



Land Titling or Land Reforms: India's Policy Dilemma

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Without a powerful will of the state, explicitly defined and forcefully asserted from above, land reform programmes in the hands of officials alone would continue to flounder on the rocks of conservatism and defense of status quo.¹

In the wake of economic liberalisation, land reform seems to have lost its flavor and favour with the government. However, as a general proposition, it may be stated that land reform should remain an essential element of national agricultural and rural development strategies not only because land based agricultural occupation must continue to provide livelihoods to a vast majority of rural population, but also because macro-economic growth in most contexts has failed to create improved prospects for the rural poor to acquire assets, gain employment, or increase their income and quality of life.²

¹ Government of India. (1976). *Report of the National Committee on Agriculture-Part XV, Agrarian Reforms*, Ministry of Agriculture and Irrigation. New Delhi, p. 90.

² Government of India. (2006). *Report of the Working Group on Land Relations for Formulation of Eleventh Five Year Plan*, New Delhi: Planning Commission, Yojana Bhawan, July 31, p. 10.

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This chapter argues that there has been growth of two competing but contradictory political and economic developments around land in India since the adoption of neoliberal economic reforms in the 1990s. The recent policy orientation of the state in India is to liberalise and deregulate the land regimes to facilitate the growth of land market. On the other hand, there is demand for revisiting land reforms for promoting right-based agendas like the land rights for women, tenants, tribals, dalits and other vulnerable sections that have occupied the centre of politics and economics of the Indian state. Interestingly, the development of urbanisation, the rise of urban middle class and the policy push for liberalising the urban land market and land use norms for building smart cities as investment destination by the Indian state have brought out the question of secure property rights in land to the centre of urban governance.

The neoliberal paradigm of development advocates for secure property right in land as the basis of market-oriented economic development and growth. In the land titling regime, the state would provide a conclusive title to land to the property holders by making it legible, clear and easily transferable as commodity and indemnify it through title insurance. It has emerged as an alternative policy option to the redistributive land reform agenda of the Indian state thanks to economic liberalisation. The implementation of the world's largest land records digitisation drive under National Land Records Modernisation Programme (NLRMP/DILRMP) is the driving force behind the "reform by stealth" approach to land titling. This implies absence of any serious political discussion on adoption of land title regime and an incremental techno-managerial approach to change the extant property rights regime in land under the mask of continuity. The land policies of the Indian state, it is argued, are undergoing paradigmatic change or "historic reorientation" in the context of neoliberal economic development of India. The entries in the land records or record of rights³ depicting the ownership details of the land are presumptive in nature, which means that the evidentiary value of the property rights is presumptive unless proved contrary by the court of law. The record of rights of a land holder thus never attends finality. Changes take place continuously on different grounds like transfer, inheritance, government grants and court orders. This is a colonial legacy of property rights in land as the colonial authorities were not able to confer conclusive property

³It means a cadastral map and *khata* depicting the ownership rights, interests and title to land.

rights in land due to various complex factors surrounding the property ownership. In the current land records modernisation programme, one can find a subtle policy change in land reforms policy objective. The state is no longer ideologically inclined to update and modernise the land records for implementing redistributive agenda of land reforms rather it is making concerted efforts to promote secure property rights regime of land titling through digitisation of land records (Nayak 2013).

The components of programme were renamed as National Land Records Modernisation Programme (NLRMP) in 2008. The programme has been renamed again as Digital India Land Records Modernisation Programme (DILRMP) in April 2016 in both rural and urban areas. It states that:

The main objective of the NLRMP is to develop a modern, comprehensive and transparent land records management system in the country with the aim to implement the conclusive land-titling system with title guarantee, which will be based on four basic principles, i.e., (i) a single window to handle land records (including the maintenance and updating of textual records, maps, survey and settlement operations and registration of immovable property), (ii) the mirror principle, which refers to the fact that cadastral records mirror the ground reality, (iii) the curtain principle, which indicates that the record of title is a true depiction of the ownership status, mutation is automated and automatic following registration and the reference to past records is not necessary, and (iv) title insurance, which guarantees the title for its correctness and indemnifies the title holder against loss arising on account of any defect therein. (Government of India 2008: 8)

The union government claims that the implementation of Digital India Land Records Modernisation Programme would lead to the following outcomes in land records management:

