

## **LAND OWNERSHIP SYSTEM OF THE NAGAS.**

### ABOUT THE AUTHOR

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### **ABSTRACT**

Naga is one of the major tribe who live mostly in the North Eastern part of India. They are of Indo-Mongoloid race speaking Tibeto- Burman language of having more than 50 ethnic sub -tribes collectively known as “Nagas”..They are known for its rich cultural heritage.

Land particularly for the Naga tribe has been inherent economic guardian since time immemorial. The Naga social and cultural system and identity are closely linked with their land. For them land is not only for physical sustenance but also social, cultural, political and spiritual life too. Land is related with their day to day life govern by their customary laws and they cannot think of their spiritual life without land since it is closely related with surrounding environment and spiritual belief system too. Therefore it is difficult to differentiate and separate them. As the land is important and inseparable domain of the Nagas, Land ownership system and transfer of land is strictly follows as per their customary laws, for such reason Land, culture, and environment are kept in such a way that it can be a good example for maintaining ecological balance in today’s world.

### **KEY WORDS.**

**Land and Culture: inseparable domain of the Nagas.**

## **Introduction:**

The word “Naga” is a generic term which is refer to a particular ethnic tribal people who lives in the tri-junction of India, China and Myanmar. The Nagas border Burmese on the East, Chins and Manipuri on the South, Assamese on the West and China in the North. Ethnically, the Nagas belong to Mongolian race speaking Tibeto-Burman linguistic family. Nagas ethnic community is comprised of several tribes and clan. There are more than 50 tribes and clan under the generic name ‘the Nagas’. The Nagas are unique in many ways this is particularly because of their traditional rich cultural heritage.

## **Land and People**

For the Nagas Land and Culture, has been inherent economic guardian since time immemorial. The Naga social and cultural system and identity are closely linked with their land. For them land is not only for physical sustenance but also social, cultural, political and spiritual life too. Land is related with their day to day living custom and they cannot think of their spiritual life without land since it is closely related with surrounding environment and spiritual belief system govern by code of conduct known as ‘Sharra’. Therefore it is difficult to differentiate and separate them.

Each and every village is self-sufficient within their village land and territory. All the forest and land resources are accessible to the whole village community. They have minute customary laws to govern them and deal in such a way that no individual could claim absolute authority and exploit others through these natural resources. Whatever they possess are for the welfare of the community first. Thus, they have common holding and common sharing system. Thus, it has an element of socialism.

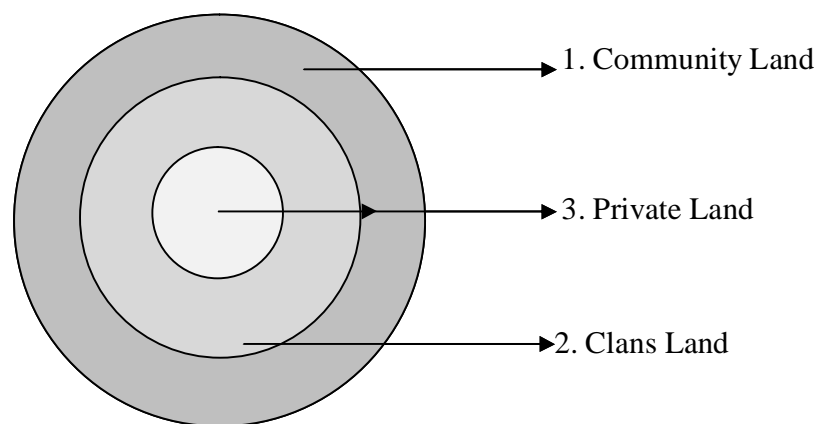
Traditionally, Nagas live on hilltops where they can have a good view of the surroundings. This was to keep vigilance from any kind of attack because in olden days they practiced head hunting. Therefore, choosing a village site is to be a place where, enemy cannot easily attack and access to it. Head hunting practice is now a story of the past. But the Nagas still prefer to settle on the hilltops. Once they settled down in a place, unlike the Kuki tribe, it becomes a permanent settlement, which they rarely move out to a new place. Naga village is a well-demarcated land and territory with the neighboring villages. Each village is more or less, independent like that of 'Greek City- State'. To quote Dr. M. Hiram, "whether or not the village was always a social political and religious unit, the fact remains that it was independent unit... the village is an independent unit in the tribe".

