

# India

## Summary

In 2011-12, civil society organizations (CSOs) in India have been pressing for a national land reforms policy and a land use plan as expected from the National Land Reforms Council (NLRC). The NLRC's decision on the policy and plan would be based on the report of the government-constituted Committee on State Agrarian Relations and the Unfinished Task of Land Reform bearing the sub-title, "An Agenda to Reform Agrarian Relations for Equity and Efficiency in Contemporary India", covering seven vital areas.

At the state level in Bihar, meanwhile, the reports submitted by the Bihar Land Reforms Commission with vital recommendations on *Bhoodan*, mutation, sharecropping, ceiling on landholdings, contract farming, government estates, and *Khas Mahal* lands, and the reordering of the administrative structure provide the concrete basis for land reforms and its monitoring in the state.

Considering the greater urgency to expedite the decision on the land reforms policy and land use plan and to hasten the completion of the "unfinished task of land reforms", which

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### List of Acronyms used

BPL	Below Poverty Line
BLRC	Bihar Land Reforms Commission
CSO	civil society organization
ha	hectare
NLRC	National Land Reforms Council
PESA	The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996
SCs	Scheduled Castes
STs	Scheduled Tribes

has extended over several decades, the affected people have been mobilizing another foot march — *Jansatyagraha* — by October 2012 to press for expediting the process. In addition, the urgency to increase public pressure arises from other serious considerations as evident from the changing country context of land reforms, the enhanced demand of agricultural land to be used for non-agricultural purposes; the displacement of millions of people, most of them poor, and the urgent need of their resettlement and rehabilitation; and the unprecedented agricultural slowdown during the post-liberalization era (1991-2006) due to highly reduced public investments and utter neglect.

Given the existing national and state-directed land reform measures, CSOs have recommended a land reform monitoring

program involving all key actors. It would be more pragmatic and manageable to start with monitoring Bihar state, as it works on the recommendations of the Bihar Land Reforms Commission. National indicators such as, access to land, landlessness, national land reforms policies and legislations, process and progress of computerization of land records and maps, process and progress of completing the “unfinished task of land reforms”, decline in agricultural land, food security scenario, and the national land reforms budget, should still be monitored.

The CSO-led monitoring initiative would ascertain the status of land reforms and use it to strengthen dialogue and advocacy.

Monitoring indicators fall into two groups: essential and additional. (See Table 1.)

Further, it is important to adopt a systems approach and avoid counterproductive adversarial approaches. The availability of reliable data from various governmental and non-governmental sources should prove useful to this monitoring tool.

In conclusion, the CSO-led land reforms monitoring initiative is essential, feasible, and useful. It should, therefore, be finalized and made operational as soon as possible. A major recommendation in this study is for actors in government, donor, and civil society sectors to work together to facilitate the development and improvement of the land monitoring tool with the following objectives:

- to ascertain the status of land reforms and share information among all concerned to enhance awareness and critical action on:

**Table 1. Focus of land reform monitoring in India**

Essential Indicators	<ul style="list-style-type: none"> <li>• Access to land;</li> <li>• Access to homestead;</li> <li>• Sharecropping;</li> <li>• Updating and computerization of land records and maps;</li> <li>• Land disputes;</li> <li>• Land reforms legislations and policies;</li> <li>• Land reforms budget;</li> <li>• Reordering of governance and administrative structure</li> </ul>
Additional Indicators	<ul style="list-style-type: none"> <li>• Food security;</li> <li>• Women’s rights;</li> <li>• Protection against alienation of land belonging to STs, SCs, etc.;</li> <li>• Decline in agricultural land</li> </ul>

These indicators are seen as integral parts of a single land reform package and thus may be adapted, enlarged, and/or reduced to synergize them with regional indicators (identified by Land Watch Asia/Asian NGO Coalition for Agrarian Reform and Rural Development).

