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## **Introduction: reinterpreting customary land relationships**

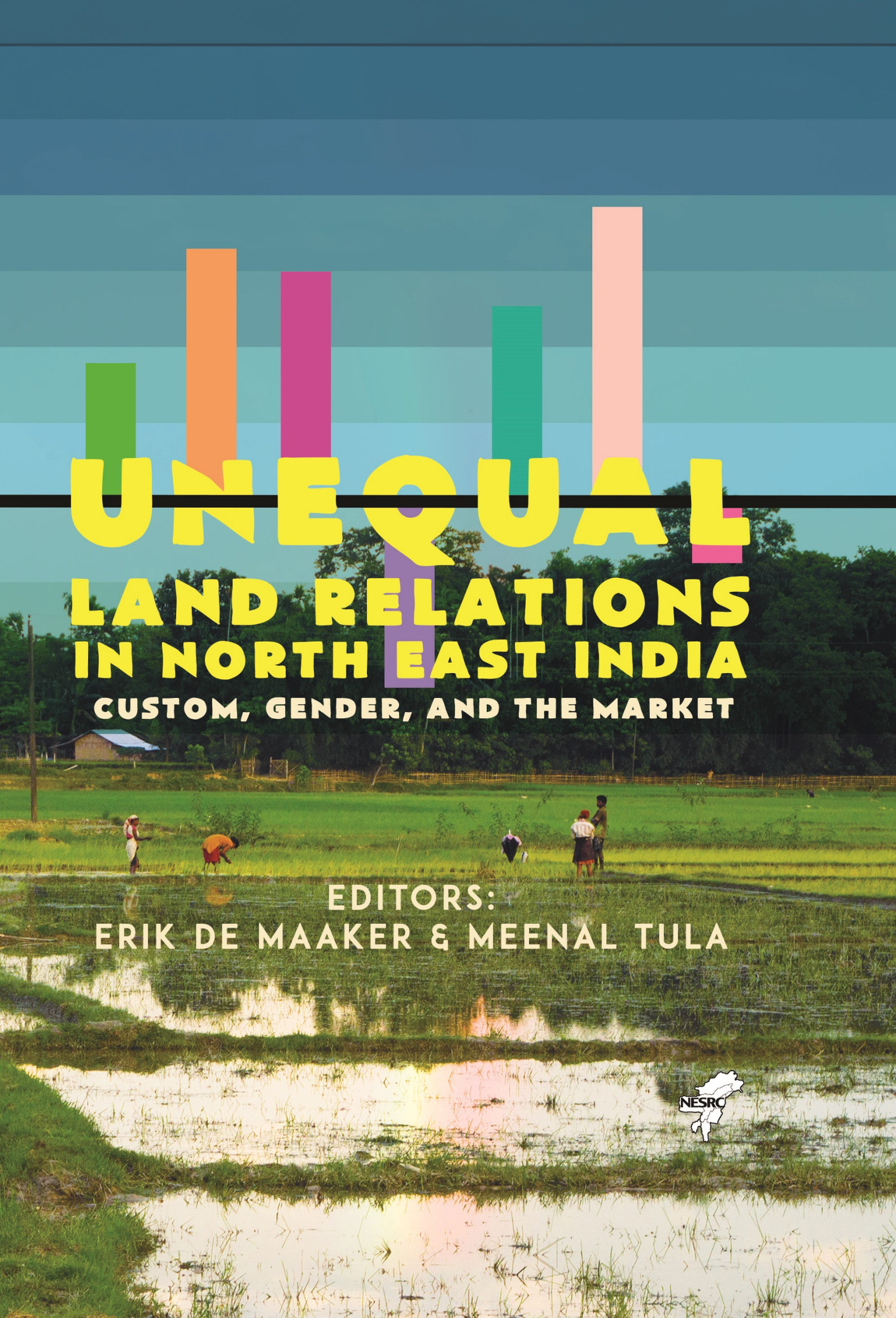
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# **UNEQUAL**

## **LAND RELATIONS**

### **IN NORTH EAST INDIA**

**CUSTOM, GENDER, AND THE MARKET**

**EDITORS:**  
**ERIK DE MAAKER & MEENAL TULA**



**Unequal Land Relations in  
North East India:  
Custom, Gender and the Market**

**Edited by  
Erik de Maaker  
Meenal Tula**

**North Eastern Social Research Centre  
Guwahati  
2020**

# **Unequal Land Relations in North East India: Custom, Gender and the Market**

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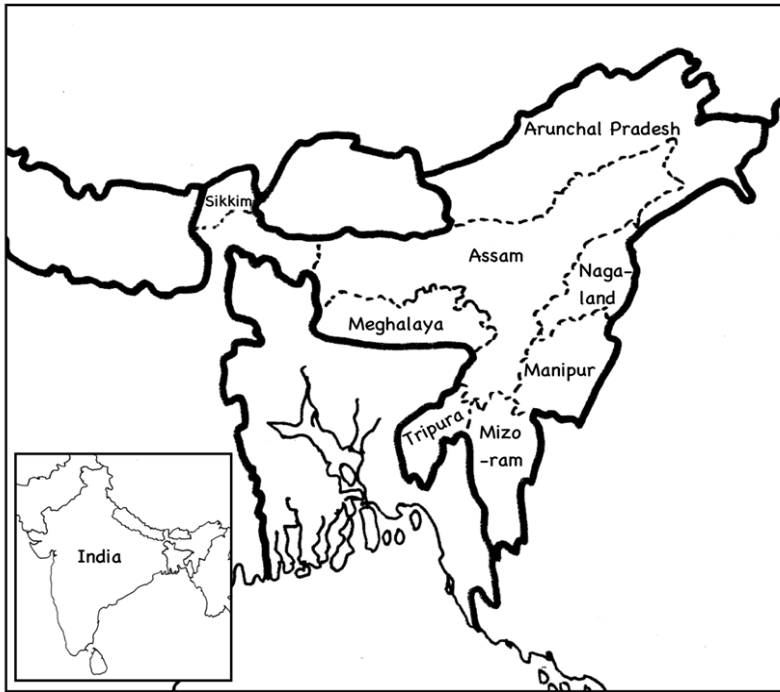


Figure 1: India's north-eastern region (map not to scale)

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Erik de Maaker and Meenal Tula  
(Leiden and Guwahati, 10 June 2020)



## **Introduction: Reinterpreting Customary**

### **Land Relationships**

Erik de Maaker and Meenal Tula

#### **Landscapes and Livelihoods**

North East India encompasses a great variety of landscapes and ecosystems. Steep hills and high mountains are folded around the broad valleys of rivers such as the Brahmaputra, the Barak and their many tributaries. From its western tip near the West Bengal border to its eastern edge near the borders with China and Myanmar, the region spans, as the crow flies, more than 790 kilometres. North to south, from Arunachal Pradesh to Tripura, this distance, in places, is even 830 kilometres. Given the accented nature of substantial parts of the terrain, the actual land surface is much larger. By South Asian standards, the vastness of North East India sustains a relatively low population density. Even though the population has seen a steep increase over the last couple of decades, the entire region currently has just 45 million people.

This population, however, is rather unequally distributed across the land. Whereas the river valleys of lower Assam are densely populated, that does not hold for the extensive upland areas (Dikshit and Dikshit, 2013). These variations in population density also reflect the distinct sources of livelihood that North East India can provide. Most of the population continues to be dependent on land for its livelihood, even though urban areas are quickly expanding (McDuie-Ra, 2016).

Historically, lowland river valleys which were suitable for the farming of wet rice (*paddy*) have supported a much larger population than upland areas where people depended on shifting cultivation or *jhum*. Already in the colonial era, land use in the uplands diversified, with large tracts being converted into tea gardens. More recently, the plantation- or orchard-based cultivation of crops such as rubber and areca nuts have gained importance in the uplands, in part replacing shifting cultivation. The emergence of these newer forms of land utilisation have transformed local economies, redefining access to land and who benefits from its returns. For example, tea gardens and rubber plantations do not necessarily cater to local livelihoods. Rather, these are typically capital-intensive ventures that have, with the use of dedicated labour developed into “self-contained production units” (Dasgupta, 2008, p. 186).<sup>1</sup> Even the mining of coal transforms access to, and utilisation of, land. In addition to drawing on “non-local” capital and labour, coal mining also creates major challenges to agriculture-oriented livelihoods in nearby areas (Das,

2014)—for instance, the severe environmental pollution it causes. As livelihood strategies diversify, and the population continues to grow, competition with respect to access, utilisation and ownership of land is likely to further increase.

### **Excluded Communities, Exclusionary Customs**

In pre-colonial times, land was available in abundance throughout large parts of the region. Wherever rural populations gained a higher density than local modes of production were able to support, people would eventually move towards areas of land that had fewer inhabitants. Almost all upland populations of the region, as a consequence, cherish legends and myths that narrate and outline the itinerary of the migration of their ancestors. Politically, control over people appears to have mattered much more than the control of land or territory—people would have to express allegiance with the payment of taxes being levied on produce traded at markets, but not in relation to the land they occupied or owned (Misra, 2011). When the region became incorporated in the colonial state, from the early 19<sup>th</sup> century onwards, this dramatically changed. Colonial land management practices aimed to “free” land for the creation of large tea estates, and laid claim to forests that contained valuable timber (Saikia, 2011; Karlsson, 2011; *see also* Hazarika, this volume). In addition, large stretches of the uplands were placed under “exclusionary” regimes of governance that allowed for the continuation of local, or customary, land management practices.<sup>2</sup> These customary arrangements encompassed rights, duties and principles which

had presumably been carried over from times immemorial among the ethnic communities in question. After colonial conquest, these became subdued and encapsulated by the authority and legality of the colonial state. Creating such exclusionary zones resulted in the reservation of land rights to the inhabitants of a given area. Many laws that operated elsewhere in the colonial state concerning, for instance, land and the family, did not apply in these exclusionary spaces of governance.

The Indian Constitution also integrated the earlier exclusionary regime in the new context of an independent nation-state. Safeguarding the land rights of the population of these areas, while restricting its transfer to others, remained a key concern. This meant, among others, that Autonomous Districts were placed under the Sixth Schedule of the Constitution. Autonomous Districts had been introduced under the Government of India Act of 1935,<sup>3</sup> but were now transformed into administrative units that were primarily governed by elected representatives. In addition, the governance of the state of Nagaland was brought under Article 371A of the Constitution.<sup>4</sup> Article 371A allots a central role to Naga customary law in all matters of administration and governance. Consequently, no Act of Parliament that interferes with Naga customary law applies to the state of Nagaland unless adopted by the Legislative Assembly of Nagaland by resolution.

These specific regimes of governance became tied to rather exclusionary notions of ethnicity. Ethnicity and community are in

upland North East India typically framed in terms of “tribe,” a term indicating (among others things) that the communities concerned were neither Hindu or Muslim. Not only does the category “tribe” emphasise disconnection from South Asia’s majoritarian cultural and ethnic communities (or, in common parlance in India’s north-east, ‘the mainstream’), it is also typically coupled to the expectation of a segmentary (i.e. non-hierarchical) social organisation. The term “tribe,” introduced as an administrative category in the context of colonial ethnography, has since been internalised among the ethnic communities concerned, and become a tool for the articulation of identity as well as for political empowerment (Xaxa, 1999). In this volume, in line with Shah (2010), we approach “tribal” as a category or subject position created through a convergence of complex administrative, constitutional, traditional and customary notions, and not just as an absolute identifier of otherwise diverse communities. In North East India, structures of governance that are meant to empower relatively autonomous tribes, create access to relatively substantial political means for those who control these. At the same time, and almost unavoidably, it has resulted in the exclusion of other communities residing within the same ethno-territories, who do not share in such rights. Competition over exclusionary structures of governance, together with its associated political power structures and financial means, has encouraged the emergence of resilient ethno-political movements in North East India, most of which have focused on demands for the creation of ethnic

homelands (Baruah, 2005). Some of these movements have been successful, at times resulting in the Indian state granting some degree of autonomy to particular areas under the Sixth Schedule—as has been the case, for instance, in the formation of the Bodoland Territorial Area Districts (BTAD) in 2003 (Vandekerckhove, 2009).

Custom is a central principle to the “autonomous” forms of governance that figure in India’s North East. In this context, it is therefore important to ask: How is custom formulated and interpreted, and by whom? Customs, similar to traditions, are phrased with reference to the past, but interpreted towards ideas and practices that are relevant in the present (Hobsbawm & Ranger, 1983). Custom draws on guiding principles but its interpretation is always relational, taking into account other people, extra-human entities or even the landscape. Interpretations are also always situational, as these vary with the weight attributed to the relationships at stake. In North East India, the centrality attributed to custom has translated into attempts to codify it, reducing it to a set of rules (Karlsson, 2006; Sawmveli, 2017). Unavoidably, such codifications are much more rigid than the moral and social principles that custom is based on, posing considerable challenges to administrators and judges who have to “rule” by customary law. In North East India custom is typically formulated by men, marginalising women. Politically dominant groups typically claim that interpretations of customary practices—and the rules and regulations these translate into—are in line with the traditions of the ethnic

community concerned, thereby glossing over their being inevitably partial, topical and political.

The administrative bodies created to administer custom under the provisions of the Sixth Schedule/Article 371 of the Indian Constitution are embedded in the democratic structures of the federal Indian state, and are thus necessarily an interface and conduit between state and community. On the one hand, state policies continue to change, challenge and at times erode the position of the customary bodies, even as the Constitution insists upon their cultural significance and timelessness. For instance, the Constitution grants equal rights to men and women, including the right to vote. This, however, does not necessarily sit easily with customary modalities of power sharing, as Vizokhole Ltu demonstrates (this volume). On the other hand, interpretations of custom among the communities concerned are not a given, as changing economic, political and social realities inspire reinterpretation if not revision. The factors influencing these processes are many. Increased monetization of the economy is likely to affect the uses to which land can be put, rendering it more viable to cultivate cash crops rather than engage in subsistence-oriented cultivation. Consequently, as people become increasingly dependent on a market economy, land usage is likely to change accordingly. The concomitant social and spatial mobility, or the aspiration to the same, can change people's perspectives on land-related labour, and consequently the appreciation that they have for it. These kinds of economic transformations typically

result in the collapse of earlier mechanisms of communal sharing and increasing social inequalities. Notably, in North East India, gender-related contestations have become more structural, visible and polarising. These particularly find expression in relation to land, and the modalities of usage and ownership associated with it. Land is, as indicated before, the single most valuable asset in rural North East India. As land becomes increasingly scarce it increases in value, bringing existing practices in relation to ownership, usage and inheritance to the centre of societal debates. How do these economic transformations induce the reinterpretation of customary relationships to land?

To begin to explore the complexity of customary realities it is relevant to consider how and in what respects custom, customary laws and communal identities are being redefined in public and private discourses, by whom and to what end. The contributions to this volume take a closer look at the current socio-political and economic transformations throughout North East India, and consider how contested interpretations of custom bring out the increasing social disparities emerging within communities governed under the Sixth Schedule or under Article 371. They explore the distinct significances that the notion of community takes on in different contexts, revealing how the growing social disparities emerging in relation to land intensify antagonisms of class and gender. If custom derives its authority from the community that formulates it, how does debating custom result in these being renegotiated and reinterpreted, in the light of widening social fissures?

## Legal Categories and their Interpretation

The various provisions for “tribal” areas in the Constitution are based on the assumption that the various communities occupy distinct territories. Yet, in North East India, it is not at all uncommon for villages and towns to have people with distinct ethnic backgrounds. If representatives of any one community stake an exclusive claim to a particular place, that invariably comes up against comparable claims advanced by other ethnicities. This is problematic in that for instance in Manipur, within a single region “(...) notions of homelands of indigenous communities overlap, sometimes totally, and there is no way justice can be done by seeking to divide them using instruments of the modern land tenure mechanisms” (Phanjoubam, 2016, p. 76).

Moreover, many people who are categorised as “tribal” are landless, according to recent data on land rights in Scheduled Areas published by the Centre for Policy Research (9.4 % of the STs) (Wahi and Bhatia, 2018, p. 11). The emphasis on the connectedness to land has also had serious repercussions for communities which are traditionally not tied to land, like the Misings, those living on the floodplains (*char*) of rivers such as the Brahmaputra, or those who have been displaced by floods. In many communities where people practice shifting cultivation (*jhum*), they move in search of arable land. Moreover, newer migration patterns have developed that are more closely aligned with wage employment and educational opportunities (Karlsson and Kikon, 2017).

According to Wahi and Bhatia's report on indigenous land rights titled, "The Legal Regime and Political Economy of Land Rights of Scheduled Tribes in the Scheduled Areas of India":

(...) even at the time of drafting the Constitution, many tribal communities were no longer located within the geographically isolated scheduled areas, while many non-tribal communities were resident there, some for several generations. (Wahi and Bhatia, 2018, p. 12)

The report enumerates issues such as the fragmentary nature, dilution and the limitations of various constitutional definitions and provisions as well as their negation by often contrary frameworks of forest, mining and land acquisition laws. And yet, the state as well as indigenous rights activists often continue to allude to stereotypical representations of the linkage between community and land, since it can serve their political and economic (funding) agendas within the broader neoliberal framework (Shah, 2010; Hodžić, 2009). Underlying the administrative as well as economic policies of the Indian federal state towards the region is a homogenised understanding of populations designated as "tribal." Given that many of the policies and attitudes pertaining to the region have derived in varying degrees from earlier colonial administrative policies, it is important to establish these historical connections, as Ningmuanching does in her study of the Kuki-Naga conflict (this volume), to understand current intra- and inter-community political relationships.

Further, the provisions of the Indian Constitution that protect customary laws and procedures, when viewed together with the extension of elements of modern grassroots democracy towards tribal communities, leads us to ask whether the political and social lives of communities and their associated judicial procedures can be compartmentalised as such.<sup>5</sup> Shah (2010, p. 62), for instance, describes the “sacral polity” of the Munda tribals in Jharkhand, i.e., a “politics intimately connected to the sacred realm (...) which cannot be reduced to (...) the superstitious beliefs in supernatural (...) [or] ghosts”, but cannot be reconciled with the new democratic order, and is lost within the modern political framework. Paradoxically, the state contributes to changes in the social and political life of tribal communities even as it claims to protect their “timeless” traditions and customs—for instance, by decentralising the powers of chiefs in tribal communities such as the Konyak Nagas (Ghosh, this volume).

Alongside this, it is difficult to dismiss the trajectories adopted in the political demands raised by various ethnic communities in their competing claims to recognition through provisions such as reservation-based affirmative action<sup>6</sup> and demands for greater territorial and administrative autonomy. What is easily missed in the process, is raising questions about the very nature of these designated categories (Xaxa, 1999) and what they epitomise. In this light, it is imperative to adopt a more nuanced understanding of the transformations that are underway among the communities in the region.

## Rural Monetisation

Shifting cultivation (*jhum*), historically and currently an important mode of agriculture throughout the extensive hill areas of North East India, has often been designated as “economically unviable and environmentally destructive,” and regressive to the cause of agricultural development (Pant, Tiwari & Choudhury, 2018). Consequently, successive governments have channelled funds and created policies towards agricultural transformation through the promotion of settled cultivation, at both micro- and macro-levels. Yet settled arboriculture, often the only viable alternative for many areas, creates a significant and undesirable dependence on markets for the sale of these crops, in addition to serious environmental degradation.

The inroads and consolidation of an increasingly money-oriented economy, as well as multiple state-sponsored development projects, are widely noted changes that have transformed erstwhile barter-oriented modalities of production. These transformations create new economic and social dependencies among communities of the region, and new linkages to the rest of the country. Haokip (2015), drawing upon the work of Gonzales-Casanova in the 1960s and Hechter in the 1970s, describes these developments in the region as “internal colonialism,” emphasising the relationships of exploitation between “core and periphery within the nation state” (Haokip, 2015, p. 99). As an example, he notes the prominent roles played by migrant populations as well as “big Indian capitalists” in trade

and commerce in the region, especially in the case of the oil, tea and plywood industries (Haokip, 2015, p. 100). Yet it is important to remember, as Chandavarkar has shown us, albeit in a different context, that an expansion of the sphere of the monetary economy, in less-developed countries, uniquely co-exists with the “non-monetised sectors” which include subsistence production (goods produced and consumed at home) and to a lesser degree, barter, which continues to survive extensively (Chandavarkar, 1977). He emphasises the importance of empirically studying the transformations as these take place within communities, while also redefining them. In various ways, the contributions to this volume have sought to do this in the context of communities of the North East.

The government’s blanket plans to aid “rapid development of eastern and north-eastern states” (PTI, 2015) are often contingent upon exploitation of (once) abundant resources in the region and “destruction of peripheral modes of production” (Haokip, 2015, p. 100). Fernandes and Pereira’s paper in this volume also reminds us that historically such plans for development have been contingent upon dismantling, replacing or transforming existing practices of community-based land ownership as well as local economic relations. They also contend that the growing influence of the monetary economy has contributed to other social transformations, due to which existing community hierarchies may acquire newer forms. Already in “Khasi Women and Matriliney: Transformations in Gender Relations”

(2000) Nongbri argued that in matrilineal Khasi society the “dormant” male bias of the traditional system is being transformed into an overtly patriarchal systemic marginalisation of Khasi women.

Factors such as the increasing pressure on land, fragmented land holdings, overuse of land resources, vulnerability to natural calamities, and growing dependence on mono-cropping have posed acute challenges to the agricultural sector (Barah, 2006). This has attributed a growing importance to allied activities such as livestock rearing, poultry, horticulture and spice production (Roy et al., 2014) along with handloom weaving for women (Devi, 2013). Work of self-help groups (SHGs), both governmental and non-governmental, has also contributed to the monetisation of traditional occupations such as weaving, which are promoted as “progressive” endeavours towards women’s empowerment and economic independence. Micro-finance institutions have mushroomed in the region to fill the gaps created by the relative absence of formalised banking structures, especially in rural areas. Money is lent to groups, without collateral and paperwork, and women, particularly those who are part of SHGs, form a big part of the debtors. Alongside, new vulnerabilities emerge. Reportedly, the indebtedness of micro borrowers in Assam is more than double the national average—especially high in Upper Assam—and has led to cases of harassment and even suicides among defaulters (Saikia, 2020).

## **Contesting Gender Roles**

The increased social, spatial and economic mobility of women in recent times has been inspired by discourses on rights and empowerment. These have been encouraged by various intersecting governmental, non-governmental, developmental, religious and identity-oriented initiatives. Contestations within customary communities with respect to gender-equitable political rights, land rights and judicial rights have gained momentum. The extensive coverage in regional as well as national (English) news media of the 2017 controversy in Nagaland over the government's attempts to conduct the elections for Urban Local Bodies, with 33% reservation for women under the provisions of the 2006 amendment of the Municipality Act brought forth some important contradictions that are often subsumed under broad notions of community and identity (Hümtsoe-Nienu, 2017; Haksar, 2017; PTI, 2017; Parashar, 2017). The Naga Mothers Association (NMA) decided to "fight for the cause of women's reservation" (Pisharoty, 2017), considering that the requisite amendment had already been passed almost a decade ago, and sought the Supreme Court's intervention in the matter. At the time, the opposition to the demand for female representation in the Urban Local Bodies was spearheaded by the Naga Hoho, the apex tribal body in the state. In NMA advisor and women's rights activist Dzuwichu's words, the body is largely "(...) constituted of men [who] don't want the customary practice of not having women in political decision making to be changed by the entry of women" (Pisharoty, 2017).

