

Anthology : The Research Land Tenure System of North-East With Reference of Assam

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Abstract



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India's North East also known as the land of the seven states, Comprises the stated of Arunachal Pradesh, Assam, Manipur, Meghalaya, Marjoram, Nagaland and Tripura. The formal attempts to made was the changing pattern an of land relation and the legal measures that have affect changes on the management of land and their consequent impact on the life of people in the North East India. Karbi Anglong is the largest district in Assam with head quarters at Diphu, Hamren, Bokajan. The schedule Tribes people constitute mainly of the Karbis the Dimasa Kacharis and the Rengma Nagas. Traditionally the tribal villages in the hills did not have fixed or recognized territorial boundaries since the people shifted the place according to the need of then sites. Land was voiced as commercial property and managed by the community through various sites of rules practiced over generations. Meghalaya is home to three dominant tribes are the khasi, the jaintia and garos. All three major tribes of Meghalaya practise the unique matrilineal culture where property passes through the female, the youngest daughter who is the custodian of ancestral property. There are several disputes between local land owners and the military all because the former does not recognize its boundaries while the latter passes maps and survey records.

In 1976 the Meghalaya Land Transfer Act was passed the prohibit sale transfer of land to non tribal except when the land is used for public interest. Privatization of land started after the British entered these hills and began to create an infrastructure. The land use system in the valley and hill areas of Manipur is quite different. Among the Nagas only males can inherit landed ancestral property such as the homestead terrace paddy fields, Jhum areas and house hold owned wood land (Thingkham) Thangkhol Naga System is patriarchal. Refugee and illegal migrants entered Tripura. Through different points across the border stretching from Dharmanagar in the North district to Sabroom in the south. For the administration of the refugees and their relief and re habitation the Directorate of Rehabilitation was set up in 1950.

Keywords: Preventive, Tenure, Resources, Document, Refugee, Occupation, Administration, Community, Ownership, Infrastructure.

Introduction

North Eastern region (NER) consisting of right states namely Arunachal Pradesh, Assam, Manipur, Maghalya, Mizoram, Nagaland, Sikkim and Tripura is identified as the homeland of a large no of Tribal communities known as Schedule Tribles (STs). STs are have similar in geographical isolation, backwardness, deprivation and others. They are different in Social, economical and administrative structure, customary norms geographical isolation different in value system. STs are socially and economically backward people. The constitution of India unionizes some back ward section of the population as STs in order to catch up as the rest of the society as socially & economically disadvantaged and backward people. They are Predominantly living in hills, forests region with agriculture as their main source of livelihood and income. As per 2011 census of India, there are 241 constitionaly recognized ST in NER. According Ministry of Tribal Affairs (MTA) STs are traditionally lived in about 15% of the country's geographical area namely forests, hills rich in natural resources, plate anurans.

The Tribes of the Region

As is well known, the North-Eastern region is a complex chemistry of customs and traditions. Tribal societies found living in this part of India are unique and distinct from one another. As Xaxa rightly points out, tribes in India are not a homogenous category. They differ widely among themselves with respect to the regions they live in, the languages they speak, their physical features, the geographical terrain they inhabit, their mode of making a living, the levels of development at which they are placed and the size of the community they represent. Table 1 given below provides the distribution of tribes in the North-Eastern India.

Objective of the Study

Tribal welfare in North East Region in terms of land holding.

Table 1
Distribution of Tribes in the Seven States of North East India
(Not Expansive List)

State	Tribal
Arunachal Pradesh	Aka, Apatani, Deori, Khamti, Khamba, Memba, Mising, Miri, Khowa, Mishmi, Lisu, Miji, Monpa, Sherdukpen, Sulung, Singpho, Tangsa, Nokte, etc.
Assam	Boro, Kachari, Rabha, Dimasa, Karbi, Mising, Koch, Rajbonshi, Tiwa, Garo, Gangte, Hmar, Hajong, Khasipnars, Paite, etc.
Manipur	Himol, Anal, Angami, Chisu, Chota, Gangte, Hmar, Kabui, Khoirao, Kom, Lamjong, Lushai, Monsang, Maram, Marim, Mao, Mayon, Paite, Pusum, Ralte, Sema, Simti, Sukte, Thangkul, Thadou, Vaiphei, Zou, Zeliangrong, etc.
Meghalaya	Khasi-Jaintia, Garo, Karbi, Lalung, Hajong, Biate, Koch, etc.
Mizoram	Lushai, Hmar, Pawi, Paite, Chawte, Riang, etc.
Nagaland	Ao, Sema, Konyak, Lotha, Angami, Chang, Rengma, Phom, Pochuri, Sangtham, Chakesang, Yimchunger, Zeliangrong, Kuki, etc.
Tripura	Chakma, Hrangkhawl, Tripuri, Reang, Jamatia, Lushai, Kuki, etc.

It was with the annexation of the region in 1826 that the British East India Company got a foothold in the region's political administration. After thus bringing the region under their political control, the British regime initiated a new political policy of dividing the region administratively into hill and plain areas. The hill areas were separated into two categories based on their level of development and accessibility: Excluded Areas, and Partially Excluded Areas. The British put restrictions on people from the plains entering both classifications of hill areas and on purchasing or owning land there.