- land governance and agrarian relations that aim at enhancing access of the rural poor to land with tenurial security for livelihood, food security, and poverty reduction;
- a rational people-centric national land reforms policy and land use plan; and

- efforts to resolve and/or minimize conflicts and restore and/or maximize peace;
- to strengthen and enrich advocacy and dialogue, which would expedite the completion of the unfinished task of land reforms in India; and
- to enhance the capacity of Land Watch India and CSOs at large to engage more effectively with the governments and other institutions on land reforms.

### The status of land reforms in India

Land reform gained attention during the country's early post-Independence

**Table 2. Colonial land administrations systems in India**

Definitions	
<i>Zamindari</i>	Under this system, <i>Zamindars</i> (landlords) functioned as intermediaries between British colonial government and the farmers (cultivators) and collected fixed land revenue from, and exploited the cultivators.
<i>Ryotwari</i>	Under this system there was direct settlement (temporary) of land by the state in favour of the <i>Ryots</i> (tenants/cultivators) recognizing them as owners subject to payment of the land revenue to be revised periodically.
<i>Mahalwari</i>	A modified version of <i>Zamindari</i> system, with temporary settlement of land in favor of tenants village by village or <i>Mahal</i> (estate) by <i>Mahal</i> at the revenue to be revised periodically.

period beginning in 1947. The three land administration systems that characterized the semi-feudal exploitative agrarian system inherited from the British colonial rule were dismantled— *Zamindari* covering about 57% of the area; *Ryotwari* covering about 38% of the area; and *Mahalwari* covering about 5% of the area (See Table 2). Consequently, 54 million *ryots* (tenants/cultivators) were directly linked with the State after elimination of the intermediaries and 37 million ha of land was freed for redistribution to the rural landless.

### Legislations

New land reforms legislations by state governments were enacted and implemented with missionary zeal under the National Freedom Movement's call for "land to the tiller". (As of now, there are 28 states and seven union territories in Federal India.) These progressive legislations covered the vital issues such as:

- abolition of the *Zamindari* system;
- ceiling on landholdings and redistribution of ceiling surplus land among the landless tillers;
- tenancy reforms for tenurial security;
- regulation of sharecropping;
- protection against alienation of land belonging to weaker sections;
- consolidation of fragmented landholdings;
- provision of homestead to landless households;
- statutory minimum wages to agricultural labor;
- providing government land to the landless on long-term lease; and
- *Bhoodan* (land gift) and *Gramdan* (village gift)

In practice, progress was made in the elimination of intermediaries, redistribution of considerable ceiling surplus, *Bhoodan* and government lands to the landless households, and improved tenurial security of the peasants. However, land reform progressed unevenly across the states, eventually losing the initial zeal of the post-Independence period.

### State-level action

Land reforms legislations and policies and their implementation greatly differed across the states. For instance, Left Front<sup>1</sup>-ruled states, like West Bengal, Kerala and Tripura have done well, besides some other states like Uttar Pradesh, Maharashtra, and Jammu and Kashmir. The state of West Bengal launched Operation Berga in the late 1970s and recorded about 1.4 million tenants making their rights inalienable and inheritable, setting a model for other states.

According to performance and attitude, states may be categorized according to those permitting tenancy with safeguards and those prohibiting tenancy.

With regard to sharecropping, landowners have invented and adopted numerous escape routes, such as reverse, short-term, and cash tenancies as opposed to sharecropping, besides contract farming and agro-forestry, especially with the deepening of the green revolution and commercialization of agriculture.

### National-level action

In the decades that followed independence, land reform was in and out of the center stage of the national agenda. It was only in the 1970s

<sup>1</sup> An alliance or a coalition of the Leftist political parties.

that the central government included the distribution of ceiling-surplus land as a part of the Prime Minister's 20-point program, and proceeded to evolve a national consensus on revisiting the ceiling laws and ceiling limits.

