

**TRANSFER AND ALIENATION**  
**OF**  
**TRIBAL LAND IN ASSAM**

**WITH SPECIAL REFERENCE TO THE KARBIS  
OF THE KARBI ANGLONG DISTRICT**

**DR. B.N. BORDOLOI**

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OF THE KARBI ANGLONG DISTRICT**



**DR. B.N. BORDOLOI**

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*Dedicated to my parents :*

**Late Bhola Nath Bordoloi**

*and*

**Late Durgeswari Devi**

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## FOREWORD

The present book entitled "Transfer and Alienation of Tribal Land in Assam with Special Reference to the Karbis of the Karbi Anglong District" embodies results of continuous research experience of Dr. B.N. Bordoloi on the problems of tribal people of North East India during the last twenty five years. As the Director of the Tribal Research Institute of Govt. of Assam, (now the Assam Institute of Research for Tribals and Scheduled Castes), Dr. Bordoloi guided various research projects in tribal areas particularly of Assam. Before the establishment of the Tribal Research Institute, he worked as the District Research Officer at Diphu and as such gained intensive knowledge of tribal people in the field, specially of Karbi Anglong and North Cachar Hills.

Dr. Bordoloi began his analysis with a review of land legislation measures taken to protect the interest of the tribal people of Assam. He also analysed the various constitutional provisions in this regard. The State Government of Assam constituted Tribal Belts and Blocks as far back as 1947 to prohibit indiscriminate land transfer within these Belts and Blocks from tribals to non-tribals. But it was observed that land transfer occurred even in these Belts and Blocks to a certain extent. The author pointed out that developmental activities undertaken by the Government for construction of irrigation project and extension of industrial activities and infrastructural facilities have accelerated land transfer and displacement of tribal people in recent years.

In the Karbi Anglong district transfer of land of the Karbis has also taken place in the form of temporary agreement entered into by the tribal land holders to allow cultivation and use of land by non-tribals (eg. Paikas, Adhi, Sukti Bandhak, Khoi Bandhak, Mena system, etc.). These practices have virtually turned the Karbi people landless as the original plot of land allowed for cultivation never reverted back to them. In addition there has been considerable encroachment of tribal land by alien people coming from the plains particularly from outside Assam. As eviction process is not started, many tribal people had to abandon

such encroached land and in certain cases had to shift to more interior places. In case of displacement of tribal people due to Government projects on their land, the due compensation to land holders has not been paid in time. Rehabilitation and resettlement of the displaced persons have not been undertaken seriously.

Although Dr. Bordoloi's analysis is mainly confined to the field investigation within the Tribal Belts and Blocks, outside Tribal Belts and Blocks and in the Karbi Anglong district, the book contains relevant information from secondary sources also. The author has gone through all the available literature, manuscripts and documents – both official and non-official – on land problem and land right of the tribal people in Assam. He has collected information from field investigation of sample households in tribal areas where land alienation has taken place on a substantial scale. He also included in the field investigation 3 villages in Darrang district to study the effect of installation of Dhansiri Irrigation project and 2 villages in Nagaon district (now in Marigaon District) to assess the impact of the establishment of Jagiroad Paper Mills on the socio-economic life of the villages.

Causes and effects of alienation of tribal land within the Tribal Belts and Blocks and also in tribal areas outside these Blocks and Belts have been focussed by the author. In this connection the nature of customary rights over land in the form of community and individual ownership and land settlement policy of the Govt. are critically examined. One of the important causes of land alienation is the indebtedness of the tribal people which has led to dispossession from land on account of their inability to repay the loans in time. Although such land transfers are prohibited under the law, tribal people do not like to go to law courts because of the lengthy and expensive process which involves considerable expenditure; they merely abandon their alienated land.

Because of the increasing pressure of population on tribal land, particularly from non-tribal areas of the state or outside, land alienation in the tribal areas has assumed a menacing proportion. The root cause of many of the recent ethnic conflicts between the tribes and non-tribes in Assam can be traced to irregular and illegal land transfer sometimes leading to displacement of tribal people. There are instances of cheating of the tribal people by non-tribals with adverse possession, false documents and dishonest witnesses.

After analysing the field investigation data on the present state of affairs in the tribal areas, Dr. Bordoloi has suggested various policy measures for safeguarding and protecting the right of the tribal people. It is observed from the field data that the faulty and defective

implementation of the existing provisions of the law to control irregular land alienation in tribal areas has made the provisions ineffective. Another important finding is the incidence of land alienation from tribals to non-tribals has been more acute in the so-called Tribal Belts and Blocks. This also shows ignorance of the affected tribal people and the indifference of the land administration machinery. Due to their poverty affected people cannot take legal action and thereby get redress of their grievances. The author has suggested that the Government should provide timely legal assistance to the affected persons and the local administration should take prompt steps to evict illegal and unauthorized possession and encroachment. Provision of credit to meet the urgent need of the tribal people and arrangement of repayment schedule on interest portion on easy terms may protect the people from the clutches of village money lenders and land grabbers.

