

CHAPTER – IV

LAND ACCESS ISSUES IN THE BODOLAND TERRITORIAL REGION

4.1 INTRODUCTION

Inadequate or unfavourable land access continues to be a key cause of land-related difficulties. Inheritance plays a major role in determining land access in the Bodoland Territorial Region. Tribes endure many challenges, the most pressing of which is land-related. However, throughout the four districts of the region, land access and livelihood difficulties are becoming more of a concern in terms of tribal perspective. This chapter understands land access issues in the region and is related to some fundamental challenges to the livelihoods of the tribals.

4.2 LAND ACCESS

Land access is generally typified as the mechanisms by which individuals or groups obtain the right and opportunity to possess and use the land for agricultural, physical, and social purposes on a conditional basis (Quan, 2006). In many developed countries, the right to equitable access to the land, as well as issues such as who will be granted access and under what terms will access be granted, continue to be a subject of concern (Budlender, 1992). Such raising issues are not free in developing countries, particularly when it comes to tribal peoples that affect their livelihoods. Under which some relevant and intuitive meaning of land access rights can be categorised- Control Rights: the control rights that give the holder the authority to make major decisions about the land. This includes the ability to lease, sell, or transfer the land to others. Essentially, control rights allow the owner to determine the future use and ownership of the land. Management Rights: management rights allow the holder to manage the lands day-to-day activities. This can include activities like farming, building, maintenance, and other actions necessary to use and care for the land. Right to Access: right to access gives individuals or groups permission to enter and use the land. This can be for various purposes like walking, gathering resources, or other activities as specified by the landowner. First Occupancy Right:

the first occupancy right is based on the principle that the first person to use previously unoccupied land gains certain rights over it. Historically, this has been used to justify claims to land by settlers or pioneers. Right to Clearance: this right to clearance allows the holder to clear the land of vegetation or other obstacles to prepare it for agriculture, construction, or other uses. Use Rights: the use rights specify how the land can be used. It includes rights for farming, building a home, grazing animals, or recreational activities. Use rights define what activities are permissible on the land. Usufruct: it is the lawful entitlement to utilise and experience the advantages of another individual's property without possessing it. The usufructuary has the right to use the land and enjoy its yields, such as crops or rental profits, without actually possessing the land. Waste or Abuse: waste or abuse entails utilising the land in a manner that could diminish or harm its value. This is generally seen as a negative right because it can lead to environmental harm or reduced productivity of the land. However, it may be recognized in some legal frameworks, especially in historical contexts. Theoretically, waste relates to the owner's right to alter the property's condition for the better or the worse, though the most popular meaning is land abuse (Quan, 2006, Budlender, 1992).

The Bodoland Territorial Region (BTR) has long struggled with land rights concerns, which frequently lead to violence between different ethnicities. These issues stem from historical disputes over land ownership, demographic changes, and clashes between indigenous Bodo people and non-Bodo settlers (Brahma & Mushahary, 2022). The main issue of tribal survival in the Bodoland Territorial Region is land access, which includes insufficient recognition of land rights, a lack of effective land governance mechanisms and inclusive policies, inequitable land redistribution, and no active participation of tribal communities in land management and resource allocation decision-making processes (Brahma & Mushahary, 2022a). Tribal land access issues in the BTR largely revolve with the issues of- Historical Disputes: long-standing conflicts over land ownership between indigenous Bodo, Rabha and Garo tribes and non-tribal communities have persisted for decades. Historical Displacement: tribals, particularly Bodo communities, have faced historical displacement, leading to the loss of traditional lands and disruption of livelihoods due to developmental projects, conflicts, and migration. Inadequate Land Records: poorly maintained or outdated land records make it challenging to establish rightful ownership, leading to conflicts. Demographic Changes:

population growth, migration, and settlements by non-tribals/indigenous communities have altered the Bodoland region's demographics, affecting land access. Inadequate Land Rights: traditional tribal land rights are not recognised or protected fully, frequently leading to conflicts, a lack of legal remedies, and insufficient reimbursement for land grabbed for development projects. Land Tenure System: complications within the land tenure system, including discrepancies in documentation and records, worsen conflicts and impede equitable land allocation. Illegal Encroachments: instances of illegal occupation of land, often leading to disputes and clashes between different ethnic groups. Land Alienation: repeated encroachment and the land alienation on the tribal lands by the outsiders basically the non-tribal settlers have reduced the available land for indigenous tribes, leading to disputes and socio-economic imbalances. Insufficient Rehabilitation: inadequate rehabilitation and resettlement measures for tribals displaced by various projects or conflicts, further exacerbating their land access challenges. Ethnic Tensions: historical ethnic tensions and distrust worsen conflicts over land access. Absence of Clear Policies: the absence of specific land regulations and instructions that consider the unique needs and concerns of tribal communities. Competition for Resources: increasing demand for land due to agriculture and landlessness intensifies competition among various communities. Limited Livelihood Opportunities: land access issues restrict livelihood opportunities for many in the region, affecting economic development and sustainable livelihoods of tribals (Brahma & Mushahary (2022; 2022a).

As per the research field study, 76.82% of tribal people have gained inherited access to land from their family members, as land is passed down through generations within families. Even though they have inherited land, they have been facing the complexity of land rights and access while also showing a mix of inheritance. It highlights the importance of traditional inheritance in declining access to land. In the field study, the question was related to land ownership issues, and it was found that 21.35% have been facing challenges or disputes related to ownership, indicating potential conflicts or ambiguities in land rights. The indigenous or native people have been deprived of land transfer rights, even though they are permanent residents of the region. The landholders have the right to transfer land (as per the official guidelines in BTR). However, research indicates that 31.51% of landholders have been facing transfer rights.

