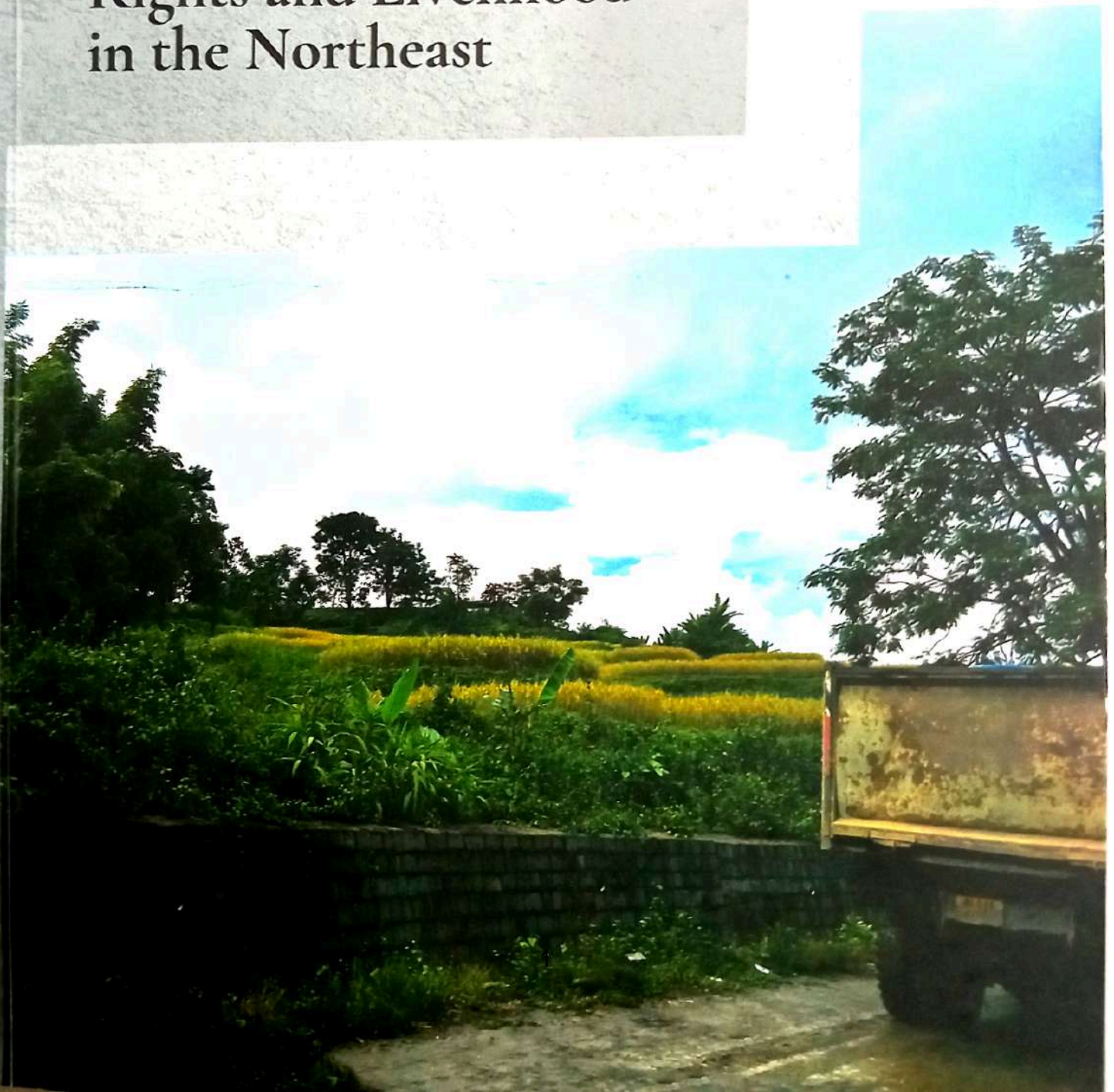


Vizokhole Ltu &  
Taniya Khangembam (eds.)



