

Unravelling the Plight of Migration and Tribal Land Alienation in the BTC

Dr Jagmohan Boro

Assistant Professor, Department of Political Science, S.P.P. College, Namti, Sivasagar, Assam (India)

ARTICLE DETAILS

Article History

Published Online: 15April2019

Keywords

Migration, Tribal, BTC.

*Corresponding Author

Email: borojagmohan473[at]gmail.com

ABSTRACT

In recent years, migration emerges as a relevant issue of debate in academic and policy circle at global level. This is apparent in contemporary policy debate on immigration issue that is dominating the current political affairs of the U.S.A., European and other developing nations. It is also no less significant in India's north-eastern region as the region being an easy destination of migration has been witnessing a prolonged public debate on the issue since the eve of Indian independence. Henceforth, our experience of political mobilizations on the said issue has been more deepening in north-eastern state of Assam. Such political development of the state is direct result of serious setback that the large scale of migration has posed to the existence of indigenous populace of the state. Now, the land rights of largely tribal of the state seem to be under threat since the migrants are encroaching upon the lands of tribal at alarming rate. Regardless of their repeated raising this issue with the Governments of Assam and India, it has remained merely a political rhetoric and unaddressed until now. Therefore, this paper seeks to unravel the problems of migration and tribal land alienation in the BTC region of Assam with reference to the issue of tribal land alienation in Tamulpur Tribal Belt of Baksa district. Moreover, this paper also seeks to understand some sorts of inefficacies of land laws and ironical efforts of the Assamese ruling elite in regard to the protection of tribal lands in Assam.

1. Introduction

In academic discourse, the concept of migration seems to be complex and broad one as the scholars from different disciplines define the concept according to their own perspectives. But this paper is not taking up its conceptual analysis. However, it is necessary to have a look into the meaning of the term 'migration' so that it serves the purpose of this paper. The term 'migration' derives from the Latin word 'migrare' which means to change one's residence. But changing one's residence is not implying his or her movement from one home to another in the same neighbourhood and same social framework. Instead, it implies one's movement from one place to certain distant place of different social background. Therefore, the term 'migration' implies international or regional or intra-state movement of people relatively for permanent settlement (Kaul, 2005), which is usually facilitated by certain push and pull factors. But it was probably construed as local, regional and international mobility of people only after the formation of modern state system. In fact, human migration has been indisputably a universal phenomenon of civilization since the pre-historic period. Even in the historic period, it was witnessed as an opportunity of nation building. This contention is best exemplified by citing the case of United States of America which was built out of diverse sections of migrants. But the present century has witnessed human migration as a problem rather than an opportunity even in the U.S.A. where it is now a major issue of debate in political and economic realms. It has also appeared a burning of issue of debate in public and policy circle of many European nations where it was not a socio-economic and political issue until the last century. It is not exception to India's north-eastern region where it is perceived by the indigenous people as a main threat to their socio-cultural, economic and political life although it is inevitable for the region's economic development. Because, it has not only exerted mounting pressure on their socio-cultural

identity but also caused land alienation to a great extent in many parts of the region. These issues are not uncommon to the region of Bodoland Territorial Council (BTC) of India's north-eastern state of Assam. In order to understand these issues in the context of BTC, it is important to conceptualize migration in terms of local perspectives.

2. Methodology

An attempt has been made here to accomplish the objectives of the paper by interpreting and analysing the primary and secondary data gathered through observation and interaction and through reviewing books, journals and census data respectively. After thorough analysis by interpreting such data, an attempt has also been made here to sort out some relevant findings of migration and tribal land alienation and to suggest remedial measures thereof.