So, in the study, land access is crucial for tribal people because the research mainly concentrated on them. However, it is also important for the indigenous or local people other than tribals in the Bodoland Territorial Region due to its integral role in their cultural identity, livelihood, and social organisation. Roy (2020) addresses the fact that it is not just a physical resource but a cultural asset that sustains traditional practices and economic activities for all of them. Secure land access helps protect their heritage and ensures their participation in decision-making processes affecting their lives.

4.3 LAND TENURE SECURITY

Traditional land tenure system, as realised prevalent among tribal communities, each tribal inhabitant could fight for offence and defence of their lands. The tribe chiefs or local tribal leaders were encouraged to think that they had no intention of usurping or transferring tribal land rights as long as they intended to retain their land (Goswami, 1986). In this case, tribal chiefs or local tribal leaders were granted free land to rule or operate their abilities. Even today, there remains a mistaken feeling of tribal control over their native land, which confuses the tribal land tenure system. Most tribals still believe that no other authority, state or central, exists to exercise the sole right of ownership over their ancestral lands (Bordoloi, 1999). They have inherited it and will pass it on to their descendants without trouble. These ethnocultural groups believe they are the final authority for exclusive ownership and have the right to utilise the same land as they used to like (Goswami, 1986). They feel that tribal lands are not owned or do not have owners without a cadastral survey map or any determination of boundaries between distinct groups or individuals. Believe that the tribal residents are the proprietors and can utilise it with the approval and cognisance of the local tribal authorities. They believe that ancestrally held tribes have rights to resources and land (Roy Burman, 2004).

In research region, there is an inheritance of tribal land, and their mode of earning and livelihoods primarily determine their land. In a tribal society, land tenure is equal to ancestral habitat land, which they have a birthright to hold for as long as they determine (Brahma & Mushahary, 2022). To them, land for use may be secured through the relatively facile means of enjoying membership in the tribal group. Membership can be acquired by descent, kin group membership, or village residency. The land is used less commonly through contractual

relationships such as purchases, pledges, loans, leases, clientships, or services. One defining aspect of a truly tribal land tenure system is that the tribal people are entirely free of the fear of land scarcity (Brahma, 1986; Goswami, 1986). Another notable reason for tribal interest in retaining permanent and recorded land tenure is that no monetary value is associated with pieces of land when offered for sale in the tribe's milieu. Every members of tribe are landowners. The land is free of tentacles in a completely natural sense, and land is a gift from nature without which no one can prosper or enjoy the land and its products (Goswami, 1986).

Since the tribal people have been living in the research region, it has not been important for their inhabitants to hold permanent tenancy in the form of a patta (land deed) because of the low population density combined with vast expanses of virgin land for cultivation (Brahma & Mushahary, 2022). However, the land ownership pattern was prevalent in the area and is permanent in nature (Laskar, 1986). In recent years, land tenure security has become essential through the land patta and landholding documents. It is well known that tribals are mainly agriculturists, with land being their primary need. However, as time went by, once vast expanses of agricultural land were now inhabited or covered, and tribal people lost the majority of their land. Most indigenous people do not have enough land to suit their needs. Also, when a family is divided, lands are fragmented or dispersed, reducing landholdings. For tribal society, Sinha (2021) pointed out that despite the economic shift, the forest sector and agriculture are the main contributors to tribal livelihood patterns. The stability of tribal livelihoods remains dependent on land tenure, as most tribal groups rely on forests and agriculture. Tribal peoples do, however, mostly reside in isolated locales and are cut off from the outside world. Usually, their lands are not genuinely settled, records, and created properly. The continued challenge in the livelihood process is the security of land tenure.

The Sixth Schedule districts of Karbi Anglong and Dima Hasao adhere to a traditional land tenure system managed by village authorities, where communal land ownership is common and customary landowners may not always possess land ownership certificates, impacting land security. Many villages lack a defined border since village sites vary, as does the village name, traditionally which is taken from the name of village headman. The Autonomous Councils keep land records using traditional methods. However, revenue

administration in the Bodoland Territorial Council (BTC) is equivalent to that in the non-Sixth Schedule plains districts of Assam state (Tribal Development Plan, 2016).

4.4 ENCROACHMENT, EVICTION AND DISPLACEMENT

A growing number of individuals are facing eviction or being compelled to vacate their residences or homestead land. The move to large-scale farming has also resulted in forced evictions, displacements, and local food shortages in many countries, contributing to an increase in rural-to-urban migration and, as a result, further strain on access to land and housing (OHCHR, 2015). In the name of eviction drive, encroachment on forest land and government land, and other acts, the tribal people, who are the Aboriginal, have been forced into eviction and displacement from their native land. They have been evicted from their ancestral land as encroachers, where they are not liable to eviction. However, in the Bodoland region, the eviction drive is taken mainly who are encroaches of restricted forest land.

To grant legal and permanent inhabitants of Assam who encroach on government land, including the Bodoland Territorial Region, the state administration has decided to issue *land pattas* (land deeds) or land titles. Previously, encroachers were prohibited from inhabiting such land. It is a positive measure that has been taken. However, there should be a rider that would be required and become necessary in the future for the opportunity of building activities in the region's *Khas Land* (wasteland is either unowned or reserved for public use, such as roads or grazing without ownership or settlement rights) to be preserved. As a result, not all settlements should be permitted on such khas or government land. Previously, in 1989, Assam's land policy contained clause 14 to dissuade people from encroaching on government land (Land Policy, 1989; 2019).