# TRIBAL LAND, ALIENATION AND THE LAW

Rights and Livelihood  
in the Northeast



*Tribal Land, Alienation and the Law: Rights and Livelihood  
in the Northeast*

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<b>Chapter 6</b>	
Land Alienation and Indigenous Identity: Examining Elite Capture in Meghalaya <i>Aashish Xaxa</i>	83
<b>Chapter 7</b>	
Oil Palm in the Northeast: Land, Ecology, and Exclusions <i>Timothy Khongsai &amp; P. Lalpekhlui</i>	95
<b>Chapter 8</b>	
Legal Provision and Tribal Land in Tripura <i>Anik Das &amp; G. Vanneiliana Darlong</i>	112
<b>Chapter 9</b>	
In the Dusty Shadows of Development: Extraction and Dispossession in the Sixth Schedule town of Umrangso <i>Dejna Daulagupu</i>	129
<b>Chapter 10</b>	
From Land to Solar Farms: The Displacement of Karbi and Adivasi Farmers in Nagaon, Assam. <i>Manoj Singha Raja</i>	155
<b>Chapter 11</b>	
Bodoland Territorial Region (BTR): Land and its People <i>Jasmine Mushahary &amp; Theophilus Leo Basumatary</i>	172
<i>Index</i>	189
<i>Publications of NESRC</i>	193

## Chapter 7

# Oil Palm in the Northeast: Land, Ecology, and Exclusions

*Timothy Khongsai & P. Lalpekhlui*

### The Land: Perceptions and Realities

"Why do we buy land? For our children... If we can get a stable income out of this, what is better than that? Both for them [children] and us." expresses Taje Ngomdir, a 60-year-old Idu Mishimi farmer from Roing, Arunachal Pradesh. But Kazeem, a younger farmer in his early 30s, cautiously responds, "But if it makes our whole land dry up and barren, what will our children eat after 30 years?"

As one would expect anywhere, it is no surprise that Indigenous farmers in India's Northeast region share a strong desire and aspiration for economic stability and progress. This is mostly centred around achieving a better living standard, securing a stable and regular income, and most importantly, ensuring a brighter future for the next generation. Conveniently, government initiatives like the National Mission for Edible Oil-Oil Palm (NMEO-OP) seem to bring these aspirations within reach. This 1100 crore worth Central Government project promises farmers financial and material assistance for cultivation and maintenance, assured prices for their harvested produce, and support for infrastructure development to boost overall oil palm cultivation in the country. It also gives farmers a hope of getting a monthly or even bi-monthly income, which many of the farmers themselves consider at par or even better

than having a government job. On the other hand, the cautionary stance of a few, mostly academics, activists, and some of the younger farmers, reflects growing concerns about the long-term ecological implications of monoculture. Nongkynrih (2008, p. 68) posits that the shift towards cash crops and market-oriented agriculture has gradually dissolved communal ownership structures. The neoliberal emphasis on individual economic gain, encouraged by markets that are structured to be in tune with government policies, poses a force that can aim to replace the existing collective approaches to land and crop management. This transformation is both economic and cultural, as it challenges deeply ingrained ideas about farming, traditional agricultural practices, human ecology, and ultimately, notions about food systems and community identity.

In the case of oil palm cultivation, a 5-year pre-fruiting period and the permanent nature of the cultivation (oil palm tree has a lifespan of 25-30 years) create a strong incentive for farmers to secure individual rights over the land they cultivate. As land becomes scarce and more expensive with the rapid surge of development activities, there is an increased pressure to define and enforce individual property rights, especially for farmers who still cultivate and live directly off the land. As these processes unfold, they ultimately and inevitably transform land ownership patterns and reshape social relations and community structures, potentially leading to increased inequality and conflicts over resources.

However, individualisation and gaining monopoly over land use and control do not necessarily occur only through a formal privatisation process. In many contexts, particularly in areas with strong customary land systems, individualisation can manifest in subtle and gradual ways that do not involve legal ownership transfer but result in de facto individual control over land resources. One common pathway to individualisation without privatisation is through long-term usufruct rights. The long-term nature of the plant makes it possible for individuals who invest in them to gain extended control over the land in which the cultivation is done. An example can be

cited from the fieldwork conducted in Mizoram. Oil palm was introduced as a flagship programme of the New Land Use Policy (NLUP), in which farmers are encouraged to grow commercial plantations as settled agriculture. Under settled cultivation, land is allotted on an individual basis, usually to the male considered the 'head of the family'. During an interview, an oil palm cultivator from Kolasib, Mizoram, said, "I planted oil palm on government-allocated land under NLUP, and it was kept in my name". In such cases, the individual control established through such usufruct arrangements is frequently consolidated by a parallel decline in communal governance systems. Ostrom (1990, p. 30) describes how this development of "usufruct rights" can become entrenched and even inheritable, leading to individualisation within the communal system. Another mechanism is the gradual erosion of communal management practices. Agrawal & Gibson (1999, p. 633) also note how changes in economic systems, migration patterns, or government policies can weaken traditional institutions that govern communal resources. When these institutions lose effectiveness, individual households may begin to make autonomous decisions about land use, effectively individualising control even if formal ownership remains communal.

