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# **The Land Access and Conflict Issues of Tribal Peoples in Bodoland Territorial Region of Assam, India**

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**Abstract**---Inequitable land access and land disputes are commonly mentioned as major causes of instability in the Bodoland region. Land problems are frequently invoked as a more potent debating tactic in conflict. For tribal in the region, land reform, ownership, registry, legal pluralism, boundary difficulties, landlessness, insecure land usage, and other associated issues are all major concerns. Major land legislation has failed to significantly reduce the number of major land disputes in the region. The British Colonial rule in India created substantial disruptions to land practices and possessions, which are still felt today in various regions of the country and in Northeast India, notably Assam. It's clear that the land issue is still relevant and active.

**Keywords**---conflict, land access, rights and control, secure land use, tribal peoples.

## **Introduction**

The land conflicts mostly have far-reaching negative consequences on economic, social, geographical, and ecological growth. Several poor families refuse access to the land. Land disputes can have devastating impacts on people, such as on communities and whole countries. Several of the conflicts that are view as collisions within different societies are, in fact, land conflicts and associated resources. Provided seeks to expand the awareness of the complexities of land disputes' causes to allow effective coping methods with those tensions (Wehrmann, 2008). India's tribal groups face many issues. In the tribal area, the land is a contested question (Behera & Singh, 2009). Fernandes (2017), assert that perhaps the form of modernisation of tribal societies in North East India underpins the new rural growth model that results in land and conflicts. Though

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Northeast India is experiencing the same rural distress as the rest of India, there have been no farmer massacres. Land and disputes that arise from it are unique to the area (Brown & Raymond, 2014; Zhou et al., 2017).

Land is the principal source of income for nearly half of the worldwide people. However, land and land-based services are more important, especially for tribal people's subsistence needs (Patnaik, 2009). Fernandes et al. (2019), attempt to understand land has been at the heart of tribal heritage. It widely regarded as the root cause of many of these ethnic disputes in Northeastern India. That requires a glance at the land issues and conflicts of tribal. Magsi et al. (2017) seek land-use conflicts in developing nations to describe the fundamental factors and effects of land-use disputes. Also, entail providing any protective strategies for coping with such conflicts (Deininger & Feder, 2001; Geoghegan, 2002).

Land conflicts occur throughout many aspects. The most common form of land conflict in India is frequent boundary conflicts. Other prevailing land disputes arise in India due to restricted land access caused by prejudice by statute, tradition, or practise regarding conflicting utilises on collective and communal land, unlawful or inappropriate use of the common property and competitive usage on government land. The rising prevalence of land conflicts in Assam and Bodoland is a well-known fact. It indicated that often minor land tensions would escalate into massive civil unrest and violence. Rao (2017), has always been the essential assets for tribal groups and their identification. Tribal existence or survival inextricably linked to the land (Du et al., 2002; Galiani & Schargrotsky, 2010).

It expected silently the common that 'Assam Land Policy of 2019' (2019), possible to dispose of many grievances pending seeking land settlements in the State and control the prolonged possession of government land with landless peoples efficiently and satisfactorily. It addresses the immediate need to secure the State's indigenous peoples' land rights. There is a need to review the existing land policy and the State's land laws and make necessary amendments to bring them into line with current realities (Lambin et al., 2014; Haines-Young, 2009).

### **Literature review**

Scholar benefit from literature systematic reviews since the reader is given with a concise and professionally structured account of research in a certain area (Banister & Van Wee, 2015). Wickeri & Kalhan (2010), it is true that addressing a land issue is a bridge issue. Access to land is not only necessary for economic growth and poverty reduction, but it is also frequently required for the exercise of a wide range of rights. Land access has an impact on a variety of rights. Human development is hampered by land conflicts. Singh & Nair (2015) The major conclusion of the study shows that land administration is the most common source of land conflicts in India, with political and socio-cultural factors gaining traction. Land conflicts are most common in Assam, followed by Maharashtra, Odisha, and Nagaland (Jha et al., 2017; Anderson et al., 2016).