The Ripu-Chirang reserve forest of BTR has illegal encroachment on forest land, and there are repeated eviction drives in it. Under the Chirang Reserve Forest, the Haltugaon Forest Division has 59,000 hectares of forest land area; illegal encroachers have already encroached on substantially 12,000 hectares. It has been managed to evacuate people from 4,000 hectares of land until now. It came to light that there have only been 25 forest villages in the Haltugaon Forest Division since 1906, but the large-scale encroachment has been increasing since 1990 (The Assam Tribune, 2010). Data from the Forest Department in BTC revealed that 39,750.86

hectares of land were under encroachment. Encroachment impacted approximately 2,385.14 hectares of land in the Kachugaon Forest Division, 4,262.7 hectares in the Dhansiri Division, 8,894.21 hectares in the Chirang Division, 3,332.8 hectares in the Porbotjhora Division, and 6,337.6 hectares in the Baksa Forest Division. With 14,538.41 hectares of land encroached upon, the Haltugaon division of the Kokrajhar district has extensive encroachment of forest land (Basumatary, 2018).

Table 4.1: Eviction Drive Carried out in Bodoland Areas

District	Eviction Area	Land/Houses Evicted	Eviction Year
Kokrajhar	Lungshung and Laupani blocks, Chirang Reserved Forest	500 houses were demolished	Oct. 30-31, 2010
Chirang	No. 1 Lwkguri and No. 2 Lwkguri under the Runikhata Forest Range	175 hectares of land (150 houses)	Oct. 5, 2018
Chirang	Dholpani block and Manas block No. 2 , Dholpani block No. 5 Odalguri, No. 1 Kalbari, and Kalbari No. 2	2,000 hectares of forest land	Jan. 29, 2023

Source: The Assam Tribune 15th September, 2010.

On October 30th and 31st 2010, the BTC administration conducted an eviction operation in the Lungshung and Laupani blocks of the Chirang Reserved Forest, demolishing over 500 houses. The majority of those expelled were victims of ethnic confrontations in the region. However, the evicted households claim that no adequate efforts were taken to ensure their rights. In the Runikhata Forest Range in Chirang district, over 175 hectares of land were reclaimed from encroachment, and 150 homes in Gwmwtao, No. 1 and 2 Lwkguri, were demolished. On January 29, the Chirang district administration in BTR started an eviction effort in the Chirang district reserve forest area to clear illegally grabbed government lands. The eviction campaign occurred in Dholpani block and Manas block No. 2, Dholpani block No. 5 Odalguri, Kalbari No. 1, and Kalbari No. 2. Around 2,000 hectares of forest area have fallen into the hands of encroachers within the Chirang Forest Division.

In Assam, including the Bodoland Territorial Region, evictions of cultivating citizens from their lands are increasing due to ‘outsider versus insider’ or ‘legal versus illegal encroachers.’ Displaced and affected residents referred to clear violations of human rights and a state ready to deprive its people of their scarce survival resources to hand over their lands to

businesses, industrialists, and the mining lobby (Agarwala, 2013). The government has never addressed the issues of land loss from river erosion and rehabilitating displaced populations. The issues of population restoration and land loss from river erosion have never been addressed by the government. Millions of households have lost their land to erosion, which has been a serious stress in the last six decades, with the river Brahmaputra and its tributaries eroding around 4.27 lakh hectares of land since 1950, accounting for 7.40% size of the state (Jairath & Doley, 2023).

Millions of homeless individuals have searched for a place to live across the state. The government settled some of them, guaranteeing them the titles of property in the foreseeable future. However, these pledges were never fulfilled, and many people are still being evicted from those areas under the guise of being illegal encroachers, contributing to the arrogant public perception of the legal versus illegal citizen (Zaman, 2022). “Mission Basundhara 2.0” is currently raising concerns about the rights of indigenous people who have been displaced with ironic slogan: of Assamese language is *Mur Maati, Mur Adhikar* or in Bodo language *Aangni Ha, Aangni Mwnthai* (My Land, My Right). The idea includes, among other things, giving ownership rights to occupation tenants and addressing land rights issues for landless households that currently reside or farming on government-owned land and community grazing reserves. In addition, numerous severe issues have been raised concerning Mission Basundhara 2.0’s promises and objectives. People are concerned about losing cultivable land, like in the case of Village Grazing Reserve (VGR) and Professional Grazing Reserve (PGR), where the system allows just one bigha for homestead land. The government will, after that, take over the remaining land (Jairath & Doley, 2023). The issues of eviction and displacement do not look like communal lines and legal or illegal encroachers but just like encroachers. The issues are so profound that the people facing land access issues, and the displaced people are claiming the right to land and a dignified livelihood.

The Encroachment, displacement, and fear of eviction significantly impede land access for tribal and non-tribal communities in BTR. Encroachment by illegal immigrants non-tribal settlers disrupts traditional agricultural practices and diminishes land resources, crucial for tribal livelihoods (Das, 2022). Displacement from development projects and conflicts exacerbates these issues, uprooting communities and severing their ties to ancestral lands

(Baruah, 2019). The constant threat of eviction fosters insecurity, discouraging investment in land and resources, thus hindering economic stability and development (Goswami, 2021). The encroachment disrupts traditional land use and livelihoods, contributing to economic instability and cultural dislocation (Das, 2022; Baruah, 2019). Research fields studied revealed that 26.30% of the land has experienced fresh encroachment, highlighting significant current land access issues for tribal communities. About 13.80% of the cases of deprivation of the right to access land were due to displacement. This means that when people were displaced, they lost their ability to use and benefit from the land. In research areas, people are displaced primarily because of natural disasters, development efforts, ethnic strife, or eviction campaigns that compel them to flee their residences and properties. Therefore, these uprooted individuals no longer have the equal opportunity to land that they once depended on for their livelihood and well-being. The government has indeed implemented measures like the Forest Rights Act 2006 to acknowledge and grant forest rights and occupation of forest land to tribal communities and other traditional forest inhabitants. Furthermore, attempts such as the Bodo Accord have aimed to tackle land rights issues and support development, although executing them poses a difficulty.

