
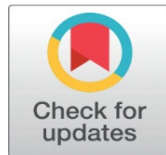


## TRIBAL PEOPLE AND ISSUES OF ACCESS TO LAND

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### ABSTRACT

Issues of access to land for tribal people in the Bodoland Territorial Region have historically been a significant concern. The region has faced challenges related to land rights and conflicts over land ownership between tribal communities and non-tribal settlers, leading to tensions and sporadic violence. The present objectives of study are to investigate the historical land rights of the tribal people to understand their connection to the land and examine conflict related to land access. The study covers the three tribal groups in the four districts of the Bodoland Territorial Region of Assam, through the primary and secondary sources of data. The findings reflect the right-to-land, land disputes, and land conflicts over land ownership and rights often lead to displacement and insecurity, exacerbating their vulnerability. Limited access to land and resource production due to historical marginalisation and insufficient legal recognition of tribal land rights hinders their ancestral land ties and economic development. Efforts to address these issues by ensuring secure land rights through legal documentation to protect their lands from encroachment and displacement. It requires involving tribal people in decision-making processes on land rights and use, historical land maintenance, empowering tribal communities through capacity-building, education, advocating for policies, and fair distribution of land resources.

**Keywords:** Access, Bodoland, Land, Landless, Conflict, Rights, Tribal

## 1. INTRODUCTION

Land access is generally typified as the mechanisms by which individuals or groups obtain the right and opportunity to possess and use the land for agricultural, physical, and social purposes on a conditional basis (Quan, 2006). In many developed countries, the right to equitable access to the land, as well as issues such as who will be granted access and under what terms access will be granted, continue to be a subject of concern (Budlender, 1992). Such raising issues are not free in developing countries, particularly when it comes to tribal peoples that affect their livelihoods. Access to land is a critical issue for tribal peoples globally, impacting their livelihoods, cultural identity, and overall well-being. This literature review synthesises key findings regarding tribal land access issues across different regions, focusing on the world, Asia, India, North East India, Assam and Bodoland Territorial Region (BTR). Globally, tribal peoples face significant challenges in securing access to their ancestral lands, which are vital for their cultural and economic survival (U.S. Government Accountability Office, 2024). These challenges include land dispossession, encroachment, and inadequate legal protections, often exacerbated by industrial development and globalisation (Kennedy et al., 2023; World Bank, 2018). This insecurity of land tenure can lead to conflict, environmental degradation, and weakened socio-economic development, threatening cultural survival and traditional knowledge systems (World Bank, 2018).

Indigenous Peoples manage a significant portion of the world's surface area and biodiversity, holding crucial ancestral knowledge for climate change adaptation. However, governments often recognise only a fraction of these lands as legally belonging to Indigenous Peoples, and protection of boundaries and resources remains inadequate. Climate change exacerbates these difficulties, impacting livelihoods, health, and cultural practices (World Bank, 2018; U.S. Climate Resilience Toolkit, 2024; United Nations, 2022). Indigenous communities are displaced at a disproportionately high rate due to climate change, leading to the loss of ancestral lands and traditions (Ram & Shahzar, 2024; Treisman, 2021). Addressing these issues requires strengthening legal frameworks, ensuring the implementation of laws, and recognising tribal communities as active participants in land management (World Bank, 2018; Castillo et al., 2023).

Tribal land access in Asia involves a complex interplay of legal, environmental, economic, cultural, and historical factors affecting indigenous communities (Colchester, 1999). These issues are rooted in historical injustices, diverse government policies, and the increasing pressure of globalisation (Bhatiarai, 1999; Zein, 2022). Many Asian governments have been reluctant to recognise indigenous peoples' rights to self-definition and self-determination, often influenced by deep-seated prejudices against indigenous systems of land use (Bhatiarai, 1999). Asian countries have generally been hesitant to recognise collective forms of land ownership, often favouring individual land titles that undermine traditional economies. Legal imprecisions regarding which indigenous institutions have the authority to negotiate contracts have led to some indigenous elites profiting at the expense of the wider group, exacerbating impoverishment (Colchester, 1999). Some governments use terms like "ethnic minorities" or "hill tribes" that connote backwardness, rejecting the applicability of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). Furthermore, sectoral policies concerning Indigenous peoples are often inconsistent and inadequate, with some national laws failing to recognise Indigenous peoples despite provisions in other regulations (Feiring, 2013). Many indigenous peoples in Asia face environmental threats stemming from deforestation and industrial projects. The region has lost over half its forest cover, leading to biodiversity decline, severe floods and droughts, and increased vulnerability to forest fires. Development projects like mining and hydropower have displaced forest peoples, while the establishment of conservation zones has further alienated areas from indigenous control. Indigenous communities possess valuable knowledge for environmental management, but centralised approaches to environmental protection often fail to suit local conditions and community well-being (Errico, 2017; Bhatiarai, 1999; Feiring, 2013; Persoon & Minter, 2020). Across Asia, indigenous communities struggle with poverty and limited access to basic services, exacerbated by discrimination and geographical remoteness. While indigenous tourism is seen as a potential means for socio-economic benefits, it can also perpetuate colonial narratives if it is not implemented ethically. Land, crucial for indigenous identity and well-being, is constantly threatened, and tourism campaigns often focus on indigenous people's connection to the environment as something exotic rather than highlighting their struggles against government and corporate interests. Securing land rights is essential for indigenous communities to earn sustainable income and maintain their cultural heritage (Zein, 2022). Indigenous peoples in Asia are estimated to constitute two-thirds of the world's indigenous population, enriching the region's cultural and linguistic diversity (Bhatiarai, 1999; Pact, 2014). The land holds immense spiritual and cultural significance, with some areas designated as sacred, aiding in the preservation of the environment (Bhatiarai, 1999; Zein, 2022). However, historical injustices, including the denial of land rights and forced assimilation, have disrupted traditional structures and knowledge systems. Recognising and respecting indigenous customary laws, lore, and knowledge is crucial for promoting meaningful exchange and preserving their unique cultural identities (Zein, 2022).

