Rights of the Forest Dwellers:***

Before the passage of the Forest Rights Act of 2006, there were different views on the meaning of forest dwellers and their forest rights in India. Since the passing of the FRA in 2006, there has been some uniformity in interpreting both terms. According to a conventional interpretation, the term ‘forest dwellers’ refers to

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<sup>22</sup>FAO (2005).Global Forest Resources Assessment 2005:Progress towards sustainable forest management. UNO, Rome. FAO Forestry Paper 147. Retrieved from<https://www.fao.org/3/a0400e/a0400e00.htm> on 12.05.22.

<sup>23</sup>Godavarman T.N. vs UOI (1996) T.N. GodavarmanThirumulpad versus Union of India and ORS. Retrieved from <https://indiankanoon.org/doc/298957/> on 12.5.22.

individuals who live in and near forests and whose primary source of income is derived from forests and forest products. In India, these people are primarily tribes or Scheduled Tribes and other traditional dwellers. They are regarded as forest-dwelling people since their livelihood is based mainly on the forest and forest resources. FRA, 2006 defines forest-dwelling people as the members or community of the scheduled tribes and other traditional non-tribal communities who primarily reside in and depend on the forests or forest lands for bona fide livelihood needs and includes the scheduled tribe pastoralist communities.

According to the FRA, 2006, forest rights refer to a bundle of rights that secure individual or community tenure or both. The forest rights include the right to hold and live in the forest land under the individual or common occupation, right of ownership, use, and disposal of minor forest produce. The right to settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests into revenue villages, and rights to protect, regenerate or conserve or manage any community forest resource are also fallen under the forest rights category.

### ***Colonial Forest Management and Rights of the Forest Dwellers:***

Before the arrival of British colonial power, India had no consistent institutional forest policy. Several princely rulers pursued diverse approaches to the forestry resources available in their territories. With the entrance of the British into India in the mid-eighteenth century, forest management started. Colonial needs drove British policies toward Indian forest resources, consolidating authority over forest resources. Europe had already begun its industrial revolution and hunted for additional



raw resources from wherever they could find them. They needed coal, iron ore and hardwood timber, among other things, to maintain their imperial authority, which was stretched all over the world at the time. They had already depleted their hardwood timber yielding woods at that time.

During the early phase of British colonialism, massive forest felling was primarily done for shipbuilding and later for railways, with little attempt to restore or produce. Large areas of Indian forests were seen as hindrances to the growth of the colonial exchequer in the 19th century since these territories could otherwise be used as revenue-generating assets. As a result, forests were quickly burnt to the ground for timber revenue and to maximise land revenue by cultivating the cleared areas (Guha, 1983).<sup>24</sup>

In 1864, the British colonial administration established a forest department in India to regulate forests. Sir Dietrich Brandis, a German forester, was appointed as the first Inspector General of Forests in British India. Similarly, a law was brought prohibiting local people's traditional rights over forest production in 1865, called the Indian Forest Act of 1865. It was indeed a groundbreaking development in India's forest history. This Act further bolstered and put the existing doctrine of state monopoly over forests into practice. The 1865 act curtailed people's centuries-old ownership of their forests and granted colonial governments authority over forestry. The Act also authorised the colonial government to designate any land area covered with trees as a government Reserved and Protected Forest and establish its

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<sup>24</sup>Guha, R (1983). Forestry in British and Post-British India: A Historical Analysis. *Economic & Political Weekly*, 18(44), 1882–1896.

management guidelines. The forest act specifies what actions are forbidden within a reserved forest, what constitutes a forest breach, and the fines and charges levied for violating the Act's rules. It was a hastily drafted Act that displeased a few British Indian officials. As a result, a lengthy controversy ensued, culminating in the drafting of the Indian Forest Act of 1878 and the Indian Forest Act of 1927, respectively.

The key point of contention was the state's absolute monopoly of forest resources. Colonial officials might have purposefully conflated open access rights with shared property rights. According to the customary rights of the local communities, the forests were not random but controlled and restricted by collective sanctions. They, therefore, wanted an agreement between the state and the forest dwellers on their respective rights in the forest. Three separate views arose as regards forest ownership rights. The first group, known as annexationists, advocated for absolute state control of all forest resources. The second one, a more conservative argument, called for state control of only certain forest areas highly sensitive to the environment and geographically beneficial. The third view is populist because it is the opposite image of the annexationists. It vehemently opposed state action, arguing that tribals and peasants would exercise territorial rights over forests. These three points of view eventually contributed to an act establishing three categories of forests: reserved forests, protected forests and village forests. The revised law expanded the forest administration's ability to impose draconian penalties. As such, the initial phase of British forest management in India was primarily state-led to exercise control over resources and people. It includes the commercialisation of different forest resources, massive deforestation, and restrictions on the rights of residents.

On 19 October 1894, the British Indian government issued its first Forest Policy resolution in India and implemented it through the Indian Forest Act, 1927. The primary goal of the colonial Forest Policy of 1894 was to administer the State Forests for the benefit of the public. The policy also intended to manage rights and the limitations of privileges of forest users. According to the Act, this control and limitations were permissible only in case of significant public benefit. The policy specified four types of forests: those for preservation, those for commercial uses, those for small forests, and those for grazing lands. However, the Forest Policy did not give forestry its due recognition and prioritised the country's agricultural demands, particularly regarding land utilisation. Even though the 1894 policy prioritised meeting the local community's needs over economic concerns, revenue maximisation was the leading principle. The 1894 Forest Policy, according to popular belief, aimed to establish a state monopoly on forest reserves, with revenue generation from forest products as the central goal and agriculture being prioritised above forestry (Gadgil and Guha, 1995, p.21).<sup>25</sup>

Scholars such as Gadgil and Guha (1994<sup>26</sup>; 1989<sup>27</sup>) maintain that the British colonial administration presided over the unparalleled denudation of the extensive forest cover to fulfil the empire's economic and geopolitical needs, with complete disregard for the interests of forest dwellers and other local people. According to them, capitalist use of forest products was forbidden before the colonial rule, except for the

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<sup>25</sup>Gadgil, M. and Guha, R. (1995). *Ecology and equity. The use and abuse of nature in contemporary India*. New Delhi: Penguin India.

<sup>26</sup>Gadgil, M. and Guha, R. (1994). Ecological Conflicts and the Environmental Movement in India, *Development and Change*, 25, 101–136.

<sup>27</sup>Guha, R. and Gadgil, M. (1989). State Forestry and Social Conflict in British India, *Past and Present*, 122, 148–157.

collection of spices, in situations where the collection did not threaten the climate or customary use, guaranteeing renewal and preservation (Guha, and Gadgil, Ibid.). Deforestation was exacerbated by colonial land ownership and forest commercialisation (Guha, and Gadgil, Ibid.). According to Padel (1995, p.28)<sup>28</sup>, colonisation figures out how to make the most wealth from the environment and the raw materials derived from it in the shortest amount of time available, in utter disdain for long-term repercussions. Saravanan (1999)<sup>29</sup> argues that under early colonial rule, the focus was placed on expanding the field of agriculture into the forests, which resulted in tribal marginalisation. Subsistence cultivation and indigenous forest management practices were prominent victims of colonial forest policies. During the Company Raj, Sivaramakrishnan (1999)<sup>30</sup> traced how the British infiltrated Bengal's forest areas to develop their government and administrative structure through multiple methods and techniques in different climatic zones. The colonial initiative of generating forestry, environmental preservation, and sustainable growth was just propaganda and setting the groundwork for state forest management (Ibid., p.7).

### ***Forestry in Post Independent India and the Forest Dwellers' Rights:***

Since independence, forest conservation in India has been critical from several viewpoints. The country's new leadership prompted some rethinking of forest policy.

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<sup>28</sup>Padel, F. (1995). *The Sacrifice of Human Beings: British Rule and the Kinds of Orissa*. Delhi: Oxford University Press.

<sup>29</sup>Saravanan, V. (1999). Commercial Crops, Alienation of Common Property Resources, and Change in Tribal Economy in the Shervaroy Hills of Madras Presidency During the Colonial Period, *Review of Development and Change*, 4(2), 298–317.

<sup>30</sup>Sivaramakrishnan, K. (1999). *Modern Forests: State making and Environmental Change in Colonial Eastern India*. Stanford, CA: Stanford University Press.

The rapid growth of the forest-based industry throughout the country acted as a spark for this new direction. Since 1947, the new industrial focus of forest policy has been visible in the country in various configurations (Gadgil and Guha, 1992).<sup>31</sup>

In 1952, the Government of India (GoI) implemented a new national strategy on forests in the form of a resolution. The National Forests Policy (NFP) of 1952 proposed that 33 percent of the country's total land area be covered by forests or tree cover. However, when it came to preserving the forest rights of forest-dwelling peoples, the national policy did not result in a favourable adjustment in its colonial orientation. Although locals were prohibited from using forests, many business enterprises were given raw materials at rock-bottom prices. After independence, large swaths of forest were cut down for irrigation, hydroelectric dams, and other construction projects. Between 1950 and 1980, the rate of forest diversion to commercial and industrial sites was projected to be about 150,000 hectares per year (Saigal and others, 2002).<sup>32</sup>Guha (1983)<sup>33</sup> contends that, in reality, there was little change in forest policy even after independence.

Like colonial governments, forest destruction was justified in light of national interests such as building bridges, roads, river dams, military installations and other projects. In certain ways, this was an expansion of British colonial policies. It was stipulated that the concerns of people residing near forests did not take precedence

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<sup>31</sup>Gadgil, M. and Guha, R. (1992). *This Fissured Land: An Ecological History of India*. New Delhi: Oxford University Press.

<sup>32</sup>Saigal, S., Arora, H., Rizvi, S. S. (2002). The New Foresters: The Role of Private Enterprise in the Indian Forestry Sector. *Instruments for Sustainable Private Sector Forestry series*. Ecotech Services and International Institute for Environment and Development.

<sup>33</sup>Guha, R (1983). Forestry in British and Post-British India: A Historical Analysis. *Economic & Political Weekly, XVIII* (44 & 45), 1886–1892.

over the country's interests. Cultivation of lands represented as forest lands (but with no genuine tree cover) was considered an intrusion (Kulkarni, 1983).<sup>34</sup> Adivasis or tribals who live near forests have been prohibited from using them. Revenue maximisation from forestry was viewed as a vital national imperative (Gadgil and Guha, *Ibid.*, Dhebar, 1961<sup>35</sup>).

In 1988, the Government of India reviewed and updated the NFP of 1952, reaffirming the same goal of increasing forest cover to 33 percent of the country's geographical area. The 1988 NFP was designed to be done through large-scale afforestation and social forestry programmes in recorded forest areas and degraded unproductive land outside forest areas. However, it did not specify a time frame for achieving this goal. The forest conservation under the revision encompassed the maintenance, preservation, sustainable use, restoration, and improvement of the natural ecosystem. To attain these national aims, the NFP, 1988 advocates joint forest management or JFM, including village and other rural residents, and farm forestry and agro-forestry initiatives on private property to expand forest and tree cover (FTC). The generation of immediate economic profit is to be sacrificed for these goals (MoEF, 2007).<sup>36</sup>

The NFP, 1988 was India's first environmental policy paper, openly recognising the linkages between environmental and social issues regarding

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<sup>34</sup>Kulkarni, S. (1983). Towards a Social Forestry. *Economic & Political Weekly*, 18(6), 191–196.

<sup>35</sup>Dhebar, U.N. (1961). *Report of Scheduled Areas and Scheduled Tribes Commission*, Government of India, New Delhi.

<sup>36</sup> Ministry of Environment and Forest (MoEF), Government of India. (2007) *Interne country report-India for United Nations Forum on Forest (UNFF-II)*. Retrieved from <http://envfor.nic.in/nfap/Unff2.pdf> on 09.04.2021

community access to natural produces (Ghate, 1992, p. 54).<sup>37</sup> The NFP 1988 also prioritised fulfilling the local community's needs and promoting their forest conservation and management participation. Section 4.6 of the policy emphasised the close relationship between tribals and forests and the importance of including tribal groups in forest management. Thus, the NFP of 1988 outlined a participatory approach to the country's forest management.

The underlying concept of the JFM was that both the forest department should manage the forest and residents to preserve the forest while also improving the standard of living for forest-dwelling communities, primarily tribes who have historically enjoyed customary privileges on forests (Mitra and Gupta, 2009, p. 202).<sup>38</sup> However, due to several structural challenges, the JFM scheme was not effective in all states in India. For instance, JFM has remained a strategy for over two decades rather than being enacted as in the forest rights act (Menon, 2006).<sup>39</sup> A few other analysts contend that it has drawn attention away from the inequities of the structural land system, which is founded on the government's assertion of ownership of India's forests (White, 2004).<sup>40</sup> On the other hand, others argue that it imposes new commitments on people, thus leaving their old rights to forests and forest products

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<sup>37</sup>Ghate, R S (1992).*Forest Policy and Tribal Development: A Study of Maharashtra*. New Delhi: Concept Publishing House.

<sup>38</sup>Mitra, K. and Gupta, R. (2009). Indigenous People's Forest Rights. In J. Perera (Eds), *Land and Cultural Survival: The Communal Rights of Indigenous Peoples in Asia*, Asian Development, Bank Institute. New Delhi: Penguin Books India.

<sup>39</sup>Menon, A. (2006). Environmental Policy, Legislation and Construction of Social Nature. *Economic & Political Weekly*, 41(3), 188–193.

<sup>40</sup> White, A. (2004). Introduction: The Problem of Inadequate and Insecure Community Property Rights Over Community Forests. In White, A., and L. Ellsworth, (Eds.). *Deeper Roots: Strengthening Community Tenure Security and Community Livelihoods*. New York: Ford Foundation.

unresolved. As a result, the JFM program is better seen as a step forward in the consumer rights of people residing in and near forests (Mitra and Gupta, Ibid.).

In 2006, the country witnessed a constitutional milestone in the history of legislation in India in the form of the Forest Right Act or FRA, 2006, which intended to reclaim the rights of forest-dwelling scheduled tribes and other conventional forest dwellers access, utilise forest produces. The Act intended to recognise and grant forest rights and occupancy in forest territory and forest-dwelling scheduled tribes and other traditional forest-dwelling families living in those forests for decades whose rights could not be documented (FRA, 2006<sup>41</sup>; Bhullar, 2009<sup>42</sup>). According to Sarin (1996)<sup>43</sup>, the FRA 2006 culminated in a massive campaign by the country's marginal and indigenous groups to reclaim their indigenous rights over the forestland on which they had historically relied. Proponents of the Act contend that it will correct the past wrongs or historical injustice done to forest dwellers while providing provisions to make conservation more meaningful and accessible. Many Indian researchers and activists celebrated the Act as a sign of people's movements' ability to participate in and shape the legislative process (Sundar, 2011).<sup>44</sup>

Since its implementation, the FRA has been hampered due to its lack of resources. It is too theoretical to consider the various uses of forest lands. The

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<sup>41</sup>Ministry of Tribal Affairs, Government of India: Forest Rights Act, 2006- Acts, Rules and Guidelines. Retrieved from <https://tribal.nic.in/FRA/data/FRARulesBook.pdf> on 16.5.22.

<sup>42</sup>Bhullar, L. (2008). The Indian Forest Rights Act 2006: A Critical Appraisal. *Law, Environment and Development Journal*, 4(1), 20.

<sup>43</sup>Sarin, M. (1996). Who Is Gaining? Who Is Losing? Gender and Equity Concerns in Joint Forest Management. *Working Paper by the Gender and Equity Sub-group, National Support Group for JFM, Society for Wasteland Development*, New Delhi.

<sup>44</sup>Sundar, N. (2011). The Rule of Law and the Rule of Property: Law Struggles and the Neo-Liberal state in India. In A. Gupta and K. Sivaramakrishnan (Eds.). *The State in India after Liberalization: Interdisciplinary Perspectives*. London: Routledge.



provision of the Act that allows some areas to be designated as ‘critical wildlife habitats’ following a thorough research review and prescribes a simple method for removing humans from those areas has been a significant source of contention. Village residents in those areas will be evacuated as a result. However, tribal rights groups see this as an attempt to unlawfully undermine aboriginal peoples’ rights and evict them from forest lands. Apart from that, there are arguments about the FRA’s ability to eliminate centuries of injustice with a single sweeping law required to put the law’s rules and regulations into practice. The 2006 Act does little to empower the tribal population as a whole. As a result, it’s fair to wonder how tribal groups can pursue and maintain their legitimate land rights while being disadvantaged in a macroeconomic sense (Mitra and Gupta, Ibid.).

Thus, the history of village forestry in India, from VanaMahotsava through farm forestry, social forestry, and JFM, reveals a critical journey of policy transition spanning more than six decades after independence. It’s exciting not just because of the environmental and technological aspects of evolution but also because of the participatory and, by extension, good governance (Bandopodhyay, 2010).<sup>45</sup>

#### **5.4 THE FOREST LAND CRISIS AND THE ASSAM-NAGALAND BORDER**

The states of Assam and Nagaland are located in the northeast corner of the Republic of India. Assam, which stretches from latitude 24.1° N to 26.0° N in width

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<sup>45</sup>Bandopadhyay, A. (2010). The Colonial Legacy of Forest Policies in India. *Social Scientist*, 38(1/2),53–76.

and from longitude 89.67° E to 96.04° E in length, is home to 2.64 percent of the country's population. Assam is the most populated state in the Northeast.

Assam, along with the other North-eastern states of India, is one of the world's biodiversity hotspots. Assam is a state in the region with wet geological pastures and tropical and subtropical evergreen forests. The state also shelters a sizeable human terrain within its territorial boundary, including agricultural fields, towns, cities, villages and a long tea garden range. Because of vast areas of tea plantation and human population, the forests and geological pastures of the state have been gradually decreasing, eventually leading to the disappearance of bio-diversity-rich eco-systems. Forests currently cover just a tiny percentage of the landmass of the state. For instance, the natural forest cover of the state's broad geographical area has fallen from 26.50 percent in 1969–70 to 24.58 percent in 2003 (Government of India, 2003).<sup>46</sup> These significant environmental changes result from tremendous historic upheavals in the province's economy and politics. Even now, the forests of this region are being deforested and degraded at an alarming rate. Severe land and natural resource difficulties exist, increasing concerns for the country's forests and bio-diversity. There is ongoing encroachment on the reserved forests by new settlers, individuals displaced by floods and ethnic strife in the state, immigrants, and residents in rural regions who are overly reliant on the forests, resulting in destruction (Tamuli and Choudhury, 2009).<sup>47</sup>

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<sup>46</sup>Government of India (2003), *State of Forest Report - 2003*, Forest Survey of India, Dehradun.

<sup>47</sup>Tamuli, J. and S. Choudhury (2008), *Forest Dependence and Deforestation in Reserved Forests: Some Evidences from the Reserved Forests of Assam*. *Journal of Arts*, Gauhati University, Guahati.

Encroachment on designated forests has long been a matter of concern in Assam's forest protection and management efforts. As of 2003, encroachment covered around 12.77 percent of Assam's total forest area, with 70,149 encroacher families. Furthermore, the illegal destruction of trees in insurgency-affected areas of Sonitpur, Darrang and KarbiAnglong has been identified as contributing to the state's loss of forest cover. In contrast, shifting cultivation has been identified as the primary cause of forest cover loss in the districts of North Cachar Hills, KarbiAnglong, Karimganj and Hailakandi (Government of India, 2005).<sup>48</sup>

Narayan Sharma and associates (2012)<sup>49</sup> found three significant causative variables that contributed to the vulnerabilities of the state's forests. First, despite being predominantly a rural agrarian region, Assam's agricultural industry is undergoing tremendous change. Agriculture's proportion to the state's GDP has decreased in recent years, falling from 35 percent in 2000 to 24 percent in 2010. Agriculture is the primary source of income for 53 percent of the state's population. As a result of falling per capita agricultural production, Assamese farmers, especially the impoverished, are being pushed towards the state's remaining forest areas to reduce pollution in farming. Tea's recent rise, driven almost entirely by small growers, exemplifies this difficulty (Singh and Ghosal 2011).<sup>50</sup> Second, being a state rich in natural resources such as trees, crude oil, coal, and natural gas is vital to the economic growth of Assam and the country. Growing economic activity for extractive

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<sup>48</sup>Government of India (2005). *State of Forest Report - 2005*, Forest Survey of India, Dehradun.