4.5 CONFLICT, VIOLENCE, SOCIAL UNREST AND LAND ACCESS

Many have researched the land, conflict, violence, and social unrest in Bodoland region, and have indicated that the land issue is the main factor behind the scenes. Goswami (1986) pointed the tribal attachment to the aboriginal land is as strong as their loyalty to the ethnic-group. It is an emotional bond, evident by their usual accostation and responses when two strangers interact. Conflict, violence, and social unrest, which were always issues of concern in the area, have many unwanted mindsets about the region because of the suffering land rights, proper land access, and livelihoods. Some of affected people are fear, feel, and have to be unsafe in their century-old homeland. There is no first-time clash of ethnic clashes, clashes between tribal and indigenous, and clashes between tribal and immigrants (Das, 2018). The land is the leading cause of conflict in the Bodoland region, Manav (2013) witnessed the development-induced migration of Adivasis or indigenous people to other tribal areas, which has also led to fierce conflicts, such as between the Santhali and the Bodos.

Land conflicts, violence, and social instability frequently result in deliberate damage and illegal acquisition of land, land-related resources, and land records (OHCHR, 2015). The acts of violence in the region involve tribal areas and territories being unlawfully occupied by the government, displacing the original tribal and non-tribal indigenous residents. The tribal people had to be safeguarded by legal means against the immigrants from outside the tribal belts and blocks as well as from different countries. When the land occupation was completed on the lowlands, grazing reserves, forest lands, and any lands lying vacant without any resistance, they started to grab the lands of the indigenous people forcibly with little resistance, and so the conflict started (Das, 2018). Fearful tribal people fled to the foothill regions, while non-tribal indigenous people fled to tribally inhabited areas or other portions of the little-populated regions. As a result, significant pressure on land access and rising social unrest, coupled with the conflict and violence of the tragic scene.

Table 4.2: Conflict and Violence between Tribals, Non-Tribals and Immigrants

Year	Displaced Families	Displaced Persons	Between and Areas
1993	3568	18000	*Bodos and the Muslim minority in Kokrajhar, Bongaigaon, and Barpeta districts
1996	42214	262682	*In Kokrajhar district between Bodos and Adivasis
1998	48556	314342	*In Kokrajhar district between Bodos and Adivasis
2008	54 villages	212000	*Bodos and Muslims in Darrang and Udalguri districts
2012	500 villages	500000	*Bodos and immigrant Muslims in the BTC region

Source: <http://hdl.handle.net/10603/234431>

The first severe inter-ethnic violence occurred in Kokrajhar, Bongaigaon, and Barpeta districts in 1993 among Bodos and non-Bodos Muslim minority groups. The conflict claimed the deaths of 50 individuals and displaced around 3,568 households, totalling about 18,000 individuals (Deka, 2012; Hussain & Phanjoubam, 2007). In May and June of 1996, a conflict broke out in the Kokrajhar district between the Adivasis and the Bodos. More than 42,214 households and 262,682 people have been drastically displaced from both communities as a result of this violence. However, in 1998, the violence between the two groups heated again, displacing 48,556 households and 314,342 people (Hussain & Phanjoubam, 2007). The violence forced the displacement of 756 villages in the Kokrajhar area, including 196 revenue villages, 25 recognised forest villages, and 535 encroached forest villages (Mushahary, 2019).

In 2008, violence arose among Bodos and Muslims in the Assam districts of Darrang and Udalguri. The conflict lasted about three to four days and resulted in the deaths of 54 people (Pathak, 2017). This violence has displaced over 212,000 people, directly affecting 54 villages, and approximately 150 communities have evacuated their homes because to fear of being attacked (Phukan, 2013). The conflict then spread to BTC neighbourhoods like Baksa and Chirang. In Udalguri, where the clashes started, there were around 31 fatalities: 9 Bodos, 3 other people, and 19 Muslim settlers died. Darrang, where the violence quickly spread, lost 21 people, including 17 Muslim settlers, one Bodo, and 3 other people (Mushahary, 2021). Another clash involving Bodos and immigrant Muslims occurred in the BTC region in July 2012. As of August 31, 2012, the districts of BTC and nearby Dhubri in Assam had claimed around 90 lives and displaced about 400,000 people. Nearly 500,000 members of the Bodo and Muslim communities in Assam suffered when a crisis turned into a full-fledged conflict in the BTC districts of Kokrajhar and Chirang, as well as in the neighbouring districts of Dhubri and Bongaigaon. Uprooted, terrified, and traumatised, they were forced to seek refuge in 273 temporary relief camps. An estimated 500 villages and 97 persons were killed (Hussain, 2012).

Legal requirements continue to allow tribal and non-tribal indigenous people to gain land rights, and existing laws in the region are appropriate to protect land rights and the ability to access the land correctly (Mushahary, 2019). It is necessary to provide suitable rehabilitation solutions with the active involvement of displaced individuals in need of land and impacted families who have been displaced (Saxena, 2008). Property and land are purchased, but so are the households whose source of income is jeopardised, such as any tenure holder, tenant, lessee, agricultural and non-agricultural workers, landless people, rural craftsmen, and small-scale traders (Bandyopadhyay & Subedi, 2012). The displaced and affected individuals lost their land. Some victims are unable to return to their homeland or even approach it when someone has alienated their land (Mushahary, 2021). As a consequence of this, although they owned land, they lost access to land. There is continuing social unrest among impacted individuals and non-affected persons whose land has been or is being captured.