Tribal land access issues in India encompass a complex set of legal, environmental, economic, cultural, and historical dimensions that significantly impact indigenous communities (Wahi & Bhatia, 2018; Nicholson & Corbin, 2024). A significant challenge involves the intricate web of federal, tribal, and state laws governing tribal land access, creating regulatory hurdles. Asian countries have generally been hesitant to recognise collective forms of land ownership, often favouring individual land titles that undermine traditional economies. Legal ambiguities regarding which indigenous institutions have the authority to negotiate contracts have led to some indigenous elites profiting at the expense of the wider group, exacerbating impoverishment. The Telegraph Act of 1885 and the Electricity Act of 2003 outline the rights of utility companies to lay down transmission lines while ensuring compensation for landowners (Archambault & Zoomers, 2015; Nicholson & Corbin, 2024). These protective legal regimes often fail due to meagre financial allocations for their implementation and active subversion or confused implementation by the administration (Bhatia et al., 2021). Many indigenous peoples in Asia face environmental threats stemming from deforestation and industrial projects. Environmental degradation, including deforestation, pollution, and climate change, has resulted in substantial losses in tribal livelihoods, such as the depletion of natural resources, displacement, and cultural erosion. Deforestation not only destroys habitats but also contributes to soil erosion and reduced water quality, which can lead to diminished

agricultural productivity and increased vulnerability to natural disasters. As environmental degradation progresses, the impact on tribal communities becomes increasingly severe (Mosse et al., 2002; Sha, 2024; Mistri & Das, 2020; Mahapatra et al., 2015; Archambault & Zoomers, 2015). Across Asia, indigenous communities struggle with poverty and limited access to basic services, exacerbated by discrimination and geographical remoteness. Economic development opportunities on tribal lands include tourism, agriculture, gaming, forestry, and retail trade. Federal agencies provide various economic development assistance programs, but these can be hard to identify and access (Kumar et al., 2020; Balgir, 2006; Xaxa, 2011; Rishabh, 2024). Land, crucial for indigenous identity and well-being, is constantly threatened, and tourism campaigns often focus on indigenous people's connection to the environment as something exotic rather than highlighting their struggles against government and corporate interests. "Core barriers to building Indian country economies land bureaucracy, a lack of access to credit, jurisdictional complexity all stem from a failure by the federal government to recognise the sovereignty of tribal nations" (Oxendine, 2022).

Tribal communities in India face significant challenges related to displacement from their ancestral lands, often caused by industrial projects, mining, and urban expansion (Vijetha, 2024). This results in the loss of homes and traditional ways of life, leading to a struggle for cultural identity and economic stability. Addressing these challenges requires comprehensive approaches, including legal protections for land rights, improved access to education, and economic support for sustainable livelihoods (Rishabh, 2024). Since independence, tribal populations have disproportionately borne the burden of economic development, constituting 55% of those displaced due to dams, mines, and industrial projects (Bhatia et al., 2021). The Indian government has implemented reservation policies to support tribal communities, ensuring a certain percentage of seats in educational institutions and government jobs are reserved for Scheduled Tribes (STs). Several welfare programs have been launched to uplift tribal communities, including Eklavya Model Residential Schools (EMRS) and the Pradhan Mantri Vanbandhu Vikas Yojana. The government has established a legal framework to protect the rights of tribal communities, including the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), and the Forest Rights Act, 2006. Recognising the need to protect the socio-cultural fabric of tribal communities, the makers of the Constitution of India made special provisions for the protection of tribal culture and the development of Scheduled Tribes (Government of India, Ministry of Tribal Affairs, 2023).

Tribal land access issues in North-East India, particularly in Assam and the Bodoland Territorial Region, are multifaceted and deeply intertwined with historical, legal, environmental, economic, and socio-cultural factors. These issues stem from a combination of historical marginalisation, complex legal frameworks, developmental pressures, and demographic changes, all of which contribute to land alienation and conflicts affecting the indigenous communities of the region (Tantra, 2024; Brahma & Muchahary, 2022; Kalita, 2022). The history of North-East India is characterised by the British colonial policies that led to significant socio-economic and demographic transformations. The British entry and subsequent commercial exploitation of Assam resulted in the development of the Brahmaputra valley, accompanied by the construction of frontier policies that created divisions between the hills and plains. This division and the imposition of land revenue systems displaced tribal groups from their traditional lands, sowing seeds of discord and distrust among ethnic groups. Post-independence, the influx of migrants further exacerbated land alienation, threatening the economic and cultural survival of indigenous communities (Brahma & Mushahary, 2022a; Shimray, 2006).

The legal frameworks governing land rights in north-east India are complex and often undermined (Tantra, 2024). While the Constitution of India provides safeguards for tribal interests, including the Sixth Schedule, these frameworks suffer from administrative ineffectiveness and loopholes (Tantra, 2024; Kalita, 2022). The Sixth Schedule, intended to protect tribal rights and provide autonomy, has faced challenges in its implementation, failing to fully address land disputes and alienation. Land reform, ownership, registry, legal pluralism, boundary difficulties, landlessness, and insecure land usage remain major concerns for tribals in the region. Land conflicts are a common cause of instability in regions like Bodoland, often invoked as a potent debating tactic. These conflicts arise from inequitable land access, boundary disputes, and the collision of development and conservation expectations. Development projects, such as mining and infrastructural development, have led to the displacement of tribal communities, affecting their indigenous lifestyles and the ecological balance of the area. The exploitation of resources like uranium in Meghalaya highlights how national demands can burden tribal groups with polluted water, soil acidity, and loss of ecology (Brahma & Mushahary, 2022a; Brahma 2018a; 2018b; Tantra, 2024; Kalita, 2022).

In Assam, a significant number of indigenous communities lack proper land ownership documents, making them vulnerable to exploitation. Initiatives like 'Mission Basundhara 2.0' aim to confer ownership rights based on self-certification, but these efforts face challenges due to "doubtful cases" and the exclusion of char areas. The Karbi Anglong

Autonomous Council (KAAC) has been involved in evicting "illegal settlers" from grazing reserves, leading to unrest and highlighting the tensions between tribal and non-tribal communities. In the BTR, land alienation and the protection of tribal belts and blocks remain complicated due to a lack of clarity in land policies. The non-tribal people's right over land has been protected by the Bodo Accord (Sentinel Digital Desk, 2020; 2021; The Hindu Bureau, 2024; Sinha, 2024). The socio-political dynamics in North-East India play a crucial role in shaping land access issues. The region is home to over 200 tribal communities, each with unique cultural and political identities. Resistance movements and protests have historically led to the incorporation of tribal demands into the constitution, but loopholes and administrative ineffectiveness persist. The exploitation of resources in the region is often viewed as prioritising economic gains over cultural and political values, leading to ongoing tensions. Despite government efforts, the perception among tribal communities is that the government process has not ensured the secure use of land in the region (Tantra, 2024; Brahma & Mushahary, 2022).

