

# In the Name of Economic Development: State and Private Projects Continue to Lead Land Conflict Impacts

## 2020 India Land Conflict Monitoring Report

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### ***Rationale of the Study***

Land is not just soil but also a bundle of rights that emphasize the moral perspectives of existence (Davy, 2014). The accessibility and strength of a country's laws for the ownership of land and land conflict resolution are directly proportional to its overall national welfare. Facilitating landownership is crucial to navigate a country's population out of intergenerational poverty and illiteracy. Right to land is, in fact, not a fundamental right under the Constitution of India. However, the ownership of land is not a standalone right. It is better understood as a bundle of rights because land is a foundation upon which the recipients can build a dream, enabling them to secure shelter, proper nutrition, education, healthcare, and access to credit (Clarke and Kohler, 2005; Klein and Robinson, 2011). Guaranteeing individual liberties, including the rights of property ownership, free exchange, free transfer, and free inheritance are essential requirements of a just society (Rawls, 1993). Land ownership and the right to land is ancillary to all other natural rights as land operationalizes all other fundamental rights in a meaningful and accessible manner.

In an agrarian economy such as India, with great scarcity and unequal distribution of land, coupled with a large mass of the rural population below the poverty line, there are compelling economic and political arguments for land reform (Ghatak and Roy, 2007). Land issues in India are as old as the nation itself. The existing social and economic hierarchies and inequalities create greater susceptibility to land conflict.

In 2018, CSOs came together from Bangladesh, Cambodia, Indonesia, India, Nepal, and the Philippines to devise machinery that would vitiate land conflict and the negative impacts of it. The 2018 study aimed at giving an overview of the current policy and legal environment on access to land and tenure security, especially for the rural poor. It intended to describe the current status of access to land and tenure security and land governance challenges; and, to identify strategic opportunities for advancing land rights for the rural poor. The study was a starting point on which this report is going to be built. This year,

elaborating on the earlier monitoring initiative, India: 2020 Country Monitoring Study on Land Conflict Monitoring will present a more systematic way to gather data and report on land conflicts (ANGOC, 2019).

This study aims at operationalizing efforts of various stakeholders towards filling the vacuum of meaningful and accessible land conflict reforms. The lack of will is amply demonstrated by the large gaps between policy and legislation, between law and its implementation, and an inept legal and economic framework that plagues those who are victimized by land grabbing, displacement of occupants, unfair deals, and erosion of agricultural resources (Jenkins, 2013). The study will also attempt to localize data regarding the characteristics and dynamics of cases of land conflict such as involved parties, cause, area, etc.

Further, acknowledging the constraint on means of collecting data on land conflicts due to the COVID-19 pandemic, this study aims to transform the existing data from sources (mainly, but not solely, <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>) into a format that is standardized and current. These are the main sources due to their reliable data.

The resource portal Land Conflict Watch (LCW) has developed peer-reviewed protocols, standards, and methodology for data collection, research, and analysis. These have been fine-tuned with the help of researchers, academics, and institutions. LCW collects data on 84 different parameters for every land conflict it maps. The parameters include information on the number of people impacted, investments associated with the land conflict, the type of economic activity undertaken on the land, and the area under conflict. The mapping exercise also captures information on the tenure systems associated with the land under conflict and other location-specific characteristics. LCW gathers and maintains requisite evidence to support the data; this includes official, administrative, and legal records pertaining to the conflict. This information is supplemented by interviews carried out by LCW field researchers, who source additional information from affected parties. The LCW team consists of field researchers, coordinators, reviewers, and data analysts. Each of them has clearly defined roles in the process of conflict identification, data collection, verification, and analysis (Worsdell and Shrivastava, 2020).

The EJAtlas is based on the work of hundreds of collaborators, from the academe, concerned citizens, informal committees, NGOs, and other activist groups, who have been documenting environmental and social injustice and supporting communities on the ground for years. All data is collected in an online database and moderated by an editorial team through double-checking of information and for “homogenizing” data in order to enable search/filter/browse functions. The cases are then approved and published on the EJAtlas map. Anyone can set up an account and contact the editorial team for contributing to the database or to flag agitations happening around the world. A commenting facility is available to the public on every conflict page, in order to promote discussion, debate, and exchange on the matter among EJAtlas users and the wider public.

Using the existing data, the authors have attempted to provide a holistic and corroborated view on not only the causes but also the long-term impacts of land conflict in India.

The study also aims to build upon existing reports by revered organizations like the LCW, the Centre for Policy Research, the Land Rights Initiative, etc. to establish inferences and recommendations that are the most accurate and productive.

### **Objectives of the Study**

This study aims to create an overview of the specifics of India's history and response to disenfranchisement of people vis-à-vis their land rights. Devised as a follow up to the 2018 land monitoring report, this study will attempt to provide a detailed overview of the land conflict issues and impacts faced by India. The objectives are:

- to implement a common system for collecting data and information on land conflicts;
- to describe the prevalence and types of land and natural resource conflicts;
- to examine the nature and causes of land and resource conflicts;
- to discuss the impacts and outcomes of land and natural resource conflicts on communities, as well as on land rights defenders; and,
- to draw up recommendations based on the study findings.

### **Concepts and definitions used in the study**

Terminology and vernacular are subject to regional variations. This reigns true in the case of land conflict as well. For the sake of clarity, the concepts and definitions used are described below:

<b>Concept</b>	<b>Definition</b>	<b>Source</b>
Land conflict	<p>A situation wherein two or more stakeholders compete for control over land and/or resources, including decision-making and truth.</p> <p>Such conflicts emanate from loopholes in law and weak enforcement of legal and customary tenure systems thereby generating competing interests and putting the very system into question.</p>	ANGOC. (2019). <i>In defense of land rights: A monitoring report on land conflicts in six Asian countries</i> . Quezon City: ANGOC
Land dispute	<p>A situation wherein two or more stakeholders with presumed equal power compete for land and/or resources, including decision-making and truth.</p> <p>Such disputes emanate from business as usual competing interests that legal and customary systems can usually resolve.</p>	ANGOC. (2019). <i>In defense of land rights: A monitoring report on land conflicts in six Asian countries</i> . Quezon City: ANGOC

