CHAPTER 3
COLONIAL GOVERNMENT AND WATER RESOURCES

The early contacts of the Europeans travelers and explorers with the Naga Hills tribe, their eyewitness impressions particularly from the mid nineteenth century and their accounts of the Naga tribes were often sketchy and negligible. Allen and Gait (1979) makes mention of one of the earliest witness of the Naga tribes saying, “It is interesting, however, to note that Tavernier in the latter half of the seventeenth century refers to people in Assam, evidently Nagas, who wore pigs’ tasks on their caps, and very few clothes, and had great holes for earrings through the lobes of their ears.” 81 Other accounts of the Naga tribes were often sketchy and negligible. It was in 1832 that for the first time two Europeans Captain Jenkins and R.B. Pemberton embarked on an exploratory expedition to the Naga Hills with a focal purpose to open a communication between Manipur and Assam. In his first eyewitness account, R.B. Pemberton narrates his earliest encounter with the Naga tribes saying, “with a sagacity which has at once ensured them both health and security, they have in every instance established themselves upon the most inaccessible peaks of the mountainous belt they inhabit, and from these elevated positions can see and guard against approaching danger long before it is sufficiently near to be felt.” 82

As far as the mid nineteenth century, there was little or no contact of the Naga tribes with the outside world. The extent of penetration of the region is observed by the narrative that ‘these unexplored and thinly inhabited tracts have been to this day only occasionally penetrated here and thereby some eager sportsman or zealous missionary, or by an intrepid official whose presence on the spot was required by some exceptional duty.’ 83 H.H. Godwin-Austin, in his Report on survey Operations, recounts his first observation of the Angami country, saying, “Dense forest covers the slope, but from their steepness many parts are bare, breaking the usual monotony of the dark coloured mountain scenery. Where the steep rise in the slop commences, the spurs are at once more level, and are terraced for rice cultivation; not a square yard of

82 R.B. Pemberton in H.H. Wilson, Documents Illustrative of the Burmese War, 1827, Appendix, pp. xvii-ix.
available land had been left, and the system of irrigation canals is well laid out.” 84 Butler recounts his experience with the Naga tribe saying, ‘I trust I have now succeeded in clearly showing that out knowledge of a great portion of the Naga country really rests almost entirely upon “pure conjecture,” and that beyond the fact of its mountainous character we know nothing at all about it up to the present date.” 85 S.E. Peal, in his observation of the Naga hills and its tribes remarks that, “The area lying between the Irawati, Asam, and Bengal is mainly composed of densely-wooded hills of moderate altitude, and is also subject to like climatic conditions; the S.W. Monsoon, sweeping across the entire country, literally deluges it with water taken from the Bay of Bengal, and, with the sun, conduces to a rank vegetation; partly, perhaps, in consequence of this, most of the villages are perched on hilltops, on the shoulders of spurs, and in the rains(say May till October) communication is at a standstill. There seems hardly a flat stretch of land anywhere, all is hilly and valley, and thus the system of cultivation is mainly by what is called jooming, where forest is felled and the site used for two years only, when, in consequence, of the growth of rank weeds, fresh forest is again joomed, and a system of permanent culture of one spot is impossible. In fact there is a remarkable and direct connexion between all the peculiar customs of these strange people and their physical surroundings,” 86 a statement which reiterates and enunciates however, obscure their knowledge had been, the symbiotic relationship which existed between the Nagas and their physical world.

Conservation and forest regulations of the Colonial Government started with the establishment of an all India Forest Department in 1865. It was later extended to Assam and Naga Hill District. This initiation led to measures covering all aspects of the environment including forests, land, and water resources. The statute laws and state control imposed in the arena of forest and water management reinforced each in their development and growth of an intrusive state; thereby undermining indigenous and community based systems of water rights and management over its resources. The Naga villages were compelled to make new adjustments to their traditional authority over water resources. For instance, the usual practice of “poisoning” of a

84  H.H. Godwin-Austin, in his Report on survey Operations, 1872-3, p.82.
85  A. Mackenzie, The North-East Frontier of India, Reprint 1995, Delhi, Mittal Publications.
river in community fishing was prohibited by the Government. They therefore resorted to the use of carefully selected narcotic plants which would not poison but stupefy the fish.

Evolution of Forest laws in India 1881-2007

The British administrators at the early stages of their rule were preoccupied with building up an empire and therefore did not make an immediate assessment of the abundant forests resources in India as they did not have any apprehension that the supply of forest produce would ever fall short of demand. By around 1860, Britain had emerged as the world leader in deforestation, devastating its own woods and the forests of Ireland, South Africa and north-eastern United States to draw timber for ship-building, iron smelting and farming. Upon occasion, the destruction of forests was used by the British to symbolize political victory. The revenue orientation of colonial land policy also worked towards the denudation of forests as their removal added to the class of land assessed for revenue. Forests were considered ‘an obstruction to agriculture and consequently a bar to the prosperity of the empire’. The British Government endeavoured to bring extensive forest areas under cultivation and the whole policy tended in that direction. The introduction of the railway network by 1853 greatly intensified the demand for timber, particularly for railway sleepers. For this purpose a large number of forests were felled without supervision by private contractors both European and Indian, leading to deforestation in the important sub-Himalayan forests, Doab region, and Madras province etc. The pace of railway expansion—from 1349 kms of track in 1860 to 51,658 kms in 1910 (GOI 1964) – and the trail of destruction left in its wake brought home forcefully the fact that India’s forest were not inexhaustible. Cleghorn in his work, The Forests and Gardens of South India, states that railway requirements were, ‘the first and by far the most formidable’ of the forces thinning Indian forests. Dubbing forest administration up to the 1857 rebellion as a melancholy failure, the Governor General had called in 1862 for the establishment of a department that could ensure the sustained availability of the enormous requirements of the different railway companies for sleepers, which

87 M. Gadgil, and R. Guha, This Fissured Land, An Ecological History of India, in The Use and Abuse of Nature. p.118.
88 M. Gadgil, and R. Guha, op. cit., pp.119-120.
89 B. Ribbentrop, Forestry in British India. p.60.
90 M. Gadgil, and R. Guha., op.cit., p.121.
has now made the subject of forest conservancy an important administrative question'.\(^{91}\) The paradox was that the construction of the railways had a dual impact on Indian forests. Railways hastened their destruction, but also provided a stimulus for conservation.\(^{92}\)

The reserving of India’s forests from the 1860’s and 1870’s was motivated partly by concern that a vital source of government revenue was being depleted. The Government saw the need to forge legal mechanisms to assert and safeguard state control over forests and the creation of an imperial forest department in 1864 set in motion a programme to change systems of forest management and recast them in the continental mould. Over the next five decades, the Indian Forest Department, partly staffed by personnel trained in Germany and France, systematically erected a framework of resource use modeled along European lines.\(^{93}\)

