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On item No. 5 "Indigenous Peoples and their relationship to land"

By Mr. Sansuma Khunggur Bwiswmuthiary
Ex-Member of Parliament, India
President of the World Bodo National Conference Durbar and
Working President of the Indian National Front for Smaller States, New Delhi

Honourable Madam Chairperson:

I heartily thank you for giving me the floor to represent in this August world forum several millions of my indigenous Bodo people of the entire world, with special mention to India, Nepal and Bangladesh in connection with their alarming and pathetic indigenous land rights situation. At the same time, I warmly congratulate you once more for having been re-elected again as the symbolic ideal chairperson of the UN-WGIP during this 17th session too, and I do sincerely wish the UN-WGIP under your able leadership grand success and victory in its all noble ventures, policy approaches and efforts being undertaken for the well-being, protection and safeguard of the indigenous peoples, and also for ensuring their question of survival and existence along with their distinct self-identities and indigenous rights and genius of their own within their ancestral lands and territories throughout the whole world.

Madam Chairperson, I am Mr. Sansuma Khunggur Bwiswmuthiary, president of the World Bodo National Conference Durbar, coming from Bodoland, India. I rise here to highlight the alarming land rights situation of the indigenous Bodo people of India, Nepal and Bangladesh and also their manifold tragedies and untold sufferings connected therewith in order to draw your kind attention thereto for taking necessary follow-up actions and policy strategies so as to ensure the indigenous land rights of my indigenous Bodo people of India, Nepal and Bangladesh.

Since Bodos were the original settlers of large areas and territories, we already mentioned in a former opportunity, we today also would like to enjoy our ancestral land, the fruits of it and cultivate it.

Some historical background to the process of land alienation may give you an idea on the deep problems we are facing. Following the British annexation of the Bodo Kingdom and territories, Bodos and their land had been exposed to the encroachment expeditions and aggressions of the people of adjacent areas and also even of other neighbouring foreign countries. Taking advantage of the innocence, simplicity and alliteracy of the indigenous Bodos, outsiders started taking over the lands of Bodos by deceit and destabilizing them. Realising the dimensions of the threat that this encroachment had posed, a great danger to the socio-economic fibre of the Bodo Society, the British enacted what was called „Line System" before 1947 in the name of providing for protection and safeguard to the tribal lands and territories. Under this system, non indigenous tribals to this

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area were barred from owning or cultivating land in the areas of the majority of the districts of the present State of Assam.

But very unfortunately, even these restrictions brought under a law too, could not protect the rights and interests of the indigenous Bodo people over their lands and territories due to the lack of positive political wisdom on the part of the then Assam government in respect of implementing the concerned laws for ensuring the protection and safeguard of the indigenous Bodo people. During the rein of Sir Mohammad Chadulla's ministry in Assam, most of the indigenous Bodo tribal people's aforesaid restricted areas and territories were over flooded by the un-checked immigrants coming from the then East Pakistan and also from some Western part of pre-independence India at the instance of the Chadulla administration itself. As a sophisticated means and ways of facilitating and defending the rehabilitation process and un-abated migration of outsiders, the Chadulla ministry started a very mysterious and deadly anti-indigenous Bodo and other tribal people's rights and privileges conspiracy oriented campaign in the garb and name of „Grow more food". Subsequently, the Chadulla ministry had withdrawn the „Line System" with an ulterior motive and mischievous design replacing it by another political mockery like provision of „Tribal Belts and Blocks" under a newly incorporated Chapter X of the Assam Land Revenue Mannual, 1886 (amended in 1947). This new enactment was made to keep at bay non-indigenous people to own land by carving these areas into special tribal belts and blocks.

Here I would like to quote the basic principle and the main clause of the Chapter X of the Assam Land Revenue Regulation (Amendment) Act, 1947 under section 160 (1) which reads as follows, in order to help facilitate your understanding on the very provisions of the aforesaid Act. I quote: "160 (1) Notwithstanding anything herein before contained, the Provincial Government (Assam) may adopt such measures as it deems fit for the protection of those classes who on account of their primitive condition and lack of education and material advantages are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for their maintenance".