Immediately after India became independent, tribal leaders from the region demanded that the State protect their culture, identity and sustenance. The Fathers of the Indian Constitution evolved and integrated varied policies for the tribes of the region. As a result, politically, the region has a variety of administrative structures (Table 2). Additionally, the system of administration in the region as a whole differs in important ways from that which prevails in the rest of the country.

It may be noted that the constitution has made special provisions under the Fifth and Sixth Schedules for the administration of the Scheduled or Tribal Areas. The Sixth Schedule applies to the tribal areas in the Hills of Assam, Meghalaya, Tripura and the Fifth Schedule, to the Scheduled areas in the rest of the country. However, the hill areas of Manipur inhabited by the tribes, and those which the plains tribes of Assam inhabit are not covered by the provisions of either schedule.

State	Special Constitutional Provision	Administrative Structure
Arunachal Pradesh	Art. 371H	No Autonomous Councils the State has adopted the Panchayati Ra
Assam	Sixth Schedule Read with Art. 371B (for Schd. Areas only)	Three Autonomous Councils: (i) Karbi-Anglong (ii) North Cachar Hills (iii) Bodo Territorial Council
Manipur	Art. 371C	The Manipur (Village Authorities in Hill Areas) Act. 1956
Meghalaya	Sixth Schedule	Three Autonomous Councils: (i) Khasi Hills, (ii) Jaintia Hills, (iii) Garo Hills
Mizoram	Sixth Schedule Read with Art. 371G	Three Autonomous Councils of Pawi, Lakher Chakma, and other areas without the Three Autonomous Council
Nagaland	Art. 371A	No Autonomous District Councils
Tripura	Sixth Schedule	Tripura Tribal Area Autonomous District Council Khumulwang

Actually, it was assumed that through such protective mechanisms and the powers provided by the constitutional Provisions to make laws and implement them in accordance with the Constitution of India, the tribes would be able to protect their customs and traditions and would also develop in their own way and at their own pace.

Land tenure system north east india genesis and evolution

an attempt is made to assess the changing pattern of land relations and the legal measures that have effected changes in the management of land and their consequent impact on the life of the people in the northeast India.

Karbi Anglong District of Assam

With an area of 10,332 sq. kilometers, Karbi Anglong is the largest district in Assam. With headquarters at Diphu, the district has three administrative sub-divisions, namely, Diphu, Hamren and Bokajan. The total population of the district was 379,313 in 1971 of whom 210,039 (55.37%) persons belonged to the schedules tribes. In 2011 the population has gone up to 813,311 of whom 452,963 (55.5%) belonged to the schedules Tribes (NIC Karbi Anglong). "The schedules tribes people constitute mainly of the Karbis, the Dimasa kacharis and the Rengma Nagas."¹ Many other ethnic communities like the Bodo Kachari Garo and Kuki and also non-tribal communities inhabit the district.

The Karbi Anglong Economy

The karbis, belonging to the Tibeto-Burman linguistic family, are among the oldest inhabitants of Assam. They were earlier referred to as Mikirs but they call themselves Arleng meaning 'men' Studies on this tribe indicate that already in the colonial period, they were divided into two groups practicing different types of agriculture. Those in the plains took to plough cultivation and paid taxes like other Assamese rayats (tenants). Their hill counterparts call them dumrali but are called tholua by the Assamese² The karbis living in the hills practiced jhum (shifting) cultivation which is similar to what most other hill tribes of the Northeast do. Some families also practice terrace cultivation. The Karbi continue the same agricultural practices to date, though there have been changes in the hills.

Customary Law, Traditional Land holding system and Traditional Bodies

Traditionally the tribal villages in the hills did not have fixed or recognized territorial boundaries, since the people shifted from place to place according to the need of the jhum sites. Land was viewed as communal property and managed by the community through various sets of rules practiced over generations. The traditional Karbi society was not an exception to this. The cultivable land was divided among the households by the me, or the village council, at the first settlement of a village in a new locality.³ The me under the leadership of the headman selected the sites for jhum cultivation from the community owned land. Usually the villages are named after the village headman (Sarthe) and " his post is generally hereditary"⁴ The position of the headman was always coveted as he is the most honoured person in any social, religious or cultural transaction in the village.

The village council settles all kinds of social disputes by a majority decision. In case a section of the villagers does not agree with the majority decision, the dissenting group is allowed to migrate and set up its own village. But they have to honour this decision as long as they remain in the village. Several Karbi villages constitute a traditional administrative cluster under the headship of a habe. All inter village disputes are settled by the Habe and the meeting convened of this purpose is called me-pi or great council and is attended by all the village headmen under his jurisdiction. According to Lyall,⁵ the me-pi is also presided over by a mauzadar (revenue collecting agent over a cluster of villages) usually an influential man. The habe reports to the pinpo (an official above the habe in the traditional hierarchy) who is otherwise under the traditional Karbi chief Lindokpo. Thus the traditional Karbi administrative system is headed by the chief or king at the top followed by the pinpo, the habe and village headmen. At the base of this pyramid like structure of administration lie the Karbi Common folk. The remnants of this hierarchical structure are still visible in social transactions, but only in the western part of the Karbi Anglong district that falls under the Hamren Sub division. The Lindokpo lives at Rongnihang around 17 kilometers from Hamren.