The first attempt at asserting state monopoly was through the Indian Forest Act, 1865 and based on it a number of local rules were promulgated. The new Department was initially placed under Secretary in the Public Works Department (PWD) and in charge of the Honourable Member of the Department. In 1871 it was made part of the business of the newly constituted Department of Revenue and Agriculture. On the abolishment of that department, the forest branch was transferred to the Home department, but was again transferred in 1886 to the Department of Revenue and Agriculture, which had been reformed in 1881.\(^{94}\)

The use of legislation to manage forest resources was an extremely difficult task as the previous policy of the Government had been to recognize forest and waste land as the property of the village communities within whose boundaries these fell. The government blamed deforestation on the tribal practice of shifting cultivation. The Forest Service set up a system of forest guards touring tribal areas to register reserved forests and to prevent the unauthorized cutting of trees.\(^{95}\) Apart from this, tribal’s

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91 Ibid, p.122.
94 B. Ribbentrop, op.cit., p.73.
were discouraged from hunting and their use of other forest products were severely restricted even though the peasantry’s customary use of forests was not random but governed and regulated by community sanctions. Clearly, a firm settlement between the state and its subjects over their respective rights in the forest represented the chief hurdle to overcome.  

Dietrich Brandis, the first Inspector-General of Forests in India, the pioneer of Indian forest management, committed himself to follow an uphill task of advocating restricted takeover of forests by the state, with forests of village and other communities and private forests. A prolonged and bitter debate ensued within the colonial bureaucracy over the measure of state control over forest management. Within a few years of the enactment, there was complaining that there was inadequate state control over forest lands. Colonial foresters argued in particular that it did not provide for the ‘definition, regulation, commutation and extinction of customary rights by the state’.  

After thirteen years a more comprehensive piece of legislation the Indian Forest Act, 1878 was passed which extended to all provinces except Madras, Burma, the Hazara District in Punjab, Ajmer, Coorg, Berar, and Baluchistan. By 1890 these provinces passed their own forest acts modeled on the 1878 Indian Forest Act. These Acts divided forest into three main categories: reserved, protected and village/communal. As in Germany and France, the Indian Forest Act gave foresters power to determine how forests were to be managed. All the forest acts provided for control, not only of state owned lands but over forests and lands not belonging to the state, ‘if such control appears necessary for the public weal, or if the treatment such forests have received from their owners injuriously affects public welfare or safety.’  

Although the management of forests in Assam started since the 1860’s, a well defined forest policy was promulgated only in the year 1894. By now the Indian Forests Acts of 1865 and 1878 were in force, and another Act was passed later in 1927. However, the most important regulation that was used to administer the forest resources of Assam was the Assam Forest Regulation VII, 1891. From the day the Assam Forest

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96 M. Gadgil, and R. Guha., *op.cit.*, p.124.
100 R. Handique, *British Forest Policy in Assam*, p.61.
Regulation VII, 1891 came into force, the Indian Forest Act, 1878, along with the amendments made by the subsequent enactments were repealed. The Assam Forest Regulation VII of 1891 was extended to all the areas administered by the Chief Commissioner of Assam. The local government however may exempt any area from the purview of the Regulation through notification. According to the Assam Forest Regulation, 1891, the local government may constitute any land at the disposal of the government, a reserve land through publication of a notification in the official gazette. Any complaint regarding the notification was settled by the Forest Settlement Officer to be appointed for the purpose. Thus, the constitution of a reserve forest according to the Assam Forest Regulation, 1891, did not differ in any significant way from the constitution of a reserve forest under the Indian Forest Act, 1865 or Indian Forest Act VII of 1878.

The Assam Forest Regulation, 1891 was however clear in constitution of village forests. The local government was granted the authority to make rules for regulation of the management of the village forests, and of the activities of the communities regarding allotment of benefits derived from the forests and distribution of duties in respect of the protection and improvement of such forests. However, the policy of forming village forests was abandoned by 1931-32, and those already created were cancelled under the orders of the local government.

Several rules under the Assam Forest Regulation, 1891, pertaining to protected forests provided more evidence of the government’s agenda to bring the forest areas of Assam under their strict control and to legitimize the hold over them. Some of them were declaration of any tree or any specified trees standing on any land at the disposal of the government; regulation or prohibition to the cutting involved in jhum cultivation, regulate or prohibit the kindling of fires and prescribe the precautions to be taken to prevent the spreading of fires; any infringement of the provision of the

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102 Under section 1(1) of The Assam Forest Regulation, 1891.
103 Notification No. 920 P., dated 1 April, 1898 as mentioned in the Assam Forest Manual, Vol. I, p.5.
104 Under section 5(1) of The Assam Forest Regulation, 1891.
105 Under section 6, Ibid.
106 Under section 29(1), Ibid.
107 Under section 30(1), Ibid.
109 Under section 32, The Assam Forest Regulation, 1891.
110 Under section 34, Ibid.
protected forests, shall lead to punishment upto a term of six months, or with a fine of upto rupees five hundred, or with both.\textsuperscript{111}

The Assam Forest Regulation, 1931\textsuperscript{112}, added a new chapter to the Assam Forest Regulation, 1891. The chapter was correlated to the control over forests and wastelands, which were not the property of the government. Among many others, the local government was given the authority to regulate or prohibit in any forest or wasteland the breaking up or clearing of the land; or the firing or clearing of the vegetation through notification when such regulation or prohibition appeared to be imperative in the public interest; or even for the maintenance of water-supply in springs, rivers and tanks.\textsuperscript{113} The local government might do at its own expense, in or upon any forest or wasteland, such work as it considered fit.\textsuperscript{114} In case of disregard or any willful disobedience shown to the provisions of the Act, the government had the power to assume management of the forests.\textsuperscript{115} Further, according to the Land Acquisition Act, 1894, the local government reserved the right to acquire or expropriate any forest for public purpose.\textsuperscript{116} As a result, a new category of forest, namely ‘protected forest’ came to be formed in Assam.

