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TRIBAL PEOPLES AND THEIR LANDS

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TRIBAL PEOPLE AND THEIR LANDS

Respected Chairperson,

The Society of Zoram Vengtu is thankful for the invitation to participate in this conference. The Society of Zoram Vengtu is a member of the Indian Confederation of Indigenous and Tribal Peoples, Mizoram Branch in the North-East Zone of India. The Society is comprised of several well-organised and active Non Governmental Organisations (NGOs) which is committed to address social injustices facing tribal people in the area. Tribal people in the North East of India are mostly backward. Besides they have been under constant threat of their lands being taken away from them, one way or the other.

2. The British first came to the Indian Sub-Continent as traders and founded the East India Company as early as 1600. Eventually they settled down to advance their policy of colonialism and expansionism. Lands of the tribal people in the North East India had not been spared in the process of their expansion programme.

3. The land of Zo (Mizo) tribe which was then called the Chin-Lushai country by the British rulers was comprised of the present Chin Hills and Arakan area in Burma, Chittagong Hill Tracts in Bangladesh, Mizoram in India and adjoining hill areas of Manipur State, Assam State and Tripura State. The colonial power launched the final invasion to the Chin-Lushai country under the Chin-Lushai Expedition (1888-1890). The invasion was undertaken from Assam (India) Bengal (Bangladesh) and Burma (Myanmar) As a result, the entire original homeland of independent Zo (Mizo) tribal people was divided and placed under three different administrative units of Burma, Bengal and Assam. The historic Chin-Lushai Conference 1892 at Fort William, Calcutta addressed the question on putting the whole tract of Chin-Lushai country under one administrative unit but no action followed. (Appendix 1)

4. The British administration had introduced some laws for governance of the land of tribals in the North East India. They are

- 1) Scheduled District Act, 1874 (Appendix II)
- 2) Foreign Jurisdiction Act, 1890 (amended 1937)
- 3) The Assam Frontier Tracts Regulation, 1880 (Appendix-III)
- 4) The Chin Hills Regulation 1896 (Appendix-IV)
- 5) Bengal Eastern Frontier Regulation 1873 (amended 1925) This Regulation was made applicable in Lushai Hills (Mizoram) in 1930 (Appendix-V)

5. The British colonial power while promoting India and Burma to a Dominion Status, had promulgated the Government of India Act 1935 in which the tribal areas were defined as "Tribal Area means the Frontier Tracts of India along the border, or in Balochistan, which are not a part of British India or a Burma or any Indian States," or of any Foreign State" (Sec 311(1) Govt. of India Act 1935). On the basis of this classification, His Majesty, the King from Buckingham Palace, London issued on March 3, 1936 the Excluded Area Order which included fully excluded areas and partially excluded areas covering tribal areas of the North East India (Appendix VI) All these act and regulations accorded sole rights to the tribals and their Chiefs over their respective lands and its resources.

6. The Indian Independence Order of August 14, 1947 made it clear that Acts and Regulations which were in operation in tribal areas should continue as it were. The Constitution of India under Article 372 says "A law in force immediately before the commencement of this Constitution will in force....")

7. Fifty accredited leaders of Lushai Hills on August 14, 1947 made it clear and resolved that the Chin Hills Regulation 1896 and the Bengal Eastern Frontier Regulation, 1873 as amended 1925 should be retained and that existing safeguards of the Customary Laws and land tenure, etc should remain. (Appendix VII)

8. Encroachment of tribal lands had been part of the tragic history of tribal people in the North East of India. The tribal people in Tripura are just a marginalised minority in their own lands while the Cacharis in Assam also faced similar fate. The boundary description of the Lushai Hills (Mizoram) in 1875 had grossly been distorted by the boundary description in 1971 all because of the alienation of tribal lands (Appendix VIII)

9. In violation of certain safeguards accorded to tribal people per provisions of the Independence Order, August, 1947, the Govt. of Assam executed the order for abolition of Lushai tribal chiefs and took away their lands in March 1955 (Appendix IX)

10. Some developmental projects in recent time are aggressive to tribal people and their lands. For example, two hydel projects in Mizoram at Tuirial and Tuivai have affected large areas of tribal lands. In the process native tribals are being rendered homeless and landless (Appendix X). The Society of Zoram Vengtu raised the voice of opposition to the allotment of large areas of tribal lands for setting up projects of the kind (Appendix XI)

11. Alienation of tribal lands and marginalisation of tribal people to a minority in their own native lands have adversed social and political impact in the North

East Zone that many of the insurgency and militancy-related problems in the region had something to do with tribal lands. This dangerous development calls for intervention of an international agency with a view to safeguarding and restoring tribal lands to native tribal population.

12. Poverty and backwardness is descriptive of tribal people's social and economic condition. Even basic health care facility is a luxury for poorest of the poor. The irony of the fate of poor tribal people is that they become hired labourers in their own native lands.

CONCLUSION & APPEAL

Awareness of environmental issues and concern gains momentum that preservation and protection of wildlife and forests assumed priority agenda of the Governments at the nation and international level. But the need to preserve and protect tribal people and their lands cannot be lost sight of. I would urge upon the world body to address the plights of the less known minority tribal people who are facing the danger of being marginalised socially, economically, and politically.

Thank You

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