

**LAND, PEOPLE AND POLITICS:  
CONTEST OVER TRIBAL LAND  
IN NORTHEAST INDIA**

Editors

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## Land, People and Politics: Contest over Tribal Land in Northeast India

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**Sanjay Barbora**

**Tribal Land Alienation in the Northeast:  
An Introduction**

**Walter Fernandes**

**L**and is the centre of most conflicts in Northeast India because of its importance in the life of the people of the region, particularly its tribal communities. It is also the resource most under attack, in the tribal areas in particular. This book is an attempt to understand the processes that result in tribal land alienation and the consequent conflicts in the region.

In the opening chapter A. K. Nongkynrih gives a bird's eye view of the tribal areas of the Northeast and of the processes of privatisation that also result in land alienation. The relatively high status of tribal women depends on the community property resources (CPRs). So, Patricia Mukhim discusses the impact of privatisation and land alienation on Khasi women. Balsa Sangma gives a brief outline of the process among the Garo of Meghalaya. Legal ambiguity is basic to many conflicts around land not only between individuals but also between states. Dolly Kikon studies the Nagaland-Assam border conflict which symbolises the ambiguity as well as the imposition of a modern system on the tradition without any effort to integrate the two.

Such legal ambiguity is visible also in Manipur. U. A. Shimray studies the effort of the state to change the land laws in order to make alienation of tribal land to non-tribals possible. The law has already been

changed in Tripura in order to facilitate the alienation of tribal land to resettle the immigrants from erstwhile East Pakistan and the present day Bangladesh. Basic to the legal changes is individual ownership which alone is recognised by the colonial land laws that continue to be in force in post-colonial India. These laws facilitate encroachment of the tribal CPRs by the immigrants, make its alienation to non-tribals possible and also make it easy for the state to transfer the CPRs for development projects. Manju Menon illustrates this contradiction by looking at the proposed mega-dams in Arunachal Pradesh. Finally, Uttam Bathari looks at the processes of alienation in general and in particular of monopolisation by the tribal elite among the Karbi of Assam.

### **The Process of Privatisation**

In the very first paper Nongkynrih looks at the processes that result in all four types of tribal land alienation viz. transfer to non-tribals, encroachment by the immigrants, acquisition for development projects without recognising community rights, and monopolisation by the tribal elite. The legal changes that began in the colonial age that do not recognise the difference between the tribal tradition and the formal law are basic to all forms of alienation.

The tribal communities differ in their ethnic origin, culture, languages and customs. That diversity is reflected also in their customary laws and land management systems. Some traditions like those of the Angami of Nagaland (D'Souza 2001: 41-43) and the Dimas of Assam (Bordoloi 1986) combined individual with community ownership while others like the Aka of Arunachal Pradesh lacked the very concept of individual ownership (Ferbabdes and Pereira 2005: 19). Amid this diversity, common to all the tribes is the centrality of the community on which was based the customary laws that governed even individual ownership. Its owner could transfer the land only to specific persons determined by this law. A system based on a written document and a land classification that is different from theirs was imposed on their tradition based on the word of mouth and recognition by the community. No effort was made to integrate these two systems.

The contradiction that the imposition of the individual-based land laws causes is basic to land alienation. Privatisation is its first result. From it follows land alienation both to outsiders and within the community. Most

authors discuss the central role of privatisation in the process of alienation. Deb Barma shows how the Tripura Land Reforms and Land Revenue Act 1960 (TLR&LR) recognised only individually owned registered land. Most tribal land being community owned could not be registered. Those few who owned individual land were illiterate and did not register it. Only a small tribal elite got its benefits and the rest lost out. As a result, by the late 1960s more than 60 percent of tribal land was alienated to the immigrants and their communities were impoverished (Bhaumik 2003: 84).

Non-recognition of community land is another mode of alienating tribal land. It facilitates encroachment of their land by the immigrants and allows the state to use their land for development projects without compensation or rehabilitation. Nongkynrih refers to its impact in Assam. Deb Barma shows how because of the recognition of individual ownership only 2,341 tribal and Dalit families were recognised as displaced by the Dumbur dam in Tripura in the 1970s and the remaining 6,000 to 7,000 families were ignored. Menon studies the impact of this system on the families to be displaced by the proposed hydro-electrical projects (HEP) in Arunachal Pradesh. The project underestimated the number of the families to be displaced. When they are counted among the displaced, the CPRs even of these families are ignored for compensation and rehabilitation. For example, the Lower Subansiri dam counts only 38 families from two villages and ignores 12 other villages that will be submerged by it. These two villages will lose more than 900 hectares of land but the state does not recognise their jhum (shifting) cultivation land. So the "land for land" rehabilitation scheme involves giving only one hectare of land to each displaced family.

### **Land Alienation and Conflicts**

The failure to integrate these two systems leaves much ambiguity behind. That often results in conflicts. Kikon studies one such instance in the form of the Nagaland-Assam border conflict that has not been solved 45 years after Nagaland was formed. The borders have either not been marked properly or the landmarks have disappeared. The people inhabiting these areas have interacted with each other for over a century and know what belongs to whom. But their traditional knowledge is not recognised and the formal alternative is not available. The conflict has therefore been allowed to linger for nearly five decades.

Conflicts arise also from the effort to change the law in order to facilitate tribal land alienation. Within this perspective Shimray looks at the reasons behind the proposal to extend the Manipur Land Reforms and Land Revenue Act 1960 (MLR&LR) to the hill areas of the state. The desirability of a single law is given as the official reason. In reality the changes are meant to facilitate transfer of (tribal) land in the hill areas to the (predominantly non-tribal) inhabitants of the Imphal Valley. Land was an important issue in the Kuki-Naga conflict of the 1990s (Haokip 2008) and a contributing factor in the Meitei-Naga conflict of 2001 (Maring 2008). As Deb Barma states, the desirability of a direct link between the cultivator and the state was the official explanation for the TLR&LR. In practice it was used to transfer tribal land to the immigrants.

Other conflicts result from land alienation. For example, in Tripura alienation of tribal land against their will to the Dumbur dam after loss of more than 60 percent of their land to the immigrants was the last straw. The conflict began in Tripura in the 1970s immediately after the dam submerged their land and is continuing till today (Bhaumik 2003: 85). The 2003 Karbi-Kuki conflict in Karbi Anglong for an autonomous regional council was around the tribal identity linked to land and territory (Damzen 2008: 58-60). Also the conflicts in the Boro area of Assam in the 1990s were around a territory and an effort to create a majority in villages where the tribe was in a minority (Bhaumik 2005a: 150-155). As Kikon says, the disputed area on the Assam-Nagaland border is mineral and oil rich land. Its economic value seems to perpetuate the border conflict.

### **Class and Gender Implications**

Land alienation also has class and gender implications. Studies show that the community ethos both in the ownership of the CPRs and the legitimacy provided by the community to individual owners was the foundation of their equitable tribal societies. They did have a hierarchy with the chief being supreme and the members of the village council being the decision-makers in all their affairs. Amid this hierarchy their political bodies such as the village council also ensured that the resources were distributed equitably according to the need of every family and not controlled by individual greed. For example, in most jhum cultivation societies, the village council made up of men alone decided which area would be cultivated in a given year and the day before which cultivation

would not begin. The village council also decided the extent of land that each family would get according to the number of mouths to feed and which family with excess labour would assist which family with a shortage of adult workers. After it, the man of the house chose the plot that his family would cultivate that year and performed the religious rites marking the beginning of cultivation. At that stage the woman of the house took charge of production and divided work between men and women. As a result, the division of labour was more equitable than in caste societies (Fernandes 1994: 136-137).

That did not make women equal to men. All their societies, including the matrilineal ones, were patriarchal but they kept a clear division between the family and social spheres. The woman was in charge of the family and the man looked after the social sphere. That conferred on women a higher social status than non-tribal societies did, without making them equal to men. That status depended on the CPRs. Men were in charge of the resource but women looked after production and the family economy. Thus as long as the CPRs were their sustenance division of labour was more gender-friendly than in settled agriculture and women had some decision-making power in resource management though ownership remained with men (Menon 1995: 100-101).

Both equity and the relatively high status suffer with privatisation i.e. with the changeover from community to individual ownership. Nongkynrih and Bathari deal with the equity issue and Mukhim discusses the gender implications of privatisation. As all of them state, land alienation is not merely to outsiders but also within the community. Among the Dimasa of Assam, for example, men from the elite are demanding individual pattas and are transferring community land in their own name (Barbora 2002). As Bathari shows, the process of privatisation begins with state bodies like the Coffee and Tea Board offering loans and subsidies to individuals alone. Such individual patta holders are invariably men whom the state bodies and financial institutions treat as heads of families even in matrilineal societies like the Garo. Men from the tribal elite make use of these inputs to monopolise community land by depriving other members of the tribe of their sustenance. For example in West Garo Hills where much land was privatised in the 1980s for rubber plantation, more than 30 percent of the respondents were landless two decades later (Fernandes and Bharali 2002: 20-22).

Traditional tribal systems are modified or misused for this purpose. As Nongkynrih and Mukhim show, many members of the village durbar (council) make use of their position to transfer community land to their own name. That weakens equity and the further erodes the little power that women had in their societies. Today such monopolisation within the tribe seems to have become a bigger threat to equity and women's status than alienation to outsiders. The contradiction that the imposition of a dominant formal system on their tradition creates supports the elite that want to monopolise the resources. The state too supports this process. For example, as Deb Barma shows, the TLR&LR in Tripura has impoverished the tribal masses but their elite have got its benefits.

### **Facts, fictions and the foundation of land-use systems in Northeast India**

An oft-repeated theme in the story of land alienation of the indigenous people of Northeast India is that of the point of contact with alien systems. Any narrative on belonging usually begins with a reference to the moment of colonial contact (Guha 1977: 34-37). In Northeast India, colonial contact invariably dovetails with the establishment of the plantation complex. Despite obvious problems of extrapolating from an event that initially was limited to the eastern side of the Brahmaputra valley, this point-of-contact has affected historiography of a much wider region that is referred to as Northeast India today. Hence, the land laws in princely protectorates like Tripura would differ from those that were applied in areas where tea plantations and other extractive industries were being explored. However, with the consolidation of republican law in India, widely dissimilar laws were incorporated into a repertoire of techniques of governance. As a result, there has been a tendency to treat quantifiable land measuring tools and transactions as the standard on which issues related to land are to be studied. There is an implicit trust of the verifiability of transactions around land that refer back to revenue systems managed and controlled by the state. Transactions that are communitarian and uncodified, one the other hand, are seen as suspect by both social scientists and researchers. Yet, it is the idea of codification of community land and the notion of communitarian ownership that forms the first order of contradiction in the foundation of different land use systems in the region.

The point of contact therefore serves to delineate two strands

of ideas along which cultural and economic histories are written in the Northeast. These ideas can roughly be traced along the lines of a 'people whose tradition is oral' and those whose history is written. The first set of ideas is important in reiterating a myth that certain people (who do not have written chronicles) are not fettered by the mundane transactions of more stratified societies. The second set of ideas have been instrumental in creating a widely recognised body of historical work that are critical of the impact of colonialism to social and political structures of settled communities in the region. In the interplay of these sets of ideas, is an interesting notion of what constitutes the politics of identity in contemporary times. Researchers are divided about what this means, especially in terms of securing communitarian rights over land and resources. Tribal land use is often reduced to shifting cultivation in such scholarship and the resulting narrative is one based on linear trajectories of progress. Claims of historical injustice by indigenous people are thereby negated as over-stated and ill served by empirical categories in social science.

### **“Frontiers, Landscapes and Peoples”: Frameworks of Colonial Ethnography**

It is almost the norm to begin a historical study of any of the tribal/indigenous communities of the region with a roll call of secondary sources that purport to be the “myth of origin” of the particular community in question. In Assam, for example, usually it is some reference to nineteenth and twentieth century reconstruction of the chronicles of the Ahom period in eastern Assam. In the modern reconstruction, the chronicles (bu'ranji) appear as the substitute for the truth, as though the historian by some twist in time is transported back to the day and age of the Ahom kings. Somehow, the tribes appear as extras in a grand production with the usual odd characters that shine briefly before disappearing again. Another way to begin would start with the physiognomy of the people in question, which are then added to a liberal dose of possibilities from reconstructed Vedic texts. What is common to all of them is this (almost) naïve belief in secondary sources and their urge to rush headlong into finding a location and anthropological type for the subjects in question. Granted, that the lack of written sources play a huge role in the manner in which they are defined. For scholars, this always remains a barrier in constructing a history of a people. The reference to Grierson (1909), a

functionary of the colonial government and the director of the Linguistic Survey of India in the late nineteenth century, are quite significant. In a sense, it is difficult to circumvent colonial ethnography while working on any of the indigenous groups in Northeast India. However, the question bears repeating: just how useful are these sources in understanding the dynamics of the tribal question? Are they, in any way, so irrefutable that they must be reproduced in every subsequent text on any tribe/ indigenous population in the region? Obviously, colonial documents are good place to start for anyone who wants to construct a historiography of the Tiwa, Karbi or any of the other major/ minor indigenous groups in Northeast India. They tell a part of the story that can be used to build any historical edifice. In that case, what are the presuppositions and contingencies upon which the colonial ethnographic project came to be constructed? Some of the answers are captured in Pemberton's report to government in 1835:

*"...(In the following report on) the eastern frontier of the British territories, it is proposed: ..In the first place to give a general description of the great chain of mountains...Secondly, to describe the nature and passes and countries by which the great mountain chain has been penetrated..."(Pemberton 2005:1)*

The reference to frontier is quite obvious in this historical context. The nineteenth century was in fact the era of expansion of capital to hitherto untrammelled landscapes such as Northeast India. This "discovery" precipitated a move towards a fundamentally different type of economy, where the movement of populations became a condition for growth and colonisation. The process of creating "frontiers" became a condition peculiar to the type of economy introduced. Pemberton was not directing his report to a prospective "pleasure traveller", but to policy makers keen on knowing the landscape they were entering. More importantly, these were policy makers who saw the region as political frontier on the geographical northeast of their territories. This geographical location, would not only place the region in a hierarchical relationship with the metropolitan centres, but also remain rooted as a frontier, in the nationalist challenges that came later. The politics of a descriptive generalisation of the political geography had one inherent problem. It was hardly the "uninhabited wasteland" that the descriptions made them out be. The presence of groups of people, locked in a political and economic relationship with one another, was underplayed in the initial colonial reports of the period. Hence,

a complicated process of mapping the region within notions of centre-periphery was being undertaken. With it, there was visible move towards what Rumley and Minghi call the "consideration of border landscapes as a set of cultural, economic and political interactions and processes occurring in space" (Rumley and Minghi, 1991). Those inhabiting regions that were not immediately earmarked for expansion of capital and colonial administration were clearly subjected to a position of marginality precisely because they constituted a new periphery. It was only with the need to engage with policy making that Pemberton's exotic landscape became "populated" with people. Not many years after Pemberton's geographical descriptions, the economy of the Luit (Brahmaputra) valley underwent changes where the colonial administration began an elaborate process of categorising the different regions, the people who lived there and their social and economic relations. In his still popular "report", Moffatt-Mills began the intellectually challenging work of mapping the region, along with its people. His work can be seen as the natural corollary to what Pemberton had done a decade or two earlier. Moffatt-Mills had the challenging task of rationalising the complex relations between the hills and plains, forest-dwellers, traders, agriculturists and others, and securing this knowledge to governance and administration. It was imperative, for example, to have an adequate knowledge of the complex relations surrounding the haats (local marts) for the purpose of taxation and at times for retribution. The punitive expeditions against the Bhutiyas, Khasis and Nagas were all related to the need to secure land, by force as well as by law. This project is a fascinating dossier of manipulation of territory and people that is centrally linked to administering a frontier. Politics of the times dictated not only the fixing of people to territory, but also to "reopening" roads and trade routes (Moffatt-Mills, 1984). In doing so, a particular intellectual space was created. A certain form of reading the histories of the indigenous peoples came to be accepted as the norm. The form and content of this reading followed a strict regimentation where the historical and anthropological location of the subject was made conditional to the linear passage of time and social formation. Hence, Gait's subsequent rendition of the history of Assam, now accepted as the standard text for history students, mixed an eclectic selection of Persian and Ahom texts and presented to the readers a view of history that was reassuring (Gait 1967). This reassurance, however, should be read as a product of its time.



The weight of textual representations and archaeology meant that only selected formations appeared as actors in the ensemble of historiography. Thus, kings, texts and conquests formed the basis of recognition for the indigenous people. It is not surprising that Gait's book, in its published (and prescribed) form, appears with an introduction that first refers back to an older, idealistic notion of ethnography, wildly plotting the possible places of origin of the different peoples of the region. Having done that, the 'Introduction' meanders into a realm of myth and memory- the latter presented in medieval Persian texts. Hills and plains become mere textual markers and their inhabitants, the subjects of different disciplines. Those who were part of a semi-feudal state formation, with kings/ chiefs, and a cosmology that allowed social hierarchy, such as the Koch, Dimasa and Ahom are accorded a 'history', an identity that freezes them in time and politics.

### **Identity, Politics and Economic Transformations: Case for a Tribal Mode of Production?**

It is in this intellectual moment that the tribal populations appear, without kings, texts and state-formations, for historians to speculate on what they might be doing in the new economy. Incidentally, this is also the moment when a nationalist critique of colonial hegemony is launched in the sub-continent. While the struggles of peasants and workers, the problems of caste and race occupy a central position in the polemics, the tribal question remains a concern for the frontier. In their designated frontier, the indigenous tribes seem out of sorts with the new economic and political milieu. They continue to raid, loot and demand reparations from the new order. For some, they become the classical noble savages while for others they become irritants to stability, law and order. A common thread in these arguments for and against the indigenous peoples was their supposed isolation and barbarity. Both views emanated from a romantic notion of what the "isolated" peoples were supposed to represent- i.e. either wronged/ misunderstood subjects, or recalcitrant people not quite used to the ways of the modern world. According to Dirks, this process symbolises the colonial state engaging in "...policing and proselytising... justified by the identification of barbarity and normalised by the professionalisation of anthropology" (Dirks 2001: 21). What it also does is to divest any notion of agency from the subject, in this case the indigenous

tribal. This condition is recounted in almost all subsequent attempts at unravelling a 'history' of any given tribe in Northeast India.

There is no doubt that pre-colonial modes of production were altered. The prime example in this context was the establishment of the plantation complex. Having said that, even the most detailed study of the effects of the plantation complex on the political economy of the region failed to locate the linkages between terrain, deprivation and identity formation. The obvious concerns of this particular reading of colonial history are that of documenting the reaction of subjects to the changes brought about in the economy. Yet, subjects appear as peasants and workers, categories that are well founded within the discourse but lacking the language to incorporate other forms of mobilisation. The economic transformations did have a profound impact on the way society viewed neighbours. Added to this, were new regulations that marked the landscape, creating barriers and impediments in the uninterrupted contiguity between hills and valleys. In these interruptions, the disruption of contiguities (between hills and valleys) also created a body of literature on the isolation of the hills and relative prosperity in the valley. Kar explains this predilection in colonial (and subsequently nationalist challenges to) historiography in the desire to place the region, especially the valleys and their diverse populations, within the colony, not as if it were "a latecomer to, but one of the earliest members of the Indian nation" (Kar 2004).

A significant section of the history of modern Northeast India is devoted to the study of this phenomenon. Historians have adequately addressed the formation of new classes and the dismantling of the pre-colonial structures in Assam. The peasant rebellions are documented in great detail, as are the activities of an emerging national bourgeoisie and petty-bourgeoisie. On the surface, it would seem that this historiography adequately addresses issues of economic and cultural hegemony of the colonial state, as well as the means adopted by those who resist. Even so, there is little that explains the impact of these changes in the consolidation of a people, especially the tribes. While Guha recounts the impact of inner-line regulations on the agricultural practices of frontier tribes (Guha 1991), as Roy recalls the impact of the bureaucratisation of forests in the North Bank of the Brahmaputra (Roy 1995: 20-34), there is very little sense that one gets of shared/ contested histories of the contests over resources. Some nagging questions remain unanswered. How did the re-drawing of boundaries and the incorporation into a new economy affect

the tribes of region? Were they to share the same fate as the dispossessed indentured workers from the central hills of the Indian sub-continent? Were they going to be placed in an increasingly hierarchical relationship with those who controlled the economy? Indeed, it would seem almost axiomatic within this scheme to see the “end” of traditional systems and the “emergence” of new classes within the colonial mode of production. Saikia claims, “...Within the lifetime of a single generation, old ruling classes, including vassal chiefs of Beltola, Rani, Dimoria, Gobha etc. ceased to exist...(their world) vanished without a trace” (Saikia 2000:40).

### **The Truth (Still) Lies Out There!**

Perhaps much of what has been expressed in the preceding section is true. There can be little doubt that with changes in the mode of production, social and economic relations were altered. Identities, perhaps, became inscribed in stone for colonial administrators. Just as the Assamese was categorised as “indolent” and “lazy”, the tribes were categorised as “wild” and “savage”. There is a remarkable sense of achievement in such categorisation- a sense that things are in place and policies will move along. In this moment of achievement, the history of indigenous tribes of the region celebrated more than just the triumph of reason. It also accepted colonial ethnography, thereby ignoring the finer modes of looking at the past. While colonial anthropology and history, displayed a remarkable symbiosis, so too did the alternative discourses. The historiography of subaltern resistance and class formation in the region still has not answered why impoverishment has not created lines of vertical solidarity among classes and ethnic groups. If anything, the tribal question in seems to be demanding another chance. It is true that in the space of a generation, traditional institutions and structures disappeared. Worlds ceased to exist. Yet, they are continuously being re-created. If the vassals of Gobha went quietly into the night in the nineteenth century, they reappear with great pomp and vigour in the personage of the Tiwa kings in the present day. To such assertions of agency, history has either tepid objections, or uncritical acceptance. There is the tendency to either disown such displays of identity by vociferously citing the lack of historical evidence to such claims, or to play into the game by “discovering” kings and “texts-that-are-irretrievable.”

The nation (and society) that emerges out of the colonial process, whether that of the coloniser or the colonised, is no simplistic central

totality. The process of cultural exchange are too varied and hybrid to allow for any simple dualities such as the ones that characterise the paucity of anthropological and historical treatment of the tribal question. Yet it is also true that the assertion of identity and selfhood, one of the most important aspects to postcoloniality, has often been framed within the ideology and activity of the nation. When dealing with the assertion of tribal identity, one gets the distinct feeling that the post-colonial nation failed to include the feelings of grievance of those in its cultural, economic and geographical margins. Balibar proclaims “...every ‘people’, which is a product of a national process of ethnicisation, is forced today to find its own means of going beyond exclusivism and identitarian ideology in the world of trans-national communications and global relations of force” (Balibar 1991:105). History has simplified the nationalisation process in Northeast India. While it does sound a trifle unkind and sociologically reckless, there is a polemical point to be made. The tribal question has rather been the anti-thesis of a nation. It is coded and categorised as a “real” anthropological entity, based nevertheless on myths and markets. The truth remains that the tribal question finds only a marginal space in the project of nationalising knowledge. It disallows, even discourages the processes of “going beyond” exclusivism by its silence. The transformation of the region into a colonial “frontier” remains the key to understanding communities that conceived of themselves as cosmically central, through the medium of a sacred language linked to a super terrestrial order of power and yet, differed from the (innovative) imagined national communities (Anderson 1991).

It is obvious that the transformation of the region into a frontier meant several things for its denizens. In the paragraphs above, one has tried to tell part of the story- a chronological account of sorts- to create the context within which much of the historiography of the indigenous peoples of the region seems trapped in. It would seem like the progression from “descriptions” of the landscape, to the “discovery” of people and finally to the “theorising” of their linguistic and historical “roots”, follow a seamless progression. However, what is missing from this account is another view of frontiers. Frontiers, as processes, have four crucial dimensions. First, they are instruments of state policy, where governments seek to protect interests, ideas and wealth for a particular purpose. Second, the policies and practices of governments are constrained by the degree of de facto control, which they have over the state frontier. Third,

frontiers are markers of identity, in the twentieth century usually national identity, although political identities may be larger or smaller than the nation state. They (frontiers) are in this sense part of political beliefs and myths of the unity of people and sometimes about the 'natural' unity of a territory. Fourth, frontier is also a term of discourse as one has tried to show earlier. In scholarly exegeses, it has different meanings depending on the approaches adopted. Against such a backdrop, as serious a question as that confronted by the indigenous tribes is reflected only as a sterile product of the unhappy association between history and a particular mode of anthropology. The need to get beyond the debilitating dichotomies of myth versus history, oral versus written, is most urgent in this case.

The conventional criteria of historical writing- sequence and causality- are elements of an interpretation of the past, which also embraces various forms of memory. One also wishes to add that in doing so, one has to also include a radical critique of the denial of difference to the history of tribal peoples in Northeast India. Thus far, anthropologists of different persuasions seem keen only to discover history, which end up constructing a partial history of peoples and of the relationship between history and anthropology. Likewise, historians appropriate particular versions of cultural anthropology that often ignores a much longer tradition and argument that often remain subterranean. One has to reach beyond such descriptions, to analyse other means of recording and remembering history. Specifically, this would include a reconceptualisation of anthropological knowledge and historiography of the "tribal question", to include the importance of performed and material culture. The former would include the parades, rituals, festivals and socio-political events that have been instrumental in re-creating iconic constructions among the tribal/ indigenous people of the region today. Why, for example, does Me-dam-me-phi suddenly reappear as the marker of Ahom identity in eastern Assam today? Or, for that matter, why is there a renewed interest in reclaiming a Tiwa sense of identity in the annual parade in Morigaon district? In terms of material culture, there is the need to ascertain the centrality of monuments, objects, photographs and such-like, in the reassertion of tribal identity. For instance, why do the ruins of Maibong and Dimapur, infuse a sense of pride and identity to the Dimasa people of Assam? Explaining the persistent demands for creating sculptures and busts of icons among the Dimasa and Karbi, Singha, states that "... (Our) haste to ally with Indian history has meant that we (still)

seek to reflect our society in terms that are palatable to them (Indians). The demands (of the tribal people) remind us of our commitment to recognise our "other", more Southeast Asian kinship"<sup>1</sup>

The polemics discussed above are not to take away anything from the great advances in the historical sciences in the region. Nor is there any intention of trivialising the methods of social anthropology or history. Yet, when faced with the frustrating silence on the tribal question in Northeast India, one has to constantly reiterate to historiographers that writing history has never been a neutral activity. So far, the "tribal question", seems to have been caricaturised into a dossier of "myths of origin". This is quite out of sorts with the rising chorus of peoples claiming "nationhood", "autonomy" and even "secession". The re-emergence of new kinds of colonial relationships in the unequal distribution of (global) wealth and the operations of capital, and the dispersal through migration and relocation has also added to the chorus. The re-conceptualisation of history (and folklore, anthropology, sociology etc.) in the region needs to be a genuine intellectual breakthrough, in order to reveal what "quiet history" does not say. That is: the "tribal question" in Northeast India is urging us to come up with a more precise vocabulary to tell the story of peoples without written chronicles that date back to antiquity. It is through a complex retelling of the story, as seen in the diverging contributions to this book, that one may be able to look for solutions to the persistence of conflicts that arise out of the issue of resources and identity in Northeast India.

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<sup>1</sup> Biren Singha, interview with Sanjay Barbora on December 12, 2004 (Diphu).

## **Privatisation of Communal Land of the Tribes of North East India: SOCIOLOGICAL VIEWPOINT**

**A. K. Nongkynrih<sup>1</sup>**

**T**his paper deals with the process of privatisation of community land of the tribes of Northeast India. It examines land ownership practices by citing examples from six North Eastern states, with the case of Meghalaya dealt with in greater detail. The paper discusses the subject matter by using secondary sources and some of the field data collected by the author.

### **Private Versus Communal**

The paper uses two terms: 'privatisation' and 'community or communal land'. First, usually when one speaks of 'privatisation,' one understands it as the legal transfer of property rights from the state to private agents. In the context of this paper, the term privatisation means the transfer of community land to private hands. These "private hands" may be of individuals, families, non-profit and for-profit organisations or different political or non-political bodies of the nation-state.

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Community land is the land set apart by a tribe for the use of its members without the right of private ownership. Community land is separated into residential areas meant for the settlement of families or individuals where houses are constructed, land lying in the vicinity of the residential areas and is kept and used for public purposes; or land located at a farther distance from the residential areas and is meant for carrying out economic activities.

### **1. The Region and Its People**

The Northeast region is comprised of seven states whose people belong to different tribes and ethnic groups. The number of tribes residing in any one of the seven states cannot be ascertained due to lack of data. So Table 1 is only an illustration.

#### **The Tribes of the Region**

From the social-anthropological point of view, the region is a complex chemistry of customs and traditions. Tribal societies found living in this part of India are unique and distinct from one another. As Xaxa (2001: 203) rightly points out, tribes in India are not a homogenous category. They differ widely among themselves with respect to the regions they live in, the languages they speak, their physical features, the geographical terrain they inhabit, their mode of making a living, the levels of development at which they are placed and the size of the community they represent.

**Table 1: Distribution of Tribes in the Seven States of North East India (Not Exhaustive List)**

#### **Politico-Administrative Structure of the Region**

<b>State</b>	<b>Tribal</b>
Arunachal Pradesh	Aka, Apatani, Deori, Khamti, Khamba, Mema, Mishing, Miri, Khowa, Mishmi, Lisu, Miji, Monpa, Sherdukpen, Sulung, Singpho, Tangsa, Nokte, etc
Assam	Boro, Kachari, Rabha, Dimasa, Karbi, Mising, Koch, Rajbonshi, Tiwa, Garo, Gangte, Hmar, Hajong, Khasi-pnars, Paite, etc
Manipur	Himol, Anal, Angami, Chisu, Chota, Gangte, Hmar, Kabui, Khoirao, Kom, Lamjong, Lushai, Monsang, Maram, Marim, Mao, Mayon, Paite,

State	Tribal
	Pusum, Ralte, Sema, Simti, Sukte, Thangkul, Thadou, Vaiphei, Zou, Zeliangrong, etc
Meghalaya	Khasi-Jaintia, Garo, Karbi, Lalung, Hajong, Biate, Koch, etc
Mizoram	Lushai, Hmar, Pawi, Paite, Chawte, Riang, etc
Nagaland	Ao, Sema, Konyak, Lotha, Angami, Chang, Rengma, Phom, Pochuri, Sangtham, Chakesang, Yimchunger, Zeliangrong, Kuki, etc
Tripura	Chakma, Hrangkhawl, Tripuri, Reang, Jamatia, Lushai, Kuki, etc

With the annexation of the region in 1826, the British East India Company got a foothold in the region's political administration. After thus bringing the region under their political control, the British regime initiated a new political policy of dividing the region administratively into hill and plain areas. The hill areas were separated into two categories based on their level of development and accessibility: Excluded Areas, and Partially Excluded Areas. The British put restrictions on people from the plains entering both classifications of hill areas and on purchasing or owning land there (Kumar 2005: 199).

When India became independent, tribal leaders from the region demanded that the State protect their culture, identity and sustenance. The Fathers of the Indian Constitution evolved and integrated varied policies for the tribes of the region. As a result, politically, the region has a variety of administrative structures (Table 2). Additionally, the system of administration in the region as a whole differs in important ways from that which prevails in the rest of the country.

The Constitution has made special provisions under the Fifth and Sixth Schedules for the administration of the Scheduled or Tribal Areas. The Sixth Schedule applies to the tribal areas in the Hills of Assam, Meghalaya, Tripura and the Fifth Schedule, to the scheduled areas in the rest of the country. However, the hill areas of Manipur inhabited by the tribes, and those which the plains tribes of Assam inhabit are not covered by the provisions of either schedule. Nagaland is governed by Article 371A, wherein it is stated: "Notwithstanding anything in this constitution – no Act of Parliament in respect of (i) religious or social practices of the Nagas; (ii) Naga customary law procedure; (iii) administration of civil and criminal justice; and (iv) ownership of land and its resources shall

apply to the state of Nagaland." Similar safeguards are made for the state of Mizoram under Article 371G and for the tribal population of Manipur under Article 371C. Arunachal Pradesh enjoys some of the safeguards that the States coming under the Sixth Schedule do. However, it has opted to retain the Panchayati Raj institution established in 1969 instead of adopting the District Council system (Nongbri 2003; Hansaria 2005).

**Table 2: Types of Administrative Structure for the Tribes of North East India**

It was assumed that through such protective mechanisms and the powers provided by the Constitutional Provisions to make laws and imple-

State	Special Constitutional Provision	Administrative Structure
Arunachal Pradesh	Art.371H	No Autonomous Councils, the state has adopted the Panchayati Raj
Assam	Sixth Schedule Read with Art. 371B (for Schd. Areas only)	Three Autonomous Councils: (i) Karbi-Anglong (ii) North Cachar Hills, (iii) Bodo Territorial Council
Manipur	Art.371C	The Manipur (Village Authorities in Hill Areas) Act, 1956
Meghalaya	Sixth Schedule	Three Autonomous Councils: (i) Khasi Hills, (ii) Jaintia Hills, (iii) Garo Hills
Mizoram	Sixth Schedule Read with Art.371G	Three Autonomous Councils of Pawi, Lakher, Chakma, and other areas without the Autonomous Council
Nagaland	Art.371A	No Autonomous District Councils
Tripura	Sixth Schedule	Tripura Tribal Area Autonomous District Council, Khumulwang

ment them in accordance with the Constitution of India, the tribes would be able to protect their customs and traditions and would also develop in their own way and at their own pace.

## 2. A Brief Background of Land Ownership Practices

Northeast India, then, reflects not only a wide variety of constitutional protection systems but also widely varied customs and traditions. One such customary practice is land ownership. Examples from different tribes, presented below, show that there are variations and similarities.

### Various States of the Region

In Ukhrul District of the state of Manipur, the Thangkul tribe is the majority in population. The village land of the Thangkul is broadly divided into five categories:

(i). Lands allocated for residential purposes: These are known as Khalung. Out of the Khalung land, the village chief and the village council allocate residential plots to the villagers. A portion of the plot allocated is used for building a house and another portion is left for the kitchen garden. Over generations such residential plots get converted into private property and the owners can dispose of them.

(ii). Thingkam lands are forestlands and are located in the vicinity of the residential area. These are family owned plots. The families keep and use such plots for the purpose of supplying domestic fuel and wood for constructing houses. It is protected property since families depend much on it. These family forestlands can be sold off by the owner.

(iii). Masalam or Shalam or Shalui lands are semi-private. This land is village land and is used for shifting cultivation. The users of the plot are recognised as temporary owners but they cannot sell or dispose of it. However, sons of the owner or nearest kin members can inherit the plots. This category of land is actually meant for those families that do not have Thingkam land.