As a result, the first half of the 1970s recorded some progress on implementation of the ceiling laws. Thereafter, the matter has been languishing in dragged litigations/disputes in revenue and judicial courts.

In terms of legislation at the national level, progress was made consisting of:

- The Hindu Succession (Amendment) Act, 2005, which provided for equal land rights to the Hindu women constituting over 80% of the female population.
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, which facilitated the recognition of rights of, and distribution of titles to, a large number of Scheduled Tribes and other traditional forest dwellers, of large areas of the forest land already under their use.

### Challenges

Over time, however, unfinished land reforms persisted. Since 1991, as the neoliberal development paradigm was put in place formally, land reform issues became compounded by several realities, as discussed below.

*The enhanced demand of agricultural land for non-agricultural purposes, such as infrastructure development, industrialization,*

***and urbanization, as well as tribal lands in hills and forests for mining, mega projects, and industries:***

As of 2011, there are about 17 existing land acquisition legislations under which the government, exercising its authority based on the principle of “eminent domain”, acquires land for a range of purposes from defense and railways to Special Economic Zones (SEZs), infrastructure, and industries without adequate compensation and/or rehabilitation and resettlement.

However, the most commonly used legislation is the Land Acquisition Act, 1894, which has been bitterly and repeatedly criticized by the Supreme Court in its recent judgments, advising the government to repeal and replace it with a new just and humane legislation. The Act has allowed forcible land acquisition or land grabbing, resulting in numerous protests by the adversely affected people and civil society activists. Quite a few unlawful and unjust land acquisitions have been quashed by the High Courts and the Supreme Court.

As a result, the Land Acquisition, Rehabilitation and Resettlement Bill, 2011 (Bill No. 77 of 2011) was introduced in the Parliament (*Lok Sabha*) on 7 September 2011 and has been referred to the Standing Committee of Parliament (SCP) for scrutiny and improvement. (The SCP has returned the Bill on 16 May 2012 with its recommendations for drastic amendments necessitating virtual redrafting). It may be passed in the monsoon session of Parliament, repealing and replacing the 1894 Act. Its positive provisions include adequate compensation, rehabilitation and resettlement, prior consultation, social impact assessment, and others. However, its basic

purpose is to facilitate land acquisition for industrialization, development of essential infrastructural facilities and urbanization, without any vision of rational land use and any consideration for rural people, their livelihood and lives, even though the bill has been drafted and introduced by the Ministry of Rural Development which is expected to promote the well-being of rural people and areas.

***Displacement of people in the hills and forests caused by the development projects:***

The Scheduled Tribes (STs) and other traditional forest dwellers have customary usufructuary land rights. But because technically and legally, they do not own such land, it is acquired by the government without consulting, compensating and rehabilitating them. As a result, 60 million people have been displaced following development projects over the last six decades, and only a third of them are estimated to have been resettled. About 40% of these displaced people are STs and 20% Dalits (SCs). Little wonder that a large part of the tribal and forest areas is affected by Maoist/Naxal violence.<sup>2</sup>

Recently, after sustained lobbying, advocacy and democratic pressure by the STs, Scheduled Castes (SCs) and other sympathetic groups assisted by the CSOs and civil society at large, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules 2007, was notified and enforced beginning 01 January 2008. It has generated some hope for them.

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<sup>2</sup> An extreme Left movement believing in and using violence for socio-economic transformation or revolution; it started from Naxalbari village in West Bengal state, hence the prefix ‘Naxal’.

Another legislation, the Provisions of Panchayats (Extension To Scheduled Areas) Act (PESA), 1996, provides for mandatory prior consultation with the tribal *Gram Sabha* (village assembly) in the Fifth Schedule tribal areas to acquire their land. But so far, this has been observed only in its breach.

