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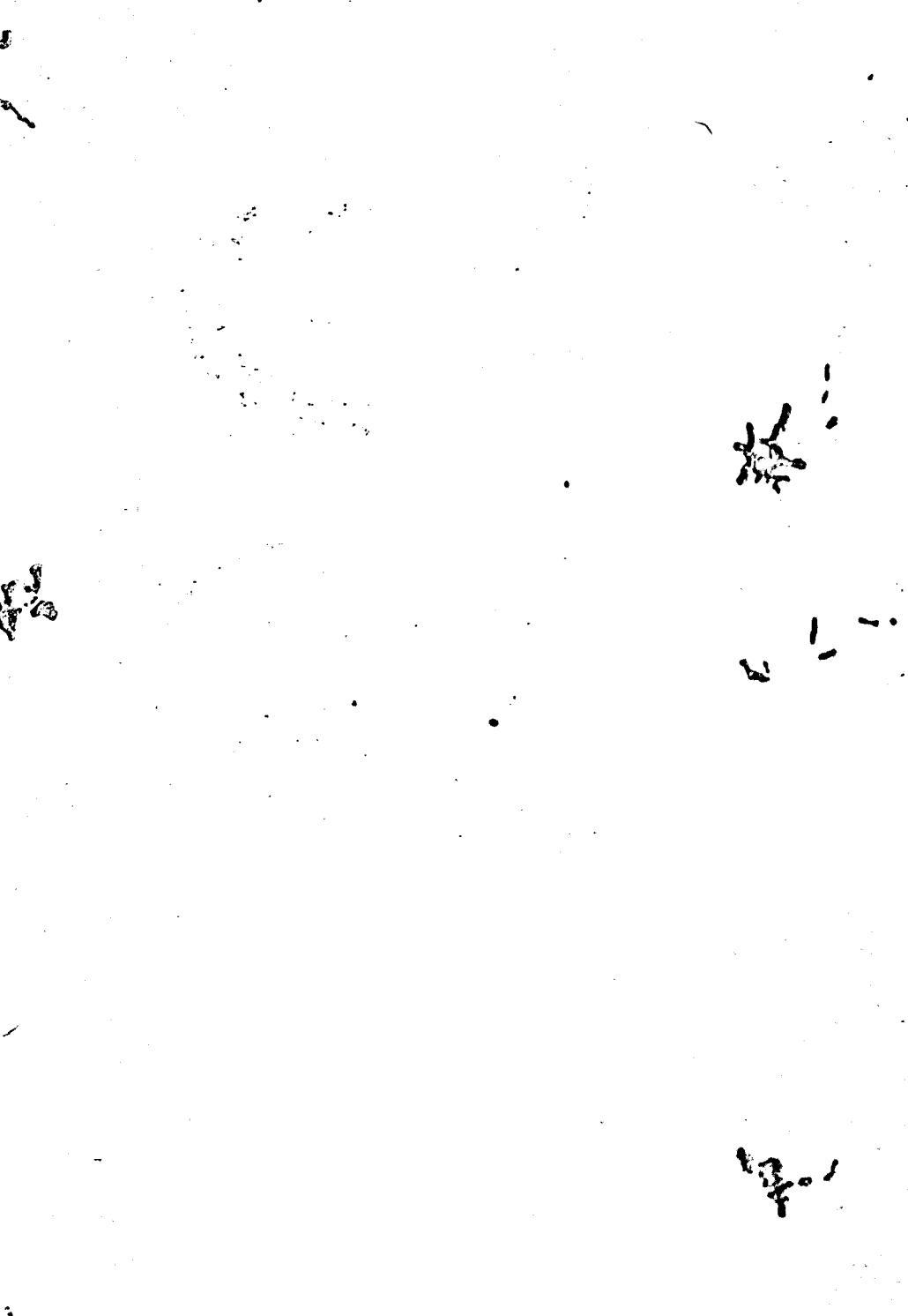
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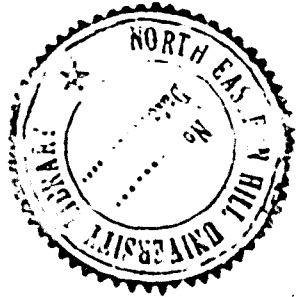
SERIES 24 ARUNACHAL PRADESH
PART MISC (a) (i)

LAND AND LANDLOCK

J. K. BARTHAKUR
of the Indian Frontier Administrative Service
Director of Census Operations
ARUNACHAL PRADESH

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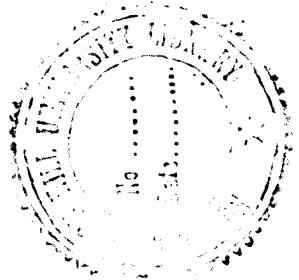


CENSUS OF INDIA 1971

Series 24

ARUNACHAL PRADESH

Part Misc. (a) (f)
LAND AND LANDLOCK



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FOREWORD

The Census Organisation now generates wide ranging data of interest to the academicians, planners and administrators. But it operates within rather well-defined areas and publishes reports under specific series. This perhaps offers somewhat limited scope for the Directors of Census Operations to show their mettle in the area of their interest and the field of their specialisation. But it has become almost customary for the Registrar General, India, to provide the Directors of Census Operations an opportunity to undertake studies in the area of their personal interest. As adjunct to 1971 Census, therefore, the Directors of Census Operations in the states were encouraged to take up studies in areas in which they were interested. The present study entitled, "Land and Landlock" relating to Arunachal Pradesh is a product of such an endeavour by Shri Barthakur, who has a long experience of working in Arunachal Pradesh and is familiar with the problems of the Union Territory. Unlike the common concept of 'Landlock' which implies an area which has no outlet in terms of sea ports, Shri Barthakur has used the term 'land and landlock' in a different connotation and focused on emotional bonds between the people and their land in the Union Territory as manifested in the land tenure system. Shri Barthakur has discussed the traditional community oriented land tenure system, although, under the impact of 'modernization forces' the other trends are also setting in. This study is a good documentation of land tenure system in the Union Territory and can also eventually help in codification of the customary laws of the local scheduled tribes in the matter of land tenure system.

Shri Barthakur has adopted a rather unconventional approach in methodology in so far as collection of the requisite data for the study is concerned which may not always find favour with the social scientists being somewhat different from the conventional norms and methods of data collection. However, I believe that he has succeeded in documenting the land tenure system of the scheduled tribes of the Union Territory and the impact thereon in the light of 'modern influence'. The study was sponsored by the Census Organisation. But the author is, of course, responsible for the statements made in the report, the views expressed and the conclusions drawn and these do not necessarily represent that of the

Census Organisation. Though the study was taken up as adjunct to 1971 Census it is being published rather late. This is so as the Directors of Census Operations had to first complete their usual commitments relating to various series of census publications. Besides, this is not the only special study undertaken by Shri Barthakur. He had taken up more such studies. Among these mention may be made of the study on 'Swidden to Sedentary Cultivation' which has already been brought out as a census monograph by the Directorate of Census Operations, Arunachal Pradesh.

I am grateful to Shri Barthakur for the trouble he has taken in bringing out the present monograph more as a love of labour. I must also acknowledge the role of my colleagues in the Social Studies Division who offered invaluable suggestions after scrutinising the draft monograph.

NEW DELHI
DECEMBER, 1981.

P. PADMANABHA
Registrar General, India

PREFACE

The author acknowledges with profound gratitude the efforts made and the painstaking attention paid by the Circle Officers and the Extra Assistant Commissioners put in charge of the administrative circles of Arunachal Pradesh, in collecting the basic data for this volume under very difficult conditions. But for their devoted attention, this publication could not have seen the light of the day.

The author also acknowledges the efforts made by his three Assistant Directors of Census Operations, Arunachal Pradesh, S/Shri N.B. Rai, A.M. Chanda and K.C. Kar for collection of the field data and sifting of the data in the headquarters. Sincere thanks are due to Shri B.K. Goswami, Economic Investigator who took great pains to compile the draft tables and preparation of a draft note, the edited version of which is partly reproduced in this paper.

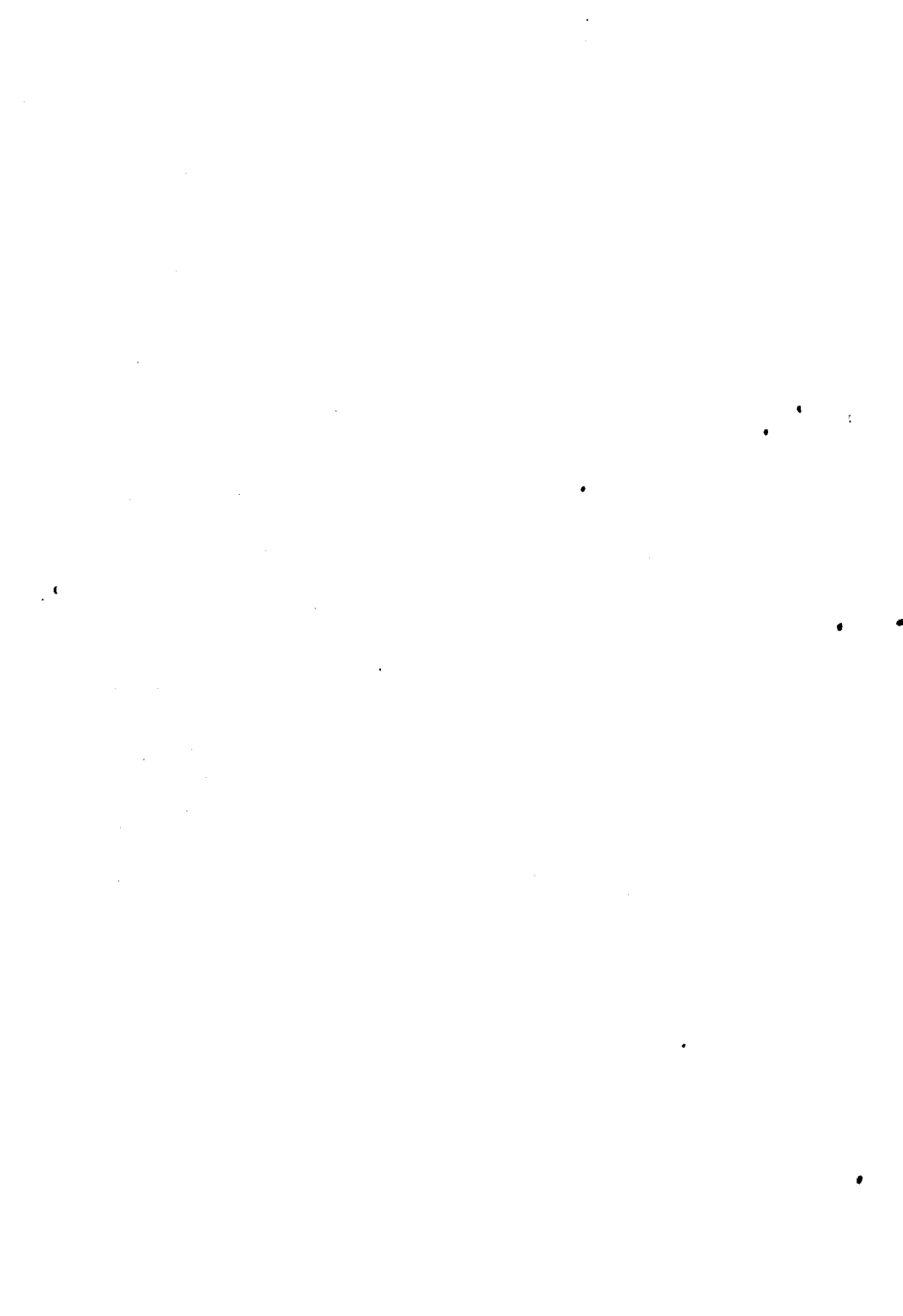
Thanks are due to Shri A. C. Paul, Stenographer and Shri D.B. Rai, Computer, without whose assistance this publication could not have been finalised.

The Social Studies Division of the Registrar General Office scrutinised the draft and offered some useful suggestions. I am grateful to Shri A. Chandrasekhar, Registrar General, India, for offering me the opportunity to take up a special project on a subject of my choice. I am also grateful to the present Census Commissioner, Shri P. Padmanabha, for his invaluable help and support in getting this volume published.

