



## Changing customary land holdings: A case studies of Duski village of Tripura, India

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### Abstract

This paper writes about the customary land holdings among the indigenous peoples in the Duski village of Tripura. With time these customary land holdings had changed to formal modern legal titles. The drastic change of these customary land holdings has been affecting the people living in the village of Duski socio-economically. The Jhumia Rehabilitations facilities have been provided to the village people in order to compensate the village people but it was not as per their cultural livelihood. As such this paper writes about the miseries and hardships the village people are going through.

The state's authorities were unable to understand the conditions of the village people and implement the right type of projects for the welfare of the village people as per their cultural aspirations. This paper writes about the failure of the projects and to what extent they benefitted the village people. As per the studies and findings on the case study of Duski village suggestions were also made to the state's authorities for the upliftment of the village people. The methodology used in this paper is both primary and secondary. There was a need for greater reliance on primary sources of data collection.

**Keywords:** customary land holdings, Indigenous peoples, and livelihood

### Introduction

The customary landholding of indigenous peoples has a similar understanding across the world. Customary land is owned and regulated by the community people. There is an absence of modern state interventions over the community land. With time these customary land holdings have been changing due to various reasons in different states. When there is a change in the traditional ownership of the land holdings the community people become vulnerable to adopt new skills for their livelihood.

Customary land tenure is defined as the bodies of rules and institutions governing the way land and natural resources are held, managed, used, and transacted within customary legal systems<sup>[1]</sup>. "Indigenous people have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired"<sup>[2]</sup>. In Africa, Customary land holdings refer to those systems that African communities operate to express and order ownership, possession, and access, and to regulate use and transfer. Unlike introduced landholding regimes, the norms of customary tenure derive from and are sustained by the community itself rather than the state or state laws (statutory land tenure). In America, the term "Customary tenure" invokes the idea of "Traditional" rights to land and other natural resources: "the tenure usually associated with indigenous communities and administered in accordance with their customs, as opposed to statutory tenure usually introduced during the colonial period"<sup>[3]</sup>.

"Indigenous peoples possesses collective rights which are indispensable for their existence, well-being and integral development as peoples", creating an inextricable link between indigenous identities and their rights as peoples. Their collective rights of indigenous peoples include recognition of their distinctive histories, language, identities, and culture and the collective right to land, territories, and natural resources they have traditionally occupied and used, as well as the right to their collectively held traditional knowledge. In establishing and fulfilling collective rights

for indigenous peoples, the international community has affirmed that such rights should not conflict with existing international human rights norms but complement them. For instance, the implementation of collective human rights should not adversely affect the implementation of individual rights<sup>[4]</sup>.

In India, the Constitution of India in the Fifth and Sixth Schedule deals with the autonomous land of the indigenous people in India. These indigenous communities of the region governed their land and resources as per their cultural aspirations<sup>[5]</sup>. Article 244 (1) of the Constitution of India states that the provisions of the Fifth Schedule shall apply to the administration and control of the Schedule Area and Scheduled Tribes in any State other than the state of Assam, Meghalaya, Tripura, and Mizoram. While in the Sixth Schedule of the Constitution of India makes a separate arrangement for the tribal areas of Assam, Meghalaya, Mizoram, and Tripura. It gives autonomy to govern their land as per their cultural aspirations<sup>[6]</sup>.

In North Eastern States Jhum cultivation lands are traditional lands owned as per their customary laws. It is important to note that over the years this Jhum economy has undergone changes land availability has decreased, leading to a shortening of the Jhum cycle and a fall in income<sup>[7]</sup>. Jhum cultivation since its inception is identified with rotation of fields rather than rotation of crops, absence of draught animals and manuring, use of human labour only, employment of dibble sticks or hoe, and a short period of occupancy alternating with long fallow periods to assist the regeneration of vegetations, culminating in secondary forests<sup>[8]</sup>.

In the North East states of India, the forest departments of the Government of India along with the states had been implementing programs to stop shifting cultivation since pre-independence. This was because almost all the forest policies have considered that shifting cultivation is a 'bad land use', and therefore it must be stopped. The forest department tries to use its knowledge of forestry to stop or

reduce shifting cultivation by bringing the land under the forest cover. For this, they implemented schemes like Social Forestry and the National Afforestation Programme for tree plantation on Jhum lands. Mostly timber and fuel wood-yielding species were planted. Bamboo plantations were promoted under the National Bamboo Mission and medicinal plants were planted under the Medicinal Plant Board. These plantations did not address the food security of the Jhum farmers, therefore, though the Jhum farmers accepted the program they did not stop practicing Jhum cultivation for the production of their own food. Most plantations were planted for a period of 3 to five years<sup>[9]</sup>.

