

POLITICS OF LAND ALIENATION AND PROBLEM OF ITS RESTORATION IN TRIPURA

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Tripura exhibits classic case of land alienation where unchecked migrants across the international border completely overpowers land, economy and polity of the state. Marginalization of the Boroks shows the relevance of state intervention to protect the right and dignity of the innocent indigenous communities against the populous and advanced communities. Over time, land alienation has turned out to be the root cause of ethnic conflict and violence.

While owning land can be a source of productivity and prosperity; losing the same could be source of ethnic conflict and human rights violation. The state of Tripura in the northeastern region of India represents a glaring example where the above problem is visibly and distinctively witnessed. Pursuing this problem the paper proposes to address to the following questions: Who are the indigenous people in Tripura? Have these historical communities in the state been dispossessed of their land? How did they eventually lose their land? How the increasing immigration is resulting in the alienation of indigenous peoples' land? And what are the consequences?

Tripura has been facing distinct socio-economic, political and ethnic problems, which are essentially driven by long spell of immigration from across the international border. The state covers an area of 10,491.69 sq. km. and shares border with Bangladesh in the north, west and south, and Assam and Mizoram in the east. The economy of the state is predominantly dependent on agriculture. Tripura has a unique history in the country where the

original inhabitants – the indigenous peoples called the Boroks of Mongoloid origin – have been outnumbered by the influx of immigrants from across the international border of erstwhile East Pakistan, and now Bangladesh (1). To a great extent, the socio-economic and political problems in the state are related to one crucial process that has been happening unabated – the land alienation of the indigenous people.

Tripura has a history of being ruled by as many as 184 kings belonging to the Boroks. It is the homeland of about 19 sub-clans of indigenous peoples who share common features and identity as Borok peoples. The Boroks comprises of many sub-clans namely Debbarma (Tipra of Tipperah), Reang, Jamatia, Koloj, Noatia, Rupini, Halam, Hrangkhawl, Ranglong, Kaipeng, Tripura, Morasing, Molsom, Darlong, Mog, Bongcher, Chorai, Uchoi, and the likes. Except one or two of these sub-clans, all of them speak a common language called the Kokborok. In fact, the name "Tripura" is a corrupted form and is derived from Kokborok word, "Twipra." The name "Twipra" is a combination of two Kokborok words – Twi (water) and Bupra (tributaries). It is widely consented that the Boroks migrated from parts of China, and in the process, reached the present territory, which was not occupied by any ethnic group or people, and started settling nearby the areas where plenty of water was available. So the word "Twipra" indicates the Boroks as the indigenous peoples, owner, first occupants and son of the soil of the state. The Boroks were known to have practiced shifting cultivation as the main traditional source of economy and means of their livelihood (2). Misra in his book, *Socio-Economic Adjustment of Tribals*, referred them as jhumias, which applies to those indigenous peoples who practice shifting cultivation like other tribes of Northeast India and Chittagong hill tracts of Bangladesh. (3)

To speak about the political history of Tripura, it had been a princely state until it was completely merged to the Indian Union on 15th October 1949 after which it went through a series of political status – it first became a Territorial Council in 1956, then a Union Territory in 1963, and attained statehood on 21st January 1972. Today, the largest threat to indigenous population comes from the unabated influx of peoples mainly from across the Bangladesh border. The beginning of this influx can be linked to the time of India's partition, when the Indian state showed indifference to the idea of protecting the territorial integrity and identity of the

indigenous Tripuris. This historical blunder reduced the indigenous peoples into a minority in the land and territory of their own.

In Tripura, the growth of population has been so phenomenal that over a decade following the partition of India, the territory registered more than twenty times increase in its population (4). After the partition, in the decade from 1949 to 1959 alone the total number of influx of refugees from across the international border figured 3,73,500, and in the year 1964–65 itself 1,00,304 refugees migrated to Tripura. The total number of recorded or registered refugees within the period from 1947 to 1971 was 6,09,998 (5). As a result, the immigrants began to outnumber the Boroks since 1960s thereby reducing the later into a minority. The Boroks, whose population were once more than 95 per cent, now constitute only about 30 per cent of the total population of the state. Today, the immigrants had not only outnumbered the Boroks but also marginalized them and dominate over the economic, political, administrative and social spheres of the state. This process naturally make the Boroks insecure, creating a sense of discontentment and denial of their basic rights to self-determination.

