

Status of Adivasis/Indigenous Peoples Land Series-6

Nagaland

Land Alienation: Dynamics of Colonialism,
Security and Development

Lanusashi Longkumer
'oshimenla Jamir

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Peoples Land Series – 6

NAGALAND

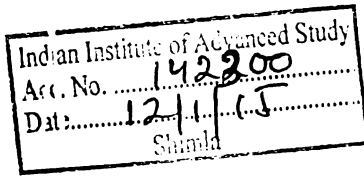
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This report on land issues in the Adivasi areas of Nagaland has been prepared by Lanusashi Longkumer and Toshimenla Jamir. We gratefully acknowledge the efforts made by the authors and members of the Editorial Collective (EC) in preparing this report.

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between the organization and the EC. He continued to coordinate the final editing and printing of the reports. We gratefully acknowledge the role played by both C R Bijoy and Ravi Hemadri.

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E Deenadayalan
General Secretary

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Preface

Eighty-eight million Adivasis and indigenous peoples live in India—approximately one fourth of the world's total indigenous population. Historically self-sufficient, forest-based communities with independent cultural identities, they have been subjected to displacement, dispossession and repression for more than a century and are now India's poorest and most marginalized communities. Since the onset of British rule, and in many cases from much earlier, Adivasis and indigenous peoples have been systematically and forcibly dispossessed of the resources of their homelands. In gross violation of democratic practice, social justice and both constitutional and legal requirements, such dispossession continues to this day. It is also the Adivasis and indigenous peoples who have paid the heaviest price for the current neo-liberal globalization policies, with their land, resources and forests taken from them for private capital in the name of 'economic growth.'

These larger processes have been accompanied by the erosion and undermining of cultural identities, leading to a loss of cultural moorings and other markers of ethnicity. Less than half of India's Adivasi communities speak their own language. State and private efforts at 'mainstreaming' and against indigenous faiths, practices and cultural mores have had a devastating impact.

Such trends have not gone unchallenged. Despite growing differentiation, ethnicity has emerged as a strong,

consolidating force. Many have organized, often with the help of sympathetic outsiders, to fight against their oppressors and struggle for the control over land and other resources, and for local self-government as in parts of Central India. There have been demands for political self-determination and autonomy of varying degrees as in Jharkhand and the north-east. The state characterizes all such struggles as 'Law and Order Problems', and large parts of central India and the north-east are heavily militarized in the name of 'national security'. In other parts too state repression has been heavy and brutal.

Though these processes are well known to many and particularly to Adivasis and indigenous people's movements, there continues to be a dearth of knowledge on the overall status of Adivasis and indigenous peoples in India. The struggle-based mass organizations of Adivasis and indigenous peoples in the Indian subcontinent articulated the need to work towards such a task in the late 1990s. The collective process to fulfil this task was launched in 2005.

The Status of Adivasis/Indigenous Peoples is conceptualized as a series of reports on salient themes affecting the lives of Adivasis/Indigenous Peoples. In the first instance, the series focuses on the situation of land and mining in the tribal tracts of the country. We hope that the series will be effective in not only deliberating upon similar themes of importance to the Adivasi present and future, but also help strengthening linkages amongst movements, activists, scholars and all others who are concerned with the protection of the rights of Adivasis/Indigenous Peoples in the Indian subcontinent.

This series of reports will explore the history, the laws, and the facts, and describe struggles while providing an overview of current realities. The main purpose of these reports is to expand linkages and relationships between movements, scholars, and activists so that the future of the political struggles is informed and forward looking.

Editorial Collective on The Status of Adivasis/Indigenous Peoples

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Executive Summary

Under the dominant notion of 'development' there is an infinite exploitation of ecological resource base which is seriously affecting the lives of the tribal and indigenous communities. The socio-cultural lives of the tribal/indigenous peoples which is so closely linked to their ecology is rapidly eroding as a result of development-induced resource base destruction. Nagas are a distinct group of indigenous peoples, a Tibeto-Burman-speaking Mongoloid stock. The Nagas inhabit a vast contiguous tract of about 120,000 sq. kms. The region is bounded by the Hukwang valley in the north-east, plains of Brahmaputra in the north-west, Cachar in the south-west and Chindwin in the east. With the exception of south and west, the entire Naga region is hilly mountainous terrain where the Arakan Patkoi extension of Myanmar meets the Eastern Himalayan range thereby making the region geopolitically a buffer region between the South and South East Asia. The present State of Nagaland is confined to a total geographical area of 16,579 sq. kms. For centuries they have been directly or indirectly drawing sustenance from the natural environment around them. Nagas have an intimate link with nature and land which form an inalienable part of their life. For the Nagas, land is understood as the main source of life. Much of their festivals and ceremonies are centred on the land.

Till the early 19th century, Nagas were more or less confined to their territory and their contact with the outside world was minimal until the British colonized part of the Naga territory. Since then the Nagas have been exposed to a

wide range of experimental colonial dominance, but in no time Naga territory was ever defined or consolidated by the colonial forces. Only a certain portion of the Naga territory was 'administered'. Even so, the traditional Naga village administration continued to function with a high degree of autonomy. The rest, particularly the erstwhile North Eastern Frontier Agency, remained entirely self-governing and continued to be treated as an excluded, unadministered and backward tract till 1948. In spite of the British non-interference policy towards the Nagas and their limited administration in the Naga territory, the process of colonizing people and land has resulted in a long term ramification in the entire Naga territory.

Under the British colonial designs, Naga territory was divided and fragmented from time to time alienating people and their land. Subsequently today the Naga inhabited territory stands divided into two countries, namely India and Myanmar, and within India it is spread out in the states of Assam, Manipur and Nagaland. The systematic process of land alienation for the Nagas primarily started through the colonial regulatory acts and laws. The British extended their dominance over Assam officially in 1826 by making it a 'Vassal State' and encroached parts of neighbouring hills in a similar manner, which marked the beginning of the Naga communities entering into an enclosure for the protracted colonial buffer dominance. The British annexation of Naga territory is motivated by Imperial designs; tea cultivation and the gardens were already beginning to take place by the 1860s and the Assam Bengal Railway was constructed by 1899. These developments led to the rapid annexation and transfer of Naga areas into the Assam 'administrative unit'.

But by the mid 19th century, land conflicts between the colonial planters and the Nagas had started. Further, the colonial policy had succeeded the traditional ties between the original settlers of Assam and Nagaland thereby bringing new settlers in the newly acquired land. In spite of the historical fact and traditionally recognized practices among the indigenous settlers, there is the distorted notion among

the politicians and the new settlers in the plain that Nagas belong only to the hill (the present construct of 'Nagaland state'). Thus the Naga rights and privileges remain vague and much of these territories which were once Naga area were alienated from them.

There is adequate evidence that after statehood of Nagaland, developmental induced systematic process of land alienation has been taking place whereby, any 'development' for the people is in reality at the cost of their traditional rights. These changes are conditioned both by external forces and internal dynamics. There is already a deep rooted process of land alienation and denial of the legitimate rights and ownership of the people in the state that threatens the existence of indigenous people. Under the present political governing system there is an ambiguity and double standard maintained by the Government of India, whereby, on one hand Article 371(A) clearly recognizes the state customary laws in regard to land and its resources, whereas on the other hand, complete power is vested in the state administration and judicial system which undermine and completely marginalize traditional laws and practices.

Further, with the change of political history, the traditional land use pattern and land relations have been considerably altered and changed. In the recent years, the mainstream conservationists and policy makers have projected the practice of *jhum* cultivation as the chief factor for the loss of bio-diversity and related environmental problems in the region. Consequently, the predominant official stance has been to find an alternative to this system. Hence, the *jhum* or shifting cultivation which is traditionally the primary agricultural system for the Nagas is now being fast replaced by other means of commercial farming and tree plantations giving rise to changes in the social structure as well. Of late modernization, capitalism and individualism are penetrating every sphere of life of the Nagas which is directly affecting the landholding and land use pattern in the society. There is a fragmentation of communal, clan, and family land into private/individual land. Land, far from being a source of

identity and communal solidarity is now perceived merely as a source of wealth for many Nagas.

Rapid social change of Naga society has developed a floating culture basically marked by consumerism. One of the policies by means of which the Government of India countered the Naga Movement for self-rule was by pumping money into the state under the guise of economic development. The sudden spurt of a money-oriented culture changed the value system and lifestyle of the indigenous people whose nascent materialistic worldview and living demand money whatever the source. In the process, land, which was once considered sacred, is reduced to the status of a mere commodity which can be disposed of at will to cater to a lifestyle fuelled by consumerism.

Besides, other exogenous forces and government policies have completely changed the concept of land. Under the new administrative system community land is voluntarily or involuntarily being taken over for development purposes.

Militarization and security operations in Nagaland against the protracted Indo-Naga conflict to a large extent contributed to the process of land alienation in Nagaland. On the pretext of maintaining 'law and order', military camps are being set up in civilian areas which contravenes all existing norms for military installation and to date almost all the strategic locations of considerable areas continues to be occupied by the armies and paramilitary forces. Further, almost as a rule, the military always occupy the most prime location in the town, taking away valuable community land.

Hence, under the present manipulative and overriding politics of the state over the indigenous communities, there is a rampant process of alienation of land, all in the name of 'Security' and 'Development'. It is therefore imperative that suitable policy/ies must be sought which is sensitive to and supplements the time-tested traditional practices of land-use of the Nagas. Any genuine development must be accorded with 'human capacity building' so that human potential is fully realized and utilized. Democracy must respect the historically involved land, people, culture and nature.