(iv). Yaruilam are public lands allocated for the purpose of farming and shifting cultivation. The land cannot be used for any permanent economic activity. The permanent residents of the village use the land without any formal consent from the village authorities while residents of other villages have to get the formal consent of the village authorities and pay a land tax called Lamsha.

(v). The terraced paddy field is the most valuable land and it is located towards the plains or the riverside. Paddy fields are private property and are owned by families or individuals. The owners of such plots of land can sell or dispose of them as they want (Ruivah 1987).

The Thadou have a different practice from that of the Thangkul. Their village lands are under the absolute control of the chief who owns them, distributes and allocates jhum plots for cultivation annually to the villagers, and ensures that each family gets an equal share of the land. He consults his ministers called Semang Pachang before allocating the plots. In return, each family has to pay a tax to the chief. It is in kind, that is a basketful (vaibeing) of paddy, which is approximately equivalent to a five litre tin container. Individuals or families cannot claim ownership rights over the plots allocated to them. If families are unhappy with the chief they have to leave the village and live elsewhere (Hungyo 1987).

The Mizo tribe of the state of Mizoram had a practice similar to that of the Thadou. The chief controlled the land and the boundary of his village, and allocated and distributed the jhum lands to the villagers with the help of the Ramhuals (expert shifting cultivators). In return the villagers paid Fathang a kind of tribute in terms of baskets of paddy to the chief. The chieftainship was abolished in 1954, and subsequently land was brought under the direct control of the state. The present land tenure system in the state of Mizoram is divided into two types:

(i). Temporary land, meaning temporary allotment and use of the land. The state issues a periodic patta (ownership document) through which land is allotted temporarily to the users. Periodic patta means a prescribed land settlement document settling the agricultural land periodically under these rules whereby an individual or an organisation has entered into an agreement with the authorities to pay land revenue, taxes, cesses and rates legally assessed or imposed with respect to the land so settled. Periodic patta holders do not have heritable and transferable rights.

(ii). Land holders, where patta holders of the land are given certificates after having entered into an agreement with the authorities to pay land revenue, taxes, cesses and rates legally assessed or imposed in respect of the land so settled. A patta holder has heritable and transferable rights of use and sub-letting, subject to payment of land revenue and taxes as stated by the rules (Law Research Institute 1990; Bandopadhyaya 1987).

The Thangkul are a Naga tribe. The remaining Nagas tribes too have

their own system of land classification. Each tribe is well demarcated in terms of territory, and each village of a Naga tribe maintains a permanent territorial boundary. The village land is separated into primary or agricultural land, and reserved land. The reserved land is broadly divided into three categories:

(i). Village lands which are kept apart for public purposes. A portion of this is forestland. The land is used by the residents of the village and is under the control of the village council.

(ii). Clan land known as Khel is the land used only by Khel members.

(iii). Individual land is the land, which has been inherited or acquired. Such lands are privately owned and owners can lease it out (Saikia 1987: 202).

Over generations with the process of modernisation there are changes in the pattern of land ownership and use in the state of Nagaland. Aier in his study of an Ao Naga tribal village, Mokokchung observes that the urbanisation of the village after it became a district headquarters has resulted in a decline in its cultivable lands. Mokokchung village has only half of its original land meant for cultivation. The rest of the land that belonged to the village till 1978 has been taken over by the town. The author notes that growing urbanisation and loss of jhum lands is leading to landlessness.

The tribals of Tripura present a different picture. Ganguly (1987) argues that the tribals of the state face an acute problem of landlessness. The causal factors identified are the internal arrangement, and the flow of immigrant population from 1947 to 1971 from the erstwhile East Pakistan (now Bangladesh). Formerly, tribal villages had some form of communal land ownership that was recognised by the Raja (king) of Tripura. Each village had a chief who enjoyed customary rights of control over the village and its people. The Raja collected taxes from the people through the village chief.

In 1886, the law of 'Landlord and Tenant' was passed by the Independent State of Tripura'. It contained all the elements of converting communal land into individual property, meaning private ownership of land. The people who benefited from the law are the Bengali settlers and the tribal chiefs. The second factor is the rehabilitation programme of the state. The state sponsored purchase scheme helped in acquiring land for the colony scheme under which it acquired 26,101 hectares and allotted

that land to the immigrants from Bangladesh. Over a period of time, the immigrant settlers further accelerated the process of expropriation of the lands of the tribal farmers (Bhattacharyya 1988: 17-20).

The land ownership practice of the Nyshi village (Parang) of Arunachal Pradesh is similar to that of the Nagas. The village has two kinds of land. The first is community land, which is clearly demarcated and includes uncultivated forests, rivers and natural resources. It is kept and used by the village community and is under the control of the village council. The second kind of land is private property, which is owned by individuals or families or clans. This category includes cultivated land, land with planted trees and bamboos, and residential land for human settlements. According to Jabang (2004), community land is facing a serious threat of privatisation. The increased interaction of the villagers with the outside world has influenced their perception of land. Due to such influences the villagers have started occupying the nearby forestland and the unoccupied land of the village as if it were their own.

The second case is the Galo of Nyigam village. Like the Nyishi, the Galo have two types of land: (1) land for residential purposes which includes dwelling houses (nam) and granaries (nasu) and is owned by the village community, and (2) private land owned by families and individuals. Basar (2004) adds that in recent years there are signs of change in the village particularly with regard to commercialisation of timber from the forestlands. Local timber contractors are influencing the villagers by exploiting natural resources like timber, and the village is facing problems with land due to a rise in its population. This has resulted in a shorter cycle of jhum (shifting) cultivation.

In Assam the threat of loss of tribal communal land seems to be greater than in other tribal areas. Changes were observed in the form of decrease in the size of community lands. According to a study (Fernandes and Bharali 2006: 127) the total land used for development projects in Assam during 1947-2000 works out to 1,401,184.8 acres, which is more than 8 percent of the state's total geographical area. Out of this total 55.71 percent are common property resources (CPRs), the type of 16.23 percent of the land is not known and 28.06 percent is private, which alone the State takes into consideration for paying compensation. Most of the CPRs are tribal land but the State does not recognise their ownership according to the individual ownership-based colonial land laws that the country continues

to follow. Table 3 shows the CPRs which include community land that the state has used for implementing development projects at the cost the tribal and other CPR dependants.

**Table 3: Total Land Used For Development Projects 1947-2000 (acres)**

Source: Fernandes and Bharali 2006: 127.

### 3. Communal Land Practices of the Tribes of Meghalaya

Category	Private	%	CPRs	%	NA	%	Total
Water Res	41835.34	21.87%	84938.42	44.4%	64534.39	33.79%	91304.15
Industry	11317.31	36.03	20092.88	63.97	00		31410.19
Mines	105.47	0.37	7894.53	28.05	20145	71.58	28215
Non-hydro	2187.17	19.94	8781.29	80.06	00	00	10968.46
Defence/Security	9483.03	35.91	1988.04	7.52	14933.44	56.56	26404.51
Environ. Prot	46002.2	55.91	36279.82	44.09	0	0	82284.02
Transport-Com	7054.36	5%	11999.41	0.26%	96459.05	95%	115512.82
Farms/Fisheries	1383.94	1%	227269.24	95%	10597.3	4%	239250.48
Refugees	16297	4.66	333703	95.34	0	0	350000
Social Welfare	17254.3	99.75	42.44	0.25	0	0	17296.74
HRD	647.77	35.68	1167.89	64.32	0	0	1815.66
Urban	1193.33	100.00	0	0	0	0	1193.33
Education	2464	10.66	500	2.16	20656	89.34	23120
Health	3400	56.12	2658	43.88	0	0	6058
Administration	225562.66	83.89	43307.96	16.11			268870.62
Others	7048.79	100.00	0	0	0	0	7048.79
<b>Total</b>	<b>393236.7</b>	<b>28.06</b>	<b>780622.9</b>	<b>55.71</b>	<b>227325.2</b>	<b>16.23</b>	<b>1401184.80</b>

The lands in both the villages belong to the community and are controlled and managed by the village councils. The community land is

Coming back to the issue of land ownership, the case of the tribes of Meghalaya is presented in detail with focus on the aspect of the process of privatisation of communal lands.

### Land in the Khasi Hills

According to the report of the Land Reforms Commission for Khasi Hills, there are two broad categories of land. They are: (i) Bri–Raid (community land); and (ii) Bri–Kynti (privately owned land). The report defines the land belonging to the former category as

The management and control of Bri–Raid land belonging to the community is completely within the jurisdiction of the community concerned. The community may be (a) a village for a village Ri–Raid land, (b) a group of villages constituting the Raid for Ri Raid land of the Raid, (c) the Elaka itself for the Ri Raid land...

Describing the right to use the Ri Raid the report says:

If a person vacates or does not make use of the land under his actual occupation for three consecutive years, the land reverts to the community — village, Raid or Elaka as the case may be. There is no proprietary, heritable or transferable right on the Ri Raid land.

It further elaborates that the right to use the Ri Raid is based on the membership of the person in the specific village. A person belonging to Khasi society does not enjoy the right to use the above said land, if that person is not a member of the village, Raid or Elaka (a cluster of more than one village). Non–Khasi are not allowed to use the Ri Raid. The village headman or the head of the Raid does not have the authority to grant permission for such use to a non-Khasi (Rymbai, Lapang and Nongrum 1974).

According to their customary law, community land is collective property and the residents of the village are users of the land. To understand the practice of community land a few examples are discussed and such examples provide the ‘field-view’. One of the examples is from the study conducted in two villages of Kynrang and Lumdiengngan of East Khasi Hills district.



separated into two parts: residential lands where houses and other common public facilities are built, and lands for economic purposes which are used mainly for agricultural activities. Permanent residents of the village are the users.

Most households of these two villages are old residents and have made improvements on their land. According to the practice in these villages, when a household or family or individual makes permanent improvements on the land, the succeeding generations can inherit these improvements. Such users cannot sell or dispose of the land. Annually such users have to renew their permission from the village council. When users do not renew the permission, the land reverts to the village and the village council re-allocates it to others. When users inform the village council that they would not renew the permission they hand the plot over to the village and the village council takes it over.

We were also informed while conducting the study in Lumdiengngan village that some rich persons of the village have acquired large plots of community land that was originally given to them by the village council since they are permanent residents of the village. The rich families have more resources than others and have no problem in utilising the land. Informants feared that such practices would gradually convert the village communal land into privately owned plots (Jamir and Nongkynrih 2002).

Similar were the findings of the study conducted in 2004 by the present author in Sohbar village located in the southern belt of Khasi hills. According to his findings, the village has its own regulations regarding the use of agricultural community land which is given by the village authorities to its permanent residents for three years. They must use the land and at the end of the third year have to inform the village council if they want to continue using the plots allocated to them. At the request of the users the village council issues a land document to state that they can use the land in their lifetime and that it is inheritable by his or her offspring or kin. However, such individuals or families cannot sell or lease the land. The village council has the authority to take the allotted plots back from the users if they do not comply with the rules and regulations.

The village leaders interviewed in 2004 narrated the loss of a portion of the communal land in the 1960s when the village leaders of that period allowed many residents to register the allocated plots with the land revenue department of the Government of Assam. This led to the privatisation of communal lands. Allocated plots that have been registered

with the government cannot revert to the village. There was resentment in the village. That anger led to the change of village leadership, and the registering of land with the government was stopped.

On the issue of giving lands to organisations from outside the village, the leaders said that government departments and organisations such as the Rama Krishna Mission, the Presbyterian Mission and the Catholic Mission got plots of community residential plots by buying them from the permanent residents of the village who had registered their land with the State in the 1960s.

Rymbai (1985: 191-192) noted that changes with regard to the community lands of the Khasi-Jaintia Hills started in the first two decades of the 20th century:

There has cropped up of late out of the more enlightened, the more educated and the more well-off sections of people who have no respect for their ancient custom. Goaded by greed they scramble to grab waste lands of Ri Raid to pre-empt the actual tillers of the soil, the members of the Raid, from the use of such lands in future according to their need and ability to make use of with their own labour. We have been seeing this sad spectacle since the start of the Five Year Plans when the Government began acquiring lands for various projects paying compensation for them. The compensation goes to the 'Haves', not to the Raid for the benefit of those deprived of their dependence on the land. Such type of people had the audacity to convert community land into private land.

The case of Ri Bhoi District in Khasi hills is unique because in almost the entire district the land is communally owned. In 2002 during a series of focus group discussions, the traditional chiefs and voluntary organisations of the district said that the community land is controlled and managed by the chief representing a cluster of villages. In Ri Bhoi district there are many traditional political clusters of villages, each of them with a council of elders and the chief. Any member residing in a cluster can use the land for residential purposes and for cultivation with the permission of the cluster council or the village council. Such cultivated plots can be handed down over generations in the domestic group. If users discontinue cultivation on the plot or field for more than three years, the plot reverts to the village (Jamir and Nongkynrih 2002: 95).

The situation in the Ri Bhoi district with regard to the practice of using communal land has undergone changes in the form of gradual conversion of communally-held land into private ownership. The factors that led to

the changes can be identified as:

(i). The entry of cash crops led to the permanent use and de facto privatisation of communal land. It should be noted that cash crops were accepted voluntarily by farmers who were encouraged by the benefits derived from the government schemes.

(ii). Occupants of communally-held lands have also had their land registered with the Land Revenue Department of the Government of Meghalaya.

(iii). Lack of political will and foresight of some of the chiefs and other elders of the village and the cluster council of villages. The sale of land to various agencies such as the government, military, organisations and individuals has been carried out with the consent of some of the chiefs and elders.

(iv). Private sector initiatives in services and trade have further stimulated the process of privatisation (Nongkynrih 2005).

### **The Jaintia Hills**

The situation in the district of Jaintia Hills is different from that in Ri Bhoi. In the opinion of J. M. Phira (1991), the difference of practice of land control and management in Khasi and Jaintia hills was because the British Government took away the power and control of the Syiem (the chief and the representative head of the traditional state) and Doloï (the chief and the representative head of the cluster of more than one village) of Jaintia hills and converted all the Rajhali (private lands of the erstwhile Syiem of Jaintia) into Government land. The users of the land were made to pay taxes. The British Government gave pattas (individual ownership documents) to the users for a limited period of ten years. In the process the community lands in Jaintia hills were changed into government lands and subjected to land revenue. It also imposed house tax and other kinds of taxation.

After taking control of the communal lands of Jaintia Hills, British administrators divided the land into. (i) Hali lands or irrigated paddy lands; (ii) Highlands or private lands like Hali private lands; (iii) unclaimed lands or Government wasteland. The Hali lands are sub-divided into:

- (i). Raj lands.
- (ii). Service lands
- (iii). Village Puja lands; and

(iv). Private lands.

(i). The Raj lands were under the control and management of the former Syiem of Jaintia Hills. After abolishing the office of the Syiem, the British regime took over the control of such lands and gave them on lease for ten years and levied taxes on the users.

(ii). Service lands are those given rent-free to the heads of traditional institutions such as the Doloï, Pator and other village officials for the services rendered to the administration of the area. Such practices continue till today under the control of the Jaintia Hills Autonomous District Council.

(iii). Village Puja land is held by the Lyngdohs (religious head who performs rituals) and the Raid. These lands are set apart for religious purposes and are retained as per customary practices.

(iv). Private lands are held by individuals or clans. The owners can dispose off or lease the land (Gassah 2001).

After Indian independence the management and control of Hali lands was transferred to the District Council, which initiated some changes. Gassah summarises the changes as:

‘The Jaintia Hills Autonomous District Council has replaced the old periodic lease of Raj Hali lands by a new form of lease... The lease is made applicable to all Hali lands. The period of the lease is not mentioned in the patta but it said that the land is settled with the lessee’. He remarks that, ‘the lease patta granted by the District Council is a lease in perpetuity, a landholder has a permanent, heritable and transferable right of use and occupancy in his land.’ The other important feature of the newly adopted regulation is that the patta given to the lessee is free from taxes.

### **The Garo Hills**

The British colonial regime also affected the system of land practices in the Garo hills. The land in Garo hills has been broadly separated into two parts: The hilly lands are controlled and managed by customary beliefs and practices; the plain lands are governed by the provisions of the Assam Land and Revenue Regulation Act of 1886, and adopted by the Garo Hills Autonomous District Council since its inception in 1952. The former type comprises almost 95 percent of the total land and the rest is of the latter type. The hilly land is known as the A’khing (clan) land.

The concept of the A’khing tenure is based on the inalienable and complete right of the A’khing Nokma (chief) with the members of the

Chra (made up of only adult male members of the clan residing in the village) and Mahari (a group of families from the same clan and traceable by rule of matrilineal descent) to act as custodians and guardians of the land. The traditional land tenure system provides land to all members of the community and this has knit them together. Sale of community land is not allowed and individual households would use the land according to their need or as per the jhum cycle. A distinctive feature of the traditional communal land tenure system is the role of the community in controlling and managing land, particularly for shifting cultivation. The community as a whole decides on the area to cultivate, the time to slash and burn the forests, etc (Sangma 1987, Majumdar 1987; Kar 1987).

Box 1: What is A'Khing?

The Garo Hills Regulation No II of 1954 and Act No. I of 1960 defined A'khing as:

A'khing means:

Any land held by a clan or ma'chong under the custody of the head of the clan or ma'chong called 'Nokma' recognised as such by the District Council;

Any land held collectively by the particular community of a particular village or group of villages which is under the custody of the head of the said community or group of villages called 'Nokma' recognised as such by the District Council

Source: The Garo Hills Autonomous District Council Acts, Rules and Regulations

ties, mal-distribution of landed possessions, institution of paid labour, mal-distribution of income among the fellow villagers and the negation of reciprocity in socio-economic relations.”

The changes in the control, management and use of A'khing land have accentuated and contributed to conflicts among members of the traditional institutions of the Garo tribe. One such example was found in the district headquarters of Tura in the Garo Hills. Majumdar (1987: 165) gives a lucid description of the situation:

This new situation in and around Tura has also created confusion about the rights and duties of the elders of the owner-lineage and also about the powers and functions of the Nokma. Due to acquisition of land in and around Tura for government and semi-government purposes

The management of the above land is by the Nokma. He is the leader of the clan and acts as the manager. The Nokma does not enjoy the right of ownership and cannot inherit property since the Garo society is matrilineal. The members of the clan can use the A'khing land without paying any rent. A Garo from another A'khing does not enjoy the same right. It is an A'khing specific right of land use (Sangma 1985). Sangma elaborates that “a stranger or a resident of another A'khing land was not allowed to cultivate or to settle down except on payment of a small present or rent to the Nokma. This rent is known as .wil or Hakmil.” The right to use the A.khing lands depended on the A.khing membership of a person (ibid: 149).

The A.khing lands were traditionally used for jhum cultivation, but after Indian independence, the District Council introduced the Act of 1960 regulating and assessing the collection of A'khing land fees. Timber extraction and all other forest produce are regulated by this Act. According to this arrangement the Nokma collects 25 percent and the remaining 75 percent is credited to the Council fund. This is not part of the customary practices in Garo hills.

The changes in the customary practices of A'khing land are because of various other processes that operate concurrently. A study of seven villages in East and West Garo Hills shows:

(i). A sharp rise in the shift from jhum cultivation to permanent cultivation;

(ii). Lands are acquired by way reclamation from the jungle or by transfer from the previous owner in the form of inheritance;

(iii). The Garo Hills Autonomous District Council is issuing annual pattas through which the patta holders are becoming owners of that land. This is a shift from the traditional practice of land control and management;

(iv). There are some cases where migrant non-tribals are occupying lands with a legitimate patta issued by the District Council. This gives them the right of ownership of the land; and

(v) Families and individuals are transferring land by selling it off. In some cases land is gifted. Also mortgaging of A'khing land was noticed (Law Research Institute 1984).

Also Kar (1987: 170) draws similar conclusions and remarks that, “This fissioning of communal ownership has developed a number of new socio-economic features such as commercialisation of land-based activi-

the Nokma has been given big sums of money as compensation for land. The tradition does not define as to how [land compensation] are to be appropriated.... Now many disputes have arisen between the Nokma and the elders of the owner-lineage about the appropriation of the compensation amounts. Further, disputes have also arisen as to whose consent the Nokma should take to dispose off land. Meanwhile more and more land is being acquired by migrant families and also by the government, and a sizeable portion of the territorial possession of the lineage has now gone out of its possession. The factors are causing a change in the concept of land holding among the Garos and the deviations from the traditional pattern.

The report, *Understanding Land Ownership and Management Systems of the Khasi, Jaintia and Garo Societies of Meghalaya* (Jamir and Nongkynrih 2002) highlights a few examples of the process of privatisation of A'khing land. According to this report, the factors of cash or market economy have impacted on A'khing land and on the institution of Nokmaship. In Resubelpara and Bekonggre villages, where the land area is large and the pressure of a growing population and external market forces is high, the Nokma faces greater problems. In a real sense, many Nokmas have never physically verified the A'khing lands and hence the administration over large areas has been difficult. Customary practices are not enforced in the true sense of the term. The Acting Nokma interviewed at that time said:

Today there are more than 700 encroachers or violators within my A'khing but then I cannot do anything. If I go to the District Council, they might grant the encroachers a land patta, and we will lose that portion of the land. It is better that they are left alone. At least the land will continue to be part of our A'khing.

The report also narrated the situation in the village of Mindikgre of South Garo hills. Residents of the village are taking over the A'khing land and developing permanent orchards and other plantations without seeking the Nokma's permission. When asked about such actions, residents argued that the Nokma is not pro-development and that they have no other option except of taking control of the matter. Some of the residents have already obtained pattas for their land (Jamir and Nongkynrih 2002: 37-38).

The report also observed that with the support of government schemes more and more people are shifting from the traditional seasonal jhum cultivation to permanent and private plantations or wet rice cultivation. This has resulted in the fragmentation and privatisation of A'khing lands.

This is seen more in the West Garo Hills district where tea and coffee plantations have become large-scale commercial ventures (ibid). It seems that in those cases where the jhumias have adopted permanent cultivation the right of ownership is gradually shifting from the clan to the individual. The district council is issuing pattas to such individuals.

#### **4. Analysing the Process and Outcome of Privatisation**

To understand the process of privatisation, one has to look at the tribal social systems and situate modern legal changes in that context.

##### **The Social Dimension of Privatisation**

Communal land has two important social dimensions, that of ensuring that members of the group have equal access to land and that of an equal right to use it. Theoretically, there are no homeless and landless families or persons in a tribe that has communal holdings. Secondly, the village community retains collective control over the land and maintains solidarity. Any change in the practice can lead to inequality and loosen solidarity. The process of privatisation of communal lands as it is happening in many tribal areas of Northeast India is giving rise to social differentiation and inequality between those who have managed to acquire and convert community lands to private ownership and those who could not. The incidence of landlessness is already emerging as a social problem and as a source of conflict.

The Law Research Institute, Guwahati (1990) observes that the abolition of the chieftainship has given tenants the right to own land. Datta (1987) disagrees with this argument and states that the introduction of the system of individual ownership in a society that has a long tradition of communal ownership (notwithstanding the practice of hereditary chieftainship) would actually lead to the process of concentration of land in fewer hands and so accentuate inequalities.

Before delving into the causes of the privatisation of community land, it would be fitting to understand the notion of private property in tribal societies. The notion of private property and private ownership of both movable and immovable items is not a concept that has been induced by outside forces. Most tribes that this paper has dealt with have the notion

of private property. In those tribes where this notion is not deeply rooted, some elements of it existed already in the form of movable property like personal items and belongings. Private property as a practice is not new or alien to them.

The difference is in its form. The tribal tradition of private ownership is different from the present practice of accumulating private property and unscrupulously expropriating and appropriating the village commons for personal use at the cost of fellow villagers. This new development of members of a tribe occupying and converting large tracts of community land into private property has resulted from factors such as the exchange and high market value of land and for exploiting resources from the land. The market economy seems to be changing tribal practices with regard to community land. Additional factors are government policies, developmental programmes and other policies.

In theory, tribal practices do not permit the conversion of community land into private. In practice plots allocated for residential purposes or economic activities get converted over generations into the private property of families or individuals that make permanent improvements on them. Families enjoy the right to sell off the improvement made on the land. In so doing they also transfer to another owner the land on which improvements have been made.

The control over communal land is with the village councils or tribal political bodies. However, many such bodies and their leaders are weak and do not exercise their authority as they should. Because of this, the rate of conversion of community land into private ownership has been rapid. The internal arrangements and practices seem to weaken the control of the community over the community lands.

The process of privatisation of community lands is also due to national policies. The Constitutional Provisions provide special protection to the tribes of the region but other laws and policies introduced through various political bodies such as the state governments or autonomous district councils have taken away the rights of the tribes to administer themselves according to their tradition. Take the case of Mizoram and the Jaintia hills of Meghalaya where the lands are under complete control of modern political bodies. These bodies have the authority to allocate plots of land and issue temporary or permanent land certificates to individuals. In such areas, traditional political bodies are irrelevant when it comes to control over land.

The state government of Mizoram and the autonomous district council of Jaintia hills are the new de jure land owners.

Another example is the state of Tripura where the state occupied tribal lands under the rehabilitation programme for refugees. Tribals lost their lands. Even the land reforms introduced by the state, far from changing their situation, have only promoted the interests of a few rich tribals and the better-off peasants of the state.

Communal land practices of the tribes are being undermined also by development projects. More and more communal lands are being acquired and occupied by state governments or central governments. The setting up of district or civil subdivisions or military stations has led to large-scale loss of communal lands. Whether the people benefit from such projects is difficult to assess. One only knows that in Meghalaya, Assam and elsewhere development projects have long-term impacts on communal lands because of the gradual change of ownership.

The issue of legitimacy is another causal factor accelerating the process of privatisation. This is more so in the context of the state of Meghalaya where two types of legitimacy exist side by side, namely, the traditional political bodies and the modern bureaucratic organisations of the nation-state and the Autonomous District Councils. The existence of two types of legitimate political bodies has made matters more complex and conflicting in decision-making over communal lands.

There are cases where traditional political institutions are issuing the No Objection Certificate (NOC) to parties or individuals to register the land with the government. The main reason that has led to their issuing NOC is the legal framework introduced by the nation-state. For the tribals of the state to avail of some development programmes such as housing loans, cash crop plantation, and investment in trade and services, the applicants have to fulfil the criterion of having land registration documents as proof of ownership. This has encouraged more people to register land as private property (Nongkynrih 2005). The Department of Land Revenue at the office of the Deputy Commissioner of the District registers such lands without verifying whether it is community or private land.

In practice the traditional political institutions continue to function as political bodies of the tribes. But they no longer have the authority they used to have. In reality the autonomous district councils control the traditional political institutions. The Autonomous District Councils of Jaintia and Garo hills have the power of issuing pattas to users of communal land.

They are issuing them to individuals or parties. The land patta issued by the autonomous district councils is a de jure document.

### **Legal Basis for Tribal Land Alienation**

Another dimension that deserves attention is the terminology of classifying land. When one compares the tribal classification with that of the nation-state's statistical system, the contrast and differences are vast. For example, Basic Statistics of the North Eastern Region, 2002, prepared by the North Eastern Council on land use classification, terms such as 'area put to non-agricultural uses', 'barren and uncultivable land', 'permanent pastures and other grazing land', 'cultivable waste land', and 'others' have been applied and used. Tribals have developed their own system of land classification and have clearly demarcated community and private lands. Such lands are easily identifiable. Also the specific nature of ownership is known. Such practices have been preserved and protected over generations but the NEC has not taken the tribal classification into consideration and not given it the recognition it deserves.

The nation-state's statistical documents use and apply different terminologies to measure land and land use. This method has been the main reason for lack of proper and real statistical information on the land of the tribes of the Northeast. This is a matter of concern because the actual situation of communal land remains hidden from public knowledge. By imposing new terminologies the nation-state undermines traditional knowledge and practices. What is presented in statistical handbooks and reports is very different from what is being practised in the field. The statistical record is misleading and incorrect because users of such government information would never know that tribal societies have the practice of communal ownership of land.

According to the Constitution of India the tribes of the Northeast are provided special safeguards with regard to their customary beliefs and practices. By imposing the modern type of statistical terminologies, the nation-state fails in its constitutional duty to protect the traditional classification of lands. There is a wide gap between the Constitutional safeguards and how they are carried out in practice.

### **Conclusion**

The colonial policy on tribal lands, the type of developmental schemes

being pursued by the nation-state, the registration of land, the weakening of traditional political bodies and tribal practices, and the influence of the modern market economy have contributed to the privatisation of communal lands in the region. The effect has been loss of communal lands and communal control. Socially, tribal communities are confronted with a new type of individualism that goes against the collective. For modernisation to be meaningful to them, they have to try and combine these two sets of values.

## Land Ownership among the Khasis of Meghalaya: A Gender Perspective

**Patricia Mukhim**

Meghalaya has three main tribes, the Garo, Jaintia and Khasi. All three of them are matrilineal but all of them are also patriarchal in their worldview. In their tradition the youngest daughter is the custodian of ancestral property and decisions about land cannot be taken without the involvement of men. Today, some male members of all three tribes have started demanding male inheritance. This paper will take a look at the implications of their matrilineal tradition and of this demand by men. Much of what is recorded in this paper is based on the writer's personal visits, discussion with heads of traditional institutions, women's groups and individual women in the villages of West and East Khasi and Jaintia Hills Districts and Ri Bhoi District

### **Meghalaya: A Historical Outline**

Meghalaya which literally means the abode of clouds, was carved out of the composite state of Assam in 1970 and became the 21st state of India on January 21, 1972. The transition was smooth and without bloodshed. It is one of the eight states in the North Eastern zone of India. With an area of 22,249 sq km. Meghalaya shares a 400 kilometre international boundary with Bangladesh on its South and West. On the

### Land Ownership among the Khasis

North and East, the State is bounded by Assam its closest neighbour. Meghalaya is divided into seven districts, East and West Khasi Hills, Jaintia Hills, Ri Bhoi, East and West Garo Hills and South Garo Hills. According to the 2001 census, it has a population of 2,306,069 (Table 2).

**Table 1: General Information about Meghalaya**

1.	Principal Languages	At its formation in 1972, the State had five districts. Two more were Khasi, Jaintia, Garo
2.	Scheduled Castes	9,072
3.	Scheduled Tribes	1.52 million
4.	Cultivators	427,896
5.	Agr. Workers	132,430
6.	Main Crops	Rice, Potato, Maize, Cotton Jute, rapeseed, mustard, Ginger, mustard, citrus
7.	Minerals	Coal, limestone,
8.	Industries (medium)	Cement, motor repairs, painting, servicing etc.
9.	Industries (small)	Furniture, leather, bakery, flour, rice mills, tailoring
10.	Roads	Surfaced 3,355 km, unsurfaced 3,136 km, National highways, 386 km
11.	Climate Garo Hills	Summer 34 deg. Winter 18
12.	Climate Khasi Hills	Summer 28, winter min. 2
13.	Monsoons	Maximum 12,000 mm
Source: Dept. of Tourism, Meghalaya		

added in 1992. Meghalaya has a total of 5,629 villages. Its important towns are Shillong, Cherrapunjee or Sohra, Nongstoin, Jowai, Tura, Williamnagar, Nongpoh and Baghmara. Shillong the capital is situated at an altitude of 1,496 meters above mean sea level. It has been the seat of Government since the consolidation of the British Administration in this part of India in the 19th century. After the high court shifted to Guwahati, a bench of that high Court was established in Shillong. The principal languages of the State are Khasi and Garo but English

institutions were already in existence the 73rd and 74th amendments of the Constitution were exempted from implementation in Meghalaya. The ambivalence, however, is whether the Dorbar Shnong (local dorbar) which is the grass-roots administrative unit in a village/locality, or the District Council is to assume the status of the Panchayati Raj.

The State is noted for its matrilineal culture, which all the three major tribes, the Khasi, the Jaintia and the Garo practise. It means that the lineage is traced from the mother's clan. Compared to women in the rest of the region and in the country, women in Meghalaya certainly appear to be better placed because (i) they perpetuate the clan (ii) there is no dowry system prevailing (iii) unmarried women are not under any pressure to tie the nuptial knot (iv) marriage is purely by choice and mutual consent and not arranged (v) Co-habitation or what modern couples call 'living together' is part and parcel of Khasi customary practice and not a taboo. In fact Khasi society never considered polygamy to be immoral as long as the husband was in a position to cater to the emotional, financial and material needs of his wives and offspring (Bareh 1967: 323-324).

A major recent change in Meghalaya is Christianity which gave marriage a sanctity that Khasi society and its indigenous faith could not. Co-habitation makes it very easy for the man to abandon his wife and vice versa. This has made marriages very brittle and left a trail of psychological trauma for the abandoned partner but more so for the children who invariably live with their mother. If the mother has no means to support herself, things become even more problematical. Often children have to drop out of school because their mother is unable to support their education. They have to take up some kind of work to

Population		Sex Ratio		Density		Literacy 2001		
Total	Rise	1991	2001	1991	2001	Total	Male	Female
23,18,822	1176087	955	975	79	103	63.31	66.14	60.41

supplement the family income. Khasis have tended to depend on the strength of the clan. In the past, the clan did look after its destitute members and therefore it was a sort of a buffer against adversities. But with modernisation and the attendant economic challenges as well as the tendency to accumulate as against the old practice of equal distribution of resources, clan ties are getting weak. Individual households tend to

continues as its official language. Shillong boasts of some of the most outstanding educational institutions, which are a legacy of the British rule in this part of the world. These premier institutions continue to be of service to the people of the entire North Eastern region. In terms of quality of education, Meghalaya is still the undisputed leader.

### The People of Meghalaya

Though Meghalaya is home to different ethnic groups, the three dominant tribes are the Khasi, the Jaintia and the Garo. The Khasi-Jaintia people are of Mon Khmer origin, said to have migrated to these hills from Cambodia, while the Garos are of Tibeto-Burman stock and have settled in the Garo Hills for the past 400 years. They are believed to have been uprooted from the Koch province or Cooch Behar which is now in West Bengal. All three major tribes of Meghalaya practise the unique matrilineal culture where property passes through the female, the youngest daughter who is the custodian of ancestral property. However, administration of the property is usually in the hands of the maternal uncle. Lineage is from the female line and the husband's earnings become part of the matrilineal property (Sen 1985: 89-90). Among the Garos the matrilineal head or the youngest daughter is the Nokna but the property is administered by her husband the Nokma who is also recognised as the headman.

### Table 2: Population, Sex Ratio and Literacy in Meghalaya, 1991-2001

Source: Department of Economics and Statistics 2005.

