



A Report

# Legal Response to Institutionalizing Participatory Land Use Planning in Nagaland

Developing strategies for mainstreaming sustainable jhum practices into existing policy and legal framework of Nagaland

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The authors are responsible for the content of this Report, drawing on the interpretation of the statutes that constitute the legal framework on Jhum in Nagaland and the interactions with the government officials and communities in three districts of Mokokchung, Wokha and Mon as well as in the capital Kohima. The authors have also relied upon work of many organizations and experts working in the North Eastern Region including Nagaland. The views expressed in this publication are those of its authors and do not necessarily represent those of UNDP.

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**Acronyms and Abbreviations:**

ATMA: Agriculture Technology Management Agency

BD Act: Biological Diversity Act 2002

CBD: Convention on Biological Diversity

DC: Deputy Commissioner

DONER: Ministry for the Development of North Eastern Region

EPA: Environment (Protection) Act, 1986

FAO: Food and Agricultural Organization

FCA: Forest Conservation Act, 1980

ICAR: India Council for Agricultural Research

ISSLUP: Indian Society of Soil Survey and Land Use Planning

KVK: Krishi Vigyan Kendras

LUPO: Land Use Planning Ordinance

NEPED: Nagaland Empowerment of People through Economic Development

NGT Act: National Green Tribunal Act 2010

NVCT Act: The Nagaland Village and Tribal Council Act

PLUP: Participatory Land Use Planning

SLEM: Sustainable Land and Ecosystem Management

UNDP: United Nations Development Programme

VC: Village Council

VDB: Village Development Board

VFC: Village Forest Committee

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**July 29, 2015**

**Shilpa Chohan  
Shawahiq Siddiqui**







*Empowered lives.  
Resilient nations.*

## Foreword

The north-eastern state of Nagaland is endowed with rich diversity of species, flora and fauna. Shifting cultivation, locally referred to as *jhum*, is the main form of agriculture suitable for the state's climate and steep terrain. Nagaland faces a major challenge in adapting land use and production systems to meet rising populations and changing lifestyles, while also maintaining its ecological sustainability.

The overarching goal of the GEF funded Government of Nagaland-UNDP project on "Sustainable Land and Ecosystem Management in Shifting Cultivation Areas of Nagaland for Ecological and Livelihood Security" is to maintain ecosystem services while also meeting livelihood needs. These results can be sustained by creating an enabling environment, including strengthening of policies, institutions and related programmes in ways that support sustainable management of *jhum* lands.

The project has demonstrated the significance of participatory land use planning in *jhum* lands across three districts of Nagaland (Wokha, Mon and Mokokchung) where women play a crucial role in the planning and decision making process.

We hope this report will help in developing strategies for shaping the policies and guidelines related to shifting cultivation in Nagaland and in institutionalization of participatory land use planning within the state's legal and institutional framework.

A handwritten signature in blue ink, which appears to read 'Jaco Cilliers'.

Jaco Cilliers  
Country Director  
United Nations Development Programme- India





**T. IMKONGLEMB A O, IAS**

Agri Production Commissioner &  
Commissioner & Secretary Agriculture  
Govt. of Nagaland, Kohima



D.O. No.....

Date. 15, July 2015

### Message

In Nagaland, land is a basis for life and symbolizes socio-economic and cultural identity of Nagas. Shifting Cultivation (locally known as Jhum), a prominent form of agriculture practiced by the traditional communities, not only provides local food security but is a way of life for the tribal communities living in the state. The governance regime over land and its resources in Nagaland is based on customary laws and traditions, backed by Constitutional sanction and enforced by traditional village level institutions, recognized under the unique framework of Village Empowerment Laws enacted by the Government of Nagaland.

Currently, the traditional land based ecosystems governance regime and the people dependent on ecosystems for the essential services that they provide, is faced with a variety of challenges such as changing Jhum cycles, limited fallow management strategies in place to ensure food and ecological security leading to unsustainable land use patterns and consequential decline in land productivity. Further, in the past few years, the state has seen change in land use patterns where terraced farming, orchards, cash crop cultivation such as rubber and cardamom, gardens, tree farming and bamboo groves are seen as fast emerging trends. These trends infuse different dynamics in the traditional-agro-economic systems in place and require a paradigm shift in the way land is being used and managed in Nagaland. Therefore, innovative solutions and interventions such as 'Participatory Land Use Planning'(PLUP) aimed at encouraging better management of 'fallows' by community involvement and supported by the government are the need of the hour. PLUP is also essential for the infrastructure development in terms of roads and development of communication and information technology. For these interventions to be sustained, they need to be mainstreamed into policy, legal and institutional framework applicable to Jhumland in the State.

The Report "Legal Response to Participatory Land Use Planning in Nagaland" prepared by Indian Environment Law Offices (IELO) under the Government of Nagaland GEF/UNDP Project which is being implemented by the Department of Soil and Water Conservation, Government of Nagaland, is an outcome of extensive and intensive field and desk based research and consultations in the three districts of Mokokchung, Wokha and Mon. The Draft Recommendations and findings of the research were discussed and deliberated extensively with all the stakeholder departments in the State Level Consultation held at Kohima wherein I had the opportunity to be involved. The Recommendations made under this study are helpful in mainstreaming sustainable Jhum practices using a unique tool of PLUP, into policy, legal and institutional framework in Nagaland which will help the state to realize its full developmental potential leading it to culturally appropriate and resource-efficient sustainable development pathways.


**T. Imkonglemba Ao,**

Kohima



# Background

# 1



“One aspect that has come out clearly is that there is an unanimous agreement that reduction in the length of the fallow phase in the Jhum cycle is undesirable and therefore needs to be arrested by employing improved fallow management strategies. It is in this backdrop of evolving paradigm on Jhum at the national and regional level which argues the need for shift from 'Jhum control' to 'Jhum improvement' by developing pathways and strategies for mainstreaming sustainable Jhum practices, that a comprehensive audit of policy, legal and institutional framework applicable to Jhum in Nagaland has been carried out with the objective to map legal options and alternatives for institutionalizing the concept of Participatory Land Use Planning (PLUP) in Nagaland which is considered to be one of the viable strategies for improving Jhum”

## 1. BACKGROUND

Shifting Cultivation (Jhum) is a way of life and is to stay in Nagaland<sup>1</sup>. Given the tremendous diversity and combination of Jhum practices followed by different tribes and sub-tribes in the state, addressing Jhum continues to remain a bigger challenge for policy makers and natural resource managers. Owing to the emerging paradigms on Jhum at the national level that argues for its continuance based on considerations of food security and socio-cultural institutions embedded with it, as opposed to the dominant discourse that considers Jhum extremely detrimental to ecology, the shift in the approaches to Jhum at the national policy level are observed. Thus, for example, the tenth Board meeting of National Afforestation and Eco-development Board held on 8<sup>th</sup> December 2004, deliberated extensively on various aspects related to Jhum from national as well as regional perspective and the Board deemed it appropriate to recommend that an Inter-Ministerial Task Force may be constituted to look into all aspects of Jhum in the light of emerging as well as traditional paradigms, in a holistic manner. As a follow-up to the recommendation, the Task Force was constituted

under the chairmanship of Director General of Forests & Special Secretary, Ministry of Environment & Forests<sup>2</sup>. The aspects covered and the recommendations given by the Task Force that submitted its report in September, 2008 have been dealt with in some detail in the subsequent sections. At the state level also this shift is visible and was recently articulated in Nagaland State Action Plan for Climate Change that discusses strategies for making jhum sustainable.

However, it may be stated here that one aspect that has come out clearly is that there is a unanimous agreement that reduction in the length of the fallow phase in the Jhum cycle is undesirable and therefore needs to be arrested by employing improved fallow management strategies.

It is in this backdrop of evolving paradigm on Jhum the need for shift from 'Jhum control' to 'Jhum improvement' by developing pathways and strategies for mainstreaming sustainable Jhum practices, that a comprehensive audit of policy, legal and institutional framework applicable to Jhum in Nagaland has been carried out with the objective to map legal options and alternatives for institutionalizing the concept of Participatory Land Use Planning (PLUP) which is considered to



1. In a personal interaction with the government, non-government stakeholders, communities and customary institutions in Mon, Mokokchung, Wokha and Kohima, dated November 2014
2. The Inter-Ministerial Task Force was constituted on 7.7.2005

be one of the viable strategies for improving Jhum. It is pertinent to mention here that the Study on 'Developing strategies for mainstreaming sustainable Jhum into policy and legal framework in Nagaland' is part of the larger UNDP-SLEM (Sustainable Land and Ecosystem Management) Project wherein during the SLEM project phase of roughly five years an informal institution at the village level by the name of Land Use Committee was constituted by UNDP in project villages of Mokokchung, Wokha and Mon with assistance from the State Soil and Water Conservation Department. The initial mapping of relevant laws in the state of Nagaland under this Study was composed in the form of a Legal Brief that was launched in December, 2014. A set of draft recommendations were prepared based on desk review and inputs from field. Draft recommendations based on the inputs from the field interactions were endorsed by the stakeholders from the concerned line departments relevant for Jhum at the State Level Consultation, held in Kohima in March, 2015. The final report is the culmination of an intensive desk research and extensive interactive field research carried out at the state and national level and attempts to provide

a comprehensive view on the key question – how do we institutionalize participatory land use planning towards improving fallow management in Nagaland? Finding an answer to this complex question is not an easy task and requires an in-depth understanding of the existing village governance and administration in Nagaland and implications of the current decentralized regime under state laws.

### 1.1 Nagaland: Understanding the governance and administration<sup>3</sup>

The state of Nagaland has a unique geographical, cultural and ecological importance. Located in the extreme North-Eastern part of India, Nagaland is pre-dominantly a tribal state, inhabited by a large number of tribes and sub-tribes, with each tribe having a distinct characteristic not only from the socio-cultural perspective but also in terms of village administration and customary laws<sup>4</sup>. While there is a continuum of tribal customs with each tribe and each village having distinct practices, leading to significant variations in tribal administrative systems, instituting customary tribal institutions as Village Councils under the state's village empowerment laws has resulted in



3. This section is aimed at providing a general overview. The legislative enactments referred in this section have been extensively examined in section 4 on the legal and regulatory framework concerning Jhum in Nagaland.
4. The Ao, Angami, Chang, Konyak, Lotha, Sumi, Chakhesang, Khiamniungam, Kachari, Phom, Rengma, Sangtam, Yimchungrü, Kuki, Zeliang and Pochury are the major tribes



the remarkable extension of administrative reach to the far remote areas in Nagaland and serves as a single unifying factor for administrative purposes.

### *1.1.1 Overview of decentralized local self-governance in Nagaland*

Nagaland remains outside the purview of the 73rd Constitutional Amendment<sup>5</sup> and enjoys a special Constitutional status under Article 371A of the Constitution of India giving the people of the state scope to maintain their own practices of local self-governance. However, Nagaland has institutionalized traditional self-governance well before the formal Panchayati Raj system came into existence in the country. The Nagaland Village and Tribal Council Act, 1978<sup>6</sup> (NVCT Act) established the Village Councils (VC) and its development wing called the Village Development Board (VDB) that function as key institutions of local self-governance all over Nagaland. The customary mode of governance and tribal institutions as they existed prior to the enactment of this Act have been recognized and

regularized as such under the legislation leading to an easy assimilation of tribal systems of governance with the modern administrative system under a legislative enactment. Thus, Village Councils are the crux of grassroots administration in Nagaland. Only a recognized village can have a VC. The NVCT Act outlines the functions and duties of the VC and has delegated powers of development in the village to the VDB under the overall supervision of VC.

Pertaining to this decentralized institutional regime under the NVTC Act, every village in Nagaland today has successful decentralized governance and administrative set up that performs regulatory and executive functions within the jurisdiction of the village. The decentralized self governance regime in Nagaland has also facilitated the functioning and performance of District Planning and Development Boards as there is a clear linkage to the grassroots through the VDB that help in delivering the rural development outputs and implementation of schemes and programs. These

5. The amendment empowers local bodies like Panchayati Raj System. See <http://indiacode.nic.in/coiweb/amend/amend73.htm> (as accessed on 30th April 2015)

6. Before the amendment it was Nagaland Village and Area Council Act, 1978



linkages are considered vital for the effective decentralized governance and decision making which is a major challenge in many states where Panchayati Raj system is in place. The system of VC and VBD is also facilitative of formulation of village specific development programs tailored to the needs of the village communities thus ensuring ownership and accountability from the very inception and planning stage.

#### **Village Development Board – a unique planning, financial and executing body at the decentralized level in Nagaland**

VBD functions under the overall and primary authority of the VC and carries out grassroots level planning in Nagaland. VDB was first set up in 1976 in Ketsapomi village in Phek District on an experimental basis. Following its success, a mass campaign was launched since 1980 to expand the coverage of this unique institution throughout the State. VDBs were thereafter

gradually constituted in the remaining parts of the State and the concept institutionalized with the enactment of VDB Model Rules, 1980<sup>7</sup>. All the welfare schemes and plans of the State Department of Rural Development aimed at improving the economic and social living standard of rural poor, either through employment generation or infrastructure development are implemented through VDBs.

#### *1.1.2 Understanding Communitization in Nagaland*

Another important aspect of decentralized governance in Nagaland is the communitization of public services by way of a legal enactment, a unique endeavour to encourage and ensure participation of people in planning their own developmental needs and aspirations. The concept of communitization in Nagaland is based on the premise that decision making with respect to development of a village affects the life of people



7. Karmakar K.G. et.al

living in that village and it is the people living in a village who know more about their socio-economic needs and the measures required to fulfil them, therefore, their participation and capacity building with information and knowledge is essential and can help them make informed choices. Thus, communitization in Nagaland is aimed at encouraging active participation of Nagas towards harnessing rich social capital to improve public services in conjunction with state administrative machinery.

### **Communitization symbolizes a symbiotic relationship**

Communitization in the context of village governance in Nagaland symbolizes a symbiotic relationship between the state and the tribal communities and involves transfer of ownership and management of public assets and service delivery mechanisms. The overall objective of this unique partnership between the government and communities through communitization is to improve the delivery of public utility systems.

A detailed discussion on the specific law dealing with communitization namely the Nagaland Communitization of Public Institution and Services Act, 2002 has been discussed in detail under the section on mapping legal instruments concerning Jhum in Nagaland.

#### *1.1.3 Understanding the key governance approaches adopted by the central government with respect to Nagaland*

Under the Constitution, Nagaland enjoys a special Constitutional status whereby the central laws pertaining to land and its resources are subject to the special constitutional provisions<sup>8</sup>. This provides the state autonomy over every aspect of its civic and public life. The current national legal and policy framework recognizes and accepts the rights of tribals to retain their way of life and identity and has sought to integrate them through democratic means into the federal frame of the

Constitution of India. Thus, the existing national level legal and policy framework applicable to Nagaland is guided by a combination of approaches keeping in mind the political economy and culture in Nagaland. The economic system in Nagaland is seen as product of the social order by the central government. This approach is aligned with the central government policies and programs aimed at the development of Nagaland and the NE region in general with the objective to increase national aggregate efficiency in development through optimum resource allocation. The key national approaches include the formation of the Northeast Development Council, Hill Area Development Projects and Sub-plans, Tribal Area Sub-plan, and Tribal Development Agency Projects to name only a few. The central government has also declared northeastern states as special category states including Nagaland, which entitles it to get 90 percent of Central Assistance as a grant while 10 percent is provided as a loan. The Central Government has also formulated policies pertaining to industrial licensing; concessional finance and investment subsidy with the objective to promote economic development. In order to protect tribal interests, the central government's policies follow a wider



8. Article 371 A of the Constitution of India, 1950.

policy of minimal interference with the cultural traditions and customs of Naga tribes. One of the manifestations of policy of minimal interference is that restriction on the acquisition of land by 'non-Nagas in Nagaland'<sup>9</sup>. Similarly, the regulation of access to Nagaland is ensured by way of Inner Line Permit system that restricts entry of non-Nagas into the state.

### **1.2 Jhum in Nagaland: A primitive subsistence agricultural practice or a way of life for Jhumias?**

The tribes of Nagaland represent fascinating mosaic of traditional and cultural practices where Jhum is a common practice by communities and is central to their socio-cultural ethos. Nagaland, home to several tribes and sub-tribes that are easily distinguishable due to their cultural adornments and costumes, is primarily a subsistence agriculture based economy where Jhum is central to not only the survival needs but to the very existence, thinking and psyche of the inhabitants of the state.