Concept	Definition	Source
Land rights holder	A stakeholder whose rights to the land under contestation is held under law, tenure reform/s or custom, and whose relationship to the land is inherent to their survival and identity.	Eco Ruralis. (2016). <i>What is land grabbing? A critical review of existing definitions</i> . Romania: Eco Ruralis.
Conflict management	Actions pursued to de-escalate a conflict and to seek peaceful coexistence among involved parties.	Pruit, G. & Ruben, J. (1969). <i>Social conflict: Escalation, stalemate and settlement</i> . Colorado: Beyond Intractability.
Violence	A show of force, an imposition of will on others to contend one's interests and gain control through destructive means.	Galtung, J. (1969). <i>Violence, peace, and peace research</i> . <i>Journal of Peace Research</i> . Oslo: International Peace Research Institute.
<i>Panchayat</i>	The local government system in India.	Part IX. The Constitution (Seventy-third Amendment) Act, 1992
<i>Gram Sabha</i>	Gram Sabha is the primary body of the Panchayati Raj system and by far the largest.	Constitution of India, under Article 243(b)

### **Methodology and data sources**

The research for this report was conducted to elaborate on an underreported and under-researched public policy issue. The report also contains analyses of the causes of conflicts, impacts of land conflicts, and recommendations. The study used both quantitative and qualitative methodologies. Descriptive data were used to draw conclusive points without intervening with any of the variables. This study relied on the desk review of secondary sources of data, with the major source being the portal of LCW (<https://www.landconflictwatch.org/>), a network of researchers and journalists across India. LCW creates a record of all ongoing land conflicts in the country.

LCW has a team of 42 field researchers—in 26 of the 28 States and five of the eight union territories—working to identify and report land conflicts. The portal has recorded over 750 ongoing land conflicts in the country. Some of the ongoing conflicts have also been taken from the Environmental Justice Atlas (<https://ejatlas.org/country/india>). The cases are taken from the portal and related news articles are used to further elaborate upon the cases described.

Further, other comprehensive studies analyzing data relating to land conflicts and corresponding newspaper reports were also used. This study aims to create a representative sample of the prevailing instances of land conflict in all the States of the nation categorized according to the sectors that have caused the conflict. The purpose of classifying the land conflicts into sectors is to analyze the nature, causes, and impacts of the conflict in an organized manner. Considering the potential of the diverse factors (policy changes, population, impact of the conflict, causes of conflict, nature of the conflict, and responses to the conflicts) of the Indian demography, we chose to divide and present the

case studies for greater precision in the report. The Centre for Legislative and Research Advocacy (CLRA) chose six conflicts per sector, taking into consideration the importance of the case studies in terms of the widespread impact of the conflict on the affected population. These cases have been verified with the resource portals of the LCW and EJAtlas, along with reputable and credible news articles.

In this iteration of India's Land Conflict Monitoring report, the authors have attempted to create an instrument for interpretation of the overview of the myriad causes and modes via which land conflict manifests in India. This report uses 36 case studies out of more than 700 ongoing cases of land conflict as of 2021 as a purposive and descriptive sampling.

The rationale behind selection of the cases recorded in this report was firstly, based on a sectoral division of land conflict (i.e., the "sector" which has tied the land into an active conflict) and secondly, six cases with the most area and/or households impacted in each sector. The 36 cases belong to six sectors. Further, this approach for the selection and analysis of cases was undertaken to enable the authors to discern the apparent pattern of failure on the part of the State as well as the justice system that is fuelling land conflict in India.

### ***Scope and limitations of the study***

This study depends on secondary data. Hence, it is subject to certain constraints owing to the restricted nature of available literature. As a result, the scope of this study is subject to the following limitations:

*First*, India is a large country in terms of land and population. Therefore, the scope of this study has deficits in the representation of all the areas and communities facing land conflicts.

*Second*, this study bears limitations resulting from the restrictions that have been put in place due to the COVID-19 pandemic. As such, advised consultation with affected communities and CSOs are impossible. Therefore, the gaps in data have been filled in via corroboration from various sources such as research papers, scholarly articles, and newspaper/journal reports.

*Third*, as this study relies on secondary data, there might be a dilution in the extent and details of the conflicts as and when mentioned. Although limitations exist on access and data, the writers have redesigned and restructured them in a way that the findings are still reliable and legitimate.

## ***Brief Overview of the Country: Context and Legal Framework***

### ***Pre-Independence***

During Colonial India, prior to the attainment of Independence in 1947, the system of land tenure was inextricably mixed with the land revenue system. To vitiate the traditional Asiatic production modes, the British Moneyocracy metamorphosed India into its landed estates and celebrated the commercial revolution in India. Colonial India witnessed sweeping overhauls in the Indian agrarian structure in order to extract maximized gains that halted the country's progressive development and increased the burden on the Indian peasantry. The legislative structure of land reform in pre-independent India is most distinct owing to the intermediary tenure system that plagued Indian agrarian structure.

There were various tenure systems in existence at that time, most importantly, the Zamindari, Ryotwari, and the Mahalwari (Baden-Powell, 1907; Kotovsky, 1964). The Land Acquisition Act, 1894, was the principal legislation in pre-colonial India, enabling the government to acquire private lands for any public purpose. In addition to this core legislation on the matter, provisions were operationalized for land acquisition for specific purposes such as the construction of railways, national highways, tramways, etc.

### ***Post-colonial Framework: Creating a Constitutional Right***

Being the foundational document, the law of the land, the Constitution that took effect in 1950 introduced land rights for further legislation. The Right to Property in the Constitution went on to be the most amended subject matter and was deprived of its "fundamental right" status in 1978 (Austin, 1999). Unlike other rights of life, liberty, and equality that can at least theoretically be conceived as applying equally to all, the especially contentious nature of the right to property arises because its protection inevitably results in entrenching unequal distributions of existing property entitlements. In line with the tenets of democratic socialism, the Constituent Assembly of India (1946 to 1950) sought to transition to a liberal democratic legal order, which guaranteed rights of liberty, equality, and property, while simultaneously endeavouring to achieve social and economic transformation premised on land reform and redistribution of resources (Wahi, 2017).

The same objectives for land reforms in the newly independent India manifested in the form of creation of the "fundamental right to own and enjoy property." In pursuance of the same, Article 19(1) (f) and Article 31 were inserted into Part III of the original text of the Constitution (Allen, 2000).