ITANAGAR

DECEMBER, 1980

J.K. BARTHAKUR



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SECTION I

INTRODUCTION

Arunachal Pradesh is a thinly populated hilly tract lying roughly between the latitudes 26° 28' N and the longitudes 91° 30' E and 94° 30' E on the north-east extremity of India, comprising roughly of 83,578 square kilometres near the international border of Bhutan, Tibet, China and Burma. Arunachal Pradesh is known to be rich in flora, fauna, power and mineral potential. When the 1971 Census was taken in Arunachal Pradesh, the area was known as the North East Frontier Agency (NEFA in short) which was constitutionally a part of the State of Assam. At that time, NEFA was directly administered by the President of India through the Governor of Assam as his agent, who was assisted by an Adviser. The office of the Adviser, to the Governor of Assam was situated at Shillong, the capital of Assam. On the 21st day of January, 1972, NEFA has been constituted into a Union Territory under the provision of the North Eastern Areas (Re-organisation) Act, 1971 (81 of 1971) and is placed under the charge of a Chief Commissioner with his headquarters at Shillong, now the capital of the State of Meghalaya. The capital of the Territory was shifted to Itanagar on the 1st June, 1974. On the 15th day of August, 1975, Arunachal Pradesh was actually conferred the status of a Union Territory with Legislative Assembly and Council of Ministers under a Lieutenant Governor acting as the Administrator under the provision of the Union Territory Act, 1975 (29 of 1975).

The primary objective of the study on Land and Landlock was to provide basic information relating to the customs and the forces that bind man and land together. The attachment of the people of Arunachal Pradesh to land is essentially sentimental as is the case with the people of other areas. The land for an inhabitant of Arunachal Pradesh is more than an economic commodity for eking out a livelihood. Land is his very existence, the mantle of his soul without which he stands naked, powerless, without a meaning to continue his existence or uphold all that he considers good. Like many other communities, the land over lords the cultural traits; that is, the technological level at which man has established an equation with the land pervades his thinking. When this level

changes, the cultural traits, materials values and everything else alters. Naturally, the laws that uphold the cultural traits and the material values, have to change simultaneously. Such a change introduced from inside, and given sufficient time for adaptation, may even pass on unnoticed excepting perhaps for a handful of die-hard old custodians of customs who keep on harping on the 'good-old-days' and are tolerated as 'carriers of oral tradition' or 'history books'. A generation gap may easily absorb minor changes in customs and tolerate even more radical ones. There is no reason to believe that this had not happened. But as more rapid environmental changes come about and the technological relationship between man and land alters more radically, it becomes necessary to meet the situation with measures like statutory land-reforms. At this stage, everything may go wrong with man and land unless one assesses what locked them together so long and what minimal elements needed to be altered in this relationship in the wake of changes, so that the least hardship was caused to all concerned.

The Census Organisation of Arunachal Pradesh was aware of this eventuality and made two studies to provide material for the intelligentsia. Firstly, it has provided a study measuring shift from swidden cultivation of Arunachal Pradesh to the sedentary cultivation¹. The objective of the study was to present the readings taken then on how soon and with what magnitude and direction the major technological change in the important agricultural sector was taking place. The measurement, a bench-mark, which is provided in this volume relates to the readings as to under what conditions the present operative clauses of land-customs had been derived from and what were the visible cracks in these customs. Our first measurement is expected to gear up straight-backs; the second helps going to right places and new things.

The data presented regarding the customs that regulate management of land has been collected from various districts of Arunachal Pradesh as well as from different published sources. The main agency for collection of data were the Circle Officers of Arunachal Pradesh who gathered the relevant information from knowledgeable local inhabitants. The settlement pattern of tribal societies of Arunachal Pradesh often cuts across the boundaries of Circles. As a result of this, the information regarding the same community was sometimes furnished by more than one Circle Officers. This actually helped in cross-verification of information collected.

1. Barthakur, J. K., Census of India 1971, Series 24, Arunachal Pradesh Part-Misc. (a), Swidden to Sedentary Cultivation.

In a few cases this procedure led to the discovery of genuine differences in the customs followed by the local tribal societies residing in different regions of the Union Territory.

The information provided in this publication, and in fact as collected likewise from the field, are of three distinct dimensions. The first dimension views the customs by examining the very premises they derive sanctity from i.e. from history. This dimension is dubbed as the 'Basic concept of ownership of land'. The second and the third dimensions are provided by the dichotomy of the existing customs into two classes based on ownership and holdings by transfer, inheritance or otherwise. For the second dimension the nomenclature 'operative concept of ownership of land' appeared appropriate and was, therefore, adopted. The third dimension merely related to the 'concept of holding and transfer of land'. These are presented in tabular form in sections 4, 5 and 6. Some full-fledged statistical tables are also given that may give the background material to a reader to understand what Arunachal Pradesh has, although we should really have no fear on this account, because the readers who had read this far, a feat, we presume, unlikely to be common without the reader already having some background of the Union Territory.

The population, area, and density of the districts of Arunachal Pradesh as per the 1971 Census are given below :

Arunachal Pradesh/ District	Area in Km ²	Population		
		Persons	Males	Females
1	2	3	4	5
Arunachal Pradesh . . .	83,578	467,511	251,231	216,280
Kameng	13,724	86,001	47,657	38,344
Subansiri	14,797	99,239	51,397	47,842
Siang	23,723	121,936	64,942	56,994
Lohit	24,427	62,865	35,461	27,404
Tirap	6,907	97,470	51,774	45,696

According to 1971 Census, 110 Scheduled Tribes lived in Arunachal Pradesh. The district-wise population of Scheduled Tribes is given in the following table :

Arunachal Pradesh/ District	Population of Scheduled Tribes		
	Persons	Males	Females
1	2	3	4
Arunachal Pradesh	369,408	184,076	185,332
Kameng	67,877	34,217	33,660
Subansiri	90,242	44,785	45,457
Siang	105,833	52,441	53,392
Lohit	36,611	18,140	18,472
Tirap	68,845	34,493	34,352

The following table gives the sex ratio of total and Scheduled Tribes population (females per 1,000 males) :

Arunachal Pradesh/ District	Population			Scheduled Tribes Population		
	Males	Females	Fe- males per 1000 males	Males	Females	Fe- males per 1000 males
1	2	3	4	5	6	7
Arunachal Pradesh	251,231	216,280	861	184,076	185,332	1007
Kameng	47,657	38,344	805	34,217	33,660	984
Subansiri	51,397	47,842	931	44,785	45,457	1015
Siang	64,942	56,994	871	52,441	53,392	1018
Lohit	35,461	27,404	773	18,140	18,471	1018
Tirap	51,774	45,696	883	34,493	31,352	996

The sex ratio for the Arunachal Pradesh comes to 861 as per 1971 Census. The highest ratio is found in Subansiri District where there were 931 females per 1,000 males. The lowest sex ratio of 773 females per 1,000 males is found in Lohit District. The sex ratio of Kameng, Siang and Tirap districts ranks 805, 871 and 883 respectively. The sex ratio of the Scheduled Tribes of Arunachal Pradesh is quite different, being the fairly balanced 1,007 on the whole.

The 1971 Census shows sex ratio of 930 females per 1,000 males for the whole country. The position of Arunachal Pradesh in the overall sex ratio is fairly low amongst the States and Union Territories of the country. The following table furnishes the age groupwise total and Scheduled Tribes population of Arunachal Pradesh with the corresponding sex ratio for the age groups.

Age-group	Population			Scheduled Tribes Population		
	Males	Fe- males	Fe- males per 1000 males	Males	Fe- males	Fe- males per 1000 males
1	2	3	4	5	6	7
All age-groups	251,231	216,280	861	184,076	185,332	1007
0—4	34,165	35,261	1032	27,585	28,705	1041
5—9	33,171	31,131	939	28,336	26,863	948
10—14	23,543	21,684	921	20,076	18,545	924
15—19	15,933	16,735	1050	12,142	13,666	1126
20—24	23,173	17,233	744	11,186	13,547	1211
25—29	27,292	19,816	726	14,779	16,588	1122
30—39	39,794	31,538	793	25,222	27,883	1106
40—49	28,097	20,590	733	21,822	18,941	868
50—59	15,018	11,612	773	12,917	10,740	831
60+	11,046	10,680	967	10,011	9,854	984
Age not stated	..	..	..	..	..	..

The following table gives the percentage distribution of population of Arunachal Pradesh by educational levels.

Educational level	Total		
	Persons	Males	Females
1	2	3	4
Total	100.00	100.00	100.00
Illiterate	88.71	82.18	96.29
Literate without educational level	0.74	1.19	0.21
Primary	6.90	10.61	2.59
Middle	2.02	3.27	0.57
Matriculation or Higher Secondary	1.26	2.13	0.26
Non-technical diploma or certificate not equal to degree	0.02	0.03	0.01
Technical diploma or certificate not equal to degree	0.04	0.08	Negligible
Graduate degree and above	0.31	0.51	0.07

In Arunachal Pradesh, about 11.29% of the population are literates. Among the males, the literacy is about 17.82% and amongst the females the literates are about 3.71% only. For 1971 Census, a person who knew both reading and writing with understanding in any language, was treated as literate.

The following table gives the percentage distribution of literate workers by category and educational levels.

Category of workers	Total	Educational Level								
		Literate without educational level	Primary	Middle	Matriculation or Hr. Sec.	Non-technical diploma or certificate not equal to degree	Technical diploma or certificate not equal to degree	Graduate and above		
		3	4	5	6	7	8	9		
I—Total	100.00	7.59	51.90	20.63	15.24	0.22	0.61	3.81		
II—Cultivator	100.00	13.59	77.38	8.29	0.65	0.01	—	0.08		
III—Agricultural labourers	100.00	8.24	79.79	11.17	0.80	—	—	—		
III—Livestock, Forestry, Fishing, Hunting, Plantations, Orchard and Allied Activities	100.00	48.48	51.52	—	—	—	—	—		
IV—Mining and Quarrying	—	—	—	—	—	—	—	—		
V—Manufacturing, Processing, Servicing & Repairs.	100.00	6.94	55.52	22.76	8.52	—	—	1.26		
V(a) Household Industry	100.00	3.85	69.23	19.23	7.69	—	—	—		
V(b) Other than Household Industry	100.00	16.67	43.33	32.50	5.83	—	—	1.67		
VII—Construction	100.00	13.20	51.10	28.07	6.73	—	—	0.90		
VIII—Trade and Commerce	100.00	—	—	33.33	33.33	—	—	33.34		
VIII—Transport, Storage & Communications	100.00	5.58	44.07	24.03	20.11	0.29	0.83	5.09		
IX—Other Services	—	—	—	—	—	—	—	—		

The above table shows that the literate cultivators and the agricultural labourers are mostly found to have 'Primary' as the educational level. The literate workers engaged in livestock, forestry, fishing, hunting etc., are represented almost equally in the educational levels of 'primary' and 'literate' without 'educational level'. The literate workers engaged in household industries and in industries other than household industries are mostly represented by those having 'primary' and 'middle' as educational levels. The representation of the literate workers in trade and commerce by educational levels are more or less similar to those engaged in industries. Same can be said also about the literate workers engaged in construction with the difference that for this type of workers the graduate degree holders are slightly in excess. The literate workers engaged in transportation and storage have the lowest educational level as 'middle'. This group of workers have the distinction of having the maximum proportion of 'graduate and above' and the high proportion of 'matriculates etc.' Those who are engaged in 'other services' mostly have primary as their educational qualifications followed by the 'middle' and then by 'matriculation or higher secondary'. Excepting the category of transportation and storage, the 'other services' have the maximum proportion of graduates; and practically this is the only group that includes 'non-technical and technical diploma or certificate holders' in their fold.

Summary analysis of returns

Thirty three tribes and tribe-groups, we shall call them simply as 'tribe' henceforth, were covered in the enquiry that culminated in this publication. The schedule of inquiry is appended. The main findings are that out of 33 tribes, 22 tribes have reported ownership status of cultivable land as 'individual' or as private properties of individuals and families. Regarding homestead land, 13 tribes reported 'common' ownership and 14 tribes reported 'individual' ownership. The ownership of forest area used for extraction of forest produce was reported as 'common' by 10 tribes, as both 'common and individual' by 7 tribes, as 'clan' by 4 tribes and 9 tribes did not particularly specify what the right was like. Hunting grounds were shown to have the ownership right as 'common' by 11 tribes, as 'clan' by 6 tribes, 'common and individual' by 5 tribes and 'unspecified' by 6 tribes. Right over the fishing area is reported to be 'common' by 10 tribes, 'common and individual' by 8 tribes, 'clan' by 7 tribes and 'unspecified' by 4 tribes. The details may be seen in table 8.1.

SECTION 2

LAND

According to 1971 census¹ the density of population of Arunachal Pradesh per square kilometre works out to 6 persons. In an area of 83,578 square kilometres, 467,511 persons live in 4 small towns and 2,973 villages. The average size of population of a town is 4,322 persons.