The author has also recommended that the prior clearance from the Ministry of Welfare, Government of India of the projects which necessitate alienation of tribal land should be insisted. Moreover, payment of due compensation and resettlement of displaced persons should be started along with the commencement and installation of the project. He has also recommended that the Project Authority should provide employment to at least to one member of the family affected when land is taken away for project.

The present book is a pioneering work on a vital topic affecting the tribal people. The book will enable policy makers, administrators, scholars and social workers to understand this critical problem. The suggestions for remedial actions deserve serious consideration. I am sure the public will welcome and appreciate this timely publication.

15th January, 1991

**P.C. Goswami**  
IFCI Chair Professor  
Gauhati University.

## PREFACE

The tribals are considered to be the original settlers of Assam, that is to say, the ancient state of Kamrup. In the early stages, they did not live permanently in any fixed part but generally migrated from one place to another in search of better food and accommodation. Natural calamities like floods, earthquakes, epidemics, and other factors like attack of wild animals, war with the neighbouring tribes compelled them to shift their place of habitats. Some of the tribes like the Kacharis, Karbis, Khasis and the Jaintias had established their own kingdoms. The advent of the Ahoms during the 13th century had completely changed the picture. Some of the tribal kings who had conflicts with the Ahoms lost their kingships and their kingdoms were completely disintegrated. Anyway, in the last part of the Ahom rule the tribals had almost given up their migratory habit and taken recourse to permanent settlement.

The British followed the policy of *Laissez Faire* so far as the tribals were concerned. They simply collected house tax (in the hills) and land revenue in the plains from the tribals, and excepting some minor development works here and there they practically did nothing for the welfare and protection of the interests of the tribals. Some Christian Missionaries, of course, had done Yeoman's service for ameliorating the conditions of the tribal people specially in the field of education.

As land was easily available and the pressure of population on land was low, the tribal people living in the plains did not give much importance to individual ownership rights on land. At times they simply disposed of their land at a very nominal price. Very often they gave away their lands to non-tribals without taking anything in return, as a token of love and appreciation.

The hill tribals, being mostly shifting cultivators had only community ownership of land so far as the land under shifting cultivation (*Jhum*) was concerned. Individual ownership was found to be prevalent in case of land under permanent cultivation.

The tribals were backward both educationally and economically. The land hungry Muslim immigrants from the Mymensing District of the then undivided Bengal had infiltrated into the plains districts of Assam, including the areas primarily inhabited by the tribal people. As land was easily available, the tribals did not put up physical resistance to the Muslim immigrants who occupied all available virgin lands hitherto unreclaimed and uncultivated. These lands could have been owned by the tribal people had there been no influx of immigrants. The tribal people generally do not like to live in the vicinity of unknown people specially when they profess a religion alien to theirs. Moreover, alien aggressive elements sometimes indulged in conflicts with the tribals on land matters. As a consequence many tribal villages got shifted to the interior areas away from the touch of the immigrant Muslims to avoid frequent conflicts. The non-tribal money lenders also, taking advantage of the mass illiteracy and ignorance of the tribal people gradually grabbed tribal lands through various methods. Thus at the time of independence tribals were, in fact, in a sorry plight so far land matters were concerned.

The State Government, after independence, took some concrete measures for the protection of the tribals who on account of their primitive conditions and lack of education or material advantages were incapable of looking after their welfare in so far as such welfare depended upon their having sufficient land for their maintenance. One of the major steps towards this was the amendment of the Assam Land and Revenue Regulation, 1886 in 1947 by incorporation of Chapter-X. As per this amendment the compact areas predominantly inhabited by tribals in the plains districts were constituted into Belts and Blocks. Settlement of land in these Belts and Blocks to persons belonging to other than the notified classes, encroachment in the notified areas, transfer, sale, exchange, lease etc., of land belonging to the tribals to persons belonging to other than the notified classes within the protected Belts and Blocks were prohibited. Registration of deeds to the above effects was also proscribed.

Similarly, to protect and safeguard the interests of the tribals of the Autonomous Hills Districts adequate provisions under the Sixth Schedule to the Constitution of India were made. The Autonomous District Councils were given sole authority over the management of lands under their respective jurisdictions. The Karbi Anglong District Council by an enactment known as the Mikir Hills (Transfer of Land) Act, 1959, prohibited sale, mortgage, lease, etc., of lands from tribals to non-tribals without the specific approval of the Executive Committee of the Council.