The Bodoland Territorial Region has long struggled with land rights concerns, which frequently lead to violence between different ethnicities. These issues stem from historical disputes over land ownership, demographic changes, and clashes between indigenous Bodo people and non-Bodo settlers (Brahma & Mushahary, 2022). The main issue of tribal survival in the Bodoland Territorial Region is land access, which includes insufficient recognition of land rights, a lack of effective land governance mechanisms and inclusive policies, inequitable land redistribution, and no active participation of tribal communities in land management and resource allocation decision-making processes (Brahma & Mushahary, 2022; 2022a). Brahma and Mushahary (2022; 2022a) underlined tribal land access issues in the BTR largely revolve around the issues of (i) Historical Disputes: long-standing conflicts over land ownership between indigenous Bodo, Rabha, and Garo tribes and non-tribal communities have persisted for decades. (ii) Historical Displacement: tribals, particularly Bodo communities, have faced historical displacement, leading to the loss of traditional lands and disruption of livelihoods due to developmental projects, conflicts, and migration. (iii) Inadequate Land Records: poorly maintained or outdated land records make it challenging to establish rightful ownership, leading to conflicts. (iv) Demographic Changes: population growth, migration, and settlements by non-tribals/indigenous communities have altered the Bodoland region's demographics, affecting land access. (v) Inadequate Land Rights: limited recognition and protection of traditional tribal land rights, often resulting in disputes, a lack of legal recourse, and inadequate compensation for land acquired for development projects. (vi) Land Tenure System: complexities in the land tenure system, with discrepancies in records and documentation, exacerbate disputes and hinder fair land distribution. (vii) Illegal Encroachments: instances of illegal occupation of land, often leading to disputes and clashes between different ethnic groups. (viii) Land Alienation: continuous encroachment and alienation of tribal lands by non-tribal settlers have reduced the available land for indigenous tribes, leading to disputes and socio-economic imbalances. (ix) Insufficient Rehabilitation: inadequate rehabilitation and resettlement measures for tribals displaced by various projects or conflicts, further exacerbating their land access challenges. (x) Ethnic Tensions: historical ethnic tensions and mistrust exacerbate conflicts related to land access. (xi) Lack of Clear Policies: the absence of clear land policies and regulations that address the specific needs and concerns of tribal communities. (xii) Competition for Resources: increasing demand for land due to agriculture and landlessness intensifies competition among various communities. (xiii) Limited Livelihood Opportunities: land access issues restrict livelihood opportunities for many in the region, affecting economic development and sustainable livelihoods of tribals.

## 2. ENCROACHMENT, EVICTION AND DISPLACEMENT

A growing number of individuals are being forcibly evicted or uprooted from their land or homestead lands. The move to large-scale farming has also resulted in forced evictions, displacements, and local food shortages in many countries, contributing to an increase in rural-to-urban migration and, as a result, further strain on access to land and housing (OHCHR, 2015). The Assam state government has decided to grant land pattas (land deeds) to legal and permanent inhabitants of Assam who encroach on government land, including the Bodoland Territorial Region. Previously, encroachers were prohibited from inhabiting such land. It is a positive measure that has been taken. However, there should be a rider that would be required and become necessary in the future for the opportunity of building activities in the region's "Khas Land" to be preserved. As a result, not all settlements should be permitted on such khas or government land. Previously, in 1989, Assam's land policy contained clause 14 to dissuade people from encroaching on government land (Land Policy, 1989; 2019).

Illegal encroachment on forest land exists in the Ripu-Chirang reserve forest of BTR, and eviction drives are conducted regularly. Under the Chirang Reserve Forest, the Haltugaon Forest Division has 59,000 hectares of forest land area; around 12,000 hectares have already been encroached on by illegal encroachers. So far, 4,000 hectares of land have been freed of their habitation. It came to light that there have only been 25 forest villages in the Haltugaon Forest Division since 1906, but the large-scale encroachment has been increasing since 1990 (The Assam Tribune, 2010; Kujur, 2024). According to the data from the Forest Department in BTC, 39,750.86 hectares of land were under encroachment. Encroachment affected about 2,385.14 hectares in the Kachugaon forest division, 4,262.7 hectares in the Dhansiri division, 8,894.21 hectares in the Chirang division, 3,332.8 hectares in the Porbotjhora division, and 6,337.6 hectares in the Baksa Forest Division. With 14,538.41 hectares of land encroached upon, the Haltugaon division of the Kokrajhar district has extensive encroachment of forest land (Basumatary, 2018; Kujur, 2024). Since January 2023, over 55 families have been evicted from Assam's Chirang Reserve Forest for illegal encroachment. In April 2024, 33 families were removed from Ultapani, where 25 bighas of land were encroached. Encroachment was also reported in Sonapur, Laimuthi, and Lumsung Reserve Forests, where 250 families from various districts settled. On 24 September 2023, 25 families were evicted from the Runikhata range, reclaiming 75 hectares. Some residents planted rubber trees, allegedly supported by brokers and the Rubber Board. Officials emphasized such plantations violate forest laws. Protests erupted, and two individuals were detained, but further details remain unavailable (Kujur, 2024).

**Table 1.1** Eviction Drive Carried Out in Bodoland Areas

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

**Source** The Assam Tribune 15th September, 2010.

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

In Assam, including the Bodoland Territorial Region, evictions of cultivating citizens from their lands are increasing due to "outsider versus insider" or "legal versus illegal encroachers." Displaced and affected residents referred to clear violations of human rights and a state ready to deprive its people of their scarce survival resources to hand over their lands to businesses, industrialists, and the mining lobby (Agarwala, 2013). The government has never resolved the concerns of land loss due to river erosion and rehabilitation population restoration. Millions of households have lost their land to erosion, which has been a serious stress in the last six decades, with the river Brahmaputra and its tributaries eroding around 4.27 lakh hectares of land since 1950, accounting for 7.40% size of the state (Jairath & Doley, 2023).

Millions of homeless individuals have searched for a place to live across the state. The government settled some of them, guaranteeing them property titles in the foreseeable future. However, these pledges were never fulfilled, and many people are still being evicted from those areas under the guise of being 'illegal encroachers,' contributing to the arrogant public perception of the 'legal vs illegal citizen' (Zaman, 2022). The rights of displaced indigenous people are being questioned under the initiative Mission Basundhara 2.0's ironic slogan 'Mur Maati, Mur Adhikar' (My Land, My Right). The concept comprises, among other things, resolving land rights of landless households living or farming on government land, community grazing reserves, and granting ownership rights to occupation tenants. In addition, numerous severe issues have been raised concerning Mission Basundhara 2.0's promises and objectives. People are concerned about losing cultivable land, like in the case of 'Village Grazing Reserve' (VGR) and 'Professional Grazing

Reserve' (PGR), where the system allows just one bigha for homestead land. The government will, after that, take over the remaining land (Jairath & Doley, 2023). The issues of eviction and displacement do not look like communal lines and legal or illegal encroachers but just like encroachers. The issues are so profound that the people facing land access issues, and the displaced people are claiming the right to land and a dignified livelihood.