With the establishment of modern administration, " from amongst a number of headmen (Sarthe of Gaonbura) the government nominates one influential man to serve as Bargaobura (head gaonbura) for the villages concerned."⁷ The bargaonbura deals with the government on behalf of the villages and is exempted from paying house tax. He presides over the me-pi or the great council to settle any inter village dispute or some individual cases of a grave nature. The approval of the bargaonburs is required for the establishment of a new village. Thus the bargaonburs is almost a modern version of the traditional habe.

Transition to Modernity and Individual Ownership

The Karbi traditional land management system has changed due to both external and internal factors. The Karbis in the plains area shifted to ploughs after coming in contact with the Ahoms. This probably began in the early 19th Century. Settles cultivation gradually filtered down to the valley areas of the district. Even in the hills where jhum cultivation is still practiced, wet cultivation is done in low marshy areas. This ushered in the process of individual ownership of land. The gradual replacement of communal ownership by individual ownership took place With the people's acceptance of permanent cultivation.

Population growth is another factor leading to the expansion of settled cultivation. Population growth was aggravated by the arrival of East Pakistani refugees at the partition in 1947 and the more recent immigration of Bangladeshis, Nepalis and Biharis. Among them the Bangladeshis and Biharis are highly skilled settled cultivators. The 1951-61 decade witnesses the second highest decadal growth (67%) in the district since 1901-1911, the highest so far being 306.17 percent between 1931 and 1941. In the 1991-2001 decade, the growth rate recorded is 22.7 percent. In 1951-61 there was a heavy influx of Pakistanis into the district....who constituted more than 12,000 persons.⁹ These outsiders played an indirect role in the spread of wet cultivation which added to the growth of individual ownership of land.

The process of individual ownership was also encouraged by the administration through its efforts to get the people to abandon shifting cultivation and changing villages because it is constructed as harmful to the environment since it is assumed to lead to deforestation and soil erosion. To discourage it, an effort was made to 'bring about social reconstruction by making the people settle in permanent villages, the District Council opened up a few model villages composed of a minimum of 50 houses which is considered conducive from the point of view of planning and development.¹⁰ In the model villages, each family is provided with 5 to 10 Bighas (1 acre is 3 bighas) of well irrigated land including 1 bigha of homestead land along with a well ventilated spacious newly constructed house.

In addition, the administration undertook certain schemes to introduce cultivation of cash crops and horticulture and alternatives to jhum. However, the success of the administration in weaning the tribal people away from jhumming by introducing cash crops and horticulture may be gauged by going through the writings of Dr. Jayanaya Rongpi,¹¹ former Chief Executive Member of the Karbi Anglong Autonomous Council.

Government of India thought that jhum cultivation is one of the causes of the rapid unbalanced deforestation of N E Region and hence decided to control it. Accordingly they offered a big amount to the State of Assam to rehabilitate the jhumias in some other cultivation.

Impact of individual Ownership : Alienation

This transition to individual ownership brought along with it social maladies in the form of Paikas, bandhak, mena etc. Paikas is a system by which a person gives his land against cash payment to another for a period of two or three years, without conferring ownership on the other. In Karbi Anglong many local tribal people fell victims to this system. Bandhak has two systems- Shukti Bandhak and Khoi bandhak. In Shukti bandhak, land is given on mortgage on payment of paddy at a certain rate per bigha per annum. It may be renewable Khoi bandhak is mortgage for a minimum of five years but on payment of cash at a certain rate per bigha per annum. "At the end of the period of agreement, the mortgage automatically terminates. The entire amount for cash money has to be paid for the period of agreement only once at the beginning."¹² In both the systems the actual landowner loses all 'rights to cultivate and to question its utility' Dr. B.N. Bordoloi refused to call these systems actual mortgaging because of the fact that the mortgage-it is better to call it agreement automatically terminates at the expiry of the period mentioned in the bond and the question of repayment of the cash or paddy accepted does not arise' however the parallel system seems to be in practice in some areas where in the cash amounting paid against the mortgaged lands needs to be returned at the end of the agreement. Mena is a system by which un reclaimed virgin lands suitable for cultivation in possession of the tribal cultivators, are given to non-tribals for reclamation and cultivation thereafter for a number of years varying from 3 to 5 years.¹³ At the end of the agreed period the actual owner gets nothing other than the reclaimed plot.

Thus the tribals, in spite of owning the land, slowly lost actual control over land the non tribals got most of its benefits. As Dr. B.N. Bordoloi 14 says even though the law declares such practices illegal, they continue to be practiced for instance, the paikas system was declared illegal by the Mikir hills districts transferred of land act, 1959., but it continued to be practiced till the late 1980 s in some areas like hand lock in the ronghang block of west karbi anglong. Bandhak is still prevalent in many parts of the district. Unable to return the contracted sum of cash, many landowners sell their land off on payment of an additional amount of cash.

