

Customary Laws and Land: Changes in Landholding System of the Karbis in Assam, India

Rashmi Engtipi¹, Vulli Dhanaraju²

¹Research Scholar, Department of History Assam University (Central University), Diphu, Assam, India

²Department of History North-Eastern Hill University (NEHU)

Received: 2023-01-27

Revised: 2023-01-

24 Accepted: 2024-06-27

Published: 2024-07-10

Key words: Communal property; Hill tribes of Assam; Inheritance of property; shifting cultivation

Abstract The purpose of this study is to look into the evolving trends in the landholding system of the Karbi tribe in Assam, India, as well as the nature of the customary laws that govern their land. This study challenged the Western notion of land ownership, which frequently promotes individual ownership and private ownership. The present study supported the idea of tribes' customary rights over land management and communal property. Qualitative data were collected through field observations and oral interviews. This study employed content and discourse analysis methods to interpret the materials gathered. This research can be summarized by arguing that, with changing dynamics, the relationship is becoming clearer as survival dependency transitions from shifting cultivation to settled agriculture. Hill tribes have yet to gain legal entitlement to property in many regions, despite farming it for decades under communal ownership. The rise of private land rights is creating a situation in which more educated members of the society are abusing customary laws for personal gain. The landholding systems of the tribes in India, particularly the hill tribes of Assam, have been overlooked in studies for many decades. These overlooked research findings will contribute to the current knowledge and understanding of land management systems.

Correspondent email:

©2024 by the authors. Licensee Indonesian Journal of Geography, Indonesia.

This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution (CC BY NC) license <https://creativecommons.org/licenses/by-nc/4.0/>.

1. Introduction

For several decades, the landholding system of the tribes of India has remained a problematic subject. The tribals did not face land scarcity since their chief allotted a considerable quantity of *jhum* (Shifting) land based on the needs of the community. These lands also had no monetary worth because they were not considered 'valuable property' but rather community property (Bordoloi, 1991; Phangcho, 2003; Devi, 2006; Boorah, 2007; Teron, 2008; Deka & Bhagabati, 2010; Baruah, 2010; Das, 2011; Dhanaraju & Teron, 2020; Sarkar, Bora, & Sarma, 2020; Brota, Ahmed, Singh, & Majumder, 2023). It is owned by the community, whose leader allocated *jhum* land to each family. It is fact that no outsider can claim any land within their borders. They saw it as their spiritual responsibility to defend their traditional limits. It is true that the basis for decisions about land holding, usage, management, and succession is directly related to the culture and history of the region. Historically, tribal villages in the hills lacked fixed or recognized territorial boundaries since people moved from place to place in search of *jhum* places. Land was regarded as communal property and was handled by the community according to a system of norms that had been passed down through centuries. This was true in traditional Karbi society as well. It is understood that the basis for land-owning, usage, administration, and inheritance decisions of the Karbis is intimately related to their culture, identity and history (Stack, 1908; Fernandes & Barbora, 2008; Dhanaraju, 2023). However, it has evolved over time as a result of socio-economic factors. Recent studies also indicated the role of cultural factors in

the sustainable management of land (Patnaik, 2017; Barbosa, Morais, Ferreira de Albuquerque & Cardoso da Silva, 2022; Lama & Dhanaraju, 2023).

Customary tenure of land is of particular interest and has sparked significant debate among researchers. Various researchers from throughout the world, including India, have discussed customary land tenure and tribal property rights. Customary land tenure includes conventions and standards that govern how land is held. The rules that regulate property rights specify who may use what and under what conditions. The norms and traditions of many communities guide the rules of authority, transfer, and control. Traditional communal land systems in India, which flourished widely in tribal areas in the past, are now limited to isolated, inaccessible stretches in northeast India, and even these tribal people are influenced by contemporary changes brought about by land alienation or codified modern laws. The transition from shifting cultivation to permanent cultivation of tribal territory has had a significant impact. This has resulted in the creation of private property in tribal communities where communal ownership had previously been the main form of land tenure. Mathur (2009) demonstrates that, in the face of modernization, tribal communities will find it increasingly impossible to maintain their centuries-old community land management system. This study challenged the Western notion of land ownership, which frequently promotes individual ownership, private ownership, or land being treated as a "commodity" in today's world (Simpson, 1976 & Singer, 1996). The same ideas have been implemented by the contemporary rulers in the context of

India. During colonial period in India, such conceptions were developed by colonial administrators or lawmakers. These concepts are derived from utilitarian philosophy and classical economic theory. The present study disputed the legitimacy of any official interference or any individual in tribal or indigenous tribes' customary rights over land or forest. The customary rights theories have been popularised in recent studies by scholars like Mahapatra (1991), Guha and Gadgil, (1995), Xaxa (1999), Vitso (2003), Fernandes & Barbora (2008), Mathur (2009), Perera (2009) & Dhanaraju (2020). These scholars have emphasised the cultural significance of land and customary laws in tribal society.

In this context, this paper deals with the concept of land and inheritance of property rights in Karbi society while exploring the customary laws related to the landholding system. Customary laws played a vital role in the Karbi society.