Land disputes usually have far-reaching negative repercussions. This is especially true in developing nations and other transitional economies, where land and

labour structures are unstable and illegal activity offers shared economic benefits (Wehrmann, 2008). Bijoy et al. (2010), The government rejects the use of the phrase "indigenous people," claiming that all Indians are indigenous, and it is vehemently opposed to any claim to indigenous sovereignty, self-governance, or self-determination. It appears to be despite the fact that India's existing laws allow for varying degrees of certain safeguards—some of which are far-reaching for specific groups. Shah (2007), emphasises the 'dark side of indigeneity,' which may demonstrate how local appropriation and a literature-focused worldview would sustain a class system that further marginalises the poor (Hniloskurenko et al., 2021; Kokorina et al., 2021).

That identification to Adivasis/Indigenous Inhabitants was designed as a compilation of research on important topics relating to the existence of Adivasis/Indigenous Communities. Ekka (2011), aims to strengthen links and collaborations between campaigns, scholars, and activists who have been taught about the threats of political confrontation. Sigamany (2017) analyses the conflicts between indigenous peoples and their territory. The government's increasing violation of protected land rights based on development highlights how politically marginalised populations overlook the ability to manage the benefits of laws. Fernandes & Barbora (2008) discussed based on studies on land alienation in various Northeastern states. Fernandes et al. (2019) efforts to comprehend land have always been at the core of tribal history, and are often considered as the underlying cause of many of Northeastern India's ethnic conflicts. This necessitates a look into tribal land disputes and wars.

Rao (2017), for tribal communities and their identification, land has always been and continues to be the most important possession. The land is closely tied to tribal life and survival. Behera & Singh (2009) in the tribal area, land alienation is a contested question. The report "This is our land: Ethnic violence and internal displacement in north-east India" focused on the plight of displaced people in significant scenarios of widespread war, which resulted in the displacement of millions of people inside the region. A growing number of relocation characteristics suggest that the Sixth Schedule may not help significantly to the successful and secure defence of many northeastern cities, but rather promotes potentially destructive rivalry for political control and territory (Wesnawa & Sudirta, 2017; Sankar et al., 2019).

"Assam Land Policy of 2019" emphasises the pressing need to protect the land rights of the state's indigenous peoples. It need to evaluate existing land policy and state land laws and make necessary changes to bring them up to date. Daimary (2012), the Assam's indigenous peoples have been exposed to significant abuses of ancestral land and other resource rights. Banerjee (2011), the violence connected with relocation was notably highlighted by the developing concerns of fragmentation throughout the North East, as well as the region protected by the planned Bodoland Territorial Area District. It is critical to investigate the causes of land conflicts between tribals and other groups, as well as the efficacy of certain laws and government programmes. This has previously been undertaken throughout the years to preserve indigenous peoples and avert land alienation. Bordoloi (1986), the expropriation of Tribal Land and Indebtedness was proposed in the proceedings. Land alienation and debt have become two major concerns for

many of India's Scheduled Tribe communities. One of the key concerns cited as one of the leading causes of tribal unrest in India is alienation for tribal land (Bordoloi, 2020). Nongkynrih (2014), the major rationale for the concentrated preservation is indigenous culture and heritage conservation. Based on their study, Fernandes & Pereira (2005) hypothesised that changes prompted by new legislation in tribal history, as well as shortages caused by settlers' encroachment, have a detrimental impact on land relations, which are one of the primary causes of conflict.

Fernandes (2017), claims that the tribal communities' type of modernization in North East India, which underlies the new rural development model, resulting in land dispossession and violence. Despite the fact that Northeast India is facing the same agricultural misery as the rest of India, no farmer massacres have occurred. The area is unusual in terms of land alienation and the conflicts that result from it. Magsi et al. (2017) investigate land use disputes in underdeveloped countries. Is it possible to prove how land and human rights offenders planted the seeds of conflict using the findings? Patnaik (2009), In order to investigate the vagueness of legislation governing land alienation and regeneration in some states, administrative hurdles must be overcome. The author argues that efforts should be taken to combine the many elements of state land legislation into a single comprehensive act that would simplify the procedures for dealing with all land-related matters, including tribal lands (Hovers & Vynkovicz-Mytel, 2020; Rinaritha et al., 2018).

