

**An Analysis of the Traditional Institution of Common Property Rights
in Transition:
A Case Study of the Land Use amongst Mao Naga in Manipur**

A thesis submitted to the University of Hyderabad in partial fulfilment of the
requirements for the award of the degree of

DOCTOR OF PHILOSOPHY

In
Economics
By

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(14SEPH08)

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26th December 2023



DECLARATION

I, **Athili Lolita**, hereby declare that the research embodied in the present dissertation entitled, **“An Analysis of the Traditional Institution of Common Property Rights in Transition: A Case Study of the Land Use amongst Mao Naga in Manipur”**, is an original research work and is free from plagiarism, carried out by me under the supervision of **Dr. G. Vijay**, School of Economics, for the award of Doctor of Philosophy from University of Hyderabad. I also declare that this dissertation has not been submitted previously in part or in full to this university or any other university or institution for the award of any degree or diploma. I hereby agree that my thesis can be deposited in Shodhganga/ INFLIBNET.

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Further, the student has the following presentation and publication before submission of the thesis:

I. Presentations:

- A. Presented a paper titled **"Exploring Institutional Mechanisms for Success of Act East Policy"** at a conference titled *"Act East Policy: Prospects and Challenges for North East Region"* organized by NIRDPR – NERC, Guwahati on 15th & 16th March 2019.
- B. Presented a paper titled **“Commercial Chive Cultivation: Boon for Small Farmers, Rural Transformation and agony of Pandemic”** at a seminar titled *“Economic Empowerment of tiny agricultural Sectors in India”* organised by St Joseph University, Dimapur on 28th & 29th January 2022.

II. Publications:

- A. Lolia, A (2019). The Interplay between Ethnic Conflict, Development, and Policy Making: A Case Study of the Jiri-bam-Tupul Railway project Manipur. In B. Dhar, S. Sengupta & S Sarma (Eds.), *25 Years of Economic Reforms & North East India* (pp.266-285). EBH Publishers.
- B. Lolia, A. (2023). Issues of Agricultural Development in Manipur. *International Journal of Novel Research and Development (IJNRD)*, 8(10), ppb826-838.

Further, the student has passed the following courses towards the fulfilment of coursework requirement for Ph.D.

Sl.No	Course Code	Course Title	Credits	Results
I	EC701	Advance Economic Theory	4	Pass
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“I dedicate this work to the Mao Community, especially to grandparents and elders who had thought and envisioned the good about the community. Their vision and passion are drawn from their love and dedication towards their people. You have managed to preserve, conserve and sustain the communally owned resources by deriving new forms of institutions in governing the common resources. It is my hope and prayer that generations to come draw inspiration from you and march ahead with the same love and dedication for our people. I enjoy the fruit of your good counsel and the largeness of your heart.”

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My sincere apologies to those whose names I may have inadvertently missed. I wish to convey to them that their contribution is valuable and equally significant. Lastly, it would be my sole

responsibility if any misrepresentation and misappropriation accrue out of this research work; I fully own and accept any omissions and errors committed in this thesis.

Athili Lolita

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Abbreviations

ADC	Autonomous District Council
APA	American
CPrR	Common property resources
CPR	Common pool resources
Ha	Hectares
HH	Household
HYV	High Yielding Variety
MLRLR	Manipur Land Revenue and Land Reforms
OBC	Other Backward Caste
SC	Scheduled Caste
ST	Schedule Tribe
MNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
JFM	Joint Forest Management
TLR&LR	Tripura Land Reform and Land Revenue

An Institutional Analysis of The Traditional Common Property Rights Regime of Land Use: A Case Study of Mao Naga in Manipur.

Chapter One

Introduction and Contextualizing the Research Problem

1.1 A personal Account

My father inherited a small plot (paddy field) to cultivate rice when he married to start the family.¹ It was part of his ‘lophre’ or share. In that small plot, we produced rice in the kharif season and horticultural crops during the rabi season. As the family grew and the six children grew, the small plot was insufficient to feed the family and meet other expenditures: education, healthcare or household expenses. As a young married couple, they sought to sustain and improve the family's economic condition. Through rice fields and jhum land, the village provided the means for many such young parents as my parents. In my fifth year of high school, our father successfully bided the village-owned fields to cultivate rice. He was able to bid out others in the next two cycles with a tenure of two years each. Our lived experience acquainted me with the importance of village-owned land. The rice fields where we grew rice, the nursery for growing the rice saplings and the site for setting up our camp (temporary hut) were all set up on the village-owned land. Simultaneously, we grew potatoes on the village-owned jhum land. The next six years shaped my high school life, where my siblings and I worked in those fields, helping our parents ensure that there was food and our school fees were paid. It is common to see children as young as nine years old working in the fields during peak agricultural seasons: plantation and harvesting.² During those six years of cultivating the village-owned land that coincided with my high school years, our family could harvest enough for our family's consumption and generate some surplus. The produce from the land ensured our food security and nutritional requirements for the family. Rent for using the village-owned rice fields could be paid after the harvest. Our neighbour raised their eight children depending on the village land cultivating potatoes. Likewise, every other family has a similar story to tell. The fact that we had food growing up and had the privilege of attaining formal education was all because the village provided us rent-free jhum land and rice fields at minimal rent. Our family could meet the fuel requirement by withdrawing firewood from the village-owned land.

¹ It is the Mao tradition and practice for the parents to bequeath paddy field when their sons get married so that they can start their family.

² Till today schools and colleges in Mao areas prepare their academic calendar keeping in line with the agricultural cycle.

More recently, in 2022, we appropriated bamboo requirements for constructing our house from the village-owned land.

Today, Mao as a community has established its brand in farming and horticultural products. One important factor for such development was the establishment of the Mao Potato Farm at Mao in 1970 by the Department of Horticulture and Soil Conservation as a part of the development of the potato and vegetable scheme.³ It was established with the aim of breeder seed production. This potato farm is established on community-owned land donated to the government by the neighbouring villages⁴. The availability of quality potato seeds at Mao enabled the local farmers to venture into large-scale production of potatoes and other crops. Its production caters large portion of the market demand in Nagaland and Manipur and supplies quality breeder seeds to other Northeast council states like Nagaland, Mizoram, etc⁵. Members of the Mao community grow horticultural crops on the village-owned Jhum land. The produce from land is marketed and has sustained the livelihood of many communities. The institution of community and village-owning land has given the stepping-stone to every Mao family to escape poverty and live a dignified life. Farming was and continues to be the mainstay of Mao villages and people. Thus, the land becomes indispensable for this farming community. The above illustration of the personal account presents a broad picture of how village-owned land forms an indispensable part of this farming community.

However, the perception regarding institution of property rights governing village's land is a mixed bag where the efficiency and sustainability criterion of the institution is questioned. It sparked a desire to study the finer aspects of the traditional institution governing communal land ownership. As the English mathematician and philosopher Alfred North Whitehead wrote, “The elucidation of immediate experience is the sole justification of any thought, and the starting point for thought is the analytic observation of components of this experience.”⁶ Armed with my lived experience and inspired by Whitehead's words, I embarked on an academic journey to research the traditional

³ See e-pao published on May 12, 2013, for details. It was originally established with 70 acres and in 1975 with the funding from North Eastern Council (NEC) it increased to 300 acres and upgraded to upgradation to Regional Seed Potato Production Farm. The NEC initiated strengthening and continuous production of basic seeds in 2006-07 and extended the farm area to 1054 acres.

⁴ Under this scheme, the total potato production was 239 MT in 1998-99, according to the (Annual Administrative Report 1999, p. 4)

⁵ Annual Administrative Report (1996-1997), P. 188.

⁶ Process and Reality, New York, Macmillan, 1930, p.6. This statement encouraged Albert O. Hirschman to write his book ‘The Strategy of Economic Development’.

institution of the property rights system. Moreover, there is no better place to start than to elucidate my own immediate experience and analyze common property rights under traditional institutions that govern village ownership of land in the Mao villages of Manipur.

The following conceptual discussion introduces the economics of institutions and their role in economic growth and development. Institution as an economic framework differs from others, especially classical and neoclassical frameworks, by placing social, political and economic aspects through the lens of institution. Property right is regarded as an important part of the study of institutions. Debate on common and private property will reveal whether private property alone should be adopted or other property rights regimes can govern and manage resources. To understand the workings of traditional institutions governing communal ownership amongst the tribal of North East and Mao, Naga must be placed within the broad concept of institution, property rights as an institution and its role in economic growth and development.

1.2 Concepts and Role of Institution

Institutions, according to the Handbook of New Institutional Economics, are “the written and unwritten rules, norms and constraints that humans devise to reduce uncertainty and control their environment”. North (1991) describes it as the ‘rules of the game’ clarifying the kind of actions that humans may either take or not take. They are defined as systems of established and prevalent social rules that structure social interactions⁷. It can be classified as formal rules like legislated laws and informal rules like social norms, customs, and traditions. Institutions shape the incentive structure of human exchange, whether economic, political or social (Hodson, 2006). Ostrom describes it as the prescription used to organise repetitive and structured interactions by humans. She highlights the existence of rules and rights in different social settings like family, neighbourhood, local, national, regional, and international levels, firms, markets, and government (Ostrom, 2005, p.3). In addition to defining and limiting the individual’s choices, institutions also reduce uncertainty by establishing a stable structure for human interaction.

A well-established literature links the growth and evolution of such institutions with changes in the general economic well-being of a society or nation. The neoclassical paradigm as a framework neglected and discounted the importance of social and political aspects for the smooth functioning

⁷ See Hodgson (2006)

of the market system. New institutional economics tried bridging the gap between neoclassical economics by emphasizing institutions and institutional arrangements as real causes for economic changes. Institutionalists link poor institutions to a country's weak economic performance. North's (1991) work, based on an analysis of historical events, shows the role of institutions in economic performance. Different economists have used varied institutional factors to explain high economic activity. According to Hall and Jones (1999), the difference in output per worker arises due to the differences in government policies and institutions, not through physical capital or education. Institutions came out as the most important factor in determining income levels across countries when studied to find the relative importance of institutions, geography, and trade (Rodrik et al., 2002). Acemoglu and Robinson (2008) identifies differences in economic institutions as the primary factor for variations in economic prosperity across countries. Political institutions and power distribution, in turn, influence these economic institutions. The importance and association of trust and civic norms to economic performance are found in the study conducted by Knack and Keefer (1995). They conclude their study by asserting that countries with strong institutions that enforce contract rights and protects property effectively with less polarization on ethnic lines and class, have stronger economic performance.

Studies that link institutions and growth reveal the major role of institutional factors in stimulating growth and development. These factors range from government policies, quality of governance, trust and cultural values and norms, good governance, law enforcement, establishing and protecting property rights, etc. Amongst them, the enforcement of contracts and well-defined and secure property rights have received the highest attention from scholars.

1.3 Property rights as an Institution and its role in development

Property rights are a crucial component of institutional regime. The institution of property rights protection has been shown to have strong linkages to a nation's economic development. Property rights are "enforceable authority to undertake certain actions under a specific domain" (Ostrom, 1999). Property rights allow the owner to obtain consent from fellow individuals to establish and act on its property without interference, provided that these actions are not prohibited in the rights specifications (Demsetz, 1967). Cooter and Ulen (2016) define property rights as a *bundle of rights* that describes "what people may and may not do" with their resources. These rights include the extent to which owners wish to possess, improve, donate, deplete, destroy, etc. The bundle of

rights includes the right to access, withdraw, exclude, manage, and alienate the resources, as put forth by Schlager and Ostrom (1992). The rights to access refers to the authorisations regarding entry into a defined physical property. The withdrawal rights for extracting benefits of the resource. Management rights refer to the rights to regulate internal use patterns and usher in changes brought about through resource improvements. The right to exclusion determines who can access and, at the same time, how to transfer the rights. The alienation right refers to the right to manage, exclude, lease or even alienate the property.

Coase Theorem gives crucial insights into property rights and their role. Coase Theorem was the key result or insight of the article “The Problem of Social Cost”, written by Ronald Coase in 1960. The theorem states that with the “presence of externalities” and “zero transaction costs”, bargaining among the concerned parties will always lead to a Pareto efficient outcome irrespective of how the property rights are assigned. This theorem has been interpreted in many different ways. However, the interpretation that Coase insisted on was that since transaction costs are never zero, the initial assignment of property rights becomes important. Demsetz's article “Toward a Theory of Property Rights”, published in 1967, provided a theory of property rights, explaining the conditions under which property rights emerge. Demsetz attributes the allocative function of property rights primarily to internalizing externalities: both beneficial and harmful effects. He further examines and compares different property rights regimes and concludes that the private property rights regime is the most efficient as it provides the perfect incentives to economic agents for the proper usage of economic resources. In the literature, alienation is interpreted as analogous to private property. Strong property law secures property rights thereby affecting national economic growth by reducing insecurity, increasing investment (FDI or local), reducing transaction costs and reducing misallocation of resources. Further, any property system that does not permit the right to alienate is considered ill-defined. According to Demsetz (1967), ill-defined property systems (lack of alienation rights) lead to economic inefficiencies as those with the rights are unable to trade their interest in or with higher valued activity an improved opportunity with other resources; also, it limits individuals to obtain those properties which value the most. Thus, property rights systems with alienation rights transfer those properties to their maximum valued use.

Elinor Ostrom (1990) reviewed empirical studies related to common pool resource management and found that no universal property rights regime functions efficiently in every setting. This finding was revolutionary because it goes against the widely and long-held belief that the private property rights regime is the only regime capable of providing the right incentives for the efficient use or management of a resource. According to her, property rights regimes other than private property rights regimes can also solve the problem of the ‘tragedy of commons’ under certain circumstances⁸. She then proceeds to identify the features or conditions under which the common property rights regime emerges as an efficient form of property rights regime.

1.3.1 How do Property Rights Emerge?

Rule of first occupancy is considered the easiest yet debatable assumption on how the individual who occupies the land owns and establishes ownership over the land. The rule of first occupancy is the dictat to establish initial rights in any human settlement. Demsetz's work “Toward a Theory of Property Rights”, published in 1967, is considered by legal and economic scholars as a path-breaking explanation for changes in property rights. His theory, regarded as the ‘economic theory of property rights’, is based on neoclassical economic efficiency. He hypothesised that “property rights develop to internalise externalities when the gains of internalization become larger than the cost of internalization”⁹. The communities’ tendency to either prefer private ownership or state ownership depends on the cultural differences of the community or “community tastes”. Demsetz asserts that property rights adjustments occur as a “result of gradual changes in social mores and common law precedents” and that “legal and moral experiments may be hit-and-miss”, but in the long run, it depends on how communities “modify behavior to accommodate to the externalities associated with important changes in technology or market values”. Despite its wide acceptance Demsetz’s theory also suffers from criticism as it failed to provide mechanisms¹⁰ through which the property regimes are brought upon. Stuart Banner’s work on “Transition between property

⁸ Tragedy of commons is a theory in economics which suggests that individual self-interest in a shared resource setting will always lead to overexploitation or depletion. It was first introduced in an article published in the Journal of Science in 1968 by Garrett Hardin.

⁹ Demsetz used the example of the Native American Montagnais (inhabiting Canada’s Labrador Peninsula) open access hunting ground (to all its members) to mark their hunting grounds for beavers and allocate exclusive rights to hunt in specific places to the tribe members. With colonial settlement and increased commercialization, the value of fur rose, thereby increasing the externalities of open-access hunting. Thereby, marked areas are allocated and privatised.

¹⁰ Mechanism is the means by which society move from one regime to the other: open access to property or vice versa.

rights” (2002) explains its need and provides a mechanism through which new forms of property rights emerge from old ones. The emergence of any new property rights requires “Communities need to get pass the collective action problem whereby the collective benefits and cost of the old regime leave sufficient aggregate of individual cost/benefit balances”. Staurt asserts that new forms of property rights can be established through different interest groups and that “societies reallocate property rights when some exogenous political realignment enables a powerful group to grab a larger share of the pie”. He used this alternative to explain the mechanism through which the transition of property rights amongst the Montagnais¹¹ and the creation of British enclosures¹² backed by a powerful oligarchy. He attributes political mechanisms to attain such a transition. Pejovich¹³ states that “the creation and specification of property rights over scarce resources is endogenously determined” and that “some important factors which govern changes in the content of property rights are asserted to be: technological innovations and the opening of new markets, changes in relative factor scarcities, and the behavior of the state”. Krier (2009) discusses primitive property rights that are de facto and not de jure in the absence of a legal system. It emerges at some point and develops over time to culminate into the property systems of modern times. Krier offers two distinct evolutionary accounts for explaining the emergence of property rights. One attributes its emergence as a result of “intentional undertakings”, i.e. property is “designed”, and the other is attributed to unintended consequence of individual actions implying that property arises “spontaneously” – by an invisible hand. Property rights emerge not as a response to “the result of a conscious endeavour” but involve “gradual changes in social mores” without the involvement of any particular end in mind or central authority. The emergence of property rights is a continuous process whereby it can emerge naturally with its historical progression depending on the time and situation and through the establishment by higher authority. There are two ways in which property rights can be enforced; one is through the legal system or the state, and the other

¹¹ Demsetz used the economic efficiency of internalizing externalities as an explanation for the emergence of Montagnais common hunting grounds to private property, and Staurt adds the role of interest groups backed by the political power of the settlers as the mechanism in “Altering power relations within the tribe” thereby “conferring more power to tribe members who had closer contact with the settlers, and allowed one set of tribe members to squeeze out the rest by dividing the tribe’s hunting territory amongst themselves”.

¹² In the words of Staurt, the creation of British enclosures is transitioning from “functional to spatial system of property rights”. Enclosures in Britain could cross the collective action problem because there were British owners who were politically strong and rich. They bore the administrative cost as they would have gained from the enclosure.

¹³ See Pejovich (1972)

is through social norms and rules¹⁴. Property rights can be produced formally by the state through political strength, where rights are reallocated. Establishing property rights is generally understood as forming private property from communal, state or even open access. There are instances where individuals or governments transform communally owned or open-access property to privately owned or state-owned resources. Examples are that of land reforms or land re-distribution by the government. The Soviet Union's privatisation of the common house to private individuals, the enclosure movements of the British commons after the sixteenth century, and the formation of Indian American Montagnais to private ownership from communally owned hunting grounds are examples where state and communally owned land are transitioned into privately owned land. The gold rush in California led to the establishment of state ownership from no man's land, where individuals were given user rights over the resources. With the cooperation of individuals, rights are enforced informally through social norms and become a production of a collective endeavour. The enforcement of property rights amongst tribes, indigenous communities and communities that follow traditional management forms happens through socially accepted norms and rules.

For an individual to have property rights over a resource requires the rights to be defined, its use monitored, and those rights enforced. This involves costs referred to as 'transaction costs' by institutional economists (Commons, 1931; Coase, 1937, 1960). Property rights institutions of different forms will develop depending on the level of transactions. The difference is in how they distribute the rights to its members. Four categories of property rights regimes exist private, public, common, and open access (Schlager & Ostrom, 1992). Thus, the property rights regime represents the institution that governs, manages, enforces, and sustains the resources. The regime that governs private, communal, state and open access are the private property rights regime, common property regime, state, and open access, respectively.

1.3.2 Rights and Ownership

As mentioned earlier, the level of transaction will lead development of varied property rights institutions. The difference is in how they distribute the rights to its members. Four property rights regimes are developed based on the rights distributed to its members: private, public or state, common and open access. The relation between property rights holders and the bundle of rights

¹⁴ See Staart Banner (2002).

determines their position with the resource. Property rights holders and their respective positions depend on the bundle of rights attached to them.

Private property owners have the right to access, exclude, withdraw, manage, and alienate. In that sense, private property is the most preferred form of property rights regime. Alternatively, property rights that are poorly defined are considered inferior since they lack control structures and weak enforcement mechanisms to protect the rights¹⁵. Examples of poorly defined property are those of common property and open access. The case of open access is given by Hardin (1968). In this situation, many user rights exist, and the non-excludability of individuals led to overgrazing, resource degradation, and tragedy for the commons. Well-defined property rights or private property are considered superior as they create the right incentives for maintaining, sustaining, and optimally using resources or commodities by the owners. In addition, a private property rights regime allows the resource to be transferred to the individual who values it the most. As such, growth and development could be fostered only through a private property rights regime. Thus, privatization of property is recommended for developing and transition economies to attain a strong economy. This implied that underdeveloped countries had to introduce the institution of well-protected private property in order to spur growth. Elinor Ostrom (1993, 1999) counters that in certain conditions, a common property rights regime can generate efficient outcomes.

For those property systems where rights are held collectively, the positions of each individual can be categorized by the way of the distribution of rights. Entrants that are authorized mostly comprise of users who have one-time access to such resources and do not have the right to appropriate its products. Resource users with entry and withdrawal rights over the resource unit are authorized users. In addition to possessing the right to access and withdraw, claimants have the operation rights to devise rules and set limits to withdrawal, decide on facilities, and bring further development through the construction and maintenance of the resources claimants have. Proprietors have equal rights to those of the claimants. They also have the right to decide who can access the resources and exclude non-members. Furthermore, proprietors of common property regimes can bequeath resources to close kin and family despite the absence of the right to manage, and exclude, and alienate. It has been found in studies that decisions promoting long-term investment and harvests for such resources have been and can be made by proprietors. African

¹⁵ See Schleifer (1994)

studies¹⁶ focusing on the study of those practicing communal land tenure conclude that rights to proprietorship do reduce agricultural productivity. However, their decisions on investment and access to credit are not much different from those of private owners. This shows that no universal property system works equivalently in every setting. Owners have the right to alienation in addition to the rights proprietors possess. They have the bequeathing right, sell or transfer their management and the right to exclude whomever they want.

1.3.3 Private Property

Private property is both excludable and rival. The owner of such a resource can exclude potential users without cost. It is rival because one person's consumption simultaneously prevents other consumers from consuming. A private owner controls the rights to access, exclude, withdraw, manage and alienate. Common literature on property rights acknowledges private property rights as superior as they have all five bundles of rights: access, exclude, withdraw, manage, and alienate. This is the only regime where an individual enjoys all the five bundles of rights (Schlafer & Ostrom, 1992): access, withdrawal, exclusion, management and alienation. Private property owners like an apple, pen, residential home or laptop have all five rights attached to these properties. Thus, individuals with all five bundles of rights are governed by a private property regime. The right to alienation or change of hands becomes the most important property right. Private property is the most common form of property.

1.3.4 The state or public ownership

As the term suggests, State or Public property is owned, managed, and controlled by the state or government. The state or federal regulates the right to access, withdraw, exclude, manage, and alienate. Some examples of public property are National parks, public roads and state-owned enterprises. One-time entry of individuals into a national park, zoo or museum run by the government is authorized users. An individual holding a library card as an authorized public library user has the right to sit and borrow books.

1.3.5 Common property regime:

The institution that regulates or controls its access, use, management and exclusion of communally owned resources is termed a common property regime. A group of individuals can own it (a family, clan, co-operatives, or group of individuals). It is a social arrangement that regulates the

¹⁶ See works of Migot-Adholla et al. (1991) and Bruce Migot-Adholla et al. (1994) as quoted by Ostrom (1999).

consumption, maintenance and preservation of common pool resources. It aims to preserve the core resource while allocating the fringe resources through complex consensual community norms and decision-making. Under this regime, access to the resources is not free for non-members, but access for its members is relatively free through monitoring by the community members. Access to resources is limited to the particular community members. Common property are subject to regulation under community norms or rules while resources are open to all takers under open access (Ostrom, 1990). Access to common property resources is non-excludable for its members, while there are mechanisms to exclude non-members. Common property can be rival, as one's resource consumption would reduce the quantity the other individual can consume. Thus, common property looks like a public good to its members and a private good for non-members (Ostrom, 1999). Krier cites Carol Rose, who considers it, as 'a limited-access commons are common on the inside, but private on the outside'. It is common as it may not exclude the co-owners and private as it may exclude the non-owners.

1.3.6 Open access regime:

Access to a resource cannot be denied legally in an open access regime, whereas in a common property regime, a set of demarcated members have the legal right to deny non-members to utilize a resource.¹⁷ Any individual can have access to open access resources. As nobody owns or manages an open access property, the access to it is not supervised. It is a true common. It is non-excludable in nature. Therefore, no individual can deny access to other individuals. But, there is an element of rivalry present in this regime as any individual utilizing the resource reduces the overall availability for others. Resources in this regime are liable to resource abuse, overuse and abuse due to the non-excludability of potential users and its rivalrous nature compared to private and common property. Open-access properties include the atmosphere, the ocean, and outer space. Guerin (2003) argues that this regime comes into being where property ownership has not been settled or established legally by the state or a functional system of command and control has not emerged (the costs of exclusion are far greater than its benefits). Open access property can sometimes be converted to private, public/state, or common by the government (land grants, land distribution and legislation allocation of rights in the form of public, private or common). Likewise, common property resources (CPrR) over the years can become open access due to an

¹⁷ Refer to Ciriacy-Wantrup and Bishop (1975), Bromley (1991a, 1992b) as referred in Ostrom 1999.

increase in the population of resource users, hence increasing in demand for resources and resource commodities, adding to the weakening of the social conventions and institutions that regulate and manage communally owned resources (Bromley, 1991, p. 32).

1.4 Debate on private and common property rights regime

Any property regime can be understood from the perspective of efficiency, equity, and sustainable use. For a very long period, economic analysis of property rights as an institution focused only on efficiency. A particular regime could be more efficient than the others if the property rights regime allowed for its best possible use. Many scholars, including economists and lawyers, advocated the supremacy of the private property rights regime over other forms¹⁸. The two most discussed and debated property rights regimes are those of private and common property institutions. Their superiority over one another is a subject of contestation. The transition process from common property to well-defined private property explains the growth process of modern Western developed countries. Most economists regard private property as necessary for economic development as diverse property relationships create several incentives. Starting with the essay “Tragedy of the Commons” by ecologist Garrett Hardin in 1968¹⁹. He cites the overgrazed common land, “Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit – in a limited world. Ruin is the destination toward which all men rush, each pursuing his best interest in a society that believes in the freedom of the commons”. Hardin’s tragedy considers a condition wherein individuals who have access to a common act in their best interest end up depleting the resource. His work became a reference point in debates where rights over land ownership and its resources are not well-defined. After this, many studies and alternative property rights were suggested to govern the commons. Coase (1960) proposed that environmental problems can be resolved by clear and well-defined property rights as it leads to incorporation of externalities and a reliance on incentives (demand of compensation by those affected by those that damage or pollute the environment- air, water, etc.). It is also found that well-protected property rights have two essential outcomes. In the first place, it leads to a reduction in investor risks, which further creates more investment incentives. Secondly, household welfare is improved; researchers

¹⁸ With the work of Garrett Hardins, Demsetz (1967), Alchain and Coase they have acted as the Neo-classical tradition of analysing property rights.

¹⁹ English economist William Forster Lloyd in 1833 first used the concept of “Tragedy of Commons”.

found that in developing states, exploring the influence of property rights on the household welfare and growth, we can find that a good property rights regime positively affects development which includes a more efficient management of the natural resources. (Mike et al. Vidra 2012). According to Demsetz (1967), an ill-defined property system (lack of alienation rights) leads to economic inefficiencies since property right holders cannot trade their interest with higher valued activity, an improved opportunity with other resources, also it limits individuals to obtain that property which values the most. Here, the well-defined property is referred to as private property, where all the five bundles of rights are attached to the property. It is stated that poor or developing countries are poor because they have weak or ill-defined property regimes. Their common solution to growth and development is by setting well-defined private property regimes.

Economists consider common property regimes as inefficient. It is inefficient in three forms: 1) the dissipation of rent, because on the one hand, no individual owns the products of a resource, whereas, on the other hand, everyone wants to own a share of that resource before others access it, which make such regime unproductive (Ostrom, 1999)²⁰, 2) inefficiency arises due to existence of high transaction and enforcement costs when members of communal ownership tries to derive rules to reduce externalities. (Coase, 1960; Densetz, 1967; Ostrom, 1999) and 3) inefficiency arises due to low productivity. Since no individual owns the property, there is no incentive to work hard to increase one's private returns (Yang, 1987; North, 1990; Ostrom, 1999).²¹ Hence, wide literature on the study of property rights and Neo-classical theorists patronises private form of property regime over other forms of property regimes (comparison is usually made more often with common property). The mode of valuation is purely on an economic basis, where efficiency is the key form of measurement. Thus, many scholars in their works on property rights recommend privatization and ending the common property regimes as the final solution to solving the problem of the tragedy of the commons. The current wave of debate over well-defined property is not only debated amongst scholars from an economic perspective. However, it has also taken importance in conserving both environment and natural resources. The ability to sustain environment and

²⁰ See Knight 1924; Gorden, 1954; Scott, 1955; Schaefer, 1957; Cheung, 1970; C. Clark, 1976, 1980; Dasgupta and Heal, 1979 as quoted in Ostrom, 1999

²¹ In words of Hardin: "To each according to his needs". "Their needs were uncontrolled and grew with the increase in the number of animals. The herds exceeded the natural 'carrying capacity' of their environment, soil was compacted and eroded, and 'weedy' plants, unfit for cattle consumption, replaced good plants. Many cattle died, and so did humans. The Experience of Hutterite communities indicates that below 150 people, the distribution system can be managed by shame; above that approximate number, shame loses its effectiveness" (Hardin 1978).

resources in the long run is being added. While neo-classical theorists propagate the superiority of private property, Common property theorists like Berke (1989) and Ostrom (1990) believe that even communities can own, manage, sustain and restore resources.

1.5 Alternative solutions to common property regimes

One significant criticism against the common property regime is that individuals acting towards their self-interest subject resources governed by it to degradation, overexploitation or overuse. Conventional solutions to resolving the “tragedy of the commons” are mostly exogenous, either through state intervention or privatization of the resource. We will be discussing each approach in the following sections.

External Agent/exogenous

- a) Government/State ownership
- b) Privatization

1.5.1 State ownership

Ostrom quotes Opshul's argument that “because of the tragedy of the commons, environmental problems cannot be solved through cooperation, and the rationale for government with major coercive powers is overwhelming”. Opshul concludes, “Even if we avoided the tragedy of commons, it will only be by recourse to the tragic necessity of leviathan²²”. A decade after Garrett Hardin (1978) published his famous Tragedy of the Commons, he argues that humans are enveloped by ignorance and incapable of accounting for the necessity of preserving nature and the environment. He presumes the alternatives to the commons dilemma are that of a private enterprise system or socialism. He believed the alternatives to commons, private/socialism, are horrifying. He suggested that change should be brought upon from “whatever force maybe be required to make the change stick” and concludes that to avoid “ruin in the crowded world, people must be responsive to a coercive force outside and individual’s psyches” (Hardin, 1978). Scholars’ prescription of the commons to be owned and governed by the federal or centralised government is due to the ability of the state’s coercive power. Ostrom (1993, 1997) notes that “the presumption

²² Leviathan a word from the Biblical sense refers to a sea monster and from the early 17th century has been used to describe overwhelmingly powerful things or people, influenced by Thomas Hobbes’s book (1651).

that an external Leviathan is necessary to avoid tragedies of the commons leads to recommendations that central governments control most natural resources”. The general notion is that private failure in governing natural resources can only lead to regulation and control by external agents like the State, Public Agencies and International bodies. Considering that individuals are self-interested, scholars recommend the iron rule to autocratic governments in finding long-run solutions to environmental and ecological problems. Ostrom further adds that owing to the wide understanding that self-interested individuals are incapable of solving long-term problems, natural resources in Third World countries commonly governed and managed by locals are recommended to be managed and regulated by the central government. These resources include forests, grazing lands, and fishing grounds. Considering such suggestions, developing countries like India, Thailand, Nepal, etc., have centralized forests for protection.

The success of such a move does not end by just transferring ownership from the communities to the governments. For instance, the condition of the forests in India and Nepal on changing its regulatory authority degraded rapidly. Under this arrangement, the government is supposed to decide on rules of access, appropriation, and management and sustain it in the long run. Unfortunately, the respective government failed to establish proper regulatory or management measures to govern those nationalized forests. Those forests, which were de facto managed by the communities, became de jure governments. The de jure government property later became open-access, removing the local communities from managing the resources.

For instance, the Indian state could not manage and enforce rules that would properly manage the forest resources. The lack of proper forest officials and departments has led to over-exploitation of the forests and their resources. A large amount of deforestation occurred in India after the nationalization of the forests. On recognizing that the forests have vastly degraded, the federal government introduced a new form of administering the forests during the 1980s. As mentioned in the previous literature, this movement brings about joint forest management by the local communities and the government. This initiative was much appreciated, as it proved fruitful and gave more accountability to the locals who could manage and sustain the forests. Incorporating proper rules and enforcement mechanisms in regulating and management is thus more important than changing of mere ownership system.

1.5.2 Privatization is the means to solve the common problem.

Privatizing the commons is the other type of property rights system commonly recommended to avoid the tragedy of the commons. The scholarship for the privatization of the commons is greatly inspired by Demsetz's work on the tragedy of the commons. Proponents of the private system continued to hold much importance ever since Demsetz's work on "*The Tragedy of the Commons*". Demsetz and his successors argue that the creation of private property rights is required in order to save natural resources and preserve wildlife to avoid the tragedy of commons scenarios, which commonly exist under common property-based system²³. These scholars advocate the establishment of full property rights over the commons. It is asserted that the "establishment of full property rights is necessary to avoid the inefficiency of overgrazing" [Welch (1983), as quoted by Ostrom (1997)]. He asserts that privatizing the commons is the optimal solution, which was otherwise governed by communities. As scholars believe, private ownership tends to avoid overuse of the resources as they realize the benefit of conserving the resources they control. Privatizing the commons can be achieved through different means, such as distributing the land equally to all its members or leaving it to the market, where ownership of the land depends entirely upon the individual's ability to pay.

1.5.3 Some examples of common property that are privatized:

Fine examples of privatised commons are the privatization of the Russian communes and the enclosure movements of the British communes. What proponents of the private system miscalculated was the possibility of arriving at another tragedy, that is, "the tragedy of the anti-commons". The term was first used by Michael Heller (1998) in his article "Tragedy of the anti-commons". After the fall of communism, many European countries have privatized publicly held property by establishing exclusive rights for individual owners. The concept was explained by citing the example of Moscow's empty storefronts and the mushrooming of flimsy metal kiosks filled with goods on the streets. He observed that the storefronts in Moscow follow the arrangement where "one owner may be endowed initially with the right to sell, another to receive sale revenue, and still others to lease, receive lease revenue, occupy and determine use". He states, "anti-commons property can be understood as the mirror image of the commons property". He

²³ For details see Ostrom (1997), where she quotes the work of Demsetz (1967), Smith (1981), Welch (1983) and Johnson (1972) who became proponents of privatizing the commons.

differentiates them as commons to be a situation where use rights are given to many owners and have no individual has the right to exclude others, ultimately leading to resource degradation and over-exploitation (Tragedy of the commons). Moscow's empty storefront becomes an indicator of anti-common property where multiple owners are given "right to exclude others from a scarce resource, and no one has an effective" use of the resource (Heller, 1998). "When too many owners have rights to exclusion", it leads to "resource underutilization" or "the tragedy of the anti-commons". He concludes that while private property usually increases wealth, "too much ownership has the opposite effect", leading to "wasteful underuse" of the resource or underutilization. To "avoid the tragedy of the anti-commons", Heller suggests, "policymakers should pay more attention to the content of property bundles, rather than just focusing on the clarity of rights".

The British enclosure movement is another apt example of privatizing the common land. It was a movement to legalize landholding in rural England by incorporating several small landholdings into one big farm. Once enclosed, the previously communally owned land becomes private property and is not to be used for communal use. Under such a process, surrounding parcels are enclosed or fenced, deeded and titled to a few owners. Lands were enclosed through two processes: 1) by buying the ground rights or buying communal rights over the land, and 2) through enclosures through a parliamentary act known as the "Enclosure Act". The enclosure movement attracted mixed reactions from proponents and those against it. The proponents of the movement credited enclosing the common lands are the cause of the British Agricultural Revolution and the Industrial Revolution. It brought an agricultural revolution by letting owners make long-term investments, use better farming practices, and increase crop yield, thereby increasing per-labour output. The increase in per-labor output contributed to surplus labour, essential for the cause of the Industrial Revolution. In *Capital*, Marx states that the enclosure movement played a constitutive role in transforming feudalism into capitalism. This was brought about by transforming the land for subsistence for a market commodity (wool) and by generating an environment for a labour market by transforming small peasants, proprietors and serfs into agricultural labourers. Marx opines that their opportunity to exit the market declined with the enclosure.

The process of enclosing the common land through the parliamentary act was seen as rich farmers' or land-owners ability to use the resources of the state and its institutions in order to take over the

public land for the sake of private. The enclosure movement also attracted negative reactions from those who saw the movement as a case of class robbery. From the 16th to the 19th century, the enclosure process created a landless working class by enclosing village after village, thereby causing a loss of common rights. The enclosure movement for sheep farming led to the eviction of villagers from their homes and livelihoods. These had led to riots, rebellion and revolt in the country. Some movements against modern enclosures include the Landless People's Movement in South Africa, the Landless Workers' Movement in Brazil, Narmada Bachao Andolan India are such examples.

While state and private ownership can be corrective systems, the problem of the commons can be resolved by an alternative, third approach, which Ostrom suggests: "the design of cooperative institutions that are organized and governed by resource user themselves". While the two forms of property rights above are recommended for different resources and situations, Ostrom's cooperation theory is suitable for common pool resources.

1.5.4 Internal agent

The theory of cooperation on governing the Commons

Ostrom's book "*Governing the Commons: The Logic of Collective Action*" made a detailed examination of various long-established and workable common property regimes, focusing on managing common property resources effectively. Ostrom provided vast literature on how appropriators of the common resources have managed, governed and sustained common property resources over the years²⁴. Based on these empirical works, she recommended endogenous alternatives to solving the problem where appropriators²⁵ make binding contracts to make a cooperative strategy. Ostrom (1990) confirms that institutions have managed their natural resources to a reasonable degree of success over the years. She has provided theoretical and empirical alternatives that illustrate the diversity of solutions beyond the market and the state. She proposes self-financed enforcement mechanisms which are endogenous to the institution. The difference between endogenous self-financed enforcement with the above two theories lies in adding one more parameter: the cost of enforcing rules and getting into the collective agreement.

²⁴ Examples of successful governance of the common property resources include the irrigation systems in countries like the Philippines and Spain, grazing pastures in Switzerland and forests in Japan.

²⁵ The term appropriator is referred to those who withdraw resources from the resource unit and the process of withdrawing is called appropriation (Ostrom 1990, Meyer 1975).

Previous theories have assumed transactions to be absent or very insignificant, which is not true as transactions are costly. The theory suggests that certain environmental and physical conditions of the resource would lead to an emerging communal property rights regime. Netting (1976), in his study of the Swiss peasant, recognized the following five conditions under which common property rights are more plausible. “1) lesser production per unit, 2) high discrepancy in the availability of a particular resource in any one area, 3) low returns in case of increase in investment, 4) substantial economies of scale in developing infrastructure, and 5) substantial economies of scale in case large area is utilized”. These resources are mostly found in dry, arid lands and steep and mountainous regions where rainfall is relatively low and scattered. These types of land are unsuitable for productive agriculture but can be used effectively for community grazing and village forest areas. Under these conditions, a common property regime would be the most effective system for governing the resources. Ostrom has strengthened Netting’s findings by adding more findings from Japan, Spain, and the Philippines²⁶. She further states that the development of communal ownership over such type of land enables members to share risk that arises due to environmental and natural irregularities. Though Ostrom insisted on evaluating each of these cases on its terms, she delineates or recognizes “eight design principles common” across all these successful institutions. It is also argued that under those environmental conditions emergence of private ownership is difficult and efficiency of any property regime is dependent on the nature of the resource. Ostrom is of the opinion that the commons do not always need external agents but can devise mechanisms for cooperation to attain collective action internally by members of the group. Stretching upon Ostrom's (1990) words, one observes that institutions are not purely private or state in the real world. Most institutions are neither private nor public but are a mix of private and public. We observe that neither the state nor the market is uniformly successful in sustaining these resources in the long run. In some cases, even state ownership is more desirable than other rights regimes. Thus, it can be concluded that the private property rights regime is not a ‘one size fits all’ formula that can be applied in all situations. No proof states that privatization will not lead to resource degradation and maintain sustainability.

²⁶ See Ostrom, E., & Hess, C. (2007). “Private and Common Property Rights”. The study of Japanese villages and their communal property system by McKean shows similarity with the study done by Netting on the Swiss peasants.

1.6 A Framework for Institutional Analysis and Development

The eight delineated or recognized sets of design principles provided by Ostrom became the framework for institutional analysis and development. The developed framework is used to determine robust institutions and those on the contrary. She studied the two types of institutions and suggested that common property resources can be sustained under certain conditions over the years. She concluded that seven principles are necessary for attaining a robust institution and a measurement to predict if that specific institution could survive in the long run. Along with the environmental variables²⁷ that are needed to create communal ownership, these set of eight principles “are related to the attributes of participants that are conducive to their selection of norms, rules, and property rights that enhance the performance of communal property-rights” system (Ostrom 1990, 1993, 1999). They are “1) Clearly defined boundaries, 2) Congruence between appropriation rules and provision rules and local condition, 3) collective-choice arrangements, 4) monitoring, 5) graduated sanctioning, 6) conflict-resolution mechanisms, 7) minimal recognition of rights to organize, 8) nested enterprises”.

Nested enterprise as a principle holds significance for those resource systems that are large but are not relevant for those systems that are small. Nested enterprises refer to the rules to appropriate, provision of the social good, enforcing the rules, means to resolve conflict and where governing such resources are constructed under multiple layers (local, state, and federal). Ostrom says, “CPR institutions that use these principles can better tailor their rules to local circumstances because the individuals who directly interact with one another and the physical world can better modify the rules over time to fit them to the specific characteristics of their settings”. Apart from the eight principles, “the size of a group and its homogeneity” are other variables “conducive to the initial organization of communal” resources and “their successful performance over time” (Kanbur, 1991; Libecap 1989a, 1989b as cited in Ostrom, 1992).

1.7 Difference between common property resources and common pool resources.

Common property resources (CPrR) and common pool resources (CPR)²⁸ are often used interchangeably. However, Ostrom suggests that the term ‘common property resource,’ generally

²⁷ This is in reference to Netting’s identification of five attributes which make those land appropriate to be developed under the communal proper rights.

²⁸ See Ostrom 1999 for the whole concept and understanding on common property resources and common pool resources. The author’s effort to differentiate common property resources and common pool resources is incorporated in this work.

utilized to refer a type of good, should be alluded as a ‘common pool resource.’ Common pool resources and public good have two common economic features: 1) Using Legal or physical means to exclude any individual from using a good is economically costly, and 2) when one individual utilizes a benefit it is naturally subtracted from the benefits available to others. Common pool resources are often subject to rivalry as the total quantity of benefits available to others decreases as an individual consumes its product. Thus, CPR is liable to experience resource exploitation, degradation, and exploitation in the long run unless members establish use and withdrawal limits over the resources. As these resources involves large number of users recognizing these attributes of a particular good will help identify solutions for long run problems.

Ostrom clarifies that including the word property signifies that all common pool resources are governed and managed under the same property rights regime. Government bodies (State, local, national) can own common pool resources as public goods, private corporations and individuals as private goods or even as open-access resources (Ostrom, 1999). Common pool resources owned by communal groups are termed common property resources. All types of property regimes can thus control common pool resources and are not specially connected to any particular form of property regimes.