### **Land ownership system**

The Naga society in the village is compact and well knitted together following rigid customary laws and strict disciplines. As the village is more or less independent, the customary laws are supreme and administration of justice is prompt and quick. We may note that a Naga village has; (1) Population, (2) Territory), and (3) Sovereignty. The land ownership system of the Nagas is strictly followed according to the customary laws and practices which is transmitted from one generation to another. In almost all, the Naga society only males can inherit the landed ancestral properties such as homestead, terraced paddy fields, jhum areas, and woodland. In case of a man who has no son, the ancestral properties both moveable and immoveable will go to the nearest relatives. According to Naga custom, unmovable properties like land etc., which are inherited from the ancestral, cannot be given to the daughter but any goods, which are not inherited from the ancestral, can be shared and given to the daughters also.

Regarding sale of land or transferring system of land, it is very strict. One cannot just buy it. It has to fulfill customary sanction. No land or part of land can be sold, mortgaged, leased, bartered and gifted or transferred to outsiders. In case a person would like to sell of his land, his nearest family members are consulted and given the chance to buy it. If no suitable buyers are available, then his clan or relatives are given chance. If no buyer is found, then it can be sold off to a prospective buyer of other clan. Generally, land is not sold to a prospective buyer of another villager.

Except few variations, the land ownership system of the Nagas is almost the same. In general, three main categories of land ownership system of the Nagas are found. This system is also known as a three-tier-system.



They are:

- 1. Land collectively owned by the village (community)**
- 2. Land owned by the Clan**
- 3. Land owned by individual / private**

Moreover, a fourth category which is not so common and uniform but exists in some villages, that is, 'land owned by the chief'.

### **1. Land collectively owned by the village**

This is the outermost circle (referred in the above diagram) of the land ownership system of the Nagas, which is collectively owned by the village. This is also a boundary line with the neighboring village. R. Luikham writes that "Traditionally, all the Tangkhul Villages are located within the entire territory of their contiguous inhabited landmass falling under India and Myanmar. Each village owns a large chunk of land collectively mostly forests, woodland and terraced rice fields. Each village possesses a well-defined natural boundary such as brooks or streams or ridges or a pile of stones or a number of stones (usually 3) embedded underground. These chunk of land collectively owned by the village are managed by Village Authority (Hangva) comprising of representatives usually the eldest known as the 'wungva-wungva' (Tangkhul dialect) of all clans presided over by the chief as its permanent chairman. He is either the hereditary chief or elected person designated as chairman for a specified term as followed today".

Land collectively owned by the village or community land is the largest portion of land of the village. This comprises of forestlands, woodlands, or meadows etc. which is utilized for house building materials or firewood or for community jhumming purpose. Hunting, fishing, etc. are also mostly done in this area. Normally in hunting each villagers have to confine in their own village territory. The village authority who represent from each clan manages and looks after the village community land like vigilance of the boundary encroachment by the neighboring villages, etc. The village authority also regulates and decides a location where jhum cultivation will be done in the coming year. In the village community

land, other individuals are not allowed to utilize for personal purpose. They are not given free hand for business purposes. The village community land cannot be sold off. All the villagers with common sense voluntarily take care of the land so that the flora and fauna and the environment are not affected while using the resources and the products from the community land.

To sum up, land collectively owned by the village is the most extensive arable land in which all kinds of crops are cultivated by the village farmers and individuals or community can use its product for personal housing materials, firewood, etc. all these activities are under the strict rule of customary laws.

## **2. Land collectively owned by the clans**

The second category of land which is shown in the middle circle of the diagram is land collective owned by the clans. It is mostly practiced by many Tangkhuls especially in the Northern side, but in spite of the land owned by a particular clan, it is managed under the administration of the village. In some villages, such land is put in the name of the clan heads. However, it is used for the welfare of the people. Therefore, it is open for the jhum cultivation of the villagers. Hence, it is not exclusively for a particular clan alone. Terraced, wet, or dry cultivation are usually done in the area of community owned land and land owned by the clan. But these wet terraced fields are owned by individuals in which, they have absolute right over them. At their own will they can sell or buy a field. However, in actual practice when someone wants to sell it, the nearest relative or clan is always consulted or given the chance to buy the field. This is the practical norm and custom of the Tangkhuls. There are also some cases of rice fields owned by neighboring villagers who had purchased them across their village boundaries. Normally, the boundary of land is demarcated with the natural topography of the

land like, rivers, streams, ridges, topmost point of ranges etc. But in the case of rice field, it is not necessarily followed this norm. Moreover, two or three or more villages can have private fields in the same area, even outside their village boundary in the same area, even outside their village boundary, etc.