The Scheduled Tribes of Arunachal Pradesh can be said to be more or less the indigenous people of the area. They are 369,406 in number and constitute about 79% of the total population. The work participation rate amongst the Scheduled Tribes is about 57%. The agricultural sector accounts for about 96% of the workers of Arunachal Pradesh.

The preponderance of agriculture as main activity of the people has resulted from the type of agricultural practice that prevails and creates the low density of population. The traditional practice of asking the hills to yield a crop is swidden and shifting type of cultivation which is locally called *jhum*. "*jhuming*"² consists of clearing of a patch of jungle by cutting and burning and dribbling seeds into the clearing with the help of a poker. Usually mixed crop is grown in the *jhum* fields which requires weeding at least four times, and watching out of wild animals and birds all the time. After a year or two of cultivation, the *jhum* fields are abandoned and new clearings are opened elsewhere. The practice of *jhuming* requires an extensive area for sustaining a small population. The yield rates and the area under *jhum* fields are not available, but it is believed that the yield rates are poor. The *jhuming* creates soil erosion, poverty, destroys valuable forest wealth, and locks the children of school going age to land because the practice is highly labour intensive and the roles of even the very young and the very old persons of the family are specified in this type of cultivation to be able to harvest such meagre crop as *jhuming* is capable of yielding. As *jhuming* requires a large tract of land, parts of which are required to be cleared once after a *jhum* cycle, the villages sustaining on this type of cultivation are, of necessity, small, few and far between."

¹ & ² Barthakur, J.K., Census of India 1971, Series 24, Arunachal Pradesh, Part, I A-General Report.

SECTION 3

SOME EARLIER OBSERVATIONS

In this section the extracts from the writings of two eminent writers are reproduced.

Extracts from Elwin, Dr. Verrier : A Philosophy for NEFA Shillong, 1964, pp. 63-64.

“Ownership of land in NEFA varies from tribe to tribe though, generally speaking, it can be considered under the three categories of land owned by individuals, land owned by the clan and common village-land. Tribes which practise *jhuming* and those which have taken to regular cultivation will naturally have rather different systems of ownership. Of the latter almost our only example is the Apatani community which, confined in a comparatively small area, has evolved a very strong sense of private possession. Dr. C. Von Furer-Haimendorf, writing in 1944, has pointed out that an Apatani's influence and social status depends largely on his property in land. ‘Land is the source of wealth and all other and less permanent possessions are mainly valued as a mean of acquiring more land’. He has described the three types of ownership as follows:—

‘The first category comprises practically all cultivated land, irrigated rice-fields, fields for dry crops, garden plots for maize, millet, vegetables and fruit trees, groves of bamboos, pines, and other useful trees, as well as sites for houses and granaries’.

‘Clan-land consists of meadow land near the village used as pasture and burial-grounds and tracts of forest, sometimes at a very great distance from the village, where only the members of the owner-clan have the right to hunt and trap’.

‘Common village-land is confined to one or two usually not extensive stretches of pasture, and to forest tracts on the periphery of the Apatani country’.

SECTION 4

THE BASIC CONCEPT OF OWNERSHIP OF LAND

In Table I of this section, the information reported by the Circle Officers on the basic concept of ownership of land of the tribes of Arunachal Pradesh are presented more or less in their original form. The compilation is mostly self-explanatory and at times presents a variance with what had been recorded by some earlier observers.

The compilation partly gives the folk-lore that relate to the migration of the tribes. These information can very well be used to supplement the data on traditional migration of the tribes of Arunachal Pradesh, even if they may prove to be insufficient to give a story of migration of the tribes by themselves.

The basic concept of ownership of land may have a deep meaning to make an attempt towards land reformation which will have to come sooner or later on the wake of various economic and social factors in creation, mainly on account of changing over from the swidden cultivation to the sedentary cultivation¹. In addition to the observed significant shift in the cultivation practice, emergence of educated elite, increased fertility, decreased mortality and consequent increase in population, accumulation of non-traditional wealth in the hands of a few, competition for acquiring non-traditional wealth and income, and the like, would certainly raise the question of reformation of the traditional land tenure system and of the documentation of the land-holding. In that context, the compilation may aid the administrators to have a better understanding regarding fundamental problems of ownership of land that may get somewhat blurred by the situation presented to them by the current politics.

Apart from serving the aforesaid purpose, the compilation throws light on a few interesting points. As for example, it appears as if the mode of migration has some effect on the basic concept of ownership of land. Before elaborating this aspect, it is necessary to realise why the people of Arunachal Pradesh invariably present a story of migration. All tribes state that they had originally come from one place or another before settling down in their

¹Barthakur, J.K., Census of India 1971, Series 24, Arunachal Pradesh, Part Misc. (a)—Swidden to Sedentary Cultivation.

SECTION 5

THE OPERATIVE CONCEPT OF OWNERSHIP OF LAND

The basic concept of ownership of land is more or less collective. An entire tribe or a clan moved around in search of land. When they acquired land, the right of the tribe or the clan was established over a particular area. As this ownership crystallised and established on a somewhat permanent footing, the right of the individual households emanated within the tribe or clan area.

Prior to establishment of right of households on land, apparently, the clans enjoyed a demarcated part within the land occupied by the tribe and the initial settlements appeared to have been established on the basis of the clans. Within the clan area, the people established villages which were homogeneous by the population content. To begin with, the people of a village perhaps belonged to the same clan. As the time went by, such villages established clear village boundaries within the clan land. The rights of hunting over the natural features and of fishing in the water areas falling strictly within the village area became the prerogatives of the people who inhabited the village. However, such parts of clan area which fell outside the limits of any established village, continued to be the property of the clan as a whole and in such areas the right of all members of the clan, irrespective of the village to which they belonged, prevailed for such purposes as hunting, fishing and extraction of forest produce.

However, this practice was to get compromised at a later stage when the villages changed from being the homes of the people belonging to one clan alone and the households belonging to different clans started migrating into the village with the consent of the original settlers. Once the villages started acquiring the status of multi-clan habitations, the ownership of land by the village community crystallised further, and the same got demarcated with natural or artificial objects for the purpose of maintenance of the integrity of the village community. Within such village area, the households inhabiting the village acquired the right of cultivation which gradually became absolute household rights against all comers. On principle, the households had only the right of cultivation, dwelling, hunting, fishing, extraction of forest produce and

SECTION 6

THE CONCEPT OF HOLDING AND TRANSFER OF LAND

The general concept of holding of land is that once an operative ownership of land is established in favour of a person, whether he has acquired the same through the permanent and heritable right or through arrangement made with a particular village, he and his family continue to have the right him to hold the land upon which the operative ownership is established, excepting for such customary disturbance to that right like grazing right of the others over the land during the fallow season, which again can be compromised by the exercise of, say, the customary right of fencing out of the grazing cattle by the owner.

This inherent right of possession of land cannot ordinarily be disturbed. Some tribes like Zakhing of Lohit District can oust a man from the possession of his property on account of continued misbehaviour of the person against the social code. Amongst the Miju Mishmi tribe of Wakro Circle of Lohit District, a new settler enjoys all the rights granted to the villagers at large with respect to land excepting that the fishing rights on the common water areas cannot be enjoyed by such a settler. The Nishang tribe of Tali area of Subansiri District can oust a person from his possession of land if he continues to be a social nuisance. Amongst the Nocte of Namsang Circle of Tirap District a person newly settled in a village possesses the land under the over all ownership of the family that had introduced him to the village.

The Singpho of Bordumsa Circle of Tirap District can oust a man from the village and from the possession of his land if he violates some of the basic customary laws, especially the ones regulating the institution of marriage. Usually, when a person is ousted from the village, the land under his possession passes on to another member of his clan or tribe, but sometimes the land reverts back to the village as a whole as the common property.

The usual custom is that the land possessed by an individual cannot be rented out to any person excepting for a very temporary period when it can be rented out to a close relative or to an intimate

SECTION 7

LAND CEREMONIES

The land is all the world for most of the tribal communities and others who subsist on cultivation. The technology used for cultivation or exploitation of natural resources by other means often disturbs the delicate ecological balance. Care is, therefore, required to be taken to disturb it the least. It is no wonder if all the socio-economic and religious activities of communities depending on agriculture remain intricately interrelated with the land. If the crops fail their entire economy crumbles down leading the people to live in tenuous condition. A rich harvest, on the other hand, brings prosperity to the community. But they find the supernatural powers behind the occurrence of both phenomenon of prosperity and adversity as it is perhaps beyond their comprehension to understand the reasons for such happenings. It is, therefore, but natural that the propitiation of supernatural powers in the forms which have caught their imagination or fancy both to find solace whenever any calamity visits them and to ensure a steady supply of food stuffs inevitable for the survival, has become the hard core of their religion. Since the field crops occupy a pivotal position in their economic life the ceremonies directed to have good harvest occupy an important position in their religious life. Though performed in a variety of manners, accompanied by a number of rituals they all revolve around the land.

For cultivation, suitable land is to be selected first. If it is shifting cultivation then trees are felled first, underbush cut and all are allowed to dry during the winter and pre-monsoon season. The choice of land for raising a successful crop requires plenty of experience and lot of luck and good will of supernatural powers. It is a gamble and in this gamble the Shaman plays the leading role. The signs on an egg's yolk or on a freshly killed bird's or animal's liver, etc. are the ways on the basis of which the Shaman carries on divination and makes predictions. The people participate in the ceremony in a prescribed manner and satisfy themselves that reasonable precautions have been taken in the selection of land for cultivation.

SECTION 8

CONCLUSION

The preceding account in this monograph provides a historical perspective of the origin of ownership and other land customs prevalent in Arunachal Pradesh. In the collection of data for this study a somewhat unconventional approach has been adopted in as much as that the data have been collected through experienced Circle Officers who have knowledge of the area in the Union Territory. No other attempt has been made to authenticate or supplement the data through some other agents. This information may be of interest to researchers, administrators and scholars who are desirous of learning the operation of customs relating to land. These could also be helpful in codification of hitherto uncoded customary laws of the local tribes.

The Tribes of Arunachal Pradesh are many and are the descendants of indigenous population who are getting acculturated due to their contact with the migrants who came to Arunachal Pradesh mostly from the north but sometimes also from the other directions. The immigrants were apparently on a higher technological level in the matter of use of weapons, tools, implements, apparels and so on, and also possibly possessed a keener mind as a result of their wider exposure. Some of the domineering tribes expanded their culture and domination to distant lands and carried their cultural traits wherever they went but they underwent changes in course of time. Some maintained their traditional norms and culture in the areas which remained as islands that withstood the wider process of acculturation. Some of the stories of migration, as stated by non-professional but knowledgeable village leaders to the administrative officers, are related to the land customs and when they are pieced together, a pattern emerges. This is described in this compilation as the basic concept of ownership of land. According to this concept the land essentially belonged to a tribe or a clan. Within this basic frame work, the villages have been established and the entity of village land has come into being.

APPENDIX I

NOTE BY SHRI B. K. GOSWAMI, ECONOMIC INVESTIGATOR

Land Ownership—The different groups of tribesmen inhabiting Arunachal Pradesh had migrated in different times by different routes and occupied land which they at present claim to be their own. The authentic evidence about the history and background of migration of the people are not available. The information available are unwritten legends supporting their origin and migration. The local myths or legends prevailing from generation to generation by words of mouth, suggest that most of the tribesmen had migrated from Tibet and Burma. Due to population pressure and scarcity of cultivation land, they moved from place to place and ultimately settled in Arunachal Pradesh where they found better cultivable land and other amenities. Some groups of tribesmen, however, migrated from places other than Tibet and Burma. The Aka people claim that they had migrated from Sri Lanka and eventually occupied land in Arunachal Pradesh crossing thousands of miles through the plains and the hills. However, this information cannot be treated as reliable due to lack of authentic evidence.

The local myths, however, suggest that both external and internal migration took place in Arunachal Pradesh. A few examples of external and internal migrations affecting ownership of land are cited below.

A Sulung myth says that they migrated from place called 'Polo Jaria', a remote corner now under Sarli Circle of Subansiri District. The Apatani Tribe claims to have originated at 'Seya Taya' (Boa Haplia) in Limeking area of Subansiri District and migrated to their present place of settlement by a longdrawn historical process. The Khowa people say that they came from a place of eastern Kameng under Seppa Sub-division known as 'Pavathom' and settled in Thrizino area after the Aka people had come. The Gallong of Liromoba area believe that their three great ancestors came to settle from 'Mayi-Sima' near Tuting.

During the time of first settlement most of the people found plenty of barren land and accordingly acquired and settled there by clearing jungles as per their requirement. The land belonged to no one at the first stage of occupation were occupied by the people according to their requirement. The requirement of land depended upon the strength of the group that first settled in a particular area.