Common pool resources comprise “resource systems and a flow of resource units or benefits from these systems” (Bloomquist & Ostrom, 1985; Ostrom, 1999). The resource system produces a current of benefits or resource units with time. Forests, water basins, rivers and grazing lands are fine examples of the resource system and water, fish, medicinal plants, fodder, forest produce, and timber are benefits or resource units. The non-excludability of potential appropriators and the rivalrous nature of common pool resources put such resources to congestion problems, overuse and potential destruction in the absence of devising and enforcing harvesting or use limits. “Devising property regimes that effectively allow sustainable use of a common pool resource requires rules that limit access to the resource system and other rules that limit the amount, timing, and technology used to withdraw diverse resource units from the resource system” (Ostrom, 1999).

Individuals can own common property resources (a family, clan, co-operatives, or group of individuals). Such resources are limited to members of such groups and are subjected to regulation guided by community norms or rules, however, access to resources is open to all takers under open access (Ostrom, 1990). It is a form of private property but acts as a common to its members as

rights are not distributed exclusively to an individual member. A common property regime refers to the institution that regulates or controls its access, use, management, and exclusion of communally owned resources. It refers to a particular social arrangement regulating its access, use, management, conservation, and preservation of common-pool resources. Common property is non-excludable for its members, while there are mechanisms to exclude non-members. Common property can be rival, as one's resource consumption would reduce the quantity the other individual is capable of. Thus, common property looks like a public good to its members and a private good for non-members (Ostrom, 1999).

Other than bringing about improvements through privatization and public ownership, Ostrom suggests changes in the internal workings of the institution that governs these common pool resources. The cooperative institutions by resource users themselves or the internal agent form the third approach to governing the commons. The following section will discuss the endogenous approach.

1.8 The Inherent nature of Common Property Resources and the rural poor

Why are common property resources²⁹ often associated with the rural poor? Katar Singh (1994) stated two inherent factors in most developing countries' rural economies to manage and govern natural resources as common property. Firstly, rural communities' low income and literacy levels make it impossible for them to meet the high financial, transaction, and enforcement costs of privatizing such resources. Runge (1986), as cited in Singh (1994), argues in a similar line and states that the justification for retaining and promoting common property institutions is the tenacity of traditional institutions and the high cost of changing these well-established practices and substituting them with new ones. The embedded nature and its tenacity amongst these rural communities appear a more plausible reason than income as a factor where common property resources are inherent and associated with the rural poor.

Secondly, Katar cites that the high dependence on natural resources of most people in rural areas for survival makes them more prone to natural calamities like droughts and floods. While higher dependence on natural resources may or may not make rural people prone to natural calamities, it is well established that the importance of common pool resources for the rural poor stems from

²⁹ Referring common pool resources to common property resources for the thesis.

their ability to sustain themselves from such resources when affected by natural calamities. This aspect is put forth by Jodha (1995), “the importance of common property resources lies in the fact that rural poor received support and survival capacity in everyday life and especially during droughts, floods and other natural calamities”. This argument holds during the pandemic when the common property resource serves as a safety net for returnees from cities due to the national lockdown imposed in India. Thirdly, common property could be an appropriate institutional assurance against individual failure; the right to be included in a group reduces the risk of individual failure by spreading it uniformly among the group members. This concept is well explained by James Scott (1976) in his book “The Moral Economy of the Peasant”. In it, the author explains that the rationality of the subsistence-oriented peasants is risk-averse and follows a safety-first principle. They typically avoid economic disaster rather than take risks to maximize their average income. He further states that the fear of food shortage has led to a rise in the “Subsistence ethic” in most pre-capitalist peasant societies. The subsistence ethic is the distribution of risks amongst the people of subsistence peasants to protect themselves from falling below subsistence. Peasant society gives several subsistence related insurances to its members and helps them in case of natural or man-made disasters. Common property resources are thus inherent to the rural poor resulting from the necessity of their social and economic situation, as a coping mechanism during stress and shocks, and as an insurance institution to spread out their risk.

Literature on commons in India includes permanent grazing land, water bodies, village forests, village tanks or ponds, rivers, fallow land, thrashing grounds, etc., as the major common property resources. Fuel and fodder are the main products the rural poor have received from common property resources. The rural poor depend on natural resources for sustenance and provide raw materials to pursue age-old occupations like craft and art. This, in turn, curbs the problem of unemployment (Jodha, 1986). His research found that the dependence of the poor on such resources had declined, even though a huge number of populations are dependent on common pool resources. The reasons for declined dependence on common property resources are due to changes in agricultural patterns: better irrigation mode, settled farming and permanent improvements on the land, and livestock change as they are stalk-fed or not reared. The improvements made on the common property resources do not get transferred to the commons but are usually individualised or privatized. It is also due to changes in the management of resources (like forestry and fishing) where alternatives have been both technological and institutional, reinforcing the old and creating

new community systems of resource management (Jodha, 1986). He concludes that common property resources shrunk even when the dependence of the rural poor declined.

1.9 Debating on the Institutional Efficiency of Communal Land Ownership System in North East India

The existing literature on communal land ownership systems revolves around three broad themes: 1) economic efficiency, 2) sustainability, and 3) political and intrinsic aspects of the land. The land is inefficient, for it lacks incentives for members to invest that can generate higher productivity and profit. It is also not sustainable as it encourages practices (jhum cultivation) that are considered to degrade the environment, causing deforestation thereby leading to soil erosion in the hills and siltation in the valley or plain areas. The political aspect of land and varied constitutional provisions across groups and communities are also studied. Land is not just a material resource, source of production or an economic asset but a means to livelihood, attainment of political power and the centre of their identity (Priyaranjan, 2009; Fernandes, 2012; Debbarma, 2007).

From an efficiency aspect, the communal land ownership system is observed as an insecure form of land ownership that does not incentivize individuals to establish permanent establishments on land that could increase production and profitability. Jhum cultivation, which is shifting cultivation, is practised instead. Jhum-based cultivation practice is considered a primitive hence, the hill represent “primitive economy” (Mohendro, 2001). Dasgupta³⁰ opines, “[A]gricultural land as CPRs would be subjected to significant management problems, including temptations to free ride on investment costs. The lack of incentives to invest and innovate would lead to stagnation; even decay”. Bijoy³¹ argues that “the persistent predominance of shifting cultivation, low proportion of use of HYV or improved varieties of seeds, low degree of mechanization and low proportion of gross irrigated area in the hills are closely linked with the issue of land ownership related incentive system” furthermore “uncertain tribal land ownership system. Low agricultural productivity has been one of the factors behind persistent poverty in tribal or hill areas of Manipur”. The institution also deprives farmers of access to formal credit, which could be used to purchase inputs and services in order to improve their agricultural practices. The absence of documents on ownership rights and transferable rights limits members to using such land as

³⁰ Dasgupta 2004 as cited in Golmei (2013)

³¹ Bijoy (2009) as cited in Golmei (2013)

collateral to access credit (Bezbaruah, 2007; Sangwan, 2016). The forest dwellers and those practicing shifting agriculture are not given enough incentives to become true guardians of the land and its natural resources³².

These scholars place and critic communal ownership as a deterring factor to economic growth as it retards the growth of industrialization and the establishment of private businesses and enterprises. The constitutional safeguard³³ rendered to tribal communities restricts land transfer to non-tribals to establish industry and business units. Sangwan (2016) argues that “Industrial development is left largely to locals lacking vision and limited access to technology and, more importantly, nationwide marketing connections”.

The communally owned land is criticised because land only serves as an emotive symbol rather than resources that can be used for further wealth production. In turn, they propagate a new system of ownership through privatization, distribution of land, and assessment of the land through land reforms. To facilitate credit access, land tenure laws must take over customary land laws and update the land records. Jodha (1995) discusses factors leading to the deterioration of common property resources in India and narrows them down to the market and the introduction of land reforms introduced by the government of India. Land reforms in India brought about a change in the land-holding system in India. The objective of land reform was to re-distribute land in favour of the poor, but it was found that productivity decreased³⁴. The land reforms in Rajasthan led to the breakdown of customary arrangements and conventions, which led to the desertification of the area. Tribal institutions and belief systems that govern resources promote exploitation of common resources and sustainable utilization. The conservation of 'sacred forests' and relentless shifting cultivation portray that the outcome of self-governance were arrayed show that the results of self-governance were a mixed bag (Saikia, 2004).

Communal land ownership is a deterring factor for industrial and agricultural growth as it does not incentivise members to establish permanent developments on the land. On the other hand, the communal ownership of land is perceived to provide sustenance and a means to obtain universal

³² Serto (2004) as cited in Golmei (2013)

³³ The tribal land in Northeast is protected from encroachment and land alienation to non-tribals through constitutional safeguards such as the sixth schedule, article 371a (Nagaland), 371c (Manipur). These details are discussed in chapter three.

³⁴ Ibid

basic income socially organized by the communities. Jodha (1986) found in his studies that per household income derived from CPRs ranged between Rs 530 and Rs.830 per year; this income is higher than that of several anti-poverty programmes in some areas. It is argued that the communal ownership of land promotes and persists in jhum cultivation amongst the hill tribes of North East India. Barah (2006) states that despite its (Jhum) criticism due to its “low productivity and environmental diseconomies”, it “provides support to about 443 thousand Jhumia households”. He further adds that due to the “diversified nature of the system”, the jhum cultivation “provides not only food security but also household nutritional security” and that it has the “potential to enhance system productivity” through a “focused system of R&D to improve the overall productivity and food security”. This provides them with a livelihood to live a dignified and healthy life. The low productivity argument is compensated with highly diverse crops amounting to a diverse food basket (Pandey et Al, 2022; and Payum, T., Tayeng, K., Mili, R. & Langkam, M (2021).

A cursory understanding of the literature on communal land ownership narrows its study to the efficiency aspect measured through productivity from the land. Secondly, the practice of jhum as a mode of cultivation has drawn criticism across disciplines as a leading factor causing deforestation and loss of organisms and plants (the process of burning dried grass, twigs, and branches from clearing forest). It also has tended to use the land as a means and end to identity and asserting one’s identity.

If the common property regime is restrictive and detrimental, why is it pervasive among the tribes of North East India? This important question has missed academic interest and is left without in-depth study. Since land is a fundamental source for any capacity building and resource generation, knowing and understanding the land ownership system and the institution that protects these rights becomes important. The communal ownership of land as an institution and an area requiring in-depth study had missed out on the interest of scholars studying communal land ownership of land in North East India. It is only appropriate first to understand why such an institution exists so that other related studies can be carried out. This study intends to form the basis for why such an institution exists or the rationale of the institution. Establishing a set of broad objectives for the institution will enable scholars of common property resources to analyse, conclude and prescribe policies that align with the original objective of the institution. No literature has studied the workings of the institution analytically. Hard questions relating to “What is the governing body?”,

“How are rights enforced and protected?” and “How is the institution legitimized and accepted amongst members” under the traditional institution are left to be answered. This thesis intends to answer these questions and further probe into determining the institution's efficiency by using the institutional objectives as the yardstick for measurement. The study will contribute to the literature on common property resources from an institutional lens.

1.10 Statement of the research question

I want to look at the relevance of the existing conceptual framework in the context of communities where communities or villages own natural resources under the traditional institution of the property rights system. In a society where formal property rights are established, the state becomes the enforcer and protector, and the rights are enforced through formal laws and regulations. For tribals of North East India, with special reference to the Mao Nagas, property rights are governed by the traditional institution of the property rights system. The traditional institution serves as a substitute for the state legal system. In the backdrop of this, the following questions are posed about the traditional institution of the property rights system. These are the questions that require to be addressed.

Even when the institution is well acknowledged, accepted, and practiced by group members, the state requires formal recognition, affirmation, and protection to establish its rights and legitimacy over members. It is here then that the question arises of whether there are constitutional and state provisions that recognizes and legitimizes the traditional institution.

- a) What governing body enforces and protects these rights as a substitute for state enforcement of property rights? What is the mechanism through which these property rights are enforced?

With the village owning large parcels of land, it is pertinent to ask the rationale for why such an institution exists. The questions that follow are framed as:

- b) What are their collective goals and objectives in establishing such an institution that allows the village body to own land that can otherwise be owned privately? What are the philosophical grounds on which communities are guided in establishing their institution?

- c) Do the village members enjoy equal rights to the resources and their shared benefits, and how are provisioning roles distributed? In this light, we question whether the institution can deliver its set objectives of social security provision and maintain an egalitarian society.
- d) Lastly, what institutional mechanisms and arrangements are in place to sustain its resources over a long period and how does the institution respond to new challenges?

The following chapters will try to answer the question posed above.

1.11 Outline of Chapters

This thesis aims to address these questions in the following chapters. The thesis comprises four main chapters, excluding the introduction and conclusion. The current Chapter introduces the topic under study through a personal account. It discusses the existing broad conceptual and analytical framework which can prove relevance or irrelevance in the context of the communal land ownership system governed by the traditional institution of the property rights system. We introduce the literature by discussing the concept of institutions and their role in economic development. It proceeds by introducing property rights within the study of institutions and different property regimes that govern ownership systems. It also discusses the economic benefits of establishing a well-defined property rights system. The chapter then shifts to the debate on private and common property rights regimes. The debate provides alternative ways to govern the commons. The research questions for the thesis are derived from the existing theories and analytical framework.

Chapter Two presents the case under study, its rationality, the methodology, the tools for data collection and the sampling design employed for the study.

Chapter three presents the traditional institution of the property rights system established amongst the tribals of North East and Mao, Nagas in particular. A detailed account of different ownership and the type of resources under each ownership system is presented. The chapter moves toward the Institutional legitimacy of the Traditional Property Rights System and the State's Legitimization of the traditional institution.

Chapter four discusses the first objective set by the institution on the rationale of land owned by communities (in our case, the village). The chapter further establishes the tribal communities within the communitarian perspective. In addition, it presents egalitarianism as a principle that guides and shapes the organization of institutions among the Mao, Nagas of Manipur. It then highlights the various benefits derived by members of the village. Lastly, the chapter concludes by determining whether the institution can deliver the set objective of social security provision while maintaining equality through its institution.

Chapter Five addresses the second objective of why the village owns land: to sustain resources over a long period. It determines the institution's efficiency by presenting two case scenarios depicting the resource condition before 1980 and the current time. It explores the various institutional and non-institutional factors that deplete the resource and those that replenish the resource.

Chapter Six concludes the thesis by presenting the main themes and findings. presents a broad picture of this traditional institution and theorizes an alternative approach to resolving the paradoxical aspects of the institution that governs village-owned land and its resources.

Chapter Two

Motivation, Scope, Methodology and Setting of the Study

Manipur, a state in India's North Eastern Region has a valley in the middle accounting for ten percent of the geographical area (2,238 sq. Kms.) and is encircled by hills that comprises the remaining 90 percent (20, 089 sq. Kms.). The state is inhabited by three major ethnic groups: Nagas³⁵, Kukis³⁶, and Meiteis. Of the sixteen districts the 33 scheduled tribes predominantly resides in the ten hill districts³⁷ and they are broadly classified into Nagas and Kukis ethnic community. The Meiteis³⁸, Meitei Pangal (Muslims), a sizable tribal population (belonging to different schedule tribes), Nepalis, Marwaris, Begalis, and Jains etc inhabit the remaining six valley districts. Manipur is broadly divided between the valley and the hills, with different administrative and constitutional safeguards and provisions. This is a system inherited from the British government. Local governance institutions in Manipur's hill districts are established under Article 371C and the Manipur Hill Village Authority Act, 1956. Village Authorities in the hill areas were constituted under The Manipur (Village Authorities in Hill Areas) Act, 1956. The Village Council/Authority, headed either by the Chief or Chairman, forms the unit of local governance in the hill districts of Manipur. At a higher level, the hills are governed by the Autonomous District Councils constituted under the Manipur Hill Areas District Councils Act, 1956. The Panchayati Raj institutions were established under Manipur Panchayati Raj as decentralised and local governing bodies in the valley districts through the 1975 and 1994 Acts. These Acts introduced a three-tier system in the valley districts of Manipur (village, district, and block level). Likewise, different institutions in hills and valleys govern the land and its resources.

2.1 Land Ownership Pattern in Manipur

The hill and valley districts of Manipur have different property rights institutions. In 1960, Manipur Land Revenue and Land Reforms Act, was enacted to govern land and its distribution in Manipur, excluding areas in the hills. Thus, the act introduced two different institutions in governing the land in Manipur: the state/formal institution and the traditional property rights

³⁵ Some examples of the Naga tribe include Mao, Tangkhul, Kabui, and Marams etc etc

³⁶ Zou, Paite, Hmar, Thadou etc are some tribes that belong to the Mizo-Kuki tribe

³⁷ The ten Hill Districts are Senapati, Kangpokpi and Ukhrul in the north, Kamjong and Tengnoupal in the East, Chandel, Churachandpur and Pherzawl in the south and Noney and Tamenglong in the East.

³⁸ Constitutes OBC, SC and Brahmins

institution. The valley and low-lying areas in the hill districts are governed by the state's formal institution of property rights system. Private ownership is established in areas governed under Manipur Land Revenue Act. Such owners enjoy the 'right to access, withdraw, manage, exclude and alienate' (Schlager & Ostrom, 1992). Under the act, governed areas are surveyed, measured, and registered, and land owners are required to pay land revenue to the Government each year. Individuals and owners of the land resort to a legal system about boundary issues and conflicts. The designated nine hill districts (excluding the low-lying hill areas) are controlled and governed through the traditional institution of the property rights system. The traditional institution is based on customary rules, norms and practices orally handed down across generations. The practices and the institutional arrangements differ amongst tribes (Nagas and Kukis), between villages and within the same tribe. Land amongst the Thadou and Kukis of Manipur "are under the absolute control of the chief where they were given ownership of patta during the British Rule who ultimately become the de facto owners of the land with overriding powers" (Singh, N.L, 2004). The traditional institution of property rights amongst the Maos, Khoibus, Poumeis, Marams, Zemes, Liangmeis, Rongmeis, Tangkhuls, and the Marams of Naga tribes in Manipur have common structure where private, clan and village ownership is established (Binodini, 2006; Shimray, 2008; Francis Ngajokpa, 2004: 46)³⁹. It is to be noted that the institutional arrangements within Nagas differs across tribes. The communally owned land or village-owned land by the Nagas, and Mao in particular, is specifically taken up in this study.

2.2 Case under study

As discussed above, land amongst the tribal communities in the hills of Manipur is governed through their traditional institution of property rights system. The point of departure comes from the practice that land amongst the Kukis tribes is under the absolute control of the chiefs, while the Naga chiefs do not have absolute power over the land. For the current study, the traditional institution of property rights amongst Nagas will be undertaken, with special regard to the Mao Nagas. The Kuki tribes are excluded as their practices stand far apart from the Nagas, and a comparative study of the two communities does not fall within this study's broad objective and scope.

³⁹ See Ngajokpa (2004).

The communal/village ownership of land amongst the Nagas forms a significant aspect of the traditional institution of property rights system. The right to use and access are distributed amongst members, but the village council has the right to control and manage its resources. Village-owned land among the Nagas is managed and controlled by the Village Council headed by the Chairman or the Village Chief. They differ based on the administrative set-up of the village. The Village Council under the leadership of the Chairman and his council of members now controls the village-owned land amongst Mao villages⁴⁰. The village owns large parcels of land, which come directly under the control of the village council. These lands include paddy fields, forests, grazing grounds, jhum lands, etc. There is a great diversity in the kinds of resource systems under their control. Depending on the type of resource system, the rights assigned to members for access and use also differ. Members have the right to access and use the jhum land for free. The ownership of paddy fields is not entirely private nor communal, where users' rights are assigned to members through the bidding system. Village members depend on the village-owned land for cultivating rice and horticultural crops. Also, members depend on the commons by extracting timber, firewood, wild vegetables and fruits, and as a supplement for food and sports through hunting and fishing. Thus, the village-owned land plays a huge part in providing food and livelihood for its members.

2.3 Contextualizing the research problem

The debate on private and common property rights revolves around two broad themes: 1) efficiency issues and 2) governing the common property resources.

The efficiency issues have tended to two broad arguments:

- a) Critiquing the common property regime, it is stated that ill-defined property rights would lead to environmental problems such as Hardin's 'Tragedy of the Commons'. The common property regime is inefficient, leading to rent dissipation, high transaction costs to reduce externalities, and low productivity as no individual is incentivised to work hard to increase private returns. Well-protected private property rights reduce investors' risks and increase incentives to invest, improve household welfare, and, through internalizing the externalities, resolve environmental problems. Thus, scholars widely advocate the

⁴⁰ It was previously under the control of the Chief. With the introduction of the Village Council, the management rights are shifted from the Village Chief to the Village Council.

supremacy of private property rights regimes over other property regimes. Neo-classical theorists propagate the superiority of private property based on economic efficiency as a desirable outcome.

- b) The ability to sustain the environment and resources in the long run. Common property theorists like that of Berke (1989) and Ostrom (1990) are of the opinion that even communities can own, manage, sustain and restore resources. These scholars have included and viewed the institution's efficiency by taking importance in conserving the environment and natural resources.

As for the second theme that concerns governing the common property resources, there are alternative approaches that are suggested:

- a) State intervention and privatisation as external agents are recommended as alternatives to govern the commons in resolving environmental issues that arise under the common property regime. Scholars' prescription of the commons to be governed and owned by the government arises from the ability of the state to coerce power. Whereas Demsetz and his successors suggest assigning property rights and ending the common property system as a solution to avoiding the natural resources and wildlife disaster.
- b) The internal agent or the theory of cooperation is the other alternative to resolving problems of the commons by Ostrom. She provides an alternative to governing the commons where resource users organize and govern their resource through cooperative institutions. Thereby providing a framework for institutional analysis and development in studying common pool resources.

Posed in the context of this research, these questions could be restated for the Nagas, and Mao Nagas in particular, who practice a communal land ownership system under the traditional institution of property rights system. What relevance do the above propositions hold in the present context of understanding the communal/village land ownership system and whether the institution can deliver its set objectives?

2.4 Aims & Objectives of the thesis

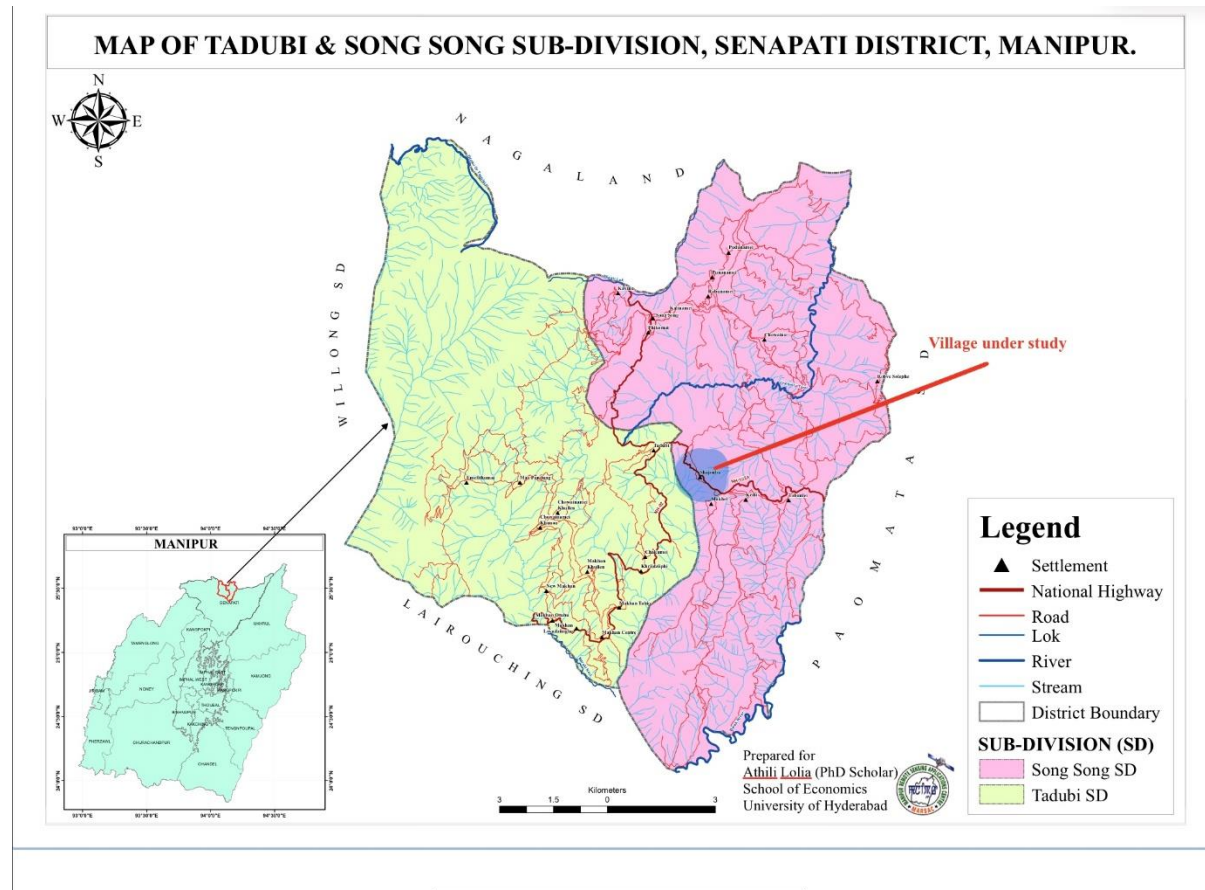
The research aims to understand the traditional system of land ownership, the rationale of its institutional arrangements in governing the commons, and to determine whether the institution can sustain its resources. We can summarize the main objectives of the thesis as follows:

1. Define the features of the traditional system of land ownership.
2. Identify broad objectives of the village land ownership under the traditional system.
3. To understand/find the relevance of communal/village land ownership under the traditional institution of property rights system.
4. Determine whether the traditional system of property rights regime in Mao achieved its objectives of social security provision and sustenance of its resources over a long period of time.

2.5 On the Rationality and Locating the Study Area

Since the thesis largely relies on primary data to be collected in the field, it is important to identify a study area representative of the Naga community. The Mao community is chosen to represent the Naga community by understanding the similarities and yet recognising the differences. Shajouba village was chosen as the field for study within the Mao villages. The rationale for choosing Shajouba is that Shajouba gives a good representation of the Naga land ownership system and the Mao Nagas in particular. At the same time, the practice of bidding the communal land for user rights becomes an interesting point of departure from other villages and communities that do not engage in such arrangements. A good representation of the larger Mao community and the Naga tribe in general, along with its unique bidding practice of the communal land, makes Shajouba village compelling and a strong case to be chosen as the field for this study. Shajouba, the researcher's birthplace, makes it convenient to understand the Institution's intricacies and ease of collecting the data (as no local enumerator is required). This allows proper documentation of the respondents and observation without losing it in translation.

Figure 2.1 Map of Mao: Locating the Study Area



Source: Prepared by Manipur Remote Sensing and Application Centre.

Mao, the last town of Manipur borders the state of Nagaland. It is situated 107 km north of Manipur's capital Imphal and 28 km south from Nagaland's capital Kohima, the capital of Nagaland. Mao is a busy town serving as the 'granary of the surrounding villages' and the state's gateway⁴¹. The people living there are known as Ememei or Maos. The Maos form part of the larger Naga tribe. "Naga" is a generic term referring to a group of 'more than 66 tribes' (Komuha, 2013). The term "Mao" became popular with the advent of the British in the 19th century. The word "Mao" was accepted to be synonymous with the Mao Naga tribe and the Mao dialect⁴². The Mao's live predominantly within the Senapati district of Manipur, distributed within the Senapati

⁴¹ For details see <https://senapati.nic.in/places-of-interest/>

⁴² For further details see; Mao language and Etymology by William Nepuni, http://www.angelfire.com/nm/nagalim/mao_lang.htm

district's Tadubi and Song Song sub-divisions. Other Naga tribes surround it; Poumai and Tangkhul in the East, the North by Chakhesang and Angami, Zeme in the south, and the west by Maram. Mao came to be recognized as a scheduled tribe under the “schedule tribe” order 1950. The population of Mao Naga, according to the 2011 census, is 116375. According to Kapesa (2017), Mao has 58 villages, 38 are revenue villages and 20 as federal units. These villages vary in size: 100-300 households (small villages), 300-600 households (medium) and some large villages more than 600 households. Mao Naga tribe is an indigenous tribe in the Northeast. The Mao Naga tribe has no script; no written records or literature exists. Their indigenous knowledge, culture, and practices are transferred across generations through folklore orally and preserved within their own tradition and cultural environment (Mao, 2011).

2.5.1 Village settlement process/Social Set Up

Villagers preferred settling⁴³ on hilltops as it provided security from enemies during war, disturbance and raiding from neighboring villages and tribes⁴⁴. They live in a close-knit society. The houses are compact and adjacent to each other. The community live as a homogenous group; thus, maintaining the social fabric is easy. Family becomes the smallest unit of social organisation—the Mao Nagas, as a whole, follow the patrilineal and patriarchal systems of social set-up. The clan becomes the next social order after the family. The village then becomes the bigger social organization. The level of social organization gets bigger as we move outside the clan. There is the village council (the local administrative body), Mao Council (the highest civil society body of the Mao tribe) and Naga Hoho (the highest civil society organization for the Nagas).

2.5.2 Local Self-Governance

The practice of chieftainship was one prominent institution that emerged amongst Nagas and Mao in particular. In addition, each village's chiefdom is independent from one another. The position

⁴³ The selection of a new settlement area involves rituals and observations which would allow them to decide if the new site is suitable for settlement. Seeking out positive signs in dreams from the divine for settlement held great importance. They believe in the co-existence of the benevolent and malevolent gods and spirits. A ritual of claiming the new settlement area was mandatory so as to own the land before the gods/spirits claim it. After a site is chosen, they kept simulacrum and go home and see their dreams. If dreams were not good and the simulacrum falls then they took this sign as the place is not good for settlement and they would leave the place and move on searching for new place (Nepuni as quoted in kapesa 2017).

⁴⁴ The Naga ancestors were called head hunters by the Britishers as they often raid neighbouring villages and hunt heads of their enemies. The ability to bring the enemies head after a raid was considered as an accomplishment.

of the Chief was hereditary. Elders assisted the village chief in governing the village. These elders had representation from each clan living in the village. The institution of chieftainship has been the traditional political institution that governs local tribal villages. It observes religious rites and rituals and holds juridical and political power. Along with these duties, the community and village-owned land also came under the control and management of the Chief. Today, the Chairman becomes the administrative head at the village level. In Shajouba, the village under study, the Chairman replaced the Chief as the head of the Village Council in 1983. The post of the Chairman is elected through the democratic electoral system. The appointment of the Chairman as the administrative head of the village led to a clear demarcation of duties between the Chairman and the Village Chief. The village's administrative, judicial and legislative duties fall upon the Village Council. The village-owned land comes under the management and control of the Chairman and his Council of members. The duties of the village chief are social, cultural and religious.

2.5.3 The Region's Economic Profile

The people of Mao are mostly engaged in agriculture. They practice wet paddy cultivation on terrace fields, jhum, and permanent garden cultivation. The geographical location makes cultivation solely dependent on monsoon. Rice is the staple food of the people, cultivated on the terrace fields and along the river banks. Horticultural crops like cabbage, potato, radish, chillies, tomatoes, beans, pumpkins, brinjals, yam, cucumber, kiwi, and onions are grown on the jhum and horticultural land. Plum, peers, peach, banana, and passion fruit are also grown. Crops, vegetables and fruits grown in the region find markets in nearby cities (Imphal, Senapati, Kohima and Dimapur). Agriculture becomes their main source of income. In recent years, Floriculture has served as a platform for women of the region to become small entrepreneurs and growers. Production in agriculture has enabled small businesses and entrepreneurs to connect the producers and the consumers. Interstate and cross-country business with Myanmar is widely practised.

Shajouba is a Mao village under the Song Song sub-division of the Senapati district. According to the 2011 census, Shajouba has 1430 families residing in the village with a population of 7456. The village is homogenous, with 97.04% of the population being tribal and Mao.

Table 2.1: Village profile of Shajouba Village, Mao

Population		No. of Households	Literate population (literacy rate)	Workers Classification				
Total	Mao Tribe (%)			Total	Cultivator (%)	Agri. Labour (%)	HH industry (%)	Others (%)
7456	7235 (97%)	1430	3312 (44 %)	4757	77.6	3.3	.9	18.2

Source: Extracts from 2011 census, Government of India.

Shajouba forms one of the biggest villages among the Mao Nagas, with a population of 7456. Ninety-seven percent of the village population is composed of the Mao tribe. Christianity is the main religion of the Maos. The village is agrarian, with most of its population depending on farming and allied activities. The literacy rate of the village stands at 44.42 percent. A chairman heads the Shajouba village council, and his tenure ends every two years. Given the huge population, the village is divided into three smaller groups (Mathew, Mark, Luke) to ease local administration and dissemination of information. These three groups have a chairman and a secretary elected by the group members. They work in collaboration with the Village Authority. Resources and benefits are further divided and distributed to members through these three groups. Duties to be contributed at the village level are organised through these groups.

2.6 Methodology

This study engages both qualitative and quantitative aspects in drawing meaningful conclusions. All agents had been analyzed both individually and collectively. As discussed in the preceding sections, common property regime of the Mao (a Naga tribe) in Manipur becomes the focus of the study. Given the lack of secondary data on the topic and area of study, the current research will be based on extensive surveys of different stakeholders. It will be a qualitative study supplemented by analytical reasoning. The analysis and inferences will be based on the data gathered through the field survey of various stakeholders on historical, political and socio-economic parameters.

2.6.1 Source of Data

The greatest advantage of belonging to any group or community is the insight and knowledge we gain about our society. It quips us to realize its limitations and makes us aware of misrepresented ideas and its philosophy. It allows one to work on concerns or problems close to oneself and the

community. At the same time, being part of a community can limit the idea by staying complacent and blindly accepting common beliefs. Thus, being mindful to avoid forming any bias in our research and analysis becomes necessary. The knowledge gathered, and observation made as an insider is further channeled into framing objectives and questions that scholars have previously missed. Further, as insiders, we can see and ask questions that an outsider might feel unsure of. Personal insights and knowledge gathered about the field over the years have contributed as of this study's greatest sources of knowledge and data.

The gathered knowledge is supplemented by the study's primary and secondary data. Locating our study in the context of institutions, property rights institutions, and alternative ways of governing resources calls for content analysis of the existing literature and analyzing the oral history of how property rights regimes evolved amongst the tribals of North East and (Mao) of Manipur in particular. Secondary sources like unpublished papers by scholars; books; online and journal articles, and pamphlets are widely referred. Secondary data sources like Census data and the Central Government and Local Government reports by concerned departments have also been used.

As this is an empirical study of the traditional institutional property rights systems that govern communal land ownership amongst the Mao Nagas, primary data collected in the field is the major information source. In light of the poor and scarce research work done on the Institution of the Property Rights system in North East and Mao, Nagas in particular. This study will contribute to the existing literature by analysing from an institutional point of view. The research requires referring to the oral tradition concerning rules and norms governing property, as no written records are available. In the society under study, these rules and norms have been passed down the generations orally, and it is only recently that documentation has started.

2.6.2 Data collection tools

The data were collected based on semi-structured schedules through the interview method. Two different sets of schedules, village and household schedules, were used in collecting data at the village level and the household, respectively. These include questions that are both closed-ended and open-ended. The data collection period spread across two periods: pre-COVID and post covid. With Covid and the country-wide lockdown, about 400 members returned to the village. The

returnees to the village were observed to have increased their dependence on the village-owned land and its resources. A revisit was conducted post covid as it was deemed appropriate with new development in the village commons with members returning from the cities. Most of the data was collected before the onset of covid from August 2019 – January 2020. Post covid interview was conducted between November 2022 - February 2023.

2.6.3 Village schedule

The village schedule includes semi-structured interviews taken in two ways: 1) individuals considered to have vast knowledge and understanding of the traditional practices and customs of the Mao Naga community, and 2) members of the village council (both present and former).

Personal interviews of the first categories of respondents from five Mao villages, Tadubi, Punanamei, Pudunamei, Rabunamei, Shajouba villages, were carried out. These personal interviews are intended to develop a broad structure of the land ownership system and how rights are enforced and protected under the traditional institution of the property rights system. The purpose of an interview with this targeted group is to form the broad rationale and the objective of the institution that governs village or community-owned land.

Focused group discussion with a semi-structured questionnaire targeting the decision-makers and members of the village council to throw light on the working mechanism of the institution. This group ranges between six to seven members. The focus group comprised the current village council (chairman and his council), former leaders of the Village Council and intellectuals. The inclusion of current, former leaders and intellectuals becomes important in drawing the change in the institutional arrangements over the course of time. The generation of new rules and norms regarding resource users (access, withdrawal), membership, allocation, and internal share of benefits and prevention of monopoly in resource usage is discussed within the group. It will shed light on the utilization of generated revenue, provisions for the poor, and whether the existing rules and norms contribute to the egalitarian society the communitarian claim. It will further add knowledge to the current challenges for the traditional institution in safeguarding rights and sustainability in the long run.

2.6.4 Household Schedule

The household interview is designed to shed light on the individual's relation with the resources and the frequency and degree of dependence on the various types of resources. The household interview is intended to realise and bring out the various benefits members derive from the communally owned land and its resources. This will help in identifying which section of the member group depends on which type of resources (whether they depend on private property or communal and if a certain section of the members gets delineated in utilizing the resources based on market value of the resource unit). It will illuminate our understanding of the institution and help in analysing whether it can deliver its broad social objective.

2.6.5 Sampling Design and Sample Size

A stratified purposive sampling method was applied in designing the sample and sample size of the households. The sample is collected from different categories of farmers, businesses and entrepreneurs, government and private sector employees.

Table 2.2: Types of Respondents Surveyed

Name of the village	Types of respondents	No. of respondents
Shajouba	Household Schedule	
	a) Farmers ⁴⁵	177
	b) Business/entrepreneurs	23
	c) Govt. employers	30
	d) Private employers	12
	Village Schedule	
	a) Present and past village leaders (Focused group discussion)	8
	b) Knowledgeable persons in traditions from five villages	12
Total		262

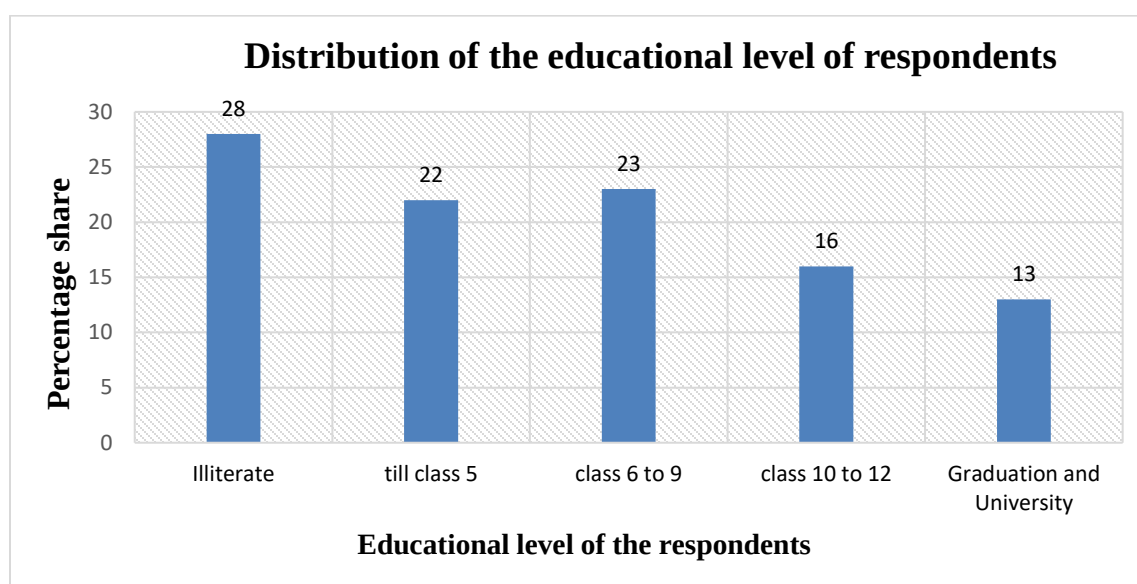
Source: Author's Own Work

This purposive sampling was to capture the different categories of respondents within the same strata. For example, within the farmer's category, some farmers are richer and have enough land to even lease out to other farmers for rent, another group of farmers have small parcels of land of their own but are not sufficient to till and then we have families who do not have paddy fields or

⁴⁵ Includes those that cultivates their own land, those that lease on others land or provides labour due to meagre land ownership or landless, and also those engaged in art and craft.

horticultural land of their own. A representation of these categories of farmers is required and essential. Also, stratified purposeful sampling takes representation of the widows, orphans, and the old. They form about 25% of the total respondents. While in the field, it will be essential to consider all those stakeholders like the village chief, decision-makers, and regulators of traditional rules and norms. Intellectuals and research scholars will be able to provide unbiased criticism about the current form of holding and protecting rights. Interviewing senior citizens who had lived across different time periods will throw insights into ascertaining changes within the traditional property rights system, and the change in institutional functioning of the property regime that governs the village-owned land, and the change in the quality of the resource system.

Figure 2.2: Educational Profile of the Respondents



Source: Author's work from Field Work

The graph above shows that 28 per cent of the respondents did not enter formal education, and 45 per cent attended school till nine standards. Twenty-nine percent of the respondents are above standard ten, of which 16 percent are between class 10 to 12 and 13 percent have attended graduation and University.

2.7 Ethical Concerns

I adhered to ethical codes and conduct while conducting the fieldwork. Upon approaching every respondent, I informed the nature of my study and the need and purpose of conducting such interviews. Respondents were also informed that they were not compelled to participate in it.

Verbal consent was obtained from each individual after briefing about the nature, objective, and purpose of the study and the interview. They are often curious and helpful in exerting the observed phenomena. They are often shy and reluctant to disclose their personal income and land owned. I have also changed the names of the participants who wished to mask their identities. Certain respondents were okay to use their names in the thesis as they see no harm in using the real name.

I have used the APA Seventh edition citation style in citing authors and works while writing the thesis.

Chapter -3

The Traditional Property Rights System: Legitimizing the Institution.

The preceding chapter on literature review presented the different forms of property rights regimes that exist to ensure resource usage efficiency. The formal and state-enforced private property ownership is a widely accepted and preferred property rights system. The state's legal law does not govern property rights amongst the tribes of North East India. In North-East India, property rights are governed by the traditional institution enforced through customary laws and norms. Under traditional institution of property rights system, private ownership exists along with large portions of village bodies and communities owning land. This similarity is not definite as their institutional arrangements and mechanism of enforcing the rights differ in inter-tribes, intra-tribe, and inter-villages. The type of institutions established to protect property rights is largely guided by their collective principles, goals, and ethos, which determine the socio-economic outcome of such communities. The traditional form of land ownership system was established depending on the socio-economic and cultural background of the tribals. Establishing a traditional property rights system with community or village ownership of land should draw the attention of scholars toward finding the basis and the rationale for why such an institution was established. This question is discussed in the next chapter.

