

**Changing conceptualizations of land in indigenous rural communities:
A case from North-Eastern India**

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Abstract

This study examines the challenges of land management by traditional systems of governance and associated customary practices in an indigenous tribal area in north-eastern India. Results show that tribal governance systems are under increased threat due to a number of wider social forces and thus are facing the challenges of accelerated change in customary land practices. The results reveal that the conceptualization of land, its use and its stakeholders are undergoing changes. These new ways of understanding the key asset of land are aimed at reducing the dissonance between customary and national systems and to deal with changes in the field.

Introduction

Indigenous communities in rural areas across the globe are characterized by great degrees of marginalization. They are under threat from multiple areas including mining companies or loggers and are often given a raw deal in economic activities in or around their homelands. This adds importance to an examination of their condition in a world ever in search of resources leading to increased explorations of remotes corners of the globe. The changing nature of their relations with land accelerated by social, political and economic factors that warrant special attention.

This study focuses on a tribal region of India and attempt to understand the changing nature of indigenous governance of land ownership and use in rural communities. The data is derived from fieldwork in the Khasi Hills area of Meghalaya. Primary data consists of 18 interviews with key stakeholders in the field.

Indigenous communities and the importance of land

Indigenous societies have notable differences in the world views with which they conceptualize their society, and the governance of their resources. Fenelon and Hall (2008) observe that indigenous people have social structures help in consensus-driven decision making. Moreover, they focus on family and group ownership of property including land. They have great degrees of community cohesion with common assets and a great deal of community control. Harmonious relationship within the community is seen as primary value. Further, sustainability and positive interaction with the environment are key characteristics in many of these communities. Even concepts such as justice can be interpreted differently by indigenous communities. In one study it was found that they interpret justice emphasizing harmony and repair rather than retribution and punishment (Whiteman, 2009).

They have pronounced variations with societies around them, and descent from pre-colonial inhabitants of the area (Whiteman, 2009). Peredo, Anderson, Galbraith, Benson, and Dana (2004) refer to descent from original inhabitants, domination by subsequent inhabitants, as key characteristics. They have distinct cultural features and are rich culturally but often live in extremely poor economic conditions characterized by subsistence activities? However, they display strong attachment to ancestral lands as a key component of their identity and survival. A sense of place and rootedness to the locale have contributed to a lesser degree of urban migration in the past and ensured the survival of these communities for centuries. Land is more than a useful economic resource but is seen as an anchor that helps maintain a particular rooted way of life. They often refer to lost homelands and sacred spaces to maintain their sense of identity. Thus land alienation and dislocation from homelands have resulted in great deal of distress including conflicts (Barker and Pickerill, 2012). Thus, land is considered “sacred” and its preservation is key to the preservation of indigenous culture (Sullivan, 2013).

Scholarly perspectives on the approaches to land as essential to the indigenous identity often highlight how these approaches are driven by deep knowledge of environment and the sustainable use of resources. Others point to how impact of colonialism and the struggles against deeply entrenched colonial mindsets form a core aspect of current existence of indigenous peoples (Banerjee, 2000). These approaches have given valuable insights in to indigenous approaches, capabilities and associated struggles. This study seeks to expand earlier studies in the area by drawing attention to the changes experienced by indigenous communities as a result of these factors. It focusses on how land as a core aspect of indigenous existence generates certain practices and the result of changes in this area.

Meghalaya in North-East India

The north-eastern part of India is a region characterized by a high concentration of indigenous tribal people. However the region is also characterized as one of its most backward regions in India. One reason for this marginalization has been its geographic isolation. It is joined to the mainland India only by a narrow strip of land. Unlike the heartland north-east India is characterized by many international borders many of which are potential conflict zones. China, Myanmar, Bangladesh, Bhutan and Nepal are situated adjacent to the region. The international borders have also resulted in the heavy presence of armed forces in the region. They are not only deployed against potential foreign threat, but also actively combat insurgent groups in the region seeking greater autonomy and self-determination. Many of these groups are rooted in their tribal identities and often assert themselves through occasional acts of violence. This has resulted in a decreased level of industrialization in the region despite special incentives by the government to encourage industry. Thus the region is predominantly agricultural with a predominance of extractive industries such as mining.