But inspite of the existence of legal provisions under Chapter-X of the Assam Land and Revenue Regulation, 1886, as amended upto date, transfer and alienation of tribal lands and encroachment of lands within the protected Belts and Blocks have been going on unabated. Development activities undertaken by the government in the form of construction of irrigation projects, establishment of industrial complex, etc. have also alienated tribal lands to some extent.

Similarly in the Karbi Anglong District Temporary alienation and transfer of land belonging to the Karbis inhabiting the plains areas have been taking in the shape of *Paikas*, *Adhi*, *Sukti Bandhak*, *Kohi Bandhak* and *Mena*. Most of the persons responsible for this state of affairs hail from East Bengal (present Bangladesh) after partition. These systems have virtually turned the Karbi cultivators landless in their own hearth and home in spite of the existence of legal provisions banning transfer, mortgage, lease, exchange, etc. of tribal lands to non-tribals. The Jamuna Irrigation project and some other development works have also affected some Karbi families whose lands were taken over by the Government, even without paying due compensation in some cases.

In recent years alienation of land has been identified as one of the major causes of tribal unrest in India. Land being the principal assets and the primary source of livelihood of the tribal communities, its deprivation by way of transfer, sale, mortgage, etc. and also acquisition by the government for public purposes have caused great resentment among them.

The dimensions and problems of alienation of tribal land differ from State to State, region to region and even tribe to tribe. Land being a State subject, land laws and land management policies also differ from State to State. In the tribal inhabited States and Union Territories in India, legal and other measures to prevent alienation of tribal land have been adopted mostly since independence. Despite the existence of these measures alienation of tribal land has been going on.

In 1972 while I was posted at Diphu, the Headquarters of the present Karbi Anglong District, I conducted a study on the Problems of Transfer and Alienation of Tribal Land in the Karbi Anglong District with special reference to the Karbis. The study brought out some hitherto unknown facts regarding the various ways the Karbis inhabiting the plains portion of the district were compelled to alienate their lands. I also studied the government acquisition of land for the installation of the Irrigation Project on the Jamuna river the headwork of which lies in Bakulia. The report was very much well received at different quarters and the Karbi Anglong District Council had passed the Karbi Anglong District (Land

Reforms) Act 1979 on the basis of the findings of the report. The study inspired me to make a venture to undertake an indepth study of the problems of alienation of tribal land in Assam with special reference to the Karbis of the Karbi Anglong District.

An attempt is made in this study to investigate as to how transfer and alienation of tribal lands are going on unabated inspite of the existence of legal provisions in the plains districts of Assam and also among the Karbis of the Karbi Anglong District. A special reference to the Karbis is made because of the fact that they are considered to be one of the most backward tribal communities of Assam, both educationally and economically. The migration and subsequent settlement of a large number of East Bengal (present Bangladesh) refugees near their villages have injected into their economy a device which has virtually made them landless. This has been a great blow to the agrarian structure of their economy which is at the subsistence level. The study reflects how adversely the transfers and alienations of lands have affected the verious aspects of socio-economic life of the tribal people. Similarly, alienation of tribal land due to establishment of industrial and irrigation projects and acquisition of land for public purposes are themselves problems of grave nature which have resulted in great sufferings of the affected families.

This study tries to bring to light some hitherto unknown facts in regard to the transfer and alienation of tribal lands in their proper perspectives. The extent of transfer and alienation, its *modus operandi*, and the consequences thereof are analysed. After analysing the causes, problems and consequences, suggestions are put forward for preventing transfer and alienation of tribal land. The subject under study is considered very important since alienation of land lies at the root of resentment and dissatisfaction among the verious sections of the tribal population of Assam.

The study is confined to the plains areas of the present State of Assam and also the Karbi Anglong District in the hill areas of Assam.

Methodology adaopted by me in conducting this study is as follows :

Preliminary observation on the problems is based on data currently available in the form of government reports, documents and other published and unpublished reports. Visits to the tribal areas, both hills and plains, to understand the dimensions of the problems through personal observation have enabled the author to make an assessment of the problems in clearer terms.

All recorded data available, in printed and manuscript forms, published and unpublished, official as well as non-official, are made use of. The secondary data are supplemented by primary data based on field study. Field data thus collected have revealed a lot of currently unknown or unavailable facts and they have also enabled the author to verify some known facts and conclusions.