### **Attachments and Alienations**

In the oil palm frontiers of NEI, cultivation is conducted at various scales and on different land tenure arrangements to which farmers are attached to their land. Three common forms of tenure arrangement are seen: a) Compact plantations on community-allocated land on customary tenure arrangements; b) Individual plantations on inherited or bought land on customary arrangements; c) Individual plantations on inherited or bought land with government-authorized tenures. Although 'government-authorized tenure' is mostly 'patta', authorisation by the village authority is accepted in some cases.

6

Lalliana, a 70-year-old farmer from Kolasib, Mizoram, says, "I do not have much, but I have this (land) to leave for my three

children. I have divided it into equal plots for each of them. What they use it for is their choice, but at least I will not leave them with nothing." From this perspective, land represents a complex interweaving of personal, familial, and cultural identities. It serves as a tangible link between generations, a legacy of the past, security for the present, and a promise for the future. However, this attachment is often tested by separation, particularly through evolving economic systems. The different modes of land attachment and tenure arrangements create complex power dynamics among farmers. While it is true that customary laws in tribal areas are recognized under constitutional provisions, creating a *de jure* formalized system, this recognition often lacks the *de facto* security of a formal land title like a *patta*. Those with such formal documentation are more incentivized to invest in long-term crops like oil palm due to the unambiguous, legally defensible, and market-ready nature of their ownership. This documentation is the key that unlocks better access to credit, government schemes, and market opportunities.

In contrast, those relying on customary or usufruct rights often face a "recognition gap," where their rights are acknowledged within the community, but frequently remain invisible or too ambiguous for banks and certain state mechanisms. This disparity in the practical power of different land rights leads to a situation where farmers with formal titles can dominate, control, and potentially expand their holdings. They become better positioned to adopt new technologies and intensify production. Consequently, this power imbalance, rooted not in a lack of legal recognition but in a lack of fungible security, can gradually alienate or separate farmers with 'informal' customary rights from their lands.

Alienation or exclusion of farmers from their land may not necessarily be outright dispossession. It can also occur through loss of decision-making autonomy over crop choices and farming practices, increasing influence of market forces and corporate interests, increasing dependence on external inputs, and even shifting power dynamics within the community. Regarding oil palm

cultivation here, the situation exhibits differences from that of Southeast Asia, where corporate entities and plantation estates dominate the expansion (Li & Semedi, 2019). In the Northeast, the push for oil palm has been and continues to be primarily driven by smallholder plantations rather than large-scale corporate ones. Due to this smallholder-centric approach, outright dispossession of farmers from their land by large companies, a phenomenon often observed in Southeast Asia, is not yet occurring here. This does not mean that the expansion of oil palm cultivation is without its complexities and issues. Among the smallholders, different forms of alienation or exclusion are taking place, shaped by varying levels of social and economic capital. This leads to a process of gradual land consolidation or resource concentration, where more affluent or well-connected smallholders can expand their operations, potentially at the expense of their less advantaged neighbours. Additionally, while large-scale acquisition does not occur, companies are engaged in contract farming arrangements with smallholders. This creates a space for the companies to influence and control decision-making processes as the smallholders lose autonomy over their land, leading to various forms of land alienation.