The indigenous communities of the region are diverse with many tribes and subtribes. They are culturally distinct from the communities around them in terms of language and cultural practices. Their difference is accentuated by their ancestral lands and areas of inhabitation that are relatively inaccessible in the hills. They have distinct social structures and traditional forms of governance around the village community.

These tribes enjoy special rights aimed at the achievement of development and progress without losing many of the unique aspects of their culture. These also include provisions for reserved seats in public educational institutions and positions in the bureaucracy to make up for the centuries of “backwardness” that they endured. Special permits are necessary for entering parts of the northeast especially for foreigners and there are increasingly frequent calls from student groups and regional political parties for more stringent entry restrictions for non-locals in many parts of this region.

Local Governance in Meghalaya

Meghalaya is a unit of administration called the state in India and is predominantly inhabited by tribal people from the tribes of Khasi-Jaintia and Garo tribes. Governance of tribal communities in Meghalaya is currently done at multiple levels. The first layer of local governance is composed of traditional indigenous structures. Basic system is composed of councils called “Durbars” that administer an area called Shnong (roughly translated as a locality or village). These councils are headed by a “Rangbah Shnong” and exert a high degree of influence on the day to day life of indigenous inhabitants of the region. The council and its head consists of elected representatives from the locality. In traditional governance system at a broader level, there are also agglomerated councils called the Raid. Further, the higher authorities of the Syiem and Hima council form the highest level and play an active role in controlling the activities of the Raids and the village councils in the concerned area. They have varying degrees of powers and responsibilities and can change from one region to another. The second layer of local governance is called “district councils”. These were established to find a mid-way between national democratic systems and tribal special rights and provisions. They were supposed to enable provide special powers to tribal communities with the help of democratic institutions. They are legislative, judiciary, and executive powers. There are three district councils in Meghalaya as there are three predominant tribal regions. They regulate decisions by traditional tribal bodies and try to ensure the functioning of the traditional systems within the democratic institutions of the state. They are also involved in the regulation of economic activities such as the issue of trading licenses to nontribal outsiders. The “state government” is the third layer of administration. These are fully aligned within the federal system of India as governments of a region with its chief minister and council of ministers. These cater to all citizens including those who are not tribal people in the region. State governments enjoy a high degree of power in the federal structure are free to formulate laws applicable in their regions with a great degree of autonomy. Finally, the top-most layer is the central government which is responsible for national level legislation and governance.

Tribal people in India enjoy special rights in education, public employment, and land ownership etc. Entry of outsiders is regulated with special permits in many areas. Tribal areas in the region fall under the special “sixth schedule” of the Indian constitution and this outlines the special rights and governance provisions. Non-tribals and outsiders cannot own land in these areas (with a few areas of exception) and tribal land cannot be transferred to any other entity except for clear public good. Public good is defined to include armed forces, educational institutions, government department etc. In actual practice the ownership of land and its use by private individuals is primarily governed by customary practices. The other layers of governance do have their influence which are being increasingly pronounced in recent times.

The multiple layers of governance indicated above influence the way land ownership and use are regulated in Meghalaya. Traditional institutions exist side-by-side with national institutions and attempts have also been made to create hybrid institutions such as the District councils. Thus actual governance on the ground sometimes has overlapping domains and involves a great degree of effort at coordination and non-interference. It also involves adjustment and leaves scope for ambiguity and improvisation.

Customary Land Practices in Meghalaya

There exists high degrees of variation among the tribal communities in Meghalaya concerning customary practices to manage land and its use. Even within a single tribe (such as the Khasi tribe inhabiting a major portion of the region) intra-tribal differences exist in the customary practices of land management. This makes it difficult to make generalizations about detailed way in which land is used in the region. However, certain common features can be easily identified.

Firstly, there is a pronounced differentiation between two types of land commonly referred to as Ri-Raid (community land) and Ri-Kynti (private land). The Ri-Raid land is owned by the community and is managed in the interests of the collective. The management is done through the village councils and mainly two types of usage are envisaged. Firstly, common lands can be used for community resources and facilities such as schools etc. Secondly, these common lands may be allocated to permanent residents of the village to use mainly for agricultural purposes or constructing primary abodes. However, if the person or family concerned does not use the land or make improvements to it in a stipulated time (usually three years), these rights taken away and the land falls to the active management of the community. In such cases, the village councils might allocate the land to others who are willing and capable of utilizing it. (Nongkynrih, 2005). In some cases, initial allocation is done for three years at the end of which the family needs to inform the village council whether they would continue using it. If they decide to stick on, permanent usage rights are awarded. However they are not allowed to sell or lease the land (Nongkynrih, 2008).