For the collection of primary data a sample survey in some selected tribal pockets where the incidence of transfer and alienation of tribal land is the highest and in some other pockets where the incidence is not so alarming is carried out through canvassing schedules prepared for this purpose. To permit a free response from the subjects interview method was adopted.

For the purpose of sample survey ten tribal inhabited villages from within the Tribal Belts and Blocks, 5(five) tribal inhabited villages from outside the jurisdiction of tribal Belts and Blocks and 5(five) villages inhabited by the Karbis of the Karbi Anglong District were selected with the help of the District Census Hand Book of 1971 Census.

In order to find out the extent of alienation of tribal land due to installation of the Dhansiri Irrigation Project in Darrang District, 3(three) affected tribal inhabited villages were taken up for sample survey and so far as the extent of alienation of tribal land due to the installation of the Jagiroad Paper Mills (Nagaon Paper Project under the Hindustan Paper Corporation Ltd.) is concerned, the 2(two) affected tribal villages were taken up for study. The field study was completed in all respects within the calendar year 1987.

I am trying to present the entire investigation including compilation, processing, analysis of data by using standard statistical methods, observations and findings, conclusion and policy implications, etc., now in a book form. I am trying to incorporate in this book the positive and negative evidence along with the technique by which such evidence is obtained.

The book contains the following Chapters :-

## **CHAPTER-I**

Geographical Account of Assam – A brief history of the State of Assam – An Account of the Migration of the Different Tribes.

## **CHAPTER-II**

Constitutional safeguards and other protective measures for Scheduled Tribes – List of Scheduled Tribes – Scheduling, Descheduling and Rescheduling of Tribes –

Profile of the major tribal communities inhabiting the hills and plains of present Assam.

### **CHAPTER-III**

Legislation, land policy and land reforms protecting tribals' interest on their land in the plains districts of Assam – Amendment to the Assam Land and Revenue Regulation 1886 in 1947 for incorporation of the Chapter-X – Creation of Tribal Belts and Blocks – Different Provisions prohibiting Transfer and Alienation of Tribal Land.

### **CHAPTER-IV**

(a) Extent of Transfer and Alienation of Tribal Land in the Tribal Belts and Blocks – Nature of Transfer and Alienation and their causes, effects and consequences.

(b) Extent of Transfer and Alienation of Tribal Land outside Tribal Belts and Blocks – Nature of transfer and Alienation and their causes, effects and consequences.

### **CHAPTER-V**

Resume of the formation of the present Karbi Anglong District – A brief note on the functions of the Karbi Anglong Autonomous District Council – Land Management in the Karbi Anglong District – Types of Land and Forest – Nature of Association of the Karbis with land – Customary rights of the tribals over land – Community ownership and individual ownership of land – Land settlement policy – Legislation prohibiting transfer and alienation of tribal land in the Karbi Anglong District.

### **CHAPTER-VI**

Extent of transfer and alienation of land belonging to the Karbis inhabiting the plains portion of the Karbi Anglong District – Nature of Transfer and alienation and their causes, effects and consequences.

### **CHAPTER-VII**

Extent of Alienation of Land belonging to the tribal families due to the installation of the Dhansiri Irrigation Project, Bhairabkunda, in the Darrang District and Nagaon Paper Mills, Jagiroad.

### **CHAPTER-VIII**

Summary of Findings and policy implications.

I am extremely grateful and indebted to Dr. Atul Goswami, Professor, Department of Economics, Dibrugarh University for giving me valuable guidance in conducting this study which is more or less a field oriented one.

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Prof. Parameswar Sharma, Retired Vice Principal of B. Barooah College, Guwahati, an eminent Economist who happened to be a Member of the Assam State Planning Board for several times encouraged me to undertake this study on a problem which has assumed a great significance in the present days' context. It was, in fact, Professor Sharma who insisted me to make a thorough investigation of the problem. For this I am very much grateful to him.

This book would not have seen the light of the day if the Government of Assam would not have come forward with generous financial assistance. For this I am grateful to Shri Bhaskar Barua, I.A.S., Additional Chief Secretary, Assam and also to Shri P.B. Deb, Additional Director, Planning and Development Department, Government of Assam.

Lastly, I am thankful to all the persons, officials as well as non-officials, from whom I had received help and co-operation in conducting this research study.

It is my earnest hope that my book will enable the administrators, planners, researchers, scholars and readers to understand the problem of transfer and alienation of tribal land in Assam in its proper perspectives. I have a firm belief that the findings based on field study and the suggested policy implications thereon, if implemented in words and spirits, will go a long way to minimize the problem to a great extent.

Dated Guwahati  
the 26th January, 1991.

**B.N. BORDOLOI**