Another outcome of individual land ownership is concentration of land in the hands of a few individuals or families within the tribe and the consequent disparity within the community. This process of concentration is rather slow. Usually the land transfer takes place in case of indebtedness to meet emergencies such as medical and educational needs. Also alcoholism or addiction is responsible in many cases for sale or mortgage of property. Though there is no prescribed rule, generally the family concerned prefers to sell or mortgage long among relatives and to fellow villagers if someone from the family fails to buy it. Gradually land, particularly the fertile plots, gets concentrated in a few families. When community ownership was the order, such disparity was unknown. There was land for everyone and none lived in poverty. Individual ownership brought about the conditions favourable to land concentration. This phenomenon is more apparent in the valley areas, though the hill area is not immune to it.

Alienation and Preventive Laws

Since colonial times, the Northeast in general and Assam in particular have been victims of an aggressive influx of land hungry immigrants from outside the State. Karbi Anglong is not an exception to this phenomenon. The unprecedented population growth in the 1960s and 1970s in Karbi Anglong has already been mentioned above. To protect tribal land from alienation to non tribal locals as well as immigrants, the State adopted several preventive measures through various legislative measures. The sixth schedule of the Constitution of India is the mainframe of this policy that is based on the Government of India Act 1935. The autonomous council created under the schedule is vested with certain legislative, executive, financial and judicial powers.

The policy of land settlement adopted by the council in Karbi Anglong is based on the power derived from this provision of the Sixth Schedule. As per this policy, preference is given to the bona fide "scheduled tribes such as karbis, Dimasas, Kacharis, Rengma Nagas etc" and second preference to the Scheduled tribes coming from other autonomous districts. Settlement of land with any non tribal who came to the district after 15th August 1947 is prohibited as per resolution no. 9 of the executive committee held on 25th October 1954. However the district council may, in special cases relating to the victims of unusual natural calamities such as floods earthquakes etc. who are already in occupation of land in the district, order settlement of land with the affected non tribal people on recommendations after due enquiry from the deputy commissioner.

Considering the land policy adopted by the council and recognition of plains tribes as scheduled in the district, it may be assumed that protection of the tribal population is from both the non tribals and immigrants from other regions.

The People of Meghalaya

Though Meghalaya is home to different ethnic groups the three dominant tribes are Khasi, the Jaintia and the Garo. The Khasi Jaintia people are of an Aryan origin, said to have migrated to these hills from Cambodia, while the Garos are the tribe to Burman stock and have settled in the Garo hills for the past 400 years. They are believed to have been uprooted from the Koch province or Cooch Behar which is now in West Bengal. All three major tribes of Meghalaya practice the unique matrilineal culture where property passes through the female, the youngest daughter who is the custodian of ancestral property. However, administration of the property is usually in the hands of the maternal uncle. Lineage is from the female line and the husband's earnings become part of the matrilineal head or the youngest daughter is the Nokma but the property is administered by her husband the Nokma who is also recognized as the headman.

Land and the Khasi customary law

Among the khasi as well as the garo and jaintia, land belongs to clans, communities and individuals. Among the khasis the lands are classed as 1. Ri Raid community land. 2. Ki Ri Kynti land belonging to individuals 3. Ki Ri Kur clan land. No cadastral survey has ever been carried out. Mapping of area belonging to different owners is unheard of. Villagers still adopt the practice of making a river, tree or a hillock as a landmark for their boundaries. This creates enormous Meghalaya are no longer all agrarian nor are they pastoral nomads engaged in jhum or shifting cultivation. A good number are engaged in settled agricultural or are service employees with the government or non governmental institution. Many are in businesses of the small, medium and large scale. The problem arises when institutions that are non tribal entities, such as cantonment lands, state and central government establishments which have their boundaries well marked out happen to lie adjacent to the land owned by the tribals. There are several instances of boundary disputes between local landowners and the military, all because the former does not recognize its boundaries while the latter possesses maps and survey records. In 1976 the Meghalaya land transfer act was passed to prohibit sale or transfer of land to non tribals except when the land is used for public interest.

Khasi women and land ownership

In khasi society the youngest daughter ka khatduh and not an inheritor as some would like to believe. Scholars interested in deeper understanding of khasi society will discover that very few clans own fairly large acreage. Among them are the mawri, nongkhlaw, kharkongor, khyriem, marbaniang, blah, syiem, lyngdoh etc in east khasi hills the laloo, rymbai etc of jaintia hills, the marwein lyngdoh etc. clans of west khasi hills. Not all khasis own property enough to distribute to all the daughters, with the desirable practice of giving the biggest share to the youngest daughter ka khatduh. Wealthy families owning landed property are becoming fewer as more people in the rural areas are dispossessed of their lands on account of poverty. The few affluent families in any case do not discriminate between sons and daughters. In fact the trend has always been to allocate some portion of the self acquired property also to sons. The urban middle class educated elite actually has no problem about altering the matrilineal practice and adopting traits of patriarchy in respect of taking the father's surname instead of the mother's etc.¹⁸