This chapter gives an account of the traditional institution that protects and enforces property rights amongst the tribals of the North East and the Mao Nagas in particular. Further, it presents the different forms of land ownership. It then gives the institutional legitimacy of the traditional property rights system, the mechanism through which these rights are enforced, controlled, and managed. The chapter then focuses on the state's legitimisation of the traditional institution through various legal, state, and central statutory laws and Acts.

3.1 Defining Traditional Institution.

What are traditional institutions? As defined by Crook (2005) traditional institutions have historical origins (pre-colonial) that are forms of authority that are social and political incorporated by British colonial rule. He further adds that the existence of kingship or chieftainship as the political authority forms the basic characteristic of a traditional institution. Traditional institutions would cease to exist with the removal of the chiefs. An institution referred to as traditional must

have gone through over a long period. They are non-static, ever-changing institutions. Thus, no such institution would retain its pure form as before the colonial rule's entry. New democratic administration states were established along with the incorporation of indigenous practices. Traditional institutions as social and political authority maintain social order. It resorts to customary laws, rules, and norms in organising and maintaining social order. Resolving conflicts and disputes and dispensing justice are important functions of the traditional institution. These institutions maintain social order and regulate, distribute, and manage the natural resources attached to the land. Property rights institution is one such traditional institution that governs land and its ownership. The following section discusses the traditional institution of the property rights system.

3.2 Property Rights Emergence amongst the North East Tribals

Emergence of property rights amongst tribals of North East is loosely based on the concept of first occupancy. The rule of first occupancy is the dictat to establish initial rights in any human settlement. According to this principle, the first party in occupancy and possessor has the right over unclaimed resources and establishes ownership. This form of establishment holds strong where boundary lines are properly delineated based on the claims of an individual, clan, or village. Establishing property based on first occupancy continued to be observed and enforced amongst the tribal communities of North East. This practice is illustrated by Dimchuilu (2013) where early settlers select and settle in no-man land. The author further adds that people could claim any amount of land they desire. So, whatever land an individual demarcates became his personal land. Ditches, stones, hill ranges, and rivulets became natural land demarcations. Bezbaruah (2007) reasons the emergence of different property rights regimes amongst the hills and valleys due to the nature of agricultural activity between the hills and plain of North East India. He states that the plains practised settled agriculture and shifting cultivation in the hills. He asserts that the agricultural activities in the hills that were traditionally shifting in nature “obviously makes the population nomadic with no settlement of population in a fixed location.” In his argument, the nomadic nature of the hill population led to land being held communally, and the usufructuary right to land gets “distributed to families according to customary norms by the village council or the village chief”. He regards “penetration of market forces, the practice of settled cultivation and urbanisation ” as having induced the tribal population to settle down in fixed locations. Bezbaruah

further adds that “land revenue as an important source of income for the government” led to a survey of land, deeds, titling, and handing of certificates to its owners in the valleys wherein a private property system with “full property rights” as it is heritable and transferable. He asserts that “the absence of land revenue did not necessitate a cadastral survey and settlement of land ownership” which acts instrumental in the establishment of property rights amongst the tribal communities of North East. Permanent settlement at the originally settled place is also found among the Mao, Maram (Binodini, 2006), Tangkhuls (Shimray, 2008), and Zeliangrongs Nagas (Dimchuilu, 2013). Private ownership of land is not a new concept (Nongkhynrih, 2008) but an integral practice of the tribal community that existed along with the communally owned land. Any institutional establishment amongst the tribal communities depends on the tribals' socio-economic and cultural background. Tribal communities are communitarian societies guided by egalitarian principles. The type of institution established is largely guided by their collective principles, goals, and ethos, which determine the socio-economic outcome of such communities. Thus, land ownership, access, and distribution of resources are greatly influenced by their communitarian mode of life and its egalitarian principle. The following section discusses the traditional institution and different types of ownership.

3.3 Traditional Institution of Property Rights System amongst the tribes.

One similarity among the tribal communities of India’s North East is that the traditional institution of property rights governs its land. Village-owned land (collectively owned, as other writers refer to) forms a significant aspect of the traditional institution of the property rights system. Private ownership exists along with village-owned land. This similarity is not definite as their institutional arrangements and mechanism of enforcing the rights differ in tribes, intra-tribe, and inter-villages. Angami of Nagaland (D’Souza, 2001), Ao Nagas (Das and Nath, 1979), Dimasa of Assam (Bordoloi, 1986), the Khasis and Jaintias of Meghalaya (Nongkhynrih, 2008), the Nagas of Manipur and the tribes of Tripura have individual as well as community ownership. As stated by Fernandes and Periera (2005), the Aka tribe of Arunachal Pradesh does not have a well-developed concept of private ownership. Land owned by members of a clan, a village, a cluster of villages, and a tribe is a common phenomenon across tribal communities of North East. There are cases where the village body owns the whole village land. Nevertheless, the degree and percentage share of village-owned land to that of privately owned land varies across tribes and communities. It

depends on land availability and the basis for establishing a new village. Communities or villages with less access to land have no communal land ownership. Therefore, a communal form of land ownership exists in regions with abundant land. It also depends on the nature of the village formation (whether it is formed under an individual leadership or by clans). The communally owned land or village land comes under the control of the Village Authority. As the local governing body, the Village Authority enforces property rights. The Village Authority is either headed by the Village Chief ⁴⁶(post is hereditary) or Chairman⁴⁷ (elected). The governing institution enforces and protects its rights based on customary laws, rules, norms, and practices.

3.4 Constraints of Obtaining Data on Size and Area of Land.

While conducting this research, one major obstacle was obtaining data about the size of privately and communally owned land. Secondary data sources such as the Census of India, Manipur 2011 and District Census Handbook, and Village and Town Directory do not provide data regarding village-level area size and proportion of land owned under different ownership systems. This absence is attributed to a lack of cadastral survey, as no formal registration of land deeds and title are documented. In my search for such data, I visited state government departments like the Manipur Remote Sensing and Application Centre, the Public Works Department, the Directorate of Settlement and Land Records⁴⁸ and the Directorate of Economics and Statistics. Despite the rich depository of data, these departments expressed their regret in their inability to provide basic data about the size and area of Shajouba village land, private and communally owned land etc. to name a few. The officials are of the opinion that surveying and compiling such data for the hill areas involves political bottlenecks as there is a high probability of conflicts that can arise due to overlapping boundary claims between villages and tribes.

The issue is further compounded as the Village Authority, at the lowest decentralised body of administration, does not keep and maintain records on land. Ownership of a certain plot of land and property is not denoted by measured size in standard units like acres and hectares. Rather, they are demarcated as property by natural markers such as trees, stones, hills, ranges, rivers, streams

⁴⁶ Chief (Nokma) of the Garos, Syiem (Chief of the traditional state) Jaintias of Meghalaya, Adis, the land was allotted by the chief, The Mizos of Mizoram, Thadous of Manipur.

⁴⁷ Nyishis of Arunachal, the Mao Nagas of Manipur.

⁴⁸ The department did inform that plan are underway to survey and developed such datasets and information.

and rivulets. A typical owner of the land from Shajouba village can only locate the area of his property "from that stream to that cactus plant", "from that footpath till the oak tree," and "my property lies between Mr A in the North, B in the South, E and G in the East and West respectively. The unit of measurement for land is based on the productivity of the land. It is discussed in the later section of this Chapter.

The tribal communities in Manipur are apprehensive about the official survey of land in the hill areas of Manipur. This apprehension arises primarily from the fear of land alienation and the payment of formal titling fees. Lack of data after 70 years of India's Independence has played out in a blame game between citizens and the Government. Citizens assert a lack of political will from the government, while the government points to the skeptical and apprehensive nature of the people. Data on land, especially in tribal-dominated areas, can only efficiently be provided by the government in strong collaboration with the local bodies and its people. Limitations on data restrict the conduct of a systematic study, become problematic, and limit scholars from drawing meaningful analyses and conclusions. Obtaining such data at an individual level is strenuous, expensive and time-consuming. Considering the limitation of obtaining valuable data on the land from reliable sources, I have engaged myself in deriving village-level data by arriving at rough averages collected through intensive studies done for 102 households selected within the total number of respondents. Their data is used to arrive at an average village data, which can only be understood as an approximate representation. Hence, the data provided about privately owned land under the village is just an estimation exercised in the field and gives a representative figure.

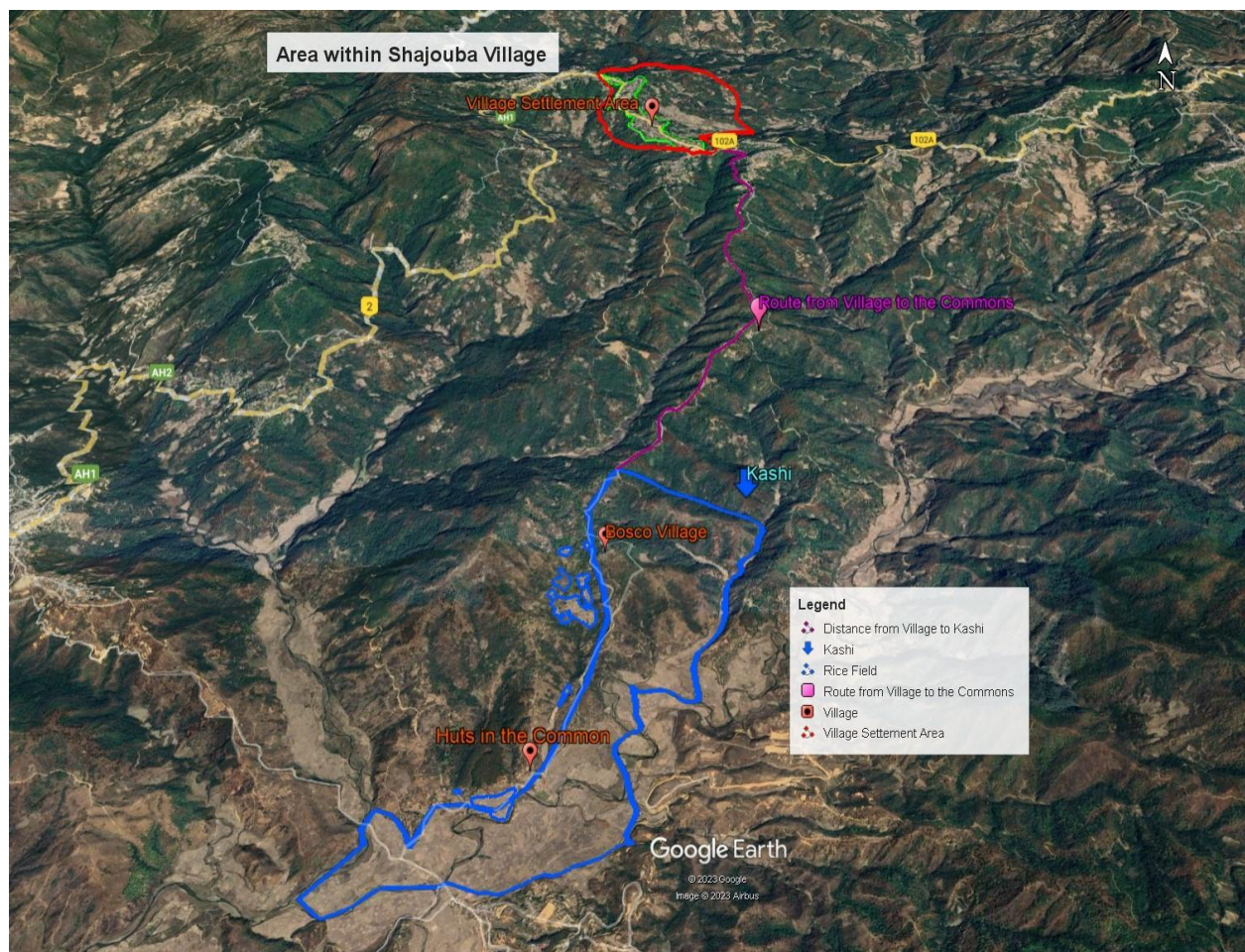
In my capacity, I have attempted to arrive at representative figures of different types of land-based on ownership pattern, size of village and land sizes as per use pattern. I have used the Google Earth Pro application extensively to mark the village boundary, the village common area, the settlement area, land under private ownership, the representative size of the paddy fields, etc. Further, using the same application, I calculated the area under the respective heads to derive a representative picture without official survey data. I have exercised extreme caution not to give a false representation. The areas marked on the Google Earth Pro application were done in consultation with concerned individual owners who showed their actual land, and representatives of village authority and elders physically identified the village boundaries and common area, which was then

plotted on the Google Earth Pro application. I also acknowledge that it is fairly representative in the absence of official survey data, and there exists room for improvement and more accuracy.

3.5 Geographical Expanse and Land Ownership Pattern.

The Village boundary is divided into two parts. The northern part (demarcated in red) situates the village settlement area, homestead, kitchen garden, woodland, rice fields, and horticultural lands. Private individuals and clans own land in and around the settlement areas. The village-owned land includes playgrounds, ponds, roads, sites for community halls, sacred places, etc.

Fig 3.1: Outline of the Village Boundary



Source: Author's Preparation using Google Earth Pro

Moving down south for about 6 Kilometers from the village settlement area starts Kashi, where the village's lands are located and demarcated by the blue outline. Land in this region is owned

privately or by the village. Private individuals own terrace fields. The village owns terrace fields, forest, jhum land, grazing grounds, scrubs, and barren/wasteland.

Table 3.1: Land Distribution under Private and Village ownership for Shajouba Village

Sl. No	Type of Ownership	Area in Hectares	% share
1.	Privately owned		
	a) In and around the village settlement area	234	67.98
	b) Rice fields at Kashi	141	
2.	Village-owned	176.66	32.02
3.	Total Area	551.66	100

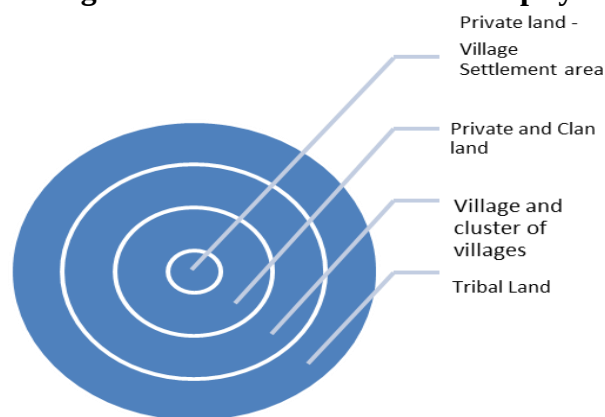
Source: Author's estimation using Google Earth Pro App

Of the 551.66 Hectares of land forming the village boundary, 67.98 % is owned privately and some portions by clans. The common property constitutes about 32.02 % of the land within the village boundary.

3.6 Different land ownership systems.

The major types of land ownership recognised under the traditional system of land ownership amongst the Nagas and Mao, Nagas in particular, are private, clan, village or cluster of villages and the tribe land.

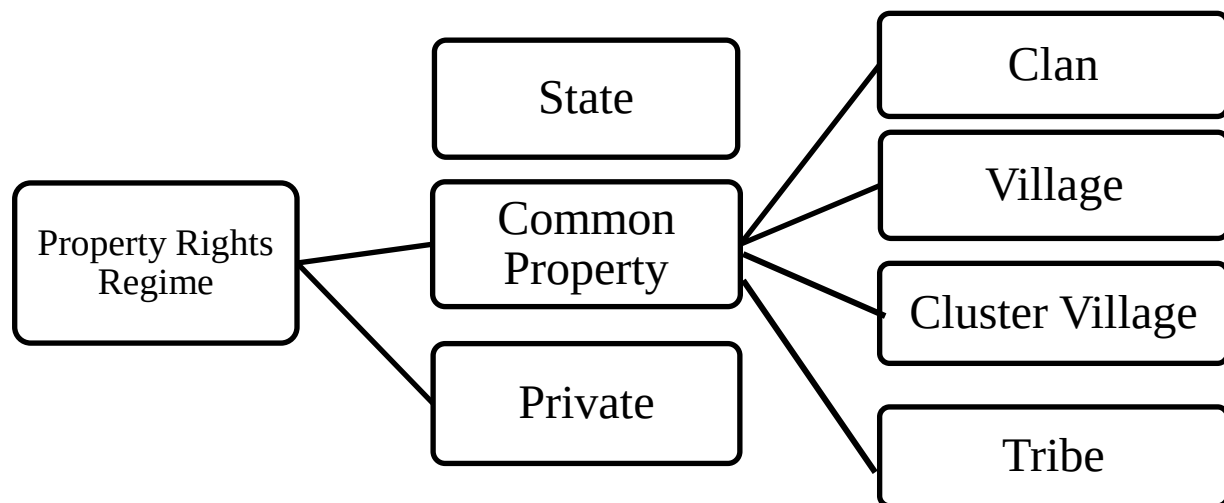
Figure 3.2: Representative figure for different land ownership system



Source: Author's Representation

The village settlement area includes privately owned land. This area includes a homestead, an area surrounding the house for a kitchen garden, and privately owned plots. It also includes ponds, playgrounds, public gathering places, village roads and paths, churches, and community halls that are Communally owned. Outside the settlement, the area includes land owned by private individuals and the clans. These include land for horticultural crops, orchards, forests, woodland, and paddy fields. Village-owned land and land owned by cluster villages are outside the clan land. These resources include horticulture and jhum cultivation land, forest, common grazing grounds, barren or wasteland, and paddy fields. They are often located along a tribe's or inter-village boundary. The tribal land is situated along the periphery of a tribe's geographical boundary. They form the outermost layer and move far away from the village settlement area; approach roads and small pathways are the only means of transport. As they are far from settlement and inaccessible to roads and communication, this area is often unexplored with thick forest coverage or marked by rocky, hilly terrain and high altitude. These regions' hilly terrains, streams, and rivulets act as natural territorial boundaries between different communities.

Fig. 3.3: Different Property Rights Regime



Source: Author's Illustration

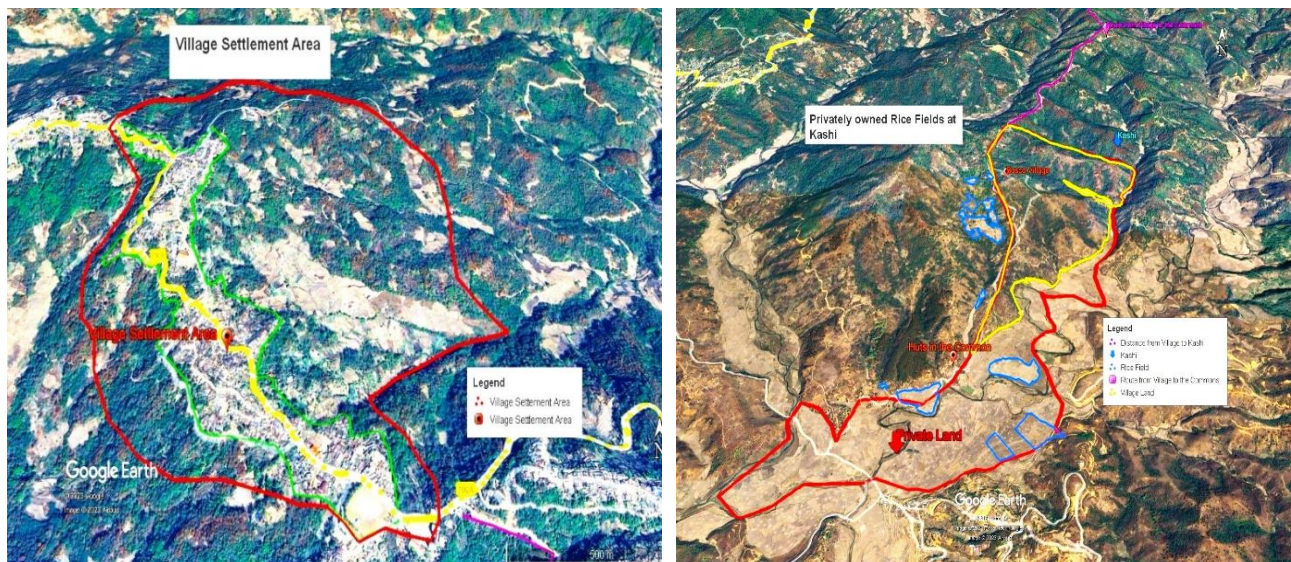
3.6.1 State Ownership

The different land ownership systems: state, private, clan, village, and communities are governed by different institutions based on the rights users of a resource enjoy. State or Public property is owned, managed, and controlled by the state or government. State-owned include those that come under the ownership of the state or government. They include government hospitals, public offices, roads, schools and institutions, museums and state reserve forests.

3.6.2 Privately Owned

Private or individual, as the term signifies, refers to privately owned land. Private property includes land bequeathed or inherited from parents, personal purchase from others, undivided or undistributed property amongst brothers, and ancestral properties that families of close kins inherit. Land in and around the village settlement area is privately owned. Privately owned land is within and closest to the village settlement. A son, upon marriage, is entitled to receive and inherit certain land from his parents, known as Lophre-Lopa (his share). These include odo - paddy field, ochi fii - homestead, and pfole – woodland that can also be used for agricultural purposes.

Fig. 3.4: Map Outlining Privately Owned Land.



Map A: Village Settlement area

Map B: Kashi Area

Source: Author's Work (using Google Earth Pro)

The two Maps above show the land owned by private individuals (marked in red). Map A represents the village settlement area (outlined in green) and the area surrounding the settlement area, demarcated by red. The village settlement area forms the heart of the village boundary and includes empty plots, homesteads, and areas around the house for growing vegetables and gardening, constituting about 43 Hectares. The area circling the settlement area includes terraced fields⁴⁹, shikhu mara - woodland, Pfole or horticultural land (for growing vegetables, crops, and fruits), and jhum land. They are mostly within individual ownership, while clans own some. These areas outside the settlement constitute about 191 Hectares. In map B, the red outline shows privately owned terrace fields in the Kashi area (approximately 6 Km away from the settlement). The paddy fields along the river basin (Barak and Ngairii) and gentle slopes amount to 141 Hectares. Thus, 191 Hectares of land are available for productive purposes (excluding the settlement area of 43 Hectares).

Ascertaining a clear understanding of the size of individually owned land was difficult as households do not have a clear idea about the size of the land size they own. This limited the ability to derive data on individual land ownership and the size of its holdings. Land is measured and described in two forms. Firstly, the rice fields are measured, sold, and bought depending on how much paddy they can generate. The standard unit is one Obe or One Obe li (large bamboo container for storing grains). One obe li refers to an area that can harvest about 7-8 gunny bags of paddy, producing 390-420 kgs of rice. The average size of one such terrace field (obe li) is 1600 sq meters or .4 of an acre⁵⁰. Forest land and horticultural land are measured in terms of oshi beli. This size varies from .8 to 1 acre. An average size of .9 acre for one oshi beli is adopted to arrive at the average land owned by households. Based on this measurement, the following table is derived categorizing households into different groups based on the size of the land they own.

⁴⁹ Terrace field farming is commonly practised in the hills for effective cultivation. It is cut out from the gentle slopes that resemble steps.

⁵⁰ The size for one such terrace field would differ based on whether it is located in and around the village settlement area or at Kashi. The productivity of land for rice is greater at Kashi (hot weather) as compared to the land around the settlement area. The size adopted here is a mere average referring to the fields located around the village settlement

Table 3.2: Categorization of Households Based on the Size of Privately Owned Land

Type of land ownership	No. of Households (% share)	Operated area (ha)	Average land holding size (ha)
Landless	10 (9.8 %)		
Marginal			
a) .1 ha < 0.5 ha	29 (28.43 %)	9.46	.32
b) .5 ha < 1 ha	36 (35.3 %)	22.39	.62
Total	65 (63.73 %)	31.85	.49
Small (1 ha < 2 ha)	22 (21.57 %)	25.66	1.31
Semi-Medium			
a) 2.0 ha to 3.0 ha	4 (3.9 %)		2.42
b) 3.0 ha to 4.0 ha	1 (.98 %)		3.04
Total	5 (4.88 %)	12.26	2.452
Medium			
a) 4.0 ha to 5.0 ha	N. A		
b) 5.0 ha to 7.5 ha			
Large			
a) 7.5 ha to 10 ha	N. A		
b) 10.0 ha to 20.0 ha			
Total	102 (100%)	69.77	.68

Source: Authors' calculation from Field Work

The above table reveals detailed information regarding privately owned land obtained from 102 households. It reveals that 10% of the households are landless. The landless households include widowed and individuals surviving on their own (40%), and 60% of the landless fall within 60-80 years of age. About 85 % of the households are either marginal or small farmers. Households with semi-medium land ownership between 2-4 hectares consist of merely 5 %. The Agriculture Census 2015-16 (Phase-I) shows similar land holding patterns amongst the tribals of Manipur. At the state level, about 78.63 % of the tribal households belong to the marginal and marginal farmers. The semi-medium farmers constitute about 19.36%, much higher than the Mao tribe as shown by the data (i.e., 5%) obtained in the field.

Table 3.3: Operational Holdings for Manipur and the Schedule Tribes of Manipur**(Number of Holdings in '000)
(Area in '000 ha.)**

Type of operational Holdings	For Manipur (total)			Schedule tribe (of Manipur)		
	Operational Holdings (% share)	Operated Area (% share)	Average size of holding (in ha)	Operational Holdings (% share)	Operated Area (% share)	Average size of holding (in ha)
Marginal (.1ha < 1 ha)	77 (51)	40 (23.3)	.52	29 (44.7)	16 (20)	.55
Small (1 ha < 2 ha)	49 (32.7)	63 (36.6)	1.29	22 (33.9)	27 (34)	1.23
Semi-Medium (2 ha < 4 ha)	22 (14.6)	55 (32)	2.5	12 (18.5)	31 39 %	2.58
Medium (4 ha < 7.5 ha)	3 (2)	13 (7.6)	4.3	1 (1.5)	6 7.6 %	6
Large (7.5 ha < 20 ha)	Negligible	Negligible		-	-	-
Total	150	172		65	79	

*Source: Agriculture Census 2015-16***On the question of categorizing privately owned land as pure private good.**

A private good is a good where consumption is rivalrous and exclusion easy. Use and access of privately owned land are rivalrous, and easy to exclude others. Hence, it can be termed as a private good. Owners of privately owned land enjoy the five bundle of rights: 'right to access, use, withdraw, manage, and alienate', governed by a private property regime. The fifth right, the right to alienate, guarantees the complete bundle of rights and categorises it as a private good. Privately owned land amongst the tribal communities is a good that cannot be categorised as a pure private good, such as an apple. The right to ownership of an apple is free for transfer and exchange in a free market economy without limitations. Alienation and transfer of ownership exist but are limited within the tribal communities. The privately owned land by the tribal communities has limitations in a pure market exchange. This limitation arises from two different aspects.

Firstly, constitutional safeguards and protection limit the transfer of land ownership outside the tribal communities. Alienation of tribal land to non-tribals is limited and safeguarded by the 1960 Act of Manipur Land Revenue and Land Reform and Article 371c of the Indian constitution and the subsequent establishment of the Autonomous District Councils. The applicability of the MLRLR Act is limited to the low-lying areas in the hill and valley districts, inhibiting the evolution of the market for tribal land. The objective of the non-extension of MLRLR was to provide special

protection to tribals' land and resources from being alienated and transferred to non-tribals. On the one hand, this objective is served but also negates the prospect for the emergence of a market for tribal land that works on a market principle where sellers and purchasers are not differentiated and operate based on the ability to pay principle⁵¹.

Secondly, there are existing rules, norms, and restrictions by respective kins, clans, village, and tribe that restricts members from alienating land outside the set and sub-set. Privately- owned land, especially those that are bequeathed and inherited (homestead, paddy fields) from parents and ancestors, are forbidden to be alienated outside the family. Alienation of such property takes place within one's kin and family. The village-owned land is neither heritable nor transferrable and cannot be sold to other villages or tribes (Ngajokpa, 2004). In that sense, the description of privately owned land is not a pure private good where the owner can alienate and transfer it to the buyer who values it the most. It is not an anonymous market where anyone can be a buyer or a seller. The transfer of ownership is restrictive within the group and sub-group. Thus, land as a commodity exchanged in the market is not completely commodified in a free market economy.

3.6.3 Common Property Regime

A common property regime is an institution that regulates or controls its access, use, management and exclusion of communally owned resources. It is a social arrangement that regulates, preserves, and maintains common property resources. Under this regime, access to the resources is not free for non-members, but access for its members is relatively free through monitoring by the community members. Ostrom (1990) states that "it is subject to regulation under community norms or rules and open access, in which resources are open to all takers". Common property resources are common to the members and private to non-members. Users of resources governed under a common property regime do not enjoy the right to alienate like private owners. Thus, users of such resources can only be one-time entrants; one-time users have the right to manage and control. The rights enjoyed by users are thus incomplete. Going by this definition, land owned by a clan, village, cluster villages, and tribe can be categorized as governed by the institution of a common property regime, as users do not have the right to alienate.

⁵¹ Part V, section 158 of the MLRLR Act 1960, provides special protection to tribals by the state in protecting its land and resources being alienated and transferred to non-tribals. According to the Act, any transfer on land is valid only when it is to another member of a schedule tribe. Any transfer to a non-member requires a written permission from the Deputy Commissioner of each district.

A) Clan Ownership

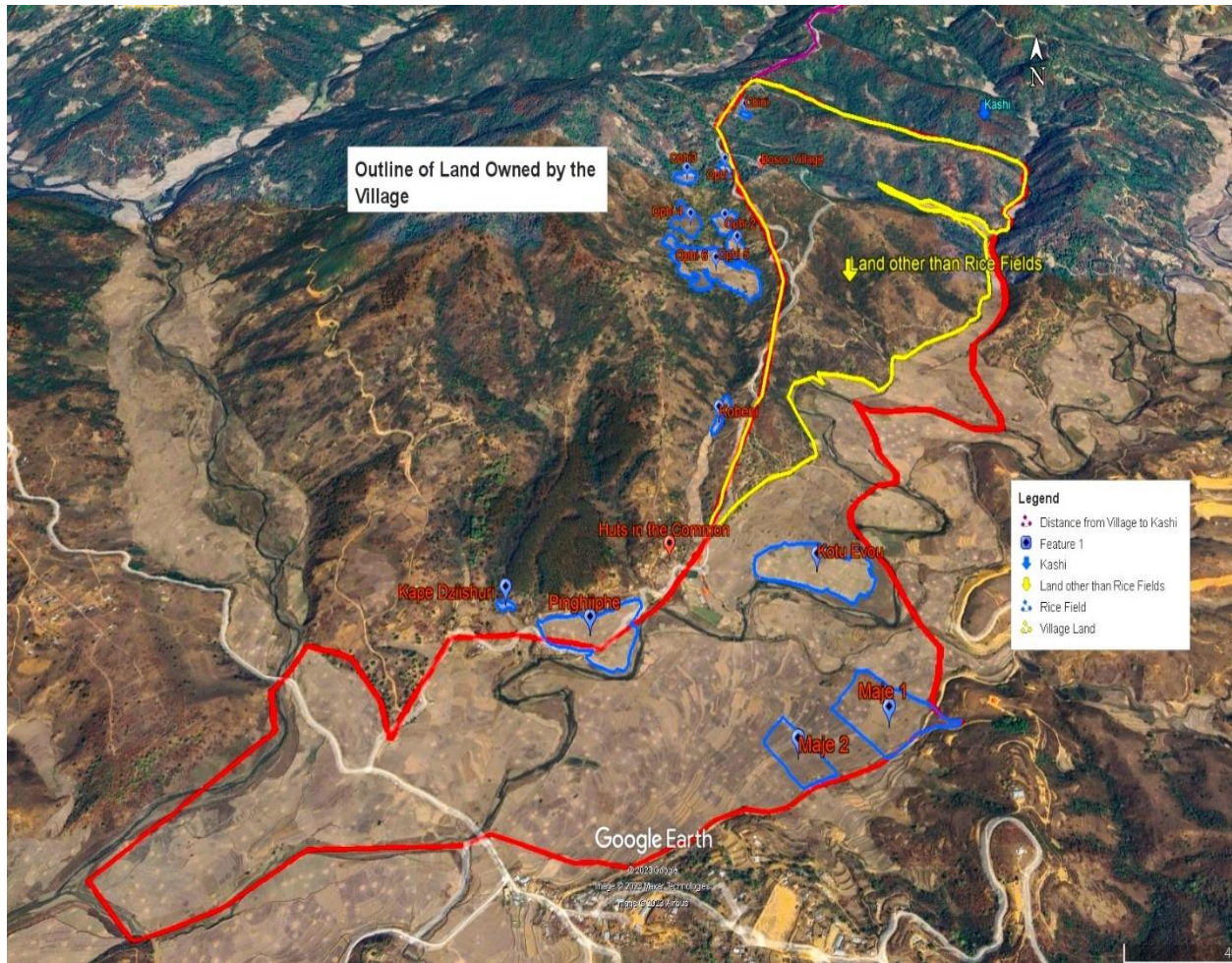
Members of a specific clan collectively own clan-owned lands. A clan refers to a group of people tracing descent from a common ancestor: family. Membership to a clan can range anywhere from 30 to 200 households. Members of the same bloodline or kinship own these resources. Francis Ngajokpa (2004) asserts its significance “as the clan always extends helping hands to the needy and provides a portion of its land if one of its members requires it for his survival. The clan also gives land to immigrants on the condition that he agrees to be one of them.” Clan-owned resources are two to three kilometers away from the settlement areas. The clan-owned land includes pfole - horticultural land, jhum land, sikhu-mara- woodland (obtain non-timber forest product, firewood, and timber), and plots. The ownership of paddy fields amongst clans is prevalent but is not common across clans. There are Brines⁵² or natural springs that are also owned by clans. Withdrawals of minor forest produce like wild fruits, herbs, edible vegetables, and hunting of animals and birds are free for members and non-members. Any individual is free to appropriate dead, fallen branches and twigs. The right to withdraw resource units like timber, and firewood, cultivate the land, and make permanent settlements are only for group members. Managing the clan resources is collectively done by members of the group. Becoming a member of a particular clan gives you the right to access, withdraw, and manage the resources. Thus, resource users can be categorised as proprietors as they do not have the right to sell or alienate the land. The clan has the sole right to sell and alienate the land collectively.

B) Village Ownership

Village community halls, public spaces for gathering, village playgrounds, ponds, wells, village roads, heritage, and public entertainment places in the settlement area come under the village-owned property. The village-owned land includes rivers, jhum land, pasture land, fallow land, land covered by shrubs and bushes, semi-covered forests, wet/terrace paddy fields, and waste/barren land at Kashi (away from the village settlement). The village council controls the management and control of these village-owned resources. The right to access, use, and withdraw the resources is distributed to members by the Council. A permanent resident of that village can exercise his rights

⁵² They are natural springs with high salt content. The water is used as a source for cooking, condensed water is stored and sold as salt and considered to possess medicinal properties.

over these resources. Land owned at Kashi is considered the area of interest for this study. The Village-owned land at Kashi is broadly categorised into two: 1) paddy fields and 2) land other than rice fields⁵³.



The map above shows the village-owned land under the two categories. The portions demarcated by the blue outline represent the village-owned paddy fields. The region within the yellow outline maps out land other than rice fields. The village owns about 176.66 Hectares of land⁵⁴. Terrace/rice fields amount to 21.66 Hectares, constituting 12.3 % of the village's total area. Land, including

forest, jhum land, grazing ground, etc., totals 155 Hectares, forming 87.7 % of the land owned by the village.

Table 3.4: Land Owned by the Village

Type of Land	Area		Total Area in Hectares
	Area in Acres	Area in Hectares	
a) Rice Fields			
- Ophi 1	0.54	0.22	21.66 (12.3%)
- Ophi 2	1.27	0.51	
- Ophi 3	2.94	1.19	
- Ophi 4	1.64	0.66	
- Ophi 5	1.58	0.64	
- Ophi 6	12.5	5.1	
- Koberi	.97	0.39	
- Pinghiiphe	7.28	2.96	
- Kape Dziishuri	.22	0.1	
- Kotu Evow	10.7	4.34	
- Maje 1	9.40	3.80	
- Maje 2	3.89	1.57	
- Chiiri	.44	0.18	
b) Land Other than Rice Fields			
- Forests	} 383	155	155 (87.7%)
- Scrub Land			
- Jhum land			
- Barren/Wasteland			
Total			176.66 (100)

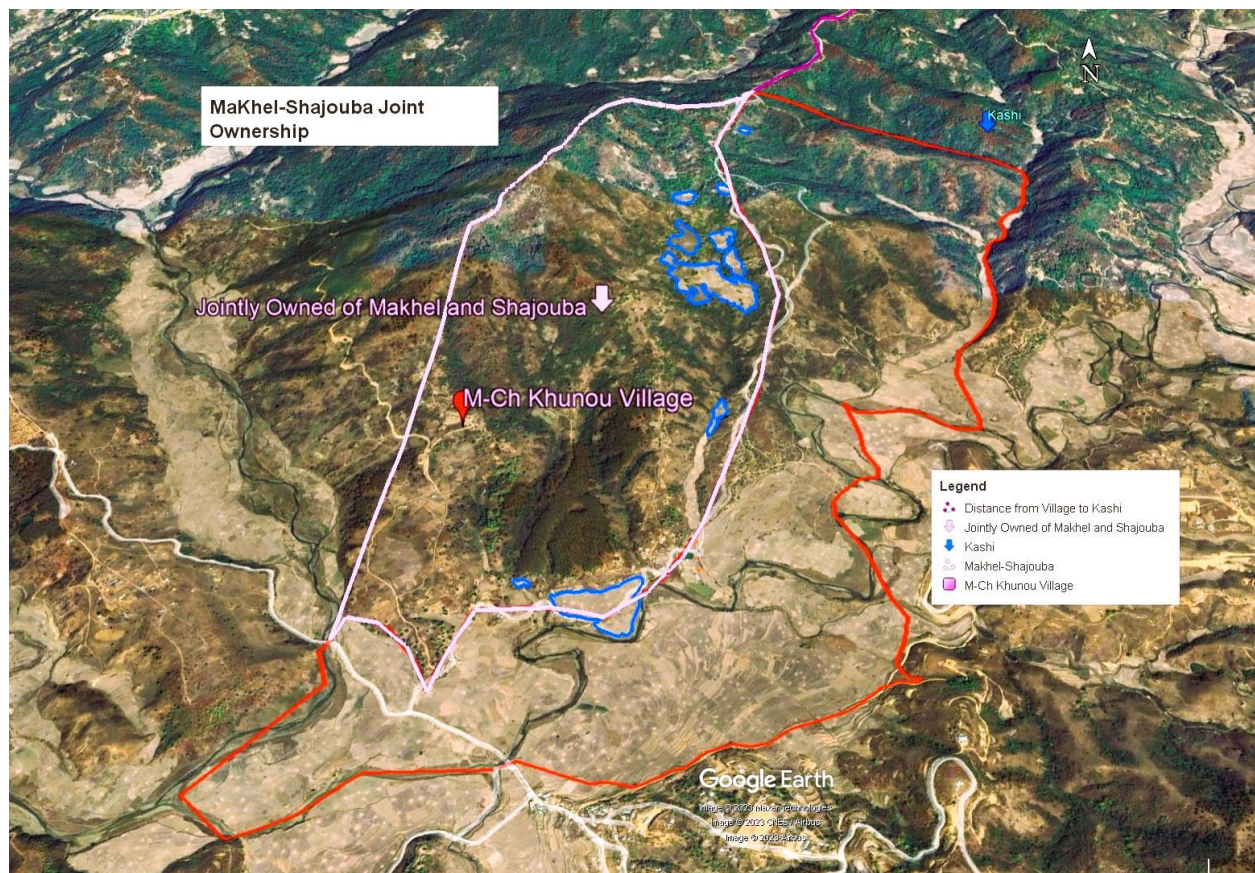
Source: Author's work from Field Work.

The village-owned land is neither heritable nor transferrable and cannot be sold to other villages or tribes (Ngajokpa, 2004). Village body-owned land is the village body's private property, as the council has the sole right to sell or alienate the land. It acts as open access for its members, as rights are not exclusively assigned to them.

C) Ownership by Cluster of Village

Land can also be owned jointly by a cluster of villages. The village under study owns land jointly with the neighbouring village Makhel. Resources owned by two or more villages include common grazing lands, pinghuii (wasteland), social forests, semi-forest cover (where shrubs and bushes grow), playgrounds, roads, and brines or spring water.

Fig. 3.6: Map outlining the joint ownership of land by Shajouba and Makhel Village



Source: Author's Work.

The above map outlined in pink represents the area jointly owned by Shajouba-Makhel adjacent to the village-owned land. The area roughly amounts to 239 Hectares. Bonafide residents of the concerned villages enjoy the rights and benefits of these resources. Members do not have an alienation right to these resources. A collective decision is to be taken if there is a need for land alienation. These common resources are managed and controlled by the Village Councils of the concerned village. Separate committees like the Enghii profiilu are organised to oversee the joint ownership of commons by the two adjoining villages of Makhel and Shajouba. This committee and the two-village council are assigned the right to change the operating rules governing the right to access, withdraw, manage, exclude, and alienate the commons.

D) Tribal Land or Tribe's Land.

Tribal land, often known as tribe's land, is the third type of communally owned land. It is collective ownership among members of a specific tribe. Under such ownership, every tribe member has

equal access, use, and withdrawal rights to the resources. The highest level of ownership can be traced back to those held in the name of a specific tribe. These types of land are located at least 10 kilometers from the settlement area. A tribe's owned land would comprise woods, streams, rivers, rivulets, hunting grounds, jhum and horticulture land, wasteland (high rocky slopes and peaks), and hillocks. This common ownership is not required to be found amongst all tribal groupings. They can be found along the borders, forming boundary lines between tribes and states. Transport networks are not well established because they are located distant from the settlement area and in steep and rugged terrain. They act as forest reserves, as exploitation of such resources is not viable without a proper transport system. As of today, these sites serve as hunting grounds (Koziiriii amongst the Maos) and trekking and camping (Dziiko⁵⁵) for its members. Members hike up the slopes and camp for several days for wildlife and birds. Members cannot exploit the forest resource and keep it in its natural state due to the lack of a motorable road. The forest is home to a variety of floras and faunas, as well as century-old trees. This is especially true for the Mao Tribe, which can only be found in Koziiriii⁵⁶. This category of land is disputed among tribes and groups, ultimately impacting the state's boundary. One recent example is the fight between the Mao (a Naga tribe in Manipur) and the Southern Angami (a Naga tribe in Nagaland) over Dziiko. The two tribes have competing claims to the same territory.

3.7 The Rationale of the Village/Community Owning Land.

The village body owns land better served under private property rights regimes like paddy fields. A common property rights regime can better serve grazing ground, hill slopes, and patched lands. What is the rationale for the village owning land that otherwise could be owned privately? The underlying reason for these traditional societies to own land is to attain their collective goals: social security and well-being and sustaining the resources⁵⁷. Collective ownership of land and its resources provides members with social security and a safety net. Resources are collectively owned so that orphans, widowed, needy, and landless members can depend on them in need. It intends to prevent poverty and begging from occurring in the community. The provision of social

⁵⁵ Dziiko also known as Dziiko Valley is a contested area between Mao (Manipur) and Angami (Nagaland). This has become a tourist spot attracting both locals and outsiders. Sports and natural enthusiast trek up its way to reach the valley. The hills surround the Dziiko valley.