<sup>49</sup>Sharma, N., Madhusudan, M. D. and A. Sinha (2012). Socio-economic Drivers of Forest Cover Change in Assam: A Historical Perspective. *Economic & Political Weekly*, 47(5), 64–72.

<sup>50</sup>Singh, B. & Ghosal, S. (2011). "Small tea growers spurt in Assam." *The Economic Times*. 27 January. Retrieved from <https://economictimes.indiatimes.com/markets/commodities/small-tea-growers-spurt-in-assam/articleshow/7368828.cms> on 13.5.22.

enterprises that rely on natural resources has compounded risks to the state's forests, particularly in previously unaffected areas. Third, compared to its neighbouring nations and other north-eastern Indian states, Assam maintains to provide gainful employment that ensures economic growth. As a result, the Assam state has witnessed a large inflow of migrants, who constantly rely on depleting natural ecosystems for agriculture and other daily necessities.

An alarming rate of population growth, compounded by an unchecked influx of illegal immigrants, has been escalating land conflicts among the state's local population, resulting in the emergence of the Assam Movement (1979-1985). Following the state's independence, the state's attention to conservation concerns grew. In 1977, the Wildlife (Protection) Act of 1972 was enacted in Assam, and environmental issues penetrated public debate. The Forest (Conservation) Act of 1980, enacted to prohibit de-reservation and transfer of forest area for non-forest uses, has brought the question of land ownership to the centre once more. The Act was preceded by a Supreme Court ruling in 1996 that placed an embargo on cutting trees in the country's north-eastern zone.

Despite these developments in forest protection, the main agenda of Assam's post-independence governments has been to implement the same national strategy. Agriculture extension and economic growth have become severe concerns in the policies of respective union and state governments. The goal was explicitly stated in the National Forest Policy of 1952, which indicated that the forest conservation goals

should be secondary to industrialisation's broader national objective (Guha, 1983).<sup>51</sup> Thousands of hectares of classified forest land and grazing fields have been transferred to agricultural lands to achieve the targets. The rapid expansion of tea gardens and the settlement of indentured migrated human forces have mirrored the dwindling existence of the state's forest lands. Flooding and river erosion has also played a role in hastening the degradation of forestland.

### ***Forest Land Crisis in the Golaghat District:***

Since the 1960s, the Indian state of Assam has been involved in intermittent forest land conflicts in the Assam Nagaland border of Golaghat district.

The formation of Nagaland as a new state comprised of the Naga Hills District and the Tuensang area has exacerbated the land crisis on the border. The creation of Nagaland as a state with existing boundary demarcation did not satisfy certain Naga nationalist sections, which fiercely demanded more territory from Assam, resulting in an interstate boundary conflict. In response to Nagaland's pressure, the overwhelming consensus among Assamese politicians was to allow the settlement of hundreds of landless Assamese families to retain possession over the vast uninhabited forest lands of the border areas along with Nagaland, thereby claiming the disputed boundary areas. The Assam government finally agreed to distribute ten bighas of land to peasants under the 'half-a-mile settlement scheme'.<sup>52</sup> The government undertook this initiative as part of a provincial diplomatic attempt to limit any further deterioration of

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<sup>51</sup>Guha, R. (1983). Forestry in British and Post-British India: A Historical Analysis. *Economic & Political Weekly*, 18(44), 1882–1896.

<sup>52</sup> The government implemented this scheme as part of a provincial diplomatic move to control any further worsening of the Assam-Nagaland boundary conflict.

the Assam-Nagaland boundary issue. The state government of Assam started to promote peasant settlement in the contiguous Nambor and Doyang forest territories within a distance of half a mile from the Nagaland boundary. Land reclamation in Nambor and Doyang has accelerated since then. The majorities of the peasants are from various villages in central Assam and are landless due to river erosions induced by recurring floods of the mighty Brahmaputra and its tributaries (Saikia, 2008).<sup>53</sup>

Besides them, there are other migration groups to the lands closer to the Nagaland frontier. For instance, the tea garden labourers from central Indian villages who came to work in various tea gardens in the nineteenth century did not return to their original villages. After their agreements with the tea companies ended, they tended to settle down and make a new life as peasants (Ibid.). Adivasis are the most populous ethnic group in Assam, followed by the Bodos, Nepalese, Muslims, Assamese, Garos and Manipuris in terms of ethnic distribution along the contentious Assam-Nagaland border. On the Nagaland side, the Lotha and Sema tribe dominate the Wokha district, which borders Golaghat.

The districts of Sivasagar, Jorhat, Golaghat, KarbiAnglong and DimaHasao are located in Assam to the west of Nagaland. The Assam-Nagaland border is 512 kilometres long in total. The two sides have long contested the entire 512 kilometres stretch of the Assam-Nagaland boundary, primarily plains territory. The settlers from both Assam and Nagaland have infringed most of this fragile region. Almost no remains of Reserve Forests in the Golaghat district along the contested frontier. Human

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<sup>53</sup>Saikia, A. (2008). State, peasants and land reclamation: The predicament of forest conservation in Assam, 1850s-1980s. *Indian Economic Social History Review*, 45 (77), 77-114.

encroachment on the border's forest lands was so severe that the whole patch of forest lands was entirely deforested within a few decades. Villages have substituted yesteryear's lush flora and biodiversity, and the forestlands have been converted into cultivable fields producing rich crops. This transformation has prompted migrants from all over Assam, Nagaland, and even Bangladeshi nationals to live nearby.

The central contested region is located on the boundary of the Golaghat district, between latitudes 25° and 45° North and longitudes 93.15° E. In 2001, the Golaghat district had a population of 9,46, 279 people. On 23 October 1987, Golaghat was elevated to the status of a full-fledged district. The entire patch of the Assam-Nagaland border under the Golaghat district occupies roughly 125 kilometres. It includes four Reserve Forests, namely: i) Diphu Reserve Forest, ii) Rengma Reserve Forest, iii) Doyang Reserve Forest, and iv) Nambor (South) Reserve Forest. The Nambor Reserve Forest was founded in 1872. The Diphu and Rengma Reserve Forests were established within the Naga Hills District in 1887 in areas previously part of the Nagaon district. They were transferred to the Naga Hills District in 1897 for administrative purposes. The Doyang Reserve Forest was established in the Sivasagardistrict in 1888. The Assam-Nagaland border region has been divided into six sectors for administrative purposes: A, B, C, D, E and F, which are located in the districts of Sivasagar, Jorhat, Golaghat and KarbiAnglong. Sectors A, B, C, and D are located in the Golaghat district, which is recognised as the contested zone on the Assam-Nagaland frontier. This troubled region has been split into four sectors for administrative purposes. Neutral Forces have been stationed here to look after the law and order situations.

The A sector comprises parts of the Diphu Reserve Forest that belonged to the Golaghat and KarbiAnglong districts of Assam. It has an area of 18,365,71 hectares and is almost entirely encroached upon by 43 villages of various groups migrated from both states. According to the 2001 census, only 5 are non-Naga villages, with a total population of 4,700 out of 22,750. Encroachers from both states have encroached on about 17,500 hectares of land out of 18,365.71 hectares. In practice, Assam's administration is non-existent in the sector. By undertaking an intimidating posture, the Naga government set up voting booths in this sector in 1984 and 1987, and on 28 November 1991, it formed a sub-division with the signboard '*Homeland*'. The Assam government has provided residence for its Border Magistrate at Homeland, but no BM stays there.

The B sector is contained in the Nambor South Reserve Forest and a part of the Rengma Reserve Forest and covers an area of 27,057.55 hectares. According to the 2011 census, the sector accommodated 177 villages, 126 of which were non-Naga and 51 of which were Naga. In terms of population, the Assamese community has around 50,420 people, while the Nagas have 23,923 people. For security purposes, the sector has been equipped with seven Central Neutral Forces posted at Rengmapani, Nokhuti, Panjan, Chetiagaon, Yampha, Majgaon and Rajapukhuri. And to assist them, the Government of Assam has stationed another six posts of Assam Police at ChungajanTiniali, Amguri, Dagaon, Rengmapani, Chungajan M.V. and Panjan. By casting its lucrative gaze on the land (Similar to Sector A), the Nagaland government formed a new subdivision named "*Newland*" on 10 February 1987. The discovery of



the reservoirs of oil and natural gas has increased the value of the B sector as both the states and the oil companies seek possession of it.

The C sector consists of Rengma Reserve Forest and a minor portion of Nambor South Reserve Forest, totalling 13,921.68 hectares. It contains 84 villages, four of which are Naga, and the rest are non-Naga. The sector has a total population of 35,890 people, of which 34,647 are non-Nagas, and 1,243 are Nagas. So far, four posts of neutral forces and an Assam Police post have been established in the sector at Uriamghat, Silonijan, Koroighat and Napani, respectively. The C sector is economically crucial since it contains oil and natural gas at Haladhibari, Ghulapani and Bidyapur. Aside from that, the soil is very fertile. A large number of alleged Bangladeshi refugees have migrated here. There is an Assam Border Magistrate's residence in Uriamghat, but no one lives there.

Unlike the A, B, and C sectors, which the Dhansiri civil administration administers, the D sector is administered by the Golaghat civil administration. The D sector is adjacent to the Doyang Reserve Forest. The D sector covers 24,635.77 hectares, out of which encroachers from Assam have occupied 23,000 hectares, while Naga encroachers have occupied 1,000 hectares. The then Janata Dal-led government in Assam proposed declaring the Doyang Reserve Forest a revenue land in 1979. Still, the proposal failed because the Central government did not grant the requisite permission. The D sector has eleven posts for neutral forces stationed at Sorupani, Chandanpur, Merapani, Kalojan, Udalipathar, Seedfarm, Negherbil, No.1 Tarabil, Ratanpur, Kadamguri and Barogheria. In addition, the Assam government maintains

residential quarters and the Border Magistrate's office in Merapani, but no Border Magistrate lives there.

As previously stated, the settlers along the Assam-Nagaland border of the Golaghat district have had several conflicts with the forest department of Assam. The primary point of contention is that the forest department still maintains the areas as forest land. According to national forest laws, no designated forestlands can be converted to non-forest purposes unless and until the Union government grants permission. The forest department regards the human settlement as violating national forest laws and the people as illegal encroachers. Subsequently, the state has denied land rights to all settlers in all four sectors along the district.

On the other hand, the settlers have been demanding land rights on their occupied lands. Their arguments are primarily based on three critical grounds. The first ground is that their encroachment into the forested lands was not self-motivated; instead, they were persuaded by the state to settle in the forested lands. Third, deforestation in the Nambor and Doyang reserves began long before settlement. In collaboration with forest mafias and corrupt officials, the forest department began deforestation in the Nambor and Doyang reserve forests. After the reserve forests became porous due to forest department-led deforestation, the state invited human settlement. The deforested lands eventually became a battleground between Naga encroachers and the state revenue and forest departments. Naga intruders aided by their government and militant groups have already infringed massive amounts of Assam forest land. To prevent further Naga encroachment, the Assam government planned to establish Assamese villages in

the bordering areas, resulting in the large-scale migration of landless Assamese settlers. During the early stages of their migration, the state government's revenue department encouraged the migrated settlers and committed them to provide land settlement rights.

### ***Conservation and Commercialisation of Forest Resources:***

Conservation and commercialisation of the environment is now a global phenomenon. Following the adoption of the neo-liberal market economy, it has become imperative for nation-states to open up their protected forest areas and resources to corporate investment. The state of Assam is no exception. Capitalists have already invested significantly in the state's national parks and other protected forests. The state forest department has been guided to isolate forest resources and their use from local forest dwellers to pursue the neoliberal agenda. Forest isolation is done in the name of forest conservation, where forest dwellers and other local inhabitants who live in and around the forests are viewed as threats to the forests' survival. As such, the state's forest conservation policy with commercialisation has resulted in massive forest land conflicts.

The ongoing forest land conflict between the forest department and local settlers on the Assam-Nagaland border of Golaghat district can examine through this lens. Notably, the forest areas of the Nambor and Doyang reserves where people settled are abundant in natural resources. The land in Nambor and Doyang is suitable for growing rice, vegetables, and tea. It is one of the reasons why more people have moved to border areas. Later, the big tea planters wanted to take over

all the fertile lands in Doyang and Nambor by bribing forest officials. Aside from agricultural fertility, the Assam-Nagaland border region is rich in natural resources such as oil, natural gas, timber, limestone and sand. ONGC and OIL have discovered a vast oil and natural gas reservoir in the area. Following the discovery, the state forest department increased its eviction drives along the border, displacing many people. On the other hand, the discovery of the reservoir has raised concerns in the Assam and Naga governments about the border's forested lands. Thus, the forested lands along the border have become a flashpoint between the state governments of Nagaland and Assam and oil companies and settlers.

State authorities have completely ignored the rights of local settlers in this competitive rivalry. It is true that if the human settlement did not occur in areas where natural resources had been discovered, Assam state would have lost not only a vast tract of forested lands but also a vast deposit of natural resources. In that sense, the people who have settled along the border have provided excellent service to the state. They decided to live in the borderlands without protection, putting their lives in danger from armed Naga encroachers. Many of them have lost lives in the struggle for land with armed Nagas.

Furthermore, they live in areas that do not have essential state recognition. Their land occupation is not acknowledged. They lack basic government services such as PRC, electricity, medical care, education, and connectivity.

## **5.5 RESPONDENTS' OPINIONS ON THE FOREST LAND CRISIS ON THE ASSAM-NAGALAND BORDER OF THE GOLAGHAT DISTRICT**

No conclusions can be drawn until the settlers' perspectives on the forestland crisis on the Assam-Nagaland border of the Golaghat district are understood. Although no forest exists except for a few domesticated trees planted by the settlers, the state has yet to convert the area from forest land to human habitat land. As per the Forest (Conservation) Act, 1980<sup>54</sup>, no individual or group of individuals can invoke land rights in any government-designated forest in India. Any un-authorized or illegal human habitation or activity on forest lands may be considered a breach of forest laws. Part 2 of the Act limits state governments' authority to de-reserve forests or use forest land for non-forest purposes. It forbids the state governments from issuing forest-related orders without prior permission from the Union government.<sup>55</sup>

Aside from that legal and institutional complexity, the state forest department considers human encroachment on forested lands a threat to wildlife and forest biodiversity. It has also been identified as one of the significant causes of forest land conversion in India. The experience of Assam is no exception in this regard. The state forest department has adopted several strategies to prevent further human encroachment on forested lands and conserve the latter. Eviction is one such approach, which has also caused widespread dissatisfaction among people who have lived in and around reserved forests for generations.

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<sup>54</sup>The Forest (Conservation) Act, 1980 provides for the conservation of forests and for matters connected therewith or ancillary or incidental thereto. It was further amended in 1988. The Act also intends to control further deforestation of Forest Areas in India. The Act came into force on 25 October 1980.

<sup>55</sup>The Forest Conservation Act, 1980. Retrieved from [https://legislative.gov.in/sites/default/files/A1980-69\\_0.pdf](https://legislative.gov.in/sites/default/files/A1980-69_0.pdf) on 13.10.2020.

***Residents’ Point of View on the Forestland Habitation Issue:***

The researcher attempted to comprehend the settlers’ perspectives on the forestland conflicts on the Assam-Nagaland border in the Golaghat district. Respondents in the study were asked whether they knew the forestlands’ restrictions before entering the forestlands. Interestingly, 91.33 percent of those surveyed responded positively to the question. They were all aware that their settlement was on government-designated forestlands, which were strictly forbidden under national forest laws. Only a tiny percentage of respondents (5.66 percent) stated that they were unaware of the issue and its legal complexities. Three percent of those surveyed had no idea about the matter. A tabler description of the respondents’ points of view is provided below.

**Table 5.1: Distribution of Respondents’ views on forest land**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Awareness about forestland</b>	Yes, aware	274 (91.33)^
	Not aware	17 (5.67)^
	No idea	9 (3)^

\*Source: Field study

^Figures in the parentheses are in percentage

***Respondents’ Views on Deforestation on the Assam-Nagaland Border:***

Deforestation has been a significant issue in the Golaghat district, which borders Assam and Nagaland. Most of the time, the entire debate over the forest land crisis has revolved around the problem of forest deforestation. Officially, the whole border tract shared parts of four designated reserve forests established during the British colonial administration in Assam. However, currently, there is no forest area

on the border. During the border visit of the researcher, it was clear that human habitations had completely deforested the entire border area. However, the state forest department still maintains the site as forestland and has thus officially prohibited any human development. In such a scenario, the researcher asked the respondents about the extent of deforestation along the border. The responses of the respondents are shown in the table below.

**Table 5.2: Distribution of Respondents' view on the extent of deforestation**

Extent of deforestation	Variables	Number of Responses
	Completely deforested	289 (96.33)^
	No idea	11 (3.67)^

\*Source: Field study

^Figures in the parentheses are in percentage

As shown in Table 5.2, most respondents, i.e. 96.33 percent, said that the entire forestland near the border is now under complete human settlement. There are no reserve forests uninhibited by human settlement. Deforestation in the reserve forests was done in different periods of history. Several factors are involved in the deforestation process. About 4 percent of those surveyed have no idea what the issue is.

Currently, there is no forest area on the Assam-Nagaland border of the Golaghat district. Hundreds of villages have been established along the Assam-Nagaland border and converted the whole forest lands into entirely agricultural fields.

***Respondents' Views on the Forest Departments' Allegation That Human Encroachment Is a Cause of Deforestation:***

The forest department of Assam has long claimed that human settlement is the primary cause of deforestation along the Assam-Nagaland border in the Golaghat district. As a result, the forest department of Assam has taken various measures to remove human settlements from the forestlands. The department has conducted several eviction drives in the villages and has prohibited people from constructing any permanent structures. However, despite these efforts, the forest department has failed to free any lands from human encroachment or contribute any meaningful afforestation to the areas.

On the contrary, the residents have maintained a different narrative about the overall story of deforestation. The vast majority of them categorically deny the forest department's allegation. Instead, they claimed that the forest department is responsible for large-scale deforestation in the Nambor and Doyang reserves. The following table summarises their points of view on the subject.

**Table 5.3: Distribution of Respondents' views on the forest department's allegation**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Human migration caused deforestation</b>	True	48 (16)^
	Historically incorrect	189 (63)^
	Partially true	53 (17.67)^
	Do not know	10 (3.33)^

\*Source: Field study

^Figures in the parentheses are in percentage

According to Table 5.3, the majority of respondents, 63 percent, believe the forest department's claim is historically incorrect. However, respondents (17.67 percent) agreed that human migration had contributed to deforestation in Nambor and



Doyang reserves, which had already been deforested by sawmills and wood merchants assisted by the forest department. However, 16 percent of the respondents agreed that human migration caused deforestation on the border and advocated for afforestation by vacating the villages.

***Respondents' Views on the Major Causes of Deforestation along the Assam-Nagaland Border:***

If not human encroachment, what are the leading causes of deforestation along the Assam-Nagaland border? In this regard, the researcher has encountered numerous narratives from the study's respondents. Moreover, the respondents believe multiple factors contributed to the deforestation of the reserve forests established during the British colonial period. The table below shows how people perceive the primary causes of forestland deforestation along the border.