Traditionally, the Boroks practiced jhuming or shifting cultivation because not only the technique of settled cultivation was unfamiliar and contrary to their tradition, but also they found the hill slopes unsuitable for plough cultivation (6). Gradually, influx of population and scarcity of space compelled the Boroks to shift from shifting cultivation to settled cultivation. At the same time, the latter was prominently emphasized as a desirable practice in India's post-independent period (7). The scarcity of land was largely created by the unchecked large-scale immigration. Such a form of immigration had significantly affected the Borok's economy. This led to Borok people's alienation over their own land and also to the non-tribal immigrants in the state. Some people identify alienation of land as the root cause of socio-economic problems, political unrest and ethnic conflicts in the state. The unceasing influx of "foreign nationals" had deprived the indigenous peoples' rights over the lands and employment opportunities (8). The settlement of large number of immigrants in both the plains and hills of the state has led to (i) displacement of the Boroks, (ii) non-availability of land for rehabilitation to jhumias, and (iii) non-availability of land for distribution among landless local peoples.

Going by the tradition of shifting cultivation, land was owned collectively by the community, and the rights of ownership enjoyed by an individual local person over a particular area of shifting cultivable land was neither permanent nor alienable nor transferable to any person nor inheritable from any person (9). Prior to the partition of India, as the density of population was very low in Tripura, the foodstuff required by the Boroks was minimal and could be met easily from shifting cultivation. As such the issue of transfer of lands did not arise (10), and therefore, the problem over land alienation was non-existent.

Each Borok family had huge area of wetland under their possession. Although they were not using those lands all the time, the same were used from time to time for jhuming. To induce his subject (Boroks) to settled cultivation and to increase state's revenue, King Bir Bikram Kishore Manikya (1923–47) reserved for the Boroks a large area of fertile cultivable lands by order in 1931 and 1943 covering the areas of 110 sq. miles and 1,950 sq. miles respectively (11). Thus, technically speaking, all the fertile cultivable lands were made reserved for the King's subjects and many families were settled in reserved areas and taken to settled cultivation by 1940s (12). Further, as a measure to protect his subjects the last King of Tripura declared that no land in the reserved areas could be transferred to others without the permission of the Government. But despite this declaration and safeguard, the reserved areas lost its balance, mainly after the partition of India (1947) and Tripura's merger with the Indian Union. Thereafter, the rate of inflow of immigrant population increased sharply forcing the state authorities to utilize the reserved areas for building refugee colonies.

Describing the impact of large-scale of immigration in the state, Malabika Das Gupta opines that "[w]hile there has been a general lack of economic development in the state, by and large, the tribal people of Tripura have been the worse sufferers as a result of this phenomenon (13)." The massive influx of refugees into the state, which had made the indigenous people into a minority in the land of their own, has added fuel to the fire and accentuated the alienation of Borok peoples' land despite legislative measures to prevent the same (14). Besides, the immigrants claim to have brought with them the superior agricultural technology of plough cultivation. Though a handful of Boroks had tried to adopt plough

cultivation, the majority of them lost their plain lands to the non-tribal immigrants and was compelled to retreat into interior hills and forests of the state. Many of the Bengalis immigrants had taken to trading and money lending and steadily the Boroks came under the exploitative influence of the immigrant moneylenders and traders. (15)

The failure of the jhum products and revenue to meet the growing needs of the Boroks in a way led to their dependence on non-tribal moneylenders and businessmen for loans were used to buy necessary items they could not produce. Loans with interests to be repaid within fixed periods of time were given to the Boroks only against the mortgage of their plains cultivable lands. Meanwhile the moneylenders could use mortgaged lands for cultivation. Mortgaging of cultivable land led to dwindling of production for the Boroks, and they fail to repay the debts within the stipulated time. The immigrant moneylenders and traders caught the Boroks in a debt trap of loan capital. Failure to pay interest within the stipulated period enabled permanent possession of the mortgaged lands by the moneylenders. Instead of settled cultivation giving prosperity to the Borok farmers, they found themselves victim of money lending system. (16) The entire process led to alienation of the Boroks from their own lands, which further led to their general pauperization. (17)

The condition of the Boroks worsened with the handling of "Reserved Areas" in the state. The Government of Tripura prohibited large-scale jhuming since 1952 and restricted the customary rights of the Boroks and their free movement in the forest (18). Even very little wetland is left for the Boroks to practice settled cultivation (19). The Government policy deprived the Boroks of their sources of livelihood, as they were not provided with a viable alternative to improve their condition. (20)