### **Out-grower Models**

Hall and Li (2011, p. 11) talk about Southeast Asia, where land is needed for plantations but not labour because of the availability of cheap migrant labour. This scenario makes it certain to physically expel the people from the land. However, in the case of NEI, where not only land but labour too is needed and readily available, the prevailing structure is one where people retain nominal ownership of their land but are incorporated into the plantation industry. This model aligns with the observations of Cotula *et al.* (2009, p. 69) and others, who note how contract farming/out-grower model is often used as an alternative to direct land acquisition, serving as an “inclusive” model that involves smallholders. Here, the widespread availability of smallholder labour makes large-scale expulsion neither practical nor necessary for companies. Instead,

the complex power dynamics created by land tenure, as previously discussed, become the entry point. Farmers with formal land titles are directly incentivized to convert their plots to oil palm, seeing it as a secure investment. However, the structure of contract farming also exerts a powerful, indirect influence on those with customary rights. By offering resources, market access, and a perceived path to economic integration, these contracts persuade farmers to sign agreements and commit their land to oil palm. Consequently, instead of facing forcible acquisition, many farmers are gradually incorporated into a corporate-controlled production system. They may technically retain their land, but they cede control over its use, effectively subjecting it to incorporation rather than expulsion.

Through this model, companies secure a reliable supply by providing farmers with essential inputs from saplings, equipment, and fertilizers, to technical guidance, in exchange for a long-term commitment. Farmers are required to sign contracts, often spanning 30 years, dedicating a specified portion of their land exclusively to oil palm. This arrangement binds them to cultivate the crop according to corporate specifications and to sell the harvest back to the company at a predetermined price. In effect, while the farmer retains the deed to the land, they cede operational control over it for a generation. While some argue that such arrangements do not involve direct acquisition of land and support family farming benefiting them economically (Cotula, *et al.*, 2009, p. 7), other studies (Little & Watts, 1994; Hall, Hirsch & Li, 2011) claim that contract farming exploits small farmers because of the unequal bargaining power between the farmer and large agribusiness firms. They contend that the out-grower scheme enables the oil palm companies to acquire land that would not otherwise be available for their plantation, as local farmers are induced into growing oil palm 'voluntarily'. In these contract farming arrangements, while the farmers, who are usually men, retain the right of ownership over land, the family (wife and children) and the community lose the right to use the piece of land once a contract is entered into with the companies, thus disrupting, displacing, and dispossessing

livelihoods in the community. On top of it, the farmers, especially the smallholders who shift outright to oil palm, are at the mercy of the companies as they depend entirely on them for the processing and marketing of their produce.

### Land Lease

The introduction of commercial plantations such as oil palm also represents a contested terrain where neoliberal development paradigms intersect with constitutionally protected indigenous land tenure systems. This agrarian transformation involves the transfer of usufructuary rights over individual land to corporate or state entities for monoculture cash crop production, fundamentally reconfiguring traditional resource governance mechanisms and socio-ecological relations. An example of land leasing in the context of oil palm plantation can be cited from the field,

“This land had remained unused for the past few decades. Together with some of the forest patches, our NGO acquired the land on lease after signing an agreement with the Mojudar (revenue collector) and the Panchayat for 30 years to plant oil palm,” said the president of a farmers’ collective in Dudhnoi, Assam. The land in question was an area of 23 hectares adjacent to a reserve forest where elephants also lived. While the land officially belongs to the village and falls under the jurisdiction of the Panchayat, the NGO, whose leaders are also members of the same Panchayat, acquired it through a lease agreement that directs a percentage of the income to the village authority. The president continued, “It was a land laid waste, and we did not occupy any villager’s share of land.” Without officially transferring ownership, this lease arrangement effectively transforms the communal “wasteland” into a privatized commercial asset. This effectively blurs the lines between community governance and private interest while raising questions about the long-term social implications for the village.

Another case of land leasing occurs when individuals give their land to private companies for the construction of processing units and nurseries. This practice has led to companies possessing

private land in which the owning individuals have lost control over their land. In Mizoram, for example, the two operating oil palm companies, Patanjali and Godrej, have used individual land for the nursery and processing units. Patanjali, operating in southern Mizoram, signed an agreement with a landowner to set up an oil palm nursery. The company's regional manager confirmed that they have officially signed a contract to use farmland owned by residents at a cost of Rupees 125,000 per hectare per year over a four-hectare stretch of land. Similarly, Godrej, operating in the western part of Mizoram, has acquired individual land for setting up nurseries and a processing unit. The lessees, in this case, the companies, have set up their factories, which require many resources such as electricity and water, among others, which they source from the local area. This leads to increased pressure on local resources, as companies prioritise their own needs, potentially straining existing infrastructure and ecosystems. The effects of the land lease system can vary widely depending on factors such as local regulations, market dynamics, and social context. While land leasing can offer benefits such as access to land and economic opportunities to a few individuals, the impacts or costs have to be borne by many.