### 3. CONFLICT, VIOLENCE, SOCIAL UNREST AND LAND ACCESS

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

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

**Table 1** Conflict and Violence between Tribals, Non-Tribals and Immigrants

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

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

The first severe inter-ethnic violence occurred in Kokrajhar, Bongaigaon, and Barpeta districts in 1993 between Bodos and Non-Bodos Muslim minority groups. The conflict claimed the deaths of 50 individuals and displaced around 3,568 households, totalling about 18,000 individuals (Deka, 2012; Hussain & Phanjoubam, 2007). In Kokrajhar district, a conflict erupted between the Bodos and the Adivasis in May and June 1996. This violence has significantly displaced over 42,214 households and 262,682 people from both communities. However, in 1998, the violence between the two groups heated again, displacing 48,556 households and 314,342 people (Hussain & Phanjoubam, 2007). The violence forced the displacement of 756 villages in the Kokrajhar area, including 196 revenue villages, 25 recognised forest villages, and 535 encroached forest villages (Mushahary, 2019). In 2008, violence arose among Bodos and Muslims in the Assam districts of Darrang and Udalguri. The conflict lasted about three to four days and resulted in the deaths of 54 people (Pathak, 2017). This violence has displaced over 212,000 people, directly affecting 54 villages, and approximately 150 communities have evacuated their homes because to fear of being attacked (Phukan, 2013). Subsequently, the dispute expanded to BTC districts such as Baksa and Chirang. There were more than 31 deaths in Udalguri, where the confrontations began; 19 Muslim settlers, 9 Bodos, and 3 others were killed. Darrang, where the violence quickly spread, lost 21 people, including 17 Muslim settlers, one Bodo, and 3 other people (Mushahary, 2021). Another clash involving Bodos and immigrant Muslims occurred in the BTC region in July 2012. As of August 31, 2012, the districts of BTC and

nearby Dhubri in Assam had claimed around 90 lives and displaced about 400,000 people. When a crisis flared into a full-fledged conflict in the BTC districts of Kokrajhar and Chirang, as well as the neighbouring districts of Dhubri and Bongaigaon, Assam witnessed the anguish of nearly 500,000 people from the Bodo, and Muslim communities had to seek refuge in 273 temporary relief camps, uprooted, scared, and traumatised. An estimated 97 persons and 500 villages were killed (Hussain, 2012).

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

#### 4. IMMIGRATION AND IMPACT ON LAND ACCESS

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

After more than a year of lapse, the BTC Secretary has now ordered the circle officers of Kokrajhar, Gossaigaon, Dotoma, Tamulpur, and Mazbat to treat the matter earnestly. According to official records, 3.89 lakh bighas of land in tribal belts and blocks in the BTR are under the encroachment of 1.01 lakh people. As many as 54,798 bighas of land out of the 3.89 lakh bighas are occupied by people of non-protected classes. However, the 'Northeast Heritage Foundation' has said that only 4.50 lakh bighas of land have been encroached upon in the tribal belts and blocks across the BTR, not 3.89 lakh bighas (Pratidin Bureau, 2021). In this sense, the land issues and conflicts that exist now in tribal regions between immigrant Muslims and tribal populations are not new in Kokrajhar and the other three districts in the region.

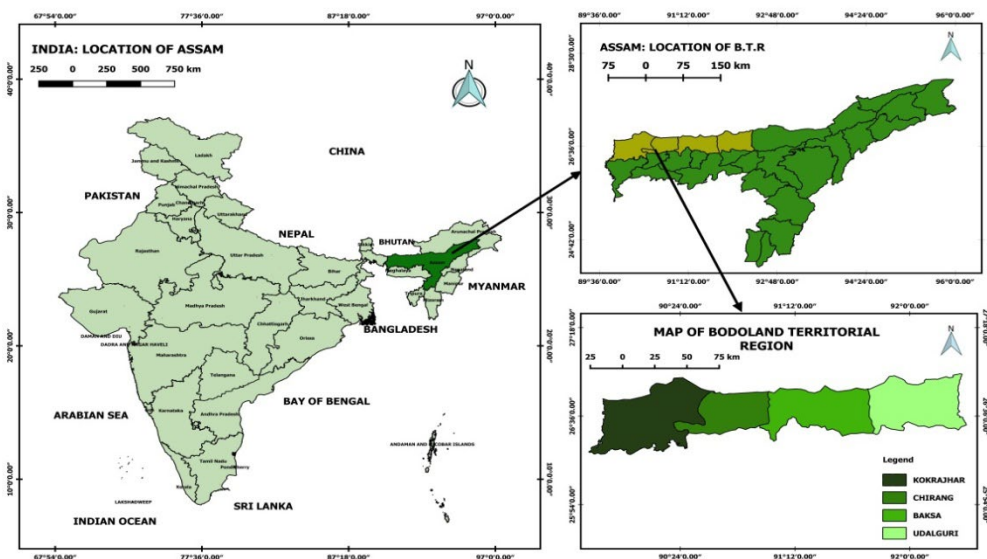
##### 4.1. OBJECTIVES OF THE STUDY

The present study objectives regarding access to land for tribal people encompass specific areas to investigating historical land rights of the tribal people to understand their connection to land and examining conflict related to land access.

#### 5. METHOD AND MATERIALS

There are no tribes or tribals in India other than the Scheduled Tribes for all legal purposes. The term "tribe" has been used in the Indian Constitution as "Scheduled Tribe" and the word "Scheduled Tribe" is used as "tribes" or "tribal" interchangeably throughout my study. The study area covered Kokrajhar, Chirang, Baksa, and Udalguri the four districts of the Bodoland Territorial Region of Assam. The proposed geographic region of the BTR is 8,795 sq. km. The four districts of the BTR geographical boundaries are located within 26°7'12" N to 26°47'50" N latitude and 89°47'40" E to 92°18'30" E longitude north-western part, including its Assam.