The Indian Forest Act of 1927 replaced the earlier 1878 Act. This was an attempt to codify all the practices of the forest officials and to regulate further people's rights over forest lands and produce. This Act embodied all the major provisions of the earlier one, extending it to include those relating to the duty on timber. The Act deleted the reference to communities' rights over forests, which were made in the 1878 Act. The preamble of the Act states that it seeks to consolidate the law relating to the transit of forest produce and the duty leviable on timber and other forest produce. There is therefore a clear emphasis on the revenue-yielding aspect of forests. The Government of India Act (Act XVI of 1927) extended to all the provinces of India except Assam, Madras, and Burma which had their own specified Acts.\textsuperscript{117} This Act was the legal provision till the independence of India. The Act is still in force although there have been several amendments made by state governments.

\begin{itemize}
  \item Under section 35, \textit{Ibid}
  \item \textit{Ibid.}
  \item \textit{Ibid.}
  \item \textit{Ibid.}
  \item \textit{Ibid.}
  \item \textit{Ibid.}
  \item Report of the Forest Enquiry Committee, Assam, 1929, p.3.
\end{itemize}
The subject of forests was included in the provincial legislative list under the Government of India Act, 1935. This provision continued till 1976 in the new constitutional arrangements even after the Independence, listed in the 7th schedule. However, the subject of the forest was brought under the concurrent list of the subjects by the 42nd amendment of the constitution of India in 1976, which was enforced the Forest Conservation Ordinance issued on October 25, 1980. The Ordinance was turned into Act No.59 of 1980, which prohibited the state governments from allowing any land for any non-forest purposes without prior approval of the union government. The Act divides the forests into reserves, protected and village forests in view of the people’s rights over them. There are punishable acts laid down under the Act, which includes felling of trees, trespassing of cattle and clearing up of any land for cultivation or any other purpose. Further this Act defines the forests as “any land containing trees and shrubs, pasturelands, any land whatsoever which the State Government may declare by notification to be the forest for the purpose of the Act”. There were many complaints against the high-handed attitude in the Act towards the forest dwelling communities by tradition.118

A new Forest Policy along with the agriculture was envisaged in 1952, which was replaced after three decades in early 1980s followed by a more comprehensive, environ friendly and pro tribal act, the Indian Forest Act in 2007.119

**Evolution of Colonial Water Laws and Legislations in India**

The colonial government started taking a direct interest in water law in the nineteenth century. The colonial context is chronologically identifiable and ends somewhere between 1947, whom India became independent, and 1950 when she became a Republic and gave unto herself a Constitution. Statute law and state control in the arena of water management have reinforced each in their development. The span of history of statutory water law in India is less than 130 years.120 The advent of this statute law has provided fertile ground for the unreined growth of an intrusive state. Consequently, and relentlessly, it has attacked indigenous, and community-based, systems of control and management of water. Statute law has propounded its own set

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118 A.C. Sinha, *Colonial legacy and Environmental Crises in North East India*, pp. 57-58.
119 Ibid.
of values and priorities which have forcibly replaced those learned and cultivated through extended periods of a community’s history. 121

A steady growth of statute laws was visible under the colonial government; in empowerment of officialdom was enunciated along with a statement of the duties of the officials. A huge amount of authority was vested on the officials starting from power to levy water rates, act upon a decision of ‘expediency’ to construct a canal or embankment, permit third party user of private source. It also permitted the official to compulsorily requisition labour upon the threat of sanction, in the event of what he considered an emergency, or even demand labour without wages. He could authorize others to act on his behalf. The collection of rates could even be farmed out to ensure that the maximum collection of revenue results. 122

Colonial water legislation was characterised by its unmistakable intent to generate revenue. The control that the state sought to exercise through its officialdom was with the clear intention of maximising revenue.123 This included several kinds of interventions, including laws for the protection and maintenance of embankments, regulation of ferries, as well as fisheries.124 Furthermore, in consonance with its desire to harness water for irrigation, the colonial government gave special attention to irrigation. This led to the adoption of various enactments, including one of the most important enactments; the Northern India Canal and Drainage Act, 1873 for large scale irrigation works – while this Act did not directly assert the state’s ownership over surface waters, it recognised the right of the Government to ‘use and control for public purposes the water for all rivers and streams flowing in natural channels, and of all lakes’ (Preamble). This led to the progressive strengthening of state control over surface water and the concomitant weakening of people’s customary rights.125 Other Acts passed included the United Provinces Minor Irrigation Works Act, 1920 for smaller irrigation works.126 On the whole, the colonial laws tended to focus on the

122 Ibid. 123 Ibid. 124 For example, Bengal Embankment Act, 1882, Northern India Ferries Act, 1878, and the Indian Fisheries Act, 1897.
125 P. Cullet, and J. Gupta, Evolution of Water Law in India, p.164.
economically productive uses of water and did not concern themselves either with the environmental considerations or with the social aspects of water.\textsuperscript{127}

Colonial law makers also saw the commercial non-use of all potentially usable water as ‘wastage’.\textsuperscript{128} While the language employed read ‘used’, the import shifted then from ‘use’ to ‘exploitation’ of the resource. Needless to say, the purpose was greater revenue. To ensure optimum use of water, officials carrying out the work for the state were statutorily given a wide range of powers. The right to trespass with impunity was carefully engrafted on to every statute. Not only may he trespass where he found the need- a matter of subjective satisfaction- but he may also cause damage on the property of another in the process of the trespass.\textsuperscript{129}

Over time, the Colonial government took an increasingly assertive position with regard to the control over water, culminating with an assertion of absolute rights by the time the Madhya Pradesh Irrigation Act, 1931 was enacted. The Act provided that; ‘All rights in the water of any river. Natural stream or natural drainage channel, natural lake or other natural collection of water shall vest in the Government’. The assertion of rights in control over water was not limited to irrigation. Thus, beyond the assertion of the state’s overall control, water law was largely concerned with the allocation of water among landowners, thus creating a direct link between real property rights and control over and access to water.\textsuperscript{130}

Accordingly successive statutes and clauses implemented slowly gave absolute control to the state. To take an instance, a canal officer may permit any person to use a water course or even to become a joint owner even where the owner may be an unwilling party.\textsuperscript{131} This control over water sources was in fact extensive and included for instance the power of acquisition of private water sources;\textsuperscript{132} the power to convert the use of water and to divert the flow;\textsuperscript{133} the power to allow access to, and use of, water from privately owned sources even by an ex parte order.\textsuperscript{134} This statutory

\textsuperscript{127} U. Ramanathan, op.cit., p.1.
\textsuperscript{128} The ‘wastage’ of water occurs in, for e.g., Statutes. 31 and 71 of the Punjab Minor Canals Act, 1905.
\textsuperscript{129} E.g. S. 17 Andhra Pradesh Rivers Conservancy Act, 1884.
\textsuperscript{130} P. Cullet, and S. Koonan, (eds.) op.cit., p. 2.
\textsuperscript{131} Sections 22 and 23, Bombay Irrigation Act.
\textsuperscript{132} Section 8 (2), Punjab Land Preservation Act,1900.
\textsuperscript{133} Section 17, Punjab Minor Canals Act, 1905.
\textsuperscript{134} Section 3, Uttar Pradesh Irrigation (Emergency Powers) Act, 1950.
whittling away of the rights of owners, users, and the generally unmentioned community converted ownership into a non-status, and made intrusive control by the state of the greatest significance.

