

Human Rights and Land Acquisition: A Case Study of North Joynagar Village in Tripura

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North Joynagar village is one of the Autonomous District Council (ADC) villages under Jirania Sub-division in the district of West Tripura. At present this village is under the threat of land alienation of the indigenous peoples, though the land acquisition is completely justified under Eminent Domain & Right to Fair Compensation and Transparency in Land and Rehabilitation and Resettlement Act 2013, despite the government, without free prior informed consent, had acquired the land for public purpose since 2011. This land was, however, not completely acquired by the Government but may be acquired completely and evict the indigenous people at any time. There had been many protests made by the village peoples of Joynagar for protecting their land against acquisition and they are not ready to part away with their land, and would oppose any attempt to grab their land. If their land is completely acquired for the said project, and people being evicted there would be irreparable misery to the people, affecting their socio-economic, cultural and spiritual life. This paper also discussed the Right to Fair Compensation and Transparency in Land and Rehabilitation and Resettlement Act 2013 and to what extent it protests the interest of victims of land alienation. In this regard, The Land right of the indigenous peoples internationally was also studied so that international pressure can be created on the nation states to grant the rights to indigenous peoples over their land.

Keywords: Human Rights, Indigenous land Rights, Community Rights and Land Acquisition

Section-I

Tripura is a largely hilly state, extensively covered with dense forest and primarily inhabited by the indigenous population. It is situated between latitudes 22°56' and 24°32' north, and longitudes 91°09' and 92°20' east. It is the third smallest State in India excluding Delhi and covers an area of 10,491.69 sq. km (HDR Tripura, 2007). The Village of North Joynagar falls under the subdivision of Jirania, in West district of Tripura. People living in the village were traditionally dependent on their land economically, as well as socially and spiritually. The state government needs more and more land for its develop-

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ment projects and other purposes. Indigenous peoples' village lands were targeted for such requirement of land for the project following the principle of eminent domain as set up in the Indian Constitution. The doctrine of eminent domain asserts rights of the state over land and related resources within its territory (Ramanathan, 1996). By taking the land for the project there is of course development on one side but it is important to note that it also causes agony and miserable conditions to the people who were displaced. In the words of U.N. Special Rapporteur Martina Cobo: "it is essential to know and understand the deeply spiritual special relationship between indigenous peoples and their land as basic to their existence as such and to all their beliefs, customs, traditions and culture... for such people, the land is not merely a possession and a means of production... Their land is not a commodity which can be acquired, but a material element to be enjoyed freely" (Cobo, 1986). In the village of Joynagar the Government of Tripura had planned for setting up of FCI (Food Corporation of India) & IOCL (Indian Oil Corporation Limited), perhaps how much this project would help and develop the village people was not made known but the village had always valued their ancestral land. Tribal peoples, who constitute the major chunk of people affected by large projects, which in turn causes the greatest displacement, have only customary titles and were denied land rights. The land-for-land principle is particularly pertinent in the case of tribal areas, where rights to land may rest with the community rather than individuals (Goyal, 1996). The implementation gap when it comes to laws and policies has not been bridged; indigenous land rights continue to be violated in the name of modernisation and commercialisation; indigenous communities are still being forcibly evicted, experiencing in the loss of human lives and property, as well as gross human rights violations (Barume, 2014). U.N. Secretary General Ban Ki Moon has stated: "The interests of the indigenous peoples must be part of the new development agenda in order for it to succeed. Together, let us recognize and celebrate the valuable and distinctive identities of indigenous peoples around the world. Let us work even harder to empower them and support their aspirations" (Moon, 2015).

In this backdrop, the present paper is an attempt to address as well as seek the attention of the international and national organisations, and to raise a voice for protecting indigenous land rights against the state. The study will examine how the respondents can avail their rights through the United Nation Declaration on Rights of Indigenous Peoples, and other laws applicable. Finally, the paper will also investigate the incidents of land grabbing by the state of the indigenous peoples. For this purpose the study area was chosen purposively and it followed qualitative methods in order to fulfill the objectives. The study was also assisted with participatory research appraisal (PRA) and representative sampling technique was used to select the respondents from the study area, and information were collected through interview of respondents. Hence, the information collected was interpreted in true spirit.