Meghalaya has the unique distinction of having retained its customary laws and practices and its traditional institutions. Customary laws have not been codified and leave ample scope for their arbitrary application. No two cases are dealt with in the same manner or with the same yardstick. Very often there is a conflict of interests between the traditional bodies, the Government and the district councils, which were created as per the spirit of the Sixth Schedule. The prime objective of the District Councils was to control and administer tribal land and forests and to be custodians of their customary laws and practices. The District Councils also issue trading licences to all non-tribals wishing to pursue any business in Meghalaya. Because of the pre-existence of the District Councils and also because vibrant grass-roots traditional



fund for themselves. If at all the clan helps, it is only by way of a one-off donation for meeting emergencies such as sickness or death in a family (Mukhim 2006: 188-189).

Scholars and researchers tend to nurture rosy images of a matrilineal society as one in which women literally lord it over men. Curious scribes and scholars descend on Meghalaya with the idea of seeing, literally, a place where women actually live in paradise. Most visitors are ecstatic and awe-struck by the concept of matriliney itself. It is in fact quite common to hear comments such as, 'how wonderful to know that women enjoy such an enviable status in family and society'. Or, 'how lucky you ladies are to own property in your name'. Unfortunately this myth needs to be put in its proper perspective to reflect the ground reality and research into the land holding patterns. This paper will limit that analysis to the Khasis as they practised it in the past and will document the changing norms.

### **Land and the Khasi Customary Law**

Among the Khasi as well as the Garo and Jaintia, land belongs to clans, communities and individuals. Among the Khasis the lands are classed as 1) Ri Raid (community land) 2) Ki Ri Kynti (land belonging to individuals) 3) Ki Ri Kur (clan land). No cadastral survey has ever been carried out. Mapping of area belonging to different owners is unheard of. Villagers still adopt the practice of making a river, tree or a hillock as a landmark for their boundaries. This creates enormous problems in the present situation because the people of Meghalaya are no longer all agrarian nor are they pastoral nomads engaged in jhum or shifting cultivation. A good number are engaged in settled agriculture or are service employees with the government or non-governmental institutions. Many are in businesses of the small, medium and large scale.

The problem arises when institutions that are non-tribal entities, such as cantonment lands, state and central government establishments which have their boundaries well-marked out happen to lie adjacent to the land owned by the tribals. There are several instances of boundary disputes between local landowners and the military, all because the former does not recognise its boundaries while the latter possesses maps and survey records. In 1976 the Meghalaya Land Transfer Act was passed to prohibit sale or transfer of land to non-tribals, except when

the land is used for public interest. This would include construction of educational and other institutions and the setting aside of land for industrial purposes.

### **Khasi Women and Land Ownership**

In Khasi society, the youngest daughter (ka khatduh) is the custodian of ancestral and parental property, and not an inheritor as some would like to believe. Scholars interested in deeper understanding of Khasi society will discover that very few clans own fairly large acreage. Among them are the Mawri, Nongkhlaw, Kharkongor, Khyriem, Marbaniang, Blah, Syiem, Lyngdoh etc in East Khasi Hills, the Laloo, Rymbai, etc of Jaintia Hills, the Marwein, Lyngdoh etc, clans of West Khasi Hills. Not all Khasis own property enough to distribute to all the daughters, with the desirable practice of giving the biggest share to the youngest daughter (ka khatduh). Wealthy families owning landed property are becoming fewer as more people in the rural areas are dispossessed of their lands on account of poverty. The few affluent families in any case do not discriminate between sons and daughters. In fact, the trend has always been to allocate some portion of the self-acquired property also to sons. The urban middle class educated elite actually has no problem about altering the matrilineal practice and adopting traits of patriarchy in respect of taking the father's surname instead of the mother's etc.

In a sense therefore there is an intellectual and cultural divide between the rural and urban Khasis, the latter being the real custodians of Khasi culture, folklore etc. However, it must be admitted, that the urban elite also recognise the harm that the gender bias in matriliney has created. Landlessness or the absence of land titles in the name of Khasi men reduces their status as "bankable" individuals who can access loans for entrepreneurship. This has been felt very acutely by men. Organisations such as the Syngkhong Rympei Thymmai and Mait Shaphrang Movement have been demanding equal rights for both men and women. It actually boils down to equitable distribution of parental property. It is unfortunate that these movements are urban centric and have not made much impact beyond Shillong. Besides, such movements, instead of looking at gender justice tend to be male-centric and focus only on the rights of the male members of their society.

But there is nothing in Khasi society which debars men from

inheriting landed property. Clans like the Khyriem, Kharkongor, Mawri, Nongkhlaw who are virtual owners of land in and around Shillong have been known to divide the money earned from sale of land equally among clan members be they men or women, sons or daughters. It is a myth therefore to say that men have no property rights. But as a rule men do not inherit property in the manner in which their counterparts in patriarchal societies do. All earthly possessions of parents are vested with the Khatduh because she fulfils certain responsibilities and obligations which her brothers might be disinclined to take up, more so, because after marriage, a Khasi man leaves his parental home. A man who marries the Khatduh has to live in her natal home. If he marries any other sister then the couple starts a nuclear family. When a man marries, he is said to have left for somebody else's home (leit iing briew). This does create a sense of psychological alienation for the male as it does for the daughter in a patriarchal society.

The administration of self-acquired property is entirely in the hands of the owners. That land can be sold, or distributed to all children by parents according to their wish. It is the ancestral property that they cannot usually sell without the consent of the maternal uncles and brothers. On the flip side, there are many instances when the youngest daughter (khatduh) is bereft of any property because her parents never owned any. Some families are too poor to even keep body and soul together. Such instances do not form part of the normal discourse even though their numbers are growing. The reason is because it is easier to perpetuate myths and to be seen as a 'unique society', almost like museum pieces.

The misconception that sons do not and cannot inherit property is not correct. In the Khasi matrilineal society, if a khatduh has no daughters, her sons cannot inherit ancestral property but they can be gifted the self-acquired property of parents. The ancestral property will, however, pass over to the next elder sister's youngest daughter. In fact, men usually prefer to buy land in their wife's name and one reason for it is to ensure that on his death, his clan (kur) members do not appropriate the property and leave his wife and children in penury, a phenomenon common among the Jaintias. The khatduh is a custodian of ancestral property with conditions, albeit unwritten and unspoken. She must look after her parents as long as they are alive. Also her

unmarried brothers live under the same roof. If any of her nieces or nephews is orphaned it is the khatduh's duty to care for them. If her brothers divorce their wives or vice versa they come back to the iing khatduh or parental home. Looked at from a purely objective prism, therefore, along with the property the khatduh also carries overwhelming responsibilities including loss of social mobility (War 1998: 23-25)

As stated earlier, though ancestral property passes through the khatduh she is really not the owner. She is only the stewardess or custodian of ancestral property. Her maternal uncle acts as the chief executor or the administrator over the property. Attempts to sell off ancestral property have often led to court cases because the property is not exactly unencumbered. Every family member has a say in its management and it is often not based on the best and most equitable formula. This is actually the weakest link in the matrilineal chain. It is an area that perhaps requires deeper study because of its propensity to create conflicts between individuals in their society.

There are several instances of the khatduh marrying outside her community and her brothers demanding that she should cease to be the inheritor/custodian of ancestral property. One such illustration is that of a Khasi lady marrying a foreigner and the lady herself joining the airlines as an airhostess and therefore having to be out of station most of the time. When the mother became ill, one of the sons shifted to his mother's house and staked a claim to the property on the plea that his sister was hardly available and that he was actually looking after his mother. When the sister heard this she returned home immediately and took her brother to court citing customary law. The State of Meghalaya takes cognizance of the customary law and applies it in cases relating to property disputes. Such disputes are pending with the District Councils and some are settled by the local traditional institution or the Dorbar Shnong. However, since the Dorbar Shnong is not in a position to settle cases that are adversarial in nature but only those with a scope for reconciliation, parties most often move to the formal institutions of justice to redress their grievances.

### **Is Khasi Society Gender Equitable?**

What is the status of men vis-à-vis women? There is no doubt at all that parents unwittingly place greater value on a daughter because she is the perpetuator of the lineage. But sons are neither discriminated

against nor unwanted. In terms of educational opportunities, both sons and daughters get equal opportunities. But like all other societies, Khasis too confuse the biological aspect of being men and women with the cultural construct of male and female. Sexual division of labour is very marked. As a rule, men/boys do not cook, wash dishes or clothes. Among agrarian families, the woman does more than her share of work beginning at 4 or 5 a.m. and ending only after everyone has had their evening meals. Women are expected to care for the sick and the elderly. They fetch water and bring fuel wood home. They are also engaged in the kitchen garden during the off-farm season and get involved in farming in the planting, weeding and harvesting season. Khasi women have the additional burden of marketing because that is the woman's domain (Mukhim 2000: 2-5) Even in the most educated families where men are expected to be more gender sensitive, the woman spends much of her time in the kitchen and the husband makes an excuse saying, 'Well she enjoys her cooking and the kitchen is her empire'. No one asks the wife whether she actually enjoys the kitchen chores. At a seminar organised by the Indigenous Women's Resource Centre (IWRC), the then Home Minister, the late Mr T. H. Rangad who was the chief guest observed very amusingly that it is not the Khasi woman who says that she is privileged. Khasi men have actually been echoing this rhetoric so often that women have begun to believe it themselves.

Gender equality is not just about property and who inherits it. It is about who does what and who has access and control over what resources. A piece of property owned by the khatduh is more often than not administered by her husband or sons. A woman has no right to decide how to use that property unless she gets a green signal from her husband and children. If a Khasi woman is still following a clear-cut routine based on the gender division of work and is unable to break free of that social liability, how can their society be called gender equitable? If we look at agrarian communities, and these form the major part of the Khasi population, only the male members have contacts with Government line departments. Only male members have access to agricultural training, seeds, fertilisers and other inputs. Decisions about what crops to grow are taken by men. Again, men have more access to the markets because of their social mobility whereas

women are restricted by their family responsibilities, such as looking after small children and the elderly and other domestic chores.

Studies conducted in West Khasi Hills on a number of indicators such as decision-making about purchase of jewellery, sale of livestock and other agricultural produce etc which usually determine the level of gender equity and rights enjoyed by women, IWRC found that whereas women have a say in smaller livestock such as chicken, men took decisions on whether to rear cows or pigs, when to sell them and at what price. Decision-making by women was restricted to what is perceived as less important matters. Gender awareness is a very new concept and it has not even caught up among the urban population. In fact, women themselves negate their own strengths when they say, "let men take care of activities outside the home, let them attend the dorbar. Why should we women interfere?" This sort of a remark from educated, well-placed women like college teachers and professors reveals that Khasi women are a long way from understanding gender equality. (Mukhim, 2000 pp 14-15)

Studies on Khasi matriliney have invariably put the spotlight on the khatduh as the progenitor of the Khasi race and the fountainhead of culture. Some scholars believe that there is discrimination in Khasi society based on the birth order. To the outside world the khatduh is the powerful heiress who because of her wealth has all the bargaining space she requires. But as explained above, the khatduh is as much a prisoner of gender biases as other societies. As far as ancestral property is concerned she is only a titular head.

The status of other daughters in Khasi society is not so privileged as outsiders tend to believe. Unless parents are very wealthy, daughters do not inherit property. What is their role vis-à-vis the khatduh? The elder sisters and brothers accept the khatduh as the natural custodian of their parents' property and are grateful to her for maintaining the parental home and looking after the parents. Other sisters and brothers do not carry that liability. Hence in cases where parents have only one home, the other daughters have to set up their own units after marriage. They have to live in rented houses until they manage to buy land and construct their own houses. It is, therefore, a myth to say that all women (read daughters) inherit property. In Shillong and other district headquarters where at least one member in every family

is a government employee, the government's house-building advance scheme has enabled families to buy land and construct houses. But the problem still persists in the case of those who live on the fringes of development (Gurdon 1907).

The khatduh enjoys a fair amount of financial independence by virtue of her inherited wealth. However, she is called upon to use this income judiciously and only as a means of benefiting the immediate and extended family, namely her brothers and sisters' children, aunts, uncles and sundry relatives. After the demise of her sisters the khatduh takes on the responsibility of caring and nurturing their children as well. She would not be able to take on such responsibilities unless she has this wherewithal. In fact, on proper analysis, the khatduh is a true custodian who is empowered to utilise resources in order to take on the manifold responsibilities that fall upon her. Should the khatduh's family be female-headed there would be greater need to fall back on the resources left behind by her parents so that she is not in penury. It must be understood that the iing khatduh (khatduh's house) virtually belongs to everyone. Even her brothers are at liberty to live there if they are divorced. The khatduh's unmarried brothers and sisters continue to inhabit their natal home i.e. the iing khatduh.

Matriliny does not and has not been able to address the problem of rising poverty of a large section of the rural population, half of which includes women. Land has traditionally been a community resource. People of a particular clan who reside in a particular village for some length of time are considered part and parcel of that village and are allocated land for farming and housing. This land is called the Ri-Raid. The concept of land ownership by individuals was imposed on the Khasis by the market forces. Commodification of land and fixing a monetary value on it has changed the whole contour of Khasi culture as an egalitarian society.

Privatisation of land started after the British entered these hills and began to create an infrastructure. The British entered into hundred year leases with some prominent clans and paid them annual revenue. Wherever viable, they made outright purchases. This introduced the concept of land valuation. Once the Khasis realised the value of land there was a scramble to buy and sell land. Ri Raid land was converted by subterfuge into Ri-Kynti or individually owned land. Among the

early Khasis, free land not owned by anyone could be claimed by any clan through the process of skut which actually means claiming as much land as a person could lay his eyes on, taking the hills and rivers as natural boundaries. Hence, clans who became the early residents of Shillong actually appropriated almost the entire 10 sq km spanning the city (Mukhim 2000b)

### **Reasons for Landlessness among Khasis.**

Societies are mobile entities. Rural inhabitants migrate to the cities in search of better prospects. Individuals move when they marry someone from another village. Those who move to another village do not have the first right to claim the community land or Ri Raid. Such land is allotted to the original inhabitants of a village. So these new settlers become tenants and have to take land on lease for farming. These leases are temporary in nature and the owners can claim their land back whenever they choose to. It has led to a situation where farmers are unable to undertake plantation farming but have to depend on annual crops like rice and vegetables. Another reason of landlessness is the risks involved in agriculture. When crops fail, families are compelled to mortgage their land to the affluent in order to purchase seeds, fertilisers etc. If there is crop failure these families lose their land and become landless.

The present writer had a set of random interviews with villagers and village heads in East and West Khasi Hills and Ri Bhoi districts. The interviews show that poverty is on the rise, so is landlessness. In East Khasi Hills in a village of about 120 families at least 20 families lived in homes that were only 10x10 ft in size. As the average family size is 5-6, one can only call them puny houses for that many people. The land on which the house stands was reportedly bought for various sums ranging from Rs 20,000 for about 6,000 sq ft. The land was, as per custom registered in the woman's (wife's) name. Hence ownership is with the woman but not its control. Men have as much right to decide how to use that land, whether to mortgage it if a need arises or even to sell it should the family dip into acute poverty. With the erosion of clan and kinship ties families have to fend for themselves. This is another emerging feature in Khasi society (Nongkynrih 2002: 107; Blah 1967)".

### **Privatisation of Community Land**

Khasi practice in the past was to allocate community land to every member of the village and give jhum land for cultivation. As long as a family resided on that land and cultivated it, it continued to be its rightful occupier. If it abandoned the allotted land or it remained uncultivated and unused for three consecutive years then that land reverted to the Raid (community). However, the customary laws also have their loopholes. If a holder of community land makes improvements on it and makes a permanent structure then that person becomes a permanent holder. This is as good as ownership.

Another interesting finding of this writer is that community lands are administered by the Dorbar Shnong/Dorbar Raid (Village Council) or Dorbar Hima (Chieftainship). Men alone can be heads of Dorbars or the Rangbah Shnong/Sordar. Men alone are chieftains who are called Syiem. In what can be called a surreptitious stratagem, the Syiems, Sordar and Rangbah Shnong have in collaboration with other members of their council converted large areas of land in their jurisdiction into privately owned land in their own names. In such cases the titleholders are male members. This happens especially in the case of forestland. Naturally the community owned land has today shrunk considerably or is non-existent.

This phenomenon can become the basis for a complete overhaul of Khasi society. Men as heads of the Dorbars and Chieftainships are increasingly becoming not just owners of land but have also appropriated the right to exercise complete control over it. What women will ultimately be left with is the lineage bit. These reversals are happening at a very rapid pace. Ironically, there is very little consciousness in the community about this swift reversal of women's status from owners of land to mere inheritors of ancestral property with all its social encumbrances.

The above instances of re-appropriation of roles are possible because the Khasi customary laws have not been codified. The argument that custom is flexible and, therefore, laws emanating from that custom cannot be set in stone is a valid one. But when that custom tends to upset the equilibrium that has guided the community for generations then there is urgent need to undertake an analytical study to see how far it will also adversely affect the status of women who have hitherto enjoyed a fairly equitable deal.

One factor that has tended to reduce women's power is their

exclusion from traditional institutions involved in local governance. At one time these institutions discussed issues of public welfare and governance. Thus, these traditional institutions were to an extent involved in civic administration and also adjudicated on matters relating to land disputes and other non-compoundable offences. Today these bodies have evolved into power centres, which are vested with the authority over land and its distribution. While in the past, these institutions could be trusted to carry out their responsibilities with honour and dignity, always keeping the interests of the community at heart, today those cherished tribal values have been diluted. Greed and the desire for accumulation threaten to destroy the fabric of Khasi society.

At this juncture, it is imperative to (a) undertake a cadastral survey of all land in the Khasi and Jaintia Hills in order to identify their rightful owners (b) legislative action is required to push for a land ceiling act before the balance is tilted completely towards the affluent and the Khasi society is sharply divided along class lines (c) undertake a detailed study of the rapid erosion of women's status from that of land owners to that of powerless, landless ancestors (d) legislation to include women as an integral part of traditional institutions is imperative. By thus joining these institutions, they will be able to understand the nuances of governance and also to check the erosion of tribal values. Women have traditionally been recognised as custodians of culture and tradition but the administration of the customary laws and practices was a purely male activity. There needs to be gender equity in this aspect.

Gender sensitive language needs to be introduced into the Khasi milieu. For instance, the nomenclature of the head of the Dorbar – the Rangbah Shnong, literally translated means Village Headman. The nomenclature automatically debars women from taking up this responsible position. Women would have to fight for a more gender-equitable and inclusive language. Any talk of gender equity in Khasi society tends to become acrimonious because men and women are both thinking of their rights alone and the deprivation of those rights. Women believe that they have been deprived of the right to decision-making in the traditional institutions. Men aver that women are already empowered because of their right to lineage and ownership of property. Some traditionalists tend to go as far as saying that a woman's place is in the hearth and home. She should not meddle with politics and

matters outside her home. Khasi society in fact has a very demeaning saying for a woman who dabbles in politics. She is termed as a 'crowing hen'. The Khasi adage that when a hen begins to crow then doomsday is at hand' is meant to keep women tied to their domestic chores. But at the heart of the conflict is also the inability to sit across the table and discuss these ticklish issues (Sen 1985: 100-101).

### **Conclusion**

This paper has discussed some issues around the status of Khasi women, the customary law, land rights and the gender-based division of work. One can infer from it that changes are needed both in the customary laws and attitudes. It requires a dialogue that has become difficult. There is need for a non-threatening space where views can be shared openly with no fear of criticism or loss of face. A gender war is the last thing that Meghalaya needs. What is necessary is a climate of dialogue between the sexes. Perhaps the root of the conflict today is based on mutual distrust and suspicion. When women speak of equal representation in the Dorbar they are not talking about usurping men's right immediately to head the Dorbar. They are negotiating for a public space for themselves and to subsequently pave way for them to shoulder legislative responsibilities. As a progressive society Khasis should not cite tradition as a pretext for avoiding change when it is necessary to selectively change those facets that tend to reduce women's power. The dialogue should be conducted on the basis of gender equality and not the exclusive rights either of men or of women.

## **The Alienation of Land among the Garos**

**Balsa B. Sangma**

**M**uch of Garo culture and history revolves around the sacred relationship between the people and their land. Today they run the risk of losing some of it, due to widespread alienation of community land. The late Mihir Sangma had done a lot of research on the subject, some of which is reproduced below.

### **Garo Migration**

It is believed that the Garo migrated to present-day Meghalaya from the Tibetan plateau. Details about the process of migration are scant but it is generally believed that the southward migration took place due to the harsh conditions there. This lack of data on the initial migration process can be offset by the linguistic richness of the Garo language, particularly when it comes to associating land with the lifestyles of the people. Garos call themselves A'chik – a word that means, "bite the land" – something that elevates land to a sacred level in relation to the people who inhabit and work on it.

In the past, each clan of the tribe occupied tracts of land separately. Such tracts were called A'king. A'king land was administered by a chief, called Nokma. Given the fact that Garos are matrilineal, the Nokma were women. However, she was only the nominal chief and her husband exercised all administrative power of the A'king. This

in Garo Hills, which are recorded in a book of Mihir N. Sangma (1993). The author mentions many protests. The first of them came when Phongpong Lasker and six others submitted a petition dated 11th April 1900 to the Chief Commissioner of Assam against the new demarcation lines as surveyed by Beckett and Kelso. Shrimati Rani Abhoyeswari Debi of Bijni Estate submitted another representation as regards land encroachment to the Viceroy, Lord Curzon.

However, the British government gave the ruling in favour of the Garo petitioners by referring to what is known as the Bibhagnama settlement, under which the Bijni Raja made 21 plots of land in the Duars over to the Garo maharies (clans). Nazarana on which is based nazars or land tax paid by the Nokma to the British government according to the 1822 settlement with the British Political Officer of Goalpara. This agreement excluded the zamindars (feudal landlords) from the Hills and turned the Garo chiefs into tributaries of the British government. They were to pay to the colonial regime Rs 3 per year for each nokpente (bachelor dormitory) as tax (Sangma 1993: 36).

About the same time the North-Eastern Garos of the border villages were brought under the influence of the British government and subsequently they had to start paying Nazars to the political agent who exercised control over them and settled their disputes with people from Bijni. For example, David Scott carried out these decisions. In 1831, he granted Habraghat Pargana to the Garos as valid Lakheraj lands (which the British regime allowed the Garo chief to tax and keep the money for himself), in the erstwhile frontier areas bordering East Garo hills of the present Meghalaya State.

As far as the restoration of the reserved forest land is concerned, it was decided after detailed investigation jointly by the Deputy Commissioner and forest officials that the lands in question, if found unfit for a forest reserve or too remote or inaccessible for profitable management, should be surrendered to the villagers or failing surrender, privileges should be given for cultivation and other uses. Should the land be taken over by the government, the villagers should be adequately compensated for the loss of their land.

### **Post-colonial predicament**

Notwithstanding the good will of certain British officials to restore

process resulted in the husbands being routinely referred to and being considered the Nokma.

Today, the government invites almost exclusively men for the meetings it conducts. Women are conspicuous by their absence among the participants of most of these meetings. With all the power vested in him, the husband of the Nokma can sell or give away any portion of the A'king land at will. According to the customary law, decisions to transfer land have to be taken in consultation with members of the clan. In reality this stipulation is overlooked and unscrupulous Nokmas now sell off land for a pittance. With this practice becoming more rampant, women's control over land and say in its management is being lost at an alarming rate.

This transition is at times justified in the name of the role men have played in the past. It is believed that male members of the clan fiercely defended A'king land and heroic battles were supposed to have been fought in its defence, in a pre-matrilineal past. These mythical battles are part of Garo folklore. Then, commercial transfer of land was unheard of since there was an abundance of land. Even then, it was and still is the prerogative of the Nokma to allocate certain tracts of land every year for jhum (shifting) cultivation to the members of the clan and other villagers in the A'king. They never acquired permanent ownership and the A'king land continued to belong to the clan. Today, however, the recently created Autonomous District Councils are empowered to issue land ownership documents. Members in the A'king are beginning to own plots of land permanently through this process. This has resulted in alienation of the land from the clan, because most of those who clamour for permanent titles are from the other clans residing in the A'king.

### **Colonial Encounter**

Land alienation was the major reason for unrest among the Garos during the British colonial period. Sonaram Sangma, who is now considered as the hero among the Garo, championed the cause of the Garos in many court cases to regain alienated land during the colonial period. However in spite of his zealous efforts, Garos lost their land to the British and through encroachment by neighboring kings. Two such cases are Habraghat and Nazarana and restoration of reserved forests

the alienated lands the Garos continued to lose their land in the subsequent years to the complete colonisation of the British. It continued after the withdrawal of the British rule. When the Indian peninsula was partitioned into the Republic of India and East and West Pakistan, the entire land of the Garos was annexed either to the state of Assam in India in the northern and western parts or to East Pakistan in the south. Even those parts, which were under Nazarana and Lakheraj system of administration during British occupation, were brought under the state of Assam. The Garo inhabitants became a minority hill tribe under the control of other tribes or non-tribal communities.

In the erstwhile East Pakistan (present day Bangladesh), the status of Garo people seemed even more pathetic because of the harsh and hostile attitude of the government towards them. A steady migration to the Garo Hills region of India took place right through the two wars in East Pakistan in 1965 and 1971. While migrating to India, they had to leave virtually all their landholdings to the ethnic Bangladeshis as they became known after Bangladesh was created from East Pakistan.

Even though the Garo people in India had their own district of Garo Hills in the state of Assam, the ownership rights and privileges of their land were diluted due to the amalgamation of certain administrative rules of Assam which govern all the subjects of the state. Undoubtedly the Garos enjoyed the privileges of the Sixth Schedule of the Constitution of India, yet their right to rule their own people with their own customary laws as in the past had been abrogated.

As a result of this, dispensing of land disputes became a lengthy and cumbersome process. Land disputes for A'king land between Maharis and even among the maharis increased and many clans had to forego the use of their A'king land for cultivation in this way. Perhaps with the indomitable spirit of the tribe and due to disgruntlement stemming from the misrule of the Assam government, the Garos began to agitate against the state government. The agitation got intensified with the Official Languages Act 1960 that declared Assamese the sole official language for the whole state. Other languages could be used only in regions where they were spoken.

Williamson A. Sangma led the agitation. In the beginning he started as a social worker after returning from the World War II, but later on he became the undisputed political leader, spearheading the fight for

an autonomous State for the Garos and other hill people through the All Party Hill Leaders' Conference. The federal unit of Meghalaya for Khasi, Jaintia and Garo people, was carved out of Assam in 1972 (Sangma 2008: 211). A hasty and ad hoc demarcation of the borders was accepted and in the process many A'king villages of the Garos in the north of Garo Hills District were left in the state of Assam. This was the second incident of major land alienation caused by political demarcations.

With the coming of the new state of Meghalaya, the problem of land alienation continued unabated for the Garos. The autonomous district council (DAC), which was introduced to protect the tribal lands while under Assam, continued to prevail even after Meghalaya came into being. Although its objective was to prevent the alienation of the land of the ethnic people, the DAC became just the lower rung political set up to accommodate more political aspirants who more often than not, used it as a political springboard to reach to state level political rung. As a result, through many loopholes in the functioning of the council, permanent titles or ownership rights have been issued to settlers, especially those who came unnoticed during the floods, taking advantage of the fact that low lying areas bordering Assam and Bangladesh in the south west of the state are hardly occupied by ethnic people. This has changed the demographic set-up in these areas.



# Ethnography of the Nagaland– Assam Foothills in Northeast India

Dolly Kikon

**R**egional borders in northeast India are often disputed sites. Unlike internal borders, many regional borders here operate like international borders, restricting mobility of people and goods as well. The Nagaland-Assam border is one such case where rival states have competing territorial claims, even as the Inner Line Permit regulates movement along the border. Even militant groups from the hills and the valley claim these foothills as part of their greater homeland. Historically, it was along these foothills that colonial cartographic and revenue policies demarcated the Assam valley from the adjoining Naga Hills. This distinction enabled the colonial administration to further frame policies along identity, geographic and ethno-racial lines.

Today, vast areas of the Nagaland-Assam foothill border are covered with tea plantations. Besides that, there are oil exploration camps and a semi-formal economy of coal and rubber. However, this foothill border has also suffered the consequences of the armed conflict situation in Nagaland and Assam. This border area is heavily militarised because of which it witnesses a high number of human rights violations. The state often reprimands the people in these foothills for several reasons, ranging from crossing the foothill border, farming in the disputed areas

with overlapping jurisdiction, and for crossing the border with goods.

This ethnography presents the daily lives of people living on the Nagaland-Assam foothill border. It records the interactions and networks they forge with the hill and the valley. It emphasises that the changes recorded in this foothill border are not regional in nature. On the contrary, the changes in this location are an example of how people have dealt with the globalising processes that began in the nineteenth century and continue to have their impact to this day.

## Significance and Structure of the Study

Using in-depth interviews and ethnographic methods, this study focuses on changes in agricultural patterns, processes of commercialisation, utilisation of natural resources and market relations among different indigenous and non-indigenous communities along the foothills. It highlights how communities manage different farming practices and how changes in land relations have affected the market economy of the people.

I conducted my fieldwork in two phases. In the first phase, I visited the Merapani-Doyang valley (Assam) and travelled across the border into the Lotha Naga village of Merapani (Nagaland). I conducted the second phase of my fieldwork in Gelekey (Assam), a foothill border town in Sibsagar district. Travelling to nearby villages around Gelekey, I visited Borohollah and Sonapur, which are settlements along the Laodoigarh Line near the mythical colonial boundary. As part of my second phase, I travelled along the Pioneer Road, which connects Nagaland and Assam and visited Anakiyimsen, an Ao Naga village engaged in coal mining and rubber plantation. I also travelled to Kangtsung and Anaki villages in Mokokchung District (Nagaland). (See Annexure 2)

This study focuses on communities inhabiting this border area and presents how they negotiate with changes here. This study is divided broadly into two sections. The first part presents the Merapani-Doyang Valley in Golaghat district (Assam). It also focuses on the Lotha Naga village of Merapani in Wokha district (Nagaland). The second section focuses on the villages along the Lahdoigarh line, a continuing site of border disputes between Assam and Nagaland. It covers three villages of Anakiyimsen, Kangtsung and Anakhi in Mokokchung district.

was a pecuniary package equivalent to the cost of the land. It was not a profitable economic package and was only symbolic in nature. An official document which records a compensation proceeding presents the comments of Alexander Mackenzie, the junior secretary to the government of Bengal in 1873 saying, "...the government must pay compensation, but it will be very trifling" (Mackenzie 1873).

The possibility of compensating the Nagas with cultivable land was rejected because the administration believed that this would result in similar conflicts regarding ownership and rights in the future. Naga villages were displaced and declared as illegal settlers, land grabbers and extortionists inside the newly declared British territories. Archival records from the beginning of the twentieth century extensively document the punishments meted out to the Naga perpetrators from the hills who ventured into the foothills (Foreign Department 1908). The implementation of regulations like the Inner Line Permit in 1873 prohibited outsiders from entering the Naga Hills and functioned as a mode of safeguarding colonial economic interests and served to corral the Nagas into enclaves and restricted trade and communication with other communities along the foothills. Such regulations enabled the administration to control the people in the hills while appearing to show paternalistic concern for their customs and livelihood. In reality, the contiguity of the cultural, political and geographical landscape that allowed the Nagas to trade, hunt, farm and fish were effectively reduced by such laws that kept them away from land that was being acquired by powerful European capital and converted into tea plantations.

After the establishment of plantations in the foothills, the borders between the Naga Hills and the colonial province of Assam were re-drawn several times, keeping the colonial economic and political interests in mind. Initially, the present district of Golaghat and Jorhat were part of Sibsagar district in colonial Assam. The borders between the three current districts were altered in 1882, 1898, 1901, 1902, 1903, 1913 and 1923. Ultimately, in 1925, G. T. Lloyd, Secretary to the

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<sup>1</sup> *There are different measures. Most of the villages measure their land in hectares, bhigas, loshas, or kathas. The standard conversion of measurement used for this study is: 1 hectare = 2.47 acres; 3 bhigas = 1 acre; 300 looshas = 1 acre (100 looshas = 1 bhiga); 15 kathas = 1 acre (5 kathas = 1 bhiga). I thank Gita Bharali for helping me out with this conversion.*

There are two places called Merapani. Merapani town under Golaghat district in Assam is a busy border town with markets that cater to several neighbouring villages in Assam and Nagaland. Situated along the Doyang reserve forest, it is also called the Doyang Valley. People in this town are mostly traders and cultivators. The Merapani-Doyang reserve covers an area of 24,635.77 acres<sup>1</sup> out of which Assamese people occupy 23,000 hectares (139 villages). Within Nagaland, the inhabitants of Merapani village are Lotha Nagas who possess around 1,000 acres of land. According to the 2001 national census the population of Merapani town (Assam) is about 150,000 while the population of Merapani village (Nagaland) is 1,586.

### **Colonial Practices: Plantations, Laws, Land Ownership:**

In 1873, an official notice from the Governor General's office in Calcutta ordered the colonial administration in the Brahmaputra valley to annex the tea plantations within the Naga lands and declare them part of British territory. This referred to the foothills along the province of Assam and the Naga Hills, where colonial administration converted large tracts of land into tea plantations. By the mid-nineteenth century, there were an increasing number of land conflicts between the colonial planters and the local people. For instance, the colonial planters generally paid the land tax paid in the foothills to the Naga people in the hills. However, this practice was labelled as 'extortion' when the colonial planters realised that the foothill plantation areas could be annexed and brought under the jurisdiction of the colonial law. Since the Naga Hills were excluded from the legal jurisdiction of colonial administration, questions about rights, boundaries and taxation were frequently raised by the plantation proprietors and Naga people alike.

Ultimately, the establishment of legal regimes empowered the colonial administrator to settle land disputes between the colonial planters and the Nagas. In such arbitration proceedings, the administration reserved the right to pass the final verdict over indigenous institutions and councils. Such practices not only diminished the powers of the indigenous institutions but also manipulated settlements. As a consequence, several Naga villages and lands in the Naga Hills were brought under British jurisdiction. The preferred method of compensation

Government of Assam, demarcated the boundary of Assam and Naga Hills (Ahmed 2005). This demarcation was carried out by following natural landmarks such as streams, trees and hillocks. Although this territorial demarcation was recognised as a legal border in post-colonial India, this demarcation led to several land disputes between the states of Nagaland and Assam. Natural landmarks such as streams often change course, villagers migrated to the forests during floods, and settlements took place. Such developments led to violent confrontations between communities at times, but these conflicts were often settled through community negotiations.