The study focuses on three major communities Bodo, Rabha, and Garo who are predominant in the study region. This area falls under the Sixth Schedule of the Constitution of India and is located in the state of Assam. According to the 2011 Indian Census, Assam has a tribal population of approximately 3.88 million, making up 12.45% of the state's total population and 3.72% of India's total tribal population. Although tribal communities are distributed throughout Assam, they are concentrated in specific districts such as Dima Hasao, Karbi Anglong, Dhemaji, Baksa, Chirang, Udalguri, Kokrajhar, Lakhimpur, and Goalpara. More than 30% of the Bodoland Territorial Region (BTR) is inhabited by tribal people. Within the BTR, the tribal population is notably found in districts like Kokrajhar (31.4%), Chirang (37.1%), Baksa (34.8%), and Udalguri (32.1%). Assam is ethnically diverse, with several indigenous communities. Among the Scheduled Tribes, the Bodo comprise the largest share (35.1%), followed by Mishing (17.52%), Karbi (11.1%), Rabha (7.6%), Sonowal Kachari (6.5%), Lalung (5.2%), Garo (4.2%), and Dimasa (3.2%). These eight groups make up around 90% of the Assam state's total Scheduled Tribe population. Within the Bodoland Territorial Region, the population is ethnically dominated by the Bodo (33.87%), followed by the Rabha (5.09%) and Garo (2.63%). The Bodo alone account for about 90% of the tribal population in this region, where plains tribes are the majority. Despite being original inhabitants, many tribal households own less than one hectare of land or are entirely landless. A lack of clear understanding of land rights and access further compounds their economic vulnerability.



**Figure 1** Map of the Study Area

**Source** <https://www.mapmyindia.com/latest-political-map-of-india/>, designed by Researcher

According to the 2011 Census of India, Kokrajhar district (code 300) is composed of 3 sub-divisions, 9 development blocks, 9 revenue circles, and 1,068 villages, with a tribal population of 278,665. Chirang district (code 320) contains 2 sub-divisions, 4 blocks, 6 revenue circles, 508 villages, and 178,688 tribal residents. Baksa district (code 324) includes 3 sub-divisions, 6 blocks, 11 revenue circles, and 690 villages, accommodating 331,007 tribal inhabitants. Udalguri district (code 326) comprises 2 sub-divisions, 7 blocks, 9 revenue circles, and 800 villages, with a tribal population of 267,372.

The research focused on rural areas with the highest concentrations of tribal populations, particularly among the Bodo, Rabha, and Garo communities. Villages were randomly selected from the four districts to ensure representativeness. To determine an optimal sample size while maintaining data quality and efficient resource use, the Raosoft survey software was employed. Out of a total of 211,110 rural tribal households—Kokrajhar (54,852), Chirang (35,945), Baksa (66,434), and Udalguri (53,879)—a sample of 384 households was selected. Each household was treated as a single sampling unit. The sample was proportionally distributed based on tribal population shares in the region: 50% Bodo (192 households), 30% Rabha (112 households), and 20% Garo (80 households). Fieldwork was carried out between May 2021 and January 2024 in the selected rural villages, with a specific emphasis on landless tribal households. As respondents were primarily rural dwellers, house-to-house surveys and in-person interviews were conducted to



ensure reliable and detailed data collection. Structured and semi-structured questionnaires were used in the manual data collection process to maintain accuracy and consistency.

## 6. APPLICATION OF THEORY

The study draws upon Resource Conflict Theory, which examines how competition over scarce resources such as land, water, or minerals can lead to social tensions and conflict (Homer-Dixon, 1999; Peluso & Watts, 2001). In the context of the Bodoland Territorial Region (BTR), this theoretical framework helps to explain the persistent disputes between tribal communities and non-tribal settlers over land access. As an ethnically diverse region, BTR faces land-related conflicts that often stem from overlapping claims to land used for agriculture, habitation, and economic activities (Bavinck et al., 2014). The theory posits that such conflicts arise not solely from cultural or identity-based differences but from tangible, material interests in controlling and utilizing limited land resources (Obioha, 2008; Le Billon, 2001; Benjaminsen et al., 2012). In the BTR, land access disputes are exacerbated when resource scarcity intensifies and when land becomes central to livelihood security. Addressing these conflicts, as Resource Conflict Theory suggests, requires strategies that go beyond cultural reconciliation to include equitable resource distribution, institutional reforms, and sustainable land-use practices that reflect the diverse needs of all communities.

## 7. RESULTS AND DISCUSSION

Tribal communities in Bodoland face complex land access challenges involving historical struggles over rights, ownership, and displacement, often driven by socio-political factors and conflicting claims with government policies and settlers.

### 7.1. PERCEPTION AND PROTECTION OF LAND

For tribal societies, land was traditionally considered the least material asset. The concept of land as a valuable economic asset is a relatively recent development among tribal inhabitants in the region. Tribals perceive land as a divine gift from nature or God. It is the fundamental source of livelihood for them. As they believe, "Land is everything, without land there is neither hell nor heaven." In their worldview, the connection between tribals and land reflects a deep ancestral bond. Land represents their habitat and is regarded as a birthright, to be held for as long as they wish. Tribals and land are inseparable, closely connected through a relationship of dependence and belonging. Land benefits them in numerous ways, including providing food, firewood, timber, and other construction materials, and most importantly, serving as the foundation for permanent settlement. For them, land is a natural endowment essential for human existence, and its usage must be as diverse as their lifestyles and ecological ranges. When it comes to land protection, tribals regard land as free and fundamental just like air and water meant for the collective good of humanity. This belief underpins their fear and concern regarding the preservation of local tribal territories. They do not permit hostility, violations, invasions, or encroachments upon tribal lands. Protecting the original boundaries of their land is seen as a sacred responsibility.

A significant majority of respondents 98.43% overall (Bodo: 97.91%, Rabha: 98.24%, and Garo: 97.5%) expressed the urgent need for land protection. This concern stems from the influx of non-protected classes and land-seeking immigrants into tribal areas. The issue is especially prevalent in villages located near the border areas of the region. In such cases, tribals express dissatisfaction with current land protection measures. The state and local administrations have not adequately addressed these concerns, nor have they implemented effective mechanisms to prevent the alienation of land owned by Scheduled Tribes or to restore lands that have been wrongfully alienated.

## 8. RIGHT TO LAND

The right to land for tribal peoples in the region has been a significant concern due to various factors such as historical injustice, conflicting claims, and changes in land-use patterns. In the study, 82.55% of the tribal people responded positively regarding the significance of the right to land. Therefore, the findings clearly show that having the right to land is an important prerequisite for enhancing agricultural productivity and promoting access to sustainable livelihood resources. Tribals rely heavily on land as a natural resource for survival. Hence, without preserving land rights,

this fundamental bond and possession of land that belongs to their community may be lost, restricting their ability to use it. The following table presents the current land-related issues faced by the tribal peoples in the region.