Evolved through thousands of years, Jhum is rooted in customs, beliefs and folklore and influences the cultural ethos, social fabric and every aspect associated with Naga life and their society. For the Naga farmers, Jhum is much more than a form of sustenance; it is often argued to reflect the "reason" for their existence.

Jhum is a complex system and its customary management varies from village to village. However, a few general trends can be observed. Jhum lands are divided into 'Jhum blocks' to enable the communities to sustain the practice by allowing only one block per year for cultivation. Various customary laws dictate the allocation and management of Jhum lands in different tribes. Also, various customary laws regulate the forests and Jhumlands in Nagaland despite the presence of Nagaland Forest Act, 1968. Here, it needs to be highlighted that the state government has also protected the customary right to Jhum by enacting the Nagaland Jhumland Act, 1970. The calendar of Jhum activities below amply shows that the social and cultural life and festivals of Nagas revolve around Jhum activities.

9. Section 162 (2) Nagaland Land and Revenue Regulation (Amendment) Act, 1978



Months	Activities
December	Selection of the Jhum sites, usually secondary forest growth on hills slopes, on the basis of rotation of fields.
December-January	Clearing of forest tract by cutting down the jungle with dao (machetes) and axes and leaving the cut vegetation for drying.
February	Preparation of fire lines around the Jhum areas.
Mid-February to Mid-March	Burning of dried debris or vegetation
March-April	Drawing of boundary lines, construction of foot paths and construction of Jhum huts collection of unburned vegetation for fire wood.
Mid- March to Early-April	Planting of seeds of various crops in an intimate mixture in the holes (with subsequent earth coverings) made by dibbling with sticks or sharp implements seeds of some crops are also broadcasted. The selection of sites and planting of seeds may be preceded by customary worship and sacrifice in some communities.
Late May through September	(a) Weeding (several times, at least 3-4 times) (b) Watching and protecting Jhum crops.
September-December	Harvesting, threshing and storing (harvesting of different crops at different times; tuber crops are harvested last or may even be carried over to the following year) and followed by fallowing. Merry making would also be essential part of end of harvesting.

Source: Darlong (2004)

Table: Crops grown in a typical Jhum Field  
(Konyak Tribe, Mon District)

S.No.	Location in the Jhum Plot	Name of the Crops
1.	Boundary	Tapioca, Cucumber, Pumpkin, Bitter Gourd, Perilla, Sweet Potato
2.	Burnt Heaps	Bitter Gourd, Brinjal, Ginger, Occimum Sp.1, Occimum Sp.2
3.	Burnt Bamboo Groves	Chilli
4.	All over the Field	Rice, Colocasia, Millet, Jobstear, Maize
5.	Near Field Hut	Larger and smaller leek, summer and winter mustard leaves
6.	Near Poles and tree stumps	Beans and Lablab

(Source: Suraj Bhan (2009))

### 1.3 Shifting Opinions on Shifting Cultivation (Jhum): From 'Jhum Control' to 'Jhum Improvement'

The lack of reliable, empirical and scientific data on the nature and ecological impact of jhum is a major challenge and has led to trapping of Jhum in two equally contesting paradigms. Numerous studies have concluded that Jhum is 'primitive form of agriculture' and detrimental to ecology as it causes loss of forest cover, erosion of topsoil, desertification, and decline in forest productivity<sup>11</sup>. It's also considered an agent of destruction of biological diversity<sup>12</sup>, leading to oppressive practices aimed at controlling Jhum by relocating shifting cultivators or rehabilitation of shifting

10. <http://indiacode.nic.in/coiweb/amend/amend13.htm> (as accessed on 30.04.2015)

11. P.D. Stracey, 1967, 'A note on Nagaland', Journal of the Bombay Natural History Society 64: 440-446 as quoted in T.R. Shankar Raman, Shifting Opinions, Seminar.

12. D. Borah and N.R. Goswami, 1973, A comparative study of crop production under shifting and terrace cultivation (a case study in the Garo hills, Meghalaya). Ad hoc Study 35, Agro-economic Research Centre for North East India, Jorhat; A.P. Dwivedi, 1993, Forests: the ecological ramifications. Natraj Publishers, Dehradun; R.R. Rao and P.K. Hajra, 1986, 'Floristic diversity of the eastern Himalaya in a conservation perspective', Proceedings of the Indian Academy of Sciences (Animal Sciences/Plant Science Supplement) November: 103-125

cultivation areas<sup>13</sup>. On the other hand Jhum has also been decreed as a diversified system, well adapted to local conditions of moist and humid forest hilly tracts of North Eastern Region<sup>14</sup> and is viewed to be less destructive than modern forest exploitation of timber and even enhance biodiversity due to the creation of variety of habitats<sup>15</sup>. However, for a very long time, the former has been the dominant discourse with the Government of India in the Ministry of Environment and Forest and the forestry regime in the country has been deploying various strategies to contain Jhum with the objective of eradicating it by adopting measures that encourage shifting cultivators to adopt alternative livelihood options in the North East, with little success so far.

#### **A view on perceived linkages between demographic changes and Jhum Cycle:**

It has been pointed out that: (i) there is often no strong relationship between population pressure and jhum cycles, (ii) villagers choose to cultivate at cycles of 5-10 years even when longer fallow periods are possible, and (iii) that population density would impinge on jhum cycle only after some critical threshold of high population pressure is crossed. The duration of the fallow period is influenced by the ease of clearing the vegetation and soil fertility levels following the slash-and-burn operations and is not dependent of external factors such as population.

D. Singh, 1996, *The Last Frontier: people and forests in Mizoram*.

The recent trends (2005 onwards) in the thinking on Jhum in the policymaking, however, reflect a departure from their earlier notion of Jhum carrying only deleterious impacts on environment and ecology. **The Inter-Ministerial Task Force**

**on Rehabilitation of Shifting Cultivation Areas** constituted in the year 2005, after extensive deliberations on various aspects of Jhum from both perspectives (for and against Jhum as drawn above) provides an insight into the recent thinking. The Report of the Task Force submitted in 2008 is informed of the view that Jhum provides vital linkage between biological and social reproduction and notes that it is firmly embedded in the local cultural and social institution and thus ensures food security and survival of people dependent on it, hence should be allowed to be carried on without external interference and may be stabilised using modern technical inputs, while concurrently developing alternative village-based occupations<sup>16</sup>. This view makes the case of shifting cultivation to be accepted as one more type of agrarian practice and argues that the detrimental effects of Jhumming can be contained and its productivity can be enhanced by making appropriate interventions based on agronomical studies and agricultural extension<sup>17</sup>. Shortening fallow period in the Jhum cycle, however, continues to be the core concern. The suitability of Jhum lands for cash crops such as rubber, orange, pepper, cardamom; betel nut etc is also a motivation to make large number of interventions to wean people away from Jhum practices. Concerns have also been raised on account of unsustainable Jhum straining social and cultural relations between tribes, specially due to demographic changes that have also sharpened the view on viability of Jhum and if future generations will be carrying it on.

The Task Force Report prepared under the chairmanship of Director General of Forest also notes that if shifting cultivation is accepted as one

13. M. Gadgil, and R. Guha, 1992, *This Fissured Land: an ecological history of India*. Oxford University Press, Delhi.

14. H. Conklin, 1969, *An ethno-ecological approach to shifting agriculture*, pp. 221-233, in A.P. Vayda (ed), *Environment and Cultural Behaviour*. Academic Press, New York; O. Horst, 1989, 'The persistence of milpa agriculture in highland Guatemala', *Journal of Cultural Geography* 9: 13-29; M.J. Eden, 1987, 'Traditional shifting cultivation and the tropical forest system', *Trends in Ecology and Evolution* 2: 340-343; R. Guha, 1994, *Fighting for the Forest: state forestry and social change in tribal India*, pp. 20-37, in O. Mendelsohn and U. Baxi (eds), *The Rights of Subordinated Peoples*. Oxford University Press, Delhi. (as quoted in T.R. Shankar Raman)

15. M. Gadgil and R. Guha, 1992, *op. cit.*

16. The Inter-Ministerial Task Force Report, 2008, Ministry of Environment and Forest, Government of India; This was also pointed out in the P.S. Ramakrishnan, 1992, *op. cit.*; U. Shankar Tawnenga and R.S. Tripathi, 1996, 'Evaluating second year cropping on jhum fallows in Mizoram, North-eastern India – phytomass dynamics and primary productivity', *Journal of Biosciences* 21: 563-575. K.N. Ninan, 1992, *op. cit.*

17. The Inter-Ministerial Task Force Report, 2008, Ministry of Environment and Forest, Government of India

more type of livelihoods practice, then it needs the services of agronomical and silvi-culture experts and extension workers, and requires support to fully integrate it with the evolving market system in a dynamic manner. Furthermore, the Report argues that shifting cultivation has deteriorated and become ecologically unsuitable because of the shortening and unsustainable management of the forest-fallow phase of the shifting cultivation cycle. The appropriate way to tackle this issue, therefore, is to support a hybrid technology which combines the traditional wisdoms and innovations as well as technological advances. In this respect the Task Force has recommended that appropriately designed fallow-management within the overall framework of community-participatory eco-development model which places socially/ culturally valued fast growing tree species as the main species for forest fallow development could provide viable solutions.

The view of developing policy for improving shifting cultivation through material and technological input to ensure optimal utilization

of jhum lands finds reflection in the North Eastern Region Vision 2020 (2008) prepared by the North Eastern council for Ministry of Development of North Eastern Region. The Vision 2020 lays down broad contours of interventions required for development of the North Eastern region. It emphasizes on weaning the jhumias away from the practice of shifting cultivation though it is proposed to do it 'through persuasion and demonstration of alternative livelihood systems' and by enhancing capacity to 'engage in productive and sustainable livelihoods'.

The implementation experience of various projects implemented during this period for example the NEPED (Nagaland Empowerment of People through Economic Development)<sup>18</sup> and UNDP– Watershed based Participatory Land Use Planning for Nagaland Project also suggests that improved fallow management at the community level is possible only by creating an enabling environment by involving community institutions that are being traditionally recognized and respected at the local level.

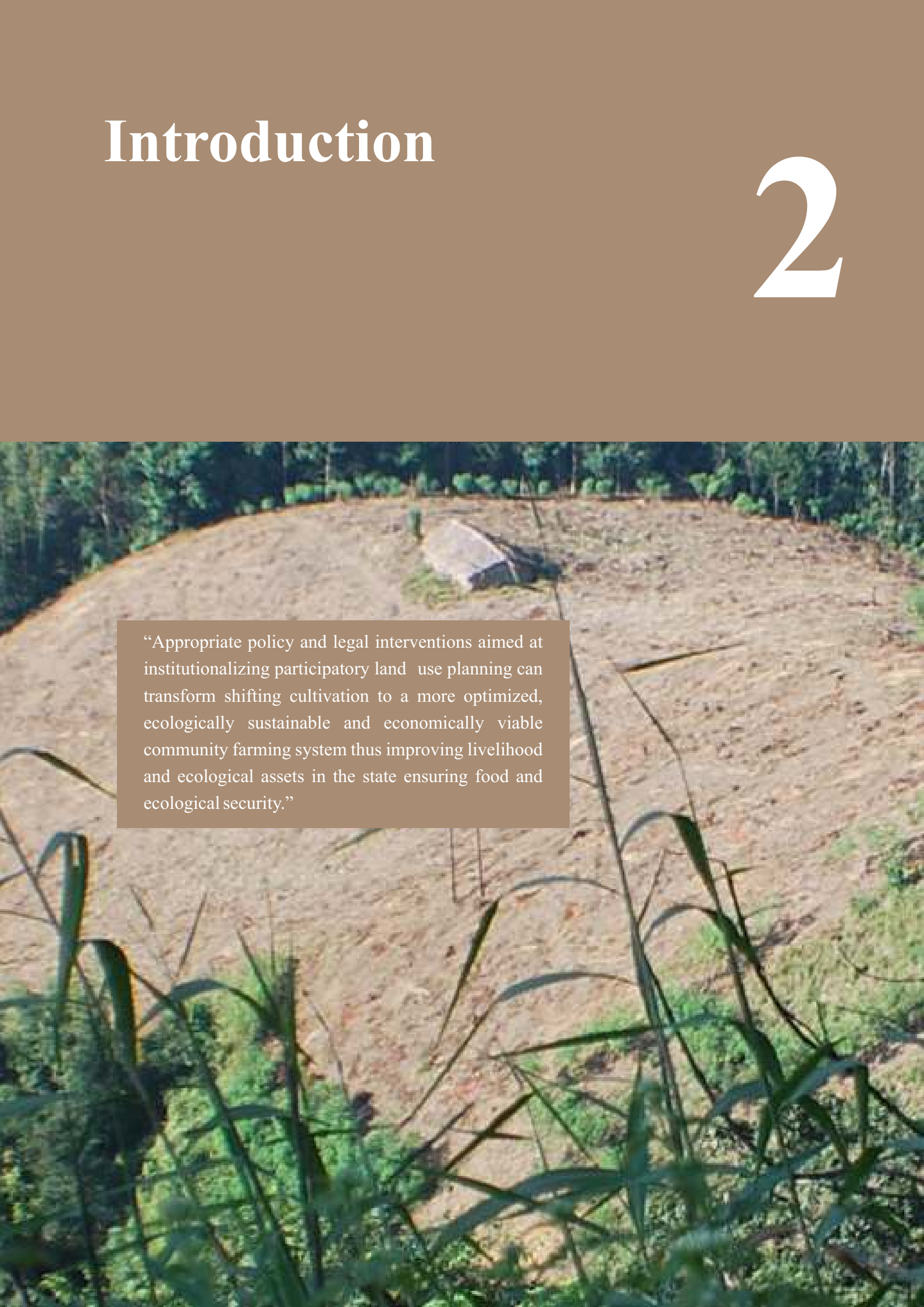
#### The key recommendation of the Inter-Ministerial Task Force (2008)

The Task Force Report on Shifting Cultivation (2008) suggest that there is a fair agreement that reduction in the fallow cycle is undesirable and needs to be arrested through scientific interventions that will lead to improvement of fallows in terms of their composition and management. This, it is argued, can be done effectively within the overall framework of community participatory eco-development models- by involving traditional institutions

18. [http://nagaland.nic.in/new\\_policy/neped.htm](http://nagaland.nic.in/new_policy/neped.htm)

# Introduction

# 2



“Appropriate policy and legal interventions aimed at institutionalizing participatory land use planning can transform shifting cultivation to a more optimized, ecologically sustainable and economically viable community farming system thus improving livelihood and ecological assets in the state ensuring food and ecological security.”

## 2. INTRODUCTION:

### 2.1 Land use, ownership and access regimes in traditional production systems in Nagaland

As we have seen, the entire dynamics around conservation discourse and resource based subsistence farming practices of Nagas revolves around land over which shifting cultivation is practiced. It is thus important to understand the land tenurial system in Nagaland which, is unique and different from not only other states in the country but also from the sister states in the North Eastern Region<sup>19</sup>.

In Nagaland, tribe specific customary laws provide the framework for land tenurial system where each tribe or village has its own unique traditional land management regime thus making it the most complex land tenure system in the entire north eastern region. The customary regime is not codified but has Constitutional sanction<sup>20</sup>. However, the enforcement regime for these customs has the legal and institutional backing from the state legislations constituting what are collectively known as village empowerment laws as outlined above. Thus village councils, tribal chiefs and village headman (Gaon Bura) have the decision making powers with respect to land management in a village in Nagaland.

Land use mapping and cadastral survey has not taken place at a state level, thus limiting the scope of understanding the current land use pattern and occupation of land under Jhum at a scale. Roughly, it is estimated that around 90% of the land in the state is under community ownership and remains unclassified. The land under community ownership can further be understood to be falling under any of the recognized four categories in the state, viz. (a) Private land, (b) Clan land, (c) *Morung* land, and (d) Common Village land<sup>21</sup>. In a majority of tribes, the major proportion of land is held as common village land



which is either Jhum land or community forestland. The land earmarked as Jhum land of the village belongs to individual and clans and is regulated by the Village Councils. Jhum in Nagaland is practised in contiguous areas, and Jhum lands are divided into 'Jhum blocks' to enable the communities to sustain the practice by allowing only one block per year to be used for cultivation<sup>22</sup>. This customary regime of allocation and use is accompanied by the customary rights, privileges and sanctions regime wherein individual or a family is entitled to certain rights and privileges with respect to the Jhum land. Indeed these rights, privileges, and concessions are unique to the conditions of Nagaland. The family to whom a portion of land in the Jhum Block is allocated is the family's private property for management. Though, there is no uniformity in this process. (Field interactions).