The first settlers had to face many problems. Some groups had to involve in battle with other alike groups of new settlers or the original inhabitants of an area for land and power. Conflicts were not uncommon though vast stretches of unoccupied land were available. Most of the tribes, however, did not have to get involved in any clash. Initially the people lived together. As a result of population increase, separate villages were established.

The different status of ownership of land prevailing among different groups of tribesmen may be viewed from the angle of the economic and social setting. Three main status (1) the land owned by community i.e. common land to the village as a whole, (2) Land owned by clan and (3) land owned by individual i.e. by a household or a family. The land owned by the people may be classified by the nature of utilization. These are (1) Cultivable land i.e. Wet Rice Cultivation area, Terrace Rice Cultivation area and *jhum* land area (2) homestead area i.e. the house-sites and the kitchen garden area and (3) forest land i.e. hunting area, land for collecting firewood and forest products and grazing land, (4) water area.

The status of ownership of land vary from tribe to tribe depending upon the social norms prevailing among the tribes. The common ownership comprise possession of land and other property by a group of people having equal right over the same. Such a common ownership may relate to the members of a village, a clan, a lineage group and so on.

Common ownership system was the original form of occupying land by the first settlers and the same is still prevalent amongst most of the tribes. Among the Akas and Khowas of Kameng District all categories of land, such as land for *jhum* of permanent cultivation, homestead areas, hunting ground, forest land used for collection of firewood and building materials and water areas are possessed by the village as a whole. Inhabitants belonging to another village cannot utilise such land of a village.

In case of *jhum* land of these two tribes, whoever cuts the trees and clears land for *jhum* for the year, has right to cultivate the area till the same is finally abandoned and a new plot is cleared for cultivation. As soon as a plot is left fallow in search of another plot, its ownership reverts back to the village. Thereafter, anybody, after a fair growth of jungles on the plot for a number of years, can cultivate the same on the 'first come first right' basis. Normally an individual holds the land for a period of one year but in some plots cultivation may continue successively for two years.

Besides individual cultivation, joint cultivation is also operative. In this case, two or more families may start cultivation with their combined effort in a particular area by mutual agreement. As soon as they leave the cultivated field, the right over the plot comes to an end.

In case of building of a house, the selection of the site is finalised by the priest by divination and if selected, the right of the individual or his sons have overall right to build his house on that site. When the family dismantles the house and shifts to a new site to construct a new house, the right over the abandoned site reverts back to the village community or clan.

For hunting and fishing, every village usually own common hunting and fishing areas. Persons belonging to another village cannot hunt and fish in the areas belonging to a village as a matter of right. For some big games, however, three or four villages may agree to carry out combined hunting expedition. In the fishing areas where a number of villages have the common right to fish may also fish collectively. As for example, the eight villages of Aka tribe on both the banks of the Bichom river adjoining with the Tenga river has right of fishing in the water areas falling within the boundaries of each village. Among the villages of Khowa tribe namely the Suchida, Lichini and Chetoo enjoy fishing right on the right bank of upper Bichom river. The people inhabiting in Wancho village has got right over the water area of Digge river. The Khaspi and Sinchong village enjoy fishing right on the upper part of the Tenga river.

For the purpose of collecting firewood and forest products each village has common forest land wherefrom the villagers can extract forest products to meet their day to day requirement. For

grazing, each village is having its own grazing land for common utilization. Individual right over grazing land does not usually exist.

The data were collected for 33 tribes of Arunachal Pradesh. These indicate that the common ownership system i.e. the land owned by the village itself is more prevalent than the other types like common ownership by the clan and ownership by individual. Except, the cultivated land for *jhum*, wet rice and terrace rice cultivation, other categories of lands like forest land, water areas mostly belong to the village common land. The land covering the homestead area occupies an intermediary position. The following table illustrates this.

Distribution of tribes according to ownership status classified by categories of land

Sl. No.	Ownership Status	Cultivable land area 1	Home stead area 2	For-est area 3	Hun-ting ground 4	Fish-ing area 5	Gra-zing land 6
1	2	3	4	5	6	7	8
1	Common .	3	13	10	11	10	15
2	Clan . .	2	3	4	6	7	2
3	Individual .	22	14	1	2	1	2
4	Common and Individual .	4	2	7	5	8	1
5	Common and Clan . .	..	..	..	1	1	..
6	Common, Clan & Individual . .	1	..	1	..	1	..
7	Clan and Individual .	..	..	..	1	..	..

1	2	3	4	5	6	7	8
8	Land allotted to the Govt. .	1	1	1	1	1	1
9	Unspecified .	..	..	9	6	4	12.
10	Total number of Tribes	33	33	33	33	33	33

NOTE :—1. Area under *jhum*, WRC, TRC or horticulture.

2. House-sites for construction of houses.

3. Area used for collection of forest produce.

4. Area used for hunting above : excludes cultivable area.

5. Water area used for fishing.

6. Includes area utilised for hunting, fishing, grazing and collection of firewood and forest materials which cannot be categorised under any of the status.

Ownership status of different categories of land vary. The variation of ownership status from one tribe to another is a common phenomenon. It varies even within the same tribe. The influence of different historical process and different geographical and climatic conditions are the important factors responsible for this variation. A typical example is given by the Nishi people who occupy the eastern part of Kameng and the major part of Subansiri District. This vast area presents varied geographical and climatic conditions that partly regulate the social and cultural situations. The Nishi villages are usually defined by natural objects like the streams, rivers, hills etc. The homestead areas normally come under the individual possession in almost all the Nishi villages except in Damini Circle where the homestead areas belong to the village common land. In Damini Circle, when a man occupies a house-site area he can claim to be the owner of that plot; but if he shifts to another site, the right of ownership of that plot is immediately lost. The abandoned house-site reverts back to the village and can be utilised by anybody for building his house. But in other circles of Nishi people the house-sites belong to an individual and after his shifting to another site also, the right of ownership of the abandoned site is not ceased.

In Koloriang area, a Nishi village may shift to the village common land of an another village if a negotiated settlement is arrived at with the other village. In case of shifting a village to an individual's land similar negotiation has to be reached with the individual. As for example, the Nigza village near Koloriang Headquarters had shifted to the present site only about 13 years back to the area belonging to an individual who is now living at Sarli.

The hunting ground in Koloriang areas belong to individuals. Others have to obtain permission from the owner for hunting. In Damin area, the commonly owned hunting ground adjacent to or inside the village cannot be used by other. Some hunting grounds belong to the individuals. In other areas, such as in Doimukh and Tali, common hunting ground belongs to the village as a whole¹.

¹. Shri B. K. Goswami summarised hereafter the contents of the tables already presented and describes the agricultural practice of Arunachal Pradesh.

APPENDIX II

SUMMARY INFORMATION COLLECTED UPON OWNERSHIP, HOLDING AND TRANSFER OF LAND

The enclosed compilation gives the summary information collected on ownership, holding and transfer of land. The main interpretative aspects of these information have already been discussed in Section 4, 5 & 6. The compilation gives in summary the same information arranged in a convenient manner so as to make a quick reference possible.

The names of tribe may be repeated under more than one sub-clan under a particular head. This is because the rights of a village, of a clan and of an individual family may exist side by side with respect to certain aspects of ownership and holding of land as a result of the process of the evolution. The water areas as for example, can be a free fishing ground with respect to the big rivers that do not form a part of a particular village, whereas the smaller stream may fall within the traditional jurisdiction of individual families having exclusive rights of fishing. The hunting ground may be a village common ground and whereas the rights of hunting is prescribed for the villagers, whereas the ancient clan areas which are not covered now by the jurisdiction of any particular village continues to remain as the hunting ground for a particular clan.

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh

Sl. No.	Conventions, traditions and customary practices	Name of tribe	District		Locality		Circle
			3	4	5	6	
1							

Ownership

(a) *Demarcation of village boundary :—*

(i) Done with natural objects	Adi Hirusso (Aka)	Siang	Pasighat	Mariyang Thrizino (Buragoan)
	Apatani	Kameng	Bomdila	Ziro
	Taraon (Digaru Mishmi)	Subansiri Lohit	Ziro Hayuliang	Chaglongam
	Idu Mishmi	Lohit	Dibang Valley	All circles of Dibang Valley
	Zakhring & Meyor	Lohit	Mayuliang	Walong
	Khowa	Kameng	Bomdila	Thrizino (Buragoan)
	Miji	Kameng	Bomdila	Nafra
	Miju Mishmi	Lohit	Tezu	Tezu
	Miju Mishmi	Lohit	Tezu	Wakro
	Miju Mishmi	Lohit	Hayuliang	Hawai
	Mullang	Siang	Pasighat	Mariyang
	Mishmi	Siang	Pasighat	Mori

Momba Monpa & Panchen Monpa	Siang Kameng	Mechuka Tawang	Mechuka Zemithang
Monpa Monpa Monpa (Kong-Nangpa)	Kameng Kameng Kameng	Tawang Tawang Bomdila	Thingbu Lumla Kalaktang
Nishang Nishang (Tagin)	Subansiri Kameng	Ziro Seppa	Tali Pakke-Kessang
Nocte Nocte Pailibo Ramo Singpho Tagin Tangsa Wancho	Tirap Tirap Siang Siang Tirap Subansiri Tirap Tirap	Khonsa Khonsa Mechuka Mechuka Khonsa Daporijo Khonsa Niausa (Longding)	Lazu Namsang Tato Mechuka Bordumsa Limeking Changlang Kanubari
Idu Mishmi	Lohit	Dibang Valley	All circles of Dibang Valley
Miji Miju Mishmi Miju Mishmi Miju Mishmi Millang Mishmi Monpa & Panchen Monpa	Kameng Lohit Lohit Lohit Siang Siang Kameng	Bomdila Tezu Tezu Hayuliang Pasighat Pasighat Tawang	Nafra Tezu Wakro Hawai Mariyang Mori Zemithang
(ii) Done with artificial objects			

**Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land
among the Different Tribes of Arunachal Pradesh—*contd.***

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
		Monpa Monpa (Rongnangpa) Nocte Pailibo Tagin	Kameng Kameng Tirap Siang Subansiri	Tawang Bomdila Khonsa Meechuka Daporijo	Lumla Kalaktang Namsang Tato Limeking
	(iii) Done with both natural and artificial objects.	Idu Mishmi Miju Mishmi Miju Mishmi Miju Mishmi Millang Mishmi Monpa & Panchen Monpa Monpa Monpa (Rangnangpa)	Lohit Lohit Lohit Lohit Siang Siang Kameng Kameng Kameng	Dibang Valley Tezu Tezu Hayuliang Pasignat Pasighat Tawang Tawang Bomdila	All circles of Dibang Valley Tezu Wakro Hawai Mariyang Mori Zemithang Lumla Kalaktang

	Nocte Pailibo Tagin	Tirap Siang Subansiri	Khonsa Mechuka Daporijo	Namsang Tato Limeking
(b) Different tribes live in harmony in a village.	Idu Mishmi	Lohit	Dibang Valley	All circles of Dibang Valley
	Zakhring and Meyor	Lohit	Hayuliang	Walong
	Miju Mishmi Momba Nocte Pailibo Singpho Tagin	Lohit Siang Tirap Siang Tirap Subansiri	Tezu Mechuka Khonsa Mechuka Khonsa Daporijo	Tezu Mechuka Namsang Tato Bordumsa Taliha
(c) Cultivation can not be done in an another village as a matter of right.	All the tribes			
(d) <i>Ownership of land within the village :—</i>				
(i) Jhum land belongs to the village as a whole	Aka (Hrusso)	Kemeng	Bomdila	Thrizino (Buragaon)
	Khowa	Kemeng	Bomdila	Thrizino (Buragaon)
	Miji Miju Mishmi	Kameng	Bomdila	Nafra
	Miju Mishmi	Lohit Lohit	Tezu Hayuliang	Wakro Hawai
	Monpa Monpa	Kameng Kameng	Tawang Tawang	Thingbu Lumla