**Table 1.3: Current Land-Related Issues of Tribal People**

Land issue	% of Bodo Sample 192	% of Rabha Sample 112	% of Garo Sample 80	Total % of Sample 384
Fresh encroachment	23.4375	29.464285	28.75	26.302083
Forest land rights issues	22.916666	25.892142	30.00	25.260416
Land ownership	16.666666	15.178571	8.75	14.583333
Land registration	12.5	7.142857	6.25	9.635416
Landlessness	11.979166	8.928571	8.75	10.416666
Land alienation	5.729166	6.25	6.25	5.989583
Others	6.770833	7.142857	11.25	7.8125

**Source** Field Study (2022-23)

Based on the above data, 26.30% of respondents stated that the current major land rights issue affecting tribals is fresh encroachment on grazing lands, forest areas, and other government vacant lands in tribal regions. Tribal households living on the outskirts of forests are either denied or have limited access to forest resources. About 25.26% have been deprived of forest land and forest rights. Serious concerns regarding tribal forests and land rights have not been adequately addressed. Many petitions by tribal members for forest patta (land titles) are still pending or have been rejected. It was found that tribal people do not have access to forest land records, nor is there any record of their forest land access rights. This increases their vulnerability to exploitation by non-tribals and, in some cases, by local officials. Where forest land is provided to tribals, no land pattas or land allocation certificates for forest lands are issued to the forest dwellers. It was also shown that 14.58% of the inhabitants do not meet the legal requirements for land title or ownership. The issue of land registration has not been ignored, as 9.63% of respondents have engaged in legal registration processes.

Landlessness is another significant barrier to the tribals' livelihood. About 10.41% mentioned landlessness as a present land issue affecting the tribal community, and a significant portion has not received recommendations regarding land rights. Tribal groups face the dual challenge of being both landless and homestead-less. Many landless and homestead-less tribal households have lived on government-owned land for decades. The prevalence of land alienation among tribals in the studied areas stands at 5.98%. Tribal land alienation is a potentially serious problem in the region, and they argue that state and local governments have taken no concrete measures to restore illegally alienated tribal lands. Although 7.81% mentioned other land-related issues, these have had a favourable impact on their land rights and livelihoods.

Land-related issues persist in the Bodoland Territorial Region: continuous encroachment onto tribal lands remains a pressing concern, leading to disputes over territory and resources. This encroachment often involves non-tribal populations or entities exploiting land for various purposes, thereby threatening tribal communities' rights and access. Ambiguities in forest land rights frequently arise, affecting access to and control over forests and impacting their traditional livelihoods and cultural practices. Clarifying and securing these rights is crucial for their sustainable development. Disputes regarding land ownership, especially concerning historical claims and titles, persist. These disputes can occur within tribal communities themselves or with external parties, leading to conflicts over land use and ownership. Inaccurate or outdated land records and registers pose challenges in establishing clear ownership and rights. This often results in legal ambiguities that complicate efforts to resolve land-related conflicts and disputes. Still the members of the tribal community face landlessness due to displacement, lack of proper documentation, or historical injustices contributing to their social and economic marginalisation within their native territories.

## 9. LAND PATTA/LAND DEED AND UNCLEAR TITLES

In the study tries to understand what land patta means. The majority rely on positive responses 96.87% (Bodo: 97.39%, Rabha: 95.53%, and Garo: 97.5%) say 'Yes' they know what is the land patta (land deed) mean. There is an immense rise in the tribal desire to secure permanent inhabitants and land registration. Initially, tribals believed that all members of the tribal would have been landowners if land grabbing had not taken place and alienated their land. Whole tribal lands, free from the money-lenders or encroachment of land-hungry immigrants, were not for sale or lease, and

there was no market for them. But situations have changed now. The residents of the region trusted legal documents called "land pattas" (land deeds) for securing long-term tenancy. Reason refers to the rising population and erratic rise of land-hungry immigrants on tribal lands. Other than that, the land is first obtained for cleaning and use on a periodic lease from the government. During the periodic lease, the tribals paid the government a small amount of revenue. After use, the tribals apply for a permanent patta from the government in their names, the periodically used land. The land pattas are not found in the case of forest land and grazing land. The majority of respondents responded 79.89% that the lands are inherited from their ancestors, so not owning the land certificates or the land patta is a feeling of uncertainty for their lives and livelihood; even if they are living in the Sixth Schedule area.

Currently, the tribals are facing different major issues regarding unclear land title, and they now claim that it requires a permanent solution for their proper land access. The study was carried out in order to identify the root causes of the problems that tribal people face. The question is related to land records that are incomplete, inaccurate, and do not reflect the position on the ground, the legal framework for land, registration of documents, contracts, and all information around land.

**Table 1.4:** Reasons behind not having Land Patta

Reasons for unclear titles	% of Bodo Sample 192	% of Rabha Sample 112	% of Garo Sample 80	Total % of Sample 384
Presumptive	22.916666	19.642857	21.25	21.614583
Registration not mandatory	28.645833	29.464285	32.5	29.6875
Cost of registering	9.375	10.714285	10.00	9.895833
Land data	12.5	12.5	8.75	11.71875
Poor maintenance	7.8125	7.142857	6.25	7.291666
Records not reflect position	5.208333	5.357142	7.5	5.729166
Manipulation of land records	4.6875	3.571428	2.5	3.90625
Administrative entities	8.854166	11.607142	11.25	10.15625

**Source** Field Study (2022-23)

The data presented above are replies from respondents that with 21.61% expressing frustration with the presumptive nature of land titles. They are realistic about the difficulties of carrying out the procedure when past land transactions are not adequately documented and there are gaps between official records and the real situation of landholdings. This is because of gaps in past and current land records make it easier to contest a title. Conclusive titles are those that are guaranteed by the state, with the state guaranteeing the title's accuracy and providing compensation in the event of a dispute. In terms of land registration, 29.68% indicates that, due to past practice the tribal people earlier thought that land registration was not mandatory for them and that they could live without appropriate land documentation. Poor land registration records of the past have affected present land transactions in tribal places of study. It found that tribal members feel land registration processes are tricky and the official procedures are lengthy since most are clueless and cannot comprehend the guidelines. As a result, the claim of land registration procedures should be as clear, simple, and precise as possible. 9.89% have opined that the unclear land titles are connected with the high cost of registering land. Respondents suggested that registration fees be kept to a minimum, procedures be kept simple, and officials do not discourage people from registering property transfers. The stamp duty should be less than the cost of the property, allowing poor rural tribals to register their smallest plot of land. There will be a discount on large parcels to mark the end of the long-pending land biases, issues, and controversial procedures in the tribal areas.