Ripun Bora, a young high school teacher in his mid-twenties from Borigaon, Assam, recounts a village meeting called to discuss a request from farming NGOs to lease approximately 30 hectares of village land, including a small forest patch, for oil palm cultivation. Despite some opposition from the villagers, the authorities had seemingly already decided to proceed with the lease. Ripun suggests that the 50-50 profit-sharing offer may have influenced the leaders' decision. The authorities justified their choice, stating that the land had been unused for a decade and that it was better for them to get some income for the community through it. Such scenarios are playing out across the region. While proponents argue that such leases bring economic development to underutilised areas, critics worry about the long-term consequences for local ecosystems, traditional livelihoods, and community access to land.

The immediate outcomes for the landowners often include a welcome financial windfall from the annual lease payment, providing immediate liquidity and a stable income. However, this is coupled with the immediate loss of autonomy over their land; they can no longer use the land for traditional farming, thereby giving up food security for an apparently more ideal cash-based income. In the long term, the conversion of multi-functional agricultural land into a single-purpose agricultural production site creates what is known as “land locking.” The land becomes permanently altered, degrading its ecological value and making a return to diverse agriculture nearly impossible, thus severing a critical generational asset. This process effectively proletarianizes the former landowner, transitioning them from an independent cultivator to a member of a dependent wage labor force (Li, 2011, p. 287).

The affected individuals adapt to these changes within a severely constrained set of options. While some may find income on the very plantation model, this integration into the cash economy is often precarious and diminishes their resilience to economic shocks. This is a shift from a “right to own” to a “right to be compensated,” fundamentally reconfiguring social relations and power dynamics, leaving individuals more vulnerable to market fluctuations (Levien, 2013, p. 353).

### **Indirect Controls**

“One of our neighbours is a member of the farmers’ NGO. As he knew that we had some empty land in our compound, he persuaded us to plant oil palm there. He gave us around 20 saplings for free in 2019. He guaranteed that all our harvest will be sold and there will be no problem with the market,” said Bikash, from Deulguri, Assam. His father had planted the saplings. In this case, well-connected big farmers, working in association with the companies, get large numbers of oil palm saplings. They then distribute them in small quantities (5 to 50) to villagers with unused plots of land in their yards. The big farmers make verbal agreements

with the villagers to collect their harvest, promising to sell the combined produce (in the name of the NGO) and distribute the profit annually after an audit. Even though this might seem convenient for the villagers, their direct exclusion from the market processes creates a space for the more prominent farmers to manipulate, exploit, and control them in a number of ways.

The big farmers, with their connections to companies and markets, possess crucial information about pricing, demand, and industry trends. Smallholders, isolated from direct market interactions, remain dependent on these intermediaries for such information. Smallholders can only verify if they receive a fair price for their produce with direct market access. The intermediaries can easily underreport market prices, pocketing the difference as additional profit. Also, the annual distribution of profit after an audit gives the intermediaries control over cash flow, potentially leading to delayed payments to smallholders who may urgently need the income. This system of elite monopolisation has far-reaching consequences. It entrenches existing power structures, making it difficult for smallholders to break out of cycles of dependency. The promise of market access and guaranteed sales comes at the cost of autonomy and potential long-term profitability.

### **Jhum Alienation**

The push for oil palm cultivation in NEI reveals underlying assumptions in the development discourse that often categorise traditional practices, particularly jhum cultivation, as 'backward' or 'primitive,' 'environmentally destructive,' and 'economically inefficient.' (New Land Use Policy Manual, 2009, p. 3). Such framing creates a narrative that positions traditional farming practices as obstacles to progress rather than as evolved adaptations to local conditions. Therefore, the Central Government framed development policies such as NMEO-OP. The policy mainly targets jhum cultivation and advertises the cultivation of cash crops like oil palm in the region as economically more profitable and

environmentally more sustainable. The government's rationale for promoting oil palm cultivation as an alternative to jhum farming provides evidence for this claim. This motivation is clearly outlined in the opening paragraph of the oil palm cultivation section on the Mizoram Agriculture Department's official website, which writes, "Rapid increase of land degradation due to jhumming, deforestation, etc., threatening a crisis in ecological balance and affecting farming communities, urges the need to develop inter-alia policy to encourage Oil Palm cultivation in Mizoram."

