

REGIONAL WORKSHOP
ON
“LAND ADMINISTRATION IN NORTH EAST STATES:
DISTANCES COVERED AND CHALLENGES AHEAD”

DATE 14-15 DECEMBER, 2010



CENTRE FOR RURAL STUDIES
LBS NATIONAL ACADEMY OF ADMINISTRATION
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Acknowledgement

The Centre for Rural Studies, LBS National Academy of Administration, Mussoorie conducted a workshop on “Land Administration in North East States: Distances Covered and Challenges Ahead” on 14-15 December, 2010. The basic objectives of the workshop were to generate a debate on the status of land survey and settlement, computerization of land records and National Land Record Modernization Programme (NLRMP) and the land related customary laws in the north eastern states. Attempts were also made to identify the impediments that hinder the implementation of various land related programmes in the region.

The workshop was financed by the Ministry of Rural Development, Department of Land Resources, Govt. of India. We are grateful to Mr. Charanjit Singh, Director, Department of Land Resources, GoI who attended the workshop and took keen interest in the deliberations. We are extremely thankful to Shri Padamvir Singh, IAS, Director, LBS National Academy of Administration, Mussoorie for his constant support and encouragement. We are also thankful to Shri P.K. Gera, IAS, Joint Director, LBS National Academy of Administration, Mussoorie for his guidance and academic inputs. We extend our sincere and deep appreciation to Dr. Walter Fernandes, Director, North Eastern Social Research Centre, Guwahati for his key note address and Dr. A.K. Dutta, Director, Rajiv Gandhi Indian Institute of Management, Shillong for his inaugural address. Mr. V.K. Pipersenia, IAS, Principal Secretary,

Govt. of Assam in his valedictory session highlighted various land related issues and preconditions required for the implementation of survey and settlement pertaining to north eastern states. We express our sincere thanks to him. We also place on record our deep appreciation for Shri L.C. Singhi, IAS, Commissioner & Secretary, Education (E&S) Department, Mrs. Rwiticka Das Kalita, IAS, Additional Secretary, Home and Political Department, Mrs. Sonmai Barua, IAS, Director, Land Records and Survey, Mr. Syed Raisul Islam, ACS, Managing Director, Assam Fisheries Development Corporation Ltd., all from Government of Assam for their significant contribution. We also express our gratitude to Dr. M.N. Karna former Professor, North Eastern Hill University, Shillong for his guidance and support. We are indebted to all our participants for their active participation and keen interest in drawing out the recommendations. The success of this workshop owes a lot to their enthusiastic participation.

The workshop was organized in the campus of National Institute of Rural Development –North East Regional Centre, Guwahati. We acknowledge the immense support received from Dr. Binay Singh, Director, NIRD–NERC, Guwahati and his versatile team members including Dr. Sujit Dutta, Associate Professor and other staff. We also acknowledge sincerely the hard work of the CRS faculty and staff, as without their collective efforts it would not have been possible to accomplish this task.

Prem Singh
Saroj Arora

INTRODUCTION

In India, land is not only the basis for primary means of production but also of social status. It is a scarce resource, from which many other resources are derived by the people in rural areas. To calculate the land use index* of a region we need proper land records. For the success of various rural development programmes; understanding the land use index of an area is important. Hence, land records management and land administration comprise an important input as well as a tool for effective implementation of various government programmes for rural development.

Efficient land administration includes mainly land survey and proper maintenance of land records. Traditionally, a land record has comprised of mainly two components, viz., parcel maps and record-of-rights (RoR). Parcel maps are graphical sketches depicting the extent and boundaries of individual land holdings. Records of Rights include various textual documents dealing with ownership, occupancy and tenancy, etc. Some of the main functions of land administration include land settlement, revenue collection, and prevention of grabbing /encroachment of government / common land. Agricultural land use involves data on cropping patterns, cropping intensity and land productivity, etc. The land use pattern enables not only the analysis of the products and productivity of land but also in identifying the relationship between land holding and social categories. Over the years due to various reasons land record system suffered seriously. During the *Seventh Five Year*

* The land use index reflects the socio-economic development of any region.

Plan in order to improve status of land records, since 1988-89, the Govt. of India had introduced and implemented a computerization programme of land records in all the states. This was a hundred per cent grant-in-aid scheme of the Central Government executed by the state governments. The primary purpose was to preserve original survey records and computerize cadastral records from measurement data.

Land is a state subject and thus the land record system varies from one State to another. Land administration in almost all the north eastern states significantly differs from other states of the country. One of the important reasons for variation in land administration is that most of these states are predominantly tribal states and come under the 6th Schedule of the Constitution where customary rights of tribal communities in the north eastern states have been recognized.

As per the 2001 Census, tribals comprised 94.50 per cent of the population in Mizoram. Similarly, 88.90 per cent in Nagaland, 85.90 per cent in Meghalaya, 64.20 per cent in Arunachal Pradesh, 34.41 per cent in Manipur, 31.10 per cent in Tripura and 12.40 per cent in Assam.¹ Most of these tribal societies have been dependent on minor forest, farm activities and common property resources for their livelihood and land plays a pivotal role in their lives.

The Constitution of India was amended in 1963 and 1987 to recognize the customary land laws in Nagaland and Mizoram by incorporating Articles 371A

¹ Population Profile, Census of India, 2001, RGI.

and 371G respectively. The Sixth Schedule that recognizes community ownership of land and forests is applicable to parts of Tripura, two districts of Assam and to the whole of Meghalaya and Mizoram². Most of the land in these States is administered through customary laws. Customs not only regulate the lives of tribals, but also form the basis of their identity. As is evident from most of the struggles that have taken place in the north east region; a major demand continued to be recognition of their identity linked to their land and customary laws³. Perhaps that would be the reason that some of these states which got status of statehood after political struggle suffixed 'land' after the state name. For example, Nagas named their state as Nagaland (Nagas+land). Similarly, Mizos named it Mizoram (Mizor+ ram). 'Ram' is a Mizo term for land. Topographically, north eastern states can be classified into two major categories: 1.) states having complete hilly areas such as Mizoram, Nagaland, Meghalaya and Arunachal Pradesh; and 2.) states that have both hilly as well as valley areas. Manipur, Tripura and two districts of Assam can be included in the latter category.

Currently, two types of land administration systems co-exist in most parts of north eastern states. One is community land which is governed by the customary law and the second is individual ownership of land which is regulated by land tenurial laws of the

² Fernandes, Walter, Melville Pereira and Vizalenu Khatso (2005) Customary Laws in North East India: Impact on Women, Guwahati: North Eastern Social Research Centre (mimeo).