***Decline of about 2 million ha in the net area sown over the past decade***

Such decline is likely to increase in the coming years, jeopardizing lives, livelihood, and food security of the rural poor and rural people, notwithstanding the assertion in the approach to the 12th Plan that it can be overcome by increasing agricultural productivity and avoiding acquisition of multi-crop irrigated land. Actually, there has already been unprecedented agricultural slowdown during the post-liberalization era (1991-2006), primarily due to highly reduced public investments and utter neglect. Measures to reverse it have been initiated only in the Eleventh Plan (2007-12) to ensure food security.

***Highly uneven land distribution as reflected in Agricultural Census (2005-2006) data and other sources underlines the need to optimize the redistribution of land to the landless tillers. (This is discussed further in the next section.)***

With regard to women's land rights, on the whole, there is gross gender inequity. The Hindu Succession (Amendment) Act, 2005 provides that in a joint Hindu family, the daughter shall, by birth, become a co-parcener in her own right in the same manner as the son and should have the same rights in the co-parcenary property as she would have had

if she had been a son, effective 20 December 2004. Thus, Hindu women have equal rights to land, but social complications muddle practice. Hindus constitute about 80.5% of the population of India. Muslims constitute about 13.4% of the population; but they are governed by their personal law, which is unfair to women, the common norm being 62.5% to sons and 37.5% to daughters irrespective of their number. Other religious groups, numerically much smaller, are governed by their traditional laws and practices. Only a few communities in India in states like Kerala and Meghalaya are matriarchal; the rest of Indian society is patriarchal. Besides, in some cases, civil society activists have tried to get fresh land allotments in favor of women and/or joint allotments in favor of wife and husband.

In the post-liberalization era formally in place since July 1991, a strong view was that the possibilities of land reforms had been exhausted and future growth would come only from private investments in agriculture and rural areas at large. This strong view was shared by many states that revised their land reform legislations. Even in the central government, it was believed that the distributive justice programs had been overtaken by a neoliberal development paradigm, notwithstanding the rhetoric of "Inclusive Growth" and "Faster, Sustainable and More Inclusive Growth" in Eleventh (2007-2012) and Twelfth (2012-2017) Five-Year Plans respectively. In practice, the neoliberal growth model excludes more than it includes since it is socially unjust, economically inefficient, politically unstable, and environmentally unsustainable.

"Faster, Sustainable and More Inclusive Growth: An Approach to the 12<sup>th</sup> Five Year

Plan” (2012-2017) raises the following issues without providing rational, just, fair and humane answers to them:

- Which land should be used for which purpose?
- How should land be acquired for new purposes (industrialization/urbanization/ infrastructure development)?
- What form and quantum of compensation and rehabilitation should be provided to those whose lands are acquired?

Therefore, there is a pressing need for a national land reform policy and land use plan as well as enhancement of the access of the rural poor to land available from sources, such as ceiling surplus, *Bhoodan*, village commons, government estates and wasteland, industries, religious and educational institutions, forest, and homestead for equity and efficiency.

### **Food security**

Food security is closely linked with land reforms, more so in India, where there is a large food-insecure population. Accordingly, the National Food Security Bill, 2011 (Bill No. 132 of 2011) has been introduced in the Parliament (*Lok Sabha*) on 22 December 2011. It has been referred to the Standing Committee of Parliament for in-depth scrutiny and improvement. It is expected to be passed in the monsoon session of the Parliament, providing for entitlements and rights to food for vulnerable sections with a total coverage of 63.5% of total (rural and urban) population of 1.21 billion. The categorization of recipients is as follows:

- a) “priority households” (below poverty line [BPL] with maximum entitlements – 46% rural and 28% urban population;
- b) “general households” with reduced entitlements – 29% rural and 22% urban population;
- c) expecting and lactating BPL mothers;
- d) children in the age-group 3 months to 3 years;
- e) primary school children of 4 to 14 years of age; and
- f) the destitute, handicapped, and others similarly affected

Besides, under the National Rural Employment Guarantee Act, 2005, covering 200 underdeveloped districts since 2 February 2006 and extended to the whole of rural India since 1 April 2008, the government provides guaranteed hard manual wage-employment for 100 days per rural household per annum at minimum statutory wages, to facilitate food security and survival, and minimize migration of labor.

