

Foreword

There is no written law on the land systems of Arunachal Pradesh, except the three Frontier Tracts Jhumland Regulations of 1947.¹ But the provisions of these Regulations, it is understood, are not generally in use. Yet, there are established customs and traditions on certain important aspects of rights over land among all the tribes. The Law Research Institute carried out a study of these customs and traditions.

The customs and traditions differ from tribe to tribe and from locality to locality. Yet there are general uniformities in most of the important matters throughout the entire Union Territory. The objective of the present study was first to study the customs and the facts in detail and then discover the uniformities which have the force of customary laws.

The research officers of the Law Research Institute, Gauhati, studied on the spot the land-rights prevalent among eleven major tribes. Methodology of study has been narrated in the introductory chapter of the report by the Director. In spite of many difficulties, however, a mass of valuable data has been collected, and presented as lucidly as possible in the body of the report.

It will be seen from these data that the usual rights over land are clear and well-established among most of the tribes. The elementary right over any land is the right of use and occupation.

If this right is enjoyed by any person undisturbed and continuously over a reasonably long period, the society regards his right as permanent ; and permanent right naturally becomes heritable. As the social commerce develops, this permanent and heritable right ripens into a property and it becomes an object of transfer too.

Now, in Arunachal Pradesh, there are tribes which practice only jhum (shifting) cultivation and nothing else, There the individual right over land is confined to the right of use and occupation only. But there are several important and forward-looking tribes, who practise sedentary cultivation on a massive scale. The Apa Tanis and the Khamtis do only permanent cultivation and the Adis and the Mishmis, while practising jhum cultivation have evolved, in the course of centuries, a method of doing jhum cultivation in permanent, well-defined and well-demarcated plots, whereby they return exactly to the same plot at the end of each jhum cycle. Here the rights even over jhum land have become permanent, heritable and transferable.

There are, of course, some traditional restrictions on transfer to a non-tribal and an outsider. These restrictions have, through the ages, served as

1. Balipara Frontier Tract Jhumland Regulation 1947; Sadiya Frontier Tract Jhumland Regulation, 1947; and Tirap Frontier Tract Jhumland Regulation, 1947.

valuable safeguards against disintegration of the traditional unity of particular tribes inhabiting particular localities.

Customary laws of inheritance of each tribe govern the passing of land at the death of the last owner. Throughout the entire Arunachal Pradesh, the system of inheritance is found to be patrilineal. The rules of primogeniture also prevail among two important tribes. It is interesting to find in the report how the rigours of primogeniture and the patrilineal system are being softened among some tribes by adoption of circuitous methods of disposition of landed property.

As far as is known to us, this study is the first of its kind where customary rights over land in Arunachal Pradesh have been gone into in details after visiting typical fields plot by plot, and it is our earnest hope that it will receive due attention from the elite and the public alike.

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—Editors