The present study is therefore, structured into seven sections: section-I is introduction and literature review; section-II deals with the history and analysis of land acquisition Act. This is followed by section-III, which discusses Eminent Domain under the Constitution of India. Section-IV deals with protection of indigenous land rights and various other laws in India. Section-V deals with international protection for indigenous

land rights and section-VI deals with the case of North Joynagar village. Section-VII concludes with suggestions.

Section-II

This section deals with history of land acquisition, analysis of Land Acquisition and Rehabilitation and Resettlement Bill 2013 and Social Impact assessment for the protection of the victims of land acquisition in India.

History of the Land Acquisition Act in India

The Regulation Act of 1824, which was applied throughout Bengal province, was outlined first by the British Government. The Act gave the British Government the right to acquire immovable property at a 'fair and reasonable price' for the construction of roads, railways, canal, etc. In the presidency of Bombay and Madras in the year 1839 and 1852, Act XXVII and XX were introduced to facilitate construction of public buildings. The Act VI of 1857 was applied to the entire British India repealing all the previous Acts pertaining to land acquisition. The land Acquisition Act of 1894 was finally enacted and it replaced the previous Act X of 1870. Since India's independence in 1947 this Land Acquisition Act of 1894 has governed the acquisition of the land by government which has been amended form time to time. The Land Acquisition Act of 1894 has now been repealed and the new Act that is "Right to Fair Compensation and Transparency in Land and Rehabilitation and Resettlement Act 2013" is now introduced in India.

Purpose of land Acquisition Act 1894

The very purpose of the Land Acquisition Act 1894 was to facilitate purchase of privately held land by the government for public purposes. It means the government can acquire land for setting up hospitals, educational institutions, rural planning, housing, etc. The central government can acquire the land if the purpose is for the union and the state government can acquire land for all public purposes. Local authorities, companies, registered societies, and registered co-operative societies can also acquire land through the government for development activities, and the acquisition process need not necessarily be initiated by the government.

Analysis of Land Acquisition and Rehabilitation and Resettlement Bill 2013

The then Union Minister for Rural Development Mr. Jayaram Ramesh had tabled, and addressed the parliament on 7th September 2011 on new Land Acquisition and Rehabilitation and Resettlement Bill 2013 and that the Land Acquisition Act 1894 was replaced by the new Act for which the Bill was passed by the UPA Government (Mishra Chandra, 2014).

The new Act was justified by the Minister which is stated below:

- i) Land Acquisition must take place in a manner that fully protect the interest of the land owner and also those whose livelihoods depend on the land being acquired.
- ii) The Land Acquisition Act 1894 has become archaic.
- iii) The Land market in India is imperfect. There is asymmetry of power between those

wanting to acquire land and those whose land are being acquired.

iv) Land Acquisition and Rehabilitation and Resettlement needs to be seen necessarily have two sides of the same coin.

v) The draft bill seeks to balance the need for facilitating land acquisition for various public purpose including infrastructural development, industrialisation and the concern of farmers and those whose livelihood are basing on the land when acquired.

vi) The Draft Bill puts in place a new institutional mechanism to ensure that the Rehabilitation and Resettlement provisions are implemented effectively as an integral part of integration.

The British Government had enacted the Act more than a hundred years back and since independence the following issues could not be answered under the old Land Acquisition Act 1894:

i) Understanding of Public purpose and its frequent application including for Land Acquisition for private projects

ii) Applicability of emergency clause

iii) Consent of People

iv) Calculation of Fair compensation for the and the fixed assets over it

v) Rehabilitation and Resettlement of displaced families

vi) Addressing livelihood issues and loss of social and economic disjoint due to displacement

vii) Timely payment of compensation

viii) Amicably address of the family share issues

ix) Acceptable Rehab Colony with all legal rights

x) Stakeholders management

xi) Creating a proper database to address the grievances.