3. Conceptual Analysis of Migration and Migrants in the Context of Assam

If we look at the current debate over the issues of National Register of Citizenship and Citizenship Amendment Bill 2016, we can firmly believe that the issue of migration is still a contentious reality in Assam. In present public domain, the issue is stereotypically understood as illegal infiltration of Bangladeshi nationals into Assam. But this was probably not the dominant public discourse in the state before 1960s. Even today, certain marginal sections of people of the state view the issue beyond illegal inflow of Bangladeshi nationals. This reveals that the diverse sections of people of the state have varied conceptions on the issue of migration and migrants which seem to be varying over the years. Therefore, a comprehensive understanding on the issue in the context of Assam is required to have a look from the perspectives of different sections of people of the state. In this regard, it is

pertinent to trace briefly the emergence and growth of migration politics in the state from the early decades of post independent period. In the early 1960s, certain sections of elite from the mainstream Assamese community organized unsuccessful mobilizations against the outsiders called as bahiragatos (Hussain, 1993) who supposed to have included the migrated people from mainland India such as the Marwaris, Biharis, Hindu Bengalis etc. Perhaps, those mainstream Assamese elite perceived every section of these bahiragatos as a main threat to their class interest in particular and to social, cultural, economic and political life of the Assamese community in general. Hence, it was the mainstream Assamese discourse that categorically regarded a large number of people as migrants who had been migrating into the state from different parts of mainland India since the pre-independent period. But it does not mean that till 1960s, the mainstream Assamese elite were concerned of only bahiragatos residing in the state and unconcerned of illegal infiltrators from East Pakistan, Nepal and other countries. Obviously, they were concerned of impact of illegal foreigners on socio-economic and political aspects of the Assam. But it was probably the contemporary political situation of Assam in 1960s that provided a breeding ground to a certain section of the Assamese elite to attempt to realize their vested political interest by organizing insignificant campaigns against their immediate rivals from mainland India. However, the emerging fragile political situation of the state in 1970s unfavourable to both the ruling and mainstream Assamese elite provoked some sections of them to spearhead a six year long anti-foreigners movement from 1979 to 1985 in the state (Hussain, 1993). Thereafter, the state has hardly witnessed any political mobilization against the bahiragatos which implies that they are now no more migrants and no more cause of concern for the Assamese elite. On the other hand, the anti-foreigners movement seems to have developed such a public psychology that every now and then we witness debates over the illegal Bangladeshi nationals in policy circle and public domain in the state. This indicates that the movement has completely shifted the notion of migration and migrants in the state thereby depicting only illegal foreigners from Bangladesh and other countries as migrants in the imagination of Assamese minds. At present, a vague concept of indigenous identity is being developed in the state which seems to have included a large number of decedents of mainland Indian migrants such as the tea tribes whose migration into the state does not go beyond the colonial rule. It is a known fact that the British colonial rulers brought these people along with the Bengalis, Biharis, Nepalis and Marwaris in the state from different places of India and Nepal for administrative, labour, military and business purposes (Bhattacharyya, 2001). Keeping in view this historical fact, the tribal people of the state equally consider these people, their decedents and illegal foreigners as migrants in the state. Thus, from the perspective of tribal discourse, it is imperative to understand migration as internal and external inflow of people into the state whose settlement in the tribal inhabited areas of the state is reported to have caused tribal land alienation to a great extent.

4. Historical Underpinning of Tribal Land Alienation and Land Policy in Assam

Since the problem of migration in Assam is a colonial by-product, the problem of tribal land alienation in the Brahmaputra valley is not recent one. It was reported to have occurred in the valley during the colonial rule due to unabated encroachment of land hungry Muslim immigrants on forest and tribal lands. This group of immigrants from erstwhile East Bengal at first occupied waste lands in the valley and after their occupation of such lands became exhausted they gradually encroached on the areas inhabited by the tribal thereby forcing them to abandon their villages (Report on the Survey of Alienation of Tribal Land in Assam, 1999). However, this does not mean that they were exclusively responsible for large scale of tribal land alienation in Assam. In fact, it was also partially caused by the permanent settlement of other group of migrants in forest and tribal lands in the state. In this regard, contribution of the ex-tea garden tribes and Nepalis towards the tribal land alienation cannot be ruled out. Nevertheless, encroachment of the Muslim immigrants on forest and tribal lands was apparently severe which sometimes resulted in friction between them and the local people and consequently created law and order problems in certain pockets of Assam. The gravity of such situation reached to such extent that compelled the colonial administration to devise a means called the Line-System to check any kind of unauthorised encroachment on tribal lands. The administration devised the Line-System in such a way that under this system villages were divided into three categories namely open villages, closed villages and mixed villages. In the open villages the immigrants might settle freely, in the closed villages they would not be allowed to settle and in the mixed villages they might settle on one side of the line drawn in the map. Although the administration applied this mechanism in Nowgaon district and Barpeta sub-division of Kamrup district way back to 1920, illegal occupation of forest and tribal lands by the Muslim immigrants went on unchecked. As an offshoot of this system to prevent sustained tribal land alienation, the Ministry of Assam headed by Gopinath Bordoloi created the provision of Tribal Belts and Blocks in 1947 by amending the Assam Land and Revenue Regulation Act 1886. Subsequently, the number of Tribal Belts and Blocks was increased to total 45 in 1984 in order to bring the tribal dominated peripheral areas under this provision (Report on the Survey of Alienation of Tribal Land in Assam, 1999). Regardless of these measures, the problems of migration and tribal land alienation are reported to have been continuing in the state which is manifested in tribal politics of the state for land rights. This contentious issue of the state can be better illustrated by considering the case of tribal land alienation in the BTC region.

