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## REFORM OF CUSTOMARY LAWS URGED TO PROTECT INDIA'S INDIGENOUS LAND

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By Rina Chandran

Customary laws in the northeastern states of India are failing to protect indigenous lands and must be reformed to safeguard the property of women and poorer tribal people, land rights analysts said on Tuesday.

Customs related to indigenous tradition, including those on land use, are protected by the Indian constitution in four of the seven northeastern states, where land is owned and managed by tribal communities and clans without formal titles.

But some states have recently introduced laws to promote individual ownership of land and give governments greater power, thereby weakening customary laws and protections, according to Walter Fernandes, a senior fellow at the North Eastern Social Research Centre, an Indian think tank.

While customary laws prevents the sale or transfer of tribal land to non-tribals, there is no ban on the state acquiring such land, he added at the sidelines of a conference in Shillong in the northeastern state of Meghalaya.

Power also rests with tribal elites, who are usually men and can pressure women and poorer members to consent to commercial projects, or sell their land, Fernandes said.

Customary law needs to be reformed, as it does not adequately protect the rights of women or community members from powerful members of their own community, he said.

Without adequate protection, the formalization of land tenure - rather than the gradual evolution of the informal - has led to conflict and alienation of indigenous land, he said.

Read more at: <https://www.reuters.com/article/us-india-landrights-lawmaking-trfn/reform-of-customary-laws-urged-to-protect-indias-indigenous-land-idUSKBN1ZY0MK>