However, the above palliatives would only perpetuate dependency rather than dignified self-reliance among citizens.

### **Computerization of land records**

Land records are either messy or incomplete or not updated in many of the states, not only hindering land reforms but also causing numerous disputes. Accordingly, updating and computerization of land records as well as digitization of maps in every state are essential. The process has started and it has already been completed in Karnataka, Madhya Pradesh, Gujarat, Tamil Nadu, Uttar Pradesh and Goa. However, it needs to be expedited and

completed in the remaining states as well, with adequate training and facilitation, availing of the best practices of the states where the work has already been completed. Not the least, accuracy in computerization and digitization is extremely vital.

### Tenurial security

Land rights and tenurial security are two sides of the same coin. During the British colonial period, there were a large number of land tenure categories, causing complications. For instance, there were over a dozen categories of tenures in Uttar Pradesh before the abolition of the *Zamindari* system, which have since been rationalized and reduced to two categories in the process of land reforms:

- Transferable land ownership (*Sankramaniya Bhoomidhari*)
- Non-transferable land ownership (*Asankramaniya Bhoomidhari*)

Similar rationalization of tenures has taken place in other states as well.

The BLRC suggests “sharecropper” as a separate category with right to regular/continuing cultivation, but without ownership

of the land. In the current Indian context, these three categories of land tenure appear adequate. Land held on lease for a fixed period and specific purpose may, however, also be a separate category.

### Access to Land

During the post-Independence period, implementation of land reforms legislations and policies has facilitated elimination of the intermediaries like *Zamindars* (landlords) and considerable redistribution of land to the landless and poor, notwithstanding the enormous unfinished task.

In addition, the landless can access land as feasible from sources such as ceiling surplus, *Bhoodan*, village commons, government estates, industries, religious and educational institutions, forest, and homestead.

### Land ownership distribution

Table 3 depicts the number and area of landholdings according to size class, number and area of holding by size group; it speaks for itself as regards skewed distribution of land. Marginal and small holdings, though far larger in number, have far smaller area of land;

**Table 3. Number and area of individual and joint holdings by size group**

	Number of holdings, as percentage of total (%)	Area of holdings, as percentage of total (%)
<b>Marginal</b>	64.77	20.42
<b>Small</b>	18.53	21.10
<b>Semi-medium</b>	10.93	24.15
<b>Medium</b>	4.93	23.27
<b>Large</b>	0.83	11.06

Note: Total may not tally due to rounding off; institutional holdings are excluded.  
Source: Agricultural Census, 2005-2006



whereas the opposite is true in case of medium and large holdings. Marginal landholdings (64.77% of total) and small landholdings (18.53% of total) constitute the majority, but together, they only cover 41.52% of the total area of landholdings.

#### **Ceiling surplus**

As mentioned in the Committee's report, 2.7 million ha of land has so far been declared ceiling surplus; 2.3 million ha (about 85%) of it has been taken possession of by the government and 1.9 million ha of it has been distributed to 5.5 million households (37% to the SCs and 16% to the STs). There has been no further progress in the implementation of land ceiling, the surplus from which is estimated at 21 million ha. The bulk of the remaining land is, however, stuck in disputes in revenue and judicial court cases. This is just an illustration of the problem.

#### **Bhoodan (gifted) land**

There is considerable *Bhoodan* land to be distributed, notwithstanding a large number of "fake" *Bhoodans* of uncultivable lands. The total land donated all over India was 1.928 million ha, out of which, 0.989 million ha was distributed, although only 0.446 million ha was cultivable; and 0.731 million ha of the total donated land was unfit for distribution. Donations across the states were uneven, with far more of them in the States of Jharkhand, Bihar, Odisha, Rajasthan, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Maharashtra and Gujarat. However, *Gramdan* (village gift), although well-conceptualized for communitarian land management and use as well as village self-rule (*Gram Swaraj*),

was not realized for want of follow-up and socio-economic and political preparedness; otherwise, a total of about 146,807 gifted villages could have benefited.