Here a cursory understanding of eco-agricultural zones in Nagaland may be necessary to provide a context to the foregoing sections on land use planning. According to the National Bureau of Soil Survey and Land Use Planning, Nagaland can be

19. Except for the plains of Assam, Tripura and the valley areas of Manipur, the local customary laws also govern the land tenure systems

20. By virtue of Article 371A of the Constitution of India Act, 1950

21. Darlong 2004

22. [http://shodhganga.inflibnet.ac.in/bitstream/10603/18872/7/07\\_chapter%203.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/18872/7/07_chapter%203.pdf)



categorized into four eco-zones based on the type of soil and climate system prevalent. These are: i) Hot per humid Purvanchal Ecosystem (12.1 %) - covering Mon district & northern part of Mokokchung district; ii) Hot moist sub-humid Purvanchal Ecosystem (11.8%) - constitutes border areas of Assam & Nagaland covering parts of Mokokchung, Wokha and Dimapur; iii) Warm humid Purvanchal Ecosystem (22.3%) - constitutes the southern parts of the state bordering the state of Manipur, covering Kohima, Peren & parts of Wokha district; iv) Warm per humid Purvanchal Ecosystem (53.8 %) - constitutes the eastern part of the state bordering Myanmar & covers the Mokokchung, Wokha, Zunheboto, Phek, Longleng, Kiphire & Tuensang districts<sup>23</sup>.

## 2.2 Land Use Planning: A Need or a Necessity in Nagaland?

### 2.2.1 The Concept of Land Use Planning

The United Nation Food and Agricultural Organization (FAO) defines Land Use Planning as “a systematic and iterative procedure carried out in order to create an enabling environment for sustainable development of land resources which meets people's needs and demands. It assesses the physical, socio-economic, institutional and legal potentials and constraints with respect to an optimal and sustainable use of land resources, and empowers people to make decisions about how to allocate those resources<sup>24</sup>”

As per the FAO, land use planning should be a decision-making process that "facilitates the allocation of land to the uses that provide the greatest sustainable benefits<sup>25</sup>". It is based on the socio-economic conditions and expected developments of the population in and around a natural land unit. These are matched through a multiple goal analysis and assessment of the

intrinsic value of the various environmental and natural resources of the land unit. The result is an indication of a preferred future land use, or combination of uses. Through a negotiation process with all stakeholders, the outcome is decisions on the concrete allocation of land for specific uses (or non-uses) through legal and administrative measures, which will lead eventually to implementation of the plan<sup>26</sup>.

Another definition of LUP (also used by UNDP)<sup>27</sup> states that “Land use planning is the systematic assessment of land and water potential, alternatives for land use and economic and social conditions, in order to select and adopt the best land-use options. Its purpose is to select and put into practice those land uses that will best meet the ideas of the people while safeguarding resources for the future. The driving force in planning is the need for change, the need for improved management or the need for a quite different pattern of land use dictated by changing circumstances” (FAO, 1993).

FAO has further observed that land use planning is mainly related to rural areas, concentrating on the use of the land in the broadest agricultural context (crop production, animal husbandry, forest management/silviculture, inland fisheries, safeguarding of protective vegetation and biodiversity values). However, peri-urban areas are also included where they directly impinge on rural areas, through expansion of building construction onto valuable agricultural land and the consequent modification of land uses in the adjoining rural areas<sup>28</sup>.

### 2.2.2 What is Participatory Land Use Planning (PLUP)?

As per UNDP participatory land-use planning (PLUP) is essentially bottom-up land-use planning; carried out with active participation of

23. Baruah, Utpal, Das, T.H., Maji, A.K. and Sarkar, Dipak (2007). Soil Resources of Nagaland vis-à-vis its Degradation towards Optimum Land Use Planning. North Eastern Regional Institute of Water & Land Management, Tezpur, Assam <http://www.nbsslup.in/component/content/article/45-jorhat-slider/121-book-chapters>

24. (FAO/UNEP 1999: 14) as quoted in <http://www.giz.de/expertise/downloads/Fachexpertise/giz2012-en-land-use-planning-manual.pdf>

25. (Agenda 21, paragraph 10.5) [http://www.fao.org/docrep/v8047e/v8047e04.htm#land use planning and physical planning](http://www.fao.org/docrep/v8047e/v8047e04.htm#land%20use%20planning%20and%20physical%20planning)

26. Ibid

27. <http://www.in.undp.org/content/dam/india/docs/EnE/manual-on-watershed-based-participatory-land-use-planning-for-na.pdf>

28. Ibid

the concerned community. PLUP evaluates and proposes the best possible uses for land resources in a village in order to improve the livelihoods of the local population. Important land resources in a village include soil, water and plants, which are used for producing crops, livestock, timber, housing, drinking water, etc<sup>29</sup>.

The GTZ, a German Technical Cooperation agency over a period of time implemented 100 projects concerning land use planning in Africa, Asia, Europe and Latin America. The working group of GTZ on these projects has formulated another definition of LUP in 1995. According to this group "Land use planning creates the preconditions required to achieve a type of land use that is environmentally sustainable, socially just and desirable and economically sound. It thereby activates social processes of decision making and consensus building concerning the utilization and protection of private, communal or public areas<sup>30</sup>". The focus of this definition is 'participation' in land use planning by way of consensus building, thus leading to the concept of Participatory Land Use Planning (PLUP)

It is viewed that for land use planning to be based on consensus in decision making, especially in rural and agricultural areas, it has to be participatory. Many countries have codified

participatory land use planning under legislation. Thus for example, South Africa has enacted a Land Use Planning Ordinance (LUPO) in the year 1985<sup>31</sup>. The legal instruments adopted by many countries in different jurisdictions also provide a framework of *Principles of Participatory Land Use Planning*<sup>32</sup>. Since these principles have to be seen in the specific and localized context as decentralized land management involves looking at the local dependence and future use of land resources, for example, in Nagaland, will involve management as per the village needs and requirements and their projections or estimated future use of land resources, these principles can be used in a generalized way and therefore are not reiterated here.

#### Participatory Land Use Planning in India at the national level

In India the National Bureau of Soil Survey and Land Use Planning (ICAR) is the nodal agency for the collection, collation and dissemination of information relating to all aspects of soil survey, pedology and land use planning<sup>33</sup>. The Bureau promotes PLUP. The Bureau operates through a society, the Indian Society of Soil Survey and Land Use Planning (ISSLUP) came into existence on September 20, 1986. Several studies seem to have been conducted on soil survey and land use planning by this institution, including the one on land use planning in Nagaland<sup>34</sup>, however, these do not seem to be available in the public domain. The Society has recently organized a Seminar to discuss issues related with Land Use in the country<sup>35</sup>.



29. <http://www.in.undp.org/content/dam/india/docs/EnE/manual-on-watershed-based-participatory-land-use-planning-for-na.pdf>
30. (GTZ 1995: 7), available on <http://www.giz.de/expertise/downloads/Fachexpertise/giz2012-en-land-use-planning-manual.pdf>
31. [https://www.capetown.gov.za/en/planningandbuilding/Publications/Documents/Land\\_Use\\_Planning\\_Ordinance\\_No\\_15\\_of\\_1985.pdf](https://www.capetown.gov.za/en/planningandbuilding/Publications/Documents/Land_Use_Planning_Ordinance_No_15_of_1985.pdf)
32. Some of these Principles are also noted in the Manual by GTZ available on <http://www.giz.de/expertise/downloads/Fachexpertise/giz2012-en-land-use-planning-manual.pdf>
33. <http://www.nbsslup.in/about-us/about-isslup>
34. Baruah, Utpal, Das, T.H., Maji, A.K. and Sarkar, Dipak (2007). Soil Resources of Nagaland vis-à-vis its Degradation towards Optimum Land Use Planning. North Eastern Regional Institute of Water & Land Management, Tezpur, Assam <http://www.nbsslup.in/component/content/article/45-jorhat-slider/121-book-chapters>
35. [http://www.isslup.org/pdf/Proceedings\\_ISSLUP\\_National\\_Seminar2015.pdf](http://www.isslup.org/pdf/Proceedings_ISSLUP_National_Seminar2015.pdf)

*2.2.3 Is there a need for participatory Land Use Planning in Nagaland (UNDP rationale)<sup>36</sup>?*

As per UNDP, human pressure results in land degradation and leads to conflicts over land resources, while changes in livelihoods demand alternative utilization of land in areas where resources have depleted. PLUP is considered an appropriate strategy to halt or reverse land degradation and to identify optimal solutions for alternative land-use. At the same time, the process empowers communities and thereby contributes to a balanced socio-economic development. Technical measures to combat land degradation

are expensive and meet with little long-term success in case their establishment and reproduction is not guided through a participatory framework. PLUP is ideal in putting technical intervention measures into a socially relevant context and thereby ensure their relevance, long-term application and thus their effectiveness.

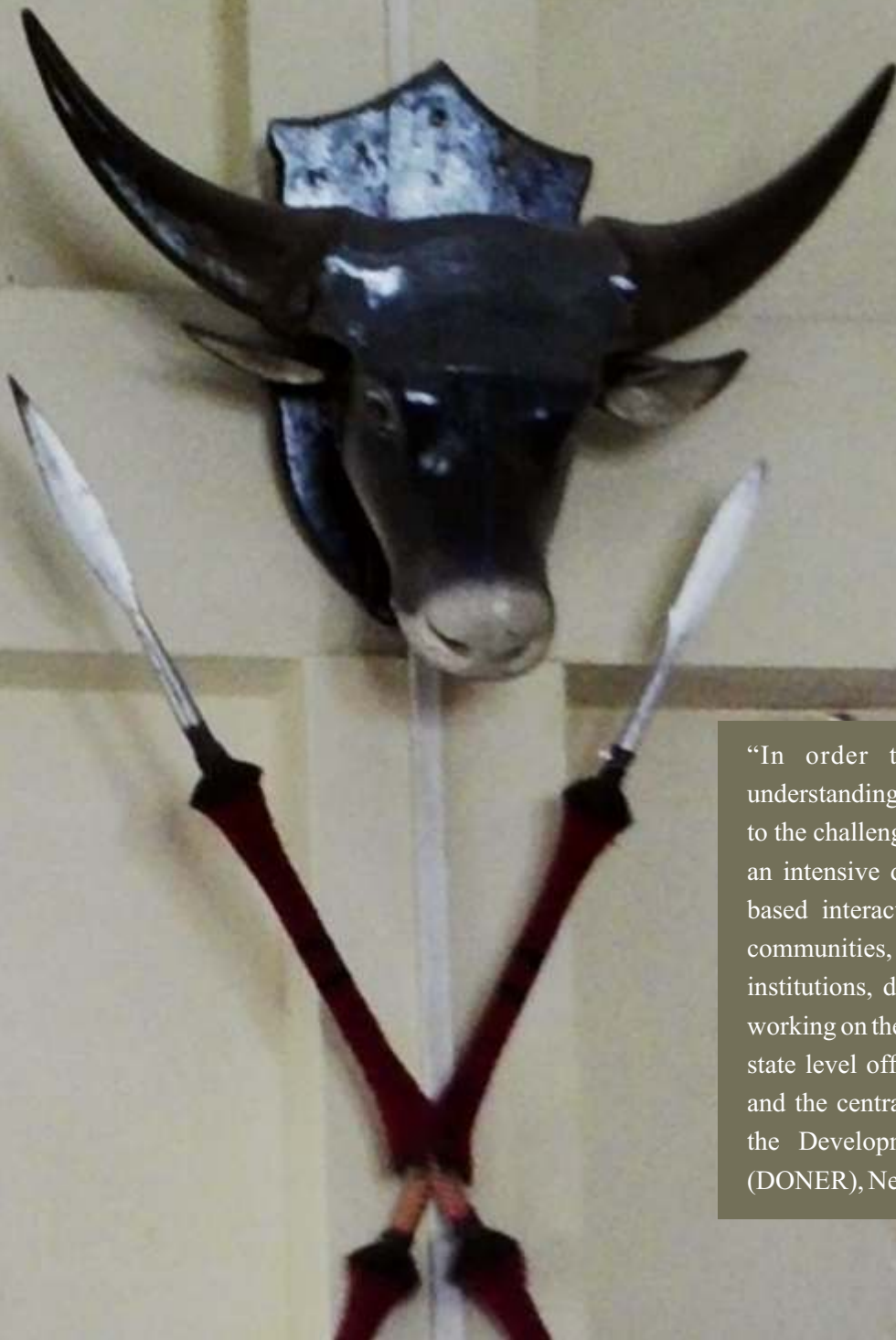
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36. Manual on Water-shed based participatory Land Use Planning in Nagaland <http://www.in.undp.org/content/dam/india/docs/EnE/manual-on-watershed-based-participatory-land-use-planning-for-na.pdf>



# The objectives of the study and methodology used

# 3



“In order to develop a comprehensive understanding of legal enactments with respect to the challenges faced by Jhumias in Nagaland, an intensive desk research and extensive field based interactions were carried out engaging communities, traditional heads of the customary institutions, district officials, UNDP associates working on the ground with land use committees, state level officials in the relevant departments and the central government in the Ministry for the Development of North Eastern Region (DONER), New Delhi”

### 3. OBJECTIVES OF THE STUDY AND METHODOLOGY USED:

#### 3.1 Propositions and formulation of Research Tasks

Based on the broad objective under this project as has been outlined under the RFP/TOR i.e. to find ways to create enabling environment for mobilizing support for a paradigm shift from “replacing jhum” to “improved jhum that integrates principles of sustainable land and ecosystem management (SLEM)”, preliminary review and assessment of the available literature led to the formulation of the following research tasks:

- ❖ Investigate by way of field visits in the three project districts, the status of Jhum cycle by collecting views on observed changes (shortening or increase) in the Jhum cycle and its impact on local food and ecological security. The related aspects include issues related with reduction in soil fertility, causes for decline in the yields from Jhum fields, soil erosion and resulting disruption of the hydrological balance of the area.
- ❖ Investigate by way of an in-depth desk based research and analysis of key legislation, policies and programs applicable and relevant to Jhum in the state of Nagaland, so as to develop ways and strategies, including options for bringing necessary amendments in the legislation, that support ecologically sustainable Jhum.
- ❖ Assess the model, functioning, presence and local acceptability of Land Use Planning Committees (LUC) created under the UNDP-SLEM Project, specially its viability and outreach in mobilizing 'Participatory' land use planning and whether the LUC model can be further strengthened by institutionalizing (institution building, capacity enhancement) it under the regime of existing village empowerment laws – the

Nagaland Village and Tribal Council Act, 1978 and the Nagaland Communitization Act, 2002

- ❖ Identify enablers within the existing policies, laws and programs/schemes that are helpful in mobilizing adaptation to change on land use and production system to rising populations and changing lifestyles, while also maintaining ecological stability. Having done that, identify avenues helpful for developing integrated approach to livelihood creation at the community level, leading to capacity enhancement towards market access, local entrepreneurship and alternatives where Jhum has led to irreversible ecological degradation and is no longer ecologically viable.

#### 3.2 Approach to conducting desk and field research and community engagements

##### 3.2.1 Desk based research on existing policy, regulatory and institutional framework relevant to Jhum cultivation in Nagaland

The desk based research on the existing policy and regulatory framework has been carried out from the following approaches

- a. *Thematic and Issue based research:* Various issues pertaining to ecological health and security of forest in Jhum areas as flagged by the forest department or the scientific community and the response to those issues by the state may have been derived from existing policies or decision making processes or may have policy implications. Thus, key issues that have emerged so far would be summarized under thematic heads and shall be analyzed in the light of existing policies at the national or state level.
- b. *Research on subject matter policies and laws including laws having indirect bearing on the identified approaches to*

*making Jhum a sustainable practice:* In depth research has been carried out not only on the policies but on the legal arrangements that exist. As an illustration Nagaland Jhum Land Act 1970, Nagaland Village and Area Councils Act, 1978, the Nagaland Village, Area and Regional Council (Amendment) Act, 1972, the Nagaland Village Council 3rd Amendment Act, 2002 (Act No. 7 of 2002), may form a priority list of laws that have been examined. The preliminary examination had guided the research process and its focus in terms of segregating laws and policy provisions that can be directly and immediately put to use in achieving the larger mandate and objective of the Project (of which this study is a small component).

- c. *Customary Rules and Practices that remain undocumented by the tribes but are acknowledged by the state driven processes and exist as acknowledgements under beneficiary schemes or under other such official records:* An attempt under the research is being made to link field findings and the desk based research in terms of understanding the customary law framework that support sustainable management of Jhum areas. Thus for example the literature<sup>37</sup> suggested that “local institutions that once efficiently regulated land allocation and other shifting cultivation practice have mostly considerably weakened, not anymore able to promote and sustain innovations or to support adoption of new technologies without causing further asymmetries in the local social structure. It was thus necessary to understand the customs and practices that were the strengths of the local institutions and understand the causes for their weakening. This understanding may provide inputs to the final recommendations in terms of options and alternatives for co-opting the local institutions in the sustainable and

scientific management of Jhum areas or to make them more robust and democratic.