These legislations, while they could be extended to all available sources of water, saw no need to make even a residual provision for basic needs, like drinking water. However, in the rare instance that drinking water has been mentioned, it must be said to the credit of the colonial law makers that they recognised the non-compensatable nature of drinking water. For instance the Statute 12, of the Bengal Irrigation Act states that, if any supply of drinking water was ‘substantially deteriorated or diminished’ by any works undertaken, the remedy was not compensation, but ‘an adequate supply of good drinking water’ ‘within convenient distance’. 135

The Government of India Act, 1935 specifically gave provinces the powers concerning water supply, irrigation, canals, drainage and embankments, water storage, and hydro-power. Conflicts between provinces/princely states were subject to the jurisdiction of the Governor-General, who could appoint a commission to investigate a conflict if it was found to be of sufficient importance. 136 After independence, the Constitution retained the basic scheme chosen in 1935 and gave the states a leading role in water legislation. Water was thus included in the state list in recognition of the fact that the water related issues in different parts of the country are different.

**The Colonial Forest Policy in Naga Hills (an appendage of Assam till 1881)**
The growth and development of forest administration and conservancy efforts in mid nineteenth century under the British Government of India indirectly led to the beginnings of Forest administration in the Naga Hills (a district of Assam till 1881) at a later point of time. In the Naga Hills, Forest administration covered all aspects; including water resources. No separate water law was imposed or administered as was the case in other parts of the country. Therefore, any forest law implemented or referred to in the course of the study covers all aspects of the forest, including water resources.

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136 Government of India Act, 1935, sections 130 to 134.
The Government Forests in Assam managed under the Bengal Forests Rules, sanctioned by the Supreme Government, were gazetted under Act of 1865, either as “reserves” or “open forest”. The Government gained control over the reserved forests and their products and in the open forests, the authority of the Forest Department extended only to the protection of some species of trees. Under this Act, there were restrictions imposed on the use of streams and canals passing through or coming from government forests; prohibition of the closing or blocking up for any purposes whatsoever of streams or canals used or required for the purpose of timber or forest produce; prohibition of the poisoning of or otherwise interfering with streams and waters in government forests in such a manner as to render the water unfit for use.\(^\text{137}\)

Even in the remaining un-classed forests, the government retained monopoly rights over trade in forest produce. The rights acquired by the government were absolute. This meant that the rights of local communities were either abrogated or curtailed.

The First Forest Department of Assam formed in 1868, was initially a part of the Forest Department of Bengal and the Bengal rules were in force in the province.\(^\text{138}\)

Later as it became evident that it was difficult to administer several provinces in charge of one Conservator; Assam was separated from Bengal in 1874.

Forest management in Assam showed district wise differentiation in implementation of policies. Such variations occurred because of different levels of Imperial penetration according to Imperial needs. It was in the year 1868 that an Assistant Conservator was deputed to inspect and report on the forests of Assam. Forest administration was completely organized only by 1873, under Mr. Gustav Mann, who went on to become the first forest officer in Assam. Later, when the province of Assam was reconstituted in 1874 as a Chief Commissioner’s province, Mann assumed the post of Deputy-Conservator of Forest.\(^\text{139}\)

By 1874; the forests of Assam were divided in to two divisions, each headed by an Assistant Conservator of Forests with a Deputy-Conservator of Forest having overall charge of the entire province. The Upper Assam division comprised the former districts of Lakhimpur, Sibsagar and the Naga Hills, while the Lower Assam Division covered Kamrup, Nowgong, Darrang and the

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\(^{137}\) Forest Reserve in Assam 1872-74, (Government of Bengal), (Forest)-Duty (Record) Shillong.

\(^{138}\) B. Ribbentrop, op.cit., p.25.

\(^{139}\) S.D. Goswami, Aspects of Revenue Administration in Assam, p.119.
Khasi Jaintia Hills. The Forests of Assam was very considerable, covering a large portion of the total area of the province when the British first occupied it. Apart from the government owned lands, a portion also belonged to the private parties like the Zamindars of the Goalpara district. Other parts of Assam such as the Garo, Khasi, Jaintia and the Naga Hills the whole of which remained more or less forest or waste, with next to no permanent cultivation, a sparse and scattered population lived almost entirely by jhuming. In the year 1877-78, the area of Assam was 45,302 sq. miles; government forests formed 17 percent of the total area. The reserved forests was sought to be maintained at 6 per cent of the total area under forests in the province. Out of which (1879) a statement shows the extent of forest reserves in the Naga Hills District, more additions were made over the years.

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>YEAR</th>
<th>NAME OF THE FOREST</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Naga Hills District</td>
<td>1879</td>
<td>Nambar, Mikir Hills, Daigurung</td>
<td>389 sq. miles</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>81 sq. miles</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>16 sq. miles</td>
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<tr>
<td>“</td>
<td>1887</td>
<td>Kaliani Forest Reserve</td>
<td></td>
</tr>
<tr>
<td>“</td>
<td>1896</td>
<td>Addition to Nambar Forest</td>
<td>8728/11 acres</td>
</tr>
<tr>
<td>“</td>
<td>1902</td>
<td>Desoi Valley in (Mokokchung sub-division)</td>
<td>40,480 acres</td>
</tr>
<tr>
<td>“</td>
<td></td>
<td></td>
<td>2517.6 acres</td>
</tr>
<tr>
<td>“</td>
<td>1916</td>
<td>Rangapahar forest (Dimapur sub-division)</td>
<td>6,816 acres</td>
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<tr>
<td>“</td>
<td></td>
<td></td>
<td>7,865 acres</td>
</tr>
<tr>
<td>“</td>
<td>1918</td>
<td>Intangki Forest (Dimapur sub-division)</td>
<td>44,800 acres</td>
</tr>
</tbody>
</table>

140 Part II of the Forest Rules published in Assam Gazette of 16th September, 1876, p.502.
141 B. Ribbentrop, *op. cit.*, p.76.
142 Ibid. p. 96.
143 G. Mann, PRFA 1877-78, p.7.
144 D. Brandis, Suggestions Regarding Forest Administration in Assam, p. 8.
145 Appendix I
146 Appendix II (a), Appendix II (b) & Appendix II (c)
147 Appendix III (a) & Appendix III (b)
148 Extract from the Assam Gazette, No. 32 of 1887 (Part II) August, 1887, Revenue Department. Appendix IV
149 Extract from the Assam Gazette, No. 12 of 1896 (Part II) p.238 dt. 21-3-1896. Appendix V
150 Section 17 of the Assam Forest Regulation, VII of 1891. Appendix VI (a)
151 Revenue Dept. Officer on Special Duty (Records), Government of Nagaland (Records’ Cell) Nagaland Secretariat. No. 8 of 1922 (Part II) P. 247, Dated 22-2-1922. Appendix VI (b)
152 File No. 111F/312 of 1916 Assam Secretariat, Revenue Dept. No’s 33, 39. Appendix VII (a)
153 Financial Dept. Notes, Forest A, 1920 Nos 1-11, Government of Nagaland, Officer on Special Duty (Records). Appendix VII (b)
154 Ibid. Appendix VIII
The rights acquired by the government were absolute. Rules were framed from time to time to increase the hold of the Government over other aspects of the environment. Thus, among many others, there were restrictions imposed on hunting of elephants, and also prohibition of poisoning of water for fishing flowing into or through the government reserved forests.\textsuperscript{155}