#### **Wasteland**

Likewise, 63.85 million ha of government land is categorized as wasteland (land with or without scrub, water logged, marshy, affected by salinity/alkalinity, coastal/inland, shifting cultivation area, degraded pastures/grazing land, degraded land under plantation crops, sandy, mining/industrial lands). A major part of this wasteland can and should be reclaimed, developed and distributed to the landless.

#### **Forest lands**

As of 30 September 2011, a total 1,219,922 titles for 1,601,524 ha of forest land have been distributed under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules 2007 in India as a whole. The process continues and the titles for considerable additional forest land would be distributed in due time, notwithstanding insurmountable hurdles in it.

These are but a few examples of how the access of the rural poor to land can be enhanced considerably, if land reforms are systematically monitored, advocated, pushed, and facilitated.

It is, however, pertinent to underline that the recent legislations and bills (i.e., Forest Rights, Rural Employment Guarantee, Land Acquisition, Rehabilitation And Resettlement, Food Security), though vital and helpful, do not constitute a part of the original land reforms package.

**Table 4. Bihar: A Brief Profile**

Geographical area (km <sup>2</sup> )	36,356.5
Population (persons) (Census 2011):	103,804,637
• Males	54,185,347
• Females	49,619,290
Population (persons):	
• Rural	92,075,028 (88.7%)
• Urban	11,723,609 (11.3%)
Administrative units:	
Divisions (group of districts)	9
Districts	38
Sub-Divisions (sub-units of districts)	101
Blocks (units of rural development)	533
Panchayats (rural institutions of self-government)	8,471
Municipal corporations	11
Municipal councils	93
Town areas	84
Revenue villages	45,103

### Focus of monitoring and selected indicators

As Land Watch India proposes to start off with state-level monitoring in Bihar, a brief background of Bihar State and the work of the Bihar Land Reforms Commission follow.

The state of Bihar is located in the East Zone, between West Bengal and Uttar Pradesh and bordering Nepal in the north. It is the third largest Indian state with about 8.58% of the country's total population. It is predominantly rural with an agrarian economy. Infrastructure is underdeveloped.

Bihar is considered a part of the BIMARU or a grouping of "sick" states (Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh), which are characterized by widespread poverty,

unemployment, and underemployment. Another common feature is a large labor force that emigrates elsewhere in search of wage-labor and employment.

Governance in Bihar improved greatly six years ago with the election of new government which was re-elected after their first term ended in 2010. It has generated great expectations. Bihar has considerable *Bhoodan* land. It is also unique in having had the Bihar Land Reforms Commission and its recent reports and recommendations to act upon.

### Status of land reforms in Bihar

When the *Zamindari* system was abolished, quite a few progressive land reform legislations were enacted but yielded poor results. Land distribution remained highly uneven; land

records were in a mess; the administrative structure remained archaic, inefficient, and corrupt. However, undivided Bihar (along with Jharkhand state carved out of it in the year 2000) has been the intensive area for *Bhoodan* and *Gramdam* movements led by Vinoba Bhave and has the maximum *Bhoodans* and *Gramdams* collected in the country.

The above characteristics make it suitable for land reform monitoring and facilitation.

### *The Bihar Land Reforms Commission (BLRC)*

The BLRC was constituted by the Government of Bihar on 16 June 2006. It completed its work and submitted its final report and recommendations to the state government in 2008.

The BLRC submitted four interim reports, one each on the following issues:

- *Bhoodan*;
- Mutation (Entering the name of the new owner [allottee, etc.]) of land in place of the previous owner in the Record of Rights maintained by the Revenue Department of the Government);
- Sharecropping (*Bataidari*)
- Ceiling on landholdings

The final report covered the remaining

important issues, namely, contract farming, government estates and *Khas Mahal* (state-owned) lands, and reordering of the administrative structure.