1

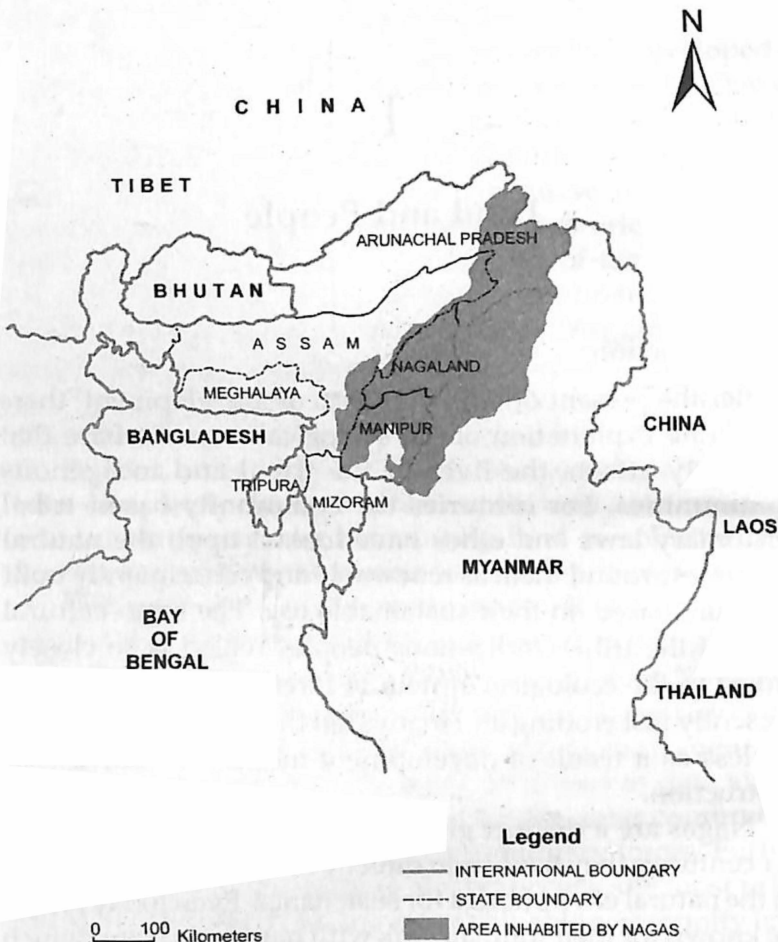
Land and People

I. Introduction

Under the present dominant notion of 'development' there is infinite exploitation of the ecological resource base that seriously affects the lives of the tribal and indigenous communities. For centuries the community-based tribal customary laws and ethos have looked upon the natural resources around them as renewable and consequently built a culture based on their sustainable use. The socio-cultural lives of the tribal/indigenous peoples which is so closely linked to the ecological system of forest, water and land is presently fast eroding and many find themselves completely hapless as a result of development-induced resource base destruction.

Nagas are a distinct group of indigenous peoples (IPs). For centuries they have been directly or indirectly dependent on the natural environment for sustenance. Even today Nagas are known for their intimate link with nature and land which form an inalienable part of their life. For them, the dynamics of human-land relationship is crucial because the land plays a pivotal role in their societal structure. The emerging process of land alienation is a threat to the continuity of their traditional community-based life, where land is considered much more than just property. In fact, it forms part of their identity and life.

Map of Naga Inhabited Areas



Nagas, a Tibeto-Burman-speaking Mongoloid stock number over 3.5 million people and inhabit a vast contiguous tract of about 120,000 sq. kms¹. The region is bounded by the Hukwang valley in the north-east, plains of Brahmaputra in the north-west, Cachar in the south-west and Chindwin in

1. *Uniqueness of Naga History*, The Concerned Citizens Forum Publications, Mokokchung, Nagaland, 2005, p. 2.

the east. With the exception of south and west, the entire Naga region is hilly mountainous terrain where the Arakan Patkoi extension of Myanmar meets the Eastern Himalayan range. This makes the region geopolitically a buffer region between the South and South East Asia. Under the present arrangements carried out by the British, about 40 per cent of the Naga inhabited area falls under Burma (Myanmar) and the remaining 60 per cent within India. Further arbitrary division of the Naga people and land into the state of Nagaland, Arunachal Pradesh, Assam and Manipur was carried out in post-independence India by the Government of India. In Manipur, the Nagas occupy extensive areas in the five hill districts, with the exception of Churachandpur district where Nagas are a minority. The remaining districts of Ukhrul, Senapati, Tamenglong and Chandel are inhabited by more than 15 Naga tribes such as Tangkhul, Mao, Poumai, Maram, Koireng, Tarao, Thangal, Chiru, Zeliangrong, Anal, Lamkang, Moyon, Maring, Mongsang, and Chate tribe, etc.

There are three Naga tribes in Arunachal Pradesh—Wangcho, Tangsa, and Nocte spread out in the districts of Tirap and Changlang, while Zemi and Rengma tribes inhabits the Cachar and Mekkir hills of Assam. In Myanmar, the major Naga tribes are Khamnungam, Konyak, Lainung, Pangmi, Tangkhul Somra, Yimchungru, Tikhir and Mukhori, besides a number of other subtribes.

II. Demographic Profile of Nagaland

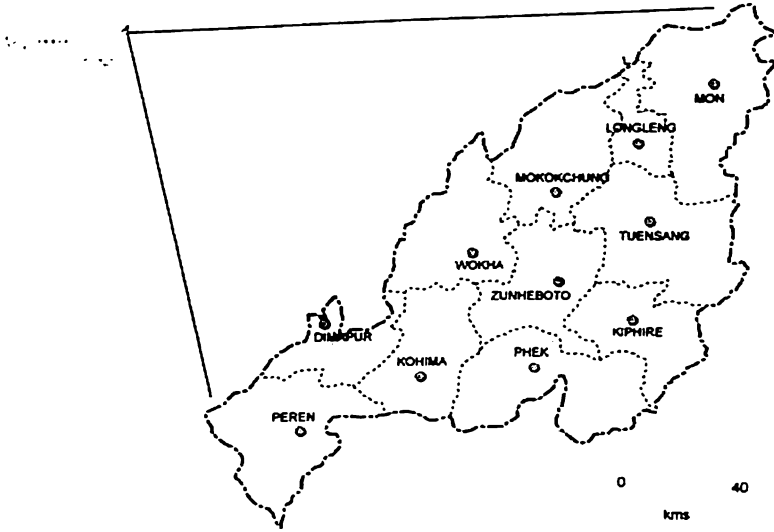
The state of Nagaland which represents a portion of Naga homeland is situated in the north-eastern part of India. Approximately extending between 25°6' and 27°4' N latitude and 93°20' to 95°5' E longitude with an area of 16579 sq. kms. The state is bounded by Assam in the north and west, Myanmar and Arunachal Pradesh in the east and Manipur in the south running more or less parallel to the left bank of the Brahmaputra. The entire topography of the state is very severe, full of hilly ranges with sudden intervening deep gorges and valleys. The altitude varies between 194 metres to 3048 metres.

The state of Nagaland exhibits unique social, economic and demographic features. The people of Nagaland are almost entirely tribal with their own distinct language and cultural features, each occupying different sectors of region in the state. According to the 2011 census (provisional), the population of Nagaland is 1,980,602. Out of this, 82.26 per cent of the population is rural. The population ratio is 931 females per 1000 males and the literacy rate is 80.11 per cent (83.3 per cent males and 76.69 per cent females). Having registered a negative decadal growth of 0.47 per cent, the density of population now stands at 119 persons per sq. kms. Since statehood in 1963, there has been a gradual growth and development of urbanization in Nagaland. The two decades from 1981-1991 however saw an unprecedented growth of urbanization, particularly in Kohima and Dimapur which accounts for more than 50 per cent of the total population of the state, with a decadal growth rate of 50.05 per cent and 64.45 per cent respectively. Further, in the decade between 1991–2001 the density of population increased from 73 persons per sq. kms. to 120 persons per sq. km. It was during these two decades that Nagaland experienced unabated influx of people from outside, particularly the illegal immigrants from Bangladesh, which, besides making a drastic change of the demographic profile of the state, added pressure on land.

Nagas are the most dominant ethnic group of the state of Nagaland, other ethnic groups are the Kukis and Kacharis. There are 16 recognized major tribes of Nagaland, namely Angami, Ao, Chakhesang, Chang, Khiamniungam, Konyak, Kuki, Lotha, Phom, Pochury, Rengma, Sangtam, Sumi, Yimchungru, Zeliang, and Kachari.

There are eleven administrative districts with 52 blocks, and 1,286 inhabited villages in Nagaland. Each district is more or less characterized by a predominant concentration of one major tribe and other sub-tribes which presents distinct socio-cultural and linguistic characteristics.

Map of Nagaland



District-wise Distribution of Population, Area and Blocks

Name of District	Area in Sq. Kms.	Total Population	Name of Tribes	No. of Blocks
Kohima	3114	270,063	Angami, Rengma	4
Dimapur	929	379,769	Angami, Kachari, Semas, & all tribes	4
Mokokchung	1615	193,171	Ao	6
Wokha	1655	166,239	Lotha	5
Zunheboto	1255	141,014	Sema	6
Tuensang	4228	196,801	Sangtam, Chang, Khaimniugam, Yimchungru & sub-tribes	8
Mon	1786	250,671	Konyak	6
Phek	2026	163,294	Chakesang, Pochury, & Sangtam	5
Peren	2300	94,954	Zeliang	3
Longleng	885	50,593	Phom	2
Kiphire	1255	74,033	Sangtam, Yimchuru, Tikhir & Sema	3

The different districts of the state are demarcated primarily along predominant inhabitation by a specific tribe or tribes. Accordingly, Kohima is the home of the Angami, Rengmas and other smaller groups of Kukis and Semas. Chakesang, Pochury and Sangtams tribes inhabit Phek district. Mokokchung district is the home of the Aos, Wokha district of the Lothas, Zunheboto district of the Semas, Longleng district of the Phoms, Kiphire district of the Sangtams, Yimchungru, Tikhir, and Semas, and Peren district is the home of the Zeliang. Traditionally Dimapur is the home of the Kacharis, Angami, and Zeliang, but presently it has attracted almost all Naga tribes and particularly the Semas are the dominant among others. Mon district is the home of the Konyaks, and Tuensang is the home of the Sangtam, Chang, Yimchungru and the Khiamngun tribes, besides a number of other sub-tribes like the Tikhir, Makori, etc.