The state of Tripura is one of the good examples where the implementation of Social Forestry and National Afforestation Programme for tree plantation on Jhum lands land has been made. The village people under these projects faced food insecurities and still practice shifting cultivation side by side.

Besides government programs and policies there were also other factors involved in the change of customary land holdings and food insecurities among the people practicing shifting cultivations in the North East and particularly in the state of Tripura. Partition of India leading to refugee rehabilitation in the state of Tripura has created a major impact in the shifting cultivation and changes in land holdings. The process of rehabilitating refugees created pressure on the land and increased the population of the state<sup>[10]</sup>. It also changed the economy and demographic population of the native people making them a minority<sup>[11]</sup>.

Besides this refugee rehabilitation Tripura there has been a continuous influx of illegal migrants from the neighboring country Bangladesh. This has also been one of the major problems in changing the customary land holdings in the state of Tripura.

With land and resources becoming limited native people practicing shifting cultivation could hardly shift their land for cultivation. They were officially asked and notified by the state's authority not to shift their land for cultivation and instead practice the permanent type of cultivation. In order to rehabilitate these communities Jhumia rehabilitation program was implemented with the government's various programs.

As per the need of the present scenario, this paper tries to understand the drastic change of customary land holdings and miseries caused to the people in the village of Duski, Tripura. The main objective of this paper is to understand customary land holdings and socio-economic conditions of the Duski village with the present change of their customary land holding to modern legal title.

As per the requirements to fulfill the objective of the paper, the methodology used for the paper is both primary and secondary. A secondary method has been used for reviewing literature on customary land holdings and shifting cultivations. For a primary source of data collection, a field visit to Duski village in the state of Tripura has been made. It involved observational and qualitative methods of collection of data.

A visit to the village Panchayat was made to meet the office bearer in order to understand about the village. Discussion with the Panchayat officer was made on the government facilities given to the village people along with the Jhumia rehabilitation benefits and to learn more about the people who were still practicing shifting cultivations. Besides these, the authors also meet village Chairmen and leaders in the

village. In order to better understand the socio-economic conditions and the hardship faced due to the change of customary land holdings it was vital to meet the village people who were living in the interior hills of Duski village. The researcher had met many of the people living on the hilltops and understood their way of life.

### **Case study of Duski village in the state of Tripura, India, and changes in the customary land holdings**

Duski village is situated under the sub-division of Kowai district, RD (Rural Development) Block Teliamura, Agartala, Tripura. There are 446 families; all of these families are indigenous. There are sixteen villages under Duski ADC village all these villages are inhabited by the indigenous peoples. These villages of Duski are also considered as a hundred percent Scheduled Tribes village and the people of the village are also considered as forest dwellers. The Joint Forest Management has also been introduced but as of now, there is no implementation.

As regards education in the village, there are only two schools, both located far from each other, one is a primary school and the other is a senior basic school. Along with schools, there are also six Angnabadi<sup>[12]</sup> for children across the village in Duski. Regarding health facilities, there is no hospital only sub-centers consisting of four *asha* (local volunteer) persons and multipurpose workers. According to the recent record, there are thirty Jhumia families. Besides, these families almost every family practices wetland cultivation or has a rubber, banana, fruits, bamboo, and vegetable garden. The village Panchayat has also sent a record to the government authorities that there are no more families practicing Jhum cultivation and every family in the village is practicing the settled type of agriculture.

The village area is mostly hilly and less of plain areas are found. In the past, way back before the merger of Tripura with the Union of India the people of the village practiced Jhum cultivation, they held their land as per their customary laws, basically, they had their own house and a common land for cultivation and the village chief would decide about the cultivation and rotation of the land for Jhum cultivation. As such in the earlier days, there was no personal property for the indigenous peoples living in the village. However, it was observed that there have been changes in land ownership in the village after the merger. The community land has been distributed and registered in the name of individuals. One of the very reasons for this change of community ownership of land to personifying the land was because of the increase in population<sup>[13]</sup> and pressure on land. In such pressure over the land, even Duski village has been socio-economically affected, it is seen that these communities could no longer practice their traditional shifting cultivation. Therefore, to solve the pressure on land there was a distribution of land in the village and the villagers were given patta (legal title to the land). At that point in time, one of the conditions to give patta to the villagers was on the basis of how much a family had control over the land through cultivation. Only a few families have occupied large areas and many of the families have occupied less area. Some of the families who had hardly any family cultivation were also given patta but comparatively less to families who had less or more cultivation land.