Shimray (2006), is an important part of its land follow-up. Its goal is to aid the region's indigenous (tribal) peoples in increasing awareness about the issue and helping those who are working to prevent land alienation on tribal grounds. Another objective is to create and implement measures to defend their property. Sharma (2001), the work concentrates on tribal land alienation in Assam, and the assumptions are all of Indian origin. To until far, neither the federal nor state governments have shown any care for the problems confronting the country's indigenous populations. Tribals have always been compelled to bear the brunt of human relocations carried out in the name of development projects. Wouters (2019), investigates the root reasons. Land conflicts have risen in recent decades, owing to a huge inflow of immigrants from both within India and from across the frontier (sometimes illegally). The purchase of land for government development is another factor. Throughout the inquiry and instructive, even if some appear to be too "limited" or "single-minded," provide a useful resource for policymakers, administrators, and researchers to comprehend the complicated relationship between land and conflict in Northeast.

### **Tribes from global corner**

The word "tribe" first appeared during Greek city-states and even the initial days of the Roman Empire. The Latin word "tribus" has since come to refer to a group of people who form a society and claim descent from a shared ancestor. Still, the number of communities referred to as tribal is genuinely staggering. However, not everyone should be considered a member of a tribe. More recently, those who refused to accept broader nation-state institutions were labelled as tribes by the nation-states themselves (Thaikho, 2018). The tribe refers to a socially cohesive

entity synonymous with a region; each member considers them an avoidant personality. Also, a tribe has its dialect as well as cultural characteristics. Tribes often exhibit passive ignorance, which may manifest as isolation from opportunities for education, social involvement, and access to land.

Those people are referred to as tribes for whom the word indigenous people have identified in India. It is thought that they were the first inhabitants of what is now known as India, or at the very least people who lived in the area before the arrival of the more powerful sections of Indian society. The groups of today's inhabitants, known as tribals by anthropologists, are the ancestral, autochthonous (Adivasis, Adimjuti) people of the land, having long been settled in various parts the world. [Shah \(2007\)](#) studied and discussion throughout the sense of indigenous historiography and anthropology in India. From the development of 'tribes of mind' to measures that have enabled people to classify together as 'Scheduled Tribes,' or 'adivasis,' the highlights of framework that has given rise to contradictions amongst demands preservation and acculturation of indigenous populations in India. It calls for an erudite severe review of the adverse consequences of well-meaning aboriginal security and growth initiatives. [Bijoy et al. \(2010\)](#) consider that India is home to the highest number of indigenous peoples of any nation in the world. The book explains the political and social circumstances of indigenous groups in India and discusses the policy and legal system for particular indigenous communities' interests. While no group is formally considered tribals, the central and the state governments' policies give legal and political concessions to some tribal groups in the North-East, acknowledging their assertions of indigeneity ([Srikanth, 2014](#); [Brahma, 2018](#)).

### Land access and tribal

Land access is often defined as the methods by which people or organizations gain the right and opportunity to hold and utilize the land on a conditional basis for agricultural, physical, and social reasons ([Quan, 2006](#)). Land access refers to the ability to get access to land. As an example of relevant and intuitive meaning in figure 1:

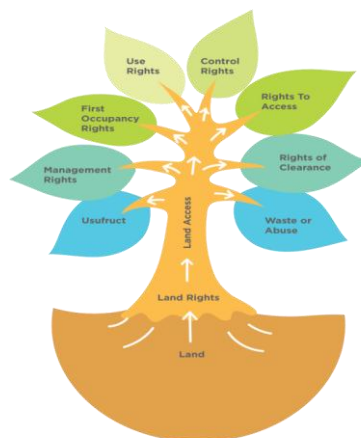


Figure 1. Land access

Table 1  
Description of land access

Land Access Acuity	Description
Control Rights	: The right to monitor the administration of a property is referred to as control rights. Individuals should have the right to decide how can use the land
Management Rights	: Management rights include the right to control a land possession under the constraints set by the interest
Right to Access	: Individuals have the freedom to gather competence under the right of access, also known as material access rights
First Occupancy Right	: Historically, the right to the first occupation is derived from the entry and placement of individuals in an uninhabited region
Right of Clearance	: The arrangement issued by the first occupant for cutting bush and consistently planting is known as the right of clearing or clearance
Use Rights	: There are the privileges to use the land for farming, grazing, processing forestry resources, and so on. The right to utilize land is an inherent right of land ownership, but it can also refer to the right to use and benefit from the immovable property as the recipient has been the holder
Usufruct	: Right to reap all of the benefits derived from using something that belongs to someone else, as long as the material is not damaged or harmed
Waste or Abuse	: Theoretically, waste relates to the owner's right to alter the property's condition for the best or the worst, though the most popular meaning is land abuse ( <a href="#">Mushahary, 2021</a> ).