On 4th September 2013 the Rajya Sabha voted the Bill and from the result of the voting, in which out of 235 members who voted on the Bill 216 supported and only 19 voted against the Bill, it is overwhelmingly voted in favour of the Bill and said to have addressed the issues pointed above. On 29th August 2013 Lok Sabha also passed the bill and on 26th September 2013 the Bill got the presidential assent. It was pronounced by the Ministry that the Land Acquisition Act which is known as the “Right to Fair Compensation and Transparency in Land and Rehabilitation and Resettlement Act 2013” came into force on 1st January 2014.

Definition of Family

It the new Act, the definition of family has been broadened to include the affected families. It means families who are losing the land and families whose livelihood are depending on the land.

Public Purpose

Prior consent of at least 80% of the affected families should be obtained through the process as prescribed in rule for acquiring the land for public purpose and also for private companies. It applies the same consent for public private-partnership partnership project with 70% consent prior to the notification.

Social Impact assessment

The Act it provided for a robust Social Impact Assessment Studies by government sponsored team with the following mandates:

i) Critical assessment of magnitude of physical and economic displacement. This may include the number of affected households to be physically relocated as well as those rendered landless/with marginal unviable land holdings (marginal with 1 hectare of land holding).

ii) Critical Evaluation of Social Impact Management Plan and whether the ameliorative measures suggested will be adequate to effectively mitigate the adverse impact on individual and community assets, infrastructure and restoration of livelihood of affected families.

iii) Critical Assessment of Attitude of the community towards the project and the reasons for opposition, if any - nature of the project/timing/other specific characteristics etc - perceptions of the community about social well-being, neighborhood cohesion or cultural differences among members of the community etc.

iv) Physical cost and benefits easy to arrive at but the social costs and intangible emotional costs would vary depending on the value judgments/background of the evaluating team

The above would be followed by public hearing and publication of Social Impact Assessment and before being approved by the Government there would also be appraisal by an expert group.

Food Security Provisions

To safeguard the food security, irrigated land or land used for agriculture production as double cropped land will not be acquired for any project.

Time required for acquisition of land

In the new Act 75 months schedule is required for acquisition of land. With the inclusion of Social Impact Assessment requiring public hearing, the procedure requires much time for the acquisition of land.

SECTION-III

This section deals with the eminent domain under the Constitution of India, state's power of eminent domain for acquisition of land for public purposes and also discusses the right of property being abolished from the fundamental rights under the Constitution of India.

Constitution of India and Eminent Domain

The right to property was provided by the Constitution of India under Article 19 and 31. Under Article 19 it states that all citizens are guaranteed the right to "acquire, hold and dispose of the property". Article 31 provides that "no person shall be deprived of their property save by authority of law".

It also states that compensation would be paid to a person whose property has been taken "possession of or acquired" for public purpose.

In addition, both the state government as well as the union (federal) government

were empowered to enact laws for the “acquisition or requisition of property” (Schedule VII, Entry 42, List III).

Hence, it is this Constitutional provision as being the source of the State’s ‘eminent domain’ powers, that is the power to take private property for public use by a state, municipality, or private person or corporation authorised to exercise functions of public character, following the payment of just compensation to the owner of that property.

The right to property had been deleted from the Fundamental Rights by 44th Amendment Act 1978. The new Article 300-A, was added to the Constitution which provided that “no person shall be deprived of his property save by authority of law”. Hence, it was not unconstitutional if the legislature makes law depriving a person of his property.

It is also provided that the aggrieved person shall have no right to move the court under Article 32. Though it was a constitutional right it was no more a fundamental right. But if the government appears to act unfairly, action can be challenged in the court of law.

Section-IV

This section states about the protection of indigenous peoples’ land rights under the Constitution of India and various other laws and discusses few sections from the Land Acquisition Act 2013 in favor of indigenous peoples’ land rights.

