

Gender land relations in Nagaland: Dilemma of balancing tradition and Modernity

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Abstract

Land has been recognized historically as a primary source of wealth, social status and power with cultural, religious and legal significance. The use of land underlined all aspects of Naga society. Their relationship to land played an essential role in the maintenance of traditional ethos and norms regulated and enforced by an unwritten customary law. Gender differences in group membership and social identity were closely connected with the patterns of inheritance, resource distribution and governance. A Naga woman's right to land use was transient to the extent that her access to a particular plot of land was never permanent. So long as the common property resources remained intact, women remained natural managers of these resources without having ownership rights. Contemporary emphasis on individual ownership as the basis of commercial exchange has however led to land becoming commoditized in many parts of Nagaland. The question of gender relations vis-a-vis land rights thus come into focus, in view of the emerging dynamics of livelihood security for women still dependent on land, shifting patterns of resource management and above all, the dilemma of attaining a balance between modernity and tradition.

Keywords: Gender; land; customary law; development; privatization; common property resources

1. Introduction

Land has been recognized throughout human history as a primary source of wealth, social status and power with cultural, religious and legal significance.

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Globally there is growing recognition that the issue of women and land was centrally interlinked with many developmental questions particularly in the developing world where a major bulk of the population is still dependent on land for their livelihood. The draft National Land Reforms policy 2013 pointed out that land rights can serve multiple functions in women's lives and would empower them to challenge the socio-economic and political inequalities prevalent in society. Apart from its economic dimension, ownership of land has a multitude of social and cultural correlates. This is particularly true of indigenous communities for whom land assumed primary significance as the basis of their communities and economies. For a society still steeped in tradition like the Nagas, land remained intrinsic not only to their survival but was crucial for their very identity as well. Today, globalization along with its attendant forms of privatization and commercialization has resulted in commoditisation of land as well which threatened to upset the age old man-land relationship of the Naga people.

Agriculture being the mainstay of livelihood in Naga society, women had always co-worked alongside their male counterpart in all agricultural-related activities. Women, particularly in rural areas contributed significantly towards the process of food production and they carried major responsibility in procuring and preparing food for family consumption. However, in spite of their pivotal role in agriculture, household management and food production, cultural norms and ideals of appropriate gender role constrained Naga women's ability to own, control and access land. Added to this, the contemporary focus on individual ownership as the basis for most commercial exchanges has led to land being increasingly commoditized in many parts of Nagaland. This invites us to the question of gender relations vis-a-vis land rights, the emerging dynamics of livelihood security for most women still dependent on land, shifting patterns of resource management and the dilemma underlying it all- was it possible to attain a semblance of balance between modernity and tradition without destroying the foundation of Naga society and culture. The present paper is an attempt to delve into the aforementioned questions wherein an overview of the Naga concept of land and land relations based on customary law provided the general background to the question at hand.

1.2. Nagas – A background

Nagas, a Tibeto-Burman speaking Mongoloid people occupies a vast contiguous tract of land (Concerned Citizens Forum 2005) between India and Myanmar. The traditional Naga homeland lies between the Chindwin in the east and Brahmaputra in the west while the international boundary dividing India and Burma runs through this land from north to south. The Nagas today are spread in four states of India, i.e., Manipur, Nagaland, Assam and Arunachal Pradesh.

Before being brought under British administration, each Naga tribe, numbering more than sixty, had their own specific territory divided into independent villages loosely bound together by a set of customary laws, traditional institutions and governance structure (Luithui 2010). The village was, and still remains today the primary political and social unit for the Naga people. Since time immemorial their relationship to land played an essential role in the maintenance of traditional ethos and norms regulated and enforced by an unwritten customary law. Like any other tribal society, for the Nagas land formed the core issue concerning peoples and all resources (Longkumer and Jamir 2012). The use of the land underlined all aspects of Naga society.