In the Bodoland region, land relations and related land challenges are socially rooted in uneven social links or exchanges. Moreover, a lack of attention to variations across social structures and relationships prevents some individuals or groups from advocating for land

access or rights. Changes in land rights result in altered social connections, which have effects on the entire social structure of rural communities, particularly those that interact with indigenous peoples because land restructuring is derived from social relationships and institutions. Social action has a fundamental and often essential role in achieving much more secure tribal land access. Currently, there is a lack of understanding of the possibilities of accessing land and a strong grassroots aspiration to involve the community in addressing tribal land challenges. Consequently, several complex practical concerns arise, such as how to establish successful and fair contacts with the state without being forced to impose policies that fall short of tribe aspirations and run the danger of exacerbating disparities in land access (Brahma & Mushahary, 2022a; Dutta, 2020; Daimari, 2016).

In the study, within the context of BTR, conflict, violence, and social unrest pertain to the struggles over land access and ownership, often resulting in disputes and displacement. Conflict arises because multiple parties claim rights to the same land, leading to tensions. Violence can manifest through physical altercations, forced evictions, or destruction of property. Social unrest encompasses broader societal disruptions, including protests, strikes, or community resistance, often in response to perceived injustices or inequalities in land distribution and access (Deininger & Castagnini, 2006). Such phenomena highlight the socio-economic and political challenges faced by marginalized groups, especially in rural areas, in securing land rights, exacerbating their vulnerability and livelihood insecurity (Boone, 2014).

The study found that 9.89% of respondents identified ethnic conflict as a significant factor impacting current land access issues. This conflict exacerbates tensions between different ethnic groups, leading to disputes and violence that hinder access to land. Such conflicts often result in the displacement of communities, destruction of property, and long-lasting disruptions to local economies and livelihoods. There is an urgent need for conflict resolution and peace-building initiatives to address and mitigate the adverse effects of ethnic conflict on land access and community stability by the local government and the state government.

4.6 LAND AND GOVERNANCE

Land and governance refers to the laws, methods, and institutions that regulate decision-making in areas such as land access, land rights, land use, and land development (FAO, 2021).

All nations have rules for dealing with land management in their communities. Sound land governance ensures sustainable development in every locality (Essien, 2015). The local government in the study region views the land as crucial for the survival, dignity, and self-respect of households in the tribal community. In the absence of land, individuals, particularly those from rural and indigenous or tribal groups, are unable to develop social, cultural, and economic capital (The Hills Times, 2022).

In the spirit, of contextualising *Mission Basundhara* (concept- *Mur Maati, Mur Adhikar*) (My Land, My Right) of Assam (Mission Basundhara, 2022) and fulfilling the unified goal of the Bodoland Territorial Region (BTR), on January 27, 2023, the local government or council announced *Mission Bwiswmuthi* in the region. The objective includes “My Land, My Right,” and the policies cover the tribal and non-tribal groups. It is the land policy that provides for such things as “the regulation of the settlement of Village Grazing Reserves (VGRs), Professional Grazing Reserves (PRGs), allottees under the minimum need programme and their legal heirs having undisputed possession, families who have become landless labourers due to erosion, ethnic violence and have been rehabilitated by administrative measures, families displaced as refugees, holding certificates, and rehabilitated by administrative order, and the landless members of scheduled castes and scheduled tribes” (The Hills Times, 2022). This initiative represents a specific step toward providing land certificates to all eligible individuals and households. It brings us one step closer to addressing the issues that all landless, poor, and disadvantaged households face in the region.

Local and state governments can play crucial roles in enhancing land rights and access for tribal communities by implementing targeted policies and practices. At the local level, the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006) can ensure that tribal communities receive formal recognition of their land rights (Baviskar, 2019). Local government bodies should facilitate this process by conducting comprehensive land surveys and establishing clear land tenure systems (Kumar, 2021).

State governments can support these efforts by creating and enforcing legislation that protects tribal land rights from encroachment and displacement (Sundar, 2020). They can also promote community land management practices and support capacity-building initiatives for

tribal leaders to effectively advocate for their rights (Ghosh, 2022). Financial support for infrastructure development in tribal areas can improve access and integration, ensuring that economic benefits are distributed more equitably (Chakraborty, 2018).

Overall, collaborative efforts between local and state governments, informed by the needs and perspectives of tribal communities, are essential for addressing land access issues and promoting sustainable development.

4.7 LAND REFORM AND INEQUITABLE LAND ACCESS

At the time of the land reform, the reform was aimed at the poor and landless households for 'secure land for all' (Deininger et al., 2011; Network, 2008). There is widespread common agreement that land reform is necessary for rural areas. The procedures for transferring land from large landholders to the landless and land poor are sources of significant debate (FAO, 2002). In 1935, the Indian government declared land to be a state subject. The Indian Constitution provides an outline for land reform, however central guidance is given. Individual states remain responsible for it. The form of the law, the level of support or lack thereof from existing or new institutional arrangements, and the degree of implementation success have all differed greatly from one state to another (Mearns, 1999). Land reform legislation is necessary to stimulate the progress of tribal development by promoting the improved utilisation of land resources. Land reform laws need to be tailored for every tribal region. It is related to the inequitable allocation of lands due to land reforms, which has resulted in a change in the tribals' socio-economic status. As an outcome, a new survey and settlement should be done to terminate the tribals' stagnant situation. Perhaps a more equitable land allocation should be encouraged (Thirunavukkarasu, 2009).