Land management or administration requires recording, processing, and distributing data on land ownership, value, and usage. In every state of the country, the process for managing land records differs based on variables such as historical and local traditions. 11.71% stated that land titling in the region is unclear due to a lack of land data (sale deeds, rights records, and spatial land records). It found that tribals still followed traditional methods at the time of land purchase at the village level. With few witnesses present, the seller and buyer signed a sale deed on nominal non-judicial stamp paper or on the white paper written by some local rules for a prescribed amount. So, the transfer does not come into effect in the state government records because of the non-legal sale deed, which does not provide documentary evidence of rights over land in the form of a patta (deed) for the buyer. The patta initially remained with the first seller as evidence of land rights.

It is found that 7.29% have mentioned that poor maintenance of land records is the cause of unclear land titling. The tribals are unsatisfied with the historical land registration, manual land record, and record maintenance processes of

revenue departments. This is because manual land records are not easily accessible to the public. Attempting to sell land makes accessing land-related data complicated and time-consuming. The findings revealed that online preservation of land records using digitization could be linked with the respective district or state court registries. So, a buyer can obtain accurate information on any pending litigation against an asset. 5.79% have expressed concern that the records do not accurately reflect the situation on the land, which has resulted in land unrest. It found that cadastral maps are generally restricted to agricultural land, with rural villages and areas of communities mostly not surveyed. Due to inadequate management of land records and a failure to update the records through surveying, mapping has not been conducted to identify actual boundaries on the ground. Therefore, the spatial records do not reflect or match the textual records. The disparity between spatial and textual records also emerges because land transfers and divisions, whether via inheritance or sale, are not recorded by assessments or surveys. The maximum issue is lies to the fact that documents may not be revised when a landowner dies and such land is transferred to the beneficiary.

Regarding the manipulation of land records, 3.90% have said the inadequacy of the process of manipulating land records is not accidental in the region. However, it has arisen due to the efforts and interests of some government officials. This is not just the manipulation of the land records to give tribal land to the non-tribals; rather, there is a history behind the manipulation, and the state has supported the land record manipulation and the settlement of the non-tribals in the tribal lands. 10.15% believe that administrative entities are liable for unclear land misdeeds. The respondents claimed for changes in the official process concerning their land maintenance and adequate records of unclear land records. The necessary changes are required for the registration of sale deeds, the collection of stamp duty, the maintenance of the record of rights, the mutations register, changes in titles, the maintenance of tax registers for the collection of revenue from land, spatial data or maps, the execution of surveys to collect land-related data, and the updating of maps.

## 10. PERSPECTIVES ON LAND ACCESS

The study related to the perspective on land access, 45.05% has a clear understanding of land access; they describe it as "the right of access to their own land." The other 54.94% have no clear idea of what land access is or do not understand the concept of land access. They revealed that there are effects to denying more fair access to land, as well as the benefits of attaining land possession, transfer, etc. From Chirang district, the village of Nangdarbari (Taigirguri, near of Laoti Mini Hydroelectric Power Project), a 92-year old man, replied that seven and eight decades earlier there was free use of land and it was no matter how they got access to land, where any tribal households have been living since immemorial time on the plot of land, "but now it is the present important fact that how we able to continue to access the land." It opined the rural tribal households must be given special consideration owing to their ability to access land, since they are mostly wage-dependent, mainly for landless or near-landless rural agricultural labourers.

## 11. CURRENT LAND ACCESS ISSUES

The Secured use of land enhances societal stability by reducing uncertainty, and land-related issues. Insecurity, unemployment, poverty, and social isolation are also lessened by it. 62.23% stated they are interested in enlarging the "secure ability to use the land" through the right of land access so that the marginalised tribals might benefit from dwelling on and using the lands. Tribals believed that fair and equal access to land is the core for resolving land issues. A fundamental barrier to tribal livelihood is the issue of inadequate land access. 37.76% replied to the question about "equitable and adequate land access" and they are aware of the need for an effective approach to support their pursuit of equitable and adequate land access. Also, in response, it was stated that the tribal groups in the region believe in a paradigm shift and that it is related to transformations. They do not wish to be involved in land disputes or identity crises. The table below is connected with the current land access issues they face regarding accessing their land.

**Table 1.5** Current Land Access Issues in the BTR

Related land access issue	% of Bodo Sample 192	% of Rabha Sample 112	% of Garo Sample 80	Total % of Sample 384
Issue of land ownership	20.833333	21.428571	22.5	21.354166
Land registration issue	19.791666	16.071428	18.75	18.489583
Land boundary issue	6.770833	7.142857	8.75	7.291666
Human & wildlife issue	4.166666	2.678571	2.5	3.385416
Illegal immigration issue	10.416666	10.714285	10.00	10.416666
Forest land and rights issue	9.895833	9.821428	8.75	9.635416

Division of land in protected areas	13.020833	15.178571	15.00	14.0625
Because of ethnic conflict issue	11.458333	10.714285	5.00	9.895833
Land laws and policies issue	5.729166	5.357142	6.25	5.729166

### Source Field Study (2022-23)

Based on the data presented above, most tribals are concerned about land ownership, as stated by 21.35% and believe their land rights are not adequately protected. The respondents have stated the connection between tribals and land is primarily a social tie based on land. Land ownership cannot be equated with ownership of any other asset. The ties with tribal and land rights and land use as resources are referred to as rights over land ownership. Respondents, 18.48% are realising that the inherent inadequacies in our mechanism of keeping land records or registries are causing increasing problems with land registration. Earlier, tribal were unaware of the significant value of land as an asset, but now they recognise it. The land boundary issue affects 7.29%, stated that land boundary issues on their plot are not just a tribal dilemma but other communities also suffer.

It is found that 3.38% have been facing human and wildlife issues or conflicts in the natural use of land. When humans and wildlife clash, it results in adverse effects such as loss of land, livelihood, and even human life. An ongoing issue in the region is illegal immigration, which has affected 10.41% in neighbouring villages. Tribal groups are dealing with land disputes and conflicts as a result of the never-ending issue of illegal immigration. In the study, one 85-year-old man from the Bodo community (from Udalguri district) opined, "the immigrants illegally entered their nearby village, which was grazing land." When the tribal communities are obstructs from entering and try to evict the immigrant, the immigrant says, "Desh Tumhaara, Lekhin Jameen Hamaara" (The country is yours, but the land is ours). That is, to overwhelm the tribal people and isolate them from the vast area of the Bodoland Territorial Region.