Not all men were against the reservation though, just as not all women were in support. At the same time, it is important to assert that the identity value of customary law remains relevant to both (Naga) men and women, even as certain agents deem the demands for change towards gender equity in customary matters as “external” (Hümtsoe-Nienu, 2017), if not against the community. The notion that (Naga) women had to make a choice between their community identity and their fundamental rights of equitable political participation (Williams, 2011, p. 68; Hümtsoe-Nienu, 2017) reveals a paradox where the fundamental rights guaranteed within the Constitution are found to be in contradiction with its provisions related to the protection of, and non-interference in, “customary” matters.

A marked contrast is evident in the case of proposed legislation like the Khasi Hills Autonomous District (Khasi Social Custom of Lineage) (Second Amendment) Bill (*also see* Nongbri, 2000), passed by the Khasi Hills Autonomous District Council (KHADC) in 2018 and supported by both the Garo and Jaintia District Councils, where the “purity” of the community and the integrity of its resources, especially land, are offered as arguments in favour of change in the domain of custom. The bill, which sought to disinherit women who marry outside the tribe in Khasi communities of Meghalaya, would make their status within the community provisional. Women had to prove their belonging to the community through their marital choices, while expectations with regard to men are not commensurable. Nongbri (2000) points

out that the “pro-changers” seeking the passage of this bill were men “(...) [who were] using ideas of progress and social justice to bolster their demands for reform [in customs]” (Nongbri, 2000, p. 361), the very justifications that were deemed infeasible in the context of equitable political rights of Naga women.

Ltu’s and Hazarika’s papers in this volume focus on the idea that invoking the customary is itself a political act and customs can be drawn on to reaffirm or even consolidate new patterns of exclusion. They emphasise that the customary is not static but constructed. Continuing inequities in the rights of men and women and dismissal of demands for change are justified in the name of preservation of customary practices, and community identity and resources. It is also important to consider that intersectionalities of class, clan and community with gender, produce greater complexities, making the outcomes of processes like these even less predictable.

All of this leads us to ask searching questions about what is really at stake? In the face of widely observable socio-political, economic and cultural changes, what is being preserved in the name of the customary? Is it possible that attempts to preserve the status quo in political institutions might be also related to how developmental funds are disbursed by the state and central administration? What role is played by the state in promoting the consolidation of customary patriarchies through political exclusion and attempts to regulate women’s lives and bodies?

## **Exploring Changing Land Relationships**

The contributions to this volume reveal how processes of administration and governance, at various levels of community formation, are neither apolitical nor unchanging, often being appropriated by those in power to define and redefine the coordinates of community and belonging. They bring forth new perspectives through which the centrality of land and inequitable land relations within upland communities of North East India, constitutionally designated as “tribal,” can be productively and critically analysed in and through their changing forms, and how these changes can be contextualised within the broader politics of the region and the state.

The chapter by Fernandes and Pereira, “Swept Away? Response to Changes in Land and Livelihood Patterns: A Critique of Development in NEI,” focuses on how state-sponsored development in the region, especially since the New Economic Policy of 1991, on the one hand can be understood as a part of efforts to ‘integrate’ the north-eastern region with the ‘mainland’; while on the other hand, it has inevitably resulted in large-scale land deprivation of people who are marginal in a socio-economic sense. The traditional system of community land management was earlier most likely sustainable because of low population density, the relative self-reliance of community settlements, and ideas of ownership that were not based on private property. These have since been relinquished, albeit in varying degrees, through incorporation of the communities into

the regional as well as national monetary economies. Older communal hierarchies, such as those related to clan and gender, have come to acquire new forms, manifesting themselves in poverty and land alienation. Land deprivation is rooted in unequal power structures and compounded by abusive land acquisition practices enacted by the (Indian) state. In North East India, the authors argue, farmers have been unable to take advantage of development, even when land ownership has been restricted to their own community.

Ltu in “Women, Property, and Angami Naga Customary Law,” empirically demonstrates how gendered power relations within the Angami community are produced and reproduced through the appropriation of meanings of the customary in the domain of political participation and landed inheritance. She elaborates on interpretations of Naga custom that serve to restrain rights of women to land, and shows how gender inequality is legitimised in the name of ‘timeless’ customary laws, which in itself is a deeply political act. The codification of customary law produces gender norms that are at loggerheads with the constitutional rights of women and men, highlighting tensions occurring because of the reinterpretation of gender relations in a Naga context. When women gain economic mobility, this seems to cause a backlash from men who resist its translation into political influence. In the name of protecting and preserving the status quo of custom, they implicitly try to delimit access to new avenues of political and social power.

Hazarika's chapter, "The Political Economy of Land Rights: Gendered Norms and Bodo Women," dwells on the changing notions of land and land ownership within the Bodo community of Assam, and attempts to understand how gendered land relations are incorporated and mobilised within the larger Bodo identity as a political category. The marginal position of Bodo women in relation to land is reinforced with reference to customary law, which restricts women's rights more than is constitutionally warranted. Similar to the case analysed by Ltu, the exclusion of women in matters of land rights is perpetuated here in the name of constitutionally protected 'customs' and 'customary laws'.

The changes in the traditional centres and structures of power, in the name of incorporation of the Nagas into democratic structures under various state provisions, are the subject of Ghosh's "Land, Land Disputes and Livelihood: A study of the Konyak Nagas." She suggests that the influence earlier attributed to the Angh (headmen) of the Konyak Nagas in matters of land dispute resolution has since been transferred to the *dobashi* courts, which were first institutionalised by the colonial administrators. How does the superimposition of the new district administration (village councils and village development boards along with the customary courts) onto the traditional chieftainship, and decentralisation of the Angh's authority, affect power relations within the community?

Concluding this collection, Ningmuanching's paper, "Fixing Mobile Populations, Changing Identities," attempts to historically trace the "most destructive and lengthy conflict" between Kukis and Nagas in the 1990s, and their competing claims to land. She focuses on the attempts made by the colonial administration to spatially "fix" mobile populations. Colonial rule foregrounded land occupation and ownership, and considered it largely incompatible with the practices of mobility and shared ownership of land in the hill areas of Manipur and among the Kuki community in particular. Conflicts over land, between these communities, have since continued and are often animated by similar prejudices against mobile communities and their supposedly "wasteful" livelihood patterns.

### **Researching Land and Custom**

The contributions to this volume make evident that social scientific research on the reinterpretation of custom is required to gain a better understanding of the implications of changing land relationships in India's North East. Land, we argue, carries multiple significances. In addition to providing livelihoods, it can create the connections that shape larger social groups. Likewise, the break-up of previously collectively controlled land into individualised units poses a significant threat not only to prior mechanisms of communal sharing, but also challenges imaginations of the group itself. Land is of relevance both in terms of access, occupation and ownership, as well as in a symbolic sense. While the former is notably of importance to people who live off the land, as farmers, the latter

stands out among the “urban” dwellers who are the main advocates of the region’s many ethno-political movements (de Maaker, 2018). In these distinct ways, connectedness to land can inspire debates on communal belonging, notably when “on the ground” structural disparities are increasing. The chapters in this volume make clear that there is an urgent need for empirical research on changing interpretations of custom. What are the new dynamics generated by the embedding, curtailing, and interpretation of customary laws in conjunction with legal and governmental frameworks created by the Indian state? And how does this, in various local contexts, inspire political debate on gender, citizenship and belonging?

Studying land relations, and the symbolic significance of land, can generate important new insights regarding how groups, such as “tribes,” function as communities. While government policies, and their associated forms of regulation, seem to proceed from an assumption of shared interests among the members of such a group, the chapters included in this volume indicate that there is ample room for conflicts of interest within the communities themselves. Changes in land use, such as the shift from swidden to settled cultivation, tend to encourage the institutionalisation of permanent land titles, which in many contexts will more likely be in the name of men than women. The increasing monetisation of the rural economies of North East India, notably in the uplands, results in growing social stratification. Gendered division of labour, and gendered and unequal access to property, tend to become further skewed due to patriarchal interpretations of custom. It is important to consider how

increasingly rigid unequal interpretations of gender, and the rights to property and political power are responding to societal developments?

In North East India, political conflict frequently centres on the justification, interpretation or denial of citizenship. From the chapters included in this volume it is obvious that such conflicts cannot be understood without attempting to situate them in the *longue durée*. Zones of exclusion, such as Autonomous Districts, have a long history, which has over time translated into dedicated rights and entitlements for the members of the communities whose customary laws shape local governance. While local justifications and interpretations of customary rights are no doubt important to reckon with, how can social science research explicitly scrutinise what is, for rhetorical reasons, presented as timeless and unchanging, in order to arrive at empirically informed analysis of the complex social and economic transformations that are taking place in North East India?

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<sup>1</sup>In the tea estates, Dasgupta notes, only part of the land is used for tea cultivation while portions of the estate are assigned to the cultivation of food and other crops, pastures for animals and a major part reserved for real estate "speculation" (Dasgupta, 2008, p. 186).

<sup>2</sup>This included administrative categories such as Excluded Areas, Partially Excluded Areas, Scheduled Districts as well as Autonomous Districts. In an Excluded Area, the administration is reserved exclusively to the Governor; in Partially Excluded Areas the Governor will consult his ministers and will seek their advice, but he will not be bound to act upon it. Scheduled Districts are under the executive authority of the state, while Autonomous Districts are run by a regional council that has administrative authority within its jurisdiction.

<sup>3</sup>In 1935, the following Autonomous Districts existed in present-day North East India: Lushai Hills, Naga Hills, North Cachar Hills, Khasi and Jaintia Hills, Garo Hills and Mikir Hills. In 1950, these were placed under Part A of the Sixth Schedule, to be administered by the Government of Assam. The Sixth Schedule areas obtained representatives in both the Assam State Legislative Assembly, as well as in the Lok Sabha in Parliament. Presently, there are ten autonomous councils operating under the Sixth Schedule. These are located in the states of Assam (Bodoland, Karbi Anglong, N.C. Hills), Meghalaya (Garo Hills, Jaintia Hills, Khasi Hills), Mizoram (Chakma, Lai, Mara) and Tripura (Tripura Tribal Areas Autonomous District Council).

<sup>4</sup>The state of Nagaland was formed in 1963, based on the 1960 agreement between the Government of India and the leaders of the Naga People's Convention. In this agreement it was decided that under Article 371A, included in the 13<sup>th</sup> Amendment of 1962 of the Constitution of India, the Naga Hills-Tuensang Area would be formed into a separate state of the Union on India.

Other special provisions for states in North East India include Article 371B for Assam (22<sup>nd</sup> Amendment 1969), Article 371C for Manipur (27<sup>th</sup> Amendment Act, 1971), Article 371F for Sikkim (36<sup>th</sup> Amendment Act, 1975), Article 371G for Mizoram (53<sup>rd</sup> Amendment Act, 1986) and 371H for Arunachal Pradesh (55<sup>th</sup> Amendment Act, 1986).

<sup>5</sup>See for example the Nagaland Tribal, Area, Range and Village Councils Act (1966).

<sup>6</sup>Most recently the demand of six communities (Moran, Muttok, Tai Ahom, Koch Rajbongshi, Sootea and Tea Tribes) in Assam for a change in status from OBC (Other Backward Class) to Scheduled Tribe (ST) was granted by the central government (All India Radio, 2019) but was met with heavy opposition from the existing ST communities (Naqvi, 2019).

**Swept Away?**  
**Responses to Shifts in Land and Livelihood Patterns**  
**in North East India**

Walter Fernandes and Melvil Pereira

Economic changes and efforts to integrate the region into an overarching Indian legal structure have initiated unprecedented changes in North East India (NEI), though a bit later than in the rest of the country. The changes that began with planned development in the first decade after independence have been intensified step by step. Globalisation of the Indian economy started in the mid-1980s, but was vigorously promoted with the adoption of the New Economic Policy of July 1991. The effects of this new policy orientation are most visible in changes in land ownership and land utilisation patterns. Throughout the hill areas of NEI, shifting cultivation seems to make way for settled agriculture, and individual ownership seems to replace community-based land management. The latter is crucial for the societies of NEI because land is the marker of identity and is intrinsically linked to social life, cultural heritage, religious

convictions and economic sustenance of its communities. More important is the transformation of land from an inalienable community resource into a commodity. Central to these contradictory tendencies is the conflict between market-induced individualised values and an egalitarian community. A cursory glance at these trends points to an individual-centric value system ushering in class formation, in what were earlier relatively egalitarian societies. The formal laws and policies emanating from the Indian state encourage this shift in land ownership and land utilisation, because it benefits the powerful as well as the state itself. But they tend to be destructive towards the livelihoods of the indigenous people and result in an unsustainable use of natural resources. They also affect the inter-generational and intra-generational social obligations in favour of the profit of a few individuals in the present generation.

This paper explores this reality, which we examine for parts of NEI. Analysing secondary data, we argue that land continues to be integral to indigenous communities, but that change is inevitable given the multiple pressures on its use. We intend to highlight the control mechanisms that indigenous communities have introduced. While the market forces have made deep inroads, and have adversely affected land relations for indigenous communities, it is crucial to find ways to restore control to these communities without harking back to the past. Such a reversal cannot be total, but is nevertheless required because the changes that have been brought about have resulted in class formation

and ethnic conflicts among the communities and immigrants. New ways have to be found to turn land into a shared resource.

### **The Role of Land**

Land is a precious asset for indigenous and other communities. It is at the centre of their identity and provides them a sense of well-being. In many communities it is also a symbol of social status. Because of its importance in their life, every tribe has developed its own traditions, or what may be regarded as control mechanisms of land management, based on their customary law. But through its policies and laws, the state tends to impose individual-based formal laws without preparation for the traditional-modern interface. Among others a major objective of the process that leads to privatisation is to acquire land for industries, mines and other development projects. Privatisation in other forms too dispossesses large sections of indigenous people of their land (Nongkynrih, 2008). As a result, despite protective legislation tribal land alienation has become more the norm than the exception. Among the community-based tribes, displacement is also rampant.

The traditional land use systems practiced by the various indigenous communities integrated different types of land use such as cultivation and forests, and made them complimentary with no contradiction between them. The Khasis, for example, nurtured forests in the vicinity of their habitations, near water sources, on steep slopes and other ecologically sensitive lands, and protected them through practices such as sacred groves, village restricted

forests, village supply forests, clan forests and other traditionally managed forests. Even today, around ninety per cent of Meghalaya's forest area is protected and managed by the tribes through institutional arrangements developed to benefit the community as a whole (Whadir, 2011). These traditional land management systems were meant to ensure sustainable use of land and forests through the tribal customary laws governing their distribution, use and alienation. Through these mechanisms the community ensured that every family had enough land for its sustenance, that clan-managed land was not alienated and that individual land was alienated, if required, only within the tribe (Pereira & Rodrigues, 2016, pp. 50-51).

However, because of state intervention the complementarity of various types of land as a part of an integrated whole is weakening and a distinction is being made between its types. The formal law speaks of private and common land, wasteland and its other forms, each category having different legal implications. For the tribal communities all land types were parts of one whole managed under the customary law for the good of the whole community. A distinction was made towards the use of various types of land, but not in legal rights of ownership as in the formal law (Nongkynrih, 2008). Their traditional system was based on the use of land as their sustenance whereas the formal law focuses on its control and ownership as a commodity. What is not private belongs to the state and can be alienated without the consent of the user (Ramanathan, 2008, pp. 30-31). The interface

between these two types of laws creates problems if the individual-based formal law is imposed on the community-based tribal land management system. This paper will take up examples of the impact of imposing individual ownership in the name of the head of the family—understood as male—particularly in matrilineal tribes like the Garos.

At this stage suffice it to state that, the traditional land management system is under attack because of the process of privatisation that is, more often than not, a step towards its alienation or its transfer from the community or individual to the state and then to private actors who may be individuals, families, industries, development agencies etc. Land alienation is a major cause of ethnic conflict. What becomes problematic is not modernisation or privatisation in itself but its introduction without the community being able to deal with the resulting changes. The problem arises because the imposition of what is called the modern system on their communities becomes an unequal encounter with which the tribes are unable to cope. It results in class formation and stronger patriarchal tendencies in these societies that allotted a relatively high status to women without treating them as equal to men (Fernandes, 2016, pp. 111-112). One does not suggest that their tradition should remain unchanged. It has changed in the past and will, no doubt, change in the future. The problem arises when change is imposed on them, since this allows a few powerful individuals in the community, or from outside it, to manipulate the transition to their own advantage.

## **Changes in Land Management**

Land alienation is one of the adverse impacts of the introduction of modern inputs such as an individual-based formal law without preparing the community for it. The first form it takes is official schemes that impose an individualist culture on the community. One witnessed it, among others, in Meghalaya whose three main tribes—the Garos, Jaintias and Khasis—are matrilineal but patriarchal. Land is community-managed and succession is through women, but men control social and political power as well as decisions on land transfer. Their tradition ensured that land remained within the community. Most state institutions, instead of respecting the traditional system, impose the new legal regime on them through official schemes. For example, in the 1980s the Rubber Board that encouraged rubber plantations in the East Garo Hills district, made individual land ownership in the name of heads of families—understood as men—a condition for subsidies and bank loans. Much land was thus transferred to individual men, thus weakening the community and reducing the limited power that women had in their tribe. A study done two decades later showed that 30 per cent of families in the district had become landless (Fernandes and Pereira, 2005, pp. 113-115). Similar encouragement given to coffee plantations among the Karbis (Bathari, 2008, pp. 149-150) and tea plantations among the Dimasas of Assam (Barbora, 2002) resulted in transfer of much common land to a few individuals. It deprived many members of these tribes of their livelihood.

The focus of the state is on producing commercial crops and not on their impact on the people. The same crops could have been grown within their community system. But the policy makers did not understand the communal management system. Instead, they encouraged an individual based system that set other social processes in motion such as a few powerful individuals transferring community land to themselves and depriving the weaker families of the tribe of access to community land. For example, an ongoing study of North Eastern Social Research Centre on recent changes in land management and land alienation shows that among five of the six tribes being studied, 158 of the 500 families have monopolised more than 10 acres of clan land each and had rendered 225 families landless during recent decades. This process began with the state encouraging commercial crops or acquiring land for development projects.

Preparing the community would have involved a dialogue that respected the community's management practices even while introducing new crops. The tribal system would not have remained unchanged—it would have been altered to suit the needs of the new crops but not to the extent of encouraging internal land alienation and class formation. Such internal land alienation within the tribe resulting from the individual orientation of the formal law and its interface with the customary law takes other forms too. Khasi women, for example, are inheritors but men control the village council. Some of them use their power in the council and the formal-customary interface to transfer the commons to

their own individual names (Mukhim, 2008, pp. 50-51). They make it a point to register land under the formal law since that is what the state recognises (Karlsson, 2011, p. 304).

Thus, the changes in land management that state policies cause are not merely economic and legal but also cultural. They mark a transition of the community from its view of land as sustenance to an understanding of land as commodity. When they are pushed into the new system with no preparation for it, a few persons with power corner the emerging commercial possibilities. But not all those who monopolise land get its benefits. For example, many grow commercial crops like tea, coffee and rubber, but their market is controlled by outsiders who do not give them a fair price. Many of them lose out because of it, but the community loses much more since its sustainable management system comes under attack. Preparation for the new system would involve exposing them to all the issues around the production of commercial crops, finding ways of doing it within their tradition that ensured the access of every family to land, and also preparing them for marketing the produce. That is not done so those who opt for it transfer community land to themselves but do not necessarily get its benefits in a market controlled by outsiders.

### **Development Paradigm and Land Alienation**

The changes must also be viewed in the context of the development paradigm that the decision-makers opted for while launching the five-year plans in 1951. While hoping that the fruits

of development would reach every citizen, in practice the mixed economy that they propagated focused more on economic growth than on equal access to its benefits. Modernisation was its thrust but ignored was the fact that only modern inputs without social processes such as education, health and nutrition of the majority in practice limits its rewards to the already powerful, who have had access to technical education and social benefits. It leaves out those who are weak unless measures are taken to ensure their access to benefits (Fernandes, Pala, Bharali & Dutta, 2017, pp. 7-13). This paradigm has implications for land management and alienation. In this case too, the problem lies not with the introduction of modern inputs but with their management under a paradigm that does not result in inclusive development. It is because most decision-makers view development only in terms of economic growth and infrastructure building, attributing very little importance to the social inputs required to prepare people for the changes that development brings about in their lives. Planned development in India is based on the principle of modernisation. Plan documents state that its prerequisite is freedom from tradition and superstition (Planning Commission, 1956, p. 236). The main forms such planned development took were industries in the urban areas and modern agriculture in villages. Initially agriculture was identified with rural development to such an extent that till the 1970s there was a single Ministry of Food, Agriculture, Community Development and Cooperation. Agriculture is obviously basic to rural development; but to be

beneficial to all the communities it has to go hand in hand with other components. As a study of the field shows, agricultural research has primarily focused on higher production, particularly in settled agriculture. This favours big farmers and does not reach the small farmers (Chandy, 1993, pp. 313-316) or people practising cultivation methods other than settled agriculture. It also ignores the fact that most Indian villages are not homogeneous but include alliances of many castes with unequal power. Ignoring this can result in caste-based inequality with respect to land and other asset ownership, and in access to education and other services. There are indications that the failure of planned development to deal with this unequal system has resulted in growing inequalities between dominant and subaltern castes and the rich and the poor (Kurien, 1997, pp. 134-135). What has been said of agriculture is true of other developmental inputs too.

Caste division is not fully prevalent in NEI, particularly amongst the tribes who are casteless. Even among non-tribal communities it is not as strong as in mainland India, except among the immigrants from mainland India to the North East. The difference is reflected in the patterns of land ownership. Even Assam, with only 12.94 per cent tribal population, shows a community trend that is a leftover of its tribal past, of tenancy emanating from the Tai Ahom tradition, and the colonial *zamindari* and *ryotwari* systems. One does not have accurate data on land ownership in Assam, but according to estimates only a third of the land has *pattas*, a third is under *eksonia* (annual) *patta* and

the rest is predominantly community-managed by the tribes or other marginalised groups such as the fishing community (Fernandes and Pereira, 2005, pp. 10-11). In other words, caste is not the only variable influencing land ownership in the North East. The caste system and *patta* land prevail in Tripura since Hindu peasants from erstwhile East Pakistan who came in search of land, have occupied much of it. The law was changed in 1960 to recognise only individual ownership and deny the tribes the right over much of their community land (Debbarma, 2008, pp. 120-121). In Manipur, the tribes who are 40 percent of the population live on 90 percent of its land and this causes tensions. Amid these differences, most tribes follow a community- and customary law-based system of land management.

Formal law, on the contrary, is individual-based and so is the pattern of development that ignores the specificity of the tribes and imposes a single system on all. This tilts the balance in favour of the powerful and against the weak, not merely in agriculture but also in most other services. An example is the location of the health and education infrastructure. North East India has some good quality educational and health institutions but most of them are located in cities like Guwahati and Shillong. Hardly any state-run or good private institutions exist in the hills or in the rural areas of the plains. As a result, parents have no choice but to send their wards to colleges in these cities or outside the region. The better institutions in small towns and in the rural areas are run by civil society or church groups but they get no

assistance from the State. So they charge fees that many parents are unable to pay.

The poor infrastructure in the rural areas—particularly in the hills—is an important cause of internal land alienation. To send their children to educational institutions outside their state or region, most parents have no choice but to sell high-value plots of their land to richer members of their community. The sellers may be able to negotiate a fairly good price while selling it for children's college education. But in an emergency, like having to rush a patient to a city hospital, they have no choice but to sell their best land at a throwaway price (Kekhrieseno, 2009, pp. 207-209).