2

Land Holding System in Nagaland

I. Human-Land Relationship

Among the Nagas there is a strong sense of human-land relationship. Like any other tribal society, in Nagaland too, land forms the core issue concerning peoples and all resources. Land is of paramount importance for survival and all round development for their entire socio-economic life is attached to the land. Land is further considered an important factor for determining the status of a citizen in a village, i.e. whether, the person/clan is an original/pioneering settler of the village, as no original member of the village would be found without land. Therefore, it is vital for the Nagas to have land, either inherited or acquired. Otherwise, there would be no social standing for the person who does not possess land in the village. Further, detachment from their land implies not only loss of land but loss of history and identity as well. Cultivable land is generally considered as the most valuable form of property among the Nagas due to its economic, political and symbolic significance. Not only is it a livelihood-sustaining and productive asset, but for a Naga, land provides a sense of identity and rootedness because it has a durability and permanence, which no other asset possesses.

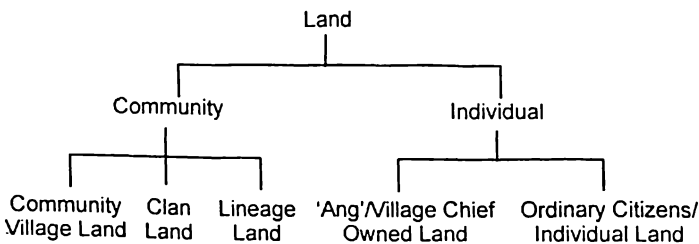
Unlike the Western notion of land which is based on the utility of the object for human development, the Nagas perceive it to be much beyond the object utility but life itself. Land is a gift, received from God which is to be shared by

all. Traditionally, for the Nagas land is understood as the main source of life. It is not simply commodity or property but indeed land is sacred to them. For them the existence of their God is manifested through the land itself. It is a gift of god and the spirit of god dwells in it. Its sacredness also derives from the fact that their ancestors have lived and toiled on the same land. Hence, they feel a deep sense of supernatural, spiritual, and ancestral attachment with the land, so much so that their entire socio-cultural and economic life revolves around the land to which they belong. Many of their festivals and ceremonies are centred on the land.

Thus in Naga tradition it is the common property that holds the greatest value and not the individuals. As such most of the land in Nagaland belongs to the community and it is considered disgraceful and shameful to a community/ clan/ family/ individual concern if any ancestral or individual land is sold or transferred to others.

II. Land Ownership System Amongst Nagas

Land ownership in Naga areas can be classified as follows:



Generally most of the land belongs to the community. In Nagaland, the pattern of ownership and management differs from tribe to tribe with the exception of Konyak and Sumi tribe where Chieftainship with autocratic rule is practised. There is a common system of land ownership among the Nagas which can be classified as follows:

(a) Common Village Land

Every Naga village has certain portions of the village land

marked as common village land owned by the entire village and under the control of the village authority. Size and percentage of the common village land varies from village to village and from tribe to tribe. In Chakro (lower) Angami villages 75 per cent of the total geographical area of the village land is common village land. But in other Angami villages, individual ownership is more common². While among the Ao and Lotha tribes, most of the land is owned either by clans or individuals.

Common village land comprises the residential sites, Morung³, graveyard, village community platform, roads, church, monuments, reserved forests and woodland. Any citizen of the village can freely use forest resources from the common village land for their personal and household consumption, but, permission from the village authority is a must for obtaining construction materials or other major purposes, otherwise it will be considered a social offence.

(b) Clan Land

All clans have a specific plot of land over which they have absolute rights and ownership within the village such as sites for construction of houses, cultivation, forests, etc. The oldest member of the clan is the custodian or head and he exercises titular rights over the land. However, every member of the clan is entitled to get a share of clan land either for construction of a house, or for cultivation which is allotted by the senior members of their clan as per the seniority and availability of land.

(c) Lineage Land

Maintaining different branches of a family lineage and kin group within the same clan is another common feature among the Nagas. In case of family owned land, the eldest/head of

2. Ao, A.L, *Rural Development in Nagaland*, New Delhi, p. 111.

3. A place of community learning/socialization/youth dormitory.

the family takes the final decision over the land. Lineage land can be residential, jhumland, garden or even forest. This land can be used in any manner the concerned lineage sees fit except transferring it to others outside the village jurisdiction.

(d) Individual Land

Individual land in Naga areas can be further classified as:

- (i) Ang and Village Chief: The Ang (Noble Chief of the Konyak tribe) and the Village Chief or Gaonbura among the Sema tribe has an autocratic system of governance and hence enjoy wide range of control over the land within the village jurisdiction. Among the Konyaks, Ang's jhumfield is cultivated by the commoners and nominal tax is collected from all the farmers which are also considered as tribute to his Angship. However, other types of land ownership also prevail. There exists individual and clan ownership of land even amongst them.
- (ii) Ordinary citizens/individual owned land: Terrace fields, farmlands, tree plantation, residential sites, sites for granary, etc., constitute the individual lands. Individual land can be either of a family owned or individual owned. Individual land can be either inherited or acquired land. The Naga society being a patriarchal society, individual land is transferred from father to son, and when there is no male heir, the land will ultimately revert back to the nearest kin group of the same clan.

Though individuals, clans and community enjoy ownership over their land, the village authority has the sole power to seize or take over any of those lands within the village jurisdiction either for purposeful reasons or as a punitive measure to the defaulting citizens. Sale or transfer of land from one individual to another or from one clan to another is possible within the village prescribed norms, but selling

and transfer of any of these lands outside the villages is strictly prohibited with dire consequences.

In recent years many of the clan land and lineage lands are now in the hands of individuals but it does not mean that individuals have complete control over it. For instance, the village authority decides which plot of jhumland/forest to be cultivated for a particular year. Accordingly all individuals/clans have to cultivate their jhumland as per the directive of the village authority to maintain the proper jhum cycle.

Under the patriarchal system the Naga men are allowed to own land as a member of the community, clan, lineage/family or as individuals. But in the case of women, though they are entitled to use land of their father's clan, they are not taken into any of the fold having the right over the land. Although in Naga society women predominantly carry out most of the agricultural activities, under the traditional male dominated system, Naga women are barred from perpetual landholding or jhumland or inheriting land.

3

Land Use Pattern in Nagaland

I. Traditional Land Use Pattern in Nagaland

It is difficult to present a clear picture on the status of land utilization in Nagaland as there is no cadastral survey and no proper records of government or by competent private agencies. Traditionally land in Nagaland is used for three main purposes—for settlement, that forms the homestead, for agricultural purposes and for conservation of forests. Apart from these three major land use other remaining areas are used for conservation of certain plants, bamboo grove, and kitchen garden which are normally in the backyard of the village. Otherwise land is extensively used for agricultural purposes.

The official interpretation of the land use pattern in Nagaland is presented below.

Land Use Pattern in Nagaland		(In Hectares)		
Sl. No.	Classification	1990-91	2000-01	2002-03
1.	Geographical area	1657900	1657900	1657900
2.	Reporting area	1532912	1521590	1581720
3.	Forest	862532	862930	862930
4.	Land put to non-agri use	28848	65890	67340
5.	Misc. tree crops and grooves	124530	124140	123100
6.	Cultivable waste			
7.	Current fallow	99190	72534	58370
8.	Other fallow	118260	91340	84500
9.	Net area sown	109700	64530	72710
10.	Area sown more than once	189852	240226	312770
11.	Gross cropped area	20550	28000	50650
		210402	268226	363420

Source: Directorate of Economics and Statistics, Nagaland, 2006.

Shifting cultivation is practised in the entire state while sedentary terraced cultivation is practised in Kohima, Phek and Dimapur district of Nagaland. Out of the total 1,657,900 ha, the total area for land utilization is 1,581,892 ha, of which forest accounts for 862,532 ha. The land set aside for agriculture includes jhumland, wet terrace cultivation, wet rice cultivation, horticulture and other cash crops cultivation.

II. Dynamics of the Land Use Pattern

Of late, there is a drastic change in the pattern of land use. Modernization has a great impact on the traditional community life of the Nagas. Capitalism and individualism are penetrating every sphere of life which directly affects the landholding and land use pattern in the society. Land, which was once considered sacred and the most important factor for sustaining the community life is now becoming a mere commodity or wealth to many. Hence it can be easily bought or sold out to any, particularly in the urban areas. In the present Naga society, the land no longer holds sanctity value as it once had in the community life of the Nagas. Besides, other exogenous forces and government policies have completely changed the concept of land. Further, under the new administrative system community land is voluntarily or involuntarily being taken over for development purposes.