**Table 5.4: Distribution of Respondents' views on the primary causes of deforestation:**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Major causes of deforestation</b>	Due to Forest Department aligned with forest mafias and crooked government officials	179 (59.67)^
	Due to human encroachment	28 (9.33)^
	Due to political incitement	83 (27.67)^
	Due to all the above reasons	10 (3.33)^

\*Source: Field study

^Figures in the parentheses are in percentage

According to Table 5.4, respondents held several causes responsible for deforestation along the Assam-Nagaland border. The majority of respondents, i.e. 59.67 percent of the residents, blamed the state forest department, which was aligned

with forest mafias and other crooked government officials of the locality, for large-scale deforestation in the reserve forests. According to 9.34 percent of them, human encroachment was the cause of deforestation, and 27.66 percent believed that the deforestation was caused by the political incitement of both Assam and Nagaland governments to keep the forested lands under their administrative jurisdiction. About 3.5 percent blamed all of the stated causes of deforestation in the designated border reserves.

***Respondents' Views on the Causes of Human Migration on the Assam-Nagaland Border:***

The present study has made a concerted effort to address this state narrative regarding human encroachment into designated reserve forests on the Golaghat side of the border. Human migrations in different periods of history have resulted in deforestation on the borderlands. The present study identified several factors that contribute to human migration to the Assam-Nagaland border, and three of them were found to be particularly important. They were: i) lack of land or being landless, ii) natural disasters, and iii) political instigation. The following table reflects people's responses to the factors of human migration to the Assam-Nagaland border.

**Table 5.5: Distribution of Respondents' views on major causes of human migration to the forested lands nearer to the border**

Major factors of human migration to the border	Variables	Number of Responses
	Landlessness	138 (46)^
	Natural calamities	107 (35.67)^

	Political instigation to migrate	46 (15.33)^
	No response	9 (3)^

*\*Source: Field study*

^ Figures in the parentheses are in percentage

As the above table shows (5.5), 46 percent of the respondents cited lack of land or being landless as the primary reason for human migration to the forestlands. According to 35.66 percent of respondents, lack of land caused by natural disasters such as floods and erosion was the leading cause, while 15.33 percent believed it was due to political instigation.

***FRA, 2006 and Forests Rights Issue on the Border:***

As the Union government passed the Forest Rights Act of 2006, the settlers of *bonanchal* in Golaghat district, like hundreds of other landless forest-dwelling households across the country, received a glimpse of hope. As mentioned above, the FRA, 2006 culminated in a massive campaign by the country's marginal and indigenous groups to reclaim their indigenous rights over the forestland on which they had historically relied. The Act intends to correct the past wrongs or historical injustice done to forest dwellers while it provides provisions to make conservation more meaningful and accessible. It aims to redress the "historical injustice" perpetrated by the colonial and postcolonial authorities and grant a primary role to forest populations in protecting forests by restoring their rights and environmental

obligations. Table 5.7 shows awareness of the study respondents of the Forest Dwellers Rights Act, 2006.

**Table 5.6: Distribution of Respondents' views about the Forest Dwellers Rights Act, 2006**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Awareness about the FRA, 2006</b>	Yes, aware	86 (28.67)^
	Not aware	129 (43)^
	Partially aware	66 (22)^
	No response	19 (6.33)^

*\*Source: Field study*

^Figures in the parentheses are in percentage

The table 5.6 show that 28.67 percent of the respondents are aware of the FRA, 2006, and the legal provision it brings to protect forest dwellers' rights. However, the majority (43 percent) of the respondents are unaware of the Act. Hence, they are less conscious of the rights and duties provided to the forest dwellers and other traditional inhabitants under the Act. As per their responses, 22 percent of the respondents are partially aware of the Act. It means they are just informed about the existence of the FRA, 2006. But they do not know how to claim land and forest rights under the Act. Respondents totalling 6.33 percent did not respond to the question.

***State Government and the Implementation of FRA, 2006:***

As far as the people's responses are concerned, the state government has made only a few attempts to implement the FRA 2006 in the Golaghat district. As per the

Act's provisions, no settler of the region has been offered land pattas on their occupied lands. Instead of providing permanent land pattas, the district administration of Golaghat has opted to award *bhumidakhalisarta* (land occupation rights) to the tribal population of the D Sector. The district administration's initiative in this regard is relatively limited. Only a few tribal families of the D sector have received such rights.

Moreover, the *dakhalisarta* is not awarded over all lands they possess but rather over a limited portion of their total holdings. Consequently, the tribal families from the other three sectors (A, B and C) and non-tribal indigenous people have been barred from receiving the *bhumidakhalisarta*, causing widespread dissatisfaction among them. The following table reflects the respondents' assessment of the role of the state government in granting land rights under FRA, 2006.

**Table No 5.7: Distribution of Respondents' views on the state government's role in granting land rights under FRA, 2006**

	<b>Variables</b>	<b>Number of Responses</b>
<b>State government's role in granting land rights under FRA, 2006</b>	Satisfactory	16 (5.33)^
	Not satisfactory	211 (70.33)^
	Partially effective	29 (9.67)^
	No response	44 (14.67)^

\*Source: Field study

^Figures in the parentheses are in percentage

As shown in Table 5.8, most of the respondents, i.e. 70.33 percent, assessed the role of state government as unsatisfactory, whereas 5.33 percent of the total respondents found it satisfactory. Besides, 9.66 percent of respondents evaluated the role of the state government as partially effective. However, a significant number of

respondents (14.66 percent) did not mention the matter as they were unaware of the FRA, 2006.

## 5.6 CONCLUSION

Managing Protected Forest Areas in a democratic and densely populated country like India is complex. Human encroachment, human-wildlife conflicts, overgrazing, commercialisation of nature, illegal hunting, rail and road traffic passing through PAs, and the growing demand for the diversion of forest land for development purposes pose difficulties and challenges in their management (Maan and Chaudhry, 2019).<sup>56</sup>

In India, 5 million people live within reserve forests, while an additional 147 million rely on the resources supplied by these reserves (Kutty and Kothari 2001).<sup>57</sup> Human pressures continuously jeopardise wildlife survival, habitat conservation, and biological variety in many Asian PAs. These challenges cause bio-diversity loss, habitat alteration, and land use changes cover (Gadgil and Guha, 1992<sup>58</sup>; Kothari, 1995<sup>59</sup>). People who live near PAs may well have positive or negative attitudes toward forest conservation. Their sentiments about the natural resource management system, namely the creation of PAs, are shaped by the actual benefits vs costs of living in or near such areas. Sometimes, development amenities do not reach their villages and

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<sup>56</sup>Maan, J. S. &Chaudhry, P.(2019). People and protected areas: some issues from India. *Animal Biodiversity and Conservation*, 42(1), 79–90.

<sup>57</sup>Kutty, R., & Kothari, A. (2001).*Protected areas in India: A Profile*. New Delhi: Kalpavriksh Publications.

<sup>58</sup>Gadgil, M., &Guha, R. (1992).*This fissured land. An ecological history of India*. New Delhi: Oxford University Press.

<sup>59</sup>Kothari, A., Suri, S., & Singh, N. (1995). People and protected areas: Rethinking conservation in India. *Ecologist*, 25, 188–194.

communities located within PAs on time. As a result, inhabitants in and around the PAs must access natural resources for survival and livelihood. They often live amid hardship, poverty and confrontation with PA management, which typically blames them for wildlife loss (Kothari, Ibid.).

Therefore, displacement and relocation of people from PAs is a recurring and fundamental problem in India's environmental conservation challenge. The conventional PA approaches have evolved to consider people and the environment as different entities, frequently demanding the removal of human groups from focus areas, forbidding their use of land and resources, and viewing their priorities as contradictory to conservation (GraziaBorrini and others, Ibid.).

The forestland conflicts in the Golaghat district on the Assam-Nagaland border are a vivid reminder of the two conflicting approaches that India is pursuing in forest administration. On the one hand, the state has prioritised forest conservation, establishing a unified forest governance structure across the country for that purpose. But on the other hand, the same state has policies to convert lands for non-forest uses, affecting indigenous lives and benefiting the capitalist class while harming indigenous people.

Following independence, the Indian state agreed to keep the same forest policies and bureaucratic mechanisms to govern the country's forest affairs. Hence, forests and related resources are retained in the Central List, where the Union government is the law-making authority. On the other hand, the subject of land is placed on the State List of state liability. This division of responsibility for governing matters has created a big schism between the Union and State governments.

Therefore, a human rights-based approach to PA management is a demand of the hour, which includes assessing the PAs' current, historical, and future implications on a large variety of rights of indigenous groups, such as the right to community ownership of lands and natural resources. In addition, the indigenous people and other traditional peoples have traditionally been linked with nature. They have contributed significantly to conserving and protecting many of the world's most vulnerable ecosystems. Therefore, there should be no inherent contradiction between the priorities of protected areas and the presence of indigenous peoples within and around their boundaries.





**CHAPTER – VI**

**MOVEMENT FOR LAND RIGHTS ON THE  
ASSAM-NAGALAND BORDER OF GOLAGHT  
DISTRICT AND THE STATE RESPONSES**



**CHAPTER-VI**

**MOVEMENT FOR LAND RIGHTS ON THE ASSAM-  
NAGALAND BORDER OF GOLAGHT DISTRICT  
AND THE STATE RESPONSES**

**6.1 INTRODUCTION**

When British colonialism founded its eminent domain to expropriate all natural resources for pursuing its imperial purposes, a conflict brewed between the coercive colonial Indian state and indigenous communities. The primary cause of the conflict was that the British colonial administration imposed its coercive authority over all natural resources, ignoring the conventional symbiotic association between the traditional communities and forest resources. A similar kind of state expropriation has also continued into the post-colonial era. Countless valorous struggles against the colonial state were waged by communities, led by exceptional courage and determination by subaltern leadership from among the people, who left a glorious legacy of conflict. Even in the post-colonial era, the struggle for justice persisted, demanding justice from post-independence Indian states that continued to use the eminent domain system in the forest regions, and the conflict raged on. The competing stands on forested land near the Assam-Nagaland border in the Golaghat district between settlers and state forest and land revenue departments have been examples of such struggles.

As detailed in previous chapters, the denial of land rights to the people settled on the 'forest lands' along the Assam-Nagaland border of the Golaghat district

has been a concern for stakeholders for several decades. The consequences of denials or competing claims between settlers and state forest and land revenue departments are numerous. Non-recognition of the settlers' land rights is one of the significant consequences of the denial. These individuals inhabit the borderlands without being acknowledged as legitimate landowners. As stated in previous chapters, the land is more than just a source of economic subsistence for indigenous Assamese people; it is central to their identity. It is also apparent for households on the Golaghat side of the border. The state's failure to recognise the land occupation rights of the settlers has a wide range of socio-economic and political consequences.

The Nagas have forcibly occupied hundreds of bighas of land that initially belonged to Assam on the Assam-Nagaland border of the Golaghat district. According to reports, the Assam state's denial of land rights to Assamese settlers has indirectly encouraged their Naga counterparts to maintain aggressive possession of the lands. Furthermore, the Assam government's disengagement has indirectly encouraged Nagaland's underground groups to dominate the lives and properties of the people on the Assam side of the border. They have illegally imposed 'Naga-tax' on the people, sustaining a shroud of fear for life among poor agricultural families. Many people have died due to Naga armed groups' atrocities, and incidents such as robbery occur regularly. Furthermore, the Nagas use a variety of other tactics to maintain dominance on the border, which has traumatised the lives of innocent Assamese families.

Hence, the land questions on the Assam-Nagaland border in the Golaghat district raise severe humanitarian concerns. On the one hand, the Assam state considers the settlement on the forestlands illegal and the occupants as trespassers of

state forests. For vacating the forestlands, the state forest departments have conducted several village eviction drives. Several people became homeless, and many died in protests against state eviction drives. They lack the necessities of life. Their claims are insignificant for the state because their settlement is illegal.

Furthermore, because of the intermittent border clashes with the Nagas, life on the Golaghat side of the border has become difficult. The armed Nagas killed many innocent settlers of Assam. The Assam government has demonstrated little political will to resolve the border dispute. The policy of the Assam government on the border dispute has continuously ignored the life and death questions of the people on the border. Thus, those living on the border have significantly been terrified by the Naga dominance and violent aggression to the land they occupied. Historical evidence shows that the Assam government encouraged these landless people to migrate to the open 'forest lands' near the border in the 1950s and 1970s. In that sense, the settlers are the true defenders of the forest lands against any potential Naga incursion. However, the competing claims of both sides of the border have created numerous opportunities for capitalists of both states to exploit the area's natural resources.

People began to settle along the border during the colonial rule in the state. The colonial administration introduced the concept of 'forest villages' to protect local villagers' unorganised and unregulated forest resources and thus pursue their colonial commercial interests. As a result, the number and size of British forest villages have grown over the years. Forest villages were also established in the Nambor and Doyang forestlands during the post-independence decades. Furthermore, the 'half-a-mile-scheme,' adopted by the state government of Assam to encourage landless people to

migrate to the forestlands closer to the border, accelerated human migration to the Nambor and Doyang reserves to a greater extent. The Assam government designed the scheme to protect plains forestlands on the Assam side of the border from possible Naga aggression.

Despite this historical evidence, the state of Assam has yet to recognise settlers' land occupation rights. They are defending Assam's lands without being recognised. They need the necessities of life. The Nagas, on the other hand, see them as a significant impediment to their desire to acquire Assam's plains forestland. Assam's forest department has conducted several eviction drives in the villages, rendering them homeless. The state still refers to them as forest encroachers. These state denials and lawlessness along the border have spawned a resistance movement among the settlers. Currently, settlers in the Golaghat district on the Assam-Nagaland border claim certain rights from the state.

## **6.2 PEOPLE'S MOVEMENT FOR LAND RIGHTS**

Rights to land, territories and natural resources, particularly in the forest region, have recently piqued the interest of academics and policymakers. However, the concerns of forest-dwelling communities for the same originated during the colonial rule, when British colonial power inflicted its coercive legitimacy on overall land and other natural resources, thereby attempting to deny the conventional mutual association between communities and forest resources. Imposing limits on the use of open forest resources was necessary to expropriate all of the country's natural resources, which were actually for the imperial's needs. Their desire to impose

restrictions was so strong that it resulted in the passage of numerous forest laws in India. In one sense, the laws were intended to regulate the country's unregulated forest resources, which were required to protect ecological balance. On the other hand, the laws were designed to deny the traditional reliance of forest-dwelling communities on forest resources, thereby making the resources the sole property of the state.

The colonial administration's unceremonious denial of their ancestral rights to forests and forest resources led to rise in many conflict situations between the colonial state and indigenous communities. Unfortunately, these conflicts have continued in the post-colonial era as well. Many instances of people protesting against coercive forest policies of the state machinery have been catalogued in India during the colonial period. The people's struggle continued even in the post-colonial period, with claims for justice made to independent Indian states, which continued with the 'module of eminent domain' in the forest lands, and the confrontation raged on.

The history of human migration to the forest land, which is currently a disputed site between Assam and Nagaland, dates back to the British colonial rule in Assam. In 1905, the British administration established four forest villages: Merapani, Chaodangpothar, Kachamari and Amguri. When the British began exploring the Assam-Nagaland foothills, they discovered many natural resources, particularly timber (Saikia, 2008).<sup>1</sup> Hence, they wanted to reserve the entire foothill tract and delegated responsibility for 'conserving' forest resources of Doyang and Nambor reserves to the forest villages. In reality, they wanted to protect a large swath of precious timbers like

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<sup>1</sup>Saikia, A. (2008). Forest land and peasant struggles in Assam, 2002-2007. *Journal of Peasant Studies*, 35 (1), 39-59.

*Saal* and *Segun* from local timber merchants and make them available to colonial timber merchants. The colonial administration was successful, and a massive amount of valuable timber was extracted from the Doyang reserve and transported by train and river. Forest resources thus generated significant revenue in Assam during the colonial regime.

It is worth noting that the colonial administration's approach to forest conservation was clearly influenced by a desire to increase revenue for the provincial administration. The colonial administration profited greatly from land and forest resources. The various Forest Acts introduced by the colonial administration favoured the forest department and provided legal rights over the Reserved Forests. However, despite these efforts to keep natural resources out of the hands of residents and peasants, the latter continued to intrude on reserve forests and wastelands. With agricultural land becoming increasingly scarce, peasants, primarily tribal people, started clearing patches from various Reserved Forests. Under the state schemes such as Grow More Food Scheme, the state had to open up lands for migrated peasants from former East Bengal.

In the early 1940s, the provincial state government of Assam decided to open up more tracts of Reserved Forests for these peasants. It rapidly accelerated the rate of forest loss. With that momentum, the removal of valuable trees from the Nambor reserve was nearly complete. The provincial forest department did not enforce any steps to re-plantation in the reserve forests. Thus the rapid decline of forest cover in Nambor has resulted from heavy extraction of natural resources and the concurrent nonappearance of plantations for decades. The discovery of oil deposits was a

significant factor in the government's decision not to maintain adequate seedlings in Nambor. The finding of vast oil and other natural resource reserves in eastern Assam, as well as commercial exploration of these reserves, made the colonial administration more concerned about its rights to forested areas in other parts of the state. In addition to oil exploration, the Assam provincial government permitted private businessmen to establish soft timber industries in the Nambor and Doyang reserves. It aided in large-scale licenced and unlicensed forest clearance and thinning out heavily forested tracts that would otherwise be difficult for ordinary people.

Due to recurring floods in the 1940s, Assam experienced severe land scarcity throughout the state. Land scarcity even prompted the East Bengal migrants, who desired to reside in riverine areas appropriate for jute farming, to vacate land in the forest. Landless farmers increased after the 1950 earthquake destroyed much of upper Assam. By the mid-twentieth century, the number of landless peasants had multiplied, and landlessness had become a significant issue in provincial politics. It has substantially impacted the open areas of reserve forests, particularly in Nambor and Doyang, where forest cover clearing was nearly complete. In the mid-twentieth century, a massive migration of landless farmers began in Nambor and Doyang, searching for land. This migration was largely prompted by the peasant struggles for land between 1948 and 1952.

The left ideology-based peasant organisations rallied peasants to solidify rural society's discontent into chants such as 'land to the tiller' and 'land for the landless peasants' (Saikia, 2008). Three leftist organisations, the Communist Party of India (CPI), the Revolutionary Communist Party of India (RCPI) and the Congress Socialist



Party (CSP), were instrumental in organising and informing the state's landless farmers. These organisations were well-represented in Golaghat. They had mobilised many landless peasants from the earthquake-ravaged regions of Upper Assam and welcomed them to settle in the reserve forestlands or tea grants in and around Nambor. The 'Giladhari Satyagraha' in Golaghat was one of the most well-known struggles for land in a tea grant.

However, the people's struggle for land was hampered from 1952 onwards due to changes in the state's political landscape, with the Congress party forming government in both the Centre and the state. Despite this, the people's struggle for land continued, albeit rudimentary, with active support from left-wing parties. Their mass appeal for land distribution to the state's landless people compelled the ruling Congress Party and local leaders to act. To avoid losing public support, Congress politicians requested that their party's government open more lands in Reserved Forests for the landless farmers. Bimala Prasad Chaliha, the then-president of the Assam Pradesh Congress Committee, requested the state government in a letter indicating the feeling of the local congress workers to open more forest lands to the state's landless peasants. He wrote to the then-revenue minister that "the problem of landless agriculturalists is gradually assuming a large magnitude... reactionary forces will take full advantage of the situation, and it will get out of our control before long...I am opposed to the deforestation of forest reserves, but [...] since wasteland is available, I feel obligated to suggest that land be provided to landless people."<sup>2</sup>

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<sup>2</sup>Letter from Bimala Prasad Chaliha, President of the Assam Pradesh Congress Committee, to the Minister of Revenue of the Government of Assam, 17 April 1954, in File AFR 222/54.(ASA). Sited here

In response to the congress presidents' and workers' appeals and concerns, the government shifted its political orientation toward the people. However, the forest department advised the government to reconsider its decision regarding the likely future consequences. The forest officials were concerned that such a move to deforest reserve forests would harm the state's environmental sustainability and forest cover. The state government ignored the forest officers' advice, and more lands were made available to landless farmers. The execution of the Ceiling Act in 1958 had implications for several tea gardens in Nambor and surrounding areas. Landless peoples, aided by the left-wing organisations, maintained their assertive possession of the newly vacated lands.