The second type, i.e., Ri-Kynti land is owned by individuals or families. These lands can be passed on to descendants or transferred to others in a comparatively free manner. Thus the ownership of Ri-Kynti land could be the result of either inheritance or self-acquisition. When such land is owned by a larger clan, it is called Ri-Kur (Clan land) which refers to lands that are owned by certain clans. Khasi society is characterized by land owning clans and non-land owning clans. Depending upon the particular region, certain clans own vast areas of land where as others might be virtually landless. These are managed by the elders of the clan and are distributed among the clan members from time to time. Khasi society is matrilineal in nature. The family name is passed on from the mother rather than the father and the youngest daughter is considered the custodian of family property. Thus the bulk of the ownership rights are inherited by the youngest daughter in a family and clan lands are no exception. However other daughters and sons are not generally excluded and ensuring lands for everyone is easier for land owning clans (Mukhim, 2008).

Changing Practices

This study sought to examine the changing sphere of land ownership patterns and use in rural areas including those around urban centres where changes are more accelerated. The findings indicate the existence and spread of changed practices which are driven by wider societal changes. Drawing from interviews conducted during the field work I indicate below the prominent domains of change as experienced by the stakeholders.

1. From common to Individual ownership

This refers to privatization of common lands through the action of multiple forces. The primary force here seems to be the increasing influence of modern institutions in the daily lives of the tribal people. One major example is the necessity to deal with institutions such as banks which do not recognize rights on communal lands allocated to individuals. This forces people to register lands in their names. However, once a plot is registered the law recognizes absolute rights and customary practices such as return to community for non-use cannot easily be implemented.

Diminishing importance of clan and kinship ties also accelerate the transition from communal lands to individual ownership. Movement of people across villages or to towns and non-agricultural livelihood opportunities involve individuals fending for themselves rather than depend on the clan or village community for support. This has reduced the importance of kinship and community ties resulting in greater individual focus in economic activities including land ownership and use.

Traditional bodies have also often rendered ineffective in preventing privatization of communal lands. Often the council members themselves are wealthier individuals of a village. This leads to decisions skewed in their own favour or those of other individuals who exert undue influence on them through bribery or intimidation.

Traditional bodies have also been influenced by larger institutional controls of integration. For example, recently the apex court in the region had ruled for clearer definition and regulation of their roles and put controls on some of their activities. This has resulted in an erosion of their powers in some areas where an erstwhile synergy with non-traditional institutions was achieved through informal arrangements.

2. From agricultural to non-agricultural use

Population pressures, and urbanization have resulted in the conversion of agricultural lands for urban expansion especially around the urban centres of the region. There has been a steep increase of land prices around urban centres and this has accelerated the pace with which villagers are ready to sell their lands to tribal buyers from elsewhere in the region.

There has also been the active involvement of the local government in purchasing agricultural land for planned urban expansion. This is the case of the planned new capital township for which land has been acquired from farmers and distributed to select public and private bodies for development. There are tensions here as a number of pressure groups and non-governmental organizations have raised questions about the manner in which land has been acquired and the criteria used for allocation of the lands to various bodies. Particularly allocations to non-tribal entities has been vehemently resisted by many local groups.

In the past few decades mining for coal and limestone have become widespread in many areas. Additionally, quarrying for stones and sand is also on the increase to cater to high demand due to urban construction. These activities have replaced subsistence based farming or sustainable use of forests in many parts of Meghalaya. This has resulted in the conversion of large tracts of agricultural lands and forests for mining and quarrying purposes leading to disastrous social and environmental consequences.

3. From small farms to large plantations

Another marked change is the consolidation of land due to purchase of large tracts of land by tribal elite in many areas. In many cases this has led to the spread of plantation crops such as rubber, tea etc. as the climatic and geographic conditions of the region are conducive for many cash crops. These new owners have the financial resources to make heavy initial investments in plantations and can wait for longer periods (typically few years) before income is generated from these crops.