In India, land reforms started almost immediately after independence, with the twofold goals of effective land use and social fairness. Land reform involves the government redistributing land in countries like India, from landowners to individuals without land, for agricultural or other purposes. Four elements made up the land reforms of freed India: the elimination of intermediaries, changes to tenancy, setting landholding limits; and consolidation of landholdings. Since that time, the main objective of land reform has been to provide secure land access to those who are poor and landless. Land reforms are also necessary to boost

agricultural output and the rural sector in India (Sethi, 2006). However, the traditional way land was used and held was altered during British colonial rule to facilitate inexpensive land acquisition by British businesspeople for mining, farms, and other activities. The emergence of private property disrupted the communal ownership systems of tribal societies. Land redistribution and access have been sources of tension (Hellum & Derman, 2004) since independence in 1947.

An evaluation of Assam land reform highlights the importance of tenancy-serving initiatives, many of which are based on tenancy reforms. Abolition of intermediaries, restoring personal cultivation, security of tenure, granting tenants ownership rights, regulating the size and distribution of holdings, returning personal cultivation, and consolidating holdings under cooperative administration were the stated objectives of land reform. Land reforms are protected from legal challenges under Article 31 (B) of the Indian Constitution by being included in the Ninth Schedule (Wahi, 2015). Assam undertakes numerous vital measures to reach its land reform objectives. Various land reform laws and regulations were enacted in Assam, including the Assam State Acquisition of Zamindaries Act of 1951, Assam Fixation of Ceiling on Land Holdings Act of 1956, Assam Fixation of Ceiling on Land Holdings Rules of 1957, Assam Acquisition of Land Belonging to Religious and Charitable Institution of Public Nature Act of 1959, Consolidation of Holdings Act of 1960, Assam Gramdan Act of 1961, Assam Bhoodan Act of 1965, Assam (Temporarily Settled Areas) Tenancy Act of 1971, Assam (Temporarily Settled Areas) Tenancy Rules of 1972, Assam Land Holding (Adoption on Relationship under Assam Land and Revenue Regulation, 1886 in the acquired Permanently Settled Estates) Act of 1974, Urban Land Ceiling Act of 1976, Karbi Anglong District (Land Reforms) Act of 1979, and Karbi Anglong District (Land Reforms) Rules of 1981 (An Overview of Land Reform Measures in Assam, n.d.). Following the Third Plan's Mid-Term Appraisal in November 1963, National Development Council (NDC) assessed the progress made in implementing land reforms in various states in India. Assam was divided into 11 (eleven) districts, 4 (four) of which were populated by tribal people and administered by Autonomous District Councils, whose tribal lands are exempt from the land reform laws (Five Decades of Nation Building (Fifty NDC Meetings), 2005).

Secure land access and use reduces uncertainty and land-related issues, which improves societal stability. They also help in reducing the social isolation, poverty, unemployment, and instability that come with becoming homeless. Territorial disputes have frequently been fueled by contested access to land and vital resources (Network, 2008). Generally, equitable access to land is related to the widening of land access so that the poor can benefit from inhabiting and using the land (Mtero et al., 2020). Equal and fair access to land has served as the cornerstone for the reduction of tribal land worries. Significant inequitable access to land issue is a major obstacle to tribal livelihood and development concept.

In the sense of survival and identity of tribal, there is a close connection with land and tribals. The tribe is recognised for being seen as the original residents and defenders of the land. If someone loses land, people lose their livelihood or survival and their identity (Brahma & Mushahary, 2022). Though Indian tribes have existed at various stages of the tribe-caste continuity since ancient times, they are now at risk of becoming lost in an amorphous, pluralistic mass, settling down to the lowest levels for the first time in tribal history. We may look at the problem of change in different places, explain the actual reaction, and provide a suitable approximation of a workable strategy if we assume that their contribution to national Indian life will be considerably richer if they preserve their identity than if they lose it (Chakravarty, 1996). In contemporary India, tribal people consistently hold the belief that a paradigm shift occurs as a result of their heightened awareness of the process of progress and the changes that follow. They wish to avoid being involved in any identity problems or land disputes. A succinct perspective that appreciates the need for an empowering strategy to support tribal in their pursuit of fair and sufficient land access is also necessary.

Studying the impact of inequitable land access on tribals in the Bodoland Territorial Region (BTR) of Assam is crucial for understanding its effects on their livelihoods. Tribals face systemic barriers due to unequal land distribution and land tenure issues, leading to economic and social disadvantages. This inequity undermines their ability to secure land rights, impacting their agricultural productivity and overall livelihood (Borah & Bhattacharya, 2020). Furthermore, land encroachment and displacement exacerbate these issues, contributing to increased vulnerability and marginalisation among tribal communities (Gogoi & Sharma, 2021).

To address these challenges, the BTR and Assam governments should implement comprehensive land policy reforms. These reforms should focus on ensuring equitable land distribution, recognising and formalising tribal land rights, and providing legal support to prevent encroachments. Additionally, the government could enhance community participation in land management decisions and strengthen mechanisms for resolving land disputes (Sarma & Sharma, 2022). By prioritising these measures, governments can improve land access for tribals and support their socio-economic development.