³ Fernandes, Walter, Tribal Customary and Formal Law Interface in North Eastern India: Implications for Land Relations

respective State. The formal land laws are individual based and are founded on the principle of the State's virtual domain, where land is only a commodity for cultivation and construction; whereas in the tribal's worldview, it is a part of an eco-system with the local community at its centre⁴.

Over the years, the land tenurial laws seem to be getting superimposed on the customary land laws in these states. There is also a growing trend of illegal sale/ purchase of community land in these areas. Community land is administered by the Village Development Council an elected body. In the jhum season, every family cultivates as much land as it needs after which the land reverts to the community⁵. The jhum practicing tribe lacks the very concept of land ownership and only has the tradition of community control and of usufruct right over the common property resources. Although with growing populations, these states are experiencing a decline in the interval period of the jhum cycle. As per rough estimation, the food crops cultivated in these states meet only around one-fifth of the total food grain requirements. Due to harsh geographical and topographical conditions of the region, cultivation of food crops is one of the least profitable enterprises. As a result, there is a growing interest among farmers towards cash crops. They prefer to

⁴ Bharali, Geeta, 2010, "Common Property Resources in the North East", paper presented during the workshop conducted by CRS, LBSNAA, Mussoorie on "Land Administration in North East States: Distances Covered and Challenges Ahead" held on 14-15 December, 2010.

⁵ Fernandes, Walter and Gita Bharali. 2002, The Socio Economic Situation of Some Tribes of Bishnupur and Palizi. Guwahati: North Eastern Social Research Centre (mimeo).

cultivate horticultural crops such as pineapple, orange, banana, grapes, passion fruits or spice crops such as ginger and turmeric and others such as floriculture, etc. Some of these farmers are working with coffee, tea and rubber plantations and other commercial crops such as Jatropa and timber. Management of these crops is largely in the hands of entrepreneurs of neighbouring states such as Assam and Tripura. Recently, farmers involved in large scale production have started asking for minimum support price for the spice and horticultural crops⁶. There is a growing tendency among farmers to shift to cash crops which is often done on patta land. Mizoram introduced a New Land Use Policy in 2009. The main emphasis of the policy is to recommend a move from shifting cultivation to settled cultivation. Under this policy, one lakh rupees have been provided to 2.5 lakh families that were dependent on shifting cultivation (jhum). Thus, the New Land Use Policy was not only an attempt to provide permanent occupation to jhum practitioners, but also to save Mizoram from deforestation. It has been realized by the policy makers that shifting cultivation was causing soil erosion and subsequently affecting the fertility of the soil.

Similarly, the Assam State has introduced land policies four times for better administration and management of land. First, in 1958, after Independence; second in 1968, third in 1972 and lastly, in 1989 presently in force. This land policy is comprehensive and lays down the norms of settlement/allotment of land for different purposes, to different institutions and to

⁶ Findings of field visit conducted by the Centre for Rural Studies, LBSNAA, Mussoorie in Mizoram in January, 2010.

landless persons. It also contains norms for preservation of grazing reserves, wet lands and government lands.

OBJECTIVES OF THE WORKSHOP

The land administration system in the north eastern states of India is highly varied and little understood both within and outside the region. A workshop was organized to clarify it in these states and to suggest ways for the effective implementation of land related programmes. The objectives of the workshop were to examine the status of land survey and settlement, computerization of land records, land record management and National Land Record Modernization Programme (NLRMP) in north east states. Another focus area was to identify the impediments that hinder implementation of various programmes on land administration in the region. A study of the land tenure system vis-a-vis customary land laws and status of gender in relation to land were other important objectives. An attempt was also made to review the depleting forests in the north east states. A general consensus was to be developed, both amongst academics and government functionaries to formulate a strategy for better land administration and to provide policy recommendations to Ministry of Rural Development, Government of India.

In this connection, the Centre for Rural Studies, Lal Bahadur Shastri National Academy of Administration, Mussoorie conducted a two-day workshop on “Land Administration in North East States: Distances Covered and Challenges Ahead” on 14-15 December, 2010. This workshop was held on the campus of National Institute of Rural Development-North East Regional Council, Guwahati, Assam. The workshop was attended by senior

government officials, eminent academicians and researchers, experts in land administration and related issues in the North East. A wide range of papers were presented during the workshop covering different dimensions of the issue. Details about the papers presented during the workshop and the list of participants attending the workshop are enclosed at Annexure – I and Annexure –II. A note on current land related

programmes briefed by Shri Charanjit Singh, Director, DoLR, MoRD, Govt. of India, is given in Annexure –III. A brief note on land administration in north eastern states is given in Annexure –IV.

This booklet contains the discussions of the workshop on land administration and related issues pertaining to the north east and the policy recommendations drawn up by the participants on the related issues.

Dr. Prem Singh, IAS
Deputy Director & Co-ordinator
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INAUGURAL ADDRESS

The workshop started with the welcome address by Dr. Prem Singh, IAS, Deputy Director & Coordinator, Centre for Rural Studies, Lal Bahadur Shastri National Academy of Administration Mussoorie. Dr. Prem Singh extended a warm welcome to the participants of the workshop and briefed them about the LBS National Academy of Administration, Mussoorie. He explained the purpose of conducting the workshop.

While sharing his own experience as a Deputy Commissioner in one of the hill districts of Manipur, Dr. Singh said that not much had been done in the area of land administration in the region; since in vast areas of the North East the land has not been surveyed. In the absence of survey, the modernization and computerization of land records and implementation of the National Land Record Modernization Program are a daunting task. In the entire region the primary survey has been done only in the Brahmaputra and Barak Valley of Assam, and small areas in Manipur, Tripura and Mizoram. The entire states of Nagaland and Arunachal Pradesh are un-surveyed. The hill areas of Manipur and the entire state of Arunachal Pradesh are neither covered under the 6th Schedule, nor have any formal land administration laws. The administration in these areas is done as per customary laws; however these customary laws do not have legal status. Dr. Singh said that it was important to understand various land management systems in the region before embarking on the ambitious National Land Record Modernization Programme. The understanding of varied laws, customs and ethos will help in aligning the programme with local value systems, and help in speedy implementation of the

programme. It is also important to understand the need for large scale capacity building of all the states where the survey has never been done and land administration is governed by local customary laws. The Department of Revenue and the Directorate of Settlement and Land Records is non-existent in these states. The understanding of various customary tribal laws and codification of these laws is another challenge. The volatility of the law and order and the border disputes between villages, tribes, districts, and states and the disputes of international boundaries with various states is another challenge for the implementation of the programme. The purpose of conducting this workshop was to discuss and devise strategies to develop effective land administration in these states, for which we have invited academicians, survey and settlement officials, administrators and researchers.