**Articulation of Ecosystems Approach as per the Global Aichi Target-14 (Ecosystem Services) in the unique Jhumia context of Nagaland:** Aichi Target-14 is one of the 20 global Aichi Targets that were agreed to the Parties to the CBD in CoP 10 in Nagoya Japan. The Target provides that ecosystems that provide essential services to the communities directly dependent on them need to be protected and safeguarded in a way that the needs of those directly dependent upon them are taken into account. India has the obligation to implement Aichi Targets as it is a Party to the CBD. The implication of these targets as seen by those in the Government that consider rehabilitation of Jhum practicing communities is crucial to this study. Further, the plans of the agencies responsible for implementing Aichi Targets in the context of Nagaland needs to be explored that will provide a useful insight to the study. The study is therefore informed of the global innovations happening in the legal arena on biodiversity and forest conservation.

### 3.3 Field Consultation Methodology and Plan

#### 3.3.1 Development of a communication strategy for effective interaction with stakeholders

Sourcing information, specially the state and local level legal instruments such as orders issued by the DC under the Jhumland Act or the resolutions passed by the Village Council was considered as one of the challenges. The intense engagement approach with all the stakeholders was a mix of interactive and investigative technique. Communities were encouraged to share the information, while government departments were assisted in locating the correct documents. This was followed after an initial communication had already been done with the stakeholders through UNDP associates in the project districts. In order to ensure that government departments and other

37. [www.naeb.nic.in/.../Shifting%20Cultivation%20Task%20Force%20Report](http://www.naeb.nic.in/.../Shifting%20Cultivation%20Task%20Force%20Report)

stakeholders share authoritative information for reliable research the following steps were undertaken

*a) Development of a simple and concise background note:* A background note summarizing the key objective of the assignment and the expectation on the support required from the relevant stakeholders was prepared before the first communication was established. This is aimed at creating preparedness on both sides so that the meeting and exchange with the stakeholders could be optimized.

*b) Identification of relevant stakeholders as per their roles guided by the desk based research and from the local support (UNDP & Others):* Desk based research on the policy and regulatory framework pertaining to Jhum in Nagaland led to the identification of stakeholder government agencies based on their roles as provided under the laws, regulations, notifications, circulars issued under the State Acts. Accordingly, to assess the implication of state legislation for example, the Nagaland Forest Act or the Jhum Land Act the relevant institutions and agencies under that particular law were approached for understanding their perspective on Jhum land management in the state. UNDP supported the stakeholder identification process and their guidance was

incorporated in the field consultation plans before undertaking the field trips.

*c) Establishing the first communication and prior exchange of Background Note:* Before undertaking the field visits the relevant officials and other stakeholders were duly communicated and apprised about the objective of meeting and consultation.

*d) Approaching the officials and other stakeholders with well researched and articulated standard set of queries:* Officials and other relevant stakeholders were approached with a standard set of queries. Village level institutions were identified with the help and inputs from the local line department, UNDP project office support. This exercise was carried out simultaneously with preparation of preliminary review report. Preliminary Review Report of existing policy and guidelines having a bearing upon jhum cultivation was used as a base document to engage with the officials and other stakeholders. However, it was designed to be a two way process wherein the information required from the field was collected to complete the preliminary review report and inputs were solicited to ensure that the understanding of existing regulatory framework was complete and correct.





*e) Field Visits to the identified villages in the Project Districts for conducting organized discussions with the Village Councils and VDB members:*

The first level of understanding emerging from the desk review and interaction with the nodal soil and water conservation department in Kohima as well as the discussions with the UNDP team implementing the project on the ground provided a rich background for undertaking the field trips. Accordingly 'field' visits were undertaken to the project villages in the three districts of Mokokchung, Wokha and Mon to map the issues and connect them with the existing regulatory framework at the village and state level.

**3.4 Identification of international best practices**

Sources suggest that shifting cultivation still constitutes to be the basis for the livelihood of an estimated 300-500 million people in Central Africa, South America, Oceania, and Southeast Asia, and is practised on about 30% of all arable land but providing food to only 8% of the world population. The system is locally called, Bukma in Nepal, Taungya in Myanmar (Burma), Kaingin and Lading in the Philippines and Jhum in India and Bangladesh. It was considered to be worthwhile to document success stories on the



role of policies and laws in making Jhum as it is understood in other parts of the world as to create a knowledge base on existing innovative legal instruments that support the ecosystems approach to subsistence agriculture. Documentation of International best practices for sustainable management of land in areas where shifting cultivation is undertaken.

**3.5 Formulation of the Report**





Preliminary review report was updated in view of the field visits and a draft report containing recommendation regarding amendments in existing policies and guidelines. The need for specific recommended amendments in existing sectoral policies ad guidelines has been clearly outlined after having invited the comments from the stakeholders on the first draft of the Report in the form of Draft Final Recommendations that were shared in the stakeholder consultation held in Kohima, Nagaland in the month of March, 2015.

### **3.6 State level consultation on the Draft Final Recommendations**

Following the field visits and the preparation of draft final recommendations, the same were discussed extensively with the stakeholder line departments under the chairman ship of the Agril Production Commissioner. The departments clearly voiced their views on the legal options and alternatives for institutionalizing land use planning at the village level in Nagaland. An informal interaction was also conducted at Kohima in March, 2015 with experts, academics etc. to discuss the draft recommendations.

### **3.7 The Final Report is an outcome of a robust consultative process**

This Report is an outcome of the robust consultative process carried out by adopting the methodology outlined above.

# Mapping the regulatory and institutional framework applicable to Jhum in Nagaland

# 4



GOVERNMENT OF NAGALAND  
DIST. CUSTOMARY LAW COURT  
MON : NAGALAND

“Appropriate policy and legal interventions aimed at institutionalizing participatory land use planning can transform shifting cultivation to a more optimized, ecologically sustainable and economically viable community farming system thus improving livelihood assets in the state. The interventions through schemes, plans and programs in this direction by the state government departments and international agencies are valuable, but they have serious limitations. They do not change the system and their impact, if they make any, is coterminous with the life these schemes/plans and programs in that that they have so far not been able to institutionalize these interventions in a way that these interventions become part of the land use related management decisions by the traditional institutions that control decision making powers.”

#### 4. Mapping the Regulatory and Institutional Framework applicable to Jhum in Nagaland

The National Forest Commission 2003<sup>38</sup> recommended jhum to be regulated in a more sustainable manner in the interest of the survival of the land, people, and forests. It further recommended weaning away the Jhumias from shifting cultivation by improved animal husbandry, horticulture, settled agriculture, apiculture and other appropriate agricultural and pastoral practices and occupations by honouring the traditional rights of the people over forest and land. In this context it is imperative to assess the regulatory framework on jhum in the state.

##### 4.1 Historical evolution of Jhum Regulation: From Colonial times to the present

###### 4.1.1 Colonial Policy on Jhum Cultivation in the Naga Hills District

The Anglo-Burmese War of 1824-26 was a watershed period in the history of North East as it substituted the British for the Ahom Kings of Assam, who had maintained long-standing relations with the Naga Hill tribes<sup>39</sup>. The relations of Nagas and the Ahom Kings of Assam were under force and compulsion and never friendly<sup>40</sup>. Before the war, the British adopted a policy of non-interference in the political and economic affairs of the Northeast, though advancing Burmese armies in Assam changed the dynamic, forcing British response resulting in defeat of Burmese army and British control over Assam. The British policy of non-interference (1952) in affairs of the Naga tribes was aimed at strengthening control over territories in the plains of Assam and bringing peace to the Naga Hills. The continued raids by Naga tribes in the British

territory led to revision of this policy and setting up a British post at Samaguting, which marked the beginning of the colonisation of Naga Hills<sup>41</sup>. In 1881, the Naga Hills became a separate district under the British rule.

The Assam Scheduled District Act, 1874 placed the administration of Naga Hills under the charge of Chief Commissioner of Assam from Lieutenant-Governor of Bengal<sup>42</sup>. The aim of the Act was to enable application of enactments prevalent elsewhere to these territories. The Naga Hills were excluded from the operation of enactments such as Code of criminal procedure<sup>43</sup> with the enactment of Assam Frontier Tract Regulation II of 1880 (amended by Regulation III of 1884). On the other hand, administration of Naga Hills continued to function under village chiefs and headmen. The British recognised the traditional elders and leaders and they were sought to be integrated in the colonial set up. There were three layers to the governance structure in the Naga Hills District comprising of (i) Village chief or elders (gaonburas)<sup>44</sup> (ii) Dobashis (interpreters), (iii) District Administration (Deputy Commissioner and Sub-Division Officers)<sup>45</sup>. ( See Box).



38. National Forest Commission (NFC) (S.O. 142E dated 7.2.2003 under the Chairmanship of Justice B.N. Kirpal (Ex-Chief Justice of India) with 6 Members, including a Member – Secretary from the MoEF) was set up pursuant to decision of The Indian Board of Wildlife in its 21st Meeting held on 21.1.2002, to review the working of the Forest and Wildlife sector.

39. British Colonization and Restructuring of Naga Polity-Neivetso Venuh (2005)

40. Naga Politics: A Critical Account- Chandrika Singh

41. British Colonization and Restructuring of Naga Polity-Neivetso Venuh (2005)

42. Home Deptt. Pol.A, February 1874, Nos 379-80; 43. Hunter W.W., Gazetteer of India, Part-I ; 44. For deptt.Pol.A.January 1882, no.135,

45. British Colonization and Restructuring of Naga Polity-Neivetso Venuh (2005)

### Colonial Administration in Naga Hills District: Three Tiered Structure

1) Gaon Buras (GB)/Village Chief/ elders: The GB were appointed as per prevailing local customs and practice of the communities. There was a Head GB for the entire village and there is one GB and one assistant GB for each khel (clan) of the village<sup>46</sup>. They were recognised by the British to carry out village administration, though chiefs and headmen were considered as undisputed leaders in their traditional set up. The British determined the powers and functions of GB<sup>47</sup>. The collection of house tax, maintenance of law and order, settlement of civil and criminal cases within the village was some of the functions of GB. They were not involved in any policy formulation of the British.

2) Dobashi<sup>48</sup> (two languages): were a set of intermediaries between Nagas and the colonial administration. In addition to their duty of acting as liaison between the local people and British, they were appointed as judge in the village for settling cases as per customary laws. In time, the position was a prestige and there was competition among the Naga tribes for appointment as Dobashi. They helped in strengthening the District Administration for appointment as Dobashi.

3) Deputy Commissioner and Sub-Divisional Officers: supervised the overall administration of the Naga Hills District. Even though, they did not interfere in the internal matter of the Naga tribes, they gave directions on policy matters to Gaon Buras and Dobasis.

The Bengal Eastern Frontier Regulation, 1873<sup>49</sup> introduced a system of 'inner line'<sup>50</sup> in the areas of Naga Hills where certain areas were notified and movement of non-Nagas beyond such areas was restricted. A form of pass<sup>51</sup> containing restrictions or conditions was prescribed to control the movement of non-Nagas to this area. This was

essentially done to preserve the customary way of life of the Naga tribes.

The Naga inhabited areas within the Naga Hills District were categorised as 'Backward Tracts' as per the Government of India Act, 1909 and it was placed under the administration of Governor of Assam<sup>52</sup>. The consolidation of British rule in Naga Hills resulted in Naga tribes being left to govern themselves as per their traditions without interference from the British<sup>53</sup>.

With the introduction of regular administration in Naga Hills District, the usual method of cultivation was Jhum or shifting cultivation and terraced cultivation<sup>54</sup>. The British considered Jhum cultivation as a wasteful mode of cultivation as it required large tracts of cultivation lands at the disposal of every village community<sup>55</sup>. This led the authorities to propose restrictions upon jhum cultivation and promote terraced cultivation as per instructions issued by Sir Charles Elliot, Chief Commissioner, though strict measures could not be adopted due to unwillingness of British to incur displeasure of the Naga tribes. The Assam Agriculturist Loans Act XII of 1884 was extended to Naga Hills District<sup>56</sup> with an aim to provide loans and financial assistance to cultivators. Additionally, in 1923 Forest Department promoted dry cultivation in addition to wet cultivation with Alder plantation in jhum fields.

#### 4.1.2 Towards Jhum Regulation III of 1946

The efforts at promoting wet and dry cultivation resulted in widespread gains, though jhum cultivation remained the predominant form of agriculture<sup>57</sup> in the Naga Hills District. The adverse effects of jhum cultivation such as removal of 'caps' of the forests, which served as catchments areas for water sources, floods in the plains, soil run-off and erosion led British to enact Naga Hills Jhum Land Regulation 1946<sup>58</sup> (Regulation III of 1946). The Regulation III of 1946 contained

46. B.B Ghosh, History of Nagaland; 47. Piketo Sema, British Policy and Administration in Nagaland, 1881-1947; 48. 'Dobashi' means interpreter. The nomenclature of Dobashi was started being used after 1860. British Colonization and Restructuring of Naga Polity-Neivetso Venuh (2005)

49. Notification No. 13; dated 11th October, 1875, published in Gazette of India, 1875, Part I, page 529.; 50. Section 3 Bengal Eastern Frontier Regulation, 1873; 51. Ibid, Section 4; 52. Piketo Sema, British Policy and Administration in Nagaland, 1881-1947; 53. N. Rustomji, The Imperial Masters; 54. Environmental History of Naga Hills 1881-1947; Pushpanjoli Deori (2005); 55. Ibid. P.45; 56. Piketo Sema, British Policy and Administration in Nagaland, 1881-1947; 57. Piketo Sema, British Policy and Administration in Nagaland, 1881-1947; 58. Assam Gazette dated 23.10.1946;

provisions for the prevention of soil erosion and bestowed the land conservator with the power to conserve land and declare it as protected forest<sup>59</sup>. The act recognised and safeguarded the customary rights of Naga tribes to jhum, though it also empowered the government to acquire jhum land for public purpose<sup>60</sup>. With the new state of Nagaland coming into being, Legislative Assembly enacted the Nagaland Jhumland Act 1970 repealing Regulation III of 1946, which is discussed in detail in later sections.

#### **4.2 Assessing the unique Constitutional advantage: Recognition of customary laws and practices**

The Constitution (Thirteenth Amendment) Act, 1962 led to setting up the new State of Nagaland incorporating special provisions aimed at providing autonomy and opportunity of self-development to the Naga people, without interfering in their traditional way of life. Under Article 371A<sup>61</sup> of the Constitution of India, Nagaland enjoys a special status wherein this constitutional provision bars the application of any law enacted by the Parliament dealing with a) religious or social practices of Nagas; b) Naga customary law and procedure; c) administration of civil and criminal justice involving decisions according to Naga customary law; d) ownership and transfer of land and its resources, unless the Legislative Assembly of Nagaland by a resolution so decides and adopts the Central Laws. The basic premise of the constitutional provisions was centrality of customary law of indigenous Naga communities to be the basis for governance in the villages inhabited by these tribes. Since Independence, the Indian government has adopted a policy of non-interference in the local self-government of the indigenous people of Nagaland at the village level and supported it constitutionally. In doing this, the Central

government was guided by a philosophy to preserve the tribal ethos, culture and governance structure, which revolved around the village. This assumes importance for jhum land management, which is regulated by the traditional village council.

#### **4.3 Analysis of National Level Policies and laws impacting Jhum/Shifting Cultivation**

##### *4.3.1 Policies and Mission Statements impacting Jhum/Shifting Cultivation*

###### *a) National Agro-forestry Policy 2014*

The Policy emphasizes the role of agro-forestry for efficient nutrient cycling, organic matter addition for sustainable agriculture and for carbon sequestration to meet challenges of climate change. It aims to *encourage tree plantation in complementarity and integrated manner with crops and livestock to improve productivity, employment, income and livelihoods of rural households*<sup>62</sup>. It further intends at protecting ecosystems, and promotes resilient cropping systems to minimize the risk during extreme climatic events. The Agro forestry Board would be established at the National Level to carry out the mandate of the policy with State Government to identify a Nodal Department for implementing the Agro forestry Mission/Board. At the district level, Agriculture Technology Management Agency (ATMA) or any other department to be identified by the State, with other partners such as the Krishi Vigyan Kendras (KVKs), Van Chetna Kendras, and Farmer's Associations etc. can be established. In jhum cultivation, agro forestry is promoted as a viable option for fallow management and with national level focus on the same there is going to be increased emphasis upon incentives to farmers. A 'co-benefits' approach is best suited with adoption of multipurpose indigenous species with higher nitrogen-fixing ability, so as to meet the

59. Clause 13 (2) Regulation III of 1946;

60. Clause 11 Regulation III of 1946;

61. Ins. By the constitution (Thirteenth Amendment) Act, 1962, sec.2(b) (w.e.f. 1.12.1963);

62. Section 4: Basic objectives

local needs for fuel and timber as well as improving the soil health for long term sustainability of jhum lands.