### **Alienation to Outsiders**

Internal land alienation is relatively recent, though today it probably accounts for more than 50 per cent of such land. The process began with alienation to people outside the tribe, through the motors of legal changes, development projects and encroachment by migrants. Alienation using loopholes in the legal system has been mentioned above. In other cases the law was changed for this purpose, as for example in Tripura in 1960, to recognise only individual ownership. Though presented as land reforms there are reasons to believe that it was meant mainly to acquire land to rehabilitate immigrants from erstwhile East Pakistan, some of whom were Partition refugees but most of them had come in the 1950s in search of land. Whatever the objective

of the legal changes, they resulted in massive tribal land alienation. According to an estimate 20 to 40 per cent of their land was lost to the immigrants in the 1960s alone. A study (Bhattacharyya, 1988, pp. 57-58) shows that a minimum of 80,000 acres were acquired for refugee rehabilitation camps and their original inhabitants were displaced without compensation or rehabilitation. The same individual-based law was used to take over 32,000 more acres for the Dumbur dam (Bhaumik, 2003, p. 84). More land was lost in the 1970s since immigration continued, though 25 March 1971 was fixed as the cut-off date to recognise their legal status (Bera, 2012, p. 16). In Assam the tribal blocks and belts have been reduced or have been deleted from the map and much of their land has been alienated to non-tribals.

Development projects are the most important mode of land transfer outside the community. Some of it is also internal land alienation. For example, most coal mining in Meghalaya is done under the customary land holding pattern and alienation is mostly to powerful individuals within the tribe. The community allots plots to individuals. Some of them also take private land on lease. Mining is done with no safety measures, through “rat holes” (D’Souza, Pereira, Chyrmang, Lyngkloi, Shylla, Sangma & Thaba, 2013, pp. 30-31). That land is rendered uncultivable when it is returned to the original owner. However, most land transfer for development is outside the community. Studies show that not less than 2.4 lakh acres have been alienated on this count in Meghalaya, 54,000 acres in Nagaland between 1947 and 2010, 52,000 acres in Mizoram,

2.1 lakh acres in Tripura, and 14.1 lakh acres in Assam between 1947 and 2000. This has deprived more than 30 lakh people of their livelihood in these states, and the jobs lost in the primary sector have not been replaced. Rehabilitation is all but non-existent (Fernandes, 2008, pp. 92-93).

### **Globalisation and Land Alienation**

Globalisation or liberalisation of the economy introduced through the New Economic Policy of 1991 has intensified the process of land alienation. More land acquisition is a basic feature of this process, particularly for the development of the private corporate sector. As such, this goes hand in hand with privatisation of goods and services. An oft-observed effect is the concentration of healthcare and other private sector-run services in major cities and further neglect of services in the rural areas since they too are to be privatised in due time. Privatisation of transport includes building four-lane and six-lane roads, but this happens at the cost of rural transport being further neglected. Alongside these imbalances, all of this requires more land than in the past. The Government of India stated in the second draft of the National Rehabilitation Policy of 1994 that in order to attract Indian and foreign private investment, it would have to acquire more land than in the past in a short time, and much of it in the remote tribal areas where, mineral resources are located (MoRD, 1994, n. 1-2). Both central and state governments took legal measures to implement this statement of intention through the Highways

Act, 1995 and the Special Economic Zones (SEZ) Act, 2005 that were meant to make land acquisition easier.

The private sector is eyeing mining land mainly in the tribal areas (IWGIA, p. 314). The government intends to double power production during the next decade. It will mean a large number of coal-based thermal power plants and more nuclear plants. Indications are that more than 3 million persons will be deprived of their livelihood by thermal and nuclear plants and an equal number by industries. Coal India Ltd., has been asked to raise production from the present 350 million metric tonnes (MMT) per year to 1,500 MMT within a decade. Mining in NEI has to be situated in this context. To limit oneself to Meghalaya, one could identify in this state only 586 acres used for mining 1947-2000. Some records are missing so the real figure may be around 2,000 acres. However, one study identified 25,206.72 acres used for mining between 2001 and 2010 (Fernandes, Pala, Bharali & Dutta, 2016, p. 117). This does not include coal which is mined under the community system. Deforestation by mining began in the 1970s and 56 sq. km of dense forests and 28.9 sq. km of open forests were lost to mining and to related schemes like settlement of labourers between 1975 and 2005 (Sarma & Kushwaha, 2007).

A list of 168 major hydroelectric power projects (HEPs) has been drawn up for the North East (Menon, Vaghlikar, Kohli & Fernandes, 2003), 48 of them are under active consideration or being built. As many as 89 of them are in the relatively low-density

but biodiversity-rich Arunachal Pradesh. Because of its low population density displacement per dam may be only a few thousand people. However the Pagladia dam in Assam is expected to affect 1,05,000 persons. Maphitel and Tipaimukh in Manipur will displace around 10,000 people each. The dams in Meghalaya will affect more than 70,000 persons. One can expect all the dams in NEI to take over around 1 million acres and to deprive around 1 million persons of their sustenance.

Another major thrust is expansion of road transport in the form of the 7,000-kilometre Golden Quadrilateral of four- or six-lane roads. The national rehabilitation policies state that those losing land to such linear projects will be paid only compensation and Rs 10,000 as ex gratia. This suggestion is based on the fallacy that linear projects do not displace people. However, even before the New Economic Policy (NEP), broadening of the East Coast Highway displaced over 6,600 persons in the Nellore and Guntur districts of Andhra Pradesh alone (Fernandes, Goga D'Souza, Rao, Roy Choudhury, Asif & Reddy, 2019, pp. 182-183). The Konkan Railway displaced 100 families and more "encroachers" in Goa. The six-lane highways have intensified this. The Mumbai-Pune Expressway displaced a few thousand families. The Vadodara-Ahmedabad Expressway displaced 10,000 persons (Lobo & Kumar, 2009, pp. 122-123) without counting displacement caused by service providers. A study of the 444 kilometres of highway in Orissa shows that of the 11,152 families affected, 2,188 (10,940 persons, or 19.62 per cent) were displaced (Ota, 2011, pp. 62-

63). Some areas through which the roads pass are less populated than the Orissa sector but others are more populated, so one can take it as the average for all 7,000 kilometres. It comes to 178,000 families or 950,000 persons, of whom 185,000 will be displaced. In the North East, the focus is on four-lane roads connecting the region with the South-East Asian countries as part of the Look East Policy. It has taken over much land in the region but has not improved the rural transport infrastructure.

### **Land Loss to Migrants**

Migration also results in loss of land, and is related to the ambiguity of formal law that can encourage encroachment on common land. For example, both common and *eksonia patta* land in Assam are considered state property. It is easy for immigrants to encroach on such land and then bribe officials to give them a *patta*. Interviews with many of them and studies show that most immigrants from Bihar as well as from Bangladesh are landless agricultural labourers living in poverty and low wages in their feudal societies. Their poverty is the push factor and they migrate in search of land (Majumdar, 2002). The pull factor is fertile land in the Brahmaputra valley and the lax laws governing settlement. Being agricultural labourers they have the skills required to cultivate land so most of them prosper by growing three crops, including the best commercial varieties like ginger. The local tradition is of shifting cultivation, *zamindari* or *eksonia patta*-based single-crop sharecropping (Fernandes & Pereira, 2005). It turns

immigration into an encounter between two different histories and land becomes the centre of contestation.

Reference has been made to Hindu immigrants from Bangladesh occupying land in Tripura and the law being changed to their benefit. According to Census records, Assam had 19,44,444 direct migrants from 1951-2001 which is the difference between what would have been its population if its growth had followed the national average and the excess population counted in each decade. With natural growth these two million people had grown to some 4 million in 2001, around 1.7 million of them Bengali-speaking Muslims and 2.3 million Hindi-, Nepali- or Bengali-speaking Hindus (Registrar General and Census Commissioner, 2001, pp. 108-109). The remaining states too experienced high growth beginning from the 1890s when the British regime encouraged East Bengal peasants (90% of whom were Muslim) to cultivate what they called wasteland in Assam in order to grow more food and also generate higher revenue for the colonial administration. The “wastelands” were in reality Bodo and Rabha commons that were their sustenance (Roy, 1995, p. 64). Hindu immigrants from Bihar were encouraged to join their ranks from the 1930s (Zehol, 2008, p. 60) and that continued after 1947. As a result, against the all-India population growth of 178.1 percent 1901-2001, it was 771.2 percent in Meghalaya and similarly high in the rest of the region (Registrar General and Census Commissioner of India, 2001, pp. 123-128; census CDs 2011).

## Land Alienation and Conflicts

A consequence of land loss is conflict, initially with the immigrants and later inter-ethnic, because of land shortage caused by the above processes. In Tripura the antagonism is mainly against those who are considered immigrants and to whom, as stated above, the tribes lost 20 to 40% of their land in the 1960s. More of their common property resources (CPRs) were acquired in the 1970s for the Dumbur dam on the Gumti despite protests. The 32,000 acres acquired for the project displaced 8,000 to 9,000 families (45,000 to 50,000 people) but the state counted only 2,361 individual *patta* owning families (13,000 people), 2,117 of them tribal and 234 Dalit (Debbarma, 2008, p. 122). This lit the fuse of an armed struggle to reclaim what the tribes called their illegally occupied land (Bhaumik, 2003, p. 85).

Arunachal Pradesh has received immigrants since the nineteenth century, but in recent decades there has been a conflict around the rehabilitation of the Chakma and Hajong refugees displaced in 1963 by the Kaptai dam in the Rangamati district of the Chittagong Hill Tracts (CHT) of erstwhile East Pakistan. Around 40,000 of the 100,000 Jumma (the name given to the eleven main tribes of CHT) took refuge in Tripura, Mizoram and Assam. The Union Government resettled 2,748 families (15,000 people) on 10,799 acres of land in Lohit, Subansiri and Tirap districts of Arunachal (Talukdar, 2008). Their number had grown to 21,500 in 1979, to 30,064 in 1991 and 47,471 in 2001. Some of them were

relocated in Bordumsa, Vijaynagar and Diyun in Changlang district and more land was used for the same. The Supreme Court said in 1996 that the Hajong and Chakma refugees from East Pakistan/Bangladesh should be granted citizenship and allowed to vote. The indigenous communities in Arunachal Pradesh, represented by the All Arunachal Pradesh Students' Union (AAPSU), consider these migrants a threat to their resources and identity and continue to oppose this order. Consequently, AAPSU has been protesting against what it called "the diminishing economic slice for the indigenous population" (Kashyap, 2015).

In the 1990s, Manipur witnessed the Kuki-Paite and Naga-Kuki conflicts that resulted in the burning of 10,000 houses, death of 2,000 and more than 50,000 internally displaced persons (Hussain & Phanjoubam, 2007, pp. 15-16 & 28-30). Today, the three bills<sup>1</sup> passed into law in the State Assembly on 31 August 2015 indicate the severity of the land issue. Though presented as a means of curbing immigration, the tribes view them as related to local ethnic tensions around land. The Meitei, who are 60 per cent of the State's population, live in the Imphal Valley which is only ten per cent of the State's territory, so they feel deprived. The Nagas, on the other hand, feel that the Meitei monopolise jobs and political power in the state and are not prepared to part with land that they consider their birth right. In addition, the Naga nationalist outfit NSCN-IM wants reunification of all the Nagas and it affects 90 per cent of Manipur territory. There have been demands for inclusion in the Sixth Schedule of the Constitution.

Instead, the state held elections for the Autonomous District Councils it had formed outside the purview of the Sixth Schedule. These have met with resistance from the Nagas. Their resistance took the form of highway blockades in 2010 as well as 2015 to demand the Sixth Schedule, and in 2015 by the Kukis to demand the formation of a Sadar Hills district in the Kangpokpi area of Senapati district where they have a majority (Khangchian, 2011). In all this, the state has played the “divide and rule” game. In this context the tribes view the three bills as a threat to their land (Roy, 2015). Tension continues, with no room for dialogue.

Around 35,000 Reang (Bru) tribals displaced by conflicts in Mizoram in the 1990s continue to live in refugee camps in Tripura (Fernandes, Datta & Avasia, 2017, pp. 30-31). In the first decade of the third millennium, ethnic conflicts in Dima Hasao and Karbi Anglong districts of Assam caused 100,000 internally displaced persons (Mangattuthazhe, 2008, pp. 47-48). The Bodo territory of Assam experienced violence on three occasions in the 1990s, two in the first decade of the third millennium and two in the second. The focus on “illegal Muslim Bangladeshis” has led to much unrest and many conflicts. The best known among them is the Assam Movement (1979-1985) that began as a reaction to the rise in the non-Assamese population during the preceding decades, which the local people considered a threat to their identity. Some speakers called the agitation “Assam’s last struggle for survival” against “the cultural, political and demographic

transformation by immigrants” who threatened to “reduce the indigenous to minorities in their own land” (Ganguly, 2013, p. 57).

### **Search for Alternatives**

The above analysis argues for the need to study the issue in all its complexity, in order to make a contribution to peace in the region. Encroachment by migrants is only one of the causes of conflicts. Other forms of alienation, and the processes leading to them, have not been studied adequately. As the sections above indicate, migration is the main cause in Tripura but is one of many in the remaining states. Even in Tripura alienation was facilitated by the imposition of formal law on a traditional system. In order to get a better understanding of the situation one has to begin with the historical evolution of the system of land management in NEI, the mechanisms of land alienation and the processes turning tribal sustenance into state-owned lands, and privatisation of CPRs. They are important to understand the processes of land alienation and possible solutions. The individual-based value system superimposed on their communities with no preparation for change is inseparable from the processes that lead to conflict, most of them being land-related (Vandekerckhove, 2010, pp. 110-111).

To the extent that a major issue in land loss, and the conflicts that emanate from it, is the interface of the formal with the traditional, a solution has to go in the direction of finding a new relationship that values their tradition without imagining a return to the past. The transition must be imagined as a

modernising of tradition instead of a superimposition of the modern on the traditional without preparing the communities for this transformation. What has been discussed till now shows that one cannot impose on NEI the type of development and legal systems that are not in consonance with its economy and society. Ways have to be found of dealing with customary law to make it relevant for modernity and to deal with formal law. The changes must also be able to address concerns about class and gender equality. While claiming to be egalitarian the tribal customary laws restrict the rights of women. Similarly, as the data on internal land alienation shows, they do not have provisions to prevent internal land alienation that results in class formation. At the same time, ways have to be found of making the customary laws development-oriented instead. Their focus today is on distributing and protecting land.

Some alternatives are being attempted in the region that may not provide all the answers but can be first steps in the process of change. Among them, one may mention the Village Development Boards (VDBs) established in 1980 and communitisation in Nagaland in 2002. Communitisation involves the village council, or a committee constituted by it, supervising health and educational services and paying the teachers and health workers instead of the state doing it directly. During their 35 years of existence, VDBs have functioned as financial intermediaries. For over a decade, communitisation has attempted to deliver services like education, health, power and water supply at the

village level. They have some shortcomings but have also met with success (Borthakur, 2008). One has to study their relevance and find ways of applying similar systems to land management.

Some civil society groups have been attempting alternatives such as self-help groups that can be a starting point of other processes. Ways can be found of turning the educational services of civil society and church groups into public-private-partnerships (PPPs). As stated above, they offer good quality education or health services. But they get no grants from the state so they are forced to charge fees. The fees may be low but are still beyond the reach of the poor. The fees are much higher for colleges. The PPP model would involve following the pattern of the southern and western Indian States that have funded the salaries, pension and even some buildings of schools and colleges run by private bodies within the state school board system. That has made it possible for the poor and middle classes to get good education without having to travel too far from home, or having to sell land to finance their children's education. Introducing a similar system in the North Eastern states, with mid-day meals included, can be a solution to land alienation.

## **Conclusion**

An attempt has been made in this paper to understand the complexities surrounding land alienation within and away from the tribal communities of NEI. Possible solutions have been suggested with a clear understanding that they are only a prologue to a long debate on the processes and effects of land alienation

on indigenous communities, and on the possible alternatives available to us in the present moment.

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<sup>1</sup> Protection of Manipur People Act, 2015; Manipur Land Revenue and Land Reforms (Seventh Amendment) Act, 2015; Manipur Shops and Establishments (Second Amendment) Act, 2015

## **Women, Property, and Angami Naga**

### **Customary Law**

Vizokhole Ltu

#### **Introduction**

In the months of January and February, 2017, Nagaland witnessed a violent protest on the issue of 33% reservation of seats for women in urban and local bodies (ULBs). The Indian Constitution mandates, under Part IX A, that one-third of seats in such municipal bodies should be reserved for women. This was incorporated into the Nagaland Municipal Act in 2006, but the bill was not implemented until 2017. The long overdue bill had been sidelined owing to opposition from powerful tribal bodies, such as the Naga Hoho, Eastern Naga Public Organisation (ENPO), Angami Public Organisation (APO) and Ao Senden. Compelled by a number of court rulings in favour of the agitating Naga Mothers Association (NMA) ordering the state government to enact the reservation policy, the first ever ULB elections were slated to be held on

February 1, 2017. In reaction, the opposition flared onto the streets, with various tribal bodies threatening to disrupt government activities and intimidating candidates who intended to file their nomination. The Angami Public Organisation (APO) and the Angami Youth Organisation (AYO) took to the streets to oppose reservation in Kohima district, and the capital city of Kohima itself, which is mostly inhabited by the Angamis. The organisation had instructed all Angami villages to send volunteers, who marched to the offices where nominations were being accepted, so as to prevent any candidates from filing their nomination. One of the main arguments put forward by these organisations was that the reservation bill infringed on Article 371 (A) of the Indian Constitution, which grants special provision for the Nagas to protect and preserve their cultures, traditions and land.

The Naga Mothers Association (NMA), which had spearheaded the agitation and legal proceedings for the implementation of the reservation policy, came under immense pressure from the tribal bodies in the state. Soon, other organisations joined the protest, and some tribal bodies began to serve “quit notices” to individuals who had already filed their nomination, asking them to refrain from contesting and participating in election. Before long, tribal bodies that had initially supported the reservation and had allowed the intending candidates to file their nomination began to withdraw their support. There were even reports of protestors vandalising the

homes of candidates who filed nominations. Next, Dimapur erupted into flames, with men blocking roads and burning property. The protesting men, who were ostensibly exercising their democratic rights, transformed themselves into mobs—vandalising property and issuing threats (Ltu, 2017). Some of the Hohos even excommunicated community members, who did not abide by their dictates, irrespective of gender. The massive protests eventually led to the fall of the ruling government of Nagaland, and ensured that the reservation question was once again sidelined. The controversy over reservation for women in municipal bodies can be read as an effect of political assertion by women and the resulting adverse reaction from male-dominated tribal bodies bent on securing their privilege and power in the realm of political institutions under the guise of defending Naga customary law.

In the context of the Nagas, the local bodies such as the *gaon buras* (GBs),<sup>1</sup> *dobashis* (DBs),<sup>2</sup> the *khe*<sup>3</sup> chairman and village chairman (VC), and tribal bodies like the Angami Public Organisation (APO), Chakhesang Public Organisation (CPO), Ao Senden (AS), or Lotha Hoho (LH)—all of which are run exclusively by males—are considered to be the guardians of custom. In Nagaland, customary law is defended by its people, usually the tribal bodies, as cultural rights of the community, and their origin is usually attributed to timeless tradition. However, such a perspective does not account for the historicity of customary law as structured articulation of power, status and position. In this

context, it is prudent to ask what constitutes the idea of custom in the context of Naga society, and whose customs are these local bodies protecting and serving. Moreover, many social changes that have taken place in Nagaland in the past few decades—with respect to modern education and employment, for instance—have enabled women to assert their political rights and challenge entrenched gender biases in society. To what extent has the idea of custom and customary law been able to respond to these social transformations? For even as the invocation of timelessness is deeply political, the power of these laws is maintained precisely by reproducing the idea that they govern a purely apolitical domain of culture and tradition. Moreover, they continue to have a dominant influence on not just access of women to political institutions but on women's access to landed property as well. In fact, control over property and political power are co-determined (Ltu, 2017). As such, this paper is an attempt to understand the power relations behind these practices of customary law, with an emphasis on the gendered aspects of property ownership and inheritance.

Amongst the Angamis, landed property is broadly classified into two categories—ancestral and acquired property. The former is land passed from one generation to another, while the latter is bought by individuals. And though there are again different types of property under ancestral and acquired property, this paper will confine itself only to these two broad categories. However, as I will demonstrate below, with changes in society, the notion of

property as either ancestral or acquired land is not without contention. For instance, the acquired land of an individual was once the ancestral property of another individual. As such, the paper tries to locate how social realities are being contested and created. More importantly, I am concerned with how these customs, and their contextual deployment, are gendered.

While studying women is not new, studying them from the perspective of their own experiences so that women can understand themselves and the world can claim virtually no history at all. As Harding (1987) argues,

The best feminist analysis goes beyond the innovations in subject matter in a crucial way: it insists that the inquirer her/himself be placed in the same critical plane as the overt subject matter, thereby recovering the entire research process for scrutiny in the results of research. That is, the class, race, culture, and gender assumptions, beliefs, and behaviour of the researcher her/himself must be placed within the frame of the picture that she/he attempts to paint. (p. 9).

Following Harding, I have adopted an interpretive approach to method, data, and analysis. For me, research is not merely a quest for truth guided by facts that speak for themselves; rather, the methodological framework itself determines what one regards as important to one's interpretation. In other words, what became

fact and data for my research is dependent on my own approach to knowledge and reality. My purpose is not simply to search for the truth about customary laws but to understand how these truths are created and contested. The task, then, is not simply to collect data and analyse the relationship between customary laws and women's property rights; rather, to borrow from Linda Smith (1987), one must take apart a story and show how it is entrenched in a knowledge system.

### **The Ambivalence of Landed Property**

The tradition of transferring land has been in existence since the time of village settlement, yet women are strategically sidelined from inheriting or owning land. Shimray (2009) writes,

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 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. (p. 106).

Shimray confined his study to existing customs regarding land ownership and transfer without problematising the practices that deny women property. And while land and identity are intimately connected, under customary law not every Naga has equal access to land as roughly half of the Naga populace comprising women are proscribed from inheriting ancestral property (Wouters, 2017). Parwez (2012) emphasises that the customary laws prevailing in societies in North East India govern acquisition, disposition, and inheritance of property. As such, these laws also determine the status of women within the societies, particularly with respect to inheritance.

The inequality in inheritance laws is often justified as a timeless practice of customary law, arguing that according to custom, no female member can inherit ancestral property. Shimray (2002) observed that no female can inherit the family landed property, except in some exceptional cases where landed property is given to the daughter as a marriage gift. Hibo (2014) examined that females do not inherit their father's property and the meagre property of their mother is shared among the female children consisting of ornaments and, at times, fields which are usually the individual share of the mother. The colonial ethnographer, Butler (1969) writes,

On the death of the father all property, excepting the house, is divided equally among all the sons alone (sic), the youngest always receiving the house in addition to his share of the whole. Neither the widow nor daughters have any claim to aught (sic) except their clothes and ornaments, but they are generally supported by the sons until death or marriage. (p. 305).

Some of the major changes in the region were the introduction of western education and a new religious doctrine. Shimray (2009) observed that education and Christianity brought about changes in attire and food and introduced the monetary economy, all of which have contributed much to the changes in the land use system. He notes:

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. (p. 107).