Nagas were traditionally cultivators as well as warriors and though inter-village war along with the ritualistic practice of head-hunting were relegated to the animistic annals of Naga history, in contemporary Naga society cultivation still remained the main subsistence occupation in the villages. Both jhum (i.e., slash and burn) and wet terrace cultivation are practiced, depending upon the topography of the area. Most traditional beliefs, customs and festivals of the people in the past were related to the annual agricultural cycle. As the primary mode of subsistence, agricultural practice necessitated a close adaptation and intimate understanding not only of the biologically diverse physical environment, but also a harmonious blending of the social and cultural environment with the natural habitat. On one hand such linkage of culture, society and the land provided the cultural basis for legitimizing the Naga people's traditional authority over the land, while on the other, it anchored their notions of ethnicity and identity (Aier 2008).

Nagas possessed a deep sense of supernatural, spiritual and ancestral attachment with their land.

For the Nagas land was of paramount importance not only for survival but also served as an important criterion for determining the status of a person. In bygone days, not only must the land be worked to produce basic subsistence, but the ladder of social prestige could only be climbed by individuals accumulating sufficient surplus to afford the lavish sacrifices and feasts involved (Jacobs 1998). For instance, feasting was an important part of traditional Naga life. As Aier (2008) points out, the feast of merit allowed individuals to make symbolic statements about their power which was ultimately based on land ... but rather than say *"I am powerful because I own a lot of land"*, the individual proclaimed his wealth by feasting his fellow villagers and consequently acquired a high social standing in the community. On the other hand, no respectable social standing would accrue for a landless person in a Naga village. Not only was land an important determinant for assessing the social status of a Naga, but it was the most decisive factor in according citizenship in a village where the roots of all Nagas are anchored ...as no bonafide settler would be found without land. As Longkumer and Jamir (2012) argued, it is vital for a Naga to have land, either inherited or acquired.

To the Nagas therefore, the land is sacred... there is no room for treating land as an object to be used as commodity ... it is the land that owns the community and gives their identity.... landlessness is equal to rootlessness (Yangkahao 1998). Detachment from land implied not only loss of land but loss of history and identity as well. The onslaught of modern development along with attendant forms of privatization and commercialization threatened to upset this delicate socio-physical balance.

2. Customary Law and Land Relations

Most tribal societies considered customary law as intrinsic to their identity and an integral element of their tradition and culture. So also was the case with the Nagas. Cognizance was taken of the existence of unwritten Naga customary law when the British brought the Naga people under their administration through the District Scheduled Act of 1874. Today under the Indian Constitution, the customary law of the people is given special safeguard through Article 371 (a) of the Constitution. Notwithstanding the absence of written history or laws, the Naga people were bound by numerous usages that prescribed rules of conduct to individuals and groups, enforcement procedures and also punishment for violators.

Every aspect of social and political life encompassing the day to day human behaviour of its members was regulated by their customary law. It was transmitted from one generation to the next through usages, practices and other oral narratives such as folksongs, myths, stories, poems, etc. It was thus the totality of the customs of the people handed over from one generation to the other which in due course of time acquired an almost sacrosanct character.

Land in Naga villages could generally be classified as common village land, clan land, lineage land and individual land. Common village land comprised the graveyard, village community platform, roads, church, monuments, reserved forests and residential sites. Clan land comprised of specific plots of land over which each clan possessed absolute right and ownership. The oldest male member of a clan was the custodian or head over clan land. However each member of the clan was entitled to a share of the land as per their needs, either for construction of house or for cultivation purpose. Allotment of land was based on the seniority of members and availability of land. Each clan in turn would be comprised of several lineages. As in the clan land, the eldest male member of the lineage had final say over the lineage land which may be residential plots, jhumland, or even forests. Individual land may be either inherited or acquired. Even though the clan, lineage or individuals enjoyed complete ownership of their land, under certain circumstances, the village authority had the supreme right to appropriate any land within the village jurisdiction for common public purpose or as a punitive measure.

An individual without a share in any of the above mentioned type of land holding was not treated as a full (bonafide) citizen with all civil and legal rights. Such was the case with a specific category of people in Naga villages known as '*bendanger*' (literally meaning alien/outsider) in Ao Naga dialect. They were members of the village by adoption or recent migration who did not enjoy proprietary right over any form of land in the village even though they may be allowed to cultivate certain plots of community or clan land. Service and contribution to the village welfare from such category of people was expected as a norm but they could not participate in any form of village governance, nor were they counted as '*Senso*' or '*Böbö*' (meaning full citizen in Ao Naga dialect and Phom dialect respectively). Hence, civil and political rights were a direct derivative of land rights under Naga customary law.