### **Merapani-Doyang Valley: Demography, Land use and Militarisation**

Communities in the Merapani-Doyang Valley (Assam) are roughly divided into Scheduled Tribes (ST), Scheduled Castes (SC), Other Backward Castes (OBC) and General Castes. The ST-SC and OBC consist of Ahoms, Chutias, Boro, Adibasis (often referred to as tea tribes), Mishings, Nepalese, Sonowal, Kachari, Thangals, Kurmis and Koibatra. The general class comprise of Muslims, Kalitas, Koch and Brahmins. The business community are mostly settlers from outside the Northeast. Table 1 shows the business communities and their occupation.

**Table 1: Business Communities in Merapani Town and Their Activities**

Community	Business Activities
Bengali	Cloth, grocery, hardware, electrical, stationary, jewellers
Marwari	Hardware, electrical
Punjabi	Automobile parts
Bihari	Barbers, laundry
Source: Field-data from Merapani town (Assam) November 2005.	

and the national and multinational companies. Monopoly of big companies and middlemen who control the price drastically affects the market of the small tea growers. Tealeaves that cannot be sold to

percent of the population in the Doyang valley were cultivators and only 5 percent were engaged in business activities. Even so, farming did not provide a yearlong supply of grains. 30 percent of the population bought rice from the market. At present there are about 532 self-help groups (SHG) in the Merapani-Doyang Valley area. The SHGs function well. For instance, the Aditya SHG made an annual profit of approximately 10 million rupees<sup>2</sup> in 2005. Aditya SHG has expanded its business activities. Currently, it oversees the poultry and piggery farms along with several fisheries and horticulture. It has also started a transportation service to carry both the farm products and passengers along this border.

Residents in the Merapani-Doyang valley have transformed their sugarcane farms into small tea plantations. Generally known as small tea growers, many of them pointed out that they made the crop switch after the Assam government shut down the sugar mill in Barua Bamun Gaon in 1993. The small tea gardens that replaced the sugarcane farms are not doing well. According to the small tea growers, they are running at a loss because the prices of tealeaves are controlled by the middlemen and the multinational companies. While the farmers in the Merapani-Doyang valley (Assam) engage in cultivating commercial crops, their counterparts in Merapani village (Nagaland) cultivate mostly for personal consumption:

Table 3 shows the price difference between the small tea growers  
**Table 2: Commercial crops and Individual consumption in Merapani**

Commercial crops in Merapani (Assam)	Individual consumption in Merapani (Nagaland)
1. Tomato	1. Rice
2. Cabbage	2. Brinjal
3. Ginger	3. Potato
4. Capsicum	4. Chilli
5. Potato	
6. Bitter Gourd	
7. Sugarcane	
8. Patchouli (aromatic plant)	
Source: Merapani town and village (Assam/Nagaland), October 2005	

<sup>2</sup>Approximately \$212,600.

**Table 3: Tea Owners and Selling Price (/kg)**

Tea growers/companies	Selling Price of Tea
Small Tea Growers	Between 3-4 Rupees
Tata Tea	14 Rupees
Williamson Magor	14 Rupees
Assam Tea Corporation	14 Rupees and above
<i>source: These are approximate costs gathered from Merapani (Assam), 2005</i>	

the factories are thrown away, since small growers lack cold storage facilities and government subsidies. In order to sustain themselves, they also cultivate other crops. Puneram Thengal is both part of the small tea growers and a farmer and a recipient of the 'Ideal Farmer' award<sup>3</sup> 2003. Apart from his small tea plantation, he cultivates paddy, beetle nuts, coconuts, black pepper and vegetables. He owns around 50 acres of land and employs both local people and Bengali-speaking Muslims as daily wage labourers to work in his fields. He also owns 95 fisheries. He informed us that he has also encroached on an additional 16 acres of government land in the reserve forest area. For it he pays a land tax of Rs.1.80 (one rupee, eighty paise) per acre to the Assam government. Table 4 highlights the two annual rotations of crops in the Doyang valley as outlined by Thengal:

**Table 4: Rotation of Two Annual Crops at Marua Bamun Gaon**

Mr. Gogoi, an active member of the District Agriculture Field Management Committee pointed out that farmers also experiment with hybrid crops like Suruchi and KRH2 brands of rice from the federal units of Jharkhand and Kerala respectively. Such activities are

Months	Crops
November – December	Cabbage (3 months), tomato (45-50 days), French beans (45 days), potato (3 months), capsicum (45 days)
January – February	Harvesting
February – March	Ginger (1 year), yam (8 months), tea (plucking season March to December 3rd week), beans (45 days)

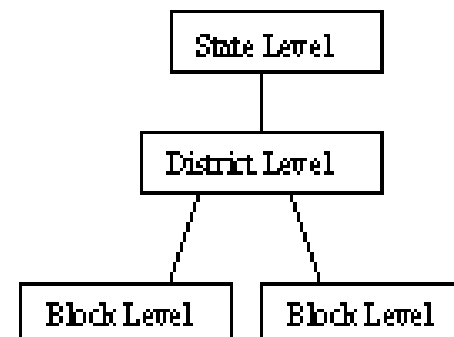
<sup>3</sup>He was given this award for his bumper harvest of beans on 2 acres of land. He sold the beans in the market for Rs. 90,000/- (approx: 2,250 dollars)

Months	Crops
April	Paddy (3 months for cultivation, 3 months harvesting), Black Pepper
May	Tea Plucking
June	Paddy cultivation
July	Paddy cultivation
August	Black pepper harvesting
September	Paddy harvesting
October	Paddy harvesting, tea plucking
Source: Related by Thengal, November, 2005	

mobilised through organisations like the Green Valley Field Management Committee. This committee mobilised farmers at the village level and operated as an agency to disseminate information, create markets and generate awareness on various government subsidies.

### Structure of Green Valley Field Management Committee Merapani (Assam) 2005

This society is active in conducting awareness campaigns for government incentives regarding banana plantation in the area. One of the Women's SHGs in Nobogram village, formed in 2002 and involved in banana plantation, is called the Milan Joyti Self-Help Group. Since



its formation this SHG has been active in several small-scale self-financing activities. The members took up mushroom farming for a year. The SHG paid Rs. 20 for 200 grams of mushroom seeds. Once the mushrooms were ready, they sold them in the market for Rs. 60 per kilogram. The net profit from this venture was Rs. 600 per family. Recently, along with the profit and a government subsidy, they managed to purchase a tractor, which was rented out to farmers in the village on a monthly basis.

However, members of the Milan Jyoti SHG spoke of their apprehension about venturing into new business. They said that they were not interested in their current banana plantation project. However, since the government gave them 3 acres of land and sold them the banana saplings to start the farm, they went ahead with the project. The members were worried about the labour charges to clear the plantation site, which came to Rs. 25,000. Currently, it costs about Rs.1,600 per day to maintain the banana farm. The members were unhappy since the government offered no help in maintaining the farm. Worried about the existing situation, the members were doubtful if the plantation would be ready for its first harvest in nine months as assured by the government agency. A member said, "We are not sure about this piece of information. These saplings do not look like they will be ready for harvest in 9 months. It has become difficult for us to maintain the plantation as we are facing financial problems".<sup>4</sup>

When asked about the market for the bananas, the SHG members stated that the government had assured them that a banana market would come to the Merapani-Doyang Valley. If the government helps them to sell the bananas, the members would be saved the trouble of carrying their produce in carts and cycles to community bazaars. The Milan Jyoti members are involved in raising funds and sold lottery tickets for their group. Each member contributes Rs. 25 weekly to the group fund. They said that their spouses encouraged them to continue with the SHG. However, since the SHG started in the village, the members' responsibilities have increased drastically. Every Milan Jyoti member works two shifts in the farm. They have to work in their family farm and then in the banana plantation.

<sup>4</sup> Interview held in Nobogram village (Assam), November, 2005.

The Naga village of Merapani (Nagaland) does not get government subsidies as the Merapani town in the Doyang Valley (Assam) does. It lacks proper roads and basic amenities like health centres, proper schools and markets. The locals from this Naga village travel to Merapani town in Assam for all their needs. Their dependence on the market in Assam makes them vulnerable targets of the Central Reserve Police Force (CRPF) and other State authorities posted in this foothill border. The Naga village refers to their customary law and practices and say that they do not have land records and documents. Land holdings depend on self-occupation and on how much a person can cultivate. The farmlands have not been allotted by the government since the people live in a community land ownership system. The land holdings in the village vary from 3 to 30 acres per family.

As in the Naga village of Merapani also the people of Merapani-Doyang valley (Assam) do not have proper land documents. Hence, the inhabitants of this foothill border have to seek permission from the CRPF to carry out activities like constructing and renovating houses. Many residents said that the CRPF stationed in the border are corrupt and demand bribes. They claimed that a house owner on this border pays a minimum of Rs 500 to the sector commander of the CRPF.

Residents of this border area do not have land documents because of the political changes imposed on the geography of this border. The Doyang reserve forest was de-notified and opened for human habitation in 1978. Several local people from the border cultivate and use this

**Table 5: Process of Tax Payment and of Village Formation**

Tongia Gaon (Peonage village)	Every family sends a member of their household to render free labour to the government for 5 days in a year.
Bon Gaon (Forest village)	Under this stage in lieu of rendering labour, a sum of Rs. 100 as tax is paid to the state government annually.
Revenue village	These villages pay a direct tax to the Mauzadar (tax collector) according to the land holdings of each family.

Source: Personal interview (Merapani) November, 2005.

de-notified reserve forest now. However, the government has not issued any land documents to the local people till date. For almost 3 decades, the authority to sign and stamp temporary land documents, allowing residents to stay on and build/repair their houses in this area, rests with the border security forces like the CRPF. Officially, there are stages for recognising human habitations as government-recognised villages. These stages are based on different land tax and revenue collection system. Table 5 shows how different types of villages pay their taxes, ergo, at what stage they are in the process of transition to fully recognised revenue villages:

However, the situation in the Merapani-Doyang Valley is the consequence of the interplay of colonial laws and regulations, a series of border demarcations and the current border dispute between the governments of Nagaland and Assam.<sup>5</sup> One may ask where the border was when Nagaland was formed in 1963 and what measures were applied to draw the line. When this question was posed to Rakhamo Lotha, one of the oldest residents of Merapani village (Nagaland), he shared his experiences about drawing the boundary line. In the 1960s, he was arrested and imprisoned for entering the forest in the foothills. He was released on bail but a case of encroachment was filed against him by the Assam government. The Assam government sent a lawyer to identify and demarcate the border. Rakhamo explained:

...the case started, but there was no boundary pillar. They (Assam) searched but they could not find any boundary pillar...there was an anthill and a ximolu tree and that was declared as the boundary. The lawyer told us: 'Hey Naga, listen...if you see an anthill and a ximolu tree, remember that it is the forest boundary and if you cross it you will be caught again'. And he laughed. They dropped the case against me and I came back to my village.<sup>6</sup>

<sup>5</sup>For instance, the Sundaram Commission report of 1972 rejected the several historical claims of the Nagaland government. Such reports and processes led to an increase in violent conflicts between the border communities. The situation deteriorated with political and security force interferences. Every story since then has been often given a 'border conflict' angle while in reality it may have been a small personal fight between two individuals.

### Border Security and Local People

Because of such uncertainty, increasingly over the years, the government has bestowed enormous power on the security forces stationed here. They often take over the role of the civil administration to regulate the daily activities on the border. But security management of the border often results in conflicts between the local people and the security forces.

Akhil Gogoi, a member of the Doyang Mukti Sangram Samiti (Organisation for the Freedom of Doyang) pointed out that this area is divided into four sectors: A, B, C, and D. This area is rich in natural and mineral resources, especially petroleum. Gogoi gave a quick estimate of the oil in this area. For instance, the Rengma reserve forest has six oil fields. An oil-tanker operating on this border carries oil worth Rs.12,000 to 16,000 per day, and a single oil field produces 50 tankers of oil per day. The price of crude oil is Rs.17.30. Due to the presence of oil in the Rengma reserve forest, this area is heavily militarised. The CRPF stationed on the border does not allow local organisations to hold any meeting without their permission. Punishment is meted out for organising local meetings, and Section 144 Indian Penal Code (which declares an assembly of more than 4 persons unlawful) is imposed on the border indefinitely.

***Akhil Gogoi's experiences about organising a citizens' meeting in Merapani, Assam:*** In the winter of 2004, the Doyang Mukti sangram Samiti was organising a citizens' meeting in Merapani regarding land settlement and the border issue. We saw some local co-operative society shopkeepers bringing kerosene in 5 pushcarts. The CRPF stopped the pushcarts and demanded to see the licence for transporting the oil. After discovering that the co-operative society was a legal licence holder, the CRPF demanded bribes, which the co-operative society refused to pay. The CRPF beat up the labourers who were transporting the kerosene. At that moment we proceeded towards the area and asked the CRPF: "What right do you have to extort and see their license? You have to control law and order. You have nothing to do with everyday activities here. We have a government and a civil authority

<sup>6</sup>Interview held in Merapani (Nagaland) on 25 October 2005.

to regulate the functioning of these affairs”. The CRPF threatened me and came back with reinforcements. The CRPF commandant of the sector 9 D came and the security personnel identified me. The CRPF commandant physically abused me. At that moment, I questioned them, “what are you extorting from us?” The pushcarts were allowed to go, but the CRPF tried to take me to their camp. The women surrounded me and saved me. Although I managed to escape finally, my house in Golaghat was searched by the CRPF and I had to go into hiding. However, 15 days after the incident, 2 young persons from Wokha district in Nagaland were murdered by the CRPF. They had surrounded the CRPF camps to burn the place because of the human rights abuses that the Naga villages face at the hands of these security personnel. The Assam Police was also involved in this crime since they sided with the CRPF. It was the Assam Police who mobilised and instigated the Assamese public living in the border area to rise against the Nagas. Local politicians from mainstream political parties like the Congress were involved in this mobilisation. They harassed and chased away the Naga youth to protect the CRPF camp. Only the Doyang Mukti Sangram Samiti supported the Nagas and a solidarity team went up to the Nagas. I say that the border dispute is a state problem but the state makes it a people’s conflict. The security forces posted in the border areas intentionally create tension in the borders to keep the situation ‘under control’.<sup>7</sup>

Several villages along the Assam-Nagaland border such as Surupathar, Uriam Ghat, and Rengma Pani have been taken over by the Indian security forces, rendering the village councils and other tribal bodies powerless. If an outsider or a vehicle enters the villages, it is mandatory for its village headman to report the activity to the CRPF immediately. The village councils and institutions are made to work as informants for the CRPF. The local people told us that the security forces also rig the customary election of the village headmen in the border villages. As a result, in practice in several villages the headmen are appointed by the police stations and the CRPF camps.

According to the local people, the incidents of violence are often blown out of proportion by the state and the local media. Petty crimes

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<sup>7</sup>This interview was held in Golaghat (Assam) on 26 October, 2005.

like theft or personal brawls in the market area are often reported as fights linked to the border dispute. Daily activities are often reported as border conflicts. For example, a few years ago, when a banana tree was cut down during a road construction in a Naga border village, the incident was reported as an encroachment move: When a bull died on the border, the incident was reported as an attack from the Nagas. The focus of the border conflict is usually around the 10 percent of the border area where Nagas have settled. Yet, several people pointed out that most of the disputed borders were encroached upon by tea plantations.<sup>8</sup> The plantations continue to evict, displace and encroach on community lands on the borders.

In order to maintain the law and order situation, the CRPF was deployed as a neutral force in the 1990s. However, the security personnel stationed on the Merapani foothill border indulge in violent abuses. This camp regulates the movement of people at the check gate. Local people spoke of the “security extortion” at the check gates, where commodities such as firewood, vegetables and rice are often seized. The transportation of these goods is legal, but since the civil administration does not address the public grievances against the CRPF personnel, such practices have flourished. Daily encounters with the security guards at the check posts are unpleasant for the local people. While the border security forces confiscate goods and regulate movement, illicit activities are rampant. According to Michael Odyuo, the chairman of the Lotha Hoho<sup>9</sup>, drug peddlers from Merapani town in Assam are allowed to settle in the border areas. He described how the security forces are involved in allowing the illicit business on the border:

“Once we caught a drunkard with 12 bottles of alcohol. We handed him over to the CRPF and they gave the bottles back to the peddler. The peddler give a percentage to the CRPF and no one is following up on these malpractices. On our part, we hand over these peoples to the authorities.”<sup>10</sup>

Michael Odyuo further pointed out that the relation of the Nagas from the hills and the people from the Assam foothills preceded colonialism. He said that since the time of their forefathers, the Ahoms

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<sup>8</sup>This interview was held in Merapani village (Nagaland) on 5 November, 2005.

<sup>9</sup>The Hoho is an indigenous tribal institution that constitute a major segment of Naga civil society.

granted khats<sup>11</sup> to the Nagas. Michael's village, Bhandari, (the present sub-divisional headquarters of Merapani village), was given two khats. Villages gathered in the khats to settle conflicts. However, the khats were also established as tax collection institutions from the people in the foothills. The government of Assam banned the khat tax collection system in 1974.

In 1985, the state of Nagaland and Assam decided to maintain a status quo on the border dispute. However, an increasing number of Bengali speaking Muslim and Nepali settlers have settled in the area. Since these settlers occupy the buffer zone in the foothills, the situation often becomes volatile. The people from the foothills on both sides of the border (Nagaland and Assam) said that the border issue is highly politicised. Media reports, positions of political parties, and various power dynamics operating in the foothill border might appear overwhelming. Yet, the following section shows how social relations can go beyond appearances when circumstances and histories offer alternate ideas.

### Markets and Memories along the Lahdoigarh Line

This section highlights the social relations, trade and communications between Nagaland and the foothills of Assam. It presents the changes and transition among communities in Sibsagar district (Assam) and Mokokchung district<sup>12</sup> (Nagaland). This section is divided into three themes:

- a. Social relations and Markets
- b. Agricultural patterns and Land System
- c. Borders, plantations and taxes

<sup>10</sup> This interview was held in Merapani village (Nagaland) on 5 November, 2005.

<sup>11</sup> Khats are social and territorial limits that are codified in certain relations of exchange and reciprocity and a term that is common in Tai language and political systems. I am grateful to Sanjay Barbora for explaining the significance of this term.

<sup>12</sup> Field data from three villages under Mokokchung district, Nagaland; Anakiyimsen (70 households. Population: 350 approx) Kangtsung (718 households. Population: 5883 2001 census) Anakhi (346 households. Population: 1730 2001 census)

### Social Relations and Markets between the Hills and Foothills

Describing the social history of interactions and networks between the hills and the foothills, Simon Longkumer from Kangtsang village narrated the oral history of his village. According to Longkumer, the first settlers of this village originally came from Ungma village around 1822. After the village was set up, a group of 7-8 elderly men from Kangtsang village went to meet the Ahom king in 1825. They carried frankincense, flour, bamboo and wild berries as gifts. Although the village had cleared the forest and paved a path to the foothills, there were conflicts between Kangtsang village and people from the foothills. Since they did not understand one another, they either fought or ran away when they saw each other. When the elders from Kangtsang went down to meet the Ahom king to talk about this problem, they were received and honoured as state guests. During the meeting, the king said, "You don't kill us and we will not kill you. We will keep on meeting one another in the foothills; let us open a Naga bazaar." Simon said that people on the foothills and the hills still visit the bazaar. Now it is also known as the Haloating Bazaar.<sup>13</sup> The roads that the Nagas built in the foothills were also used by the colonial administration which established tea plantations in the foothills around 1840-41.

Today, people from Kangtsung and other Naga villages like Anakiyimsen and Anakhi in Mokokchung district continue to travel to the foothill towns and markets like Gelekey, Amguri and Sibsagar. The following chart presents the economic activities in the foothill markets.

#### Table 6: Items Traded Between the Hill Areas and the Foothills

A Naga village, Anakiyimsen, has rich coal deposits. Imli Onan, the Anakiyimsen village chairman, pointed out that coal trade and rubber plantations form an important part of the village economy. Currently, individuals engaged in the mining business pay a tax of Rs. 48 as

<sup>13</sup> Besides the Haloating Bazaar, several bazaars established during pre-colonial exist where the people from the hills and valleys continue to meet and sell their goods. Some of these bazaars were closed down when the colonial administration drew boundaries and restricted movement of people and good. At the same time, the colonial administration also set up haats or markets along the foothills. The establishment of these colonial markets enabled the administration not only to collect revenue but also control the market regarding the flow of goods. These markets served the needs of the colonies and also became sites where commercial transactions of raw materials from the hills such as cotton and indigo took place.



forest revenue to the Government of Nagaland. The current market price of 1 tonne of coal is Rs. 1,500. This village has also converted large tracts of communal land into rubber plantations. The village saw

<b>Products brought down to the foothill markets</b>	<b>Products purchased from the foothills markets by Naga villages</b>
Food: Yam, potatoes, ginger, bamboo shoots, chilli, bananas, seasonal fruits like oranges and wild berries, tapioca	Food: Tomatoes, beans, rice, salt, meat, fish, milk powder, sugar, oil, flour
Other products: Broom, bamboo mats, coal, firewood, timber, beetle nuts, pan leaves, rubber	Other products: Medicines, kerosene oil, farming equipments, cattle, miscellaneous products like batteries, clothes, shoes, household goods.
Source: Personal interviews Anakhi, Anakiyimsen, and Kangtsung (Nagaland)	

come down to trade here.

A majority of the traders from Anakhi village who visit the foothill markets are women. The role of women is significant in the farms, homes and market as well. When asked about the regular schedule of a woman in Anakhi village, many of them came up with the same answer: a hectic work plan from dawn to dusk. The womenfolk work both in the fields and take care of the household. Liethi Phom,<sup>15</sup> aged around 48 and mother of six children summarised her daily routine as follows:

I wake up at 4 am and wash up. After that I feed the pigs and then cook for the entire family. I go to the fields by 8.30 and come back around 4-5 pm ... it depends. During the summer I work longer in the fields, but I have to come home by 4 pm during the winter. On my way from the field I carry in my basket pig fodder and vegetables for our consumption. After I arrive, I clean up the house, cook dinner for the family, wash the children and then wash the dishes. I serve dinner for the entire family.... the family goes off to sleep around 7-8 pm, but I go to bed around 9-10 pm. I clean up the kitchen, dishes and cook food for the pigs..."<sup>16</sup>

Women traders from Anaki shared about their experiences in the

this move as a practical decision, since the soil is sandy and unsuitable for paddy cultivation. This village has no dearth of markets for coal and rubber because of its proximity to the foothill towns. The coal and rubber market is a stable one and the village has not faced any financial loss. However, there are grievances against the Government of Nagaland for neglecting the construction of roads and infrastructure in the village. Due to bad roads, most products from the village are transported to the foothill markets on bicycles. Although four-wheeler trucks enter the village in the coal mining season (November-April), the village is largely dependent on the foothill towns and markets to sustain its economy.

Unlike Anakiyimsen village, which is located close to the foothill border, Anakhi village is located at a mountaintop in Mokokchung district (Nagaland). The residents of this village frequent the foothill markets but the condition of roads in the village is poor and that affects the village economy. Anaki village was established in 1889. A majority of its residents belong to the Phom tribe, while there is a small population of Ao tribe. Ever since the village was established, people from Anaki village have gone down to the foothill bazaars to buy and sell their products because of accessible foothill paths. The village practises jhum (swidden) cultivation<sup>14</sup> and 75 percent of their produce are sold in the foothill border markets. Due to jhum cultivation, a majority of the households in Amaki buy rice from the foothill market for six months of the year. Their economic activity with the urban centres in Nagaland is minimal due to lack of infrastructure like roads and a transportation system. The nearest sub-divisional headquarters Tuli (in Nagaland) is 27 kilometres from the village, whereas the Naga bazaar in Singibil (in Assam) is only 7 kilometres away. Although there are two market days in a week, Tuesday and Saturday, the latter is more important for the people in the hills. According to the residents in Anaki, around 3,000 people gather in this bazaar every weekend. Naga villagers also from Namsang, Tamlu, Anaki, Kangching, Shemuyuching and Ngenchong and other villages

<sup>14</sup> In jhum cultivation, the farmers generally plant both rice and vegetables in the fields. Unlike terrace cultivation, the entire field does not consist of paddy.

<sup>15</sup> This interview was conducted on 26 October, 2005 in Anakhi village, Nagaland. The interviewee is a resident of the village.

foothill markets as both 'good and bad'. But all of them frequently face unpleasant experiences from the valley customers when they refuse to sell their wares at lower prices. Alemla, a farmer and trader in her mid-twenties, explained the situation as:

We go down to the valley with a lot of difficulty. But I feel that the people in the valley bargain too much. It is our loss both ways. We are forced to sell them our produce at the prices they demand, because we have to dispose off the goods. We cannot carry them back to the village since we have to climb up the hill. So even if we are paid less, we just give it to them and come back to the village...we are unhappy because the valley people always force us to sell our goods at a very low rate. We do not know any other market to sell our goods so we go to the same market. But in the valley, every product is becoming expensive. Moreover, their goods have fixed prices. We cannot enter their grocery stores and bargain for the price of sugar or salt. That is not the case with our goods. The price of our goods has remained static and yet people continue to bargain for it...we carry our goods on our head and go down. The maximum weight that a woman can carry on her back is 15 kilograms as she climbs downhill to reach the market. But the traders in the valley bring their products in trucks. They bring the goods from far away places but their vehicles can carry much more than we do, so they make more money.<sup>17</sup>

Due to these problems, the women have begun to cultivate only vegetables that fetch a good price in the market. For instance, yams, pumpkin or squash are heavy vegetables but do not fetch good money in the market. A basket of yams fetches around Rs. 100 but a basket of ginger can fetch anywhere between Rs. 200 and 300. It is largely the women folk who decide on the crops to cultivate in the farm. Table 7 illustrates the rise in the price of essential commodities in the foothill markets in 2004 and 2005.

But prices of goods from the village have remained more or less static. Women in the village do not use standard weights and measures to sell their goods. They use their hands or a tin cup for measuring

<sup>16</sup> Group discussion with Deborah Society in Anakhi (Nagaland) on 27 October, 2005.

<sup>17</sup> *ibid*

the quantity of their products. For instance, a handful of produce like chilli or ginger costs around 5 rupees, while a tin cup of jhum rice will cost 10 rupees. Table 8 shows the price difference between the produce from Anakhi village and the goods that are sold by valley traders in Gelekey market.

While women from Anakhi village are very active, men help out

**Table 7: Products Sold in the Valley Markets and Their Price**

Products in the Valley Markets	Price in 2004	Price in 2005
Fish	Rs. 50/-	Rs. 80/-
Sugar	Rs. 20/-	Rs. 25/-
Kerosene	Rs. 16/-	Rs. 20-22/-
Cereals	Rs. 30/-	Rs. 35/-
Meat	Rs.70/-	Rs.100/-
Source: Deborah Welfare Society, Anakhi (Nagaland)		

in cultivation and other activities like constructing houses, clearing forests and settling village disputes. After men clear the forest for jhum (swidden) and build the rest camps in the field, women take charge of the cultivation from there. Although women handle various responsibilities for sustaining the household, their participation in the social and political arena in the village is limited.

### Agricultural Pattern and Land System

Agricultural practices in the villages (except Anakhiyimsen in the

**Table 8: Price Difference between Anaki Village and Geleki Town**

Products in Anaki village	Prices of Anaki	Market prices of Gelekey
Yam	Rs. 5/-	Rs. 10/-
Potato	Rs.10/-	Rs.16/-
Ginger	Rs. 15-20/-	Rs. 40/-
Cucumber	Rs. 5/-	Rs.10/-
Sichuan pepper	Rs.10/-	Not available in the market
Squash	Rs.6-7/-	Rs.12/-

Products of Anaki village	Prices of Anaki	Market prices of Gelekey
Pumpkin	(According to size of the produce);	Rs. 12 per Kilo gram
Egg plant	a small one Rs.10/- big one Rs. 15-20/- Rs.6-7/-	Rs.10/-
Chilli	Rs. 15-20/-	Rs.30-40/-
Oranges	A packet of cost anywhere between Rs.20-40/- (One packet of oranges contains 80 pieces).	Rs.30 per Kilo gram
Broom	A bundle cost Rs. 5/- (contains around 40 broom sticks )	A bundle cost Rs. 10/- (contains around 18 broom sticks)
Source: Deborah Welfare Society, Anakhi (Nagaland)		

around 3 years back, there have been problems. The bamboo dies after flowering. So, it takes another 5 years for it to grow in this area...for it to turn into organic manure.<sup>19</sup>

There are strict regulations for buying and selling of cultivable lands around the village. The boundary lines around the villages are usually natural land marks like trees, stones and streams. No one is allowed to sell land to outsiders. However, there are rare instances

of land has undergone a transformation. Increasing number of

Month	Yearlong Activities of Jhum Cultivators
January-February	Clearing forest continues
March	Burning the forest and clearing for jhum cultivation
April	Planting season
May-July	Weeding and tending the farm
August-September	Harvest
Source: village council, Kangtsang (Nagaland)	

foothills which has rubber plantations) Kangtsung and Anakhi are mainly centred round jhum (swidden) cultivation. Since this is an important cycle for the people, Table 9 presents the year round activities.

The village council lays down the rules and regulations for farming. In Kangtsung, the council discourages the villagers from cultivating any land less than 2 acres. According to their customary law, residents in Kangtsang are prohibited from cultivating or cutting down trees inside the village community forests. However, if a family that does not own any farm requests the village for a plot of land to cultivate for household consumption, the village usually considers such requests and allows the family to cultivate inside the community forest. Normally, there are two rotations of jhum harvest annually, where each family in the village cultivates an average area of 6 to 8 acres, although the average family's cultivable land holding is around 25-30 acres. The village has not allowed any institution to measure or make an estimate of the community lands since their customary law prohibits land measurement.

Apart from rules and regulations for farming, the village council in Anakhi prohibits construction activities inside the village during the cultivation season. If any village member breaks the rule, he has to pay a monetary fine to the council. Pongshen Phom, the village chairman of Anakhi explains how the village council oversees this function:

October-December is the forest-clearing season. During this time, the village prohibits individual activities like building house or going out of the village. If anyone does not observe this rule there is a fine of Rs. 50/-. During September-October the village kills pigs, cows and there is a week long meeting. The council gathers together for a feast and checks the annual rules and regulations of the village. This is the time when we deal with the defaulters in the village.<sup>18</sup> These regulations are observed in the villages. Every year, January is set aside for repairing and constructing houses. But jhum has suffered due to the declining fertility of the soil. Local residents cite several reasons for it, the most acute problem being the flowering of bamboos. Tauyan, a resident of Anakhi said:

In the past when the forest was cleared, the burnt bamboo served as good manure. But ever since the bamboos have started flowering

<sup>18</sup> This interview was conducted in Anakhi (Nagaland) on 30 October, 2005.

individuals in the villages prefer written agreements and official sale deeds. People frequently sell lands and mortgage parts of their farms for financial needs such as education and medical emergencies. Women and children are the worst sufferers. Describing the situation, Lemdung from Anakhi village said:

There are problems we face in this village. When a woman has a complication during childbirth, then people have to carry her on their back and take them to the nearest health clinic. There is no money to buy medicine even if people fall ill in this village...<sup>20</sup>

The village council members from Anakhiyimsen also point out that there are no school teachers and no medical facilities. Even for minor ailments like headaches and stomach aches, they have to go to the foothill towns.

According to their customary law, land can be mortgaged or sold between households in the village. But the village council has adopted some changes in addressing land disputes. Mete Phom explained that in his forefathers' times, they used to practise the ritual of 'eating the earth'. This ritual was a solemn oath-taking process. Both parties would eat a piece of earth from the disputed land. It was believed that the party that was at fault would die. However, now contesting parties pay a sum of Rs. 10 as litigation fee to the village council. Once the case is settled, the party found guilty is required to pay a monetary fine ranging from Rs. 500 to 5,000 to the village council. But people still prefer to approach the village council and avoid the state legal system like the court for solving disputes in the village. Wangtha, a farmer who regularly uses the village councils, gives his reasons as follows:

Our system is different. Every village is under a village council or village forum. Whenever conflicts arise, we try to solve the issue among ourselves. We do not want the government to interfere. We also want minimum interference from the state police. But in the Assam valley, even if two people fight they run to the police. It is the police who regulates the community.<sup>21</sup>

The Naga villages in the hills have strong notions about the state regulation and controls on the valley societies. Yet, in the case of

<sup>19</sup> This interview was held on Anakhi village (Nagaland) on 29 October, 2005.

<sup>20</sup> A group discussion with Deborah Society, Anakhi (Nagaland) on 27 October, 2005.

the foothill border dispute, the Naga village councils and the foothill villages have worked together to negotiate the foothill border. Initiatives and forums, without the state's help in many instances are formed to talk about daily experiences and activities of the local people in the foothill border.

### **Border, Plantation and Tax**

Nilikesh Gogoi, a member of the Ximanto Basi Nagorik Summonai Samiti (Border Citizens' Co-Ordination Committee) shared an incident that typified the politics of plantations in the foothill border. Some years ago a plantation owner entered into an agreement with the Nagas to pay tax for the tea estate, which was inside the Naga cultivated lands. After some years, the plantation was sold to a new planter. When the Naga village went to collect the land tax, the manager informed the Assam police who caught and jailed the Nagas. The Naga village member in return forced the owner to close the tea garden extension, which was inside their lands, and demanded a security deposit in cash in order to have it re-opened. However, the Assam state authorities retaliated by extending the police camp of the Assam Battalion to Chemnising village (inside the disputed border area). Today, the tea garden continues to operate with state protection.<sup>24</sup>

Such stories have uncanny echoes in the colonial documents, which highlight land disputes and taxation conflicts between the colonial administration and the Nagas. Gogoi's story could well be documented as a pre-modern debt-peonage system that confronts the modern state machinery with disastrous consequences for those still using the indigenous system. The modern state machinery relies on un-ambiguous rules and policing, in case the rules are broken. Customs and traditions, can, in some instances, be sacrificed for the sake of fixed and unchanging legal fictions like ownership, property, theft etc. Such events place Naga inhabitants of the border areas at a disadvantage, as they are still perceived to be outside the realm of the ownership and property regimes induced by the plantations. For the law that protects the plantations, the Lahdoigarh Line (colonial demarcation) is not just

<sup>21</sup> This interview was held in Anakhi (Nagaland) on 28 October, 2005.

<sup>24</sup> Interview with Nilikesh Gogoi, November 5, 2005; Geleky.

a line on the map. It is a legal and historically constituted metaphor that continues to keep the Nagas out of a valley where plantations are heavily policed.