⁵⁶ Koziiriii refers to the vast expanse of land where tribal forest grows.

⁵⁷ Hundred percent of the respondents opined promoting social cohesion, a strong sense of brotherhood, social security, wellbeing as the rationale for community to own land collectively.

security to members in need brings forth in establishing an equal society. The traditional practice amongst members is that resources are withdrawn based on their needs and not for greed. It intends to sustain resources over a long period. Thus, the community's ownership and control of land better serve the social goal and its set objectives.

3.8 Legitimacy of Traditional Property Right Institution

So far, the discussion is about the traditional property rights institution, the different forms of ownership, resources owned and governed under each property regime, and the rights attached to the resource users. Protecting any property rights requires an enforcing agency and institution that can protect owners of its rights. Enforcement of property rights is easier when group members recognise these rights. Enforcement also requires a mechanism for resolving conflicts arising from confusion and encroachment on an individual's rights by others. Without effective enforcement, property rights become ill-defined and, hence, inefficient. In a society where formal property rights are established, the state becomes the enforcer and protector, enforcing the rights through formal laws and regulations. In the backdrop of this, the following questions are posed about the traditional property rights system as an institution that enforces and protects the owners of its rights. As discussed previously, the institution's structure incentivises human exchange, whether political, social, or economic⁵⁸.

These are the questions that require to be addressed.

- a) What is the governing body/institution that enforces and protects these property rights under the traditional property rights system?
- b) What is the mechanism through which these property rights are enforced?
- c) Can the institution provide platforms to resolve conflicts arising from confusion, boundary disputes, and encroachment?

This section will try to answer and discuss the questions posed above.

3.8.1 Enforcing agency under the Traditional Property Rights System

As the local governing body, the Village Authority substitutes the state for enforcing property rights. The Village Authority perform administrative and judicial functions empowered through

⁵⁸ See North (1991 or 1990)

various state laws and provisions. The customary laws are generated through collective mandate⁵⁹. The Village Authority/Council is headed by the Village Chief (post is hereditary) or the Chairman⁶⁰ (elected).

3.8.2 Mechanism of property rights enforcement.

The Village Council is the keeper and enforcer of property rights, ensuring that rights are well-defined (ownership should not be confusing) and protected. Without written rules and norms, it has established itself as a formal mechanism, even though it is not formal. It is formalisation without actual formalisation of the land records. Land ownership is recognised, accepted, and enforced by all members.

Hence, the traditional institution of property rights is enforced through customary laws, rules, norms, and practices. The Practice of “customary law allows tribal communities to safeguard their long-held traditions of having common resources, including land, forests, and water” (Shimray, 2009). Customary rules and norms are transmitted orally and are feared and respected. Customary laws get embedded into the psyche of its members through everyday practice, such as observing and questioning the elders and socializing in different social settings: family (parents, grandparents, and elder siblings), with elders of the village at public gatherings places (mokrubu), from peers in common dormitories (morung) and through everyday interaction. These everyday interactions and practices have made sure that there is continuous enforcement of property rights. Thus, property rights are enforced through customary laws and norms.

3.8.3 Resolution of conflicts arising from boundary disputes and encroachment.

Tribal communities like the Mao Nagas live as homogenous, close-knit societies where each group member knows each other well. The villagers are acquainted with the local geographical area and know which piece of land belongs to which individual. The knowledge of land ownership has been known through word of mouth over the years. Under these circumstances, formal and legal deeds are unnecessary to claim ownership over a property. Land ownership is transferred between the buyer and the seller in the presence of a witness. With the introduction of Western education, a

⁵⁹ See Shimray (2008).

⁶⁰ Nyishis of Arunachal, the Mao Nagas of Manipur.

simple written document in the presence of a witness records the transaction. An individual marks his/her territory by laying boundary stones and planting specific trees (cactus, *Erythrina arborescens*, *Cordia myxa*) along the boundary. The governing institution provides provisions for resolving boundary disputes, encroachment, and transgressors. In most cases, aggrieved parties are capable of bringing amicable solutions themselves. When parties cannot reach an amicable outcome, they approach the Clan and Village Council to dispense justice. Individuals rarely resort to formal institutions, like the state or the court, in resolving conflicts. The Village Council acts as the village court, where representatives are appointed to hear and resolve disputes between the aggrieved parties. The Village court dispenses justice guided by customary laws, norms, and social practices. The village court relies on facts and information about demarcating boundaries such as stones, pillars, natural ridges, slopes, ranges, and rivulets and planting specific bushes or plants to mark boundaries. Oath-taking is another means of resolving a conflict.

Oath-taking is revered and feared. False testimony is believed to bring misfortunes such as sickness, death, and loss of fortune upon the individual and the family. For instance, under pressure from the Village Council to take an oath, the encroaching party may show resistance. This resistance is used as evidence by the Council to make the judgement in favour of the other party. Taking an oath is considered one of the purest forms of claiming one's right during a conflict. The Village Court's judgment is respected. In addition to the oath-taking, the court can reprimand and punish transgressors by fining or compensating the wronged party. In extreme cases, the Council can socially ostracise the transgressor. If parties are unsatisfied with the court's judgement, they can appeal to a higher council or court. A higher council can include a cluster of villages numbering four to five or the Mao Council (the apex body of the Mao tribe). The higher Council also has the same power as the council but has higher authority than the local Council. If the parties are still unsatisfied, they can also approach the state formal court. However, this happens rarely, or it does not happen at all. Adjudication of disputes ends with the Village or the Higher Council.

Examples of Cases where Conflicts were Resolved.

Case 1

In 2005, a conflict between two neighbouring individuals occurred at Fiizhu⁶¹ due to overlapping claims of boundaries. Person “Y”, whose land lies South of individual “X”, claims that his land extends far beyond/above the assumed boundary of person “X”. The two aggrieved parties were unable to resolve the conflict amicably. Party X made a written complaint and petitioned the Village Court that the claim was false and justice should be dispensed. Members of the Village Court visited the spot in search of reliable facts, such as stone markers that could determine the boundary between the two landowners. Upon careful observation, the members found that the boundary stones planted by his ancestors were covered and overgrown by algae far below his claim. The overgrown stone marker was placed far below the claim made by individual “Y.” Upon finding the boundary marker, the claim made by individual “Y” was dismissed and accused of being greedy.

Case 2

A similar case occurred in 2022 at “Choprai”⁶² between two neighbouring landowners due to overlapping boundary claims. Mr. A has been cultivating on his property for thirty years at the said location. Mr. B, a new owner to the north of individual A’s property, bought the land, stating that some portion of the land harvested by individual A belonged to him. Mr B made his claim as he was told of the extent of the land by the previous owner. Mr. A did not agree with the claim made by Mr. B and asserted himself to be the rightful owner. The aggrieved parties agreed to form “Okremei”,⁶³ consisting of four members assigned by the two aggrieved parties (2 members each). The Okremei went for spot verification and searched for boundary markers (stones, trees, and plants) demarcated by the owners. Witnesses such as neighbouring and previous landowners were called to ascertain the boundary. Witnesses made contradictory statements, making it difficult to resolve the issue. In such a situation, “Oath taking” was suggested by Okremei. The individuals bearing witness for Mr. B refused to partake in the Oath. According to customary law, when one

⁶¹ The contested location is situated on the eastern side of the village settlement area.

⁶² The contested area is located East of the main village settlement.

⁶³ Okremei refers any number of people assigned by the aggrieved parties to bring about amicable solutions regarding any issue. They can be termed and considered as an interlocutor or someone that can dispense justice with fairness.

of the aggrieved parties refuses to take the oath, the other party attains ownership over the disputed land.⁶⁴ An oath undertaken with inaccurate facts is considered to bring misfortune, ill health, and death to the individual, the family, and even his/her generation. The land under contestation automatically goes to the party willing to partake in the Oath (without taking the oath). Mr. A was forced to take the oath as the rightful owner of the land under the compulsion of Mr. B.⁶⁵ With it the case is resolved and Mr. A becomes the rightful owner. Oath-taking is usually the last resort when all other means of resolving the conflict are exhausted.

Group members acknowledge, accept, and practice the existing norms and customs. The state or another private organisation might take precedence over customary rights, resulting in conflicts of interest and injustice for these groups. This overriding right can emerge due to establishing a formal private property rights regime, the government's rights over land, the state's consolidation of forests, and the state's eminent domain, which allows the government to acquire land when necessary. For traditional institutions to maintain their rights and legitimacy, the state must formally recognise, affirm, and safeguard the traditional institution in regulating its land and resources. The following section discusses the state's acknowledgement of the traditional institution of the property rights system through acts and constitutional provisions. These Acts recognise and legitimise the Institution regulating land and resources in the hills. The state and the Centre assist and protect the traditional institution. These clauses fortify the governing bodies and the institution by granting authority to monitor how resources are managed, utilised, and benefits distributed within the traditional property rights system.

3.9 State's legitimisation of Traditional institution

The excluded areas⁶⁶ created during the erstwhile British in tribal-dominated areas of India are called Scheduled Areas in the post-independence period. Continuing British rule, different

⁶⁴ This backing out from Oath taking is seen as false witnessing as they are not confident with the knowledge and could deem inaccurate.

⁶⁵ The Oath taking reads "That I am the rightful owner of the particular land, and six households bear witness and can testify my claim".

⁶⁶ The tribal-dominated areas in India (Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Gujarat, Chatttisharg, Jharkhand, Andhra Pradesh, West Bengal, Karnataka, Assam, Tripura, Arunachal, Sikkim, Mizoram, Meghalaya) were categorised as "partially excluded" and "wholly excluded" by the British. Northeast India was categorised as "wholly excluded," and the tribal-dominated areas in other states of India were labelled as "partially excluded." The policy of exclusion originates from the colonial belief that "their government would be best at safeguarding the interest of tribals and that the Indian government would only impose dominant cultural values on them" (Xaxa, 2014). These

politico-administrative structures were established for the scheduled areas. Nongkhynrih (2008) states that States' protective measures and Constitutional Provisions were assumed to protect the tribal customs and traditions. He further adds that such measures will allow the communities to "develop in their way and at their own pace". Such legal and administrative arrangements are bestowed through constitutional provisions of the Sixth (Northeastern States) and Fifth Schedule (states other than North East). In Sixth schedule areas, Autonomous District Councils are vested with executive, judicial, and legislative powers to legislate affairs concerning tribal welfare.

With regard to North East India, there are several central and state legislations that protect the interests of tribal communities. Bijoy et al. (2010) mentions various North East provisions, like Article 371 (A, B, C, G and H) and Sixth Schedule. Various provisions other than the Sixth Schedule protect non-tribals against land alienation, extortion through money lending, marriage, inheritance, and provisions for autonomy and self-autonomy. Acts and provisions protecting tribal land alienation and its autonomy to control land and its resources based on their traditional institution hold significance concerning the present study. Provisions of the state play two key roles: acts as protectors of the traditional institutions of self-governance and the state's legitimisation of these traditional institutions (guided by customary laws and practices) through recognition by the state and vesting of power on them to control, manage and govern their land and resources based on customary laws. A property rights institution requires protection, recognition of its rights, and legitimisation by the state to sustain and survive over a long period of time. A common property regime that governs communally owned land and resources by traditional institutions in the tribal areas of Manipur is protected, its rights recognised, and its institution legitimised through various State provisions. Special provisions for the tribals of Manipur include: the 1956 Act on Manipur Hill Village Authority, Article 371C, and the subsequent establishment of Manipur Hill Areas District Council.

3.9.1 The Manipur (Village Authorities in Hill Areas) Act, 1956

The Manipur (Village Authorities in Hill Areas) Act 1956 was introduced to "consolidate and amend the laws relating to the constitution and functions of village authorities in the hilly areas of

areas were governed by a separate system of governance (Governor General) marked by the non-applicability of general laws and other legal provisions.

the Union territory of Manipur”. The Act was instituted to introduce local self-governance at the grassroots. Today, at the village level in tribal areas the Village Authority is either headed by the Chief as Ex-Officio⁶⁷ or a Chairman.⁶⁸ The Act empowers the Village Authority “to acquire, hold, and dispose of movable and immovable property”. The functions of the Village Authorities include maintenance of law and order, informing district sub-magistrates of any untoward activities, and the right to arrest offenders, criminals, and individuals who obstruct the functioning of the Village Authority. The village courts are also entrusted with the power to impose fines, reward compensation and transfer cases to any other village court. The decisions given by the village are final. Upon application by any party to the suit, the district judge can either reject or modify the judgement given by the village court as well as direct it to another village court or other subordinate court if a failure of justice has occurred. Thus, the Manipur Hills Village Council Act 1956 recognises the Village Council as an institution governing tribal villages and legitimizes the institution.

3.9.2 Manipur (Hill Areas) District Council Act 1971.

Schedule areas of Manipur are not governed by the Sixth Schedule of Article 224⁶⁹ but by an Act passed in 1971 in the State Legislation Assembly under The Manipur (Hill Areas) District Councils Act. In 1971, the Manipur (Hills Areas) District Council Act was passed under the constitutional provision of Article 371C. It intended to add an element of local self-rule to the hills of Manipur. On February 14, 1972, six autonomous district councils were created in the hill districts of Manipur. The district councils governing Manipur Hills are mostly executive with certain bestowed financial power. Unlike those vested with full administrative, financial, legislative, and

⁶⁷ Chapter II Clause 3 (4) reads: “Where there is a Chief or Khulakpa in a village, he shall be the Ex-Officio Chairman of the Village Authority of that village; and where there is no such Chief or Khulakpa in the village, the Chairman of the Village Authority of that village shall be elected by the members of the Village Authority from among themselves.”

⁶⁸ Mao villages are headed by electing the Chairman; the Tangkhuls have a mix of Chief and Chairman heading the Council, the Chief heads the villages amongst the Zeliangrongs.

⁶⁹ Two different types of ADCs govern the tribal areas hills of North Eastern states: 1) District Councils covered under the Sixth Schedule of Article 224, and 2) the district councils established by respective states through state legislation (Hill District Councils of Manipur and ADC in Assam). They vary greatly concerning the executive, legislative, financial, and judicial powers vested in them. The sixth schedule of the Constitution provides local self-government and protects tribal interests in the scheduled areas of Assam, Tripura, Meghalaya, and Mizoram⁶⁹. Autonomy of governance is granted through establishing Regional and District Autonomous Councils. These institutions are endowed executive, judicial, and legislative powers in their respective areas.

judiciary power, these bodies are not conferred with legislative and judicial powers. The Act empowers District Councils to “maintain and manage the property, both movable and immovable, and institutions within their jurisdiction”. It also includes management and allotment of occupation and use of land for various purposes (e.g., agriculture, grazing, non-agricultural purposes that promote the interests of the inhabitants, management of forest other than reserved forest, and regulation of the use of land other than land acquired for a public purpose or reserved forest. The importance of the Act comes with the establishment of (autonomy) a separate administrative body (Autonomous District Council) empowered to manage and control the resources (special reference to land and its resources) and affairs within their jurisdiction. At the state level, it is headed by the Hill Areas Committee; its members are all elected legislative members from the hilly areas of Manipur. The committee is entrusted with administrative, judicial, and legislative powers that concern the interest of the tribal communities by granting autonomy to administer and govern themselves.

3.9.3 The Manipur Land Revenue and Land Reforms Act, 1960 (MLRLR 1960)

The MLRLR 1960 was passed to "consolidate and amend the law relating to land revenue in the Union territory of Manipur and to provide for certain land reform measures." Initially, the act "extends to the entire Union territory of Manipur, except the hill areas thereof". Property in the Valley districts and low-lying areas in the hills are governed and controlled by the state. Hill Areas are exempted from state governance and are controlled by customary laws through the traditional institution of the property rights system. Part V, section 158 of the MLRLR Act 1960, provides special protection to tribals by the state in protecting its land and resources being alienated and transferred to non-tribals. Part V, section 158 of the MLRLR Act 1960, provides special protection to tribals by the state in protecting its land and resources being alienated and transferred to non-tribals. According to the Act, any transfer on land is valid only when it is to another member of a schedule tribe. Any transfer to a non-member requires written permission from the Deputy Commissioner of each district (Government of Manipur, 1960). The Act protects the tribal communities from exploitation from non-tribal communities that are otherwise considered socially, economically, and politically superior. It excludes non-members (non-tribals) from accessing the resources. Thus, the MLRLR Act 1960 permits and acknowledges the traditional institution of property rights governing the hills and the rights established under its institution.

Furthermore, the Act also protects land alienation of tribal communities to the non-tribals while safeguarding these communities.

3.9.4 Recognition of Forests Rights Act, 2006

At the Center, we have the 2006, Forest Act, also known as the Recognition of Forest Rights Act, 2006, which is common across India. The Act recognizes individual or community rights for forest dwellers in accessing and using its resources. Furthermore, the Act expands the rights to include those "recognised under any State law or laws of any Autonomous District Council, or which are accepted as rights of tribal under any traditional or customary law of the concerned tribes of any State." The Act lays out duties and entrusts the institution at the village level to protect the forest and wildlife, regulate access to community resources, and prevent activities that can affect forests, wildlife, and biodiversity. It also has the authority to determine the rights of individuals and communities, receive claims, and consolidate and verify the claims made under its jurisdiction in vesting forest rights to the Schedule Tribe and traditional forest dwellers. The rights and duties of Village institutions charted out by the Act provide legitimacy to the Village Council in protecting, regulating, and regenerating its forests, water sources, and other biodiversity they have managed over a long period.

3.10 Conclusion

We have discussed the traditional institution of property rights established among tribals of the Northeast, particularly the Mao, Naga of Manipur, is discussed. We can conclude that the property rights system amongst these communities is not definitive but has a broad structural resemblance across communities: the land is owned by 'individual' or 'private' along with communally owned land. Privately owned property (land) includes those owned by private individuals, family, or close kin acquired through purchase and land inherited from parents and ancestors. Communally owned land includes those collectively owned by clans, villages, one or two more villages and tribal land. The proportion of private to communally owned land differs across communities. Land-scarce communities do not have clan ownership, and the practice of tribal land is absent amongst many communities. Village Authority or Village Council (referred to differently by communities) that form traditional local governing bodies headed by a Village Chief/Headmen (post is hereditary) or a chairman (democratically elected) enforces these rights. The rights are enforced based on

practised customary laws, rules and norms passed to generations through word of mouth. The autonomy of the Village Council/Authority as a governing institution is legitimised through various Constitutional provisions and state legislatures: Recognition of Forests Rights Act, 2006, Sixth Schedule and creation of Autonomous District Councils, Article 371 C and Manipur Legislative assembly – Hill Areas Committee and District Council Act, 1971. The rationale for collective ownership of land that forms a distinctive characteristic of the tribal communities is discussed in the following chapter.

Chapter Four

The Rationale of Collective Ownership of Land

The Thesis set off with the question: "What is the rationale for the village or the community to own land"? We identified two strands of thought that explain the existence of common property resources owned collectively by group members. The first strand suggests that certain environmental and physical conditions of the resource would lead to a communal or common property rights regime (Netting 1976, Ostrom 1990). Netting (1976) identified five attributes to be most conducive to the development of communal property rights. They are "1) level of production per unit of area, 2) high variance in the availability of resource units in any one parcel, 3) low returns on intensification of investments, 4) substantial economies of scale by utilizing a large area, and 5) substantial economies of scale in building infrastructure".⁷⁰ Under these conditions, the emergence of private ownership is impossible, and a Common Property Regime would exist. The alternative view gives primacy to the pattern and mode of agriculture practised by the communities in explaining the emergence of the common property rights regime. Bezbaruah (2007) reasons that the nature of traditional shifting cultivation in the hills "obviously makes the population nomadic with no settlement of population in a fixed location."⁷¹ In his argument, the nomadic nature of the hill population led to land being held communally, and the usufructuary right to land gets "distributed to families according to customary norms by the village council or the village chief". A settled mode of agriculture leads to the establishment of a private land ownership system. This works in favour of incentivizing private individuals to secure their tenure and make permanent establishments that can increase their production and profit in the long run. Thus, wherever settled wet paddy cultivation is practised, a private property rights system would emerge to protect the interests of private individuals. A common property regime would emerge if the agricultural mode is nomadic, shifting cultivation is adopted, and a common property regime is developed.

⁷⁰ These resources are mostly found in dry, arid lands, steep and mountainous regions with relatively low rainfall and scattered. These types of land are unsuitable for productive agriculture but can be used effectively for community grazing and village forest areas. These conditions are uniform across resource conditions that are communally owned by communities (Swiss alpine and the Japanese mountain region).

⁷¹ Different property rights regimes emerge amongst the hills and valleys due to the nature of agricultural activity between the hills and plain of North East India. He states that the plains practised settled agriculture and shifting cultivation in the hills.

While the existing literature serves as a strong ground to be used in analysing the current study, I suggest an alternative approach to studying the emergence and the existence of common property regimes amongst the tribals of North Eastern India. To answer "What is the rationale for the village or the community to own land?" requires locating the traditional institution of common property regimes within the communitarian perspective. Egalitarianism, sustainability, and solidarity are social values and goals for communitarian communities (especially regarding the Mao Naga of Manipur). Any institution that emerges within such communities would be to fulfil the set social goals and objectives. The traditional common property rights regime is one institution established to fulfil certain objectives: providing social security, promoting egalitarianism, and sustaining resources over a long period. These values will influence communities in shaping rules and norms that direct how shared benefits are distributed and provided. Therefore, the efficiency of the traditional common property regime should be analysed based on whether it can deliver its set objectives. The study on the communal land ownership system remains incomplete without discussing and locating these concepts. This fits into answering the rationale on why tribal communities establish institutions.

4.1 On the Rationale of the Traditional Institution of Common Property Regime

As mentioned in the preceding chapter, the rationale of the village owning land is derived from two broad objectives: a) Provision of a safety net to members of the village, and b) sustaining resources over a long period. This chapter addresses the first objective of why the village owns the land. The village owns and controls large parcels of land including paddy fields, forests, grazing grounds, jhum lands, etc. There is a great diversity in the kinds of resource systems under their control. Some resource systems, especially paddy fields, are traditionally considered more efficient under a private property rights regime. This is because paddy fields have the two features of rivalry and exclusion associated with private goods. Despite this, instead of distributing all these lands to individual village members, the village council continued to own the land and only granted access and use rights. If village-owned land forms a significant part of the total land available, it is pertinent to ask, "What is the rationale for the village to own land collectively, which otherwise could be privately owned?" We can reason our understanding about the rationale of collective ownership of resources by highlighting two intrinsic aspects of tribal societies: 1) members should have social security and 2) to create a more equal society. The first objective could be identified

as the principle of communitarianism, and the second objective can be characterised as egalitarianism. The question would be whether the institution of village ownership of lands can achieve the two objectives of providing a safety net and equality in society. These two principles seem to be the basis on which tribal communities organise institutions that govern their way of life. This translates into rules regarding the distribution of wealth and resources and the assignment of rights and duties.

4.2 Situating the Tribal Community within the Communitarian Perspective.

Adopting a communitarian approach to studying tribal communities would prove and offer methods to evaluate and understand how communities organise their land, resources, and institutions to govern their everyday lives. The tribal community of the Mao Nagas is traditional in how institutions are organized and how laws, norms, and practices shape their everyday social interaction. Their traditional values largely guide their social, cultural structure, religious, political, and economic aspects. Adopting a communitarian approach to studying tribal communities would prove and offer methods to evaluate and understand how communities organise their land, resources, norms, and rules that govern their everyday lives. An approach that emphasizes the community and places the community as the centre of its social organization. It upholds traditional values of solidarity, egalitarianism, and the good of the community. Tribal societies are traditional in their practices and centre their social organization around the goodness of their community. A study on such a community can begin by viewing it through the communitarian approach. Doing so requires a broad study of the tribal community's way of life to fit within the communitarian perspective.

Tribal ethnic groups are usually traditional societies that continue to practice their age-old customs and traditions within their confined boundaries. In most cases, scholars believe that traditional societies are communitarians and practice communitarian values and principles. Communitarianism is their way of life and determines how they organize their everyday practice and behaviors. The communitarian way of life affects how people structure their rules and norms. How do members perceive wealth and its accumulation? How do they wish and desire to establish the kind of community they want? How is poverty viewed and treated? How is justice and fairness seen? Likewise, it will also shape the structures on how and who should own resources. How should resources be utilised, and for whom?

Atzioni (2003) describes communitarianism as a “social philosophy that emphasizes the importance of society in articulating the good”. It is thus in contrast to theories of liberalism that emphasize the centrality of the individual. The debate between liberalism and communitarianism arises due to multiplicity in its valuation of the good. In recent years, communitarianism has emerged as a criticism of Western liberalism. Western liberalism is a theory that holds that each individual should strive for his or her self-interest. In contrast, Communitarianism holds that the community, rather than the individual, should be the focus of political protection. A philosophy largely based on the belief that interaction with the community moulds an individual’s personality and social identity. The strongest critique of communitarians against liberals’ approach is towards the formation of individualism at the expense of the role played by community membership and other external factors like that of religious communities and the group that plays a significant role in the well-being of society. In the process, meaningful collective obligations and responsibilities encoded by traditions and rituals will likely be lost or greatly diminished. Instilling a sense of community obligation and responsibility becomes the objective of the communitarians. A theory that does not give individual choice, autonomy, and freedom but subserves these to achieve collective objectives. It focuses on increasing communal responsibility and lessening the importance of individual rights. The influence of society on an individual is emphasized by communitarians, and shared values, common history, and a common future root them. The communitarian approach is grounded on common values, traditions, and acceptance of a larger common good. It enunciates the idea that humans can only thrive through community betterment. Families, religious bodies, neighbourhoods, ethnic groups, and nations are all examples of communities. According to Schaber Anwander (2010) identifies common features that communities share:

“1) members of the community are united by shared goals and values, where these are not just their interests; 2) members of a community value their relationships for their own sake, not just for their instrumental value in pursuing their ends, and 3) Members of a community consider their membership as part of their identity”.

The authors further add that members identify themselves through the community by mentioning the state, tribe, or nation they are from. An individual becomes a community member through personal choice like joining a football club, church, etc, or where membership is attained with the

person's birth. The study concerns aspects of the communities where membership is not a matter of individual's choice but constitutive to their identity: the state, nation, family, and ethnic groups. When an individual's values are communitarian, fulfilling community goals simultaneously increases the individual's welfare. Communitarianism differs from communism in that the latter talks about the need to create a community in the future. Tam (1998) suggests three principles on which communitarianism functions:

“That any claim of truth is validated through cooperative inquiry, these communities of cooperative inquiry, which represent the spectrum of citizens, should validate common values that become the basis of mutual responsibilities of all members, and thirdly, all citizens should have equal access and participation in the power structure of society”.

The degree to which these three principles function can vary, but these principles find cognizance amongst communitarians and tribal societies.

4.3 Communitarian practices

Civil society organizations and bodies are formed at each level for better communication and effective implementation. The role of each civil body is to garner cooperation and improve relationships and solidarity between members. Every member by birth becomes a part of the larger community, upon which you are expected to contribute physically, mentally, and financially. The Mao Nagas emphasize attaining cooperative and collective endeavours. Communitarian values and practice amongst the Nagas and Mao tribe, in particular, can be traced to the help received by individuals and families from relatives and villagers when constructing a new home in times of sickness and death, and marriage. The prevalence of collective responsibility and cooperative mode of existence is indicated through tribesmen working in each other's field. This practice not only made working easier but was a way to make farming easier and fun (Jajou, 2013). It gave them a platform to socialize outside their leisure time. Members helped with field activities during plantation and harvesting seasons for those families who faced death, ill health, or any event that limited them to work in their fields. This act extends immediate help so that the family can sustain itself during and after the crisis. A clear case of a communitarian way of life is seen during marriage. In the absence of private agents, event planners, and catering services to arrange for the

wedding, it becomes the collective responsibility to let a member be married⁷². The quote “it takes the whole village to raise a child” holds for tribal communities that are communitarian. Raising a child becomes the collective responsibility of the entire village. Parents do not hesitate to take help from relatives, friends, neighbours, and elders (too old to work in fields but take the responsibility of looking after the children). Society is the only means to seek out when no market system caters to child care like daycare, nursery, and kindergarten. There are taboos restricting members from doing certain activities: heavy work during genna (thenni), where prayers and sacrifices are offered to seek prosperity, free from misfortune and natural calamities for the community. Seeking blessing from God to save its people from diseases, long life, and good health. Upon the death of a villager, members restrain themselves from any hard work, showing the moral duty of each member in respecting and paying tribute to the death. It is the collective duty of the members to hide and bury the dead of another (kathe phe pfo hu koku kocho). The communitarian mode of living is further manifested in sharing the workload in times of great need for manpower, sickness, and death. Because the society holds communitarian views, the idea that the village members must have a social safety net takes shape. This safety net is ensured through the institution of village-owned lands.

4.4 The idea of the Welfare state and the Egalitarian principle

One of the guiding principles for these communitarian tribal societies is the establishment of an egalitarian society. A society where all members are given equal rights and opportunities. Establishing equality amongst members becomes their collective goal. The right to livelihood and sustenance is brought about by the provision of social good by the community. The practice of egalitarian principles can be traced through their norms and social practices, the collective responsibility towards an individual, and the provision of social good by the community. Considering the good of the group becomes a norm. The basic sense of equality led to the establishment of a homogenous society where the society is characterized by the absence of the rich and the poor. Traditionally, this moral principle of equality amongst members shapes the rules and the norms.

⁷² Work is divided and responsibilities are shared. Each family contributes at least a day work from each if the wedding involves inviting the entire village.

Jajou (2013) writes about the Mao community, whereby equality is manifested through the respect and care given by society to the widowed, aged, and disabled. She adds that destitution and extreme poverty were unheard of. There is a saying that “the village chief cannot be rich, nor is he allowed to be poor and be serving someone.” This saying that a rich chief makes the villagers poor, nor that the chief should be daily wage labour, means that he cannot be poor. They intend to maintain a sustainable and sufficient life. Preventing people from accumulating wealth and, on the other hand, prevent falling into poverty. Cutting out terrace fields needs a great amount of manpower, and a family in need of paddy fields announces to the village for help. The villagers come together to help and, in turn, are fed by the families who sought labour. The moral duty of relatives, clan members, and villagers is to help those in need during plantation or harvesting season. This practice is seen as helping the family avoid possible poverty if paddy is not planted or harvested on time.⁷³ These practices help ensure that extreme inequality does not result in society. Members helping out other members who may be in need helps to curtail income inequality in society, which, to an extent, helps to ensure a more equal society. Another mechanism to maintain equality is through the distribution of wealth referred to as “Asiito,” “Macha Kozii” or “feast of merit.” Feast of Merit is a tradition wherein the successful member shares his/her wealth by arranging a feast that involves the entire village and occasionally neighbouring villages. “The philosophy behind the performance of Feast of Merit is that the performer is honoured when he is alive and remembered after death. The deeper philosophy is the sense of generosity and warm-heartedness towards the poor people who are fed on the occasion,” A family, upon attaining a certain amount of wealth, calls upon the villagers irrespective of his/her social status to celebrate the feast. The couple feeds the community with rice, locally brewed wine, and meat (slaughtering cattle, pigs, and bulls). This feast of merit extends to a series of such feasts over the years and spread through a person’s life. The feast can go on for days, and the family needs to have enough meat and alcohol (rice beer, locally made) for a year. The family distributes pieces of meat to every member of the village. At the end of the year, the man wears a commemorative shawl of social recognition to which he becomes entitled. After the feast, people will know and hear him (Jajou, 2013). Individuals climb the social ladder by sharing wealth with the villagers, which is in sharp contrast

⁷³ This happens when a person dies, a woman given birth to a child, sick, widowed or disabled individuals or any other misfortune, which prevents them from continuing the daily activities.

to how a person is seen climbing up the social ladder in a purely capitalist society. Feast of Merit is practised by other Naga communities from Manipur and Nagaland.

The rationale for the village owning land can be attributed to the communitarian way of life and that its ownership is guided by the very principle of maintaining an equal society. A mechanism through which the community strives to attain an equal society. The community provides the basic right to livelihood and sustenance through members' dependence on this village-owned land. A mechanism to ensure and maintain dignity of life for all. Thus, the communitarian principle can go hand in hand with the egalitarian principle, forming the twin principles that guide the communities' choices and influence the institutions they establish. The next section will discuss the rationality of the village owning land collectively.

4.5 Resource Users and the Village-Owned Resources.

The table below presents the percentage of resource users based on the number of items they depend on. One-time access in the form of picnics, outdoor camping, joy rides, and sightseeing are excluded. Their access and use include farming and cultivating on the land (jhum and paddy), withdrawing forest products: bamboo, firewood, timber, wild fruits and vegetables, and grazing. The Village Authority exerts a user fee by selling the user rights, whereas all other resources are free of payment.

Table 4.1: Members' Dependence on the Number of Resources

No. of Village-Owned Resources that member depends on	Percentage of people dependent on it (in %)
No Dependence	12
One Resource	18
Two Resources	38
Three and more	32
Total	100

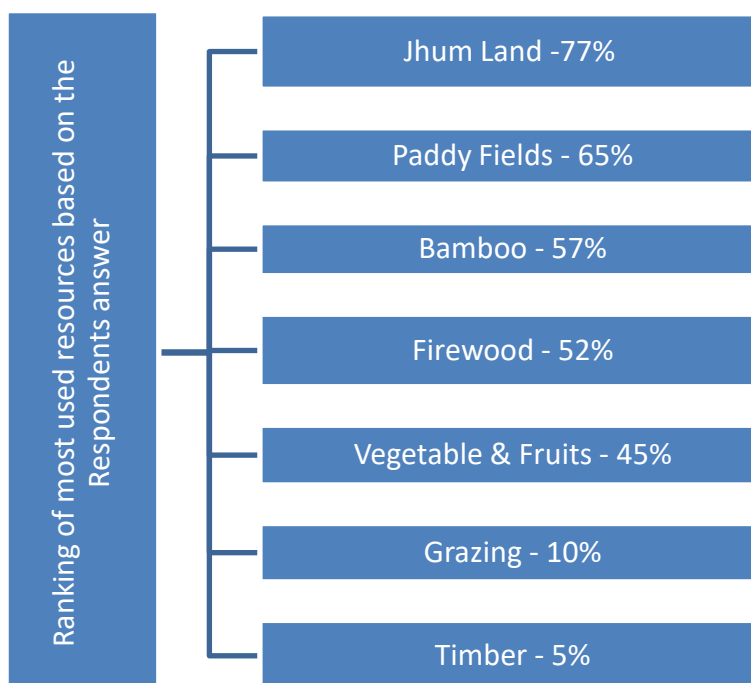
Source: Author's Representation from the Field Work.

Only 12 percent of the respondents have not accessed and used the village commons at any point in time. Amongst the 12 percent who do not depend on the village commons; Government employees' accounts for 63 percent; farmers with sufficient land another 22 percent and the rest

are members engaged in business, entrepreneurs, labourers, and other jobs. Others have accessed the village commons at one point or the other. Of the 90 percent that depends on the village land, 80 percent have accessed and used it in the last two years. About 8 percent of the respondents depended on the village-owned land and its resources in the last five years.

Jhum land is the village-owned resource with the highest number of resource users. This is partly due to the dependence on the village land in making nurseries for rice saplings. The Paddy field is the second most used resource. The least dependence is on grazing land and timber. The following figure summarises the importance of different types of village-owned resources based on number of users.

Fig. 4.1. Ranking of Resources based on the percentage of resource users using the resource.



Source: Author's Representation from the Field Work

4.6 Provisions by the village-owned land

This section answers, “Whether the Village Council, through their ownership of lands, can deliver social security and achieve a more equal society”? The question will be answered in two parts: the various benefits village members derive from the village commons and whether the Village Council can achieve equality in distributing these benefits. This section will deal with the first part of the social security provision through village-owned land to the members. The provision of land for members to access and use is realised as a guarantor to income security, particularly in cases of poor, old age, widowed, orphaned, and landless unemployed individuals. It is a means to protect individuals and families from abject poverty. The village-owned land is kept for members to fall back in times of need and hardship when met with sudden economic shocks, natural disasters, and ill health. Dimchuliu (2013) states that the “land ownership system in the tribal areas is of special significance because land provides subsistence and security to tribals in several ways”. The first objective of safety net provision seems to have been attained through the various benefits members have derived from the village-owned land and its resources. The village commons provide a dignified life through the provision of the basic requirements (land for settlement, forest resources for subsistence), food and nutritional security, climbing the social ladder through an intergenerational shift in occupation (households that produce for market), and income support by foraging forest produce for the market.

4.6.1 Settlement for the socially ostracised and the landless.

The Village-owned land is a mechanism for rehabilitating the social outcasts, ostracised and landless members. Over the years, communities have generated a section of members who have become landless. Village land acts as a safety net for people who have lost properties and land due to misfortunes in life, such as sicknesses, accidents, death, loss of business, etc. Members are ostracised and banished from the village for committing certain crimes (murder or other severe crimes). Members can be excommunicated when they harm the community or fail to abide by rules. For instance, marrying within their clan is considered taboo. As a punishment, those individuals cannot settle within the village. Such individuals settle in the village-owned land away from the village settlement. They can access and withdraw resources, including homesteads, rice fields, jhum land, and extract forest products such as firewood, timber, bamboo, wild vegetables, and fruits. The landless members from Shajouba Village have taken settlement at three different

places: Bosco Village⁷⁴, Mile (near Bosco Village), and Makhel-Shajouba Khunou⁷⁵. About fifteen households live in these three settlements. Tofii⁷⁶, Emefiithumai⁷⁷, Kayinu,⁷⁸ and Robvii Solophe⁷⁹ are other villages formed within the village-owned land by other villages of the Mao community. They are binary or an offshoot from the parent village. The village land also rehabilitates the socially ostracised members from neighbouring villages. Mr. Z⁸⁰ is an example; his grandfather was socially ostracised and excluded from his parent village. His grandfather was given shelter at Shajouba village and became a permanent village member. Such individuals can choose to become permanent members in due course of time or return to their parent village (provided he/she is welcomed) on completing the banishment period (7 years for committing murder). Most of the settlers on the village land are members of their respective villages. However, some non-members (especially Nepalis) have become permanent residents of one of the two villages⁸¹. They can make permanent houses that their offspring can pass on and inherit. They have all the rights except that they cannot alienate or sell it. A particular plot, once occupied, cannot be accessed by another member unless the previous occupant has left in his/her own discord. Individuals settling on the village-owned land derive a certain amount of freedom⁸² by attaining entitlement to the village's resources, even without owning private property. A sustained livelihood, sense of security, belongingness, and entitlement to resources are integral to what and whether a person can live a

⁷⁴ Bosco Village is a new village established on the village's land. There are over ten households settled in this village. The village was formed in 2005-06 under the pioneer ship of Rev Fr Peter Bianchi, an Italian Catholic priest. He had purchased land from the village at a discounted rate to form a new village called Bosco Village. Ten houses (2 bedrooms, living and a kitchen and bathroom) with water and power supply. The residents of the new village were selected from the village by the council based on the social and economic conditions of the members. Households at the bottom of the social pyramid were selected to reside there. The surrounding Bosco area is open for members who wish to settle there permanently.

⁷⁵ Makhel-Shajouba Khunou is a binary village of two neighbouring villages that is Makhel and Shajouba formed on the land owned by the two villages as Makhraikangheina. Founded originally by cattle herders who tended to richer farmers. They grazed the cattle on the common grazing land during spring and summer. By autumn and winter, they would move towards the fields after harvest to feed on the remains of the paddy crops (hay). Initially, herders settled in scattered areas that lacked organisation. The two villages selected a demarcated area for those who wish to settle.

⁷⁶ Binary village of Rabunamei.

⁷⁷ A binary village of Mao Pundung

⁷⁸ A binary village formed by Song Song Village.

⁷⁹ Robvii Solophe is one offshoot from the parent village Punanamei.

⁸⁰ He is referred to as Mr Z, as his identity needs to be protected. He is the third generation settled in the village.

⁸¹ The case of the immigrants joining one of the clans and becoming village members are found amongst other tribal communities: the Marams (Francis Ngajokpa, 2004), Zelinagrongs (Dimchuiiu, 2013), etc. The local authority assigns or sees that new comers have land to construct houses and land to farm.

⁸² People living in the commons enjoy the freedom to withdraw and cultivate that can sustain their lives and families. No community member can claim or evict another as long as that member wishes to reside and live. It is a right inherited by offspring but limits alienating it to private hands.

decent and dignified life. Provision of land for settlement (rent) and resources to withdraw (firewood, bamboo, wild fruits and vegetables) prevent them from being indebted due to rent payment and other household expenditures. Thus, the village-owned land prevents members from falling below the margin. This is proven by the fact that no beggars and homeless individuals are in the village. Every member, irrespective of their financial and economic situation, has a roof over their head and call their own. The provision for living a dignified life becomes the responsibility and prime purpose of the village-owned land. The social provision of these necessities of life brings about social well-being, reducing inequality among members.

4.6.2 Cultivation on the communally owned land: Paddy fields and jhum land.

With an increase in population, the availability of land for homestead, paddy fields, woodlot, and horticultural land decreases. This forces members to depend on the village-owned land and its resources. Members depend on communally owned terrace fields⁸³ and jhum land to grow rice and horticultural crops. Every respondent opined that the major benefactors from the village land are the cultivators who do not own private land or have insufficient land. Let us now highlight the success stories of a few individuals who depended on the communally owned land.

A) Jhum land (rent-free)

The jhum land is free of rent⁸⁴ for members to grow vegetables and horticultural crops. About 77 percent of the respondents depend on the jhum land. They are cultivated on higher altitudes and hill slopes. Any area or plot within the village-owned land can be cleared for cultivation. Crops grown on the jhum land are chillies, beans, maize, radish, potato, bitter balls, pumpkins, etc. These crops and vegetables are grown for the market. Elaborating the case of a female respondent⁸⁵, a resource user who cultivated the jhum land for over a decade while her children pursued higher studies in the cities. She and her partner are illiterate and are full-time cultivators. Across those years, they cultivated potatoes, pumpkins and radishes in the jhum land. On average, they harvested 3 tonnes of potatoes each year. Locally grown potatoes are priced anywhere from Rs.

⁸³ Wet paddy cultivation is carried out on the terrace fields curved out on the hill slopes and the low-lying area along the river bank of Barak River.

⁸⁴ The rent on paddy fields differs depending on the area and accessibility to water sources.

⁸⁵ She is referred to as a female respondent for anonymity. 71-year-old respondent and is a mother of seven children. The jhum land she cultivated at khriedzii (the name of the hill) is not owned by the village but a cluster of different Mao villages. Members of the cluster villages have equal rights in cultivating the commons. Shajouba village is within the cluster of villages.

20 to Rs 40 per Kg (the current price is quoted as the respondent could not cite the price for the past), depending on the size and the time of its production. Radish and pumpkins were cultivated on the same plot after the potato harvest. The household generated an annual income of about Rs 1 lakh from the jhum land.

Quoting her comment, **“Potatoes at Khrizii⁸⁶ was like an investment for us then, as we could harvest when we needed money the most”**.

She concludes her interview by stating that her family had benefitted greatly from the village land as it gave “financial support in raising my children for higher studies”. The income was spent on educating her children. Their children are now employed under the Government and private sector.