In addition, the forest department of the Government of Assam had taken policies to adjust both *jhum* farming and forest plantations by establishing *tongiyavillages*.<sup>3</sup>In the early twentieth century, the department established some *tongiyavillages* in Tengani region. Tengani, NimatiGalai and Shabishgharia were three different *tongiyavillages* established by the department in 1950, 1958, and 1961.

Thus, the state forest department could not proclaim any durable policy of sustainable forest cover in the post-independence period. It carried the inconsistencies of forest conservation that had started during colonial times. On the one hand, the department advocated for a persuasive programme of timber-based industries, resulting in the expansion of reserved forests. On the other hand, the state revenue

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from A. Saikia (2008). Forest land and peasant struggles in Assam, 2002-2007. *Journal of Peasant Studies*, 35 (1), 39-59.

<sup>3</sup> The settlers in Taungya villages received a free government gift of a first-class tree. They had to plant seedlings and were paid in cash based on the number and condition of the seedlings. Taungya cultivation was never widespread, remaining confined to a small geographical area. It was primarily practised in areas with much shifting cultivation and enough land.

department has had to maintain its land resettlement policies in forest lands to keep the people happy. There has always been a schism between the forest and revenue departments in their operations.

With the separation of Nagaland from Assam in 1963, the people's concern for land rights in the reserve forests of Nambor and Doyang became more complicated. The formation of Nagaland had resulted in a dispute over the province's boundary. The nationalist faction of the new Naga state was unhappy with the existing border with Assam. They made an aggressive demand for a large tract of land in Assam that had historically belonged to them and redrawn the border between the two. The Naga's aggressive demands and their forceful acquisition of land on the Golaghat side of the border made Assam's political leaders concerned about the future of the Nambor, Doyang and Diphu reserves. The Assam government decided to allow landless farmers to settle along the border to maintain control over the vast unhindered forestlands. The Assam government decided to distribute lands totalling ten bighas to the settlers. The government launched a scheme known as a half-a-mile settlement to encourage peoples' settlement in the contiguous forest tracts of Nambor and Doyang. The land was allotted within half a mile of the official Assam-Nagaland border demarcation. It was defensive manoeuvring by Assam to manage any further escalation of the Assam-Nagaland border dispute. Following the government's declaration, hundreds of landless families migrated to the bordering areas of Nambor and Doyang and established villages. This process of human migration continued to the forest lands even in the later parts of the 1960s, and the entire patch of reserve forests became fully populated. The migrants came from various parts of the state.

Many came from Majuli and Dhemaji districts, where they had lost land due to recurring floods and river erosion. Migrated populations formed some villages from the Sivasagar, Jorhat and other parts of Golaghat who were landless due to various socio-economic factors such as population growth and a poor economy. People migrated from lower Assam districts who had been looking for new agricultural land for a long time. Tea garden workers migrated and settled in these forests as well. These tea garden workers, brought from central Indian villages to work in various tea gardens in the 19th century, could not return to their original villages. After their agreements with the tea companies ended, they had no choice but to relocate to Assam.

And thus, the state government had gradually begun to open up the borderlands for more human settlement. The wave of human settlement increased along the border to a considerable extent after the GolapBorbora-led Janata Party government declared the state government's willingness to recognise people's land ownership over the area (Saikia, 2008<sup>4</sup>, Gogoi, 2011, p.111<sup>5</sup>).

Initially, the Assam government's policy of land possession through human settlement along the border was widely praised in different quarters as it facilitated the resettlement of hundreds of landless Assamese families due to natural disasters. By doing so, the Assam state could keep control of the forest lands that would otherwise be in the hands of the Nagas. The Assam government drastically changed its stance on the forest land issue as Naga aggression along the border became more violent, and

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<sup>4</sup>Saikia, A. (2008). Forest land and peasant struggles in Assam, 2002-2007. *Journal of Peasant Studies*, 35 (1), 39-59.

<sup>5</sup>Gogoi, A. (2011). *GanaSangramorDinlipi*. Guwahati:AkhorPrakash.

forest conservation became a national priority. As part of its shifting policy orientation, the Assam government prioritised forest issues over revenue and human settlement issues. Gradually, the state forest department began to reiterate its rights in the Nambor and Doyang forestlands which are already under human settlement. The state forest department began viewing human settlements as threats to the natural balance of the forests along the border. In a related move, the department issued eviction notices to human settlements along the border, explicitly stating the state government's new intentions toward the 'illegitimate dwellings' along the demarcated boundaries. Most of these settlements occurred due to floods or other natural disasters. On the other hand, the peasants who settled in these forestlands were never granted a tenurial right to their occupied lands. Their unprotected occupancy became a concern over time (Saikia, 2008).<sup>6</sup>

### **6.3 ISSUES AND DEMANDS OF THE LAND RIGHTS MOVEMENT ON ASSAM-NAGALAND BORDER**

In this part of the chapter, the researcher summarises the significant issues and demands raised by the residents and civil society organisations of the Golaghat district. As mentioned in the previous chapters, the land issues raised in the Golaghat district shared with Nagaland have multiple dimensions. From a general understanding, it is very perceptible to all that the land crisis of the people is a result of the unresolved border dispute between Assam and Nagaland. But in the broader sense,

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<sup>6</sup>Saikia, A. (2008). Forest land and peasant struggles in Assam, 2002-2007. *Journal of Peasant Studies*, 35 (1), 39-59.

the problem has many other dimensions, and the forest land dimension is the most notable. It means that the land areas on which the people live and claim occupation rights belong to reserve forests. As per the Forest Conservation Act 1980, no encroachers of reserve forests can be recognised as protected encroachers till they are declared settlers. Furthermore, there are differences of opinion between the Naga and Assam governments regarding the history of the forestlands adjacent to the border. The Nagas' argument, for example, is based on oral history. According to their oral history, they owned a substantial portion of the current Dhansiri and Golaghat subdivisions. They cite various locations, highlands, trees, and roads in the current Dhansiri and Golaghat sub-divisions known by the 'Naga' naming.

On the other hand, the Assam government's argument is based on what written history tells and official documents signed during Nagaland's formation as a full-fledged state. In this regard, the Assam government advocates maintaining the border demarcation finalised during the creation of Nagaland in 1963, and the Naga government should do the same. Furthermore, while Nagaland opts for an out-of-court border dispute settlement, Assam favours a court ruling. Now the matter is under the supervision of the Supreme Court. The final verdict is awaited. But no side is sure that the judgment of the Apex Court will be accepted without people's involvement or not.

These complexities have complicated the real land rights questions in the Golaghat district, closer to the border. For many years, the people who have lived on the Golaghat side have demanded recognition of their land occupation rights. However, the state has consistently denied their land rights demands. Instead, the forest department of Assam has deemed the human settlement in the forestlands

illegal. The forest department has conducted several eviction drives to clear forest lands from human encroachment.

Living on the borderlands of the Golaghat district has been a challenging task. The settlers have encountered opposition from both sides of the border. The forest department of Assam has declared their settlement illegal and ordered them to vacate the forestlands. Many people were killed while protesting against the forest department's eviction drives. On the other hand, the Naga armed groups supported by the Naga government regard them as competitors in the forest land accumulation process on the border. Naga armed groups have killed hundreds of innocent settlers on the Golaghat side of the border. They are still afraid of Naga armed groups. Hence, proclaiming rights over occupied lands for these people has been a matter of life and death. For most people, it is their sole source of income and identity. It is also why many of them have lost their lives. As a result, no state department eviction drive could relocate these people away from the disputed parts of the border. Instead, the state atrocities have made these people more concerned about their rights to this priceless asset.

In the late 1960s, the first wave of the land rights movement started on the Assam-Nagaland border of the Golaghat district. During the early days of their settlement, the migrated settlers faced relentless opposition from a few nearby tea companies for occupying the open lands in Doyang and Nambor reserves which the latter wanted to incorporate into their gardens. As human land occupation increased, the nearby tea companies started putting pressure on the local administration to evict the settlers, which resulted in a land conflict between settlers and forest departments.

However, the state government's position on the issue was neither in favour of large-scale evictions nor providing a political solution. It prompted landless families to join together in 1968 to assert their land occupation rights. The protest of 1968 was known as the first-ever land rights protest along the Assam-Nagaland border. The protest was primarily promoted and supported by the local wings of the Socialist Party and the Communist Party of India (M). Many people participated in the protest rallies, reaffirming their claim to control the occupied lands. Given the widespread support of the protest, the ruling Congress Party deemed the issue politically sensitive and decided to halt (temporarily) the ongoing eviction drives against the landless settlers. But the problem did not resolve there. The Nambor and Doyang region remained a hotspot for forest land disputes between settlers and state forests and revenue departments. In the early 1980s, the forest department reasserted its claim to the forested lands of Doyang and Nambor. The villagers residing in the forest lands were increasingly labelled as encroachers. From 1973 to 1974, evictions were carried out regularly (Saikia, *Ibid.*).

The ongoing border dispute with Nagaland also aided the forest department in regaining the power to regulate the disputed forest lands. According to the V.K. Sundaram commission report, submitted in 1971, the Assam government was to depopulate the border up to 10 kilometres from the actual borderline to create a neutral zone. As a signatory to the Sundaram Committee's recommendation, the Assam government authorised the forest department to evict the human settlement on the tract. Police firings took the lives of many civilians. The police atrocities against the poor landless people of Doyang and Nambor had sparked widespread resentment



throughout the state, laying the foundations for a popular land rights movement against the state. The allocation of land pattas, which would confirm their rights over a specific patch of land, remained the primary demand of the protest, along with the demand for the protection of human lives from police atrocities and Naga militancy.

Like other parts of India, Assam politics witnessed a new history in 1978. Under the leadership of GolapBorbora, the state received its first non-Congress government. Soneswar Bora, also known as Doyang Bora, a socialist leader from Golaghat, won the election with the widespread support of the landless people of Doyang. People in the area celebrated his victory as '*DoyangBijoyUtsav*' as a mark of their legitimate claim to these forest areas. Borbora appointed him as Agriculture Minister in his cabinet. The new government implemented many pro-people policies. It included the waivers of land revenue for farmers with up to 10bighas. Chief Minister GolapBorbora declared in June 1978 to open the Doyang Reserved Forest to the villagers residing there since the 1950s. He admitted that landless villagers had already settled in parts of these forest reserves. For the first time, panchayat elections were held in Doyang and Nambor (Saikia, Ibid.). During this transition period, the Janata Party government was forced to dissolve in September 1979. However, though they did not provide these settlers with permanent land rights, they did give them a sense of security.

Apart from this political transition, the Doyang land rights movement suffered another setback in 1980, when the Indian parliament passed the Forest (Conservation) Act. The Act significantly strengthened forest departments' ability to effectively supervise forest affairs while limiting the power of state governments in forest matters.

According to an estimate after the enactment of the Act, 13 evictions were carried out in various villages of Doyang and Nambor between 1981 and 1999, with no meaningful scale of forest conservation. Surprisingly, there was no organised protest against the state's eviction drives in Doyang and Nambor during the period. Likewise, the state forest department conducted multiple eviction drives in some Nambor and Doyang reserve villages at the beginning of the 21st century. The eviction in June 2002 was the most horrific, displacing hundreds of poor landless families in Tengani of Nambor Reserve. The houses of the poor farmers were shattered, and domesticated trees were cut down, making it impossible for the evicted families to re-establish themselves on the lands. The forest department was so ruthless to the people that the evicted families were left with no rehabilitation facilities. The displaced people were forced to live in abject poverty and seek refuge in schools, panchayat offices and other nearby villages.<sup>7</sup> On the other hand, the forest department did nothing to afforest the region and left the vacated villages until these were re-occupied by their previous owners.

It was indeed a live-or-die situation for the people of Nambor and Doyang, who lived closer to the border.<sup>8</sup> They understood that there was only one way left to secure their possession of lands, and that was the path of democratic assertion. That eventually led the villagers of Tengani and Doyang to join together in 2002 under *BrihattarTenganiUnnayanSangramSamiti* in Tengani and *DoyangMuktiSangramSamiti* in Doyang with the shared goal of defending their land

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<sup>7</sup>According to the people who witnessed the state eviction drives and human misery during the post-eviction periods.

<sup>8</sup> According to what the villagers told the researcher during his field survey.

rights. Several civil society organisations of Golaghat have joined the land rights movement, making it one of the most active land rights movements in Assam. Along with the land ownership demand, other demands of the campaign include: i) resolving the Assam Nagaland border dispute with sincere political intention, ii) establishing peace and tranquillity in the region, iii) converting forest lands to human habitat lands, iv) improving road connectivity in the border region, v) electrification, vi) establishing higher educational institutions and medical infrastructure, etc.

#### **6.4 MOVEMENTS FOR LAND RIGHTS**

The Doyang-Tengani movement for land rights in the southern frontier of the Golaghat district is a living example of forest land conflicts in Assam. For several decades, the residents of the Golaghat district on the Assam-Nagaland border have been claiming land rights from the state. In response, the state has denied their claims and continues to regard their settlement as illegal. For the state, the entire land area adjacent to the Nagaland border is officially designated a '*bonanchal*' that is divided into four designated reserve forests. Unabated human settlements in the *bonanchal* have violated national forest rules and have also accelerated the pace of deforestation in the *bonanchal*. Several village eviction drives have been carried out to displace locals from the *bonanchal*. However, the state administration has been unable to remove the human settlement from the *bonanchal*.

The state administration has barred *bonanchal* inhabitants from building *pucca ghar* (permanent brick and mortar houses). Residents must obtain prior authorisation from the local administration for any permanent construction. Non-recognition of the

people's land rights demands has led to additional issues. For example, students in the region who are refused a Permanent Residential Certificate (PRC) are ineligible for government scholarships. Farmers in the *bonanchal* have been denied access to government schemes such as Prime Minister KisanSanmanNidhi. The *gaonburhas* (village chiefs) function in over 240 villages throughout the *bonanchal* of the Dhansiri subdivision without official recognition or remuneration. The *bonanchal*, which encompasses nine panchayats in the Sarupathar and Golaghat sub-divisions, lacks higher education institutions, banking services and road infrastructure.

In sharp contrast to the state narrative, the *Doyang-TenganiMuktiSangramSamiti* unveiled a different rendering of the whole crisis. The organisation advocated that the allegation of 'illegal intrusion'inDoyang and Tengani is not based on historical facts; instead, the state government had allowed landless families to settle in Doyang and Tengani in different course of timeowing to unusual circumstances. Concerning the deforestation in Doyang and Nambor Reserves, the Samiti argues that the actual deforestation in both the reserve forests hadoccurred far earlier than the migration of people to the region. Instead, deforestation began when the local administration allowed several sawmills to run in the reserve forests, further aided by forest mafias and crooked government officials.

The present Doyang area is a part of the Doyang Reserve Forest, which the British administration constituted under the Indian Forest Act 1878. The British administration promoted human settlement in Doyang to protect the forest by setting up fourforest villages, namely Merapani, Chaudangpathar, Katamari and Amguri, in 1905. Human migration to Doyang continued, although intermittently, in the post-

independence period. Between 1951 and 1954, the district administration approved the establishment of 12 new villages in Doyang (Gogoi, 2014, p.111). Similar permission for human settlement in Doyang Reserve had been granted in different forms. For instance, in 1968- 70, the Government of Assam adopted the 'half-mile belt scheme'. The state government encouraged the landless people across the state to settle in the open fields of Doyang nearer to the border with Nagaland. The scheme intended to accomplish two purposes of the Assam government. First, the government wanted to create a human shield to defend the contested areas of the Assam-Nagaland border from possible Naga aggression, and second, to maintain control over the plains and forestlands on the Assam side of the borderline (Gogoi, Ibid.). The scheme encouraged hundreds of landless families from across the state to migrate to Doyang along the Nagaland border, which eventually left the latter wholly deforested. The Assam government facilitated them with voting rights and established government institutions such as schools, panchayat offices and cooperative societies.

Tengani, which comes under the Sarupathar assembly constituency, is the northern sector of the Nambor Reserve Forest demarcated under the Indian Forest Act, 1878. Before the declaration of the reserve forest, the British administration promoted the establishment of two revenue villages in the Tengani area in 1838, Tengani and Borhula. During the post-independence period, the state government permitted the settlement of seven other villages in Tengani as forest villages. As a result, by 1980, the entire Tengani sector of Nambor Reserve had been deforested (Gogoi, 2014, p. 112). Villagers of the Tengani region have had voting rights since 1970. The

Tengani Gaon Panchayat and Tengani Cooperative Society were established in 1991 and 1993.

As per provisions of existing international land rights instruments, states must facilitate secure access to land, territories, and natural resources for their citizens. After independence, the Indian state enacted several legislations to that effect. However, Assam took disparate strategies in terms of human settlement in Doyang and Tengani. Initially, different quarters applauded the approval for the human settlement in both regions as it facilitated the resettlement of hundreds of landless Assamese families affected by natural disasters. The same state, acting contrary to its previous policies, began considering human settlements as threats to the natural balance of the forests and served notices of eviction to the villagers of Doyang and Tengani. The eviction notice explicitly displays the state government's inverse motives regarding the dwellings at Doyang and Nambor forests. During the post-independence period, several eviction drives have carried out in Doyang and Tengani. The eviction in June 2002 was the most draconic as it successfully displaced hundreds of poor landless families. The state forest department evicted the people with no alternative places of settlement. It eventually compelled the villagers of Tengani and Doyang to join together in 2002 under the banners of Brihattar Tengani Unnayan Sangram Samiti in Tengani and Doyang Mukti Sangram Samiti in Doyang with the shared goal of defending their land rights.

***Simanta Gaonburha Sangstha:***

The Simanta Gaonburha Sangstha is an active organisation leading the land rights movement in the Assam-Nagaland border of the Golaghat district. The Sangstha comprises the gaonburhas of the villages settled along the Assam-Nagaland border. They are not recognised by the state government and work for free. Their areas fall under forestlands and are officially non-revenue areas. However, they perform all government duties that other government gaonburhas perform.

The Sangstha has long advocated for granting land occupation rights to the people settled on the Golaghat side of the borderline. It has called for a long-term solution to the decades-long border conflict between Assam and Nagaland. In addition, the Sangstha holds annual conferences to make villagers aware of their land rights. It also submitted several memorandums to the district's concerned departments and state political representatives.

### ***Civil Society Organisations:***

The civil society organisations of the Golaghat district have played a significant role in establishing peace and tranquillity along with the Assam-Nagaland border areas. Led by AASU, various other organisations such as AJYCP, KMSS, ABSU, AASAA, ACSU, AANSU etc., are deeply concerned about Naga's incursions into Assam. They have held several protest rallies in Golaghat and Dispur to that end. The organisations used road blockades on roads to Nagaland to pressure the Naga government.

These organisations are equally critical to Assam's land revenue and forest departments. They protested every eviction drive conducted by the state departments

in the border villages. They brought the villagers together and made them aware of their land rights.

***Border Coordination Committee:***

The Assam-Nagaland Border Coordination Committee was established in 2004 under the All Adivasi Students Association of Assam initiative. The committee was established to safeguard and stand up for the rights of people living along the Assam-Nagaland border in the Assam districts of Golaghat and KarbiAnglong. It has repeatedly pushed the Assam and Central governments to find a durable solution to the age-old border dispute between Assam and Nagaland. The Assam-Nagaland Border Coordination Students' Union (ANBCSU) is a significant border coordination council made up of four student bodies of the state: the All Assam Students' Union (AASU), the All Bodo Students' Union (ABSU), the All Assam Tea Tribes Students' Association (AATTSA), and the All Assam Nepali Students' Union (AANSU).