In a sense therefore there is an intellectual and cultural divide between the rural and urban khasis, the latter being the real custodians of khasi culture, folklore etc. however, it must be admitted, that the urban elite also recognize the harm that the gender bias in matriliney has created. Landlessness or the absence of land titles in the name of khasi men reduces their status as "bankable" individuals who can access loans for entrepreneurship. This has been felt very acutely by men. Organizations such as the syngkhong rympei thymmai and mait shaphrang movement have been demanding equal rights for both men and women. It actually boils down to equitable distribution of parental property. It is unfortunate that these movements are urban centric and have not made such impact beyond shillong, besides, such movements, instead of looking at gender justice tend to be male centric and focus only on the rights of the male members of their society.¹⁹

But there is nothing in khasi society which debar men from inheriting landed property. Clans like the khyriem kharkongor, mawri, nongkhlaw who are virtual owners of land in and around shillong have been known to divide the money earned from sale of land equally among clan members be they men or women sons or daughters. It is a myth therefore to say that men have no property rights. But as a rule men do not inherit property in the manner in which their counterparts in patriarchal societies do. All earthly possessions of parents are vested with the khatduh because she fulfils certain responsibilities and obligations which her brothers might be disinclined to take up, more so, because after marriage a khasi man leaves his parental home. A man who marries the khatduh has to live her natal home. If he marries any other sister then the couple starts a nuclear family. When a man marries he is said to have left for somebody else's home leit ling biew. This does create a sense of psychological alienation for the male as it does for the daughter in a patriarchal society.

The misconception that sons do not and cannot inherit property is not correct. In the khasi matrilineal society if a khatduh has no daughters, her sons cannot inherit ancestral property but they can be gifted the self acquired property of parents. The ancestral property will however pass over to the next elder sister's youngest daughter. In fact men usually prefer to buy land in their wife's name and one reason for it is to ensure that on his death, his clan kur members do not appropriate the property and leave his wife and children in penury a phenomenon common among the jaintias. The khatduh is a custodian of ancestral property with conditions, albeit unwritten and unspoken. She must look after her parents as long as they are live. Also her unmarried brothers live under the same roof. If any of her nieces or nephews is orphaned it is the khatduh's duty to care for them. If her brothers divorce their wives or vice versa that come back to the khatduh or parental home. Looked at from a purely objective prism, therefore along with the property the khatduh also carries overwhelming responsibilities including loss of social mobility.

As stated earlier, though ancestral property passes through the khatduh she is really not the owner. She is only the stewardess or custodian of ancestral property. Her maternal uncle acts as the chief executor or the administrator over the property. Attempts to sell off ancestral property have often led to court cases because the property is not exactly unencumbered. Every family member has a say in its management and it is often not based on the best and most equitable formula. This is actually the weakest link in the matrilineal chain. It is an area that perhaps requires deeper study because of its propensity to create conflicts between individuals in their society.

Privatization of land started after the British entered these hills and began to create an infrastructure. The British entered into hundred year leases with some prominent clans and paid them annual revenue. Wherever viable they made outright purchases. This introduced the concept of land valuation. Once the Khasis realized the value of land there was a scramble to buy and sell land. Ri Raid land was converted by subterfuge into Ri-Kynti or individually owned land. Among the early Khasis free land not owned by anyone could be claimed by any clan through the process of skut which actually means claiming as much land as a person could lay his eyes on, taking the hills and rivers as natural boundaries. Hence clans who became the early residents of Shillong actually appropriated almost the entire 10sq km spanning the city.²⁰

Reasons for Landlessness among Khasis :

Societies are mobile entities. Rural inhabitants migrate to the cities in search of better prospects. Individuals move when they marry someone from another village. Those who move to another village do not have the first right to claim the community land or Ri Raid. Such land is allotted to the original inhabitants of a village. So these new settlers become tenants and have to take land on lease for farming. These leases are temporary in nature and the owners can claim their land back whenever they choose to. It has led to a situation where farmers are unable to undertake plantation farming but have to depend on annual crops like rice and vegetables. Another reason for landlessness is the risks involved in agriculture. When crops fail, families are compelled to mortgage their land to the affluent in order to purchase seeds, fertilizer etc. if there is crop failure these families lose their land and become landless.

The research scholar had a set of random interviews with villagers and village heads in east and west Khasi Hills and Ri Bhoi district. The interviews show that poverty is on the rise, so is landlessness. In East Khasi Hills in a village of about 120 families at least 20 families lived in homes that were only 10x10 ft in size. As the average family size is 5-6 one can only call them puny houses for that many people. The land on which the house stands was reportedly bought for various sums ranging from Rs. 20,000 for about 6,000 sq. ft. the land was as per custom registered in the woman's (wife's) name. Hence ownership is with the woman but not its control. Men have as much right to decide how to use that land, whether to mortgage it if a need arises or even to sell it should the family dip into acute poverty. With the erosion of clan and kinship ties families have to fend for themselves. This is another emerging feature in Khasi society.²¹

Privatization of Community Land

Khasi practice in the past was to allocate community land to every member of the village and give jhum land for cultivation. As long as a family resided on that land and cultivated it, it continued to be its rightful occupier. If it abandoned the allotted land or it remained uncultivated and unused for three consecutive years then that land reverted to the Raid (community). However, the customary laws also have their loopholes. If a holder of community land makes improvements on it and makes a permanent structure then that person becomes a permanent holder. This is as good as ownership.