Integrated Land Information Management System with automated updation of land records on mutation (process of correction of land records owing to sale, gift, etc.),

Integration of spatial databases (cadastral map) with textual Record of Rights,

(a) Delivery of citizen services like digitalised maps and computerised Record of Rights,

(b) Online issuance of digitalised maps and computerised Record of Rights,

(c) Online transmission of relevant/required information from the integrated land information management system from one office/agency to another and

d) Provide online single window at-a glance access to all available, relevant information to give a fair comprehensive position of any plot of land in question to the land owner, concerned offices/agencies and interested persons/entrepreneurs, etc. (Government of India 2018: 223)

The Indian state claims that the National Land Records Modernisation Programme is the biggest e-governance programme in the world and the first successful e-governance initiative for the “common man” (Government of India 2018: 155). A perusal of the techno-managerial programme would undoubtedly lead one to conclude that the land issues are sought to be addressed through technical fixes and bureaucratic manner.

1 THE CONTEXT: LAND REFORM TO A SECURE PROPERTY RIGHTS IN LAND

The current Digital India Land Records Modernisation Programme seeks to develop a land market through integration of registration with mutation (process of correction of records) and textual land records with spatial/cadastral maps. Since the 1950s to the launch of the Eighth Five Year Plan in 1988, land reform had carried a symbolic political and economic importance for the planners, though state agencies admitted their failures in implementing the radical land redistributive measures. *The Report of the National Committee on Agriculture-Part XV, Agrarian Reforms* (1976) in its study had admitted that the overall performance of land reforms had been disappointing. Lack of political will on the part of the political leadership and the administrative will on the part of the administrators is to be blamed for the failure. The report notes that “the answer to the question lies in the fact that since land reforms involve certain basic structural changes in rural society affecting property rights in land, the officials on their own cannot function as change agency in this field” (Government of India 2018: 90). Recording the passivity and lack of activism among the peasants and the landless labourers on demanding land for land reform, *the Report of the Task Force on Agrarian Relations* (1973) appointed by Planning Commission has observed that the land reform is a benign gift by government, “the beneficiaries of land reform, particularly the socially-economically vulnerable people are weighed down by the crippling

social-economic disabilities. Except in a few scattered pockets, hardly we found the organised resistance by the landless poor for land reform” (Government of India 1973: 9). Since the 1990s, the issue of land management, coupled with land records maintenance, has come to occupy a prominent place in the public policy agenda. Because, it is admitted that “the land issue of the marginalised was overwhelmed by the shift in the development paradigm towards neoliberalisation” (Government of India 2009a: 144). The response by the government of India appears to be a shift from its left-of-centre to right-of-centre path under the influence of the World Bank’s agenda of liberalising the land revenue laws for facilitating growth of land market. The objective of the DILRMP is therefore to achieve the conclusive title regime of secure property rights in India. Such formalisation of property rights institutions in a developing country like India will facilitate investment and growth of land market.⁴

The developments of India’s political economy and demography and urbanisation have driven some scholars to advocate for liberalisation and pro-market land reform. They openly question the capacity of the state to implement redistributive agenda of land reform in the contemporary neoliberal political economy, consolidation of intermediate landed castes in provincial politics and propertied middle class in urban areas. They argue that such measures for deregulation of land laws are not only inevitable but expedient in the interest of the poor. The role of the state would be to play a facilitating role in making a shift of interventionist strategy to opening up the restrictive provisions of land reforms such as tenancy abolition. Scholars like Hanstad, Haque and Nielsen (2008) in a study on improving land access for India’s rural poor have argued that the restrictive provisions of land tenancy have had its negative effect on the growth of land market. They argue that the oral nature of tenancy is exploitative in nature and suits to the interests of the land owners. The tenancy legislations in the states in India enacted in the 1960s and 1970s have enabled to confer occupancy rights to only 4 per cent of India’s agricultural land. The tenancy restrictions have reduced land supply and rental market which affect the poor hard and also to a large extent the landowners afraid of leasing out land to landless. The liberalisation of land rental market would help the tenants to lease in land and increase his household income and

⁴For details, see in detail the Chapter Sixth on land issues in the first Volume of *Twelfth Five Year Plan, 2012–2017*, Government of India, Planning Commission, New Delhi.

encourage the large land owner to opt for non-farm activities and thereby reduce the pressure on agriculture.⁵