Although formally the treaty of Yandabo had encompassed Naga inhabited areas within the sphere of British influence, for some decades it remained beyond the pale of British administration. The treaty had no immediate impact on the Nagas, and their undefiled country, hemmed in by Burma on the East, Manipur and Cachar on the South and Assam on the North-East, West and South-West, nominally remained a part of British territory.\textsuperscript{156} The year 1832, led to more direct Anglo-Naga contact. The earliest British contact with the Nagas of Nagaland came about when they crossed into Naga territory during the strategic survey of road communication between Assam and Manipur\textsuperscript{157} and they had a further interest to stop the menacing raids of the Nagas on the British subjects of the Cachar and Nowgong frontier.

Despite their efforts to maintain peace and security of their settled districts, the British could not follow any consistent policy until 1881 when the Naga Hills were brought under a regular system of administration.\textsuperscript{158} The Government changed its policies from time to time depending on the response of the Nagas vis-à-vis the tenability of their tactics. The first period covers 1832-77 during which the primary concern of the British was to ward off the Nagas from raids into the administered districts of Assam; the second period from 1877-1880, the Government followed a ‘forward policy’ leading to the final merging of the Hills into the Indian system of Administration.\textsuperscript{159}

The early colonial policy in Naga Hills was directed to the exploration of its economic resources. As early as 1845, Francis Jenkins, the Agent to the Governor General of North East Frontier agency, sent Captain John Butler to Naga Hills on a commercial mission.\textsuperscript{160} However, for the colonists compared to extensive rich forests of the Assam plains and foothills, much of the hill forest had less commercial potential in

\textsuperscript{155} G.Mann, PRFA 1879-1880, (Appendix III).
\textsuperscript{157} For. Deptt. Pol-A March 1832, no. 70.
\textsuperscript{158} B.C. Allen, Assam District Gazetteer, Naga Hills and Manipur, p.9.
\textsuperscript{159} Ibid.
\textsuperscript{160} For. Deptt. Pol-A, February 1845, no.148.
terms of species and their numbers. Therefore at the time of regular administration in Naga Hills District by 1881, the colonial land use policy could be expected to be far less intrusive in the Naga Hills in comparison to that conceived for various other parts of the country; this can be seen in the context of the concurrent national and provincial policies. To quote Mackenzie: “all that we sought was peace and free intercourse.” As it was the general policy of the government to interfere as little as possible with the internal affairs of the Nagas, the government did not assess the land of the Nagas for taxation.

On his exploratory mission, Butler was directed to the discovery of lime, salt, coal and iron ores, indigenous tea and coffee plants and any timber trees which might appear to possess useful qualities, and all hill products which were likely to become articles of commerce and to submit the results of his researches and samples of such articles. The Government showed interest to promote tea and coffee cultivation. Mr. Walter Butler, brother of deceased Deputy Commissioner of Naga Hills District, Captain Butler, was the proprietor of a tea garden in Wokha, till he left the country for good. The two methods of cultivation of the Nagas - *jhum* and terraced type, received the attention of the government and having considered *jhum* as a wasteful mode of cultivation, the authorities tried to impose restrictions on it. This was achieved in January 1882, by the Chief Commissioner, C.A. Elliot, after solidifying British influence in the district. Sir Charles Elliot issued instructions to political officers in the Naga Hills to make every endeavour to encourage the Naga Hill tribes to take to terraced cultivation. He advised the district officials to introduce cultivation of potatoes, other staples, and different vegetables. He suggested free distribution of seeds and impartation of necessary instructions to the Nagas in this respect. The Deputy Commissioner of Mokokchung sub division, personally bought two pairs of bullocks and lend them out to the people, in order to teach them to plough as they had no previous knowledge of such a practice. Further the Assam Agriculturists’ Loans Act XII of 1884 was introduced to the Naga Hills District with an objective to promote cultivation through annual financial assistance. However, the meagre annual

162 Tour Diary of Mr. A. Porteous, Deputy Commissioner Naga Hills, 1890. (Secret Department).
163 Assam Agricultural Department Report, 1886.

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agricultural loans, could not meet the requirements of the farmers for instructors, the loans were more useful as an expression of government’s desire to improve agricultural economy in the district than as an effective attempt to accelerate agricultural growth in the Naga Hills.

Experiments with lac were carried out at Mokokchung and Changki village and although the venture failed, there were plans to carry out more experiments in several other Naga villages. Orange crops, millet crops, cotton crops were all put under cultivation in different locales. There were fruit gardens at Nichuguard, Ghaspani, Piphema and Zubza; and a few young apple and pear trees were planted at Kohima, Zubza, Mokokchung, Yekhum, Sanis and Bhandari. Terrace cultivation was introduced in the Tizu valley and some Sema areas.

Gradually, the village communities were no longer left to manage their affairs without direct or indirect supervision. As for management of forests, the British administration applied the Assam Forest Regulation, 1891; by which the extraction of timber was regulated under terms and conditions of agreements drawn up with the coupe holders which paid a certain amount of security. Felled trees were measured and marked with Government passing hammers, with serials and allowed to be exacted under cover of transit pass and challan issued by the forest officials.