With changing social structures and the growing importance of a monetary economy, the concept of ownership has changed to a great extent. And since there is no codified law on the management and utilisation of land, 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, it comes to be recognised as individual property in the course of time (Shimray, 2009). And as I have stated earlier, with the change in the nature of land ownership, the notion of landed property has changed as well. The claiming of landed property as either ancestral or acquired property is not without contention, as most of the acquired properties of individuals were once the ancestral property of another individual. From my own experiences of growing up in Nagaland, I know that many women inherit and acquire property. Yet those who control and benefit from customary laws see these challenges as an infringement on Naga customs. Women can still be denied property through

invocations of customs related to inheritance based on the claim that according to custom, no female can inherit ancestral property. As such, the important question here is: When and how does land property get converted from ancestral to acquired, and vice versa? Who decides which land property becomes ancestral property or acquired property? Who approves such claims of land as being one or the other?

These questions are important because the apparent fixity of property is often uncritically reproduced in academic and popular discourse, whereas land ownership is in fact far more fluid. For instance, my parents bought a plot of land after their marriage, where they built a house and have been living ever since. Earlier, this particular plot was popularly known as Vipitso Kita (Vipitso: name of a person and *kita*: compound outside the house). Among the Angamis, almost every house has a compound outside, known as '*kita*' or '*kitie*'. This *kita* or *kitie* is used for various purposes such as public gatherings, storing of firewood, or drying of paddy rice and so on. I grew up listening to various stories about Vipitso Kita—how the vast compound made it a suitable venue for meetings and social gatherings. To this day, some older people refer to the place as Vipitso Kita. The story goes that even the general meetings of the village used to be held there. I was told that the owner of the plot of land, Vipitso, who was the youngest among his family, gave up agriculture which was the family's primary occupation, and went to town in search of an alternative livelihood. As such, his children continue to live outside the village in different places. Years after

Vipitso's death, his eldest son sold the land to my parents, some three decades ago. Thus, the plot of land that was inherited by Vipitso, the youngest among his siblings, was an ancestral property, until his eldest son sold it to my parents. In recounting this story, I wish to foreground the fluidity of categories with regard to landed property. The claim that a certain property is either ancestral or acquired is thus not without contention.

During my fieldwork, when I tried to reason with friends, elders and some of my informants with regard to the inequality in inheritance, most of them replied that women were indeed treated unequally but such was the custom and nothing could be done about it. It was evident that most people did not question the naturalisation of discriminatory norms or practices in the name of custom. In this regard, I would argue that the unwillingness to acknowledge these inequities in custom does much to perpetuate discriminatory norms and practices existing in Naga society. The denial of landed property to women, especially the so-called ancestral property, has been one of the unjust practices in Angami Naga community. It is imperative to acknowledge women who work on this land and to whose labour the first educated Naga men owe their education and control over modern political institutions.

### **Thepfü Kehou: An Unspeakable Subject?**

Dissent from the oppressed agent, who possesses very little social security, is often countered with violence. Therefore, the

suppressed sections have no say, and must accept the existing norms and practices as reality. Consequently, I was not surprised by how little women in Angami society explicitly questioned the many social inequalities they experienced. There were only a handful of occasions when over-stressed women verbally questioned the burden of their socially assigned roles. Yet such resistance often subsided within a day or two and most women would carry on with their 'normal' activities, explaining away their anger as the misfortune of having been born female.

I grew up witnessing many such instances of insensitivity towards gender norms. For instance, my aunt always bemoaned being born a woman, for she always had to seek help from my father or some other male relatives to speak on her behalf. Women's voices are considered insignificant, especially so if one is a divorcee. I also witnessed how an uncle of mine in the neighbourhood was looked down upon, and called names—such as being hen-pecked, timid, docile or a coward—for lending a hand in the household chores. Supposedly, real men do not work in the kitchen. I was also aware of the numerous meetings where only male members were consulted whenever there arose any issue regarding the clan, *khel*, or village. Ostensibly, only men can take firm decisions. It is difficult to bring this insensitivity into view precisely because gender violence was so taken for granted at the same time as it was so policed (Butler, 1990). The above instances are assumed to be the natural manifestation of sex, where gender-specific roles are considered to be normal.

During the course of my fieldwork in Viswema village in Kohima district, I was interested in a particular story where a resolution was passed by a *khel*, namely, to encourage parents to gift their daughters with cash instead of land. For instance, if the parents wish to gift their daughter a plot of land, they are to instead give her cash of equivalent value. When I broached the subject to my local guide and showed interest in the story, he told me that it wouldn't be appropriate to bring up the matter before the *khel* representatives—the *khel* president or elders—who came up with the resolution. Upon asking him why they should feel reluctant if the resolution was openly agreed upon in the *khel*, he replied that the resolution was the outcome of *thepfü kehou*, which essentially refers to a males-only meeting. He added,

In *thepfü kehou*, anything that the male members discuss remains within the meeting. It is unlikely that the agenda would be disclosed to others apart from that clan, *khel*, or village. There are also times when the men don't disclose some sensitive issues even to their respective spouses. So, it is considered inappropriate to ask them the details of any issues being discussed, irrespective of the case. You have come here as a female researcher from another village, I hope you get what I am trying to convey.

What troubled me about this *thepfü kehou* was the demarcation of that particular space and time as inaccessible for women. Women

are not only strategically sidelined from such decision-making but are also at times denied access to some so-called “sensitive” issues. Such inaccessibility is not confined to the *thepfü kehou* but is to be found in almost all public meetings of the clan, *khel*, village or tribe. Women’s participation in public meetings is limited only to women’s organisations. In recent years, organisations such as student or youth bodies have been inducting women as office-bearers. Yet women never occupy important posts, such as the president, who are responsible for decision-making. Women are usually assigned so-called feminine roles, such as serving tea during executive meetings, or decorating the stage for programmes.

The exclusion of women in decision-making is still very much prevalent in Angami society and it is not only confined to rural areas. The outcomes of clan, *khel*, village or tribe meetings are regarded as constituting the collective consciousness. As such, it is important to ask who constitutes the clan, *khel*, village, or tribe, for one cannot really claim to represent the collective consciousness by ignoring women’s opinion. Such exclusion of women is also common within the family, especially in matters of property. Women’s opinions are never regarded as significant, and they aren’t even allowed an opinion in some cases. This reminds me of a case that took place in 2009. One of my distant uncles, who had bought a plot of land in the capital, was involved in a boundary dispute with his immediate neighbour. Though the case did not reach the courts, relatives from both parties were involved

in the mediation. I remember a male relative, who put a condition before my uncle that if his wife (an outspoken lady) was going to be present, then he would not attend the case. The male relative also added that women have no business in such affairs. At the time I had regarded such a demand as mundane, but I recalled it in the course of my research. I realised how every aspect of our everyday norms and practices culminate in re-imagining and re-structuring social realities.

### **Naturalisation and Internalisation of Structural Oppression**

As evident in these instances that I have recounted from memory, gender inequalities are deeply ingrained in the norms and practices of everyday life, which culminate in customs and traditions, and are perceived by the community as natural. Hence, it was not a surprise to me when most Angami women themselves followed or imposed discriminatory norms and practices as accepted or natural. More importantly, how have these inequalities become routinely unquestioned and unchallenged by the oppressed? Pierre Bourdieu's concept of symbolic violence proves useful here. Symbolic violence is the naturalisation, including internalisation, of social asymmetries. Bourdieu explains that we perceive the social world through lenses—schemata of perception—that have issued forth from that very social world; thus we recognise (or misrecognise) the social order as natural. The inequalities comprising the social world are thus made invisible, taken for granted, and normalised.

Thus, I would argue that these women were subjected to perceive the discriminatory norms as natural and normal. For instance, my cousin sister, who is a mother of four, believed that it is customary for women to work without complaints. She metaphorically added that if a man works too much in the kitchen, the kitchen would burst. When I reversed the terms and asked her what happens when a woman works too much in the kitchen, she replied, "A woman does not have a choice and no matter how angry or frustrated she might be, she cannot complain because it is our custom." I had this conversation with my cousin sister and my aunt on the morning of the 6<sup>th</sup> of November, 2017, when I was home for fieldwork. My aunt, who is in her late 50s, substantiated my cousin sister's point, saying that if a man (husband) starts doing all the household chores; the woman (wife) becomes lazy. And when the wife becomes lazy, the relatives, neighbours, or society at large start criticising and pressuring the husband to the extent that he can no longer tolerate it. Both of them felt that it is quite natural and customary for women to work without complaints in household chores, while it was not normal for men to do the same. The important question here is why such a perspective comes to appear as natural. Were they provided with an alternative perspective? Did they perceive social realities independently?

The narratives of custom and tradition have always been constructed from the perspective of men, and women's perspectives are never considered significant. Women are not considered capable of acquiring knowledge or as someone who

might know about custom and tradition. As such, women are discouraged from expressing their opinions. During my field work at Viswema, on the 11<sup>th</sup> of September I had interacted with a woman who was in her 70s. In the course of our interaction, I realised that she persistently repeated that being a woman, what knowledge about custom and tradition could she possibly possess or pass on to others? She even suggested that I go to some of the older men, who in her opinion would be far more knowledgeable. I had to reassure her that her lived experience of almost eight decades was important to me, and that I wanted to listen to her story. To my response, she replied that all through her life, she was engaged in work and in looking after first her brothers, then her children. As such, she bemoaned how a woman could not get time to learn about custom and tradition. I had a similar encounter on the 2<sup>nd</sup> of November, 2017 in Kezoma village in Kohima district. I wanted to speak with a middle-aged woman about customs and traditions. She was drying her freshly harvested paddy outside her home. When I broached the subject to her, she giggled and said, *“Tsueehh! Ne o tenomi litimi dio ukrü zho ko sikha. No pane thepu pithimi homi ki ketsol tate”* (“Tsueehh! What can a woman cultivator know about customs and tradition. You should go and ask some of the older men”). She added that a woman’s job is to work and look after the family while the man decides about customs and tradition.

I noticed such insecurities in most of my female informants. Most of them were insecure because they thought that their

stories were insignificant or that they were not really the right person to approach. On my visit to Kigwema village in Kohima district, my local guide took me to an older woman in her late 60s. We found her sitting on a *dawhuo* (an erected gallery built with river stone), along with two of her neighbours—an older woman of the same age and another middle-aged man. When I explained to her the reason for my visit, she immediately pointed to the middle-aged man and said, “*Themia hau ki ketso lie. Thepfümia ukrü zho ko siya ho*” (“Ask this man. Men know the custom and tradition”). I smiled back and asked them if I could sit with them. They agreed and after almost two hours of conversation, she took us to show her house—a huge traditional house with *kika*<sup>4</sup> (house-horn) on top of the roof, decorated with different animal skulls on the wall and a large wooden door crafted with different symbols.

She told me that the house was built by her and her deceased husband, who died as *rüna phichü-u* (seniormost village elder). She also mentioned that many people, even foreigners, come to see her house for various purposes: some come to take photographs while others come to study the structure of the house. Hence she decided not to dismantle or replace it with a new building, so that the younger generation could see it and acquire knowledge about the old tradition. Here, one can see how the woman considered her opinion as insignificant while in actuality, she was preserving her traditional house to impart knowledge to the younger generation. Thus, we can see how women have internalised the

notion that their voices and knowledge are insignificant, and tend to perceive these inequities as normal. It demonstrates how customary laws are considered to be a masculine subject, and the naturalisation and internalisation of oppression as structural, to use the words of Iris Young (2011, p. 40).

### **Expropriation through Exchange**

During field work in November 2016, I came across another instance of how gender becomes imbricated in the exchange of land between different clans. The story involved a wealthy couple from Viswema village. The wife, Phule, was from the Theyo clan of the Rachü *khel* while the husband, Yoho, belonged to the Zheri *khel*. The wealthy couple did not have any offspring, and were subjected to frequent barbs and snide remarks because of that. Despite his wife's admonitions, the husband wanted to leave the village and re-settle in some far-flung place. Realising that her husband would not change his mind, the wife asked a favour from her husband. The wife promised that she would accompany him if he agreed to give away their land (the plot where their house was built) to her clan. The husband agreed, and as per custom, the wife bartered her two strings of *thuza* (a valuable red necklace, an heirloom) to her husband's clan in exchange for the land. In earlier times, when money in circulation was limited, assets like land could be exchanged in lieu of heirlooms, antiques, even other rare objects which were deemed to be of commensurate value. Thereafter, the ownership of the plot—

known to the villagers as Yoho Kita—was transferred to the Theyo clan of the Rachü *khel*.

Now, Yoho Kita was located in the middle of the Zheri *khel*'s land and was considered one of the best plots of land in the area. The compound encloses a vast area, suitable for community gatherings or as a site for a playground. In the past, conflicts among families, clans, *khels*, or villages were common and the party with more able-bodied men on their side sought to dominate the weaker party, presumably the one with fewer male members. Such was the case with the Rachü and Zheri *khels* of Viswema village. The members of the two *khels* were constantly at loggerheads with one another, though the exact nature of the conflict was not clear. I was told that sometime after World War II, a group of youth from the Zheri *khel*, commonly known as an *owhemi* (peer group), decided to erect a memorial stone (monolith) to commemorate their group. For the erection of the monolith, a place was needed and since Yoho Kita was situated in the middle of the *khel*, they found it to be a suitable site for putting up the memorial stone. This was met with stern resistance from the Theyo clan since at the time, the land belonged to them. But as a clan, the Theyo knew that they could never win over the whole *khel*. Therefore, the Theyo clan asked for intervention from their *khel*, namely, Rachü *khel*.

On the particular day, when the members of the Zheri *khel* set out from their village for the customary stone-pulling ritual at

their memorial, all the able-bodied male youths of the Rachü *khel* guarded Yoho Kita, armed with *daos* (machetes), spears, and guns. Sensing the gravity of the situation, some elders from the Zheri *khel* informed the deputy commissioner of Kohima, who intervened and stopped the stone-pulling. Further, the deputy commissioner enforced a curfew on both *khels*—it was forbidden for more than five youths to assemble or move around together, especially in each other’s territory. Tempers eventually cooled down, but there remained cold feelings towards one another. Pride and honour was something so important to the members of the *khel* and as such, any issue could trigger a confrontation. For instance, if youths from the Rachü *khel* played at Yoho Kita and their ball fell on the roof of any Zheri’s building, it could lead to an argument and aggravated tensions between the communities. At the same time, the people of the Zheri *khel* could utilise Yoho Kita for their community gatherings and meetings, but they always had to take permission from the Theyo clan, which was inconvenient.

Many unsuccessful attempts were made to thaw relations between the two *khels*. I was told that the antagonism between the two *khels* eventually moved towards reconciliation. And though there was no dispute or conflict with regard to the ownership of Yoho Kita, the Zheri *khel* eventually requested the Theyo clan of the Rachü *khel* to sell them the plot. This was the land which Phule had bartered her two lines of *thuza* to her

husband's clan. According to the Zheri khel, this would help to further improve the Rachü-Zheri relationship. However, the Theyo clan made it clear to them that they did not want to sell Yoho Kita for cash as it was part of their ancestral land. Then, Zheri khel proposed to exchange it for another plot of land, which the Theyo clan agreed to. And so, on the 2<sup>nd</sup> of December, 2015, the Zheri clan set up a three-member committee to search for a suitable plot of land. This committee bought land from four individuals at Phuzoü, and on the 16<sup>th</sup> of November, 2016 the exchange ceremony was observed. Henceforth, Yoho Kita became the community land of the Zheri khel and the plot of land at Phuzoü was given to the Theyo clan.

This story shows how customary approaches to land, as ancestral property, work against the interests of women. An elderly man (66 years old) from Theyo clan explained to me that Phuzoü now belonged to the entire Theyo clan and any member of the clan could make use of that land, but no member can sell it. In other words, the plot of land at Phuzoü had acquired the status of ancestral property, which meant that in accordance with the customary restriction on land ownership, women from the Theyo clan could not inherit land at Phuzoü. This was all the more poignant, since the clan had acquired the property through Phule, one of their women, who had bartered her valuable heirloom necklace in exchange for it. In addition to the exchange of land between the two clans, the woman's property thus also transformed into ancestral property.

## Conclusion

This paper has discussed how customary laws articulate gendered power relations that perpetuate male privilege in the domain of landed property and community decision-making. I have attempted to show how these relations are reproduced through everyday norms and practices that are regulated in the name of customs and traditions. Further, I have argued that treating customary laws as timeless renders invisible the deeply political nature of customary laws. I have also tried to demonstrate how women are relegated to being subjects of custom, while men become the embodiment of knowledge about customary laws. When modernity has been characterised by the sanction of customs and traditions that are gendered, cultural norms need to be challenged. From my fieldwork experience, through interactions with my informants, local guides, friends, family, elders, *dobashis* and villagers, I realised that most of them used culture as the explanation and justification for all social norms and practices. Most importantly, it must be kept in mind that on the one hand, this claim to the timelessness of tradition is itself peculiarly modern and sustained by the prevailing constitutional provisions of the nation-state; while on the other hand, it helps to mask deeper economic and social transformations brought on by modernity. Instead of reproducing in academic discourse this resort to customs and traditions as justification, we should be asking who actually benefits from these practices. Whose interests are being served by such customs and traditions? Who are the agents of these customs and traditions? These critical questions

would go a long way towards opening up new ways of thinking about the community's social realities.

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<sup>1</sup>*Gaon Buras* (GBs) are the elders of the village. In the context of Nagaland, they were first appointed by the British to assist them in village administration. In the present context, they are considered the “custodians of customary law” at the village level. GBs are not salaried although they might get some incentives through cases they resolve.

<sup>2</sup>*Dobashis* (DBs) literally means “someone who knows two languages.” DBs were first appointed by the British to act as translators between them and the local populace. However, in due course of time, the office was institutionalised and like the GBs they are considered as the “custodians of customary courts” at the block and district levels. DBs are salaried and work directly under the District Administration.

<sup>3</sup> *Khel*: Among the Angamis, as well as other Naga tribes like the Chakhesangs, a village is divided into a certain number of *khels* or clan territories. Each *khel*, in turn, consists of several sub-clans.

<sup>4</sup>*Kika* literally means “house-horn.” Among the Angamis, a person who has given *yotho-themüza* (feast of merits) for the third time is entitled to decorate the front of his house with *kika*. *Kika* is made up of timber or tin-sheet and attached to the roof in such a way that it appears to be the ‘horn of the house’.

## **The Political Economy of Land Rights: Gendered Norms and Bodo Women**

Kanki Hazarika

### **Introduction**

Jesna, probably in her late twenties or early 30s, stays with her parents and her younger brother. For the people of her village, she has already crossed the “marriageable age,” and even the family has given up on her prospects to enter into a marriage. Two of her brothers, both married, live separately with their families on the common homestead plot. The plot was shared among them after their marriage. Their father divided the landed property among his three sons. The youngest one, who is yet to get married, has been staying with the parents. The father did so to pre-empt any land-related disputes that might otherwise occur among the brothers after his death. During a conversation we had, he told me,

It is good to make the divisions while I am still alive.  
Who knows what will happen among them once I

am gone? I do not want them to fight over property,  
so it is better to give them an equal share.

That being said, Jesna has not been allocated a share. While the father is concerned about possible conflicts that might arise among the sons, it is taken for granted that the daughter of the family will not ask for landed property or get involved in any land-related disputes. Such an understanding is the result of dominant gendered norms regarding land ownership among the Bodo community of Assam.

This paper is an attempt to understand how the land rights of the Bodos of Assam are framed in terms of gender. “Right” has multiple meanings; in this context, it has been approached from the perspective of ownership, management, control and usage of land. My paper further tries to understand how the colonial conquest of the region and the subsequent politicisation of land and identity in post-colonial India altered the community’s relationship to land and the relevance of gender with respect to rights over land. Rao (2008), in one of her works on the impact of development on women’s land rights in South Asia, is critical of family and kin relationships that invariably favour men when it comes to the inheritance of land. Further, she shows how land, apart from its productive or material value, can also be a metaphor for identity, status and hierarchy within a given social context, which make it a site of contestation (Rao, 2008).

The paper is based on both primary and secondary sources. The primary sources are derived from ethnographic fieldwork,

done as part of my PhD research, in the villages of Bamungaon Village Council Development Committee (VCDC) under Sidli circle of Chirang in the Bodoland Territorial Area District (BTAD) in Assam. The narratives quoted here came out of my discussions with the respondents. Rather than formal interviews, I have engaged with my respondents in informal conversations. Additionally, the paper is also based on observations made in the field. To protect people's privacy, the respondents' names have been changed in this paper. Additionally, I have drawn on existing literature on socio-cultural aspects of community, the region and various issues related to land rights and gender to contextualise the issue. The historical perspective helps to provide an understanding of the relationship between community and land, livelihood and identity.

## **Background**

The Bodos, one of the plains tribes of Assam are categorised as a Scheduled Tribe (ST) under Schedule VI of the Indian Constitution. Anthropological studies (Jenkins, 1832; Gait, 1906; Endle, 1911) suggest that they are an ethnic sub-group of Tibeto-Burman origin and original inhabitants of the region. The community is scattered throughout the state, but the majority are concentrated on the north bank of the Brahmaputra.

Traditionally, Bodos are followers of the Bathou religion. Bathou followers believe in five basic elements that are essential for human beings: earth, water, sky, fire and air. They worship Sibwrai or Bathoubwrai, the Almighty, in the form of the *siju* plant

(*Euphorbia antiquorum*). In the early twentieth century, with the influence of Hinduism, especially the Brahmo Samaj from Bengal, a new philosophical sect known as Brahma was developed among the Bodos, initiated by the late Kalicharan Brahma. This new form is an amalgamation of traditional Bathou and Brahmo philosophy. Further, colonial rule also induced other religious changes, as under the influence of Christian missionaries people also converted to Christianity. With religious conversion, changes in terms of culture or social practices were evident among them. Those who converted stopped practicing traditional rituals, or celebrating festivals; their social life underwent changes. Nevertheless, the new Bodo educated middle class became conscious of their community identity amid the dominance of the caste-Hindu Assamese in the political and economic spheres. It became crucial for middle class Bodos to assert a separate identity of their own. In this process, a trend of “reverse assimilation” was apparent among a new class of educated Bodos (Baruah, 1999, pp. 183-84).

The identity building process of the community gradually took the form of a political movement demanding a separate homeland. In 2003, the government arrived at a Memorandum of Settlement with the protesting groups and constituted an autonomous council known as the Bodo Territorial Council (BTC). The BTC administers four districts of Assam, namely Kokrajhar, Chirang, Baksa and Udalguri, which are together known as the Bodoland Territorial Area Districts or BTAD. Several Bodo organisations such as All Bodo Students Union (ABSU) claim that

demographically they are the majority in BTAD, while other non-Bodo communities in the region have refuted this claim.

Unlike several hunting-gathering indigenous communities of North Eastern states, the Bodos have been purely an agricultural community. It is the primary source of livelihood. Apart from paddy cultivation, they are also engaged in the cultivation of vegetables and other produce. Over the years, there has been a gradual shift amongst them in terms of livelihoods from agriculture to other occupations. Nonetheless, agriculture still pre-dominates over other occupations. Additionally, they also depend on various forest-based livelihoods and animal husbandry.

Land can be said to be integral to the political, economic and social dynamics of a region and a community as people's relationship to land is informed by the history, culture and politics of a region. The economic and symbolic power associated with it makes it a complex phenomenon and often a cause of disputes between and among individuals, communities and the state. In her work on land rights of Santal women in India, Rao (2008, p. 5) noted that apart from the material value of land, it is also significant with respect to one's identity. Within global feminist discourse, multiple land-related issues such as women's rights over land and its effects on intra-familial gender relationships, women's productivity and livelihoods, legitimisation of denial of land rights to women, impact of agrarian change on gender have been addressed to understand gendered injustice in this field (Agarwal, 1995; Razavi, 2003; Rao, 2008; Chowdhury, 2008).