5. The Issue of Tribal Land Alienation in the BTC

When we look at the Bodo politics in Assam, we can contend that it has been one of the significant tribal politics in the state for the last forty years which has passed through three phases. It has remained active for such a prolonged period of time because of many unresolved issues among which the problem of land alienation is one of its key issues. This issue is manifested in determined demand of the Bodos for creation of separate state of Bodoland covering the areas of northern bank of river Brahmaputra which is their imagined homeland to protect their land and distinct identity. As a result of their constant assertion for Bodoland, the Bodoland

Territorial Council (BTC) was formed in 2003 in Assam under the provision of Sixth Schedule of the Indian Constitution (Hansaria, 2016). However, the BTC comprising the districts of Kokrajhar, Chirang, Baksa and Udalguri could not become a territorial enclave solely for the Bodos and other tribal groups. Instead, the BTC was born with 31,51,047 population out of which the tribal population forms 33.5% and the non-tribal population forms 66.5% as per the Population Census of India, 2011 (District Census Handbook-Assam Office of the Registrar General & Census Commissioner, India, 2011). The people so called tribal inhabiting the BTC are the Bodos, Rabhas, Garos, Karbis and Hajongs and the non-tribal such as the Assamese speaking people, Koch Rajbangsis, tea garden tribes, Bengali Hindus and Muslims, Nepalis (Department of Welfare of Plain Tribes & Backward Classes, Government of Assam), Biharis and Marwaris are also found residing across the BTC. If the perspective of tribal discourse is taken into consideration, some of the non-tribal communities such as the tea garden tribes, Nepalis, Bengali Hindus and Muslims, Biharis and Marwaris are migrants in the BTC. Their settlement in the BTC prior to its formation has not only reduced the tribal population to minority but also occupied the forest and tribal lands. Many of them mainly the Marwaris, Biharis and Hindu Bengalis have settled down in the urban areas while others such as the ex-tea garden tribes, Nepalis and Bengali Hindus and Muslims are found settling in the vicinity areas adjacent to tribal villages in the BTC. Besides, a large number of them are also found illegally settling inside the Tribal Belt and Block areas thereby directly alienating the lands reserved for the tribal. In this context, the case of Tamulpur Tribal Belt can be referred to understand the reality of unauthorised encroachment and tribal land alienation in the BTC.

The Tamulpur Tribal Belt is one of the existing Tribal Belts and Blocks in Assam that was formed in 1949 comprising 4,62,637 bighas of land areas of erstwhile Nalbari district. It came into being in the same line that formed the basis of creation of other Tribal Belts and Blocks in the state. It was the basis that villages predominantly inhabited by the tribal and other backward classes were included within the jurisdiction of Tribal Belts and Blocks. The backward classes involving the tea garden tribes, Santhals, Nepali cultivator graziers and Scheduled Castes along with the tribal groups were considered as protected classes within the ambit of Belts and Blocks. But the Government of Assam excluded the Nepali cultivator graziers from the protected class category in 1969, hitherto who among them had already settled down in the Belt and Block areas were considered to be treated on the same footing with the tribal in regard to the future settlement of waste lands and transfer of land document (Report on the Survey of Alienation of Tribal Land in Assam, 1999). This shows that the Nepalis who enter in the Belt and Block areas after 1969 are not entitled to settlement rights at any cost. Regardless of such land policies, their settlement in the areas mainly in the Tamulpur Tribal Belt continued even after 1969. As per the information obtained from conversation with a senior local resident of the Belt, a large number of Nepalis and Muslims illegally encroached on the Angarkata and Bogajuli forests under the Belt in between 1969 to 1971. He alleged that their encroachment and settlement in these areas was patronized