With the reorganization of East Bengal and Assam in 1912, the forests of Assam were organized into eastern and western circles and it also dealt with forestry issues of the Naga Hills District and the princely state of Manipur. Under the British administration, the report on forest administration was filed annually. The report included information on the nature of forests in Naga Hills District, its status whether “reserved” or “open”, jhuming, timber-wise and area wise extension. Some examples of conservation were seen when the Imperial forest service under Meiklejohn as Deputy Conservator of Forests (1922) in the Naga Hills demonstrated the value of conserving jungle as far as possible to ensure an adequate and constant supply of water in the streams in Tezu Valley. He urged the Sema tribes to spare trees on their jhums as far as possible and to sow alder. However, considerable difficulty was

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167 S.D.O’s Diary, D.R.O. Mokokchung, November 1915, see the inspection note of Reid, Commissioner, S.V. and H.D., Assam.
168 General Administrative Report (forwarded to the Chief Secretary, Assam) 1896-97.
169 Annual Administrative Report of the Naga Hills for the year 1908-09 (General Department).
experienced in getting specially sown alder seed to germinate in the region, in comparison to the good yield from the *jhums* in the Angami country.\textsuperscript{170} At the same time the necessary preliminary work for the constitution of the Forest Reserve on the Nowgong border had been completed during the year 1922-23.\textsuperscript{171} Mr. Bor of the Imperial Forest service is also commended to have made most valuable work of conservation of forests particularly in the Sema country during his tenure as Deputy Conservator of Forests during 1924-25.\textsuperscript{172} Species of trees such as the Acacia, oak, Grevilea, and Melia, Toosender and Melia Azadiratch were tried and some of them proved to be most promising. However, their main effort involved in particular the weaning away of tribals from shifting (*jhum*) cultivation.

The declarations of the British, to conserve and preserve forests, included in greater or lesser degree, the regulation of the rights and privileges of the local community. While the forest-based industries had relief on the commercially valuable wood, the forest Tribes, depended on the minor forest produce for their subsistence. The colonial government allowed for the supply of fire wood to the 3\textsuperscript{rd} Assam Rifles and to the station in Kohima from the Pulebadze Reserve Forest, while at the same time private individuals, predominantly the local Angamis, were issued passes for a fee for even collection of firewood for their hearths from what was once their traditional forests.\textsuperscript{173} This practice of fuel cutting for the Assam rifles was stopped only around the year 1936.\textsuperscript{174}

In actual practice, all declarations of conservatism were set aside whenever they came in the way of British interests. For example, forests in the Naga Hills and the Terai region were unscrupulously cut to meet the increasing demand of wood during both world wars. There was heavy demand on timber of all types resulting in unplanned felling. The Nagas in the Sanphan range bordering the valley near the Tiru River and Safrai River, particularly the villages of Wakching and Punkhung (Konyak country) suffered loss of their surface rights over the land they had earlier rented out to Assamese cultivators. All rights to their land were extinguished by the payment of

\begin{footnotesize}
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  \item \textsuperscript{170} Annual administrative Report of the Naga Hills District for the year 1922-23, File No. Pol.1247 of 1923.
  \item \textsuperscript{171} Ibid.
  \item \textsuperscript{172} Ibid.
  \item \textsuperscript{173} General administrative Report of the Naga Hills District for the year 1925-26, File No. 354.
  \item \textsuperscript{174} General administrative Report of the Naga Hills District, 1936-37.
\end{itemize}
\end{footnotesize}
lump sum compensation. This was done so that the Deputy Commissioner of the Naga Hills would issue trade permits for the removal of forest produce from this forest area.175

The Government also meddled in petty issues of all types. For instance, the Government forbade the felling of alders in jhum fields and ordered their preservation in the Pollarded form. In another instance, the administration forbade fishing with cast nets in the Doyang and Bagti rivers. The transplanted regulations created a totally new dimension in forest laws for the Naga Villages, as it carried both the old and new elements. The growing restrictions on forest right and dispossession of customary rights, such as restrictions placed on shifting cultivation and the sale of forest produce also alienated the tribals from their land particularly after the passing of the 1878 Forest Act, and this generated resistance among the tribals. However, unlike other parts of India where there were major episodes of coordinated popular resistance, in the Naga Hills it was mostly in the form of petitions and claims.

Upto 1957 the whole of Nagaland was one forest division of Assam. From 1961 to 1963, forests of Nagaland were in charge of the Chief Forest Officer. After the formation of the Nagaland State, Nagaland Forest Act, 1968 was passed which entitles the Government to carve out forest reserves on the basis of awarding compensation to the holders or authorities who own the forests, after assessing the existence, nature and extent of any rights claimed by them. The state government is empowered to constitute, reserve, protect, village forests and demarcate them. At present, the Reserved forests, Protected forests, Wildlife sanctuaries and National parks are under the control and management of the Forest Department, while the Village forests are under the control and management of the land owners.

*The Colonial Water Policy in Naga Hills (an appendage of Assam till 1881)*

When the Naga Hills was brought under a regular system of administration from 1881, the British made their administrative arrangement in such a manner that Nagas were mostly left to continue to rule and administer their villages according to their respective customs and traditions with only ‘loose control’.176 In pursuance of this

175 Forest Department Files 1928-Proposed forest notification.
176 The Government played a supervisory role in the district administration thus leaving the responsibility of the actual day to day administration to the Gaonboras.
policy objective, the Government while their own technique of control administration remained informal without any hesitation used the existing institutions based on local customs and traditions. It served the dual purpose of keeping the Nagas free to govern themselves in their traditional ways; while at the same time immensely reducing the responsibility of the government from the detailed and costly affairs of administration.\textsuperscript{177} By recognising the traditional leaders and elders as ‘Chiefs and Gaonboras’\textsuperscript{178} they tried to integrate the existing leadership into the colonial administrative framework. The status of the village administrative functionaries was changed significantly as they were given a quasi-official position and were no longer answerable to the village community of which they had been the representatives or servants.\textsuperscript{179} A case in point was seen in the rise of collection of house tax and land revenue by the headmen of different villages from Rs.15, 757 in 1880-81 to Rs. 28, 295 in 1883-84. The prompt payment and steep increase was because the ‘police were dispatched to enforce payment’.\textsuperscript{180} In the interest of British administration, village administration was delegated with the powers to deal with petty local disputes, and yet, practically in almost every aspect of public matters, the district administration invariably intervened in the name of maintaining law and order and developmental activities.

Coercion was the usual method used in subjugating the Nagas; examples which are seen in the comments of McCabe, who noted that, “the Angami at first was inclined to treat a summons in a most casual manner, returning an answer that he was busy with his cultivation, and could not attend just then. By the immediate infliction of heavy punishment for all such contempt of authority, I have succeeded in making the Angami very obedient to official summons, and it is now only on very exceptional occasions that a man fails to appear on the fixed date”. He refers to another incident when an entire khel of Thenejuma village by refusing to come to Kohima on his orders were immediately confronted by the said officer with an escort of 100 sepoys and punished by imposition of a fine of Rs. 100.\textsuperscript{181} In another incident during an