Land Acquisition and protection of the victims under the Constitution of India and various other laws

Though right to property has been abolished and it is no longer a Fundamental Right under the Constitution as has been mentioned above, the community rights on land in tribal areas which fall under the Fifth and Sixth Scheduled has a special protection under the Constitution of India. Under Article 300A of the Constitution of India imposed only one limitation on eminent domain, i.e. authority of law, it is clear that deprivation of property can only be made by the authority of law, be it an Act of Parliament or State Legislature or a rule or statutory order having force of law, and not by an executive fiat or an order (*Jilabhai Nanbhai Khachar v. State of Gujarat*, AIR 1995 SC 142). Abolition of property rights has also been criticised by certain constitutional jurist. H.M. Seervai, an Eminent Constitutional Jurist, is of the opinion that abolition of the right to property as fundamental rights would destroy other fundamental rights which are embodied in the Constitution. In *M. Mehta v. Kamal Nath*, AIR 2000 SC 1997: (2000) 6 SCC 213, it states that “any disturbance of the basic environments, namely air, water and soil, which are necessary for “life”, would be hazardous to “life” within the meaning of article 21 of the Constitution”. Therefore, indigenous peoples who are said to be the best protector of environment, as environment depends on them and they depend on environment. If they be uprooted from their home it would be a great loss to environment and a violation of right to life. Under article 46 of the Constitution it states that the state shall promote with special care the education and economic interest of the weaker section of the people and in particular of the Scheduled Caste and Scheduled Tribes and shall protect them from social injustice and all form of exploitation. In almost all land acquisition cases the vic-

tims of land acquisition were the weaker section of the society. Hence, if this people get evicted from their land there would be great social injustice towards them. Our nation's responsibility towards them should be to uplift them educationally, economically and socially and not by uprooting them from their home with mere compensation.

The Fifth Scheduled deals with the administration and development of tribal areas and establishment of Tribal Advisory Councils, to advice matters pertaining to the welfare and advancement of the Scheduled Tribes. Among others, it empowers the Government to make regulations on areas such as the transfer of land by or among the members of the Scheduled Tribes. This prevents transfer of land to outsiders and protects the indigenous peoples against alienation from their land.

The Sixth Scheduled provides for the administration of tribal areas particularly in the State of Assam, Meghalaya, Mizoram and Tripura by designating tribal areas as autonomous districts or autonomous regions (where there are different Scheduled Tribes). The Schedule entrusts District Council to make laws pertaining to "all areas within such region" and Regional Councils to make laws on areas the "allotment, occupation or use, or setting apart, of land, management of forest, canal or water course for agricultural purpose and shifting cultivation" (Sixth Scheduled, paragraph 3(1)).

In the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been commanded as the watershed event in the struggle of the indigenous peoples for land and their forest. The Act aims at correcting historical injustices in the reserved forest, which previously disregarded the presence of forest-dwellings communities, the major of them being indigenous peoples. In the earlier legislations related to forest, forest dwellers were regarded as illegal occupants or trespassers (Forest Right Act, 1927, Wild Life Conservation Act, 1972, Forest Conservation Act, 1980). The present law recognises community rights as well as individual rights, including the right to hold, live and cultivate on the forest land and ownership over minor forest produce. The forest dwellers were also given the right to protect, regenerate and conserve community forest, the right to have access to biodiversity and community right over traditional knowledge. It also recognises community tenure and secures through a due process initiated by the lowest unit of administration, the Gram Sabha or Village Assembly. In case of displacement, resettlement of the holders of forest rights can only take place after free informed consent has been obtained in writing from the Gram Sabha (Luithui, 2006).

The Right to Fair Compensation and Transparency in Land and Rehabilitation and Resettlement Act 2013, provides some of the important sections for the protection of indigenous land rights.

Section 41 of the Right to Fair Compensation and Transparency in Land and Rehabilitation and Resettlement Act 2013 states that:

- i) As far as possible, no acquisition shall be made in the Scheduled Area.
- ii) Where such acquisition takes place it shall be done only as a demonstrable last resort.
- iii) In case of acquisition or alienation of any land in the Scheduled Area, prior consent of the concerned Gram Sabha or the Panchayat or the Autonomous District Councils, at the appropriate level in Scheduled Areas under the Fifth Scheduled of the Constitution, as the case may be, shall be obtained, in all cases of land acquisition in such areas,

including acquisition in case of urgency, before issue of a notification under this Act, or any other central Act, or the State Act for the timing in force:

Provided that the consent of the Panchayats or the Autonomous District Councils shall be obtained in case where the Gram Sabha does not exist or has not been constituted.