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
		Monpa (Rangnang Pa)	Kameng	Bomdila	Kalaktang
		Nocte	Tirap	Khonsa	Namsang
		Singpho	Tirap	Khonsa	Bordumsa
	(ii) Jhum land belongs to the clans.	Miji	Kameng	Bomdila	Nafra
	(iii) Jhum land belongs to individual or individual family.	Adi	Siang	Pasighat	Mariyang
		Aka (Hrusso)	Kameng	Bomdila	Thrizino
		Bokar	Siang	Mechuka	(Buraogon)
		Digaru Mishmi	Lohit	Itayuliang	Monigong
		(Taraon)	Lohit	Itayuliang	Chaglongam
		Idu Mishmi	Lohit	Dibang Valley	For all circles of
		Miji	Kameng	Dibang Valley	Dibang Valley
		Miju	Lohit	Bomdila	Nafra
		Mishmi	Lohit	Tezu	Tezu
		Miju	Lohit	Tezu	Wakro
		Mishmi	Lohit	Tezu	Wakro
		Millang	Siang	Pasighat	Mariyang
		Mishmi	Siang	Pasighat	Mori
		Monpa & Panchen	Kameng	Tawang	Zemithang
		Monpa	Kameng	Bomdila	Kalaktang
		(Rangnang Pa)	Kameng	Bomdila	Kalaktang

	Nishang Nishi Nishang (Tagin) Pailibo Ramo Tagin (Na) Tagin Tangsa Wancho Monpa	Subansiri Subansiri Kameng Siang Subansiri Subansiri Subansiri Tirap Tirap Kameng	Zi-ro Zi-ro Seppa Mechuka Daporijo Daporijo Khonsa Niausa (longding) Tawang	Tali Sagalce Pakke-Kessang Tato Mechuka Taksing Taliha Limeking Changlang Kanubari Thingbu
(iv) Allotment of common Jhum land to the families by lottery system to be utilised for two years only.	Adi Aka (Hrusso) Bokar Idu Mishmi Zakhring & Meyor Khowa Miju Mishmi Millang Mishmi Monpa Nishang (Tagin) Nocte Pailibo	Siang Kameng Siang Lohit Lohit Kameng Lohit Siang Siang Kameng Kameng Tirap Tirap Siang	Pasighat Bomdila Mechuka Dibang Valley Hayuliang Bomdila Hayuliang Pasighat Pasighat Tawang Seppa Khonsa Khonsa Mechuka	Mariyang Thrizino (Buragaon) Monigong All circles Dibang Valley Walong Thrizino (Buragaon) Hawai Mariyang Mori Lumla Pakke Kessang Lazu Namsang Tato
(v) Homestead area belongs to the village as a whole.				

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land
among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
	(vi) Homestead areas belong to the clan.	Singpho Tangsa	Tirap Tirap	Khonsa Khonsa	Bordumsa Changlang
		Miji	Kameng	Bomdila	Nafra
		Ramo	Siang	Mechuka	Mechuka
	(vii) Homestead areas belong to individual or individual family.	Apatani Dijaru Mishmi (Taraon)	Subansiri Lohit	Ziro Hayuliang	Ziro Chaglongam
		Miju Mishmi	Lohit	Tezu	Wakro
		Monpa	Siang	Mechuka	Mechuka
		Monpa & Panchen	Kameng	Tawang	Zemithang
		Monpa			
		Monpa (Kangnang Pa)	Kameng	Bomdila	Kalaktang
		Nishang	Subansiri	Ziro	Tali
		Tagin (Na)	Subansiri	Daporijo	Taksing
		Tagin	Subansiri	Daporijo	Telaha
		Tagin	Subansiri	Daporijo	Limeking
		Wancho	Tirap	Niausa (Longding)	Kanubari

(viii) Common right of ownership of forest areas* for collecting firewood and forest product.	Aka (Hrusso)	Kameng	Bomdila	Thrizino (Buraon)
	Apatani Bokar Idu Mishmi	Subansiri Siang Lohit	Ziro Mechuka Dibang Valley	Ziro Monigong All circles of Dibang Valley
(ix) Clan ownership of forest land for collecting firewood and forest products.	Zakhring and Meyor Khowa	Lohit Kemeng	Hayuliang Bomdila	Walong Thrizino (Buraon)
	Miju Mishmi (Kaman Mishmi)	Lohit Siang Kameng Kameng	Hayuliang Mechuka Tawang Bomdila	Hawai Mechuka Lumla Kalaktang
	Momba Monpa Monpa (Rangnang Pa)	Tirap Tirap Siang Tirap	Khonsa Khonsa Mechuka Khonsa	Lazu Namsang Tato
	Nocte Pailibo Singpho Tagin Tagin Tangsa Wancho	Tirap Tirap Subansiri Subansiri Tirap Tirap	Daporijo Daporijo Khonsa Niausa (Longding)	Bordumsa Taliha Limeking Changlang Kanubari
	Adi Miji Milliang Mishmi Tagin	Siang Kameng Siang Siang Subansiri Lohit	Pasighat Bomdila Pasighat Pasighat Daporijo Hayuliang	Mariyang Nafra Mariyang Mori Limeking Chaglongam
	Digaru Mishmi (Taron)	Lohit	Tezu	Wakro
	Miju Mishmi	Lohit		

(x) Ownership of forest land for collecting firewood and forest products.

Conventions, Traditions and Customary Practises Relating to Ownership, Holding and Transfer of Land
among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
		Monpa & Panchen Monpa	Kameng	Tawang	Zemithang
		Nishang	Subansiri	Ziro	Tali
		Pailibo	Siang	Mechuka	Tato
		Tagin	Subansiri	Daporijo	Limeking
		Wancho	Tirap	Niausa (Longding)	Kanubari
	(4f) Hunting ground belongs to the village as a whole.	Aka (Hrusso)	Kameng	Bomdila	Thrizino (Buragaon)
		Apatani	Subansiri	Ziro	Ziro
		Bokar	Siang	Mechuka	Monigong
		Idu Mishmi	Lohit	Dibang Valley	for all circles of Dibang Valley
		Zakhring & Meyor	Lohit	Hayuliang	Walong
		Khowa	Kameng	Bomdila	Thrizino (Buragaon)
		Miju Mishmi	Lohit	Tezu	Tezu
		Miju Mishmi	Lohit	Hayuliang	Hawai
		Monpa & Panchen Monpa	Kameng	Tawang	Zemithang

Monpa	Kameng	Tawang	Thingbu
Mionpa	Kameng	Bomdila	Kalaktang
(Rangnang Pa)			
Nishi	Subansiri	Ziro	Sagalec
Nishang	Subansiri	Seppa	Pakke-Kessang
(Tagin)			
Nocte	Tirap	Khonsa	Namsang
Pailibo	Siang	Mechuka	Tato
Singpho	Tirap	Khonsa	Bordumsa
Tagin	Subansiri	Daporijo	Taliha
Tagin	Subansiri	Daporijo	Limeking
Tangsa	Tirap	Khonsa	Changiang
Wancho	Tirap	Niausa	Kanubari
		(Longding)	
(xii) Hunting ground belongs to the clan.	Siang	Pasighat	Mariyang
	Lohit	Tezu	Chaglongam
	Kameng	Bomdila	Nafra
	Lohit	Tezu	Tezu
	Siang	Pasighat	Mariyang
	Siang	Pasighat	Mori
	Siang	Mechuka	Mechuka
	Siang	Mechuka	Mechuka
	Subansiri	Daporijo	Limeking
(xiii) Hunting ground belongs to individual.	Lohit	Hayuliang	Chaglongam
	Lohit	Dibang Valley	For all circles of Dibang Valley
	Lohit	Tezu	Tezu

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
		Miju Mishmi Miju Mishmi Nishang Pailibo Tagin (Na) Tagin	Lohit Lohit Subansiri Siang Subansiri Subansiri	Tezu Hayuliang Ziro Mechuka Daporijo Daporijo	Wakro Hawai Tali Tato Taksing Limeking
	(xiv) Individual ownership over a part of the common hunting ground.	Pailibo Tagin	Siang Subansiri	Mechuka Daporijo	Mechuka Limeking
	(xv) Common right of ownership of fishing areas.	Aka (Hruaso) Bokar Digaru Mishmi (Taraon) Idu Mishmi Zakhring & Meyor	Kameng Siang Lohit Lohit Lohit	Bomdila Mechuka Hayuliang	Thrizino (Buraogon) Moujgong Chaglongam All circles of Dibang Valley Walong

Khowa	Kameng	Bomdila	Thrizino (Buragaon)
Miju Mishmi	Lohit	Tezu	Tezu
Miju Mishmi	Lohit	Tezu	Wakro
Miju Mishmi	Lohit	Hayuliang	Hawai
Monpa & Panchen Monpa	Kameng	Tawang	Zemithang
Monpa	Kameng	Tawang	Lumla
Monpa	Kameng	Bomdila	Kalaktang
(Rangnang Pa)	Kameng	Seppa	Pakke-Kessang
Nishang	Kameng	Khonsa	Lazu
(Tagin)	Tirap	Khonsa	Namsang
Nocte	Tirap	Mechuka	Tato
Nocte	Siang	Khonsa	Bordumsa
Pailibo	Tirap	Daporijo	Talifa
Singpho	Subansiri	Daporijo	Limeking
Tagin	Subansiri	Khonsa	Changlang
Tagin	Tirap	Niausa	Kanubari
Tangsa	Tirap	(Longding)	
Wancho		Hayuliang	Walong
Zakhring & Meyor	Lohit	Pasighat	Mariyang
Adi	Siang	Bomdila	Nafra
Miji	Kameng	Pasighat	Mariyang
Milliang	Siang	Pasighat	Mori
Mishmi	Siang	Mechuka	Mechuka
Momba	Siang	Ziro	Tali
Nishang	Subansiri	Hayuliang	Chaglongam
Digaru	Lohit		
Mishmi			
(Taraon)			
Idu	Lohit	Dibang	All circles of Dibang Valley
Mishmi			

(xvi) Clan right of ownership of fishing areas.

(xvii) Individual right of ownership of fishing areas.

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, tradition and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
		Miju Miju Mishmi	Kameng Lohit	Bomdila Tezu	Nafra Tezu
		Miju Mishmi	Lohit	Tezu	Wakro
		Nocte Pailibo Ramo Tagin Wancho	Tirap Siang Siang Subansiri Tirap	Khonsa Mechuka Mechuka Daporijo Niausa (Longuing)	Lazu Tato Mechuka Limeking Kanubari
	(viii) Common right of ownership of grazing land.	Apatani Bokar Idu Mishmi Zakhring & Meyor Khowa	Subansiri Siang Lohit	Ziro Mechuka Dibang Valley	Ziro Monigong All circles of Dibang Valley
		Miju Mishmi	Lohit Kameng	Hayuliang Bomdila	Walong Thrizino (Buragaon) Tezu
		Miju Miju Mishmi	Lohit Lohit	Tezu Hayuliang	Wakro Hawai

	Monpa & Panchen	Kameng	Tayang	Zemithang
	Monpa			
	Monpa	Kameng	Tawang	Lumla
	Monpa (Rangnang Pa)	Kameng	Bomdila	Kalakatang
	Nishang (Tagin)	Kameng	Seppa	Pakke-Kessang
	Nocte	Tirap	Khonsa	Namsang
	Pailibo	Siang	Machuka	Tato
	Singpho	Tirap	Khonsa	Bordumsa
	Tagin	Subansiri	Daporijo	Taksing
	Tagin	Subansiri	Daporijo	Limeking
	Tagin	Tirap	Khonsa	Changlang
	Wancho	Tirap	Niausa (Longding)	Kanubari
(xi) Clan right of ownership of grazing land.	Miji	Kameng	Bomdila	Nafra
	Momba	Siang	Mechuka	Mechuka
	Tagin	Subansiri	Daporijo	Limeking
(xx) Individual right of ownership of grazing land.	Digaru	Lohit	Hayuliang	Chaglongam
	Mishmi			
	(Taraon)			
	Monpa	Kameng	Tawang	Thingbu
	Nishang	Subansiri	Ziro	Tali
	Tagin	Subansiri	Daporijo	Limeking
(xxi) Common right of ownership of permanent cultivation fields like WRC & TRC.	Miji	Kameng	Bomdila	Nafra
	Monpa & Panchen	Kameng	Tawang	Zemithang
	Monpa	Kameng	Bomdila	Kalakatang
	Pa			
	Singpho	Tirap	Khonsa	Bordumsa
	Wancho	Tirap	Niausa (Longding)	Kanubari

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-division	Circle
1	2	3	4	5	6
(xxi)	Clan right of ownership of permanent cultivation fields like WRC & TRC.	Momba Ramo	Siang Siang	Mechuka Mechuka	Mechuka Mechuka
(xxii)	Individual right of ownership of permanent cultivation fields like WRC & TRC.	Aka (Hrusso) Apatani Bokar Digaru Mishmi (Taraon)	Kameng Subansiri Siang Lohit	Bomdila Ziro Mechuka Tezu	Thrizino (Burangaon) Ziro Monigong Chaglongam
		Idu Mishmi	Lohit	Anini	All circles of Dibang Valley
		Zakhring & Meyor	Lohit	Hayuliang	Walong
		Khowa	Kameng	Bomdila	Thrizino (Burangaon)
		Miju Miju Mishmi	Kameng Lohit	Bomdila Tezu	Nafra Wakro
		Miju Mishmi	Lohit	Tezu	Hawai

Monpa & Pan- chen Monpa	Kameng	Bomdila	Zemithang
Monpa	Kameng	Tawang	Lumla
Monpa (Rangrang Pa)	Kameng	Bomdila	Kalaktang
Nishang	Subansiri	Ziro	Tali
Nishi	Subansiri	Ziro	Sagalee
Nishang (Tagin)	Kameng	Seppa	Pakke-
Nocte	Tirap	Khonsa	Kessang
Pailibo	Siang	Mechuka	Namsang
Tagin	Subansiri	Daporijo	Tato
Tagin	Subansiri	Daporijo	Taliha
Tangsa	Tirap	Khonsa	Limeking
			Changlang
Adi	Siang	Pasighat	Mariyang
Aka	Kameng	Bomdila	Thrizino
(Hrusso)			(Buragaon)
Apatani	Subansiri	Ziro	Ziro
Bokar	Siang	Mechuka	Monigong
Digaru	Lohit	Hayuliang	Chaglongam
Mishmi			
(Taraon)			
Idu Mishmi	Lohit	Dibang Valley	All circles of
			Dibang Valley
Zakhring & Me- yor	Lohit	Hayuliang	Walong
Khowa	Kameng	Bomdila	Thrizino
			(Buragaon)
Miji	Kameng	Bomdila	Nafra

HOLDING OF LAND

(1) Settlement of a person in an other village belonging to the same tribe.