4.8 IMMIGRATION AND IMPACT ON LAND ACCESS

Externally or internally, immigrants inevitably create different forms of instability in people's political and socio-economic lives (Bordoloi, 1986). Internal migration occurs largely inside national borders, whereas international (external) migration occurs mostly between neighbouring countries. Before the Independence of India (1947), British colonial officials in Northeast India encouraged immigrants to settle in Assam and Bengal for a variety of purposes. Now (post-colonial period), India has both external and internal migration in this aspect. However, Assam and Tripura bear the brunt of such movements, which have resulted in significant demographic change. Consequently, there have occurred several conflicts that involve migrant and tribal peoples (Bordoloi, 1999).

Immigrants have caused a significant threat to the northeastern region. Before independence, the area had seen multiple waves of immigration. Through the expansion of tea production, which drew workers from all across India, including Banaras, Bihar, and Chotta Nagpur, thousands of immigrants entered lower Assam owing to the Assam-Bengal Railway (Baruah, 2003; 2020). The inviting suitable cultivators were thought to be hard-working Muslim labourers. The incursion of land-hungry Bengali immigrant groups, mainly Muslims (particularly from the Mymensing Area), began sometime before 1911, as evidenced by the sense that clues to this incident were made in such dramatic terms in Census Reports commencing in 1921, not to prioritise the political leaders. After India was partitioned on 14th-15th (midnight) August 1947, a new migration cycle began, with massive numbers of Hindu migrants fleeing from East Pakistan (present Bangladesh) settling in India. Nepali migrants were the major group to arrive in 1951. Regions are facing problems because of the number of

people entering to search for better opportunities in terms of livelihood and land (Bordoloi, 1999).

The districts or the areas of Assam that are close to Bangladesh, which receives the maximum international migration, is thought to have been infiltrated illegally (Nath & Nath, 2011). Unauthorized immigration from Bangladesh has long been a source of concern for Assam, as have fears of a significant demographic shift in the state (Singh, 2010). In short, the significant concentrations of illegal immigrants are putting a burden on the abilities and mechanisms to preserve stability, highly expediting the eviction of certain individuals from their homes.

In Assam five or six decades back, tribal people did not see land as a precious asset. Since the land was available and people were small in number, people parted their land very comfortably and often gifted a portion of their land to people with whom they had a close and friendly relationship. Tribals have lately realised the importance of land as a permanent possession. However, by the time they realise that their belongings of some portion of the land has already been taken and inhabited by others. Tribals in Assam have had a propensity to move to the jungles in the past and even today when undesirable individuals from elsewhere have settled in their vicinity or area as neighbours. Tribals denied and mistrusted the presence of unfamiliar individuals near their settlements they discovered that unoccupied lands adjacent to their villages were inhabited by people whose ethnicity, culture, and religion were different from theirs. When migrants forcibly took the tribals' settlements or villages, they were forced to leave their hearts and homes and retreat deeper into the sub-montane (Bordoloi, 1999). That practice resulted in easily attainable cash and exacerbated the situation.

Land access is necessary because it creates opportunities for the landless and poor, mainly for the rural tribal, but it is always at odds with the unauthorised occupation of land by the land-hungry peoples (Ozden & Centre Europe-Tiers-Monde (Geneve), 2014; Roth & Gonese, 2003). The fear of land grabs by illegal migrants is the major factor in the tribal communities of the Bodoland region. Due to their long-term residence in those regions for generations, their culture and livelihood are familiar with the areas where they live. Their tradition, survival skills, and land value are sowed in them from childhood, and they strive to provide for their basic needs through land. However, settlement by non-tribal populations other

than non-indigenous in the purely tribal villages has given rise to a new situation that is creating confusion in the Bodoland Territorial Region. In the words of Goswami (1986), a deeply held tribal principle of “live and let live” and the idea of sharing one’s prosperity with the neighbours and the villagers enabled immigrants to penetrate tribal lands where they created vested interests, causing an imbalance in the local way of life.

In the Bodoland region, land conflicts and inequality in access to land are commonly identified as the main causes of instability. Land issues are usually used as a more effective argument strategy in conflicts (Brahma & Mushahary, 2022a). The influx of immigrants into the districts of the Bodoland region is not unexpected. Kokrajhar, the heartland of Bodoland, was included in the erstwhile Goalpara. Goalpara has been regarded as the major point of entry for those seeking to enter Assam. Immigrants arrived in Goalpara from Bangladesh, particularly from the areas of Mymensing, Pabna, Bogra, and Rongpur, as early as 1901, settling on charred land areas, and the immigration is still ongoing (Barooah, 1979; Basumatary, 2009). Immigrants in the belts and blocks lacked awareness of land regulations, which caused them to commonly conflict with local people over the land. It is also widely acknowledged that the formation of tribal belts and blocks is linked to large-scale migration across Eastern Bengal, particularly the Mymensing area (Bordoloi, 1999).

The BTC Secretary has instructed the circle officers of Kokrajhar, Gossaigaon, Dotoma, Tamulpur, and Mazbat to urgently investigate the situation after a lapse of over a year. Official data shows that 1.01 lakh individuals are occupying 3.89 lakh bighas of land in tribal areas and blocks within the BTR. Non-protected classes occupy 54,798 bighas out of a total of 3.89 lakh bighas of land. However, the Northeast Heritage Foundation has said that only 4.50 lakh bighas of land have been encroached upon in the tribal belts and blocks across the BTR, not 3.89 lakh bighas (Pratidin Bureau, 2021). In Kokrajhar and the neighbouring three districts, conflicts over land between Muslim immigrants and tribal communities have been a longstanding issue. The tribals are living in a pathetic condition of fear of land grabs and more immigration floating or flowing near the various border areas of Assam and other northeastern states as well. It is also important to realise that in the clashing subjects about land issues or conflicts, it could not make blame and drag one side of locals and immigrants, but significant to relate or regarding the decision-making authorities involved as political will in the wake of episodes.