The Tripura Land Revenue and Land Reform Act, 1960 provides some positive measures for the protection of the tribals: (i) restriction on the transfer of land by tribals, (ii) restriction on transfer of land by non-tribals in scheduled villages.

Thus laws and certain policies were framed specially for indigenous peoples, even though they were considered as limited in some areas, they go a long way in protecting the right of the indigenous peoples over their lands.

Section-V

In this section attempts at the international level for protection for safeguarding the customary and individual land rights of the indigenous peoples is discussed.

International protection of indigenous peoples' land rights

The recognition of the right to ownership and possession of lands traditionally occupied by indigenous peoples is clearly stated in the international Convention (ILO Convention No. 169, Article 14(1)). Indigenous peoples have the right to ownership and possession of lands that they have traditionally occupied. These were lands where indigenous peoples have lived over time, and which they want to pass on to future generations. The establishment of indigenous peoples' land rights is thus based on the traditional occupation and use and not on the eventual official legal recognition or registration of that ownership by the States, as the traditional occupation confers "a right to land, whether or not such a right was recognized [by the State]" (Committee of Experts, Peru 73rd Session, 2002).

In ILO Convention article 16 states that indigenous peoples shall not be removed from their lands. Free and prior informed consent from the indigenous peoples concerned should be taken for any relocation or on any displacement with clear and accurate information on all the relevant facts and figures and public enquires where they can present their views. They also have the right to return back to their land. It also states that lands of equal quality and legal status to the lands previously occupied when they are relocated. Full compensation for any loss or injury the relocation may have caused.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) under Article 28 states that indigenous peoples have the right to redress, restitution and compensations for just, fair and equitable compensation, for the lands, territories and resources which they have traditional owned, which has been freely agreed by the indigenous peoples concerned, equal to in quality, size and legal status or of monetary compensation or other appropriate redress.

The ILO No. 169, UNDRIP and various other international laws talk about how indigenous peoples land should be protected for the benefit of environment and benefit of indigenous peoples.

Thus it is clear that the indigenous peoples of Joynagar traditionally owned

the land that they inhabit, the above laws, policies as mentioned and various other international laws relating to indigenous peoples, is a weapon of struggle for the indigenous peoples.

Section-VI

This section discusses the case of North Joynagar Village under Jirania sub division, West Tripura. It highlights the human rights violation on indigenous peoples over their land and how women and children were the most vulnerable in the community in the process of land acquisition and hence a case of Sambolaxhmi Debbarma's Eviction was discussed.

Descriptions of the study area

Joynagar is a small village situated in the Jirania sub division, 45 kilometers from the main town Agartala, the capital of Tripura. People living in the village were indigenous peoples who were farmers, weavers, a few families in the village owned rubber plantation gardens and they were traditionally dependent on forest gatherings for their livelihood. It is also pertinent to mention that there are few educated people in the village; however they hardly stay in the village but shifted urban areas for modern educational needs, job and other purposes. The village has two government schools - one was primary level school and the other is high school. The village Panchayat office has also been set up in the village.

It is understood from interaction made with the village people from Joynagar that they were not ready to give their lands for the project. They also mentioned that how government can own their land which belonged to them from their ancestors. The main projects put forth in the village were FCI and IOCL. Besides, a large extension of roads for the purpose of the projects.

Facts about how Joynagar was occupied for the project

In 2011 government official along with other FCI and IOCL official members came to the village to see the sight for the project. Between May and June 2013 Government officials had planted the pillars and marked the areas for the project. On 11 July 2013 FCI and IOCL officials, SDM (Sub Divisional Magistrate), engineers and contractors came to the village for the project. However, on 12 of July 2013 government officials again visited the village along with police with heavy arms and ammunition, Forest Department officials, DCM (Deputy Collector and Magistrate), and others government officials. A great protest from the side of Indigenous Peoples of Joynagar was done against the project, and government officials tried to convinced the villagers that if this project takes place there would be development in the village with school facilities, employment opportunities, etc. In fact their main intention was to compel the villagers by force and if they protest against it by any physical act like throwing stones, stick, etc. police were ready to retaliate to their act with arms. Again on 13 July 2013 again there was a visit for the project by government officials, DCM, Forest Departments, TSR (Tripura State Rifles), and Tahsil (Government official meant for measuring land). More over