by some local politicians for their narrow political gains. He also alleged that prior to their settlement the post partition treaty signed by the Government of India and Pakistan in 1950 brought a considerable number of Muslims from East Pakistan and rehabilitated them in the Belt. This reveals that even after the creation of Tamulpur Tribal Belt to protect the lands of the tribal, authorised and unauthorised occupation of their lands continued which did not only alienate their lands but also reduced them to minority. This is evident from the fact that the Population Census of 2011 has recorded total 1,52,851 populations in the Belt out of which 50,609 are tribal and 10,315 are Scheduled Castes who form 34% and 7% respectively. As of the Census, there are villages in the Belt such as Darranga Mela, Bari Angarkata, Karkhela, Darrangapar, Daimabari, No. 2 Darrangapar, Ekrajuli, Barbila, Chirishghutu, Simalubari, Barkajuli, Kaliakur, Balabari, Guakuchi, and Ghogapar where the tribal and Scheduled Caste population is found quite meagre today (District Census Handbook-Assam Office of the Registrar General & Census Commissioner, India, 2011). But the situation was certainly not same in the Belt in 1940s and 1950s as the numerical strength of the tribal was emphasized at that time while creating a Tribal Belt and Block in Assam. Such present scenarios of Tamulpur Tribal Belt clearly demonstrate the real trajectory of migration and tribal land alienation in the BTC. In this regard, it is natural to arise many questions in our minds that why the tribal land alienation is deeply rooted in the problem of migration despite of provisions of Tribal Belts and Blocks in Assam? This question demands us to look into the inefficacies of land laws in regard to the protection of tribal lands in Assam.

6. Inefficacies of Land Laws: A Cause behind the Plight of Tribal Land Alienation

When we talk about migration vis-à-vis tribal land alienation in Assam, it is pertinent to explore inefficacies of land laws enacted to safeguard tribal lands. In regard to such land laws, we can refer to the Chapter X of the Assam Land and Revenue Regulation Act 1886. The Chapter was inserted in the Act in 1947 through amendment of the Act with a view to provide legal protection to the tribal lands from alienation in the hands of migrants and other non-tribal Indian citizens. But certain inefficacies rooted in the essence of Chapter itself have made it ineffective in dealing with land alienation problems of the tribal. The Chapter was framed in such a way that it did not exclusively categorize the people belonging to the tribal and Scheduled Caste communities as protected classes within the jurisdiction of Tribal Belts and Blocks. As mentioned elsewhere in the earlier paragraph, it also classified a few colonial migrants such as the tea garden tribes, Santhals and Nepali cultivator graziers as protected classes. This shows that at one hand the Chapter sought to prevent migrants' occupation of tribal lands, on the other hand it also provided equal protection of land rights to some sections of colonial migrants in the Belts and Blocks by categorizing them as protected classes. This was the visible irony where its inefficacy lies in rather than its improper implementation. Besides, its inefficacy is also reflected in its two sections i.e. Sections 166 and 167 which prevent filing civil suit in any court against any public servant for his misdeed while implementing different provisions of the Chapter. Therefore, neither the civil servants can be held guilty nor they can be brought to justice for committing offense in