2. Methods

This study mainly covered the customary laws related to the landholding system of the Karbis. The data was gathered from both primary and secondary sources; however, it was combined during the research process. The qualitative data were gathered by using methods like oral interviews and field observation, along with archival data such as government land records, gazetteers, administrative yearly reports, and statistics reports, which are often considered primary sources in the history discipline. This study applied content analysis and discourse analyse approach to interpret the collected sources.

2.1 Study area

The Karbis are a hill tribe of Karbi Anglong district in Assam, India. Karbi ecosystems is characterized by low hilltops and gentle slopes. Karbis are scattered across the high landscape of Karbi Anglong. The Karbi Anglong district covers 10, 434 square kilometres and has a population of 956,313, with males and females totaling 490,167 and 466,146, respectively, according to the 2011 census. This district's population is largely tribal, with Karbi being the largest tribe. The district's other ethnic groups include Bodos, Kukis, Mizos, Dimasas, Hmars, Garos, Rengma, Nagas, and Tiwas. The present study covers the three circle sub divisions of the Karbi Anglong district of Assam (Fig.1).

3. Results and Discussion

3.1 Nature of Landholding System

The majority of the native people in Assam follow a patrilineal family structure, where the lineage is traced through the father, who holds the position of authority within the household. Property rights are enjoyed by all the male members of the family. However, each community abides to a specific institutions in accordance with its customary laws. The Karbi tribe also adhered to customary rules, which served as the foundation for their landholding systems. These laws will be further elaborated upon in the subsequent paragraphs. Land is the most important source of tribal livelihood in agriculture, including settled and shifting cultivation, horticulture, forestry, and animal husbandry in mixed farming systems. Assam