***March to Dispur and Delhi:***

The leading organisations in the region have used various tactics to pressure the government. Border disputes between Assam and Nagaland have long been a source of contention to grant people land rights along the border of the Golaghat district. The Assam-Nagaland Border Coordination Committee, led by the All Adivasi Students Association of Assam (AASAA), began the Delhi Chalo March on 13 December 2004. Many people joined the march and raised the issue at New Delhi's JantarMantar. Similarly, on 3 March 2005, the DoyangMuktiSangramSamiti and the



BrihattarTengani Union SangramSamiti began a march known as the *DispurChalo* March. It concluded on 19 March in Merapani. The goal of these people's parades was to resolve border disputes and thus reclaim their land occupation rights along the border.

Furthermore, people have organised several local programmes. Representatives from various political parties have joined them. Some of the notable programmes undertaken by the organisations included the following: i) a mass-protest rally organised by the DoyangMuktiSangramSamiti and the BrihattarTengani Union SangramSamiti on 9 June 2004 at Golaghat; ii) a 100-hour hunger strike by the Assam-Nagaland Border Coordination Students'Union (ANBSCU) on 12 July 2004; and iii) a memorandum submitted by Assam-Nagaland Border Coordination Committee on 13 December 2004, to the Prime Minister and the Home Minister; iv) dharna by the DoyangSuraksha Mancha (DSM) on 12 July 2004. All of these programmes received widespread public support in Assam's affected areas.

## **6.5 STATE RESPONSES TO THE LAND RIGHTS MOVEMENTS ON ASSAM-NAGALAND BORDER**

The state's responses to the land rights demands along the Assam-Nagaland border in the Golaghat district are currently a topic of public debate and academic interest. Human migration has entirely populated the forestlands on the Golaghat side of the Assam-Nagaland border. That means the Assam-Nagaland border is now a human habitat territory. The existence of Nambor and Doyang reserve forests in that part of the Golaghat district has now become history. In such circumstances, the state

government of Assam must find solutions to the land rights issues. On the contrary, the Nagaland government has lifted all forest restrictions and provided settlers with land occupation rights. They did it primarily to encourage more Naga migration to the border and keep control of the lands.

Furthermore, both states have allowed ONGC and other private enterprises to extract natural resources along the border. On the Golaghat side, residents have questioned the state's decision to allow private businessmen in 'protected forest land areas'. Hundreds of commercial trucks extract limestone and sand from the bordering Doyang River daily. The Assam Forest Department issues challans (permits) to trucks, earning revenue from them.

Despite these developments, the Assam government has treated the people's settlement on the border as illegal and has asked them to vacate the forestlands. To counter the state's approach, people living along the border have claimed land occupation rights under the banner of several organisations. They are, in their opinion, the true defenders of the land against potential Naga aggression. They claim that Assam would have lost thousands of bighas of land closer to the border if they had not settled. So, according to the settlers, their settlement along the border has served a larger interest of the state. It is, therefore, a moral duty of the state to recognise their land occupation rights and provide them other political and economic rights. Here is a thorough analysis of the state's responses to the people's land rights movement on the Assam-Nagaland border of the Golaghat district.

To better understand the state's response to the land rights movement, it will be fair to analyse it by highlighting the roles of three key state stakeholders in this matter.

They are the i) Revenue Department, ii) Forest Department, and iii) the District Administration.

***The Revenue Department:***

The primary objective and task of the Revenue Department, Government of Assam, is to administer land and land revenue matters in all of their facets. It includes the formulation of government land settlement policy, the administration of land reforms and the maintenance of land records, land requisition and acquisition, the administration of land and land revenue and locale rate, the administration of the Assam survey organisation, and the organisation of relief operations due to natural disasters.

Thus, the Revenue Department of the Government of Assam is the sole authority in the state for dealing with land-related issues. The government's revenue department, among other things, deals directly with patta allotment to landholders, conversion of forest land into human habitat land, and conversion of the non-revenue area into revenue area.

As far as the people's land rights questions are concerned, the demand for converting forest land into a human habitat land has been the most prominent. For this purpose, the region's people have submitted several memorandums and petitions to the department. The political parties make false promises to the people. But in reality, the state land revenue department has made few attempts to convert the land area into a revenue area.

Some respondents claim that their settlement in the area adjacent to the border began with the Naga encroachment. The process of human settlement lasted

many decades. As a result of the human migration, the entire Assam-Nagaland border became a human habitat land. The Naga Government granted Naga settlers land occupation rights. Furthermore, on the Nagaland side of the forest land, the Nagaland government has built road infrastructure, schools, and police stations. They have built churches even within the territory of Assam. Naga government has established new sub-divisions called Homeland in the A-Sector and Newland in the B-Sector to administer the area, including the occupied lands on the Assam side of the border.

Compared to the Naga counterpart, the land revenue department of Assam is noticeably ineffective. The state land revenue department has maintained an ambiguous policy regarding land allotment along the border. Its ambiguity stems primarily from state politics. Its policy at times was to allow human settlement in the forestland along the border and to encourage poor people to migrate. However, the forest department has frequently overturned its decisions and conducted eviction drives in villages where the land revenue department had previously encouraged settlement.

Furthermore, the state revenue department has not made any arrangements to convert the forest lands into human habitat lands. The area is still a non-revenue zone. As a result, people living in villages have no land occupation rights. The Naga government has provided all state facilities to its settlers, including land occupation rights.

***The Forest Department:***

Like the land revenue department, the forest department is an important stakeholder in the governance of the land rights issue in the Golaghat district. The forest department still considers the Assam-Nagaland border area as forest land and human settlement violators of national forest laws. To prevent further deforestation in the reserve forests of the nation, the Indian parliament passed the Forest (Conservation) Act in 1980. The Act prohibited the de-reservation of forests and the use of forest land for non-forest purposes. The term non-forest purpose refers to the breaking or clearing of any forest land or portion thereof for (a) cultivation or (b) any purpose other than re-forestation.<sup>9</sup>

The execution of the Forest Conservation Act, 1980 entrusted the forest department a legal authority to act to prohibit the de-reservation of forests or the use of forest land for non-forest purposes. The Forest Conservation Act of 1980 compelled the Assam government to launch rapid eviction drives in the Reserved Forests of Nambor and Doyang in the Golaghat district. Aside from the legal provisions of the Act, the Joint Forest Management (JFM) played a role in the evictions in Nambor and Doyang. The Government of India launched the JFM programme in 1990. The JFM programme has provided space for the forest-dwelling villagers to associate with managing and to restore the reserve forests. The JFM programs aimed to protect the forests from intrusion, farming, thievery, and fire and improve the reserve forests through their association. In exchange, the forest-dwelling communities would be entitled to the benefits of forest resources. The Assam government introduced the JFM

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<sup>9</sup>The Forest (Conservation) Act, 1980 [Central Act No. 69 of 1980]. Retrieved From <https://legislative.gov.in/sites/default/files/A1980-69.pdf> on 16.04.2022.

programme in November 1998. Aside from community involvement in forest management, the Forest Department stated that its primary objective would be the plantation of short-growing crops like cane and bamboo, which would be achieved through a series of tree plantation programmes. Beginning in 2002, the Forest Department started intensive planning for its execution. The Forest Department's obvious choice for the purpose was the deforested areas of Nambor and Doyang. With the goal of afforestation, evictions started in June 2002, correlating with World Environment Day (Saikia, 2008).<sup>10</sup>

Interestingly, the settlers have requested the local administration to introduce the JFM programmes in the Golaghat district's bordering areas. They recognise the importance of forest conservation and have expressed a desire to implement the model with the forest department. Initially, though the forest department showed interest in implementing JFM programmes on the open fields of the Nambor and Doyang reserves, the department was not ready to recognise the cooperation of the settlers. The department continued to prioritise forest conservation and identified human settlement as a threat to the conservation process. For this purpose, the forest department conducted several eviction drives in the villages settled on the forestlands of the Doyang and Nambor reserve forests. As a result, hundreds of villagers were forced to leave their homes, and the department destroyed their other properties. The forest department and the local administration did not provide alternative rehabilitation facilities to the evicted villagers. The forest department left the vacated areas without

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<sup>10</sup>Saikia, A. (2008). State, peasants and land reclamation: The predicament of forest conservation in Assam, 1850s-1980s. *Indian Economic Social History Review*, 45 (77), 77-114.

forestation for years. Instead of afforestation, as the villagers criticised, the department destroyed their various domesticated trees, the only remaining forest elements in the villages.

The JFM had the potential to be a successful model of human habitation with forestation in the district's bordering areas. During the field visit, many respondents told the researcher that they understood their settlement in the forestlands was unlawful at the initial stages of their migration. The respondents stated that before their migration into the forestlands of the Nambor and Doyang reserves, both had significantly lost forest covers. The timber-based industries aided by the state forest department nearly destroyed the forest cover. It was almost like inhabited open forest lands. According to them, most migrant settlers were landless farmers who had lost their lands due to natural disasters such as floods and river erosion. Before migrating to Nambor and Doyang, these people lived in extreme poverty and insecurity. The land was the only source of income for the people, which floods and river erosion had destroyed. The state government did not attempt to rehabilitate them. The only option left for the people was to enter the forestlands.

Aside from migration caused by natural disasters, there were other types of migration into the forestlands. The region has seen three waves of human migration so far. The first wave began as forest villages during the colonial administration. The second wave of human migration started in the decades following independence, particularly in the 1970s. The second wave, like the first, was caused by the political incitement of the then-Janata Party-led state government of Assam through the half-a-mile scheme. And apart from these two, there is a third wave of human migration into

the region. The third wave of migration consists primarily of Muslim families of Bangladesh origin from middle and lower Assam. Initially, they came as a part-time worker or *adhiyar krishak* for sali paddy farming. The lands in the area are very fertile. Later, the political parties identified them as a significant pool of vote bank politics and provided settlement on the border's uninhabited regions. Thus, the Muslim migration increased alarmingly, aided by the sub-divisions' political leaders and corrupt administrative officials. Within a few years, Muslim migrants occupied a large portion of land in Sectors B and C. The areas they settled are rich in natural resources such as limestone and sand. They now have a monopoly on this business and maintain close relations with the Naga landlords on the border. Furthermore, Muslim settlers have access to the farming fields of Naga landlords.

During these three waves of migration, the forest department did nothing to prevent human migration into the forestlands along the border. Thousands of bighas of forest lands have been occupied by migrants within its sight. Its role was limited to issuing a few eviction notices and carrying out a few eviction drives. It took no effort to afforest the open fields of the Nambor and Doyang reserve forests. It demonstrates how concerned the forest department is about protecting forestland and afforestation in deforested areas of the reserve forests. The JFM model failed miserably in the district due to its ineffectiveness.

The Naga incursion into forestland on the Golaghat side of the border has also caused the forest department concern and criticism. On the Golaghat side of the border, the Nagas have forcibly occupied thousands of bighas of forest land. The state government of Assam and the forest department did nothing to protect the forestlands.



The Naga government, on the other hand, has granted them land occupation rights to keep possession of the land. Residents on the Golaghat side of the border who witnessed the forest department's eviction drives have questioned its ability to free its forest lands from the Naga encroachment. It is also claimed that forest department officials have never visited the borderlands where Naga encroachment occurred. The revenue and forest departments had never conducted any survey to know how much land the Nagas had encroached. The forest department exercises authority and power only over Assamese migrant settlers.

Moreover, the department has little say or power to intervene in the Muslim settlers' settlement. They are used as a vote bank by the political parties and as tenants by Naga landlords. The Naga landlords retain control of Assam's forestlands through these migrated Muslim tenants.

### ***Role of the District Administration:***

One can analyse the state's response to the land rights demands of the people by examining the role played by the civil administration of the Golaghat district. The Golaghat district has administratively divided into three subdivisions and eight blocks. The Dhansiri sub-division shares the most contentious part of the border, where land rights issues have arisen. Due to its conflicting nature, the Assam-Nagaland border is divided into six administrative sectors. The Dhansiri Sub-division shares three sectors (A, B and C), and the Golaghat Sub-division shares the Dsector. The central neutral forces are responsible for maintaining peace and tranquilly along the border. In addition, the Dhansiri administration has established two offices of Border Magistrate

to deal with border-related issues. Two executive magistrates are appointed as Border Magistrates to handle the affairs of those who live along the border. Notably, due to the disputed nature of the land areas, the settlers are prohibited from building any permanent infrastructure. Therefore, they must obtain permission from the CRPF and the Dhansiri administration for any permanent construction. In addition, there are various other issues for which the settlers must obtain permission from the Border Magistrates. The Border Magistrates are responsible for resolving all types of disputes between settlers on both sides of the border.

The villagers have submitted several petitions and memorandums to the Dhansiri civil administration concerning their land rights. They have made protest rallies for their rights. There have been reports of police using lathi charges to displace people protesting for land rights.

Along with land rights, people of the border have advocated for various other political and economic rights. The demands include proper road connectivity to border villages, the establishment of higher educational institutions, medical services, the conversion of land from forest lands to human habitat areas, the conversion of land from non-revenue zones to revenue zones, electrification in the villages, distribution of benefits of the government schemes, and irrigation to the agricultural fields, and so on. In response to the demands, the administration has yet to address most of them. The benefits of fundamental necessities of life continue to elude settlers across the border. They have lived with no medical services, poor road connectivity and intermittent electricity. No higher educational institution exists in the A, B, C and D sectors. The availability of schools in comparison to the population is very disproportionate. Most

of the schools running in the region are self-financed. The villagers must travel to the Sarupathar and Golaghat towns for medical, educational, and banking services. There is no public transportation system. The financially affluent settlers can afford private transportation to travel to the headquarters for various needs. There are no provisions for the poor villagers. The local administration has miserably failed to meet these fundamental necessities of life.

## **6.6 RESPONDENTS' VIEWS ON THE STATE RESPONSE TO THE LAND RIGHTS MOVEMENT**

This section of the chapter analyses and presents the respondents' perspectives on various aspects of the state's response to people's land rights movements. In this regard, the respondents' responses are crucial for a better understanding of the subject and a balanced view of the study. As previously stated, the people of the Assam-Nagaland border of the Golaghat district have long claimed various rights. Many of their demands have yet to be met. The government has taken multiple approaches to meet their demands in this regard. However, to understand how residents in the area perceive the state's approaches, we will need to consult with them. The table below depicts respondents' concerns about the ongoing land rights movement along the Assam-Nagaland border.

**Table 6.1: Distribution of Respondents' opinions on the people's awareness of the land rights movement**

People's awareness of the land rights movement	Variables	Number of Responses
	Yes, aware	165 (55)^

	Not aware	79 (26.33)^
	Partially aware	16 (5.33)^
	No response	40 (13.33)^

\*Source: Field study

^Figures in the parentheses are in percentage

As shown in Table 6.1, the majority of the respondents, i.e. 55 percent, are aware of the land rights movement, while 26.33 percent are not. Of the respondents, 5.33 percent are partially aware of the ongoing land rights movement on the Assam-Nagaland border of Golaghat district. However, 13.33 percent of them have no idea about the movement.

***People's Support for the Land Rights Movement:***

It is unclear whether all people residing along the Assam-Nagaland border of the Golaghat district support the ongoing land rights movement. Building a solid organisational base requires widespread people support for any land rights movement. The present study has observed the respondents' views on people's support of the land rights movement. The responses are presented in the table below.

**Table 6. 2: Distribution of Respondents' views as regards the support for the land rights movement**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Support towards the land rights movement</b>	Yes, fully support	289 (96.33)^
	Partially support	2 (0.67)^
	Do not support	1 (0.33)^
	No response	8 (2.67)^

\*Source:Field study

^Figures in the parentheses are in percentage

As Table 6.2 shows, a large majority of respondents, 96.33 percent of the total, have supported the land rights movement developed near the border. And the remaining respondents may have had no idea about the land rights issues they were experiencing and thus did not respond positively to the question. They understood that obtaining rights to their occupied lands would be difficult. Because the land they settled on near the border is officially forestland. The forest department has carried out several eviction campaigns in the villages. Many villagers had died while protesting the state eviction drives. The state atrocities eventually united the villagers in asserting their rights over their occupied lands. The villagers understood that an organised movement was the only way to compel the state to stop evicting the landless settlers and recognise their land rights.

***Organisational Base of the Land Rights Movement:***

A strong organisational foundation and widespread public support are essential for the success of any movement. The land rights movement on the Assam-Nagaland border of the Golaghat district is no exception. However, unlike the other movements, it is unclear which organisation leads the land rights movement along the border. Nevertheless, many organisations in the district are unitedly advocating for recognising the land rights of people living in the forested lands nearer to the border with Nagaland. The observations of the respondents in this regard are depicted in the following table.

**Table 6.3: Distribution of Respondents’ views about the leading organisations of the land rights movement**

Leading organisations of the land rights movement	Variables	Number of Responses
	GaonburhaSangstha	119 (39.66)^

	AkhilGogoi-led KMSS	89 (29.67)^
	Student organisations	72 (24)^
	No idea	20 (6.67)^

\*Source:Field study

^Figures in the parentheses are in percentage

According to Table 6.3, 39.66 percent of the respondents regarded SimantaGaonburhaSangsthaas the most active organisation and leading the movement. On the other hand, the KrishakMuktiSangramSamiti(KMSS), led by AkhilGogoi, was named by 29.67 percent of the total respondents as the organisation that spearheaded the land rights movement along the border. Fourpercent of the respondents considered the student organisations such as AASU, ABSU, AACSU, AAASU, and others to be the leading organisations in the land rights movement. Their role has been crucial in organising and shaping the people’s land issues. However, 6.67 percent of those surveyed have no idea who is in command of the ongoing land rights movement.

***Major Demands of the Movement:***

It has been reiterated in the previous discussion that the people of the Golaghat district’s bordering areas have been leading a movement with various demands. In other words, they have demanded the state to fulfil a number of demands, including granting land rights, resolving the Assam-Nagaland border dispute peacefully, providing state recognition to the gaonburhas, impeding eviction drives in villages, providing necessities of life, and implementing the

FRA of 2006. In terms of the people's understanding of the demands, their evaluation is shown in Table 6.4 below.

**Table 6.4: Distribution of Respondents' views about the demands of the land rights movement**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Demands of the land rights movement</b>	Allotment of land pattas	28 (9.33)^
	Political resolution of the border dispute with Nagaland	7 (2.33)^
	Stop the eviction drives by the forest department with the district administration	2 (0.67)^
	Provide state recognition to the services of the gaonburhas	24 (8)^
	Provide necessities of life	23 (7.67)^
	Implementation of FRA, 2006	18 (6)^
	All of the above	198 (66)^

\*Source: Field study

^Figures in the parentheses are in percentage

As shown in Table 6.4, 9.33 percent of respondents identified land patta allotment to settlers as the movement's primary demand. According to 6 percent of respondents, the primary demand of the movement is the implementation of the FRA, 2006. In addition, 8 percent of the respondents' demanded that the gaonburhas of the villages settled closer to the border be provided state recognition. According to 7.67

percent of the respondents, the primary demand of the movement is to provide necessities of life such as healthcare, education, transportation and electricity services. According to 2.33 percent and 0.67 percent of the respondents, the primary demand of the people is a political settlement of the border dispute and a stop to eviction drives in villages by the forest department, respectively. The majority of respondents, 66 percent, agreed that the state should meet all the stated demands.

***State Response to the Land Rights Demands:***

The respondents' responses as regards the state response to the land rights movement have been varied. The region's settlers have been demanding the state address their demands. Their demands include granting land rights to the people, resolving the Assam-Nagaland border dispute with sincere political intention, establishing peace and tranquillity in the region, converting forest lands to human habitat lands, improving road connectivity in the border region, electrification, establishing higher educational institutions and medical infrastructure, and implementation of FRA, 2006. A tabular description of the respondents' points of view is provided below.