As a measure to check alienation of the Boroks, a special provision was included in the Land Revenue and Land Reforms Act, 1960. Technically the Act imposed restrictions on transfer of land from Boroks to non-tribals. Section 187 of the Act provided that "no transfer of land by a person who is a member of a Scheduled Tribe to a person who is not a member of such tribe, shall be valid unless the transfer is made with the prior permission of the Collector in writing (21)." However, this Act was inadequate to prevent the transfer of Borok lands to the non-tribals. There were

rooms for administrative manipulation embedded in the Act. By avoiding all the legal impediments, the immigrants began to purchase lands from the Boroks through higher rate and Benami deeds. For instance, if the value of a plot of land among the Boroks is Rupees five thousand, a non-tribal buyer offers a sum of Rupees ten thousand. Consequently, the Borok sells the land to the non-tribal under a fictitious tribal name in paper. It is evident from such Benami deeds that the motive of the non-tribal immigrants is to occupy the Borok land by all means. (22)

Although the Land Reforms Act, 1960, prohibited transfer of land to the non-tribals without prior permission of the Government, but in practice, due to its ineffective implementation, indiscriminate transfer of land from the Boroks to the non-tribals took place in contravention of the legal provisions (23). In a Block level survey of indebtedness and alienation of land conducted by the Directorate of Tribal Research, Tripura Government, Agartala in 1974, it was found that indebtedness was directly and positively correlated with alienation of Boroks' land (24). In most cases it was revealed that heavy load of indebtedness particularly after drought years of 1965 and 1972 forced the Boroks to sacrifice most part of their lands.

The Land Reforms Act 1960 could not prevent the transfer of Borok lands to the non-tribals. The Act was amended in 1974, which provided for the restoration of all Borok lands transferred on or after January 1969, in contravention of the Act, to the transferor or his successor-in-interest (25). By keeping the lands transferred before 1st January 1969 outside the scope of the Land Reforms Act, legal recognition was given to the transfer of lands made before that date. The Tripura Land Reforms (Third Amendment) Act 1975 contains the provision that "if any non-tribal people intends to sell land within 42 Tashils and 133 villages specified in the Act, then the members of the Scheduled Tribe shall have the preferential right to purchase such land." (26) However, in practice, there is hardly any record of non-tribal community selling lands to the Boroks. At the same time, the Boroks being economically much backward than their counterpart are not in a position to buy back land from the non-tribal immigrants.

Notwithstanding the several Land Reforms Acts passed by the Government of Tripura since 1960, the plight of the Borokswith regard to the illegally transferred lands could not be minimized at all. Though the law may provide some provision of protection, the

fact is that the rural Boroks are generally poor, illiterate and have no capacity to access and knowledge about judicial redressal alternatives. It is appropriate to quote one of the observations and reports submitted by the Dinesh Singh Committee constituted by the Government of India to suggest measures for restoration of peace and normalcy in Tripura after the violence of June 1980. It says:

Two Features of this Tripura Land Revenue and Land Reforms Act caused dissatisfaction... Firstly, with regard to the choice of the end of 1968 as cut off point, the Acts virtually legalized the transfer of Boroks' lands that had taken place before January 1969. Secondly, the progress of restoration has been lamentably tardy. It received some impetus in 1978 part and has again languished thereafter. Out of nearly 100000 petitions received only 4300 have been disposed off in the petitioners' favour and just 7700 acres of lands have been actually restored till March 31, 1980 (27).

Though, the above observation seems to reveal the restoration of Borok land, but in reality it was not completely materialized. The Boroks continue to remain alienated from their own land.

The question of land alienation of the Boroks and its restoration has all along been pertinent in the context of the political scenario of Tripura. This issue received importance in the ideologies of various socio-political organizations of the indigenous peoples of the state, like the Tripura Upajati Juba Samity (TUJS) and Tripura National Volunteers (TNV). One of the main demands of these two organizations was the complete restoration of illegally alienated lands. However, the TUJS failed to achieve this objective when the party was in power during the coalition government in the state for a complete term of five years in 1988. On the contrary, the TNV was persistent on the question of land alienation and its restoration. As a result, the issue was incorporated in the TNV accord of tripartite agreement signed on 12th August 1988. As per this Memorandum of Settlement (MoS), Section 3:6 contains the following agreed resolutions:

1. Review of rejected applications for restoration of Boroks' land under the Tripura Land Revenue and Land Reforms Act, 1960.
2. Effective implementation of the law for restoration; and
3. Stringent measures to prevent any fresh alienation. (28)

Though the MoS was signed by a tripartite agreement between the TNV, the Government of Tripura and the Union Government, restoration of lands to the Boroks has not yet been implemented. Subsequently, TNV has threatened the government with renewed agitation in case the Accord is not respected. The surrendered members of the TNV even declared that they would again go back to armed struggle if the provisions of the TNV accord were not fully implemented. Renewed demand for implementation of several Land Revenue and Land Reforms Acts has received wide range of support from TNV, TUJS, regional political parties, Tripura Students' Federation (TSF) and all sections of the Borok society.