Introducing Dr. Walter Fernandes, Director, North Eastern Social Research Centre, Guwahati, Dr. Prem Singh said that Dr. Fernandes had worked for a long time in the north east area and could help us in drafting policy recommendations. Dr. Singh also said that the Centre could further conduct research studies, and with the help of various stakeholders in the region so as to understand the land administration issues better and facilitate implementation of various Government of India projects. He requested the participants to give their valuable inputs during the workshop. He emphasized that the views and papers presented by the participants would be extremely valuable for CRS and Department of Land Resources, GoI for formulating the policy recommendations; since most of the issues concerning North East are not well researched and understood.

There were very few experts who have worked on this subject.

Thereafter, Dr. Walter Fernandes was invited to deliver key note address.

KEY NOTE ADDRESS BY WALTER FERNANDES

Dr. Fernandes in his keynote address highlighted the customary laws, land management and ethnic conflict prevailing in the North Eastern States. He focused on three main issues. 1. There is a move to computerize land records but it is essential to understand what this means in the Northeast; 2. Codification of customary laws and its implications; 3. The North Eastern states are known for conflicts, most of them around land and migration. What does the legal status of land and computerization mean?

Dr Fernandes said that there were different types of land ownership systems in the Northeast. For example, in Assam there are three types of land: i.) Community owned land mainly in the tribal areas; ii.) *Aksonia patta* under which land is given on a short-term, normally one year lease. iii.) *Permanent Patta*. Only a permanent patta is recognized for availing of loan facilities. Because of lack of understanding of the community based customary laws the tribals are unable to avail of loans from financial institutions since loans are not given for community land.

He linked displacement to the land ownership system and said that basically these are the centres of conflicts in the Northeast. He indicated the problems created by growing displacement of tribals in this region. Most of them who live on community land find themselves suddenly treated as 'encroachers'. So

according to the law most of them are termed “evicted” not displaced because only individual pattas are recognized in the land records. Tribals have lived in these areas for a thousand years but are treated as encroachers. That is true also of those dependent on other Common Property Resources like the fishing communities on the river banks. The fishing community lives on common land on the river banks. 67 percent of them live below the poverty line but their land rights are neither recognized nor recorded. Computerization will only legitimize this unjust situation that leads to conflicts.

Laws have been changed in some states to recognize only individual land. For example the Manipur Land Revenue and Land Reforms Act, 1960 was an effort to settle people on community owned tribal land in the Hill areas. Highlighting the immigration problem, Dr. Fernandes said that in Tripura the immigrants from Bangladesh, who were officially called refugees, needed land. So the Tripura Land Revenue and Land Reforms Act, 1960 were introduced mainly to make land acquisition possible for their resettlement. The Act is basically a replica of the Assam Land Revenue Rules, 1866. It recognized only registered private land. As a result, by 1970 tribals lost 20-40 percent of their land without even receiving compensation. That is when the Dumbur dam built in the 1970s used more than 30,000 acres of their community land. Of the 8,000-9,000 families displaced, only around 2,600 patta owning families were recognized as displaced. That is where the Tripura armed conflict began. A similar conflict began in Assam and is brewing in Arunachal Pradesh where the tribals displaced from the Kaptai dam in erstwhile East Pakistan have been resettled on what was

the land of the local tribes but not recognized as such by the individual-based land laws. Most tribes live on land managed by their community based customary law. Even when it is individually owned, it comes under the community norms of the customary law. But it is recognized only in Nagaland and Mizoram that are run according to their customary laws and partially in Meghalaya, two districts of Assam and one of Tripura that come under the Sixth Schedule.

Dr Fernandes added that official policies and schemes are among other means of tribal land alienation. Producing commercial crops are some of them. For example, in the early 1980s in the East Garo Hill district, the Rubber Board encouraged rubber plantation. Individual ownership and loans and subsidies to the head of the family (understood as men) were among the conditions in this community ownership based matrilineal tribe. Its result was much individualization of community land and alienation of land. A study done in 2001 showed that 30 per cent families in East Garo Hills where this scheme was encouraged are landless and much ownership has been transferred from women to men. It also results in class formation within the tribe. For example, because the Tea Board encouraged only individual ownership, a Dimasa leader in the North Cachar Hills district of Assam, one person has appropriated 200 acres land and has deprived other families of community owned land.

Dr. Fernandes therefore, raised questions about the relevance of Computerization of Land Records in the context of the north eastern states where most of the land is community owned and has not been surveyed.

The second issue is the demand that the customary laws be codified. That can go against the tribal community in general and against women in particular. Most tribal customary laws are patriarchal and do not allow female inheritance of land. The customary law is also used by the tribal elite to alienate community land of the tribe to benefit themselves. That goes against the community in general and women in particular.

Land alienation within the tribe is increasing because many families need money for educating their children or in emergencies like health care. Dr. Fernandes also mentioned that both the tribal leaders and outsiders are using different methods to gain control over land and subvert the customary laws by using them for their benefit. For instance, according to the Aka customary law in West Kameng District in Arunachal Pradesh, if a person cultivates irrigable land on the river banks he is allowed to keep it for some years. In practice, some of their leaders keep cultivating it permanently and are turning this community land into their own. In the matrilineal Khasi tribe of Meghalaya the village council (Durbar) is controlled by men. In some villages they have made use of this power to transfer community land to their own name, thus taking power away both from the community and from women. Similarly, immigrants in Arunachal get land from the tribe on a three year lease and keep renewing it and in practice make it permanently their own.

He said that computerization or codification without changes will legalize and legitimize this situation. He said that the need of the hour is to document customary land laws to facilitate better

interpretation, critically review their implications from the class and gender perspective and change them. Codification will make reform of the law difficult if not impossible. They can be recognized with changes, not codified. The Mizo Customary law was codified in 1957. Women failed to introduce gender friendly clauses in it even at its Golden Jubilee Commemoration in 2007.

Coming back to the displacement issue, he said that a large number of dam projects are likely to be introduced and large areas of community land is likely to be acquired in states like Assam and Arunachal Pradesh. He suggested that instead of rushing ahead with the computerization of land records and codification of the customary law, one has to take a new look at the individual based Land Acquisition Act 1894 and the rehabilitation policy which too is to a great extent individual based. Attention has also to be directed to the loss of bio-diversity by the building of dams that is intrinsic to the people's economy, culture and identity.

Dr. Fernandes said that the type of structure being superimposed on them is nurturing the naxalite movement in Central India. Large numbers of people are being displaced, there has been no resettlement and the government is talking of computerization of land records.