Common noticeable change in the land use pattern is the conversion of traditional *jhum* areas into permanent forest or settled farming and cash crop plantation. This is the direct outcome of the emerging trend of changing land ownership to individual ownership. Almost all recently developed settled-farming or cash-crop plantations are owned by affluent and rich individuals who have either purchased the community land or developed in his own private land or in his clans/lineage land thereby compelling other members to also select a portion of their own share from the clan/lineage land. This has resulted in fragmentation of the community, clan and lineage land into individual/private land. Induced by the money-oriented farming and other

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District-wise Agricultural Land Use Pattern

(In Hectares)

<i>District</i>	<i>Total Area under Jhum</i>	<i>Area under Current Jhum</i>	<i>Area under TRC/WRC</i>	<i>Area under Horticulture/ Cash Crops</i>	<i>Total area under Agricultural Activity</i>
Dimapur	18307	4340	30937	6091	41368
Mokokchung	123063	11923	2986	1928	16837
Wokha	109185	15580	1991	1166	18737
Kohima	126036	11529	13004	1542	26075
Phek	52660	21054	15561	1533	38148
Zunheboto	106046	12306	3574	1058	16938
Tuensang	306275	51083	6684	1293	49060
Mon	75515	13534	1251	839	15624
Nagaland	917087	131349	75988	15450	222787

Source: Nagaland Village Profile 2001, State Department of Agriculture

Classification of Forest Area in Nagaland

(In Hectares)

<i>Legal Status</i>	<i>Forest Area (Ha)</i>	<i>% of Total Forest Area</i>
<i>State owned:</i>		
Reserved Forests	8583	1
Purchased Forests	19162	2.2
Protected Forests	50756	5.9
Wildlife Sanctuary	22237	2.6
<i>Village Forests:</i>		
Virgin Forests	477827	55.4
Degraded Forests	284280	32.9
Total	862845	100
<i>Ownership:</i>		
State Government	100823	11.70%
Private/Community	762107	88.30%

Source: State Department of Forests and Environment, 2001

central schemes, there is an alarming changeover from traditional shifting cultivation all over the state. For instance, the Village Council of Sapotimi village in Zunheboto district had passed a resolution to the effect that all the villagers should cultivate only cardamom and passion fruit. The Nagaland Empowerment of People through Economic Development (NEPED), Government of Nagaland, International Research Centre and the Indo-Canada Environment Project further strengthened the resolve of the Sapotimi village resolution by providing financial support to grow and expand cardamom plantation. As a consequence, the land under traditional shifting cultivation has reduced drastically by almost 90 per cent.⁴ Another village, Sungratsu in Mokokchung district, has a similar experience where the number of families practising *jhum* has been reduced from 500 to a mere 40 families within a few years. The villagers converted the entire traditional community *jhum* site into a model farming village where sedentarized farming activities for producing cash crops and vegetables are encouraged. These two villages typify the ongoing trend of the changing farming system and land use pattern in many villages of Nagaland.

4. *Adding Value to Shifting Cultivation in Nagaland, India*, NEPED, New Delhi, pp. 48-50.

4

Gender and Land Rights in Nagaland

I. Land Rights, Inheritance and Gender Relations

In Naga society, title and ancestral property are inherited solely by the male members. Typical of most patrilineal societies, Nagas derive their social identity from their fathers' clan and are placed in his agnatic group. Gender differences in group membership and social identity are closely connected with the patterns of inheritance and resource distribution. As such, property is inherited by the male heirs and transmitted through them. They have coparcenary rights in ancestral property. The Naga women have no share in such inheritance. The right to ownership of land, whether private, clan or community land, always rests with men and is never owned by women. Women, however, get access to cultivate on the land through their male kins. Under certain circumstances, widows are also given the right to cultivate on clan land in order to sustain them. But they cannot under any circumstances claim right to the land they cultivate. Ownership is always retained by the male members of the clan and community.

Though ownership and control of land and resources are outside their ambit, nonetheless, most of the work on the land are performed by women. *Jhum* cultivation (or swidden agriculture), which is a way of life for the Nagas, remains an intrinsic part of Naga culture, customs and beliefs. Naga women constitute about 47 per cent of the total population

and contribute more than 75 per cent of the labour force involved in agriculture.⁵ While men take care of the slashing of the forests, burning of the *jhum* fields, cleaning of the pathways leading to the new fields, construction of huts and transportation of wood from the field, the rest of the crop production activities, right from seed selection and sowing to the harvest of the crops are carried out by the women. In addition to paddy, women plant a variety of crops like chillies, tomatoes, brinjals, cucurbits, maize and millets, yams, etc., to meet the household requirements and to generate extra income. Besides the cultivation processes, it is primarily the women who engage in foraging activities from the forests for edible plants, fuel, fodder for their consumption as well as for their domestic animals etc., among other things. Women in Naga society thus have a very close relationship with the environment they live in. The food security and the welfare of their families depend on preserving this environment. Any changes in the environment can affect the availability of water, fuel wood, fodder, medicinal plants, food and other essential materials for their daily sustenance, particularly in the rural areas. Hence, women in Nagaland have a very deep appreciation of the value of land, forests and biodiversity. Though men were in charge of the land and other resources, it was primarily the women who took care of production and the family economy.

Even though Naga women have minimal power or control over productive resources, as long as the common property resources were intact, particularly the land they toil on, they could sustain themselves. Death through starvation is virtually unheard of in Naga society. Since the village community retains collective control over village land, theoretically there are no homeless and landless persons in Nagaland. However, due to their lack of ownership rights over the land and resources, individual women are not in a position to avail of extended services to be got out of land

5. Ibid., p. 14.

such as credit, loan or mortgage facilities which they could otherwise use to better their life.

Alternatives to the existing system of male-ownership of land and resources remains distinctly remote given that the traditional governing system of the Nagas, which was either chieftainship (known as '*Angh*' among the Konyak Nagas, '*Gaonbura*' among the Sema Nagas), Village Council or an informal council of elders, included only male members and women were, and still are, completely excluded from formal traditional decision-making processes. Perhaps, this explains why traditionally Naga society presents a male face. While apparently the society abounds with evidences of egalitarianism, on closer inspection, the participation of women are found to be almost entirely missing in vital decision-making institutions of the state. Though educationally, the literacy rate of Naga women stands at an impressive 76.69 per cent (2011 Census), their marginalization from decision-making institutions remains acute with not a single woman able to break through the male ranks of politicians to make it to the hallowed portals of the state legislature to date. Not surprisingly, issues like women's land rights, inheritance, gendered governance, etc., are not accorded much importance by an all male-legislature that remains insensitive to such pressing gender issues. While Naga women seem to enjoy great laxity in the domestic sphere with regard to the management of household affairs, that 'freedom' ends the moment she steps into the public arena where the management and governance of society predominantly remains a male domain. Therefore the much touted egalitarian principles of tribal societies exhibit a rather paradoxical situation with regard to gender relations in Naga society.

II. Some Emerging Trends

There is an increasing practice today for many enlightened parents to bequeath acquired property to their daughters as gifts to safeguard their pecuniary interests. In the urban areas,

particularly amongst the affluent families, this can even be in the form of land. Such bequeathals can be solely owned by the women provided they have the proper legal documentations in the form of pattas, etc. However, this is not possible with ancestral property. It may be noted that in Nagaland, ancestral land possesses more value for its symbolic meaning which purchased land does not have. Even acquired property, if immovable, may not be passed on to a female child in the rural areas till date. The use of pattas as documentation of inheritance of property is unheard of in the villages as traditionally oral tradition is the norm in Naga society.

Presently, due to the burgeoning material culture and changing values of society many Naga males are migrating from rural areas to the towns/urban centres in search of better prospects, leaving behind their traditional farming practices. As a result, the numbers of female-headed households in the rural areas are on the rise. However, owing to lack of control over productive resources with their role being limited to providing labour, it often impacts negatively on the women and leads to their exploitation.

Through the initiative of organizations such as the NEPED, certain women Self-Help Groups (SHGs) are able to gain access to community land as part of the development programme. Here, they establish nurseries for agro-forest products, or use it as test plots to test the NEPED agro-forestry technologies⁶ fairly successfully. The women under such schemes are given full authority in the management of the plot and the produce from it thereof, but, the land still belonged to the community.

Till date, there has been no significant move by Naga women against their limited role in resource control and management. Though voices from certain sections of women have emerged against the prevailing ownership and control system which remains heavily gender-biased, these voices

6. *Ibid.*, p. 163.

have so far been isolated ones and simply not strong enough to cause any major stir in the status quo. The primary reason for this seemingly lackadaisical attitude of women regarding their lack of control over ownership and control of resources may be found in the rigid customary system of land use pattern and governing institutions of the people that is to a large degree accepted by most Nagas as time-tested and tried as best suited to preserve and perpetuate their indigenous culture against the tides of time and exogenous forces of change. But changes, particularly through the monetization of economy and the subsequent privatization of communal land, are already visible in the society leading to fears that whatever little security women have over the agricultural production system through communal land may be gradually eroded leading to irreparable alienation from their land.

Naga Political Struggle and Its Ramification on Land Alienation

I. Historical Background of the Naga Political Struggle

Until the early 19th century, Nagas were more or less confined to their territory and their contact with the outside world was minimal till the British colonized part of the Naga territory. Since then Nagas have been exposed to a wide range of experimental colonial dominance, but at no time was Naga territory ever defined or consolidated by the colonial forces. This fact is amply borne out through the writings on the Nagas such as Butler's account of the Naga tribes in 1873: "...of all the tribes inhabiting the enormous tract of mountainous country hemming in Assam on the south, the Nagas are the most numerous. Roughly speaking, they may be said to extend from the Kopili river on the west to Bori Dihing on the east, towards the south, they occupy the whole hill country bordering upon the hill districts of Nowgong, Sibsagar and Luckimpore. In the southern direction, they positively know that, they not only extend upto but actually cross over the great main watershed between Irawadi and Brahmaputra. ... they actually extend upto the valley of Chindwin river." Hence, only a certain portion of the Naga territory was 'administered'. Even so, the traditional Naga

7. Mackenzie, Alexander. *History of Hill Tribes of North-Eastern Frontier of Bengal*, 1884.

village administration continued to function with a high degree of autonomy. The rest, particularly the erstwhile North Eastern Frontier Agency, remained entirely self-governing and continued to be treated as an excluded, unadministered and backward tract until 1948. In spite of the British non-interference policy towards the Nagas and their limited administration in the Naga territory, the process of colonizing people and land resulted in a long term ramification in the entire Naga territory.