Land access is significant for the poorest people's well-being. For the rural and urban poor, land is a valuable asset; it is necessary for economic activity, poverty reduction, sustainable development, and household well-being. It's also linked to identity, especially in tribal groups. Land access relates to people's capacity to use, administrate, transfer, and benefit from resources, as well as their ability to make a living. Inaccessibility, on the other hand, is a disparity that limits people's and families' ability to connect to a source of livelihood. It is unclear if the land problem is still relevant and active today, and whether it is a valid grievance in India's state of Assam. As a result, the land is at the centre of many issues in Assam's Bodoland Territorial Region, as well as a reliable method of communication among its population, especially indigenous peoples. Equal land access, on the other hand, will benefit the poorest people and is projected to ease pressure from land scarcity.

### Land and tribal issues

[Shimray \(2006\)](#), appearance is an essential component of its land follow-up. It aims to assist the region's indigenous (tribals) peoples in raising awareness about the problem and assisting others who are trying to discourage land problems in tribal lands and to sketch and establish plans to protect their land. [Bordoloi \(1986\)](#), the severity of land alienation and debt problem within tribal societies varies from state to state, area to area, even tribe to tribe. [Bordoloi \(2020\)](#), the

tribal land problem in India is among the main issues described as one of the leading causes of tribal instability.

Land disputes hamper human progress. Understanding the causes and forms of land conflicts is critical for sustainable dispute resolution and improving organisations and agencies' efficacy in coping with such problems. Intend to establish and introduce a framework for monitoring and characterising drivers and land conflict forms in India (Singh & Nair, 2015). While the discourse here focuses on tribal land issues in Assam, the assumptions are all Indian in nature. Neither the federal nor state governments have shown much concern for the issues afflicting the country's tribal communities up to this stage. On either side, India's past of post-independence is littered with instances of tribal exploitation, neglect, and marginalisation. Wherever human relocation has occurred in the name of construction programmes, tribals have invariably been forced to take the burden of it (Sharma, 2001).

### **Hunt grave land issues and conflicts in Bodoland region**

Land disputes have become a main cause of tribal conflict. In certain tribal groups and cultures and communities land becomes the individuals' greatest custody. Other things may be given up, but not land. And that's why land becomes ones most valuable asset, more valuable than relatives, clans, or perhaps even tribe (Arua & Eka, 2002). It comprehensible people's loyalty is with their own land and tribe. Land and conflict are inextricably intertwined, as land is a highly sought-after resource by both communities and individuals. A "land dispute" refers to competing claims to land rights by two or more parties, focused on a specific piece of land that can resolve within the current legal system. Land conflicts are essentially disagreements about the land; they may or may not indicate a larger conflict. Disputes usually revolve around the delineation, ownership, and inheritance of land; they also stem from the erosion of pastoralists' traditional rights. Unsuitable land legislation, mainly when there is no overall land policy or where unclear laws do not handle overlapping rights and claims to land; dysfunctional and inaccessible land administration; land grabs; land invasions; and the strain of an expanding population are all causes of land conflicts (Kasimbazi, 2017; Brahma, 2018).