on 9 August 2013, DCM, Chairman of the village Mr. Subodh Debbarma, Tahsil from Purba Devendranagar Champaknagar, O.C. (Officer in charge) Mr. Biswajit Debbarma and Forest Department officials visited the village for the project. On the 10th of August, 2013 they again revisited the village along with heavily armed police and government officials to occupy the land. Protest from the side of the Indigenous Peoples was held with the slogan “chini ha no rwse rwya norok no” (we will never ever give our land to you all). An article relating to this incident had been published in the Dainik Sambad News paper in Agartala, Tripura. In fact, on 24 of August there was a final visit made by the engineers from Jirania Block office and Chairmen Subodh Debbarma came to the village for measuring the land for the project and again there was a protest from the Indigenous Peoples of the village and they stopped measurement of the land for project. When the land measurement was stopped by the agitators, the present study revealed that the village CPI-M (Communist Party of India Marxist) Chairman said to the villagers that whoever is against this project and protest against it will be arrested and put inside the jail.

Social and Economic aspect

Since times immemorial Indigenous peoples live in villages, but they were now under the threat of land alienation and at any time they can be evicted. They were economically, socially, culturally and religiously dependent on their land. There were 4000 (four thousand) indigenous peoples including men, women and children living in Joynagar village. The government officials without free prior information and consent of the people had occupied the land since 2011 for FCI and IOCL. No, consent from the village people were taken, no public hearing was done in accordance with the law. Nothing sort of compensation has been spoken or stated; instead they had reiterated that they would get employment as a labourer like night guard, security person, helper, daily cleaner, etc. Families whose home will be evicted will get a small flat in the colony build in about half acre of land. Hence, indigenous peoples of Joynagar inhabiting the land since their ancestors occupying acres of land using forest, grazing land, paddy, shifting cultivation, etc. as commons were to be relocated in a very small colony as a laborer in FCI and IOCL without any rights over their land.

Compensation

According to Government report people who had patta (modern title to the land in Tripura) to their land only will get compensation and the amount of compensation is not stated clearly to the people. Therefore, people are uncertain about the amount that they would receive against their land holdings.

Area for the Project

The main area where FCI and IOCL were to be constructed covers around 350 acres of land, twenty eight (28) families live in the main project area and they were under the threat of eviction. The village road leading from the main project where FCI and IOCL will be constructed till where it connects the main highway will be expanded five times the present road, and families living by the side of the road will also be evicted.

More than 100 families' live by the side of the road and a number of families own their cultivation land, garden and forest by the side of the road. The cultural land of the village on the side of the road made use as commons by Indigenous People will also be acquired for the extension of the project.

Forceful threat to the village peoples

Presently, the Chairman of Joynagar village who was politically appointed as village chairman along with SDM, TCS (Tripura Civil Service), Forest Department official, police persons with heavy arms from Jirania police station constantly visit the village and harass the villagers mentally and they claim that their village was under forest reserved areas and is now the property of FIC and IOCL. The government officials also said to the village peoples that forest department had sold the land to IOCL and FCI, and that their home and land falls within the said project area and will soon be evicted. Village peoples were very confused with government official statements. They said that they were living here since our ancestors and now suddenly this land becomes the land of FCI, IOCL and Government's Reserved Forest land.

Right to Information Record

According to the report of the RTI (Right to Information) filed, Joynagar village area consists of three families (3) only, alongside there were over thirty (30) rubber trees; Mahindra Debbarma had fifty (50) areca nut trees and Ajindra Debbarma possessed fifty (50) beetle nut trees. This information of Government is not the absolute truth; they had misstated the real facts about Joynagar village (RTI filed by the village people of Joynagar, 2013).

The village Chairman, along with along with few other men had given their signature for the project blindly. When the facts of the project were known to this few individuals they were bribed to support the project. These few village persons were now on the side of the project, and they constantly insisted and sometime threaten the village people to agree for the project, and if they do not give their land and protest against it, they will be arrested and put to jail.