The border villages are dependent on one another. Activities such as cattle grazing and access to forests overlap. Many of the local people here have adjoining farms. Yet the militarised borders often create conflicts between the local residents living on the border. In 1962, the Government of Assam imprisoned members from Kangtsang village in the Jorhat Jail for six months. This action resulted in a series of unpleasant conflicts among villages on the border. Once again, in 1974, there was a bloody land conflict between Kangstang village and the valley residents. Many suspect that the 1974 conflict was instigated by the Assam Forest Department. Simon Longkumar narrated some of the past conflicts and how the people from the border came together to resolve such violence.

We went down and burnt vehicles and attacked people. There was a case in Tuli. In 1975 the council took up the issue and in 1978 the council went to Tuli and resolved the case. From then, we formed a committee comprising Naga villagers from here and the people of Gelekey. We resolved to settle disputes amongst ourselves. How did the conflict start? Is it really a conflict? This was what we would ask one another. Till now, we try to maintain this protocol. Since then, there has been no major conflict as we try and work together...when we have problems the valley people help us and vice-versa.<sup>23</sup>

On the foothill border, many of the new residents who settled in this area around the 1980s continue to pay taxes to the Naga villages like Anaki. Although the new settlers said that it was the Government of Assam who permitted them to settle in these border areas, the Naga villagers state that some of the foothill areas are their community land that they continue to regulate forest resources and bamboo groves. If any settler cuts down trees, the fines vary from Rs.100 to 1,000. The settlers are mostly into rice and vegetable cultivation and include several ex-tea tribes and Nepali-speaking people. While some of them are cultivators, many of the ex-tea tribes are daily wage labourers.

The new settlers on this border are cautious to talk about the border. A majority of them said that they did not feel like saying

<sup>23</sup> This interview was held in Kangtsung (Nagaland) October, 2005.

anything because they were not sure where the borders were drawn. However, Nobal Hangrai, a Nepali-speaking settler from Borohollah village, said that he was aware of the territorial dispute. His father, a labourer in the Naga Hills, came down and settled down here around 1963. Nobal said that he inherited around 16 acres of land from his father and was engaged in paddy and vegetable cultivation and has a cattle business. According to him, this village land was given to the settlers by the Government of Assam in 1952. A person called Bimol Gogoi cleared the forest and established this village. He said that between 1966 and 1969, this village paid revenue to the Assam government, but currently the Government of Nagaland has officially recognised this village as belonging to the Nagaland state. Since then, the inhabitants of Borohollah have paid their village tax to the Nagaland government. Settlers in these borders did not have any land titles, and very few sold their land. All the settler communities trade with the markets in Assam, since there are no accessible roads to Nagaland. Referring to the Nagaland-Assam border conflict, Nobel voices a common view of many other settlers:

...we don't know the border. The Assam government says that it is near the Pioneer Road; the Nagaland government says that it is at Borohollah. But both governments are of little help to us...there is no electricity here. Then there is malaria, tigers, elephants, Naga rebels, Assamese insurgents, starvation...what can we do?" We have no power to decide anything...<sup>24</sup>

These villages have voting rights in both Nagaland and Assam. Inhabitants go down to voting centres both in Nagaland and Assam during the elections to cast their votes. They point out that voting does not empower people, but these activities were security mechanisms as they had to be cautious not to upset the rival states. According to these settlers, electoral politics at least allowed them to feel that they were citizens.

The situation can be summarised in a metaphor from Anaki village: the history of the borders, taxes and how the conflict can be settled: (From the field diary)

<sup>24</sup> This interview was held in Borohollah village (Nagaland-Assam Border) on 25 October, 2005

Even among brothers, a division takes place of the father's property. In the same manner, there was an understanding that the people from Assam would proceed only this far and the Nagas also knew that they could not go beyond a place. When the British came they started showing us maps and demarcated territories. Even if the Nagas objected to it, they had to obey because it was a command. ... now the government of Assam, Nagaland and the Central Government are looking for ways to settle this case. They are searching for what the British had written down years ago. Even if we really want to go back and raise other issues, it is difficult to overlook what the British had done in terms of demarcating the boundaries. It is important to remember that if the Nagas get inside the Assamese lands then it is important to pay tax. In the same manner, if they come inside lands that belong to the Nagas they should also pay tax. Taxes should be paid to the rightful sovereigns. In the Gelekey area the Assamese still pay taxes to the Nagas because they live on the Naga people's lands. In Singibil the Nepali basti pays taxes to the Naga village in the hill. Even in Merapani the situation is similar. The Nagaland police gate is in Mariani. But the Assam police have their camps in Noklak. That is at least 15 kilometres inside the Naga areas if you go according to the boundaries. The boundary can never be a straight line. It will always be uneven.

### Conclusion

The Lotha Naga village of Merapani (Nagaland) and Phom village of Ankahi (Nagaland) lack basic health, educational or economic infrastructure. Although the Merapani-Doyang Valley (Assam) is prosperous, there are severe restrictions placed on the daily mobility of the people by the security forces. The internal border is heavily militarised. Any violence or conflict in this areas is communalised and is perceived as part of the people's daily routine. There are also overlapping claims about what constitutes the boundary. For the Nepali settlers, the Lahdoigarh line (Sibsagar district in Assam), which was the colonial demarcation of the Naga Hills and the Assam valley, remain the boundary. The residents of Gelekey, Kangtsang and Anaki concentrate on resolving border conflicts between villages.

Communities on this foothill border have historical ties that are

reflected in their folklore as well. Ongkhai Phom from Anakhi village narrated a popular legend according to which a hill tribe called the Phom and the Ahom people from Upper Assam are brothers. According to this Naga legend, the elder brother's name was Jaidoknangma.<sup>25</sup> One day, the father distributed the cattle, pigs and poultry equally between the brothers. The elder brother stayed in the hills and did not corral his livestock, unlike the younger brother who left for the valley and corralled his share. The elder brother let his land become wilderness while the younger one made fields and farms. The Phoms believe that the elder brother's livestock went to the forests – that is how there are so many wild animals in the forests. The younger brother's livestock increased and became domesticated. One day the father came to see the brothers. He saw that the elder one could not retain any of the wealth that the father had left him, but the younger brother's house was surrounded with livestock. The father thought that the elder son Jaidoknangma was foolish.<sup>26</sup> As time went by, the elder brother came to be known as the ancestor of the Phom, while the younger brother became the Ahom.

Today, along with such folklore, one also witnesses significant transformations in land relations and land use. Many of the indigenous-tribal communities have begun to sell their cultivable lands. The commonest reasons for disposing off land are children's education and medical emergencies. The family land holdings are increasingly becoming smaller, while private ownership has begun to take roots among the indigenous communities. There are tensions between families regarding land that are best expressed in this interview with a farmer who lives in a border village:

Interviewee: I have sons and once they grew up, I gave them a share of the land.

Self: What are they cultivating?

<sup>25</sup> In Phom language it means "the younger brother is more shrewd".

<sup>26</sup> This story was recorded by the researcher in Anakhi village (Nagaland) on October 29, 2005.

Interviewee: They are useless and they have sold everything. I have six sons. I had 18 acres. I kept 2 acres for myself and gave the rest to them.

Self: Do they have government jobs?

Interviewee: None of them have jobs. My eldest son did his pre-university from Calcutta. They have sold all the paddy-land as well.

Self: What will happen now?

Interviewee: What can I say...

Despite such changes on the foothill border, the Governments of Nagaland and Assam continue to have overlapping territorial claims on this border but one does not see a genuine effort to solve the problem. The historical and social ties in these foothills can become a framework to resolve the dispute. Instead, the rival states' territorial claims threaten to seal off the hill-valley relations forever. Today politics on this border has two meanings: either electoral politics or civil society initiatives. For electoral politics, many households settled along the disputed boundaries have dual voting identity cards. They are eligible to vote both in Assam and Nagaland.

Voting is a ritual on the Nagaland-Assam border but parliamentary politics greatly shape the border dispute. Politicians often visit the border villages during the elections and instigate villagers to defend their rightful territories. Often such persuasion tends to disrupt the social and economic collaboration and networks among people. The civil society initiatives here are fragile. The territorial conflict has become a paradigm, which dictates the meaning of politics and the social relations among organisations here. Social initiatives like the self-help groups in the Doyang Valley or the border peace committees in Gelekey, are often fragile because the state issues arrest warrants for people who seek to reach out either to the hill or the valley to establish broader networks to initiate dialogues in order to talk about peaceful resolution and sharing the foothills. Civil society initiatives are important as long as it involves the foothill people's experiences

and views about how to continue to maintain the foothill border as a site of collaboration and networks, and not as a site to seal off the hill and the valley permanently.

central plains called the Imphal valley and the Hills surrounding it. The state has an area of 22,327 sq. km but its valley area measures only 1,843 sq. km, or 10 percent of its land. Despite this small area, the valley is inhabited by about 65 percent of the state's population. Administratively, the state is divided into nine districts, five of them hill and (5) Tamenglong. Its valley based districts are (1) Imphal East (2)

## **Land Use System in Manipur Hills: M A Case Study of the Tangkhul Naga U A Shimray**

any tribes of Manipur feel that their land is in danger of being alienated to non-tribals. To some, the post-1947 State continues the pre-independence dual administration but deviates from the colonial system by introducing some legal changes around land. This paper is an attempt to understand the process and the implications of this system in Manipur state.

### **1. The Background of Manipur**

Manipur, also called the "land of jewel," is a tiny bottle-shaped state situated in the easternmost part of the North Eastern region of India. It was an independent Kingdom until its annexation by the British colonial regime in 1891. On October 15, 1949, this Kingdom along with the surrounding hills merged with the Indian Union. Geographically, Manipur is landlocked and has two distinct topographic features: the

### Tangkhul Land Use System

Imphal West (3) Thoubal, and (4) Bishnupur. However, data cannot be got for the two Imphal districts separately because they formed a single district till they were bifurcated after the 2001 census operations.

### **The People of Manipur**

The 2001 census recorded the state's population as 2,166,788, with the tribes constituting 34.4 per cent of the total. Thus, Manipur manifests a high degree of ethnic and geographical diversity and heterogeneous social systems. Some of its more than 35 distinct communities can be categorised further as Hill tribes and others as Valley-based groups. The valley communities are the Meiteis and Pangan (Muslim), both of them non-tribal. The Government of India (GoI) recognises 29 Naga and Kuki-Chin-Zomi groups as "Scheduled Tribes" (Table 1). They include 1. Anal, 2. Angami, 3. Chiru, 4. Chothe, 5. Kabui, 6. Kacha Naga, 7. Koireng, 8. Lamkang, 9. Mao, 10. Maram, 11. Maring, 12. Monsang, 13. Moyong, 14. Sema, and 15. Tangkhul, and Kuki-Chin-Zomi groups, 16. Aimol, 17. Gangte, 18. Hmar, 19. Vaiphei, 20. Koirao, 21. Kom, 22. Any Mizo (Lushai), 23. Paite, 24. Purum, 25. Ralte, 26. Simte, 27. Suhte and 28. Thadou (Kuki).

The Meiteis, often referred to as Manipuri, are nearly 50 percent of the population. They have traditionally inhabited the Imphal valley, now divided into four districts namely, Imphal West, Imphal East, Thoubal and Bishnupur. They are a combination of the Ningthouja, Angom, Khumal, Moirang, Luwang, Sarang-Leishangthen and Khaba-Nganba clans. Today a majority of them follow Vaishnavite Hinduism. Before the reign of Gharib Newaz in about A.D. 1750, Hinduism was followed by a few individuals but after the adoption of Hinduism by Newaz, a majority of the people accepted Hinduism (Dun 1886: 15) and eventually discarded their traditional Sanamahi culture.

Pangans, the Manipur Muslims, constitute 12 per cent of the population. They are settled in the valley along the banks of the Imphal River and Loktak Lake. Hodson (1911) thinks that they have their origin in the Cachar district of Assam from where they were taken as "prisoners" by the Meitei Maharaja. They have settled down in Manipur since the 17th century, have adopted the Meitei language and now form an integral part of the state's social system.

The Nagas consist of many sub-groups. In Manipur there are



eighteen Naga groups inhabiting the hill districts of Chandel, Senapati, Tamenglong and Ukhrul. They inhabit the contiguous Naga Hills of

Zou 16,803 0.91

<b>Table 1: Major Ethnic Groups in Manipur, 1991</b>		
<b>Ethnic groups</b>	<b>Population</b>	<b>%</b>
Non-Tribal	1,167,149	65.57
Scheduled Castes	37,105	03.18
Scheduled Tribes	632,173	34.43
All Nagas	336,161	18.72
Anal	10,642	0.58
Angami	308	0.02
Chiru	6,032	0.33
Chothe	2,571	0.14
Kabui	62,487	3.40
Kacha Naga	33,640	1.83
Koirao	1,716	0.09
Koireng	873	0.05
Lamkang	4,031	0.22
Mao	76,972	4.19
Maram	9,592	0.52
Maring	15,698	0.85
Monsang	1,803	0.10
Moyon	2,081	0.11
Sema	111	0.01
Tangkhul	107,244	5.84
Zomi*	115,334	6.27
Paite	40,792	2.22
Ralte	250	0.01
Simte	8,833	0.48
Suhte	746	0.04
Vaiphei	26,877	1.46

<b>Ethnic groups</b>	<b>Population</b>	<b>%</b>
Gangte	12,793	0.70
Mizo (Lushai)	8,240	0.45
Thadou (Kukis)	121,994	6.64
Hmar	35,767	1.95
Kom	13,004	0.87
Aimol	2,108	0.11
Purum	388	0.02
Unclassified	7,777	0.42
<b>Total</b>	<b>1,837,149</b>	<b>100</b>

the Indo-Myanmar frontier, because the Naga Hills are segmented into India and Myanmar portions. In the process of state re-organisation, the Naga areas were divided between the administrative units of Arunachal Pradesh, Assam, Manipur and Nagaland. The Nagas are thus a minority in the geographic area of the Naga Hills, except in the Nagaland State in India.

Kuki-Chin-Zomi are the next group. Kuki is the term for the Zo or Chin who migrated from the Chin Hills of Myanmar. Today, the generic name Kuki has become controversial among the ethnic groups like Vaiphei, Simte, Gangte, Paite, Zou, Ralte and Thadou. In 1993, a social forum was established by the ethnic groups like Paites, Vaiphies, Zous, Tedim Chins and Simtes as “Zomi” and called the Zomi Re-Unification Organisation (ZRO). Therefore, the Kukis are identified with the groups like Gangte and Thadou. Ethnic groups like the Hmar, Kom Aimol have their own ethnic identity (Shimray 2001).

### Statement of the Problem

In the colonial period, the British regime imposed dual administration viz. Hills and Valley. The Hills were under the direct administration of the British Crown through the President, Manipur State Darbar (PMSD), taken care of by a British ICS officer. The Manipur maharaja (king) controlled the valley areas. “Before, the application of any laws in Manipur, the Raja of Manipur claimed absolute ownership of all lands within his territory in the valley from the earliest times and collected land revenue” (Guite 2000: 235). The Chin Hill Regulation (CHR)

was applied to the hills of Manipur and a house tax of Rs. 3 per year per household was imposed. Later on, the Assam Land and Revenue Regulation (AL&RR) 1886, was introduced in 1947 as The Manipur State Hill People's Regulation (MSHPR), Act 1947. The MSHPR was subsequently replaced by the Manipur Land Revenue and Land Reforms Act, 1960 (MLR&LR) Act which extends to the whole of Manipur "except the hill areas thereof." However, the MLR&LR Act has been amended several times. The Sixth Amendment Bill intends to remove the word "except hill areas thereof," which means that the Act will be made absolute for the whole of Manipur, including its hill areas. The tribes oppose this amendment.

Today the land use system in the state's hill areas is regulated by the customary, traditional land usage and management system of each tribe. Every tribe has its own law. Chieftainship and traditional village authorities continue to exist in these areas with their rights and privileges. In 1956, the Parliament passed the Manipur Village Authorities (MVA) Act, for village administration, which was implemented in 1957. The Act determines the number of members of a village authority on the basis of the number of tax-paying houses. In 1967, the Manipur legislature passed the Manipur Hill Areas (Acquisition of Chief's Rights) Act, which authorised the State Government to acquire the rights, title and land in the hill areas. However, the Act could not be implemented due to the objection raised by the hill communities. Before Manipur became a full full-fledged state as distinct from its earlier status as category C state and later Union Territory, The Manipur (Hill Areas) District Councils Act, 1971 was introduced for the administration of the hill areas (Horam 2000), but was not enacted because of opposition to it.

In the 1990s, Manipur experienced serious social turmoil and political instability. There were Naga-Kuki, Meitei-Pangan and Paite-Kuki ethnic clashes. 2001 witnessed very serious ethnic political tension between the Nagas and the Meiteis. The Naga demand for the political integration of all the Naga inhabited areas was strongly opposed by the Meitei community. The focus is thus on "territorial politics" i.e. integrating the Naga inhabited territories with Nagalim or Greater Nagaland. The Meiteis consider this demand a threat to the territorial integrity of Manipur. Integration politics is basically understood as an

effort to control land and resources. This demand has more to do with ethnic aspirations and the effort to protect "ethnic territories" than with political power. The Nagas fear that such socio-political aspirations are also determined by "demographic power" of the majority community in order to ensure that their ethnic hegemony is nurtured.

"Territorial politics" is thus turning into nasty ethnic politics, creating animosity among the groups. That makes ethnic conflicts in the region very complex. The nature of conflicts has changed over time, but their root cause is land and resources. The inter-community and even inter-village land disputes have been the basis of ethnic conflicts for a long time. This has led to struggles for rights over land. The struggles also revolve around ethnic consolidation and political aspirations. Ethnic conflicts are often accompanied by systematic political manipulation of the ethnic population. Land, socio-cultural, religious practices and economic disparity combine into a single entity to lead the communities towards conflicts.

## 2. Profile of the Study Area

The Tangkhul, one of the Naga tribes, have their highest concentration in the Ukhrul district of Manipur. They are found also in the neighbouring districts of Senapati and Chandel and the Somra track of Myanmar. Ukhrul district shares a frontier with Myanmar and has an area of 4,544 sq. km. The Indo-Myanmar boundary cuts the Tangkhul Naga region into two nations, India and Myanmar, with a bigger number of the Tangkhuls living on the Indian side of the border.

### Tangkhul Nagas

According to Hodson (1911), the Tangkhul Nagas attribute their origin to two or three sources. The first group links itself to the Imphal valley and claims to have migrated to the hills on account of the heat and mosquitoes. The second group upholds the tradition that Hundung, one of the Tangkhul villages, as the centre of their dispersion and declares that they are descendants of immigrants from the village of Makhel in Senapati district. The third tradition refers to a rather late period and deals mainly with the growth of new villages and their establishment by those who migrated from the older villages because of an excess of population. Brown (1870: 118) quotes the Tangkhul themselves on their origin. "(T)hey say they came out of a cave in the earth at a place called Murrinphy in the hills, about four days' journey north-east of the Munnipore valley. They attempted to leave this cave

one by one, but a large tiger that was on the watch, devoured them successively as they emerged. Seeing this, the occupiers of the cave by a stratagem - throwing out the effigy of a man they had dressed up - distract the attention of the tiger, on seeing the numbers before him, fled. They placed a large stone on the top of a high hill near this spot as a mark from which situation they spread in the hills around.”

Horam (1977) holds the Makhel theory. According to him all the Naga groups are dispersed from Makhel after residing there for many years since they found the place too small. They “departed” towards the northeast and other directions where they settled down. Shimray (1985: 30-31) emphasises that the Tangkhul Nagas are descendants of Makhelians. According to him, “(A)fter departure from Makhel, the party that went to the right [northeast] were the Tangkhul and Somra. This party went on cutting down the banana trees so that those who would be coming after them may follow the sign. However, since banana trees sprouted quickly, the later wave of migration followed the left party, thinking that it would be difficult to catch them (Tangkhul). This is why a majority of the Nagas are found in Senapati, Tangmen-long and Chandel districts of Manipur and in Nagaland State. The Tangkhul and Somra Nagas were very small in number compared to the other party that went leftward.”

Traditionally, Wung (country) Tangkhul Naga are divided into seven regions and sub-regions. They are (i) Raphei (North), (ii) Rem (East), (iii) Raikhang (South-East) (a) Veikhang (b) Raizan, (iv) Kharui (South-West), (v) Kamo (South), (vi) Kathur (Central), (vii) Somra (Extreme North) and (viii) Kharao (West). These divisions are now created for administrative purposes. Horam (1977: 25) substantiates this traditional division as, “...in any festive congregations or when people of a village passed through other villages, they could always identify themselves. For instance, the people from Raphei region are known for their expertise in pot making and salt making. Similarly, the Kharao are expert weavers and even today they produce the bulk of the cloth used by the Tangkhul Nagas.”

### **Ukhrul District**

The district was first made a sub-division in 1919 in the colonial period, with Ukhrul village as its sub-divisional headquarters. In 1969, it was upgraded to a full-fledged district as Manipur East. In 1983, it was

renamed Ukhrul District after the district Headquarters. The district is divided into five sub-divisions and Blocks viz. (1) Ukhrul, (2) Chingai, (3) Kamjong-Chasad, (4) Phungyar and (5) Kasom Khullen (Table 2).

### **The Naga Village**

The traditional Tangkhul Nagas village settlement pattern is irregular. Despite this, all the villages are situated on well-defended hilltops that are warm and have an adequate supply of water. The strategic reason for choosing hilltops is that their inhabitants had to keep constant vigil over invading enemies. In the olden days, inter-village feuds and hostility were common. The tradition of head hunting was an important reason for this distrust. They feared that any belligerent village or some unknown enemy could intrude into their village territory. Once settled on a hilltop, the Nagas turned it into a permanent settlement and rarely moved out to a new place.

A Naga village forms a social, political and cultural unit and functions as a compact and well-knit society where traditional customs and discipline are observed. Tangkhul Naga villages have components of (i) a population of various clans (ii) a village territory (land and forest) and (iii) sovereignty. They have an indigenous administration and a self-sustaining economy. Customary laws are feared and respected in the village. Each village has a well-defined boundary formed by natural topographic features such as ridges, streams, hillocks and stone markers. Sometimes, there are inevitable inter-village boundary disputes. The village ecological setting includes its territory, land and forests. This provides an important element of their livelihood systems as well as security and a sense of belonging. The land is more than just a habitat or a political boundary. It is the basis of their economic system and culture. Traditional shifting cultivation (jhumming) and sedentary terrace cultivation are the main economic activities.

### **Traditional Institutions**

Traditionally, a Tangkhul Naga village is administered according to a collective mandate. The village elders or councillors represented by various clan members perform administrative and judicial tasks according to the customary law. Over the years, the Tangkhul Naga villages have

District/ Sub-Division		Area Sq Km	Total Population and Decadal Growth Rate,			1981-2001		Household increase			
			Population		Percentage decadal increase	Villages	Households				
		1981	1991	2001	1981-91	1991-01	1991	1991	2001	1991-01	
Ukhrul District		4544	82246	109275	140778	31.74	28.82	222	17945	23318	5373
Chingai		NA	15377	18536	25151	20.54	35.68	31	3309	4342	1033
Ukhrul		NA	42105	61444	79191	45.93	28.88	64	9770	12837	3067
Phungyar		NA	9865	10830	13293	9.78	22.74	44	1865	2211	346
Kamjong		NA	9635	12124	12937	25.83	6.7	49	1897	2259	362
Kasom		NA	5964	6341	10206	6.32	60.95	34	1104	1669	565

Source: Registrar General and Census Commissioner. 1991c & 2001.

experienced problems due to internal confusion and conflicts, caused partly by their interaction with the modern world, particularly education, religion and the state's political system and administrative bodies. The changes in land use discussed later, is one of its examples. It is caused to a great extent by individualism and the commercial forces which are intrinsic to modernisation. Another example is the Village Development Board which will be discussed later.

Among the Tangkhul Nagas, the traditional chief or Headman called Awunga is the administrative head of the village. In the colonial age he was called Gaonburah or GB for short. His office is generally hereditary. Horam (1977) states that the Awunga does not acquire his position by chance but usually deserves it. He is usually the unanimous choice of the heads of all the clans residing in the village. The village chief does not exercise unlimited power because there are also the village elders or councillors, Hanga, also known as the Village Authority (VA)<sup>1</sup>. The village council with the headman constitute the village administration. Its functions are broadly executive, administrative and judicial.

The Awunga's office is hereditary, passing down from the father to the eldest son. The village chief is prominent at all social and religious gatherings of the village. In the olden days, he played a triple role: secular, religious and ceremonial. As the head of the village administration, he summons and presides over the village public meetings.

The Village Council is called Hanga and its members are called Hangva. In its executive as well as judicial functions, the village council is bound by the unwritten customary law. As per custom, all the clans in a village have one or two representatives, either elected or appointed by the clan members. To be a councillor one has to attain certain qualifications. Any married man (marriage being a sign of maturity) is eligible to hold the office. He continues in office as long as he commands the confidence of his clan. The position of the councillor is not hereditary. Shimray (1985) states that the councillors are the real body in whom the highest power of the village-state is vested. They are at the helm of village affairs, formulate its policy in war and in peace, and make and amend the unwritten laws, which are then followed rigidly. However, in their application in the day-to-day administration, there are variations from one Naga group to another. Moreover, Tangkhul tradition does not allow women to be members

the traditional hereditary administrative system. As the system has been sustained for more than hundred years, an opinion has been building up that the hereditary system has become incapable of handling the present state political system and socio-economic changes. This opinion is expressed mainly by the educated members of the tribe and by those having a salaried job.

A majority of the villages are secured under the traditional governance system. There is evidence that certain villages that earlier experienced the dual system of traditional bodies and the VDB reverted to the single traditional administrative system. The motive behind this return to tradition is political. In many Tangkhul Naga villages the dichotomous functioning often results in a power struggle. The second motive is clan rivalry and jealousy that are strongly accentuated in the village social system. To get political consensus around the post of VDB Chairman from a particular clan is very difficult. The Chairmanship introduced in the Naga villages is more or less synonymous with the Panchayati (local government) system. Since it is linked to control over funds, every clan wants its candidate for the Chairmanship, so the villagers seldom come to a consensus. The worst phenomenon is bringing the age-old clan rivalry to the consciousness of the younger generation. Because of these difficulties the credibility of the new system suffers and the villagers often go back to the old system of the Awunga.

### **General Land Use System: Micro-Level Studies**

Micro-level in-depth studies were conducted in Chingjaroi and Kamjong villages in order to understand the land use system of the Tangkhul Naga community. The selection of the sample villages was purposive. The two main cultivation systems in the region are shifting and sedentary terraced. So care was taken to ensure that the villages selected for the study represented the overall Tangkhul Naga land use system. The criteria followed are:

1. One village practised sedentary terrace cultivation.
2. The second village practised only shifting cultivation (jhum).

The villages in the south-eastern region of Ukhrul district (including Phungyar, Kamjong and Kasom sub-divisional Block) practise shifting cultivation (Ahang Kangkui Lui). These regions are mountainous and the rivers flowing through them are small and run through many gorges

of the village council or inherit clan property.

The Village Court or the house of the village council is called Hanga-shim. Here both men and women are permitted to speak and plead for a relative who is a party to a case. Their clan representatives guide them. After hearing both the parties, as well as the council members, the chief or headman pronounces his judgement.

### **The Dual System**

Nagaland first introduced the Village Development Board (VDB) as an experiment in the decentralisation of power, strengthening the traditional institutions and as a powerful tool to solve village developmental problems. Eventually, the concept penetrated the Tangkhul Naga villages, which fall under the political administration of Manipur. The VDB and the traditional Village Council play dual functions in village governance. The VDB has a managing committee formed by the chairperson and members elected by the bona fide villagers for a period of three years, while the traditional systems are hereditary.

In theory this dual system clearly demarcated the powers and jurisdiction of each administrative body. The Village Council takes care of land and forest issues, inter-village and intra-village land disputes, law and order, cultural festivals, and safeguards the customary laws. The VDB takes care of village developmental schemes, grants-in-aid from the Government, the village school, veterinary and other development schemes. As Duggal et al (1999) say, the VDB is an effort at dovetailing the VC into a developmental framework. Both the Village Council and VDB are structurally strong but the former is rooted in tradition and works in traditional spheres like land and family disputes, social and cultural sanctions. But despite this division of work the state has not succeeded in getting the VDB structure to take control of the developmental resources and activities. As a result, the dichotomy continues and the strong traditional structure is unable to benefit from the development processes offered by the state. Besides, the VDB exists in only a few Tangkhul villages. Most continue to follow the hereditary Chieftainship and the Village Council system.

Thus, the impetus in changing the village administration is both external influence and internal differences among the clans. Another reason that led to change in the governance is lack of confidence in

and steep valleys. The villages in the northern and central regions of the district including Chingai and Ukhrul sub-divisions practise terrace cultivation and also have small scale shifting cultivation to grow commercial crops and vegetables. Sedentary terrace fields are usually prepared on the gentle slopes of the hills and river valleys.

### **Village Settlement Area**

The settlement area of the Tangkhul villages is called Khalung. The land use system can be divided into the following types: (a) homestead, (b) home gardens or kitchen gardens, (c) public open ground, (d) roads and footpaths, (e) village spring ponds, (d) sites for public places such as the school, community hall, church etc. (f) the burial ground. In the village, each household has its own homestead called Shimphung, an open space adjoining it called Kayang, a kitchen garden called Yamgui, and a compound. The size of the settlement varies from village to village. The average size of shimphung and Yamgui is around 0.5 to 1.0 ha. A variety of crops and vegetables like maize, mustard, pumpkins, cabbages and potatoes are grown in the yamgui. The open public ground is used for activities like public meetings, festivals, as well as space for children to play. The main village road is maintained by the community but footpaths are taken care of by the individual households. Public places like the school, church and community hall are built on public land. The burial ground is normally located on the outskirts of the village.

#### *Chingjaroi or Chingjui*

Chingjaroi village is located in the Northern Hills region, at the extreme southern side in the tri-junction of Senapati district, Nagaland and the Indo-Myanmar border. Chingjaroi comes under the Chingai Sub-Division and rests in one of the foothills of Chingjui Matha (Chingjui Mountain). Rangazak or Chingjaroi, flowing down from the Shiroi Kashong, is the only river to serve the village for agricultural purposes. Chingjaroi is a big village and is 95 km from the district headquarters. According to the 1991 census, it had 158 households and a population of 956. This village practises sedentary terrace cultivation for monoculture-cropping of paddy and small-scale jhumming for commercial crops and vegetables.

The settlement pattern of Chingjaroi village is compact and elongated. Houses are situated very close to each other at an average distance of 8 meters apart. The houses are arranged along the main village road and footpaths. Each house has a kitchen garden at the backyard of the house. There is evidence of expansion of the village settlement area from the original settlement site. This expansion of the village is attributed to the increased household numbers.

#### *Kamjong*

Kamjong village is a sub-divisional headquarters, about 80 km from the District Headquarters. The village lies in the Eastern Hilly Region, having a maximum altitude of 2,834 metres above mean sea level. It is located on the Indo-Myanmar border and traditionally practises shifting cultivation. Kamjong is a large village with 199 households and 903 persons according to the 1991 census.

The settlement pattern of Kamjong village is irregularly compact. The village is situated on one of the hill ranges. The settlement area roughly measures about one half square kilometre. Houses are situated along the roads and close to each other, roughly 5-10 meters from each other. Interestingly, the villages that traditionally practise shifting cultivation do not maintain household kitchen gardens because the food items required by the household are grown in the jhum fields. The neighbouring villages too practise only shifting cultivation.

The exact measurement of the village territory and land use pattern are not available. The Headmen of the sample villages stated bluntly that the village land and boundaries are those that are demarcated by streams, rivulets, ridges or stone. Therefore, exact land measurement is not possible in the absence of a cadastral survey. "There is no inter-village land dispute among the neighbouring villages because we all have clear-cut boundary demarcations" said Mr. Ramzat, Headman of Kamjong village. Even the village authority does not have any record of the exact land measurement of village territory and land. Even the areas of Sub-Divisional Blocks are not available. The tribal community in Manipur does not pay land revenue except house tax. Since the MLR&LR Act does not apply to them, there was no legal need for a cadastral survey in the hill areas.

the Tangkhul Naga village land and forests. The land resources within the territory of the village are accessible to the whole community. No individual has exclusive property rights over the community land. The community properties include the forest, wasteland, watershed drainage, village ponds, tanks, rivulets, riverbeds etc. Within a village territory, there are different forms of land use and ownership patterns. One can broadly categorise them into three: (i) village settlement area, (ii) community and clan land; (iii) forests.

Among the Tangkhul Nagas village community land is called Yarui lam and clan land is Shangnao lam. Community land consists of undivided land belonging to the village as a whole. Any bona fide household or member has a "right to occupy and use community land for agricultural purposes, without paying any land tax (lausal) to the village council, but only temporarily. As long as the household operates the land for either shifting cultivation or other agricultural purposes, the household has full rights to build a fence or ditch around the area to protect it from wild animals and cattle. Once the household stops the operations the plot reverts automatically to the community.

Clan land and other resources can be accessed only by the members of the clan. Not all Tangkul Naga villages have the Clan land system. Only a few villages have it. This type of land use is not very significant in Naga society. However, a person has a traditional right to acquire ownership of community land, if the individual household or person has made permanent improvements on it by way of construction of a permanent building or cultivation of permanent crops like plants and fruit trees, or has converted it into sedentary terrace paddy fields or fish pond.

Jodha (1990: 261) in his study of Common Property Resources (CPRs) in India, based on micro-level evidence, says, "Rural CPRs are broadly defined as resources to which all members of an identifiable community have inalienable use rights. In the Indian context CPRs include community pastures, community forests, wastelands, common dumping and threshing grounds, watershed, drainages, village ponds and rivers and rivulets as well as their bank and bed. The first three resources are particularly important because of their large area and their contributions to people's sustenance." Jodha (1990: 246) adds that "CPRs contribute to employment, income and asset accumulation. They are an important component of people's self-provisioning systems."

### **Methodology**

The methodology used is based on a qualitative approach and includes Focus Group Discussion (FGD), in-depth interviews with leaders, and participant observation. Qualitative methods offer flexibility and are appropriate for traditional societies since they seek patterns of responses across individuals while allowing them to "speak for themselves" (Dryzek and Berejikian 1993: 48) rather than use pre-specified measures. No doubt, both the qualitative and quantitative methods have their own strengths and weaknesses. Qualitative methods generate the transcriptions of the discussions, which reveal much more about the attitudes as they are expressed in a normal social context. However, these methods are often criticised on grounds of lack of statistical rigour. Conversely, the questionnaire method may be based on ill-conceived questions and categories (Addam 2000). Such an approach is also linked closely to the method of 'participant observation' (which is regarded as indispensable for anthropological training and analysis). The National Council of Applied Economic Research (NCAER 1990: 198) states, "(T)he qualitative data gathered in the village studies reflect the social, cultural, and economic environment of the village."