He suggested that there is a need to address the issues of land, immigration and conflict seriously because land acquisition takes into account only the individual land. In the Northeast, where most tribals have community ownership of land this type of displacement under the present frame of eminent domain based land laws and resettlement & rehabilitation will lead to more social and ethnic conflicts. The law also facilitates land encroachment by immigrants. He said that most Biharis

in Assam are landless agricultural labourers who have the skills required for cultivation. Because of the defective laws they find it easy to occupy land with the cooperation of the administration. Thus, the land laws are basic to land alienation and conflicts. Two-thirds of Assamese do not have land rights. Local people go for skilled labourers. In Mizoram 29 per cent of people are in the administrative sector.

Dr. Fernandes said that codification or computerization can be disastrous from the point of view of women and of the community. That will make acquisition easier and will perpetuate inequality. So one needs to look at the customary as well as formal laws critically and change them. It is essential first to document the customary laws, interpret them and change them in order to safeguard the interests of the marginal sections including women, the poor and adivasis. The formal laws should then be adapted to the culture of these customary laws instead of imposing an individual-based system on the community-based tribes. The customary laws can then be recognized as gender and class just. With this, he finished his key note address.

Thereafter, Prof. A.K. Dutta, Director, IIM, Shillong in his inaugural address said that in order to understand the land system in the north east states, policy makers should organize orientation programmes for IAS probationers so that these officers first understand the existing system and then move for implementation. There is a conflict between customary law and land tenurial laws which need to be discussed in this workshop. Administrators dealing with land administration should understand the local people and

try to include local values into the programmes and policies.

Prof L.C. Singhi, IAS, Secretary & Commissioner, Dept. of Education, Govt. of Assam and former professor, Centre for Rural Studies, LBSNAA, Mussoorie started his address with the land tenure system prevalent in the State of Assam right from the Ahom period. He also presented a brief sketch of the various land reform measures initiated from the British period for improving the conditions of the tenants and the tillers of the soil. He pointed out that the average size of the land holdings was quite small in Assam and that the land has not been put to optimum use. Now agriculture as a profession has been neither remunerative nor was held in very high esteem. The concept of corporate farming has existed in Assam but has remained confined to tea cultivation barring some small initiatives in cases of coffee or rubber plantation. There is a need to make the cultivation a viable and remunerative occupation. Contract Farming could be one such policy intervention which may bring in some good results. He pointed out that there is a need to revisit the entire land reform scenario. There has been a wide gap between what was envisaged when the land reform legislations were brought into force and the way these legislations were implemented. Some of the legislative initiatives remained only in the statute book and never saw the light of day. Sharecropping was abolished but the Adhiars and sharecroppers continue to remain in the field although their names do not appear in the land records. The Tenancy Act provided for conferring of ownership rights on the cultivating tenants, but it has not been done, perhaps it cannot be done. Professor Singhi concluded his address with the hope that the present workshop will

deliberate on all issues concerning land administration in the North Eastern Region and will present their recommendations as to what could be done to bring the desired outcome.

POLICY RECOMMENDATIONS

The workshop started with the presentation of papers by the participants and experts followed by discussions. The presentation of papers was broadly divided into three themes as mentioned below. At the end of the workshop, participants were divided into three sub-groups for group discussions. Each sub-group was given a theme for drawing up policy recommendations. Thereafter, each sub-group presented recommendations and the comments/feedback of other participants was sought. The sub-themes discussed and recommendations drawn up were as follows:

- 1.) Survey Settlement and Land Records in North East States;
- 2.) Land Tenure Laws Interfacing Customary Land Laws;
- 3.) Gender and Land.

1.) SUB -THEME: SURVEY SETTLEMENT AND LAND RECORDS IN NORTH EAST STATES

The primary survey, settlement and maintenance of land records are essential for efficient land management system. The land administration system in north east states varies sharply in comparison to other states of the country. Some of the important features of these states are that they are predominantly inhabited by tribals and large areas of the north east states come under the Sixth Schedule. As per constitutional provisions, tribals in Sixth Schedule areas are given a considerable amount of protection over their lands,

forest, customs, and village chief-ships enabling the tribes in the hill districts to initiate certain institutions or projects which would benefit the society through the autonomous system of administration. The Sixth Schedule allows establishment of district councils in these areas, which is expected to legislate for the respective areas in accordance with customary practices. The state and union legislations are not enforceable unless approved by the district council.

Historically, all the north east states have been carved out of Assam. Three states namely Assam, Manipur and Tripura were earlier ruled by their kings. Except for Assam, most of the states are either hilly or have both hilly and valley areas. There is little plain area.

There are various categories of land found in these states such as community land, patta land, government land and private land. The major part of land in these states is community land which is regulated by the customary laws and operated by village development councils. Jhum is the main form of cultivation. Jhum land is administered through customary laws.

It has been experienced that various ambitious land-related programmes have been introduced and implemented from time to time in north east states but the desired results could not be achieved. It seems that the lack of understanding about existing socio-cultural, geographical and land administration systems of these states were the major road blocks while designing such programmes. Hence, while designing any land related programme it is essential to understand the systems.

Land administration in these states shows that land in Arunachal Pradesh and Nagland has not yet been surveyed. In Mizoram and Manipur it has been surveyed

partly in certain pockets of the region. It is mentioned here that there are problems inherent in the system which create impediments in the implementation of survey and maintenance of land records programme. Some of these problems are:

- i.) Since the north-east region is carved out of Assam, boundary disputes of almost all north east states are still pending and need to be resolved;
- ii.) All north east states touch international boundaries. For instance, Assam, Meghalaya and Tripura touch the Bangladesh border, Manipur and Nagaland touch the Myanmar border, Arunachal Pradesh touches the China border and Mizoram touches Bangladesh and Myanmar boundaries. Hence, aerial survey is not possible at a State level;
- iii.) Many of the north east states are hilly and have difficult geographical terrain. Leading to difficulties and constraints involved in surveying these areas;

RECOMMENDATIONS ON SUB-THEME:

SURVEY, SETTLEMENT AND LAND RECORDS IN NORTH EAST STATES:

- i.) The States and the Government of India need to explore the exact current status of land in respect of a) surveyed area; b) un-surveyed area; c) the area administered by the Autonomous District Council under 6th Schedule and un-surveyed areas administered by various customary laws which do not have a legal status;
- ii.) Most states like Arunachal Pradesh, Nagaland and Meghalaya do not have primary survey data. All other states in North East, except Assam, do not have enough trained man power for conducting survey and

settlement. The DoLR, MoRD needs to ask all these states to present a detailed programme for conducting a primary survey. All these states also need to submit a proposal on training of manpower in modern methods of survey for which the Department of Land Resources has a scheme under NLRMP;

iii.) The method of survey operation in north east states needs to be planned keeping in view the geographical terrain and the existing ownership pattern. Multiple survey methods need to be used simultaneously for surveying the vast area. For instance, international boundaries can be covered by aerial surveys;

iv.) A major portion of land in the north east is community owned which is regulated by customary laws. In these areas, the consensus of community leaders will be needed. Hence, community land can be surveyed with GPS/ ETS or aerial survey. Since greater accuracy is required in surveying residential areas, here primary cadastral survey will be needed in un-surveyed areas. If a primary survey has already been conducted for the residential areas, then the aerial survey or GPS would be required for re-survey and modernization of land records;

v.) The types of land ownership/control over land in the region are quite varied and differ from the rest of the country. Therefore, all possible ownership types and patterns of land in the region i.e. individual land, land owned by village chiefs, community land, forest land, agricultural land, homestead land, govt. land and common property resources, etc. need to be given due recognition under the NLRMP;