Up till 1984, a total of 45 Tribal Belts and Blocks were created under this provision. But very unfortunately, for the last recent five decades, in contravention to this special provision, and instead of protecting and safeguarding these protect-ed tribal areas by implementing the concerned protective laws and provisions in letter and spirit, the successive State Governments of Assam has already denotified several such Tribal Belts and Blocks including the present Assam State's Capital territory-„Dispur-Guwahati Tribal Belt" (South Kamrup) and a vast chunk of areas and a large number of villages out of different Tribal Belts and Blocks in different districts covering several lakhs of Acres of lands. Thus, these denotified areas have been allowed to be taken over by several lakhs of non-indigenous outsiders and even foreign national migrants and also by various government departments and companies in the name of development projects and on other pretexts. In the guise of development, outsiders started reaping the benefits of the nature's bounty in the region. As the flood-gates which were holding the outsiders to encroach upon the area were opened, there was a great influx of outsiders into this area. The poor Bodo land owner who knew nothing but cultivation, who was till then unaware of the negative side of development, fell pray to this people and was left landless. The Bodo, thus separated from our Bwiswmuthi - ,the Mother Earth' - who did not know what occupation to take up. We never practised anything but cultivation.

After having been alienated in their own land, our people have been compelled to move over to the forest in search of a new home and land.

Madam Chairperson, in 1960, the Union Government of India had set out a high level commission by the name of the U.N. Dhebar Commission to inquire into the Tribal land alienation problems and other socio-economic and political situation related serious matters within the Scheduled Areas under the 6th Schedule of the Constitution of India and Tribal territories and to make recommendation thereon to the Central Government of India. The report was submitted to the government in 1964 and the same commission made a recommendation in its report regarding prevention of alienation of Tribal lands to non-tribals in paragraph 45 of chapter II which reads as follows: I quote: "We further recommend that the Deputy Commissioner or Collector should have powers suo-moto or at the instance of the aggrieved tribal land holders within the period of 12 years to institute enquiries and restore position of the land with or without payment of any compensation to the transferer. The provision should be made applicable to all transferers of land by tribal to non-tribal with retrospective effect from 26th January, 1950, adequate machinery should be created to implement this law or regulations concerning to chapter X of Assam Land and Revenue Regulation Act, 1886." But very unfortunately, nothing sort of follow-up action has yet been taken in this regard.

To make the matter worse, during the decade of 1970s, the Land Ceiling Act came to be vigorously implemented in the whole of the country. Under this act, a land owner is barred from owning more than a specific number of acres, which is not at all adequate for the indigenous Bodo tribal families to maintain their family livelihood. This had hit the tribals who had been traditionally holding on their land for centuries. Thus, the indigenous Bodo people in Assam, North Bengal, Tripura, Nagaland (Dima-pur area) and some other parts of India and Bangladesh have been deprived of their indigenous rights to hold sufficient lands as much as they need to maintain both their family and community life in an indigenous way without being disturbed and threatened by others. They have been uprooted and driven out from their beloved homes and hearths, lands, villages, areas and territories leading them to suffer an untold troubles and difficulties and to face manifold tragedies haplessly. This situation made them easy victims of dangerous marginalization process which fuels up the sophisticated modern system of un-naturalization of the indigenous peoples within their own ancestral homelands.

A lot more details could be presented, but because of time restrictions we have to finalize our statement here. Anyway, we think you may have an idea, how substantial land is for us and which are the main threats for our territories. Therefore, we feel it is of utmost urgency to have an international standard of protecting indigenous lands and territories for ensuring the survival and existence of the indigenous Bodo people and others along with their distinct ethnic self-identities, overall indigenous rights and political right of self-governance within their own ancestral lands and territories.

Thank you for your attention!