\textsuperscript{177} N. Rustomji, \textit{The Imperilled Frontiers}, p. 26.
\textsuperscript{178} The British readily incorporated and recognized the village chiefs in some communities and as elders or Gaonburas in other communities. Whatever be the title, they were constituted as representatives for carrying out the orders of the government in their respective villages.
\textsuperscript{179} P. Sema, \textit{British Policy and Administration in Nagaland, 1881-1947}, p.53.
\textsuperscript{180} Judicial Department, \textit{Resolution on the Naga Hill, General Administrative Report for 1883-84}.
\textsuperscript{181} \textit{Ibid}. 62
inter-khel feud at Jakhama village, the administration was quick to intervene by imposition of a fine of Rs.600 and punitive measures led to a road construction free of cost from Jakhama to the Manipur road.\textsuperscript{182} Thus although the Government’s policy was to interfere as little as possible in the internal affairs of the Nagas, this non-interference was superficial rather than real.\textsuperscript{183} The words of McCabe, summed up the Colonial stance in the Naga Hills, “The Nagas are quietly settling down, and as each year passes without an attempt to contest our authority a blow is struck to all dreams of future independence”.\textsuperscript{184}

As mentioned before, there were no uniform stringent impositions of Colonial water laws within the administered areas in India. Statute laws were imposed randomly across different time; space and areas as and when, the government felt it was to their benefit. This empowerment of state instrumentalities through statute law was therefore clearly intended to disempower a people, and the legitimacy that attached to enacted, codified law was used to achieve this.

Although as an administered unit of the Colonial government from 1881, all statute water laws within the British administered areas where applicable per se also presided in principle over the Nagas Hills district; in actual, no specific water laws were put into practice. As per the policy of the Colonial masters, the Nagas were mostly left to continue to rule and administer their villages according to their respective customs and traditions; covering all aspects of the forest, including water resources. Although the Naga tribes were permitted by the colonial government to be governed by their own customary laws; it did not stop the very same administration in meddling in petty issues of all types. They were instrumental in the creation a contradictory state of affairs; whereby as a result of relentlessly imposing its statute laws and regulations it attacked indigenous, and community-based, systems of control and management of forest and water.

References have been made to the permission granted by the colonial administration to a large number of villagers for the cutting of a “namghar” of half a dozen posts of

\textsuperscript{182} Judicial Department, \textit{Resolution on the Naga Hills, General Administrative Report for 1884-85.}
\textsuperscript{183} N. Rustomji, \textit{op. cit.}, p. 26.
\textsuperscript{184} Judicial Department, \textit{Resolution on the Naga Hills, General Administrative Report for 1883-84.}
wood of the reserve kinds from the district forest.\textsuperscript{185} Moreover, frequent complains of the forest dwellers was brought to the notice of the officials regarding the oppressiveness of the forest rules in the Dhansiri valley, an unreserved forest, and of the difficulty of getting wood for houses or of opening up new patches of land for cultivation, owing to the heavy cost of royalty on one hand, and the prying indifference of the forest officials on the other.\textsuperscript{186} However, not much attention was given to such complaints. A. E. Woods, Assistant Commissioner, Naga Hills, makes mention in his tour diary of the permission he granted to the Yekam villagers (Lotha country) to kill an elephant, from a herd of elephants that had strayed from the valley into their cultivation area, destroying crops.\textsuperscript{187} Annual miscellaneous revenue generated by the colonial government included the issuing of licenses to hunt elephants; for instance between 1883-84, they generated Rs. 1,499, and paid Rs. 3,900 as royalty on the captured animals and the fishery rights in the Doyang and Dhansiri rivers brought in Rs.300 for them.\textsuperscript{188} Another case brought to the notice of the district administration was by Mr. Clark, of the American Mission, who reported that the Ao village, described as Merangkhang claimed to certain fishing rights in the Jhanzi river (Melak River), but this was challenged by Deka Haimong village (presently known as Molungkimong) following which Mr. Greer, the Deputy Commissioner at that time, settled the case in favour of the latter.\textsuperscript{189} There were evidences that the forest department issued permits to a certain man from Sylhet to cut sasi trees of over 4½ feet circumference, even outside government forests as seen in a case presented by Deka Haimong village (presently known as Molungkimong) to A.E. Shuttleworth, Sub-Divisional Officer, Mokokchung,\textsuperscript{190}

One vital piece of evidence showing the reach and agenda of the colonial government to bring the forest areas and resources of Naga Hills under their strict control and to legitimize the hold over them was seen in a notification issued, under the Assam Forest Regulation, VII of 1891, pertaining to protected forests. One of its clause mentions the proposal and intent of the colonial Government to bring more forest areas under its control by reserving forested areas. Schedule C mentions: ‘On the

\textsuperscript{185} Tour Diary of Mr. A. Porteous, Deputy Commissioner Naga Hills, 1890. (Secret Department).
\textsuperscript{186} Ibid.
\textsuperscript{187} Tour Diary of Mr. A. E. Woods, Assistant Commissioner, I.S.C. Naga Hills, 1892.
\textsuperscript{188} Judicial Department, \textit{Resolution on the Naga Hills, General Administrative Report for 1883-84}.
\textsuperscript{189} Judicial Department, \textit{Resolution on the Naga Hills, General Administrative Report for 1886-87}.
\textsuperscript{190} Tour Diary of A.E. Shuttleworth, Sub-Divisional Officer, Mokokchung, 1895-97.
formation of the above area into a reserved forest all private rights over the land or to the products thereof and all rights of way, rights to a watercourse or to use of water, rights of pasture and all other rights whatever will be extinguished save and except such as are admitted by the Forest Settlement Officer and sanctioned by the Local Government’. 191

The District Forest Rules applicable in Assam province were not applicable in the Naga Hills District, 192 even after the Naga Hills came under regular administration in 1881, although the intent to bring more forests areas in Naga Hills under ‘reserved areas’ were in place. For instance, in a letter from Gustav Mann, Esquire, Conservator of Forests, Assam, to the Chief Commissioner of Assam, mention is made of the intentions of the local government to constitute certain land ‘known now as the proposed Doyang Reserve’ 193 reserved forest. The colonial government appointed an official to enquire into and determine the existence, nature and extent of any rights which may exist in favour of any person in or over the lands. That, if there were no “legal” rights, he made the assertion ‘the term is a question for the decision of the government’. 194

The Desoi Valley Reserve extended to an area of 40,480 acres 195 in Mokokchung Subdivision and this forest reserve swallowed up a huge area of what was previously traditionally managed forest area spreading over many Ao villages. After annexing the traditional forest areas, the Colonial government represented by F.C. Hennicker, Secretary to the Chief Commissioner of Assam promptly issued a notice to the Nagas whereby permission was granted as ‘the following Naga paths now existing inside the reserve for the use of the Nagas: 1. Lakhu-Moriani path. 2. Semsa and Japu- Moriani path. 3. Changki – Moriani path. The Nagas of the villages of Lakhu, Semsa Japu (including Longmi Khaba), and Changchang are allowed to fish in the Desoi and its tributaries within the boundaries of the reserve by means of dams and traps for their own consumption, and not for sale. The exercise of the right to fish will not interfere with the transport of timber and other forest produce’. 196 Such acts seemingly

191 Appendix IX
192 Forest Department Files-1898-99, Collection XX, File No. 2.
193 Ibid.
194 Ibid.
195 Extract from the Assam Gazette, June 21. 1902.
196 (Reserve Forest), Mokokchung Sub-division No. 25 of 1902.
considerate, illustrated the irony of the circumstances where Naga tribes required official permission to pass through their ancestral forests and to fish in the Desoi River.