In the areas governed by the 6th Schedule of the Constitution the state governments are apprehensive that the Autonomous District Councils may not be in favour of modern methods of land records management. The states and the Ministry need to sensitize the people on these issues and ensure that their fears are allayed;

vi.) The new methods of survey using GPS, aerial photography etc. requires a higher level of skill. Most survey officials are not well – trained to handle these new methods. There is a dearth of software experts/ agencies/ annual maintenance contract system which could facilitate the North East states in conducting surveys with modern methods and in the maintenance of land records;

It is also important to find out whether the training module conducted by the Survey of India caters to the requirement of north east states. If not, modifications for capacity building of revenue officials as per state specifications need to be incorporated in these training modules;

vii.) Most of the north eastern states have been carved out of Assam; therefore, these states have persisting boundary disputes with the State of Assam. In this context, it is necessary to involve the Survey of India to survey inter–state boundaries;

viii.) The hill areas of Manipur and the entire state of Arunachal Pradesh are neither governed by the Sixth Schedule nor by any tenurial law. In the absence of proper guidelines, it is difficult to survey this category of land. These state governments need to formulate guidelines with legal backing to ensure that the survey conducted in these areas has legal sanctity;

ix.) Many states felt that the department of revenue does not have the technical skills needed for the modern methods of land administration. Hence, the Department of Information and Technology of the state governments should be co-opted into this programme;

x.) Many areas of the North East states are affected by insurgency and the law and order situation is volatile. Many states apprehend that these proposals of land survey and modernization of land records may be treated as an affront to the customary laws prevailing in the region. Hence, it would be desirable to mobilize the community through village elders, community and tribal leaders to help them understand the benefits of the survey. The local community leaders should be involved at every stage starting from planning till the completion of the programme;

xi.) Some of the north east states are encountering problems in the integration of textual and spatial data. There is a need to interlink land records with digitization so that when partition/ sale/ transfer of land take place, it can be promptly updated in the RoR. Development of suitable software for integration of textual and spatial data relating to land records is required especially for the states where the computerization of land records have been done in large areas;

Preservation of soft copies of data entries (of RoRs) & digitized maps in CD Media must be done in a suitable manner; as well as periodical technical check/test of Modern Survey Instruments (ETS & DGPS) and CLR machinery by the authorized technician of Govt. of India;

xii.) Budgetary provisions should be linked up with modern survey methods such as Satellite imaging, GPS,

Digitization of records, etc. Funds should be based on Detailed Project Report (DPR) and not on annual budgetary provisions. The north east states require the primary survey to be done before modern methods are used to leverage the technology. Hence, the requirement of funds and capacity building will be much higher compared to the rest of country. Therefore, funding to north east states by the Government of India should be based on the actual requirements of these States;

xiii.) Before formulating and planning any land related project in the north east states, they may be asked to conduct detailed feasibility/research studies focusing on planning, Detailed Project Report preparation, human resource issues, capacity building at various levels, technology arrangements, time period and socio-economic status of the community, etc. For this exercise universities, research organizations, researchers or NGOs having expertise in the area can be given the task of conducting such studies.

NATIONAL LAND RECORD MODERNIZATION PROGRAMME (NLRMP)

i.) There should be proper facilitation by the Central Government for implementation of a newly introduced technology based programme called National Land Reform Modernization Programme (NLRMP) for North Eastern States;

ii.) Deployment of some experts of NLRMP in North East States for training in Modern Survey Methods through ETS/GPS to develop human resources for effective maintenance and sustenance of the NLRMP;

iii.) Monitoring and supervision of activities under different components of NLRMP should be done both by the Government of India and by a third party.

2.) SUB THEME: LAND TENURIAL LAWS INTERFACING CUSTOMARY LAND LAWS

Customs play an important role in tribal society. However, customs are not universal in nature. Historically, customary laws have been evolved to control, regulate and regenerate natural resources and to maintain harmony in the given territory of the village. As customary laws have the approval of the society and are carried down through generations, they are sacrosanct. Any violation/ deterrent leads to punishment or sometimes social boycott from the society. However, customary laws may gradually lose their control over time.

The Sixth Schedule of the Indian Constitution has guaranteed the autonomy of the tribal groups in respect of their customs and practices. As far as customs related to land administration in the north east region is concerned, they vary from tribe to tribe and region to region. For instance, Meghalaya has three dominant hill regions namely Khasi, Garo and Jaintia Hills. The customary law of one hill region varies from the other. A vast area of land in the north east states belongs to the community and is being regulated by the customary laws.

With time, changes are perceptible in tribal society. For instance, elite groups are emerging within the tribal communities who have large land holdings. This is leading to the emergence of a class in a classless/ egalitarian tribal society. Change is perceptible in the cropping pattern also. For example,

some of the cultivators are moving from staple crops to commercial crops which are directly affecting land use and land ownership patterns. Population pressure and immigration particularly in Assam and Tripura and displacement are some of the problems occurring, which also have implications on land relations.

Again, it has been found that customary land systems are an impediment in getting bank financing⁷, and the absence of the codification of land laws is leading to various land disputes. Due to all these factors, there is a growing realization and emphasis for the codification of land laws.

RECOMMENDATIONS ON SUB-THEME:

LAND TENURE LAWS INTERFACING CUSTOMARY LAND LAWS

- i.) Review land tenure as existing in different areas within a State;
- ii.) Review prevalent customs related to land in different areas of North Eastern States. The review should follow an inter-disciplinary and inclusive approach to address the concerns of all the stake holders;
- iii.) Document customary laws related to land as they exist after detailed debate and deliberations by the community. Community participation is essential for the process of documentation of such customary laws; gram

⁷ Bezbaruah, M. P, Land Tenure System in North East India: A Constraint for Bank Financing?

sabhas, village development councils, village councils, along with representation of women need to be involved while reviewing customary land laws;

iv.) The land related customary laws should be changed so as to address issues like gender equality. Therefore, before codification this issue must be reviewed;

v.) A responsible agency/local body should be identified to carry out the task of codification of customary laws related to land;

vi.) The role of an Autonomous District Council in introducing individual property rights is required to be specified and there is a need to study the relation between Autonomous District Councils and village councils vis-a-vis land administration;

vii.) Evolve a mechanism through which formal laws can be harmonized with customary laws. Modifications can be suggested keeping in view the local conditions and environmental concerns;

viii.) Provision should be made for recognition of ownership of land under customary laws. This would allow such owners to avail of credit facilities, other financial services and benefits under various government schemes;

ix.) Sensitization of community members including the leaders, bureaucrats and other stakeholders about land related customary laws;

x.) There should be one-third representation of women in traditional institutions through proper amendments of the law. The 73rd Constitutional Amendment Act should be applied for traditional

institutions like Village Authorities and Autonomous District Councils.