Agriculture being the primary occupation, the Bodo community considers land as a valuable resource for their livelihoods. It is associated with their culture and one of the primary elements of their communitarian identity. Over the past few decades, land relations have changed and so have relationships within the community. The denial of land rights to women is not just an isolated instance of patriarchy or an expression of patrilineal culture. Rather, the patriarchal and patrilineal structures that justify denial of land rights to women must be situated within a broader political and economic scenario. Critical attention to such macro-social processes can help towards an understanding of gendered land relationships within the community. As mentioned previously, a critical reading of land rights from this perspective unveils how it is a part of an identity-building process of the community.

### **“Wastelands,” Overlapping Sovereignties and a New Political Economy**

In a community where agriculture is central to the lives of its members, it is important to understand how ownership and distribution of land is articulated and exercised. Although societal norms are experienced as timeless, some of them have changed over generations. It is in this context, that I would like to look at the historical processes of change brought on by colonial policies, and how they have affected women’s relationship with land. With colonialism, new gendered norms gained prominence, even as existing norms were strengthened further. This section explores

how the acquisition and exploitation of resources by the colonial state altered the region in terms of economy, space and intra-community relationships.

The political conquest and economic domination of eastern and north-eastern India by the colonial state altered the pre-existing ordering of space (Misra, 2011, p. 102). The advent of a cash economy during the colonial period fundamentally changed the socio-economic scenario of the community. It started with the plantation economy, production of cash crops and settlement of people from neighbouring provinces (Sharma, 2011; Sharma, 2016).

The forest villages presently inhabited by the community indicate the community's past practices of settlement. Colonial documents termed the community as erratic cultivators of the wild who inhabited forested areas (Baruah, 1999). Baruah further talks about the Bodos engaging in shifting cultivation who were mobile and not settled in one particular place for a long period of time (Baruah, 1999, pp. 189-90). They did not cultivate the same land for more than two years. Sparse population as against the abundant land resources at that time made shifting cultivation relatively convenient. For communities such as the Bodos, who have traditionally practiced shifting agriculture, one of the most significant and widespread changes brought on by colonial political economy was the forced transition to settled agriculture, alongside other economic, political and demographic changes in the region.

British officials qualified shifting cultivation as a wasteful use of land. The perception of officials regarding them was that the Bodos and other indigenous communities could “secure a crop out of virgin soil after clearing the jungle, but when the land requires more careful culture, they abandon it and move to another place” (Cotton cited in Misra, 2011, p. 102). The colonial officials realised the economic potential of “wastelands” that ought to be utilised to the fullest but would not be possible in the hands of such mobile agriculturalists. To realise this objective, it was crucial to have permanent cultivation that was more ‘cultured’ through strategising settlement on ‘wasteland’.

The rural economy, as noted by Bose (1989, p. 77), underwent changes with the production of cash crops, imposition of revenues that had to be paid in cash and the wasteland settlement policy. Additionally, the Forest Act (1865) and more particularly, the Assam Forest Regulation (1891) empowered the colonial officials to appropriate or declare any land covered with trees as forest and utilisation of timber for expanding railway networks across the country (Nongbri, 1999). With this appropriation, the state power expanded and local communities’ or forest dwellers’ rights over the forest were curtailed. People inhabiting the forest areas came to be seen as encroachers on land appropriated by the state. Further, the Forest Act, 1878 made stringent rules with an objective to conserve forestry. This act categorised forest into three categories: reserved, protected and village forest.

One of the most notable features of colonial ethnographic accounts is the constant reference to abundant 'wastelands' in Assam, and the necessity of settling these with permanent agriculture (Jenkins, 1835; Robinson, 1841). Fallow or unused land, and land being used for non-commercial purposes was seen as wasteland, and thus the region was categorised based on the potential economic value.

The notion of wasteland is linked to an ideology that valorises private property. Influenced by Locke's labour theory of property, the concept of waste was introduced in the colonial land revenue policies of the British with the Permanent Settlement Act, 1793. Drawing on Locke's theory, wasteland was understood as existing in a "state of nature," in contrast to propertied land, which belonged to the "state of culture" (Gidwani, 1992; Whitehead, 2010). Conceptualised as the opposite of 'value,' the colonial construction of wasteland paved the way for revenue generation by implementing the Permanent Settlement Act. Cultivation of cash crops was seen as highly productive for generating revenue, and gradually, the previous economic system was transformed. Taking account of the suitability of land in Assam, colonial administrator Francis Jenkins suggested promoting indigo cultivation in Goalpara due to high demand for blue dye in Europe. However, this was restricted by government order, possibly as a strategic measure to avoid instances of upheavals like the indigo revolts in Bengal and Bihar. Instead, the cultivation of indigenous

crops such as mustard was encouraged (Hilaly, 2016, p. 58). Colonial officials saw the vast tracts of land lying fallow, according to them, due to the natives' laziness, and used this as a justification to maximise revenue collection through permanent settlement of immigrants in these areas. Thus, wasteland came to signify not just a category of land or soil quality, but also a social category that constructed the binaries of cultured versus savage, industrious versus lazy, and caste versus tribe. Whitehead (2010, p. 84) writes,

Locke's foundational binary between a state of nature and state of culture, wastelands and settled agriculture, was elaborated in the late 19<sup>th</sup> century into a four-state evolutionary scheme. Hence, the basic opposition between "the civilised" and "the savage" continued to inform British revenue, land and forest policies throughout most of the colonial period.

Categorisation of land was informed by a racialised division among the communities, differentiating tribes from castes. It is from such a perspective that colonial officers like Butler could point out how the region underwent progress and became "civilised" after the colonial annexation (cited in Baruah, 1999, pp. 44-45). Further, with the introduction of the settlement policy, indigenous people had to accommodate "outsiders" on their land. In tea plantations, the frequent demands and "untamed nature" of the natives, especially the Kacharis—who were initially employed as

labourers—compelled the colonial administration to hire people from outside the province at low wages (Sharma, 2011, p. 66-78). In this way, the cultivation of wastelands by immigrant labourers also operated as an instrument to induce social control and political stability by the colonial rulers. This strategic move for the appropriation of “wastelands” by bringing indentured labourers and others from outside changed the landscape of the region and brought difficulties for the locals.

The changes brought on by colonialism were not restricted to the rise of a new form of taxation alone, as it also led to a drastic re-ordering of the political scenario of the region. The present Chirang district was part of undivided Goalpara district during the colonial period. Vast stretches of land were lying uncultivated in the sparsely populated Goalpara district. Both sedentary and non-sedentary communities inhabited this part of the eastern Dooars and permanent settlement of land revenue was absent in the 19<sup>th</sup> century. The pre-colonial period showed an overlapping of political authority, territorial identity and political power in this northern part of Goalpara, which was difficult for colonial officials to grasp (Misra, 2005). For them, the political authority in the Dooars, particularly the areas of the Bijni and Sidli *zamindari* estates, was anomalous. Whereas chieftains who considered themselves independent *rajās* paid revenue to the British government for half of their estates, for the other half they continued to acknowledge the authority of the Government

of Bhutan (Misra, 2005). Discussing the existence of shared and multiple sovereignties in this region, Misra writes,

Here, there was a confrontation between colonial and indigenous notions of space and power in the areas of the eastern Dooars, a territory over which Goalpara's *zamindars* and the Bhutan Monarch, among others, laid claims to a form of shared sovereignty. (2005, p. 214).

The nature of the tributary relationship through exchange of articles and negotiations over space and authority—or multiple sovereignties—were beyond the colonial understanding that tried to force these negotiations into a frame of “economic transactions and linear hierarchies” and dismissed relationships of reciprocity. The colonial state looked at the rights of the *rajas* over the forests as granted by the monarch in return for grants in kind, and termed it as a state property on the ground of treatment of the forest by that Bhutanese monarch and the *rajas* (Misra, 2005). This same argument served to justify bringing the forests under the colonial state.

Once the act was implemented and lands were annexed, the colonial state offered land on lease to encourage cultivation without incurring any liability through enhanced revenue assessment. The occupants had to pay a minimal rent to the landlord and they could avail permanent occupancy rights after three years. Misra further points out that some communities lived

independently on the margins of settled society and some alternated between settled and migratory lifestyles, which gradually transformed during colonial rule (Misra, 2005, p. 219), when restrictions in moving from one place to another or accessing the forests were imposed on them. At present, many villages such as Garlabari and Duttapur are forest villages under Runikhata Forest Division. Historically, these forest villages were part of Chirang (Cheerung) forest. In fact, present-day revenue villages like Bamungaon were categorised as forest villages in the past. As forests became a state subject with an objective of exploiting resources like *sal* timber. Access to forests for housing or food requirements became restricted, making these illegal acts. Today, many people of this area are involved in illegal timber felling in the forests of Assam and Bhutan.

The present political scenario of Bodos demanding a separate homeland and their effort to establish a separate identity of their own stems not so much from the differences in the group's origin or ethnicity per se, but the challenges posed by others in terms of livelihood, language, values, ways of life or social institutions. The changing social scenario also resonates with the changing cultural geography of the region. These changes are linked to the acquisition of land by "immigrants" and the state. In Chirang, apart from the Bodos and other indigenous groups such as the Koch Rajbongshi, one would find Santals, East Bengali immigrants (locally known as "refugees"), Nepalis and other communities, which gives an idea of the long history of migration in the area.

Bamungaon, the village where I stayed during my fieldwork, has both Bodos and Santals, though there are fewer Santal than Bodo households. Adjacent Dakhin Bamungaon is a completely Santal village. Although Bodos are the dominant community, the role of the Santal community in the economic and social sphere is significant. They have their own land, community, church and temple. While interdependency prevails, both communities nevertheless maintain a frigid relationship with each other. They do not go to each other's houses on marriages or other festivals. In fact, both have separate ASHA (Accredited Social Health Activist) workers for their respective communities. In the village market, I observed that Bodo women, with whom I went or interacted, usually avoid purchasing from Santal traders. The effort to distance from each other is quite apparent from the conversations and behaviour. Economic differences between them are also noticeable—the Bodos are relatively economically well off as compared to the other community. Nevertheless, if any issue related to the entire village arises, men from both communities sit together and discuss it. Some Bodo families have given their land to the Santals for sharecropping and many a time, Santal men and women work in Bodo households as daily wage earners.

In periods of ethnic conflict, the situation here was very tense. The apprehension towards each other still exist—while interacting, one can easily sense the tension and lack of trust towards each other, though nothing was explicitly said about it. Narrating an incident of Bodo-Santal conflict that happened in a

distant village in the year 2014, one respondent told me how the news spread to the entire area and affected them severely. Although no untoward incidents happened in their village, the situation was critical—Bodo women and children spent several nights at the church, while men were awake to protect the village. The Santal families of the village, who are few in number, shifted to the neighbouring Santal village .

### **Gendered Norms of Inheritance**

Rules of inheritance of landed property are legitimised through societal norms of the community. Conventionally, women are not allowed to inherit or own landed property among the Bodos. In one of her lectures, discussing the relationship between kinship ideologies and rules of inheritance and property, Dube (1994) argued that women rooted in patrilineal and patriarchal kinship have limited access to resources and practically no scope for patrilineal inheritance and no rights over space or children. Thus, material relationships within the family are largely structured by this system, which in turn defines gendered relationships.

Jesna, from Bamungaon village, works as *ruoti* (maid residing in the home she works in) in Basugaon, a small town in Chirang district. When she comes home for a month or two, she engages herself in weaving and earns some income from this. During my fieldwork, I was having a conversation with her father and asked him his thoughts on her future, especially with regard to inheritance of property, in case she remains unmarried. He responded,

Let us see. In our custom, girls are not entitled to land. Perhaps she won't marry as she has already crossed the age. Probably one of her brothers will have to take care of her, if she does not get married. But they have their own families. Probably, if she takes care of us (the parents) at this old age, I will consider giving her a piece of land so that she does not have to depend on them.

It is apparent from such remarks how women and men are systematically differentiated and women are subjected to multiple inequalities in terms of division of power, resources and authority within the family (Uberoi, 1993, p. 9). The father's emphasis on "take care of us" reflects how for the daughter receiving a share of the family land is conditional on whether or not she renders them service, whereas no such condition exists for the sons. These contradictions in terms of division of landed property between daughters and sons suggest an existing gender bias in the family and is indicative of the negotiations a woman must go through in order to receive a piece of land. The question of care or rendering service is not applicable to the sons, who have been living separately. Lineage, followed in the patrilocal and patrilineal community, is the justification provided for men's land ownership. The son is considered the heir and permanent member of the family even if he moves out of the parental house, while the daughter is seen as a transient or impermanent member, as noted

by Dube (1994). Under the rule of patriliney, the daughter, as a temporary member at the parental house, would shift to her husband's house after marriage. Brahma (1987, pp. 41-42) mentions that Bodo women are respected and not discriminated in society. He, nevertheless, also notes that within the community, the birth of a daughter is not so much favoured as compared to a son (Brahma, 1987, pp. 41-42).

When I was having a conversation with Jesna when she was home, she said hesitantly,

How do I know? I have no idea what my family will decide. At the moment, I hardly stay at home. I do not have to ask anyone for money, it is sufficient for me. And they (brothers) have their own families to take care of. (*Ki jan? Gharar manuhketiai ki korbio amitu najane. Etiyatu gharat besi nathakei. Etiyatu tu kaku poisa khujibo nalage. Nijortu hoi jai. Aru hihotore nijor poriyal ase.*)

### **Gender and the Politics of Land**

The ongoing identity movement and the accompanying demand for a separate Bodoloand state must be taken into consideration when considering the history of the region. As already discussed, the colonial history of the region has made it a site of conflict that is characterised by politically and culturally charged relations between the communities inhabiting it at present. It has shaped fundamental questions of belonging and identity, and shapes the

political exclusion and inclusion of various communities. Further, the Bodo organisations justify their assertion of a separate identity by pointing towards internal colonisation by the hegemonic caste-Hindu Assamese. Over the years, ethnic and territorial identities have become important for the community as part of their assertion of political and economic rights.

Appropriation of acquired territory and reconstitution of the relationship between the state and society through the wasteland policy and sedentarisation led to a re-negotiation of power and space between communities. For the Bodos, it became crucial to assert and politicise their identity as autochthons, and was accompanied by territorial claims as well, often realised through violence. For instance, in Garlabari village, where Santal families once lived alongside the Bodos, the former left their homes during the Bodo-Santal ethnic conflict in the 1990s and took shelter at relief camps. Many years have passed since, but they have not yet returned to the village for fear of their lives.

Nonetheless, the perspectives on how to deal with such a situation have changed gradually. One Santal woman of Bamungaon village told me that they used to leave their homes at the time of conflicts. But now if an incident occurs, they would never leave their house as they have land here. Instead of leaving, they are ready to face the challenge and would prefer to die here. With this fragile situation, where land has become a disputed site, it has become crucial for each community to claim and contest

space. Thus, stringent rules are seen as mandatory to make claims over the land. Women are mostly at the receiving end of these norms, as is the case among the Bodos as well.

Even as the right to landed property was restricted to certain groups in the pre-colonial period, the introduction of private landed property gave preference to men in the official land records and further legitimised the socially constructed norms of the community. The concept of private property also pushed the community towards a materialistic and profit-oriented culture that became unfavourable to women. The community at large responded to these changes by constructing new norms, and the practice of men being given individual ownership rights over land was one among them. It is not only about restricting transfer of land from one family to another within the community, but is also seen as a means to safeguard land and territory by imposing restrictions on women. Women are asked not to marry outside the community. One of my respondents, Purabi *baideu* (sister, a term used to address an elder woman) says,

Our Bodo girls were not allowed to go outside. NDFB or other (insurgent) groups would make a noise if a girl gets married into another community. They were very strict at the beginning. Now the situation has become somewhat better.

*Agotetu amar Bodo suwali belegot jabonidiye. NDFB nohole baki group keita halla kori dibo suali beleg jatir*

*logot biya hole. Firstot tu bahut strict asil. Eitya tu olop bhalei hoise.*

Women were, instead, encouraged to concentrate on the private sphere and to manage the household, while the responsibilities of the public domain were assigned to men. Despite their significant economic contributions to the households, the reproductive role of women has been emphasised and re-emphasised through songs and folk tales. Moreover, private ownership not only recognises the man as the owner, but also assigns to him the status of farmer or producer. Restrictions on women were imposed ostensibly to safeguard community identity, wherein land and territory are crucial elements.

The Plains Tribal Council of Assam (PTCA), in their memorandum submitted to the President of India in 1967 (Datta, 1993, pp. 121-41) raised the issue of land alienation and how it affected them. The memorandum states,

The plains tribals are essentially cultivators and agriculture is the mainstay of their economy. Hence, land is of supreme importance to them. But there has been a constant attack on the tribal lands. Large numbers of East Bengal immigrants started to pour into the tribal areas since the beginning of this century and settled therein. Apart from the East Bengal immigrants, local non-tribal traders, businessmen and money lenders also have been

onslaughting the lands belonging to the tribals. All these forces were a constant menace to simple and peace loving plains tribals of Assam. (Datta, 1993, p. 125).

In the present situation, controlling ownership of land has become a political project for the community. Speculations on the Bodoland Territorial Council administration's proposal to place restrictions on the sale and purchase of land have been going on for the past few years. As reported by the media, legislation is to be passed to prohibit selling of land to non-tribal people in the Bodo Territorial Areas. If a person does so, the land will not be registered or officially transferred to the buyer. This has caused resentment towards the Bodos amongst the non-Bodo communities and various political and social organisations. During the course of my fieldwork towards the beginning of the year 2018, I happened to experience the protests first hand, in the form of *bandhs* (a shutdown of all public and commercial institutions as a mark of protest) and *dharnas* (a protest demonstration) by several groups against this proposal.

While the BTAD area has already accommodated "outsiders," as informed by my respondents, selling land to non-Bodos would further aggravate the condition and it might be detrimental to their proposed demand for a separate state. In this context, women are seen as a possible threat or a channel through which "outsiders" can acquire land in the area. Amongst the Bodos,

the woman is seen as a “temporary” member of the family, and is not considered for owning landed property. A share of land to the daughter means losing it to others, which would affect the size of the family’s landholding. She is considered as the means through which land comes to be transferred outside the family. A dispute erupted between Moni *baideu* and her brother over parental land when she asked for a share. He had to give her three acres of cultivable land. While I had a conversation with Abanti *baideu* and Moni *baideu* on customary norms and land rights of women, Abanti *baideu* told me, “In our Bodo custom, girls do not get land. If it were so, I would have been taken it long back (*Amar Bodo niyomot tu suwaliye napaye. Puahole tu moiye agote lolu hoi*).” I could understand that it was not directed to me, but to her sister-in-law. With the scarcity of land and its growing market value, there is an impetus to economic anxiety and concern for families to retain land. It is crucial to their sustenance as well as for the power and status of the family. A critical stand needs to be taken on the politics of land ownership that has precipitated this situation, for it necessarily frames how the gender question comes to be raised within it.

Women’s role in the family is significant and they engage themselves equally in the economic activities of the household and in the agricultural fields. However, the social status of women is lower than men and they are excluded from exercising certain rights or participating in the political arena. In the case of land ownership, it is the men who decide on ownership and distribution of land. In

fact, many women in these villages have lost access and control of the agricultural land as it has been given to sharecroppers.

In a situation where land not only means individual land, but also implies a political space, the social surveillance of women and their adherence to norms has become ever more intensive. While discussing the critical role land plays in the occurrence of conflict in the eastern Democratic Republic of Congo, Huggins (2010, p. 10) noted how local chiefs claim authority over land based on an ethno-geographic notion of community. He writes,

Their authority over land stems both from a position of leadership within a particular ethnic community, but also from that community's historical claim to residence and use of land in a particular geographical area. Political authority and historical claim to residence are mutually dependent. Customary systems tend to favour land claims of men over those of women, and widows, women separated from spouses, and female children are often denied their land rights under these systems.

The burden posed by the immigrant settlers in terms of land, livelihoods, culture or communitarian identity has disproportionately fallen on Bodo women. While men's rights over resources have become inherent to the nature of patriarchy, acknowledged by the broader political context, the politics of identity also encouraged women to preserve and exhibit cultural

identity, which has contributed to maintaining the status quo of patriarchal power. For example, *dokhona*, their traditional attire has become mandatory in schools as uniform and women are encouraged to wear it in offices and public gatherings as a distinguished marker of the community, which is not the case for men. As discussed in the previous section, the introduction of private property gave preference to men as landowners. It further affirms the community norms that were constructed in accordance with the situation. Engels, in *The Origin of the Family, Private Property and the State* (1884) discusses the historical specificity of the oppression of women in the transition from primitive society to capitalist class society. He situates the institution of the family, private property and the state as historical stages in a process of human development, highlighting how introduction of private property replaced communal property. In this context, he draws attention to the transformation of social relationships between men and women as they become hierarchical, along with the evolution of class structures and social hierarchy. Engels' outlook gives us an understanding of the institutionalisation of patriarchy with the emergence of concepts of individual family and private property in a society where women are subjugated and controlled. Land, which is considered as the most valuable form of property has become the domain of men in terms of control, access and use in the new social setting.

Not only do woman not have the right to inherit parental property, they also lack rights over land in marriage as their rights

are linked to their husband's ownership. Kinship rules within the community prescribe separate rules for men and women, and these are further reinforced by cultural practices such as songs. A critical reading of the folk songs of the Bodos shows how submissiveness to her husband is normalised. For instance, the following song (translated by M.M. Brahma, 1960) is a moral lesson to the women to behave in a certain way at her marital house.

....Darling you don't get annoyed

Don't get angry

If you do not do your duties properly I shall rebuke you

You shall not get angry

If you do a foolish job

I shall beat you

you shall not get angry.

Such songs are a reminder to the woman how an ideal wife should be, being submissive to the husband, whose manliness and authority is displayed by beating his wife. The challenges posed by the gendered norms on land rights can be understood by Jwngma *baideu's* narrative. Her narrative reveals how it affects a woman to the point of losing her identity. Jwngma *baideu* is working as a maid and stays in the home she works in. She neither owns a house nor a plot of land. Her first husband was an alcoholic and used to abuse her regularly. To escape from this abusive relationship, Jwngma *baideu* eloped with another man. However,

he neither took her to his home nor introduced her to his family. Instead, they went to Meghalaya and found work as manual labourers. She lost her second husband to illness. After his death, *baideu* returned to her native place with the children. She stayed with her mother for a few days, and then shifted to her first husband's house as their son stays with him. All her brothers are relatively well off and have their own families. In keeping with the norm, the parental land has been divided among them and the girls were left out. Writing on Indian patriarchy, Mies has argued that the essence of patriarchal and patrilocal system is combined with the economic system of patrimony being inherited jointly by all males as coparceners, defining all men as "insiders" and all women as "outsiders" (cited in Kosambi, 2007, 103). Jwngma *baideu* cannot claim anything from her first husband, as she herself walked away from the relationship. Society often fails to recognise under what conditions the woman had to exit from a relationship and she is usually held responsible for the same. Moreover, she did not know her deceased second husband's family, and could not make a claim as a wife of their deceased son. She managed to send her children to work in different places and find a job for herself. With no physical address she does not have proper official recognition by the state. Her status of landlessness and not having a house also impinges on her basic identity as a citizen. She neither has a voter identity card nor any other official document certifying her as a citizen, which in turn limits her access to welfare benefits offered by the state. Patriarchy operates both within the society

and the state and they work in tandem, leaving women in a precarious situation.