Illegal immigration can significantly impact land access in areas like the BTR. Illegal immigrants often occupy land without formal permission, leading to informal land tenure systems and disputes (Jones, 2020). This can exacerbate competition for land, affect local resource management, and complicate legal land claims, thereby hindering equitable land distribution and access for lawful residents (Smith & Brown, 2019). In BTR, illegal immigrants often compete for land with local tribals, intensifying pressures on already scarce resources. This competition can marginalise tribals, disrupt their traditional land use, and increase land-related conflicts (Bhattacharyya & Sinha, 2021). The research field study also revealed that 10.41% of respondents have opined that illegal immigration is the source of the current land access issues.

Governments should adopt several strategies to address these issues. First, they need to enforce stronger border controls and immigration regulations to prevent illegal land occupation (Doe, 2021). Concurrently, implementing land regularisation programmes can help integrate informal settlers into the formal land system, ensuring secure land tenure for all residents (White, 2018). Additionally, improving community engagement and land management practices can help balance the needs of immigrants and local populations, foster equitable access, and reduce conflicts over land resources (Adams & Clark, 2022).

4.9 LAND ACCESS AND GENDER DISPARITIES

Women have broad legal rights to inherit and possess land. In India, several laws provide for a daughter, widow, and mother to receive property in their separate property equally with their sons if their parents or men die. Unfortunately, deeply rooted societal norms and practices clash with legal rights to the land of women, and they are rarely recognised as respectable in society. Even though women have legal ownership rights to property, they may not have effective control over it, they cannot determine how to utilise the land or lease, mortgage, or sell the land or the goods produced on it (Mearns, 1999). Although most laws about land and natural resources either expressly prohibit discrimination based on gender or sexual orientation in land-related matters or are gender-neutral, they are rarely enforced in rural regions. Simultaneously, customary law is frequently used in rural regions inhabited by tribes, and the practice of women's land rights is therefore affected by existing cultural mindsets and

beliefs (Cotula et al., 2006). In India, it is not sufficient to analyse limitations on marginalised groups' land access without taking into account women's lack of effective individual land rights. Instead of emphasising unrestricted access to the land of women, the equal and empowering perspectives focus on access to the land of women compared with men. Increased of women's relative access to land will help them acquire negotiating power and the capacity to oppose male domination both in the home and in society (Agarwal, 1994, 1995; Mearns, 1999).

Women in rural areas face widespread discrimination in laws, norms, and practises throughout the developing world, resulting in severe inequities in their capacity to access, control, own, and utilise land and limited involvement in land administration decision-making at all levels (Daley et al., 2013). In India, land access and rural livelihood are linked. Access to land can enhance women's livelihoods, so women must have increased access to and control over land. Augustinus and Deininger (2005) however, it must seek to reduce discrimination against women in accessing land, housing, and land ownership.

Similar to many other regions of India, the Bodoland region faces widespread challenges related to gender land access, with women holding less land than males. Such indicates the need to focus on gender aspects in rural livelihoods as a starting point for prioritising gender disparities development possibilities in society (Brahma & Mushahary, 2022a). There are various types of discrimination in terms of land access for marginalised communities facing social obstacles in the area. For example, in tribal communities, women with males grow food to survive in their households, protect the natural environment, and increase resilience. However, women are frequently denied land titles and must rely on males (Brahma, 2018a). There are several barriers to women's rural land ownership and livelihood. The risks are much greater for the poor in tribal communities compared to the rich, with a higher number of male-led households than female-led ones. Regarding effectiveness considerations in the region, women are readily the only or *de facto* heads of households (Brahma, 2018b). Women might be allowed to work on a piece of land for their household needs, but often they are not given even the most basic access to this resource, as it is primarily controlled by the head of the family (Benschop, 2004; Lambrecht, 2016). Granting them independent ownership of land is anticipated to increase agricultural production and enhance the well-being and educational opportunities of their children. If women have equal

opportunities to own land and receive the same level of protection as men, it is beneficial for society overall, but it is children who are the most affected. When women are granted equal rights, issues diminish, communities flourish, and family living standards increase. Hence, it is necessary to guarantee women's rights to land for utilising, controlling, accessing, and owning it (Rao, 2006; Agarwal, 2003).

The land possession in the research field study show that men hold clear land patta (land deeds) at 67.96%, whereas women have only 1.04% holdings. This means that women have been given less priority than men in land registration initiatives. However, women's land ownership enhances economic security, social status, and decision-making power, leading to improved family welfare and community development (Deere & Leon, 2001). In the true sense, the local and state governments should implement policies ensuring equal land rights, provide legal support, and promote awareness of women's land entitlements. Ensuring women's access to land contributes to poverty reduction and boosts agricultural productivity, along with that of men and the community (Agarwal, 1994; FAO, 2020). So, the legal aid and community engagement are essential for securing these benefits (Meinzen-Dick et al., 2019). Securing land rights can protect against displacement and exploitation, invest more in sustainable land practices, foster long-term stability and resilience in their households, and also benefit the community itself.

4.10 CONCLUSION

The relevant experience reflects the societal issues and sense of loss caused by a lack of land security. The rural tribal people have to suffer because their livelihoods largely rely on the essential resources of the land and related households. However, they need secure access to the land of adequate availability, integrity, and value to sustain appropriate livelihoods. Increasing tribal peoples' access to land and possessions is a vital component and in many circumstances, a requirement for improving their livelihoods. It is, however, insufficient. So, tribal people need to have a clear access to land and may utilise it, but this access must be enhanced.

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