3.) SUB THEME: GENDER AND LAND

Although women in tribal society play a significant economic role yet it is found that it is not only the patrilineal system which kept women away from land and other assets but even the matrilineal system also remained gender-biased. For example, in a State like Meghalaya which is a matrilineal society and allows daughters to inherit the land; only custodian rights are given to women and not ownership rights. This shows that even customary laws are influenced by patriarchal notions and are gender-biased. Karna⁸ said that women are always deprived in customary law also. He suggested that unless there is systematic documentation of land nothing good will ensue, and land reforms will not be effective. Similarly, village level institutions are also not democratic in nature. Women are systematically excluded in the decision making process in general and in land-related issues in particular. Not only this, village level institutions whether traditional or elected, debar women membership and create impediments in women's participation in decision-making processes. Exception apart, women do not have membership in village level traditional or elected institutions.

In the Jhum cultivation system in the north east states both men and women used to play equal roles. But with growing commercialization of crops women are

⁸ Karna, M.N., "Customary Laws vis-à-vis Formal Land Laws and Gender Issues in Meghalaya" paper presented during the workshop conducted by CRS, LBSNAA, Mussoorie on "Land Administration in North East States: Distances Covered and Challenges Ahead" held on 14-15 December, 2010.

gradually marginalized in the agriculture sector as most of the time, these crops are cultivated on patta land which is allotted to male members of the family. Even if it is cultivated on community land, women have no role to play in terms of decision making and monetary gain.

RECOMMENDATIONS ON SUB-THEME: GENDER & LAND

- i.) Review land tenure and women's place in the existing customary laws and land tenure system;
- ii.) Gender inequality exists in land ownership in most of the societies, whether regulated by tenurial or customary laws. Both the laws and women's land rights within them need to be reviewed. Accessibility and actual control over land need to be determined in case of land owned by women;
- iii.) Before codification of customary laws, the issue of gender equality must be considered and incorporated;
- iv.) Women in north eastern states have been already working as cultivators and playing an important role in this sector since time immemorial but they are denied the status of farmers. There is a need to recognize woman as "farmers". The term "women farmers" should be incorporated in the policy framework;
- v.) Inter and intra ethnic conflicts and feuds are quite common in north eastern states and the mortality rate of men is higher. As a result, there are many woman headed households. In such cases, the woman should be recognized as the head of the family; in such circumstances land should automatically be in the name of the woman;
- vi.) Review whether there is any provision of concession in registration fee, if land is purchased by a

woman. If registration is in the name of a woman, it should be made completely free or only a nominal amount should be charged;

vii.) The membership of women in village development council (VDC) needs to be studied. In some states, women representatives are there in VDC but not in some others. For instance, in Nagaland women are debarred from participating in VDC. Similarly, in Manipur, in the traditional village council, women membership is debarred. In Mizoram, there are only one or two women members in the village development council. Women are excluded from the decision-making process even in traditional institutions. It has been observed that in most cases, where women do participate in the VDC they speak only on women's issues. There is a need to democratize traditional institutions; ensuring an equal participation of women; so that they can also take part in the codification of customary laws;

viii.) Formation of self help groups in North East States. Women in Karbi Anglong and North Cachar Hills have formed self help groups and bought land collectively and tried to empower themselves. Similar initiatives should be encouraged in other states as well.

4.) OTHER RECOMMENDATIONS

The Land Acquisition Act recognizes only the individual land rights and not collective/community ownership. In most parts of north east the ownership of land vests with the community while the individual has been in possession of the land in question for generations. While acquiring land in these areas, such individuals owning land under customary laws need to be

recognized as owners of the land and suitably compensated.

VALEDICTORY ADDRESS

Mr. V.K. Pipersenia, IAS, Principle Secretary, Revenue, Government of Assam was the speaker on the valedictory session. He said that the problem of the north east states is that they do not have proper land records whether it is under the Sixth Schedule or outside Sixth Schedule area. Although it is important that every inch of land should be measured and mapped, initiating the process of land survey is a big challenge in this region.

Giving an historical account Mr. Pipersenia said that earlier there was no concept of land records as land was in plenty and population was very small. The agriculture was done manually and emphasis was on occupying land. He said that the British devised land laws with the primary aim of collecting revenue and after Independence, we followed the same pattern. He said that whenever there is a discussion on land in north east states, we feel totally lost. There are Sixth Schedule areas which are managed by Autonomous District Councils. Unless land is surveyed, it is difficult for Autonomous District Councils to manage land. So the need of the hour is that we should chalk-out a programme to survey the entire land be it under 6th Schedule or otherwise.

Mr. Pipersenia said that Ministry of Rural Development, GoI gives topmost priority for the survey and land records. He said that the biggest problem today is that most of the land related programmes are fund-oriented and not outcome based. Before introducing any

programme it is essential to research the land administration system in the north east states. It is also essential to conduct the training need assessment (TNA) of those who are engaged in survey, settlement and land record programmes. He said that the Govt. of India should first initiate research studies in North East States. If land management programmes are introduced without having a proper research basis, it will not give desired results. He emphasized that the programmes of Govt. of India should not come as rule of thumb, but rather should be based on Detailed Project Reports (DPR). Mr. Pipersenia, highlighted the current programmes running in the State for which funds have been released by MoRD, GoI.

Highlighting the National Land Record Modernization Programme (NLRMP), he said that funds are made available for modern survey equipment along with the specific guidelines. There is a need to chart out a detailed programme regarding where to do manual survey or where to go for aerial survey. Therefore, there is a need for a time limit for completing the National Land Record Modernization Programme (NLRMP). Once a detailed programme is charted out, it would be easy to move further. He stated that the funds released by Government of India should be linked with the outcome.

Regarding the conclusive Title System he said that in India, we have a system of presumptive title. This system leads to land disputes and other complexities. In order to cope with this problem, there is a need to move towards Conclusive Title System of land record. He elaborated that the Conclusive Title System which has been introduced by the GoI is not a new system. It has

been in use in countries like Australia for long. In Conclusive Title System, registration for title becomes necessary. There will be no objection once the name of the actual owner of land is entered. The implementation of the National Land Record Modernization Programmes will help in moving from presumptive title system to the Conclusive Title System of land administration.