The Nagas had a unique relationship with the neighbouring Ahom Kings where territorial boundaries were respected and based on this certain formalities were exercised by both sides to maintain the equilibrium. When the British arrived, initially they recognized the traditional boundary of the Ahoms and the Nagas as the political boundary. However, when the British Government set a firm footing in Assam and particularly after the Assam Bengal Railway was constructed around 1899, for their own administrative convenience big areas of Naga territories were transferred to the adjoining district of Assam in 1898, 1901, 1902/1903 and 1923. All these transfers were done without the knowledge, much less without the consent of the Nagas. The slicing out of Naga territory for the establishment of tea plantation is corroborated in Sir Edward Gaits *History of Assam*: "...as early as 1860 the Assam Company took up land for tea cultivation in the Naga Hills, 20 years or more before any other company was started. Due to occurrence of many clashes between the tea gardeners and the Nagas, the imperial power had to take preventive measures to ease tension along the border by prohibiting any fresh grant south of Ladoigarh which was recognized as the boundary between Naga territory and Assam ...".

From 1840-1918, there was a diplomatic relationship between the British and the Nagas but at the same time subtle systematic repressive measures to subjugate the Nagas were enforced. In the process, some likeminded Nagas, concerned about their future and realizing the need of a common platform to safeguard their interests, formed the Naga Club

in 1918 which coalesced with an established political institution called the Naga National Council (NNC) in 1946 represented by all the Naga citizens irrespective of the imposed territorial divisions. The Nagas unitedly defended their rights in various forms notable among which are submission of memorandum to the Simon Commission in 1929 where the Nagas pleaded with the British not to thrust their fate at the mercy of those who never conquered them and leave them to determine their own destiny. Reiterating their position, they outrightly rejected the Sixth Schedule of the Indian Constitution. Even as the colonial rule ended, the Nagas continued to find their position appalling with the shift of power from British colonial rule to India. On 16 May 1951, the Nagas conducted a plebiscite for the future of the Naga people that resulted in 99.9 per cent of the Naga populace opting for a free Nagaland. It was the people's affirmation for protecting their land and asserting their rights for self-determination. Further, the Nagas launched a civil disobedience movement in 1952 that boycotted the Indian government and the general elections of 1952; the same was repeated in 1957. Since then it became clear that the Nagas could not be easily persuaded to join the union of India. As a result, the Government of India stepped up armed forces with extra constitutional powers such as the Assam Maintenance of Public Order 1953 (AMPO), Disturbed Area Act, Nagaland Security Regulations Act 1962, National Security Act (NSA), and the Armed Forces Special Power Act (AFSP) 1956 and 1972.

Under the colonial designs, Naga territory was divided and fragmented from time to time further alienating people and their land. The Naga territory was bifurcated into administrative units of Manipur and Naga hill district in 1873.⁸ Between 1935 and 1945, the British divided the Naga

8. Foreign Policy Proceedings, 1842, pp. 71-74, quoted in Kekhrie Yhome, *Natural Resources of Naga Area, Utilizing Indigenous and Scientific Approaches*, Seminar presentation organized by NSUS, Shillong, 2 October 2004, p. 3.

inhabited areas into two parts. One third of the Naga territory was placed under the administration of Burma (Myanmar). Two third of the Naga areas were given to the Government of India.⁹ In present-day Manipur, the Nagas occupy extensive areas in the five hill districts, with the exception of Churachanpur district where Nagas are a minority as compared to Mizos and Kukis. Other four districts namely Senapati, Ukhrul, Chandel and Tamenglong are inhabited by some 18 Naga tribes. The rest, Tirap and Changlang districts, went to Arunachal Pradesh. Rengma Hills inhabited by the Rengma Nagas presently falls under North Cachar district of Assam. Nagaland state became the first administrative unit to be carved out and became a full-fledged state in 1962. The present state of Nagaland is only a fragment of the totality of Naga territory as originally inhabited by the Nagas.

The struggle for Naga people against the British colonialists and later, the Indian State, thus has its basis on the historical root defining people, their heritage and a land with its distinct territory that existed and so as to safeguard their identity as 'one people'.

II. Nagaland Statehood and Political Development Thence

Under the 16 Point Charter of demand by the Naga People's Convention (NPC) or often commonly called 16 Point Agreement between the NPC and the Government of India created the state of Nagaland on 1 December 1963 and placed it under the Ministry of External Affairs. Clause 12 and 13 of the 16 Point Agreement (1960) clearly stipulate the transfer of reserve forest to Nagaland from Assam and integration of all Naga areas. And further the late Jawaharlal Nehru announced on 1 August 1960 on the creation of the state of Nagaland that *the Government of India could not make any commitment at that stage on the questions of restoration of*

9. *Naga Resistance and the Peace Process, A Dossier*, Other Media Communications Publications, New Delhi, 2001, p. 2.

transferred areas and merger of contiguous areas inhabited by the Nagas, that it was kept open for future settlement under the provisions of the Constitution. Accordingly, the Nagaland Legislative Assembly reiterated that the Naga areas presently in Assam be transferred to the 'present Nagaland State', and have also passed a resolution three times, i.e. in 1964, 1970, and 1994, for the integration of all Naga territory which is in consonance with the status of the NPC's 16 points Charter of Demand and the provisions enumerated in the Article 371 (A) of the Constitution of India.

Ever since, the Nagaland Socialist Council of Nagaland (NSCN) the Naga insurgent group and the Government of India entered into ceasefire on 1 August 1997, a political dialogue and negotiation is going on till the present. Given the fact that the Indo-Naga political and historical conflict is still unresolved, there is great hope that an outcome will come out of the negotiating process, notwithstanding the fact that political and territorial integration or unification of all Nagas is a pre-condition to any peaceful conclusion or settlement.

6

Process of Land Alienation

I. Land Alienation Through Colonial Regulatory Acts and Laws

The British extended their dominance over Assam officially in 1826 by making it a 'Vassal State' and encroached parts of neighbouring hills in a similar manner, which marked the beginning of the Naga communities entering into an enclosure for the protracted colonial buffer dominance.¹⁰ The British annexation of Naga territory was motivated by Imperial designs; tea cultivation and the gardens were already beginning to take place by the 1860s and the Assam Bengal Railway was constructed by 1899. These developments led to the rapid annexation and transfer of Naga areas into the Assam 'administrative unit'.¹¹ The British colonial power exercised limited political control over the Naga territory by pursuing the policy of non-interference leaving the administration as well as economic affairs in the hands of the traditional Naga authority. However, their immense interest to protect their imperial stakes led to imposition of various regulatory acts and laws on the Naga people and their land. No land revenue regulations, either

10. Das, N.K. *Ethnic Identity and Social Stratification in North East India: The Ethnic Explosion*, New Delhi, pp. 254-55.

11. Sema, Hokeshi. *Emergence of Nagaland: Socio-economic and Political Transformation and the Future*, New Delhi, pp. 238-72.

during the British administration or by the Government of India, have ever been applied in Nagaland except a nominal house tax of Rs. 2 annually on every inhabited house¹² imposed by the British Government in their occupied administered areas. However systematic process of land alienation has been carried in the Naga territory through various legislations and Acts in the erstwhile Naga Hills in the present Nagaland. Among the enacted legislations in force with regard to the land system, Section 1, 2, 69,94 and 144A of *Assam Land Revenue Regulation Act 1886* were in force in the old Naga Hills when it was part of the Assam administration, these sections continued to be in force even after creation of a separate Nagaland State.

Another Act, the *Bengal Public Demand Recovery Act 1913* which was extended to Assam in 1920, and applied to Naga Hill District as a part of undivided Assam, continued to be enforced in Nagaland as per the *Nagaland Adoption Order 1965*. The object of both these acts was to facilitate realization of government dues and land revenue. As for instance, the Section 144A of the Assam Land and Revenue Regulation 186 lay down that '*all rents, fees, and royalties due to government for use or occupation of land or water (whether the property is government or not) on account of there of... shall be recoverable as arrears of land revenue*'.¹³

The *Bengal Eastern Frontier Regulation 3 of 1873* is still in force in Nagaland commonly known as '*Inner Line Permit*'. This Act prohibits outsiders from entering the Naga Hills or acquiring land or the product of land without the sanction of the government or authorized office. This regulation nullifies the ownership of the land to the Nagas to safeguard colonial interest.

The Nagas have their boundaries contiguously with the

12. Mills, J.P. *The Ao Nagas*, London, 1973, p. 404.

13. Das, J.N. *An Introduction to the Land Laws of Assam and Other North Eastern States*, Guwahati, 1993, p. 240.

14. Yhome, Kekhrie. *Natural Resources of Naga Area, Utilizing Indigenous and Scientific Approaches*, Seminar presentation organized by NSUS, Shillong, 2 October 2004, p. 3.

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Ahoms.¹⁴ The occasional territorial encroachments from both sides (Assam and Nagaland) often resulted in tension in the otherwise neighbourly relations between the two. There is a permanent embankment known as Ladoigurh and the Naga Bunds raised as the boundary line between the Ahoms and the Nagas (Sibsagar and Lakhimpur districts.¹⁵ When the British established an effective administration in Assam, in recognition of the traditional boundary between the Ahoms and the Nagas, they erected (Goya) boundary pillars¹⁶ along this line. The Naga Bund or Naga Bat (path) is marked with a revenue triangular masonry pillars, indicating the Southern Revenue boundary of the then Sibsagar district. The Innerline of 1876 also coincides with the 'Naga Bund' in this sector.¹⁷ Particularly after the construction of the Assam Bengal Railways in 1899, vast tracts of Naga territories were transferred to Assam in 1901, 1903 and 1923¹⁸ all without the consent and often without the knowledge of the Nagas. Simultaneously, many large tea gardens were established within Naga territory. Following this were alteration and shifting of Innerline deep inside Naga Hills purposefully to exclude all the Tea gardens. Gradually the annual tax that was paid by the plain people to 23 Naga villages as annual 'customary tribute' for using the land was taken charge of by the British Assam Government who then collected and handed over the tax to the Naga villagers¹⁹ but post-independence, the Assam government discontinued the practice since 1972.