Mr. D⁸⁷ and his wife are also illiterate cultivators who farmed potatoes and other horticultural crops and have raised their children who are now working in public sector offices.⁸⁸ They have moved along the social ladder from a lower to a higher social level. There is a saying amongst the village members that “no individual should be poor as we have the village-owned land and its resources where members can put in their labour and generate sufficient income to sustain and climb the social ladder”. A laborious and hard-working individual can always move up the social ladder by utilising the community's resources.

B) Othe li and Opre Bu⁸⁹

The high dependence arises from members using the land to raise rice saplings for transplantation (for private and common rice fields) and establishing huts. The nursery for growing paddy saplings before transplanting them to the fields is locally known as othe li. Opre Bu refers to the plot where the huts are constructed. Often, terrace fields are curved out adjacent to and close to each other. This does not leave private owners the space to construct huts on their land. The huts are thus constructed on the village-owned land even though they might be cultivating on their privately owned land. The area required is usually not large. Every individual cultivating at Kashi⁹⁰ depends

⁸⁶ The name of the hill where jhum cultivation is carried out.

⁸⁷ A 69-year-old man who wishes to remain anonymous.

⁸⁸ Two daughters as staff nurses in central Government hospitals and a son as a railway police officer.

⁸⁹ Othe li refers to land used to grow rice saplings in the dry upland area for transplantation in the fields during the plantation season. Opre refers to temporary hut with tin or grass roofing to seek shelter situated near to farming site.

⁹⁰ Name of the area where the communally owned land is located.

on the village-owned land to prepare their nursery for transplantation. Thus, the communally owned land provides land for private owners and tenants on the village-owned terraced fields to prepare saplings for transplantation and construction of huts.

C) Terrace/Rice Fields

Rice, as the staple food of the people, makes rice fields one of the village's most valued and important assets. The user rights over the paddy fields are distributed through the bidding system. It also forms a source for the village (detail is discussed in section 4.4.4 of this chapter). The bidding system shifts the user's right to the other individual on completing their tenures. The rent of the village fields is lower than that of the privately owned fields, making them accessible for poor and young married couples. The following table highlights an estimate of the production capacity of village paddy fields.

Table 4.2: Production Capacity of the Village Paddy Fields

Production capacity measured in Obe ⁹¹ (Bamboo Container to store grains)	Rice production per Obe after de-husking (in kgs)	Total production from Village common after de-husking (in Kgs)	Number of Households dependent on the paddy field per year
107 Obes (1 obe contains 7-8 gunny bags ⁹²)	390 – 420	43,870	70-80

Source: Authors' Estimate gathered from the fieldwork.

The village owns an average of 107 Obe (bamboo containers) that can store grains) containing seven to eight ganny bags of unhusk paddy per year. The village owns 21.66 hectares as terrace fields. Rice cultivation is done once a year and can generate roughly 43,870 kg of rice. A tenure cycle includes two years in which 70-80 households lease the village-owned land. Sixty-five percent of the respondents had and depended on the village-owned paddy fields⁹³. Of the 65 per cent that depends on and has depended on the paddy fields, 10 per cent are households without

⁹¹ A local unit of measurement on land productivity (paddy fields are also sold per Obe). One obe li refers to an area that can harvest about 7-8 gunny bags of paddy, producing 390-420 kgs of rice. The average size of one such terrace field (obe li) is 1600 sq meters or .4 of an acre.

⁹² A ganny bag can measure about 80 Kg – 90 Kg of unhusk paddy, depending on the type and variety of paddy.

⁹³ Please refer to Fig 4.1 of this chapter.

paddy fields. The remaining is constituted by farmers who cultivate paddy fields, which are insufficient for cultivation. Members aged between 25 and 45 years (80 percent of the respondents) are found to depend mostly on the village-owned rice fields compared to other age groups. Various reasons can explain the age difference in dependence on the village-owned land. Members in these age groups are young couples out to make their own families, making them highly dependent on the village-owned land. These members are physically stronger to carry out physical activities like farming than the younger and older age groups. Also, a greater number of people are dependent on them for food and finance. A typical household between 25 and 45 has two to six children and their ageing parents. Hence, there is a need to produce more to support the family. Also, some households have teenage children who provide extra help and support to work in the fields. Rice is cultivated for two purposes: self-consumption and to generate income. The cultivated rice is marketed and used to finance children's education. Sticky rice (high starch content) is grown commercially among the rice varieties. The dependence on the village land acts as an incubation period by providing sufficient time for members to accumulate resources before acquiring their private land. They create a base for the newlyweds to start their family. Individual "A" 's account highlights the importance of paddy fields for the newlywed: "The paddy fields gave a base to my family who do not own fields to cultivate. Depending on the village land for the initial years provided us the base for gathering resources and acquiring our paddy field. It is a stepping stone for young married couples". Kapesa, 58, explains how important and helpful it was in supplementing her children's educational expenses. She cultivated on the village rice fields for almost ten years during the 2000s, and children depended on her. During those years, she produced 25 bags⁹⁴ weighing around 90 to 100 kg per bag. She calculated the price⁹⁵ of sticky rice at Rs. 55, up to Rs. 22,000 per Obe weighing 400-420 kgs. She would sell more than a couple of such bamboo containers every year. Money was used to admit children to private schools, purchase uniforms and books, pay rentals, and finance their living expenditures. She no longer depends on the village land as she receives remuneration from her older children and financially supports the younger children's education. Numerous cases of such parents depended on the village-owned paddy fields to raise their first generation of educated members in the family. This educated generation shifted to service sectors like trade and commerce, medicine, engineering, school and

⁹⁴ This measuring is done before husking the Paddy. Depending on the size of the tin, about 5 to 6 tins fill a bag

⁹⁵ The sticky rice price at the interview (re-visit to the field November 2022).

university teachers, government employees, and private enterprises. This brought about an intergenerational shift in occupation from farming to service sectors. Their dependence decreases as children leave home for work and stop consuming from home. Their dependence also decreases with the completion of their children's education, and they start to receive remuneration from them.

4.6.3 An additional source of income through the extraction of forest products

Forest extracts include firewood, timber, fallen branches, wild fruits, herbs and vegetables, and bamboo. The following section highlights the various products withdrawn as forest extracts.

a) Bamboo

Bamboo has become the second most important product extracted from the village-owned land next to terrace fields. The importance of bamboo arises due to its use in many of the activities in everyday life. Bamboo forms an integral input for everyday activities: construction of houses and huts, fencing, river embankments, canals, and crafts and art. It is used in fencing gardens, fields, and farms to enclose cattle. Bamboo is indispensable in constructing huts and houses, whether mud or concrete. Bamboo is also used in crafts and household articles like bamboo baskets, barns, and chicken coops⁹⁶. The use of bamboo as a trellis for plants and creepers (squash, cucumber, beans, etc) is one where bamboo is extensively extracted and used. Squash is a commercial plant which is grown by the majority of the villagers. Bamboo is also used for collective purposes⁹⁷ like constructing embankments along the riverbanks and canals for agricultural purposes. Organisations and groups like churches use bamboo to construct buildings and temporary sheds for organizing meetings and big gatherings. Today, the village boasts over 70,000 – 10,000 bamboo groves planted on the communally owned land. In a year, about 50 (rough estimation made by the village council) thousand matured bamboo are harvested for various purposes. There is no withdrawal cost imposed on the extraction of bamboo. If we were to calculate the income generation from bamboo harvest considering a minimal quantity of 50,000 bamboo at Rs 100 per piece, it can generate 50 lakhs per annum. A small fee or cost on the resource users would have contributed to the village's revenue and prevented reckless and careless withdrawal of the resource.

⁹⁶ A small enclosed area or structure where chickens are kept.

⁹⁷ The Covid quarantine camps were all made of bamboo and wood logs withdrawn from the commons.

Let us take the example of the newly constructed Shajouba Baptist church⁹⁸ to highlight the importance of bamboo as a common resource. The church construction took seven years, and during that period, over 10,000 bamboos that were withdrawn from the village common were used. Taking the average price of bamboo as a hundred rupees, the church alone has used Rs. 10,00,000 worth of bamboo withdrawn from the village common. Similarly, the Shajouba Catholic church, for its golden jubilee celebration, withdrew roughly 1000 bamboos amounting to rupees one lakh from the village common.

b) Firewood

Firewood is one of the most important and frequently depended upon resources next to rice fields, jhum land and bamboo. The use of firewood as fuel decreased with alternative use of LPG and electric induction stoves for cooking purposes. Households still depend on firewood to meet their energy consumption. The dependence on firewood is greater for those families that rear animals and cattle like pigs, dogs, and cows. Generating income through rearing animals and cattle forms a large part of these households' income. Preparing food and fodder for the animals and cattle requires much firewood, as they are prepared in large quantities. The requirement for animals and cattle is higher than household consumption. Many households do not have "osii shikhu" or tree-growing land of their own. In such a case, individuals collect fallen branches of trees and old dead trees from privately owned land. It becomes necessary for these families to go to the communally owned forest⁹⁹ to meet their requirements. Some households depend on the village to meet their fuel requirements. Households like Sibbo and Kaihrii are fully dependent on the commons. They require about three cords¹⁰⁰ of wood per annum. One cord of good quality firewood (oak) costs about Rs. 10,000, amounting to Rs. 30,000 annually. This imposes a huge cost on financially deficient households. Thus, meeting their fuel and energy requirements reduces household expenditure. It is also a mechanism through which individual burden is shared across the group and community.

During the construction of the Shajouba Baptist church, roughly 21 cords of firewood were withdrawn from the village common. The price of each cord around rupees 7000 amounts to Rs.

⁹⁸ The new church is being constructed to mark its platinum jubilee.

⁹⁹ The new village rule does not permit Individuals to withdraw firewood in the village-owned (Shajouba) land. However, members continue to depend on the land collectively owned by two villages (Shajouba and Makhel).

¹⁰⁰ A stack of firewood measuring five feet high and ten feet wide

1, 47,000. Thus, the Shajouba Baptist church has withdrawn around Rs. 11,47,000 worth of bamboo and firewood from the village common.

c) Timber

One important rationale for the village to own land collectively was to withdraw timber for household essentials like opa¹⁰¹ and ozii¹⁰² (interview with Pfohrehrii Heni, 2022). It was also withdrawn for oka or pillar and ochiitsii or ridge in constructing huts and residential houses. Households that do not own tree-growing land would depend on the village-owned forest for timber.

The Shajouba Catholic Church, for its golden jubilee celebration, withdrew around 150 KB of pinewood. The average price of pinewood at Rs. 450 per KB amounted to a total of Rs. 67,500. Thus, the Shajouba Catholic church, for its golden jubilee celebration, withdrew Rs. 1, 67,000 worth of common resources in bamboo and pinewood.

d) Wild Fruits and vegetables.

Foraging the forest for products such as fruits and wild edible vegetables, hunting for animals and birds, and fishing are some activities that members carry out. These activities are indulged for money, self-consumption, and sports. Fruits found are gooseberries, figs, wild apples, dates, Chinese sumac or nutgall, Chiishoshii (*Elaeagnus latifolia* or autumn olive), Shiignoshii - *Rubus ellipticus* or Golden Himalaya raspberry, and other type of berries. Most of these fruits are sold in the market. Many families (especially the womenfolk) forage the forest to withdraw fruits to be marketed. They can generate Rs 3000 to 4000 by selling one item each season¹⁰³. If we take the case of gooseberries, they can be sold as fruit and processed food as dried/dehydrated candies in sweet and salted flavours. Kotsiipa (*curcuma agustifolia* common name: East Indian Arrowroot), dziipidu (*Amomum* Sp), Korivii - *Centella Asiatic* or Indian Pennywort, banana shoots, mushrooms, and bamboo shoots form valued vegetables. These wild vegetables are all marketed and are highly priced. Half of the new bamboo shoots are consumed when young, and the other half are left to mature. Families dependent on these forest products can generate over Rs 10,000 annually. The male members majorly take part in fishing and hunting while womenfolk engage in

¹⁰¹ A traditional rice pounder carved out from a large wooden piece used as a tool for dehusking the paddy and making the rice into flour.

¹⁰² It simply means bed.

¹⁰³ Wild fruits such as gooseberries and apples are gathered from October till February. Wild vegetables and mushrooms are usually found with the arrival of spring (March to July).

foraging the forest for its products. Hunting is for birds, animals, and bee hornets. A bird can fetch from Rs 200 to Rs 1000 depending on the type of bird sold. Members can generate Rs 10,000 by selling the bee hornet. A kilo of river fish fetches somewhere between Rs 500 and Rs 700. Wild birds and animals are valued higher due to their non-availability. They engage in these activities for self-consumption, to generate income and sometimes purely for fun and sport. Whether it is about the income generated through foraging the forest products, hunting, or fishing, it supports families financially. The income generated supports families in covering household expenses, festivals (buying new clothes for children during Christmas), and expenses for children's education: admission, tuition fees, and stationery items. It enables members to sustain themselves during difficult times.

e) River sand and stones

The importance of river sand and stones has increased in recent years. River stones are used in the village settlement area as boulders in constructing houses and buildings, retaining walls and raw material for stone crushers. It is also used as boundary walls for paddy fields.

f) Grazing land

The village grazing land, locally known as “otutucho”, forms an important resource for the members. Grazing land held much importance in the good old days. Cattle were considered a form of wealth and used for economic transactions¹⁰⁴. Buffaloes and cows were the two important animals that were reared by households. They were reared for specific reasons: buffalo were for farming purposes, and cows were a source of fertilizer and wealth. A single household would own up to and above 20 cattle (Akha-a, 2022). Members of the village greatly depended on the village grazing ground to graze the cattle. The dependence on grazing land has reduced tremendously with a reduction in the number of households that rear animals.¹⁰⁵ The cattle population of the village have reduced to about a hundred today, and they still depend on the village's grazing land.

¹⁰⁴ Gifting of a cow and a calf (optional) by parents was practiced when a daughter is married off. This practice is hardly seen today.

¹⁰⁵ There are various reasons for the reduction in the cattle population. There is a lack of responsible individuals to tend the animals as people move from traditional occupations to service sectors. Farming and cattle rearing are viewed as less lucrative jobs. The other reason is due to the introduction of machines and technology. Machines replaced the use of buffalo for ploughing. Machines reduce the number of man days required to complete a task and make work easier.

4.6.4 Generation of Revenue for the village

The function of the local governing body has increased over the years. The development increases the demand for services that enhance members' well-being. The demands can range from providing a clean environment, better roads, garbage-free locality, maintenance of law and order, safeguarding the village boundary and protection from encroachment by neighbouring villages, and dispensation of justice and fairness (conflicts within the village between villages and inter tribe). The increased functions of the local government are also partly due to the change in the Indian government's governance system. There is a greater demand for accountability, digitisation, and the local government's requirement (support, need) in implementing state and central-sponsored schemes¹⁰⁶. Digitization of administration by the government has increased a great deal of administrative work for the local government. There is a need to visit and meet government officials and offices frequently. The increased administrative work exerts financial pressure¹⁰⁷ on the local government to provide and carry out the task. The mode of direct financial transactions from the government to individual beneficiaries limited the resources of the local government. Carrying out the increased functions and activities requires a large number of resources. The revenue from the collectively owned land aids and covers some of these expenditures. Among the village-owned resources, paddy or rice fields hold importance as they generate revenue for the local government. Forest products like timber, bamboo, firewood and wild fruits aid in sustaining and supporting the livelihood of its members. There is no user fee for withdrawing the forest products or cultivating on the jhum land. Paddy fields are put on lease through the bidding system. The tenure is for a term of two years. The village is divided into three groups; likewise, paddy fields are divided and assigned to these groups for management. Village members have the right to participate in the bidding system. The amount collected varies and changes yearly, but on average, about Rs. 2 10,000 is generated annually as revenue. The revenue is utilised as allowance for the local governing bodies. It is also used to finance local development work like road repair and construction, restructuring irrigation canal embankments, carrying out cleanliness drives and purchasing materials for office and administration (stationary, chairs, tables, etc.).

¹⁰⁶ Enrolment for job cards, voter ID card, housing schemes, updating documents for beneficiaries on government websites and offices etc

¹⁰⁷ The cost of documentation, acquiring data, travel and transport expenses have risen extensively.

4.6.5 Mitigating effects of external shocks (covid pandemic)

It is also found that the village-owned land and its resources have acted as a safety net for the returnees from cities and their families during the lockdown due to COVID-19. With the union government imposing countrywide lockdowns, members hitherto residing in towns, cities, and metros returned home. Students returned as classes were done online, and those working in the IT and service sectors¹⁰⁸ were hit the worst. The village received 370 to 400 returnees during the lockdown.¹⁰⁹ Their companies laid off many, while others left in panic and fear of the pandemic. The community had to arrange and provide for these returnees. The village had to accommodate this large number of returnees. How does the community accommodate such a sudden increase in the number of people who depend on the local economy? Families that could not provide and support the returnees depended on the resources of the commons. This has led to greater dependence on the commons. This is evident from the number of agricultural lands cultivated, which were otherwise left fallow for a long period of time. Paddy fields communally owned were left fallow as the older cultivators ceased cultivating due to age limitations, and younger ones moved out of the village for better opportunities. Hill slopes were cleared to cultivate crops and vegetables like beans, maize and Colocasia. Cattle rearing (sheep and goat), poultry and piggery on the commons are established. A huge increase in the construction of huts on the commons was visible. Pre-covid saw one to two huts, but it increased to more than twenty huts with Covid. Small establishments like shops and hotels and food delivery to cultivators in and around the commons are observed. Without job diversification and out-migration by members, the dependence on the commons increased. Thus, when members and their families move out of the village, the number of individuals dependent on the commons decreases. Also, the remuneration sent back to the family provided strong financial support, which freed members significantly from depending on the commons too much.

4.6.6 Provision for Future Development Projects.

The general opinion of the local governing body¹¹⁰ is that “as long as there is common land available, development can be brought anytime”. They perceive that the village-owned land should

¹⁰⁸ They worked in hotels, parlours, salespersons and I.T workers. Three such returnees were part of the respondents.

¹⁰⁹ The exact number is contradicted as the file is misplaced (Village Council).

¹¹⁰ Excerpts from group discussions by the local governing bodies.

be available for development programs and schemes. Acquiring land and reaching a consensus from individuals for any major common development is difficult but gets processed more easily at the village level. It is easier to utilise the village land where common benefits can be derived. The recent scenario observed and practised is that all Government projects introduced through the agriculture Department, forest, horticulture and MNREGA are all established and implemented on the village-owned land. The village, by generating appropriate policies and practices, can channelise Government projects, which enhances and uplifts the economic conditions of the members. The government can use the village as an implementing body for various local projects. The village, when proven effective, will enable Governments to implement the project successfully and, at the same time, benefit its members through these projects. As stated, the dependence on communally owned land increased during the Pandemic. When village members returned from cities with the lockdown, communally owned land was also used to set up COVID camps. Government institutions like primary and lower primary schools were initially identified to be set up as Covid camps for returnees. Households neighbouring the institutions were hesitant and insecure and protested about keeping the camps so close to residential areas. Therefore, the village had to arrange camps far from the settlement area on the communally owned land.

The first objective of safety net provision seems to have been attained through the various benefits members have derived from the village-owned land and its resources. Promoting an egalitarian and equal society requires communities to adopt practices that provide social security to their members so that access to resources, use, withdrawal and distribution are equitable. It is worth researching if the benefits of such institutions reach the desired individuals and households since establishing a system proves efficient only when the target group of individuals and households reap the benefit.

4.7 On the question of Equality.

The literature on village-owned land (communal or collective ownership of land) is lauded for ensuring members have equal access to land and equal rights to use it (Nongkhynrih, 2008). In addition, it also recognises that there are no homeless and landless families or persons in a tribe with communal holdings, which is also a significant achievement. Secondly, the village community retains collective control over the land and maintains solidarity. Any change in this

practice can lead to inequality and threaten solidarity¹¹¹. It also lauds the role of the village council in ensuring that the resources were distributed equitably according to the needs of every family and not controlled by individual greed. For instance, amongst many tribes (khasis, tangkhuls), the village council decides which area would be cultivated in a given year, and the distribution is based on the number of mouths to feed. Sacchidananda (2004) adds that the customary law and practice ensured that no one monopolised the resource, that every family had enough to eat and that the basic needs of all were met. Also, sustainable management practices are meant to ensure the renewal of the resources law, which was based on the belief that the resources had come down from the past generations and had to be used according to present needs and environmental imperatives and preserved for posterity. The first ensured intra-generational equity, while the second was basic to inter-generational equity. Thus, the customary law ensured that equity went beyond the present generation to the past and the future.¹¹² Thirdly, most customary laws accorded a higher status to women than caste societies did, but none treated them as equal to men. As long as the resource was communally managed, women exercised partial control over it because of the gender-based division of power and work between the family and social spheres. The gender aspect of analysing equality is beyond the scope of this thesis.

We can now return to the next question of whether the traditional institutions of the property rights system through the ownership of land by the village can establish an equal society. If the rationale for the village to own land is to promote an egalitarian society, does the current structure allow egalitarianism to flourish, and how do they help achieve their goal? To answer this, we first need to identify the people with maximum access to and use of the village-owned land and its resources. Followed by the enquiry on whether the community's rules and norms to access and use village-owned resources are pro-poor. Is the idea of development ushered by its members achieved through this traditional institution? Does the bidding system to access the resource justify the existence of village-owned land operating on an egalitarian principle? Which are the individuals that can enter the bidding process?

Having an egalitarian principle and adopting a communitarian mode of existence does not necessarily deliver social justice.

¹¹¹ Privatisation of communal lands gives rise to social differentiation and inequality between those who have managed to acquire and convert community lands to private ownership and those who could not.

¹¹² Ibid

Amongst the Mao, Nagas and especially the Shajouba Village, we can establish that members have equal access to resources. The rules to access, use and withdraw common property resources do not restrict or discriminate against any income group or section of the community. The rich and poor are entitled to equal rights and opportunities. The right to access and use the jhum land, paddy fields, and withdrawal of forest products and resources are placed uniformly across every group member. The solidarity, trust and sense of security among group members and the Village Authority rests on the idea that members are not discriminated against and are given equal access to resources. Their idea of equality then falls upon equality to opportunity for its members. A uniform rule to access and use does not guarantee that the institution can generate an equal society. This equal access may seem disadvantageous when a certain section of the members finds it inaccessible to access the resource due to differences in endowments (e.g., income). Take an example of an individual with resources; say, a vehicle and money to hire labourers have the advantage of appropriating more firewood, bamboo, and other forest resources than someone lacking such resources.

To elaborate on how the mechanism to equal opportunity may not lead to equality in outcomes is elaborated through the demand for land to cultivate for paddy fields. Suppose there is an “n” number of farmers; “n- x” is the number of farmers who do not have sufficient land or no land to cultivate. To maximise their income, these n-x farmers turn to village bodies to allow them to cultivate lands under their control or management. Farmers demand both jhum land as well as rice fields. Jhum land is open access for members. The right to access and use the rice fields differs from the jhum land as it is handed out through the bidding system. The bidding¹¹³ system is locally referred to as “Lokha”. This bidding process was not part of the traditional practice and was introduced in the 1970’s. Bidding the rice fields was introduced to attain two objectives: Firstly, with an increase in population, it was necessary to prevent monopolization on the use of the resource (same farmers continued to cultivate the same plot for 30-40 years and even more), secondly, to generate resources for the local governing body.

The following section will answer whether the bidding systematically excludes economically weaker sections from entering the bidding process. Through bidding, the village body sells access

¹¹³ The current practice is for two years. The process gets repeated on completing each turn. The bidding begins by demarcating areas based on the amount of paddy that can be cultivated

and use rights to farmers who can pay. Since it is not a fixed price, the price at which these rights get sold tends upwards, pricing out the low-income farmers. The bidding price of the paddy fields differs based on the fertility and its accessibility to water¹¹⁴. The system is based on the individual's ability to pay principle. According to the Neo-Classical approach, the transference of the resource to the most valued individual brings about optimal efficiency. The optimal efficiency is measured through the ability of the bidders to pay money. Thus, the land would be inefficient when given to an individual who can pay less. The underlying idea is that the one who values the most will be willing to pay the most.

Valuating and assigning resources through the 'ability to pay' principle generates debate on whether the ability to pay principle is sufficient to decide which of the two deserves the resource better. Using the 'ability to pay' principle has the potential of systematically excluding individuals who do not have enough resources to begin with. This is because the poor are priced out in the bidding process. Since the poor are excluded from the bidding system, it begs to ask whether the village ownership system serves its original purpose of providing equality amongst members. The system will make the village body richer, but the inequality among members may persist. The data on the size of household land holding and their access to village paddy fields would throw light on societal distribution of access to village paddy fields.

In the previous section, I discussed that 65 percent of the respondents had depended, and some still depended on the village paddy fields. We can see from the table that follows that around 73 percent of the respondents have landholdings under one hectare. These groups account for 82 percent of the village paddy field on lease. We can see from the table that 22 percent of the respondents have landholdings between one hectare to two hectares, and they account for 37 percent of the total private land. With the larger private landholding, their dependence on village paddy fields decreases, accounting for 18 per cent. Households that own land over 2 hectares do not depend on the village common as they have sufficient land to cultivate, which is often put to lease for other farmers.

¹¹⁴ The bidding price ranges from Rs.100 up to Rs. 1000 and Rs 1500 for the field that can harvest the same amount of rice. This difference depends on the size of the field its accessibility to water and machines.

Table 4.3 Household land holding size and it relation with distribution of access to village terrace paddy fields.

Sl.No	Size of land holding (in hectares)	Share of total respondents (%)	Share in the total private land owned (%)	Share in the total village paddy field (%)
1	Landless	10	-	11
2	0.1ha < 0.5 ha	28	14	27
3	0.5 ha < 1ha	35	31	44
4	1 ha < 2 ha	22	37	18
5	2 ha and above	5	18	-
6	Total	100	100	100

Source: Author's Estimation from Fieldwork

From the table, we can see that as the size of the private landholding increases, the dependence on village paddy field first increases as the private holdings are insufficient to cultivate, and it starts to decrease once the size of the private landholding crosses one hectare. It is important to discuss the case of landless households¹¹⁵. They constitute ten percent of the total respondents and account for 11 percent of the total cultivation in village paddy fields. It is observed from the field that with the introduction of the bidding system, it is getting increasingly difficult for the asset-less and poorer farmers to buy access and use rights¹¹⁶. Many landless respondents who cultivated on the village paddy fields are older,¹¹⁷ while the younger ones do not even participate in the bidding process. “The high bidding price” is the most cited reason by the respondents for not bidding on the village-owned paddy fields. The poor and landless are not engaged in production like paddy or rice because they do not have the basic requirements to produce and engage in production. These households are engaged as “farm labourers” or “daily wage labourers” and other service sectors and forage forests that can directly be consumed or marketed. Thus, relatively better-off households bid out households that need access to and use the village-owned paddy fields. This gives the impression that the bidding system is exclusionary and unfair and even goes against the

¹¹⁵ The landless households that depend on the village paddy fields permanently reside on the village common. Of the 10% that do not own land, 50 % of the households reside in the village settlement area, while the rest settle in the village common. Landless households that reside in the village common are depend on the village for their everyday survival.

¹¹⁶ Interview with Nepuni Pfokehrii, Pfokehrii Sokha-a, Pfokehrii Kaihrii, Adaphro, Besii Pfozii and besa.

¹¹⁷ They are old and no longer cultivate in village paddy field and when they were cultivating there was no bidding process in place.

rationale for community ownership of resources. To assess it, let us discuss the respondents' feelings about the bidding system.

The respondents were asked whether they felt it was unfair to exclude them from the bidding process. Respondents unanimously opine that this bidding system excludes individuals who do not have the resources to participate in the bid. Despite the agreement that the bidding system excludes the poor, respondents do not feel it is unfair or unjust towards the poor. Their justifications are as follows:

Firstly, it is not purely exclusionary to the poor, as payment and collection of rent are carried out only after the rice harvest. Thus, the rent can be paid by selling its produce.

Secondly, “It is not completely unfair as many of the terrace fields are priced as low as Rs.100 for a size that would have cost Rs. 1500 at other places¹¹⁸. It is almost as if tilling it for free”. Members feel that those who do not desire to participate in the bidding can always cultivate free of rent on those left fallow fields¹¹⁹. This rationalisation of cultivating rent-free fallow land as a fair opportunity may not be perceived uniformly by those excluded from participating in the bid. Poorer households are excluded from cultivating productive paddy fields with better access to water, machines, and easy means of transport near the road than fallow lands (located on the slopes, water scarcity, where machines and transport systems are difficult to access).

Also, developing the fallow into cultivable land would cost more and render them with low returns. Citing a farmer who cultivated the fallow land during the COVID pandemic, “developing the fallow land into a cultivable field is requires labour and costly (clearing out unwanted grass and weed, levelling the fields to retain water) and it gives very little incentive to devote labour and resources as the village will take over the field (to be included in the next round of bid) after two-three years of harvest” laments a farmer who had cultivated the fallow field during covid-19 Pandemic. Thus, the richer farmers can produce more and accumulate wealth by accessing the productive fields.

¹¹⁸ The rent on the paddy fields is charged based on how much paddy that particular area can generate. A plot size that can produce one obe will amount to Rs 1500 a year.

¹¹⁹ These are excerpts gathered from focussed group discussions with the current members of the Village Council and members who had previously held positions.

The third aspect of why members¹²⁰ support the system is “the ability to generate income for the Village Council to finance the provision of social goods and local administrative expenditures rather than contributing the expenses at households”. Individual “B” response is quoted here, “the duty and role of the local government have increased tremendously, which in turn increase the administrative expenditure of the local government; it requires to generate its revenue as it is difficult, inconvenient and problematic to contribute from households for every small expenditure to be made”. Other members agree with “A” and regard the ability to generate revenue minimizes the household burden on consumption expenditures for various social goods¹²¹ and services¹²² provided to them by the council. This generated income is also used to manage the village commons (planting, caring, and protecting). The ability of the community to generate its revenue reduces household expenditure and financial burden, thereby sharing its financial burden and resolving the problem collectively. Similar practices are carried out in Ethiopia. In the Ethiopian case, the arrangement is vital in letting out the highest bidders. It claimed to reduce poverty and unemployment and secure equal rights of its citizens to land use and natural opportunities, which the creator grants to all human beings equally.¹²³

Thus, the exclusion of the poor from entering into the bidding is seen as an externality that emerged from the strategic action of addressing and resolving a collective concern of generating income for the functioning of the village council. They do not feel excluded because the money generated by the village body is spent on providing public goods. Members¹²⁴ consider it a minor issue that should be ignored.

Nevertheless, it cannot be ignored that financing the expense of the increased functions of the modern state (such as the provision of welfare) has contributed to structural inequality through exclusionary property rights institutions. This exclusion of a certain section of society (especially the landless) increases the gap between the rich and the poor. Moreover, it goes against the

¹²⁰ Uniform responses from members of the village, members of the council, and resource users.

¹²¹ Water supply, clean environment, expenditures on material cost for various activities undertaken by the council, payment of allowances for the Village Council, payment of household tax, contribution to various groups, associations and groups in which the village has a membership (both formal and informal) which otherwise should be paid at the household level.

¹²² Resolving conflicts internally and externally (inter-village and tribe), implementation costs of various govt projects, schemes and services (enrolment for electoral and job cards etc).

¹²³ See, Land use system of Ethiopia: A model to the world by Kidane G. Hiwot, retrieved at <http://www.theiu.org/news/land-system-ethiopia-model-world.html>

¹²⁴ Includes members of the Village Council, past leaders, intellectuals and resource users who were respondents during the survey.

communitarian values and promotes an egalitarian society. The village can still promote an equal society by diverting its resources to providing and assisting the well-being of the targeted group (poor and the landless). The social gap between different income groups could depend on how the local governing decides on utilising the revenue. The village generates about Rs.2,10,000 each year through the bidding of the rice fields. The village body has no established pro-poor measures provided through the revenue generated. There is a middle ground between tradition and modernity to keep a social matrix where egalitarian solidarity is maintained. Despite the possible income inequality that may result, the villagers do not seem to have a problem with the current system of raising revenue. This is because the villagers argue that the village council has to raise revenue for its operations, including public goods. Villagers feel that the provision of public goods by the village council more than compensates for the systematic exclusion of poor farmers in the bidding system. Furthermore, the villagers have supported the current system because it provides an equal opportunity for any farmer to participate in the bidding system, only losing out due to their inability to pay a high price, which the village council cannot be held responsible for. This indicates that the social mores and norms of the villagers are more aligned with the principle of avoiding inequality of opportunities and not of outcome.

While it can achieve the first objective of providing of safety net, the second objective of creating a more equal society may not be met. This is because the current way in which the village council raises funds for its activities is done through a bidding system where use and access rights are sold off in a system that would resemble an auction. Since the highest bidder is given access, use and withdrawal rights, only rich farmers can acquire these rights. This will further enrich the rich farmers and lead to greater income inequality in the long run. This may happen because this system can systematically exclude poorer farmers from acquiring lands which can substantiate their income levels.

However, there is still a possibility of reforms by adopting pro-poor measures. Such arrangements will exclude richer farmers from entering the bidding process. Another approach can be distributing user rights to farmers who do not own their paddy fields. This will give poor farmers a better chance to access better lands. For instance, allowing landless farmers to access the land. This will appear to bring down the revenue of the village body, but the council can encourage farmers to produce for the market and thereby tax them depending on the size of their produce.

The council's justification is that it is the revenue used in providing social provisions. Even though villagers may feel that they are not excluded, it does not necessarily mean that the institution's purpose was served, as these individuals were still denied the opportunity to work on the land, which would substantially increase their income. Reforms are required to ensure that those objectives are met. To achieve their broad objective, which is the provision of safety net to members, the village body must revise its arrangements on how resources are accessed and used.

4.8 Whether the communally owned resources be privatised?

The members' desire on whether communally owned resources should be privatised would shed light on the common perspective of members on whether the institution can fulfil and deliver its proposed goals and objectives. The following section discusses the perception of the commons, its significance, and whether its members wish to privatise the commons held by different stakeholders: the Village Authorities, local leaders, members of the village, and resource users. One percent of the respondents perceive that privatising the commons can render better management of the resources. There was a proposal in the past to privatize the terrace/paddy fields. The proposal was later aborted, and thereafter, no further proposals came. There is the argument that those educated and powerful, and the offspring of those parents who did not contribute to the commons, are the ones who desired to privatise the land¹²⁵. An overwhelmingly 99 % of the respondents do not wish to privatise the communally owned land. The reasons cited by the respondents are summarised here: 1) It acts as a Universal Basic Income (UBI) for society. It is a source of income for the members to sustain their lives. Hence, it should not be privatised; 2) Social Security – Every individual and member can be rendered poor with one misfortune/health issue. This is the same problem of the lower middle class in India. Everyone can use the communally owned land and prosper again, even facing adversaries. Rather than privatising the common property resources, members observe concerns or probable threats and suggest ways to increase compliance with the rules and norms. 3) Provision for Future Development: The land is one important input and requirement for any development purposes that comes through the Government, community and private individuals who wish to utilise and further develop the land

¹²⁵ Planting of bamboo and trees in the commons. Individuals planting on the commons were permitted to harvest the trees and bamboo. This system was later abandoned, and the village took over all the plantations.

for social good and the future. The general opinion of the local governing body¹²⁶ is that “the communally owned land should be kept ready for establishing development programs and schemes. Acquiring land and reaching a consensus from individuals for any major common development is difficult but gets processed more easily at the village level. It is easier utilizing the commons where common benefits can be derived.

The Government’s focus on increasing forest coverage and improving livelihood through the plantation of fruit trees and commercial trees is carried out on the village common.¹²⁷ The Barak watershed project (1998-1999)¹²⁸ under Manipur's forest department on the village-owned land is done through man-days and charging the saplings as material cost. These saplings are planted on vacant land called “Pinghii”, where grass, weeds, and shrubs generally grow.¹²⁹ Similar projects under MNRGA were also carried out during 2019-2022. Projects taken up for 2019 and 2020 (hollock and titachapa saplings were planted) were unsuccessful.¹³⁰ By considering the local needs and climate conditions, the local leaders suggested providing oak, lime, and gooseberry saplings that are better adapted to the local environment. About 3 acres were planted in 2021 with oak and lemon saplings. Likewise, in 2022, gooseberry saplings were planted for two acres in May. The success rate for these two projects is about 70%.

4.9 Conclusion

This chapter has established the tribal communities, especially the Mao and Naga, as a communitarian society. Communitarian values and ethics guide the institutions established and organised amongst themselves. Egalitarianism as a way of organising society seems to articulate a social philosophy that has influenced communities to establish institutions equal in their

¹²⁶ Excerpts from group discussions by the local governing bodies.

¹²⁷ The Government provides saplings and wages on total number of man-days. Ownership and rights to access and enjoy the long-term benefits stays with the village.

¹²⁸ The government-funded saplings (oak, eucalyptus, orange). The Village Council, under the leadership of the Chairman, was responsible for implementation and supervision of the project. The plantation area was divided into three groups Mathew, Mark and Luke. Each group was further formed into six sub-groups with twenty households and more. The village would have 18 sub-groups to manage and look after the project. Each group were given a demarcated area under their protection. In their designated areas, groups were responsible for cutting out terrace fields on the slopes (retaining water and letting it sip in), planting, nurturing and monitoring. This information is gathered from the former Chairman, who implemented the project under his leadership.

¹²⁹ The saplings are planted with five feet spacing between each sapling.

¹³⁰ The saplings were provided during the off-season (August and September); moreover, sufficient time was not given for the roots to form properly.

ownership of resources, rights to access, use, withdrawal of resources and the distribution of economic benefits amongst members. The first objective of communal land ownership was to provide social security and equality among members. The first objective of safety net provision seems to have been attained through the various benefits members have derived from the village-owned land and its resources. Village land and resources have sustained members through access to land for village settlement, agricultural purposes, and appropriation of minor and non-timber forest produce. The village-owned land and its resources have aided members' inter-generational shift in occupation. The next generation is moving out of the farming sector to service. While it can achieve the first objective of providing a safety net, the second objective of creating a more equal society may not be met. This is because the current way in which the village council raises funds for its activities is done through a bidding system where use and access rights are sold off in a system that would resemble an auction. Since the highest bidder is given access, use and withdrawal rights, only rich farmers can acquire these rights. This will further enrich the rich farmers and lead to greater income inequality in the long run. This may happen because this system can systematically exclude poorer farmers from acquiring lands which can substantiate their income levels. The exclusion of the poor from pricing through the bidding system is a fallout of the institutional arrangement to generate resources for the village body to provide social goods further. This argument is substantiated by the desire held by members and resource users to preserve and continue to own land collectively rather than privatise it. Members strongly perceive that communally owned resources are essential and a significant source of resources for the poor. They should be kept for generations as a form of social security. It also serves as a means to depend upon and rebuild a dignified life. If the community still desires to establish an equal society, it can adopt and amend its operational rules and make it pro-poor. Excluding the richer farmers and making the poor access and use the rice fields would have increased their income substantially.

Chapter Five

Analysing the Efficiency of the Traditional Institution in Sustaining Resources.

"The village common grazing land was overgrazed to the point that cattle appeared to be biting and chewing upon the soil".

N. Akha, a respondent

As the above quotation suggests, there was a time when village resources started to deplete rapidly due to overuse. The resources were overused because hitherto existing rules were not effective in restricting the villagers from taking as many resources as possible for their benefit. In addition to providing social security to its members, the institution of village council-owned lands had acquired another purpose for its existence. This second objective and rationale for the village to own land is to sustain its resources over a long period. The knowledge systems were meant to nurture and manage the resource at its most sustainable level without disturbing the ecological balance (Shimray, 2006). The purpose was to monitor the actions of the individuals and deter them from undertaking actions that will end up harming society as a whole and themselves. The guiding principle behind the idea of village-owned land is that it fosters the feeling of unity and harmony with nature among the group members. Under this guiding principle, each member extracts resources only to satisfy one's need; that is, it is for self-sustenance, not the market. This chapter will investigate whether the institution achieved its goal of sustaining the resources. If it was achieved, what was the mechanism through which the institution achieved this success?

The origin of institutions is thought of as a major, one-step transformation. In contrast, institutional change involves incremental changes in existing rules (Buchanan 1975, p. 59, as quoted in Ostrom 1990). Supplying new institutions is consequently viewed as non-incremental and costly, whereas changing existing institutions is viewed as incremental and less costly (Ibid). An institutional change can be described as any rule affecting the set of participants, the set of strategies available to participants, their control over outcomes, the information they have, or the payoffs (E. Ostrom, 1986; Ostrom, 1990). Given this definition of institutional change, the change from the autocratic nature of the village council towards a democratic nature is a prime example of institutional change. It is hypothesised that any observed change in the status of natural resources can be attributed to the institutional change in how the village council operates.

The institutional change brought upon by these internal and external factors becomes important. Before we dig into the drivers of change, a scene of the commons from two different periods is presented. Two case scenarios of the common property resource (forest, grazing ground in particular) depicting the period around 1960-1970 and the other representing the present (the period from the 1980s till the current period) will enable us to determine whether the resource system has deteriorated or improved over time. The scenes of the commons gathered from the field at Shajouba village are represented here.

5.1 The Depleted Scene of the Commons till the 1980s

N. Akha-a¹³¹ narrated the following scene, and the same is represented here. The collectively owned land includes grazing grounds, land for jhum and paddy cultivation, barren and wasteland in higher altitudes and slopes. As gathered from the interviews, there was no forest or woodland in the village common. The natural vegetation is such that it does not let big trees and plants grow. Only shrubs, bushes, cacti, palm trees, fig plants, bamboo groves, berries, and grass grew naturally. The communally owned land was broadly used for paddy cultivation and cattle grazing. A gently sloped low-lying site and a possible water source were occupied and carved out as terrace fields for paddy cultivation. Rice was highly valued, and members rushed to occupy favourable sites. Over time, with increased population, the demand for suitable land for paddy cultivation increased. Members converted and established suitable land into permanent paddy fields, greatly reducing the availability of areas for cattle to graze on. All that was left from developing into terrace fields were hillocks, steep and rocky slopes, the edge of gorges, and dry land. Those areas that were not suitable for cultivation were used for grazing the cattle.

Finding enough grazing land was difficult since, on average, every family used to graze around twenty cattle. The grazing ground was insufficient to sustain the number of cattle raised by the villagers. In turn, villagers from Shajouba depended on the grazing ground of neighbouring villages (Makhel & Kaibi) and other tribes (Paomei & Maram)¹³². The emphasis on the deteriorated common grazing land is aptly described by N Akha, one of the main respondents for this study. “The village common grazing land was overgrazed to the point that cattle appeared to

¹³¹ A respondent in her early 80's was interviewed multiple times over the course of the study (2020-2023). Her account of the past and the present status of the common forest and pasture is vivid and clearly differentiated.

¹³² Entering and letting the cattle graze from each other's pasture lands was allowed. It is practised to date.

be biting and chewing upon the soil". She further describes the dryness of the land as "dry and empty"¹³³ and that it was easy to notice and observe the whole stretch of the commons and all its terrains and gorges" without grass and big trees blocking out the view. The clarity of vision to one's eye without and blocking "a small singing bird chirping 500 meters away never survive"¹³⁴ as it appears visible to the person on the other side of the gorge or hill who is tending the cattle". This statement demonstrates two important aspects of that time. Firstly, it gives a broad picture of the dryness and the emptiness of the village common. Secondly, it depicts the practice of hunting birds and animals for consumption.