2 THE WORLD BANK'S ADVOCACY FOR LAND TITLING

Without an understanding of the World Bank's sustained advocacy for liberalisation of land regime in India, it will be impossible to understand the ideas, institutions and interests behind the advocacy for land title regime by the Indian state. In fact, it would be interesting to refer here that a cursory reading of the land policy of the state in India outlined in the Eighth Five Year Plan and the World Bank's (2007) report on land policy for growth and poverty reduction would show interesting similarities like advocacy for liberalising land tenures, tenancy, digitisation of land records and a switch over to land title guarantee regime. The Bank advocates that the state must take policy initiatives to ease restrictions on land market growth by legalising tenancy and land leasing and replacing the ceiling laws with regulations to facilitate the rental markets (World Bank 2007: 60–2).

3 DEMAND FOR LAND REFORMS AND THEIR RELEVANCE

The demand for land reforms measures like land to the landless is rising at the grassroots level. The dalits in Gujarat have been demanding land to them so that they would not be forced to engage in the traditional occupations like skinning the dead cattle which invites violent wrath of the cow protection vigilantes (Patel 2016; Krishnan 2016). The massive mobilisation by a civil society organisation (*the Ekta Parishad*) in the countryside that had culminated in a march of 100,000 poor persons from Gwalior to Delhi started on 2 October 2012 demanding for effective implementation of land reforms for the poor sections, speedy disposal of cases of land alienation by the courts, loss of farm land, updating land records, secure land rights, pro-poor land reforms and so on have again revived the need for revisiting land reforms. The agreement signed between Jairam Ramesh, then Minister for Rural Development, and P.V. Rajagopal, on behalf of the *Ekta Parishad* on 12 October 2012, in Agra, underlines many of the emerging issues that can be argued as an offshoot of the unfinished agenda

⁵ See, Hanstad, Haque and Nielsen (2008). The World Bank's report on India's land policies have similarly advocated for a liberalised land regime.

of land reforms. The agreement had called for measures to address the agricultural land questions for the landless and agricultural landless tribals displaced by involuntary settlement, nomads internally displaced due to civil strife, migrants to cities, domestic workers, maid servants, fisher folks affected by natural calamity, tourism project, tea tribes, released bonded labourers, transgender people and HIV affected people which have thrown up new questions of rights for different social categories of homesteadless people. The land questions raised by different social classes are: cultivating land by the tillers without title, granted land records but not in possession, land lost to the powerful social group or land mafia, land lost through Benami transactions, lands distributed to the poor by the state but acquired for Special Economic Zones (SEZ), non-implementation of progressive legislation, the Panchayats Extension of Scheduled Areas Act, 1996 (PESA), the Forest Right Act, 2006, tenancy abolition, settlement of disputes over the boundary of village and forest by involving the villagers, survey and recording of the common property resources, setting up fast track land dispute tribunals, setting up Task force on Land Reforms and so on. There is demand for lowering the ceiling limits and curbing malpractices in ceiling, taking away excess lands from plantation companies, putting a ban on the farmhouse culture, prohibition to keep land idle, distributing unused land kept under the companies and religious bodies, prohibiting absentee land holding and so on. On the other hand, there is demand for more land for the industry, infrastructure, farmhouse for the rich and affluent middle classes, land for leisure industries, and the land for the real estate purposes.⁶ This wide array of land questions, in brief, highlights the emerging political economy in land and development that characterises the social relations and the livelihood interests of the marginalised around land issues requiring the state intervention (Rajgopal 2013).⁷

The union government had responded to such mobilisations by bringing out a *Draft National Land Reforms Policy, 2013*, for discussion and comment on 18 July 2013. The draft has found that, in India, nearly 70 per cent of people depend on land as farmers and farm labourers and the

⁶ See also Author (2013, April). *Janasatyagraha: Shamatisse se Karyabahi Ki Aur*, Publisher, New Delhi.