Anthology : The Research

Another interesting finding of this writer is that community lands are administered by the Dorbar Shnong/Dorbar Raid (Village Council) or Dorbar Hima (Chieftainship). Men alone can be heads of Dorbars or the Rangbah Shnong/Sordar. Men alone are chieftains who are called syiem. In what can be called a surreptitious stratagem the syiems sorder and Rangbah Shnong have in collaboration with other members of their council converted large areas of land in their jurisdiction into privately owned land in their own names. In such cases the titleholders are male members. This happens especially in the case of forestland. Naturally the community owned land has today shrunk considerably or is non-existent.

This phenomenon can become the basis for a complete overhaul of Khasi Society. Men as heads of the Dorbars and Chieftainships are increasingly becoming not just owners of land but have also appropriated the right to exercise complete control over it. What women will ultimately be left with is the lineage bit. These reversals are happening at a very rapid pace. Ironically, there is very little consciousness in the community about this swift reversal of women's status from owners of land to mere inheritors of ancestral property with all its social encumbrances.

One factor that has tended to reduce women's power is their exclusion from traditional institutions involved in local governance. At one time these institutions discussed issues of public welfare and governance. Thus, these traditional institutions were to an extent involved in civic administration and also adjudicated on matters relating to land disputes and other non-compoundable offences. Today these bodies have evolved into power centres, which are vested with the authority over land and its distribution. While in the past, these institutions could be trusted to carry out their responsibilities with honour and dignity, always keeping the interests of the community at heart, today those cherished tribal values have been diluted. Greed and the desire for accumulation threaten to destroy the fabric of Khasi society.

At this juncture, it is imperative to (a) undertake a cadastral survey of all land in the Khasi and Jaintia Hills in order to identify their rightful owners (b) legislative action is required to push for a land ceiling act before the balance is tilted completely towards the affluent and the Khasi society is sharply divided along class lines (c) undertake a detailed study of the rapid erosion of women's status from that of land owners to that of powerless, landless ancestors (d) legislation to include women as an integral part of traditional institutions is imperative. By thus joining these institutions, they will be able to understand the nuances of governance and also to check the erosion of tribal values. Women have traditionally been recognised as custodians of culture and tradition but the administration of the customary laws and practices was a purely male activity. There needs to be gender equity in this aspect.

Land Tenure System in Manipur Hills

The land use system in the valley and hill areas of Manipur is quite different. As stated above, in the valley, land use is regulated by the MLR&LR Act. Among the Tangkhul Naga who are the focus of this section, by tradition, the village chief is the nominal owner of village land. But in practice, the land belongs to the whole village community.

Community land and Clan land

This Common Property Resources(CPR) system in Mainland India is somewhat different from the Tangkhul Naga (Clan) village common property where CPRs include: (i) village land and forests, (ii) streams, rivulets, and rivers (these are often shared with the neighbouring villages), (iii) the village settlement area and (iv) village ponds, roads, footpaths, and burial ground, and (v) public open ground. (See a comparison in Table 1).

Table 1**Tangkhul Naga Common Property and Mainland Indian CPRs**

Naga common properties	Indian CPRs
(i) village land and forests	(i) community pastures
(ii) streams, rivulets, and rivers (these are shared with the <u>neighbouring</u> villages)	(ii) community forests
(iii) village settlement area	(iii) waste lands
(iv) village ponds, roads, footpaths and burial ground	(iv) common dumping and threshing grounds
(v) public open ground	(v) watershed, drainages, village ponds and rivers and rivulets as well as their bank and beds

Inheritance and Transfer of Land

In the olden days, searching for a new site for shifting cultivation involved certain rituals and natural observation. One essential procedure in shifting cultivation is keeping a proper fire-line path so that the fire from the burning of slashed trees may not spread to the adjoining forests. This line or fire path is constructed around the cleared sites on the eve of the burning. Rains just after burning the jhum fields are considered a "good sign" since the burnt ashes remain in the field and provide good natural fertiliser. Alder-based shifting cultivation is common in the region. The alder trees are not cut down but a greater portion of its stem is left and at the same time the trees are pollarded i.e. cut in such a way that a new sapling sprouts from the stem. The species like alder have the ability to coppice or sprout again when the main trunk is cut off, usually at 2 metres above the ground. This permits coppicing of sorts on the stump that may be subsequently harvested.²⁴

In sedentary terraced cultivation, the topographic features of the village land determine the availability of arable land. In other words, expansion or construction of new terrace fields is limited because the terracing depends on the topography and source of water. Much of the arable land that can be terraced has got exhausted. As a result, terrace fields in most Tangkhul Naga villages has come to a standstill because of The customary laws regulate the use of the village community land. As mentioned above, a person using the land for agricultural and other economic activities has the right to fence the plot or dig a ditch around it. The village chief and his council formulate some rules about the size of the area or plot that one can occupy. There is no proprietary, heritable or transferable right on the community land. Its use and occupation are purely temporary in nature and are mainly for seasonal cultivation.