*b) National Land Utilization Policy (Draft) 2013*

The policy aims at regulating land use in an efficient and rational way by safeguarding the natural resource interests of the community and minimising land conflicts<sup>63</sup>. It highlights the need for rational, sustainable and comprehensive integrated land use planning in the country. It lays emphasis on severity of degradation of soils and land due to soil erosion and other degradation processes affecting marginal farmers and tribal population. As per some estimates, the economic losses of reduced productivity of degraded lands count for approx. Rs. 285,000 million, which is about 12% loss of total value of productivity of these lands<sup>64</sup>. It proposes formulation of State land use policy, developing detailed land use strategies, and plans to achieve sustainable development based upon such a policy.

*c) National Policy on Farmer 2007*

The Department of Agriculture and Cooperation, Ministry of Agriculture formulated the National Policy on Farmer primarily focusing on 'farmer' and not merely on agriculture. The primary objective is, inter alia, to improve the economic viability of farming through substantially improving net income of farmers. The policy measures recommended for implementation amongst others, is revamping of existing state land use boards<sup>65</sup> and linking it to district-level land-use committees to be constituted by the state government for providing quality inputs to the farmers. This committee is to emerge as repository of knowledge associated with land use decisions linking it to ecological, meteorological on a location and season-specific basis. This is somewhat similar to the function envisaged for the land use committee to be formulated in the state at the village level to enhance capacity on

decision related to jhum land management. This is in line with growing thinking on decentralised decisions on land use planning for enhanced productivity and long-term sustainability of land as a resource.

*d) National Environment Policy 2006 (NEP 2006)*

The NEP was formulated in response to a commitment to provide a clean and wholesome environment, as mandated in the Constitution in Articles 48 A and 51 a (g), and supported by judicial interventions by providing holistic interpretation to Article 21. It aims at mainstreaming environmental concerns in developmental actions. The central idea of the policy is that while conservation of environmental resources is necessary to secure livelihoods and well-being of all, the most secure basis for conservation is to ensure that people dependent on particular resources obtain better livelihoods from the fact of conservation, than from degradation of the resource<sup>66</sup>.



63. Preamble

64. Degraded and Wastelands of India – Status and Spatial Distribution, Indian Council of Agricultural Research, 2010, p. 139

65. Section 11.1 (I)

66. Preamble, NEP 2006

The NEP 2006 discusses policy issues relating to land degradation and lays emphasis upon the need to promote sustainable alternatives to shifting cultivation where it is no longer ecologically viable. The underlying idea is to ensure that adoption of alternatives does not disrupt the culture and social organisation of the local people<sup>67</sup>.

*e) North East Forest Policy 2002 (Draft)*

The Planning commission set up Shukla Commission to examine ways to develop infrastructure sectors in the North East, it proposed developing a forest policy for North East. The North East Forest Policy Committee was constituted in November, 1998 under the chairmanship of Shri S.C. Dey to suggest a suitable Forest Policy for the North East within the framework of National Forest Policy, 1988. It recommended "increased focuses on weaning away the people from Jhum cultivation area". This underlines the view of developing alternatives to jhum cultivation.

(ref: <http://www.moef.nic.in/report/0203/chap-03.htm>).

*f) National Agriculture Policy 2000*

The National Policy on Agriculture aims interalia, at harnessing the growth potential of Indian agriculture, strengthen rural infrastructure to support faster agricultural development, promote value addition, accelerate the growth of agro business, and create employment in rural areas. However, there is no specific focus on shifting cultivation in the policy; it recognises the need to promote sustainable agriculture taking into account conjunctive management of land, water and genetic resources. It lays emphasis upon sensitization of the farming community to mainstream environmental concerns in farming practice. The policy aims to promote agro-forestry and social forestry, as they are seen as a means to

maintain ecological balance and to augment biomass production in agricultural systems. There are various synergies for action qua jhum cultivation with renewed emphasis on agro and social forestry, which is also promoted by various programmes of the Department of Forest, Ecology, Environment and Wildlife, Nagaland.

*g) National Forest Policy 1988 (NFP 1988)*

The National Forest Policy 1988 heralded a paradigm shift in making 'environmental stability' to be the central point of the policy instead of harnessing recurrent economic gains from forest resources and conservation of natural heritage and preserving the vast variety of flora and fauna, were given due importance. It states that 'shifting cultivation is affecting the environment and productivity of land adversely' and suggests at rehabilitation "through energy plantation and social forestry" and by adopting "alternative avenues of income, suitably harmonised with the right landuse practices"<sup>68</sup>. There is a marked emphasis on developing sustainable land use practices in the areas where shifting cultivation is undertaken for sustaining livelihoods of jhumias.

*h) National Mission for a Green India (GIM) and Implementation Guidelines, 2014*

The National Mission for a Green India (GIM) is one of the eight Missions under the National Action Plan on Climate Change (NAPCC). It recognizes that climate change is going to affect and alter the distribution, type and quality of natural resources and the resultantly affect livelihoods of the people. GIM underscores the "influences that the forestry sector has on environmental amelioration through climate mitigation, food security, water security, biodiversity conservation and livelihood security of forest dependent communities." It aims at increasing and improving the quality of forest cover while contributing to enhance ecosystem

67. 5.2.1 Land Degradation, NEP 2006



services along with carbon sequestration as a co-benefit. One of the mission outputs is creating new forest cover through eco-restoration/ afforestation efforts over shifting cultivation areas. In order to achieve this objective, Mission aims to support fallow land management within the “*overall framework of socio-culturally valued, fast-growing species managed by the community*”<sup>68</sup> with aid of services of agronomy and silviculture experts along with community indigenous knowledge being factored in while making these choices. Further, outcomes from existing jhum management models will be also be used for greater benefit. GIM adopts an integrated approach and seeks to synergise sectoral missions and programme such as MGNREGS, Compensatory Afforestation Management and Planning Authority (CAMPA), National Afforestation Program (NAP), National Rural Livelihood Mission (NRLM), integrated watershed Management Programme (IWMP) to achieve the stated goals. In order to take this further, Central government have issued revised convergence guidelines<sup>70</sup> of GIM and MGNREGS to develop forests and fringe areas including community/ private forest areas to bring economic security to forest dependent communities.

*i) National Mission for Sustainable Agriculture (Draft) 2010 and Operational Guidelines*

National Mission for Sustainable Agriculture is one of the eight Missions under the National Action Plan on Climate Change (NAPCC). One of the interventions under the Mission is Plant nutrient management to increase soil nutrients and to enhance crop productivity for ensuring food security and sustaining rural development<sup>71</sup>. The nutrient quality of soil can be improved through several site and soil-specific management options after undertaking soil inventorization.

Additionally, mission aims at undertaking initiatives such as reducing losses across the supply chain; creating market aligned production systems; strengthening climate resilient post harvest management, storage and marketing and distribution system to provide adequate marketing infrastructure for agriculture produce. Livelihood diversification is viewed as an important component of this process by promoting “diversification of agriculture into other high value crops and horticulture; research, development and extension of crop-livestock farming systems; increasing focus and development of approaches like sericulture, agro-forestry, crop-fish farming, etc”<sup>72</sup>. All these interventions are significant from viewpoint of jhum cultivation in order to make it ecologically sustainable.

*j) National Biodiversity Action Plan 2008*

Post enactment of Biological Diversity Act 2002 and Rules 2004, Central Government developed and implemented a National Biodiversity Action Plan for promoting biodiversity conservation, sustainable use of its components and equitable sharing of benefits arising from such use. The NEP 2006 seeks to achieve balance and harmony between conservation of natural resources and development processes and forms the basic framework for the National Biodiversity Action Plan. It recommends on similar lines as NEP 'to promote sustainable alternatives to shifting cultivation where it is no longer ecologically viable, ensuring that the culture and social fabric of the local people are not disrupted.'

*4.3.2 The National Legal Framework impacting Jhum Cultivation in Nagaland*

*k) Forest Conservation Act, 1980 (FCA)*

The FCA was enacted to arrest large-scale deforestation that was taking place in the country.

68. Section 4.7 Shifting Cultivation: NFP 1988

69. Sub Mission 2: Ecosystem restoration and increase in forest cover (1.8 m ha) a) Rehabilitation of Shifting Cultivation areas: 0.6 m ha

70. F. No. 9-5/2015/GIM/MGNREGS dated 3.5.2015 issued by Ministry of Environment, Forest and Climate Change and Department of Rural Development

71. Mission Intervention #5: Nutrient Management

72. Mission Intervention #10: Livelihood diversification

It made it mandatory to obtain prior approval of the Central Government for any non-forest activities in forest areas. The FCA has been partially<sup>73</sup> extended to forest lands<sup>74</sup> under the control of Forest Department and is enforced only in the Reserved Forest, Wildlife Sanctuaries and National Park areas. This was done to keep the jhum lands out of the purview of the FCA, to avoid any complications arising from its operation in the state.

*l) Biological Diversity Act 2002 (BD Act)*

The BD Act primarily addresses access to genetic resources and associated knowledge by foreign individuals, institutions or companies, to ensure equitable sharing of benefits arising out of the use of these genetic resources and associated or Traditional knowledge (TK) to the country and the people. The genetic resources play an important role in environmental protection, sustainable management and conservation of biodiversity. Extinction of genetic species is preventable by conservation of genetic resources bringing into focus the need for prevention of widespread loss of plant diversity. The BD Act mandates formation of Biodiversity Management Committee (BMC) by institutions of self-government in their respective areas for conservation, sustainable use, documentation of biodiversity and preparation of people's biodiversity register. Agro-biodiversity<sup>75</sup> management and conservation is of prime importance for Jhumias considering that some of the indigenous varieties of agricultural produce can be eligible for regional indication under the Geographical Indications of Goods (Registration and Protection) Act, 1999 enabling better monetary returns on such a produce. The BMCs formed at the village level need to document their agro-biodiversity for protecting it in perpetuity.

*m) The Environment (Protection) Act, 1986 (EPA)*

The Environment (Protection) Act, 1986 (EPA) is an umbrella legislation in the country which was enacted by the Central government using its power under Article 253 to legislate for implementing its treaty obligations. The delineation and identification of Ecologically Sensitive Areas by way of a notification is undertaken under EPA.

*n) Agricultural Produce (Grading and Marking) Act 1937*

The Act provides for the grading and marking of agricultural<sup>76</sup> and other produce to endow on them 'grade designation mark'. It seeks to assure export of uniform quality produce from the country. This Act provides for laying down grade and standards of agricultural, livestock items, and their mandatory inspection before export. These standards are prepared keeping in view international standards, Codex Alimentarius and specific requirements of the buyers including methods of packaging and labelling.

*o) Agricultural Produce Grading and Marking Rules, 2009*

In exercise of powers under the act, an 'Authorised Inspection and Certification Agency' is set up for certification of agricultural produce as 'organically' produced and processed. There is a need for grading and certification of agricultural produce as organic before it is sold to facilitate the farmers to fetch the prices commensurate the quality. This is of relevance for increasing the returns on agricultural produce from jhum fields to create better market linkages and returns considering that most of the output is 'organic' in nature.

*p) National Green Tribunal Act 2010 (NGT Act)*

The NGT was set up for effective and speedy disposal of cases relating to environmental protection and conservation of forests and other

73. Government notification No. FOR-58/82 dated 3.7.1986

74. [http://www.nagaland.gov.in/Nagaland/UsefulLinks/THE%20FOREST%20\(CONSERVATION\)%20ACT,%201980.pdf](http://www.nagaland.gov.in/Nagaland/UsefulLinks/THE%20FOREST%20(CONSERVATION)%20ACT,%201980.pdf)

75. Agro-biodiversity means the biological diversity of agriculture-related species and their wild relatives- The Biological Diversity Act of India and agro-biodiversity management -Pratibha Brahmi, R. P. Dua and B. S. Dhillon

76. Section 2 (a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals

natural resources. It also provides for specific enforcement of legal right relating to environment is involved and which arises out of implementation of statutes comprising in Schedule I<sup>77</sup>. The Biological Diversity Act 2002 is included in this Schedule and as such any implementation aspects where any 'substantial question relating to environment' can be espoused<sup>78</sup>.

#### *4.3.3. The State level Policy Framework on Jhum in Nagaland*

##### *a) State Organic policy*

The objective of the policy is to harness the organic agricultural production from jhum cultivation. The ultimate aim of the policy is to provide impetus to make Nagaland a total organic state with prohibition on use of synthetic and chemical in the farming areas. The fulfilment of nutrient requirements of crops for organic farming is by use of organic manures and bio-fertilizers to enhance production viable at a commercial scale. At present, the agriculture produce in the form of vegetables, fruits etc. from jhum cultivation are primarily used for household use and consumption. The institutional structure envisaged for implementation of the policy is by Nagaland State Organic Board headed by the Chief Minister. The policy is silent on the role of Village council in this process considering that they are intrinsically involved in decision on jhum land management. The policy does not address the basic challenges faced by jhum cultivation and is only focused on outputs from the farms. A basic roadmap on village level land use planning is required if the objectives of the present policy is to be realised.

##### *b) Nagaland Bamboo Policy 2004*

The versatility of Bamboo for multiple uses qualifies it to be a substitute for timber and it plays an important part in the rural landscape of the state. In view of bamboo being a fast growing

resource, it is sought to be promoted for plantation on private and public jhumlands. Rural populace is aware of the plantation, management and harvesting technique. A mission mode is adopted with a vision encompassing two approaches towards Bamboo, one as a resource and another as an enterprise. Bamboo plantation development is to take place on private and community lands with participation of the village Councils, VDBs and Village Forest Committee (VFCs). The Nagaland Bamboo Development Agency was established with the objective to take up the development of bamboo as envisaged in the policy. A governing council wherein the Chief Minister is the chairperson and the Agriculture Production Commissioner, the member secretary, heads the agency.

##### *c) Nagaland State Action Plan for Climate Change*

The Action Plan recognises centrality of Jhum or shifting cultivation to Naga culture and traditions and not just as a way of traditional method of farming. The adaptability of forest eco-systems to provide ecosystem services requires enhancement as people's lives are intrinsically linked to these eco-systems. The underlying strategy is to improve quality of forests to improve the adaptive capacity of forest dependent communities resulting in twin benefit of enhanced NTFP and carbon sequestration. The Mission for Green India is under implementation in district of Mokokchung. The primary role of the Forest department is of a facilitator as 88% forest cover in the state is privately/community owned. Because of urban migration, some jhum lands are lying fallow providing opportunity for reclamation of the land through plantations, requiring dialogue with the communities for its management. One of the strategies is development of village-level holistic micro-plans for sustainable management of forests, incorporating the traditional management practices for conservation of forests and the forest based livelihood needs of the communities.

77. Section 14(1)NGT Act

78. Section 2(m)NGT Act

There is renewed emphasis on making shifting cultivation sustainable by intensification of jhum in limited areas. It is proposed to promote Agro forestry<sup>79</sup> as an important intervention to intensify jhum, with a potential to provide higher returns to farmers while improving soil conservation and building resilience against failure of rainfall, excessive temperature, prolonged humidity, etc. in jhum areas. In view of this strategy the submission under Green India Mission for eco-restoration is required to be modified. The traditional models as the Khonoma Alder based agro forestry method exist as an example and should be promoted. Water harvesting and soil conservation measures aid the productivity of the cultivable land, and all such interventions will result in intensification of jhum.

