



Deputy Commissioners Conference

Submitted by the Department of Land Records & Survey.

Concept note on “Provisioning of Land for Infrastructure Development”

Provisioning of land for infrastructure development in Nagaland is a complex and sensitive process due to its unique land ownership systems, customary laws and hilly terrain. Unlike most Indian states where the Government has control over large tracts of land, in Nagaland, land is largely owned by private individuals, clan or communities and not by the state.

1. Key Challenges in Land Provisioning:

a). Customary Land Ownership

Over 90% of the land is privately or communally owned. Land cannot be easily acquired by the state for public projects without consent of the landowners or the village councils. Customary laws vary across tribes and regions.

b). Lack of Formal Land Records

There is no comprehensive land titling or cadastral mapping in many areas and the absence of these data makes land acquisition, negotiations and compensation more complicated.

c). Resistance to Acquisition

Land is tied to identity, tradition, and often economic security and thus individuals and communities are often reluctant to part with land, especially for projects that are not perceived as directly beneficial.

2. Provisioning Mechanisms in Practice:

a). Negotiated Acquisition

Land for infrastructure like roads, railways, schools, health centers, Government offices etc. are usually acquired through negotiations and compensations between the Government and landowners/village councils.

b). Community Land Contribution

In some cases, land is donated by communities/village councils for schools, churches, Administrative Headquarters or village road projects, especially when the project benefits the local population. While leasing of land is practiced to the Central Govt. Agencies for projects like installations of telecom towers, power sub-stations etc.

3. Institutional and Legal framework

The Article 371(A) of the Constitution of India protects customary laws and land ownership rights, which limits the applicability of national land acquisition laws. Village Development Boards (VDBs) and Village/Tribal Councils plays a crucial role in approving and facilitating land acquisition for infrastructure projects at the grassroots level.

4. Way forward

Some recommendations for improvement in provisioning of land for infrastructure development is to create a digitized land records system in collaboration with the village/tribal councils, develop a customized land acquisition policy for infrastructural development but respecting customary laws, promote the participation of local/village councils at the planning stage for transparency and provide benefits like services or share in economic returns to the land contributors.