Article 19(1) (f) of the original draft of the Constitution guaranteed all citizens the fundamental right to "acquire, hold and dispose of property." This right was not however absolute. It was subject to the restrictions of Article 19(6), one of which was public interest. This empowered State and Union legislatures to legally acquire lands in the interest of public

policy. Moreover, Article 31 of the Constitution, which was the post-colonial version of section 299 of the Government of India Act, 1935, provided that any State acquisition of property must only be upon enactment of a valid law, for a public purpose, and upon payment of compensation. Article 30(1A) provides for the payment of compensation when the property of a minority institution has been acquired. The second provision of Article 31A (1) mandates the payment of market value compensation in the case of acquisition of estates, where personal cultivation is being carried on. Certain laws were exempted from these requirements. This initial framework manifested in the form of a perpetual struggle between the different organs of the government. Developmental projects of land reform and State-planned industrial growth predictably resulted in tensions between the legislature and the executive on one end that sought to implement this development agenda, and the judiciary on the other, which enforced the fundamental right to property of those affected.

### ***Abolishing the fundamental right to property***

The most definitive development came in 1978 following a series of amendments to Article 31 as well as a long contentious history of struggles amongst the organs of the government to strike a justifiable balance between land rights and public acquisitions. The Constitution (Forty-Fourth Amendment) Act 1978 abolished Articles 19(1) (f) and 31. At the same time, Article 300A was inserted into a new chapter IV of Part XII of the Constitution, thereby depriving it of its “fundamental right” status.

Article 300A states that “No person shall be deprived of his property save by authority of law.” Since the promulgation of the Forty-Fourth Amendment, an express provision requiring the State to pay compensation to an expropriated owner, except as provided in Article 30(1A) and the second provision to Article 31A(1), is manifestly absent. This has manifested in the form of a constitutional gap, whereby, in all other cases of property acquisition, there is no express constitutional requirement for the State to pay market value compensation.

In the aftermath of the amendment, there was a total abdication of judicial review to check acquisitions against the public policy requirements as well as to provide fair compensation. The implicit public policy requirement in the text of Article 300 was almost perfunctory during this period, resulting in a wide reading of the purposes for which the government could acquire property without payment of market value compensation.

The Apex Court, since then, went as far as stating that the Forty-Fourth Amendment has disempowered the courts from going into the adequacy of compensation awarded under an acquisition law. The Court also rejected attempts to read the right to property into the right to life guarantee under Article 21.

### ***Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013***

In September 2013, the Parliament enacted the Transparency in Land Acquisition, Rehabilitation and Resettlement Act (hereinafter Right to Fair Compensation and LARR Act). Soon after the removal of the right to property from part III of the Indian Constitution, the Parliament enacted this legislation which was meant to make up for the absence of constitutional guarantees regarding property rights of the Indian citizenry.

The Act secures payable compensation in cases of land acquisition by both private entities as well as government agents. It also secures resettlement awards in cases of land development project-related displacement. The Act also provides for the close cleaving of the meaning of public policy as a means of land acquisition. Consequently, the LARR Act has strengthened the requirements of public purpose and compensation that were weakened by the dilution of the right to property in the Constitution. The LARR gives insight as to the quality and quantity of consent to be obtained prior to acquiring land. It mandates that 70 percent of the families that will be affected shall provide their consent in the case of public-private partnerships and 80 percent in the case of private companies. However, no consent is mandatory should the government acquire land directly for its own use, hold, and control.

### ***Prevalence of Land Conflict in the Country***

India is very vast in terms of land. The sheer expanse of land and massive population have resulted in 773 ongoing land conflicts (as of 2020), as reported in the LCW portal. To provide a meaningful sample size for the sake of this report, our conflict study will be divided by sectors. The sectorial conflicts will be further elaborated by presenting five to six case studies from different States. Cases of land conflict and displacement of every State will be covered under relevant sector heads. The specifics of the case studies will be discussed under every sector. The sector-wise classification will be according to land conflicts arising from the following:

- **Infrastructure:** Airports, townships, roads, railways, multipurpose dams, canals and special economic zones (SEZs), industrial corridors, and investment zones.
- **Land use:** Non-industrial, non-developmental, and non-conservational land use processes such as natural disasters, inter-caste and communal conflicts, the creation of land banks, and violations under the 2006 Forest Rights Act.
- **Mining:** Bauxite, coal, iron ore, and other kinds of mining.
- **Power:** Thermal power, nuclear power, renewable energy, hydroelectric dams (only for power generation), and transmission lines.
- **Protected areas:** Conservation-related activities such as relocation of communities from protected areas.
- **Industry:** Commercial agriculture/agri-business, steel plants, petroleum and gas, textile, and food processing plants.



## **Infrastructure**

Infrastructure is the sector with the highest prevalence of active land conflict cases in India, making up approximately 45 percent of all cases as of 2020. This data can be attributed to the fact that the largest State investments go into infrastructure projects that consequently require land acquisition. For instance, one of the longer running cases of land conflict involves the Hanumangarh District Air Force Base in Rajasthan that was initiated in 1993 owing to land acquisition for an Air Force station. More than 15,000 people have been affected by the conflict regarding residential land in Moter, Dhandhusur, and Banasar and agricultural land in Bangasar and Dheerdesar. In the case of a mammoth railway project, the Sevoke-Rangpo broad gauge railway project, the only other connecting link between Sikkim and the rest of India aside from National Highway 10 (NH10), is facing opposition by forest dwellers in the area. More than 40,000 people in 24 villages will be affected by this project.

Another development project, the Aruna Dam, a medium irrigation project in Sindhudurg district in Maharashtra, will reportedly submerge three villages in Vaibhavwadi tehsil: Bhom, Akane, and Nagapwadi. Around 1,046 people have been affected by the conflict since its inception in 2018. In the case of Layja Integrated Special Economic Zone (SEZ) Project (Gujarat), the building of an integrated SEZ with a 4,000 MW thermal power plant, a 2,000-MW gas power plant, a captive jetty for coal import, and an LNG terminal has led to a major land conflict affecting over 69,000 people across 49 villages in Layja Mota and Mandvi Kutch. Further, in the case of Astaranga Port (Odisha), the setting up of a port in Astaranga in Puri, with a capacity of 25 million tonnes per annum, started in 2008. The land conflict arising out of the port project has affected over 25,000 people in Astaranga Puri. One person was killed and 16 were injured in 2010, during the clashes in Orissa over the disputed area.