#### 4.3.4. *The State level legal framework having bearing on Jhum in Nagaland*

##### *d) Nagaland Forest Act, 1968*

The Nagaland Forest Act is modelled on the lines of Assam Forest Regulation 1891, as applicable to Naga Hills and Tuensang Area (NHTA) while being part of Assam Forest Division. The reservation of forests in the state was undertaken as per the Nagaland Forest Act. The aim of the legislation was protection of forests by bringing them under the control and supervision of the state government. The Act classifies the forests as reserved, village and protected forests. In order to constitute a 'reserved' forest, a notification was issued specifying the limits of the reserved forest over 'land at the disposal of the government'<sup>80</sup>. The term 'land at the disposal of the government' is defined to mean land over which no person possesses a permanent, inheritable and transferable right of use and occupancy under any law<sup>81</sup>. On issuance of intention notification to

constitute an area as reserved forest, a Forest Settlement Officer (FSO) is appointed to conduct settlement of rights of forest dependent communities<sup>82</sup>. On initiation of this process bar of accrual of new right takes place, the only exception being continuation of jhum cultivation with permission of FSO<sup>83</sup>. The rights qua jhum cultivation existing over land being constituted as reserved forests are specifically to be enquired and a report is prepared outlining the particulars of claims and whether jhum cultivation is to be permitted or prohibited wholly or in part<sup>84</sup>. The state government takes a final decision on exercise of right to continue jhum cultivation. In the eventuality state government permits exercise of the right of jhum, the FSO has to either alter the boundaries to exclude the area or demarcate the jhum area within the reserved forest. In such an eventuality, practice of jhum manifests into a 'privilege'<sup>85</sup> and is no longer a 'right'. This is of significance as reservation process renders practice of jhum from a right established by custom to a 'privilege' exercised as per restrictions of the state government. The reserved forests constitute 0.72% and protected forests 0.40%<sup>86</sup> of forest area in the state. Village forests are those forests, which are assigned to village communities<sup>87</sup>. Governmental control is least in village forests as compared to reserved and protected forests.

##### *e) Nagaland Jhumland Act, 1970*

The Nagaland Jhumland Act, 1970 recognizes customary laws of Naga people and establishes customary right to Jhumland in favour of a village or community when such village or community has enjoyed the right to cultivate or utilize Jhumland as per local custom for a period, which shall not be less than thirty years<sup>88</sup>. The Act

79. 6.5.3. Sustainable Shifting Cultivation

80. Section 3

81. Section 2(6)

82. Section 5

83. Section 6(2)

84. Section 9

85. Section 9(4)

86. [http://nlsic.gov.in/chapter/forest\\_dept/manual1.pdf](http://nlsic.gov.in/chapter/forest_dept/manual1.pdf)

87. Section 28

88. Section 3(1)



safeguards and regulates the rights of people to Jhumland in the state. The Act bestows upon state government the absolute right to acquire Jhumland for public purpose<sup>89</sup>. The state government also has absolute right to acquire Jhumland for the purpose of prevention of erosion and protection of forest by declaring it as a protected forest after payment of compensation<sup>90</sup>. A prohibition for a maximum period of ten years can be imposed on carrying out cultivation on Jhumland for prevention of erosion or where diminution of water supply is impacting or likely to impact irrigation<sup>91</sup>. An order under this act has never been passed in the Mon District and as such, it remains largely unimplemented in the state<sup>92</sup>.

*f) Nagaland Agricultural Produce Marketing (development and Regulation) Act, 2005*

The Act purports to establish, develop and regulate markets and marketing systems for agricultural produce in the state. It sets out framework for regulation and management of agricultural produce markets. An Agriculture

Produce Market Committee (APMC) is established to protect the interest of farmers and to check malpractices, if any, in marketing transactions for commodities and jurisdiction notified for the purpose. There is no compulsion on farmers to sell their produce through existing regulated markets; provision for private market yards also exists. A special market or special commodity market with proper market infrastructure can be notified for marketing of a specific commodity<sup>93</sup>. There is provision for contract farming by registration of contracts with APMCs, allowing purchase of contracted produce directly from farmers, associations, village councils outside market yards. In order to eliminate middlemen, farmers' market are sought to be set up as means of direct marketing and to facilitate farmers to sell their produce directly to the consumers at reasonable rates. This would be in mutual interest of both the farmer/grower and the consumer. A State Agriculture Marketing Board<sup>94</sup> is envisaged as a state level planning body enabling it to set up an Agricultural Produce

89. Section 9, Nagaland Jhumland Act, 1970

90. Section 11, *ibid*

91. Section 11(2), *ibid*

92. In conversation with Smt. Angau Thou, Deputy Commissioner, Mon District

93. Section 20

94. Section 60

Marketing Standards Bureau for the purpose of promoting grading and certification of agricultural produce<sup>95</sup>. Global marketing of certified organic products of the region through strong marketing linkages in agriculture would aid inputs into jhum cultivation.

*g) Joint Forest Management Resolution, Nagaland, 1997*

The Joint Forest Management (JFM) Resolution<sup>96</sup> of 1997 acknowledged that 11.7 % of Forests in the state were under the government and the remaining 88.3% of the Forests belonged to 'non-government communities' of the villages. In view of this reality, it was proposed to propagate co-operation between the government and communities for the development and management of forests surrounding the villages. The government constituted 'joint forest management committee' and 'forest development agency' in the districts with the objectives of controlling removal of forest produce from forests, providing sustainable and assured employment opportunities to the tribals, to curb environmental degradation, soil erosion and conserve biodiversity of the area. There are around 971 JFMCs managing about 52,000 ha. of forest area in the state. The State Forest Development Agency (SFDA) and the District Forest Development Agencies supervise the JFMCs developmental works<sup>97</sup>.



95. Section 73 (3)

96. Notification No. FOR-153 / 80 (VOL. II) Dated 5th March 1997 issued by Government of Nagaland

97. Nagaland State Action Plan on Climate Change Achieving a Low Carbon Development Trajectory (version 2012.2) : Chapter 6: Forest and Biodiversity

98. Order dated 13.01.1998 W.P(C) No. 202/1995 T.N Godavarman versus Union of India and Ors.

99. Regulation 2 (ii)

100. Regulation 3

101. Regulation 4

102. Order dated 12.12.1996

### *h) Nagaland Tree Felling Regulation, 2002*

#### **The implications of Godavarman Thirmulpad Vs Union of India (W.C. (C) 202/1995)**

The Supreme Court's directions in Godavarman case led to enactment of Nagaland Tree Felling Regulation, 2002<sup>98</sup>. The Supreme Court had directed that owners might dispose of existing inventorised stock of timber originating from plantations in private and community holdings under the relevant State laws and rules. In absence of such rules, the states have to enact the necessary laws and rules within six months before disposal of the stock. The Tree felling regulations 2002 provide for a framework for registration of Tree Plantations and felling of trees from registered plantations on 'non-forest' areas. A certificate<sup>99</sup> is prepared by Village Council stating the ownership rights over the plantation and on basis of the certificate; Divisional Forest officer<sup>100</sup> registers the plantation. The Divisional Forest officer accords permission to fell trees within registered plantation. There is no requirement for getting permission for felling horticulture trees on non-forest areas except for Aam (*Mangifera indica*) and Wild Apple<sup>101</sup>. The regulations further provide for restrictions on felling if the tree is less than 5 years old and exists on unregistered plantation. The movement of felled trees from plantations is permitted on a transit pass issued by the Forest Department. The felled tree/timber is not permitted to be transported unless supported by a transit pass pursuant to an order passed in Godavarman case<sup>102</sup> by the Supreme Court wherein all movement of timber was prohibited across the North East.



A typical Naga Jhum plot (2014)





# Gaps in the existing regulatory and institutional framework for the management of Jhumlands in the state

# 5

“It is however also realized that the role of laws in institutionalizing community scale land use planning that would facilitate appropriately designed fallow management within the overall framework of community participatory eco-development models has not been sufficiently explored in North Eastern states and Nagaland is no exception.”



## 5. Gaps in the existing regulatory and institutional framework applicable on Jhum

### 5.1 Absence of uniform Land Use or Jhum Policy

The need for proper planning of land use and conservation of resources is a much concerned issue in shifting cultivation. Sustained utilization of available land and forest resources requires a scientifically approached land use planning process, which incorporates integration of various data, analysis of these data, faster, or precise information generation. The Village Council is empowered to make plans for development of the village but land use planning which is basic to adoption of any measure for 'improving' jhum is nowhere in the developmental paradigm of the state.

### 5.2 Non-Codification of Land Tenure System

In Nagaland like any other tribal society land is of paramount importance for existence and all round development of life in the village. Land is determinant of the status of a citizen in a village, i.e. whether, the person/clan is an original/pioneering settler of the village, as no original member of the village is without land<sup>103</sup>. Cultivable land is regarded as the most valuable form of property for its economic, political and symbolic significance<sup>104</sup>. The customary laws of the community<sup>105</sup> govern the ownership of land and individual rights with constitutional sanction. The land tenure in Nagaland is complex since each tribe and, in many cases; each village has their

own unique systems. The major portion of village common land consists of Jhum land. The land earmarked for jhum belongs to community, individuals, or clans, but the management is regulated by village councils. The allocation and customary rules applicable to land differs from village to village and from one tribe at another.

### 5.3 Lack of data and land records

There is an urgent need for evolution of proper strategic plans and policies based on reliable and sound data based upon land records to find compatible land uses for jhum land management.

### 5.4 Absence of land resource inventorization

There are no cadastral surveys conducted to ascertain the exact extent of lands under jhum cultivation. Basic statistics on shifting cultivation is not available with the line departments. Field interactions revealed land under jhum cultivation has remained constant in the last 30 years in Mon District. However, there is no data available with either the village or the line department to buttress this claim. Land resource inventory, prepared using topographical map and updated from the satellite imagery data on the same scale, is essentially qualitative as it reveals ground truth and provides input to any land use planning process.

103. Status of Adivasis/Indigenous Peoples Land Series – 6 : Nagaland: Lanusashi Longkumer and Toshimenla Jamir (2012)

104. [http://www.nagenviis.nic.in/Database/LandReform\\_922.aspx](http://www.nagenviis.nic.in/Database/LandReform_922.aspx)

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

# Village empowerment laws: understanding their strength, acceptability and mechanisms for making Jhum sustainable

# 6

“Nagaland has institutionalized traditional self-governance well before the formal Panchayati Raj system came into existence in the country. The customary mode of governance and tribal institutions as they existed prior to the enactment of this Act have been recognized and regularized as such under the legislation leading to an easy assimilation of tribal systems of governance with the modern administrative system under a legislative enactment. Thus, Village Councils are the crux of grassroots administration in Nagaland. These laws provide ample legal space for institutionalizing and implementing land use planning in Nagaland.”



## 6. Village Empowerment Laws in Nagaland: Understanding the institutional regime recognized and supported under the legal enactments

### 6.1 Tribal Institutions under the Nagaland Village and Tribal Council Act, 1978

#### 6.1.1 Village Council: Decentralisation of Village Level Self-Governance

The Naga tribal village as an administrative, social, cultural, judicial and development unit is central to Naga traditional tribal polity. The Naga village evolved as an independent unit having clear-cut boundary of the village, a well-regulated land ownership system administered by the customary laws and practices and was sometimes referred to as 'small republic'<sup>106</sup>. Each village is run by its village council composed of various members nominated from the khels<sup>107</sup> in the village with the headman or the chief at the supreme position depending upon the tribe. Chieftainship is of immense consequence in the Naga polity and every tribe has a chief who is the head of the village. In Ao and Lotha tribes<sup>108</sup> chieftainship was not hereditary as was the prevalent practice in most of the Naga tribes.

The village council of the Ao Naga tribe which predominantly inhabits the Mokokchung District is 'Putu Menden'. Its council members are not elected but nominated from each clan for a period of thirty years. The chief of the council is not hereditary but elected by its members. In the Wokha District inhabited by Lotha tribe village was ruled by the Chief (ekyung)<sup>109</sup> assisted by an informal council of elders during the pre-British times. The chief was mainly the war leader but with the coming in of the British, the post of ekyung ceased to exist. The village was

administered by informal group of old and influential members of the village and the headmen was selected by the government. Every Konyak village in Mon district comprises of *Wang Hamyen*<sup>110</sup>, a traditional village council formed by the representatives of all morungs (clubs) and the *Ang* (chief) is the supreme authority. *Ang* comprised of three categories namely *Ang*, *Wangsa* and *Wangshu*. The *Angs* of Mon and Chui had many villages under them and are known as Chief *Ang* village. The Chief *Ang* of Chui has 38 villages under him<sup>111</sup>. The village council ordinarily comprises of *Ang*, deputy *Ang* (*Hemrawangpa*) and head of clans (*Hemujupa*)<sup>112</sup>.

With an aim to incorporate these traditional institutions in a governance structure, The Nagaland Tribal, Area, Range and Village Councils Act, 1966 was legislated. It provided for the creation of a Tribal Council for each Tribe, an Area Council for Dimapur area in Kohima District, a Range Council where there was a recognised Range in Mokokchung and Kohima district and Village Councils for one or more villages in Kohima and Mokokchung Districts as required by the Deputy Commissioner<sup>113</sup>. With respect to Kohima and Mokokchung District, the Nagaland Village, Area and Regional Council Act 1970 repealed the earlier law and provided for constitution of village councils for every village (population not less than 100). It further provided for constitution of Area councils<sup>114</sup> for each area specified in the schedule to be elected from amongst the members of the Village councils. A Regional Council was to be constituted for each of the Kohima and Mokokchung districts. The Nagaland Village and Area Council Act, 1978 (NVAC Act) repealed the Nagaland Village and Regional Councils Act, 1970. The village under

106. A.W.Davis, census of India, 1891, Assam

107. Khels are composed of various clans in the village. The basic unit in a village is family above the family is a clan and grouping of few clans comprises a khel and grouping of khels comprises a village

108. Shimray, R.R. Origin and Culture of Nagas, Aruna printing press, New Delhi, 1985,

109. Naga identity-Braj bihari Kumar;

110. Encyclopaedia of North East India-Nagaland- ed. Hamlet Bareh;

111. Interaction with village council members during Field Visit to Chui Village, District Mon on 17.11.2014;

112. Ibid;

113. Section 3

114. Section 24

NVAC Act is the key institution for carrying out decentralized planning and development at the village level. The Nagaland Village and Area Council (2nd Amendment) Act 1990 amended the Nagaland Village and Area Councils Act 1978 to abolish Area Councils and renamed the principal Act as the Nagaland Village Council Act, 1978, The Nagaland Village Councils (Fourth Amendment) Act 2009 recognised 'Tribal Council' for each tribe as an institution above the village council and the Principal act was renamed as The Nagaland Village and Tribal Councils Act, 1978 (NVTC). The NVTC Act recognises the existing traditional village institutions chosen<sup>115</sup> by villagers in accordance with the prevailing customary practices and usages including 'Putu Menden' (Ao Naga tribe) as village council<sup>116</sup> for each recognised village<sup>117</sup>. The hereditary Village Chiefs, Gaon Bura (GB) and Angs are ex-officio members of the Village Council having voting rights. Women are not members of the Village Council. The Village Council acting as the collective body of the village community as per the customary practice occupies a unique position for ensuring conservation and sustainable forest, water use in the village<sup>118</sup>. The powers of the Council among other things includes power to formulate village development schemes<sup>119</sup> to supervise proper maintenance of water supply, roads, power, education and forest<sup>120</sup>, which inter alia gives it the power to make village plans and schemes. The Council has the power as well as the duty to help various government agencies in carrying out developmental works in the village or

to undertake developmental works on its own initiative<sup>121</sup>. In order to make the Village Council self-sufficient governing bodies there is devolution of financial powers upon them to carry out developmental works within the village. The Village Council can apply for and receive grant-in-aid, donations, subsidies from the government or any other agencies<sup>122</sup>, borrow money from the government, financial institutions, banks<sup>123</sup>. It can act as a financial institution itself, give loan from its own fund to any deserving member of the village, and seek its repayment. Additionally, village council is also responsible for internal village administration and maintenance of law and order<sup>124</sup>. The consent of Village Council is a prerequisite for transfer of any immovable property with the village and a record is maintained of such a transfer. The Village Council also administered justice within the village limits until the setting up of village and customary courts<sup>125</sup> (See Box) by *The Rules for Administration of Justice and Police in Nagaland (Third Amendment) Act, 1984* and deletion of provision<sup>126</sup> pertaining to administration of justice by village council. The most important function of Village Council is to constitute a Village Development Board (VDB), the executive developmental arm of the Village Council.