2.2. Gender and Land

Customary laws defined gender relations to the extent that they delineated the roles of men and women. Gender refers to a structural relationship of inequality between women and men based on perceived sex differences, which is manifested in society, politics, economy, ideology and in culture (Banerjee 2002). Gender differences in group membership and social identity were closely connected with the patterns of inheritance, resource distribution and governance in Naga society.

The rules of inheritance served to maintain male exclusivity by conferring the right to ownership over land- whether private, clan or community land - solely with men. As such, title and ancestral property was the exclusive preserve of males in Naga society. An unmarried Naga woman could gain access to the use of land through a male relative, generally her father or husband. Thus she had the right to use land of her father's clan, but she could not claim proprietary right over it. Subsequent upon marriage, right to her father's clan land gets automatically forfeited because as per custom she entered the fold of her husband's clan. Customarily, under no circumstances could a Naga woman claim independent right of ownership to the land she cultivated or resided on. Seen in this context, a woman's right to land is transient to the extent that her right to use of a particular plot of land is never permanent. Such traditional practice threatened their security besides weakening the capacity of Naga women for long term investment and meaningful resource management over a plot of land.

Gender marginalization in ownership and control of land was therefore an inherent aspect of the law of inheritance within Naga culture. Against this perspective the gender issues within their customary law were not merely a matter of legitimacy but effectively determined the allocation of resources thus affecting life chances of its members. Inheritance or the right to own, use and control property including land was basic to it.

In general a female headed household was held in low esteem which correlates to their lack of control and ownership of land.

It may be noted that for the Nagas cultivable land was considered as the most valuable form of property for its economic, political and symbolic significance.

Not only was it a livelihood-sustaining and productive asset, for a Naga, land provided a sense of identity and rootedness because it has a durability and permanence, which no other asset possesses. Further, ancestral land possesses more value for its symbolic meaning which purchased land does not have (State Human Development Report, Nagaland 2004).

3. Role of Women in Land Management

Both men and women contributed to the livelihood and food security of the households in Naga society. Rural population constituted 82 percent of the total population in Nagaland (Census 2001). Being predominantly agriculturists the people relied heavily on natural resources besides agriculture to meet their livelihood needs. Though traditionally devoid of ownership rights and control of land and resources, nonetheless, most of the work on the land was performed by the womenfolk. Naga women constituted only about forty seven percent of the total population but studies suggests they contribute more than seventy five percent of the labour force involved in agriculture (NEPED 2007). While men took care of the slashing of the forests, burning of the jhum fields, clearing of the pathways leading to the new jhum areas, construction of huts and transportation of wood from the field, womenfolk predominantly performed the rest of production activities, right from seed selection and sowing to the harvest of the crops. In addition to paddy, women planted a variety of crops like chillies, tomato, brinjal, cucurbits, yam, maize and millets, etc., to meet the household requirements and to generate extra income from the surplus, if any. Besides the cultivation process, rural women also engaged in foraging activities in the forests for edible plants, fuel, fodder for their domestic animals etc., among other things. Hence, the role played by women in agricultural production was highly significant but often less valued. Women worked tirelessly both at home and in the fields, often at the cost of their own health (NEPED and International Institute of Rural Reconstruction 1999). There are instances where rural women, even in advanced stage of pregnancy go to their fields for work, delivering their babies on the way, endangering the lives of both mother and child.

In spite of their extensive contribution, interaction and interdependence with the land and forests, the Naga women's role in land-based resource management may be considered as limited to providing mere labour in the absence of ownership rights of the land and forests.

Lack of proprietary rights of land notwithstanding, as long as the common property resources were intact, women had the security of eking out a livelihood and problems of landlessness was virtually unknown in Naga society.

4. Privatization and Shifting Dynamics of Land

Market forces have led to commodification of land and fixing a monetary value on it has changed the whole contour of Naga culture as an egalitarian one. The creation of infrastructure by the government set off the process of privatization of land wherein the state secured lands of individuals through either term-lease or outright purchase. This basically introduced the concept of land valuation leading to a rush for community land to be splintered into individual lands. It paved way for individual owners having absolute right over it to sell or develop in any manner they desired.