## **Conclusion**

Lack of land rights of Bodo women is not just a matter of the intra-familial relationships, gender or the public/private binary. It implicates women in the broader political framework, and entangles them in a wide range of issues, including the political economy of land, community identity and the role of women in securing or endangering the sense of identity and land ownership. Chatterjee (1989), while discussing the women's question in colonial India, pointed out how colonial rulers condemned the subjugation and oppression of Indian women that was rooted in culture and implemented several reformative policies in order to 'uplift' the position of women as a part of their civilising mission. Nevertheless, they failed to realise the fact that the project of civilising the natives became a double edge sword for women. The strategic move by the colonial officials towards private ownership of land given to men as the head of the household curtailed the right of the women to land. A new patriarchy was formed under the colonial regime that legalised the dependency of women on men, and this was subsequently adopted by the post-colonial state as well. Communities have also made it a custom under the pretext of culture and community identity. Denying ownership rights to women is rationalised by patrilineal lineage, which no doubt is true. But it has to be read locating it

within the broader issue of land and inter-community context as well where women are considered outsiders.

These gendered norms pertaining to land rights can also be interpreted within the developmental context. The recent history of the region provides scope to look at how the current political boundaries are shaped, contested and negotiated through shifting intra- and inter-community relationships. When the claim of the community as the 'sons of the soil' is evoked time and again, the gendered connotation of the term is invariably overlooked. It justifies the rights of the sons on the soil in various ways, but, a critical engagement on this subject draws attention to the position of women as the 'daughters of the soil' who are also members of the community.

**Note:** *This paper is a part of my PhD work that I am currently pursuing at Centre for Women's Studies, University of Hyderabad and included in the chapters of my thesis.*

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## **Land, Land Disputes and Livelihood:**

### **A Study of the Konyak Nagas**

Jagritee Ghosh

#### **Introduction**

The word “Naga” refers to a group of tribes that share certain social and cultural characteristics. Many Nagas live in the Indian state of Nagaland, but others do not. Nagaland, in turn, has many people who do not consider themselves Naga. The differences between Naga and non-Naga mostly show in cultural and social attitudes. While the Naga tribes differ from other tribal groups, they also have several differences among themselves in aspects of culture and social organisation. There are significant differences in their languages and political organisation. In spite of these differences, all the Naga tribes constitute one distinct group of tribes. At present, Naga tribes inhabit not only the state of Nagaland, but also the adjoining areas of other states as well as areas of neighbouring Myanmar. The Konyaks are the eastern

Nagas in Nagaland. The Konyak territory covers parts of Nagaland, Arunachal Pradesh, Assam and Myanmar. In fact, in the collective memory of the Konyaks of Chui village in Nagaland, the Wanchos and Noctes of Arunachal Pradesh have actually migrated from Chui and are their “younger brothers.” According to a respondent in Sangsa village, the villages of the Tizit area in Mon district in Nagaland have marriage alliances with the Wanchos of Arunachal Pradesh. A respondent remarked that even today people go on foot to get brides from Arunachal Pradesh.

Konyaks are a community where there is a constant oscillation between the past and the present. The past lingers in their conversations—a person may be talking about the present but may also be referring to the past at the same time. For instance, respondents would sometimes say, “This is how it is now but earlier it was very different.” This continuous oscillation between past and present shapes the realities of the Konyak Nagas. This oscillation is itself an effect of the historical interventions of colonialism, Christianity and the Indian state at different points in time, which has created a rupture between the past and present. Therefore, the link between the past and present is formed by memory. It is from this vantage point that the community is approached in the paper.

The Konyak Nagas, like a lot of other indigenous communities of North East India, have hereditary chiefs. The kinship structure among the Konyaks Nagas distinguishes between

the royal clans (the Angh clans) and the commoners (the Pins clans). Konyak society is a hierarchal society, with the Anghs placed at the top of the social hierarchy. However, the clan and village elders hold important positions too. Amongst the Konyaks, purity of the bloodline needs to be maintained to inherit the Angh lineage. The Anghs may have more than one wife but it is only the eldest son born from a “pure-blood queen” who can be heir to the throne of the Angh. The chief is considered sacred, and is thought to possess mystic powers that lend him a supernatural character and make him all-powerful. The Konyak Anghs are believed to be inhabited by the spirits of tigers. It is said that if anyone spoke ill about the Anghs, they would know about it. However, in recent times, the authority of the Anghs has been challenged by the presence of modern state structures.

Similar to other Naga villages, Konyak villages are independent units in the tribe (Wouters 2017, p. 18). The internal administration of a village is placed with the chief. However, in current times when the village is part of the Indian state structure, the authority of the chief has come to be challenged, primarily through legislation like the Nagaland Village Council Act, 1978. The Nagaland Village and Area Councils Act, 1978 is applicable across all of Nagaland. It mentions that every recognised village shall have a village council. A village council shall consist of members, chosen by villagers in accordance with the prevailing customary practices and usages, and the same would be recognised by the state government. The Act also says that the

hereditary village chiefs, gaon buras and Anghs shall be ex-officio members of such a council and shall have voting rights.

The authority of the hereditary chief of the village is challenged by the presence of the Village Council and the Village Development Board. Although the hereditary chief is supposed to be the chairman of the village council, in reality the village council members eventually become more important than the chief. An instance in the village of Wakching also showed a “commoner” to be the village council chairman rather than the chief. Similarly, the secretary of the Village Development Board also wields a considerable amount of power as all the developmental schemes in the village are undertaken by the board. But the most important power structure that challenges traditional authority is the institution of the dobashi courts. Dobashi courts are bilingual courts set up by the colonial rulers, which have subsequently been maintained by the Indian state. The change in the power relations between the chief and other legal institutions that have emerged from this have an impact on decision making in land-related disputes.

This article focuses on changing land relations amongst the Konyak Nagas. Land disputes and changing land relations allow us to explore the intricacies of the changes occurring in relation to land among the Konyak Nagas. The attempt is to understand these changes from two particular dimensions related to land. First, the paper looks at the change in patterns of land ownership in recent

times; and second, it focuses on how land disputes are dealt with. The data used in the paper has been collected through multi-sited ethnography. The fieldwork was conducted in the villages of Chui, Wakching and Sangsa, and the dobashi court in Mon district of Nagaland. Access to respondents in these various sites is useful in bringing to light the complexity of the changes that are taking place within the community, thus providing a holistic picture. The paper is multi-sited not only spatially but also in terms of the dynamics being explored here.

### **Changing Land Relations**

Land is crucial to understand the social relations of indigenous communities as their way of life is very closely connected to land, which is central to their livelihood and identity. But in Nagaland in recent years, land and forests are slowly being transformed into commodities. For instance, land transfer during recent years have created a sort of land market in south Nagaland (Das, 1993, P.80). Land, as such, is a comprehensive term because it includes different types of land and other common property resources. In an agrarian society like Nagaland, land can be of two basic types, viz. agricultural land and non-agricultural land. While agricultural land is used for cultivation, non-agricultural land includes house sites, grazing grounds and land set aside for other non-agricultural activities.

The different categories of land use amongst the Konyaks are *jhum* land (used for shifting cultivation), terraced lands, home

gardens, forest, clan land and land which is used for building houses. The division of land is based on the customary practices of the community, where the eldest son becomes the owner of the ancestral house. Mostly, cultivable lands are clan lands and family lands. Land is important for the people as it is intricately related to their livelihood. Even the chief, who has a higher social and political status within the community, is dependent on land for his livelihood. Moreover, the administrative authority of the chief is also connected to land. Changes in land use and patterns of ownership have occurred mainly in two ways. First, the growing trend of individual land ownership; and second, changes in how land disputes are arbitrated and resolved.

The land ownership patterns of the Konyaks are complex and may, in the first instance, seem unintelligible to an outsider. It took me repeated rounds of questioning and reconfirming to clear my doubts and to come to grips with the land ownership pattern of the Konyaks. These difficulties are compounded by most of the colonial literature (von Fürer-Haimendorf, 1969) on the indigenous communities of North East India, which presents them as egalitarian societies where land and resources are communally owned. The problem with such a framework is that it is unable to articulate the complexity of patterns of land ownership and use that are subsumed under a hold-all category such as “common property resources” of the community. Even if the land and resources are owned by the community, there are internal demarcations. Not everybody owns everything. Land and other

resources get divided according to clans, families, boys' dormitories or *morungs*, and certain areas belong to the members of the entire village. Therefore, there are predefined distinct ways in which the resources get divided and hence the expression "community-owned resources" or "common property resources" is vague.

Symbolically, the land belongs to the chief and he is the owner but people can cultivate the land and do so on their own. The tiller has de-facto ownership rights over the land and has a say over the produce. The chief might get a portion of the produce but all decisions regarding the cultivation are taken either by the clan or the elders in the family. However, in response to the changing times, the decisions are now taken by the individuals who actually cultivate. Inheritance amongst the Konyaks is always along the male line. The ancestral residential land belongs to the family and is inherited by the eldest son.

For this agricultural community, *jhum* or shifting cultivation is the preferred mode of farming. According to a respondent, the crop cycle starts with the clearing of the forests in November-December, burning it in January, followed by the sowing of the crop, weeding and finally, harvesting the crop in the first week of September. A respondent opined that "men, women and children—all who are physically capable—do the work in the fields" (Ghosh and Das, 2018, p. 131). The changes in the land ownership pattern have led to changes in agriculture, though the methods of *jhum* cultivation have not changed. The inherited

agricultural lands have not changed in terms of clan land but there have been many changes in the individually-owned land since it can be sold. The same respondent said that ownership of land is by understanding and not by force. This respondent also explained that it is not the traditional land-owning class or the higher clans who own the land or hold higher status today. Rather the dynamics of the market economy and electoral democracy have created an opportunity for people of the lower social status to acquire more land and property, jobs and business. One of the significant ways in which the emergence of new elites in a community shows, is an increase of the cultivation of commercial plantation crops, such as cardamom, tea, rubber, cashew nut and vegetables.

Significantly, this turn towards commercially-oriented plantation agriculture has also triggered a shift away from traditional food crops, which are not economically as viable. Therefore, my respondent stated that the Konyaks are no longer self-sufficient in terms of food crop production. The respondent further noted that with the growth of plantation ventures in the villages, people now tend to work in these plantations and buy food from the market. This has affected a drastic shift in the traditional way of life of these village-based agricultural communities. Another aspect of this process is that one finds a higher incidence of landlessness in the villages, as the poor are leasing their land to the new local elites. In the villages of Chui and Wakching, I came across instances of people leasing out land

for plantations and losing their usufructuary rights over the land and of people working in the plantation estates of local capitalists as daily wage earners. In a particular case in Wakching village, a person from the nearby Longwa village had to come to the planter in Wakching to take over his cardamom plantation as he himself did not have enough money to continue running the business. From conversations with my respondents, it became evident that the institution of individually-owned property was having widespread effects on the traditional conventions of land ownership and usage. Thus, even as the new plantation crops brought with them the possibility of producing wealth for the inhabitants in the village, the benefits of this transition were not being shared equally by all, and those without social status or economic power tended to be marginalised in the process.

This is a process of community-owned agricultural land being turned into individual-owned land, but one must also pay close attention to how state-endorsed developmental regimes create new meanings of class and exploitation on the peripheries of capitalist development. One must then also ask how these changes affect gender relations in an already existing patriarchal structure where both the state machinery and the customary practices overlap in various ways to disadvantage women.

The landlessness occurring because of this shift to plantation-based commercial crops also has an impact on gender relations. Women have started working in the 'plantation' fields

alongside the agricultural fields which has resulted in an intensification of women's work. This has affected the agricultural produce and has also increased the workload on women (Ghosh and Das, 2018, p. 131). It is the women in Konyak villages who do most of the household work. Women bring water, carry firewood and collect vegetables, apart from working in the *jhum* fields as farmers. Another trend which is common is that people from the economically weaker sections within the community are leasing out their land to richer individuals in exchange for amounts as little as five hundred rupees. Such was the case with a respondent in Chui village, who had to lease out his land for a cardamom plantation as he needed money for his children's education. This change, where certain individuals have more power than others is also leading to another important source of financial power for the elites—they are now also the money lenders. As it is difficult for people to get loans from banking institutions, they often go to rich moneylenders and borrow money at an exorbitant rate of interest. It is pertinent to ask what happens to the figure of the Angh in this fast-changing situation. The chief is supposed to be the owner of lands and all-powerful, but we see a situation where individuals are becoming increasingly powerful with the changing dynamics of land ownership and use in the shadow of the market economy. In the next section, I will take up some instances of arbitration in land disputes to show how these emerging elites are challenging the power and authority of the Anghs.

## **Land Disputes, Power and Authority of the chiefs**

Richard Abel argues that since most of the modern juridical apparatus in the non-Western world developed under the aegis of colonial rule, the influence of the Western system of jurisprudence upon them is unmistakable. He goes on to argue that more often than not, the colonial rulers were unable to understand the traditional dispute resolution mechanisms already prevalent among the indigenous communities. As a result, in the process of understanding and recognising these mechanisms, they ended up drastically changing the indigenous systems. At the outset, colonial ethnographers considered the Western mechanism of dispute resolution to be superior to the arrangements that were already prevalent among the communities (Abel, 1974, p. 226). The dispute solving mechanisms of all the communities differ because the norms themselves vary across communities. For instance, among the Konyak Nagas, in a case of adultery by a husband he has to give a *molung* (brass plate) to his wife's father, while in instances of adultery committed by the wife her father has to give a plot of land to the husband. However, this might not be the case elsewhere.

Abel understands a dispute as a social relationship that has a starting point and develops chronologically. He argues that in order for a dispute to happen, the groups or individuals must be in physical contact. This contact will then lead to a "significant interaction." Following this significant interaction, and over the

course of the interaction, the two parties would develop inconsistent claims over resources, leading to conflict. The next stage is the mutual denial of each other's claims over the specific resource. This is the starting point of a dispute. The subsequent stage is to verify the claims through existing norms. However, if someone intervenes from either side and apologises, then the conflict might not grow into a dispute. According to the author, a dispute might even cease to be a conflict if either of the side gives up its claims over the particular resource (Abel, 1974, p. 226).

The dobashi courts were one such institution set up during the colonial period as a mechanism for dispute resolution. The origin of the dobashi courts lay in the need to arbitrate and resolve disputes in interactions between the British-administered and unadministered areas. Anthropologist Christoph von Fürer-Haimendorf has also documented such an interaction. He describes in some detail a dispute that occurred between a British-administered and unadministered village, where the British colonial officers would arrive at a resolution with the help of the dobashis. Alemchiba states that in the Naga Hills, the British administration appointed a number of interpreters who were called dobashis. These dobashis were generally picked from the royal or high-ranking clans (Alemchiba, 1970, p.149). The first Konyak dobashi was appointed in 1900 and the court was based on the customary laws prevalent within the community. However, the dobashi court is a part of the district administration, which makes it a part of the state bureaucratic structure. After

independence, the Indian state subsequently inherited the institution of dobashi courts.

Traditionally, disputes in Konyak villages are first tried in the clan court. If they are not resolved within the clan, it is taken to the *morung*; and then to the chief's court as the last resort. But that is no longer the case. If a dispute is not resolved in the chief's court it is then taken to the dobashi court. One now often finds land disputes being taken out of the Angh's court and to the dobashi court instead. I shall elaborate on this through two such cases of disputes that were taken from the chief's court to the dobashi court. It is interesting that one of the cases was against a member of a chief's clan. The case is from one of the bigger and older villages called Chui. Chui is the "mother village," or the larger village from which other smaller villages have branched out. There are thirty-six villages under Chui. The Konyak villages under Chui are Chaonyu, Langmeang, Nganting, Apao, Showa, Longchang, Mohung, Angphang, Chingtang, Leangha, Shiyong, Wakching, Wanching, Chingphoi, Kongan, Tanhai, Ponkong, Tamlu, Yuching, Wamsha, Totok Chingnyu, Totok Chingkho and Totok Chingha. It is also believed that apart from smaller Konyak villages there were also some Phom and Ao villages (Phom and Ao are distinct Naga tribes) under Chui.

Chui is believed to be one of the villages with a powerful Angh. People in Chui revere their chief as sacred, and the word of the Angh is considered law. There was fear in the minds of people

that disobeying the order of the Angh would earn them the wrath of the chief and that they might suffer misfortune or even die. The respondents especially revered the last chief, Wangkhao Angh. He is believed to have had magical powers and was considered very wise. Wangkhao Angh was a Pongyiin Angh and was coronated in 1963. Pongyiin Anghs are a special group within the Anghs. Their coronation ceremony is a demonstration of the power and status of the village and their chief. There are no set rules for a village to qualify for this distinction, but there is a certain understanding that the village should be able to feed a certain number of people for a certain amount of time and every house should have one man that they can send to war.

The following case will shed light upon a dispute between a “commoner” and a person from the chief’s clan in Chui. The dispute in question occurred between Leipa Konyak and Hamwang Konyak over the Khutjushong stretch of agricultural land. Leipa Konyak was considered to be a wise man and was an adviser to Wangkhao Angh. The complaint was made by Leipa Konyak in the dobashi court. The case was heard on the 30<sup>th</sup> of May, 1983 and again on the 4<sup>th</sup> of June the same year, and finally a spot verification was done in the presence of both parties. On the 27<sup>th</sup> of July, 1983, the court found both parties to have violated the natural boundary, and a boundary pillar was erected as demarcation. The most interesting point here is that even people from a traditionally powerful village also chose to take the dispute to the dobashi court, even when they had an Angh whom they preferred and

revered. This is indicative of the extent to which the dobashi courts had encroached upon the powers of traditional institutions, such that traditional forms of authority and dispute resolution came to be increasingly delegitimised. At the same time, it is fascinating to note how one subverts the other and in the negotiations of power new meanings come to be created. This is to argue that the power and authority of the Konyak chiefs goes through a process of constant negotiations and contestations, even as the importance of land in people's lives remains undiminished.

## **Conclusion**

Land is important to the indigenous communities, for it is both livelihood and identity. However, the changes in land relations and dispute-resolution procedures also show how the question of land as such is coming to be rearticulated in the present. As communities whose entire social structure depends on land ownership and land use pattern, any change in the status of land disrupts the entire structure. Also the ownership and land use pattern of all indigenous communities are based on their customary practices. The same may be said of the Konyak Nagas as well. These customary practices of the communities began changing with the advent of the colonial rule. In some cases, the customary practices, which were oral in nature and contextual in their application, came to be written down and rigidly codified. In the context of Konyak Nagas or the state of Nagaland in general, Article 371(A) of the Indian Constitution protects the land rights

of the Naga people. Article 371(A) is a constitutional guarantee, which protects customary laws and regulates the control of land in Nagaland. However, even after the provision of such constitutional guarantees land relations have been changing. And change is occurring both from within the community and without.

Literature on land in North East India has mainly dealt with land alienation arising from development projects (Fernandes & Barbora, 2008). No doubt there are ample examples where indigenous groups or tribal communities in North East and Central Indian tribal communities have been alienated from their land by state-induced development projects. However, in the context of the Konyaks the changes around land have taken a very different trajectory. These changes are not necessarily from members outside the community; rather, individuals from within the community are inducing change. There is relatively less large-scale land alienation because of development projects, but the changes have happened more from within. Local elites are buying and leasing land from the villagers and are mostly turning them into cash-crop plantations. Amongst the Konyaks, traditionally individuals have control over land and can put it to whatever use they like. However, the state laws and the market forces have been huge factors in bringing about change. The economic conditions of the people of the interior villages compel them to sell or lease out their land. The overall impact on the community has been such that given the low economic status of most, many people are selling their land to the local plantation owners. Some people

also lease out their land to the plantation owners, to then work on the same land as daily wage earners. These developments have caused massive changes of agriculture, sustainability, loss of fertility of land and changes in food habits. For instance, in Sangsa village people have given their lands for tea plantations and now have to buy rice for their day to day use. However, the rice that is available in the market is not the typical sticky *jhum* rice that they are used to, which they appreciate much more than the rice which they now have to buy from the market.

This importance of land, as we have seen, also makes land disputes all the more crucial, and they tend to be dealt with utmost seriousness. Land dispute cases can go on for years and even the chief of a clan is answerable if he is involved in any way. One may conclude by stating that the Indian state has completely failed to provide people their basic entitlements, while maintaining and further establishing legal structures that bring about fundamental changes in Konyak Naga society. The rise of new elites that are now challenging the traditional authority of the chiefs is only one aspect of the massive transformations that have been set in motion by market forces and the modern state.

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## **Fixing Mobile Populations: Changing Identities<sup>1</sup>**

Ningmuanching

One of the most destructive and protracted conflicts over land ownership, territory and identity in the 1990s, occurred between the Nagas and Kukis in the hill areas of Manipur. It resulted in the loss of many innocent lives and thousands being displaced. In 1992, an attempt to settle the issue of land ownership between the Nagas and Kukis was made by the United Naga Council (UNC), an organisation of Naga tribes in Manipur. The UNC issued a written notice to Kukis in the Tamenglong hill district in Manipur, to vacate their homes and leave their villages. The Kukis' right to ownership of land was questioned on the basis of "the very nature of their [Kukis] nomadic existence." The notice also emphasised the claim of the Nagas as "the real land owners" ("Quit Notice...", 2009, p. ii). This conflict over land and the glaring discrimination against the Kukis calls for a historical analysis that unravels the "nomadic nature" often attributed to them. As Saikia (2012) has pointed

out in the context of Assam, violence needs to be understood in the context of historical processes of change associated with colonialism and the modern state (Saikia, 2012, pp. 15-18).

In an attempt to ascertain why land has become such a complex issue for the Nagas and Kukis, this paper will discuss the livelihood activities and mode of land use in the hills, to understand the Kukis' "nomadic nature" in the past and how it is being invoked again today to decide questions of land ownership. What is the nature of lives that could be identified as nomadic and why is it believed that the Kukis led such lives? What were the circumstances, and the socio-economic and political contexts that allowed for such a nomadic existence in the past? The paper will return to the first two decades following British occupation of the Manipur territory in 1891, a crucial phase for the establishment of colonial rule in the hills surrounding the Manipur valley, and for the subjugation of the hill people. I will explore colonial intervention and its policy of fixing mobile populations during the last decade of the 19<sup>th</sup> and early decades of the 20<sup>th</sup> century in the hill areas around the valley of Manipur. Through a discussion of the initial moments of colonisation and native responses to the same, this paper will show that hill inhabitants adapted to their environment and related with the people of the plains in diverse ways, hence their nomadic and permanent ways of life. The "hill people" consisted of both comparatively settled and mobile groups of people, who co-existed with each other and were to some extent bound by a

relationship of interdependence. In the name of order and progress, the colonial administration attempted to control the “unruly tribes” and formulate policies to restrict mobility in the hills. They sought to discipline the mobile way of life through a policy of restriction and a limitation of shifting cultivators’ access to land.

The restriction of free access to land was carried out by delineation of fixed boundaries and the establishment of exclusive rights to ownership of fixed areas of land within the hills. The contempt for mobility was explicit in colonial narratives of land rights. The way the right of “vagabond communities” to land ownership was questioned by administrators who were involved in fixing boundaries for hill villages can be seen in Shakespear’s response to land claims made by a chief. As he wrote in his tour diary, “...I asked how such a vagabond community could pretend to have claims to any particular piece of land” (Shakespear, 30 January 1906). The discrimination shown towards the “nomadic Kukis” today is a continuation of colonial prejudice against mobile communities and their methods of using resources.