115. Section 5: Qualification for members” A person shall not be qualified to be chosen as a member of the Village Council unless he : - (a) is a citizen of India, and (b) has attained the age 25 years

116. Section 4 NVTC Act

117. Section 3 Explanation Village means and includes an area recognised as a Village as such by the government of Nagaland. An area in order to be a Village under this act shall fulfil the following conditions namely : (a) The land in the area belong to the population of that area or given to them by the Government of Nagaland, if the land in question is a Government land or is land given to them by the lawful owner of the land; and (b) The Village is established according to the usage and customary practice of the population of the area

118. Z. Angami, Nagaland Village Empowering Laws (A Compilation), 2008

119. Section 12 (1), the Nagaland Village and Tribal Councils Act, 1978

120. This can be interpreted to include maintenance of conducive ecological conditions so that the sources of water are protected and preserved to continue to provide water for water supply of the village

121. Section 12 (2), ibid

122. Section 12 (5) NVTC Act

123. Section 12 (4) NVTC Act

124. Section 15 (1) NVTC Act

125. Section 40 Inserted Chapter IVA Customary Courts (Constitution of Courts)

126. Section 14 deleted by Nagaland Village and Area Council (Amendment) Act, 1985

*I. Village Courts:* at village level comprises of members of the Village Council including gaon buras and Angs of respective village. In 'Ao area' village court would comprise of traditional institution like Putu Menden and recognised as Village Council and the Gaonburas. Every village court is headed by a Chairman and Secretary and Chairman of Village council is the Chairman of the village court.

*II. Subordinate District Customary Court:* At intermediate level as notified comprises of Presiding Officer having judicial experience and appointed by the State Government. The Presiding Officer is assisted by 4-6 members appointed by the state government. The preference for appointment is accorded to persons having special knowledge in customary laws and practice.

*III. District Customary Court:* is constituted at the District level and comprises of a presiding Officer and two members for the case chosen from a panel of names of members maintained and duly notified for each District Customary Court.

### *6.1.2 Role of Village Development Board (VDB): Democratisation of village self-governance*

The concept of Village Development Board (VDB) evolved from a felt need to reconcile the traditional Tribal institution of the Village Council, comprising of male members with the demands of modern inclusive development based on democratic principles. The experiment of having a separate village board without compromising on existing village council was adopted in Phek District, in 1976<sup>128</sup>. Afterwards it was extended to all the existing 918 recognized villages in 1980-81.

The Village Development Board (VDB) constituted<sup>129</sup> by Village Council under NVTC Act is an institution mandated to 'formulate schemes', 'programmes of action for the development of the village'<sup>130</sup>. The Village Development Model Rules

1980 were framed under the NVTC Act (revised in 1989) to endow the VDB the power to exercise powers of VC laid out in clauses 4,6,7,8,9 of Section 12 of the Act. The Village Development Boards are to exercise certain of the powers, functions and duties of the Village Councils, subject to the supervision of VC and prior approval of the Chairman of the Village Council. The developmental agenda of the Village council is conducted by the VDB. The general body of the VDB comprises of all permanent residents of the village and it meets atleast twice a year. The details regarding VDB schemes implemented under various schemes, loans issued, manner of utilisation of funds etc. are laid before the General Body. There is a management committee of VDB and members are chosen by Village Council comprising of minimum of 5 members and maximum 25 and women comprise 1/4th of the membership of the managing committee. The Management Committee administers the schemes, plans, programmes and VDB fund entrusted to it by Village Council. The Deputy Commissioner/ Additional Deputy Commissioner is the ex-officio Chairman of VDB. The Management Committee selects the Secretary who is a literate<sup>131</sup> person. The Chairman and Secretary of VDB jointly operate the bank account having VDB fund. The VDB funds comprises of Grant-in-Aid, Matching Cash Grant, Jawahar Rozgar Yojana.

### *6.1.3 Naga Tribal Council: Tribal Federation*

The Amendment Act of 2009<sup>132</sup> bestowed legal recognition on existing hohos/unions/ organisations to be 'Naga Tribal Councils' under Nagaland Village and Tribal Council Act, 1978 which were constituted as per traditions, customary practices and usages of the respective tribes<sup>133</sup>. The Tribal Councils replaced the Area Council formed earlier under the Act<sup>134</sup>. Every

127. Dispensation of justice to members belonging to Scheduled tribes in Nagaland

128. Interaction with Mr. Khekiye K Sema, former Commissioner and Secretary, Govt. of Nagaland on 10.03.2015

129. Section 12

130. Rule 3 Village Development Model Rules, 1980 (Revised) Notified on 21.11.1989 vide Notification No. RD/VDB Rules/89-90

131. Rule 7

132. The Nagaland Village Councils (Fourth Amendment) Act, 2009 (Act. No.2 of 2010)

133. Section 2 (f) NVTC Act. Ins. by The Nagaland Village Councils (Fourth Amendment) Act, 2009 (Act. No.2 of 2010)

134. Earlier it was The Nagaland Village and Area Council Act, 1978

recognised Naga tribe will have a 'Tribal Council' and one or more apex Tribal Council can form a Federation or union of two or more tribal councils. The composition, tenure, method of constitution and their powers, functions, duties are as ordained by traditions, customary practices and usages of the respective Naga tribe<sup>135</sup>. Additionally, the Naga Tribal Councils assist the state government in the maintenance of peace, communal/tribal harmony, settlement of disputes and cases involving breaches of customary laws and usages<sup>136</sup>. The inter-se disputes of villages within the tribe are adjudicated by the Tribal Councils.

## 6.2 The institutional regime under the Communitization Act, 2002.

The state has adopted a legal instrument by the name of Nagaland Communitization of Public Institution and Services Act, 2002. This enactment transferred the management of public services to the communities. The public services covered by the act are education, water supply, roads, forests, power, sanitation, health<sup>137</sup>. The Act further provides for constitution and declaration of either 'board' or 'committee' to exercise the functions under the act to implement scheme or policy for the services covered in the Act. Accordingly, ownership and management of education, health care, water supply, electricity, tourism and bio-diversity conservation has been handed over to the communities in villages. The Communitization in Nagaland thus involves transfer of government assets to the community, empowerment of community by delegation of governmental power of management and supervision of day to day functioning of employees to village committees to be managed by committees/boards under the aegis of the Village Council as prescribed by the Communitization Act, 2002.

The board or committee thus formed consists of community members who themselves are the user of the public asset or service which is to be

managed by them in conjunction with officials of the line department. Transfer of assets, powers and management functions of the government to the Board or Committee constituted at the village level is done through MoU. The committee to whom powers and management functions have been transferred has the responsibility for carrying out a number of functions with respect to its employees such as disbursement of salary, grant of casual leave, control of employees including power to exercise "no work no pay", maintenance of buildings and assets, purchase of essentials e.g. textbooks, medicines and so on. The state government plays the monitoring and regulatory role to assist the committees to carry out their functions and duties, including the provision for funds, salaries and grants as well as technical support as may be required.

### Learning from the international experience: Good practices on sustainable jhum

*Community based conjunctive land and forest use planning: Case of Pak Beng District, Oudomxay Province, Laos*<sup>138</sup>

In Pak Beng District, upland shifting rice cultivation provides the primary means of living for many residents. The shifting cultivation cycle comprises of seven to nine year. The Lao government implemented land and forest policies seeking to restrict the practice of shifting cultivation and to promote cash-crop farming among residents to increase the income of local people. These policies have not resulted in either increase of agricultural productivity or generation of alternate livelihood. Such top-down land-use policy not aligned with the actual usage practices of the community has led to illegal forest use and brought hardships to the lives of residents.

Since 2005, Mekong Watch (an NGO) in conjunction with Laos National University's Forestry Department has been working to implement a watershed forest management project in Pak Beng District. The objectives of the project was: 1) Achieving watershed forest management integrating both forest preservation and securing local livelihoods; 2) creating a mechanism for participatory decision making related to land- and forest-use issues. In 2007, Houay Kasaen River Watershed Management Committee was formed comprising of representatives from eight villages with farmland in the watershed forest area and District administrative officers to create a forum for working together to resolve land use and forest preservation issues. The committee formulates plan for land use and forest preservation. Additionally, the committee undertook a review of land use categories with an aim of legally making villagers the central players in land management and securing farmland required for shifting cultivation cycles, including fallow land. This is being done in villages where actual land use patterns have been ignored and blind implementation of land use policy has resulted in problems.

135. Section 23 NVTC Act. Ins. by The Nagaland Village Councils (Fourth Amendment) Act, 2009 (Act. No.2 of 2010)

136. Section 26 NVTC Act. Ins. by The Nagaland Village Councils (Fourth Amendment) Act, 2009 (Act. No.2 of 2010)

137. Section 4

138. Extract from Toward Community-Based Forest Management: Working with Local People to Preserve Watershed Forests in Northern Laos-Satomi Higashi





# Synthesis of findings from the field visits and consultations

# 7



❖ **Jhum is a way of life and is to stay in Nagaland:** It is part of the cultural ethos and identity of the tribes in the state. There is however a wide range of variation in the way Jhum is being carried out by various tribes and sometimes even within tribes and clans. Change in Jhum cycle also shows varying patterns. In certain districts Jhum cycle has increased (for example in Mokokchung), however Jhum cycle has decreased in other areas (ex. Wokha). Causes for increase or decrease in the cycle also differ from place to place, for example in Mokokchung the increase in the cycle is attributed to migration of locals to cities whereas in Wokha the decrease is attributed to increase in the population. In Mon District Jhum cycle had reduced from 15-20 years to 5-7 years some two decades back, though it has been stable since then. In Mon, there is no observed increase in the Jhum Land/plot of the villages since last 30 years, though fragmentation within individual plots is observed because of increase in the members of the family. Owing to this great degree of variation in the incidence of issues related with Jhum, evolving a uniform approach to understanding the problem and finding a uniform solution is a challenging task and therefore cannot be dealt with departmental schemes and programs alone in the end.

❖ **The legal and institutional framework pertaining to Jhumland in the state is not being utilised.** Jhum continues to be addressed by ad-hoc schemes and programs with serious limitations because of both financial coverage and technical capacity. Despite a paradigm shift from 'Jhum control' to 'improving Jhum', the existing programs and schemes by various departments in the state continue to operate with the objective to 'replace or control Jhum'. At times, these schemes and programs are found to work on cross-purposes with no integrated vision about the ecological viability of the options and alternatives and their co-relation with the food security and cultural ethos.

❖ **Participatory Land Use Planning (PLUP)**

and 'fallow management' is acceptable to Jhumias and is considered essential for the long term ecological sustainability of Jhumland, especially in areas where soil erosion has led to decline in crop yields threatening local food security in the districts studied under the project. Land Use Committees working towards this objective are found to be working with varying degree of participation and rate of success. The measures propagated by the Land Use Committee such as contour bunding, bench terracing, buffer zones etc. are found to be useful in arresting soil erosion and increasing soil productivity. It was articulated that the long-term sustainability of land use committee established under the project would depend upon its statutory backing under either the Village Council or Village Development Board. In project related interventions it is observed, institutions established are co-terminus with the project period and become defunct thereafter in the absence of institutional and regulatory backing (E.g. non-functional committee established under NEPED project in Chi Village, District Mon).

❖ **Monoculture, wherever promoted under departmental schemes is found to be commercially attractive by locals but market linkages are weak.** Introduction of other commercially attractive options for fallow management such as fruits, vegetables, cash crops such as cardamom, tea also face similar challenges.

❖ **Absence of cadastral maps and records** with either the departments or Village Council pertaining to area under Jhum cultivation.

❖ **The varied agro biodiversity comprised of different crops grown on Jhum field ensures food security for farming families.** Even if one or more crops fail, the rest will survive to provide food. Each household is able to harvest vegetables, cereals and fruits from Jhum fields. However, presently cereals cultivated from Jhum plot lasts for 5-6 months and the rest is procured from the market. The cultivation of cash crops brings in higher yields and money generated is used for buying food from the market.



*Glimpses of field interactions conducted during the study*

Office of the  
**VILLAGE COUNCIL CHUCHUYIMLANG**  
**LAND USE PLANNING COMMITTEE**  
P.O. Chuchuyimlang-798614  
Mokokchung, Nagaland.

The Chuchuyimlang Village firmly resolves the following Rules and Regulations on 1st November 2014.


- 1. To maintain Buffer Zones in all the rivers and streams (50ft each side) particularly in the three major rivers of Amokha, Kaititziabo and Namung.
- 2. Maintain Hill top.
- 3. Plant trees (Minimum 50 per acre) before shifting to next Jhum plot
- 4. Hunting prohibited from March to October (8 Months) every year.
- 5. Maintain fire line from top to bottom
- 6. Maintain Counter Band.

*Approved for public utility*  
*Chairman*  
*Secretary*  
Date: 11/11/14



# Recommendations: towards sustainable Jhum in Nagaland and institutionalizing PLUP

# 8



“In order for the land use planning to be carried forward in a sustained manner by the communities themselves, it would be essential that participatory land use planning be 'institutionalized'. This could be done by making creative use of laws pertaining to village empowerment and Jhumland management so that the decisions with regard to fallow management and scientific interventions have the sanction of the customary institutions.”

## 8. RECOMMENDATIONS

### 8.1 General Recommendations: Must Do

Necessary Steps to be undertaken by the Nagaland Government for 'improving Jhum'

*8.1.1 Integrating Principles of sustainable land and ecosystems management in institutional and regulatory framework of the state':* Land Use Planning is essential for the long-term ecological sustainability of Jhumland. To ensure that Jhum is carried out in a sustainable manner, the village level community institutions will have to engage with the state government agencies to develop parameters that need to be taken into account to maintain ecological integrity of Jhumland. While traditional knowledge based strategies and solutions may be evolved by communities, the scientific and technical expertise necessary to implement sustainable jhum strategies can be provided by the state government. Thus, a model of "Participatory" Land Use Planning needs to be developed jointly by the community through village level institution with scientific and technical support from the state.

*8.1.2 "Fallow Management"* should be conceived keeping in mind socio-economic context, local needs of food crops, scientific understanding of the nature of soil and climatic conditions and the likely impact of such management strategy on the life and culture of Jhumias in the short and long term. There is also a need to develop strategies for climate sensitive Jhum. The fallow management should be carried out in a participatory manner for which a detailed work plan shall be developed involving village level institutions with adequate participation of women.

*8.1.3 Assessing local market requirement:* Wherever Jhumming is considered ecologically unviable due to its deleterious and irreversible impact on soil, hydrology, biodiversity resulting in serious decline of productivity, the replacement options should be planned such that they are also aligned with the local market requirement. Access

to better market opportunities and the accompanied infrastructure such as cold storage facility should be planned to promote entrepreneurship as an alternative to subsistence farming.

*8.1.4 Discouraging increase in aggregate Jhum area in the state:* All possible efforts to ensure that no additional area is brought under Jhum cultivation because of declining soil productivity. Restoration of soil productivity by way of PLUP and viable replacements should be worked out. Cadastral Survey of Jhumland is the essential requirement towards this objective.

*8.1.5 The Jhum replacement schemes should take an integrated view:* A clear identification of Jhum improvement schemes and jhum replacement schemes should be done. What the existing resources of schemes and the programmes attempt to do in a top down approach the same can be utilised by persuing a bottoms up approach by making the system competent to take cognizance of the problem at the level where it arises.

*8.1.6 Capacity Building and Awareness generation:* Any effort at institutionalising participatory land use planning would require an intensive capacity building of all the stakeholders to enable smooth implementation of this exercise. Apart from typical training programmes exercise, intensive consultations, and capability building of the members and leaders of Village Councils, Village Development Boards and Sustainable Land Use Committee would be required to understand the technical aspect related to developing a Land Use Plan for the village.



### **Participatory Land Use Planning and its convergence with Joint Forest Management initiatives:**

The Joint Forest Management (JFM) Resolution of 1997 acknowledged that 11.7 % of Forests in the state were under the government and the remaining 88.3 % of the Forests belonged to 'non- government communities' of the villages. In view of this reality, it was proposed to propagate co-operation between the government and communities for the development and management of forests surrounding the villages. The government constituted 'joint forest management committee' and 'forest development agency' in the districts with the objectives of controlling removal of forest produce from forests, providing sustainable and assured employment opportunities to the tribals, to curb environmental degradation, soil erosion and to conserve biodiversity of the area. There are around 971 JFMCs in existence. The initiatives under JFM that aim for sustainability of land can converge with the participatory land use planning to be undertaken for sustainable Jhum cultivation. This assumes importance in view of definition of "forest" under Nagaland Jhumland Act, 1970 that includes

land under Jhum cultivation. The re- growth of secondary forests on jhum land during the period of fallow cycle is classified as 'open forests' by Forest Department. Further, the state forest department administers 'reserved' and 'protected' forests, which constitute only around 11.7 % of the forests of the state and 88.3 % of the forests are with the Village Councils, the communities or private individuals. The Village Councils (VCs) have the power under section 12 (1) of The Nagaland Village and Area Councils Act, 1978 to supervise the maintenance of forests in their respective jurisdictions. The Village Development Boards have become an important developmental arm of the Village Council and have an important role in balancing developmental needs and forests conservation for sustainable jhum land use. The department, therefore has a largely developmental role in the village controlled forests, though the Supreme Court's orders in the Godavarman case has extended its role in regulation of timber movement from these forests. The Supreme Court's directions led to enactment of Nagaland Tree Felling Regulation, 2002 to provide for a framework for registration of Tree Plantations and felling of trees from registered plantations on 'non-forest' areas.