The Government of Tripura came under pressure from various sections of the Borok society in 1994-95. CPI (M) led Front Government in Tripura under the leadership of Borok Chief Minister, Dasharath Debbarma, initiated certain measures to implement the restoration of alienated lands to the Boroks. The Left Front Government passed the Tripura Land Revenue and Land Reforms (Sixth Amendment) Bill 1994 and declared 1994-95 as the year of land reforms. This bill aims at reinforcement of all provisions of Land Revenue and Land Reforms Acts of 1960, 1974 (as amended), 1975 (as amended) and 1982 (as amended) particularly relating to the restoration of lands to the Boroks. It also incorporated the provision of prevention of re-transfer of restored lands to the non-tribal people (29). The Act provides the provision to safeguard the interest of the indigenous peoples who otherwise had become victims due to the massive influx of refugees. As per the provisions of the Act, the Government initiated to implement the law to restore all the alienated lands to the Boroks from the non-tribal people. In many areas the non-tribal people who possessed illegally transferred lands were issued notice and order to return the lands back to the original Borok landowners.

However, the bill faced great opposition from the non-tribal communities even before its implementation in the state (30). They were determined not to return the lands back to the Boroks irrespective the legal directives. A regional political party, Amara Bengali, strongly reacted against the bill. This phenomenon created ethnic tension between the Boroks and the non-tribals and led to several clashes in different parts of the state. It is reported that the non-tribals were organizing themselves to protest against the implementation of the Land Revenue and Land reforms Acts 1994.

However, such a strong opposition is possible only in a state like Tripura because of the imbalance in demographic composition.

Following these developments, restoration of land related tension was mounting high at Teliamura area in West Tripura following the massacre of six members of a non-tribal family on 29th April 1994. As the people of Thangsai in Telianmura area of West Tripura District became panicky and insecure after the incident, the state government had to take measures to establish confidence among the people, and security forces were kept in close vigil. The massacre occurred within a week of the state government's declaration of 1994-95 as the year of land reforms, which indicates opposition to the law relating to restoration of Boroks' land (31). The ethnic tension had forced the Tripura government to issue an order of special alert to all the police stations, sub-divisional and district heads of police to maintain a maximum vigil on the prevailing situation and take measures to prevent any communal violence in the state. As the tension was mounting high, the then Chief Minister, Dasharath Debbarma, through telecast message on 9th May 1994 appealed the people of different communities to maintain peace and communal harmony in the state. According to the Director General of Police the situation at that point of time in the state was extremely serious, and showed reminiscence of the 1980 riot. (32)

The problems arising out of land alienation and its restoration is due to the negligence of the Government of Tripura to implement several Land Revenue and Land Reforms Acts. If the Land Reform Acts passed since 1960 are not implemented fully and sincerely, the future of the Borok peoples and their economy cannot be safeguarded. A five-member TNV political party delegation lead by its President, B.K. Hrangkhawl, met the then Chief Minister, Dasarath Debbarma on 10th May 1995 and submitted a memorandum containing five-point charter of demands. The memorandum included the demand of deportation of "foreign nationals" and physical restoration of alienated lands, both of which were included in the provisions of the tripartite TNV accord signed on 12th August 1988. The TNV meanwhile had threatened to paralyse the entire state if its demands are not conceded and fulfilled on time (33). It is quite clear that alienation of the Borok's land and its restoration assume a significant political dimension. There is a need for a government with a strong political will to

resolve such an on going problem in the state. If the issue of restoration of land is not tackled properly on time, it appears that ethnic conflict and communal disharmony may aggravate in the days to come.

Government of Tripura faces a stiff challenge to stop land alienation of the Boroks as this directs causal linkages with the ongoing socio-economic problems and ethnic conflicts. But the question remains if the government is willing to resolve the problem or is only wary of majoritarian electoral interests. Such a concern has hardly appeared in the imagination of the dominant political class in the state. In the face of impending crisis of land alienation it has to be said that the sooner the process initiated the better it will be for the people and the state. Any approach towards this should recognize that simply making legislations after legislations is not going to take much way forward if not guided by a strong will to uphold the rights and historicity of the indigenous people. One way of overcoming the crisis could be through educating the opposing masses with right sense of understanding the issue. Secondly, creation of viable alternative is extremely important for those who would give back the lands, for they too need security and alternate source of livelihood. Thirdly, there is a need to create economic opportunity for all sections of the Borok people without any political favour. Such initiatives will certainly instill a proper understanding and good will among the people of the state, which will perhaps ensure a better Tripura ahead.

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