The first section of this chapter discusses diverse ways of living within the hills and the linkages between the valleys and the hills. It will discuss the impact of improved trade and commerce, and subsequent unrestricted *jhum* cultivation of mainly rice and cotton within the hills. The second and third sections will give an account of the attempt to subjugate the hill

people and discuss the process of establishment of colonial rule in the hills: it will take up the policies of curbing intra-village warfare and the imposition of restrictions on wandering *jhum* cultivators. The third section will analyse permanent and shifting modes of cultivation in the hills, and the colonial attitude towards shifting cultivation. The fourth section will look at the adaptation of the hill people to the new changes, which provoked the colonial rulers to reformulate their policy: the recognition of chiefs and the establishment of fixed village boundaries.

### **Cultivating the Hills**

The Kukis and Nagas are tribes living in the hills surrounding the valley of Manipur. According to Robert Boileau Pemberton, the British were “forced into unwilling contact” with the numerous tribes inhabiting the mountain chains of the north-east frontier of India (Mackenzie, 1884/1979, pp. 150-153). This implied that according to him contact with the tribes was unintentional, and had no political motive. For Pemberton, the tribes were just taking up space in British territory by their presence—they were “occupying the mountains which constitute our Eastern Frontier.” For those engaged in long marches in difficult terrain, the tribes provided food, and worked as “coolies.” This colonial contact was to change the lives of the people in an unprecedented way.

Mobility was significant to the cultural world of people living in the hilly region. A chief could enlarge his chieftdom by promoting one of his subjects—a son, son-in-law, or any favoured man of

ability—to the position of a chief, who would set out and establish a new village.<sup>2</sup> The popularity of a chief in such a newly-established breakaway village, and the availability of cultivable land, attracted settlers. An established village and chief could lose popularity to new favourites, and in such cases, a large village could become small, or even be deserted altogether. Setting up new villages did not imply irresponsible use of land, or aggressive destruction of forests. Deserters chose “woody spots for their village sites, and their houses were adapted to woody surroundings and decidedly unadapted to more exposed areas.” Their houses were “usually small,” with “raised floors” and walls “made of bamboo matting.” (McCulloch, 1859, p. 58). Bamboo was used for building their houses in wooded surroundings.

The establishment of a new village was preceded by a ceremony and religious ritual which involved choosing the place for settlement, the site for the location of the village, the consecration of the water source to be used by the village, and more importantly, “the demarcation of the sovereign territorial area.” The only boundary considered necessary to be marked out was the settlement area which was “ritually defined” by using the intestines of the animal sacrificed in the settlement rite. Agreements or oaths were made to spirits of beasts not to disturb the people or cattle living within the marked out space. The boundary was delineated not just to keep out people but wild animals that could harm people and cattle (Khai, 1995, pp. 140-143). The claim made by a village over land was thus respected.

In the absence of domineering proprietors who would monopolise land, there was no dispute over settlement boundaries.

Pemberton described a route that passed through a “Kookee or Khongjuee” village. He observed that “the villages on this route are few and small,” and the route was evaluated as “wholly useless for military purposes” (Pemberton, 1835, p. 53). These Khongjuees or Kookies, identified by Pemberton as one of the “principal tribes” in his description of the “mountaineers,” came from the south. He wrote:

From the account of the Kupooee tribe it appears certain, that the Kookies have been gradually advancing for years in a northerly direction, and have hitherto established themselves on the ranges which were originally occupied by more northern tribes, or committed such fearful aggressions upon the latter, as to compel them to retire and leave an unoccupied tract between themselves and these formidable opponents’ (Pemberton, 1835, p. 16).

The origin story of the Kukis clearly indicates an “ascent” to a healthy place, where their diseases were banished by sacrificing a dog or *mithun* (Pemberton, 1935, p. 55). As Guite (2014) has argued, the indigenous world was marked by the fleeing towards the hills from an oppressive *raja* of the valley (J. Guite, 2014, p. 1198). The prevalent patterns of mobility meant that one group

succeeding another in settlement sites within the hills was not necessarily displacement. People enjoyed the independence to desert a chief and begin a new settlement, or join a village of their choice.

The Kookies of the western barrier were depicted as coming from the south, and that people akin to them, or “of the same genus as themselves,” lived in the southern part. While some of their villages were of “considerable size,” most of the villages in this part of the hills comprised of a few houses, as McCulloch noted (McCulloch, 1859, pp. 55-59). Pemberton also observed that the villages of the Kookies were small in size (Pemberton, 1835, p. 53). A large village was a mark of a popular chief, while a small village was indicative of a less influential one.

It was against this background of people separated by chiefdoms and connected through tributary villages within the hills, that British contact was initiated. As Kuki villages in the western hills were small and few, and they often changed the site of their villages, McCulloch managed with relative ease to relocate them to strategic places by giving them guns and by encouraging settled cultivation.<sup>3</sup> People living in small villages were now settled to the south of this area and were later referred to as “new immigrants.”(J. Johnstone, 1896/1971, p. 25).

The plains and hills constituted separate jurisdictions, and the dominant *raja* of the valley and the chiefs in the hills embodied separate valley and hill polities. Their social worlds were marked

by caste hierarchies, and fluid village or *khua* divisions respectively. As Pemberton wrote about the hill inhabitants, “...these mountaineers...with the exception of those now under subjection to the state of Muneepoor, live in the enjoyment of comparative independence...” (Pemberton, 1835, p. 17).

After the 1830s, free trade was introduced and attempts were made to improve trade. Conflicts in the relationship between valley and hill inhabitants living closer to the valley were controlled to facilitate trade between the valley and the hills. Those living closer to the valley and interacting with its inhabitants were incorporated into colonial Manipur as subjects with the help of the British who supplied arms to the valley *raja* (Annual Report of the Munnipore Political Agency, 1868-1869, 1869, p. 139). We can see that the varying proximity of contact with the people of the plains was used by Pemberton as another point of contrast between the hill inhabitants. He wrote, “there are several others of inferior note, principally dependent on Manipur” while there are “numerous clans...who have little or no intercourse with their lowland neighbours” (Pemberton, 1835, p. 16).

Those villages identified by Pemberton as Naga were situated in the hills much closer to the valley—they were subjects of the Manipur kingdom. Wax, cotton and elephant tusk constituted the tribute paid by Nagas to the *raja* (Pemberton, 1835, p. 30). Nagas also started working in salt wells, which were supervised by Manipuris of the valley (Administration Report of

the Manipur Political Agency, 1891-1892, 1892, p. 7).<sup>4</sup> One such village consisted of more than 40 houses out of which 12 belonged to the Nagas, and the rest to the Manipuris (Porteus, 28 March 1893). Selling liquor was another activity taken up by Nagas in the plains. In 1892, the Political Agent (a British officer stationed in the kingdom of Manipur) re-settled Nagas who were engaged in selling liquor and who were also found useful as scavengers. Their condition was no better than the hill inhabitants, with the Political Agent observing that these Nagas “...are more sinned against than sinning” (Maxwell, 19 April 1892). We can see that although the state in the valley failed to extend its power throughout the hills, the existing political structure underwent a crucial change with British intervention in the region. In the initial phase of colonial intervention in Manipur, mobility and *jhum* cultivation emerged as the predominant form of using land in the hills.

### **Subjugating the “Overlord”**

Decades after British intervention, the hill population surrounding the valley of Manipur had come to comprise of people who related to the plains in diverse ways. There was a section of armed people who differed from the rest of the hill inhabitants in their relationship to the valley state.<sup>5</sup> Employed in the regular army, armed Kukis were useful in “expeditions against hill tribes” (Administration Report of the Manipur Political Agency for 1894-95, p. 10). These sections of the

population enjoyed a degree of independence and freedom within the hills as a reward for their prowess.

Differences between strong, well-armed villages and weaker villages led to different ways of life. The larger villages were stronger than the smaller ones. Robert Brown wrote that the Kukis changed the site of their villages constantly “to suit the exigencies of their cultivation” (1873, p. 49). According to Dalton, “the Kukis are very nomadic...seldom occupying a village site more than three years, but migrating and *re-settling in large bodies*, sometimes sufficient for 1,000 houses” (1872, p. 46). In 1901, T.C. Hodson (1901) wrote that the Kukis were forced by circumstances to resort to migratory practices. When circumstances arose, they preferred to move in large numbers and maintain their strength. Thus, mobility within the hills as a way of life had political and economic aspects.

The relationship between the permanently settled small villages and the larger mobile settlements—whose inhabitants moved in large numbers to new village sites—and between armed and unarmed *jhum* cultivators within the hills was one of interdependence and co-existence, maintained through an exchange of tribute and protection. As a legacy of McCulloch’s policy, large and powerful villages were subjugated by the Manipuri Raja using his armed allies in the hills.<sup>6</sup> The Manipuris engaged armed Kukis to maintain order amongst the hill tribes. As a result of this policy relationships between some communities came to be characterised by a degree of tension (Gimson, 13 August 1939).

It was against this background that the colonial state consolidated its position by offering protection to the weaker villages after British troops occupied Manipur from 1891 onwards. Arguing that smaller villages were vulnerable to raids, Colonel John Maxwell, Political Agent in Manipur in 1901, discouraged establishing new villages or small villages. He noted, "Small villages are always liable to disaster, and cause much anxiety to the State." Accordingly, a Kabui who wanted to re-establish his village destroyed by Angamis years ago was given "strict orders" to not do so (Maxwell, 3 March 1901).

In addition to regrouping small villages, another policy was to subdue the more powerful villages with a "strong hand." This was to be achieved through demands of revenue, along with a vigorous effort to disarm the hill tribes. These measures were implemented soon after the defeat of Manipur in the Anglo-Manipur War of 1891, and the occupation of the Manipur Valley by British troops.<sup>7</sup> Making a clear statement of the colonial project to bring change, Maxwell wrote that "...an end must be put to the Kuki idea of being overlord to the Nagas. Old times have gone, and the Kukis must realize their altered position" (Maxwell, 3 March 1901). Policies were re-formulated based on the changes and developments in the region.

In 1892, Maxwell put forward his intention to bring about the "complete subjugation" of the well-armed Kukis who refused to pay revenue by sending a small armed column against them

(Maxwell, 19 January 1892). Assumptions were made about their formidability, as Maxwell felt that the “wild Kukis” would be too strong for the Manipur State Police. He added that the Manipuri officials had failed to extract revenue from the “blood-thirsty Kukis” who treated the Durbar with contempt.<sup>8</sup> The image of the savage reinforced this assumption about the armed Kukis as formidable and difficult to control. This idea informed the policies adopted to control them and legitimised the violent subjugation of the armed Kukis.

Disobedience to state orders was punished with fines, destruction of property, and confinement in jail. Disarmament of all the Kukis in Manipur was foremost in bringing them under colonial control. It was believed that once the Kukis were disarmed they “...would no longer be able to bully their less warlike Naga neighbours.” A Chasad Kuki, who exacted revenue from Tangkhul villages, was sent a *parwana* (legal summons) to meet the British officer within ten days or to pay a fine of two hundred and fifty rupees (Maxwell, 16 May 1893). Revenue was to be paid to the government by all hill villages, armed and unarmed. Exaction of revenue by powerful Kuki chiefs from the weaker villages for settling inter-village disputes was restricted and punished with fines (Maxwell, 16 May 1893). The exaction of tribute, now seen as harassment of weaker villages by stronger ones, was also prohibited and punished through fines and threats of destroying the offending village (Administration Report of the Manipur Political Agency for 1894-95, 1895, p. 2).

A Kuki chief, who organised raids to avenge the killing of his Tangkhul interpreter and his allies, was imprisoned (Maxwell, 16 May 1893). Villages participating in raids were fined twenty guns and ten *mithun*—the Kukis’ prized cattle—to be paid at a fixed time and date “under pain of destruction of the village” (Maxwell, 22 May 1893). In the eyes of colonial administrators, settlement of murder cases through raids was considered misconduct, to be treated severely. Thus colonial policy of subjugating armed villages unsettled the relationship hitherto maintained through an exchange of tribute and protection.

### **Restricting *Jhum* Cultivation and its Chaotic Outcome**

The pacification of the armed hill people was compatible with the colonial project of extending permanent cultivation. In 1895, Maxwell argued for the need to bring more land under cultivation. He approvingly observed that although Nagas cultivated rice in the valley, they were found to “keep steady” in their rice cultivation—only “as much rice as is wanted is grown” (Maxwell, 9 November 1895). Moreover, lands suitable for cultivation were found to be lying unused. Shakespear, the Political Agent in 1912, wrote about marching through “a grass covered valley bounded by hills covered with oaks and pines” that seemed to be “suitable for cultivation...except for one small Anal village...[it was] uninhabited” (Shakespear, 14 January 1913).

Under colonial rule, certain practices of livelihood gained prominence, and other forms of economic activities were

discouraged and condemned. Colonial administrators encountered three methods of land use: wet rice cultivation suitable on flat lands, terrace cultivation and shifting or *jhum* cultivation in the hills. In the broader and less precipitous parts of the mountains, terrace and irrigated cultivation were common. In Pemberton's description:

South, west and east of Muneepoor [Manipur], their cultivation is of that kind called Jhoom [*jhum*], which simply consists in leveling the forests, and after it becomes dry, burning the wood, which acts as a very powerful manure to soil. In the north, where the forks near the bases of the mountains are far broader, and the acclivities less precipitous, a terraced system of cultivation very generally prevails; the water which gushes from innumerable crevices at the bases of the hills is led at pleasure to any part of the subjacent land, and the crops, consisting almost entirely of rice, are most abundant (Pemberton, 1835, p. 15).

In addition to terrace and *jhum* cultivation, the "hill people" also included those who practiced permanent cultivation at the broader "bases of the mountains" and abundantly grew rice and cotton. These people were identified by Pemberton as the Nagas (Pemberton, 1935, p. 22). Some were engaged in terracing the slopes of the hills, watered by a stream from the hill slopes and manured by cow-dung; cows being kept by people who did not

keep *mithun* or *gayal*. The Gnamei or Angamis, and the Loohoopa, were found to keep large numbers of cows and were well-known for their terrace cultivation. While *gayals* were found amongst *jhum* cultivators like the Khongjais and Murrings, the Tangkhuls also depended almost entirely on *jhum* cultivation (Brown, 1874, p. 36, p. 42; McCulloch, 1859, p. 68, p. 71). Level patches of ground near river banks as well as small valleys were suitable for permanent cultivation. The main crop grown by the terrace cultivators was rice. Crops from *jhum* cultivation included large quantities of “yam and other edible roots, Indian corn, several kinds of grain adapted to high altitudes, and pulses of different sorts” (McCulloch, 1859, p. 61).

An important development within the hills was the increase of *jhum* cultivation, especially by the armed Kukis. This coincided with the development of cotton trade, and large-scale production of cotton by the hill inhabitants.<sup>9</sup> In the hilly terrain, *jhum* cultivation was the suitable and predominant method of cultivation, and industrious cultivators worked large areas of land. The high yield that hill people received from their *jhum* lands was described by Maxwell in 1900, although he lamented at the same time the destruction of forests due to *jhum* cultivation. He said, “The last harvest was plentiful, and the granaries are all full. The people say they have a two years’ supply in hand. The large area used for *jhum* shows these people are industrious. It is a pity their system of cultivation is so destructive to the grand forests at present clothing the hills.” (Maxwell, 13 February 1900).

The contrast between the Nagas and the Kukis was based on the way they used land and their method of cultivation. The two methods of cultivation—shifting and terrace—were seen as specialised methods followed by the Kukis and Nagas, respectively.<sup>10</sup> Although there are both Nagas and Kukis engaged in both systems of cultivation, *jhum* cultivation is what came to distinguish the Kukis from the Nagas, because the former practiced this mode of cultivation more vigorously.

The Nagas who had lived in the plains engaged in cultivating cash crops such as plantains and pineapples in the low-lying hills close to the valley. Showing his approval of such endeavours in 1892, Maxwell encouraged them as he said, "... the Nagas in the low hills cultivated gardens of plantains and pineapples and seemed to be thriving. I told them to increase their cultivation as now all they realised by their industry would be their own property" (Maxwell, 5 November 1891). There were also some Nagas who took up cultivation by renting rice fields from Manipuris by paying "three-fourths of their produce" to the owners of the land. Upon occupying Manipur in 1891, the British introduced the *patta* system in valley. *Pattas* were issued to Nagas in the plains for land that was given, revenue-free for the first year and at full rates thereafter (Maxwell, 2 September 1892).

In the eyes of the colonial state, in the hills, wet rice cultivation was considered to be the ideal form, while *jhum* cultivation met with disapproval because it entailed mobility. Since

tracts for *jhum* were exhausted after years of cultivation, it was assumed that *jhum* cultivators were forced to migrate or change their village sites because of their need to search for new lands. For some villages of *jhum* cultivators, it took about five years for the *jhuming* tract to be exhausted before they moved on in search of new lands (Maxwell, 29 April 1901). It was asserted that Kukis were “nomadic” and “migratory” as they constantly changed the site of their villages “to suit the exigencies of their cultivation” (Dalton, 1872, p. 52; Hodson, 1901, pp. 300-309; Brown, 1874, p. 49). Influenced by this idea, it was perceived that restricting *jhum* cultivation would reduce mobility and serve as an important measure for the subjugation of the *jhum* cultivators. Moreover, *jhum* cultivation was criticised as harmful to the environment. According to colonial officers, *jhum* cultivation destroyed forests by stripping them of timber, which would eventually affect the much-needed rainfall for rice cultivation in the valley (Dalton, 1872, p. 52; Hodson, 1901, pp. 300-309; Brown, 1874, p. 49).

Colonial rulers were highly committed to expanding cultivation in the valley to increase land revenue. The wandering habits of *jhum* cultivators made it difficult for the British officers to collect revenue (Woods, 22-26 April 1899). Expressing his strong condemnation for *jhum* cultivators, a British officer expressed his desire to see the “race of Kookies” dying out as they were “unrestrained” destroyers of timbers and wild elephants (Johnstone, 4 April 1879).

It's interesting to note that even though *jhum* cultivation was practiced by both Nagas and Kukis, *jhum* came to be associated with a Kuki way of life. Colonial accounts about *jhum* cultivation are replete with the definition of Kukis as destroyers of forests and lands. Yet, while some Tangkhul Nagas practiced wet rice cultivation,<sup>11</sup> others like the Kasom Tangkhuls were found to "... cut some immense *jhums* on the way up the hill, which...made the road very hot and sunny in paths" (Cole, 15 April 1916). We can conclude, then, that the method of cultivation did not determine the "primitivity" of a tribe as was often assumed in colonial ethnographical accounts. Also to be noted were the "good terms" that marked the relationship between the Tangkhul Nagas who practiced *jhum* cultivation, and the Kukis who practiced the same.<sup>12</sup>

Moreover, the much appreciated permanent cultivation through irrigation was adopted by both Nagas and Kukis. A colonial administrator expressed his admiration for wet rice fields, saying "I was greatly impressed by the wonderful irrigation of the Purum rice lands as even in this dry year there seems an excellent supply of water. Purum is certainly worth a visit" (Cosgrave, Tour Diary W.A. Cosgrave, Vice President of the Manipur State Darbar, 1908, 17 February 1908). Colonial officers also come across sporadic Kuki villages adopting wet rice cultivation. These Kukis ploughed with buffaloes.<sup>13</sup> In contrast to the condemned *jhum* cultivators, people who owned irrigated rice fields were encouraged. As Maxwell noted, "It is an advantage inducing these wandering and

destructive *jhum* people to settle down in permanent villages” (Maxwell, 13 January 1905).

Wet rice cultivation could not, however, be practiced everywhere as it depended on a number of factors, including terrain and availability of water and labour. Even amongst the Tangkhuls, while many of them had excellent wet rice fields, there were some who did not. They were found to come together with Kuki *jhum* cultivators. Given the above reasons, it is not surprising that not all hill people opted for the much appreciated method of cultivation. Doing so could also lead to disputes over resources. *Jhum* cultivation, in contrast, was conducive to peaceful co-existence in the hills. It was not a primitive mode of cultivation. As Pouchepadass had shown, *jhum* cultivation was rather a sustainable agricultural practice, and could serve as a “surplus-producing activity” (Pouchepadass, 1995). Likewise, in Manipur, burning jungles for *jhum* cultivation helped in procuring fresh grass for the prized cattle of the Kukis, the *mithun*,<sup>14</sup> being slaughtered for feasts on occasions of marriage or death (Maxwell, 13 January 1905). The grazing land for such prized cattle was limited in the hills. The Khuga valley was one such grazing land for the Kuki village that possessed the greatest number of *mithun* (Cosgrave, 8 March 1908). We can infer that on the occasion of feasts for death or marriage, those villages that had adopted irrigated wet rice cultivation purchased *mithuns* from the *jhum* cultivators in the hills.

Transforming village sites into *jhum* lands was restricted under colonial rule.<sup>15</sup> In order to preserve timber, wooded lands were reserved by the state, and only grasslands were available for *jhum* cultivation. Moreover, the sharing of land between permanently settled small villages and shifting large villages of *jhum* cultivators was also prohibited under colonial rule. Exclusive rights to lands of sedentary villages were preserved as against those of the mobile people in the hills. These changes are evident in the following account:

Changdil Kuki village of 98 houses under the headman Palal...in the evening I carefully explained to Palal and his people that if they wished to remain in Manipur State territory, they must live quietly, and keep away from Kabui villages. There was ample land for all, but on no account would they be permitted to encroach on Kabui land, and, further, on no account could revenue collecting from Kabuis be allowed. Palal made a long speech, in which he said he thoroughly understands matters now. (Maxwell, 6 March 1901).

Under British rule, sharing of land came to be considered as encroachment that should be discontinued. Collection of tribute by a chief from villages that were not his own was strictly prohibited. We have seen that the pacification of the hill tribes, maintaining “law and order,” and controlling the mobility of the people, were primary concerns for the colonial administrators.

The suppression of raids, it was believed, would bring “unprecedented” peace in the hills. How did people living in the hills adapt to the changes that accompanied the process of colonisation? Small villages petitioned the colonial state, and put forward complaints about Kukis *jhuming* on what they now claimed as their exclusive land. Forests were protected, and Kabui villages with ample *jhum* land refused to share unused *jhum* lands as they now had the protection of colonial officers. Exchange of land for protection was no longer feasible.<sup>16</sup>

Impoverished Kukis responded to the disruption in their livelihood by breaking off from established villages, and forming scattered hamlets. As Shakespear remarked about a Kuki chief, “Peace has not been an unmixed blessing to him for his subjects having no enemies to fear, have begun to wander off in search of better *jhum*-land” (Shakespear, 10 December 1905). Chiefs of large Kuki villages lost their subjects as they could not establish new settlements with new cultivable lands. Some new Kuki hamlets were found to change their village site every year.<sup>17</sup> Colonial officers on tour found long-established villages as well as newly established hamlets interspersed all over the hills (Shakespear, 15 May 1905).<sup>18</sup> Thus, a new mode of mobility appeared as large Kuki villages moved in groups.