**Table 6.5: Distribution of Respondents' views on the state's response to the land rights demands**



	<b>Variables</b>	<b>Number of Responses</b>
<b>State's response to the land rights demands</b>	Satisfying	25 (8.33)^
	Negligible	161 (53.67)^
	Less responsive	59 (19.67)^
	No idea	55 (18.33)^

\*Source:Field study

^Figures in the parentheses are in percentage

In terms of the state's response to the demands raised by the second phase<sup>11</sup> of the people's movement, the responses were varied. Currently, the people on the Golaghat side of the border are yet to get land pattas to their lands. In this regard, 53.67 percent of the respondents believed the state initiative is quite negligible, while 19.67 percent thought it less responsive. However, 8.33 percent of them felt the state government's response, especially the current one, was satisfying. Surprisingly, 18.33 percent of them questioned the researcher to show them what the state had done in the last seven decades to address their longstanding land rights demands. They believed that the GolapBorbora-led state government was the only government that showed its true political intention by bringing the land rights issue into the knowledge of the Legislative Assembly of Assam. Since then, no state government of Assam has brought their land issue to the floor of the Legislative Assembly and discussed it. 19.67 percent of the respondents assessed the state response as less responsive.

### ***Role of the Local MLAs:***

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<sup>11</sup> Historians such as ArupjyotiSaikia classified these new people's uprisings in Nambor and Doyang as the second phase of a peasant movement in the region to secure their longstanding land rights demands.

There is widespread dissatisfaction with the role of the local political representatives in resolving the problems of the borderlands. Following the demise of Soneswar Bora, the political leadership of the district, particularly of the Golaghat and Sarupathar Legislative Assembly Constituencies, has been entirely silent on the issue. They showed their rush and high when there was a conflict on the border to take political advantage of the problem.

Table 6.6 is the respondents' assessment of the role of the existing local MLAs (Member of Legislative Assembly) in addressing their demands in the State Legislative Assembly and the state cabinet.

**Table 6.6: Distribution of Respondents' views on the role played by the local MLAs**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Role played by the local MLAs</b>	Responsive	210 (70)^
	Not responsive	66 (22)^
	Hardly responsive	16 (5.33)^
	No idea	8 (2.67)^

\*Source: Field study

^Figures in the parentheses are in percentage

However, when it comes to the role of the existing MLAs in this regard, 70 percent of respondents thought they were very positive and responsive, while 22 percent thought it was not responsive, and 5.3 percent thought it was barely responsive. The current MLA of the Sarupathar Legislative Assembly Constituency (LAC) has been active in several issues concerning the Assam-Nagaland border. His involvement is primarily visible in securing possession of the areas by connecting through road connectivity, electrification, deploying more police personnel to the

border, and ensuring regular border visits by border magistrates. Furthermore, most respondents from the A, B, and C sectors praised the existing MLA of the Sarupathar Legislative Assembly Constituency for raising the issue of land rights on the floor of the Assam Legislative Assembly in his maiden speech.

***Role of the Union Government:***

The role of the Union government of India, like that of the state governments, is being debated. Land rights issues cannot be resolved solely by the state government. The Union government's approval is required for this. On two counts, the Union government's consent is required. The first point is that the land areas where people demand pattas have been designated disputed sites. According to the Constitution of India, if a dispute arises between two federating states and the conflicting states cannot resolve it themselves, the Union government may intervene to find a solution.

From this angle, the Assam-Nagaland border of Golaghat district has been a disputed site, as the Nagas also claim the same patch of land. Their competing claims have resulted in border disputes and the deaths of several people. To resolve the conflict, the Union government formed several commissions. However, no solution has been reached. The second point is that the land areas where people seek pattas are officially forest lands. The land is a State List subject, and forest and forest land are concurrent list subjects. The union and state governments have rights in the subjects on the Concurrent List, but the union law will precede when both governments prepare legislation. From this point of view, any solution to the forestland issues must be

approved by the union parliament. As a result, it demonstrates the importance of the Union government in addressing the land rights issues of the people of the Assam-Nagaland border. The state government must exert adequate pressure on the Union government to resolve the issue. Table 6.7 below depicts the public's perception of the state government's initiative to persuade the Union government to resolve the issue.

**Table 6.7: Distribution of Respondents' views on the state government's initiative to persuade the Union government to resolve the issue**

	Variables	Number of Responses
<b>Steps taken by the state government to persuade the Union government</b>	Very persuasive	25 (8.33)^
	Negligible	106 (35.33)^
	Less persuasive	110 (36.67)^
	No idea	59 (19.67)^

\*Source: Field study

^Figures in the parentheses are in percentage

As shown in Table 6.7, 36.67 percent of respondents thought the role of state governments was less persuasive, while 35.33 percent thought it was negligible. Even after 60 years of the creation of Nagaland, the issue has not been resolved. Although the Congress party ruled at the national and state levels, it could not find a long-term solution to the problem. The BJP now rules both Assam and the Union government. The BJP-led NEDA alliance also rules Nagaland. Despite this, neither the border nor the forest land issues have been permanently resolved. However, 8.33 percent of respondents were pleased with the state government's role in approaching the Union government. Their evaluating grounds in this regard were the formation of border

commissions and the deployment of central neutral forces along the border. However, 19.67 percent of those surveyed did not respond to the question.

**Key Steps Taken by the Current State Government of Assam:**

There is a widespread belief among border settlers that the current BJP-led state government will take their concerns seriously and work to find solutions. The BJP and its allied parties campaigned on the promise of protecting the *Jati-Mati-Bheti* (community-land-base). People on the Assam-Nagaland border had assumed their concern was similar to the *jati-mati-bheti* concerns. That means if the BJP alliance forms a government in the state, their *jati-mati-bheti* issues will be considered. In the state election, the BJP-led coalition won a landslide victory to form the government for the first time in history. At the time of data collection, the party-led state government had already completed its first five years of rule and was re-elected for a second term. In this context, examining people’s perceptions of the state government, which promises to protect the *jati-mati-bheti* and its responsiveness to their concerns, is critical. The respondents’ responses to the issue are presented in the table below.

**Table 6.8: Distribution of Respondents’ views on the key steps taken by the current state government to address their land rights questions**

	Variables	Number of Responses
<b>Steps taken by the current state government</b>	Distributed land <i>dakhalisarta</i>	14 (4.67)^
	Allotted <i>myadipatta</i>	16 (5.33)^
	No steps taken	217 (72.33)^
	No idea	53 (17.67)^

\*Source: Field study

^Figures in the parentheses are in percentage

According to Table 6.8, the majority of respondents, i.e.72.33 percent, believe that the BJP-led state government has not taken effective measures to address the people’s land rights concerns on the Assam-Nagaland border. According to 4.67 percent of the respondents, the current state government has taken the initiative to grant *bhumi dakhalisarta* (land occupation rights) to the Scheduled Tribe (ST) residents under the FRA, 2006. According to 5.33 percent of the respondents, the state government has provided *myadipattas* to approximately 600 families near the Chungajan railway station. However, alarge proportion of the respondents, 17.67 percent, was unaware of the situation and thus said nothing.

***Role of the Opposition Political Parties:***

Opposition parties can significantly impact how the government perceives a problem. A strong opposition party is required for democracy to succeed and for the government to be pro-people. Many issues in the state of Assam have been resolved due to opposition party pressure. The land rights issue of the people of the Golaghat district on the Assam-Nagaland border has been a longstanding demand that should be addressed with priority. People’s perceptions of the current opposition parties’ roles in the state legislative assembly vary. The table below depicts the public’s reactions to the issue.

**Table 6.9: Distribution of Respondents’ view on the role played by the opposition political parties**

<b>Role played by the opposition</b>	<b>Variables</b>	<b>Number of Responses</b>
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<b>political parties</b>	Effective	89 (29.67)^
	Not effective	117 (39)^
	Less effective	77 (25.67)^
	No idea	17(5.66)^

\*Source: Field study

^Figures in the parentheses are in percentage

As shown in Table 6.9, the majority of respondents, i.e. 39 percent, rated the role of opposition parties as ineffective, while 29.67 percent rated it as effective. On the other hand, 25.67 percent of the respondents thought the current opposition parties were less effective in bringing land rights issues and related issues to the public debate. The majority of respondents stated that if an incident occurred, every political party, including the ruling party, demonstrated their interest in the matter. When there is media coverage of Naga atrocities or eviction drives conducted by the state forest department, they sometimes raise their voices. However, after the incident or media coverage of the matter is over, political parties cease their political bargaining. No political party has demonstrated its will to address land rights and related issues. The question elicited no response from 5.66 percent of the surveyed people.

***Role Played by the Local Administration:***

The civil administration is the nearest state agency for obtaining state services. Local administration refers to the civil administration of the Dhansiri and Golaghat districts. The local civil administration is vital because it is authorised to provide all state services to the people under its jurisdiction. Similarly, the local administration communicates local problems to the state government. As previously stated, the

people of the Golaghat district's bordering areas have made several demands to the state and have submitted their demands to the local civil administration. Many of the demands remain unmet, while others are on the verge of being addressed by the state. In this regard, respondents provided various responses. A tabular description of the respondents' points of view is provided below.

**Table 6.10: Respondents' view on the role played by the local civil administration**

	<b>Variables</b>	<b>Number of Responses</b>
<b>Role played by the local civil administration</b>	Effective	93 (31)^
	Not effective	114 (38)^
	Less effective	79 (26.33)^
	No idea	14 (4.67)^

\*Source: Field study

^Figures in the parentheses are in percentage

The majority of those who responded viewed the role of the local administration negatively, with 38 percent of the respondents thinking the role of local administration was ineffective. In contrast, 26.33 percent thought it was less effective. However, 31 percent found it effective, while 4.67 percent did not respond to the question.

## 6.7 CONCLUSION

The land rights movement developed on the Assam-Nagaland border of the Golaghat district has been one of the state's most active land rights movements. Many believe this movement has triggered a new wave of land rights activism in the state.



Several land rights movements are currently underway in the state to gain recognition and security for people's landholdings. Land is now one of the most critical natural resources for both the state and the people. The large-scale migration of foreign nationals into the state, mainly from Bangladesh, has put tremendous pressure on the land of the state's indigenous people. The state is entirely ignorant of protecting indigenous peoples' land rights from illegal land-hungry immigrants. Illegal migrants have amassed thousands of bighas of indigenous lands and now constitute the majority in 15 of the state's 33 districts. The state has consistently kept itself ignorant of the indigenous peoples' land crisis caused by illegal immigrants and has used the migrants as a vote bank for political gain.

Furthermore, the land crisis of the state's indigenous peoples has been exacerbated by natural disasters such as floods, erosion, and earthquakes. The state has lost an uncountable number of human habitat lands and agricultural fields due to these natural threats in recent years. Similarly, indigenous communities have been impacted by man-made disasters such as floods caused by river dams, illogical embankments, and development-induced displacement. Thousands of hectares of agricultural lands have been buried beneath sands due to these man-made disasters. Indigenous peoples have been among the most vulnerable groups affected by these disasters. Unfortunately, the state governments have been unable to develop a long-term policy to settle landless-homeless people affected by natural disasters.

Land and forests in Assam were common property before introducing British-made forest rules, and indigenous people had free access to these properties. Migration from one location to another in search of fertile agricultural land or a safe place from

floods and erosion was common among indigenous communities. Tribal communities had their customary land and forest management privileges.

The migrations of people into the forest lands closer to the Nagaland border of Golaghat district can be better understood from the two perspectives presented above. The majority of them were landless as a result of natural disasters. They had always been looking for alternative habitat areas safe from natural disasters. The political incitements of state governments throughout history have increased their desire to migrate to the forestlands. If there had been a consistent resettlement policy for landless people, the forests would be free of human encroachment.

The British colonial administration introduced the concept of encroachment to Assam. Previously, indigenous peoples had unrestricted access to land and forests within their defined territories. Still, indigenous peoples instinctively treat land and forests as common property. Hence, they have a solid attachment to 'their forests and lands'. The state has had several intermittent forestland conflicts with indigenous peoples throughout the country over the last few decades. The FRA of 2006 was a state-led effort to bridge the gap between the traditional rights of the indigenous people to forest resources and the constraints imposed by formal laws. This Act marked a turning point in government attitudes toward Scheduled Tribes and other forest dwellers and their rights to forest lands and other related resources. The Act sought to partially correct the historical injustice caused to the nation's forest-dwelling

indigenous peoples by subsequent forest policies and give them a primary role in forest protection (Perera, 2009, p.22<sup>12</sup>; Baginski et al., 2010<sup>13</sup>).

The Forest Rights Act (FRA) has been in effect in Assam since its inception. According to the Act, the government must grant land pattas to schedule tribes and traditional forest dwellers who have settled in various forest and *tongiyavillages* established by the British in numerous Reserve Forests of the State. For this purpose, the Assam government has established 22 DLCs (District-Level Committees) and 30 SDLCs (Sub-divisional Committees). There are 1,387 Gaon Sabhas, which cover all of the forest villages, hamlets, and habitations covered by 17 DLCs. However, for several reasons, the Act is not implemented in the spirit of its provisions in the state. According to state statistics, of the 1,31,043 claims received by the Assam government until 10 April 2021, 31,903 were rejected till August 2021.<sup>14</sup> The demands of landless people on the Golaghat side of the border are also being met with similar objections. The state's role is seemed to be limited to distributing a few *dakhalisarta* (occupation rights) to the Schedule Tribes (ST) families of a few villages in the D sector.

Nationally, Assam, along with six other states, was found to have failed in effectively implementing the FRA 2006, despite the Union government's campaign mode. The Act's implementation in these states has been slow and ineffective. There

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<sup>12</sup>Perera, J. (Ed.). (2009). *Land and cultural survival: The communal rights of indigenous peoples in Asia*. Asian Development Bank.

<sup>13</sup>Baginski, O. S., Sarin, M., Ghosh, S., Dasgupta, P., Bose, I., Banerjee, A., Sarap, K. Misra, P., Bandopadhyay, A. (2010). The Colonial Legacy of Forest Policies in India. *Social Scientist*, 38(1/2), 53-76.

<sup>14</sup> "Forest Rights Act: Dispur to review implementation status in Assam". Retrieved from <https://www.eastmojo.com/assam/2021/10/29/forest-rights-act-dispur-to-review-implementation-status-in-assam/> on 25.06.22.

are numerous rejections, the vast majority of which are incorrect. Many are founded on faulty and unconvincing grounds. Furthermore, these seven states have been inconsistent and slow in submitting their reports to the Centre. According to a Ministry of Tribal Affairs official, there is a low level of awareness about FRA execution among claimants and those who are supposed to implement it. The ministry has organised consultations with state governments to raise awareness about the timely resolution of land-rights claims. Despite their efforts, these states' performance has not improved, and rejection rates are high.<sup>15</sup>

Oxfam India has identified three specific reasons for the slow implementation of the FRA, 2006 in Indian states, including Assam. The main implementation barriers are structural conditions that define the state's power versus the powerlessness of scheduled tribes and other forest-dependent communities. To explain, three significant impediments to the accomplishment of forest rights are:

*Lack of Political Will:* There is no political will to execute this Act because the assertion of power by forest-dwelling communities is directly opposed to the plan of ease of doing business. It also calls into question the power and authority of the Forest Department, which has managed the forest for commercial gain since colonial times.

*Systemic issues:* There is a lack of cooperation in implementing the Act between the tribal, revenue, and forest departments. Numerous laws, such as the compensatory afforestation act, are in dispute with FRA and make it challenging to implement FRA on the ground. Another significant issue with FRA is the failure to

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<sup>15</sup>“7 states fall short of Forest Rights Act implementation: Government”. Retrieved from <https://m.economictimes.com/news/politics-and-nation/7-states-fall-short-of-forest-rights-act-implementation-government/articleshow/55647998.cms> on 20.05.22.

recognise community forest resource rights. The forest department is staunchly opposed to recognising CFR Rights and working cooperatively with Gram Sabha for forest resource protection and conservation.

*Implementation challenges:* There are several implementation challenges of the Act. Numerous claims are being rejected, while delayed or limited rights are being recognised. The Ministry of Tribal Affairs, Government of India has instructed state governments to state that in the event of rejection of any claims, reasons must be communicated, and claimants must be allowed to appeal, which is rarely done.<sup>16</sup>

Proper implementation of the FRA, 2006 can significantly impact the entire discourse of land rights issues on the Assam-Nagaland border of the Golaghat district. The political will of the state government is the most crucial factor in this regard. The proper implementation of the Act will protect the settlers' rights as citizens while also validating the state's ownership of the land along the border, which the Nagas claim.

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<sup>16</sup>“Four reasons why the Forest Rights Act fails to empower forest-dwelling communities.” Retrieved from <https://www.oxfamindia.org/blog/forest-rights-act> on 20.05.22.



## **CHAPTER – VII**

### **CONCLUSION**



## CHAPTER-VII

### CONCLUSION

The Golaghat district has been a hotspot of land rights movements in Assam. The land rights issues on the Assam-Nagaland border of the Golaghat district have raised several critical points about the state's land governance system as a whole, as well as the relationships between land rights and individuals' politico-economic rights. The previous chapters of the study have systematically examined the various critical dimensions of the land rights issues of the people settled on the Golaghat side of the border. People settled in the bordering areas with Nagaland have been demanding recognition of their land rights for many decades. However, the Assam government has yet to acknowledge their land rights demands for three reasons. First, the Nagas have demanded a large area within the Golaghat district that they claim has historically belonged to them. The Naga encroachers have already taken over a large portion of the Golaghat district through forceful encroachment with the help of their police and armed groups. For this purpose, the Naga encroachers have killed hundreds of Assamese settlers along the border. They occupied their lands, burned villages and agricultural fields, looted cattle, and imposed '*Naga taxes*' on poor Assamese settlers. Naga atrocities and brutality have resulted in several border clashes between Assam and Nagaland over the last few decades.

Given the Nagas' competing claims, the state and union governments have devised several steps to address the border problem. Aside from the bilateral efforts of the two states, the Union government had established three commissions. In 1971, the

Union government constituted a border commission under the chairmanship of K.V.K. Sundaram, also known as the Sundaram Commission. The Sundaram Commission submitted its report with the conclusion that the Naga claim to 4975 square miles of Assam territory was not based on verifiable facts. By stating the existing border demarcation 'disputed', the commission recommended both states maintain the status quo on the disputed sites of the border and are barred from granting or approving any residents' appeals. The Sundaram Commission also divided the Assam-Nagaland border into six administrative sectors: A, B, C, D, E and F. The border's A, B, C and D sectors are the most contentious and located in the Golaghat district of Assam. Since then, the A, B, C and D sectors have been officially disputed. The region's law and order matters have been delegated to a central neutral force stationed at various disputed sites. However, the Nagaland government rejected the commission's recommendations. Similarly, the Shastri Commission, 1985 and the J.K. Pillai Commission, 1997 failed to provide any solution to the border dispute since their conclusions were rejected by one of the two states. While Nagaland rejected the Sundaram and Shastri Commission recommendations, Assam rejected the J.K. Pillai Commission findings. The political parties in power in both states see the situation in terms of their political gains and losses and the economic value of the natural resources available on the disputed border sites. It is one of the reasons for which the Assam-Nagaland Border Commissions have failed. On the other hand, unresolved border issues have forced the state government of Assam to refrain from recognising the land rights of settlers on the Golaghat side of the border.



Secondly, in addition to the ‘disputed’ nature of the border, the land issues of the Assam-Nagaland border of the Golaghat district have another critical angle. The entire area along the border officially belonged to four reserve forests and is thus a *bonanchal*. Currently, though no forest remains exist except for a few domesticated trees planted by the settlers, the state has yet to convert the area from forest land to human habitat land. As per the Forest (Conservation) Act, 1980, no individual or group of individuals can invoke land rights in any government-designated forest in India. Any unauthorised or illegal human habitation or activity on forest lands may be considered a breach of forest laws. Part 2 of the Act limits state governments’ authority to de-reserve forests or use forest land for non-forest purposes. It forbids the state government from issuing forest-related orders without prior permission from the Central government.