### **3. Land Use System**

The land use system in the valley and hill areas is quite different. As stated above, in the valley, land use is regulated by the MLR&LR Act. The focus of this paper is the tribal land use system, ownership and traditional management in light of their customary practices. It also tries to examine the State's policy towards land, the changes that the state suggests in land use and the consequent process of alienation. Among the Tangkhul Naga who are the focus of this paper, by tradition, the village chief is the nominal owner of village land. But in practice, the land belongs to the whole village community.

#### **Community land and Clan land**

The village territory is an important parameter because it determines the limits of the villagers' economic activities. One villager cannot pursue economic activities in another village territory except hunting and fishing. The Tangkhul customary law determines the utilisation of

This CPR system in Mainland India is somewhat different from the Tangkhul Naga village common property where CPRs include: (i) village land and forests, (ii) streams, rivulets, and rivers (these are often shared with the neighbouring villages), (iii) the village settlement area and (iv) village ponds, roads, footpaths, and burial ground, and (v) public open ground. (See a comparison in Table 3).

**Table 3: Tangkhul Naga Common Property and Mainland Indian CPRs**

<b>Naga common properties</b>	<b>Indian CPRs</b>
(i) village land and forests	(i) community pastures
(ii) streams, rivulets, and rivers (these are shared with the neighbouring villages)	(ii) community forests
(iii) village settlement area	(iii) waste lands
(iv) village ponds, roads, footpaths and burial ground	(iv) common dumping and threshing grounds
(v) public open ground	(v) watershed, drainages, village ponds and rivers and rivulets as well as their bank and beds

the exhausting of arable areas and also because construction of new fields requires enormous human labour and many at present are not ready to do it.

According to another classification of village land use in the Tangkhul Naga society, given by Ruivah (1987), village land can be categorised as: (i) village settlement area, (ii) woodland, the nearest forest to the village settlement area, (iii) jhum area and (iv) public or village community land (v) sedentary terraced paddy fields. Table 4 compares Ruivah's classification with that of the author.

Table 4: Land Use System in a Tangkhul Naga Village

### **Inheritance and Transfer of Land**

In the olden days, searching for a new site for shifting cultivation involved certain rituals and natural observation. One essential procedure in shifting cultivation is keeping a proper fire-line path so that the fire from the burning of slashed trees may not spread to the adjoining forests. This line or fire path is constructed around the cleared sites on the eve of the burning. Rains just after burning the jhum fields are considered a "good sign" since the burnt ashes remain in the field and provide good natural fertiliser. Alder-based shifting cultivation is common in the region. The alder trees are not cut down but a greater portion of its stem is left and at the same time the trees are pollarded i.e. cut in such a way that a new sapling sprouts from the stem. The species like alder have the ability to coppice or sprout again when the main trunk is cut off, usually at 2 metres above the ground. This permits coppicing of sorts on the stump that may be subsequently harvested.

In sedentary terraced cultivation, the topographic features of the village land determine the availability of arable land. In other words, expansion or construction of new terrace fields is limited because the terracing depends on the topography and source of water. Much of the arable land that can be terraced has got exhausted. As a result, terrace fields in most Tangkhul Naga villages has come to a standstill because of

<b>Author's Classification</b>	<b>Ruivah's Classification</b>
(i) Village settlement area	(i) Village settlement area
(ii) Community land and clan's Land	(ii) Public or community land (iii) Sedentary terraced paddy fields
(iii) Forest land	(iii) Woodland, the nearest forest to the settlement area; (iv) Jhum area

The customary laws regulate the use of the village community land. As mentioned above, a person using the land for agricultural and other economic activities has the right to fence the plot or dig a ditch around it. The village chief and his council formulate some rules about the size of the area or plot that one can occupy. There is no proprietary, heritable or transferable right on the community land. Its use and occupation are purely temporary in nature and are mainly for seasonal cultivation.

The land use system and its customary practices are transmitted from



generation to generation. The inheritance tradition described here is from the sample villages. Among the Nagas only males can inherit landed ancestral property such as the homestead, terrace paddy fields, jhum areas and household owned woodland (thingkham). Thus the Tangkhul Naga system is patriarchal. If a man has no sons, the properties go to the nearest male relative called Shimlui-kat. This tradition of transferring properties has been in existence since the founders first settled on the village site.

Individual ownership involves the right to own the land and to dispose of it in any manner in accord with the customary law. Land transfer or sale is possible within the prescribed limits and requires certain social and customary sanctions. No land is to be sold, mortgaged, leased, bartered, gifted or otherwise transferred to an outsider except with the sanction of the village chief. At the first stage, the sale or mortgage or barter of land is to be conducted among the nearest family or clan members. If the immediate family members cannot purchase the land, a seller scouts among the members of other clans for prospective buyers. Selling of land to persons not belonging to the village is not a simple task. An important stipulation of selling it to outsiders is that the buyers have to become bona fide members of the village, must settle down permanently and should be absorbed in one of the village clans. Transfer or sale of individually owned land and properties in the district headquarters Ukhrul town is more flexible. Here, any Tangkhul Naga from any village can buy land. But non-Tangkhul Nagas cannot buy any land.

At the time of their marriage, the son(s) inherit the family properties. The house, cattle and paddy fields are divided among them. The traditional patrilineal family system goes together with virilocal and patrilocal residence after marriage. When the eldest son gets married the parents are obliged to leave their house along with their unmarried children. The same process is repeated at the marriage of every son. As a result, if they have many sons, the family is often reduced to poverty. Not only the parents but even some of the sons may not get enough land, especially paddy fields, because of the fragmentation of the household properties. However, in many cases new properties are acquired and added to household properties. Besides, the children are obliged to take care of their parents.

Women cannot inherit ancestral property, especially land, but they are taken care of by their father, brothers or husband. Usually brothers look after their unmarried sisters if their parents are dead. At the time of marriage, parents often give some gifts to their daughters such as paddy,

a buffalo and a cow.

### 3. Changes in the Land Use System

Today, one witnesses an inevitable change in the land use system that is affecting community land and forests. There are internal changes within the tribe that can be attributed to socio-economic transition and population pressure as well as the influence of exogenous forces and internal transformation in the village system. From outside the village come the legal changes in the State.

#### Internal Changes

The major developments in the region were the introduction of western education and of Christian doctrine. World War II added some changes since some Tangkhul Nagas joined the British army. Education and Christianity also brought other changes such as new attire, food and a monetary economy. A new religion and educational system introduced changes such as removal of superstitions, diversification of economic activities and improved living conditions that many feel, were beneficial to them. According to Horam (1977: 99) “(T)he very first changes in material equipments are such as lamps, lanterns, gun, matches, battery torches, boots, shoes, umbrellas, aluminum utensils (replacing the earthen-ware and wooden ones).”

These changes have also resulted in the emergence of a so-called “elite” in the village. That has contributed much to the changes in the land use system. The “power” and “status” attached to land was affected by money coming into the village. From such a transition emerged elite households with a monetary economy. Land that was considered the most important symbol of influence and status in their society is being challenged by wealth based on money. This brings inevitable changes in the land ownership system. Money plays multiple roles as an agent of transformation in land ownership. Land that was once considered livelihood is now available as a commodity that can be bought and sold. Today, the best portion of the terrace fields is owned by rich households. The main reason the people give for selling land is need of money for medical care and children’s education. That results in internal land alienation within the tribe.

With fragmentation of land some households have started encroach-

ing on community land because more area is required for constructing new terrace fields or farming. The survey conducted in these villages shows that natural features like water holes, traditional springs, ponds and swamps are easy targets for beginning a new farm or for terracing. Eventually this results in the shrinking of the community land. This is a continuous process from one generation to the next. Now many households experience a shortage of sedentary terrace fields.

Due to a rise in the number of households, the jhum cycle has shortened. It has also led to an extensive use of forestland. One cannot pinpoint the exact time when the changes in the jhum cycle began to occur. What was a 15-year cycle in the recent past i.e. about two decades ago, has now been reduced to 7 to 10 years. Thus jhumming on these plots begins before the land left fallow (luipam) for forest regeneration has new vegetation or forests. As a result, even its productivity declines, so the household needs to occupy larger areas in order to sustain itself for a year.

Since the land use system and tenure are not codified or written down, it becomes easy for the individual household to claim private ownership. When an individual household uses a particular plot of land belonging to the community or makes permanent improvements on it and continues to occupy it, in course of time it comes to be recognised as individual property.

### **Development as a Dilemma**

Another possible factor of shrinking village community land is developmental activities and government reservation of land. Such initiatives pave the way for extension of control of the State over village community land. No doubt many economic developmental schemes have been promoted in the region but sometimes these have been taken up without taking the social and ecological parameters into consideration. The villagers readily accept income-generation schemes introduced by governmental agencies, in particular schemes related to cash crops. However, promotion of income-generation schemes also affects the land use pattern and results in competition for the land resources. For instance, more and more commercial plantations and tertiary shifting cultivation activities such as growing commercial crops on jhum land, operate on community land.

As a result, developmental processes have brought about changes in both the village morphological structure and the social system. The

morphological changes can be seen in the construction of village approach roads, electrification and water supply. Also improved communications and market forces are changing the village ecological setting and economic system considerably. Market forces encourage use of forestland for purposes such as growing commercial crops, logging and commercial firewood gathering.

At the moment there is no large scale “land alienation” to outsiders in the region. However, there are cases of villages or individuals donating land for establishing educational institutions, hospitals, government offices and roads. The state pays no compensation in most of these cases. The security forces too occupy large areas for their campsites and cantonments. For instance, the Army Brigade at Somsai, Ukhrul occupied one whole hill range (see Annexure). In another case, the headman of a sample village, Chingjaroi, wanted to donate a place called Kazidang hillock to the Catholic Archdiocese of Imphal, Manipur, for constructing educational institutions but the proposal was rejected by the village youth and other members because they considered that land precious and wanted to preserve it for the future.

The Ukhrul-Jessami Border road in the Chingai Sub-Division, built by the Border Roads Organisation in the 1980s, brought inevitable changes in the region. Improved transport enhances commercial cropping, logging and firewood business. In the mid-1980s, the region experienced a huge timber business, particularly supplying it for the railway track in Dimapur (Nagaland) and elsewhere. However, this was banned by the Tangkhul Naga civil organisations.

### **Attempts to Change the Law**

Apart from commercial forces, legal processes in Manipur have introduced changes in the Tangkul land use system. In some cases the State did not succeed in introducing the proposed changes. In other cases it succeeded at least partially. The proposed changes are meant to make it possible for the non-tribals to encroach on or own land in the tribal areas. The Manipur (Hill Areas) Village Authority Act, 1956, provided the local level government special rights in the form of a village authority. The Manipur Hill Areas (House Tax) Act, 1966 provides for levy of a house tax in villages having more than 29 households. As per the Manipur Hill Areas (House Tax) (Second Amendment) Bill, 2003 the taxable amount

per household is fifteen Rupees.

The Manipur Village Authorities (MVA) Act extends to all the hill areas of Manipur. Its Chapter II Clause 3 (4) reads: "Where there is a Chief or Khulakpa in a village, he shall be the Ex-Officio Chairman of the Village Authority of that village; and where there is no such Chief or Khulakpa in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves." Clauses 6 to 8 mention the term of office, election and power to remove members of the Village Authority.

Such Clauses are against the Naga tradition and customary laws. In the Tangkhul Naga tradition, the village council members represent their respective clan. They are either elected or appointed by their clan members. They may hold office for a long time, but the office is not hereditary. Only their clan can remove the members of the Village Authority. Not even the Chief can remove them without the consent of the clan members. However, through this Act the state attempts to extend its control and influence to the hill areas by bringing these areas under the MLR&LR Act. As stated above, this Act has been amended several times. In the latest proposal, sub-section (2) of section 1 the words "except the hill areas thereof" was to be changed to: "It extends to the whole of the State of Manipur 'except the hill areas thereof,'" provided that the State Government may by notification in the Official Gazette, extend the whole or any part of any section of this act to any of the hill areas of Manipur also as may be specified in such notification." Removal of the word "except the hill areas thereof" results in the extension of the Act to the tribal areas. That would make it possible for non-tribals to purchase and own land in the hill areas.

The MLR&LR (Amendment) Bill, 2005, as introduced in the Manipur Legislative Assembly on 15-7-2005, and the statement made by two MLAs Shri. I. Hemochandra Singh and Dr. Nimaichand Luwang on behalf of the House Committee point to the intention of the legislators.

This Act is not a uniform land law for the entire state and excludes the hill areas from its area of operation. Section 1(2) of the Principal Act while defining the extent of this Act excludes the hill area from its ambit. A proviso has been added below Section 1 (2) whereby a separate notification is required for extension of the MLR&LR Act in the hill districts of the State. They add:

Manipur with a total area of 22,327 sq. km, comprises of 9 (nine) revenue districts out of which 5 (five) districts fall in the hill areas. There is immense pressure on land in the valley areas comprising of the remaining 4 (four) districts causing tremendous pressure on land. The lack of a uniform land law has created and fermented social tension amongst the multi ethnic society of our state. It is also the popular desire of many sections of the people of the population in the state that there must be one uniform land law which is equitable. One must be allowed to settle everywhere in the state and there should not be any restriction for settlement in the hill areas for every citizen of Manipur."

Also, the MLR&LR (Sixth Amendment) Bill proposes to insert a new section 13 (B) as: "Power to regulate and control Jhum or migratory cultivation; the state government may make rules for regulating and controlling jhum or migratory cultivation for protection of environment, catchments areas of irrigation, hydro-electric and water supply project and prevention of land slides near National and state Highways and major district roads."

The tribal communities, on the other side, are demanding the extension of the Sixth Schedule to all the hill districts, but this demand does not get much support from the majority Meitei community. The Meiteis would rather extend the MLR&LR Act to the hill areas. As the above statements show, they want a uniform land law in the whole state. In reaction to it, the All Tribal Students' Union of Manipur (ATSUM) said in a memorandum to the Governor of Manipur:

The Bill came in disguise of bringing development for the tribals in the form of ecology balancing, bank loan facilities and landslides protection etc. But, we have lived a harmonious life for centuries with nature and prospered by making the earth yield rich harvest season after season. Today the government destroys our forest with their greedy contractors. Unsatisfied with these, they try to encroach within our forest so that they may run business with timber, natural resources and other forest by-products by enforcing this bill.

Many times, the State Cabinet in its meetings took a decision, "Cabinet decided to recommend the extension of the Sixth Schedule of the Indian Constitution to the tribal areas in the Hill Districts of Manipur of the state with certain local adjustment and amendments" (State Cabinet Meetings held on 13-5-1991, 17-8-1992 and 28-3-2001). However, the Government

of India, Ministry of Home Affairs (vide letter dated 21-9-2001) in several subsequent reminders have sought clarifications regarding the clause “with certain local adjustments and amendments.” The intention of this clause seems to be to insert the MLR&LR Act and turn it into a statutory provision enabling non-tribal access to tribal lands. Such a move could lead to further ethnic conflicts in the state.

### **Concluding Remarks**

This paper has discussed the traditional Tangkhul Naga land use system and its implications. The village territory, land and forests are the foundations of Naga livelihood. The most important factor in it is the uniqueness of their land use system which is considered immutable according to their customary law. Land is communally owned: in other words, the community is collectively responsible for it. As such, it cannot be alienated easily without the consent of the community. Every individual Tangkhul Naga has to follow the tradition while transferring landed property. The essential orientation in Tangkhul Naga traditions is that one never abandons the concept of “my village, my home and my clan”. Their tradition reinforces this concept. The land on which they are born is their basic institution. It is “sacrosanct” and “immutable” in every circumstance. Its uniqueness lies in the traditional land use system, which sustains the cultural roots and politics of the community.

However, changes are being introduced from within by the elite that is influenced by the commercial forces and from without by the State in the name of development and a uniform law. These moves can result in much land alienation. Measures have to be taken to deal with these moves without going against the right of the tribals to development. These changes also show why changes in land use are closely linked to ethnic politics and conflicts.

## **Refugee Rehabilitation and Land Alienation in Tripura**

**Sukhendu Debbarma**

**T**ripura, situated in the northeast of India, is a small hilly state, covering an area of 10,477 sq. km, which accounts for about 0.32 per cent of the country’s landmass. Bangladesh surrounds it on three sides and shares a 839 kilometre international boundary. On the Indian side, Assam flanks it in the north and Mizoram in the east. About 40 percent of the State’s land is in the plains and 60 percent consists of hills and small hillocks. The Tropics of Cancer passes through the state and its climate is typically tropical.

Prior to its merger with the Indian Union on 15th October 1949, Tripura was an independent princely state ruled by the indigenous Borok rulers. According to the Rajmala, or Chronicle or the Kings’ Records, a succession of as many as 189 indigenous rulers ruled over the state. The princely state had its own administrative and legal systems. The independence of India in 1947 and the Partition that accompanied it had a deep impact in the demographic makeup of the state. The demographic scene has continued to change during the last six decades. Refugees from East Pakistan and immigrants from Bangladesh have settled down permanently and have become the majority of the State’s population. The present paper studies the land alienation that has resulted because of refugee resettlement and its impact on the indigenous populations.

**The Indigenous People of Tripura**

He solved all disputes arising within the village between individuals or groups of individuals or between villages. However, today with the establishment of democracy the village chiefs have been replaced by the Gram Pradhan (or chairperson of the local government).

Most indigenous people of Tripura depend on huk, or shifting cultivation, which continues to be popular in the remote villages. Wetland cultivation too is practised side by side. Shifting cultivation is suitable for the culture of the indigenous people, the topography of the land and the climatic conditions. In the past agriculture was not carried out for trade or profit. Production was meant only for family consumption. The surplus remained as surplus as there was no outlet for sale. Such surplus was put in the community storehouse known as Lukuni gola or dharma gola to be used by the community during the lean months or famines. Forests, where the indigenous people lived from time immemorial, were one more source of their sustenance. These forests were the place for their shifting cultivation. As a result, they have not recognised alien forest laws and alien settlements that restricted shifting cultivation. Even today this form of cultivation is practised widely throughout the state though many have taken to wet land cultivation. The collectiveness of the community can still be seen in the practice of Yagul, where the community members exchange labour or work in rotation from one field to another.

Moreover, shifting cultivation land belongs to the community and is governed by the tribal customary law. The tribes practising this form of cultivation do not have ownership documents because they are given only for individually owned land. These lands are not registered either because they are controlled by the village chief and village council. The council decides when the cultivation season is to begin, how much land each community is to get and how to ensure equity in the tribe. The woman plays an important role in decision-making in this form of cultivation. Because of the diversity of crops cultivated, a balanced diet is ensured. The technology used ensure environmental protection (Ramakrishnan 2001).

### The Refugees and Immigrants

There were Bengalis in Tripura before the partition of India but their number was insignificant. The progress of settlement of Bengalis in Tripura was slow but steady. Prior to 1947 they were mostly

Tripura, though small in area, is densely populated. The State now has 4 districts: West, North, Dhalai and South and as many as 15 sub-divisions and 38 Rural Development Blocks for smooth administration and for carrying out developmental activities.

The indigenous Borok tribal people and non-tribal populations are the state's main ethnic groups. The non-tribal Bengalis are mostly refugees who migrated to the state at different periods of time from East Pakistan/Bangladesh. The indigenous tribal people consist of many tribes and once formed the majority in the state. As per the notifications of the Government of India, those recognised as Scheduled Tribes are: (1) Tipras (2) Riangs (3) Jamatias (4) Noatias (5) Lushais (6) Uchais (7) Mogs (8) Kukis (9) Chakmas (10) Khasis (11) Garos (12) Halams (13) Bhutias (14) Bhils (15) Mundas (16) Orangs (17) Lepchas (18) Santals and (19) Chaimals. The Riangs or Reangs are categorised as primitive or Primitive Tribe Group (PTG).

In the past every village was a small administrative unit under the control of the village chief known by various names such as Kamiphang, Choudhuries/Chakdhiri, Sardar etc. Writing about the village administration of the Tipperahs (Tipra), Captain Lewin remarked, "like all the hill tribes, the village community, governed by the head-man, is the leading characteristic of their social polity." (quoted in Hunter 1973: 483). All matters relating to the village were the concern of the chief.

**Table 1: Bengali Refugees 1947 to March 24, 1971**

Year	No. of Persons	Year	No. of Persons
1947	8124	1956-57	57,700
1948	9554	1957-58	3,600
1949	10575	1964-65	100,340
1950 (Feb.)	67151	1965-66	13,073
1950-51	184000	1966-67	1654
1951-52	23,300	1967-68	12,299
1952-53	80,000	1968-69	3,120
1953-54	3200	1969-70	4334
1954-55	4700	1970-71	5774
1955-56	17500	<b>Total</b>	<b>609,998</b>

Source: Bhattacharyya 1988: 14

Muslims from East Bengal who come to Tripura to cultivate land and then returned to their homes. But after 1947 Hindu Bengalis came to Tripura and settled down permanently. Thus, after the Partition, there was a sudden spurt of immigrant population growth. The situation can be gauged from the fact that within a period of about 24 years i.e. 15th August 1947 to 24th March 1971, officially 609,998 of them settled down officially in the state. Many more came in unofficially (Bhattacharyya 1988: 14).

Because from 1957-58 to 1962-63 registration of the refugees was discontinued, they are not included in Table 1, which also excludes those refugees of other years who settled in Tripura without being registered and with no rehabilitation facilities from the Government. They arranged their accommodation directly with the help of relatives and others. It is estimated that some 180,000 such unregistered refugees arrived between 1951 and 1961. According to the 1971 Census, the total population of Tripura was 1,556,342 and the refugee population was 609,998 on March 24th 1971. Thus, up to 24th March 1971, the refugee population was about 39.19 percent of the total population (Bhattacharyya 1988: 12). If new births of refugee origin are taken into consideration, their proportion would be higher. Today the indigenous people of the state are only 31 percent (Registrar General and Census Commissioner 2001). The reason for such drastic demographic change is the arrival of illegal migrants who have settled permanently in Tripura and have acquired Indian citizenship. They are now a dominant section of its population, constitute the main business group, and play a vital role in the economy and political affairs of the state.

Refugees and illegal migrants entered Tripura through different points across the border stretching from Dharmanagar in the North district to Sabroom in the South. For the administration of the refugees and their relief and rehabilitation the Directorate of Rehabilitation was set up in 1950. The main function of the Directorate was the overall rehabilitation of refugees, both those registered and not registered with the Government, and providing them shelter and opportunities for gainful employment (Bhattacharyya 1988: 56-59). Accordingly, they were rehabilitated in different parts of Tripura (Table 2) and provided facilities in colonies where each family was provided with shelter, food rations, clothes, beds, utensils, cash relief, medical help,

educational benefits and even some professional benefits (ibid: 35). Over and above these, they were given loans for business, agriculture and housing. Most importantly, they were allotted land. The families that did not get land were paid Rs.2,750 each for purchasing land from the Muslim farmers, i.e. Jiratia land.

In 1948 the first ever farmers' cooperative was established in Tripura. Locally known as Swasti Samity Limited it was set up in 1950

**Table 2: Families Settled in Different Colonies and Type and Amount of Land Allotted (ha)**

Name & location of Colony	No. of families	No. of persons	Private or Govt. Land allotted	Acquired land	Total
<b>RURAL COLONY SCHEME</b>					
<b>Sadar Sub-division</b>					
1. Ishanpur Mantali	766	3734	95.60	460.00	555.60
2. Uttar Debendranagar	549	2129	10.00	505.20	515.20
3. Jogendranagar	1,171	5018	413.20	288.00	701.20
4. Durjoynagar	585	2699	65.60	239.20	304.80
5. Gandhi Gram	706	2824	256.80	430.00	686.80
6. Nehal Ch. Nagar	909	3,990	622.00	60.00	682.00
7. Bishalgarh	804	4441	680.00	48.00	728.00
8. Champamura	471	2046	563.60	3.20	566.80
9. Kunaban	271	1082	25.60	182.40	208.00
10. Tulakuna-Jirania	1,058	4812	720.00	68.80	788.80
11. Madhuban	1231	5699	256.80	133.20	390.00
12. Teliamura	421	2367	186.80	46.00	232.80
13. Indranagar	161	562	— — —	3.20	3.20
14. Khas Brajapur	598	2960	308.40	141.20	449.60
15. Narshinghar	205	842	— — —	95.20	95.20
16. Purbalaxmibil	418	1658	372.00	14.00	386.00
17. Balucherra	433	1944	280.48	21.60	302.00
<b>Dharmanagar Sub-division</b>					
18. Kurti	346	1582	228.40	106.80	335.20
19. Dharmanagar Sadar	1207	5395	691.20	290.80	982.00

Name & location of Colony	No. of families	No. of persons	Private or Govt. Land allotted	Acquired land	Total
20. Uptakhali	722	3182	665.60	157.20	822.80
21. Kanchanpore	366	1423	155.20	— — —	155.20
<b>Kailashar Sub-division</b>					
22. Dudpur	640	3640	328.40	88.40	416.80
23. Rajnagar	699	2796	354.40	136.80	491.20
24. Mushlichherra old	403	1763	322.40	4.00	326.40
25. Mushlichherra new	673	2985	538.40	12.00	550.40
<b>Kamalpur Sub-division</b>					
26. Kalachari	343	1401	143.60	142.00	285.60
27. Lutma	276	1264	174.40	58.80	233.20
28. Noagoan	269	1594	233.20	25.20	258.40
29. Kulai	562	2672	412.80	6.80	419.60
<b>Khowai Sub-division</b>					
30. Khowai Sadar	1417	6770	1037.20	47.60	1084.80
31. Kalyanpur	500	2011	328.00	— —	328.00
<b>Udaipur Sub-division</b>					
32. Tepania	672	2991	340.40	227.60	568.00
33. Chandrapur	581	2864	232.00	96.40	328.40
<b>Belonia Sub-division</b>					
34. Belonia Sadar	1119	5380	128.80	64.00	192.80
35. Kalinagar	977	4983	439.60	60.40	500.00
<b>Sonamura Sub-division</b>					
36. Rabindranagar	549	2395	74.40	74.40	148.80
37. Melaghar	1294	5093	970.40	48.00	1018.40
38. Rudrasagar					
Fishery Scheme	600	3000	918.80	393.28	1312.00
<b>Sabroom Sub-division</b>					
39. Mono Tehsil	474	2152	400.00	— —	400.00
40. Jelefa	1454	5894	1086.40	73.60	1160.00
<b>Amarpur Sub-division</b>					
41. Chellagong	637	2469	417.60	102.40	520.00
Total	27,564	1,24,506	15,478.40	4,955.60	26,434.06
Source: Bhattacharyya 1988: 56-57.					

Table 3: Prototype Scheme for the Refugees and Immigrants

Name & location of Colony	No. of families	No. of persons	Private or Govt. Land allotted (ha)	Acquired land	Total
<b>Sadar Sub-division</b>					
1. Gopalnagar	165	747	204.80	21.20	226.00
2. Labour Colony	250	1016	118.00	0.80	118.80
3. Simnacherra	293	1290	— — —	318.80	318.80
4. Jampajjala	200	910	280.00	— — —	280.00
5. Nripendranagar	160	735	49.60	180.80	230.40
6. Krishnagar	400	1658	480.00	— — —	480.00
<b>Khowi Sub-division</b>					
7. Ganadabasti	98	410	128.00	— — —	128.00
<b>Kamalpur Sub-division</b>					
8. Michoria	200	778	178.00	— — —	178.00
9. Halahali	140	578	133.20	— — —	133.20
10. Kaimaicherra	75	275	82.00	— — —	82.00
<b>Kailasahar Sub-division</b>					
11. Chailenta	67	257	104.00	— —	104.00
12. New Rajnagar	300	1227	328.00	— —	328.00
13. Kanchanbari	35	158	40.00	— —	40.00
14. Gokulnagar	160	636	200.00	— —	200.00
<b>Belonia Sub-division</b>					
15. Rajnagar	213	883	249.20	2.40	251.60
16. Radhanagar	224	1056	298.40	11.60	310.00
17. Purba Rajbari	39	144	40.00	— —	40.00
<b>Sabroom Sub-division</b>					
18. Satchand	225	855	211.20	1.60	212.80
19. Goachand	201	878	160.00	— — —	160.00
20. Harina	225	915	246.00	— — —	246.00
21. Jalefa No.2	228	882	261.60	— — —	261.60
22. Jardang	158	710	180.00	— — —	180.00
23. Jalefa No.3	149	810	170.00	— — —	170.00
24. Mono(New)	250	1,047	200.00	2.80	202.80

Name & location of Colony	No. of families	No. of persons	Private or Govt. Land allotted (ha)	Acquired land	Total
25. Shrinagar	120	509	96.00	---	96.00
Amarpur Sub-division					
26. Jogabandhu Para	243	1,110	560.40	---	560.40
27. Raimasarma	157	1,920	128.00	---	128.00
Total	4,974	22,394	5,127.20	5 4 0	. 0 0
5,667.20					
Source: Bhattacharyya 1988: 57-58.					

to purchase the indigenous peoples' land. As a result, more than 60 percent of the tribal land was lost to the refugees by 1970 (Bhowmik 2003: 84).

To make matters worse, the middlemen and the moneylenders, who were necessarily Bengalis and most of them illegal immigrants, took advantage of the innocent indigenous people and exploited them to the maximum. The middlemen would go the villages and buy goods at a much cheaper rate than that prevailing in the market. In most cases they made 100 percent profit. They would also advance money or loan 'Dadan' to the indigenous tribal people for different goods that they produced. The advance thus paid for a particular crop did not take into account the prevailing market price. As a result, in most cases the cultivator did not get even a third of its prevailing market price. Moreover, the traders would use faulty weights and measures. Inability to repay the loan or the money taken in advance for the crops led to dispossession of land. This has been the practice of middlemen for over a century but it got intensified and received some legitimacy since the land thus appropriated was sold to the immigrants.

Subsequent amendments have added more comprehensive provisions for the protection of tribal land rights, including restoration to the original tribal owner of the land transferred to the non-tribal. However, the cut-off date for determination of such restoration was fixed as 1st January 1969, though most land was lost in the 1960s as a result of the TLR & LR ACT 1960. Most tribals did not apply for land restoration under the TLR & LR Act 1960, Section 187. One of the reasons for this is that much of the land is in the Bengali-dominated

with the refugee farmers in the Dharmanagar Sub-Division, now in Kanchanpur Sub-Division. For setting it up a few hundred indigenous tribal families, particularly from the Reang community, were evicted from their ancestral homes from about 1,000 acres, i.e. 6,400 acres or 2,590 hectares without any rehabilitation.<sup>12</sup> Thus the State of Tripura in a praiseworthy humanitarian gesture made every effort to rehabilitate the new refugees. Unfortunately, this was done to the detriment of its own indigenous tribal people.

### Legal Changes and Land Alienation

This process was supported by legal changes. In 1960, a decade after the merger of Tripura with the Indian Union in 1949, the Tripura Territorial Council Administration brought out comprehensive land legislation which abolished totally the entire reserved land meant exclusively for the tribal communities. With the enactment of this land law entitled The Tripura Land Reforms and Land Revenue Act 1960 (TLR & LR Act 1960), which was the local version of the 1886 Assam law, all land laws in existence till then in the state were repealed and all tenures were abolished completely. TLR & LR Act 1960 vested the ownership of all the land of Tripura in the state. The basic objective of the act was to bring the cultivators in direct contact with the state and guarantee permanent heritable and transferable rights over land cultivated by the peasant. In order to stop land alienation from tribal to non-tribal, Section 187 of the act imposed restrictions on tribal to non-tribal land transfer without prior permission of the Collector.

The Act recognised only individual registered land and most tribal land was community-owned. That made it easy for the State to take over land from the indigenous peoples and hand it over to the refugees. The indigenous people who were living in a community tradition, and were mostly illiterate, did not record the land, which was in their possession when the cadastral (detailed land) survey was conducted. Since community land could not be registered, all such unrecorded and unregistered lands came to be considered state property and went into the possession of the State or became khas i.e. public land. Such lands were then used for the rehabilitation of the refugees. The refugees were also encouraged by the government to buy land and were given cash for the purpose. They used the money given by the State



areas. So the tribals will not dare to cultivate such land even if it is restored to them. Most of the remaining land is in Bengali-majority villages in the documents though it is recorded in the name of tribal families. It is illegal or Benami transfer but Section 187 speaks only of direct (not Benami) transfer of tribal land to non-tribal families. So such benami transfer does not attract action under this section. Some others felt that it would not be proper to take back the lands that had been sold to the Bengalis though it was in order to repay loans given by the Dadans.

### **Alienation by Development Projects**

As in the rest of India, alienation of tribal land through major projects is not an exception also in Tripura. The Gumati hydro-power project is one of its examples. It was established in the early 1970s in the Amarpur Sub-Division of South Tripura, as the state needed electricity to light up the towns. The total catchment area of the project in the valley is approximately 33,800 hectares and its submergence area was 4,562 hectares. That was fertile land producing surplus food grains for 24,472 families. Its result was the displacement of tribal people from their ancestral land<sup>1</sup>.

Although a rehabilitation scheme was taken up for the affected families, nothing was really achieved. Most displaced families were not paid compensation on the ground that they were not able to produce legal land documents. As stated above, the tribal people never had any document for the land that their forefathers occupied communally for generations. When the law was changed in 1960 to accord recognition only to registered private land, they did not register their land because community land could not be registered. The official records show that only 2,361 families were affected by the Gumati hydro-power dam. 2,117 of them belonging to the Scheduled Tribes and 244 to the scheduled Castes. On the other hand, the landowners have been evicted through acquisition of their land. 806 tribal and 378 Scheduled Caste families have been compensated through payment of the value of the land acquired. Similarly as on 06.11.1980 it was disclosed that 273 Scheduled Tribe and 9 Scheduled Caste families who were evicted for the implementation of the project were waiting for their rehabilitation.

The evicted families who have been rehabilitated were paid at the rate of Rs.6,510 to each tribal family while Rs.3,000 and Rs.1,000

respectively were paid to the Scheduled Caste families for making their own arrangement for rehabilitation. Thus, the loss of land was not compensated for land. (Proceedings of Tripura Legislative Assembly i.e. 19.03.94 series V volume -I P.P. 1990/91 read with series III PP 72 of the 5th Tripura Legislative assembly (TLA). The tribal people vigorously protested against the construction of the dam but the Government did not respond in any way and went ahead with the project.<sup>4</sup> According to one version of the conflict in Tripura, that was the last straw. In the 1960s the tribal families had lost more than 60 percent of their land to the Government to the Bengali refugees. They lost much more of their land to the Gumati project. That is when insurgency began (Bhaumik 2003: 85).