In official perception, this new development was attributed to the political change and the uncertainty associated with it. As Shakespear wrote, “This breaking up of the Kuki communities

seems to have taken place since we assumed control of the State, and is the natural result of the unavoidable confusion attendant on such a sudden transfer of authority” (Shakespeare, 8 November 1905). For people compelled to break away from an established village in search of better *jhum* lands, “confusion” could hardly be the only factor that led to this change. The breaking up of large Kuki villages into small hamlets was a mode of adaptation to colonial policies—with conditions no longer favourable to sustain larger associations, the Kukis broke up into smaller groups, thus reinforcing the perception that Kukis were “nomadic” in nature. As Shakespeare noted about the “ubiquitous Kukis” (Shakespeare, 18 December 1905):

The country seems scattered over with little hamlets of Kukis who seem to be under no control. Any man who chooses to build a house a few hundred yards from another hamlet, is recognized as a chief and given a separate assessment. This has been carried to such an absurd extent, that I found a hamlet of seven houses is shown as two separate hamlets in our house tax registers. (Shakespeare, 19 October 1905).

Shakespeare further noted:

We are now among Tangkhul villages, but everywhere are small hamlets of the ubiquitous Kukis. These people seem to think that the whole of the state is

open to them...It seems almost certain that the Tangkhul and other stationary villages are not increasing. Thingshong and Kumshom, which we passed today, both have decreased. (Shakespeare, 21 October 1905.)

Colonial administrators, it was clear, harboured the illusion that each tribe was located in exclusive spaces of their own. The minority group in any area were seen as trespassers amongst the dominant fixed group. In this case, the Kukis were seen to be trespassing on Tangkhul land. Moreover, it was expected that each tribe should be concentrated in an exclusive place, and not dispersed everywhere. Shakespeare was surprised to find out that everywhere, even amongst Tangkhul villages, “small hamlets of the ubiquitous Kukis” could be noticed.

In another area regarded as “Maring country” Shakespeare was annoyed to see the “ubiquitous Kukis,” a “bad subject” but “prolific.” Shakespeare again stated some of the ways scattered Kuki hamlets disrupted administration. He wrote in his tour diary:

I have now entered the Maring country. They seemed a poor lot of folk...the Ubiquitous Kuki is also here. He is a bad subject, restless, litigious, and difficult to control but he appears to be prolific. The state of affairs here is a lesson to us not to allow the Lushai villages to break up into small hamlets. In this wretched hamlet of 4 or 5 houses it is impossible to

hold anyone responsible for law and order. The absolute absence of control over these people for the last 10 or 12 years has resulted in breaking all the bonds of society and the Kukis who were formerly celebrated for their monarchical tendencies are now found living in groups of three or four houses and single families, even, are found absolutely alone in the middle of the jungle. Quite irrespective of the difficulty found in realizing revenue from these scattered households, this dispersion is to be deplored because it precludes any hope of improving the condition of the people. (Shakespear, 18 December 1905).

Shakespear also pointed out that adequate and reliable officials in the hills would not alleviate the difficulty in administering the hills where people such as the Kukis were allowed to wander and set up villages wherever they liked.<sup>19</sup> Thus according to colonial perspective, mobility of the Kukis stood in the way of proper administration for the colonial state. Representation of Kukis in colonial accounts explicitly reflects this colonial attitude towards mobility.

Mobile people as the “other” of settled villagers were represented by colonial administrators as “newcomers.” In the opinion of colonial officers, uncontrolled movement to places far away from one’s established village would lead to friction between

these “newcomers” and the people already settled in the area.<sup>20</sup> Now understood as an exhibition of their essential nature, scattered Kukis were seen as wandering about “at their own pleasure:”

Colonel Maxwell told me of the great inconvenience caused by the wandering habits of these people, who seem to respect no man’s right. I see no more reason for their being allowed to wander about at their own pleasure, than there is for the Lushais, who have long since had to restrict their moves within fixed limits. (Shakespear, 25 June 1905).

While the colonial state had their own interpretations of mobility within the hills, what was its significance for the people who practiced it? While scattered hamlets of the Kukis were seen as signs of the restless nature of the Kukis, it was, for them, an effective measure to avoid paying house tax. A hamlet was reported to avoid several years of revenue payment by moving about every year; another way of avoiding payment was by breaking off into small hamlets (Shakespear, 8 November 1905).

### **Recognising Chiefs and Fixing Village Boundaries**

This section will look at the attempts to impose order amid the chaotic situation created by the colonial policy of restricting mobility. The administrators were perplexed upon finding villages with a mixed population of Nagas and Kukis, because anthropological accounts about Manipur had naturalised the idea

that Nagas and Kukis were separate and antagonistic races (Watt, 1887, p. 347). The administrators reacted to the situation by fixing village boundaries and establishing the notion of exclusive rights to a fixed area of land.

For effective administration, the colonial administrators began to undertake frequent tours in the hills, during which they would hold meetings with the chiefs of hill villages. Such meetings provided occasions for the village chief to narrate how they came to occupy the village site, how long they had stayed at the village site, and where they had settled earlier. The stories they told were replete with experiences of mobility. In his meetings with the Anal chief whose village was situated in a suitable place for permanent cultivation, Shakespear was informed that “they were driven from their former village sites, further south by the Mangvung family of the Thado clan” (Shakespear, 14 January 1913). From the chief of Mombi, Shakespear heard this story:

The Chief is a young man, with pleasant manners, he has only recently married. He tells me that his grandfather was a great warrior, and played havoc with the Anals, by order of the Kamhaus. It seems more likely that the Kamhaus ejected the Mangvungs and the latter came northwards into the Anal Country...I halted today and made some enquiries. These Mangvung Chiefs rule a mixed lot of people of many different families. (Shakespear, 15-16 January 1913.)

We can thus infer that there was a class of warriors who helped powerful chiefs to either enlarge their jurisdiction, or to remove rivals. Their stories also revealed that mobility was not an exception but the rule in the region, a strategy people adopted for survival. In some cases, the terror of raids led to villages being abandoned. In time, different groups occupied such abandoned villages. Security was valued as much as land. Desertion could also be a way of evading oppression within the hills.<sup>21</sup> Thus, mobility and shifting village sites were intertwined with the practices of raiding and shifting cultivation.

Some villages recounted stories of the Kukis as protectors. A Kuki village, situated beside a Kacha Naga village, “was established...about three generations ago by Colonel McCulloch, as a ‘thana’ village to protect the Kacha Nagas against raids from the Angamis” (Gimson, 2 May 1937). These are villages settled and armed by the state as a protective measure against raids. The Kukis, in the past, had also provided protection to villages exposed to the possibility of being raided. Smaller villages invited Kukis to live with them in exchange for much needed protection against attack from other tribes (Maxwell, 27 February 1905).

The colonial rulers saw comparatively permanent settlers as owners of land, as opposed to people who practiced mobility and provided the permanent settlers with much needed protection. They were seen as landless people settling on land that belonged to others.<sup>22</sup> The pattern of settlement in which Kukis were seen as

late settlers did not always remain the same. In some cases, people who needed protection settled near the Kukis. Santing, a Kuki village of about 50 houses was situated “with about 25 Liangmei houses alongside.” It was stated that the “Kukis came first” followed by the Liangmei who came and settled beside the Kukis, “probably for protection.” They were found “to get on quite well together” (Gimson, 1 May 1941). However, decades later, the Kukis appeared in colonial records as “supplanters” in the hills.

In a discussion of colonial debates on property rights of diverse social groups, Bhattacharya has pointed out that in colonial discourse, ownership was distinguished and every society was measured through the proprietor-tenant binary, and their rights were fixed accordingly (Bhattacharya, 1995, p. 68). Understanding the mobility within the hills through this binary, British officers regarded the people who presently inhabited the village site were considered the “real owners” of the land, even if there were others before them. Due to the scattering of Kuki hamlets induced by colonial rule, Kukis fell short of being legitimate owners of land in the eyes of colonial administrators. The idea that Kukis were not original settlers was present in the accounts about villages in the hills. It has been argued that to know and confine the mobile population within a “marked territory” is essential to exercise power and effectively control them (Bhattacharya, 1995, p. 84). This also holds true for the establishment of colonial rule in the hill tracts of Manipur.

The mixture of different groups of people surprised and confused the Political Agent, who proposed to group the small villages ethnographically.<sup>23</sup> In 1906, Shakespear examined the country to finally settle boundaries for eight chiefs (Shakespear, 1 February 1906). In addition to fixing boundaries for each individual chief in charge over a number of hamlets, the colonial officers sometimes established a general boundary for a group of villages of the same tribe. Land ownership thus came to be established along tribal lines. The officer recorded “giving a general boundary for the Waiphai villages.”(Cosgrave, 5 March 1908).

One notable development was the rise of land claims as exclusive property by chiefs. Finding their access to land fixed and restricted, how did hill people make their claim to lands even as the colonial administrator worked to fix boundaries for the tribes within the hills? As they were given fixed boundaries, some began to make claims on land by invoking the names of their ancestors.

I halted here to settle cases and enquire into Thuamkhupa’s boundaries. These folk still live in big villages under recognized chiefs and no time is to be lost in settling their boundaries and explaining to each his responsibilities as well as his privileges. They are all quarrelling about the land, each claiming on the authority of some ancestor who lived many years ago. (Shakespear, 28 January 1906).

In claiming land, the chiefs appropriated colonial ideas of land ownership. Thus, if settlement validated exclusive ownership of

land as a property, then all past settlements preserved in memory would be their rightful possession. It was a way of associating themselves with places they had abandoned, but still possessed, and never forgot.<sup>24</sup> Understood as people always on the move, colonial officers were surprised at the claims chiefs made on land. One chief claimed a large stretch of land that included as many as twenty-four village sites he had occupied so far.<sup>25</sup>

However in colonial perception, a “vagabond community” had no right to claim ownership over any piece of land:

Vungzakhuma’s village Bungpilon...Vungzakhuma has some 170 houses scattered across six or seven hamlets and lays claim to an immense area of country...this morning I went to the top of the hill and made further enquiries as to boundaries. I made Vungzakhuma’s uncle recite the names of the various village sites which had been occupied by them during the last two generations. They stretch from the Saitol, 30 miles from Aijal across to Tiddim and then northwards to the border of the Manipur plain, whereupon I asked how such a vagabond community could pretend to have claims to any particular piece of land and declared my intention of fixing their boundaries in accordance with existing conditions after a thorough examination of the country. One gun surrendered today. Vungzakhuma agrees to come to

Jail if I can find another. This village had some 200 guns taken from it by Colonel Maxwell, so he may be speaking the truth. (Shakespeare, 30 January 1906).

We can see that mobile populations could lay claim to immense stretches of land, which encompassed both the land that they occupied today as well as lands that they had occupied in the recent past. However the same mobility was invoked by the colonial rulers to argue against the hill peoples' right to land. By questioning the right to land ownership and then fixing boundaries for mobile people, the colonial administrator positioned himself as a proprietor who gave land to "landless" chiefs.

In 1908, some portions of land were set aside for the Kukis to settle down permanently. Thongkhumang, a Kuki chief of Songpi village, suggested to the British officer that a "certain area should be set aside for the Howkip Kukis" (Cosgrave, 17 February 1908). The officer agreed to the suggestion. However, Kukis continued to move and baffle the colonial administrators by such constant splitting up of villages. "Such wandering folks" were given a stern warning that establishing villages without the permission of the Political Agent was a serious offence (Shakespeare, 8 October 1905).

Several hamlets were ordered to join their neighbours. Besides moving them to bigger villages, they were told that they are not free to move at will anymore and that moving is prohibited without the consent of the colonial rulers. After meeting the

headmen of the various hamlets and making some enquiries, Shakespear “made five of them join their bigger neighbours ... explained clearly that anyone who builds a hamlet without ... orders will have it burnt without any enquiry.” The British officer also told “the existing headmen of hamlets that they (were) at liberty to increase their hamlets as much as they like but they are not to move without ... orders” (20 October 1905).

Merely ordering a non-recognised village to rejoin a recognised village was not effective, as such rules were disobeyed by the villagers. Resisting confinement within the fixed limits of land allotted to each village, chiefs resorted to various strategies to extend their allotted land once the boundary was fixed. In an attempt to make claims to larger areas of land, the hill people scattered into hamlets “within a radius of a day’s march” (Shakespear, 11 November 1905). *Jhum* cultivation across the fixed boundary was another way to increase one’s claim to land. British rulers resorted to stringent measures to control mobility in the hills. Kukis were told that they would now have to obtain written permission from the British officer before they could build a new village anywhere in the hills. These measures were to be enforced by using force if necessary:

I passed three wretched hamlets of Kukis. One consisting 11 houses claims 12 houses, scattered in 4 hamlets within a radius of a day’s march. I passed by one of these hamlets consisting of one house and warned the owner to join some recognized

community as soon as the harvest is over on pain of being forcibly ejected. (Shakespeare, 25 June 1905)

The establishment of new villages without permission was punished by burning the new village to serve as an example for others not to settle without permission. The effect that the fixing of boundaries had on livelihood practices cannot be ignored. To elaborate, the village organisation was a necessary adaptation to the ecological surroundings, where groups of people associated in order to avoid the depredations of wild animals, or the unpredictable harvest yields of a single family. The number of households in a village was also determined by the constraints of cultivable land. With the delineation of distinct boundaries, the access to resources of the hill people was controlled. The exhausted fertility of *jhum* land in fixed villages prompted some to search for better lands for cultivation, while others resorted to cultivating beyond their allotted boundaries. Some households even relocated all alone.

## **Conclusion**

The prevalent notion of land and its usage in the Manipur hills was defined by accommodation, which was crucial for the coexistence of settled and mobile villages. Colonial rule and the associated concept of exclusive ownership of land were incompatible with the practices of mobility within the hilly terrain of Manipur. Due to the age old practice of mobility, there can be no neat division of the hill people into landowners and immigrants. And yet, the shift in political structure and the idea of exclusive

ownership of land entails categorising some sections the people into immigrants or newcomers as against the comparatively settled villages. Found scattered in little hamlets everywhere, the sense of freedom enjoyed by the Kukis in wandering all over the hills and setting up villages where they like was considered an infringement on the rights of the permanent villages. Thus, mobility was restricted through fixed village boundaries. This served to aggravate livelihood struggles and generate land disputes within the hills as fixed boundaries transformed land from a shared resource to the exclusive possession of villages and chiefs. The consequences can be seen in the discrimination against the “nomadic Kukis” today. Such an attitude towards the Kukis is a continuation of the colonial prejudice against mobile communities and their methods of using resources. Thus, fixing land rights along with the process of curbing mobility was a much more complex endeavour. Conflict over land remains an unresolved and underlying issue that can re-emerge in relation to the larger ethnic aspirations for homelands.

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<sup>1</sup>This paper is a revised version of a chapter in my PhD thesis titled, "*Nagas and 'Kukis': The Making of Identities in Nineteenth and Twentieth Century Manipur*", Centre for Historical Studies, Jawaharlal Nehru University, New Delhi, 2015.

<sup>2</sup>"The legendary Raja Gouktho, who died in a Manipur jail, founded a new village and shifted from his father's village" (K. Guite, 1995, p. 291).

<sup>3</sup>McCulloch, Memorandum on the duties of a Political Agent of Manipur, dated 18 July 1861, Quoted in Mackenzie, 1884/1979, p.157.

<sup>4</sup>See also Porteus , 28 March 1893.

<sup>5</sup>The British administrators assumed that “...Kukis, who are fairly well distributed throughout the hill tracts, possess most of these guns, as it was the policy of the late durbar to arm its Kuki subjects and employ them to keep in subjection the numerous Naga tribes” (Administration Report of the Manipur Political Agency for 1891-92, p. 3).

<sup>6</sup>“Poshing (Tangkhu) claim to have come originally from Koide though they have now no connection with that village and have different customs and a different language. They say that they use to have 300 (one raconteur said 800) houses until they annoyed the Maharaja some 3 or 4 generations ago. Then he armed the Kukis who came in and slaughtered most of the village and they have never had much more than 40 houses since” (Gimson, November 1939).

<sup>7</sup>In the initial year, about 100 guns were recovered from the hills, and it was reported that compulsory measures were required to recover the rest still in their possession (Administration Report of the Manipur Political Agency for 1891-92, p. 3).

<sup>8</sup>“I think a Military Police outpost will be necessary somewhere in this direction, or these Kukis will be completely out of hand. I rather doubt if the Manipur State Police, armed as the force is with muzzle- loaders, are strong enough for these wild Kukis. I think the Manipur Raja would do well if he placed his hill tribes under a European Officer, who could easily keep them in hand and see the revenue was paid punctually. Under Manipuri officials the minimum amount of revenue is received, as speculation is rife, and the hill people do pretty much as they like. It is true the late Durbar kept its Nagas well in subjection, but that was by using the blood-thirsty Kukis against them, but the Kukis always treated the Durbar with more or less contempt, and now they require a strong hand over them” (Maxwell, 13 February 1900).

<sup>9</sup>“It was pointed out that increase in cultivation of cotton happened after 1855 after raids from the Suhte tribes ended” (Lhungdim, 1995, pp.150-161).

<sup>10</sup>For a detailed discussion, see Ningmuanching, 2010, pp. 28-33.

<sup>11</sup>"On my march passed through the small Tangkhul village Langli and saw the first wet rice in the Hills on this tour" (Cosgrave, 4 January 1920).

<sup>12</sup>"On my march passed through the small Tangkhul village Langli and saw the first wet rice in the Hills on this tour. South of Langli the Tangkhuls have no wet rice probably because the slopes of the Hills are too steep also the village are very small. Near Chassad there is a Tangkhul village of six villages named Sonbui the people of which do not live on a village site but live in their fields in cultivation huts. They intend to live in the new village of Demkhuyam Kuki chief with whom they are on very good terms" (Cosgrave, 4 January 1920).

<sup>13</sup>"The road was almost level all the way, and ran through a grass valley of some width, and capable of containing a large population...the Saitol village [Kukis] cultivates a small quantity of rice land, using buffaloes for ploughing, otherwise the valley is untilled" (Maxwell, 17 February 1901).

<sup>14</sup>"Much of the jungle has been burnt, partly for cultivation and partly to procure young grass for the numerous *mithun* kept by the Kukis" (Maxwell, 5 March 1905).

<sup>15</sup>Clearly stating this policy in an account about his dealing with shifting *jhum* cultivators Maxwell wrote, "Some Kukis from the Moirang direction have come close to Kunjupkul and hope to be permitted to cultivate all the fine timber land behind the bungalow, and then after five years' cultivation and irreparable destruction to move off elsewhere. My visit here is to order these people to return to Moirang" (Maxwell, 27 April 1901).

<sup>16</sup>"Marched to Sonpuram, Kabui village of 13 houses...the villagers complained of the Kuki settlement of Kangde, 25 houses, under headman Kaishoi, son of late Lokoi, forcibly *jhuming* their lands. I warned Kaishoi that when his present *jhums* were cultivated and crops removed, he must seek land elsewhere. No more *jhums* were to be prepared on Sonpuram land. Contiguous to the village is a small settlement of ten Kuki houses, which have been here for some ten years, and form now part of Sompuram village. To these men the Kabuis have no objection" (Maxwell, 11 March 1901).

<sup>17</sup>"On the way I visited three Kuki and one Naga hamlet. The way these Kukis have been allowed to wander about without any supervision is most extraordinary. I discovered one aged man who announced himself as a new village having just built his house a few hundred yards from a recognized hamlet.

He seems astonished that I would not admit his claim to be an independent community. One hamlet I come upon moved to its present site this year. The Lum Subedar says it has been doing about for several years... Another chieftlet lays claim to three houses situated two days journey away..." (Shakespear, 8 November 1905).

<sup>18</sup>See also Shakespear, 18 December 1905.

<sup>19</sup>"I went this morning to visit three small hamlets nearby. One is a Songpu hamlet which has been here for ages. The other two are wanderers, one being an offshoot of the hamlet adjoining this village and one consisting of three houses arrived from the other side of the valley last cold weather and settled without any permission. Even with an adequate and reliable staff it would be hard to administer the Hill tracts while such proceedings are allowed and with the insufficient and admittedly corrupt staff at present employed it is impossible" (Shakespear, 9 October 1905).

<sup>20</sup>"I received information some days ago that there was a small Malun hamlet at Yenglang and that this year a number of houses had moved from Tunzan on the Chin Hills border...and settled beside this hamlet. If these Malun villages moved without permission to places three days march from their old established villages it is only natural that other people will object to the new comers" (Cosgrave, 7 March 1908)..

<sup>21</sup>"In the morning I went a couple of miles to the north to a hill top whence I got a good view and made enquiries as to the various lands claimed by different people. There has been a great immigration into this part of the country chiefly from the Lushai Hills, the immigrants being chiefly Paithes who were kept in a state of subjection by the powerful Lushai chiefs, and who on our occupation of that country rejoined their own chiefs beyond the Manipur Border. In some cases also small communities which had been conquered by the Lushais, slipped away and established villages in Manipur territory under headmen of their own" (Shakespear, 1 February 1906).

<sup>22</sup>"...marched to Paothang Kuki and Sanpat Kabui Naga village. The former has 31 and latter 9 houses. The land belong to sanpat but the villagers have invited the Kukis to live with them as Sanpat is a border village and liable to attack and being so small there is ample land for more houses" (Maxwell, 27 February 1905).

<sup>23</sup>"To Kuilong...on the way I made house lists of two small villages, Lemtha a hamlet of emigrants from Khonoma and Shongdup, a Thado community. The mixture of races here is most perplexing and the absolute ignorance shown by the Manipuri Hill Staff as to the people they are supposed to control is most vexatious, more especially as his self- conceit will never allow one of them to admit his ignorance; to every question he is ready with a reply which a little enquiry generally shows to be wrong. I am trying to group these hamlets ethnographically to get each group to keep permanently in Manipur as representatives and thus to do away entirely with the Manipuri Hill peon I anticipate a good deal of difficulty as the Hill men dislike living in Manipur" (Shakespeare, 5 November 1905).

<sup>24</sup>"Leishen...this village is inhabited by folk whose parents lived on a hill overlooking the Champhai plain, whence they have got the name of Zote (Joute). They belong to a section of the Lushai-Kuki race known as Khawtlang among whom the clan-names appear to be derived from their first village sites instead of from the name of their most celebrated ancestor as is the rule in the other sections" (Shakespeare, 3 February 1906).

<sup>25</sup>"Thlanlon...Hlumthanga's village...I find a large concourse of litigants and claimants for land here which argues badly for my peace to-morrow. In the evening I made an expedition to the top of a hill near to study the country round and later had a long talk with the old chief who enumerated 24 village sites, which he has occupied which stretch from the neighbourhood of Tiddim to the Manipur plain varied by excursions into the Lushai hills. These people are a branch of the great Thado race, which did not join in the general exodus northwards and remained for many years in the Southern Hills. They have therefore acquired several peculiarities of dialect though in manners and customs they resemble their relations very closely" (Shakespeare, 31 January 1906).

Contestation over land is at the core of the prolonged political conflicts that mark the recent history of India's North Eastern region. The rural areas of India's North East, erstwhile marginal to the 'modern' state, are increasingly integrated in a monetised market-oriented economy. Confronted with dominant regimes of development, mobility and citizenship, it is imperative to recognise that increasingly unequal land relations are a main reason for broadening social fissures within and among communities. This volume, *Unequal Land Relations in North East India: Custom, Gender and the Market*, critically engages with questions such as: How do contestations over the ownership and usage of land challenge customary interpretations of gender? And in what ways can the importance attributed to land, in a symbolic sense, contribute to the redefinition of coordinates of identity, community and belonging? Combining perspectives from political science, social geography, social history, sociology and anthropology, this volume critically engages with received notions of the customary. Presenting case studies by both senior and emerging scholars, it makes mandatory reading for anyone interested in the challenges of governance, citizenship and development faced by the people of India's North East.

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