The government illegally evicted tribals from their land for conservation and reservation forest. Where they have always remained and have always been respected and protected forest land and its resources. Because of forest land 9.63% believe they are denied access to their land and forest rights have responded angrily to the government's restrictions on their traditional rights limiting their access to forest lands. It found that they rely heavily on the forest for a living, and their issues cannot be merged with those of the non-tribal population. Division of land into protected areas 14.06% have expressed that even with the provision of tribal belts and blocks, that is, protected belts and blocks, the inflow remained frequent, even though immigration to the 'Char' areas and sparsely populated places of Assam had been ongoing for decades. Certain localities became closed to immigration, and conflict arose involve tribals, immigrants, and non-tribals. Respondents indicate that the government should take protective measures for tribals who cannot look out for their own welfare owing to their primitive living conditions, insufficient education, and scarce land for their livelihood.

For 9.89% issue of ethnic conflict has far-reaching ramifications in the BTR, such as land loss, internal displacement, regional instability, socio-economic failures, and others. It found that the ethnic hatred in Bodoland is due mainly to the ongoing land conflict between tribals and non-tribals. In some parts, non-tribals dominate tribals, and they are concerned that illegal immigration would make tribals as minority in their ancestral land. The tribals, mainly the Bodo rebels, are opposed to the settlement of Adivasis, whose forebears came from eastern and central India as tea plantation labourers under British rule. 5.72% felt that they are unable to access their current land due to land laws and policy difficulties. It found that the current situation has been worsened by reality, as many tribal individuals who have resided in the forest areas and government lands for decades are lacking the requisite documents to prove it.

The BTR faces several land access issues concerning tribal communities: Ambiguities and disputes over land ownership and registration persist, affecting tribals' ability to secure and maintain their ancestral lands. Lack of clear documentation and historical injustices contribute to these challenges. Conflicts over land boundaries among tribal communities, non-tribal settlers, and neighboring regions are common, leading to tensions and disputes over land access and usage. Encroachment and changes in land use often lead to increased conflicts between humans and wildlife, impacting both livelihoods and conservation efforts. Issues arise due to illegal immigration, impacting land access and resource allocation, further complicating land-related matters, and posing socio-economic challenges. Ambiguities in forest land rights affect indigenous tribals' access to and management of forests, affecting their traditional practices and livelihoods. The designation and division of protected areas sometimes infringe upon tribal lands, limiting their access to and use of these areas for cultural practices and sustenance. Competing interests between various stakeholders, such as government initiatives, private entities, and tribal communities, often lead to conflicting land access and usage,

exacerbating tensions and disputes. Inadequate or conflicting land-related laws and policies create challenges in addressing these issues effectively. Clarity, enforcement, and adaptation of policies are crucial for protecting tribal land rights and ensuring equitable access.

## 12. THEORETICAL CHALLENGES OF TRIBAL LAND ACCESS ISSUES

Resource Conflict Theory unveils several theoretical challenges influencing land access issues for tribal communities in the Bodoland Territorial Region: **Competing Interests:** the theory emphasises the clash between the diverse interests of tribal communities seeking to preserve their traditional lands versus government policies promoting development and non-tribal settlers eyeing the same resources. This conflict leads to disputes over land ownership and use. **Power Dynamics:** resource conflicts often involve power imbalances. Government interventions and policies, sometimes influenced by economic and political motives, can prioritise non-tribal interests, neglecting the indigenous tribes' rights and traditional claims to the land. **Historical Dispossession:** the theory highlights historical injustices and the dispossession of tribal lands. Centuries of colonisation and subsequent land policies have marginalised indigenous communities, leading to their displacement and a lack of secure land rights. **Legal Ambiguities:** inadequate legal frameworks or ambiguous land rights exacerbate conflicts. The absence of clear laws or their inadequate implementation can lead to contested land claims and favour the more powerful stakeholders, often disadvantaging tribal communities. **Cultural and Socio-economic Impact:** displacement due to land conflicts disrupts the socio-cultural fabric of tribal communities, threatening their heritage, livelihoods, and traditional practices.

Loss of access to land impacts their economic stability and social cohesion. Understanding these theoretical challenges through the lens of resource conflict theory helps in comprehending the intricate dynamics influencing land access issues faced by tribal populations in the Bodoland Territorial Region and advocating for policies that prioritise their rights and equitable access to resources.

## 13. CONCLUSION

The issues surrounding tribal people and their access to land are multifaceted and deeply embedded in historical, legal, and socio-economic contexts across the globe. Indigenous and tribal communities often face systemic barriers that result in land alienation, displacement, and the erosion of their cultural heritage. Historical injustices, such as colonisation and forced assimilation, have led to the loss of traditional territories and resources, undermining the livelihoods and well-being of these communities.

Legal frameworks, while sometimes intended to protect tribal rights, frequently fall short due to inadequate implementation, loopholes, and conflicting interests. National laws and policies may prioritise economic development and resource extraction over the rights and needs of indigenous populations, leading to land grabbing and environmental degradation. The lack of recognition of customary land tenure systems further exacerbates the problem, leaving tribal communities vulnerable to exploitation and displacement.

The socio-economic impacts of land dispossession are profound. Tribal people often face poverty, food insecurity, and limited access to education and healthcare as a result of losing their ancestral lands. Moreover, the loss of land can lead to the disintegration of social structures, cultural practices, and traditional knowledge. Addressing these challenges requires a multi-pronged approach that includes recognising and respecting indigenous land rights, strengthening legal protections, promoting sustainable development, and ensuring meaningful participation of tribal communities in decision-making processes that affect their lands and livelihoods. Ultimately, securing tribal people's access to land is essential for promoting social justice, preserving cultural diversity, and achieving sustainable and equitable development for all.

The land access issues and conflicts faced by tribal communities in the Bodoland Territorial Region are complex and multifaceted. Historical marginalisation, competing interests, legal ambiguities, and socio-economic impacts have contributed to ongoing struggles over land ownership and use. The resource conflict theory sheds light on the inherent challenges arising from the competition for limited resources, particularly land, among various stakeholders. Displacement, disputes, and the erosion of cultural heritage are some of the consequences faced by indigenous tribes. However, addressing these challenges requires a holistic approach. Recognition of land rights, community participation, conflict resolution mechanisms, capacity building, and sustainable development initiatives are vital in ensuring equitable

access to resources while preserving the cultural integrity and sustainable livelihoods of tribal communities. Implementing reforms in land laws, fostering conservation efforts, and conducting continuous monitoring through research are crucial steps toward mitigating conflicts and promoting social justice. By incorporating these measures, stakeholders can strive to create a more equitable and sustainable future for tribal communities in the Bodoland Territorial Region, respecting their rights and safeguarding their heritage.

## CONFLICT OF INTERESTS

None.

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