Farmers are extensively encouraged to shift from jhum to oil palm by presenting oil palm as an alternative livelihood. The state provided training, saplings, and a buy-back guarantee to persuade the farmers. A farmer's narrative from Kolasib, Mizoram, can be cited on how the government persuaded the farmer to shift to an oil palm plantation.

I started my oil palm plantation in 2015 by registering my name at the Department of Agriculture, Kolasib. The department gave us the saplings and provided us with the necessary equipment, such as a water pipe and the construction of a water tank. I also received a subsidy for planting oil palms. We (farmers) were also given training on how to plant and take care of the plantation in the initial phase of the plantation.

-Sapdanga, Kolasib, Mizoram

The government was very supportive initially, and it was also exciting for us. The government provided us with free saplings and necessary equipment as well. During the gestation period, we get various seeds to be intercropped. Since the companies are already there to buy the FFBs, we do not have to worry about the market. That is why I have shifted to oil palm plantation.

-Thangliana, Lunglei, Mizoram

We can see how the government's proactive approach, offering free saplings, equipment, and seeds for intercropping during the gestation period, created an attractive package and became an incentive. This support and assurance of a ready market through existing companies committed to purchasing FFBs motivated the

farmers to transition to oil palm plantations. The comprehensive assistance programme of the Department of Agriculture, which included financial aid and infrastructure support like water tank construction, was designed to sustain farmers through the critical first four to five years until the crop began bearing fruit.

A staff member of the Department of Agriculture, Mizoram, said, "In Mizoram, we should be more concerned about jhum cultivation, in which a portion of land is burnt every year to grow crops. Jhum cultivation is more detrimental to the environment than oil palm plantation". In an interview, a company representative in Kolasib remarked, "Oil palm is just another tree the farmers plant. It not only produces oxygen, but also gives economic stability to the farmer." A similar statement was made by an agriculture officer in Nagaland, who showed us clips of burning jhum land in his home village.

Such a rationalisation proffered by state officials conveys a political and institutional prioritisation of oil palm cultivation, seemingly at the expense of environmental integrity. Empirical data from field narratives, encompassing perspectives from farmers, state officials, and corporate entities, indicate a prevalent attitude that marginalises ecological concerns in favour of economic gains derived from oil palm production. This scenario presents an intriguing paradox that warrants further examination: the apparent dissolution of environmental stewardship in the face of economic imperatives. It also challenges the oft-held assumption of an inherent conservationist ethos among indigenous communities, raising critical questions about the complex interplay between traditional ecological knowledge, economic pressures, and preservation of the environment.

While in reality, farmers stated that while in jhum cultivation areas, they found birds, deer, bears, monkeys, wild boars, squirrels, porcupines, and other fauna, in oil palm cultivation, they found only wild boars, squirrels, jungle fowl, and porcupines. They added that the diversity of species is low compared to the jhum cultivation areas because those found in jhum areas do not eat the oil palm

seed. Oil palm is a relatively new crop in NEI, in which the policy that promotes its cultivation has been implemented for nearly two decades in Mizoram and not even a decade in the remaining states of Arunachal Pradesh, Assam, and Nagaland. But, many rely on chemical inputs, necessitating the use of substantial amounts of fertilisers and pesticides, and this chemical-intensive approach severely compromises the health and sustainability of soil and water.

### **Water Alienation**

Oil palm needs 250-300 litres of water per day, and the regions chosen for it in NEI depend on the monsoons, which last four or five months in a year, with some additional showers for a few more days. Outside the rainy season, farmers mostly just depend on the groundwater, potentially redirecting much of it to their farms. As another farmer from Assam said, "I have planted areca nuts close to the oil palm plantation. Even after three years, the areca nut has not grown. I believe that this happened because of oil palm, as it consumes most of the water and degrades soil fertility." Similarly, a farmer in Mizoram said that oil palms depleted the fertility of the soil because they require an excessive amount of water. He added, "We planted about 600 saplings. Due to its large crown spread, oil palm requires a lot of space and has to be planted 30 feet apart. We had a great deal of trouble with water.

Prioritising single crops and excessive use of chemical inputs pose a significant threat to water resources. Oil palm cultivation is water-intensive and requires a lot of groundwater; thus, it can make the plantation area vulnerable to water scarcity. The excessive water requirement by oil palm not only hampers other plantations but also is at the cost of depriving humans of basic needs like water. Narratives from the field attributed the drying up of wells to the alleged high water use by oil palms. Some respondents mention the alteration of water quality. They claimed that its quality had declined significantly over the past decades and described the change in its colour from "clean" to "muddy". Whatever the situation, an important fact about oil palm is that it is not only water-

intensive but also requires irrigation throughout the year.