### **Impact on the Tribal Communities**

All the tribal communities of Tripura were entirely dependent on shifting cultivation from time immemorial. Due to the high growth of the population growth in every decade of the last century on the one hand, and pressure on available forestland for shifting cultivation on the other, the shifting cultivation cycle which was around 10 years was reduced to 3 to 4 years in the mid-19th Century. The ruler of Tripura first attempted jhumia rehabilitation in 1888 but could not achieve the desired result. Once again in the first half of the 20th century Maharaja Bir Bikram Kishore Manikya Bahadur attempted to encourage his tribal subjects into settled cultivation.

The tribal people were reluctant to cultivate plain land or do wetland cultivation as the produce from shifting cultivation was more than sufficient. To encourage plough cultivation by the Tripura, Reang, Jamatias, Noatia and Halam tribes who constituted more than 85 percent of the total population in the State in 1931, an area of 110 sq. miles (285km<sup>2</sup>) was declared reserved for settled cultivation by the aforesaid tribes in Khowai Sub-Division. Again in 1943 a large part of the entire geographical area, covering 1950 sq. miles (5,050km<sup>2</sup>) in various sub-divisions of the State was declared reserved for those tribal communities. Slicing of the reserved areas was first attempted during the Regency of Maharani Kanchan Prava Devi, immediately after the demise of Maharaja Bir Bikram in 1947. An area of 777 sq. miles was de-reserved (Law Research Institute 1990: 15) for the

rehabilitation of the refugee population from the erstwhile East Pakistan, now Bangladesh.

The constant influx of refugees and illegal migrants also led to a population explosion, as indicated earlier. That, too, resulted in alienation of tribal land to the non-tribals. This is most significant in the west Tripura district. In order to escape from such a situation most tribals moved from one district to another, mainly to the remote areas of Dhalai and South Tripura where relatively few tribal people lived and much land could be reclaimed for cultivation. Some tribal families sold their landed property in West Tripura district, where the cost of land was high and moved to Dhalai and South Tripura where the cost of land was lower than in West Tripura.<sup>1</sup>

One can conclude from this section that land alienation was and continues to be a major problem in those areas where the refugees were resettled adjacent to tribal villages, whereas in the tribal compact areas where there are no Bengalis or refugee settlements, there is no land alienation. The influx intensified the land alienation of the tribal people and added to their collective sense of loss and marginalisation. Almost all writers on the Tripura insurgency have identified land alienation amongst the tribal people as the major cause that fuelled the violent insurgency that ate into the vitals of a once vibrant state (Bhaumik 2005: 2).

### Conflicts around Land

Conflicts and clashes between the indigenous tribal people and the refugees have been reported from many areas since the beginning of refugee rehabilitation. In the Kanchanpur area, North Tripura, where the Swasti Samity Limited was given land inhabited by the tribal people, in early 1953 some serious disputes arose between the Samity and tribal people. In order to sort out the dispute a Peace Committee was formed on 08.3.1953. (Revenue Department. 1952: 3)

Another serious conflict between the indigenous residents and the refugees was witnessed at Khmarkami in Teliamura, West Tripura district in 1973. As Table 2 shows, Bengali refugees were rehabilitated in different parts of Tripura at the initiative of the government. There were ten colonies in and around Teliamura in West Tripura district in places like-Trishnabari, Kamalnagar and Kash Kalanyapur. The slogan

in those villages among the refugees seems to be that land belongs to whoever can plough any of it. So they tried to take control of as much tribal land as possible. Side by side illegal transfer of land from tribal to non-tribal families became rampant. Most of the tribal areas, particularly the Jamatia villages such as Trishakami, Twithaiplok, and Koroilwng, came fully under the control of the refugees. Khmarkami and Dangshu and Chandra Para too were partially under the control of the Bengalis. In order to stop the illegal transfer of land, a committee known as Khmarkami Peasant Committee was formed with Bir Bikram Jamatia as its Secretary. On 10 May 1973, twelve young men led by the Late Bir Bikram Jamatia tried to recover land that was under Bengali occupation. There was a fierce fight between them and the settlers and Bir Bikram Jamatia was killed in this fight. This is one of many instances of the tribals resisting the refugees who were trying to take over tribal land (Jamatia 2005: 31-32).

### Some Efforts at a Solution

Land alienation from the tribal to the non-tribal population is one of the major issues in Tripura. That the State has understood its seriousness can be seen from some efforts at a solution. However, most such efforts have been unsuccessful. That the State understood the seriousness of the situation to some extent can be gauged from the fact that restoration of alienated tribal lands figured prominently in the peace accords signed by the Tripura National Volunteer (TNV) and the Government of India on 12th August 1988. In the Accord it was agreed that the following measures would be taken: (i) Review of rejected applications for restoration of tribal land under the Tripura land Revenue and land Reforms Act, 1960; (ii) Effective implementation of the law for restoration and (iii) Stringent measures to prevent fresh alienation (TNV Accord clause 3.6).

Following the agreement in 1988, measures for restoration of alienated lands to tribals were initiated by the Government. Of the 27,799 applications received from the tribes for restoration, orders were passed till 1996 on 7,884 cases and land was restored physically in 7,015 cases (Government of Tripura, 21st March 1996: 3). Later official records show that from the initial stages of land restoration until March 2001 a total of 28,999 cases were filed before

the Revenue Department involving restoration of 25,351.351 acres. Out of this total, only 8,636 cases have been disposed of with the decision for restoration of illegally transferred land. 6,749.92 acres of land have been physically restored to tribal families (Shimray 2006: 19-20).

In the earlier allotment of land to the shifting cultivators, i.e. Jhumias by the Tripura Government, the land records were in the name of the man who is considered the head of the family. In most cases the man sold the allotted land without the consent of his wife since he did not feel the need to consult her. In order to stop such practices the Tripura Government has recently changed the policy of allotment of land to the shifting cultivators or Jhumias. Now in any allotment the names of the husband and wife appear together in the land document and that makes the woman a legitimate owner together with her husband.<sup>1</sup>

Nowadays to maximise the use of land most tribal people have a rubber plantation side by side with wetland cultivation. In certain areas they also do shifting cultivation side by side with wetland cultivation despite the fact that shifting cultivation is not as sustainable as in the past because of the shortening of the cycle. Certain sectors also show a trend to produce more and more surplus, as there is a ready market for the produce. In order to boost rubber cultivation the Tripura Forest Development and Plantation Corporation Limited (TFDPC) was established in 1976. One of the major objectives of the Corporation is rehabilitation of tribal shifting cultivators or Jhumias through rubber plantation. With that in view each family is provided with one-hectare rubber plantation. So far the Corporation has raised more than 10,750 hectares of rubber plantations in the State.<sup>1</sup>

In addition, the Tripura Rehabilitation Plantation Corporation Limited (TRPC) was set up in 1983 as a Government of Tripura undertaking, with the prime objective of rehabilitating the tribals practising shifting cultivation. Its major thrust is their economic rehabilitation through rubber plantation and related activities. During 1999-2000 the Corporation raised 232.25 hectares of rubber plantation, taking the total to 3,591 hectares. 165 families were beneficiaries of these plantations. During 1999-2000, the latex production was 420,000 metric tonnes and its market value was approximately Rs.10,020,000,000.

### Conclusion

Constant influx of refugees and illegal migrants led to a population explosion. It also resulted in the alienation of tribal land to the non-tribals. It is most significant in the West Tripura district. In order to escape from such situation most tribal families moved from one district to another, mainly to Dhalai and South Tripura that were remote areas, the population is low and they could reclaim more land for cultivation. Many of them sold their landed property in West Tripura where the price of land is high and moved to Dhalai and South Tripura where its price is low. One distinct phenomenon is that in the tribal compact areas where there are no Bengalis or no refugee settlement, there is no land alienation.

Thus, in short, one can conclude that refugee rehabilitation led to scarcity of land and caused very great hardship to the indigenous tribal people of Tripura. Land alienation is the core issue in the tribal unrest which one notices from time to time. Without addressing the problem of land alienation there can be no solution to tribal impoverishment or militancy in Tripura.

number has been raised to eight after Sikkim joined the North Eastern Council (NEC). Until now these eight states together had only three large hydro-power projects (HEP), namely the Loktak HEP in Manipur, Teesta V in Sikkim and Ranganadi in Arunachal Pradesh. However with increasing demand for clean and renewable energy, India is looking to close the gap between supply and demand by commissioning several new HEPs in this region. With its extremely rich and relatively untapped water resources the Northeast seems to be the ideal region for such an initiative. The Central Electricity Authority in its 2001 preliminary ranking study of the hydroelectric potential of river basins in India identified 168 large projects in the Brahmaputra Basin able to generate 63,328 MW of hydropower. 87 of these projects are in the state of Arunachal Pradesh. With full implementation, the Northeast is set to become the future powerhouse of India (Menon et al. 2003).

Following the above study, a 50,000 MW hydropower initiative was launched in May 2003 by then Prime Minister Mr. A. B. Vajpayee. Under this plan, Pre-feasibility Reports of forty-two projects in Arunachal Pradesh have been prepared. These dams are expected to generate a total of 27,293 MW. Nineteen of them, totalling a generation capacity of 21,800 MW, have been short-listed for further investigation, based on the lowest tariff. Prior to these studies, projects on the Siang, Subansiri, Kameng, Dikrong and Debang Rivers in the State were already at an advanced stage of planning and clearance.

The Central government and proponents of large dams paint a win-win picture of the proposed projects: exploiting the country's largest perennial water system to produce cheap, plentiful power for the nation, economic benefits to the State Governments through power export, employment generation, flood control and little direct 'displacement' of local communities (ibid). The North Eastern states, including Arunachal Pradesh, which have almost no source of substantial revenue for their own expenditure, see these projects as a very favourable option. Requiring no financial investment from their end, the states are looking to generate income through the sale of their share of free power to power companies. In addition, the state government of Arunachal Pradesh has identified hydropower from large projects as one of its major sources of revenue in the

### **Hydropower in Arunachal Pradesh**

Large hydropower projects are relatively new to the Northeast of India. Originally this region was comprised of seven States. Their

# **Land Alienation due to Large Hydro-Power Projects in H Arunachal Pradesh**

**Manju Menon<sup>1</sup>**

Hydropower generation has been identified as a sector that will bring about the economic transformation of Northeast India. Arunachal Pradesh, which has a huge untapped hydropower potential, is all set to exploit its water resources to meet the leaping demand for clean and renewable energy. The state is also home to a large number of indigenous communities with very unique ways of living as well as a biodiversity-rich landscape. This paper explores the conflicts that can emerge as a result of this interface between mega projects and a unique landscape and communities depending on the Common Property Resources (CPRs) and their biodiversity.

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coming years. The construction of these projects will also result in improving the infrastructure like roads and bridges in the project sites. However, these projects also have environmental and social impacts that cannot be ignored. This paper will discuss some of them.

## 1. Environmental and Social Risks

The unique environmental and socio-cultural features of the region pose a serious challenge to conventional dam-building wisdom. The Brahmaputra River system is distinguished by its glacial origin, location in a highly seismic zone, heavy and intense rainfall resulting in flash flood-prone rivers, and a high sedimentation rate. It is important to understand these characteristics before trying to alter them.

### Environmental Risks

The last two major earthquakes in the region (1897 and 1950) caused landslides on the hill slopes and led to the blockage of river courses, flash floods due to sudden bursting of landslide-induced temporary dams, raising of riverbeds due to heavy siltation and fissuring (Goswami and Das 2003). Even without hydro-electrical dams during these events, the damage was phenomenal. A 1999 study of the International Commission for Snow and Ice has warned that glaciers in the Himalayas are receding faster than in any other part of the world and that at present rates they are likely to disappear by 2035. This would lead to increased summer flows in some river systems for a few years, followed by a reduction as the glaciers disappear (Hasnain 1999). The efforts at investigating the impact of Himalayan glaciers on the hydrological regime of rivers and climate in India are only beginning. None of the planned hydroelectric projects in the North Eastern region seem to even consider this as an issue.

High-altitude lakes formed as a result of glacial melt are potentially very dangerous. They are comparatively unstable and a sudden breach of their naturally formed walls can lead to the discharge of huge volumes of water and debris. Such Glacial Lake Outburst Floods (GLOFs) cause catastrophic flooding downstream with serious damage to life, property, forests, farms and infrastructure, including dams. Satellite imagery reveals evidence of GLOFs having occurred throughout the Himalayas, including the North Eastern region. A major GLOF

in August 1985 in Nepal caused extensive damage, destroying the Namche HEP. Another one in June 2000 damaged NHPC's Naphtha-Jhakri HEP, under construction in Himachal Pradesh. Yet, shockingly, issues dealing with glacial melt, GLOFs and associated risks, have not even found a mention in the risk assessments and the Environmental Impact Assessment (EIA) reports of dams being built in the eastern Himalayan region (Menon 2003).

### Project Affected People

Equally if not more important is the fact that the environment is not merely virgin nature. It is first and foremost people's communities that depend on nature for their sustenance. They have already built their culture, identity, social and economic systems around the natural resources. In Arunachal Pradesh most such dependants are from tribal communities. The documents of these projects state that the impact on the people will be small, as each of these projects involves the direct displacement of a very small number of families in comparison with large reservoir projects commissioned or proposed in other parts of the country. For example, the Environmental Impact Assessment (EIA) of the Lower Subansiri Dam states that it will displace only 38 families (WAPCOS ND). Even if this figure were to be correct, it would not solve the problem: ignored is the fact that although a relatively small number of families may be displaced directly by submergence, the number of those who will be 'affected' by the project in the areas downstream of the dam and in its surroundings will be high.

This problem of underestimating project-affected families arises because of the serious inadequacies in the manner of studying project impacts. Moreover, even the official figures for displacement can be doubted. For example, although the EIA identified people from two villages on the left bank as 'affected' by the Lower Subansiri dam, it was brought to the attention of officials during the public hearing that twelve villages and their lands on the right bank were also going to be submerged due to the project. Yet these villages and lands have not been mentioned either in the EIA or the Detailed Project Report (DPR) (Anon 2002).

In the case of the Ranganadi HEP, downstream impacts were not studied. During its construction it was found that the impact of sedimentation was visible almost 100 km. downstream of the dam in

the form of a decrease in fish population, which has affected the fishing community. Serious downstream impacts continue during the operation of the project due to the diversion of water from the Ranganadi to the Dikrong.

## 2. Landscape Level Impacts

The traditional communities depend for their livelihood on the region's rich natural resources, and a large area is under community-managed commons. The landscape is an intricate mosaic of large plots of land, all of which are very clearly demarcated between clans and tribal groups and put to a variety of uses ranging between permanent agriculture and forestry.

### Shifting Cultivation

Shifting cultivation<sup>1</sup> (jhum) is one of the traditional forms of farming practised in the mountainous areas. It is characterised by the access of farmers to a large area divided into plots at various stages of use. In many areas, the system is supervised by traditional institutions or elders of the community and governed by formal or informal rules, rights and privileges.

This form of cultivation plays a critical role in the livelihood of people and in maintaining agro-biodiversity. Ramakrishnan (1989; 1992) has shown how jhum cultivators in the Northeast use a mixture of a minimum of four crops, and occasionally as many as thirty-five species. They include pulses, cucurbits, vegetables, legumes, cereals, tubers, and fruit crops, both annuals and perennials. Crop mixtures change from region to region, and even within a region, depending upon local ecological conditions and the socio-economic and cultural traits of the farming community. Shifting cultivators look at this method of farming more as a way of life than as just a mechanism of producing food. It is linked closely to their culture and social systems.

Large areas of land in the state are under shifting cultivation. Though there is increasing documentation on the uniqueness and benefits of this farming practice in India, it remains a highly demonised method of agriculture (Darlong, 2004; Chhauchhuak 2004). This is mainly because it involves cutting down of trees in the jhum plot

under use. Moreover, increasing pressure on land has resulted in the shortening of the jhum cycle (the length of the fallow period between two cropping phases), resulting in concerns being raised about the economic and ecological viability of this farming system. Those who understand highland farming and forestry systems, refer to this as a method of agro-forestry. There are several areas where the jhum cycles are relatively long. These plots are called 'regenerating fallows' and are niche biodiversity areas.

The submergence of land by hydro-projects will enhance the pressure on the surrounding areas by shortening the jhum cycle, thus affecting the environment and the livelihoods of jhum-dependent communities. These impacts have neither been assessed nor accounted for in the EIA. For example, the EIA report for the Lower Subansiri project, while talking of jhum land coming in the submergence zone, does not mention the impact of the submergence on jhum cycles in the surrounding landscape, as well as the accompanying social and ecological impacts of the same.

Instead, the presence of jhum cultivation in the proposed project sites has been used as a justification for the project in two ways. Many project documents of dams in the Northeast emphasise that parts of the submergence area are in any case 'degraded', as local communities practise jhumming on these lands and therefore may not be a great ecological loss. Secondly, the compensatory mechanisms that will be put into place after the project is granted clearance are seen as modes of weaning the people away from the practice of jhumming or to reforest the area under jhumming. This is presently underway in the Loktak project in Manipur.

The implications of losing jhum lands are severe for indigenous communities. It could result in the loss of food security, loss of rights over traditional lands and settled cultivation or sedentarisation of farming which may be an unviable practice in the hilly tracts. Its final result will be the impoverishment of many tribal communities. This has been the experience of tribal communities in other States as well. For example, in Assam landlessness has more than doubled among the tribal families that were displaced by development projects, while it increased by fifty percent among non-tribals (Fernandes and Bharali 2006: 128-129). Several projects in the rest of the Northeast region such

as Kameng, Lower Subansiri and Middle Siang (Arunachal Pradesh) and Tuivai and Bairabi (Mizoram) have already acquired large tracts of shifting cultivation lands without any assessment of potential landscape level changes around these areas. While project documents state that they will prevent environmental degradation by jhum cultivation, their effect may be the opposite. Communities may be forced to bring new areas under shifting cultivation for their survival, if compensatory measures are not adequate to mitigate these impacts. If this is indeed done, they also stand to face criticism from environmentalists and wildlife enthusiasts, and may also face legal charges for destroying forests. That has been the experience of tribal communities in states like Orissa (Pradhan and Stanley 1999) and one sees no reason to think that it will not happen in the Northeast.

A memorandum submitted to the Chief Minister of Arunachal Pradesh by community groups and Non-Governmental Organisations (NGO) working in North Eastern India on Sept 3, 2004 after the 'First Consultation Meeting on Planned Dams in Arunachal Pradesh' organised by Arunachal Citizens' Right (ACR) states "the issue of land rights, loss of jhum cultivation areas and loss of customarily owned forest lands are to be seriously examined by the Government of Arunachal Pradesh and the Ministry of Environment and Forests before clearance."

Another area of concern is devaluing of tribal customary institutions. Till now the gaon burras (village chiefs) were the main political and economic decision-makers in the villages. However, as the above memorandum states, "The authority of the Gaon Burras with regard to traditional rights and land related jurisdiction has been sidelined completely. This is a matter of very grave concern and will have long-standing future consequences if this is recognised as a precedent that will undermine the traditional institutions and practices of Arunachal Pradesh."

With the new thrust to develop the Northeast as the 'powerhouse' of the country, one is obviously going to see more and more of these hydro-projects seeking clearance. Therefore, there is an urgent need to address how lands under shifting cultivation and the jhumias in the region are to be treated in hydropower project planning and implementation.

### **Compensation for Loss of Land**

Over the years, certain mechanisms for compensating local people for the loss of land due to development projects have evolved. Those who lose agricultural lands owned by them as individuals and for which they possess land deeds or pattas, are paid monetary compensation or given land elsewhere. However, these simplistic compensatory mechanisms fail to compensate adequately the loss of vast areas of land that are under complex systems of community ownership and multiple use. The compensation packages offered in exchange for these lands fall short of the requirements of the upland communities. The loss of areas presently under farming also increases the pressure on the remaining non-farming areas, which will inevitably have to be opened up to meet the community's needs.

Moreover, because the Land Acquisition Act, 1894 recognises only individual ownership, CPR dependants are often not even counted among the displaced. The land they live on is considered State property. In the Northeast the CPRs are recognised only in Nagaland and Mizoram states that are governed according to their tribal customary law under Articles 371A and 371G respectively. The whole of Meghalaya and the North Cachar Hills and Karbi Anglong districts of Assam come under the Sixth Schedule of the Constitution. It accords partial recognition to the CPRs. In Arunachal Pradesh, the tribals who are around 64 percent of the population, run their civil affairs according to their community ownership based customary law, but it is not recognised according to the individual ownership based Indian land laws. The State has only some administrative rules going back to the British age (Barooah 2002). As a result, the law does not recognise the CPRs as their sustenance and may not even compensate them.

Though the numbers to be displaced in Arunachal Pradesh appear relatively small, a good proportion of them may not even be counted, as the case of NHPC's Lower Subansiri dam on the Assam-Arunachal border shows. Its project-affected families are to be given one hectare of land each, amounting to a total of 38 hectares, since according to its report that is the number of families to be displaced. This and some monetary compensation is the entire proposed compensation for 960 hectares of agricultural land (jhum and rice cultivation) that they will lose. The project has decided on this amount despite all the families

surveyed having asked for 'land for land' i.e. an equivalent area to sustain their agricultural livelihoods.

One should also note that besides using jhum lands for agriculture, forest fallows too are important for medicinal plants, wild foods and other forest produce. None of this would be available to the displaced population. This issue is particularly significant while evaluating the social impacts of dams in the Northeast, where both the extent of community-managed commons and the livelihood dependence of people on the CPRs is considerable (Vagholikar and Ahmed, 2003). Due to pressure from local people, compensation packages were worked out for loss of traditional rights on Unclassified State Forests (USF) and Reserve Forests (RF).

The EIA of the Siyom project states that the survey also sought to study what the Project Affected Families (PAFs) looked forward to as compensation for the loss they are likely to bear. It does not indicate whether the people surveyed were allowed to choose the option of not giving their lands in the first place. The study seems to presume that the project and the resultant loss of land are inevitable, and therefore the people only had the choice of the type of compensation for this loss. The EIA report states that 83 percent of the project affected families (PAFs) - and these are only the families whose homesteads and/or agricultural lands will be submerged - know that they will lose their land to the project. They were asked what they would expect as compensation. To this, 94 percent sought 'land for land' (WAPCOS ND). The fact that 94 percent opted for 'land for land' indicates the importance of agricultural land be it Wet Rice Cultivation (WRC), Terraced Rice Cultivation (TRC) or jhum.

However, the Resettlement and Rehabilitation (R&R) package mentioned in the EIA report did not include compensation for loss of jhum land. The impacts of the loss of jhum land must be studied carefully as jhum forms a vital part of the economy and life of the community. The budget for Resettlement and Rehabilitation (R&R) of the EIA (WAPCOS ND: 132) gives the total land that will be given as compensation for the loss of 'cultivable land'. Page 12-13 of the executive summary of the DPR states that, "About 2,653.44 ha of private land with forest cover is getting affected due to project construction and submergence." In addition 98.49 hectares of WRC land is also being

submerged. But in the R&R budget, only one hectare per PAF is to be given to families from fully as well as partially affected villages. This is an absolutely unfair deal as the community will lose traditional jhum lands and will be compensated only with 1 hectare per family! Land holdings of this size are incapable of producing adequate food for families here as they would require intensive labour and technological inputs to achieve adequate production levels. Such technologies are unavailable to upland communities. So they will be impoverished.

India's reputation with R&R of project-affected people is abysmal to say the least. The Planning Commission estimates suggest that 21.3 million people were displaced by development projects between 1951 and 1990 alone. Other researchers suggest that this is a gross underestimate, and that the actual figure could be well over 40 million. Of the 21.3 million, 40 percent belonged to Scheduled Tribes who constitute only 8 percent of India's total population. Only 2.1 million (25%) are reported to have been rehabilitated (Menon et al., 2003). Later studies on all displacement in 1951-2000 in twelve states, point to a possible 60 millions 1947-2000, fewer than 20 percent of the displaced rehabilitated (Fernandes 2008: 91).

The National Policy on Resettlement and Rehabilitation for Projected Affected Families, 2003 was gazetted on February 17, 2004. It allows allocation of a maximum of one hectare of irrigated land and two hectares of unirrigated/cultivable wasteland to each PAF owning agricultural land in the affected zone and whose entire land has been acquired (Menon 2004). The policy gazetted on October 31, 2007 does not go far beyond it. This is absurd standardisation for a national policy which facilitates unfairness in decisions to be taken on matters of rehabilitation.

#### Conservation Offsets

Each project comes with its set of 'conservation offsets'. Conversion of community accessed forests to reserved forests, the creation of protected areas, and the imposition of afforestation and other measures on the jhum lands in the catchment area of the project are some of its examples. Though some of these conditions may be necessary to compensate for the loss of biodiversity and also to ensure project viability, many of these conditions of project clearance will lead to



reduced access of forest and land resources to local communities well beyond the submergence zone, including through changing ownership or classification of revenue and forest lands. However in the existing planning and decision-making process the social and ecological impacts of these conditions are not assessed and are not reflected in the decision-making on the viability of the projects. For example, one of the conditions for clearing the Kameng project was that jhum cultivation will be replaced by settled cultivation in a huge area of 36,830 hectares, in a phased manner in consultation with the state government. This condition was put though the report mentions specifically that the possibility of settled cultivation in the area is limited. But the condition put is that jhum should be replaced by settled cultivation. If this clause is implemented, it will affect the jhum dependent livelihoods of the communities using this area as well as the agro-biodiversity supported by jhum cultivation.

#### Some Examples of Conservation 'Offsets' of Hydel Projects in NE India

The social-ecological impacts of 'conservation offsets' (acquisition or reservation of lands to compensate for loss of forests) have never been included while talking of social and ecological impacts of the project.

The letter of clearance granted to the Bairabi HEP (Mizoram) in 2002 under the Forest Conservation Act 1980 says,

"After careful consideration of the proposal of the State Government, the Central Government hereby agrees in principle for diversion of 9,294 hectares of forest land (including 1,666 ha. of unclassified Jhum land) for Bairabi Hydro-Electric Project in Kolasib district of Mizoram subject to the fulfilment of following conditions.-

i. The user agency will transfer the cost of compensatory afforestation over 18,588 hectares of degraded forest land in favour of the State Forest Department and State Forest Department and State Government will place this fund at the disposal of the DFO/ DCF responsible for raising and maintaining the compensatory afforestation.

ii. The bio-diversity loss for submerged Reserved Forest area should be compensated by acquiring 7,750 hectares of non-forest land which was earlier identified for raising compensatory afforestation. On this land right of shifting cultivation, if any, should be acquired by the State Government and the land should be notified As Reserved Forests under the Indian Act, 1927." (MOEF 2002)

In the case of Tuivai project, also in Mizoram, the loss of forests due to the project will be compensated in 3 ways:

- Declaration of a new Protected Area (Lengteng)
- Regular compensatory afforestation as per the FCA.
- In addition to this compensatory afforestation, jhum land of old-growth (at least 6-7 years) having 5 times the number of trees as trees being lost in the submergence will be brought under the forest department. (MOEF, 2001)

All the above interventions are to be taken up on community owned land under multiple uses including jhum.

One of the conditions of the Supreme Court for the clearance of Lower Subansiri project is the creation of a National Park or

Sanctuary in the catchment area in Assam and Arunachal Pradesh. These are lands which are presently being used by the local people.

#### Cumulative impacts:

The state of Arunachal Pradesh is pushing for the speedy clearance and implementation of large dam projects. While each of these projects needs to be assessed very carefully for its environmental, social, cultural and economic impacts on the local communities and the ecology of the area in which they are proposed to be built, the state government also needs to commission an assessment to understand the cumulative impacts of the several project it proposes to implement over a given period of time.

Bringing this issue to the attention of the Chief Minister, groups wrote "the Government of Arunachal Pradesh have till date not yet conducted an in-depth and widely participated examination of the many implications, for example, social, environmental, health, and

cultural impacts foreseeable as a consequence of such a large number of hydraulic infrastructure build up in the state within a short span of time” (Anon 2003). Raising fears about the cumulative displacement of tribal communities by the large number of proposed projects in Arunachal Pradesh, local groups say, “We are very concerned that should so many of the dam projects that are identified and planned be implemented, the future of the people of our state will be identical to the displaced Chakma and Hajong tribal communities of the Chittagong Hill Tracts (CHT)” *ibid*)<sup>1</sup>

Arunachal Pradesh, which was formerly the North Eastern Frontier Agency (NEFA), has been protected for several decades and land and other laws are geared towards ensuring the exclusive rights of tribal communities over their land. If a large number of projects are taken up in the state at one time, the complex land holding patterns are bound to be challenged. Moreover, a substantial number of labourers from outside the state will move into different parts of the state. That may cause several administrative and law and order problems in the state. The state of Sikkim is already facing severe impacts due to the influx of migrant labourers who have come to work on development projects like road construction.

### Steps forward

What then, is the way forward? Studies and experience point to the following as possible steps in project decision-making:

- **A Decision-making Framework:** An appropriate decision-making framework needs to be developed to address the concerns that emerge from the plans to develop hydropower in a region that is ecologically and socio-culturally unique. The World Commission on Dams can be used as a basis to develop this framework. It emphasised a ‘rights and risks’ approach for decision-making on projects such that all stakeholders whose rights might be affected and all stakeholders who have risks imposed upon them involuntarily should be included in the decision-making process (WCD 2000).
- **Comprehensive Studies Prior to Decision-making:** Irrespective of the process of environmental clearance at the level of the

Central Government, the state needs to ensure that comprehensive environmental and social impact studies are done prior to considering a project. This is necessary, since the consequences of decision-making on the basis of inadequate and inaccurate studies will be borne by the state and its people. These studies need to be taken up both at the level of individual projects and for the entire river basins where multiple projects are being proposed such as the Ranganadi-Dikrong, Siang, Subansiri, Kameng.

- **Pacing of Projects:** Other than ensuring that projects are assessed thoroughly prior to granting clearance, the state could also benefit from pacing these projects in time. The plan to develop the hydropower sites within the state would benefit from the time spent to learn lessons from past projects, to address the social impacts of existing projects as well as to minimise the cumulative impacts of several projects on the people affected by them. The state now seems to be in a position to do this as it already has two large projects (Lower Subansiri and Kameng) under construction. It is possible for Arunachal Pradesh to learn from them and plan the future ones in such a manner as to protect biodiversity and the people’s livelihood.

### Conclusion

This paper is a bird’s-eye view of the impacts of the HEPs that are being planned in the Northeast in general and Arunachal Pradesh in particular. They will have serious environmental and social impacts. These aspects have to be studied thoroughly and discussed with the communities that are likely to be affected in the process of decision-making. Projects must also not be permitted without the study of the social impacts of conservation offsets. If all these impacts are indeed adequately studied, several projects that are presently made to appear viable will not remain so. Instead of attending to these concerns, the environmental and social costs of the project are passed on to the people to be affected by the project. That has to be avoided at all costs.

## **Land, Laws, Alienation and Conflict: Changing Land Relations among the Karbis in Karbi Anglong District**

**Uttam Bathari**

**L**and taken in its totality, rather than only as soil for farming or as a site for house construction, has been central to all human activities down the ages. Land is instrumental in the formation and shaping of the material and non-material culture of the communities depending on it. Every society, whether industrialised and agriculture-based is closely attached to land, though there is difference in the nature of its relationship to it. Thus management of land is crucial to a society at every stage of its development. The highest benefits can accrue to a society or people only through its effective management.

The way land is managed, however, varies not only from one society to another and from place to place, but also from age to age even within the same society. From hunting-gathering through slash and burn to settled and mechanised farming is a long social history of human transition. The plains and valleys usually practise settled cultivation, though its nature varies according to the climate, and from arid, semi-arid to wet zones. While in the hills, though the slash and burn method continues along with terrace cultivation, there has been

substantial inevitable change in the land use pattern over the years. During recent years, one of the major issues generating an enormous debate is the ecological impact of the slash and burn method of cultivation. The debate has led to the intervention of various agencies in an effort to find more sustainable alternatives. Another subject that has acquired importance in recent times is the issue of land alienation due to large-scale immigration that has reduced the indigenous population to a minority. That requires special protection for the affected community. As land assumes a critical position in human society, its alienation may lead to conflicts and to displacement and destruction and cause a major human tragedy.

In this paper an attempt is made to assess the changing pattern of land relations and the legal measures that have effected changes in the management of land and their consequent impact on the life of the Karbi people in the hill areas of the district of Karbi Anglong in Assam. In order to understand the changes affecting mainly the Karbi population, the paper deals with the traditional Karbi system of land management, the transition of their society to modernity, its consequence on the people and the role of law in this transition. The paper is based on secondary data but it is not a look at Karbi Anglong from far and beyond because the present author was born and grew up in rural Karbi Anglong. As such he is familiar with the changing situation. One is also aware that such proximity does not come without certain disadvantages.

### **Karbi Anglong in Brief**

With an area of 10,332 sq. kilometres, Karbi Anglong is the largest district in Assam. With headquarters at Diphu, the district has three administrative sub-divisions, namely, Diphu, Hamren and Bokajan. The total population of the district was 379,313 in 1971 of whom 210,039 (55.37%) persons belonged to the scheduled tribes (Saikia 1972). In 2001 the population has gone up to 813,311 of whom 452,963 (55.5%) belonged to the Scheduled Tribes (NIC Karbi Anglong). "The scheduled tribes people constitute mainly of the Karbis, the Dimasa Kacharis and the Rengma Nagas." (Bordoloi 1986: 121). Many other ethnic communities like the Bodo Kachari, Garo and Kuki and also non-tribal communities inhabit the district. In the 1990s, there seems to have been

an influx of some tribes like the Kuki who were fleeing the conflict in Manipur. That explains why the tribal proportion remains more or less unchanged at 55.5 percent but the proportion of the Karbi tribe has declined substantially in the population of the district.

Karbi Anglong district occupies a special administrative position in Assam. It was formed on 23rd June 1952 as United Mikir Hills in accordance with the provisions of the Sixth Schedule of the Constitution of India. North Cachar Hills was carved out of it in 1970. The Mikir Hills district was re-christened as Karbi Anglong in 1976. Thus these two hill districts of Karbi Anglong and North Cachar Hills were the only areas in Assam coming under the Sixth Schedule till the formation of the Bodo Territorial Council in 2003 (Additional Director NDa).

Karbi Anglong is administered by a District Council on which are conferred certain legislative, executive, financial and judicial powers as per the provisions of the Sixth Schedule. The powers and functions of the district council were enhanced from time to time through different legislative measures. The last such enhancement of powers in Karbi Anglong and North Cachar Hills districts was done in 1995 as a result of a protracted political struggle leading to the signing of a tripartite agreement between the Central and State Governments, the Autonomous State Demand Committee and the Karbi Students' Association. As per this Agreement 30 more departments were transferred to the jurisdiction of the district council and the council was renamed the District Autonomous Council (DAC) (Additional Director NDb).