The land use system and its customary practices are transmitted from generation to generation. The inheritance tradition described here is from the sample villages. Among the Nagas only males can inherit landed ancestral property such as the homestead, terrace paddy fields, jhum areas and household owned woodland (thingkham). Thus the Tangkhul Naga system is patriarchal. If a man has no sons, the properties go to the nearest male relative called Shimplui-kat. This tradition of transferring properties has been in existence since the founders first settled on the village site.

Individual ownership involves the right to own the land and to dispose of it in any manner in accord with the customary law. Land transfer or sale is possible within the prescribed limits and requires certain social and customary sanctions. No land is to be sold, mortgaged, leased, bartered, gifted or otherwise transferred to an outsider except with the sanction of the village chief. At the first stage, the sale or mortgage or barter of land is to be conducted among the nearest family or clan members. If the immediate family members cannot purchase the land, a seller scouts among the members of other clans for prospective buyers. Selling of land to persons not belonging to the village is not a simple task. An important stipulation of selling it to outsiders is that the buyers have to become bona fide members of the village, must settle down permanently and should be absorbed in one of the village clans. Transfer or sale of individually owned land and properties in the district headquarters Ukhrul town is more flexible. Here, any Tangkhul Naga from any village can buy land. But non-Tangkhul Nagas cannot buy any land.²⁶

At the time of their marriage, the son(s) inherit the family properties. The house, cattle and paddy fields are divided among them. The traditional patrilineal family system goes together with virilocal and patrilocal residence after marriage. When the eldest son gets married the parents are obliged to leave their house along with their unmarried children. The same process is repeated at the marriage of every son. As a result, if they have many sons, the family is often reduced to poverty. Not only the parents but even some of the sons may not get enough land, especially paddy fields, because of the fragmentation of the household properties. However, in many cases new properties are acquired and added to household properties.

Changes in the Land Use System

There are internal changes within the tribe that can be attributed to socio-economic transition and population pressure as well as the influence of exogenous forces and internal transformation in the village system. From outside the village come the legal changes in the State.

Internal Changes

The major developments in the region were the introduction of western education and of Christian doctrine. World War II added some changes since some Tangkhul Nagas joined the British army.

These changes have also resulted in the emergence of a so-called "elite" in the village. The "power" and "status" attached to land was affected by money coming into the village. Money plays multiple roles as an agent of transformation in land ownership.

- Attempts to Change the Law** The Manipur (Hill Areas) Village Authority Act, 1956, provided the local level government special rights in the form of a village authority. The Manipur Hill Areas (House Tax) Act, 1966 provides for levy of a house tax in villages having more than 29 households. As per the Manipur Hill Areas (House Tax) (Second Amendment) Bill, 2003 the taxable amount per household is fifteen Rupees. The Manipur Village Authorities (MVA) Act extends to all the hill areas of Manipur.
- Land Tenure System in Tripura** Refugees and illegal migrants entered Tripura through different points across the border stretching from Dharmanagar in the North district to Sabroom in the South. For the administration of the refugees and their relief and rehabilitation the Directorate of Rehabilitation was set up in 1950. In 1948 the first ever farmers' cooperative was established in Tripura. Locally known as Swasti Samity Limited it was set up in 1950 to purchase the indigenous peoples' land. As a result, more than 60 percent of the tribal land was lost to the refugees by 1970. Subsequent amendments have added more comprehensive provisions for the protection of tribal land rights, including restoration to the original tribal owner of the land transferred to the non-tribal. However, the cut-off date for determination of such restoration was fixed as 1st January 1969, though most land was lost in the 1960s as a result of the TLR & LR ACT 1960.
- Legal Changes: Land Tenure System** This process was supported by legal changes. In 1960, a decade after the merger of Tripura with the Indian Union in 1949, the Tripura Territorial Council Administration brought out comprehensive land legislation which abolished totally the entire reserved land meant exclusively for the tribal communities. With the enactment of this land law entitled The Tripura Land Reforms and Land Revenue Act 1960 (TLR & LR Act 1960), which was the local version of the 1886 Assam law, all land laws in existence till then in the state were repealed and all tenures were abolished completely. TLR & LR Act 1960 vested the ownership of all the land of Tripura in the state. The basic objective of the act was to bring the cultivators in direct contact with the state and guarantee permanent heritable and transferable rights over land cultivated by the peasant. In order to stop land alienation from tribal to non-tribal, Section 187 of the act imposed restrictions on tribal to non-tribal land transfer without prior permission of the Collector. South Tripura where relatively few tribal people lived and much land could be reclaimed for cultivation. Some tribal families sold their landed property in West Tripura district, where the cost of land was high and moved to Dhalai and South Tripura where the cost of land was lower than in West Tripura. Tripura National Volunteer (TNV) and the Government of India on 12th August 1988. In the Accord it was agreed that the following measures would be taken: (i) Review of rejected applications for restoration of tribal land under the Tripura land Revenue and land Reforms Act, 1960; (ii) Effective implementation of the law for restoration and (iii) Stringent measures to prevent fresh alienation (TNV Accord clause 3.6). Following the agreement in 1988, measures for restoration of alienated lands to tribals were initiated by the Government. Of the 27,799 applications received from the tribes for restoration, orders were passed till 1996 on 7,884 cases and land was restored physically in 7,015 cases (Government of Tripura, 21st March 1996: 3). Later official records show that from the initial stages of land restoration until March 2001 a total of 28,999 cases were filed before the Revenue Department involving restoration of 25,351.351 acres. Out of this total, only 8,636 cases have been disposed of with the decision for restoration of illegally transferred land. 6,749.92 acres of land have been physically restored to tribal families. In the earlier allotment of land to the shifting cultivators, i.e. Jhumias by the Tripura Government, the land records were in the name of the man who is considered the head of the family. In most cases the man sold the allotted land without the consent of his wife since he did not feel the need to consult her. In order to stop such practices the Tripura Government has recently changed the policy of allotment of land to the shifting cultivators or Jhumias. Now in any allotment the names of the husband and wife appear together in the land document and that makes the woman a legitimate owner together with her husband.