15. Government of Nagaland. *A Brief Account of Border Affairs of Nagaland*, Kohima, p. 2.

16. Echa, Toshi. Uniqueness of Naga History and Border Issue, Seminar on Uniqueness of Naga History, organized by the Concerned Citizens Forum, Mokokchung, 8 January 2005, pp. 34-36.

17. Historical Sequence of Nagaland, p. 4.

18. *Ibid.*, p. 4.

19. Toshi Echa, *op. cit.*, p. 34.

In 1873, an important notice from the Governor-General's office in Calcutta ordered the tea plantations within the Naga lands be brought inside 'British territory'. This territory referred to is at the foothills of Assam where colonial administration converted large tracts of land into tea plantations²⁰. Many of the Naga territories were transferred for administrative convenience and for the tea gardens which is often agreed upon with the arrangement that a nominal token would be paid to the Nagas in recognition of the land ownership. For instance, Rs. 450 to be paid annually to the Namsang Chief (Agreement between DC, Lakhimpur and Naga Chief, Government of India vide No.1943 dated Shimla the 6 July 1875). Similarly, Naga Khat was paid by the tea planters to the village of Changki, Longchemdang, Nokphu, in the Mokokchung District of Nagaland till the early 1990s.

But by the mid 19th century, land conflicts between the colonial planters and the Nagas had started. The colonial planters came to view the land tax paid to the Nagas as "extortionist" demands. Further, the colonial policy had succeeded in breaking break the traditional ties between the original settlers of Assam and Nagaland thereby bringing new settlers to the newly acquired land. In spite of the historical fact and traditionally recognized practices among the original settlers, there is a distortive notion among the politicians and the new settlers in the plain that Nagas belong only to the hill (the present construct of 'Nagaland state').²¹

Post independence, many of the Acts and Laws under the Indian State are no better than those of the colonial past. The *Nagaland Land (Requisition and Acquisition) Act 1965* states that '*An act to consolidate the law for requisition and speedy acquisition of premises and land for certain public purpose*'. A clause of the mentioned Act reads '*when any land has been*

20. Kikon, Dolly. *Border, Bagans and Bazaar: Ethnography of Transition Along the Foothills of Nagaland and Assam*, New Delhi, 2007.

21. Government of Nagaland, op. cit., p. 3.

requisitioned under Section 3 (i.e. power to requisition) the state government or the person authorized in this behalf by the state government may, by order in writing direct the owner, the tenant or any person who may be in possession of land... to surrender or deliver possession thereof to the collector or any person authorized by him in this behalf within such days of the service of the order as may be specified therein. Any person fails to comply or contravenes any such order government shall be punishable through imprisonment or with fines deemed fit. As and when such land is acquired... compensation the amount payable to the proprietor or owner is determined by the collector on average 15 per cent of market value'.

The Nagaland Jhumland Act 1970 has the provision to impose penalties against removal of forest produce from jhumland areas. Such removal is treated as a 'forest offence', and as such any forest produce in the course of removal may be seized and the offender arrested without warrant by a police officer or a forest officer and produced before a competent magistrate for trial according to law²². Thus the Naga rights and privileges remain vague and much of these territories which were once Naga area were alienated from them.

II. Privatization and Land Alienation

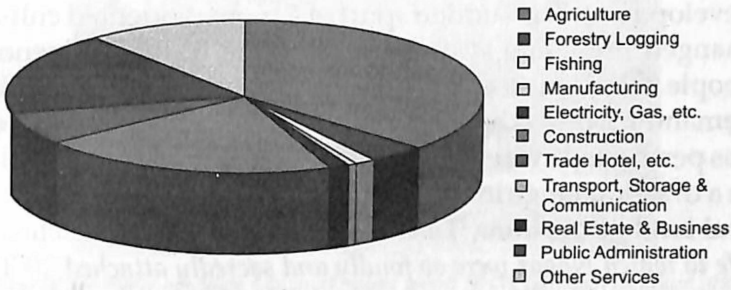
The Sectoral comparison of the Nagaland Net Domestic product (NSDP) indicates the primary, secondary and tertiary sectors to the state's economy have remained relatively unchanged during the last two decades (See figure below). In 2000-01, the share of primary sector was 31.01 per cent while that of the secondary sector was 15.18 per cent and tertiary sector contributed 53.81 per cent to the NSDP. Across the three sectors, agriculture 27 per cent, construction 15 per cent, transport, storage and communication 18 per cent, and public administration 13 per cent comprising three-fourth of the state's NSDP. The near absence of contribution from manufacturing, i.e., 0.3 per cent²³ reflects lack of

22. *Ibid.*, p. 246.

23. Nagaland State Human Development Report, pp. 49, 63.

industrial activities despite drastic changes in the land utilization.

Nagaland's NSDP by Economic Activity (2000-01)



Source: Statistical Abstract India 2002, CSO; Directorate of Economics & Statistics, Nagaland In *State Human Development Report 2004*, Nagaland

Though shifting cultivation continues to be the primary agricultural system in Nagaland where roughly 80% of all cultivable land is under *jhum*²⁴ and the other types are the Wet Rice Cultivation (WRC) and Wet Terrace Rice Cultivation (WTRC) practised in Dimapur plains and in Kohima, Phek and Peren Districts. The *jhum* or shifting cultivation which is traditionally extensively practised all over for centuries is now being fast replaced by other means of commercial farming and tree plantations. This process is aided by the governmental policy of 'Patta'-based recognition of private ownership of land. The state government is in the process of surveying all tribal lands purportedly for maintaining departmental records, but in actuality, under this pretext, the government is introducing the 'Patta'-based land ownership system in all the towns and administrative headquarters which is completely alien to the customary practice of land ownership.

Subsequently, there is an upward trend of privatization of land thereby leading to transfer of communal, clan, and family land into private/individual land. Rapid social change

24. *Building Upon Traditional Agriculture in Nagaland, India*, NEPED, 1999, p. 17.

of Naga society has developed a floating culture basically marked by consumerism. This began with the government of India's policy of countering the Naga Movement by pumping money into the state under the guise of economic development. The sudden spurt of a money-oriented culture changed the value system and lifestyle of the indigenous people whose nascent materialistic worldview and living demand money, whatever be the source. This value system has penetrated even the rural citizens in the villages resulting in a drastic change in the attitude of the Nagas towards land and land utilization. "*Land is no more the God given source of life to which Nagas were so fondly and sacredly attached*".²⁵ The land owner is willing to part with his land either for financing the education of children, commercial purposes, or simply to have the accessories typical of the emerging elite class.

Under such circumstances an individual becomes more vulnerable to the various forces leading to alienation of land. Of late, the emerging trend among the Nagas is for the affluent class to buy huge plots of land, not for the sake of livelihood, but purposes of profitable investment such as tree plantation primarily for commercial use, cash crop farming, etc, as also for the high exchange and market value of the land itself. Such instances are more visible in Dimapur areas where rich Nagas have been buying hundreds of acres, particularly from Kacharis, leaving them almost on the verge of becoming landless tribes in Nagaland and Assam.

Apart from the commercial tree plantation, there is also a large scale conversion of *jhum* land into centrally sponsored cash crop cultivation all over Nagaland. Given the massive move from *jhum* to cash-crop farming with government incentives such as subsidies and loans, the question of food security also needs to be addressed as rice remains the staple diet of the people.

25. Sakhrie, Ahu. Social activist and educationist, April 2008, Kohima.



One of the many roadside Manipuri hotels along NH39 between Dimapur and Kohima. Visible behind is a Teak Tree Plantation which replaced a jhum land.

III. Land Alienation Through Developmental Process

Under the 'Vision of Nagaland 2020' massive developmental projects have been initiated by the Government of Nagaland. Many traditional Naga villages are being converted into modern Model Villages such as Tourist destination, ToupHEMA, Naga Heritage Village Kisama, Mount Pauna village (Circuit Tourism), Green Village Khonoma, and over 15 rural tourism villages have been declared recently. The government has identified 12 potential industrial zones. Some of these areas have already been acquired by the government for setting up of industrial units and others are under process.

Some of the recent acquisitions by the government include Chiethu Airport (Kohima district), where out of the total requirement of 746 acres, 650 acres of land have already been clearly demarcated. Almost 70 per cent of the total land belongs to the community of Chiechama village and the remaining 30 per cent belongs to private individuals; Deputy Commissioner Office Complex, Chumukedima with a total area of 64.30 acres was acquired by the government.

In 2007 under the Prime Minister's initiatives, the Government of India accorded approval for setting up of 2 Special Economic Zones (SEZ) in Nagaland. Out of these,

two Multi-Product Special Economic Zones promoted by a private company acquired over 400 hectares on the outskirts of Dimapur for modern township, recreation and manufacturing purposes. Secondly, an Agro food Processing SEZ is earmarked as an export promoting industrial park with 125 acres of land already acquired by the government. The Nagaland Industrial Development Corporation (NIDC) acquired estates covering a total area of 40 acres with 25 acres already built with standard factory sheds and area for a small industrial plot at Dimapur.

There are also two integrated infrastructural development centres, one in Kiruphima and the other at Longnak, each with 50 acres of land²⁶ both of which are to be undertaken by the government. All the above mentioned developments are in keeping with the State

Industrial Policy 2000 (revised in 2004) wherein its mission states '*to facilitate rapid and sustained industrial development in the state through enhanced investment ... employment for the people of Nagaland*'.²⁷ It appears that in the backdrop of the ongoing process of liberalization and privatization, the state of Nagaland without in-depth perusal and consideration of the local realities, threw open the door to foreign investors, which will have far reaching consequences on the people's rights over land and resources.