The workshop was ended with a vote of thanks by Dr. Saroj Arora, Senior Research Officer, Centre for Rural Studies, LBS National Academy of Administration, Mussoorie. She said that no doubt, land is a sensitive issue but with proper understanding and planning, a meaningful solution can be found and implemented.

ANNEXURE – I

PAPERS PRESENTED DURING THE WORKSHOP

Sl.	Title of the Paper
1.	Understanding Conflict in Northeast India with Regard to Land Administration -Binalakshmi Nepram
2.	Land in Sikkim: Ownership Patterns and Administrative Mechanism - Sohel Firdos
3.	New Technology & Changes in the Institution of Land Ownership in Arunachal Pradesh - N.C.Roy
4.	Land Revenue Administration in Assam Since the Regulating-Act -S.Rajkhowa
5.	The New Land-Use Policy of Mizoram - T.C.Nunga
6.	Customary Law and the Land Ownership - Melvil Pereira
7.	Problems and Prospects of Customary Land Laws in Khasi Hills of Meghalaya - Sujit Dutta
8.	Administrative System at the Village Level: a Case Study in Kohima Village - Sujit Dutta & K.Vizo
9.	Land Management System in Nagaland - K. Haloi
10.	Common Property Resources in the North East - Geeta Bharali
11.	Customary Laws vis-à-vis Formal Land Laws and Gender Issues in Meghalaya - MN Karna
12.	Gender Issues and Land Administration: Tripura Perspective - Chandrika Basu Mazumdar
13.	Land and Women in North East India - Vijaylakshmi Brara
14.	Depletion of Forest in North East: A Case Study of Meghalaya - Sajal Nag
15.	Forest Right Act and the Tribals of Tripura: A Case Study - A. Sinha

ANNEXURE – II

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**LIST OF IAS OFFICER TRAINEES PHASE - II
(2009-2011) FROM ASSAM CADRE ATTENDED WORKSHOP**

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ANNEXURE – III

CURRENT LAND RELATED PROGRAMMES BY GOI

Charanjit Singh¹

Sh. Charanjit Singh said that there is hardly any specialized institution in the north east region that could provide information on land related issues to DoLR, MoRD, Government of India. Based on his experience, he said that the people from the North Eastern States are very interested in recording land ownership. From the remotest villages, people often email to MoRD officials requesting them to include their villages for the land record modernization programme. Sh. Singh said that as land ownership is a state subject, the Centre can only recommend the States to take effective measures for land administration but it cannot force them to do so. States are free to deal with their land policy.

Regarding the land management system, he said that it is not a new phenomenon. It is almost five hundred years old. The govt. is now simply modernizing land records. He said that in 1985, a Conference on Land Records was held and thereafter, in 1987 the computerization of land record scheme has been introduced. Quoting an example from Tripura State, he said that the State has done good work in the area of land records. Mr. Singh felt that land records should be maintained as they contribute to the process of growth and development of the region. Mr. Singh appraised the participants about the current schemes run by MoRD, DoLR, GoI. These were as follows:

¹ Director, Department of Land Resources, Ministry of Rural Development, GoI.

NATIONAL LAND RECORD MODERNIZATION PROGRAMME (NLRMP)

Regarding the National Land Record Modernization Programme (NLRMP) Mr. Singh said that the first step was the computerisation of land records, whereby all Records of Rights (RoR) related to land should be computerized. States which have not yet carried out survey work should start doing so according to land laws: for example, Arunachal Pradesh has not done survey work. If there is community land it should be shown as such. If it has already been done, it should re-survey as per land tenurial laws.

I.) COMPUTERIZATION OF REGISTRATION

Mr. Charanjit Singh also discussed a new scheme introduced by MoRD known as Computerization of Registration. He said that there should be links between Records of Right (RoR) and registration. If registration is computerized, it would facilitate the maintenance of RoR) also. Quoting an example of Kurushetra district in Haryana, he said that this district has done good work in the area of Computerization of Registry.

He pointed out that the maximum number of pending court cases are related to land. He said that properly maintained land records would make it easy to handle land management and reduce disputes related to land.

II.) TRAINING AND CAPACITY BUILDING

Mr. Charanjit Singh said that MoRD, GoI provides Rs. two crores for training and capacity building. The Ministry gives funds to the Survey of India and not directly to the State. In addition, a 10 per cent contingent fund is also provided by the Ministry. He said that so far

only Assam and Nagaland from the north east states have come up with this proposal. Other states should also follow.

III.) EXPOSURE VISIT

Sh. Charanjit Singh said that Jam Nagar district in Gujarat has carried out good survey work. Similarly, good efforts have been done in digitization in Kolkata in West Bengal. It is suggested that other States visit these States to learn from their experiences.

There is a Project Management Society. MoRD, GoI which can fund for capacity building.

IV.) MODERN RECORD ROOM

Mr. Singh said that there is a provision for a Modern Record Room which is also called the Citizen Service Centre. It is based on the premise for providing effective services to the people. There is a provision of Rs. 25 lacs in this programme. Mr. Singh said that the Ministry does not give any ready made e-programme to the States because it believes that they should be given flexibility. The states can design their own according to their needs.

ANNEXURE – IV

A BRIEF NOTE ON LAND ADMINISTRATION IN NORTH EASTERN STATES

Assam consists both of plains of the Brahmaputra and Barak rivers and hill areas of north Cachar and Karbi Anglong districts. Two districts namely, North Cachar and Karbi Anglong district are administered under Autonomous District Councils. A series of land legislations came into force in Assam such as the Assam Land and Land Revenue Act, 1886, Land Settlement in 1942, 1943 and 1945; Settlement of Agricultural Land, 1958. In addition, there were region-specific land reforms such as the Golpara Tenancy Act, 1929 and the Sylhet Tenancy Act, 1931, etc. After Independence, the main land reforms acts enacted in Assam were:

- i.) The Assam Fixation of Ceiling on Land Holding Act, 1956;
- ii.) The Assam State Acquisition of Land Belonging to Religious or Charitable Institutions of Public Nature Act, 1959;
- iii.) The Assam (Temporarily Settled Areas) Tenancy Act, 1971.

For administration and management of land, the Govt. of Assam adopted four land policies since Independence, in 1958, in 1968, in 1972 and last in 1989 which is in force now. This land policy is a comprehensive one, depicting the norms of settlement / allotment of land for different purposes and to different institutions and miscellaneous landless persons. It also contains norms for preservation for grazing reserves, wet lands and other govt. lands.