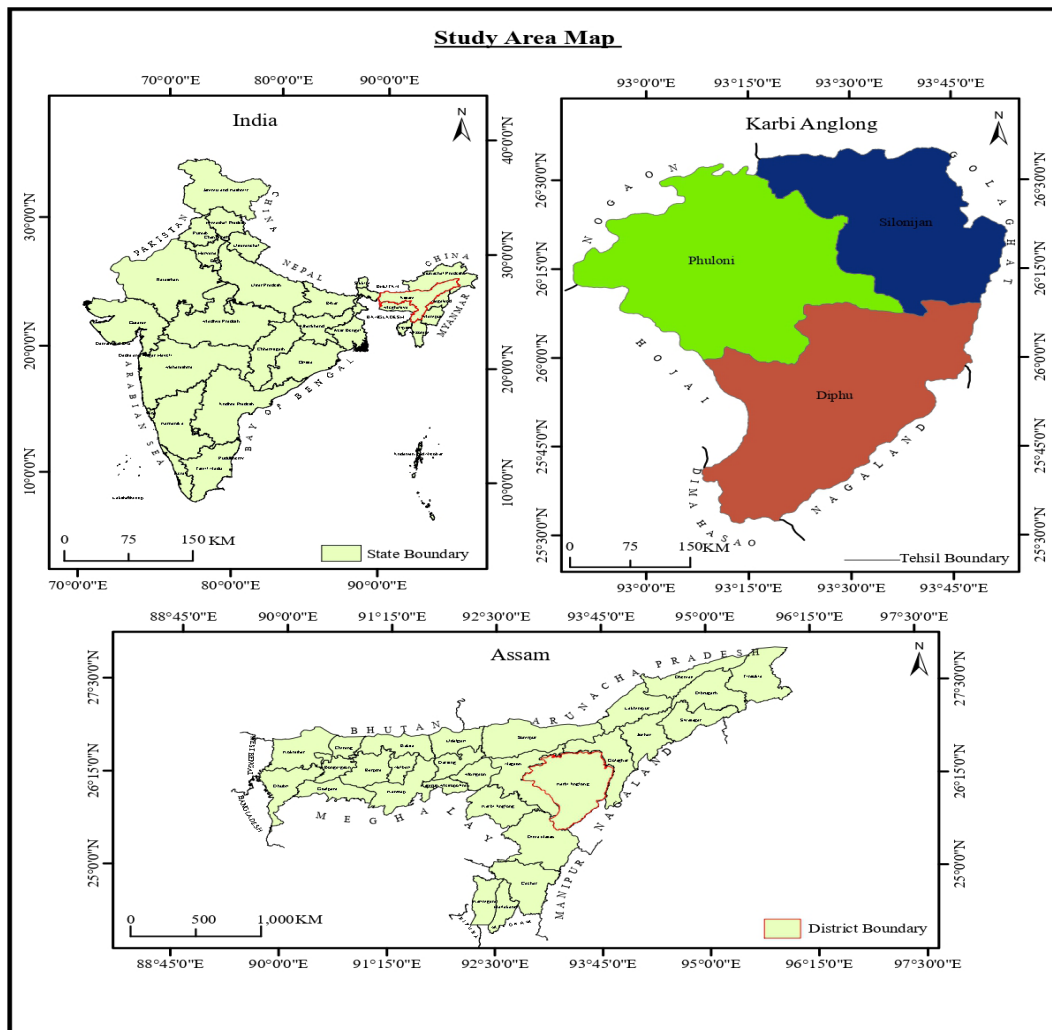


Figure 1. Location of Study Area

thus represents a diverse range of constitutional protection systems, as well as a vast range of cultures and traditions. Land ownership is one example of a customary practice (Fernandes, 1993; Patnaik, 2017). The customary tenure system for common property resources was distinguished by the absence of the notion of land as a commercial commodity. It was also distinguished by the absence of any distinction between community land ownership and an individual's right to inhabit a piece of land within the framework of the community's overall rights. In other words, the distribution did not follow any recorded evidence. The community had owned cultivable land, grazing fields, grassland, orchards, river streams, as well as forest and mining fields. Traditionally, clans and tribal societies in villages owned and controlled these common property resources. This was common in both the chieftainship and village council systems among the tribes of Assam (Das, 1986; Elwin, 1955; Fernandes, 1993; Das, 1995; Chakraborty and Changsen, 1993). Individual households might hold and use common property resources as long as they used them effectively and productively; once they stopped operating, their rights would terminate (Burman and Sharma, 1970; Deka & Bhagabati, 2010; Roy & Roy, 2021).

Table.1 provides information on the distribution of land ownership among Scheduled Tribes (STs) categorized by different size classes. This table displays the classification of land categories in Assam based on their size, measured in hectares. This table illustrates the disparity in operating holdings between tribes and other communities, based on data from 2005-06. It also highlights the variations in individual, joint, and institutional holdings. From this table, it can be inferred that out of the total marginal land class, 116949.44 individuals in Assam are engaged in operational landholding. However, there are 145,503.32 individuals who possess land of between 1 and 2 hectares. This data also indicates that the majority of individuals had land sizes classified as below marginal, marginal, or semi medium, indicating that the land size in the

study area tends to be small. A significant trend that can be inferred from this data is that the sizes of small and marginal farms among the tribal communities have increased, which will certainly have an impact on agricultural productivity in Assam. The small landholdings are financially unsustainable and hinder the adoption of modern and advanced agricultural technology (Roy & Roy, 2021). The low productivity and lack of diversification in the agricultural sector in Assam clearly indicate this.

The study area differs from all the land types listed in Table 3 since it has a higher proportion of barren and uncultivable land compared to other land categories, including those in other districts of Assam. Generally culturable wasteland refers to land that is suitable for cultivation but has not been utilized for harvesting in the past five consecutive years, including the current year. Such land may either be uncultivated or occupied by underutilized vegetation such as bushes and jungles. One significant factor contributing to this phenomenon is the widespread practice of shifting farming in the studied area. According to the 2011 statistical data of Karbi Anglong, there were 63,000 hectares of land being used with 54,000 families for shifting cultivation. In the study area, the majority of households, regardless of their socio-economic status, rely heavily on agriculture as their primary source of income. It accounts for over 86% of the total income acquired through the agricultural sector. However, the majority of agriculture practices include shifting cultivation. The traditional agricultural method known as *jhum* cultivation is a long-standing practice in the hilly areas of Karbi Anglong. Currently, this agricultural practice is carried out throughout an area of 70000 hectares and involves approximately 58000 families. Mixed cropping was commonly employed in the shifting land. The subsistence hill farmer typically cultivates all the necessary crops for their household sustenance. In Karbi Anglong, about 54% of the population engages in *jhum* cultivation, which involves clearing trees along the hill slopes.

Table 1. Number and Landholding (Operational Holdings) Size in Assam (2005-2006)

Size Class (in Hectare)	No. of Operational Holdings (Tribal Communities)			
	Individual	Joint	Institutional	Total
Below 0.5	45603.04	61.03	0.00	45664.07
(0.5-1.0)	71164.05	121.32	0.00	71285.37
Marginal	116767.09	182.35	0.00	116949.44
(1.0-2.0)	145503.32	300.43	0.00	145803.75
Small	145503.32	300.43	0.00	145803.75
(2.0-3.0)	83022.79	272.94	0.00	83295.73
(3.0-4.0)	59080.97	210.73	0.00	59291.70
Semi Medium	142103.76	483.67	0.00	142587.43
(4.0-5.0)	36048.40	217.00	0.00	36265.40
(5.0-7.5)	33930.94	415.83	0.00	34346.77
(7.5-10.0)	8332.00	110.94	0.00	8442.94
Medium	78311.34	743.77	0.00	79055.11
(10.0-20.0)	4312.74	31.73	0.00	4344.47
(20.0 & Above)	1212.67	97.73	0.00	1310.40
Large	5525.41	129.46	0.00	5654.87
All Classes	488210.92	1839.68	0.00	490050.60

Source: Statistical Hand Book Assam 2011, Directorate of Economics and Statistics, Assam

Note: 1 Hectare- 10.000 Square Metres or 2.47105 Acres.