Aside from that legal and institutional complexity, the state forest department considers human encroachment on forested lands a severe threat to wildlife and forest biodiversity. It has also been identified as one of India’s significant causes of forest land conversion. The experience of Assam is no exception in this regard. The state forest department has adopted several strategies to prevent further human encroachment on forested lands and conserve the latter. Eviction is one such approach, which has also caused widespread dissatisfaction among people who have lived in and around reserved forests for generations.

The third reason is that due to the Naga government’s uncompromising attitudes regarding border demarcation and consistent rejection of border commission recommendations, the Assam government filed a lawsuit in the Supreme Court, which

was renewed in 1998, to resolve the dispute through the Court's ruling. At present, the issue is under the Supreme Court's supervision. Both states are asked not to make any decisions that impede the Supreme Court's ability to find a long-term solution to the problem.

The land rights questions on the Assam-Nagaland border of the Golaghat district have become complex and critical by all the conditions described above. Hundreds of region villagers have been debarred from their land occupation rights. Non-recognition of their land rights has created many other economic, political, social and cultural problems. The people have been facing challenges from different angles. For instance, their lives have been panic of Naga atrocities, uncertain about the eviction drives of the forest department of Assam, and social humiliation for being *bonanchaldakhalkaris* (encroachers of forestland). It is true that despite these challenges, the villagers have lived in the bordering areas and thus protect a vast area of Assam's territory from potential Naga aggression.

Besides, the state's denial of land rights to settlers on the Assam-Nagaland border of the Golaghat district has caused enormous politico-economic problems in their lives. They live in villages without access to bare necessities such as road connectivity, transportation, medical services, higher education facilities, electricity, banking services, etc. People in the region are frequently denied access to many government schemes and services due to a lack of land occupation rights. These circumstances have deteriorated into a massive humanitarian crisis in the bordering villages. The settlers without land have few other options for a living. Millions of rural

Indians derive their cultural identity from their land. Claiming their rights to land and other natural resources is similar to claiming political, economic and cultural rights.

The present study framed three research questions to comprehend the abovementioned land rights questions on the Assam-Nagaland border of the Golaghat district. The research questions were primarily concerned with the major issues and dimensions of land rights tensions, the roles of civil society organisations in articulating land rights issues, and the approaches taken by the state to address land rights issues. Here is a summary of the research findings.

Land governance is a multifaceted process of governing land, forests and other natural resources and the rights and limitations of the state's citizens. It covers all aspects of managing land and natural resources needed to achieve political and social objectives. Efficient and transparent land governance could benefit a country's national resource management and citizens' rights and contribute to reducing poverty. It also helps to meet relevant, sustainable development goals (SDGs).

Good land and forest governance systems are required for countries such as India, where most people rely on land and forests. Poor governance of land and forests has resulted in enormous socio-economic disparities and poverty throughout India's history. While access to forests is restricted for people whose livelihoods have been based on forests for generations, private business enterprises have been granted legal licenses over forest resources. The state has done all this in the name of forest conservation. The presence of residents in and around forests is viewed as a threat to the forest's survival. The landless peoples of the country gradually identified

themselves as disconnected from their land and forests. People's landlessness has sparked several land rights movements in India.

Assam has been a prominent state of the Indian Union that has experienced a massive land crisis in its recent past. More specifically, the land crisis in the state is a crisis for the indigenous Assamese communities. The problems with land rights of the indigenous communities in the state have been exacerbated due to several factors such as natural disasters, illegal immigration, state land accumulation for public purposes, and the contrast between state land laws and traditional land governance patterns. The present study has concluded that the indigenous people's land crisis in Assam primarily results from the state's ineffective land governance system. Assam's Revenue Department of the state government has remained very traditional in its operations. As a result, many indigenous villages that have existed for hundreds of years are still outside revenue circle areas. The department has not conducted additional land surveys to reclassify their land and villages.

Furthermore, the land records in Assam have not yet been digitised. The Revenue Department has kept the state's land records in a traditional manual system. As a result, the department lacks accurate data on people's land ownership. The digitisation of land records and the development of a proper, up-to-date state land mapping system are essential for a sound land governance system in the state.

The land rights issues along the border cannot be discussed without addressing the ongoing Assam-Nagaland border disputes. The desire of both states to keep possession of the forested lands along the border is the root cause of the Assam-Nagaland border dispute. There have been moments in history when both states raced

to encourage their citizens to settle on forest lands along the border to maintain control over them. Until 1947, all the land areas in the current A, B, C and D sectors along the border were free of encroachment. Until then, only forest settlements in forest villages were permitted in the area to conserve and maintain forest biodiversity. For instance, in 1905, four forest villages- Merapani, Soundangpathar, Kasomari and Amguri forest village- were founded in Doyang Reserve Forests, with a few more later at Uriamghat in Rengma Reserved Forest and M.V. Chungajan in Nambor South. There were no additional human settlements recorded during the British rule in Assam.

However, the first wave of human migration to the borderlands occurred in the post-independence era when the Naga government decided to grant land allotment to Naga insurgents who had surrendered. As the news spread across Assam, the state government feared losing the whole forest tract along the border. It was widely assumed that the Naga government intended to establish control along the border through this land allotment to the surrendered insurgents and their families. To counterbalance the Naga government's move, the Assam government decided in 1962 to grant land pattas to retired army personnel between Chungajan and Bokajan, closer to the border. In the aftermath period, too, many landless people from other regions of Assam migrated and settled in the reserve forest with the encouragement of some state political figures.

In 1968–70, the Assam government adopted the 'half-mile belt scheme' through which the government encouraged the landless people to be settled in the open field nearer to the border with Nagaland. The scheme was intended to accomplish two indirect purposes of the Assam Government: to create a human shield to defend the

contested areas of the Assam-Nagaland border from possible Naga aggression and to maintain control over the plains and forestlands on the Assam side of the border (Gogoi, 2011).<sup>1</sup> A large number of Naga villages were also established with government assistance, particularly in Sector B of the Golaghat district, and are now fully supported by the Nagaland government, which provides necessities such as schools, electricity, and road connectivity, etc. As a result, a human settlement arose, and the forest lands today are entirely deforested along the border. In addition to the settlers, the deforestation process accelerated when the local administration on both sides of the border permitted several sawmills to operate in the reserve forests, aided by forest mafias (i.e. timber merchants) and corrupt government officials. It proves that human encroachment on the forested territories along the border is a crucial aspect of the current Assam-Nagaland border conflict.

Another critical aspect of the discourse is the political will of both central and state governments to resolve the border dispute. The ambiguity about the actual demarcation of the border between the two states and the failure of the mediating Union government to reach an equitable and long-term solution to the vexing border issue is widely believed to be perceptible. The union and the state governments of Assam and Nagaland do not appear sincere in their efforts to find a long-term solution to this situation. They appointed commissions, but their reports and agreements inked between Assam and Nagaland are just on paper. For instance, during the tenure of the K.V.K. Sundaram Commission, state governments agreed to sign four interim border peace and tranquillity agreements. The agreements sought to maintain the status quo in

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<sup>1</sup>Gogoi, A. (2011). *GanaSangramorDinlipi*. Guwahati:AkhorPrakash

border areas until the border dispute was resolved. In theory, the agreements are still in force but are constantly violated in practice. The Nagas, for example, are constructing permanent structures such as schools, community halls, churches and roads in contested border areas.

Meanwhile, the Nagaland government has established two sub-divisions in the A and D sectors- *Newland* and *Homeland*. In recent decades, the most common intention behind the Naga's aggressive investment along the border has been to derail the Assam government's stand on the lands. As a result, there is perpetual resentment on both sides, which directly impacts the peace and stability of the region.

For decades, residents on the Golaghat side of the border have been victims of militarisation and lawlessness. Despite efforts at the government level to resolve border disputes, most respondents (i.e., 67 percent) thought the Union government's role in this matter was ineffective. Similarly, 67.67 percent of respondents thought the state government's position was ineffective. The majority of the respondents believe that there is a lack of political will of the state governments to resolve the dispute. The Union government has relinquished its responsibility to form a few border conflict resolution commissions. As a result, state governments have struggled to agree on the border issue. As a result, the dispute between Assam and Nagaland continues.

Another cause is the failure of border commissions which can be linked to the prominence given to political interests on both sides of the border. The Sundaram Commission of 1971, the R.K. Shastri Commission of 1985, and the J.K. Pillai Commission of 1997 failed to provide meaningful solutions since one of the two states rejected their recommendations. Political parties in power only see the situation from

the perspective of their political gains and losses. It is one of the reasons why the border residents have to live in terror, uncertainty and as second-class citizens.

The value of the borderlands, a large portion of which are fertile and rich in oil and gas, has undoubtedly increased vested political interests. A sizable proportion of respondents believe that political propaganda about the contested nature and history of the borderlands is being spread from both sides. The hidden agenda behind this propaganda is to divert the people's attention from the ongoing land crisis to the Assam-Nagaland border conflicts. As long as the propaganda persists, both states may be able to reap economic benefits from the borderlands' natural resources. In that manner, it is expected that as long as the lands are contested, no inhabitant will be able to claim ownership of any part of the territory. Furthermore, residents of the region are currently prohibited from constructing any permanent structures along the border. Before making any permanent structure, even for a *puccaghar*, they must obtain permission from local authorities. With such legal-institutional complexities, residents are denied their fundamental human rights to life.

The study also realises that the role of political parties that are not in power is similarly insincere in finding a solution to the land crisis of the people on the Golaghat side of the border. In this regard, a significant section of the respondents (39 percent) found the role of opposition political parties ineffective. A substantial proportion of respondents even accused political parties of inciting tension for political gain and using poor landless people along the border as vote banks. Moreover, each political party makes hollow promises before elections to attract poor landless voters, forgetting everything once they grab power. Subsequently, the villages of the borderlands



continue to be cut off from road connectivity, education and medical services, internet access and post office services.

The unresolved border dispute between Assam and Nagaland has given political parties yet another opportunity to play vote bank politics. It is worth noting that the forestlands of the Assam-Nagaland border have recently witnessed another wave of human migration, which may be referred to as the third wave of migration of suspected nationals amidst the ongoing border clashes. Most of them are currently concentrated in and around Merapani in the D sector, as well as Bidyapur and Koraihat in the C sector. It is astonishing to see another wave of human settlement in the borderlands. Many settlers have died for land rights, and the rest are living without the necessities of life. Even in such a chaotic environment, the suspected nationals began to receive political support from some local political leaders and government officials who had a vested interest in their presence. Their migration and settlement in the borderlands had sparked widespread resentment among the locals. The inhabitants of the nearby villages have demanded the district administration take appropriate action. Many respondents of the C sector said that the suspected nationals have their names added to the electoral roll with the help of powerful police and government officials instead of evicting them. Many of them are now farming as tenants in the Naga-occupied lands. The Naga landlords also provide them with houses and agricultural machinery. In exchange, the tenants must return a fixed percentage of their output to the landowners.

The villagers on the Golaghat side of the border harbour another form of resentment towards the Assam government. Many villagers along the border are

survivors of '*Naga taxation*' levied by Naga landlords and militants, which the security forces, including the central neutral forces, have failed to stop. In the face of Naga landowners aided by armed militants, poor farmers are helpless. Taxes (land tax, house tax, agricultural tax, cattle tax, ransom tax and tax on random demands) are collected in cash or form agricultural products from those residing and cultivating crops on lands once owned by the Reserve Forests. Those who refuse to pay tax risk being shot or kidnapped for a hefty ransom. People have no choice but to pay the taxes imposed on them. It is known that those purporting to represent Naga tax collectors have unrestricted access to tax collection, primarily in A, B and C sectors. When tax-related complaints are brought to the attention of security forces, their responses are hardly deterrents to illegal taxation. In addition, the local administration rarely responds to the issue with genuine intent. Despite numerous media reports on Naga's unfair taxation, the local administration often attempts to ignore the news.

Respondents' responses vary regarding the measures taken by the Dhansiri civil administration to safeguard the landless farmers from illegal Naga taxation. The local administration has taken steps to counter the unlawful tax. These include establishing two posts of Border Magistrate (BM) to look after matters, making regular visits by BMs to the border, holding regular talks with Naga counterparts, and making neutral forces more alert to the security and safety of human lives and livestock. However, despite the efforts of the civil administration, the majority of the respondents (72 percent) said the measures were ineffective and half-hearted. They claimed that establishing posts like border magistrates is merely a formal exercise to divert people's attention. In reality, BMs never stay at the border and only arrive when

there is an incident. Furthermore, residents of the region have to travel to Sarupathar town, approximately 40 kilometres away, for a simple approval of the BMs. Subsequently, the Naga landlords, aided by armed militants, continue to exercise their power along the border.

The present study also draws some interesting inferences about the role of central neutral forces deployed for maintaining law and order situations along the border. However, public reactions to their neutrality and effectiveness in bringing peace have mainly been adverse. The majority of respondents (71 percent) on the Golaghat side of the border viewed the role of neutral forces as not neutral and, thereby, was unwilling to stop the miscreants of peace and tranquillity in the area. Many of them even described them as detrimental to peace and harmony. They are accused of sympathising with the Nagas. Some claimed that they used to collaborate with the insurgents and assisted them by being passive in enforcing their demands. Others believed that the security personnel were terrified of the insurgents. There have also been numerous cases of inhumane behaviour by Naga armed goons, but the neutral forces have done anything to stop them or apprehend the perpetrators.

The media frequently reports on CRPF personnel getting into fights with locals. There has been an allegation that CRPF personnel were involved in collecting *gunda tax* (taxes collected by threatening) from the business community of Merapani. A few of the respondents from the B and C sectors have accused CRPF officers (without naming them) of demanding bribes in exchange for allowing them to build houses and other structures. After engaging in such non-neutral activities, the CRPF

unit is immediately transferred, and a new team is assigned. Ironically, the people face the most vulnerability and insecurity from those who are supposed to protect them.

The current study also made a concerted effort to investigate the forest land issues inherent in the overall land rights discourse on the Assam-Nagaland border of the Golaghat district and the associated complexities in granting land rights to settlers on the Assam-Nagaland border of the Golaghat district. The study has concluded that human migrations aided by state and political parties in different periods have resulted in deforestation on the borderlands. The present study has identified several factors that contribute to human migration to borderlands, three of which are particularly important: i) lack of land or being landless, ii) natural disasters, and iii) political instigation. According to 46 percent of the respondents, lack of land or being landless is the primary reason for human migration to the area. According to 35.67 percent of the respondents, lack of land caused by natural disasters such as floods and erosion was the leading cause, whereas 15.33 percent believed it was due to political instigation.

Lack of land or being landless has been a significant issue in the state of Assam. According to a statistic presented in the Assam Legislative Assembly in 2018 by then Forest Minister Pramila Rani Brahma, Assam has 3,62,450 landless families in 31 of its 33 districts, with Tinsukia in Upper Assam topping the list.<sup>2</sup> And the vast majority of them are landless as a result of flooding and erosion. In addition, some migrants are landless due to political, economic and historical factors. The

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<sup>2</sup>“3.6L families in Assam landless”- The Telegraph, 22 February 2018. Retrieved from <https://www.telegraphindia.com/north-east/3-6l-families-in-assam-landless/cid/1442473> on 05.03.2022.

Adivasis who live in the area are living proof of this type of landlessness. The landless families of the state have been living on embankments, forests and other government lands. Occasionally, those who have settled in forest areas have also been subjected to evictions.

The State Land Policy, 1989 has introduced specific provisions to address landlessness. In another sense, the policy has provided legal underpinnings to landless families in rural and urban areas. According to the Section 1.3 of the Land Policy, 1989, a rural landless household is entitled to seven bighas of land for agriculture and one bigha for homestead. Section 14.1 of the policy states that a landless family in urban areas is entitled to one katha ten lessa in a municipal area and two katha in other urban areas. Under the provision, deputy commissioners have been given the authority to allot land.<sup>3</sup> However, there are hardly any examples of land being allocated to the landless in Assam under these provisions. The denial of land occupation rights to landless settlers on the Assam-Nagaland border is a living example of non-implementation of the Land Policy 1989.

Notwithstanding the long-standing land ownership demands, indigenous people on the disputed site of the border continue to live without land ownership rights. The state considers them forest land encroachers. In contrast, the majority of the respondents (59.67 percent) blamed the state forest department, which was aligned with forest mafias and other crooked government officials of the locality, for its large-scale deforestation. Human migration, according to 9.33 percent of them, is the cause

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<sup>3</sup> Land Policy, 1989. Retrieved from <https://dlrar.assam.gov.in/sites/default/files/porlets/Land%20Policy%201989.pdf> on 05.02.2022.

of deforestation. Thus, it demonstrates how difficult it is for the state to maintain its policy orientation toward ecological balance when it identifies itself as the traitor of the entire exercise.

The demands and approaches of the land rights movement along the Assam-Nagaland border of the Golaghat district and the state responses to the demands have been another significant subject inquiry of the present study. In this regard, the study has categorically analysed the settlers' demands on the Assam-Nagaland border of the Golaghat district. The first wave of people's land rights assertion along the Golaghat border started in the late 1960s. During the early days of their settlement, the migrated settlers faced relentless opposition from a few nearby tea companies for occupying the open lands in Doyang and Nambor reserves which the latter wanted to incorporate into their gardens. As human land occupation increased, the nearby tea companies started putting pressure on the local administration to evict the settlers, which resulted in a land conflict between settlers and forest departments. However, the state government's position on the issue was neither in favour of large-scale evictions nor in providing a political solution. It prompted landless families to join together in 1968 to assert their land occupation rights. The protest of 1968 was known as the first-ever land rights protest along the Assam-Nagaland border. The protest was primarily promoted and supported by the local wings of the Socialist Party and the Communist Party of India (M). Many people participated in the protest rallies, reaffirming their claim to control over the occupied lands. Given the widespread support of the protest, the ruling Congress Party deemed the issue politically sensitive and decided to halt (temporarily) the ongoing eviction drives against the landless settlers. But the problem did not

resolve there. The Nambor and Doyang region remained a hotspot for forest land disputes between settlers and state forests and revenue departments.

The ongoing border dispute with Nagaland also aided the forest department in regaining the power to regulate the disputed forest lands. According to the report of the V.K. Sundaram Commission, submitted in 1971, the Assam government was to depopulate the border up to 10 kilometres from the actual borderline to create a neutral zone. As a signatory to the Sundaram Committee's recommendation, the Assam government authorised the forest department to evict the human settlement on the tract. Police brutality led to the deaths of many civilians. On the other hand, the police atrocities against the poor landless people of Doyang and Nambor sparked widespread resentment throughout the state, laying the foundations for a popular land rights movement against the state. The allocation of land pattas, which would confirm their rights over a specific patch of land, remained the primary demand of the protest, along with demands for the protection of human lives from police atrocities and Naga militancy.

Like other parts of India, Assam politics witnessed a new history in 1978. Under the leadership of Golap Borbora, the state installed its first non-Congress government. Sonowar Bora, also known as Doyang Bora, a socialist leader from Golaghat, won the election with the widespread support of the landless people of Doyang. People in the area celebrated his victory as 'Doyang Bijoy Utsav' as a mark of their legitimate claim to these forest areas. Borbora appointed him as Agriculture Minister in his cabinet. The Borbora-led state government had implemented many pro-people policies, including the waivers of land revenue for farmers with up to 10

bighas. Chief Minister GolapBorbora declared in June 1978 to open the Doyang Reserved Forest to the villagers residing there since the 1950s. Panchayat elections were held in Doyang and Nambor for the first time (Saikia, 2008).<sup>4</sup> During this transition period, the Janata Party government was forced to dissolve in September 1979. However, though they did not provide these settlers with permanent land rights, they did provide them with a sense of security.