As an additional incentive, these new investors also receive active support from government policies and mechanisms to encourage the spread of plantation crops in the region. These efforts have been spurred initially by the need to put an end to the practice of shifting cultivation among tribes of the region. Until a few years ago, villagers in the region cultivated crops by resorting to slash-and-burn approach in which forest lands were cleared, cultivated for a year and then left to regenerate for many years. This practice had led to deforestation and prompting government to take steps to end the practice. However, the alternative of plantation crops could not be availed by villagers who could not make heavy investment in crops with longer cycle times. In the new situation the tribal elite from elsewhere have filled the gap for investors and the original inhabitants of the area are often employed as labourers.

4. From domiciled owner-workers to absentee owner-managers

In many areas there has been increasing activity of land purchase and ownership by non-domiciled tribal people. These might be original inhabitants of the village who migrated to urban centres but still retain their private property or the urban elite who arrive to purchase land from outside. Once these processes had been set in place it had a domino effect as increased number of transactions of private property led to the realization of the value of land by villagers. This resulted in further transactions. Thus the market for land in many villages has now been non-localized with prominent owners living elsewhere.

Under customary practices people usually acquired lands so that they and their immediate families could cultivate. However, consolidation of land under resource-rich owners have resulted in a class of owner-managers who do not actually work in their fields. They need to employ others in the village or labourers from elsewhere and this resulted in more pronounced class differentiation in the villages.

Changed Conceptualizations

Traditional institutions still enjoy much social legitimacy in Meghalaya and these have led to the continued survival of their role with regard to land ownership and use. However, currently they are struggling to meet the multiple tensions resulting from the changes indicated above.

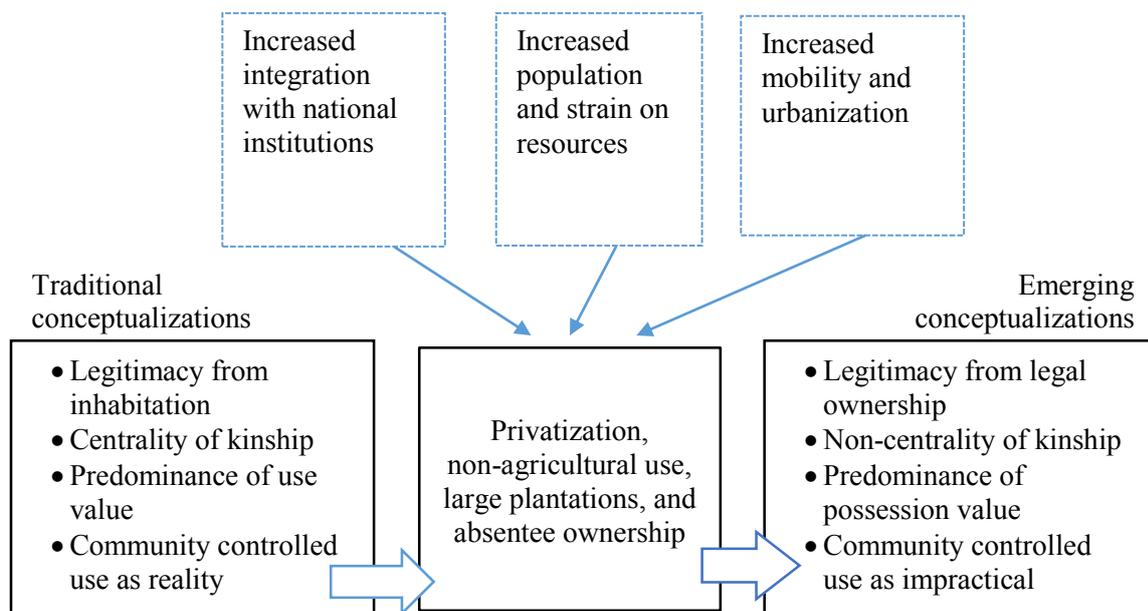
Here there is evidence that survival of customary practices driven by the assertion of traditional governance systems can only be ensured by a reconceptualization of the way rights and responsibilities are defined in the context. The interviews revealed that greater the concept of “original inhabitants” is losing importance in terms of preferential rights. This is being replaced by the concept of legitimacy drawing from legal ownership to land. Thus the predominance accorded to community members signifying those who are living in the village at a given point of time have been eroded. In other words the idea of the community is being redefined not in terms of kinship or contiguity but through belongingness to the same tribe. Though still the idea of the “local tribe membership” is still undisputed, the sub regional identities within the area of the wider Khasi tribe is seeming to lose importance at least in some areas. Changes in tribal life-styles and advances in transportation and communication infrastructure have resulted in greater mobility for tribal people within their region. Livelihood or employment opportunities and marriage alliances have resulted in the movement of people across villages. However, this has also caused reactions. Many villages had stricter norms about residence in the village to be an important condition for privileged access to land. Many interviewees called for stricter controls on those from the town or other areas who were purchasing land in the village.