The longest running case of land conflict likewise falls under the sector of infrastructure in the case of Bhakra Dam Non-Rehabilitation (Himachal Pradesh). Bhakra Dam was the first hydropower project of independent India. Completed in 1970, the construction of the hydropower dam affected close to 36,000 farmers. In 2017, two villagers died during clashes with the security forces who were trying to disperse the crowd with tear gas and rubber bullets. The foremost body involved in the conflict is a State body, i.e., the forest department of the Bhakra Beas Management Board (BBMB). Although a comprehensive resettlement and rehabilitation program was devised for the affected, the second and third generations of the ousted persons are still living landless. A total of 250 families have not yet received an allocation of titles and land, owing to a series of conflicting court orders.

## **Land use**

Land use is estimated to be the third to the last sector contributing to active land conflict in the country, accounting for about 14 percent of total recorded cases as of 2020, as per the LCW's data. This sector has a wide ambit that involves development projects

that fall outside the category of infrastructure, as well as community conflicts. The cases recorded in land use vary from State-funded lake beautification projects (e.g., the Rewa Lake Beautification Project) to communal conflicts (e.g., the Nabarangpur Forest Conflict). Particularly, in the case of the lake beautification project in Rewa, on 9 May 2020, the Rewa Municipal Corporation demolished the homes of 103 families living next to the Ratahara Lake in Rewa town. A total of 293 people have been affected due to this sudden eviction, with evictions being ordered with less than a days' notice, and only via a loudspeaker on the morning of the demolition itself — that is a contravention of due process. Owing to the fact that Land Use land conflict often entails caste or community-based conflict as a ground for disputes over land acquisition or ownership, a lot of community backlash manifests in the form of protests. In the case of Land Denial in Sangrur (Punjab), the negatively impacted Dalit community (name for group of people who used to belong to the lowest caste in India in the traditional Varna/Caste hierarchy) protested against wrongful loss of land. Over 70 Dalits from around 29 villages near Sangrur are protesting against the State government over the reserved land, and the protests have been ongoing amidst the coronavirus pandemic in 2020.

This land use sector also includes cases of farmers alleging administrative abuse. Such can be observed in the case of Undue Loss of Agricultural Land near Diu (Daman and Diu), where the farmers near Diu have been losing their agricultural land since 2018, with reportedly 7,000 people affected. Farmers in four villages of Saudvadi, Nagao, Jaravadi, and Gucharvada near Diu prevented the Diu District Administration from fencing and taking over the land that they have been cultivating since the 1960s. Recorded cases under this sector reveal failures in the implementation of accession agreements at the State level as well. This manifested in the case of the Assam–Nagaland Border Conflict, in which the parties involved are the Assam State Government and the National Socialist Council of Nagaland (NSCN-IM). When the Nagaland State was created, an agreement was signed by the Naga People's Committee and then Prime Minister Jawaharlal Nehru. Some of the clauses in the agreement on land transfer to Nagaland remain unimplemented to this date and have become the underlying reason for the conflict between the two States that share a 434-km border. Periodic attacks (although none in 2020) on land rights defenders have also been recorded in cases emerging out of this sector, notably the Sikh Farmers in Kutch.

### **Mining**

The prevalence of the conflict arising in the mining sector is primarily driven by government projects and private investment. Approximately six percent of the land conflicts originate from the mining sector alone in India, according to the cases recorded in the Land Conflict Watch. The impact of land conflicts in this sector includes jeopardization of ecology, loss of natural habitat, and the wide-scale displacement of the affected people. Due to the strategic importance of the initiated projects and the consequent economic development, the investors in the mining sector are less likely to terminate the project on the aforementioned grounds. The land issue is aggravated because the indigenous

people are solely dependent on the resources obtained from the land. For instance, proposed bauxite mining in the Niyamgiri Hills (Orissa) jeopardizes their ecology and right to religious and cultural practice to worship on the hill. The repercussions of conversion of forestland in Hasdeo Arand Surguja (Chhattisgarh) include the threat of displacement, and the loss of livelihood and biodiversity. In Mahuva, Bhavnagar (Gujarat), the affected community claims that the mining poses a threat to their environment, ecology, and livelihood (Khanna, 2019).

In addition, the land acquisition of the Kasmunda (Chhattisgarh) to make way for mining raised concerns pertaining to rehabilitation, resettlement, compensation and employment, as well as the impact of the mine on air quality, groundwater levels, and agricultural activities. The affected people of Dibru-Saikhowa National Park (Assam) had already been subjected to displacement due to the pandemic. They then had to be re-displaced from the relief camps due to a gas blowout from an oil well and the consequent widespread fire in the environment-sensitive area. The construction of the well had already faced criticism from the start of the project because the villagers are dependent upon this region for their livelihood, fishing, agriculture, and eco-tourism.

In another case, people in Deocha Pachami (West Bengal) are raising concerns against proper rehabilitation, resettlement and fair compensation, and jobs. The land converted for the purpose of mining covers the adjoining villages and some parts of forest area. It extends to 11,000 acres (4,452 hectares), 2,000 acres (809 hectares) of which belongs to the State and 9,000 acres (3,642 hectares) is private land. The acquisition of private-owned land has a huge bearing on the transfer of land ownership as well as displacement of people. The tribals have alleged that, out of 25 businesses that are operating in the area, 21 are illegal, and that the conduct of illegal businesses will jeopardize the compensation of their community members (Bhattacharya, 2020). Subsequently, the landowners, villagers, and indigenous people are vulnerable to harassment and remain at a risk of eviction.

### **Power**

The prevalence of the conflict arising in the power sector is majorly driven by the government projects and the private investment that seeks to develop nuclear and thermal power plants. As of 2020, approximately 10 percent of the land conflicts originate from the power sector alone in India, according to information available from the LCW.

In 2017, the nuclear power plant project in Mandla Madhya Pradesh received a clearance for forest conversion (119.46 hectares) by the Ministry of Environment, Forests and Climate Change. According to a survey, 187 species of flora and 114 species of fauna and aquatic fauna are likely to be affected by the power plant. It will also reduce the flow of the Narmada River. The sale of “waqf” land in Visakhapatnam in Andhra Pradesh at a cheaper price to a company called Hinduja National Power Corporation Limited (HNPC) is detrimental to the interest of the affected community. Further, the sale of waqf land

violates the Waqf Act 1995 since the prescribed manner of sale is through public auction. The affected community demands proper rehabilitation and fair compensation. The land conflict caused by another proposed nuclear power plant in Bhavnagar, Gujarat, where reserving the fertile agricultural land used for rabi and kharif crops as sites for future power plants, which may then have irreparable damage to the environment. Due to protests and agitations, the proposed project has been shifted to Andhra Pradesh; however, the company continues to hold land for the construction of plants in the future.