At the same time, development oriented schemes provided an impetus for the people to scramble for registering land in individual names. For instance, most credit schemes, bank loans, government welfare benefits, agricultural extension schemes, etc., demanded land/property *Pattas* (*government document of land title*) as collateral. Such requirements have encouraged the Naga populace to speed up the process of community land fragmentation. Against this scenario, one may note the cultural practice of male inheritance which effectively served to marginalize women from the developmental process.

Global forces of change have not left the rural areas unscathed too. While shifting cultivation had been the mainstay of livelihood for the Nagas with strong cultural linkages, today, this practise of slash and burn has come under attack from environmentalists and policy makers on grounds of environmental concerns. While the cacophony of arguments for and against the jhum practise continues, the state has steadily been trying to wean the people away from this traditional practice through various agricultural schemes designed to encourage cash crops.

However, since land deed/ownership of land rests with the men, it was primarily men who had access to and benefited from agricultural trainings, fertilizers and other inputs necessary to make the transition from jhum to cash crop farming.

The need for engendering this process becomes visible when one considered the fact that of the total female workers in Nagaland, 65.2 per cent are engaged in agriculture which exceeded the male cultivators at 44.4 per cent of the total male workers (Census 2011).

Commodification of land has led to large tracts of clan/ lineage land being appropriated by a few moneyed members with means. Consequently, it has resulted in the shrinking of common property resources in many villages. This poses a challenge to many women who are as yet directly dependent on natural resources for their very sustenance. One positive fact that emerged through a survey of several villages in Nagaland by this author was that there were no known cases of landless labourers in any of the villages.

Yet, there was a marked decrease in the number of families engaged in jhum cultivation particularly in Mokokchung district of Nagaland, where in certain villages like Chuchuyimpang, out of total 590 households, only three families had opted for jhum cultivation in 2013. This drastic decline could not simply be attributed to enhanced environmental consciousness, but appeared to be driven more by profit-motivations given the burgeoning global culture of materialism and consumerism which has struck a chord even with the rural masses of the state. This was borne out through interactions with villagers, who stated that one of the main factors leading to abandonment of the jhum practice was due to considerations of profit or rather the lack of profit from this form of cultivation. This obviously reflected the all consuming material culture that has come to roost even in the rural areas.

Some direct outcomes of the decline in jhum cultivation can be observed in the rise of cash crop cultivation like vegetables and corn, predominantly by women. This shift has been encouraged by the improvement of rural infrastructural services like roads and bus connectivity making it relatively easy for the rural women to dispose off their products at the nearby urban centres with convenience. While such changes may be hailed as development from an economic point of view, closer analysis suggests that the move away from jhum cultivation would have far reaching consequences on the social and cultural dynamics of Naga society in general, and on gender relations in particular.

Traditionally, the process of jhum cultivation was a community affair even though individual plots were farmed, since jhum related activities such as the timing, the portion of community forests to be cleared for a particular year's cultivation, construction of farm roads, etc., were decided upon and carried out collectively by the villagers under the Village Council. Jhum cultivation allowed for a semblance of equity between men and women without being equal given that both sexes worked side by side the fields for sustenance. Albeit without ownership rights, all women including widows could get access to cultivable land through either their father or husband. Fragmentation of community land threatened to upset this security for many women making their future livelihood options uncertain. Concomitantly, the process of development instead of ushering in gender equality tended to strengthen patriarchy through the attendant forms of privatization which effectively marginalized women from the developmental process.

Though many women had turn to vegetable farming, piggery or poultry as other more profitable ventures, there were quite a substantial number of women who had opted for wage labour in the bigger commercial farms as an alternative means of livelihood. What would be the long term gender implications for such shifts in livelihood pattern is a question that needed more in-depth inquiry and analysis. From a gender perspective it may be stated with certainty that development of any sort, rather than ushering in positive social change, would adversely impact the Naga women given their present dispossessed position and the emphasis on private ownership as the flagship of modern developmental processes.