Apart from this political transition, the Doyang land rights movement suffered another setback in 1980, when the Indian parliament passed the Forest (Conservation) Act. The Act significantly strengthened forest departments' ability to effectively supervise forest affairs while limiting the power of state governments in forest matters. After the enactment of the Act, according to an estimate, 13 evictions were carried out in various villages of Doyang and Nambor between 1981 and 1999, with no meaningful scale of forest conservation. Surprisingly, there was no organised protest against the state's eviction drives in Doyang and Nambor during the period. Likewise, the state forest department also conducted multiple eviction drives in some villages of Nambor and Doyang reserve during the first decade of the 21st century. The eviction in June 2002 was the most horrific, displacing hundreds of poor landless families in Tengani of Nambor Reserve. The houses of the poor farmers were shattered, and domesticated trees were cut down, making it impossible for the evicted families to re-establish themselves on the lands. The forest department was so ruthless to the people that the evicted families were left with no rehabilitation facilities. The displaced

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<sup>4</sup>Saikia, A. (2008). State, peasants and land reclamation: The predicament of forest conservation in Assam, 1850s-1980s. *Indian Economic Social History Review*, 45 (77), 77–114.



people were forced to live in abject poverty and seek refuge in schools, panchayat offices and other nearby villages.<sup>5</sup> The forest department, on the other hand, did nothing to afforest the region and left the vacated villages until these were re-occupied by their previous owners.

It was indeed a live-or-die situation for the people of Nambor and Doyang, who lived closer to the border.<sup>6</sup> They understood that there was only one way left to secure their possession of lands, and that was the path of democratic assertion. That eventually led the villagers of Tengani and Doyang to join together in 2002 under the banners of BrihattarTenganiUnnayanSangramSamiti in Tengani and DoyangMuktiSangramSamiti in Doyang with the shared goal of defending their land rights. Several civil society organisations of Golaghat have joined the land rights movement, making it one of the most active land rights movements in Assam. Along with the land ownership demand, other demands of the campaign include: i) resolving the Assam-Nagaland border dispute with sincere political intention, ii) establishing peace and tranquillity in the region, iii) converting forest lands to human habitat lands, iv) stopping the eviction drives by the forest department with district administration v) improving road connectivity in the border region, vi) electrification, vii) establishing higher educational institutions and medical infrastructure, and viii) providing state recognition to the services of the gaonburhas and ix) implementation of FRA, 2006.

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<sup>5</sup>According to the people who witnessed state eviction drives and post-eviction miseries.

<sup>6</sup> According to what the villagers told the researcher during the field study.

The state's responses to the demands raised by the second phase<sup>7</sup> of the people's movement were varied. Currently, the people on the Golaghat side of the border are yet to get land pattas to their lands. In this regard, most respondents (53.67 percent) believed the state initiative was negligible. They thought the GolapBorbora-led state government was the only government that showed its true political intention by bringing the land rights issue into the Legislative Assembly of Assam. Since then, no state government of Assam has brought their land issue to the floor of the Legislative Assembly and discussed it.

Similarly, there is widespread discontent with the role of local political representatives in resolving the problems of the borderlands. Following Soneswar Bora's demise, the district's political leadership, particularly in the Golaghat and Sarupathar Legislative Assembly Constituencies, has been entirely silent on the issue. They showed their rush and high when there was a conflicting situation on the border to reap the political advantage of the situation.

However, with respect to the role of the existing MLAs, 70 percent of the respondents thought it was very positive and responsive. According to them, the current MLA of the Sarupathar constituency has been active in several issues concerning the Assam-Nagaland border. His involvement is primarily visible in securing possession of the areas by connecting through road connectivity, electrification, deploying more police personnel to the border, and ensuring regular

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<sup>7</sup> Historians such as ArupjyotiSaikia classified these new people's uprisings in Nambor and Doyang as the second phase of a peasant movement in the region aimed at securing long-standing land rights demands.

border visits by border magistrates. Furthermore, most respondents from the A, B and C sectors praised the existing MLA of the Sarupathar Legislative Assembly Constituency for raising the issue of land rights on the floor of the Assam Legislative Assembly in his maiden speech.

To resolve the land rights issue on the Golaghat side of the border, the state government has to overcome two related legal-institutional complexities. The first complexity is posed by the Forest (Conservation) Act, 1980. To prevent further deforestation, the Act prohibits the de-reservation of forests or the use of forest land for non-forest purposes. The non-forest purpose refers to breaking or clearing any forest land or portion thereof for (a) cultivation or (b) any purpose other than re-forestation.<sup>8</sup>

The second hurdle is due to the lawsuit filed in the Supreme Court by the Government of Assam in 1988. The suit aims to determine the boundary and resolve the points of border disputes with Nagaland. The lawsuit also seeks to guarantee a permanent injunction limiting the state of Nagaland from intruding on areas within Assam's constitutional boundary, to proclaim Assam as the legitimate owner of all encroached areas, and to direct Nagaland to hand over peaceful possession of those areas. Accepting the lawsuit for hearing, the Supreme Court ordered both states to maintain the status quo on the border and to refrain from making any permanent decisions that could obstruct the courts' investigation until the final

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<sup>8</sup>The Forest (Conservation) Act, 1980 [Central Act No. 69 of 1980]. Retrieved from <https://legislative.gov.in/sites/default/files/A1980-69.pdf> on 13.03.2022.

verdict. The Supreme Court attempted to mediate the dispute in 2010. But the report submitted by the mediators, who included two senior advocates of the Supreme Court, was rejected by both the Assam and Nagaland governments. In 2015, the Supreme Court ordered Assam and Nagaland governments to file a list of their witnesses and their testimonies in the form of affidavits with the Court's registrar. However, according to reports, the Court's hearing on the lawsuit has been slowed due to the ongoing Covid-19 pandemic. So far, no verdict has been issued.

Furthermore, proper implementation of the FRA, 2006 can significantly impact the entire discourse of land rights issues on the Assam-Nagaland border of the Golaghat district. The political will of the state government is the most crucial factor in this regard. The proper implementation of the Act will protect the settlers' rights as citizens while also validating the state's ownership of the land along the border, which the Nagas claim.

#### **Policy Recommendations:**

The current study offers a few policy recommendations for addressing the land rights issues on the Assam-Nagaland border of the Golaghat district in particular and Assam in general.

- i. The Land Revenue Department of the Government of Assam needs to conduct a comprehensive land survey, particularly in areas where lands are still unsurveyed, listed as grazing lands or government lands, but have been occupied by humans for several years. The Brahma Committee also

recommended the proposed land survey by the Assam government. However, the state currently lacks a comprehensive land survey. The proposed land survey will accurately represent the land and human occupation and habitation on it.

- ii. One of the most vulnerable land issues that Assam has faced so far is land depletion caused by natural disasters, particularly floods, river erosion and devastation caused by river dams. Every year, river erosion depletes thousands of hectares of agricultural and human habitat lands in Assam. Natural floods have been aided even more by unscientific river embankments, which cause the yearly depletion of thousands of hectares of agri-lands in the state. Due to river dams, thousands of hectares of agricultural land in the state are currently submerged in sand. However, no government report or survey of depleted lands on these natural and development-induced causes is available. Moreover, the state has provided very few rehabilitation facilities to those affected by these disasters. Hence, the current study recommends the state government of Assam conduct a special annual land survey of natural disaster-affected areas. It will not only inform the state government of the acute land problem but will also assist the government in developing alternative rehabilitation measures for affected families. Alternative rehabilitation measures will halt migration and encroachment on the state's forested lands.

iii. The state government of Assam should constitute a task force to ensure proper implementation of the FRA, 2006. Though the FRA, 2006 has been in effect in Assam since its inception to address the historical injustices traditional forest dwellers face, its implementation has been very slow and ineffective. There are numerous rejections, the vast majority of which are incorrect. Many are founded on faulty and unconvincing grounds. Furthermore, these seven states have been inconsistent and slow in submitting their reports to the centre. There is a low level of awareness about FRA execution among claimants and those who are supposed to implement it. It is often because of the typing mistakes of the habitation records of the people in different reports that the forest dwellers' rights have been rejected. The claims of the traditional dwellers on the Golaghat side are also met with similar rejections. Many forest villages were established on the Assam-Nagaland border of the Golaghat district during the British rule in Assam and the early decades of independence. The failure to recognise these forest villagers' land rights under the FRA has been a matter of concern. Moreover, there is a severe lack of political will to execute the Act and a lack of cooperation between the tribal, revenue and forest departments in implementing the Act. The task force will thoroughly investigate the claimants' claims and assist the state government in expediting the implementation of the FRA, 2006 in its entirety.

- iv. Finding a long-term peaceful political solution to the Assam-Nagaland border dispute is a critical step toward addressing the land issues of people near the border. The border dispute has long been pending before the Supreme Court. However, recently, there were reports about a political agreement between the political leaders of Assam and Nagaland to settle the long-standing border dispute out of the Court. Accordingly, both states are ready to share the royalty of the oil and natural gas of the disputed border sites. The peaceful out-of-court settlement of the border dispute and issues concerning the distribution of royalties from natural resources will benefit both states in their efforts to remain friendly neighbours. Most importantly, the settlement of the border dispute is primarily needed for the people settled along the border for their peaceful living and to recognise their rights over land. In July last year, in a significant move to de-escalate tension along the Assam-Nagaland border, both sides agreed that the security personnel of both states would simultaneously move back from their present locations to their respective base camps.
- v. There is an enormous need of holding people to people contact and interactions to increase social-ethnic cohesion between the settlers on both sides of the Assam-Nagaland border of the Golaghat district. During the field study, it was noticed that the people living on both sides of the border have minimal relations and interactions. Each side distrusts the other side and thus lives in a situation of fear, anxiety and lawlessness. The people of

Nagaland have to use the road connectivity of Assam to travel to Dimapur and other places of Nagaland. There are many villages (i.e. located at finger zones) of both states on the border, surrounded by Assamese villages or Naga villages. But there are hardly any interactions and social relations between the villages. Because of the unresolved disputes, their daily lives have become pathetic. The mutual mistrust and fear gradually generate inter-personal fights and thus inter-state border disputes. Hence, both states must identify avenues to increase people-to-people contact and interactions in the border areas. Inter-people communication, social relationships and commercial exchanges between the Assamese and Naga settlers will reduce their fear and make the entire border area peaceful and prosperous.

Based on the research questions, objectives and overall findings of the present study, it is concluded that the land rights crisis developed on the Golaghat side of the Assam-Nagaland border has been a severe land governance crisis in Assam. The state must resolve the problem with genuine political intent. Without land, people cannot lead a safe and productive life. The land is a source of sustenance and identity for the scheduled tribes and other indigenous communities in Assam. Non-recognition of their rights over land has invariably violated their politico-economic and cultural rights. Land rights guarantee them the minimum assurance for access to food, shelter (housing) and advancement, without which people find themselves in great economic insecurity. Therefore, the state needs to take adequate steps to address the land crisis in the region.



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## **APPENDICES**

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## A Brief Profile of the Respondents of the Present Study

As stated in the introductory chapter of the present study, a total of 300 respondents were selected and interviewed for the study. The sample size was divided into three categories for a balanced understanding of their perceptions on the topic: residents along the Assam-Nagaland border of the Golagaht district, representatives of civil society organisations, and political and official state representatives. From the first category of respondents, a sample size of 250 was selected and interviewed. They were selected from 29 villages that belonged to four administrative sectors, A, B, C, and D, under Dhansiri and Golaghat Subdivisions. The study used the stratified random sampling technique in selecting the samples. The field study and data collection process began after several pilot studies in the chosen areas. In addition, the focus group discussion method was used to reduce potential sampling error in this case. The following table shows the distribution of areas and the sample size for the study.

**Table 1.1: Distribution of areas and sample size of the study**

Sl. No.	Name of the Sub-divisions	Rev. Circles	Dev. Blocks	Name of the Panchayats	Name of the Villages	Name of the Sectors	Sample Size
1.	Dhansiri	Sarupathar	South Dev. Block	Panjan	Salukpathar No 1	B	5
					Morajan 2	B	6
					Hatikhuli	B	5
				Madhyampur	Ganeshpur	B	5
					Navapur	B	5
					No 1 NatunRajapukhuri	B	5
				Chungajan	Chungajan 1	B	6
					Chungajan 3	B	5
					Matikhola	B	5
					SramikGoan	B	5
				ChungajanMajgoan	Naokata	B	5
					Shantipur-4		5
				Chungajan M.V.	Dagoan No 5	A	5
					Nakhuti	A	6
					M.V. Forest Village	A	5
					LaksmhiKachari	A	5
HaldhibariLachi	2 No ChetiaGoan	A	6				
	Chainpur	A	5				

				tgoan	Chukhanjan	A	5
				Koroighat	Lakhi Nagar	C	5
					Jayantipur	C	5
				Silanijan	Pithaghat	C	5
					Sunari	C	5
					Pujabil	C	5
2.	Golaghat	Golaghat	Gomariguri Dev. Block	Simanta	Shantipur No 2	D	5
					SarujanMiching	D	6
				Sisupani	Golokpur	D	5
					Pathartoli No1	D	5
					Odalipothar	D	5
Total				10 Panchayats	29 Villages		250 (83.33)^

\*Source: Field Survey

^ Figure in the parentheses is in percentage

**Table 1.2: Distribution of Representatives of Civil Society Organisations**

Sl. No.	Civil Society Organisations	Number of Respondents
1	BDTUSS	2
2	AASU	2
3	KMSS	2
4	AJYCP	2
5	AASAA	2
6	ABSU	2
7	AANSU	2
8	ACSTU	2
9	JNM	2
Total		18 (6)^

\*Source: Field Survey

^ Figure in the parentheses is in percentage

**Table-1.3: Distribution of Selected State Representatives**

Sl. No.	Representatives	Number of Respondents
1	Government Departments	18
2	MLA (1 Existing + 2 Ex)	03
3	<i>GaonPanchayat</i> Representatives	10
4	<i>AnchalikPanchayat</i> Representative	01
<b>Total</b>		32 (11)^

\*Source: Field Survey

^ Figure in the parentheses is in percentage

**Table 1.4: Occupation Wise Distribution of the Respondents**

	Variables	Number of Respondents
<b>Occupation</b>	Agriculture	237 (79)^
	Business	11(4)^
	Government Services	34(11.33)^
	Private Services	11(4)^
	Manual Labour	7(2.33)^

\*Source:Field Study

^ Figures in the parentheses are in percentage

**Table 1.5: Annual Income wise Distribution of Respondents**

	Annual of Income	Number of Respondents
Annual Income	Below 1 lakh	178 (59.34)^
	Below 5 lakhs	67(22.33)^
	Above 5 lakhs	33(11)^
	Not mentioned	22(7.33)^

\*Source: Field Study

^ Figures in the parentheses are in percentage

**Table 1.6: Family wise distribution of Respondents**

	<b>Variables</b>	<b>Number of Respondents</b>
Nature of Family	Nuclear family (2-4)	267 (89)^
	Nuclear family with dependents	15 (5)^
	Joint Family	18 (6)^

\***Source:** Field Study

^ Figures in the parentheses are in percentage

**Table 1.7: Religion wise Distribution of Respondents**

	<b>Variables</b>	<b>Number of Respondents</b>
Religion	Hindu,	217 (72)^
	Christian,	65(22)^
	Others (Muslims and Buddhists)	18 (6)^

\***Source:** Field Study

^ Figures in the parentheses are in percentage

**Table 1.8: Caste wise Distribution of the Respondents**

	<b>Variables</b>	<b>Number of Respondents</b>
Caste	General	16 (5.33)^
	OBC	175 (58.33)^
	SC	23(7.67)^
	ST	86 (28.67)^

\***Source:**Field Study

^ Figures in the parentheses are in percentage

**Table- 1.9: Educational Qualification wise Distribution of the Respondents**

	<b>Variables</b>	<b>Number of Respondents</b>
<b>Educational Qualification</b>	Under-Matric,	92 (30.67)^
	HSLC,	86(28.66)^
	HS	69(23)^
	Graduation	47(15.67)^
	PG and Above	6(2)^

\*Source:Field Study

^ Figures in the parentheses are in percentage

**Table 1.10: Sex wise distribution of the Respondents**

	<b>Variables</b>	<b>Number of Respondents</b>
<b>Sex</b>	Male	216 (72)^
	Female	84 (28)^

\*Source:Field Study

^ Figures in the parentheses are in percentage

## Questionnaire

*(For the Residents along the Assam-Nagaland border of Golaghat district)*

### Land Governance in Assam: A Study on Land Rights Questions in Assam-Nagaland Border of Golaghat District

**RidipKhanikar**  
PhD. Scholar, Dept. of Political Science,  
Dibrugarh University, Dibrugarh, Assam

Dear Respondents, I am undertaking this survey as part of my PhD programme under the supervision of Dr D. Dutta, Associate Professor Dept. of Pol. Science, Dibrugarh University, on the subject stated above. I request you to cooperate with me so that I can complete the survey on time. I promise that your details will be regarded as highly confidential. Thank you in anticipation of that.

#### 1. Profile of the Respondent

- a. Name of Respondent: \_\_\_\_\_  
 b. Village: \_\_\_\_\_ c. Panchayat: \_\_\_\_\_  
 c. Block: \_\_\_\_\_

1	Sex: ( 1= Male, 2= Female)	
2	Educational Qualification: (1= Illiterate, 2= Under-metric, 3= HSLC, 4= HS, 5=Graduation, 6=PG, 9= Other Professionals)	
3	Marital Status: (1= Married, 2=Unmarried, 3=Widowed, 4= Divorced, 5= Others (please mention), 9=No Idea)	
4	Religion: (1=Hindu, 2= Muslim, 3= Christian, 4= others)	
5	Community: (1=Gen, 2= OBC,3= SC, 4=ST , 9=No Idea)	
<b>2. Socio-economic Background of the Respondent</b>		
6	Main Occupation (1=Agriculture, 2=Business, 3= Government Job, 4= Private Job, 5= Manual Labor, 6=Others (please mention), 9=No Idea)	
7	Nature of Family: (1= nuclear family, (2 to 4 Members), 2= nuclear family with dependents, 3=Joint Family (with many nuclear families), 5= Others (please specify-----),9=No Idea)	
8	Family Annual Income: a. 1= Below 1 lakh _____ b. 2= below 5 lakhs _____ c. 3= above 5 lakhs _____ d. 9= Not mentioned _____	











**Interview Schedule**  
**(Forthe Government Officials Concerned)**

**Land Governance in Assam: A Study on Land Rights Questions in Assam-Nagaland Border of Golaghat District**

**RidipKhanikar**  
PhD Scholar, Dept. of Political Science,  
Dibrugarh University, Dibrugarh, Assam

Dear Sir/Madam,I am undertaking this survey as part of my PhD programme under the supervision of Dr D. Dutta, Associate Professor Dept. of Pol. Science, Dibrugarh University, on the subject stated above. I request you to cooperate with me so that I can complete the survey on time. I promise that your details will be regarded as highly confidential. Thank you in anticipation of that.

**1. Profile of the Respondent**

- a. Name of Respondent:
- b. Name of the Office:
- c. Administrative Position:
- d. Block:
- e. Subdivision:

1	Sex: ( 1= Male, 2= Female, 9 Others)	
<b>2. On Land Rights Issue:</b>		
2	Does the Assam-Nagaland border area of Golaghat district fall under your administrative jurisdiction? (1= Yes, 2=No, 9= No Idea)	
3	If so, please mention the administrative sector/sectors of the border come under your administrative jurisdiction. 1. 2.	
4	Numbers of Panchayatscome under your administrative jurisdiction in the border area- (1= one, 2=two, 3= three, 4= more than four, 9= No Idea)	
5	Numbers of villages comeunder your administrative jurisdictionin the border area- (1= one, 2=two, 3= three, 4= more than four times, 9= No Idea)	
6	Is the Assam-Nagaland border area of the Golaghat district part of any Revenue Circle? (1=Yes, 2= No, 9= No Idea)	
7	If so, please mention the Revenue Circle- 1.	