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	District			Locality		
			4	5	6	Sub-division	Circle	Circle
1	2	3	4	5	6			
		Miju Mishmi	Lohit	Tezu	Tezu			Tezu
		Miju Mishmi	Lohit	Tezu	Tezu			Wakro
		Miju Mishmi	Lohit	Hayuliang	Hayuliang			Hawai
		Millang Mishmi	Siang	Pasighat	Pasighat			Mariyang
		Momba Monpa & Panchen Monpa	Siang	Pasighat	Pasighat			Mori
			Siang	Mechuka	Mechuka			Mechuka
			Kameng	Tawang	Tawang			Zemithang
		Monpa Monpa (Rangnang Pa)	Kameng Kameng	Tawang Bomdila	Tawang Bomdila			Thingbu Kalaktang
		Nishang Nishi Nishang Nocte Nocte Tagin	Subansiri Subansiri Kameng Tirap Tirap Subansiri	Ziro Ziro Sappa Khonsa Khonsa Daporijo	Ziro Ziro Sappa Khonsa Khonsa Daporijo			Tali Sagalee Pakke-Kessang Lazu Namsang Taksing

	Tagin Tagin Tangsa Wancho		Subansiri Subansiri Tirap Tirap	Daporijo Daporijo Khonsa Niausa (Longding)	Taliha Limeking Changlang Kanubari
(v)	Settlement of person in an another village belonging to other tribe.	Pailibo Ramo Singpho Tagin	Siang Siang Tirap Subansiri	Mechuka Mechuka Khonsa Daporijo	Tato Mechuka Bordumsa Taksing
(ii)	Settlement of non-tribals who married tribal girls of the village.	Pailobo Singpho	Siang Tirap	Mechuka Khonsa	Tato Bordumsa
(b)	Termination of right over house- hold-site jhum land, water areas etc. of an individual.	Apatani Miju Mishmi Monpa Nishang Nocte Pailibo Singpho Wancho	Subansiri Lohit Kameng Subansiri Tirap Saing Mechuka Tirap Tirap	Ziro Tezu Tawang Ziro Hhonsa Mechuka Khonsa Niausa (Longding)	Ziro Tezu Thingbu Tali Namsang Tato Bordumsa Kanubari
(c)	Renting out a part of land to a person belonging to the same tribe.	Adi Apatani Digaru Mishmi (Taraon) Miji Miju Millang Mishmi	Siang Subansiri Lohit Kameng Lohit Siang Siang	Pasighat Ziro Hayuliang Bomdila Hayuliang Pasighat Pasighat	Mariyang Ziro Chaglongam Nafra Hawai Mariyang Mori

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	District			Locality		Circle
			4	5	6	Sub-division	5	
1	2	3	4	5	6			
		Momba Monpa & Panchen Monpa Monpa Monpa Monpa (Rangnang Pa) Nishang Nocte Pallibo Ramo Singpho Tagin Tagin Adi Aka (Hrusso) Apatani Digaru Mishmi (Taraon)	Siang Kameng Kameng Kameng Kameng Subansiri Tirap Tirap Siang Siang Tirap Subansiri Subansiri Siang Kameng Subansiri Lohit	Mechuka Tawang Tawang Tawang Bomdila Ziro Khonsa Khonsa Mechuka Mechuka Khonsa Daporijo Daporijo Pasighat Bomdila Ziro Hayuliang ³	Mechuka Zemithang Thingbu Lumla Kalaktang Tali Lazu Namsang Tato Mechuka Bordumsa Taliha Limeking Maryang Thrizino (Buragaon) Ziro Chaglongam			

(ii) Renting out a part of land of a person to a person belonging to another tribe.

Miji	Kameng	Bomdila	Nafra
Miji	Lohit	Hayuliang	Hawai
Mishmi	Saang	Pasighat	Mariyang
Millang	Siang	Pasighat	Mori
Mishmi	Siang	Mechuka	Mechuka
Momba	Kameng	Bomdila	Kalaktang
Monpa			
(Rangnang Pa)			
Nocte	Tirap	Khonsa	Namsang
Pailbo	Siang	Mechuka	Tato
Ramo	Siang	Mechuka	Mechuka
Singpho	Tirap	Khonsa	Bordumsa
Tagin	Subansiri	Daporijo	Taliha
Aka	Kameng	Bomdila	Thrizino
(Hrusso)			(Buragaon)
Apatani	Subansiri	Ziro	Ziro
Digaru	Lohit	Hayuliang	Chaglongam
Mishmi			
(Taraon)			
Miji	Kameng	Bomdila	Nafra
Miju	Lohit	Hayuliang	Hawai
Mishmi	Siang	Pasighat	Mariyang
Millang	Siang	Pasighat	Mori
Mishmi	Siang	Mechuka	Mechuka
Momba	Kameng	Bomdila	Kalaktang
Monpa			
(Rangnang Pa)			
Pailbo	Siang	Mechuka	Tato
Ramo	Siang	Mechuka	Mechuka
Singpho	Tirap	Khonsa	Bordumsa
Bokar	Siang	Mechuka	Monigong
Digaru	Lohit	Hayuliang	Chaglongam
Mishmi			
(Taraon)			

(iii) Renting out a part of land to non-tribal.

(d) Possession of land leading to de-facto ownership.

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality			Circle
			District	Sub-division		
1	2	3	4	5	6	
	(1) Transfer of commonly used properties like land, house, water areas etc. to another village or individual.	Miju Mishmi Mlonpa Nihang Nocic Tangsa	Lohit Kameng Kameng Tirap Tirap	Tawang Seppa Khonsa Khonsa		Tezu Lumla Pakke-Kessang Namsang Changlang
		Khowa Momba Momba (Rangnang Pa) Nocic Pailibo Ramo Tagin Tangsa Zakhring & Meyor	Kameng Siang Kameng Tirap Siang Siang Subansiri Tirap Lohit	Bomdila Mechuka Bomdila Khonsa Mechuka Mechuka Daporijo Khonsa Hayuliang		Thrizino (Buraon) Mechuka Kalaktank Namsang Tato Mechuka Taliha Changlang Walong
	(2) (i) Sons inherit father's property but the daughters do not.	Adi Apatani	Siang Subansiri	Pajhat Ziro		Mariyang Ziro

Idu	Lohit	Dibang Valley	All circles of
Mishmi	Kameng	Bomdila	Dibang valley
Khowa			Thrizino
			(Baragaon)
Miji	Kameng	Bomdila	Nafra
Miju	Lohit	Tezu	Tezu
Mishmi			
Miju Mishmi	Lohit	Tezu	Wakro
Miju Mishmi	Lohit	Hayuliang	Hawai
Milang	Siang	Pasighat	Mariyang
Mishmi	Siang	Pasighat	Mori
Momba	Siang	Mechuka	Mechuka
Monpa	Kameng	Tawang	Thingbu
Monpa	Kameng	Tawang	Lumla
Monpa	Kameng	Bomdila	Kalaktang
(Rangnang Pa)			
Nishang	Subansiri	Ziro	Tali
Nishi	Subansiri	Ziro	Sagalee
Nishang	Kameng	Seppa	Pakke-Kessang
(Tagin)			
Nocte	Tirap	Khonsa	Lazu
Nocte	Tirap	Khonsa	Namsang
Pailibo	Siang	Mechuka	Tato
Ramo	Siang	Mechuka	Mechuka
Singpho	Tirap	Khonsa	Bordumsa
Tagin	Subansiri	Daporijo	Taksing
Tagin	Subansiri	Daporijo	Taliha
Tagin	Subansiri	Daporijo	Limeking
Tangsa	Tirap	Khonsa	Changlang
Wancho	Tirap	Nisaua	Kanubari
		(Longding)	

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*contd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality			Circle
			District	Sub-division		
1	2	3	4	5	6	6
	(ii) Father's property is equally transmitted to sons and unmarried daughters.	Digaru Mishmi Monpa & Pan-chen Monpa	Lohit Kameng	Havuliang Tawang	Changlongam Zemithang	
	(c) Possession of land by widows and unmarried women.	Miji Monpa & Panchen Monpa	Kameng Kameng	Bomdila Tawang	Nafra Zemithang	
		Monpa Monpa Monpa (Rangnang Pa) Nishang	Kameng Kameng	Tawang Bomdila	Lumla Kalaktang	
		Nocte	Subansiri	Ziro	Tali	
		Pailbo	Tirap	Khonsa	Namsang	
		Tagin	Slang	Mechuka	Tafo	
		Wancho	Subansiri	Daporijo	Limeking	
			Tirap	Niausa (Longding)	Kanubari	
	(d) Possession of land by the widow is automatically transferred after her marriage to her new husband belonging to the same clan & the new husband become the owner of land.	Idu Mishmi Khowa	Lohit Kameng	Dibang Valley Bomdila	All circles of Dibang Valley Thrizino (Burrigaon) Nafra Tezu	
		Miji Miju Mishmi	Kameng Lohit	Bomdila Tezu		

Miju Mishmi	Lohit	Tezu	Wakro
Miju Mishmi	Lohit	Hayuliang	Hawai
Monpa	Kameng	Tawang	Lumla
Nishang	Subansiri	Ziro	Tali
Nishang (Tagin)	Kameng	Seppa	Pakke-Kessang
Nocte	Tirap	Khonsa	Lazu
Nocte	Tirap	Khonsa	Namsang
Singpho	Tirap	Khonsa	Bordumsa
Tagin	Subansiri	Daporjo	Limeking
Wancho	Tirap	Niausa (Longding)	Kanubari
Zakhring & Meyor	Lohit	Hayuliang	Walong
Digaru Mishmi (Taraon)	Lohit	Hayuliang	Chaglongam
Momba	Siang	Mechuka	Mechuka
Aka (Hrusso)	Kameng	Bomdila	Thrizino (Buragaon)
Bokar	Siang	Mechuka	Monigong
Zakhring & Meyor	Lohit	Hayuliang	Walong
Khowa	Kameng	Bomdila	Thrizino (Buragaon)

(ii) Possession of land by the widow is transferred to her clan as soon as she remarries.