Concentration of large tracts of land in the hands of a few moneyed people made the threat of landlessness a looming reality in the not too distant future. Besides, it upset the symbiotic relationship of the Naga people with the environment which evolved through decades of close interdependency of people and their land. Women occupied a central place as keepers of traditional knowledge as far as their biodiversity were concerned. They were the repositories of knowledge regarding seeds, seasons, species, etc., which were best suited for their environs. Further, most of the traditional activities and festivals were centred on the jhum cycles. Dissociation thus from this form of cultivation would have major implications for the future continuance of traditional festivals, songs, dances and other oral narratives which encompassed the cultural heritage in terms of history of the Naga people.

The most adversely affected would be the women who would be caught between the traditional discrimination of being excluded from inheritance of land and the modern developmental dynamics which focussed on individual ownership as the criteria for all forms of enterprises. The division of Naga society along class lines, which was hitherto not known, was already visible in the form of a moneyed political, bureaucratic and business class on one side and the common people on the other. While a few women may benefit economically by virtue of being a member of the former class, majority of the women belonged to the latter category and they formed the most vulnerable section.

This invites us to the dilemma of how to arrive at a balance between the inevitable modernization that was sweeping through the region and at the same time hold on to the cultural heritage of the people.

5. Quest for the way Forward

Women's right to land is a critical factor for their social status, economic well-being and empowerment. In the case of the Naga people however, the social implication of land right extended much further. For them, land was also a social asset, crucial for cultural identity, political power and participation in local decision-making process. Though contemporary Naga society do exhibit many features of modernity in terms of modern education, fashion, institutionalizing media and the mushrooming of different organisations, yet, its traditional soul which had become inconsistent with modern values in many aspects remained intact. Nagaland remained predominantly a rural society with more than 80 per cent of its population still residing in villages. Despite the fact that women constituted more than 75 percent of the labour force in agriculture (NEPED 2006), land relations in particular were based on laws, custom and practices which served to marginalize and disempower women in terms of their right and capacity to own and manage land. For generations they have toiled on land without enjoying proprietary rights, managed the land based natural resources in their quest for livelihood and food security, a silent silhouette in the management of societal affairs.

Though the socio-economic and political base which saw the evolution of the customary laws had undergone sweeping transformation from the bygone era, there was still resistance to change in so far as gender issues were concerned in Naga society.

The need to evolve alternatives to existing gender relations particularly with regard to land rights assumed great importance in light of the changes in values and culture induced by the monetization of economy and the globalization process. While the inevitable process of development could not be halted, there existed a need to critique prevailing institutions and practices in order to ensure that women were not left out of the developmental process. Land acquisition in Nagaland is at present regulated by the Nagaland Land (Requisition and acquisition) Act 1965 with an amendment passed to the said act in 1969. This Act is guided by the philosophy of colonial Land Acquisition Act 1894 and has made the process of land acquisition easy for the state (Periera 2011). Rapid alienation of land would threaten the survival of Nagas as an indigenous community since land was the fundamental basis of their identity. Hence against this tidal wave of unrelenting development-oriented privatization of land, the Nagaland Legislative Assembly need to re-assess the act and replace it with a law that respect the land holding system of the local communities under their customary regimes.

Strengthening traditional institutions would be crucial to maintaining the distinct identity of the people and retaining age old cultural heritage and social capitals that have been passed on through the generations. That being stated, the existing customary laws should be revisited and made more congruent with contemporary values of gender justice and human rights. Recognising women as important stakeholders in the community land would be the first step towards in this direction. Women need to be made a part of governance of their own society, participating in decision making at all levels of polity. This essentially calls for inclusive changes in the Naga customary practices. Key to this process of change would be extending secure land rights to women. Naga women's social and political empowerment, dignity, self-respect and sense of self-confidence hinged to a large degree on securing land rights based on our earlier argument that land rights and full citizenship in Naga villages were intricately woven together. Strengthening women's rights to land can result in transformative changes wherein they would be regarded not merely as agricultural workers but as active contributors to the economic growth of the region.

Structured traditionalism and practices might not effortlessly accept change, yet winds of progressiveness could not be ignored indefinitely. As a progressive society the Naga people should no longer cite tradition as a pretext for avoiding change because it is opportune now to selectively change those cultural aspects that diminished women's status as full subjects within their own society of which lack of land rights is one.

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