transferring lands in the Tribal Belts and Blocks (Report on the Survey of Alienation of Tribal Land in Assam, 1999). Perhaps, such ambiguities of the Chapter facilitated a large number of migrants to grab tribal lands and encouraged the officials to transfer tribal lands to ineligible persons through illegal means. Here, one may question that what sorts of ground realities did convince some sections of ruling elite of Assam to formulate such flexible land laws in regard to the protection of tribal lands? It is pertinent to mention here that although they were concerned of tribal land alienation, they could not ignore the complex demographic distributions and socio-political reality of post independent Assam while framing the Chapter X. Perhaps, such complexities made it impossible to isolate the large number of non-tribal backward communities from the purview of Tribal Belts and Blocks. In view of such situation, certain sections of political elite also might have felt it not necessary to frame rigid land laws at the expenses of their political interests. Because the migrant settlement areas often played determining role of vote banks in electoral politics of Assam for which some political elite might have wanted the settlement of migrants even in the tribal dominated areas. This reflects the ironical attitudes of Assamese ruling elite in their bid to safeguard the tribal lands through flexible land laws. Therefore, the Chapter X of the Assam Land and Revenue Regulation Act 1886 never became a vanguard of lands of the tribal in Assam.

7. Conclusion

From the above, it appears that the problem of migration is a colonial hangover in Assam. But migration itself is not a sole problem of tribal land alienation in the state since it is an inevitable phenomenon. In fact, resolving any problem emerging out of migration lies in the objective oriented efforts of the leaders and authority. But there is no consensus among the Assamese ruling elite and ordinary tribal folks on the notion of migration and migrants. The Assamese ruling elite, who

view these phenomena in terms of their subjective political interest, have failed to assess the deepening consequential situation of migration in the tribal peripheral areas of the state. Their self-regarding notion of the phenomena has contributed in worsening the situation rather than resolving it. Therefore, whatever the land laws have been enacted until now by such elite is not completely inclined to the protection of tribal lands from alienation. Instead, their land policy particularly the Chapter X of the Assam Land and Revenue Regulation Act 1886 has granted land rights to a large number of colonial migrants and to their decedents within Tribal Belts and Blocks at the cost of land rights of the tribal. Thus, the whole schemes of Tribal Belts and Blocks do not provide a blanket security to the land rights of the tribal of the state. Today, the settlement of both colonial and post-colonial migrants in Tribal Belts and Blocks of mainly the BTC region is reducing the tribal people to minority which is contrary to the basis of creation of Tribal Belts and Blocks. Although the Belts and Blocks were created on the basis of comprising tribal dominated villages, the illegal encroachment of migrants in the Belts and Blocks is not only depopulating the tribal population but also alienating the tribal lands in the BTC.

Today, the Tribal Belts and Blocks in the BTC are complex and mix populating areas from where the decedents of colonial migrants and newly entered migrants cannot be thrown out in order to protect the tribal lands. Rather, it is necessary to reassess the areas thoroughly in order to understand such complexities of populating which will help in updating the existing Chapter X to prevent the further tribal land alienation. It is important to update the Chapter in such a way that it should be brought under the jurisdiction of civil court to make its executors responsible for its improper implementation. This will uphold the accountability of public servants to the objectives of the Chapter X.

References

1. Bhattacharyya, H. K. (2001). *The Silent Invasion: Assam Versus Infiltration*. Guwahati: Spectrum Publications.
2. *Department of Welfare of Plain Tribes & Backward Classes, Government of Assam*. (n.d.). Guwahati. Browsed from <https://wptbc.assam.gov.in/portlets/bodoland-territorial-council> on 16 April, 2019 at 23: 51 p.m. (IST).
3. *District Census Handbook-Assam Office of the Registrar General & Census Commissioner, India*. (2011). New Delhi: Ministry of Home Affairs, Government of India. Browsed from censusindia.gov.in/2011census/dchb/Assam.html on 16 April, 2019 at 23: 55 p.m. (IST).
4. Hansaria, V. (2016). *Sixth Schedule to the Constitution*. New Delhi: Universal Law Publishing.
5. Hussain, M. (1993). *Assam Movement: Class, Ideology and Identity*. Delhi: Manak Publications PVT. LTD.
6. Kaul, R. K. (2005). *Migration and Society*. New Delhi: Rawat Publications.
7. *Report on the Survey of Alienation of Tribal Land in Assam*. (1999). Guwahati: Directorate of Assam Institute of Research for Tribals and Scheduled Castes .