Table.2 Total Area and Classification of Area in Assam (2009-2010)

Sl. No.	District	Total Geographical area according to			Classification of Area					
		Professional Survey	Village Papers (Reported area)	Forest	Barren and Unculturable Land	Permanent Pastures and other Grazing Land	Land under Misc. Trees groves not included in Net Area Sown	Culturable Waste Land	Total Cropped Area	Net Area Sown
1	Dhubri	266601	266601	29155	14066	2079	2998	3872	172581	134349
2	Kokrajhar	312900	312900	161195	19810	15031	2352	2065	167379	86556
3	Bongaigaon	151999	151999	44	28226	5157	1327	3900	108785	67635
4	Goalpara	184262	184262	29683	32538	3576	6751	675	128960	80753
5	Barpeta	264510	264510	48013	12340	11932	3215	1290	263747	159311
6	Nalbari	100483	100483	0	6400	1338	582	1107	111989	67730
7	Kamrup Metro	115017	115017	22140	6401	7895	10508	251	46376	43317
8	Kamrup	308684	308684	70885	10010	12305	12212	3225	183400	177254
9	Darrang	180707	180707	276	20165	4121	7653	3879	153252	103833
10	Sonitpur	532298	532298	147843	21353	11902	6854	227	252460	165141
11	Lakhimpur	235024	235024	29379	36988	4331	974	2030	199756	100169
12	Dhemaji	323700	323700	59355	49475	15818	18112	17064	112170	67506
13	Morigaon	158765	158765	13207	3537	8331	4189	960	121913	92011
14	Nagaon	411030	411030	88024	21659	5966	8968	3523	291339	235626
15	Golaghat	354070	354070	156905	8476	8314	8217	5801	184497	119046
16	Jorhat	285100	285100	21904	13906	4406	9024	6686	173075	120240
17	Sivasagar	260290	260290	30465	7336	7330	20061	1820	155262	136822
18	Dibrugarh	338782	338782	23341	13498	6170	16883	7126	158917	139498
19	Tinsukia	379000	379000	131595	36797	3560	19786	1586	147936	104714
20	Karbi-Anglong	1033400	1033400	319294	587707	B	B	B	199650	126399
21	Dima Hasao	488800	488800	67277	393352	B	B	B	53543	28171
22	Karimganj	180900	180900	55995	7099	2710	5470	2100	104555	76035
23	Hailakandi	132587	132587	62420	3441	932	3716	275	71672	50294
24	Cachar	377610	377610	138409	27701	2600	17108	2037	166576	115386
25	Baksa	196108	196108	83019	17581	8931	824	420	127619	66085
26	Chirang	109985	109985	41037	1235	1371	995	1133	88870	46767
27	Udalguri	167393	167393	22400	6945	3862	7061	3579	158814	99949

Source: Statistical Hand Book Assam 2011, Directorate of Economics and Statistics, Assam.

Note: B- Included under Barren & Uncultivable Land.

However, the percentage of production varies from season to season (KAAC, 1996). In the *jhum* land, mixed cropping is practiced and the ground is never left barren. The people engage in year-round farming without interruption.

3.2 Karbi Customary Laws and Landholding System

According to the customary law of Karbis, land was viewed as communal property and managed by the community through various sets of customary rules since its time immemorial.

The cultivable land was divided among the households by the *Mei*, or the village council, at the first settlement of a village in a new locality. The *Mei* under the leadership of the headman selected the sites for *jhum* cultivation from the community owned land. Usually the villages are named after the village headman and his post is generally hereditary. The position of the headman was always coveted as he is the most honored person in any social, religious or cultural transaction in the village. The village council settles all kinds of social disputes by a majority decision. In case a section of the villagers does not agree with the majority decision, the dissenting group is

allowed to migrate and set up its own village. But they have to honor this decision as long as they remain in the village. Several Karbi villages constitute a traditional administrative cluster under the headship of the *Habe*. All inter-village disputes are settled by the *Habe* and the meeting convened for this purpose is called *Mei-pi* or the great council and is attended by all the village headmen under his jurisdiction. According to Stack (1908), the *mei-pi* is also presided over by a *Mauzadar* (revenue collecting agent over a cluster of villages), usually an influential man. The *Habe* reports to the *Pinpo* (an official above the *Habe* in the traditional hierarchy) who is otherwise under the traditional Karbi chief called, Ronghang Lindokpo. Thus, the traditional Karbi administrative system is headed by the chief or king at the top with a number of *Pinpo*, followed by the *Habe* and the village headmen. At the base of this pyramid-like structure of administration lie the Karbi common folk. The remnants of this hierarchical structure are still visible in the social transactions of the Karbis.

After the establishment of the modern type of administration, from amongst a number of headmen (*Sarthe*) the government nominates one influential man to serve as

Borgangbura, who are known as *Sarkari Gaon Buras*, for the village concerned. The *Borgangbura* deals with the government on behalf of the villages and is exempted from paying house tax. He presides over the *Mei pi* (the great council). This council is responsible for settling inter-village disputes or some cases of a grave nature. The approval of the *Borgangbura* is required for the establishment of a new village. Thus the *Borgangbura* is almost a modern version of the traditional *Habe* as mentioned above. However, it should be noted that the *Sarkari Gaon Buras* do not have any affiliation in the traditional political system of the tribe.