For the developing agencies, North East India is considered to be the future power house of India. Nagaland, with a potential of more than 2000 MW in hydel power generation has been the target of many agencies and corporations including multinationals. Seventy-five MW Doyang Hydel Electric Project (DHEP), 24 MW Likhimro HEP and 24 MW Thermal Power Station at Chumukedima are some notable projects that take away a large percentage

26. Investment Destination: Verdant Nagaland Naturally, Government of Nagaland Publication, 2007, p. 6.

27. Guide to Enterprise Promotion 'Year of Entrepreneurs' 2010-2011, Directorate of Industries and Commerce, 2010, p. 4.

of land from the local community. For instance, the 75 MW Doyang HEP is a project commissioned in 2000 by the Government of Nagaland in collaboration with North East Electric Power Corporation (NEEPCO) Ltd. The MOU between the Government of Nagaland and NEEPCO for DHEP was signed for 99 years. The total catchment area of the DHEP is 2,60,600 ha which falls entirely within the community lands. For the state government the Doyang HEP is often referred as the 'Pride of Nagaland', but for the affected community of people, the totality of the consequences is grave. There are 22 villages falling within the perimeter of the immediate catchment area, with 11 villages most seriously affected. Considerable areas of fertile agricultural land and pristine forest have already been submerged. Out of the total catchment area of the DHEP, forest accounts for 521.20 ha, terrace fields 125.42 ha, orchards 30.12 ha, non-agricultural land 255.40 ha and area under *jhum* cultivation accounts for 1,673.81 hectares²⁸.



Partially submerged *jhum*fields at the DHEP dam area, Wokha.

28. Department of Geography and Resource Management, Field Study Research Report on 'Social and Environmental Consequences of Catchment Area of Doyang HEP', 2007, Nagaland University, Lumami.

The process of alienating the affected villagers from their land and livelihood can be gauged from the manner in which the entire process of acquiring the land took place. Whereas in Naga society, the Village Council remains the ultimate authority which represents the citizens' voice, in the case of DHEP however, a committee was constituted from among the land owners thereby completely marginalizing the traditional village authority. The most astonishing part of the 1992 MOU is Clause 1.5 which says, "*The government of Nagaland accepts the position that NEEPCO will not be burdened with any additional cost to the project for economic rehabilitation of the affected land owners*". The simple and ignorant village folks were made to part with their precious land for development, lured with promises of a better life and future. But today, the harsh reality is that many of the villagers have lost their best cultivable land, their orchards and forests. With the monetary compensation they got from the NEEPCO, some villagers have migrated to urban centres like Wokha and Dimapur with hopes of a better future, but except for a few, the towns in fact cannot offer them a decent living as they have no jobs or security. Many villagers as yet continue to struggle with their farming life with whatever little land is left for them. As an unhappy villager lamented, "*we used to harvest 35 to 45 tins of rice per acre, but now we get only 20 to 25 tins of rice in the same plot after construction of the dam*".²⁹ Besides the fact that they have lost the land, there are other environmental consequences with multi-dimensional implications on health, cropping pattern, bio-diversity, etc. Some of the environmental consequences include undesirable modification of the landscape, changes in the surface and underground drainage, decline in quality and quantity of vegetation cover, and loss of bio-diversity, degradation of downstream rivers due to massive erosion and silt run-off. All these points to the fact that proper environmental and

29. Affected Villager, interviewed 9 August 2007 Doyang.

social impact assessment was not carried out before implementing the hydel project. The once rich and fertile Doyang valley is rapidly turning into an uninhabitable and uncultivable region, rendering it just a strip of difficult terrain *not worth even cultivating*, as remarked by villagers from the affected area. And the bitterest irony of all, after parting with their land, their livelihood, their very identity, ostensibly for development (electricity), is that many of their houses still remain without electricity connectivity and the only lights they see at night "*are the reflections in the Dam reservoir*".³⁰

Coal mining is emerging as a profitable business taken up in many parts of Nagaland. The State Government is still in the process of exploration and in the initial stage of dealing with the prospecting Companies. For instance, the State Directorate of Geology and Mining has got collaborative projects with the National Metallurgical Laboratory, Jamshedpur on 'Pilot scale smelting and pre-feasibility studies on nickel-cobalt- chromium bearing magnetite ores from Nagaland for an economically viable plant'. However, outside the ambit of government regulations too, private and small firm extraction has been going on in many areas for a



Unscientific, Rat Hole Coal Mining at Namsang, which is generally practised at all the coal mines in Nagaland.

30. Affected villager, interviewed 10 August 2007, Doyang.

decade or so. Since many of these mines are located in the private land, the state government is unable to regulate and monitor them. Hence, with no competent authority or department to monitor the coal mining till date, the most unscientific 'Rat Hole mining' practice continues in Nagaland.



Mining carried out in jhumlands. Coal wastes are deposited haphazardly in the cultivable land, posing high human and environmental risks besides contaminating the soil.

Mining is carried out in Changki forest, Anaki village, Tuli in Mokokchung district; Namsang in Longleng district; and Tiru in Mon district. In Namsang, extraction of coal started since 2004 within a parameter of 5 sq. kms. Many of these mining operations are carried out in the jhumland where within the stipulated lease period the contractors or the agency tries to maximize their profit by mining as much as they can. The mine-wastes are dumped on the agricultural land thereby exposing the sulphurous coal dust creating both health and environmental hazards in the area. These wastes are being carried downstream by the rain water destroying the entire environment in the slopes and aquatic life in the rivers. 'Anaki village-C in Mokokchung district does not have any fish owing to contamination of water by mineral waste discharged from coal mines in the area' reads a report in a local daily³¹.

31. *The Morung Express*, 2 April 2008.

Besides, the unplanned, unscientific Rat Hole mining in the area poses a high risk for the miners as they are not properly equipped for scientific mining.



Unmindful and rampant destruction of valuable, cultivable land and environment through coal mining using crude and unscientific methods.



Water contamination through the coal wastes at Anaki village, Mokokchung

This unabated and unregulated money-oriented business is fast creating a trend where large tracts of land are concentrated in the hands of a few. Affluent people with money like politicians, bureaucrats and rich individuals are acquiring large tracts of land from both individuals and communities, while some lands are leased for a specified period of years.

IV. Militarization and Land Alienation

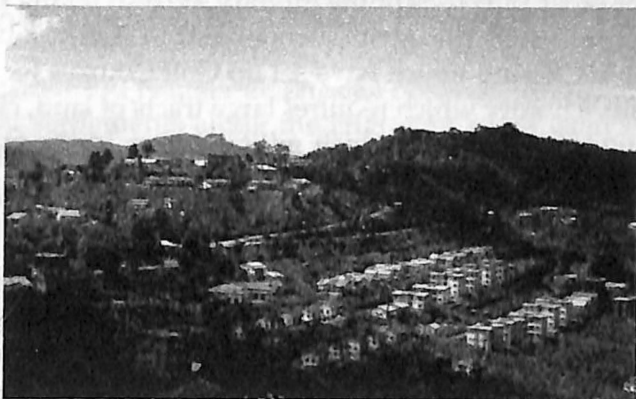
The process of militarization and expansion of armed police under the central and state policy is leading to loss of large tracts of land community land. For instance, recently lands have been acquired by the Nagaland Armed Police in Aboi, Peren, and Zadima, and at Tsiesema by the Assam Rifles. Along with these, the state has approved the renewal of land lease measuring 1,180.2 acres to Rangapahar military cantonment, Dimapur at its Cabinet meeting on 13 June 2008.

Militarization and security control over land were blatant in Nagaland, particularly between the 1960s to the 80s when Indo-Naga conflict was at its peak. During these years, there was hardly any traditional Naga village which had not experienced the brunt of the military force through burning of villages, forest and jhumland by the 'security forces' / Indian army. This fact is borne out by historical facts which shows that just between 1955-1964, 190 villages were burned down to ashes in the Sema region; 60 out of 64 villages in Chakesang region were razed to the ground; and in the Ao region 49 villages out of a total of 56 were burnt totally.³² By the 1970s, 80s and 90s, more coordinated and low intensity warfare in the form of counter insurgency operations started in all Naga areas. As part of this programme, regular patrolling of National and State highways was a common practice. To prevent roadside ambush by the Naga insurgents,

32. Iralu, Kaka. *Nagaland and India: The Blood and the Tears*, 2000, p. 99.

regular clearance of the jungle of considerable distance was made mandatory in many strategic places, which the local villagers within their village territory had to clear without any compensation as such. After 1990s the security forces/military forces changed their strategy to a higher and more sophisticated form of 'psychological warfare' using all forms of enticement such as people friendly terms such as 'Operation Good Samaritan', 'Friends of the Hill People', and 'Sathi Laga Force' (friendly force) through its Army developmental Group (ADG) 1995 programmes and military Civic Action (MCA). Under such policies they are acquiring prime land for building schools, public halls, parks, etc., such as Army Goodwill School, Dimapur, and Assam Rifles, Tsiesema area. Almost all the strategic locations of considerable areas were taken over by the armies and paramilitary forces which continue till date.

After the 1997 ceasefire between the National Socialist Council of Nagalim (NSCN-IM) and the Government of India, all the development agencies of the army and military forces have speeded up their developmental activities all over Nagaland. They have also been restoring places they have previously abandoned and replacing all the temporary army/military camps with concrete and permanent building.



13 Assam Rifles camp located between civilian colonies in Mokokchung town



Assam rifles Camp located along NH39 on the Kohima-Dimapur road.

On the pretext of maintaining 'law and order', military camps are being set up in civilian areas which contravenes all existing norms for military installation besides creating a war-like environment and inciting fear psychosis in the mind of the public by their very presence in large numbers. Further, almost as a rule, the military always occupy the most prime location in the town, hence appropriating valuable community land.

Militarization in the state has not only led to alienation of community land for 'security' reasons, but gradual loss of land for other purposes of the military are also taking place. A point in case is the Army cantonment in Rangapahar as well as in Chisami which have set up Golf Courses for their pleasure; a luxury which requires large tracts of land, clearly exhibiting the extent to which militarization in the state is depriving indigenous people of their land.