## 8.2 SPECIFIC RECOMMENDATIONS: OPTIONS AND ALTERNATIVES FOR INSTITUTIONALIZING PLUP BY UTILIZING THE SPACES IN THE EXISTING STATE LEVEL LEGAL AND INSTITUTIONAL FRAMEWORK

### 8.2.1 Formulation of a uniform State Land Use Policy<sup>139</sup>

The need for formulating a state land use policy and undertaking necessary amendments in the State Organic Farming policy is necessitated because of the following reasons:

- To evolve a uniform approach towards Jhum management that would be applicable to the entire state. Presently, actions and outlook of different department such as Department of Land resources and Horticulture on Jhum cultivation are at cross-purposes with the Forest and Environment Department. The state needs to formulate a clear policy statement that it neither promotes Jhum 'control'<sup>140</sup> or Jhum 'propagation' and aims at making the practice 'sustainable' in the long term to meet the food security concerns of farming families keeping in mind ecological sustainability. A state land use policy would aid in developing uniform principles of participatory land use planning for application across for sustainable land management with emphasis upon food and ecological security.
- To formulate principles of fallow management taking into account concerns of food security of farmers and bringing it in alignment with the Agriculture Vision 2025<sup>141</sup> of the Department of Agriculture.
- To develop synergies of actions under various schemes and plans for a concerted outcome resulting in sustainable land management of the Jhum plot.

- To bring necessary policy changes in the Organic Farming Policy to make it Land Use Planning centric and adopt PLUP as an important approach and policy tool. The National Land Utilization Policy 2013 (Draft) underlines the importance for the States to formulate a land use policy for effective land management.

### 8.2.2 Learning from other states in India: New Land Use Policy of Mizoram: An attempt at institutionalised Village level land use planning

The Govt. Of Mizoram adopted the New Land Use Policy (NLUP) project in 2009 as an attempt to encourage Jhumia or shifting cultivators to adopt alternative means of livelihoods opportunities that are environment friendly and whose economic rate of return is greater than what they have been earning from shifting cultivation. The project intended to gradually introduce a new land use pattern through introduction of commercial agriculture, land and non-land based income generation activities so that shifting cultivation is prevented. NLUP is guided by the state government's focus to introduce a reform process in the economy so that (i) overall poverty rate is reduced (ii) community's financial inclusion is ensured (iii) a land use policy based on statutory rights is introduced and (iv) optimal use of scarce resources such as land and water is encouraged. Jhum cultivation is a critical challenge for the State Government. The project is being implemented through 8 identified departments such as Agriculture, Horticulture, Sericulture, Fishery, Soil conservation, Animal Husbandry, Forest and Industry Department. The programme has 2 main components, i.e. (i) schematic/ beneficiary component and (ii) infrastructure component. For management of the project there is a 3-tier structure, namely, the State Level NLUP Apex Board, with a functional team as the NLUP Implementing Board, District Level NLUP Committees and Village Level NLUP Committees.

The most crucial is the role played by Village Level NLUP Committee which is responsible for:-

- Preparation of land use plan for the whole village.
- Demarcation of Forest Reserved Area, individual land and community land
- Identification of catchment area for development as Community Forest Reserve (for non-forest reserve area only)
- Identification and selection of compact area for cultivation

139. Modified from 'Jhum' to 'land' after inputs from the State Level Consultation held in Kohima on 10.03.2015

140. View of Department of Land resources, Department of Horticulture at the District Planning and Development Board meeting at Deputy Commissioner Office, District Mon

141. [www.assamtribune.com/scripts/detailsnew.asp?id=jul1412/oth06](http://www.assamtribune.com/scripts/detailsnew.asp?id=jul1412/oth06)



(v) Selection of beneficiaries

(vi) Allotment of land to beneficiaries (by the Village Council)

Village Projects compiled at District level will form the District Plan. State plan will incorporate the District plans. The discernible outcome is preparation and implementation of Land Use Plans for the whole of Mizoram as follows:-

(i) 60% of land to be earmarked as rain forest

(ii) 10% of land to be reserved as community forest reserve (if not Forest Reserved Area) exclusively for protection of sources of rivers and village water supply

(iii) 15% of land to be earmarked for cultivation under NLUP

(iv) 10% of land to be reserved for fire wood, timber etc to meet community consumption requirements.

(v) 5% of land to be earmarked for habitation, industrial area, roads etc

(vi) The total Forest Reserved Area will increase from 37.7% to 80% of the total geographical area. Very Dense Forest Area will increase from 133 Sq Km to 14761 Sq Km.

The midterm appraisal of the New Land Use Policy of Government of Mizoram (2012-2013) has revealed that it is progressing well and financial inclusion through NLUP is seen as a remarkable step of the state government<sup>142</sup>. There are results under the NLUP and it is on account of transparency, conditional transfer of funds linked to performance and monitoring<sup>143</sup>. Third party audit is an important aspect to maintain checks and balances.

### 8.3 State Land Use Board and Participatory Land Use Planning (PLUP)

The State Land Use Board (SLUB) in Nagaland is the apex body in the State to guide and formulate the entire State's Land User Departments. It is a forum at the highest level for policy planning and co-ordination of all issues connected with scientific management "Land Resources" and for providing direction for bringing about an integrated and scientific approach in development, plan, implementation and monitoring of programmes related to Land resources<sup>144</sup>. It is headed by Chief Minister as Chairman, Minister of Soil & Water Conservation as Vice-Chairman, Chief Secretary, Agriculture Production Commissioner, Financial

Commissioner, Commissioners and Secretaries and Head of the Departments of Agriculture, Industries, Forest, Land Revenue, Housing, Chief Town Planner, Additional Commissioner, L.U.P. as members and Commissioner & Secretary of Soil & Water Conservation Department as Member Secretary. Any effort at decentralised Participatory Land Use Planning (PLUP) requires a state level body to formulate a uniform vision for the state and SLUB being apex body for planning and management of land resources is best suited for this effort.

## 8.4 Options and Alternatives

### 8.4.1 Option One:

#### *Creating Sustainable Land Use Committees under the Village Council*

❖ The concept of Participatory Land Use Planning (PLUP) needs to be institutionalized using the legal provisions within the village empowerment laws that also recognize customs and customary institutions. Village Councils have broad mandate to carry out developmental planning and have supervisory powers with respect to forest under the Nagaland Village and Tribal Councils Act, 1978.

❖ The PLUP can be institutionalized by creating a Sustainable Land Use Committee (SLUC) under supervisory powers of the Village Council. Since the ultimate decision with respect to allotment of Jhumland rests with the Village Council, the SLUC as a participatory body can draw its mandate from the powers and functions entrusted with the VC. This can be achieved by amending Section 12 of Nagaland Village and Tribal Council Act, 1978 (hereinafter referred to as the 'NVTC Act') (Box:2) by inserting sub-section 13 to specifically enable the Village Council to constitute a Committee for formulating a sustainable land use plan for the village in a similar manner that Village Development Board is

142. Mid Term Assessment (MTA) Report on New Land Use Policy of Government of Mizoram (2012-2013)- NABARD Consultancy Services Ltd (NABCONS)

143. Interaction with Mr. Brahmo Choudhary, Economic Advisor, The Ministry of Development of North Eastern Region on 23.04.2015

144. <http://nagaland.nic.in/functionaries/department/agri/soil/land-use.htm>

constituted. The specific empowerment of Village Council to constitute a committee is necessitated, as NVTC Act has no provision for constituting committees except the Village Development Board. The power to establish committee is required to be specifically provided in NVTC Act evidenced by similar existing provisions in statutes such as Arunachal Pradesh Panchayat Raj Act, 1997, The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The enabling provision by way of sub-section 13 would be as follows:

*The enabling provision by way of sub-section 13 would be as follows:*

*“(13) To constitute committee for the formulating plan for the management, protection and conservation of land, forest and biodiversity within the village”*

#### **Powers and Duties of the VC:**

S.12. The Village Council shall have the following powers and duties :

- (1) to formulate Village Development Schemes, to supervise proper maintenance of water supply, roads, forest, sanitation, education and other welfare activities
- (2) to help various Government agencies in carrying out development works in the Village.
- (3) to take development works on its own initiative or on request by the Government.
- (4) to borrow money from the Government, Banks or financial institutions for application in the development and welfare work of the Village and to repay the same with or without interest as the case may be.
- (5) to apply for and receive grant-in-aid, donations, subsidies from the Government or any agencies.
- (6) to provide security for due repayment of loan received by any permanent resident of the Villages from the Government, Bank or financial institution.
- (7) to lend money from its funds to deserving permanent residents of the Village and to obtain repayment thereof with or without interest,
- (8) to forfeit the security of the individual borrower on his

default in repayment of loan, advanced to him or on his commission of a breach of any of the terms of loan agreement entered into by him with the Council and to dispose of such security by public auction or by private sale;

(9) to enter into any loan agreement with the Government Bank and financial institutions or a permanent resident of the Village.

(10) to realise registration fees for each litigation within its jurisdiction.

(11) to raise fund for utility service within the Village by passing a resolution subject to the approval of the State Government.

Provided that all monetary transactions shall be conducted through a scheduled Bank or the Nagaland State Co-operative Bank,

(12) to constitute Village Development Board;

(13) “ To constitute committee for formulating a plan for the management, protection and conservation of land, forest and biodiversity within the village”

The enactment of rules under NVTC Act would provide for composition, duties and powers of the Sustainable Land Use Committee (SLUC). The Secretary, Village Development Board (hereinafter referred as 'VDB') should be member of Sustainable Land Use Committee (SLUC) so that the VDB and SLUC do not work at cross-purposes and develop land use plan for the village considering ecological and environmental sustainability aspects. The preparation of 3D Land Use Plan<sup>145</sup> of Tuimei Village, Mon District is an example of cooperation between VDB and LUC.

#### **8.4.2 Option Two:**

Village Development Board as the development arm of VC to carry out PLUP

The Village Development Board under the Village Council could be co-opted for formulating land use plan for the village. VDB is mandated to 'formulate schemes', 'programmes of action for the development of the village'. The VDB being under the overall supervision of Village Council is best suited for the purpose as women are included as

145. Land Use Plan prepared by Land Use Committee formed under the SLEM Project

members of VDB and constitutes 1/4th members of the managing committee of the VDB. Given the nature of involvement of women in Jhum operations, it is important for them to be partners in developing land use plan for the village.

In order to empower VDB to formulate village land use plan first action required is to amend section 12 (1) of Nagaland Village and Tribal Council Act, 1978 ( Box: 2) to include 'land' as an entry after 'forest' in section 12 and word 'plan' should be added after the word 'schemes'. The need to add the word “Plan” is to avoid any ambiguity as regards the power of Village Council to exercise this duty. Secondly, Rule 2 of the Village Development Model Rules, 1980 (Revised) (See Box) should be amended to include exercise of power of the Village Council as provided in sub- section (1) of Section 12 additionally, to empower VDB to exercise those functions and duties concerning land.

#### Duties of the VDB

S.2. The Village Development Board, subject to such directives which the Village Council may issue from time to time, shall exercise the powers, functions and duties of the Village Councils enumerated in Clauses 4, 6,7,8,9 of Section 13 of the Act, subject to the prior approval of the Chairman of the Village Council.

3. The Village Development Board shall also, subject to such directives as the Village Council may issue from time to time, formulate schemes, programmes of action for the development and progress of the Village as a whole or groups of individuals in the Village, or for individuals in the Village, either using the village community or other funds.

The findings and inputs from the formulation and working of a Village Land use plan should be integrated to the State Planning process to have cross-sectoral linkages to other processes. The District Planning and Development Boards constituted for each District in the state would provide the linkage to the State Planning

Board and State Land Use Board. The preparation of draft District Development Plan mandates<sup>146</sup> inclusions of matters of common interest between village councils including spatial planning on water and 'natural resources'. Additionally, the “Village Plan”<sup>147</sup> prepared by VDB for implementing a village wise approach to community and individual development schemes under state plan for receiving Grant-in-aid can be relied upon while formulating Village Land use plan.

#### 8.4.3 Option Three:

Using Communitization governance to create Sustainable Land Use Committee under the Nagaland Communitization of Public Institutions and Services Act, 2002

Another effective way to internalise and formalise land use planning process at the village level is to bring it within the ambit of the Nagaland Communitisation of Public Institutions and services Act, 2002. The act aims at empowerment of community and involvement of community in the management of local public services and activities of the state government. In order to institutionalise the formulation and implementation of village land use plan it would require amending section 4<sup>148</sup> of Nagaland Communitisation of Public Institutions and services Act, 2002 (See Box) to include 'land' as an entry after 'forests'.

#### The Nagaland Communitisation of Public Institutions and services Act, 2002

##### S.3. Constitution and Declaration of Local Authorities:

The State Government may, by notification, constitute authorities as may be called Board or Committee or any other nomenclature or declare any of the existing local authorities established under any law for the time being in force for a village or an area covering two or more villages or other area or areas or part or parts thereof to exercise the powers and to

146. Notification No. PLN-LADP/57/2004 dated 10.11.2005 issued by Planning and Coordination Department

147. Procedures for Implementing A village wise approach to community and Individual development schemes under State Plan-A Manual of Rural development Department

148. Delegation of powers and functions

discharge the functions as provided under this Act.

#### 4. Delegation of Powers and Functions:

(1) The State Government or its authorities may, by notification, delegate the powers and functions of the State Government or its authorities, as may be specified, with respect to the management and operation of any of the public utilities and public services or the activities of the State Government connected with education, water supply, roads, forests, power, sanitation, health and other welfare and development schemes to the authorities constituted or declared under Section 3 of this Act.

(2) The State Government or its authorities may also issue directions to the authorities constituted or declared under section 3 of this Act for implementing any specific scheme and policy that may be formulated with respect to any particular service or activities.

(3) The authorities so constituted or declared under section 3 of this Act may also undertake any other social, cultural and educational activities not inconsistent with the provisions of this Act with due regard to the public interest and the requirement of innovative approach as well as optimum utilisation of resources.

The Communitisation Act seeks to delegate broad ranging powers qua management and operation of any 'public utilities', 'public services' or 'activities' of the state government to 'board', 'committee' or any existing 'local authorities established under any law'. So the existing institution such as VDB can be delegated power to carry out 'activities' of

the state government qua land use planning. The act further provides for constitution and declaration of either 'board' or 'committee' to exercise the functions under the act to implement scheme or policy for the services covered in the act. In order to implement the act, rules were formulated for different services to provide for composition, responsibility, powers and functions of the committee. A similar committee to carry out the mandate of formulating land use plan can be formulated at the village level. The advantage of constituting a committee under the Communitization Act is the involvement of government officials connected with delivery of the particular service or activity. The District Planning and development Boards supervise the programmes under implementation of these institutions operating in the district. All the District level Plans converge at the state level while formulating the state plan under the supervision of the State Planning Board.



### Annex-1

## INPUTS FROM THE STATE LEVEL CONSULTATION

### KOHIMA, 10TH MARCH 2015

- The Option of creating LUC under VC under the NVCT, Act is the most viable option of institutionalising land use planning in the state. The entire governance structure revolves around the VC and actions without its concurrence are not implementable.
- It is important to have a state level policy on jhum though instead of having Jhum Policy as recommended it should be termed as 'Land Use Policy'.
- A technical committee constituting of line departments at the district level should provide requisite inputs to the farmers through the Land Use Committee.
- For any comprehensive land use planning, sensitization of farmers is required to inform them of the available viable options.
- The government should undertake skill development of jhum cultivators.
- Any institutional structure at the village level should have backing in law otherwise it would be short lived. CAMPA funds can also be accessed if

it has backing of law.

- Jhumland Act has not been implemented in the state and should be reviewed to assess its efficacy,
- There is no integrated approach to jhum land management at the village and departments implement schemes as per available funds without evaluating its efficacy for the purpose to be achieved. There is overlapping of the schemes.
- The traditional knowledge associated with agriculture of the jhum cultivators need to be enhanced and converged with modern scientific inputs and knowledge.
- A uniform vision on shifting cultivation is required in the state and mapping of land rights is essential.





*Glimpses from the state level consultation on legal response to land use planning in Nagaland, held at Kohima.*

**STATE LEVEL CONSULTATION  
KOHIMA, 10TH MARCH 2015  
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