The Sixth Schedule of the Constitution is itself the successor of the provisions of the Excluded and Partially Excluded Areas of the colonial era designed for the protection of the society and culture of the ethnic tribal communities in the Northeast and elsewhere in India. This policy for special protection was considered necessary because the pressure of the growing non-tribal population in the tribal areas came to be considered a threat to their demographic composition. This influx also led to grabbing of tribal lands and was thus a danger to tribal community and culture. The institution of such a protective policy makes the study of land alienation in the district of Karbi Anglong relevant. This study can throw some light on the effectiveness of these special provisions in addressing the concerns that led to its institution.

### **The Karbi Anglong Economy**

The Karbis, belonging to the Tibeto-Burman linguistic family, are among the oldest inhabitants of Assam. They were earlier referred to as Mikirs but they call themselves Arleng meaning 'men'. Studies on this tribe indicate that already in the colonial period, they were divided into two groups practising different types of agriculture. Those in the plains took to plough cultivation and paid taxes like other Assamese rayats (tenants). Their hill counterparts call them dumrali but are called tholua by the Assamese" (Lyall 1908: 17). The Karbis living in the hills practised jhum (shifting) cultivation which is similar to what most other hill tribes of the Northeast do. Some families also practise terrace cultivation. The Karbi continue the same agricultural practices to date, though there have been some changes in the hills. That will be discussed in the following paragraphs.

Summer rice (maikum) is the main crop of the Karbis. It is sown in April and reaped in November. Cotton (pheto) is planted during summer and collected in winter. Besides these, the Karbis grow castor oil for feeding silkworm, maize, turmeric, yams, red pepper, aubergines (baingan), ginger and lac. They also rear cattle, pigs and fowls in large numbers but not for commercial use. However, selling of pigs and fowls, though not on a commercial scale, is prevalent nowadays mainly to meet regular household expenses. Cows and buffaloes are sold in case of dire financial needs such as medical and educational. Commercial milking of the cattle is unknown among them. The Karbis also use domestic animals for sacrificial purposes.

The womenfolk produce clothes for domestic requirements at home on wooden looms. They also produce and dye silk domestically. Traditionally the Karbis had their own blacksmiths (hemai) who produced daos (axes) knives, needles and hooks for fishing. In the past the Karbis also produced gold and silver ornaments like necklaces, bracelets, rings, earrings and some types of thick, well-burnt durable pottery but without using the potter's wheel (Lyall 1908). Forty years ago the Agro-Economic Research Centre for North East India (1969: 7) noted that some of the traditional crafts such as black smithy and pottery are in a moribund state due to competition from outsiders. Even the production of daos and knives is becoming market dependent. Bamboo and cane baskets and wooden spoons are widely used for domestic purposes. Nowadays they are put to limited commercial use.

### **Customary Law, Traditional Land Holding System and Traditional Bodies**

Traditionally the tribal villages in the hills did not have fixed or recognised territorial boundaries since the people shifted from place to place according to the need of the jhum sites. Land was viewed as communal property and managed by the community through various sets of rules practised over generations. The traditional Karbi society was not an exception to this. The cultivable land was divided among the households by the me, or the village council, at the first settlement of a village in a new locality (Lyll 1908). The me 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 (Sarthe) and “his post is generally hereditary” (Agro-Economic Research Centre for North East India 1969: 9). The position of the headman was always coveted as he is the most honoured 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 honour this decision as long as they remain in the village. Several Karbi villages constitute a traditional administrative cluster under the headship of a Habe. All inter-village disputes are settled by the Habe and the meeting convened for this purpose is called me-pi or great council and is attended by all the village headmen under his jurisdiction. According to Lyall (1908), the me-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 Lindokpo. Thus the traditional Karbi administrative system is headed by the chief or king at the top followed by the pinpo, the habe and 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 social transactions, but only in the western part of the Karbi Anglong district that falls under the Hamren sub-division. The Lindokpo lives at Rongnihang, around 17 kilometres from Hamren (Additional Director (Hills) 1977).

With the establishment of modern administration, “from amongst a number of headmen (Sarthe or Gaonbura) the government nominates one influential man to serve as Bargaobura (head gaonbura) for the villages concerned” (Agro-Economic Research Centre for North East India 1969: 9). The bargaonbura deals with the government on behalf of the villages and is exempted from paying house tax. He presides over the me-pi or the great council to settle any inter-village dispute or some individual cases of a grave nature. The approval of the bargaonbura is required for the establishment of a new village. Thus the bargaonbura is almost a modern version of the traditional habe.

### **Inheritance and Gender Relations:**

The Karbi society is patriarchal and the sons inherit all the property at the death of the father. In the absence of a son, “the brothers; after them the deceased’s nearest agnate of his own kur (clan)” (Lyll 1908: 21). The eldest son gets a little more than the others do. “The family usually continues to dwell together, the grown up sons supporting the widowed mother. Adoption is unknown” (ibid). The wife and daughters do not inherit any property other than personal belongings, ornaments, clothes etc. In the absence of a male heir, the widow can inherit the property of her deceased husband by marrying into his kur.

Charles Lyall adds that child marriage was unknown among the Karbis and that the usual age of marriage was 10 to 15 years for girls and 14 to 25 years for boys. There are two types of marriage - akejoi and akemen. In the first category the bride goes with her husband to his home the day after the marriage. In the second category, the groom stays in his in-laws’ house for a year or two and in some cases it may even be for life, depending on the agreement he has made with her family. Besides these two types there is system of marriage by inheritance (kepatang) as mentioned above, which involves marrying of the elder brother’s widow. If a betrothed girl marries another man, the village council imposes a fine on her. If she is not fined, only the engagement ring or bracelet is returned.

Adultery is rare among the Karbi. When it occurs, the sanction is never capital punishment. Usually the man is fined and the amount accruing from the fine is distributed among the elders who compose the me. The husband has to take back the wife after the fine is paid. He may refuse to do so if a child is born out of the relationship. If an

unmarried girl is involved in adultery, she does not face any difficulty in getting a husband. Even the child born out such a relationship does not suffer from any social disability. Polygamy is not common, though not unknown. Widow marriage is allowed. Divorce is rare, but permissible if there is no offspring or if the girl goes home after marriage and refuses to return to her husband (Lyll 1908).

### **Transition to Modernity and Individual Ownership**

However, some of these customary practices are changing. For instance, these days one rarely sees girls getting married at an early age of 12 to 15 years. Though they do not have customary rules regarding the minimum age of consent, "marriages are not contracted till the parties are adult" (Dalton 1973: 60). Also the inheritance marriage (marrying the elder brother's widow) is becoming rare and is almost absent among the educated. Also becoming rare is the akemen system of marriage in which the boy has to spend a few years with the girl's family. However, widow remarriage continues to be practised.

Also the Karbi traditional land management system has changed due to both external and internal factors. The Karbis in the plains area shifted to ploughs after coming in contact with the Ahoms. This probably began in the early 19th Century. Settled cultivation gradually filtered down to the valley areas of the district. Even in the hills where jhum cultivation is still practised, wet cultivation is done in low marshy areas. This ushered in the process of individual ownership of land. The gradual replacement of communal ownership by individual ownership took place 'with the people's acceptance of permanent cultivation' (Bordoloi 1986: 130).

Population growth is another factor leading to the expansion of settled cultivation. Population growth was aggravated by the arrival of East Pakistani refugees at the Partition in 1947 and the more recent immigration of Bangladeshis, Nepalis and Biharis. Among them the Bangladeshis and Biharis are highly skilled settled cultivators. The 1951-61 decade witnessed the second highest decadal growth (67%) in the district since 1901-1911, the highest so far being 306.17 percent between 1931 and 1941. In the 1991-2001 decade, the growth rate recorded is 22.7 percent. In 1951-61 there was a 'heavy influx of Pakistanis into the district... who constituted more than 12,000 persons' (Pakynstein

1965: 21). These outsiders played an indirect role in the spread of wet cultivation which added to the growth of individual ownership of land.

The process of individual ownership was also encouraged by the administration through its efforts to get the people to abandon shifting cultivation and changing villages because it is construed as harmful to the environment since it is assumed to lead to deforestation and soil erosion. To discourage it, an effort was made to 'bring about social reconstruction by making the people settle in permanent villages, the District Council opened up a few model villages composed of a minimum of 50 houses which is considered conducive from the point of view of planning and development' (Bordoloi 1986: 133). In the model villages, each family is provided with 5 to 10 bighas (1 acre is 3 bighas) of well-irrigated land including 1 bigha of homestead land along with a well-ventilated spacious newly constructed house.

In addition, the administration undertook certain schemes to introduce cultivation of cash crops and horticulture as alternatives to jhum. Plantation of rubber and coffee was encouraged in the hill areas of the district. The Assam Plantation Crops Development Corporation was established to give a fillip to this process. The plantation of these cash crops was carried out either through government departments like Soil Conservation or through individual entrepreneurs. According to the Bulletin of the Directorate of Information and Public Relations (Hill Cell) in 1977 coffee was planted on 637 acres in 6 centres and rubber was planted on 500 acres in 3 centres in both the hill districts in Assam i.e. Karbi Anglong and North Cachar Hills.

At present the Rubber Board has stopped all activities in the district due to the disturbed political situation. Though local youth are reportedly planting rubber individually, no data can be got on the total area under rubber plantation in the district. However, the success of the administration in weaning the tribal people away from jhumming by introducing cash crops and horticulture may be gauged by going through the writings of Dr. Jayanta Rongpi (1999: 119), former Chief Executive Member of the Karbi Anglong Autonomous Council.

Government of India thought that jhum cultivation is one of the causes of the rapid unbalanced deforestation of N E Region and hence decided to control it. Accordingly they offered a big amount to the State of Assam to rehabilitate the jhumias in some other cultivation.

The Government of Assam decided to motivate the jhumias to go for coffee and rubber cultivation and speed up the crops, they even set up one corporation (Assam Plantation Development Corporation) to expedite the scheme. But till today not a single actual jhumia has opted for Rubber and Coffee cultivation since the program was started in the late sixties. And the jhumia has good reasons not to do so – because a jhumia who is engaged in jhum cultivation cannot just think of planting Rubber and wait for 7 (seven) years to get the plant mature and then give the milk (latex) with complex marketing potential, which is just not possible for his comprehension. This kind of wrong policy and unjustified priority fixation is a common feature in each and every department and I do not like to quote more examples. This type of wrong scheme has caused a great problem for the Council to implement them.

While the success of the cash crop and horticultural projects is debatable, it has contributed to not only individualisation of land ownership, but also to the growing concentration of land in a few hands. The process is discussed, though in brief in one of the following paragraphs.

#### **Impact of Individual Ownership: Alienation**

This transition to individual ownership brought along with it social maladies in the form of paikas, bandhak, mena etc. 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 tribal people fell victims to this system. Bandhak has two systems – shukti bandhak and khoi bandhak. In shukti bandhak, land is given on mortgage on payment of paddy at a certain rate per bigha per annum. It may be renewable. Khoi bandhak is mortgage for a minimum of five years but on payment of cash at a certain rate per bigha per annum. “At the end of the period of agreement, the mortgage automatically terminates. The entire amount for cash money has to be paid for the period of agreement only once at the beginning.” (Bordoloi 1986: 139) In both the systems, the actual landowner loses all ‘rights to cultivate and to question its utility’. Dr. B. N. Bordoloi (1986: 138) refused to call these systems actual mortgaging ‘because of the fact that the mortgage, - it is better to call it agreement- automatically terminates at the expiry of the period

mentioned in the bond and the question of repayment of the cash or paddy accepted does not arise.’ However the parallel system seems to be in practice in some areas wherein the cash amount paid against the mortgaged lands needs to be returned at the end of the agreement. Mena is a system by which ‘unreclaimed virgin lands suitable for cultivation in possession of the tribal cultivators are given to non-tribals for reclamation and cultivation thereafter for a number of years varying from 3 to 5 years.’ (Bordoloi 1986: 139). At the end of the agreed period, the actual owner gets nothing other than the reclaimed plot.

Thus the tribals, in spite of owning the land, slowly lost actual control over it and the non-tribals got most of its benefits. As Dr. B. N. Bordoloi (1999) says, even though the law declares such practices illegal, they continue to be practised. For instance, the paikas system was declared illegal by the Mikir Hills District (Transfer of land) Act, 1959, but it continued to be practised till the late 1980s in some areas like Hanlocrok in the Rongkhang Block of West Karbi Anglong. Bandhak is still prevalent in many parts of the district. Unable to return the contracted sum of cash, many landowners sell their land off on payment of an additional amount of cash.

Another outcome of individual land ownership is concentration of land in the hands of a few individuals or families within the tribe and the consequent disparity within the community. This process of concentration is rather slow. Usually the land transfer takes place in case of indebtedness to meet emergencies such as medical and educational needs. Also alcoholism or addiction is responsible in many cases for sale or mortgage of property. Though there is no prescribed rule, generally the family concerned prefers to sell or mortgage land among relatives and to fellow villagers if someone from the family fails to buy it. Gradually land, particularly the fertile plots, gets concentrated in a few families. When community ownership was the order, such disparity was unknown. There was land for everyone and none lived in poverty. Individual ownership brought about the conditions favourable to land concentration. This phenomenon is more apparent in the valley areas, though the hill area is not immune to it. Some people only own homestead land and make their living either by cultivating the land belonging to others as adhiar (sharecroppers) or as labourers paid in cash or kind. Some also go to work in the mines of Meghalaya.

Quantitative data on the extent of alienation or concentration could not be collected because of the Karbi-Dimasa conflict during the period of this study. But the author, being a native of the district, has witnessed such changes in his neighbourhood.

The situation is not much different in the hills. With population growth, and due to several governmental restrictions on jhum cultivation, people have been forced into permanent use of the same plot but many continue to practise jhum cultivation without shifting villages. Some families have taken to terrace cultivation and a few others to horticulture. A few influential families have extended their ownership over a vast area of land for cash crops. Plantations like rubber, coffee, tea and more recently safed musli (*chlorophytum borivilianum*) and vanilla have sprung up in large numbers. For instance, though its operation in Karbi Anglong has stopped and the branch office at Diphu is closed, according to sources in the Rubber Board office at Guwahati, several individuals from the district visit the Board Office to get information, to buy plants and for training.

Cash crops like rubber are planted mostly in the hills, while paddy is the main crop cultivated in the valley areas. Normally an individual interested in planting cash crops identifies a plot of suitable land and contacts the headman of the area for the allocation of that land. That may amount to hundreds of acres. These individuals are mostly from well-to-do families, usually politicians or their close relatives. Such cash cultivation is capital intensive and returns on the capital take a long period. That makes it unsustainable for ordinary villagers. In this process gradually land is getting transferred to a privileged few, but these entrepreneurs believe that by converting these lands into plantations, they are actually preventing encroachment by outsiders.

### **Alienation and Preventive Laws**

Since colonial times, the Northeast in general and Assam in particular have been victims of an aggressive influx of land-hungry immigrants from outside the State. Karbi Anglong is not an exception to this phenomenon. The unprecedented population growth in the 1960s and 1970s in Karbi Anglong has already been mentioned above. To protect tribal land from alienation to non-tribal locals as well as immigrants, the State adopted several preventive measures through

various legislative measures. The Sixth Schedule of the Constitution of India is the mainframe of this policy that is based on the Government of India Act 1935. The autonomous council created under the schedule is vested with certain legislative, executive, financial and judicial powers.

Here it would be worthwhile to discuss the power of the DAC in relation to the management of land. The DAC has “power to make laws with respect to (a) the allotment, occupation or use or the setting apart of land other than any and which is reserved forest, for the purpose of agriculture or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town.....; (b) the management of any forest not being a reserved forest; (c) the use of any canal or watercourse for the purpose of agriculture; (d) the regulation of ‘jhum’ or other forms of shifting cultivation.” (Trivedi 1995: 374).

The policy of land settlement adopted by the council in Karbi Anglong is based on the power derived from this provision of the Sixth Schedule. As per this policy, preference is given to the bona fide ‘scheduled tribes such as Karbis, Dimasa Kacharis, Rengma Nagas etc’ and second preference to the ‘scheduled tribes coming from other Autonomous districts.’ Settlement of land with any non-tribal who came to the district after 15th August 1947 is prohibited as per Resolution No. 9 of the Executive Committee held on 25th October 1954. However the “District Council may, in special cases relating to the victims of unusual natural calamities such as floods, earthquakes etc. who are already in occupation of land in the district, order settlement of land with the affected non-tribal people on recommendations after due enquiry from the Deputy Commissioner” (Bordoloi 1986: 132).

Considering the land policy adopted by the council 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 Council 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, as the population growth discussed above shows.

The DAC, through measures such as The Mikir Hills District (Transfer of Land) Act, 1959, The Karbi Anglong District (Land Reforms) Act, 1979 has made efforts to protect local tribal land.



However because of flaws, these measures have failed to provide complete safeguards from the land-hungry outsiders. For instance, land may be transferred from a tribal to a non-tribal with the prior approval of the Deputy Commissioner. With the need of the electoral politics to maintain vote banks, the growing tribal political elites are capitalising on such loopholes to fulfil their electoral and political goals. Despite the legislative measures, practices such as shukti and bandhak continue to date. The poorer among the tribal people are mostly the ones to fall prey to these practices. For example, 20 years ago Dr. B. N. Bordoloi (1986: 146) suggested that ‘the existing law namely the Mikir Hills District (Transfer of Land) Act, 1959, should be scrutinised by a Committee of legal experts so as to find out loopholes ...and suggest measures....’ In spite of the existence of laws regulating money lending and trading by non-tribals, prevention of indebtedness and loss of control over the produce by the tribal people has not been implemented properly due to lack of strict supervision. Wholesale as well as retail markets are dominated by non-tribal traders and middlemen.

While the Sixth Schedule recognises the distinct identity, society, and culture of the tribal communities of the area and provides for special administrative provisions for the protection of their land, it simultaneously negates the very recognition of the rights of the tribes over it by conferring on the administration the power of assessment and collection of “revenue in respect of such lands in accordance with the principles for the time being followed by the government of Assam in assessing lands for the purpose of land revenue in the state of Assam generally” (Sub-Para 1 of Para 8, Sixth Schedule). The DAC is to carry out land administration hereafter, not the people or the me. Though it has provided for the election of people’s representative to the Council every five years, the DAC has certain inherent flaws. The village headman, the traditional decision-maker, does not have much of a role in the new administration. The power in the DAC is transferred to the Members of the Council. They seem to take decisions according to the needs of their constituency. It has also led to the formation of a political elite which tends to put its own interests above those of the common people.

As per the provisions of the Sixth Schedule of the Constitution, land no longer belongs to the people, but to the District Autonomous Council. The DAC is vested with the supreme power to make regulations

concerning it. But the same provision clearly mentions “provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or un-occupied, for public purposes by the government of Assam in accordance with the law for the time being in force authorizing such acquisition;” (Para 3 (1) of the Sixth Schedule). Thus the Land Acquisition Act 1894 overrides Para 3 (10) and extends the right of acquiring land to tribal areas under the Sixth Schedule. As a result, the district witnessed displacement of both tribal and non-tribal population for implementation of various projects and industries. Even 40 years ago Dr. B N Bordoloi (Bordoloi: 1986; 143) showed the Jamuna, Patradisha, Harina and other irrigation projects and the Bokajan Cement Plant affected several tribal families.

### **Militarisation and Conflicts**

As stated in the last section, as the population growth rate given earlier shows, protective measures like the Sixth Schedule have not succeeded in checking the influx of non-tribal immigrants. In the 1961–1971 decade the growth rate was a staggering 306 percent, undoubtedly not because of normal growth but due to the influx of outsiders. Apart from the Bangladeshis, a large number of Bihari and Nepali immigrants too have settled down in the district even after the Sixth Schedule became the law of the land. Since some tribal people also came into the district in large numbers especially in the 1990s, the tribal proportion of 55.5 percent in 2001 is marginally higher than 55.37 percent of 1961. But the share of the Karbi tribe has declined. For example, the Kuki from Nagaland and Manipur came to the district in the 1990s in order to flee the Naga-Kuki and Kuki-Paite conflicts. According to the 1951 census, only 15 respondents in Karbi Anglong returned their mother tongue as Kuki but in the mid-1990s their population is said to have reached 35,000 according to a ‘voluntary census’ conducted by the Kuki National Army (Routray 2004).

This rise in the population has brought about substantial changes in the land ownership pattern. For instance, the Biharis occupy the lands suitable for sugarcane cultivation and the Kukis inhabit the Singhason Hills area which produces much of the ginger. The occupation of such economically rewarding land areas by outsiders has created a sense of dissatisfaction among the Karbis, the majority tribe of the district (Damzen 2008). Moreover, the data given above and the experience of

the last few decades show the inadequacy of the protective measures and of autonomy in the twin hills districts of Assam.

That explains the growth of the autonomy movements in these districts. In the 1960s the leaders of these districts joined the All Party Hill Leaders' Conference, demanding an autonomous state, but they refrained from joining the newly created Meghalaya in 1972. The demand for an autonomous state regained momentum in these two hills district with the formation of the Autonomous State Demands Committee (ASDC) on 17th May 1986. After a decade of popular struggle in 1995, a tripartite memorandum of understanding (MoU) was signed between the ASDC, the Karbi Students' Association and the Union and State Governments. As per this MoU, thirty more departments were brought under the jurisdiction of the Council, thereby enhancing the power of the DAC.

However, in the 1990s the situation took a violent turn with the emergence of armed groups. In the mid-1990s two armed outfits viz. the Karbi People's Front (KPF) and Karbi National Volunteers (KNV) were formed with the demand for the creation of a separate state. In 1999 these two groups merged to form the United People's Democratic Solidarity (UPDS) with a demand to create "a separate state for the Karbi Anglong and the contiguous Karbi dominated areas of Assam and Meghalaya under Article 3 of the Constitution with additional powers under Article 371, expulsion of those who came to Karbi Anglong after 1951, issuance of domicile certificates to non-Karbhis who have arrived before 1951, introduction of inner line permit and economic package for the region" (ACHR 2005: 7). In 2002, the UPDS entered into a ceasefire agreement with the government at the Centre. Because of that agreement the organisation split into pro-talk and anti-talk factions. The anti-talk faction rechristened itself as Karbi Longri National Liberation Front (KLNLF).

Simultaneously, in 1995 Karbi Anglong became the operational ground of another militant outfit Dima Haram Daogah (DHD) which was demanding the creation of Dimaraji "comprising the Dimasa inhabited areas of North Cachar Hills, Karbi Anglong, parts of Nagaon district and parts of Dimapur district of Nagaland." That too split, as its expelled Chairman Jewel Garlosa formed a separate group named Black Widow. Several other militant organisations such as the National

Democratic Front of Bodoland (NDFB), Bodo Liberation Tigers (BLT), Kuki Revolutionary Army (KRA), All Adivasi National Liberation Army (AANLA) and the National Socialist Council of Nagaland Issac-Muivah (NSCN-IM) have been active in the district. These militant groups are not only venting anger on non-tribals, but are also locking horns with each other over issues ranging from territory and ancestral homeland to a larger political space in the district for their own community. That turns the district into a breeding ground of conflict. In half a decade between 2000 and 2005, Karbi Anglong has witnessed over half a dozen ethnic conflagrations.

The clash between the Karbis and Biharis in the recent past is part of the sign of growing xenophobia in the district. The killing of Bihari settlers is continuing sporadically. The conflict between the Bihari settlers and the Adivasis in 2005 claimed several lives. Hundreds of houses belonging to both the communities were burnt. The conflict has gone beyond the tribal and non-tribal communities to a tribal versus tribal situation. The Karbi-Kuki clash in 2003 and Karbi-Dimasa clashes of 2005 are examples of the deteriorating situation in the district. These ethnic conflicts, apart from taking innocent lives, also have displaced thousands of tribals and have caused further land alienation. For instance, 90 persons were killed and "an estimate of 44,016 ethnic Karbis and Dimasas have been displaced as on 30th October 2005 in Karbi Anglong" by the in the 2005 Karbi-Dimasa conflict (ACHR 2005: 2).

Thus, the presence of various militant groups and counter insurgency forces makes of Karbi Anglong district one of the most militarised zones in the region. The inadequacy of the autonomous administrative arrangement under the Sixth Schedule, leading to the failure to address ethnic issues relating to identity, culture and development has led to discontent. Militancy grew as the popular movement to redress these challenges failed to evoke an adequate response. This violent discontent is not merely against the state and the non-tribal outsider. Also the tribal communities living in the district are increasingly viewing each other as impediments to their development, despite the fact of mutual co-existence for ages. The Karbi-Dimasa clash in 2005 is an example of competing ethno-nationalistic pursuit for exclusive political space.

The construct of the ethnic self and the other that makes the ethnic-other responsible for the backwardness of the ethnic-self, justifies the demand for the exclusive ethnic homeland. This process

is witnessed in the shifting of the popular democratic movement for autonomy towards militancy. Since the 1960s the struggle for autonomy in these hill districts was led jointly by the Karbi and Dimasas leaders. The same continued even with the ASDC taking over the leadership of the movement for autonomy till the whole issue was hijacked by the militant groups.

### Conclusion

Land occupied a crucial position in the pre-modern, traditional Karbi social life. It continues to be important in Karbi socio-political and cultural life. It is their main sustenance in the absence of alternative employment avenues. However, its management and ownership have changed substantially with the passage of time. In the Karbi tradition land was a communal asset but with modernisation one witnesses the growth of private ownership. This transition from communal to private ownership has not been smooth. It has had several negative impacts such as alienation to non-tribals and concentration of land in the hands of the tribal elite. Scores of legislative measures have not succeeded in addressing this complex issue. This failure led to the intense politicisation and consequent militarisation of the district and of the communities inhabiting it.

One cannot conclude from this that the Sixth Schedule and other legislative measures adopted based on it have had no benefit at all. The Sixth Schedule has succeeded in creating at least in a section of political elite and educated class and leaders of the community, consciousness of their socio-cultural-political rights. Some such educated youth organised the popular movement to fight for an autonomous state by forming the Autonomous State Demand Committee in the 1980s, and thus showed the inadequacy of the autonomous administrative arrangement (Datta 1993).

This necessitates an evaluation of the manner in which these measures were designed and implemented. While the Sixth Schedule and other protective measures aim at delivering justice to the traditional societies by promoting their traditional culture, language and institutions, its spirit is not followed in practice. Instead of building on the strong sense of the community among the tribals, the administration is keen on change towards individualism. One witnesses the same encouragement

given to individualism in other tribal societies too. One sees no serious attempt to bring a synergy between their traditions and modern laws. A small effort on the part of the administration might have helped the tribes to evolve a co-operative model out of their communal social life. For instance, the Karbi traditional institution of maintaining grain banks (Kerung Amei) 'which caters to the needs of the poor families during the lean months of the year' (Bordoloi, Thakur and Saikia 1987: 66) could have been upgraded into an institution of economic support and relief system on a larger scale.

The Sixth Schedule and creation of a separate system of administration different from that of the non-tribal areas was mooted chiefly to uplift the lot of tribal people and protect their culture. This institution is essential in the effort to bring about development by strengthening the rich traditions of the local ethnic communities, not by replacing them with a strange and complex set of legislation. But the functioning of the machinery envisaged under the Sixth Schedule, as seen in the above discussion, is working more towards changing the age-old relations between land and the tribal people than protecting it. This situation shows that serious rethinking is required on the existing legislative provisions against occupation of tribal lands. Without such rethinking, tribal land alienation will continue to be the norm rather than an exception.

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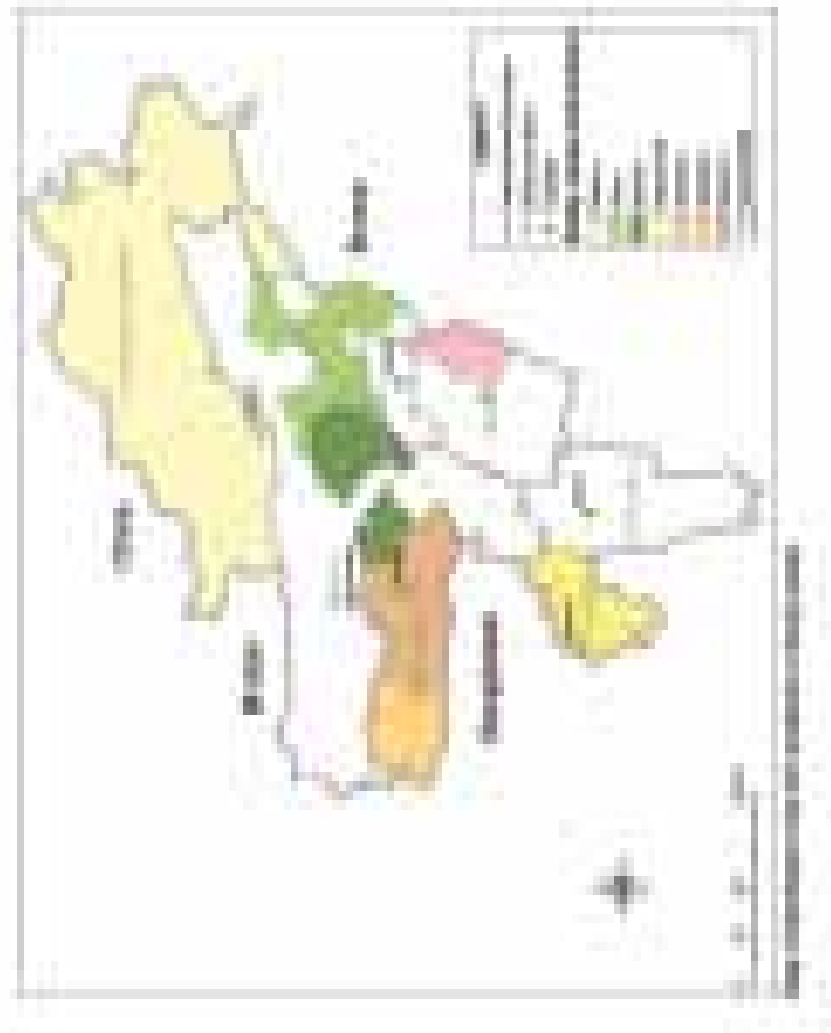
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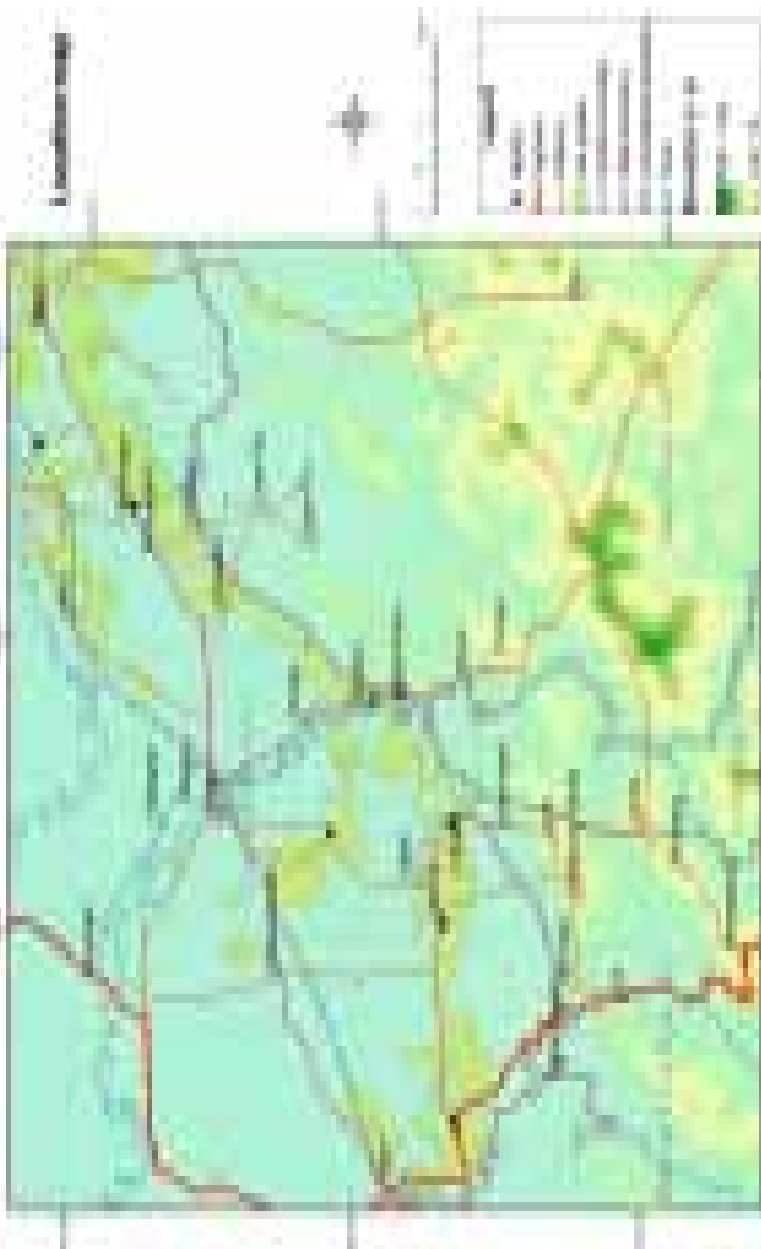
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ANNEXURE 1



ANNEXURE 2



ANNEXURE 3  
GOVERNMENT OF MANIPUR, OFFICE OF THE  
DEPUTY COMMISSIONER, UKHRUL

**NOTIFICATION**

Ukhrul, 20th Dec., 2005

No. 10/12/2005-Rev (UKL) : Whereas, a piece of land measuring about 7 (seven) acres locally known as Hungsei situated within Hungpung (Hundung) Village where the Naga Gate stands on Imphal-Ukhrul Road morefully described in the land scheduled given below is proposed to donate for construction of New District Hospital, Ukhrul vide application dated 14-10-2005 submitted by the Headman of Hungpung (Hundung) Village through the CMO/Ukhrul.

**LAND SCHEDULE**

North	Land of Shri SC Felix
South	Land of Shri AS Wungnaoyo & Mrs. Delimah
East	Land of SC Felix, AS Wungnaoyo & V Kazip
West	Imphal-Ukhrul Road

Any interested person(s) may file claim or objection on the proposed donation of land in the Office of the Deputy Commissioner, Ukhrul within 10/01/2006 after which no any claim or objection will be entertained forthwith.

**Sd/- ML Meena**  
Deputy Commissioner, Ukhrul  
Adv/- 24 (The Aja, 24th December 2005)