Grass for thatching the roofs of houses and huts should grow naturally on these grazing grounds. This grass never matured to be harvested and dried for thatching as cattle graze on them when still tender. They would be found at the edges of deep gorges and cliffs where cattle found it difficult to reach and graze. Their requirement for thatching the roof was met by withdrawing it from neighbouring tribes and neighbouring villages. The absence of trees is well pictured through the narration of its members¹³⁵. Farmers and cattle herders stay in small huts in the village commons far from the village settlement. Villagers would then collect fallen branches and twigs for firewood from neighbouring villages and tribes' commons. One can picture the grim scene narrated by the respondents: dry, arid land, no sign of trees, its grazing ground overgrazed and every cultivable land carved out for terrace cultivation.

5.2 Identifying factors leading to Depletion of Resources

The village-owned land was shrinking due to land alienation and privatisation. Also, the resource was depleting. Both internal and external factors contributed to the depletion of resources. The period from the British until the 1980s marked the interface of external forces with the traditional system. The British/Indian rule, modern education, Christianity, market system, and technology exert pressure over traditional governing systems, education, mode of production and old value systems. Internally, the community was undergoing demographic change that exert pressure on

¹³³ No other plants grew; only dates/Palms, a couple of bamboo groves, thorny berries, figs trees, shrubs and bushes grew in the common

¹³⁴ Before the introduction of poultry for meat supplements, hunting of birds and animals was common to supplement their meat consumption. Local hens and chickens were reared, but wild birds and animals were largely consumed, forming part of the food culture. No hunting restrictions were placed till the 2000's. Slings were used to shoot birds for consumption.

¹³⁵ Narrated by Ashiho Pfokrelo and Heni, elders are considered knowledgeable in traditions and customary laws.

the resources. The cumulative effect of these factors created a period of confusion and instability for the governing body in managing and utilising common resources. Recounting the thought of a female respondent¹³⁶, she opines that her ancestors were confused and ignorant about improving and sustaining the resources, ultimately leading to privatization and degradation of the resource system.

5.2.1 Emergence of a new value system

Christian missionaries played two key roles in transitioning from the old tribal mode of existence to the modern society through education, Christianity and health¹³⁷. The Christian missionaries spread the new religion while setting up educational spaces in the Tribal communities. These new sets of educated individuals are directed to different job profiles employed as translators for the British Government, clerks, local teachers, etc. These service providers are remunerated in terms of money, increasing the inflow and use of money as a form of transaction. The received income translated into monopolized land ownership and property (both private and village land) and wealth accumulation. It was drifting them from the communitarian mode of existence towards individualism. Thus, the old value system of is eroded and replaced with fulfilling self-interest and individual goals. Individuals who embraced Christianity and acquired education created a new “Elite” social class in the tribal community. This new social class questioned the old value system and practices with new ideas and knowledge. Adopting Christianity and education dispelled old superstitious beliefs and replaced them with new belief systems. The foreign belief was considered superior to the old animistic practice of the Maos. The adoption of Christianity eroded the concept or belief in sacred forests, and the gradual change in the value system was catalysed by the increasing influence of market forces (Kothari et al., 1989). Ancestors were required to preserve and conserve the forest to perform “Chiina Chiino”, or traditional rituals for cultural and spiritual purposes.¹³⁸ Performing the rituals (requiring ropes, bamboo, its leaves, water from kozhiirii (the name of a river), fish, etc.) demands that the community sustain the resource. Adopting Christianity eroded such belief systems, thereby making earlier treatment of forests as sacred and

¹³⁶ She had experienced and lived to see the difference in the commons over the years.

¹³⁷ Personal interview with Fr. Neli Linus in 2023, Christian missionaries spearheaded the necessity of cleanliness and hygiene. Hygiene prevented villagers from succumbing to diseases such as cholera, malaria, diarrhoea and typhoid, predominantly caused by consumption of unclean water, ill hygiene and unclean surroundings. Thereby improving the quality and living standards of the tribal communities.

¹³⁸ Interview with Pfokrehrii Heni.

the emphasis on the need to preserve them less significant. Nevertheless, the role of the educated cannot be ignored in developing environmental consciousness amongst members.

5.2.2 Access to market/Commodification of land and resources.

Access to and expansion of the market instils new modes of valuing resources through the monetary valuation of the resources. The British introduced a monetary economy¹³⁹ through demand for consumption goods. Introducing personal and household items created a market for goods imported into the local economy, generating the need for money to carry out these transactions. A market for goods created the importance of money and a market-based economy. With reference to the land market Shimray (2008) cites money as “an agent of transformation in land ownership”. With the introduction of money, land became a market-based commodity, which was otherwise a source of sustenance and livelihood for the community. Land can be sold and bought through monetary transactions like any other goods. Also, a new mode of valuing resources emerged with transport, communications and market forces changing the village's ecological setting and economic system considerably. Market forces have diversified forestland use into growing commercial crops, logging, and firewood for commercial purposes. Improved transport and communication systems eased commercial cropping, logging and firewood business. In the mid-1980s, the region experienced a huge timber business, particularly supplying it for the railway track in Dimapur (Nagaland) and elsewhere¹⁴⁰. The commercialisation of land and forests is thus closely linked to the transition of land from a source of livelihood to a commodity.

The market expansion increased the number of items that could be marketed. A market for arts and crafts, wild vegetables and fruits, wild animals, and birds was created. Marketing these non-timber forest products for money increased members' dependence on the commons. The ability to exchange these forest products for money commanded a different use value other than its use in sustaining oneself. Bamboo shoots¹⁴¹ are harvested excessively, decreasing their chance of growing into matured bamboo that are used for other work. Produced grains and cattle are transacted for money. The accumulated wealth is further expanded by purchasing land and

¹³⁹ “(T)he very first changes in material equipment’s are such as lamps, lanterns, gun, matches, battery torches, boots, shoes, umbrellas, aluminium utensils (replacing the earthen-ware and wooden ones)” Horam (1977:99) as quoted by Shimray (2008).

¹⁴⁰ Ibid

¹⁴¹ The tender shoots of bamboo are used fresh or processed in food.

property within the village, neighbouring villages and outside the community¹⁴². Putting a monetary value puts pressure on these resources to be withdrawn and exploited for monetary gains. Unrestrained withdrawal of these resources by members leads to degradation and depletion. Conversely, expanding the market can reduce the pressure on land by diversifying jobs from traditional occupations.

5.2.3 Demographic change and the pressure on land.

According to the Ministry of Water Resources, Government of India (2014), the growth of the human population and the growing pressure that additional people place on the region's forest has been cited as a major factor affecting forest cover. It adds that the "population of most northeastern states has expanded eight to tenfold during the twentieth century". The rapid population growth reduced the forestland available per person by 30 percent or more in Mizoram, Manipur, and Assam. This reflects the impact of increased population on forest cover. The Jhum land availability has decreased, shortening the fallow period and declining soil fertility. Demographic change increased the dependence on the village-owned land. The population of Mao Nagas was 16,747 according to the 1931 census and increased to 93,343 in 2011 (Census, 2011). The population increased almost six times over the years. One of the major driving forces of forest and biodiversity loss in Manipur is rapid population growth (Koren & Mipun, 2020). They further add that demographic changes and technological interventions negatively impact the socio-economy and environment, adding pressure on natural resources like forests. Forests were cleared for timber and firewood consumption. The increase in population exerts pressure on the land as more food and resources are required to sustain them. The pressure on land is evident from the shortened jhum cycle from 15 years to 7-10 years in recent years by extensive use of forest cover.¹⁴³ Thus, the next cycle of agriculture begins before the fallow land is left for forest regeneration and new vegetation or forests. Shortening the jhum cycle leads to two problems: reduced productivity of the land and depletion of the resources. Access and use of the village-owned land were free, so members rushed and competed to occupy the strategic locations to establish permanent settlements (terrace

¹⁴² Land is considered a form of wealth and is heightened by the fact that the territorial expansion of the Mao community is rather small, and there was a strong urge to extend and expand through the purchase of land from neighbouring tribes. Lands were purchased in Kohima, Dimapur, Maram, Senapati and Imphal.

¹⁴³ See Ministry of Water Resources, 2014.

fields)¹⁴⁴. They are prevalent in areas with natural features like water holes, traditional springs, ponds, and swamps and are easy targets for beginning a new farm or terracing. The usufruct right to such establishments was hereditary and transferable. Over time, some establishments were privatised, and others were returned to the village. Eventually, this results in the shrinking of the community's land.

Resource degradation was severe in Shajouba village compared to the two neighbouring villages (Makhel & Shajouba). This is attributed to two reasons¹⁴⁵; firstly, the size of the village-owned land in Shajouba village is less than in other neighbouring villages. Secondly, the population of Shajouba is greater than the two villages. According to the 2011 census, Shajouba has a population of 7456 with 1430 households, Makhel has a population of 3,095 with 513 households, and Keibi has 643 households and 4420 people. Larger group sizes with fewer resources led to overgrazing and over-utilizing its land for cultivation (terrace and jhum). Under such conditions, stricter rules must emerge if resources are to be sustained over a long period.

5.2.4 Limitation of the Traditional Institution of Property Rights.

Under the collective weight of the factors mentioned above, the traditional institution failed to develop new rules for its members, which could have mitigated the depletion problem due to the overuse of resources by members. With the population growing rapidly, the community was also experiencing the injection of a new value system with access to education and the adoption of Christianity. Market expansion and monetisation are new modes of valuing resources and the desire to accumulate wealth. These new challenges introduced problems and conflicts: unruly access, use and withdrawal of resources. Unregulated access and its use led to overuse and overconsumption of the resources. An institution that governs the resources should generate new rules and amend old rules to adapt and adjust the forces that act against the broad objective of the community, that is, to sustain the resources over a long period. The traditional institution of the property rights system is considered an uncertain tenure system that encourages people to act promptly in a large-scale clearing of forest areas for personal gains (Koren & Mipun, 2020).

¹⁴⁴ Amongst the Mao tribe, individuals are permitted to establish permanent settlements on common property and are allowed to cultivate for a period of 10 years, after which the development made are to be handed down to the village or the common.

¹⁴⁵ Interview with village authorities, a respondent Feb 02, 2022

Failure of institutional change is an important factor that leads to the depletion of resources when every member tries to maximise their use. An arrangement with open access rights for members will lead over-exploitation of common resources with increased population.

No limits were placed on the area where a member can access the village-owned land to make permanent establishments (terraced fields) and jhum land. The only rule in place was that individuals were to return the terraced fields to the village after ten years of use and that it was not permanent. Without rules to restrict access and use of resources, it only created a rush among members to occupy the best spot before others could. There were no designated areas alternating the grazing land. Also, there is no limit to the number of cattle (cows and buffaloes) a household could rear, considering the population and the availability of grazing ground. In Hardin's (1968) words, the herds exceeded the natural “carrying capacity” of their environment, the soil was compacted and eroded, and “weedy” plants, unfit for cattle consumption, replaced good plants. Many cattle died, and so did humans. The grim scenario that Hardin highlighted resonates with the scenario that Shajouba village was experiencing prior to 1980. The accommodative capacity of the grazing ground depends on the size and productivity of the grazing ground (amount of fodder that can be produced). Most households in the village were rearing over twenty cattle on average, proving to be too large for the village grazing ground to sustain. Burning the grazing ground with the onset of spring was a common practice as doing so will lead to new and healthier shoots coming up with the rain. This had the grave impact of disrupting the ecosystem, killing animals, insects, and plants. Akha-a, a respondent, narrates, “A new shoot barely reaches arm’s length as it is often burned down every year, preventing them from growing into mature trees”. This prevented the natural growth of vegetation that happens with birds and animals spreading the seeds naturally. The absence of rules and norms to sustain the common indicates an institutional failure in deriving suitable mechanisms for managing the commons.

The existing principles guiding access, use and withdrawal of resources were philosophical rather than rules and laws governing the commons. These philosophies act as a code of conduct for members to lead good lives and guide men to live in union and harmony with nature over a long period. Based upon such philosophy, this community believed in withdrawing and appropriating resources that only satisfy one’s needs and not greed. This rests on the philosophy that individuals should withdraw the amount required to sustain everyday needs, but nature should not be exploited

for human greed¹⁴⁶. Such philosophy holds relevance as long as the group size remains small and members withdraw resources based on their needs. A static resource system that cannot replenish and generate resources will be depleted with increased access due to the increase in population. An increasing group size implies the need to produce and generate more resources to meet the requirements of new dependents. Forests and grazing grounds need to be replenished faster than the population growth, and communities rejuvenate the part that members have exploited and withdrawn from. In the field study, proactive measures were not found to have been taken up by members towards replenishing and increasing the production of the resources¹⁴⁷. The behaviour can be attributed to the general belief and assumption that land and its resources are abundant.

When rules and laws are not in place, individuals can engage in practices that are not sustainable in the long run. Communally owned resources instil uncertainty and insecurity amongst members regarding benefits sharing. With no systematic measures in the distribution of benefits, each member would act independently to monopolise its benefit before others could. The rationale is that an individual try to maximise their welfare by taking advantage of the institutional failure in deriving appropriate rules to restrict and suitable measures to distribute benefits amongst members. These factors explain the observed trend of severe depletion of village common grazing ground. This development goes against the rationale of collective ownership of resources by the village to ensure sustainability of resources. In the later part of the chapter, we will discuss how the new institutions was successful in transitioning from a depleted state of resources to a resource system that is replenished and improved.

5.2.5 Privatization of Communally owned land.

Apart from the degradation and depletion of resources, shrinking and privatization of the commons is another problem that communities are experiencing. Jodha's (1986) work on "Common property resources and rural poor in dry regions of India" comments on the shrinkage of the common property even when the dependence on common property resources has declined. According to Jodha, the common property land shrunk from 225 hectares to 130 hectares between 1960-1987, representing an approximately 42 percent decline. At Shajouba, the village under survey is not experiencing rampant privatization of the village common land. Nevertheless, there are cases

¹⁴⁶ An excerpt from the interview with Rev. Fr Neli.

where individuals and the Government alienated the Village Commons. It is gathered from the focussed group discussions with members of the Village Authority that permanent establishments (paddy fields)¹⁴⁸ on the commons by members were privatized by the British between the late 1920s and early 1930s. Some members also claimed such paddy fields to be their private property and they were doing so as they had been cultivating on those plots for a long time. As the judicial and administrative power rested on the British, their representatives were responsible for resolving land and boundary issues. The then British officer resolved the conflict by allowing members to register those claimed land as privately owned, permanently transferring communally owned land to the individuals. Communally owned land was alienated to individuals in financing expenses to attain collective goals and payments made when members could not finance themselves. For instance, the British imposition of a hill's household tax of Rs.3 per year was a burden for members, deeming it exorbitant to finance it on their own. The village as a collective generated money by selling village common paddy fields to finance the household tax. Communally owned land gets alienated to attain collective goals such as safeguarding boundaries and other common causes. The land was alienated to finance collective purposes like financing expenses incurred for the judicial fee over land disputes with neighbouring villages¹⁴⁹. Communally owned land was also given as compensation for individuals who fought and rendered service during the Naga-Kuki conflict (1992-1993)¹⁵⁰. The village-owned land was often used to establish offices, roads, and other government projects that reduced the communally owned land. The most recent alienation of communally owned land was selling land to establish Bosco Village¹⁵¹. Settlement was based on the socio-economic condition of the people, where the weakest members were given the privilege¹⁵². Thus, privatising and alienating the communally owned land helped members achieve

¹⁴⁸ The traditional practice allows members to develop the communally owned land into permanent establishments like terrace fields and paddy fields. Individuals cultivated on these terrace fields until the village demanded to revert it back to the commons. Over a period of time (30-40 years), individuals claim ownership over such land.

¹⁴⁹ Land dispute between the two neighbouring villages (Shajouba-Kaibi) dragged on for a long time. The judicial cost was rising, and it is required for the village to raise funds. During this time, the village sold paddy fields to the private or individuals.

¹⁵⁰ The village required volunteers to fight in the war. Individuals were hesitant and reluctant to go to war. The village devised the arrangement that war volunteers would be given paddy fields.

¹⁵¹ Sold to Rev. Bianchi, an Italian priest who bought the land from the village to establish the village. The village was formed and established in 2006. The houses were constructed through donations from Italian Christians.

¹⁵² They were also provided to cut trees and use them for firewood and self-consumption. These are the people who totally depend on the common.

their collective and shared goals as a financial respite to members where the burden is shared. Individual risk and burden get shared and spread across the community and group.

Similarly, other tribal communities of North East India have experienced shrinkage in the village-owned land. Members privatise the village land through permanent establishment: terrace fields, cash crop plantations, orchards, and tree plantations (Jamir and Nongkynrih, 2002 pp. 37-38 as quoted in Nongkynrih (2008)). The legal ownership of land is required to access schemes and credit facilities by formal institutions. The state and government take over large community lands for development programmes, such as setting up public offices, military bases/stations, infrastructure, and dams (Dimchuilu, 2013; Nongkynrih 2008). Internal privatization by the tribal elite is often reported as an important factor in the community's alienation (Barbora, 2002; Fernandes and Bharali, 2002: 20-22). State-enforced legal and statutory laws question the legitimacy of the traditional institution. The introduction of the Tripura Land Reform and Land Revenue Act 1960 (TLR&LR) is one such example where ownership of tribal communally owned land is transferred to non-tribals as well as alienation due to development projects. The Act facilitated the state to acquire tribal land to rehabilitate the immigrants. By the late 1960s, more than 60 percent of the tribal land was alienated, leaving them impoverished (Bhaumik, 2006). Another reason is the lack of will, foresight and weakness of the Village Authorities/tribal bodies. The failure of the authorities to generate mechanisms that can prevent encroachment and privatization of the communally owned land weakens the control of the community over the community lands. Internal privatization can only be prevented and curbed through institutional arrangements by members.

The following section gives a picture of the current state of the village-owned land, especially forests.

5.3 Shift of Local Administrative Power from the Village Headman to the Village Council.

The administrative head of traditional Nagas societies,¹⁵³ especially the Mao society, was “Movou”, the Village Chief¹⁵⁴ or Headman. A council of members assists him, referred to as

¹⁵³ This practice holds true amongst the Tangkhul Nagas, where the traditional chief or Headman called Awunga, is the administrative head of the village.

¹⁵⁴ The village Chief is usually the first individual who establishes a village.

“Gaon Buras” or GB, represented by each clan residing within a village¹⁵⁵. The Chief and his council formulate policy in war and peace and make and amend the unwritten laws, followed rigidly (Shimray, 1985). After the independence and merging of the state with India, “The Manipur Village Authority in Hill Areas Act 1956” was introduced to consolidate and amend the laws to establish a village authority in the hilly areas of Manipur. The Act directed villages with 20 or more houses to pay taxes to form a Village Authority as a local governance body. Villages headed by a Chief or Khullakpa will become the ex-officio Chairman of the Village Authority. Where there is no such Chief or Khulakpa in the village, the Village Authority's Chairman shall be elected by the members. The Act was implemented in 1957. With its implementation, the Village Chief/Headman, by default, became the Ex-Officio Chairman for Shajouba Village. The leadership of the Chief continued to be entrusted with greater power and recognition from the state through the Manipur Village Authority in Hill Areas Act, 1956. As the head of the village, the Chief played social, religious, and administrative roles and presided over the village court.

In 1983, the village separated its cultural and religious duties from its administrative duties. The cultural and religious duties were assigned to the Village Chief or Head. The Village Authority, headed by the Chairman, was to perform the legislative, administrative and judicial functions. The shift in administrative power from the Chief to the Chairman also transferred the power on how resources are utilized and managed. The power and role of the chief were reduced significantly with a shift of power to the village chairman. A significant difference between the two arises from how they acquire their position. The position of the Chief is hereditary, while that of the Chairman is elected democratically through adult franchise. In many cases, the village Headmen might not be educated or capable of being a leader.¹⁵⁶ There was a realised need for members to elect and be represented by leaders who is educated. The Village Authority, as the enforcing body of laws and rules, is pertinent to elect a leader who is trustworthy, respected and feared. The option to elect their leader gave them the liberty to choose capable individuals. When capable¹⁵⁷ and visionary leaders are appointed, they can form shared goals and objectives for the short and long run. Thereby designing rules and norms that direct members to achieve their goals and objectives. A capable leader is not only capable of designing rules but is also efficient at enforcing them.

¹⁵⁵ Excerpt from interview with Pfokrelo Losii, 2022.

¹⁵⁶ Excerpts from focussed group discussion.

¹⁵⁷ A capable leader is educated, exposed to outside environment and knowledgeable.

Members follow and obey rules when the leader is trustworthy, respected and accepted by them. Under its new institution, new rules emerged that previously were absent in governing the resources. In the following section, we will discuss the new rules that were enforced and those that were in practice.

5.3.1 Institutional change: Generation of new rules.

Old rules and norms are adjusted and modified while new rules are added to the existing old rules. The state of depleted common prompted the community to make a conscious decision towards the conservation and sustenance of natural resources. This called for initiating institutional change. The conservation and forest regeneration efforts of the progressive leaders got a massive boost with the revision of the National Forest Policy in 1988. The revised policy recognized the role of local people and adopted the principle of ‘care and share’ for forest management. Since 1990 the state forest department have been instructed to encourage involvement of local communities in the Joint Forest Management (JFM). This policy changes at the central and state level provided added legitimacy to the conservation effort already underway in the Mao villages. It also facilitated in changing the hitherto existing rules and practices to conform with the conservation efforts. The following table summarizes the changes in the rules and practices.

Table 5.1: Comparing the old and the new rules and practices.

Sl. No	Rules/Practices Before 1983	Rules/practices after 1983
a)	Paddy fields established on the village common were heritable and transferable to the next of kin.	The heritable rights were withdrawn, and the Village Council took over the paddy fields.
b)	No Division	The village-owned land was divided and assigned to three different groups for better management of resources.
c)	The right to access, use, and withdraw over bamboo and trees planted by individuals was transferable and heritable across generations.	Heritable rights were removed. Members cannot plant trees or bamboo on the village-owned land for private use. Any plantation made will directly fall into the village common.
d)	No Rules	Restrictions on the setting of forest fires. In 2023, the fine amount was revised from Rs 500 to Rs. 10,000.
e)	No Rules	Birds and fishes cannot be hunted or fished during their mating, nesting, or egg-laying period. Defying such laws led

		to the village sanctioning fines of Rs. 5000, which was increased to Rs. 10000 in 2023.
f)	No Rules	Certain methods and technologies for fishing are restricted. The Rs 5000 against defaulters was increased to Rs.10000 in 2023.
g)	No Rules	Hay for fodder can only be gathered for self-use and within the village boundary. The defectors were fined Rs 500 which increased to Rs. 5,000 from 2023.
h)	Appropriation of firewood and bamboo were permitted for self-use and commercial both in the village as well as Kashi (around village-owned land).	Withdrawing of the resources was restricted based on place and purpose. Members can only appropriate firewood to be used at Kashi (common area) while bamboo can be withdrawn for use at Kashi and village. A deterring fee of Rs. 20,000 is fixed against defaulters.
i)	No Limit	Forest products like (wild fruits, herbs, and vegetables can be appropriated for self and commercial); bamboo cannot be sold – the fine increased from Rs. 5000 to Rs. 20000 in January 2023.

Source: Authors representation from the Fieldwork.

5.3.2 New Operational Rules After 1983

The fear of accumulation and privatization by a few individuals led to the development of new rules to prevent members from accumulating and claiming land and resources that they have been using for a long period. A single individual claim for a certain resource for a century or over a long period does not promote justice and fairness for its people, as other members are restricted from enjoying the same benefit (some occupy the land for 60-70 years).

5.3.2.1 Common themes among the new rules

1. Identifying specific actions that members must undertake

Hunting and fishing, which were previously free, have new rules concerning the time, seasons, and type of technology that can be implemented in fishing practices. Fishing is prohibited during the breeding season of September and October. Once the time frame is completed, it is open for

people to fish. Traditionally, people use fishing nets and natural extracts locally called motu¹⁵⁸ by using herbs and tree bark to fish. Over the years, fishers have introduced the use of electric/power and bombs to catch fish on a larger scale. Large numbers of fish, regardless of their size, are killed when fishermen use bombs, poisons, and batteries to electrocute the fish. Using net and traditional extracts is permitted, while using bombs, poison, and batteries is prohibited to prevent overfishing. Uncontrolled use of such means has long-term effects of reducing the whole fish population. Unregulated hunting has greatly brought down the bird and animal population¹⁵⁹. Members hunt birds and animals as a sport (entertainment and recreation), while others hunt for food and little extra earnings. Rules evolved to mitigate the problem. Hunting birds is prohibited during the nesting seasons of March, April, and May. People who do not comply with these rules are sanctioned a fine of Rs 5000. There is a consensus amongst the interviewees that the region now has many birds and squirrels. Maize and paddy are now frequently attacked by squirrels and rodents. An increased population is considered to be because people have stopped hunting. The rationale behind such control is to regulate members' activities, thereby replenishing and sustaining the resource over a long time.

2. Differentiated rules for different kinds of forest products

There are no rules to access and withdraw forest products like gooseberries, palm leaves, dates, and fig fruits that are free for members. These products can be withdrawn for their consumption and commercial purposes. Gooseberries and figs are often withdrawn to be sold in the market apart from consumption. Non-members can withdraw these fruits for self-consumption but are restricted from withdrawing for commercial purposes. Bamboo shoots, a forest product, can only be withdrawn for self-consumption and not marketed.

3. Rules that restrict market-based use

These rules apply to the withdrawal and extraction of forest products. Withdrawal of bamboo and bamboo shoots is permitted only for self-consumption, but it cannot be marketed. Firewood can only be appropriated for self-consumption and prohibited for the market. Its use is limited to where fields and cultivation occur and not to be taken to the village settlement. Hay becomes a common

¹⁵⁸ The natural extracts are made by crushed barks of trees like zhokhei (kheikhi) and kokrei). The extracts are then used to spread out in the river where the fish dies and floats up on getting adulterated with the extracts.

¹⁵⁹ Respondents are of the view that they hardly witnessed birds and hear their chirp in the past.

property resource after the paddy harvest. Members are free to collect the hay for personal use but are prohibited from taking it outside the village and marketing it. Members residing outside the village and settlement area cannot take it out.

4. Removal of inheritance rights on use and access rights to the resources

Before 1980, the general practice amongst members was that they could plant trees on the commons and harvest the first harvest when the tree matured. After the first harvest, the tree has to be transferred back to the commons and becomes open access for members. These rights are removed, and the Village body takes up all individually planted trees. Access and use rights were transferable across generations on the resources planted by individuals. The bamboo groves and trees planted by members can be inherited by close kin. These transferable rights were removed. Also, permanent establishments made by individuals, such as rice fields, were transferable previously but reverted to the village body. The rice fields are now used to generate revenue for the village body. The revenue is collected through the generation of rent.

5. Better resource management measures

The village rice fields and the open barren lands/scrub lands were distributed amongst the three groups in the village. This measure was adopted by the Village body to manage the resources efficiently, as the benefits are equitably distributed. The division into subgroups allows better mobilization in providing the resources (labour, money, and assistance). The subgroups with smaller group sizes make it easier for local leaders to monitor their members.

6. Initiation of mass plantation at the Village level

From the mid-1990s till today, the Village Authority has organised plantation drives to plant bamboo, tree saplings, and seeds in the village commons. Such mass initiation was not experienced before the power shift from Chief to Chairman in 1983, even though plantations by private individuals on the commons started long before the village as a collective took the initiative. The efforts that started in the 1980s continue to this day. More recently, in 2013, members of the Council organised a mass bamboo plantation drive. Every household was to be represented by a member and plant at least one bamboo sapling. Credit also goes to the intervention and support of both the central and state government which we will discuss in detail in the next section.

7. Methods of Deterrence and Effective Enforcement

The village ownership system with many users may face commitment and monitoring problems. The important concern for any governing body is to make members comply and punish the defaulters. The chance of members defaulting greatly depends on how effectively the enforcing agent enforces these rules. The Village Council, as the governing body, has established an effective mechanism of enforcing the set rules (rules to access, use, and withdraw) through the setting of deterrence and careful monitoring. Effective enforcement requires monitoring. The Council has made each member a monitoring agent against the action of the other from defaulting. The amount sanctioned against a defaulter depends on the nature and severity. Imposing fines becomes the main deterrence against possible defection. The village body imposes different fines depending on the nature of the defection. These sanctioned amounts get revised over the years with changes in the value of the resource. In, 2023, the Village Council increased the sanctioned amounts from Rs.500 to Rs.5000 to those defaulting against setting forest fires, burning stubble, hunting and fishing during their nesting and laying eggs are imposed, and restricted technology and methods. Defaulting against commercial withdrawal of bamboo and firewood has increased to Rs. 20000. One way of making members commit is through the threat of excluding them from access benefits and shared goods through ex-communication.

The focussed group discussion with members of the village council (current and past) concludes that members comply with the existing rules. There are cases of non-compliance in some years, while some years do not have any record of members defaulting. The same case of defaulting is not repeated in the future. The fee paid by defaulter in a year can range between Rs 15,000- Rs 25000 a year. Let us now discuss some of the cases of default by members.

5.3.2.2 Cases of Defaulting by Members

Case 1.

The village restricts members from withdrawing bamboos from the village common t for commercial purposes. Individual “A” was caught and reported to the Village Council by another member while loading bamboo at night from the village common in early 2023. Individual A was loading bamboo to be sold to a neighbouring village. This individual was caught defaulting for the second time. An amount of Rs. 20,000 was sanctioned as a fine. The council warned that he would be ex-communicated and be excluded from all the social benefits he currently enjoys.

Case 2

Hay becomes a common property resource after each harvest. Members can gather it for personal use without obtaining permission from the field's owner or the village council. Individuals ought to leave a sign (usually a ball of loosely wrapped hay or leaves) to indicate that it had already been claimed. Hay can be collected for free for personal and household use within the hamlet, but it cannot be sold or carried outside the Village. A villager who lives outside the village's geographical boundaries was discovered harvesting and transporting hay outside the village. This incident was reported to the Village Council, and the Chairman and his council investigated it further. The Council ruled the act illegal, and the offender was sanctioned a fine of Rs 5000.

Free access to the withdrawal of firewood for self-consumption and commercial purposes led to withdrawal before the trees could attain full maturity. The rules concerning who can use and where to be utilised changed after 1983. During the 1980s, there was a need and a push to take back the paddy fields that individuals previously cultivated. One driving force for such a move was that the benefits and privileges should be distributed among members. The later developments were restrictive, especially after the village demanded farmers who made permanent establishments on the village land to transfer it back to the village body. This ensures better utilization of the benefits amongst members. The rights to inherit access and use rights across generations were removed as a mechanism to prevent monopolisation of benefits by a few individuals. Denying members, the right to inherit and pass on to the next kin may remove the incentive to plant (trees and bamboo) members that would increase vegetation. This is evident from members' reckless bamboo harvest without being put to use. It also eliminated the incentive for individuals to plant in the village-owned land. This stopped people from planting newer saplings (trees and bamboo) on the village land as it no longer benefits them. The village body can amend its operational rules and encourage them to plant trees. Members who wish to plant should be allowed to take the first harvest and revert it to the village body. Afterward, individuals would not be permitted to withdraw firewood from the village land.

5.3.2.3 Group management of Village resources

It is not just the generation of new rules but also the change in the system through the division of resources into groups for better management of the resources. In this new arrangement, households are put into three different groups based on their location in the village. The households in the upper part of the village settlement area are grouped into the Mathew group, those in the middle

are in the Mark group, and those in the lower part are in the Luke group. The village paddy fields are also divided and assigned to these three groups for better resource management and generating revenue through the bidding process. Each group utilises the revenue generated for the functioning of local administration. Such group accountability has proven successful in the government-sponsored Barak watershed project, which we will discuss in the next section.

Despite certain areas that can be changed, members generally understand that the introduction of the village authority brought about better management of the common resources. One similar observation is made by Koren and Mipun (2020). Traditional tribal Chiefs and local bodies like committees or councils govern the ownership rights over the village-based resources. The latter system has greater advantages in maintaining the resource (forest resource) than the former.

5.3.3 Additional factors that helped in easing the pressure on natural resources

Along with the change in the leadership and shift in power bringing new rules and adjustment to old rules, there were other factors, both internal and external, that aided the institution in sustaining the resources.

A. Role of the Government



Source: Authors representation from Fieldwork

The 1980s marked a new beginning with the inflow of government schemes and projects that specifically targeted environmental issues, deforestation and the generation of resources. The first tree plantation project on the village and village-owned land was between 1981 and 1982 under James Lokho, the then Chairman of Autonomous District Council, Senapati. The purpose of this project was a) beautification of the village roadside, providing shelter for travelers and passersby, and b) creating environmental awareness through afforestation. The slogan "Plant three trees if you have cut one" created awareness amongst its members¹⁶⁰. Eucalyptus, oaks, etc., were the main trees. From saplings to payment of man-days in planting and nurturing, the government fully funded its cost. The success of the project was mixed. Certain areas (Chajiiphe) were proven successful, and those planted within the village and roadside had low survival rates and were destroyed by cattle and humans¹⁶¹. Chajiiphe¹⁶² proved successful as the households residing in that village were incentivised to nurture and monitor the plants. Households were assured of reaping the benefit that they can harvest the oak trees on maturity. Placing households to participate and incentivising them with long-term benefits motivated members to personalise the whole exercise. In the same area, social forests were created by the forest department of Manipur. Pine was the main tree planted. It was created simultaneously to bring afforestation and generate resources for the community (selling timber). These developments were an outcome of the revision of The National Forest Policy (NFP) in 1988. The formation of the Joint Forest Management at the centre and the instruction to State forest departments to encourage local communities in direct forest management had an impact in the local governing institution. The government initiatives that were implemented in the 1990s increased the responsibility of the local governing bodies to develop and sustain forests. This realised the need to regenerate the depleted common by the villagers and revision of the National Forest Policy complemented each other perfectly. This enabled local leaders to bring forest development, its management, and sustaining the resources at the forefront of focus of their social objectives. It further strengthened their role and legitimacy and facilitated in implementing new rules that amended members' behaviour towards access, use, withdrawal and management of resources.

¹⁶⁰ Excerpt from interview with Nenia Monica, 2022, wife of Lokho James.

¹⁶¹ Members would simply chop down saplings planted on the sides of the village roads as they pass them to amuse themselves. A lack of understanding about the importance of plantation restrains members to care for and nurture the saplings.

¹⁶² Chajiiphe is a village established on land jointly owned by Shajouba and Makhel villages called Makhrai-kanghaina. It is co-habited by members of the two villages.

Similar models were introduced through the Barak watershed project (1998-1999)¹⁶³ under Manipur's horticulture department on the village-owned land. This scheme involves Social Conservation under the name of Watershed Development Projects in Shifting Cultivation area. The Department of Horticulture and Soil Conservation, Government of Manipur implemented this scheme with 100 percent central assistance. The objective of the scheme was to conserve the moisture in-situ by means of green coverage. Members resisted the project, fearing the government would take away their land and the village members would not retain the benefits. The first barrier was clear their position and the doubts about sharing benefits and incentives, placing them as partners and incentivising members with long-term benefits (harvesting the matured trees). When the project's benefits are allotted to members, it becomes the real long-term plan for the members and future generations. In the words of Losii,¹⁶⁴ “meetings for implementation of the project were held in joint consultation with like-minded members of the village where the village authority was to derive its plan of making the project successful”. The project proved successful as it was bottom-up rather than top-down. It allowed and brought the community into the forefront of the developmental project by engaging community members to participate right from planning, execution, maintenance, monitoring, and evaluation.

These projects have developed into full-grown forests, forming a large part of the forest cover where the village owns land. It increased vegetation and forest cover and improved members' livelihood by generating income (sale of firewood) and providing firewood as fuel. The money that groups receive during project implementation through payments made for man-days required in terracing, planting, monitoring and maintenance in the initial years are used as group funds. These funds are lent out to members in times of need at lower interest rates.

B) Access to Liquid Petroleum Gas

The main source of energy has changed from firewood to LPG gas. The observed greening around the village and on the village-owned land can be attributed to access to Liquefied Petroleum Gas

¹⁶³ The government-funded saplings (oak, eucalyptus, orange). The Village Council under the leadership of the Chairman, was responsible for implementation and supervision of the project. The plantation area was divided into three groups Mathew, Mark and Luke. Each group was further formed into six sub-groups with twenty households and more. In total, the village would have 18 sub-groups to manage and look after the project. Each group were given a demarcated area under their protection. In their designated areas, groups were responsible for cutting out terrace fields on the slopes (retain water and let it sip in), planting, nurturing and monitoring.

¹⁶⁴ Current Chairman of Shajouba Village Authority. He also served as Chairman, Secretary and other official post within the Shajouba Village Authority.

as an alternative for firewood. Locals were extracting firewood to meet their fuel consumption, leading to deforestation in the surrounding hills. The use of LPG thereby reduced the dependence on firewood.

C) Change in the mode and pattern of Agriculture

Other than the generation of new rules with changes in institutions, changes in land use patterns, cropping patterns, and mode of production in the agricultural sector brought about significant positive effects on the quality of the resources. Similar observations were made by Jodha (1986), where the poor's dependence on the common property resources decreased due to changes in agricultural patterns: better mode of irrigation, settled farming and permanent improvements on the land, livestock change as they are stalk fed or are not reared. Terrace farming and wet cultivation in the hills of Manipur were already practised amongst Maos and Tangkhul Nagas even before the British administration (Kamei, 2004). Along with rice cultivation in terrace farms, Jhum¹⁶⁵ was the predominant mode of cultivation. Yam beans, maize, millet and bajra were the traditional crops grown on jhum land. Jhum cultivation decreased with a change in cropping pattern and members shifting to settled farming. The cropping pattern changed (crops, fruits and vegetables) with the supply of seeds from the rest of the country and abroad¹⁶⁶. New cash and horticultural crops with higher values are introduced and cultivated more intensely. From the 1960s, the Shajouba village and other Mao villages produced cabbages and potatoes. The establishment of Mao Potato Farm in 1970 by the Central Potato Research Institute Shimla also helped Mao farmers obtain potato seeds.

The Regional Seed Potato Production Farm was established in 1975 and was funded by the NEC. By 1980 and in the following years, the village produced these crops in large amounts and supplied them to other districts of Manipur and the neighbouring state of Nagaland.

In addition to potatoes, pumpkin, squash, and tomato were also exported. The expansion of the market aided increased production of these horticultural crops. By the 2000s, new horticultural crops were introduced, such as broccoli, lettuce, onions, cauliflower, beans, and green leafy vegetables. Fruits like plum kiwi are grown for commercial purposes. Floriculture has picked up

¹⁶⁵ Often referred as shifting cultivation, slash and burn. Considered as one of the important reasons for soil erosion and decreased forest cover.

¹⁶⁶ See the Sangai Express article published on 6 November, 2013.

over the last two decades. Alstroemeria, commonly called Peruvian Lily, geranium, cactus and succulents, gladiolus, gomphrena, statice or sea lavender, bunny tail, etc., are commonly grown, feeding the state's demand and other metro cities. The added advantage of growing high-valued crops compared to growing traditional crops is that it generates higher income, reducing the dependence on village-owned resources.

Land use patterns also changed with the introduction of high-value crops requiring less land as they can be cultivated intensively. A plot of land is used to grow vegetables at different times of the year. Growing winter crops (cabbage, cauliflower, garlic, beans, and onion) on rice growing fields after harvest has changed the land use pattern. Intensifying and maximising land use and replacing low-value crops with higher-value crops reduces the need for farmers to clear forests every year. Changes in land use and cropping patterns lead to soil conservation, increased forest cover, and sustaining the resources.

The introduction of chemical fertilizer and technology made cattle rearing insignificant. The cow was reared for meat and also to generate manure, while buffaloes were reared for ploughing the rice fields. Mechanisation began with the introduction of tractors and vehicles during the 1980s and intensified by the 2000s. The use of tractors for tilling and ploughing the fields made rearing of buffalo insignificant. Also, the use of chemical fertilizer made cattle rearing less desirable. This improved the resource quality with reduced pressure on the village's grazing ground. It made the plantation of trees and saplings successful, which were previously destroyed by cattle.

E) Attitudinal Change

It would be wrong to pin point and attribute modern education as the sole reason for attitudinal change amongst members, as there are always members of the community who are far-sighted and ahead of their times. The positive effect was not felt as it was not adopted on a large scale, and other constraints slowed down its process (the practice of setting fire and cattle destroying the plants). Through interaction and facilitating exchange of ideas with individuals outside the community, modern education instilled new ideas amongst members relating local needs and challenges to major world concerns.¹⁶⁷ The idea of climate change and preserving and conserving resources is not foreign to members but validated further as a significant cause to be pursued by themselves and the generations to come. The period from the 1960s saw increased engagement

¹⁶⁷ Established by the British Government and Christian missionaries.

amongst members in planting bamboo and indigenous trees (for timber and firewood) around huts and where they can be protected from cattle¹⁶⁸. Members took it as pride and competed on who could plant the highest number of saplings. Their main motivation was to plant and conserve these resources for future generations¹⁶⁹. The act of a few individuals created a ripple effect and was soon picked up by other members. Bamboo and oak trees received greater attention than others. The oak tree was the main source of firewood, and bamboo served as the backbone of the people for its numerous uses¹⁷⁰. Members faced hurdles in nurturing the planted saplings as cattle frequently disturbed and destroyed them.¹⁷¹ Individuals need to gather oak tree seeds from neighbouring village commons as the village does not have mature trees that bear seeds. By 1980, mass plantations had picked up in the village-owned land. Members rushed to occupy strategic spots that are easy to harvest and transport. Once empty, land is demarcated and marked by individuals through the private plantation of trees and bamboo. Older members of the family took it as a moral responsibility to plant and conserve for his/her generations to come¹⁷². The cattle population had significantly reduced by the late 1990s, which rendered a higher survival rate for the plants. Their long-term interest was further protected by the institution that governed the land through the generation of stricter rules, thereby removing previous constraints. Notably, the increased vegetation with trees and bamboo was handmade by the members (planted, nurtured, and monitored) and not just the preservation of natural vegetation. The extremely dry brown land has turned into thick, dense forests. The land that grew two to three bamboo groves hosts thousands of groves today.

¹⁶⁸ Pe Daikho, Pe Kezho, Pe Nikhini, Dara, etc. some attended schools while others did not but were part of the administration and the village court.

¹⁶⁹ Their accounts were narrated by their children as they are no longer there (Nikhini Akha-a & Pfokrelo Losii)

¹⁷⁰ The use of bamboo ranged from making barns, household articles (bamboo baskets, chicken coop), construction of houses, huts, and fencing for cattle sheds, fencing of boundaries for gardens and fields, use as trellis for plants and creepers and art and crafts. Its tender shoot also serves as a source of food.

¹⁷¹ A newly planted bamboo cannot be moved or shaken for the next two to three years after planting. A slight disturbance ceases the plant to grow and dies. This was especially difficult for planting it in the commons as cattle roam around the year, disturbing its initial position. Members are required to develop innovative means of planting and growing them. Bamboo was carefully selected and planted beside the date palms that grew in the Commons¹⁷¹. Date palms were the only plants that were big enough to protect from the animals and cattle. Planting near the palm tree gave a certain amount of protection from cattle disturbing. They are planted in these two areas as they are the only place where the cattle have the least disturbance. Cattle became the greatest enemy in their desire to grow bamboo and trees. An excerpt from an interview with Nikhini Akha-a.