3.3 Shifting Cultivation

In their study, Koshelieva, Tsyselska, Kravchuk, Baida, Mironov, and Miatenko (2023) underlined knowledge management as a new inventive development strategy in the context of organisational performance. In such context, the tribe’s traditional knowledge systems played an important part in shifting cultivation, which cannot be isolated from the community’s cultural traditions and is commonly referred to as knowledge management. Shifting cultivation is prevalent among the hills Karbis particularly those who live in the hilly terrain. It also practiced to a limited extent in the lower hill slopes. Shifting cultivation begins from the middle of February or the beginning of March when the shifting cultivators began to cut down trees of the hill slopes to be used as *jhum* field. This work is called, *Ritkepam*. Next phase of the work is *Mekekai* when the dry materials are burnt. This is followed by complete

clearing of the area as well as preparing of the soil with the help of hoes. After having prepared the soil the needs of the cereals are broadcast. This is done during April- May when the summer rainfall begins. The principal cereal crop is rice (*sok*), and along with other *jhum* crops like maize (*thengthe*), arhar (*thekek*), cotton (*phelo*), root vegetable (*hen*), pumpkin (*bonghom*), etc. are also grown in the same field. When the paddy seedlings attain some height, there begins the *sokarlu* (cleaning grass from the Paddy field) the process of weeding. Throughout the growing season the paddy and other crops are nurtured, and protected from wild animals like monkey, wild pig, elephant, birds, etc. which appear in large numbers and damage the crops. Paddy is harvested generally during the period of September-October and the other crops at different times. Shifting cultivation is virtually a dry farming depending solely on the summer rainfall. Although it is injurious to soil, forest and the natural environment, the shifting cultivators find it economic in the sense that apart from rice a number of crops can be grown in the same field in the same season and at the cost of same physical labor. In another word, *jhumming* (shifting cultivation) can be regarded as mixing cropping. Every agricultural season is preceded by a sacrificial ceremony. A fowl or goat is scarified to god *Hemphu*. The shifting cultivation is done in the different stages as mentioned below.

1. **Rit Kecham:** After the selection of a site for shifting cultivation, the most arduous stage of its cultivation by the Karbis. This is the initial stage of shifting cultivation. The headman of the family or any adult member of the



Figure 2. Traditional stages of shifting cultivation
 Source: Prepared by the authors (2023)

family goes to the forest for selection of site for shifting cultivation. A suitable plot of land is generally selected and a mark is given signifying to be reserved by him for shifting cultivation.

2. **Rit Kepan:** After selection of site for shifting cultivation, the most arduous stage of its cultivation starts. At this stage one has to cut all the bamboos, trees, and other unwanted plants at a time so as to dry them up completely. The clearance of forest is to be done in such a way that none of the trees and plants can grow and destroy the grown crops. Hence, one has to cut down all the trees and plants at a time so that the sun ray falls on the grown crops at the given time.
3. **Rit Me- Kekai:** At this stage the farmer uses to catch the fire of his field which is one of the most exiting staged of shifting cultivation. A huge fire break out when the dried bamboos and trees are burnt into ashes. After burning the jungle the soil become red and loamy, having the fertility good crops and heavy production. Hence the forest is to be nicely burnt down by the fire.
4. **Arkhek Karhi:** This is a stage when all remains of the bamboos, trees and other materials which cannot burn completely during the burning of fire are collected at a place and burn them down again so that seeds are properly sown in the field and the sown crops are grown without any hindrance.
5. **Rit Kenong:** After preparing of site for shifting cultivation, the soil is prepared for sowing the seeds in the field by member of the family and other young boys and girls as 'Ajir Kachehui' which means exchange of works by the working peasants. The existence of 'Jir Kedam' originated from it. Thus we find today the folk stories, folk dance and other customary law of the Karbi till today from the shifting cultivation.
6. **Bap Karlu:** At this stage all the crops are grown and the field becomes looking green, dancing with the farmer of the gentle breeze blowing throughout the day. Now the farmer uses to up-root the unwanted plants and sown crops are allowed to grow fully and can give a good crop during harvesting season.
7. **Sok Kerot Lapen Keroi:** This is the most important period of shifting cultivation, the dream comes true of the farmer, for one whole year of labor and sacrifices, the fruits of his labor is in front of him, lying throughout the field like gold, glowing everywhere to give much satisfaction to the owner of the field reap, as if, collection seeds of gold from his field at a given time to him. The young boys and girls with singing and dancing, looking at each other with much hope and aspiration for selecting future partner, is a thing to be enjoyed forever. Thus field becomes full of lives and enjoyment at this season of reaping of crops in the field. The crops are collected from the field and stored at a place called *mandu*, a small hut.

Thus, *jhum* is very much a part of Karbi life and culture, particularly in the hilly areas. They were completely depending on *jhuming* earlier and still some are dependent on it. They used to migrate in search of new *jhum* lands as and when there was pressure of population on land and when the soil proved to be infertile. Now the trend of migration has declined due to a variety of factors. The *jhum* period varies from six to eight months depending on the nature of cultivated crops.