In one of the village meeting organised by the Panchayat, the village people present in the meeting were asked to sign, all of them had either signed or put their thumb impression. These signatures constituted the number of village peoples who were said to have been agreeing for the said projects.

During the discussion with the village peoples they had said that we had given the signature because they were presented in the meeting and some of them assumed that their signature was meant for getting official title to their land (Patta). Nothing, of the project was discussed in the meeting. In fact, they said that they were cheated and their signature has been forged for the project.

Case of Sambolaxhmi Debbarma's Eviction

Sambolaxhmi Debbarma is an indigenous person, born in the village of North Joynagar, lives in the village with her family, practicing traditional cultivation to support her family, and her ancestors live in the village from generation to generation. She has been a

victim of land alienation three times in the same village; it was very hard for her with her little ones and husband to start all over again and again. With no help from any one and without any compensation from the government, she has to rebuild her family, sometime her family would starve and she could not afford basic amenities for herself and her family, and she had cried out for help from government office to office, from person to person but no response from anyone.

She had revealed that when the railway was set up in Tripura, She and her family were asked to move out from her home because her home and ancestral land falls within the railway line project. She had no other choice but to leave her home and land, and it was very hard for her to do that. She was also not compensated as she didn't possess a title to her land. And as she could not produce patta for her lands she could not avail compensation. She had to face a very hard time and was helpless with her small little ones and husband thinking where to go. However she planned and made a small hut for her family in her father's land. She and her husband felt secured in her new home for some time, but her home was flooded with water and her paddy field was covered with mud because of the railway project carried through the village paddy field. Her family could not stay any longer in their new home and could not even make their living and therefore, she thought it was wise to build her home on the hill top which was given to her by her father. Believing that now they will be protected from flood and other difficulties that come on the way. For some years they were secured and she lived happily with her children and husband. But suddenly one day she was told to evict from her home as her land was not her land and it belongs to FCI and IOCL. She was also told that she will be given small flat along with other victims of land alienation, and a job of a laborer in the company. Till today, she is living in her home with a fear that someday she would be evicted at any time.

Section-VII

This section deals with the conclusion and few suggestions for the protection of indigenous peoples.

Conclusion

To conclude indigenous peoples of North Joynagar were traditionally dependant on their land, their land at present has been occupied and marked by planting pillars all around, village people who inhabit within the area were living with fear and anxiety and at any point of time they can be evicted from their homes and land. No free prior informed consent as such was taken from the village people; they said that they were not happy with the development project in their village and they had been protesting many times against the project. If the said project is made in the village there will be irreparable loss; number of families will be evicted, aged peoples, women and childrens will be the most vulnerable persons in the village. Therefore, taking the land from the village people of North Joynagar without their consent was a violation of community rights and human rights. There was number of conventions, laws set up internationally, nationally, and at local level, but often was lacks of proper implementation and awareness. A Nation is said to be developed only when the people living in the villages were happy and edu-

cated in their traditional ways. Government should also not acquire the land of indigenous peoples, and if such land is acquired for any public purposes, it should follow the due process of law; free prior informed consent of the villagers should be taken and other laws specified for land acquisition should only be followed, and it should be solely for the benefit of the indigenous peoples. Our country needs development, but such development should not be made by displacing a group of community and developing the others. Development should be for all, for the happiness of all sections of society, and not the acquisition of land from one section of community, for the greater happiness of larger section of society. Thus, social welfare cannot be a welfare if it compromises on the rights of the indigenous community who are at the stake of displacement.

Therefore, in the light of arguments for protecting the rights of indigenous peoples of North Joynagar few suggestions are made under:

Suggestions

1. Barren lands which are far from human settlement should be used for industrialisation and any other public purposes which will not really help the village people in any way.
2. There should be participation of the village people in the pre-planned project, equal partners in the decision making process and benefit from the project.
3. India should ratify UNDRIP and implement it for the protection of indigenous peoples.
4. The government of Tripura should respect and implement the laws set up at the international level and nation laws in India for the protection of indigenous peoples.
5. Human Rights Organisation at the local, national, international, other concerned bodies should investigate the matter and save the indigenous peoples of Joynagar from being displaced.

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