¹⁷² Customary practice also incentivises members to plant in the village-owned land. It does not restrict the area one can access and plant. Moreover, individuals can harvest the parent plant, but it becomes open access for members after the first harvest. The right to access and withdraw bamboo resources was passed down to generations

The positive effect of education came in the form of job diversification: government sector, private, service sector, business, and entrepreneurship, reducing the pressure on land. Two important effects are created through the diversification of jobs: salary and remuneration and outmigration.

E) Occupational Diversification

The pressure on land and natural resources due to demographic change is often thought to be mitigated with members shifting into other economic activities. "Population explosion, a social issue in India, is another major challenge in maintaining and managing the conservation of forest and soils, but a shift to other means of earning can be a viable solution."¹⁷³ The period from the 1980s saw that people engaged in diverse jobs and careers other than traditional farming and cattle rearing. Access to market and education opened new avenues of livelihood, such as production and the service sector. Trade and commerce, aggregators of goods, middlemen, and retail shop owners all emerge with access to new markets. In the service sector like that of transportation as drivers or owners of vehicles (taxis or transport of goods), hotels, hospitality, food, and eateries. Education and skill development paved the way for members to situate themselves in formal sectors, both private and public. Those without assets (without land of their own) have diversified into livestock production, piggery farming, and beekeeping.

Members migrated to bigger towns and cities, metros and neighbourhoods that provided better education and job opportunities. Job diversification as an important factor in improving the quality of the commons holds even stronger, as shown by the most recent Covid-19 crisis. India's countrywide lockdown forced students and workers to return home with companies working remotely.¹⁷⁴ Most migrated members were engaged in the two industries (hospitality and I.T industries) that were worst hit by the lockdown. Their companies laid off many, and others left jobs in panic and fear. The village had to accommodate and provide for these returnees (about 400 returnees)). How does the community accommodate such a sudden increase in the number of people who depend on the local economy? Families that couldn't provide and support their returnees depended on the resources of the commons. This is evident from the number of agricultural lands cultivated by clearing land and cultivating the fallow land¹⁷⁵. Before the Covid pandemic, terraced fields were left fallow as the older cultivators ceased to cultivate due to old

¹⁷³ See epao published on July 10, 2014.

¹⁷⁴ They worked in hotels, parlours, salespersons and as I.T workers.

age, and few younger ones continued to remain and farm the land. There was a shortage of labour for farming. The returnees took up new economic activities in hotels, shops, cattle rearing, poultry farming, and piggery on the village-owned land. Pre-COVID saw one to two temporary huts, but the onset of COVID-19 increased to more than twenty huts, where brick-and-mortar structures also sprung at Kashi. Members put enclosures (fencing) for private use, cultivation, or settlement. A rush to reserve their own space has created new disputes among members. The village land was the only open space for members to recreate and this, unfortunately, led to environmental damage¹⁷⁶. Without job diversification and out-migration by members, the dependence on the commons increased. In addition, the remuneration sent to families by household members before the pandemic increased their family's income, thereby reducing their dependence on the village-owned resources for livelihood.

5.4 Collective effort and replenished Scene of the Commons

It is learned from the preceding section that the village common was dry and barren before the 1960s – 1970s. The village common was used for paddy cultivation, and the remaining was for grazing cattle. The village common sites were covered in shrubs, bushes, cactus, palms, and grass. Trees like fig and moviisii (*Albizia chinensis*) grew sparsely on the village-owned land. Fast forwarding the scene to the present, the grazing grounds have turned into forests where trees and other bigger plants outgrow the previously grown natural grass. Quoting a respondent,¹⁷⁷ “The land used for grazing cattle during the 1980s is now clad by dense forest, making it unsuitable for grazing in the absence of grass”. At present, it hosts a large number of wild fruits and vegetables which are not found in other regions. Dates or palms, wild apples, gooseberries, figs, and different varieties of berries. Oak, elder and other varieties of trees for timber that were not found before the 1970s grows abundantly in the forest now. Prior to the 1960s, few bamboo groves grew on the commons. The village land of today hosts thousands of bamboo groves¹⁷⁸. The bamboo groves have managed to increase forest cover in the commons. Bamboo and trees forming the forest are not grown naturally but are all planted by village members. Saplings and seeds were brought in from the commons of the neighbouring villages and tribes. The general perception amongst

¹⁷⁶ During Covid the open space suitable for picnics and recreation littered with chips cover, bottles, plastics etc destroying its beauty.

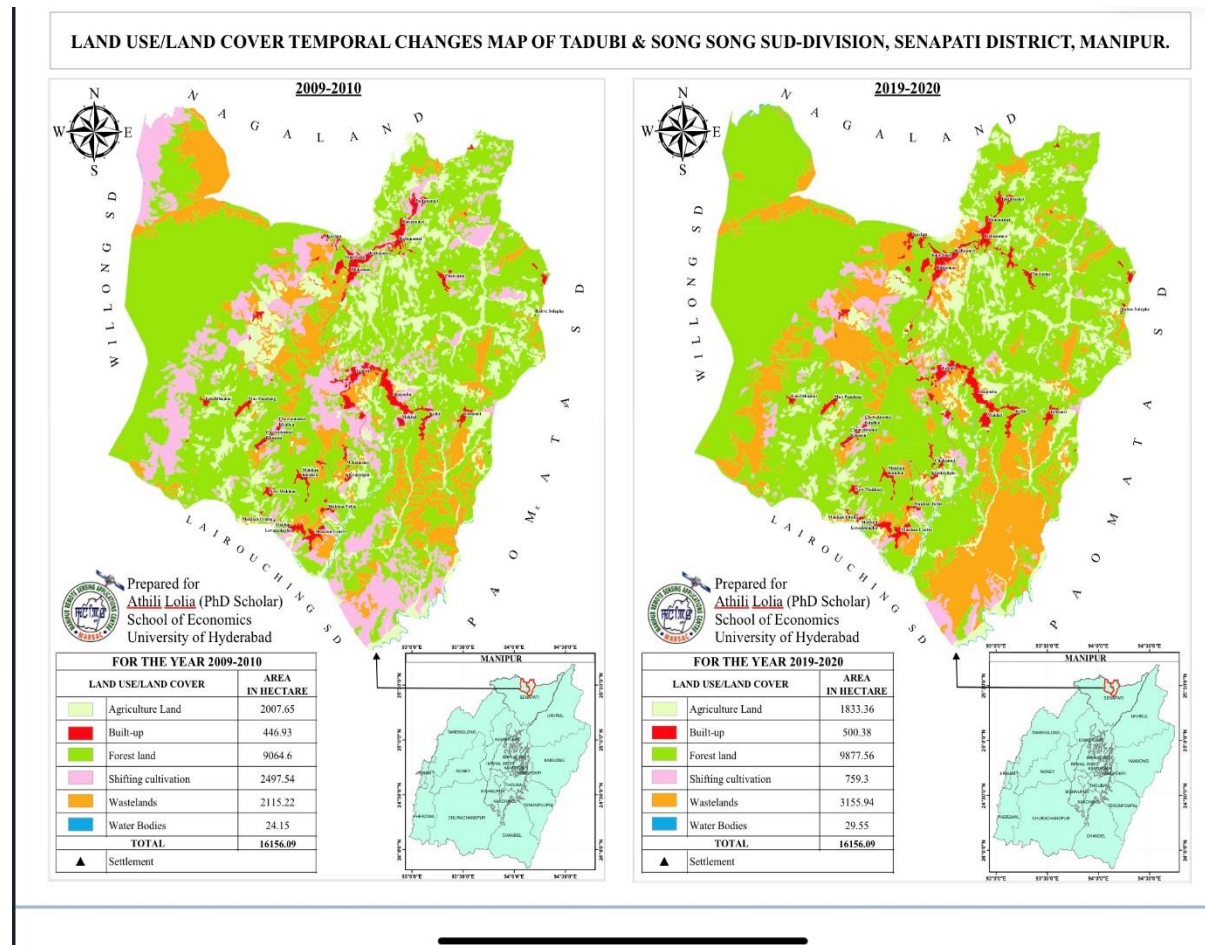
¹⁷⁷ Pfokreho Kaihrii, the village Headmen of Upper Shajouba. He grew up herding cattle for his family from 1980's till early 2000's.

¹⁷⁸ The number of bamboo grove is assumed to be at least 5000-10000 groves.

members is that there is a noticeable increase in the number of animals and birds. A growing complaint amongst farmers is the case of animals (squirrels, rats) and birds (parrots) ravaging crops like maize, rice, sesame, etc., which have increased over the years. Crops ravaged by animals and birds have become a burden for farmers as they cannot grow and harvest their crops. These prove the diversification and enrichment of flora and fauna over time. Ikruvii, or water celery, were once reduced in number are growing abundantly in recent years. The herb mostly grows in slightly wet and marshy areas with thin plant coverage, but with increased plants, dense forest has overtaken their existence. The increase in growth and increase in forest cover increased the population of birds and animals observed not only in the commons but also on privately owned land.

The positive change of afforestation that started in the 1980's continues today. With the availability of satellite images in recent years, we can capture the dynamic process of afforestation by comparing the changes in the land use pattern of Tadubi and Song Song division of Senapati district from 2009-10 and 2019-20. It would have been much more informative if such satellite images and data were available for earlier period. Nonetheless, the changes even in the last decade is quite remarkable.

Fig. No. 5.1: Maps depicting the two time periods show the increase in forest cover.



Source: Specially prepared for the Author by Manipur Remote Sensing and Application Centre.

Table. No 5.2: Land Use Temporal Change in Tadubi and Song Song Block (Mao)

Type of Land	2009-2010		2019-2020	
	Area in Hectares	Percentage	Area in Hectares	Percentage
Agricultural Land	2007.65	12.43	1833.6	11.34
Built-Up Land	446.93	2.8	500.38	3.1
Forest	9064.6	56.1	9877.56	61.14
Shifting	2497.54	15.45	759.3	4.7
Wasteland	2115.22	13.07	3155.94	19.54
Waterbodies	24.15	0.15	29.55	0.18
Total	16156.09	100	16156.09	100

Source: Author's representation from fieldwork

These years were taken in for analysis as they were the official data available to the author, and data dating back to the 1980s, 90s, and 2000s were not available. The land use change during the period 2009-2010 to 2019-2020 shows that there is a five percent increase in forest cover. The area under shifting cultivation has decreased. As area under cultivation requires the clearing of vegetation and the dried vegetation is burnt to increase fertility. This process makes the soil dry and empty after cultivation. The dry empty land is represented as wasteland which explains the increase in the area under wasteland even when shifting cultivation had decreased. Over time, decreased shifting cultivation leads to increased forest cover and wasteland. Thus, the fallow land from shifting cultivation temporarily falls into the Wasteland¹⁷⁹. Wasteland includes land occupied by scrubs, grassland, dry arid land, and cultural and non-culturable land¹⁸⁰. The areas that are left fallow after the cultivation require 10-15 years to rejuvenate and grow back the vegetation.

The increase in forest cover is attributed to the efforts put in by individuals in planting trees in both the private and the common. This was heightened with mass plantation drive by the village

¹⁷⁹ According to the categorization of land by MARSAC, it includes cultural and non-culturable wasteland, grazing land, and scrubland.

¹⁸⁰ Culturable land refers to those land categorised as a wasteland but it can be developed and improved, while unculturable land cannot be developed by humans.

as a collective. The cattle and livestock population reduction greatly reduced the damages done by cattle due to free-ranging in the village commons. New rules were established where cattle owners are to tend their cattle and not let it roam free. The change in the rules and practices (burning of the forest) restricting members from engaging in destructive environmental behavior created a layer of institutional protection that earlier could not be protected and cared for by individuals.

Amongst the variety of trees, Oak was mostly planted as it is considered superior to other fuel varieties. The plant requires 20-25 years to mature and be harvested. The elder tree is one of the fastest-growing varieties that can be harvested within 8-10 years after plantation. It requires 10-15 years to realise and recognise the change and increase in forest cover from the date of the plantation. Bamboo can be harvested from the third and fourth year of plantation. A single bamboo plant can shoot five to eight new bamboo shoots yearly. Bamboo as grass is the fastest means of greening the land, unlike tree varieties that require 8-25 years, depending on the variety of the tree. Thus, the improvement in forest cover observable from 2009 to 2019-2020 can be attributed to the time taken for plants and trees to generate and increase forest cover.

5.5 Conclusion

The traditional institutional of property rights failed initially to fulfill its second objective of sustaining the resources over a long time period. The institution headed by the Village Chief failed to derive new operational rules to mitigate the negative effects of internal and external factors. External factors like that new value system, access to the market, and internal factors like demographic change exert negative pressure on the village-owned land and its resources. This led to introduction of the Chairman as the head of the Village Council. The appointment of the Chairman brought diversification in the roles of the Village Chief and the Chairman. The Chairman and his council overlooked the administrative, legislative, and judiciary while the Village Chief was assigned cultural and religious duties. The position of the Chief was hereditary, while the Chairman was appointed through the democratic process. This brought capable and efficient leaders to manage the village-owned land and its resources. These leaders could organise and generate new rules restricting members' behavior towards access, use, withdrawal, and management of resources. Thus, with the change and shift in the power and administrative power of the local governing body. Along with the change in the administrative power, there were other factors: government intervention, change in the mode and pattern of agriculture, attitudinal

change, access to liquefied petroleum gas, and job diversification that contributed to sustaining the resources over a long period.

Chapter 6

Conclusion

This thesis explored the traditional institution of the common property rights regime that governs village-owned land and its resources among the Mao Naga of Manipur. The preceding chapters have discussed the features and factors that determine the efficiency of the traditional common property regime. This chapter concludes the thesis by determining the robustness of the institution and theorizes an alternative approach to resolving the paradoxical aspects of the institution that governs village-owned land and its resources.

Chapter 1 lays the theoretical background and contextualises the traditional institution of the common property rights regime within the broad theoretical concept of institutions, property rights, and their role in economic development. The debate on private vis-à-vis the common property regime revolves around the efficiency aspect. Neo-Classicists recommend private owners as it: 1) reduces investors' risks and increases incentives to invest, and 2) improvements in household welfare. While, the common property regime is presumed to be inefficient as it leads to 1) rent dissipation, 2) high transaction and enforcement cost in devising rules to reduce the externalities of their mutual overuse, and 3) low productivity as no individual has the incentive to work hard to increase their private returns.

The main issue concerning the common property regime is the inherent tendency to degrade and exploit the resources governed under its regime. To resolve environmental issues related to the common property regime alternative solutions are provided through privatising or assigning property rights and external coercion by government through state ownership. Ostrom's theory of Cooperative Action provides a different alternative to resolving the common problem. Ostrom recommended endogenous alternatives to solving the problem where appropriators¹⁸¹ make binding contracts to make a cooperative strategy. Literature on communal land ownership systems in North East India has criticized the system as economically inefficient and environmentally unsustainable. The research problem for the current study is derived from the backdrop of the existing literature. Chapter Two presents the study's motivation, objectives, scope, and

¹⁸¹ The term appropriator is referred to those who withdraw resources from the resource unit and the process of withdrawing is called appropriation (Ostrom 1990, Meyer 1975).

methodology. Mao is identified as a close representation of other Naga tribes regarding land ownership and land use systems.

The traditional institution of a property rights system based on customary laws, rules, norms, and practices governs the property rights system amongst the tribals of the Northeast. There exists a broad structural similarity among the tribals of North East. This similarity is not definite as their institutional arrangements and mechanism of enforcing the rights differ inter tribes, intra-tribe and villages. Under the traditional system, private individuals, clans, villages, and clusters of two or more villages own the land. The traditional common property regime forms a distinctive feature of the tribal land ownership system; especially the Mao Nagas of Manipur. One fundamental problem of researching in North East is obtaining data. The size of the privately owned and village-owned land is estimated using the Google Earth Pro app. In the field under study i.e. Shajouba Village, of a total area of 551.66 hectares privately owned land amounts to 375 hectares (67.98%), and the village owns about 176.66 hectares (32.02%). There is growing inequality as observed through the distribution and ownership of land, where 10% of the respondents are rendered landless.

As a substitute for the state's control of property rights, the village authority as the governing body, owns, controls, and manages the resources under the traditional common property regime. The Village Authority also becomes the enforcing agent of the rights. The rights are enforced based on the practice of customary laws, rules, and norms passed to generations through word of mouth. The autonomy of the Village Council/Authority as a governing institution is legitimized through various Constitutional provisions and state legislatures: Sixth Schedule and creation of Autonomous District Councils, Article 371 C and Manipur Legislative assembly – Hill Areas Committee and District Council Act, 1971.

6.1 Determining the Efficiency of the Traditional Common Property Regime

The environmental and physical conditions of the resource and the pattern and mode of agriculture practiced by communities are two strands of thought that explain the emergence of communal or common property rights regimes. While the existing two strands of thought describing the emergence of common property serve as a strong ground to be used in analysing the current study, an alternative approach to studying the emergence and the existence of common property

regimes amongst the tribals of North Eastern India. To answer "What is the rationale for the village or the community to own land?" requires locating the traditional institution of common property regimes within the communitarian perspective. Egalitarianism, sustainability, and solidarity are social values and goals for communitarian communities (especially regarding the Mao Naga of Manipur). Any institutions that emerge within such communities would be to fulfil the set social goals and objectives. The traditional common property rights regime is one institution established to fulfil certain objectives: providing social security, promoting egalitarianism, and sustaining resources over a long period. These values influence communities in shaping rules and norms that direct how shared benefits are distributed and provided. Therefore, the efficiency of the traditional common property regime should be analysed based on whether it can deliver its set objectives.

The first objective of communal land ownership was to provide social security and equality among members. Egalitarianism, as a way of organising society, articulates a social philosophy that has influenced communities to establish institutions equal in their ownership of resources, rights to access, use, withdrawal of resources and the distribution of economic benefits amongst members. The objective of safety net provision has been attained through the various benefits members have derived from the village-owned land and its resources. Village land and resources have sustained members through access to land for village settlement, agricultural purposes, and appropriation of minor and non-timber forest produce. The village-owned land and its resources have aided members' inter-generational shift in occupation. The next generation is moving out of the farming sector to service. While it had achieved the first objective of providing a safety net, the second objective of creating a more equal society may not be met. This is because the current way in which the village council raises funds for its activities is done through a bidding system where use and access rights are sold off in a system that would resemble an auction. Since the highest bidder is given access, use and withdrawal rights, only rich farmers can acquire these rights. This will further enrich the rich farmers and lead to greater income inequality in the long run. This may happen because this system can systematically exclude poorer farmers from acquiring lands which can substantiate their income levels. The exclusion of the poor from pricing through the bidding system is a fallout of the institutional arrangement to generate resources for the village body to provide social goods further. This argument is substantiated by the desire held by members and resource users to preserve and continue to own land collectively rather than privatise it. Members strongly perceive that communally owned resources are essential and a significant source of

resources for the poor. They should be kept for generations as a form of social security. It also serves as a means to depend upon and rebuild a dignified life. If the community still desires to establish an equal society, it can adopt and amend its operational rules and make it pro-poor. Excluding the richer farmers and making the poor access and use the rice fields would have increased their income substantially.

The second objective of why the village owns the land is to sustain resources over a long period. The traditional institutional of property rights failed initially to fulfil its second objective of sustaining the resources over a long period. The institution headed by the Village Chief failed to derive new operational rules to mitigate the negative effects of internal and external factors. External factors like new value system and access to the market; and internal factors like demographic change exert negative pressure on the village-owned land and its resources.) In a move to mitigate the impact of these external and internal factors and evolve, organically to meet the social objective important institutional changes were initiated in the early 1980's. By 1983, the Chairman replaced the Village Council headed by the Chief. The appointment of the Chairman brought diversification and demarcations in the roles of the Village Chief and the Chairman. The Chairman and his council overlooked the administrative, legislative and judiciary while the Village Chief was assigned cultural and religious duties. The position of the Chief was hereditary, while the Chairman was appointed through the democratic process. The electoral process brought capable and efficient leaders to manage the village-owned land and its resources. The National Forest Policy (NFP) revision in 1988 and the formation of Joint Forest Management at the centre impacted the local governing institution. The instruction to State Forest departments to encourage local communities in direct forest management during the 1990s increased the responsibility of the local governing body to develop and sustain forests. This is visible in various government projects implemented during the 1990s. This enabled local leaders to bring forest development, its management, and sustaining the resource into the forefront or focus of their social objectives. These leaders could organise and generate new rules restricting members' behaviour towards access, use, withdrawal and management of resources. Thus, the change and shift in the power and administrative power of the local governing body, coupled with policy change in forest management at the national level, brought better mechanisms for managing and sustaining the resources. Along with institutional change and government intervention, changes in the mode and pattern of agriculture, attitudinal change, access to liquified petroleum gas, and job diversification

contributed to sustaining the resources over a long time. The impact is visible from the region's increased forest cover from 2009 to 2020. So far it has been found that the institution can generate new rules to access, use, and withdraw the resources: especially in increasing forest cover and managing the resources. The following section will employ Ostrom's eight design principles to analyse and determine whether the institution is robust enough to sustain resources over a long time.

6.2 Analysing Institutional Robustness

Ostrom's (1990) work on "Governing the Commons" is dedicated to finding solutions to the basic problem individuals face in CPR situations on "how to organize to avoid the adverse outcomes of independent action". Getting over the collective action problem is recognised by scholars of common pool resources as one of the fundamental problems on why communally owned resources face depletion and degradation (Ostrom, 1999). Two well-established theories based on external agents solve this problem: the theory of the state and the theory of the firm. The state and the firm are seen as organizations that supply new institutions, can make members commit, and monitor effectively. Her work provides an alternative to the two theories on how members who use and share resources organise themselves in solving collective action problems. The collective action problem includes the three problems of institutional supply, commitment, and monitoring. In her long years of research on studying common pool resources, Ostrom concluded that certain groups successfully solve these problems while others do not. Successful groups can supply new institutions, make members commit, and monitor each other effectively. She deduced that the eight practiced principles are similar across these successful institutions. The eight design principles include clearly defined boundaries, congruence between appropriation and provision rules and local conditions, collective-choice arrangements, monitoring, graduated sanctions, conflict-resolution mechanism, minimal recognition of rights to organize, and nested enterprises. These principles formed the institutional framework and the yardstick that would determine the robustness of any institution that governs resources.

Locating the traditional institution that governs village-owned land within Ostrom's Institutional Development framework, we will determine whether the institution that governs village ownership efficiently sustains resources over a long time. In line with this framework, we ask how the village as a collective organises itself and agrees upon collective decisions. What institutional arrangements are in place that allow members to commit and monitor each other's actions?

Answering the above questions will determine whether the institution is robust and efficient in managing its resources.

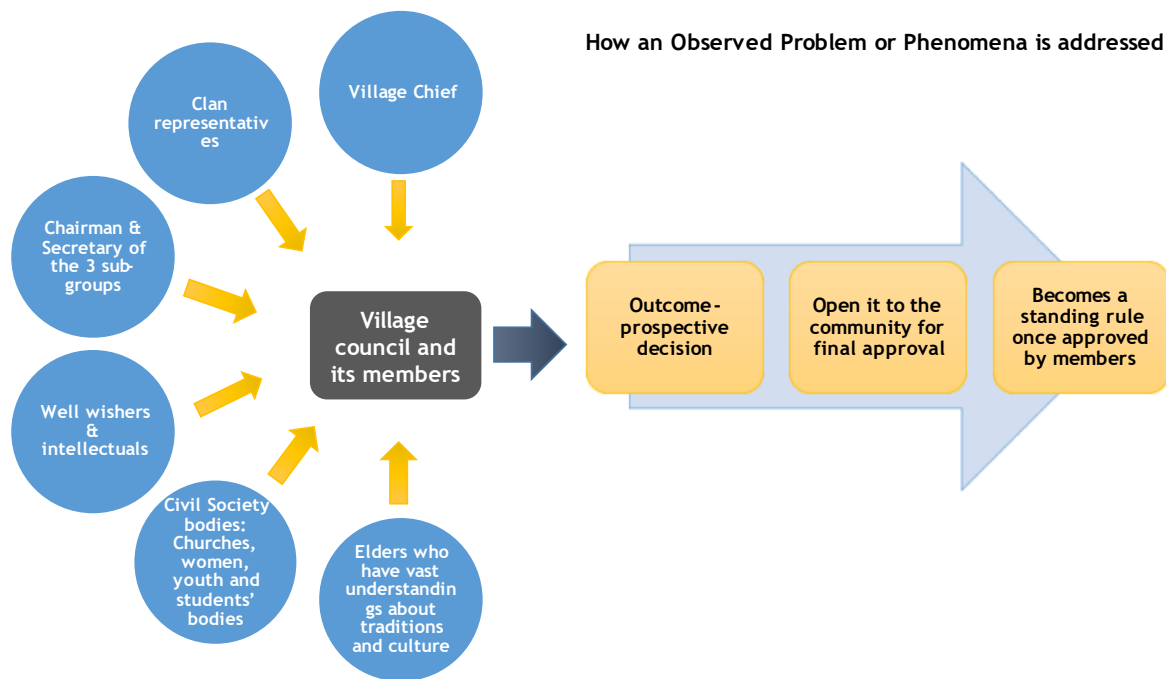
6.2.1 The Governing Body

The village-owned land has many members that use and access the resources, making it difficult to control and manage them. It requires a governing body to organise members to cooperate. Chapter three has established that the Village Authority, as a governing body, manages and controls the village owned and its resources. The Village Authority also becomes the enforcing agent of property rights under the traditional institution of the property rights system. The Village Authority, under the leadership of the Chairman, organises and ensures cooperation from each member. The local governing body organises members in a common arena for collective action. The village as a body is responsible for the distribution of rights and duties for the provision of social good and the generation of new rules that adapt to the change in time and resource conditions. The village body resolves conflicts arising from the consumption and provisioning of the resources. Below, we discuss how the village body arrives at collective outcomes and decisions.

6.2.2 Deriving desirable Outcomes and Decision-Making

Village bodies or members can initiate any new collective goal, issues, and concerns regarding the village's resources. These discussions can be prompted by events or incidents based on certain observed phenomena that call for an evaluation of the existing practices. During his three years of tenure, the Chairman should discuss governing the village-owned resources. Members make these internal decisions without including a government body (Central and State). Hence, the decision makers and resource users are the same people as the same individuals who have access to and use the resources and are also part of the decision-making process.

Fig. 6.1 The Decision-making process



Source: Author's representation from the fieldwork

6.2.3 Decision-making process

The above diagram represents how village members make decisions and establish new rules. An individual, member, or any group on noticing an ongoing crisis or threat informs the Village Council. The Chairman and his Council make preliminary findings regarding the concerned issue. Thereafter, under the Chairman's leadership, the Council initiates the discussion by inviting different stakeholders before putting it out to the public. Different stakeholders are then invited to ease the process of decision-making. Such a mechanism allows every member to be part of the decision-making through their elected representatives. Members consider this as an inclusive and democratic approach to making decisions where every member's opinion is considered through their respective representatives.¹⁸² Different stakeholders include the respective Chairman and

¹⁸² This is to avoid the inconvenience of bringing all members to discussion. To convince each group member is often not possible, and even if it can be done, it will require time and at a great cost. The greater number at the site also calls for greater opinions, failing to arrive at any concrete decision. The possibility of deriving any meaningful outcome through such mass gathering is impractical. This arrangement is faster, easier and less costly.

Secretary of the three sub-groups¹⁸³, the clan representatives¹⁸⁴, the Village Chief, representatives of civil society organisations¹⁸⁵, well-wishers, intellectuals, and elders of the village. Considering the clan's opinion and input represented through the clan representatives becomes vital as it allows the participation of every member¹⁸⁶. Stakeholders opine on their respective group's concerns and opinions. Discussions with different stakeholders over a particular issue can go seven to eight times, while decisions can be made at other times without much seating. Once the stakeholder agrees, an announcement is made at the general body meeting for final approval. Usually, the rules or decision is passed at the village level through a majoritarian vote. The agreed-upon rule becomes a standing and functional rule until further amendments are required. Further sittings are required for modification and revision if members do not agree with the suggested rule. During an emergency, the Chairman and his Council can decide without obtaining the members' approval and the stakeholders' opinion. The decision of the Council in such cases is final and binding. Members agree and oblige to the decisions made by the decision-makers. This makes it important and necessary for local leaders to be unbiased and farsighted in their approach, as a self-interested and selfish individual can make rules that benefit himself. The approach of any concerned leader is and should be to attain the social good and maximum social benefit.

One such example and decision was taking back the paddy fields that individuals on the village land initially developed. Individuals were cultivating on the rice fields over long periods, and the usufruct rights were transferred from father to child. To distribute and rotate the use of the resources, the village decided to take back the fields¹⁸⁷. Individuals were hesitant, but no person

¹⁸³ The village is divided into three sub-groups named¹⁸³as Matthew, Mark and Luke starting from North to South respectively for better and easier administration purposes¹⁸³. Subgrouping not only eases local governance but also distributes resources (land, funds, projects) to the groups for better utilisation of the resources. A Chairman and his Secretary lead each group. At the secondary level, it considers the inputs given by the sub-group representatives.

¹⁸⁴ Clan refers to the group categorised through kinship, lineage and bloodline. Clan representatives are those appointed by respective clans to represent at the village level. A typical Mao village is comprised of multiple clans. There are over eight clans (Shingana, Krechina, Kapena, Chisiiwte, Aleina, Eshena, Shilena and Lirena etc.) in the village under study. The clans represent the household and families at the grassroots. Clan representatives are to call for clan meetings and take a joint collective decision and opinion on any matters and issues before sitting with the Village Council.

¹⁸⁵ Representatives from civil society groups like youth, women, students and churches are invited

¹⁸⁶ There are situations where members are against certain decisions taken and passed. The Council or leaders can charge them on why they failed to attend the meeting and contribute when given the chance. A mechanism to cut out on unnecessary negative criticisms. The clan representative is also asked to voice down comments that are perceived as a threat to the community's peace and progress.

¹⁸⁷ Members considered the individuals to have benefitted and they suffer no lose as they have cultivated the fields more than the 10 years period extending to 50-60 years as well.

went against the collective decision of the village. Recounting Losii's (2022) words, "Individuals did not hesitate or protest against the decision. No individual can overpower or overrule the decision of the general. The day the sons of the soil decide on anything, there is no room for the individual to win over it". The decision of the collective becomes the final ultimatum.

6.2.4 How adaptable are these rules to new dangers and crises?

Traditional norms, permanent rules, and standing rules are the three types of practised rules and regulations. As the name implies, permanent regulations are static and will remain so over time. These regulations are followed and passed down through generations and cannot be amended or altered¹⁸⁸. Norms are socially acceptable practices that are passed down from generation to generation. These norms do not need to be written down or declared because they are ingrained in every member through social interactions with family, friends, and other social and community gatherings. One such practice is that members extract the entire bamboo grove. Only matured bamboo plants can be extracted. This allows members to leave specific resources for the next member who needs them. It is also a strategy to protect and conserve the resource from over-extraction and depletion. On the other hand, permanent rules are fixed and not as flexible as standing rules. They can, however, be updated and changed as needed. The rules (access and use) that govern the village-owned resources are standing rules. Standing rules are subject to change, modification, and revision as the situation demands. They are adaptable regulations that are updated and amended to meet the needs and requirements of the time. As a result, the regulations governing the commons are adaptable and changeable as needed. A flexible institution will be able to adapt to new challenges and threats to its resources.

In the following section, we answer the question of what institutional arrangements are in place that allow members to commit to and monitor each other's actions.

6.2.5 Operational Rules and Mechanisms

Operational rules include institutional mechanisms that regulate and guide members' behavior on who can access, when, and what amount can be consumed by each member, and who should

¹⁸⁸ This are mostly to religious, spiritual and cultural practices e.g. members who non-Christians are to refrain from work on Good Friday and Christmas. Likewise, Christians will also refrain from doing any physical work during ghenna or inauspicious days cut out by the Village Chief.

provide what (labour, monetary, and material). These rules are flexible and continuously change, adapting to new challenges over the years. These operational rules will determine how effectively the institution can sustain the resources by restricting members from over-exploiting, complying with the set rules, contributing to social provisions, and monitoring each member's actions. Below, we discuss the different operational rules established by the institution.

6.2.6 Marking the Boundary (resource boundary and defining its membership)

Clearly defined boundaries mark the first guiding principle to determine the robustness of the institution governing any resource. Defining the boundary includes both the resource users and the resource system. Permanent members of the village can only access, use, and appropriate the resources. Individuals outside of the village are excluded. Excluding non-members becomes easy as village members live in close-knit societies where everyone knows the other person. The case of the tribal-occupied region in the Northeast has special provisions under the constitution excluding non-members from accessing the resources: The Sixth Schedule and Manipur Legislative Assembly – Hill Areas Committee protects tribal areas from non-tribal. The cost of excluding is taken care of to a great extent. Constitutional provisions exclude non-tribals from entering non-tribals, but it does not have provisions that exclude non-tribal members. Ambiguous resource boundary makes it difficult to exclude non-members from accessing the resources. The village-owned land is demarcated from privately owned land as well as between villages and tribes. There are no contesting claims regarding the boundary of the village-owned land. The village commonly shares boundaries with neighbouring villages and tribes. Common property, on many occasions, had experienced conflicts and boundary issues. Boundary issues are resolved to rely on folk knowledge, such as mountain ranges, streams, and ridges becoming the natural boundary line. Thus, boundaries to resource and their membership are well-defined and clear.

6.2.7 Distribution of rights and duties.

Distribution of rights refers to rules on who can access, when (time and technology), and what amount can be consumed by each member from the village-owned resources. Duties refer to those arrangements on who should provide what: labour, monetary, and material in providing the good. Congruence between appropriation and provision rules and local conditions constitute another important guiding principle for the institution.

Depending on the nature of the resource system, the village as a collective has adopted different institutional arrangements in the distribution of rights: its access, use, and appropriation. These rights also changed over the years. Before 1983, village members had free access to, use, and withdrawal of resources from the village-owned land. Individuals make permanent establishments on communal land by planting bamboo trees and carving out rice fields. Their establishments were inherited and passed on across generations. No rules restricted members to hunting, fishing, and withdrawing forest products. The increase in population and absence of rules to limit access to the village-owned land led to resource degradation. The 1980s and forward show changes in the institutional arrangements regarding access, use, and withdrawal of resources. In 1983, the community established a new one by appointing the chairman as the head of the Village Council. The shift in power and responsibility from the Chief to the Chairman brought in better rules to govern the resources. To avoid monopolising the benefits, the council directed the reversion of all establishments on the village land. Also, different rights were assigned based on the type and nature of the resource. Some resources, such as rice fields, are private, and members' rights to access are restricted through the bidding system. Members capable of bidding against others can only access and use the resource. The users of such resources operate as tenants and proprietors for a specified period. The village council derives revenue through this resource. The revenue received is used for the provision of social good for members. Access to resources such as jhum land, river, grazing ground, and forest to cultivate crops, withdraw fish, graze cattle, hunt birds and animals, and withdraw forest products operates like open access for its members. The management of grazing land is far different from that of the wet paddy fields. The rivers and irrigation system operate in the form of open-access resources. The traditional jhum land, which has become a horticultural field, follows a first come, first served basis. Once a member gets access to the land, it is easy to exclude the others from entering. It is easy to exclude others from using these resources once members already use them. To withdraw products from the forests is non-excludable but reduces the quantity consumption of those products. Over the years, the council has allowed members to appropriate firewood and bamboo only for self-consumption and restricts it for commercial purposes. The setting of forest fire was restricted. Stricter rules were placed on hunting and fishing to prevent the animals from becoming extinct. Birds cannot be hunted during their nesting period. Also, fishing is prohibited during their breeding season. The use of bombs and batteries is restricted to prevent the mass killing of fish, leading to their extinction. The above

rules to withdraw and access the resources are restricted so that it can sustain them over a long period.

The rights and share of benefits are distributed through the household system. Likewise, duties and responsibilities are to be shared to provide social good. This provision concerns those institutional arrangements on who should provide what: labour, monetary, and material in providing the good. The provisional duty falls equally on both the rich and the poor. The sick, differently-abled individuals and elderlies are exempted from mandatory contributions^{whether} monetary or labour. These individuals will continue to enjoy their monetary and non-monetary gains as much as the others, even though they fail to carry out their duties and responsibilities. Duties are assigned based on the nature of the benefit involved. The rights and duties are assigned based on the registered household. Maintenance of roads and plantation efforts (trees and bamboo) benefit every village member. Duties in such cases are carried out at the village level, where each household contributes a one-day adult service. If certain households' duties enjoy certain benefits are assigned only to such households. Provision duties, for example, the household who have bid out others and cultivated on the village land maintains the canals for its source. In most cases, households are asked to provide one adult labour. If a household wishes to be exempted from such duties due to sickness or ill health, they must inform and get permission from concerned authorities. The rest are to contribute a one-day wage to the village if the household fails to contribute the day's labour. "Excluding members from a share of benefits and privileges both immediate and future" are often measures the community implements for members to contribute in providing and their duties. The loss of an immediate benefit and the possible future benefit compel/forces/motivates to provide for the collective. For better utilization and management of the resources, the village land is divided into three subgroups and sometimes into groups of individuals. This ensures better mobilisation amongst the resource users. It also becomes easier to monitor and account for members who contribute and who do not. Thereby distributing the benefits based on their contribution.

6.2.8 Effective enforcement

External coercion is the frequently cited theoretical solution to the commitment problem (Schelling, 1984). Scholars on common pool resources cite other means to undertake long-term joint commitments with only a modest investment in monitoring and sanctioning arrangements.

Ostrom identifies that social capital, such as shared norms, can resolve the CPR problems by reducing the effect of the cost of monitoring and sanctioning activities.

The village ownership system with many users may face commitment and monitoring problems. The Village body is the enforcing body that makes sure that members follow the established rules and prevent them from defaulting. Without external coercion (state and the firm), how do communities self-organize to make members commit and comply? In most cases, the decisions concerning the village-owned land are passed at general body meetings. The village body also has the power to make rules without obtaining approval from the members. The decision taken at the general body meeting is final and binding. There are no such cases where members rejected and refused to follow the rules given to them by the council. This is attributed to the trust and faith members have towards their leaders. One way of making members participate is the threat of excluding its share of benefits upon people who failed to cooperate. The commitment problem is resolved when members self-motivate (Council) to monitor activities and be willing to impose sanctions to keep conformance high.

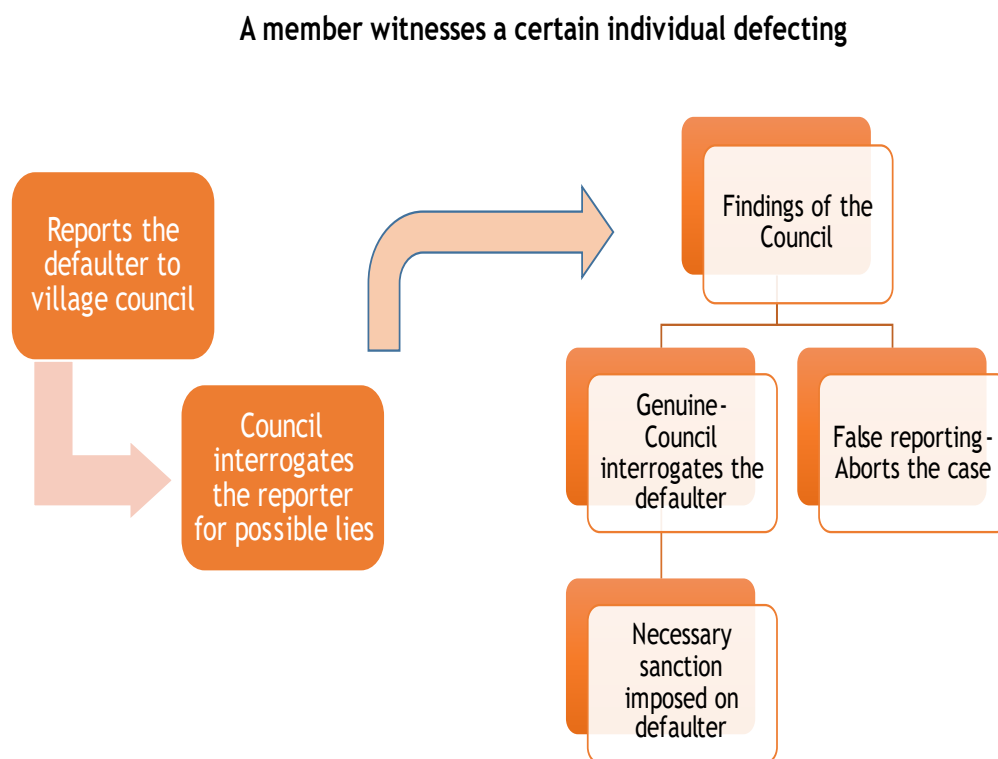
The chance of members defaulting greatly depends on how effectively the enforcing agent enforces these rules—an effective enforcement mechanism to make members commit and keep conformance high. Effective enforcement involves careful monitoring of the status of the resources and the behavior of members. A strict monitoring system prevents members from exploiting the resource and checks members' likelihood of defaulting against any existing rule. The careful monitoring system will sustain the resources and help in equitable use among members. It also includes sanctioning members that default and acknowledging good behaviour through rewards for its members.

6.2.9 Monitoring, Reporting, and Sanctioning of Defaulters (Commons)

For two reasons, the Institution under study (Shajouba) did not appoint somebody to manage and protect the village's resources. Firstly, employing a specific employee to monitor members would put a financial strain on the village because they would need compensation for their services. This is viewed as a costly affair that will financially strain the community in the long run. Second, selecting a group member to monitor the resource may lead to bias in observing and reporting of default by members. This designated individual may exhibit partiality and favoritism toward friends, relatives, and neighbors who default and go undetected.

This probable outcome was deemed unjust and costly. As a result, the village made no appointments to any specific organisation or committee monitoring the resource. Instead, the Village made every group member become a police to closely supervise the actions and behaviour of the other group members. Members are accountable and carefully monitor how other members use the resource and how much they have extracted. Members must watch for violators, such as those fishing with restricted equipment, setting fire to the forest, and removing fuel, lumber, bamboo, and bamboo shoots for commercial purposes. The diagram below depicts how they monitor its resources and members' behavior and report and sanctions defaulters.

Fig. No 6.2: The Process of monitoring source:



Author's representation from the fieldwork

Certain conditions must be met for monitoring to be successful:

- a) Members must be fully informed of the existing norms, laws, and regulations governing resource usage and withdrawal. Also, punishments are associated with defaulting and rule-breaking.
- b) Instilling in members the importance of shared responsibility and accountability towards one another and reporting to the authority.
- c) Informing members of the monetary and non-monetary incentives for reporters to achieve maximum detection and reporting.

Because the group is small and members know one another, there is a risk of default non-reporting. To avoid under-reporting of defaulters, a method was devised to incentivise members to report on detected defaulters actively. Two factors encourage members to report.