According to the discussion held with a few of the village people, they said giving the families patta on all forest and hills areas was better than the common customary land

because individually every family has their own discretion over their land and economically one can support the family systematically. With the change of time, the village people cannot live like before depending on Jhum cultivation as because land and resources are becoming very much limited in Tripura. However, peoples who are living on the top of a hill in Duski village has no access to electricity or good roads and still practice Jhum cultivation in their own respective areas. The Jhum cultivation practiced by these few families was not seen as successful as before because they are only confined to their own area and shifting their cultivation land has not been possible in the present time. Every hill and forest area has been owned personally by the families and legally recognized by the state. So, if the families of the village wanted to practice any type of cultivation, they have their rights over their respective areas only. The communal lands that the community had held way back before the merger of Tripura with India do not exist anymore since all the communal land had been distributed in the name of individuals. As of now, this land has been used for settled types of agricultural cultivation and cash crop cultivation.

As discussed by the village peoples regarding Jhumia Rehabilitation the common benefits received by them were electricity and roads in the village. The families who are economically very weak benefited from BPL (Below Poverty Line) cards. Rubber, banana, and bamboo gardens are totally supported by the government to the Jhumia families in their patta land. Rice and vegetable cultivation in the plain land have been very much encouraged by the authorities of government, rice, and vegetable seeds are either given in subsidies or at a very low rate. As informed around sixteen families were given banana plantation support by the government in their own respective patta land. In the year 2007, twenty-five families were given rubber plantation support in their patta land, from rubber seed to maintenance, and loans were given to the families. And as of now many of these families are taping and earning from the rubber garden. Again, in the year 2012 to 2015 around thirty families were given rubber plantation support in their patta land. In fact, the main types of support given to these Jhumia families were the rubber garden, banana, bamboo, lemon, rice, vegetables, pigs, home cattle, and fish seeds.

Regarding the economic condition of the village people, it differs from village to village within the Duski areas. Families living around the main Duski bazaar seem to be middle class as some of them owned shops along with government jobs and lands, cultivating rice, vegetables, bananas, and rubber gardens. There are also many people much below the middle class who own just their small rice fields and vegetable gardens and labour in other fields to feed their families. There are also many families in the interior remote hills of Duski who own a very small amount of land and their land hardly provides crop cultivation, as such they have failed to provide regular meals. However, the success story of Jhumia rehabilitation observed from the village and families seemed to be little successful. Some of the people who benefit from rubber plantations complain that regular maintenance and support are not given on time. Only a few families can maintain the rubber garden at their own cost without government support.

Regarding bamboo plantation families complain about the type of bamboo given to them for plantation because the

bamboo seeds given were of no use to them as it has too many thorns. They can neither collect the bamboo shoots as vegetables nor make any use of the bamboo and moreover, neither the government nor any agent exists to buy their bamboo. They feel their local bamboo could have been much better for them in all ways.

### Findings

1. People living in the village are socio-economically weak. The drastic change from shifting cultivation to permanent cultivation made the village people unskilled in their work making them socio-economically weak. The village people had lost their cultural cultivations practiced since time immemorial. At present, with the introduction of permanent cultivation, the people of the village lack the skills for their survival. It was observed that there is less help from the side of the government as per the Jhumia rehabilitation program. Some of the examples were that without understanding the real needs of the village people, alien seeds like bamboo, rubber, etc were provided to them. The bamboo seeds planted had thorns, had no value for their use and neither government had helped them do something with the bamboo. Rubber plants which were provided to them for plantation were also culturally invaluable making them lose their food security.
2. People living in the interior hills of Duski were isolated from mainstream society. There is a lack of proper education, health facilities, roads, and electricity. There are hardly any proper road connections in the village from the main roads. The roads were also not connected within the families in the village. The roads seemed to be muddy and risky for the people to walk. They seem to live in poverty without any basic needs. Proper help from the side of the state is hardly been seen. All these problems made the village people isolated from the rest of the world.
3. The village people living in the interior village of Duski hardly have any modern education. The children were not sent to school they were led to work, collect forest produce, do cultivation, labour in someone's field, and do other household activities. There is a lack of encouragement for children to go to school for education. Out of poverty the parent was compelled to make their children work and labour instead of school.
4. There is a lack of consultations and research done for the upliftment of the village people of Duski. The state's authorities could not understand the needs of the village people. The right type of project as per the needs of the village has not been introduced.
5. Since, the introduction of Jhumia rehabilitation in the village the conditions of the village people have been deteriorating socio-economically. There is no progress in the living standard of the village people.

### Suggestions

1. There should be proper research and consultations of the community people living in the village, so that the right type of project as per their cultural values may be implemented.
2. Awareness of various social issues should be conducted in the village for example legal, health, cultural rights and sustainable cultivations.

3. The state should have regard toward the customary land titles and promote the village people.
4. Proper schools for children with better infrastructure should be made in the village.
5. There should be proper health facilities with health centers to tackle the diseases in the village.

Basic amenities should be provided to the village like rations, electricity, roads, proper housing, etc.

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