Similarly, the relocation of the thermal energy project in Cuttack, Orissa, which started in 2006, took over the agricultural land from the villagers as the original proposed location of the project was shelved because it was an ecologically sensitive zone, preventing the issuance of an environmental clearance from the Department of Environment of Forest. Another proposed nuclear power plant in Ratnagiri, Maharashtra has been pending since 2005, as it would be detrimental to the ecology. The disputed area lies in Seismic Zone III, which is categorically an earthquake-prone area as a report by the Bombay Natural History Society (BNHS) lists 16 ecologically sensitive sites within the radius of 10 kilometers (Phadnis, 2013).

### ***Protected Areas***

The conservation and forestry sector is the second most affected sector in terms of land conflicts in India with 15 percent of conflicts, according to data from the LCW. The people involved in such disputes are usually deemed as encroachers or those who were already residing in an area that is thereafter declared protected — as happened in the Ranthambore Tiger Reserve Relocation as people were evicted from their land after a notification declared the Sawai Madhopur district a protected area.

The impact of such conflicts over protected areas is widespread as it usually involves a large number of people. In the Himachal Pradesh State-wide relocation of forest dwellers, around 250,000 people have been displaced, often forced out of their lands by State agencies. It is also the poorer sections of the Indian population, such as the tribals and forest dwellers, who are affected in such conflicts — as the in Arippa Adivasi Rehabilitation Conflict (Kerala), where inhabitants who are dependent on the forest for livelihood and sustaining life have been pushed out of their land. This leads to widespread protests and long-drawn-out litigation.

The process becomes the punishment in such cases, as the primary source of sustaining life for these individuals is taken away. As a corollary effect, the forests themselves are often endangered by governmental activities that render them inhabitable as what happened in the case of the Nagarhole National Park (Karnataka) where almost 26,000 people have been displaced with no adequate remedy. The land in this National Park was rendered barren for rehabilitation and court orders have been issued against the tribals who applied for community rights.

Similar issues led to protests from individuals against such court orders and, in some of the disputes, people have been killed. This happened in the Kaziranga National Park Relocation (Assam) in which, after the State government demolished places of worship, there were widespread protests that led to the killing of two people by the police; while in Mollem National Park, people have protested for the conservation of the forest.

### **Industry**

Approximately 10 percent of the disputes reported in the LCW are caused by the industry sector that includes commercial agriculture/agri-business, manufacturing, finance, petroleum and gas, pharmaceutical, steel, tourism, and other industries. In such cases, there are multifaceted effects on the people's lives. For example, in the Ratnagiri Natural Gas Pipeline case in the State of Maharashtra, a law validated partial acquisition by the government, but a section of the law stated that the permanent landowners could go back to using the land for its original purpose, but are barred from planting trees, digging wells, and constructing buildings, dams, and reservoirs on the land. This caused widespread problems for the people, including instances of violence where people have been killed. Protest actions are also another general effect noticed in such cases, as in the SIPCOT Industrial Estate, Krishnagiri in the State of Tamil Nadu, where the people protested for cultivable land when the government was firm on acquiring their property.

Tourism has also caused people to be displaced. In the Shamuka tourism and beach development case, people protested against the government's illegal taking of land that had been given to them by a court order, after the decreed land was made a part of the aforementioned tourism project. Private companies also tend to play a significant role. In the case of Oil Exploration on Community Land, Changpang (Nagaland), the Nagaland State government used their 2012 policy to allocate the land to a private company for exploration. This private company is the Metropolitan Oil and Gas Pvt Ltd (MOPGL) with whom Nagaland has entered into a revenue-sharing model. The local communities have protested this due to the unhindered power given to the private company. In Khandala (Maharashtra), the Maharashtra Industrial Development Corporation (MIDC) started a government project for industrial development in 2013 that had earmarked 1,700 hectares of land for acquisition. However, up until 2019, no development had taken place. Farmers have issued a statement warning that, if the government does not go ahead with the acquisition, the farmers will withdraw from the acquisition procedure completely. In the Roshni Act, previously illegal occupants of State lands prior to 1990 were given proprietary rights. However, since the Jammu and Kashmir State governments declared transfers of land under this Act as null and void, 6,000 people will end up losing the land and homes that they gained under this Act.

The aforementioned prevalence of land conflicts, according to duration, use of the land in conflict, sector involved, and aggressor leading the conflict, are presented in Tables 1 to 4.

**Table 1. Duration of Land Conflict**

Duration of conflicts	No. of cases
1 to 5 years	15
6 to 10 years	5
11 to 15 years	5
16 to 20 years	3
21 to 25 years	0
26 to 30 years	3
31 to 40 years	0
41 to 45 years	1
46 to 50 years	3
More than 50 years	1
<b>TOTAL</b>	<b>36</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

In terms of duration, most land conflicts selected for this study have been active for less than 15 years as of 2020.

The largest area in conflict involves communal lands, while the most number of households affected by land conflicts are in areas used for housing.

The sector with the widest area affected by land conflicts is the land use sector with 66,972 hectares; while the least conflict-affected area is in the industry sector with 3,266 hectares. In terms of households in conflict, the power sector registered the most number at 364,045 households; while the industry sector had the least number with 43,114 households.

**Table 2. Distribution of conflicts on the basis of difference in use of land/resources**

Land use based on actual use of the community	Area in conflict (hectares)	No. of households in conflict
Agriculture	17,432	287,716
Housing	15,363	494,947
Communal lands	90,582	323,784
Agroforestry and people-based plantations	250	Do not know
<b>TOTAL</b>	<b>123,627</b>	<b>1,106,447</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

**Table 3. Distribution of conflicts according to sector**

Sector	Area in conflict (hectares)	No. of households in conflict
Infrastructure	29,717	156,739
Land use	66,972	65,947
Mining	5,020	223,395
Power	10,983	364,045
Land use based on actual use of the community	Area in conflict (hectares)	No. of households in conflict
Industry	3,266	43,114
Protected areas	7,669	253,810
<b>TOTAL</b>	<b>123,627</b>	<b>1,107,050</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

**Table 4. Distribution of conflicts based on aggressor**

Aggressor	Area in conflict (hectares)	No. of households in conflict
Government	52,985.17	935,455
Private company/corporation	2,726	70,648
State-owned enterprise	1,897	2,400
Powerful individuals	19	3,000
Others	66,000	41,744
<b>TOTAL</b>	<b>123,627.17</b>	<b>1,053,247</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

Government is the major aggressor on the basis of key stakeholders affected by land conflicts, with 52,985.17 hectares and 935,455 households. Powerful individuals were recorded as affecting the smallest area with 19 hectares, while State-owned enterprises had affected the least number of households at 2,400.