Firstly, the reporter's name is kept confidential. It is risky to report your fellow members for the risk it entails in close-knit groups where members know each other and their social and economic lives depend on each other. The reporter weighs the risk of destroying a friendship, staying on the good side of the book, and missing future opportunities if the person is reported against. Individuals will prefer not to report to preserve the status quo and instead enjoy the tranquillity, closeness, and friendship that they both enjoy from each other. The other risk is that the reporter's wrongdoing will be reported. To avoid and resolve such a problem, locals devised a technique that allows people to notify defaulters while keeping the reporter's identity confidential. Under no conditions should the reporters' identity be revealed. Even so, what are the possibilities that the reporter's identity will be kept anonymous? This is based on the possibility that members may avoid reporting defaulters for lack of identity protection in the future. As a result, they would avoid divulging their identity at any cost. When members feel safe and protected by their act, they are more likely to monitor and report.

Second, financially compensating members provides incentives to report. When a member defaults, the community imposes fines of a particular amount. Members who make valid reports are paid half the fee imposed on the defaulter. If the fine is Rs. 5000, the reporter will receive Rs. 2500. This enables the most comprehensive reporting.

To illustrate the process, imagine that individual B catches person 'A' violating the community's rule by burning the forest. Individual 'B' is required to notify the Village Council of the defaulting act. The council investigates and verifies whether the report is real and correct. Individual 'B', the reporter, is subjected to a lengthy interrogation by the Council regarding the actual occurrence.

The date, time, location, and witnesses to the incident are critical in determining its authenticity. During the questioning, the Council requests information about the act, including the event's date, location, and time, as well as any witnesses. If there are any witnesses, they are also called in for questioning. A report supported by event specifics will be determined to be a genuine case of reporting and will be considered for further investigation. If defaulter 'A' is proven guilty, the council interrogates her and imposes a sentence. The defaulter is fined a fixed sum of money. The fine amount varies according to the severity and type of offense committed.

Here is a case for default and reporting. A group of people who were once involved in making decisions and developing rules for the commons were found using bombs and batteries to fish in the river. The community forbids the use of bombs and batteries to electrocute the fish. Villagers who watched them defaulting filed a report with the village authority. The Chairman and his Council of Members questioned those who reported and the defaulters. The defaulters were penalised when they were proven guilty. Hay becomes a community property resource after each harvest. Members can gather it for personal use without obtaining permission from the field's owner. If somebody wished to collect the hay, they would leave a sign (usually a ball of loosely wrapped hay or leaves) to indicate that it had already been claimed. Hay can be collected for free for personal and household use within the hamlet, but it cannot be sold or carried outside the Village. A villager who lives outside the village's geographical boundaries was discovered harvesting and transporting hay outside the village. This incident was reported to the Village Council, and the Chairman and his council investigated it further. The Council ruled the act illegal, and the offender was sanctioned a fine of Rs 5000.

When the reporter fails to provide sufficient proof to support his claim, the Council dismisses the case and does not pursue it further. This procedure is intended to prevent erroneous reporting. A technique to identify true defaulters and ensure that no one is wrongfully charged and suffers unjustly. This procedure discourages members from reporting others without thinking. A system like this discourages members from reporting inaccurately owing to personal grudges, antagonism, family feuds, or jealousy.

This precludes members from using the Institution to exact revenge or to further their interests. Cases are terminated when there is incorrect or defective reporting.

Sanctioning members who defect is one effective way for members to commit and comply with the established rules. Sanction is imposed in the form of threats, exclusion, and social ostracisation.

Illustrating such threats is the case of a member who was caught defecting multiple times by appropriating bamboo for commercial purposes. In the process, the defector was warned that his rights over the village resources would be withdrawn and expelled from settling in the village's land. The village body imposes a different value of fines as sanctions to the defectors. Examples of such sanctions are: extraction of bamboo for market is imposed with Rs.20000, Rs 5000 each for those who defect and use of prohibited methods and technology for fishing and forest fire setting.

6.2.10 Conflict Resolution: Dispensation of Fairness and Justice

Conflicts on village-owned land arise at three levels: within members of a village, between villages and tribes. Internal conflicts can arise when appropriation rights and the provision duties do not align. How do members ensure that they also contribute to providing such benefits? One major criticism against the village taking back the bamboo groves that individuals planted was that those households that did not engage in planting the bamboo were observed as recklessly appropriating the bamboo plant both for individual and commercial purposes (carefully done so as not to be detected as selling of bamboo is prohibited). This is mainly because they fail to value the resource as it did not involve their time and energy. To resolve such a problem of reckless appropriation, punishments against defaulters are modified. Sanctioned fines rose from Rs.5000 to Rs 25000 in 2023.

Conflicts also arise due to breaking of set rules about access, use, and withdrawal of communally owned resources. There are established rules and norms concerning fishing from the river¹⁸⁹ concerning the time/season, technology, and equipment used for fishing. The use of poisons, bombs, and batteries is prohibited while fishing. Fishers are allowed to use only traditional means of production, like fishing nets and tree barks. These conflicts arise when one member breaks the rules against fishing by using certain equipment and gear that the members prohibit. Those who do not abide by the rules are sanctioned by imposing fines. Withdrawal of bamboo from the commons is permitted for collective purposes (for canals, embankments, and construction purposes for different groups and organisations). Members cannot withdraw bamboo outside the village or for commercial interests. Other forest products, such as timber and firewood, are only

¹⁸⁹ There are no huge water bodies like lake, ocean, sea, ponds, catchment areas, and wetland as the region is mostly hilly. River is the only source that acts as fishing grounds for the members.

permitted for personal consumption, not commercial use. Now and again, there are instances of members breaking the set rules. Going against all of these rules results in conflict. Conflicts within the village and among its residents are handled directly by the Village Council/Authority.

In the above section, we have discussed the various mechanisms designed by the institution to overcome collective action problems. We compare the various design mechanisms with Ostrom's design principles to determine the institution's efficiency and robustness. It is observed that the village has a well-defined boundary where only permanent members have the right to access, use, and appropriate the village-owned land and its resources. Excluding non-members becomes easy as village members live in close-knit societies where everyone knows the other person. Any encroachment by non-members was easy to detect. In addition, the village-owned land is demarcated from privately owned land and between villages and tribes. It is observed that members were generating new rules in adapting to the needs and the change of time. These new rules guided members' behavior and directed towards limiting them from over-exploiting the resources (refer to section 5.3.1 of Chapter 5). The ability to generate new rules fulfills the second principle of a successful institution: congruence between appropriation and provision rules and local conditions. The preceding chapters have broadly discussed the broad social objective or the rationale for why the village body owns the land. Setting common goals like provisioning social security, solidarity, and sustaining resources over a long period becomes the driver for members to cooperate and attain their collective goals. Also, the institution provides arenas through which members can voice their grievances through social media like WhatsApp (created exclusively for village members) and village-level meetings and gatherings to voice individual views and opinions regarding issues related to the village-owned land. Members can represent their opinion in the decision through their elected representatives and also directly at village body meetings. The institution was able to design its enforcement mechanism through an effective monitoring system, rewarding and sanctioning members based on their behavior. These sanctions are in the form of threats relating to the exclusion of benefits and the imposition of fines as punishment

The institution has evolved into a robust institution that satisfies the Ostrom criteria. However, the role of the institution is not limited to this objective. It also needs to fulfil the additional objective of upholding communitarian values like egalitarian society, solidarity, etc. The emphasis on the sustainability aspect has undermined the communitarian values.

Let us now theorise the observed pattern and the paradoxical situation in meeting the social objective.

6.3 Theorizing and Alternatives to Resolving the Paradoxical Issues of the Social Objective.

Concerning the debate on common property resources, Hardin suggested a pessimistic view of the resource conditions, namely that such resources are over-exploited and degraded. This pessimistic view refers to “The Tragedy of Commons”. Alternative solutions are suggested to resolve the environmental problems from a common property regime. Firstly, through privatization or assigning property rights over resources (Coase, 1960). Coase proposes that clear and well-defined property rights would resolve environmental problems by internalizing externalities and relying on incentives (demand of compensation by those affected by those that damage or pollute the environment- air, water, etc.). Secondly, ownership, control, and regulation by the state through coercion are often suggested as a solution to resolving environmental problems and resource degradation. Thirdly, the cooperative action by community members, as suggested by Ostrom. Ostrom (1990) believes communities can own, manage, sustain and restore resources. She confirms that institutions have managed their natural resources to a reasonable degree of success over the years and provided theoretical and empirical alternatives that illustrate the diversity of solutions beyond the market and the state. She proposes self-financed enforcement mechanisms that are endogenous to the institution.

For tribal areas in India, the government regulation can be attributed to the fifth and sixth schedules that constrain the free market exchange of land as a commodity. Within this constraint, it recognises the importance of local governance and its government in managing resources. The notion of modern state intervention is very limited in tribal areas of India even though the Fifth and Sixth Schedules promulgated and intended to protect the land and the interests of these communities. The constraints exerted by the government suggest and recognise the Pigouvian framework, where the market is likely to fail but does not involve direct modes of regulation. The constraint of non-intrusion (space) through constitutional provisions is thought to protect the communities and their interest. With structures having an overarching influence, the idea of commercialization and market has come into the region through development, altering the land use pattern and its resources. As a consequence, commercialization sets in, leading to massive

degradation and deterioration of resources. The resource degradation and deterioration can partly be explained by the fact that there is population pressure and not much diversification of employment amongst members. So, in this peculiar circumstance, the impact on the environment increased, and over-exploitation took place. This context brings in the fact that the community possesses information about their own life experience with degradation and deterioration in the environment quality, yet the community cannot intervene in ways that could cause conservation partly because tradition has a certain set of obligations and objectives, which could not be met if the conservation practices are enforced or implemented. Therefore, the obligations themselves become the constraints. Ostrom recognises that the community possesses more accurate information and that livelihood and sustainability are intertwined; therefore, she imagines sustainability and sustainability practices to be endogenous to this process. The data obtained from this study does not suggest an obvious inter-linkage of cause-effect relation. Therefore, the idea is that traditional communitarian institutions could also fail, and that happens because tradition itself is a certain kind of rigidity. The traditional rigidity stems from addressing its obligations (social security, solidarity, etc). Furthermore, those obligations do not quite recognise the material constraints. It is a moral constraint that has to be addressed, and it is, therefore, that institutions cannot evolve. The rules could not be altered so that sustainable outcomes could emerge from environmental management. Therefore, the traditional communitarian institution also fails. When traditional institutions failed, modern institutions were established through the electoral process of the Chairman. It led to a paradoxical situation whereby the modern institution's protecting and sustaining the resource failed to attain its social objective of social security provision. The modern institution's engagement in conservation practices resorts to modifying the structure by commercializing land (bidding on the rice fields) and the product. This conservatism practice contradicts the initial reason (commercialization) for the village's common depletion. Commercializing (bidding) brought certain regulations that excluded (bidding out the poor) certain members of the community, especially the landless, from accessing the resources, which heightened poverty, inequality and deprivation. The outcome of this new commercialisation system (poverty, inequality) may affect the community's solidarity. The community's solidarity is based on mutual trust, reciprocity and certain obligations to protect the community's interest against social security contingency situations. These benefits that accrue from communitarian existence are likely to be threatened. The development and data from the field enunciate the need

for a deliberative mechanism. There is a need for a deliberative mechanism that can bring interaction between the modern elected representatives engaged in a rational practice and the traditional institution preserving certain fundamental values. These fundamental values are virtues that the community has also conserved to ensure that none of the members of the community is suffering, deprived, or experiencing poverty. With these virtues and rational practices, there is no institutional practice in a deliberative mode that allocates part of the resource generated from bidding to be brought into a certain mode of redistribution. Since diversification of opportunity and employment is limited, it exerts pressure on the resource. Conservation without diversification can only be achieved through the re-distribution of the generated resource through bidding. So, a third dimension with the re-distributive mechanism is essential to deliberate these two sets of institutions (traditional and modern) because it had to reconcile the idea of conservation and conservation without recognising both these social dimensions will be referred to as anthropic, which can only slip into a system that structures elitism.

6.4 Limitations of the Study

This study on the communal ownership of land under the traditional institution of the property rights system is limited to the case of the Mao, Naga tribe of Manipur. By limiting the study to Shajouba village of Mao, we could study the various aspects of the institution governing communal land ownership. The insights of this study can be of great help in the study of the common property regime that governs other tribes of North East India. The comparative study of other villages and tribes will expand our understanding and knowledge of the factors that determine the developmental trajectory of the tribal communities. Due to time constraints, the comparative cannot be taken up for the Ph.D. thesis. These studies will be carried forward in my future academic endeavours.

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Appendix – I

Questionnaire at the village level

Title of the Thesis: *‘An Analysis of the Traditional Institution of Common Property Rights in Transition: A Case Study of the Land Use amongst the Mao Naga in Manipur’*. The present research study aims to gain an understanding on the institutional change, mechanics and structures to sustain traditional system of land ownership and at the same time problems it faces currently. You are kindly requested to read each statement carefully and fill the questionnaire. It is assured that all the responses will be used for research work only and will strictly keep confidential. Your honest response for the completion of this task will be humbly solicited.

Part-1

Identification of the respondents

1	District	
2	Block/sub-division	
3	Tribe	
4	Name of the Village	
6	Name of the respondent	
7	Position of the respondent at village level	
8	Role of the respondent	

Part Two: Evolution of property rights system, entitlements and recognition of rights
 (The evolution of property rights for any group needs to be observed through the narration of the cultural experts and academicians who have vast knowledge about such a process)

- 1) Historical account of how different ownership system emerge under the traditional system.
- 2) Different type of land owned by different ownership system.
- 3) Proportion /extend of land under each type of ownership
- 4) What rights differ from communally owned resource from the private property?
- 5) The type of rights attached with each resource or extend of the user rights over the resources.
- 6) Ways in which private property was acquired?
- 7) How were rights distributed amongst members
- 8) Who controls the village owned resources.
- 9) Three important periods; Pre-British, onset of the British and merging of the small independent states with the Indian union and how did they influence on the traditional system of land tenure?
- 10) Changes in rules and laws (formal or informal) under such period
- 11) Its impact on the working and structure of the traditional institutional

Part Three: On the rationale of village owning land

- 1) How did property rights (privately owned, clan and collectively owned) as we can see today evolved?
- 2) What purpose does it serve for the community?
- 3) The objective/purpose/rationale for the existence of communally owned land?
- 4) How important are communally owned resources to livelihood and family's income?
- 5) Different ways through which members depend on the village owned resources.

Part Three: Physical Structure of the communally owned resources.
 (This part is necessary as it would determine what sort of property right system is appropriate to govern each type of resources)

- 1) Various types of communally owned resources.
- 2) Extend and boundary of each type of resource (whether such resources are well defined and demarcated).
- 3) Bundle of rights attached with the resources.

- 4) Classifying the resources into private, clubbed good, public and common pool resources by nature¹⁹⁰.
- 5) Whether such resources are static/stationary or mobile/non-stationary.
- 6) Differentiate between stock of the resource system and flow of the resource unit.
- 7) Uniformity of the resources; simple/small scale or complex/large scale.

Part Four: Structure of the resource appropriators.

- 1) Size of the group (individuals dependent on communally owned resources)
- 2) Constituents of the group or community.
- 3) Pre-requisite to attain membership.
- 4) Rights or privileges members enjoy with regard to communally owned resources.
- 5) Their position with the resources (whether they are proprietors, auth. Entrants, Users etc).
- 6) The degree of homogeneity in terms of race, class (individual assets) and caste.
 - 1) What are their common short-term and long-term goals?
 - 2) Whether members/appropriators share similar values and preferences.
 - 3) How well do members trust each other?
 - 4) Whether and to what extend members agree to shared norms and rules?
 - 5) How informed are members with regard to information on set rules and norms.

Part Five: Decision making process

- 1) Who manages/controls these resources? the village authorities in managing the resources?
- 2) Who are the makers of rules and norms?
- 3) How are collective actions agreed upon?
- 4) Autonomy of the local institution in making the various rules.
- 5) Whether there are higher authorities that affect decision making at the local level (nesting of the state and federal rules or guidance)?
- 6) Process through which rules are passed and agreed.

Part Six: Current Institutional arrangements; rules and norms

(This section will help find if the current institution is robust and flexible enough to adjust uncertainties and sustain in the long run.

- 1) Various/types of rules that exists¹⁹¹.
- 2) Why and what purpose do these rules serve?
- 3) Mechanism for exclusion of non-members.
- 4) Appropriation rules.
- 5) How are rules enforced? The mechanism through which rules are enforced.
- 6) Role of members in enforcing the rules
- 7) Frequency and cases of members breaking rules or to free ride?
- 8) Graduated sanctioning for different crimes.
- 9) Whether sanctions were monetary or non-monetary.
- 10) Rules for internal share benefits and provisions.
- 11) Rules on alienation/privatization of rights of common property
- 12) Rules for transference of rights and bequeath

Part Six: Factors that affect the institution

(Discover the inertia of institutional change within the last three decades and analyse how flexible are these institutions in adapting new rules and demands of the time.)

6:1 Assessing transition of the common property

- 1) Whether visible changes in the form of resource degradation shrinking of resources are noticed within the last three decade? Yes/No
- 2) If no, what institutional mechanisms are responsible for sustaining over a long period of time?
- 3) Strong social fabric of the group
- 4) Strong norms, rules/regulation
- 5) Constitutional safeguard
- 6) Adherence to the traditional values, believes and practices

¹⁹⁰ Private goods- excludable and rival, public goods is non-excludable and non-rival, club goods are excludable but non-rivalrous, and common pool resources are those where exclusion is difficult and is rivalrous.

¹⁹¹ Operational rules; that can include appropriation rules, management, enforcement and sanctioning.

- 7) Communitarian mode of existence
- 8) Psychological and emotional attachment to all that is old
- 9) Institutional constraints in transition to a new form
- 10) If yes, in what form has it changed (resource degradation, Privatization, heavy pressure on the communally owned resources etc.)¹⁹²?
- 11) Whether there were cases of privatization and encroachment?
- 12) Locate the period during which maximum changes in the traditional system were brought upon?

If there were noticeable changes with the physical resources, then we go about asking the probable factors/parameters that led to such transitions. What measures were in place to correct with the new requirements? The following questions will address the above problems.

6:1 Internal factors;

- 1) Attitude of the members
- 2) How have people's attitude changed towards communally owned resources over the years?¹⁹³
- 3) In what form have they changed; in favour or against?
- 4) The impact of people's attitude on the access, management and governing of the common property resources.
- 5) Change in demography
 - Percentage of change in population within the last three decades
 - The change in the ratio of land and population.
- 6) If there were signs of shift in the labour force
- 7) Whether there is increase or decrease on dependence of communally owned resources?
- 8) Proportion of people dependent on agriculture (farming on common land)
- 9) Whether access to forests have gone deeper?
- 10) Whether demand for change of institution was demanded? (in the form of privatization, distribution etc).
- 11) If above questions were found positive, what measures were made to correct.

6:2 External factors

- 1) British Rule and its impact on the age-old practices.
- 2) Economic Factors or the market,
 - commercialization of common property resources/products and its impact on quality of the resource.
 - than dependence on the common property resources
- 3) Regulation of access, withdrawal with the entrant of the market
- 4) Political factors - Type of political system established
- 5) The extend of govt. interference in the working of the local institution - Rules and regulations regarding resource utilization, management and sustenance
- 6) Technology
 - Change in the mode of cultivation and appropriation.
 - improved use of technology and its negative impact on the traditional institution or resources.
 - Use of improved technology to preserve and sustain the resources in the long run

Part Seven: Current Institutional problems

(The problems and difficulties that the institution is probably facing will be discussed here. The inability of the institution to adapt to new demands with changed in people's attitude, increased population, govt. interference, market and technology can create problem within the institution).

- 1) Whether the goals for setting communally owned resources are served?

¹⁹² Resources degradation would be discussed through deforestation, overgrazing and the over-utilization of the Jhum land for cultivation. The communally owned land can be sold to private individuals. The reasons could be due to diverting the use of the resources, individuals demand for land increased etc.

¹⁹³ The changed in attitude can mean the breakdown of the community's identity, social and cohesion, the introduction of nuclear family and demand for more individualistic reasoning. Hence it could lead to giving less importance to community-based activities and social organisation. Thereby leaving the commons unmanaged and further the process of privatization. The change in attitude can be affected by internal as well as external factors like that of the adoption of Christianity over animistic practice, modern values and practices through English education, the market and interaction with the government.

- 2) Whether members are able to initiate new effective rules and norms without much constraints.
- 3) Lack of agreement/consensus/corporation
- 4) Management problems- inability to limit and regulate resource utilization and sustain the resource stock at the same time.
- 5) Weak enforcement mechanism – rule breaking, shirking from communal engagement, free- riding.
- 6) Natural resource conflicts between villages due to ill-defined boundary lines
- 7) Constitutional constraints and legal constraints.
- 8) Threat from Market Forces/privatization
- 9) Measures adopted and initiatives taken up by the council to sustain the resources over long period of time.

Appendix 2

Questionnaire for the Household

Title of the Thesis: *'An Institutional Analysis of communal ownership system: the Mao-Nagas of Manipur'*. The present research study aims to gain an understanding of the traditional system of land ownership, institutional arrangements, factors that act as threats to the traditional institution and those that sustain the traditional system of land ownership. You are kindly requested to read each statement carefully and fill the questionnaire. It is assured that all the responses will be used for research work only and will strictly be kept confidential. Your honest response for the completion of this task will be humbly solicited.

[Part-1]

[1] Identification of the Respondents

1	District	
2	Name of the Village/town	
3	Block/Khel	
4	Name of the Respondent	
5	Sex of the Respondent	
6	Position in the family	
7	Educational level of the Head of the Family	
8	Educational level of the family members	
7	Tribe	
8	Household size	
9	Household yearly income from all sources	
10	Any household members in govt. service	
11	Social group	
12	Dwelling Unit (code)	
13	Type of structure (house) Kutcha-1, pucca-2, semi pucca-3	
14	Does the household possess ration Card-Yes-1, No-2	
15	If 1 in No. 14. Type of Ration Card (code)	

Code-7. Educational level: Primary-1, Higher Secondary-2, College and University-3

Code-11. Social group: scheduled tribe-1, scheduled caste-2, other backward class-3, others-9, Code-15. Type of ration card: Antyodaya -1, BPL – 2, others – 9

[Part two] Source of income

This section tries to diversify the respondents income from all sources. (Household Income)

Sl.No	Source of Income	Amount of Income yearly (Rs)
-------	------------------	------------------------------

1	Food grains/horticultural crops (paddy, maize, veggies)	
2	Livestock	
3	Forestry and logging	
4	Income from tenancy (share cropping, fixed rental etc) Cash/kind	
5	Salary from private jobs (school teacher, domestic driver, grocery shop helper etc)	
6	Salary from govt. job	
7	Self employed (owner of a shop, transport business, blacksmith, carpentry)	
8	Remittances	
9	Others (wage/casual labour in farm sector)	
10	Total income in Rs	

1) Whether the household own private property (land)? Yes/No

2) Whether the household have access to communally owned resources (village or clan) Yes /No

3) If yes at question No. 1 above, specify the details below

Types of land owned privately

Sl No.	Land Holding type	Total land holding in acres	If utilized by the owner (Code-1) or on lease (code-2)	Type of production (code)	Income from the resources
1	Homestead				
2	Wet-land (paddy)				
3	Forest				
6	Terrace field (horticulture)				
8	Jhum Land				
9	Grazing land				
10	Others				
11	Total Income				

Sl. No 10 includes open space for holding public meetings, picnic spots, playgrounds, sites for community or family purposes and hunting ground and even extraction of natural resources like stones etc.

For type of production use the code mentioned along with; rent- 1, paddy-2, firewood-3, forests products (raisins, wild fruits, edible vegetables, birds' animals for consumption)-4, fodder for cattles-5, horticultural crops-6

If yes to question number Two, specify the details in the table Access to communally owned land (clan or village)

1	2	3	4								5	6	7
Sl o	Type of acce ss to land	Tot al are a in acr es	Resource unit								Freque ncy of access	Se lf or so ld	Inco me
			Ho me- Stea d	Wet - paddy cult .	Terr ace filed cult.	Jhu m lan d	For est	Grazi ng or pastu re	Plantat ion	Oth ers			
1	Clan own ed land												
2	Villa ge own ed land												
3	Tota l												

*Self or sold is directed towards the respondents if they sell the products through access from communal land for market or self-consumption; self-1 and market-2

Part Three: Dependence on the Village owned resources

1) Whether they depended on the village owned resources

Yes/No

2) If No, why don't they depend on the commons?

3) The resource they depend on

a) Paddy fields, b) jhum land, c) Bamboo, d) Firewood, e) wild fruits & vegetables, f) hunting and fishing, g) reside on the village land

b) Income generation from the communally owned resources.

c) Distribution of income: self-consumption or for the market

d) The time frame of their dependence

1) Within last two years, 2) within the last five years, 3) within the last ten years and beyond

e) Whether dependence on the commons increased or decreased over time.

Part Four: On the question of fairness

1) The rationale of the village owning land

2) If the village is able to fulfil its objectives.

3) If existing practices of accessing and using the resource are fair?

4) Whether there are pro-poor measures and practices?

5) Areas where the village can make improvements to be more inclusive and pro-poor.

Part Five: Members awareness of the existing rules

- 1) Are you aware of the rules to access and use the resource?
- 2) How do you come to know of it?
- 3) Are there fines and sanctioning for defection?
- 4) How often do you defect?
- 5) Whether you were caught defecting?
- 6) The punishment you received for defecting?
- 7) Do you observe other members defecting?
- 8) Are the punishments justified?
- 9) Have you reported anyone that had defected

Part Six: Current Institutional arrangements; rules and norms

(This section will help find if the current institution is robust and flexible enough to adjust uncertainties and sustain in the long run. (the internal working of the institution (the village or clan as an organisation) in framing rules, norms and structures of enforcement will be captured in this part).

- 1) What are the different institutional arrangements are in place as it moves from subsistence to exchange system?
 - Various/types of rules that exists .
 - Why are they made and what purpose do these rules serve?
- 2) Mechanism for exclusion of non-members.
 - If there are any external rules in place to exclude potential users?
 - How effective are these external rules?
 - Internal mechanisms to exclusion (gaining membership, who gets to use the resources, for what amount of time)
- 3) Appropriation rules
 - What institutional arrangements are in place to limit the withdrawal of resources and avoid resource degradation?
 - Mechanisms in allotment of members to access the resource; whether distributed individually/family/clan/group wise?
 - Rules defining of access on the number of days, months and quantity to withdraw depending on the resource.
 - Rules limiting the quantity of resources to be withdrawn.
 - The type of technology to be used.
- 4) Management rules
 - Who manages/authorities that manages these resources?
 - To what extend the resource users have in managing the resources?
 - Whether the resource users were given the right to monitor other users?
 - At the same time if resource users have the right to give punishment in matters of rule defection?
 - What incentives are in place so as the resource users can monitor each other's action?
 - Are there any provisions to make long term investment?
 - Do resource users make long term investments?
 - The type of investment taken up?
- 5) Mechanisms to comply the rules

- Cases of rule breaking.
 - Frequency of members breaking rules or to free ride?
 - To what extent were these breaking of rules harmful.
 - Whether there are credible threats on rule breaking?
 - What are the credible threats and their degree of seriousness for individuals to comply (graduated sanctioning)?
 - Whether monetary or non-monetary (ostracizing, boycotting etc).
 - Which type of threat are more effective?
- 6) Rules for internal share benefits.
- institutional rules that are pro-poor
 - how are benefits of the community shared between different classes (based on their social and economic status)
 - first comes first serve basis or graduated rules to share of benefits
- 7) Rules on alienation/privatization of rights of common property
- who has the right to alienate the communally resources.
 - what rights and rules are in place for transference of rights and bequeath
 - with increase in population and the market in place are there rules on limiting privatization and monopoly of common resources
- 8) Norms and rule making
- Who are the makers of rules and norms?
- How are collective actions agreed upon?
- Autonomy of the local institution in making the various rules.
 - What affects the decision making at the local level (nesting of the state and federal rules or guidance)?

Part Seven: Signs of resource degradation

(This section aims to address and find out if resources are degraded, over-exploited and unsustainable in the long run. Forest and other Government employees, household, local youth bodies or environmental conservationist and even the village elders can answer the following questions).

- 1) Have the resources improved or degraded over the years?
- 2) If degraded, what resources have degraded and are the contributing factors.
- 3) If they have improved, how has it changed and its contributing factors?
- 4) In case of noticeable degradation, what changes are noticed over the years?
 - a) Reduced in the quantity of birds (migratory birds)/extinction of certain bird/ animal.
 - b) Deforestation and reduction in forest coverage.
 - c) Non-existence of certain forest products which were found abundant before.
- 5) Whether there are concerns from Govt. and other bodies to sustain and improve the condition of the resources? Yes/No
- 6) If yes, which type of organisation?
- 7) What was their purpose for such initiation? Afforestation/commercial/beautification.
- 8) Whether the locals were involved in such programs.
- 9) How well do the locals co-operate on such programs.
- 10) How satisfied are you with such initiatives? Yes/No
- 11) If no, what are the possible means in which the resource can be improved upon?

Part Eight: Factors that affect the institution and those that sustain the traditional institution.

If there were noticeable changes with the physical resources, then we go about asking the probable factors/parameters that led to such transitions. What measures were in place to correct with the new requirements? The following questions will address the above problems.

6:1 Internal factors;

1) Attitude of the members

- How have people's attitude changed towards communally owned resources over the years?
- In what form have they changed; in favour or against?
- The impact of people's attitude on the access, management and governing of the common property resources.

2) Change in demography

- Percentage of change in population within the last three decades
- The change in the ratio of land and population.
- If there were signs of shift in the labour force
- Whether there is increase or decrease on dependence of communally owned resources?
-
- Proportion of people dependent on agriculture (farming on common land)
- Whether access to forests have gone deeper?
- Whether demand for change of institution was demanded? (in the form of privatization, distribution etc).
- If above questions were found positive, what measures were made to correct.

6:2 External factors

1) Economic Factors or the market

- role of the market,
- Distance to the market
- Type of market
- commercialization of common property resources/products,
- the value of land whether seen as commodity good/interaction with the outside world,
- alternative sources of income other than dependence on the common property resources
- Nearest market from the common property resources especially land/forest
- Regulation of access, withdrawal with the entrant of the market

2) Political factors

- Type of political system established
- The extend of govt. interference in the working of the local institution
- Rules and regulations such government (local/state/government) enforces regarding resource utilization, management and sustenance
- The British rule and how it altered the age old practices

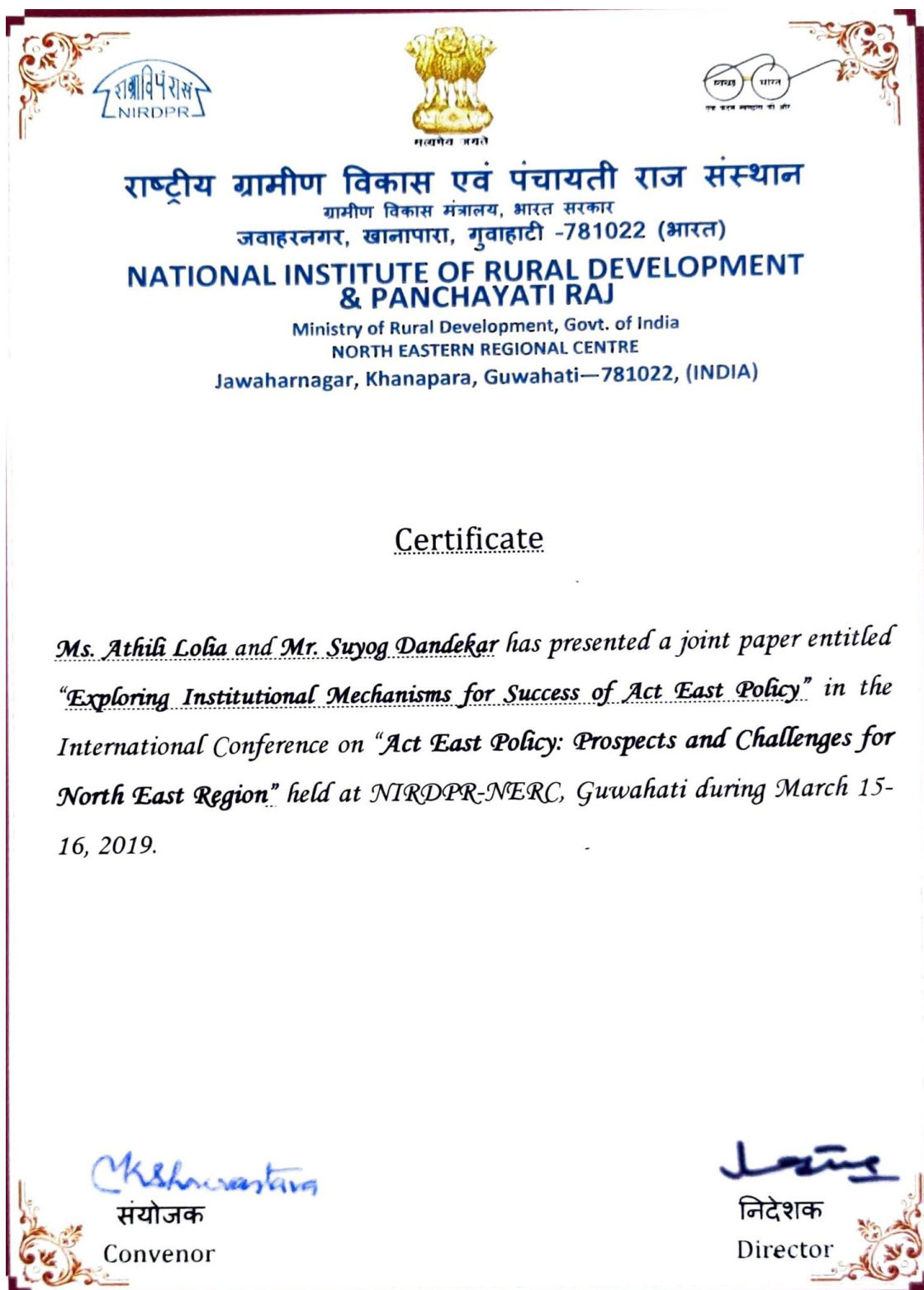
3) Technology

- Change in the mode of cultivation and appropriation.
- What form has change in the mode of cultivation changed the way common property institutions function?
- Improved use of technology and its negative impact on the traditional institution or resources.

- Use of improved technology to preserve and sustain the resources in the long run.
The following questions will try to answer on how communities are able to and the efforts or measures undertaken to keep the traditional institution in place.

- 1) Whether the community had made initiatives to sustain the traditional land holding system? Yes/No.
- 2) What sort of initiatives and measures were taken up?
 - a) Change in norms and rules of appropriating the resource.
 - b) Change in the management system (introducing more sustainable means)
 - c) Introduction of stricter measures on curbing selling of land to non-tribals and other tribal groups.
- 3) Explain in detail the above measures taken up by the community?
- 4) Whether the social fabric changed over the year? Yes/No
- 5) Signs to show that the social fabric had weakened?
- 6) Did the community try to strengthen it? And in which form?
- 7) How important is social fabric in sustaining the traditional institution?
 - Insignificant (code-1), slightly significant (code-2), significant (code-3) and very significant (code-4).
- 8) How often do people observe the customary rules, norms and regulations?
 - Impossible event (code-1), sometimes (code-2), often (code-3), Mostly (code-4), sure outcome (code-5)
- 9) How strong are you attached to their old ways, values and practices?
Absent (code-1), Weak (code-2), Strong (code-3), very strong (code-4).
- 10) Whether individuals are satisfied/happy to be in the group? Yes/No
- 11) Whether individuals have received help/social good from the community? Yes/No
- 12) What benefits have you received for being part of the group?
- 13) Will you still continue to be part of the community and the reason why? Yes/No
- 14) In your opinion, do the traditional institution needs changes and amendments? Yes/No
- 15) What changes are necessary?

Annexure A – Paper Presented in Conferences



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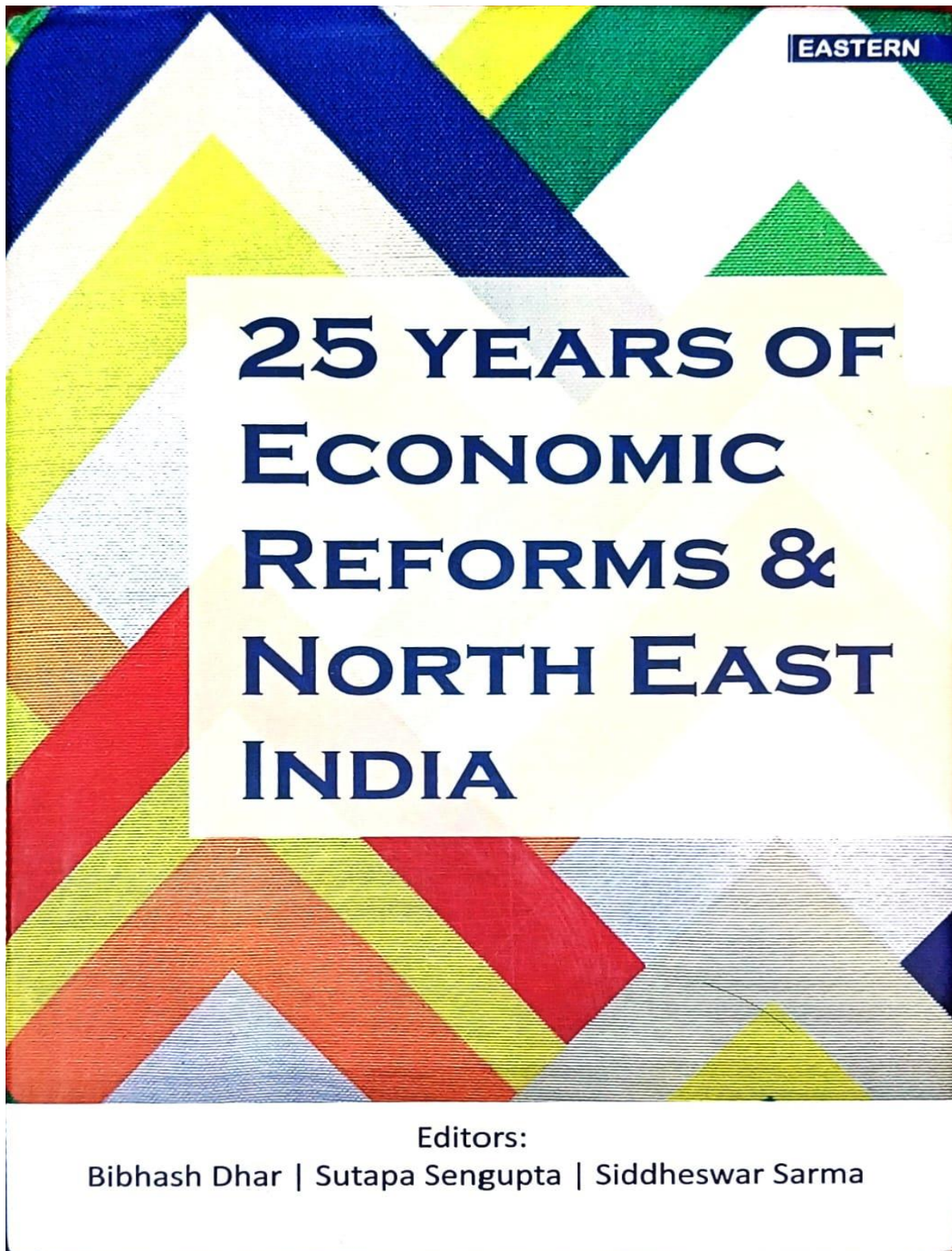
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Annexure B:

Chapter in a Book. ISBN: 978-93-88881-1-28



Bibhash Dhar, Sutapa Sengupta, Siddheswar Sarma

25 Years of Economic Reforms and North East India

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The Interplay between Ethnic Conflict, Development, and Policy Making: A Case Study of the Jiri-bam-Tupil-Imphal Railway project Manipur

Athili Lolita

Introduction

India's North East² had received special attention from policy makers, scholars and government agencies owing to its strategic location. It demands different treatment in policy making, development and political structure given the fact that the region is vastly undeveloped, sporadic occurrence of ethnic conflict and continuous struggle against insurgency. Owing to the slow pace of development, the Government had involved in the inclusive growth strategies and grass root participation. The government's plan for inclusive growth in attaining sustainable development includes introduction of the North-East Council (NEC) and Ministry for Development of North East Region (MDONER) exclusively for North East. Keeping this in mind the NEC in 2008 prepared its Vision 2020 for prosperity, peace and progress for North Eastern Region. The region gained attention as a gateway to India's Look East Policy by acting as the economic corridor with Myanmar and greater India.

North East becomes a border security threat from neighboring countries (98% of India's international border). It needs well-structured infrastructure to provide the huge concentration of securities in North East³. One of its policies to ease the threat to national security by insurgency outfits, is the need for massive development assistance from the centre, which in due course would end discontentment, insurgency and terrorism in the region⁴. Development projects



Addressing Agrarian Challenges inherent to the Hills of Manipur.

Athili Lolia

Assistant Professor,
Department of Economics,
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Abstract

Discussion on the agrarian economy of Manipur revolves around diagnosing its problems and arriving at the communal land ownership system as the one major factor for low land productivity, which then serves as a proxy in making the hill districts of Manipur poorer than the valley districts. Also, absence of technological penetration, lack of irrigation and market system, poor infrastructure and less use of high yielding variety seeds are diagnosed. Land reforms coupled with introducing high-yielding varieties, better irrigation and market systems are recommended. Moving beyond the diagnosed problem, the paper supplements the existing recommendations, considering that the shortage of arable land with a good water source becomes a fundamental topographical problem for the small farming communities in the hills of Manipur. Addressing the twin problems and exploring alternatives to mitigating them becomes the focus of this paper. It examines possible interventions for resolving the agrarian crisis. Three alternatives are identified: a) approach roads, b) farmer producers' companies, and c) farm ponds at individual farm levels. Establishing farm ponds at individual farm levels plays a dual role: 1) mitigates water crisis and 2) intensifies the use of the scarce resource that is land. Intensifying the use of the resource requires approaching roads where machines and technology replace manual labour. Intensifying the use of resources exerts a positive externality on the environment. FPOs can decrease farm input through collective purchase, access institutional credit, and hone their skills through training and agricultural extensions. Farmer Producer Organizations have also served as successful entrepreneurs. This paper is based on field interviews conducted at Senapati, Kangpokpi, Churachandpur and Tamenglong districts in 2019 and revisiting certain villages in 2023.

Keywords: agrarian crisis in the hills of Manipur, low productivity, poverty, water scarcity, shortage of arable land, farm ponds, approach roads, Farmer Producer Organisations

An Analysis of the Traditional Institution of Common Property Rights in Transition: A Case Study of the Land Use amongst Mao Naga in Manipur

by Athili Lolita

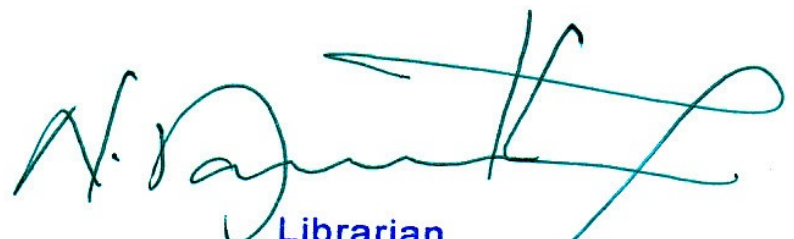
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