V. Immigration and Land Alienation

Other types of land alienation comes from encroachment of land and settlements primarily from the illegal immigrants. Nagaland saw an unprecedented growth of population as seen from the 1981-91 and 1991-2001 census with decadal growth of 50.05 per cent and 64.45 per cent respectively. Such high rate population growth was not only due to natural

causes but unnatural factors such as the unabated influx of people, particularly from Bangladesh. The migrants have settled not only in the urban areas, but have managed to penetrate almost all the interior parts of the state, in the form of labourers and petty businessmen.

The problem of migrants is especially acute in the foothills of Nagaland. The Nagaland-Assam border areas presents a prime example where migrants from other parts of the country as well as neighboring countries resorted to land grabbing while the two states are engaged in a decades-long conflict over their claimed territorial boundaries. Even though the people inhabiting these areas have co-existed for over a century and have proper knowledge of what traditionally belongs to them, the official borders have either not been demarcated properly or the landmarks have disappeared. Under this situation, the illegal immigrants, particularly from Bangladesh, settle in the obscure borderland and gradually spread to the neighbouring areas. They not only take away the land, but are often the factor for creating misunderstandings leading to tension and conflicts between the neighbouring communities, particularly on the Nagaland-Assam border.

Further, there is a general trend of linear pattern of settlement emerging along the major highways (state and national) in Nagaland. Travelling through the National highway, particularly between Dimapur and Kohima, the two major towns in Nagaland, one can observe the sprouting of several settlements along the Highway. In a distance of 74 kms between Kohima and Dimapur along the National Highway, apart from proper towns, there are numerous such settlements, viz. Lalmati, Piphema, Journapani, Patkai junction, Police Check Gate, etc. Such areas serve as taxi and lorry stoppages, and at the same time many petty business such as hotels, pan shops, vegetable markets, etc., flourishes. Most of these settlements and businesses are now in the hands of the people from outside the state such as Biharis, Manipuris (Meities), Bengalis and illegal migrants from Bangladesh.



Road side eateries frequented by taxis and trucks along NH39 owned by non-locals.



Highway hotels at Piphema which is fast turning from a travellers' stoppage into a bustling township where most businesses belong to non-locals.

Most of these roadside buildings and settlements are constructed on leased land by the outsiders. All these areas become partially alienated area as they are primarily inhabited by the non-locals who have potential to completely alienate the tribal land in the near future. Such unorganized settlements with a mixture of people with different obscure background often assume an unhealthy trend of development. For instance, Lalmati (along NH 39) is known for highway notoriety. There is an alarming growth of migrant population in all these areas adding more pressure on land.

7

Conclusion

History indicates that the process of land alienation for the Nagas took off with the colonial laws and policies. Before the British annexation of the Naga territory followed by the introduction of alien laws, the Nagas did not have any problem dealing with land. Every community or village had well defined boundaries and traditional administrative systems independent of each other based on their customary law. They had definite rules and clear notion on who could cultivate on what land in which season. Their religious beliefs, traditional values and customs have hence played a crucial role in conserving and management of land.

Post-colonial period saw the continuation of the alienation process that started during the British rule. There is adequate evidence that in the post statehood after 1963, development induced systematic process of land alienation has been taking place whereby, any 'development' for the people is in reality at the cost of their traditional rights. These changes are conditioned both by external forces and internal dynamics.³³ There is already a deep rooted process of land alienation and denial of the legitimate rights and ownership of the people in the state that threatens the existence of indigenous people. With the change of political history, the traditional land use pattern and land relations have been

33. U.A. Shimray, p. 11.

considerably altered and changed. Traditionally, there is no written history for the Nagas. There is neither codification nor any legislation for land as everything relating to land affair is done purely on the basis of traditionally established norms and customary laws within the society. Under the present political governing system, there is an ambiguity and double standard maintained by the Government of India whereby, on one hand Article 371(A) clearly recognizes the state customary laws in regard to land and its resources,³⁴ whereas on the other hand, complete power is vested in the state administration and judicial system which undermine and completely marginalize traditional laws and practices. Hence a factor for the process of land alienation is due to national policies such as the one cited above, whereby, on one hand, the Constitution provides for special protection of the indigenous tribes but through other laws and policies, it takes away the right of the tribals to administer themselves as per their tradition.

Communal land practices of the Naga people are being further undermined by developmental projects. Increasingly large areas of communal land are taken over by governmental as well as by private developmental agencies. In Nagaland thousands of acres of land has been acquired by the government through the transfer of administrative centers, for the purpose of administrative circles, establishment of government offices, institutions, parks, road, and for other developmental purposes. Apart from the land requirements for 11 districts, 93 administrative circles, 52 Blocks, Nagaland has a total road length of about 10,240.60 kms³⁵.

34. Article 371 (A) of the Constitution makes special provision with respect to the state of Nagaland. No.1 of Clause IV states not withstanding anything in this constitution, no Act of Parliament in respect of ownership and transfer of land and its resources, shall apply to the State of Nagaland unless the Legislative Assembly of Nagaland by a resolution so decide.

35. Important Economic Indicators of Nagaland 2004, Published by: Directorate of Economics and Statistics, Nagaland, Kohima.

The case of the Doyang Hydro project clearly shows that those people directly affected by the appropriation of land for developmental purposes do not essentially benefit from it. Apart from alienation from their ancestral land and losing their livelihood, the long term benefit of parting with their precious land for developmental projects appears untenable for the indigenous community. This clearly indicates the importance of carrying out efficient social, economic and environmental impact assessment before implementing any project on tribal land.

The policy of issuance of 'Pattas' by the state authority as recognition of ownership of land which is an alien concept against the traditional practices of the Naga people has brought with it the process of privatization of communal land. This practice has led to hoarding of large plots of land by the moneyed class, depriving many from use of traditional communal land. The possibility of the emergence of a landless class thus looms large in the near future given this trend, as also the rising social differentiation between the affluent, rich class and the common people. The influence of the modern monetary economy over the traditional tribal society is responsible for this process wherein the high market value of land and the resources to be gained from the land drives people to accumulate and hoard land.

The decades-long conflict situation and the resultant militarization in the state have more than played its role in exacerbating the process of land alienation in the state. Ultimately, the people stand at the losing end of both the militarization process as well as the process of land alienation.

The recent emergence of consumerist culture and imposition of various alien Acts and Laws have therefore considerably weakened the traditional values and understanding of land. Unlike in the past, when their community life was strong and their main sustenance was a common property, today, materialism and individualism has caught hold of the present generation. As such land has merely become a marketable commodity for many. Unequal

distribution of resources and wealth among the people have resulted in few 'haves' and many 'have-nots.'

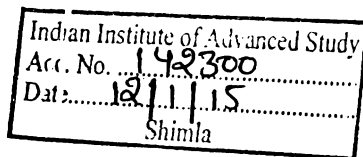
It is therefore imperative that suitable policies must be sought which are sensitive to and supplement the time-tested traditional practices of land-use of the Nagas. Equally important is to modernize the traditional values and systems through equity, transparency and capacity building through participation in the modern day development but not by mindless alienation of 'land and people' which would undermine, nay, threaten, the very basis of their identity. Any genuine development must be accompanied with 'human capacity building' so that human potential is fully realized and utilized. Democracy must respect the historically involved land, people, culture and nature.

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Annexure-I

Demographic Profile of Nagaland

<i>Particulars</i>	1961	1971	1981	1991	2001	2011
Total Population ('000)	369	516	775	1210	1989	1980
Decennial Growth of Population (%)	-	39.88	50.05	56.08	64.41	-0.47
Density of Population (per sq.km)	22	31	47	73	120	
Percentage of Rural Population	94.80	90.00	84.48	82.79	82.26	71.03
Level of Urbanization (%)	5.20	10.0	15.52	17.21	17.74	28.97
Growth of Urbanization (%)	16.6	10.4	8.9	5.6	5.4	NA
Literacy Rate (%)	20.40	27.40	42.57	61.65	67.11	80.11
Literacy Rate : Male (%)	27.2	35.02	50.1	67.52	71.8	82.29
Literacy Rate : Female (%)	13.0	18.65	33.9	61.65	61.9	76.69
Sex Ratio	933	871	863	886	909	931
Percentage of Workers	NA	NA	48.23	42.68	42.74	NA

Source: Census of India; National Family Health Survey, 1998-99

Annexure-II

Distribution of Urban Population

District/ State	1981		1991		2001		2011	
	Urban Popula- tion	Percent- age of Urban Popula- tion	Urban Popula- tion	Percent- age of Urban Popula- tion	Urban Popula- tion	Percent- age of Urban Popula- tion	Urban Popula- tion	Percent- age of Urban Popula- tion
Kohima	67218	55.91	117396	56.38	78584	22.27	123149	21.46
Dimapur	-	-	-	-	123892	35.11	197277	34.38
Phek	-	-	8366	4.02	12863	3.65	24605	4.28
Mokok- chung	18060	15.02	24803	11.91	31204	8.84	55654	9.70
Wokha	8180	6.80	14377	6.90	37696	10.68	34985	6.09
Zunheboto	7678	6.39	11473	5.51	22809	6.46	27605	4.81
Tuensang	12200	10.15	21018	10.09	29654	8.40	36841	6.42
Mon	6898	5.74	10790	5.18	16119	4.57	34718	6.05
Kiphire							16497	2.87
Longleng							7609	1.32
Peren							14801	2.57
Nagaland	120234	100.00	208223	100.00	352821	100.00	573741	100.00

Source: Census 1981, 1991, 2001, 2011

Note: i. Dimapur district was part of Kohima during 1981 and 1991 Census in *State Human Development Report 2004*, Nagaland.

ii. Kiphire, Longleng and Peren became districts only after the 2001 Census

The process of land alienation in ancestral Naga territory was set off through Colonial Acts and Regulations. Post Indian Independence, development-induced systematic process of land alienation accelerated whereby, any 'development' for the people is in reality at the cost of their traditional rights. This book explores the historical socio-political factors and contemporary cultural changes wrought by both external forces and internal dynamics in Nagaland.

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