### ***Nature and Causes of Land Conflict***

India is a land of 328.7 million hectares and its population of 120 million, is the second largest in the world after China. Being an agriculture-dominant country, it is understood that small, marginal farmers, cultivators, sharecroppers, laborers, forest dwellers, etc. are dependent upon the land for their livelihood.

Given the increase in the rate of population, industrialization, and urbanization, issues related to the use of land are inevitable –including the use of certain land areas and natural resources extended to scheduled tribes. The rights of such tribes are governed under Article 244 of the Indian Constitution read with Fifth and Sixth schedules in order to preserve their tribal autonomy and culture. In addition to the vast diversity of the Indian land, colonization by the British also had a huge impact on the laws governing land as it completely transformed the system of land governance in India (Banerjee and Iyer, 2002).

Land is a bundle of rights. Disputes and disagreements related to land arise under conditions of scarcity and when such use is necessary. The disputes arising from State acquisitions qualify as a substantial threat to the enjoyment of social, economic, and political rights, as the above case stories illustrate, forming the background to understanding the nature and causes of land conflicts in India.

*First*, the majority of disputes arise from common lands or public lands. Common land is sometimes also referred to as wastelands, including forestlands and non-forest commons. According to the LCW, 36 percent of the land disputes are exclusively related to common land and 32 percent are related to both common and private lands. Conflicts involving common land have an impact on over 5.14 million people and affect a total area of about 368,744.16 hectares of land with INR 1,278.73 trillion (USD 17.3 billion) investment on common land. The reason behind the emergence of issues surrounding common lands is the non-recognition of community rights over such lands under the law. Traditional inhabitants of such lands do not enjoy any title, ownership rights, or control as compared

to owners of private land. The affected people only enjoy the stakes over common lands held collectively as communities, villagers, municipalities or marginal communities. Such weak appropriation of legal rights makes them susceptible to land acquisition and infringement by perpetrators.

*Second*, the denial of rights to forestlands of the forest dwellers. In the colonial era, the British used the forests for timber as the area was exclusively under State control. The forest dwellers who exercised their rights over the forests were entitled as encroachers. The Forest Rights Act of 2006 does away with this historical injustice against the forest dwellers and indigenous communities. As per this Act, the first step is the recognition and settlement of tribals' and forest dwellers' land rights before relocation can begin. However, most of their claims to rights over such lands have been rejected by the State.

Due to lack of commitment by the government, resistance from the forest bureaucracy that does not want to cede control over forestland, as well as deliberate mismanagement, the dwellers' land rights are not given. Hence, they are evicted by the State (Baden-Powell, 2010). A total of 131 conflicts have arisen due to the non-implementation of the Forest Rights Act (FRA), which is 48 percent of all conflicts involving forests, affecting 1.2 million people.

*Third*, the consent of affected people is violated or manipulated. According to the FRA of 2006, it is mandatory to obtain the free, prior and informed consent of the Gram Sabha (village assembly) to the proposed resettlement in writing. However, according to the reports of the LCW, it has been observed that there have been cases where consent is not sought, indicating that no tribals were affected. The malafide conduct of the executive is also manifested in issuing false certifications by the villagers or obtaining consent from *panchayats* and not from the *Gram Sabha*.

At the same time, it has also been reported that the land has been diverted for development without even informing the affected community or people. In some cases, the replacement of the requirement of "consent" with "consultation" has jeopardized the rights of the affected communities. The degree of manipulation and violation of consent by the administrative authorities becomes the cause of major conflicts.

*Fourth*, the violation of customary laws that protect tribals' land rights. The rationale behind the violation of tribals' land rights is the absence of legal sanctity, land grants or land ownership titles. In some States, the management of land is governed by the tribal administration without any formal land titles given to such communities (Chandran, 2020). They govern under their customary laws, while the land acquisition recognizes individual ownership. That is to say, the indigenous lands are governed by the formal law in theory, while in practice it is the customary laws that are recognized. This failure in the legal protection of indigenous lands makes them vulnerable to land acquisition and gives more power to the State to take over land for development purposes.



*Fifth*, the non-compliance of due process in administrative or executive action. It has been said that, “once a land is identified for infrastructure or extraction purposes, the fate of such land is trapped in the bureaucratic records.” The challenges to the procedural irregularities by administrative and executive action undermine the due process of law in adjudicating land-related disputes. According to the study, these challenges include improper executive action, procedural irregularities, and procedural non-compliance. When contested in a court of law, such irregularities were upheld in 52.7 percent of cases by High Courts and in 57.3 percent of cases by the Supreme Court. Further, the lack of documentary evidence coupled with outdated land records impede the efficiency of the administrative process. The perpetuation of procedural inequities and inefficiency of such processes transgresses the inherent rights of the affected communities and undermines the rule of law.

*Sixth*, the investments in the infrastructure and developmental projects. Land conflicts in the guise of public purpose for economic growth and development account for 43 percent of the total land disputes in India. Around 38 cases have been recorded by the LCW, where the land of tribals and forest dwellers has been diverted into such developmental projects, involving 173,400 hectares of land and affecting around one million people (Worsdell and Sambhav, 2020). The State plays a pivotal role in the diversion of land to the private entities who have invested in such developmental and infrastructural projects. Despite the environmental concerns and protests, economic development takes priority over ecological development. In this manner, not only does the State favor private investments, but it jeopardizes the related environmental concerns as well.

Moreover, in pursuit of attracting investments, the creation of “land banks” leads to the denial of land rights of the people. Further, it has been recorded that eight such cases have been ongoing, covering 3,600 hectares of land and affecting 148,000 people (Worsdell and Sambhav, 2020). In order to provide a backdoor entry for private investors, land banks enable the waiving of the usual “red-tape” and lengthy bureaucratic processes. The lands acquired from the community are shelved under these land banks and have not been returned to the affected community.

**Table 5. Type of response to conflicts, ranked by number and percent of cases**

Response	No. of cases	Percent
Conflict management	13	36.1
Peaceful demonstration	11	30.5
No response	6	16.7
Retaliation	4	11.1
Do not know	2	5.6
<b>TOTAL</b>	<b>36</b>	<b>100.0</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

The aforementioned causes and responses to land conflict are presented in Tables 5 to 7.