Apart from providing a concrete basis for focused land reforms monitoring in Bihar, the vital issues covered in the BLRC's reports and recommendations are consistent with those covered under land reforms legislations in India.

BLRC's recommendations are being acted upon by the Bihar government selectively as reflected in its Action Taken Report, with top priority to *Bhoodan* land, concerning which there has been considerable progress. Bihar is one of the states where far larger *Bhoodan* land was received and/or collected as reflected in its present status (see Table 5).

Although almost the whole of *Bhoodan* land suitable for distribution has been distributed, subsequent steps to complete the process such as mutation, possession, and facilitating cultivation/use are equally vital. Besides, verification of the remaining land by the Revenue Department is expected to identify about 20,000 ha additional land suitable for distribution.

Similarly, BLRC's recommendations on other issues are equally vital. For instance, it has

**Table 3. *Bhoodan* Land in Bihar**

Particulars	Area (in ha)
Total land gifted/received	262,482.05
Land fit to be distributed as per verification	104,144.48
Land distributed	103,348.23
Remaining land to be distributed	796.25

Source: Bihar *Bhoodan* Yojna Committee

recommended that ceiling surplus land should be distributed among 1.668 million landless agricultural labor households: 0.24 to 0.4 ha per household; as well as among 0.584 million landless and homeless rural households: 10 decimals of homestead per household, besides safeguarding the interests of the sharecroppers.

## **Indicators**

- **Essential indicators:**

1. *Access to land*

It may be relatively more systematic and effective to compute and monitor access to land source-wise as sub-categories. Access can be positive or negative, depending on whether it is enhanced or reduced (as in the case of increasing acquisition and/or grabbing of agricultural land for non-agricultural purposes).

2. *Access to homestead*

Access to homestead may be monitored separately, considering its greater importance.

3. *Sharecropping*

Considering the contentious issue of sharecropping, the terms of reference of the concerned Sub-Group of the Committee included:

“To examine the issues of tenancy and sub-tenancy and suggest measures for recording of all agricultural tenants and a framework to enable cultivators of land to lease in and

lease out with suitable assurances for fair rent, security of tenure, and right to resumption.”

Nevertheless, the Sub-Group in its report favors the West Bengal model of Operation Berga. As of 2003, 7% of the total operated area in India was being leased by 11.5% of the rural households (NSS 60<sup>th</sup> Round). However, micro-studies indicate incidence of tenancy between 15% to 35%, most of it informal, hence insecure. Much higher incidence of tenancy extending up to 50% is also found in certain regions. Sharecropping continues to be the dominant form; but about 90% of the leased area is unrecorded and informal. In India as a whole, 35.8% of the total rural households leasing in land are landless laborers and 47.5% have land below 0.5 ha each. Therefore, safeguarding the interest of the poor disadvantaged sharecroppers is extremely vital.

4. *Updating and computerization of land records and maps*

This is an important indicator so that a clear picture is made available.

5. *Land disputes*

The number of disputes pending in revenue and/or judicial courts may be monitored with respect to the periods for which they have been pending such as: a) less than three years, b) three to five years, c) five to ten years, d) over ten years, etc. It takes decades for an average case to be decided finally, after going through a hierarchy of courts all the way to the Supreme Court. Land dispute tribunals have been suggested to expedite disposal of the pending cases. Deaths per 100,000 population or so in

land related conflicts may not be relevant to the Indian context in view of the large population. However, monitoring and highlighting of absolute number of deaths may be vital and helpful.

### **6. Legislations and policies**

Land reforms legislations and policies, without loopholes, are a prerequisite to effective land reforms, and hence merit inclusion among the indicators. The Committee on State Agrarian Relations and Unfinished Task of Land Reforms has already submitted its report to enable the National Land Reforms Council to consider it and decide on the national land reforms policy and national land use plan, which should, therefore, be captured in this indicator for monitoring.