However, with apprehension of water scarcity looming over their future, some farmers have installed water tanks to sustain plantations. In an interview, one of the farmers in Dudhnoi said, "Maybe the government knows that water is the main source of oil palms for a good harvest. That is why they provided facilities such as water tanks and the irrigation system." In addition, a female farmer in Kolasib, Mizoram said, "We constructed a water tank just in case water dries up in the dry season. The cost of water tank construction is provided by the government". Outside the monsoon season, the plantations rely on such tanks, potentially depriving other agricultural activities and households of essential irrigation and drinking water. Consequently, in the long term, the expansion of oil palm cultivation can significantly disrupt the region's water system.

### **Flawed Policies**

Commercial cash crops that are transforming agricultural systems and modes of production in rural spaces all over the world, including in NEI, are deeply rooted in what some analysts call the capitalist mode of production and accumulation. Therefore, for such industries to thrive, there needs to be a demand high enough to attract corporate investments and a readily available labour force to sustain production. Enabling this is the government with a political agenda, prioritising policies that secure maximum profit. NMEO-OP was introduced with the intention of reducing the country's dependence on the import of edible oil, and also to generate employment for the small and women farmers. The policy allocated 33 percent and 30 percent of funds, respectively, for small and women farmers. However, a deeper analysis of the policy indicates that NMEO-OP is a flawed conceptualisation of development. This has, in turn, created a dynamic within rural communities that reinforces existing inequalities while generating new forms of social and economic disparity. Despite its stated aims of benefiting small and women farmers, the policy's implementation has primarily

served the interests of better-resourced farmers who can afford the initial investments and weather the long gestation period of oil palm cultivation.

While certification like the Roundtable on Sustainable Palm Oil (RSPO) is intended to help promote responsible practices, some farmers pursue this certification solely for the incentives thus continuing malpractices on the ground. Moreover, the current RSPO framework for Assessing Social Impacts fundamentally fails to achieve its stated purpose. Rather than serving as a genuine tool for assessing and managing social impacts, it has been reduced to a technocratic, document-focused exercise that primarily functions to legitimize oil palm expansion. The process heavily favours efficiency and cost-effectiveness over meaningful participation, reflecting broader trends in neoliberal environmental governance that tend to depoliticise complex social issues. Small farmers, despite bearing the cost of production, often become increasingly dependent on corporate buyers and government policies, while simultaneously having to deal with new tensions within their communities as economic disparities grow and traditional social bonds weaken. Political motives, competition, and a lack of understanding of the industry at the grassroots level, combined with the growing demand for palm oil, often lead to insufficient attention being paid to deforestation and the misuse of land and resources. While improved farming technologies, as promoted by the state and companies, may increase productivity and yield, this may paradoxically lead to more deforestation if clearer legal frameworks that protect forests are not in place.

## Conclusion

While oil palm is still a relatively recent introduction, its potential for rapid expansion represents not just a continuation but potentially an acceleration of the broader trend of commercial plantation agriculture in the region.<sup>18</sup> This ongoing and potentially intensifying shift is catalyzing more comprehensive social and environmental transformation. This chapter dealt with the different

ways in which land is being affected by the introduction of oil palm in the Northeast. Through mechanisms like long-term usufruct rights and contract farming arrangements, traditional communal land management systems are being eroded, leading to intimate exclusions.

The government's role as facilitator of this transformation, while avoiding direct responsibility, represents a classic case of neoliberal agricultural policy where risks are privatized while benefits are concentrated among corporate entities and larger landholders. Poor farmers, lacking capital reserves and alternative income sources, become trapped in a cycle of dependency. The environmental costs are equally concerning. Water scarcity, soil degradation, and loss of biodiversity become externalized costs that neither corporations nor the government are required to address. The rhetoric of farmer empowerment masks the reality of increasing precarity and environmental degradation, a situation that is entirely human-driven, stemming from the desire to maximize profit and control. This structure ultimately strays from its stated developmental goals while actively contributing to the further marginalization of those it claims to help, which flags the crucial need to reconsider this industry approach at every level.

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