From Table 5, the following observations can be drawn:

- conflict management is the most popular means of response to land conflict in India with 13 cases (36.1 percent);

- peaceful demonstration by the affected group is the second most popular means of response to land conflict at 11 cases (30.5 percent); and,
- retaliation by the affected group is the least popular means of response to land conflict at four cases (11.1 percent).

**Table 6. Causes of conflicts, ranked by number and percent of cases**

Cause	No. of cases	Percent
Government projects	21	58.2
Resource conflicts	6	16.7
Public-private partnerships	6	16.7
Clashing tenure systems	1	2.8
Resistance to land reform	1	2.8
Private investments	1	2.8
<b>TOTAL</b>	<b>36</b>	<b>100.0</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

Indigenous peoples make up the largest affected stakeholder group with 12 cases (33.3 percent of the affected population). This was followed by smallholder farmers with eight cases, or 22.2 percent of the affected population.

Forest protectors, pastoralists, and fisherfolk equally make up the smallest stakeholder groups affected with one case each (2.8 percent of the cases recorded respectively).

### **Impact and Outcomes**

The causes of land conflict in the diverse geographical land of India are multifaceted. Similarly, the impact of a land conflict has diverse ramifications with significant polarization, as each party believes they suffer the most in such conflicts. There were over 703 ongoing land conflicts over the last five years (2016 to 2020) which involved over 2.1 million hectares of land, according to the LCW's latest report (Worsdell and Shrivastava, 2020). The largest number of cases of land conflict were due to infrastructure development, led by townships and real estate schemes, along with roads and irrigation projects, contributing 43 percent

The following observations can be drawn from Table 6:

- Government projects are the most prevalent cause of land conflict in India with 21 cases (58.2 percent);
- Resource conflicts are the second most prevalent cause of land conflict in India with six cases (16.7 percent); and,
- Clashing tenure systems, resistance to land reform, and private investments are equally the least prevalent causes of land conflict in India, each with one case.

**Table 7. Stakeholders affected by conflicts, ranked by number and percent of cases**

Stakeholders	No. of cases	Percent
Indigenous peoples	12	33.3
Smallholder farmers	8	22.2
Forest users	5	13.9
Tenants	4	11.1
Landless	4	11.1
Forest protectors	1	2.8
Pastoralists	1	2.8
Fisherfolk	1	2.8
<b>TOTAL</b>	<b>36</b>	<b>100.0</b>

Source: Derived from inter alia <https://www.landconflictwatch.org/> and <https://ejatlas.org/country/india>

of the share of total land conflicts (Worsdell and Sambhav, 2020). Next is the total of conflict cases involving protected areas (conservation and forestry related activities), which is at 15 percent. The data of the report also reveals that the government is the party involved in the second-largest number of land conflict cases, coupled with the fact that 68 percent of total conflicts are over common land which are lands over which citizens do not have individual titles and their legal right is not recognized (Worsdell and Sambhav, 2020). Such lands are usually inhabited by people who are poor and disenfranchised with little access to legal help. This leads to a situation where the State is pitched against poor people who have little knowledge of their rights, leading to prolonged conflicts in which the government has the upper hand. Another aspect of this polarization manifests in the higher incidence of land conflict in tribal areas. A large percentage of people residing in such areas are economically backwards which leads to further difficulties after the loss of their land. In such areas, the impact of land conflict is worse as the resolution process is different in most cases owing to the special constitutional recognition of “scheduled areas” which mandates a different management approach.

The highest concentration of land conflicts is in common land areas, which, as explained earlier, are inhabited by economically backward communities or urban poor, underscoring that the majority of people who are affected by land conflicts hail from the poorer sections of society. The outcome of land conflicts in common land areas is marked by legal insufficiency to deal with such matters. Therefore, a study of land acquisition cases in the Supreme Court from 1950 to 2016 revealed that most of the litigation over such matters is with respect to privately held land (Wahi, 2016). This shows that insufficiency of legal rights over common land has led to a situation where people cannot approach courts, as they do not have well-defined rights. Thus, they have to resort to protest to make their voices heard. Common land cases that do reach the courts take a significant amount of time — for example, the Supreme Court case (*Wildlife First versus the Ministry of Forest and Environment*) on the eviction of forest dwellers has been ongoing since 2007 and awaits a final verdict. There have been protests surrounding this case and the events have been elaborated in the section of the report on Protected Areas.

Until 2019, approximately INR 13.7 trillion (approximately USD 187 billion) had already been committed as well as earmarked for potential investments in just 305 documented land conflicts (Worsdell and Shrivastava, 2020). The investment in other projects is not discernible. This undoubtedly takes a toll on the economic performance of the country.

Land conflicts also affect the economic potential of a country leading to a situation where foreign investors or even domestic private investors are cautious of investing in projects in India. Not keeping in mind the rights of local inhabitants in projects has led to a severe economic outcome. Such land conflict affects the displaced people beyond loss of land, since for the poor; land is an important socio-economic asset and an important attribute to ascertain wealth and survival. Protecting and promoting land ownership by indigenous people is a crucial part of the Sustainable Development Goals (SDGs) and was included in the negotiations of the 21st Conference of the Parties (COP21) to the United Nations

Framework Convention on Climate Change in Paris. It is clear that land conflicts lead to perpetuation of poverty when arable land, which is as an important economic resource, is taken away.

Another aspect of land conflict is the impact it has on the minds of the people suffering due to the long pendency of cases and undefined rights. They are often embroiled in protracted battles over land rights, which take a significant toll on the mental health of those who have been displaced. This leads to cases of suicides and other mental health illnesses that often go undiagnosed due to lack of doctors and access to psychiatrists. Homelessness caused by land conflicts also leads to health issues due to the absence of safe, hygienic environments. In 2020, the data on land conflicts show that people have been left homeless or are potentially under threat of homelessness without any resettlement scheme in place. The impact of a person being homeless during a pandemic can have a devastating impact on their health. This puts them in the severe risk category due to inadequate access to hygiene products or hygienic environments, no place to isolate themselves, and prevalence of disease in shared spaces. This increases the seriousness of homelessness caused by land conflict, thereby increasing the gravity of land conflicts themselves.