Secondly, alliance formation land acquisition is done in more varied ways. In largely traditional societies based on collectivism and relationships, the establishment of connections with those living in the area is important to make acquire land. However, the bases of alliance formation to establish linkages in the villages have become more diverse. Kinship and sub-tribal alliances were used earlier for establishing connections. In the current scenario characteristics such as synergies in business interests, or affiliation to a particular religious denomination are being employed for this purpose. These characteristics are not core to the tribal identity and the traditional ways of life on which customary practices are based.

Thirdly, there is a pronounced change in the conceptualization of land. Earlier, land was valued for its use. Thus if a person was unable to use it, it was not deemed necessary for him/her to “own” a particular piece of land. However, currently it is increasingly being conceptualized as a tradeable commodity rather than an asset for use. In other words, the use value of land is being replaced by possession value. A thriving land market and private rights have resulted in many transactions where villagers are increasingly using land as a resource to be sold in times of economic distress. Those purchasing land often do not make use of it and maintain it as an investment for the future. Thus labour has been largely dissociated from the value conceptualization of land.

Fourthly, the necessity for control modalities of use is also interpreted differently. For example, in the earlier understanding of use, the idea of “improvement” had prominence in establishing permanent usage rights that could be passed on to the next generation. Here, improved use signified making the land amenable for agriculture and the construction of permanent structures on it. However in the current scenario, the idea of “land improvement” has lost significance. When land is purchased as an investment, it left without changes for years. Moreover, non-agricultural uses of land such as mining or quarrying usually leaves it in a worse state than before for subsequent livelihood. This has rendered the idea of improvement meaningless. Thus interviewees pointed to the impracticality of enforcing this requirement in many areas. Thus rights are retained irrespective of what is done on the land.

These differed conceptualizations are asserted by those involved in governance and by the users of land in the field. The fieldwork done for this study revealed that these interpretations were done with tentativeness and occasional contestation. There are efforts at resistance characterized by the development of new sensibilities and alliances formations. The overall direction of the factors involved in these re-conceptualizations are depicted in the following figure.



Conclusion

Though constitutional provisions hold the promise of a great deal of protection for tribal communities in India, these have not been implemented to a full extent and loopholes and inefficiencies have still not been addressed. It has also been argued that the apparent emphasis on tribal development in India has largely been rhetoric and has not led to concrete actions or results (Jones, 1978). In this scenario, the future of customary practices currently do not seem to be bright. With the domino effect of accelerated changes and increasing pressures from national efforts at integration and uniformity, customary practices are under increased threat. However, neo-indigenous assertions are a feature of similar communities across the world and there is however the possibility that global alliances facilitated by the increased awareness and visibility at the global level have also the potential for tribal societies to assert themselves more strongly resulting in a resurgence of traditional forms of governance and customary practices in the light of new social and economic realities.

This study drew attention to the inherent changes involved in this process. Firstly external changes driven by wider socio-politic and economic factors have resulted in visibly changed practices with regard to the management of land. However, more significantly, these changes have led to internal changes within the communities with regard to the way in

which land, its value, associated rights, and modalities of use are conceptualized. This points to the reality that indigenous communities do not possess a static and timeless approach to natural resources such as land. The value of considering internal changes and the resultant implications becomes evident for researchers seeking to explore contemporary indigenous realities.

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