3.4 Inheritance of Property

The Karbis follow established customary laws of inheritance of property and succession to office. These rules will not change significantly from place to place, from group to group and over time and generations. However, a man can select the person in the sharing of his property. He can gift a share of his property to his daughters or daughters-in-law or to others. In addition, the impact of statutory laws over the customary laws is also observed in some of the aspects of Karbi society. The Karbis follow the rules of patrilineal inheritance. If there is no son to inherit family property, the daughter or daughters can inherit ancestral land and other property, the right of inheritance also passes on to one's brother's children and other parental relative, in the given order below. The prime considerations which govern the rule of inheritance are fulfillment of obligatory duties and responsibilities by the sons or their substitutes towards their parents. A daughter or an adopted son acts as a substitute for the son born of lawful wedlock. It is customary among the Karbis that the eldest son gets the largest share of land. The younger sons also receive shares of land. The son who looks after his aged parents sometimes gets the largest share of property. The sons have the first right of inheritance of property after the death of their father. As a general rule, sons whether by the same or different wives, equally share the inherited property. After the death of the head of the family, the ancestral properties as well as self-acquired property are inherited by all his male children who held them jointly. There are certain movable properties, for instance, ornaments, clothes, utensils, etc. owned by women are exclusively inherited by the daughters from their mother. Such properties may be ancestral or self-acquired, which, generally, are the exclusive belongings of the mother. The eldest daughter usually gets a larger share in the distribution of movable properties. All ancestral properties, irrespective of their money value, are considered valuable. A woman can purchase land from her savings or with the money given by her father. The land will either go to her son or her daughter after her death. A widow has right to enjoy her deceased husband's share of joint property and self-acquired property. The widow, along with her sons, is entitled to the same share. But she is not entitled to inherit the entire property to the exclusion of her sons. She has limited power over her husband's property. She cannot sell valuable property like land without the consent of her deceased husband's other family members or near kin. She can dispose of female properties like utensils, wools, beads, self-woven cloth etc., for satisfying her petty economic needs.

In the absence of sons of a deceased person, his daughters, brother's sons, male cousins, nearest male kinsmen and so on, inherit his property in the order shown below. The son takes precedence over daughter in case of inheritance. Similarly, the brother takes precedence over brother's son and brother's sons take precedence over the cousins. The brief order of preference of inheritors is as follows:

The movable property of a Karbi woman, namely ornaments, clothes and utensils are inherited by the daughter, the property passes on to male heirs of her husband. The components of a woman's property i.e., female property, are gifts and bequests given at the time of marriage by her parents and relatives as well as other items, acquired by way of inheritance. A woman possesses the absolute right of disposal of the movable properties as her private property. In case of landed property that a woman possesses from her father, passes on to her son. There are some grounds for loss of the

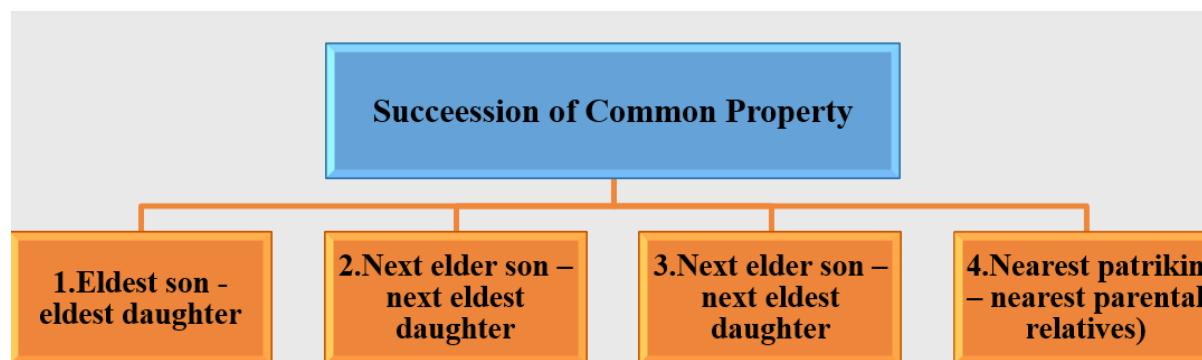


Figure 2. Order of preference of inheritors

Source: Prepared by the authors (2023)

right of inheritance by a successor among the Karbis. The grounds are mainly:

- If a man marries within a prohibited degree.
- If a man is proved to be an undesirable person for gross misconduct or if he commits any serious offence.
- If an heir is disobedient or degraded in moral character.
- If a widow remarries or if she is unchaste at the time when question of inheritance arises.

3.4 Changes in Landholding System

As mentioned, *jhum* is very much a part of Karbi life and culture, particularly in the hilly areas. They were completely dependent on *jhuming* earlier and still some are dependent on it. They used to migrate in search of new *jhum* lands as and when there was pressure of population on land and when the soil proved to be infertile. Unfortunately, the Karbis traditional land management system has changed due to both external and internal factors. The Karbis in the plain area shifted to plough after coming into contact with the non-tribes. Settled cultivation gradually filtered down to the valley areas of the district. Even in the hills, where shifting cultivation is still practiced and wet cultivation is done in low marshy areas, this is the direct process of individual ownership of land; the gradual replacement of communal ownership by individual ownership took place. The process of individual ownership was also encouraged by the administration through its efforts to get the people to abandon shifting cultivation. This study argue that considering the land policy adopted by the Karbi Anglong Autonomous Council (KAAC) and non-recognition of plains tribes as scheduled in the district, it may be assumed that protection of the tribal population is from both the non-tribals and immigrants from other regions. The KAAC follows this policy in Karbi Anglong even today. In spite of it the district has witnessed a rise in the non-tribal population over the years.

The region's main development effort after independence was centered on controlling shifting cultivation. The goal of the policy of control over shifting cultivation was to persuade hill tribes to switch to settled agriculture, horticulture, and plantations, with far-reaching implications for property-land connections. A variety of incentives, including a full subsidy, were made available to convert *jhum* (shifting agriculture) fields into terraces. The elite's reaction to this project was fairly significant, resulting in the transfer of *jhum* fields into the private property of particular families. As a result, the amount of land accessible for shifting cultivation, or genuine common village land, reduced significantly, while the number of families

involved in shifting agriculture expanded significantly. This inevitably resulted in a shortening of the *jhum* cycle, a decrease in productivity, and land degradation.