Land conflicts are therefore not a unidimensional concept. They bear with them impacts spanning the economy of the country as well as the economic situation of the affected individuals, their physical and mental health, and even their social standing and dignity. On a large scale, land conflicts lead to an economic slowdown and mass protests by the people. As evidenced by the report, the conflicts, encounters, and environmental as well as socio-economic problems that arise show significant diversity, underlining the fact that land conflicts are a multidimensional threat to any country.

### ***Responses to Land Conflict***

#### ***By the State:***

The endeavor of the State has been vital in balancing economic development and the concerns of those affected by land conflicts.

- National Institution for Transforming India (NITI Aayog), the policy think tank of the Government of India has prepared the Land Title Bill, 2019, for conclusive land titling and effective State compensation. The bill, once promulgated, will expedite the formulation of the model law for favourable confederation in the view of uniform land legislation.
- The Department of Land Resources has initiated the Land Records Modernization Programme to digitize the land records for effective collection of data related to land in a uniform fashion. The objective of digitalization is to ensure accessibility and transparency in land governance, management, and administration.
- A Compensatory Afforestation Fund Management and Planning Authority (CAMPA) has been constituted to promote afforestation and regeneration activities for compensation of forestlands that have been diverted to non-forest uses. State CAMPA

has been constituted to receive funds collected from user agencies under the Forest (Conservation) Act, 1980. These funds are utilized for compensatory afforestation, assisted natural regeneration, conservation and protection of forests, infrastructure development, wildlife conservation and protection, and other related activities.

- The Ministry of Environment, Forest and Climate Change (MOEFCC) has formulated a Post-Project Clearance Monitoring mechanism to ensure the incorporation of environmental safeguards during the project cycle in accordance with the conditions stipulated in the Environmental Clearance Letter. It is to take appropriate corrective measures to check adverse impacts on the environment during the operation of these projects. This will maintain the sanctity of the clearance to ensure compliance by the project proponent.
- The Ministry of Tribal Affairs took initiatives for a higher degree of implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Ministry endeavored to strengthen the monitoring of the implementation procedures, analyzing the intervention areas, and extending support to lapses in all other areas. The tribal ministry held a series of meetings to monitor the progress in the recognition of rights and vesting of titles across all the States, and subsequently directed to improve the implementation of the Act.

#### **By the CSOs:**

The role of civil society organizations (CSOs) has been fundamental in not only representing the rights of the distressed but also in actively engaging in land-related movements. They play a key role in reducing gaps between the State and the people whose interests have been affected. Nevertheless, CSOs and land rights groups are far behind in addressing the issues in the policymaking areas. Timely and effective policy advocacy measures are critical to meaningful policy outcomes.

- Amnesty International represented the rights of indigenous peoples whose human rights were violated in Kusmunda, Chhattisgarh, Tetariakhar, Jharkhand, Basundhara-West, and Odisha. It reported consequences of the incidents in its report, through which it forwarded its recommendations to the concerned authorities pressing for immediate State response.
- Janhit Seva Samiti, Konkan Bachao Samiti, Maharashtra Machhimar Kruti Samiti, Yusuf Meherally Centre and Konkan Vinashkari Prakalp Virodhi Samit have filed a public interest litigation in the Bombay High Court challenging the process of granting environmental clearance to the nuclear power project in Maharashtra, Jaitapur, as per the Environmental Impact Assessment (EIA) notification of 2006 and without an assessment of nuclear pollution, safety, and technology of the project by the Atomic Energy Regulatory Board. The petition was admitted by the Bombay High Court in March 2018.
- Human Rights Forum (HRF) has been fundamental in organizing awareness campaigns opposing the laterite mining in Visakhapatnam, Andhra Pradesh. The organization represented the rights of the tribals who depend on the forest area and have lost their livelihood. They opposed the actions of the government and demanded the immediate revocation of the lease.

**By Communities:**

The responses by the affected communities have been direct and immediate in representing their rights against the atrocities that they faced. Most communities engage in organizing rallies and protests, some of which were also categorized as violent clashes between the communities and the oppressors.

- The affected residents of Okhla in New Delhi organized a mass movement and rallies demanding the closure or the relocation of the waste-to-energy (WTE) plant in their area because of pollution. The surrounding neighborhoods likewise conducted protests against the plant. Consequently, the Sukhdev Vihar Residents Welfare Association (RWA) representing the affected community appealed to the court to adjudicate upon the issue.
- The people affected by the Sterlite Copper Company organized mass protests against the operation and expansion of the company on the grounds of environmental damage and health deterioration. The protest to mark the 100th day turned violent and claimed the lives of some protestors. They clashed with the police officials when they were enroute to the District Collector's office.
- The response of the tribals and residents of Jharkhand has been instrumental in opposing land acquisition by the Indian Army for purposes of a firing range. The community's heavy opposition has been through rallies and protests, even celebrating Netarhat Resolve every year to mark the significance of their movement.
- The residents of Bindukhatta village in Nainital district in Uttarakhand have been holding protests and demonstrations against the proposed elephant corridors in their area. They demanded ownership rights against the disputed land and organized a signature campaign in this regard.

**Recommendations*****On simplification and standardization of legal responses***

There is a plethora of laws at play in land conflict resolution across jurisdictions in India. A rationalization and simplification of said laws is necessary. The first step to better conflict resolutions would be a Law Commission Committee to consolidate all existing laws with their respective scopes and shortcomings. This can be used by the legislature to amend, repeal, and modify the laws in order to make them more effective to deal with the widespread land conflicts in India. It is also necessary for the legislature to create a standardized legal recourse for those who are being denied their right to land by any State or non-State actor.

***On improvement in administrative responses***

Adequate action by the Central Government must be taken in order to achieve higher administrative capacity and better execution of the rule of law. Additionally, the various government departments need to be effectively synchronized and the access to land data needs to be more flexible. This will have to be a multi-step process starting from the formation of a Ministry of Land that can act as the nodal agency to organize land policy, combining the efforts of the Ministry of Law and Justice, Ministry of Environment

and Forest, the Department of Land Records, Ministry of Tribal Affairs, State Boards of Revenue, the Department of Land Records, and the Forest Departments of all States towards efficient land administration and reconciling land laws that clash.

### **On creation of resettlement programs**

Those who are disenfranchised and displaced owing to governmental reforms and land projects are often forgotten. Perhaps on the onset of this new decade, the State needs to formulate a unified and standardized resettlement program that draws from the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013 but does not justify or enhance the disengagement of any segment of the citizenry who has been negatively impacted by land reforms. This is so that the State can now finally start curbing intergenerational impacts of land conflict. ■

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