Land conflicts in the Bodoland region are often related to ownership, legal pluralism, land boundaries, land registry, state and common land usages, unauthorised land acquisitions, tensions over violent or illegal land acquisitions, conflicts over payment for using or buying land, and evictions of illegal settlers' conflicts. Factually the unjustified termination of tenancy or lease contract by the property owner, violent land attacks, disputes over the charge for using or purchasing land conflicts, evictions of immigration settlers, refutes between human or cultural and natural uses, aggressive land threats are the effect more in the Bodoland. It may take the form of government or judicial intervention concerning the eviction of landowners without providing them with appropriate land or proper access to it, conflicts caused by land reforms, contradictory claims in post-conflict situations, discriminatory title allocation, legalisation of illegal settlements, discrepancies in distribution or redistribution, registration of state land in their names, division of land in protected areas, failure to respect an

established right to use the land and use of other people's lands. The following figure 2 shows the result:

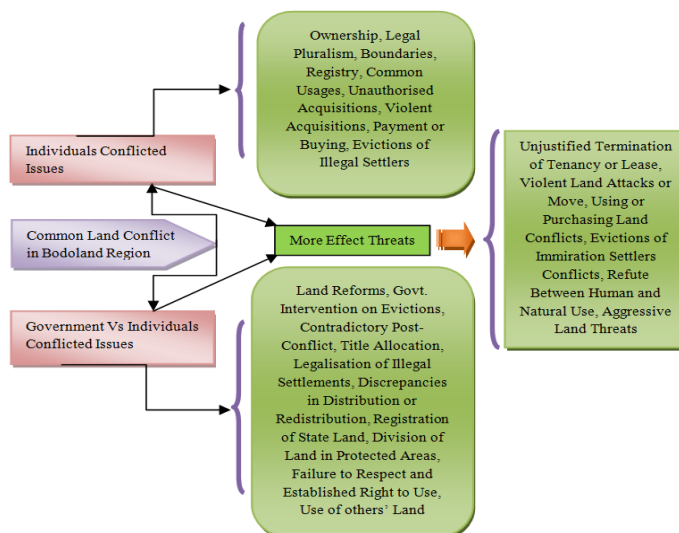


Figure 2. The result of division of land in protected areas, failure to respect an established right to use the land and use of other people's lands

Banerjee (2011), addressed the arising issues of fragmentation throughout the North East, as well as the area protected by the proposed Bodoland region, was especially marked by the bloodshed associated with displacement and disputes regarding land between tribals and other groups and analyse the effectiveness of specific laws and government policies. Wouters (2019) delves into the underlying causes. And identified conflicts are created and perpetuated by struggles for land, its resources, and constantly evolving trends of landownership, according to several contributors. Land tensions have raised in recent decades, owing primarily to the massive influx of immigrants, both from inside India and from crossing (often unlawfully) the Indo-Bangladesh borderline. Another reason is the purchase of land for government development. Fernandes & Pereira (2005) started with the idea, based on research, that reforms initiated by new legislation in tribal history and shortages induced by encroachment by settlers have a negative effect on land relations, which are one of the main reasons for conflicts. In addition to concentrated on the condition of displaced persons in major scenarios of widespread conflict, which culminated in the displacement of more millions of people inside the area. The growing lack of communal land open to aboriginal peoples has driven others to orchestrate abuse targeting people they perceive to be outsiders to alter ethnic trends in their regard. Inter-ethnic conflict within tribal communities has also resulted in internally displaced persons (Francisco, 1974; Gogoi, 2016).

## Conclusion

A recurring question is what role tribals have in ensuring that secure land and decisions are truly established. What type of procedures must be established for

tribal groups in order to provide secure and effective access to land? It focused on how to implement the best land policy and laws to ensure the Bodoland region's long-term development and stability (Mushahary, 2021; Brahma, 2019). The paper recognises the outcomes of laws and policies to strengthen tribal groups' tenure stability and potential policy adjustments needed to enhance tribal relations to the land and lessen land-based brawls. Just a few per cent of the total land in dispute has had its ownership legally returned to the original tribal landowners. However, considering the socio-economic realities confronting tribals and their dominant non-tribal rivals, it is impossible tribals will have the local administrative and political muscle to ensure that they retained ownership even after securing formal legal possession limited portion of their former territories. Ambiguous and feeble regulations would hinder the successful enforcement of progressive legal reforms aimed at preventing land issues. No tribal protection legislation will be effective unless accompanied by steps to satisfy their legitimate credit requirements, including those for consumption, and to shield them from usury.

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### **Statements of ethics and conflict interest**

The corresponding authors, declare and undertake that scientific, ethical, and citation criteria. This study has no conflicts of interest.

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