The cases of land transfer and alienation over which the tribal people themselves had authority are undoubtedly more severe occurrences. Communities that were able to maintain their original egalitarian ethos in their socio economic structure, where inequality and exploitation were unknown and village solidarity provided strong ties of social harmony, are now differentiated not only in terms of power and privilege but also in terms of wealth and income. Customary practices would not have authorized such a concentration of land in these places. Integration with the outside world has created previously unseen problems such as absentee landlordism, rent realization from land, sharecropping, land mortgage, landlessness, and so on. The lack of a land law governing rights to use, transfer, and lease has exacerbated the situation. In this context, this paper stated that the shifting pattern of land relations and legal measures that have resulted in changes in land management and their subsequent effects on the Karbi people's existence in the hill sections of the district of Karbi Anglong. To comprehend the changes affecting primarily the Karbi population, this study discusses the traditional Karbi system of land management, their society's journey to modernity, its impact on the people, and the role of law in this transformation. The transaction to individual ownership brought along with it social maladies in the form of 'Paikas', 'Bandhak', 'Mena', 'Adi' etc.. It is observed that 'paikas' is a system by which a person gives his land against cash payment to another for a period of two or three years, without conferring ownership on the other. In Karbi Anglong, many local people fall victim to this system. 'Bandhak' has two systems- 'Shukti bandhak', and 'Khoi bandhak', land is given on mortgage on payment of paddy at a certain rate per *bigha* per annum (1 *bigha* is equal to 1 hectare). It may be renewable. Khoi bandhak is a mortgage for a minimum of five years but on payment of cash at a certain rate per *bigha* per annum. This can also be renewable. 'Khoi bandhak' is a mortgage for a minimum of five years but on cash payment at a certain rate per *bigha* per annum. At the end of the period of agreement, the mortgage automatically terminates. The entire amount of cash money has to be paid for the period of the agreement only once at the beginning. In both systems, the actual landowner loses all 'rights to cultivate and to question its utility.' Under the 'Adi' system, the settlement holder temporarily transfers his right of use and occupancy of land to another person for a specific period. The cultivator cultivates the land and provides half (50%) of the crops or products to the landowner and the other

half (50%) is kept for himself. This system is quite prevalent among the tribals. However, Karbi Anglong Autonomous District Council has initiated some steps to stop the practices of Paikas, Sukti Bandhak, Khoi Bandhak and Mena. The Karbi Anglong district (Land Reforms) Act, 1979 provides that all kinds of encumbrances of land existing by way of mortgage shall be void upon coming into force of this Act. However, there are practices of mortgage in Karbi Anglong.

4. Conclusion

This study can be summed up by arguing that, with changing dynamics, the relationship is becoming clearer as survival dependency transitions from shifting cultivation to settled agriculture. As a result, land ownership and distribution changed, allowing economic forces to penetrate. In this shifting setting, the concept of land as a productive asset is becoming increasingly important to tribes, and trees are gradually being replaced as a means of subsistence. Private land rights are leading to a scenario where more educated and strong individuals in the community are utilizing customary agreements to convert land into private property. This is resulting in the accumulation of land among a privileged few and altering the earlier egalitarian nature of tribal society. The study also observed that there is a substantial risk that certain members of the community will gain excessive land rights. Tenancy, in particular, is a damaging propensity that has granted non-tribal producers access to tribal hill areas that would otherwise be illegal. It is now widely acknowledged that changes in agricultural production and the spread of private property ownership have caused socioeconomic shifts among hill tribes. Clan leaders have gradually changed plain valley lands into wet rice fields, and the move from shifting agriculture has resulted in changes in individual land rights and social connections among tribes and clans. Clearly, private ownership of land has helped to change the distribution of wealth.

