

National Seminar
Tribal Land Alienation and Changing Land Relations in India:
Focus on the Northeast

Organised by

North Eastern Social Research Centre (NESRC), Guwahati

28th February - 1st March 2025

Venue: 3rd Floor Seminar Hall, Jagriti Building, Guwahati

Concept note

Land is an important component to understand the complexities of ethnicity in India in general and in the Northeast in particular as it plays a pivotal role in almost every aspect – social, political, economic and cultural. Indigenous communities, particularly the Scheduled Tribes, have historically faced displacement, marginalisation, and exploitation due to land alienation, acquisition for development projects, and other causes, much of it caused by conflicting laws and defective implementation and today because of liberalisation and also commercialisation by the tribes themselves. The Indian constitution recognises tribal rights; however, the implementation gap persists. At the same time, the increasing commodification of land threatens the identity, culture, and livelihoods, particularly of indigenous and marginalised communities. It sparks conflicts and human rights concerns. Besides, the process of constant ethnic transformation where different ethnic groups contest and negotiate the everydayness of lived experiences and histories tied to land, produces multiple and complexities. One of its by-products is the contested and shifting alliances of various ethnic groups. The recognition of these contested and shifting alliances is central to the understanding of identity politics, particularly tribal in the Northeast.

An important framework to understand the land issue in the tribal areas of India in general and of the Northeast in particular, lies within two contradictory impulses: land as identity and land as commodity. For the former, control over land is considered critical to tribal identity. Hence, losing land is equated to losing identity and a threat to their culture. The nature of control over land – collective ownership or common property – instantiates forms of relationship among the members of a tribe. It is also predicated on an alternative relationship with land which is different from that of other societies in India. All these are in tension with land as commodity, that is, land as identity has forms which are stumbling blocks to capital. On the other hand, the State, companies, real estate dealers, and individuals need land to be privately or individually owned so as to put it into circulation for capital formation. In this case, the colonial law grants to the State eminent domain, that is, right to acquire land for development projects. This framework of two contradictory impulses is based on three aspects: the colonial era politics of exclusion, the constitutional provisions, and land acts and regulations enacted by each state.

A body of scholars argue that the top-down or state-centric approach to development in the Northeast has often exacerbated existing tensions and fuelled grievances among the local communities (Roy, Miri & Goswami, 2007). On the other side, scholars like Partha Chatterjee (2004) argue that state making is not simply a top-down process of the government exercising its policy on the targeted populations. It hinges on a crucial variable of people's attitudes and actions towards administrative expansion and development activities. Hence, it is crucial to focus on the existing traditional institutions and local bodies which play a significant role in the processes of development, thereby producing complex realities. Equally important is the focus on the gendered customs and traditions, which in most indigenous communities deny land inheritance to women, with some exceptions like the Southern Angami in Nagaland or the Khasi, Jaintia and Garo of Meghalaya. In this context it is crucial to understand how power relations are played out within the existing social structures and the manner in which representatives of the local bodies mediate, negotiate or appropriate various issues and concerns with regard to land.

This raises important questions: how do historical contexts such as the colonial era politics of exclusion or the North-Eastern Areas (Reorganisation) Act 1971 influence contemporary land relations? In what ways do the existing constitutional provisions impact land rights and commodification among Indigenous communities? Can constitutional provisions prevent land alienation or ensure equitable land distribution and social justice? Can constitutional recognition of tribal rights protect cultural landscapes? In what ways do representatives of the traditional institutions and bodies mediate, negotiate, or appropriate issues and concerns tied to land? To what extent do market forces influence land use and ownership patterns among the Indigenous groups in the Northeast and in the rest of tribal India? How do commodification processes erase or reinforce cultural identities tied to land? What are the emerging challenges in the face of new developments such as the changing political economy and new citizenship laws?

In the light of the above questions, NESRC intends to bring together a body of researchers, scholars, policy makers, experts and social activists working with the tribal communities from the Northeast and the rest of India, to analyse the multifaceted changes in land relations and consider their social, political, economic, and cultural implications. An in-depth examination of shifting land relations can help us better understand the intricate intersections between socio-economic factors, political policies, and cultural identities. Those in turn shape contemporary relations within the tribe, between them and with the non-tribal societies. Such a discussion is important to understand the complexities of land related issues, and find out measures that advocate the protection and welfare of communities. It is also crucial to assess significant threats to and tensions around land on account of various policies such as the Citizens' Amendment Act or the rapid spread of globalisation or unfettered modernisation.

Within the above context, the participants of the seminar will look at constitutional and legal provisions like the 5th and 6th Schedules, Articles 371, prevention of tribal land alienation acts and others. Have they successfully prevented tribal land alienation? If not, is it because of defective legislation, poor implementation or other causes? How have they affected tribal land relations? What suggestions can be made for their improvement?

This will be discussed at the seminar under the following sub-themes that will also function as Technical Sessions:

1. Legal Provisions and Tribal Land

Despite the provisions enshrined in the Constitution of India on the protection of tribal selfhood and land rights, the issue of land alienation persists. Demarcation of lands into tribal belts and blocks in Assam and provisions such as Article 371, 5th and 6th schedules fall short of ensuring protection of Indigenous lands because of systemic loopholes and shortcomings in the law or other causes. New amendments to existing provisions such as the 125th amendment to the 6th schedule have received varied and critical reviews from several tribal communities. This panel will interrogate such provisions, their amendments and shortcomings in the context of tribal land issues.