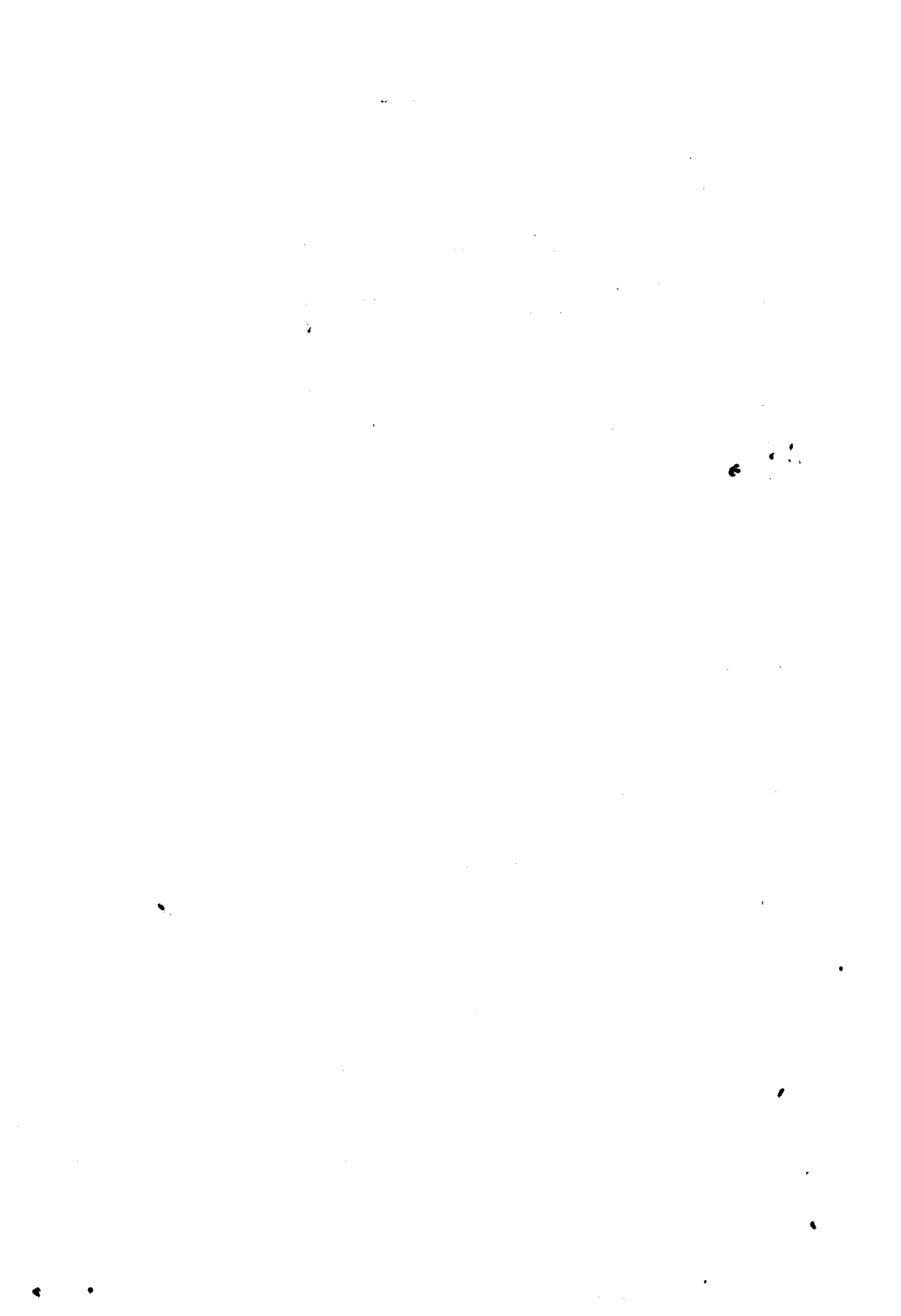
(iii) Possession of land by widow is terminated if she does not remarry with the approval of her clan.

(e) (i) Adopted son and daughter inherit land and properties like real son and daughter.

Conventions, Traditions and Customary Practices Relating to Ownership, Holding and Transfer of Land among the Different Tribes of Arunachal Pradesh—*concd.*

Sl. No.	Conventions, traditions and customary practices	Name of tribe	Locality		
			District	Sub-divisions	Circle
1	2	3	4	5	6
		Miju Mishmi Monpa & Panchen Monpa Monpa Palibo Singpho	Lohit Kameng Kameng Siang Tirap	Tezu Tawang Tawang Mechuka Khonsa	Tezu Zemithang Lumla Tato Bordumsa
(e)	(ii) Adopted son only can inherit the land and properties like the real son.	Adi Miju Mishmi Mihlang Mishmi Monpa (Rangnang Pa)	Siang Lohit Siang Siang Kameng	Pasighat Tezu Pasighat Pasighat Bomdila	Mariyang Wakro Moriyang Mori Kalaktang
		Nishang Ramo Tagin Wancho	Subansiri Siang Subansiri Tirap	Ziro Mechuka Daporijo Niausa (Longding)	Tali Mechuka Taliha Kanubari
(f)	Mortgaging on land and other livestock.	Aka (Hirusso) Apatani Bokar	Kameng Subansiri Siang	Bomdila Ziro Mechuka	Thrizino (Buragaon) Ziro Monigong

Digaru Mishmi (Taraon)	Lohit	Hayuliang	Chaglongam
Idu	Lohit	Dibang Valley	All circles of Di- bang Valley
Mishmi	Kameng	Bomdila	Thrizino (Buragaon)
Khowa			Nafra
Miji	Kameng	Bomdila	Wakro
Miju Mishmi	Lohit	Tezu	Hawai
Miju Mishmi	Lohit	Hayuliang	Mechuka
Momba	Siang	Mechuka	Kalaktang
Monpa	Kameng	Bomdila	
(Kangnang Pa)			
Nishang	Subansiri	Ziro	Tali
Nocte	Tirap	Khonsa	Namsang
Pailibo	Siang	Mechuka	Tato
Ramo	Siang	Mechuka	Mechuka
Singpho	Tirap	Khonsa	Bordumsa
Tagin	Subansiri	Daporijo	Limeking
Zakhring & Meyor	Lohit	Hayuliang	Walong



APPENDIX III

JHUM LAND REGULATION

No. Ex/Misc/20/47/67-AD—The following Regulation made by his Excellency the Governor of Assam under sub-section (2) of section 92 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, and assented to by His Excellency the Governor General is republished for general information:

Regulation III, IV and V of 1947.

(The Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947).

Preamble.

Whereas it is expedient to frame a Regulation in order to safeguard and regulate the rights of the Tribes indigenous to the Balipara Frontier Tract to Jhum Lands in the Balipara Frontier Tract.

Now, therefore, the Governor of Assam, in exercise of the powers conferred by sub-section (2) of section 92 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 is pleased to make the following Regulation :—

Title and Application

1. (1) This Regulation shall be called the Balipara Frontier Tract Jhum Land Regulation, 1947.
- (2) It extends to the whole of Balipara Frontier Tract.
- (3) It shall come into force at once.
- (4) Its provisions shall apply in supersession of all existing enactments and rules, so far as the latter are inconsistent with, contrary to or repugnant to the provisions of this Regulation.

Definitions

2. In this Regulation :—

- (a) "Land Conservator" means and includes the political Officer of the Balipara Frontier Tract, any Officer, exercising the powers of a District Magistrate within the Balipara Frontier Tract, any Sub-divisional Officers within the limits of his sub-division, and any officer especially invested by the Governor of Assam with the powers of a Land Conservator under this Regulation.
- (b) "Jhum Land" means and includes all land which any member or members of a village or community have a customary right to cultivate by means of shifting cultivation or to utilize by clearing jungle or grazing live-stock provided that such village or community is in a permanent location but does not include :—
- (i) any land which has been or is under process of being terraced for the purpose of permanent or semi-permanent cultivation whether by means of irrigation or not.
- (ii) any land attached or appurtenant to a dwelling house and used for the purposes of permanent cultivation, or
- (iii) any land which in the opinion of the Political Officer is subject to Permanent Cultivation.

Explanation

- (1) Any land which is otherwise Jhum land according to the above definition shall be deemed to be so notwithstanding the fact that a part of the whole thereof may have been planted with fruit trees, bamboos, or tung or reserved for growing firewood.
- (2) A village or community shall be held to be in permanent location of it always remains within a specific area, although part or the whole of such village or community may migrate from time to time to different localities within that area.

- (3) "Community" includes the residents of a village as a whole, the Clan, sub-Clan, phratry or kindred.

Distribution of work among Land Conservators

3. Where more than one Land Conservator exercises authority within the same area, the Political Officer may, subject to any orders issued by the Governor of Assam make such arrangements as he thinks fit for the distribution of work among such Land Conservators.

Accrual of customary rights

4. (1) A customary right to Jhum Land shall be deemed to be established in favour of a village or a community when such village or community has enjoyed the right to cultivate or utilise such *Jhum* land for not less than 5 years prior to the making of this Regulation.

(2) A customary right to Jhum land shall be deemed to be established in favour of an individual cultivator—

- (a) If he has inherited the land in accordance with a local custom; or
- (b) If he has purchased the land prior to the making of this Regulation and such purchase was not contrary to local custom, or
- (c) if he has purchased the land at any date subsequent to the making of this Regulation, provided such purchase was not contrary to any local custom or any of the provisions of this Regulation, or
- (d) If, being a resident of a permanent village, he has brought the land under cultivation, and the land has not been cultivated at anytime within 30 years preceding his bringing the same into cultivation :

Provided that such land is within cultivable reach of the own village.

Transfer

5. (1) Jhum land to which a community has a customary right may not be transferred to another community or to any individual except with the permission of the Land Conservator.

(2) Jhum land to which an individual belonging to a village or community has a customary right may be transferred to another member of the same village or community or to that village or community as a whole. It shall not be transferred to another village or community or to a member of another village or community except with the previous permission of the Land Conservator.

(3) Nothing in this section shall affect a transfer which is valid under any other provision of this Regulation.

Leases

6.(1) No Jhum land shall be leased by anyone having a customary right thereto unless :—

- (a) the Land conservator has approved of such lease on the ground that such lease benefits the villager or the community, or
- (b) the lessor is, by reason of age or other infirmity unable to cultivate or utilise it, and lessee is a member of the same village of community as the lessor.

(2) A lease under clause (b) above shall be determined on the death of the lessor or on the termination of his infirmity. Provided that the lessee shall be entitled to tend and reap any crop standing on the leased land on the date of the determination of the lease.

Improper Transfers and Leases

7. Jhum land which is transferred or leased otherwise than in accordance with the provisions of this Regulation shall be deemed to have been forfeited, and, subject to any customary right of inheritance, may be transferred by the Land Conservator to any member or members of the village or community to which the transferee or lessor belongs or belonged.

Forest Produce

8. Subject to any orders that may be made under this Regulation persons having customary rights to any *jhum* land shall be entitled to forest produce from such land for their own use or for the use of members of their own village or leases community, but shall be bound by any other rule or Regulation in force determining or regulating the sale of such produce.

Taxation

9. (1) All customary rights in *jhum* land as are now in existence shall subsist subject to the provisions of this Regulation and any other law or Regulation which may hereafter be enacted by competent authority.

(2) Such rights shall also be subject to the payment by the person entitled thereto of such rents, taxes or any other dues as may be lawfully imposed from time by competent authority.

(3) Where any such rents, taxes or other dues have not been paid by any person, the Political Officer may suspend the rights of that person to all *Jhum* land, and if the default has subsisted for more than a year, may declare such right of that persons to have been extinguished and may there-upon make such arrangement for transfer of the right as he thinks fit.

Acquisition for Public Purpose

10. The Government may acquire any *Jhum* land required for a public purpose. No formal acquisition proceedings shall be necessary but an opportunity shall be given to those having rights in the land to show cause against such acquisition and reasonable compensation shall be paid for all land acquired under this section.

Land so acquired shall, if relinquished by the Government at any time, be returned to the village, community or individual from whom it was acquired on refund, if any, of such compensation to the Government as the latter may decide.

Ejectment

11. The Land Conservator may at any time summarily eject without notice any person who has squatted without authority on any *jhum* land.

Prevention of Erosion

12. (1) The Land Conservator may at any time make such general or special order for the reforestation of Jhum land as he thinks fit, as also for ensuring that strips of reasonable width within any Jhum land may not be cultivated.

(2) Where it appears that undue erosion or the diminution of the supply of water required or likely to be required for the irrigation is resulting or is likely to result from the excessive cutting of trees from any Jhum land, the Land Conservator may direct that a part or the whole of such jhum land shall be a protected forest, and no person shall thereafter cut any trees from such protected forest without the permission of the Land Conservator.

(3) Where it appears that undue erosion or diminution of the supply of water required or likely to be required for irrigation is resulting or is likely to result from the cultivation of any jhum land, the Land Conservator may direct that the jhum land shall not be cultivated by any person for a period not exceeding ten years.

(4) No order shall be made under sub-section (2) or sub-section (3) unless a reasonable opportunity has been given to those having customary rights to the land to prefer objections against such order and unless all objections so preferred have been considered and rejected as unreasonable or untenable.

(5) For the purpose of protecting a road or bridle path, the Land Conservator may direct that any land lying within 50 yards of the road or bridle path shall not be cultivated and may further direct that trees upon such land shall not be felled or cut.

(6) The Land Conservator may direct that for the purpose of preserving water supply, any particular area under jungle and previously unjhumed shall remain uncultivated provided that the existing rights of the community or the individual to collect forest produce shall not be interfered with.