In another instance, the arbitrary manner in which colonial forest regulations were imposed is seen in the Proclamation issued on the 24th October, 1916, regarding the intentions of the Forest Department Assam to bring an additional 5,145 acres of land to the Rangapahar forest, Dimapur sub-division, under section 5 of the Assam Forest Regulations, VII of 1891. The often indiscriminate enforcement of regulations is evident in the response of the Deputy Commissioner, Naga Hills to the notification issued by W.F.L. Tottenham, Esquire, Conservator of Forests, Eastern Circle, Assam. He noted that ‘this proposal was started without any notice to the Deputy Commissioner or anyone else in the Naga Hills and had been framed without any consideration for the wants of the people residing at Nichuguard and Dimapur. Government wants to open out the Nambor and the creation of new reserves in a haphazard way frustrates that policy’.

In a letter addressed to the Deputy Commissioner, dated 15th March, 1914, twenty three residents of Nichugard Basti and Shamuguting Basti wrote against the reservation of the forests from 3½ mile to 8th mile between Dimapur and Nichuguard, stating that they were cattle breeders and cultivators. They asked for right to graze their cattle and to cultivate their fields, pleading that, ‘So that if whole of the forest is reserved death of (by) starvation will be the said result’. Such incidences were a frequent occurrence throughout the Naga Hills. The villagers had to seek permission to even collect firewood and daily essentials from the forest which had been their traditional abode. For instance, the Goanbora of Wamakan Village in the Ao country had to claim permission to use (a) right- of-way (b) to water course and to use water and (c) right of pasture or to forest produce in the proposed forest reservation in their area. Though the given list is not exhaustive but a few among the scanty records found, it establishes the factual justification of the colonial disregard for traditional customs and the slow erosion of the legitimacy of timeless customary laws practiced by the Naga Hill tribes.

197 Forest Department Files-1914-1917, under Rangapahar Reserve Forest.
198 Forest Department Files-1913-1914.
199 Appendix X (a) and Appendix X (b)
Mon District: Colonial rule reached only to the present lower Konyak areas bordering Mokokchung District and the state of Assam. The coming of the British and later the imposition of forest and other laws greatly affected the traditional practices of the Konyak Naga region. But perhaps due to the indomitable nature of the Konyak tribe, only partial restrictions were imposed. Apart from Jhum cultivation, violation of other forest laws were imposed fines of Rs. 1 or Rs. 2. Fishing and use of fishing nets/poisoning of rivers and jhum cultivation was left free by the British. They imposed restrictions mainly on head-hunting cutting down of certain kind of trees and killing animals, especially female animals. In the Dikhu river/forest area, everything almost remained the same as it was in the pre-colonial era except for restrictions in movement of people around the region. The practice of head-hunting continued for long even after framing law and order in the region. The British used force to suppress villagers and thus, many villagers looked upon them as enemies. The British also gave a gun each to every village for defence and useful purposes. The greatest and biggest change that was brought about by the British in the Konyak Naga Region was introduction and supply of opium to the head-hunting people. Opium totally ruined the Konyak society at large. The British Govt. supplied opium to the villagers in order to weaken and colonize the powerful Konyak villages. The effect is still ruining the Konyak society even these days.

Kohima District: In the Angami country, the British collected house tax as a symbol of authority over the Angami people, but they were careful not disturb the customs of the people. There was no random imposition of laws relating forest or water source relating to jhum cultivation, fishing or hunting, or cutting of trees, except in times of rivalry between khels or individuals. They tried to introduce conservation of forests, but forcefully occupied some forest under their administration and even claimed Pulie Badze in Jotsoma as reserved forest area. Initially, the British intervened only to settle disputes or pass judgment after settlement of a conflict or case but in time their administrative hold became stronger. They discouraged traditions like head hunting and people were restricted from mingling with one another. In case of violations of law, villagers were jailed for months and forced to take up hard labour as construction workers of roads and buildings or as coolie daily wages (workers). Although there was no change in the river/ forest areas as what belong to Angami villages remain unchanged; daily life was no longer unfettered, systematic imposition of foreign ideas transplanted traditional ideas; and these regulations strengthened their control over the Angami country.
**Wokha District:** In Wokha district also a house tax of Rs. 2 was imposed by the British. The payment of house tax to the authorities enabled them to enjoy the protection of the government; it also signified their commitment to obey the authority as also to cease from raids and to pay revenue punctually. The recognition of British authority was encouraged by the British as a peaceful means of bringing the Lotha Nagas under their control. As such initially they did not interfere in the local customs and traditions of the Lotha Nagas concerning the forest and water resources. No restrictions were imposed for fishing, hunting; although the villages were discouraged from jhum cultivation and some kind of forest conservation was introduced. But if colonial forest laws were violated, then penalty was imposed either through fines of Rs.1 or Rs. 2 or hard labour was imposed on the defaulters. Restrictions on traditional practices were applied gradually; villagers could no longer use certain kinds of “poison” to fish, or use a certain kind of fishing net in the Doyang River. In case of land or water disputes between villages, most settlement issues were first reported to the British administration. Curtailment of traditional customs and practices became inevitable under the colonizers.

**Mokokchung District:** The coming of the British to the Ao area did not bring about many changes initially. They were careful not to disrupt the age old customary laws that were in place; local traditions were allowed to function. The concept of communal ownership of forest and water resources was not disrupted. They tried to introduce conservation of forests, and different types of trees were introduced and planted in the area. There were no restrictions imposed on fishing, or hunting in the forests. Only in cases, where there was conflict between two villages or infringement of their authority, were villages punished. Village elders were befriended to communicate between the British administrators and the villagers; and the colonization process was enforced; with time, restrictions were openly imposed through colonial forest laws like curtailment on hunting of elephants, or poisoning of water for fishes. At Lakhuni Village just above the plains, a number of plain traders assembled every year to buy rubber and *sai* wood. Although till that time no royalty was levied on forest produce within the Mokokchung sub-division, the colonial government issued permits to six different firms to send representatives up for trade. Besides, Lakhuni nearly every Ao village bordering on the plains traded in both *sasi* wood and rubber.  

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\[200\] Annual Administrative Report 1905-1906. (General) (226).