2. Land alienation and Tribal Identity

Besides sustenance, Indigenous peoples harbour intimate ties with their land and ecological resources. That link in its turn guides their cultural expression, identity assertions and connection to ancestors. Several communities continue to push for strengthening their territorial identity through the protection of their land rights. One of its examples is the current movement for the 6th schedule in Ladakh. Therefore, when Indigenous communities are separated from their land, immeasurable loss and irrevocable changes follow, which are ignored by the state-industry complex. It is therefore important to look carefully at the entwinement of tribal identity with land.

3. Land and Development

Land serves as a foundation of livelihoods, cultural identity, and socio-economic development. It embodies not only the physical territory but also encompasses layers of customary practices and community relationships. However, the shift towards modernisation and state-led development has disrupted traditional land governance systems geared to the needs and aspirations of an egalitarian society. Modern development policies and legal frameworks, such as the Land Acquisition Act, for instance, often emphasise compensation over meaningful consent or long-term livelihood restoration, and sideline cultural and ecological losses. Procedural gaps, such as absence of clauses to protect land, inadequate consultation and undervaluation of land, lead to exploitation and displacement of vulnerable communities. How can these defects and shortcomings be addressed to close procedural gaps, strengthen protection for marginalised groups, and align customary practices with equitable statutory frameworks.

4. Land and Customary Laws

Tribal customary laws, rooted in egalitarian principles, emphasise community-based, collective ownership of land and resources. However, these laws are not without shortcomings. One significant issue is the denial of women's rights to land and resources

that perpetuate gender inequality. Additionally, modernisation and individualisation have introduced a shift towards private ownership, while strengthening patriarchy and class formation. That has created social hierarchies which undermine the communal ethos of the systems in which the indigenous peoples have lived. To remain relevant and equitable, they need to adapt to the changes by incorporating protection of women's land rights, ensuring fair access to resources for all community members, and address elite-driven inequalities. Do customary laws address the societal change wrought by modernisation, individualisation, and rising inequalities such as patriarchy and class formation? What changes are required in these laws to respond to these changes?

5. Gender Implications of Changing Land Relations

The shifting land relations in the Northeast and the remaining tribal areas have profound gender implications. For instance, traditional matrilineal societies, such as the Khasi, Jaintia, and Garo are witnessing a decline in women's land ownership and control due to increasing privatisation and patriarchal influences. As land is transferred from communal to individual ownership, women's rights in the remaining communities too are being eroded, and their access to livelihood and resources diminished. Individualisation of land has further reduced the little decision-making power that tribal women had in community managed land. The introduction of male-dominated land markets and state policies has further marginalised women, and has exacerbated existing social and economic inequalities. However, while privatisation of common property has marginalised women, changing professions and economic empowerment have enabled some women to purchase land. This shift is particularly common among the urban, salaried, or business women, with some exceptions in rural areas of women who are primarily engaged in traditional occupations. In effect, this shift can cause tension with existing structures such as discriminatory customary practices, social norms, and limited access to loan or credit. This session will look into gender implications of changing land relations, examining how shifts in land ownership, access, and control affect women's social, economic, political, and cultural roles.

6. Way Forward: Suggestions for Improvement

In addition to the above technical sessions, a panel of experts chosen by the organisers will discuss the way forward. To protect tribal land rights and interests, a multi-pronged approach is crucial. For instance, the constitutional provisions such as the Fifth and the Sixth Schedules must be enforced rigorously to protect tribal autonomy and land rights. Customary practices and traditions should be respected but modernised to deal with their shortcomings such as the gender gap. The commodification of tribal land and class formation must be checked through regulations and community-led decision-making processes. Additionally, efforts should focus on strengthening tribal governance institutions, promoting inclusive and participatory development, and ensuring access to education, healthcare, and economic opportunities. Furthermore, policies should prioritise women's empowerment, recognise their critical role in preserving cultural heritage and managing the natural resources. Dialogue and collaboration between governments, civil

society groups and tribal communities is essential for solutions that balance development aspirations with the preservation of tribal identity, culture, and territorial integrity.

References

Chatterjee, Partha (2004). *The Politics of the Governed: Reflections on Popular Politics in Most of the World*. New York: Columbia University Press.

Roy, Ramashray, Sujata Miri, and Sandhya Goswami, *Northeast India: Development, Communalism and Insurgency* (Delhi: Anshah Publishing House, 2007).

Guidelines for Submission

1. Abstract, 300-500 words (MsWord, Times New Roman 12- point font, double space, APA style of referencing) to be submitted by 18th December, 2024.
2. Please submit your abstracts to the following email id: seminar.nesrc@gmail.com
3. Kindly rename your abstract files using the format: 'Presenter'sFirstName_FirstTwoWordsOftheTitle' for clarity and ease of organisation.
4. Presenters are expected to submit their full paper of 3000-4000 words by 10th February 2025. Selected papers will be published in an edited volume with ISBN number.

Communication: For any queries, write to the coordinator at seminar.nesrc@gmail.com

Important Dates

Last date of abstract submission: **18th December 2024**

Abstract acceptance information: **21st December 2024**

Full paper submission: **10th February 2025**

Seminar dates: **28th February 2025 to 1st March 2025**