Overview of North East India:

- 1.Literacy rate of Mizoram is 91.58% and that of Tripura is 87.75%
- 2.Most of the India's oil reserves are located in the Assam
- 3.Sikkim is India's first state with 100% sanitation coverage
- 4.Come and see the Hornbill Festival of Nagaland once in a lifetime
- 5.Jawahar Lal Nehru once said , Manipur is the Jewel of India
6. Tripura's Manikya dynasty is one of the oldest dynasties in the world
- 7.Meghalaya is the Scotland of India.

North East India

Consists of eight states- Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim.

Total area- 2,62,179 square kilometres.

Is connected to rest of the India through a narrow corridor.

**Why North East India is not developed?****Causes of Underdevelopment****Historical Reasons**

Partition of India- the major road, rail and river routes connecting North East to rest of the India suddenly got snapped due to it.

The Chinese aggression of 1962- created a feeling in the minds of private investors that large scale investment in North East is risky.

Bangladesh Liberation War of 1971- led to large scale migration of crores of people as refugees in North East region, demographic change, ethnic tensions and insurgency in Nagaland, Mizoram, Assam, Meghalaya, Tripura and Manipur.

Other reasons in present

1. Low agricultural productivity. North East produces only 1.5% of the country's total food grains.
2. Agricultural practices are still traditional (including "Jhum" cultivation which leads to large scale deforestation, soil erosion and thus loss in soil fertility).
3. Low cropping intensity (about 1.5)
4. Low coverage of irrigation
5. Low application of chemical fertilizers
6. Due to coal mining, fertiliser, paper and cement industry and militant activities, natural resources in North East are being exploited and mismanaged, causing depletion of those resources that are considered as "potential for growth and development of North East Region."
7. The development of transport infrastructure in North East is very slow, thus reinforcing the alienation and isolation from rest of the country as well as resulting in slow mobilization of resources and wealth. The railway network of North East is only 4% of India's rail network.
8. Low credit flow from banks. Credit deposit ratio is less than 50% in North East
9. .Lack of infrastructural facilities for agricultural advancement
10. Very low per capita consumption of power compared to the national average.
11. Non-availability of huge reserve of fine quality coal. The coal present in North East, therefore, is unfit for industrial use.
12. Inadequate number of higher institutions for engineering, medical and nursing studies.
13. .Absence of big industries except four oil refineries and two petrochemical complexes.
14. Substance addiction is very common in North East. More than 30% of its youth are narcotic drugs abusers.
15. HIV/AIDS is spreading fast in Manipur, Nagaland and Mizoram.

Anthology : The Research

But with the initiatives of Central government, such as the setting up of North Eastern Council, Act East policy, North East Special Infrastructure Development Scheme, Tuirial Hydro-power project, relaxation of regulatory norms for production and selling of Bamboo products etc, the North East region is expected to develop at a faster rate than what is seen in past.

Sources:-

Map- Google images

Yojana Journal, April 2018

Hypothesis	The study will precede with this hypothesis that the issue of land holding rights in hill areas of the North East has been allowed to drift on its own course. Absence of systematic progress in this area has had several adverse consequences besides acting as a stumbling block for extending bank credit.
Methodology	The Approach/Method of the study would be historical and the method adopted in this study would be analytical which involves interpretation of facts objectively. Sources of Data /information (Primary and Secondary):
Sampelling	Sample is a group of people,
Tools Used	Case Studies, Checklists, Interviews, Observation sometimes, and Surveys or Questionnaires
Statistics Used in the Study	data collection, analysis, interpretation, explanation and presentation
Conclusion	The Sixth Schedule and creation of a separate system of administration different from that of the non-tribal areas was mooted chiefly to uplift the lot of tribal people and protect their culture. The Sixth Schedule is working more towards changing the age-old relations between land and the tribal people than protecting it.
Suggestions for the future Study	This situation shows that serious rethinking is required on the existing legislative provisions against occupation of tribal lands. Without such rethinking, tribal land alienation will continue to be the norm rather than an exception.
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