### **7. Land reform budget**

Financial and human resources to implement land reforms legislations and policies, with improvements/amendments where needed, are extremely vital to monitor. Data on budget for land reforms are part of the total budget of the Government of India and state governments. It is not readily available, but can be accessed and provided in due time. Sources include the government budget presented by the Finance Minister and passed by the National Parliament or State Legislature.

### **8. Reordering of governance and administrative structure**

Land governance and related administrative structure, which are archaic, colonial, cumbersome, inefficient, and corrupt, need to be reordered, streamlined, and modernized.

Distribution of land by holding size along with landlessness is vital to be monitored since it reveals unevenness in the system. Every five years, the Agricultural Census in India provides the data from the village to the national level via intermediate levels.

### **Additional Indicators:**

#### **9. Food security**

Food security is a forceful argument against acquisition or grabbing of agricultural land for non-agricultural purposes as well as for redistribution of land to poor tillers for equity and efficiency.

#### **10. Women's rights**

Women's right to land, though extremely vital, is still in the initial stages of recognition in India. However, it can and should be monitored.

#### **11. Protection against alienation of land belonging to STs, SCs, etc.**

This is also a vital issue to be monitored.

#### **12. Decline in agricultural land**

This decline is primarily due to acquisition/grabbing of agricultural land for non-agricultural purposes, but also due to some other reasons. It merits to be monitored.

These indicators are seen as integral parts of the same land reforms package and thus may be adapted, enlarged and/or reduced to synergize them with regional indicators (identified by Land Watch Asia/Asian NGO Coalition for Agrarian Reform and Rural Development).

Consolidation of fragmented landholdings demands monitoring, but may not be included among the indicators since, as of now, it has been relegated to the background for certain cogent reasons, such as its completion in states like Uttar Pradesh, but its failure to take off in states like Bihar. It is also ineffective due to flaws in the succession legislations, especially the Hindu Succession Act, resulting in continual re-fragmentation in the process of succession from generation to generation.

### **Systems Approach**

The proposed CSO land reforms monitoring should adopt a systems approach and avoid counterproductive adversarial approaches.

### **Availability of Data**

India is relatively better placed regarding availability of reliable data from sources, such as:

- Decennial Human Census (the latest one done in 2011);
- Agricultural Census conducted every five years (the latest one done in 2010-2011);
- National Sample Survey (NSS) Organization (surveys done and reports produced periodically);
- Five Year Plans – 11<sup>th</sup> Plan (2007-2012) in existence and 12<sup>th</sup> Plan (2012-2017) under preparation as per its Approach;
- Data in reports/documents of the relevant Ministries and Departments of the government;
- Academic and applied research institutions;
- Statistical handbooks, official and non-official;
- Books, periodicals and newspapers;

- International organizations; and
- Online sources.

### **Conclusion**

The CSO-led land reforms monitoring initiative is essential, feasible, and useful. It should, therefore, be finalized and made operational as soon as possible.

A major recommendation of this study is for actors in government, donor, and civil society sectors to work together to facilitate the development and improvement of the land reforms monitoring tool with the following objectives:

- to ascertain the status of land reforms and share information among all concerned to enhance awareness and critical action on:
  - i. land governance and agrarian relations, which aim to enhance access of the rural poor to land with tenurial security for livelihood, food security, and poverty reduction;
  - ii. a rational people-centric national land reforms policy and land use plan; and
  - iii. efforts to resolve and/or minimize conflicts and restore and/or maximize peace.
- to strengthen and enrich advocacy and dialogue for expediting the completion of the unfinished task of land reforms in India; and
- to enhance the capacity of Land Watch India and CSOs at large to engage with governments and other institutions on land reforms more effectively.

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*\* Many other printed and online sources tapped and referred to, but not listed.*