Lands owned by the clans are also utilized for collection of house building materials, firewood and for cultivation of several crops. Since the village state is closely knitted society, they are relatives; they are relatives in one way or the other through inter-marriage. There is always a sense of sharing with one another. Therefore if any part of land is owned by an individual or by a clan yet they are used commonly. Nagas may be backward and undeveloped yet; they have the sense of common sharing. The Nagas way of life, a socialist pattern is inherent immensely particularly in their economic life.

### **3. Land owned by individual.**

The third category of land is land owned by individual or family. This is shown in the innermost circle of the above diagram, which is the nearest to the village or compound. They are comparatively smaller in size. Such lands are private properties which are mainly used for cultivation of varieties of crops, kitchen gardening, cattle rearing, or for wet and dry terraced fields and some raise trees for fuel. Since these are private properties, they are passed down to the sons. In the customary practice of the Nagas, that private land the ancestral cannot be given to their daughters. Only male child has right to inherit it. Such private properties are seldom sold, but if an individual would like to sell it, in case of unavoidable circumstances, his nearest relatives from the male side are always consulted and offered first chance to buy it.

Therefore, according to customary laws, the female children are not entitled to inherit any portion of immovable properties like field or house or landed property. However,



female children can also inherit some of the moveable properties like cash or in-kind which are not inherited from ancestral.

Recently, in the changing scenario of the world, particularly the liberalization wave seems to affect the Naga custom of inheritance. Now some people accept ancestral inherited properties, the rest that are bought by their parents especially outside their village mostly in town or cities, landed properties like plot of land, field, etc. are also given to their daughters. The customary laws for such cases are not specifically defined. This may be because in early days they were confined in the village as there were no towns or city, so buying of property was not in existence.

There are also woodlands owned by individuals. Such lands are not utilized for cultivation but are preserved for collection of fuel and timber.

#### **4. Land owned by the Chief**

The fourth category of land, which is not so common and uniform but it, is still in existence in some villages, that is, 'land owned by Awunga (the Village chief). Some sizeable lands are owned by the chief and utilized by him and his subject according to their needs and requirements from time to time. Generally these lands are preserved to raise trees for housing materials and for fuels. Sometimes, the cultivable fertile lands are used for planting varieties of crops. In such case a great amount of traditional royalty crop is given to the chief.

Traditionally, the Nagas chiefs used to marry a number of wives and try to have many sons so that his chieftainship is passed on. In so doing, he is bound to construct many houses to accommodate his big family. Moreover, a royal house is generally grand and big, with all the woodcarvings and designs which has a great significance. For construction of houses, he needs many housing materials; therefore, the chief needs land for his requirement.

And the lands owned by the chief are preserved as forest which becomes thick and home for varieties of fauna and flora. Sometimes, the chief himself along with the villagers goes for hunting in his own forestland. The hunted animals are feasted along with the villagers.

Sometimes, the forestlands owned by the chief are also utilized for jhum cultivation and fuel purposes. It is also used for collection of house building materials. The land traditionally assigned to the chief is exclusively his, for his use only as the villagers want their chief to be economically sound. But as time passes on, due to the mismanagement, such lands have pitifully dwindled away from the chief.

## **Conclusion**

The land ownership system of the Nagas as discussed above shows that land is an integral part of tribal life and is governed by customary laws. Even if the population of a village may be small with vast chunks of land still there is no vacant land (no man's land) in the tribal areas. They said that Land is older than man so one should respect it. As the land is provider and sustenance of life and also part and parcel of their culture and Custom. The Nagas respect land as Mother Nature and said that only after maintaining it we can have ecological balance for land and environment are sustenance of our life.

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### **Glossary**

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| <b>1. Awunga</b>        | <b>- Village Chief</b>                           |
| <b>2. Hangva</b>        | <b>- Village Authority</b>                       |
| <b>3. Jhumming</b>      | <b>- Slashed and burn cultivation</b>            |
| <b>4. Sharra</b>        | <b>- Taboo/ political and spiritual illegal.</b> |
| <b>5. Wungva-wungva</b> | <b>- Judges/ elders</b>                          |