Prevention of fire

13. The Land conservator may make such general or special orders as he thinks fit to prevent risk of damage by fire to jhum and.

Direction of houses

14. The Land Conservator may by order prohibit the establishment of any new village or erection of any new residential houses on any jhum land.

Provided that no order shall be made under this section which would prevent persons having customary rights to the land from securing reasonable and adequate accommodation for themselves and their families.

Powers of Tribal Council

15. Where a Tribal Council approved by the Governor in this behalf has been set up in any area, any or all of the powers granted to the Land Conservation under the provisions of this Regulation may be vested by the Governor in that Tribal Council in respect of such area and the Land Conservator shall not exercise any powers so vested.

Penalty for disobedience or violation of orders or directions

16. Any person who intentionally disobeys or violates any order or direction passed by competent authority under any of the provisions of this Regulation, shall, on conviction for such offence, be punished with imprisonment of either description for one month, or with a fine not exceeding one hundred rupees, or with both.

Appeal and Revision

17. The Governor may call for and examine the records of any proceedings or trial under the provisions of this Regulation and may set aside, modify or alter order or sentence passed by any subordinate authority.

I have made this Regulation under sub-section (2) of section 92 of the Government of India Act 1935 as adapted.

A. HYDARI

GOVERNOR OF ASSAM

Dated: Shillong,
the 4th December, 1947.

I assent to this Regulation.

MOUNTBATTEN OF BURMA,
GOVERNOR GENERAL

January 17, 1948.

G.E.D. WALKER

ADVISER TO THE GOVERNOR OF
ASSAM for EXCLUDED AREAS AND
STATES

APPENDIX IV

APPENDIX TO CENSUS CIRCULAR NO. 14

Illustrative Questionnaire for Collection of Information Regarding Ownership, Holding and Transfer of Land by the People of NEFA

I. Identification

- (1) Name of tribe: _____
- (2) Name of circle: _____
- (3) Name of district: _____
- (4) Name of Circle Officer: _____
- (5) Names and addresses of informants: _____

II. Basic Concept of Ownership of Land

(a) How from the very beginning the land was acquired by the tribe? Please give in detail the story/myth connected with this. Where did they come from and why?

(b) How the land acquired by the tribe was further sub-divided into village land?

(c) Did the tribe first settle in one village and later spread out into different villages as the population increased?

(d) Did the tribe settle in harmony along with some other tribe from the very beginning?

(e) Did the different clans figure in the ownership of land by the tribe? If 'Yes', how?

(f) Did the households figure in the ownership of land by the tribe? If 'Yes', how?

III. Operative Ownership of Land

(a) Are the boundaries of villages mainly inhabited by the tribe well defined? If 'Yes', do they consist of natural objects or artificial objects?

(b) In the villages where more than one tribe live together, is the village land further divided tribe-wise? If 'Yes', how such division is made? Also describe how the tribes came to live together in such villages and how the ownership of the land for the village as a whole was originally derived?

(c) Can the inhabitants of a village cultivate land belonging to another village, mainly inhabited by the same or another tribe, as a matter of right?

For Jhuming

(i) Is there any village common land for jhum cultivation? If 'Yes', describe the method by which the common ownership is exercised at the stages of (a) cutting and burning of jungle (b) clearing of the burnt fields (c) sowing (d) weeding (e) protection from wild birds/ animals (f) Harvesting. Is there any 'lottery' system to distribute common land to the families or do they have to get their allotment by an order of precedence—the Chiefs coming first and the rest later in a particular order? For how long a period such allotment is made?

(ii) Is there any ownership of jhum land by families? If 'Yes', how the right was acquired?

For Building House

(iii) Do the household sites belong to the village common land? If 'Yes', how the common ownership is exercised? Describe the custom regulating distribution of house sites to individual families).

(iv) Do the household sites belong to individuals? If 'Yes', how the ownership was originally acquired?

For Collecting Firewood and Forest Products

- (v) Is there any common village forest land exclusively meant for extraction of firewood and other forest products? If 'Yes', how the common ownership is exercised stating categorically if the inhabitants of any other villages can use such village forest land as a matter of right?
- (vi) Does any part of the village forest land belong to individuals for their exclusive extraction of firewood and other forest produce? If 'Yes', how the individual ownership was originally acquired?

For Hunting

- (vii) Is there any common hunting ground for the village as a whole? If 'Yes', how the common ownership is exercised stating also categorically if the inhabitants of any other villages can hunt in the common hunting ground as a matter of right?
- (viii) Does any part of the village hunting ground belong to an individual. If 'Yes', how the individual right was originally acquired?

For Fishing

- (ix) Is there any common water area for the village as a whole? If 'Yes', how the common right is exercised stating also categorically if the inhabitants of any other village can fish in the commonly owned water areas, as a matter of right?
- (x) Is there any water area that belongs to the individuals? If 'Yes', how the right was originally acquired?

For Grazing

- (xi) Is there any grazing land commonly belonging to the whole village? If 'Yes' how the common right is exercised, stating categorically if the inhabitants of any other village can graze their animals in the common grazing land, as a matter of right?

- (xii) Is there any grazing land that belongs to an individual and if 'Yes', how the right was originally acquired?

For Permanent Cultivation

- (xiii) Write a note on ownership and possession of permanently cultivated fields like W.R.C., T.R.C. or Orchards.

Rights of the clans as against those of village or individuals

- (xiv) Is there any part of the village common jhum land, homestead area, hunting ground, grazing land or water area that belong to a particular clan inhabiting one or more villages exclusively of in admixture with other clans/tribes? If 'Yes', how the clan rights are exercised vis-a-vis village rights and the rights of the individuals? Write an exhaustive note on this very intriguing subject.

IV. Holding of Land

(a) Can a person from another village settle in the village? If 'Yes', can he use the village common land and water areas alongwith the other villagers? If 'Yes', what arrangements he has to make with the villagers prior to his shifting to the village? Does he have to belong to the same tribe or can he belong to any other tribe or can he even be a non-tribal?

(b) Can an individual possessing a household site, a jhum field, water areas etc. be ousted from his possession? If 'Yes', what are the circumstances that may lead to termination of possession? What are the traditional process of law that regulate such termination of possession?

(c) Can a villager possessing land individually, rent out a part of his land to anybody not belonging to the village? If 'Yes', what are the customs and usages that permit the renting out stating categorically whether he can rent out his land to a man belonging to his own tribe only to any other tribe or even to a non-tribal?

(d) Does possession of land leads to *de facto* ownership of land? Is the concept of adverse possession operative? Cite instances, if any.

V. Transfer

(a) Can the land, houses, water areas and other real properties commonly used by the villager be transferred to another village or individual ? If 'Yes', what are the customs and usages that control such transfer ?

(b) What are the customary laws of inheritance for land, houses and other real properties ? Please deal separately the results of exogamous marriages in an endogamous society with respect to inheritance ?

(c) Does woman inherit land ? If 'Yes', from whom and to what extent ? Can women possess land ? If 'Yes', how much and for how long ? Can women transfer land ? If 'Yes', to whom, to what extent and on what terms ?

(d) What is the effect of marriage of widows and unmarried women who are owners or possessors of land, house and other real property ?

(e) Can the land, house or other real property be transferred to a person belonging to another tribe or to a non-tribal ? If 'Yes', what are the customs and usages that control such transfer ?

(f) Does an adoption (or an adopted son and also of and adopted daughter) after the normal rules of inheritance ? If 'Yes', how ?

(g) Is mortgaging practised ? If 'Yes', please give details of the customs regulating mortgages, dealing separately with the customs if any, and their effects on the usufructuary mortgages on land and livestock.

VI. Ceremonies

Please write notes on the traditional ceremonies (including the traditional expectation of the courtesies between the parties, when even applicable) on the following or other allied activities :—

(i) Purchase of land,

(ii) Renting out or renting in of land,

(iii) Inheritance or relinquishment of right over land,

- (iv) Selection of Jhum fields for the year,
- (v) Cutting of Jhum fields,
- (vi) Burning of Jhum fields,
- (vii) Clearing of Jhum fields,
- (viii) Distribution of Jhum fields in smaller plots to the families,
- (ix) Sowing of jhum fields,
- (x) Weeding of jhum fields,
- (xi) Harvesting of jhum fields,
- (xii) Carrying of harvest from fields,
- (xiii) Custom specially coined to cover stages of agricultural activities in a WRC/TRC, fields, orchards etc. in keeping the customs regulating the agricultural activities of the jhum fields or otherwise.
- (xiv) Selection of house-site for the village as a whole,
- (xv) Selection of house-site for a village common house,
- (xvi) Selection of house-site for families,
- (xvii) Erection of village common house,
- (xviii) Erection of private houses,
- (xix) Common fishing/hunting by the village as a whole,
- (xx) Fishing/hunting by individuals (Separately for dangerous or ordinary or valuable games etc.),
- (xxi) Movement of grazing stocks first time in the season to grazing land from the village,
- (xxii) Movement of grazing stocks from the grazing land to the village.

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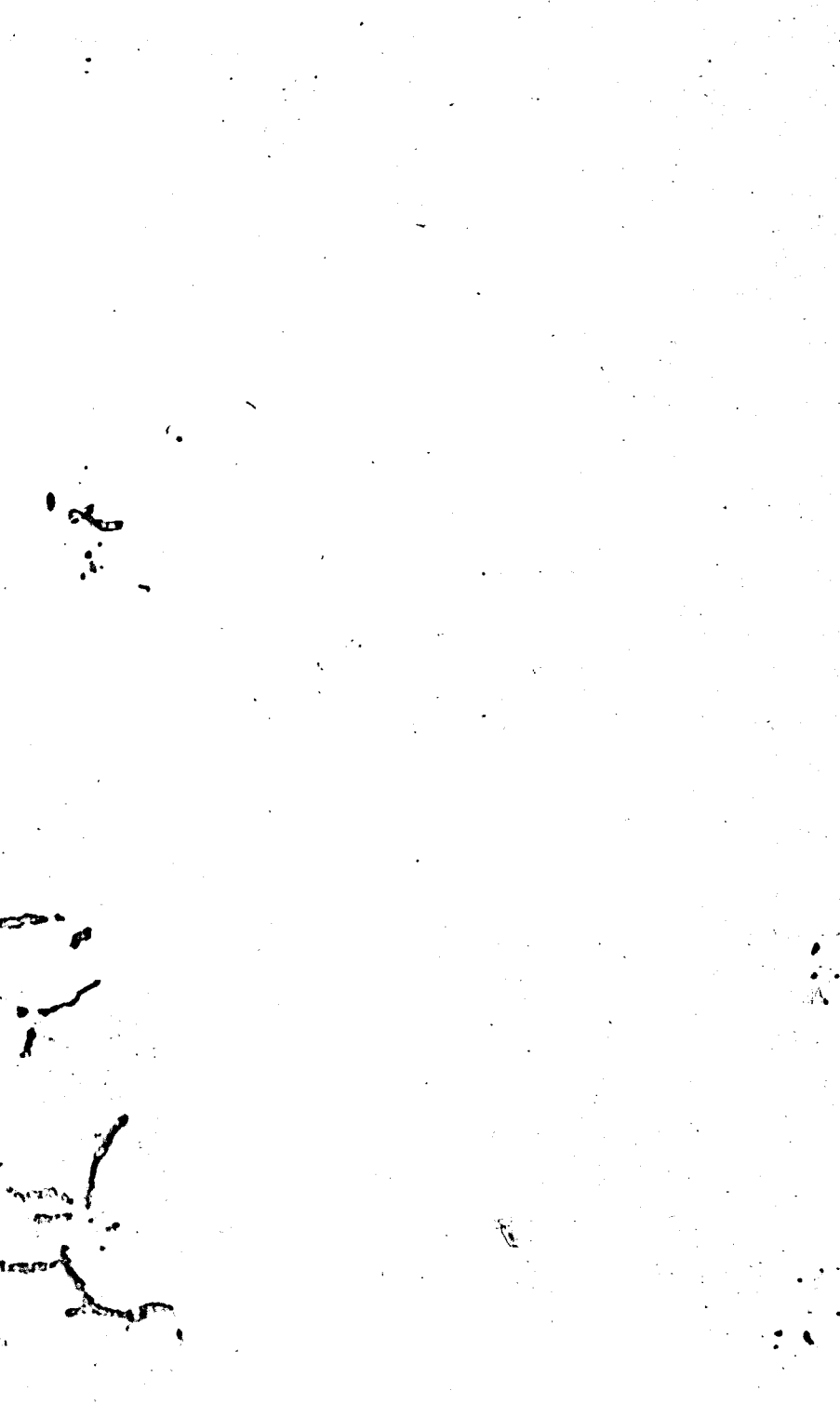
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