After the enactment of The Assam Land Revenue Re-assessment Act, 1936 the subsequent re-settlement operations were carried out in almost all the districts from 1956 to 1988; and the period of settlement was for 30 years (for Guwahati city 15 years). Now re-settlement operations continue in some districts. In 1990, after amendment of the Land Revenue Re-assessment Act, 1936, the period of settlement to pattadars has been reduced from 30 to 20 years.

Nagaland as a state of India was born on the 1st December 1963 as the 16th State of the Indian Union. Villages in Nagaland are governed by customary laws and usages which vary from village to village and from tribe to tribe. Power and duties are conferred on the respective village councils in accordance with the Nagaland Village and Area Council Act, 1978 and therefore, freedom is given to the village councils to handle the governance of village affairs including land administration².

Recently, the Nagaland Revenue Department has started the programme of Geographical Information System (GIS) through satellite imagery. But no survey work has been done in this state.

Manipur had been a Union Territory from 1956 and became a full-fledged state from 1972. Land administration in Manipur is regulated through a dual system. The revenue administration in the plains of Manipur is almost the same as it is in other states of India and is administered under the Manipur Land Revenue and

² Vizo, K. & Dutta, Sujit, 2010, Administrative System at the Village level: a Case Study in Kohima Village – Paper presented during the workshop on “ Land Administration in North East States: Distances Covered and Challenges Ahead” held on 14-15 December, 2010.

Land Reforms Act, 1960: but the hill areas which constitute about 90 percent of the total geographical area are not covered by the said Act. Major portions of the land in the five hill districts remain un-surveyed and have no land records of their own. In the majority of the villages in the hills, the land is owned by the community headed by the traditional chiefs and is strictly governed by the customary laws. Thus, Manipur Land Revenue is applicable only in valley areas and not on hilly regions³.

Tripura became a Union Territory on 1 July 1963 and attained the status of a full-fledged state on 21 January, 1972. Tripura has both hilly and plain areas. In Tripura, during the regime of the king, most of the land was either in the hands of the ruler or in few influential families. The tribals also did have ownership rights over the vast land area. But slowly land slipped from tribal hands to non-tribal population. The migrated non-tribal population used all sorts of means like distress sale, mortgage, force and violence, etc to snatch away lands from tribals⁴. Then came the “ Tripura Land Revenue and Land Reforms Act” in 1960 which was finally implemented in 1969. Since then the state is surveying and maintaining land records.

Meghalaya was formed by carving out two districts from the state of Assam: the United Khasi and Jaintia Hills, and the Garo Hills on 21 January 1972. Prior to

³ Bimola Devi & Saroj Arora, “ Women and Inheritance Practices in Manipur” in Gender Discrimination in Land Ownership, Prem Chowdhry (ed.), pp.163-64, Sage Publications, 2009.

⁴ Socio Economic Report of Tripura submitted as a partial fulfillment of IAS training programme, Phase -II to LBS National Academy of Administration, Mussoorie.

attaining full statehood, Meghalaya was given a semi-autonomous status in 1970.

In Meghalaya 95 per cent of the land belongs to the community⁵. The two legislative bodies namely, the United Khasi and Jaintia Hills Autonomous District Council in 1952 and of the Autonomous State of Meghalaya in 1971 has been created specially to protect and to preserve the customary laws and traditions of the indigenous tribes in the districts in Meghalaya. The Land Survey and Record Preparation Act, which came into force in 1980 largely, ignored the indigenous community of Khasi hills. As per the Constitution (Scheduled Tribes) order (Amendment) Act, 1987 (43 of 1987), there are 58 Scheduled Tribes and 16 Scheduled Castes, this Act has excluded many tribes from the ambit of the definition⁶.

Land administration in Meghalaya is completely different from other north eastern states as Meghalaya is a *matrilineal* society. Customarily, it is the youngest daughter who inherits lands and not the son. Contrary to the existing norms, when land pattas were allotted, they were given to the male members of the family.

Recently power dynamics seem to be changing and despite Khasi society having a matriarchal system, many male members are publicly opting to have their father's clan title as their surnames. There is a growing interest among the tribals for obtaining patta land as they think that it can help them to escape from the domination of

⁵ Sujit Dutta, 2010, Problems and Prospects of Customary Land Laws in Khasi Hills of Meghalaya – Paper presented during the workshop conducted by CRS, LBSNAA, Mussoorie on “ Land Administration in North East States: Distances Covered and Challenges Ahead” held on 14-15 December, 2010 at Guwahati.

⁶ Ibid

“ Nakhma” , stop encroachment and conflicts, and can even get bail easily from the police and having access to loans.

Sikkim was merged in India in 1975. A Department of Survey and Settlement was organized in 1975-76 to execute survey and settlement but was delayed because of its inability to recruit the requisite number of surveyors. Finally, the land settlement was completed in all the four districts of Sikkim by 1983-84 according to the report of the Appu Committee on Revitalization of Revenue Administration published in 1995⁷.

Mizoram earlier known as Lushai Hills attained the status of the 23rd state of the Indian Union on February 20, 1987. Earlier under the Government of India Act 1935, the Lushai Hills was declared as “ Excluded Areas” . There, the Mizoram (Land Survey Settlement and Operation) Act came into force in 2009. As per rough estimation, around 2 per cent of the total land in Mizoram has been surveyed till now. So far mostly the town areas of Aizawl and Lunglei districts and plots of Wet Rice Cultivation have been surveyed through cadastral or piecemeal. Two districts namely Lawngtlai and Saiha were administered by the Autonomous District Council hence were not covered under the Land Survey Settlement Operation.

Arunachal Pradesh formerly called NEFA (North East Frontier Agency) was part of Assam State until 1987. It was given the status of statehood after taking into consideration security considerations in the east and Sino-Indian tensions. The Jhum Land Regulation Act, 1947

⁷ Singh, Aishvarya, 2010, Socio Economic Report of East District in Sikkim submitted as a partial fulfillment of IAS training programme, Phase-II to LBS National Academy of Administration, Mussoorie.

regulates community land in Arunachal Pradesh. Three types of land are mainly found here, namely: i) Village land, ii) Clan land and iii) Individual land. Individual land ownership is a fairly recent phenomenon. Only a few tribals possess the land possession certificate issued by the Deputy Commissioner. Neither record nor survey has been carried out in the State hence, no land records are maintained regarding land ownership⁸.

Arunachal Pradesh enacted the Arunachal Pradesh (Land Settlement and Records Act, 2000). The Land Management Department has been assigned the task of survey work, but no survey work has taken place to date in the state.

⁸ Thakur, Rupesh Kumar, Socio Economic Report, 2006, Village Kabu, West Siang District, Arunachal Pradesh submitted as a partial fulfillment of IAS training programme, Phase -II to LBS National Academy of Administration, Mussoorie.