References

- Barbosa, T. M. de S., Morais, H. C. B., Ferreira de Albuquerque, F. H., & Cardoso da Silva, D. J. (2022). Analysis of the Role of National Culture in the Relationship between Performance and Environmental Disclosure. In *Revista de Gestao Social e Ambiental*. v.16. p.01-21, e02907 | 20. DOI: <https://doi.org/10.24857/rgsa.v16.2907>.
- Baruah, P.C. (2010). *Cultural traditions and customary laws of the Mishings of Assam*. Spectrum Publications.
- Boorah, J. (2007). *Customary laws of the Karbis of Karbi Anglong in Assam: with special reference to their land holding system*. Law Research Institute.
- Bordoloi, B.N. (1991). *The transfer and alienation of tribal land in Assam: with special reference to the Karbis of the Karbi in Karbi Anglong district*. Western Book Depot.
- Brota, S. B., Ahmed, R., Singh, R., and Majumder, S.H. (2023). Crop diversification vis-à-vis shifting cultivation in Karbi Anglong district of Assam: an empirical analysis. In *Current Science*, vol. 125 (5), p.536-543. [efaidnbnmnnibpcajpcglcfindmkaj/https://www.i-scholar.in/index.php/CURS/article/viewFile/223999/207406](https://www.i-scholar.in/index.php/CURS/article/viewFile/223999/207406).
- Daimary, L. (2012). *A status of adivasis/indigenous peoples land series-5 Assam*. Aakar.
- Das, J.N. (2011). *An introduction to the land-laws of Assam*. Book Land.
- Deka, N and Bhagabati, A.K. (2010). Farming Practice in a Floodplain Village of Assam (India): Continuity and Change. In *Indonesian Journal of Geography*. vol.42, No. 1, p. 13-34. <https://doi.org/10.22146/ijg.1574>.
- Devi, B.P. (2006). *Tribal land system of Manipur*. Akansha Publishing House.
- Dhanaraju, V. (ed.,). (2020). *Problems and prospects of sixth schedule: towards tribe autonomy and self-governance*. Asiatic Society.
- Dhanaraju, V., & Teron, D. (ed.,). (2020). *Karbi history: past and present*. Mittal Publisher.
- Dhanaraju, V., (2023). The Colonial Foundation of Scientific Forestry in Mikir Hills of Assam: Some Annotations. In *Indian Journal of Natural Sciences*. vol.13 (76), p. 52524-52533. <https://tnsroindia.org.in/JOURNAL/issue76/ISSUE%2076%20FEBRUARY%202023%20-%20FRONT%20PAGE%2001.pdf>
- Fernandes, W., & Barbora, S. (2008). *Land, people and politic: contest over tribal land in northeast India*. North Eastern Social Research Centre. <https://www.nesrc.org/Publications/Land.pdf>.
- Gadgil, M. & Guha.R. (1995). *This Fissured Land: An Ecological History of India*. Oxford University Press.
- KAAC, *Agriculture Status of Hill Zone, (1995-96)*. Karbi Anglong Autonomous Council, Diphu, Karbi Anglong (KAAC). Diphu, Assam.
- Koshelieva, O., Tsyselska, O, Kravchuk, O, Baida, I, Mironov, V, & Miatenko, N. (2023). Knowledge management as a new strategy of innovative development. International. In *Journal of Professional. Business Review*. Review, Miami, v.8, n.5. p.01-25, e01592. DOI: <https://doi.org/10.26668/businessreview/2023.v8i5.1592>.
- Lama, D and Dhanaraju, V. (2023). Ecological Foundations of the Dimasa Belief System in Assam, India. In *Indian Journal of Natural Sciences*. vol.15 (83), p. 71444-71452. <https://tnsroindia.org.in/JOURNAL/issue83/IJONS%20-%20ISSUE%2083%20-%20FRONT%20PAGE%20-%20PART%2001.pdf>.
- Mahapatra, L.K. (1991). Development for whom? depriving the dispossessed tribals, *Social Action*, 1991;41(3):271-228.
- Mathur, H.M. (2009). Tribal land issues in India: communal management, rights, and displacement. In Perera.J (ed.,). *Land and cultural survival: the communal land rights of indigenous peoples in Asia*. Asian Development Bank.
- Patnaik, K. (2017). Land Holding, Land Ownership and Customary Law Governing Land Fragmentation in Ziro Valley, Arunachal Pradesh. In *Neo Geographia*, vol.6, p.1-12.
- Perera, J. (ed.,) (2009). *Land and cultural survival the communal land rights of indigenous peoples in Asia*. Asian Development Bank. <https://www.adb.org/sites/default/files/publication/27980/land-cultural-survival.pdf>.
- Phangcho, P.C. (2003). *The Karbis of north-east India*. Angnik Prakashan.
- Roy, S and Roy, R. (2021). Changes in Landholding Pattern in the Eastern Himalayan State of Assam since Independence. In *Journal of Mountain Research*. vol. 16 (1), p.25-34. DOI: 10.51220/jmr.v16i1.3.
- Sarkar, R., Bora, A.K., and Sarma, T. (2020). Spatial Distribution Pattern of Jhum Cultivation and Land Use Land Cover Status in Amri Block of Karbi Anglong District, Assam. In *PalArch's Journal of Archeology of Egypt/Egyptology*. vo.17 (10), p.2317-2323. <https://archives.palarch.nl/index.php/jae/article/view/5006/4925>.
- Simpson, S.R. (1976). Land rights and records. In Simpson, S.R., *Land Registration*. Cambridge University Press.
- Singer, J.M. (1996). Property and social relations: from title to entitlement. In Maanen, G.E., and van der Walt. A.J. *Property Law and the Threshold of the 21st Century*. Antwerpen-Appeldoorn.
- Stack, E. (1908). *The Mikirs*, United Publisher. (This book had been edited, arranged and supplemented by Charles Lyall, (1908). <https://www.forgottenbooks.com/en/download>

- [pdf/The Mikirs from the Papers of the Late Edward Stack_1000157425.pdf](#)
- [Statistical Hand Book Assam 2011, Directorate of Economics and Statistics, Assam.](#)
- Teron, D. (ed.,.). (2008). *Karbi studies*, vol. I. Assam Book Hive, 2008.
- Vitso, A. (2003). *Customary law and women: the Chakhesang Nagas*. Regency Publications.
- Xaxa, V. (1999). Transformation of tribes in India. In *Economic and Political Weekly*. vol. 34, issue no. 24, 12 June. <https://www.epw.in/journal/1999/24/special-articles/transformation-tribes-india.html>.