⁷ Centre for Legislative Research and Advocacy (2011). *Land Reforms in India: Unfinished Task-Policy Brief for Parliamentarians-Series No 14, 2011*, November, 1–8. Similarly, the *pathalgadi* movement that erupts from time to time in some schedule areas like Jharkhand, Chhattisgarh and Odisha demanding the implementation of the PESA Act may be viewed as similar demands for securing community rights in land, forest and water.

country is home to the world's largest number of landless population in the world. The draft admitted that the way the land uses are taking place has raised several policy issues and calls for revisiting the land reforms as more relevant policy than even before. Quoting the 59th round of National Sample Survey Office (NSSO) data of 2003, the draft admits that nearly 60 per cent of the country's population has right over only 5 per cent of the country's land whereas 10 per cent of the population has control over 55 per cent of land. The draft land reforms policy paper has taken note of the increasing demand of land for land acquisition, urbanisation, diversion of agricultural land, the stagnating agricultural yields, increasing participation of women in agricultural activities and so on. The language and meaning of draft land reforms policy are essentially to revisit land reforms agenda and promote a right-based agenda for the weaker and vulnerable sections and streamline the land revenue administration. According to the findings of the *Koneru Ranga Rao Commission on Land* (2006) appointed by the Andhra Pradesh government, in the undivided Andhra Pradesh, the percentage of the scheduled caste population constitutes 16 per cent of the population but they own only 7.5 per cent of the operated area in the state. The Commission has recommended the land reforms agenda must be pursued vigorously in the state where a "piquant situation" has arisen as the traditional land-owning castes are moving out of agriculture to other means of livelihood but the scheduled castes, the poor and other socially disadvantaged are not getting access to land legally (Government of Andhra Pradesh 2006: 5-7).

4 RELEVANCE OF LAND REFORMS AGENDA

We refer here briefly some of the observations of the government-appointed commissions on relevance of land reforms to point out the importance of land reforms as public policy, which advocates as an agenda for inclusive growth and social justice. A brief reference to some of these reports is relevant here as the Indian state continues to maintain its symbolic commitment to land reform goals that were adopted in the 1950s owing to political compulsion arising out of the pressure for land rights by the poor and marginalised. The *Report of the State of Indian Agriculture, 2012-2013*, taking note of declining size of average land holdings and net shown areas across the country has suggested for the necessity of strengthening the implementation of laws related to land reforms, legalising tenancy as an urgent need to protect the tenant farmers and land owners,

need for a land user policy for sustainable use of land (Government of India 2013: 10). Similarly, *the National Policy for Farmers, 2007*, in its report has called for strengthening implementation of land reforms laws considering the skewed nature of land ownership with emphasis on reforming tenancy laws, land leasing, distribution of ceiling surplus land and waste land, providing adequate access to the common property and wasteland resources and support services for effective implementation of recently amended Hindu Succession (Amendment) Act, 2005 (Government of India 2007: 4–5). Taking note of the emergence of marginal and vulnerable sections in the agrarian questions, the final report of the *Twelfth Five Year Plan Working Group on Disadvantaged and Women Farmers* has suggested for a right-based approach for the economically, socially and regionally disadvantaged farmers, which is significant pointer to the uncritical advocates of land titling regime in India. The findings of the report had influenced the formulation of Twelfth Five Year Plan's strategy. The report defines economically disadvantaged farmers as landless, near landless or small size of owned or operated holdings, socially disadvantaged on grounds of gender, caste or tribe, ecologically and regionally disadvantaged farmers located in regions which are arid, rain fed, disaster prone, poorly irrigated or geographically remote. In the report, the categorisation of diverse nature of social category-based land-holding patterns of the disadvantaged groups in India calls for an interventionist nature of the state in promoting the land rights and land access for these groups.

5 GENDER ISSUES AND LAND

The discourse on land reforms, land rights and land title had got a new turn with the emergence of gender agenda as emerging land question. The absence of women land rights since the First Five Year Plan in the 1950s till the formulation of Sixth Five Year Plan (1980–1985) is a significant omission of the gender issue in land. But various developments like the rise of feminisation of agriculture, the agenda of empowering women by increasing their bargaining power through conferring effective legal rights on land and the pressure from the women rights activists have pushed up the agenda of land rights. The report of the *Working Group on Empowerment of Women in the Eleventh Five Year Plan* had noted that the women workforce constitutes 40 per cent of workforce and the trend is on the rise. Nearly 20 per cent of rural households are de facto female headed

due to widowhood, desertion or male out-migration. As the agricultural productivity is increasingly dependent on the ability of women to function effectively as farmers, the working group had suggested a two-pronged approach:

- (a) Ensuring effective (rights being rights not just in law but also in practice) and independent (rights being rights that women enjoy in their own capacity and of those enjoyed by men) land rights for women and (b) Strengthening women's agricultural capacities is desirable. (Government of India 2006a: 30)

The women's access to land is given critical importance in public policy perspectives in the interest of family welfare, agricultural productivity, poverty reduction and women's empowerment. The demands by the civil society groups, women organisations, various progressive court judgments and the larger developments in the political economy around land have necessitated the urgency of securing the land rights for women. It may be argued that the agenda of land rights for women in India is very challenging. It may lead to revisit of land reforms agenda of the contemporary neoliberal state should the Indian state take up policy measures for conferring effective and independent land rights by way of providing incentives and disincentives.

6 LEFT-WING EXTREMISM AND TRIBAL LAND QUESTIONS

The land questions for the tribals in India are becoming more complex and challenging day by day due to the state policy and socio-economic changes within the tribal societies. The *Committee on State Agrarian Relations and the Unfinished Task in Land Reforms* has noted that nearly 77 per cent of dalits and 90 per cent of tribals are either *de jure* landless or *de facto* landless though uniform data on them across India is not available. Therefore, the tribals are bearing the brunt of forced displacement and resettlement and consequent disruption of their socio-economic lives. The Committee has noted that "most tribal areas in Central India are the abode to the Naxalites, whose presence is a response both to the past and future land alienation, the failure of the government to live up to its constitutional mandate and the withdrawal of the state from its responsibility to protect the tribal realm" (Government of India 2009a: 129). The "development paradigm" of the post-colonial Indian state has aggravated tribal problems

'by destroying their social organisation, cultural identity, and resource base, and communal solidarity'. The Report on development challenges in the extremist affected areas emphasizes that as land is crucial for the survival of tribals, the past development experience shows that, wherever the traditional 'community ownership and individual use' is continuing, there is no land alienation. So long as land is traded as property and a commodity it will pass over to the persons with money, especially in the current milieu of liberalization. The crucial element that renders even the most radical laws infructuous is the unfamiliar setting of the judicial process, in which the simple tribal feels lost (Government of India 2008a: 39, 51)

7 TRIBAL LAND RIGHTS IN THE NORTHEAST

The land tenure system in the northeast and the traditional local institutions has special features which arise due to the prevailing agricultural practices. The village lands, individual-owned lands and the clan lands are used for the land tenure system in *Jhum* (slash and burn cultivation/shifting cultivation) area characterised by communal ownerships but operational management is done separately by the households. In the state's policy language, such community-controlled land holding is acting as disincentive for improvement of the agricultural productivity. The *National Committee on the Development of Backward Areas* in its report in November 1981 had observed that the widespread community holdings need to be changed to individual holdings of land ownerships for agricultural development in the region (Government of India 1981). Similarly, *the North East Region Vision 2020* document of the Government of India and the seven northeastern states advocate for promotion of all forms of animal husbandry, fisheries, dairying, plantation of commercial crops, horticulture, floriculture, medicinal plants, herbs, organic farming by progressively phasing out of *jhumming* practice by offering remunerative practices/alternatives. Agricultural productivity is constrained by absence of individual ownership in northeast which can be explained as one of the factors and the popularity of *jhum* (slash and burn) cultivation in the hills (Government of India 2008b: 52).

In the northeastern region, four types of land alienation are taking place, that is, transfer to non-tribals, encroachments by acquisition for development projects without recognising community rights, encroachments by immigrants and monopolisation of community land by tribal

elite or what is called as internal alienation. The diversity of land tenure system is one of the distinguishing features in the northeastern region. The pressure on the land, inter-community and intra-community schism are on the rise. The absence of codified customary or community laws governing the land tenure also complicates the situation.⁸ The committee has noted that the effectiveness of the tribal institutions/village institutions have been eroded in the northeast despite constitutional sanction given to these institutions due to politicisation and factionalism among the tribal councils and the affiliations among the emerging tribal elites with the political parties for securing their political interest.⁹ It has however strongly recommended for the continuance of these institutions (CFR-LA 2016: 244). The Committee has also put up some suggestions after summarising the problems in northeast:

- (i) Major problems dealing with common lands are
 - (a) Encroachment on the common lands
 - (b) Discrepancies in Land Records
 - (c) Low productivity of common lands especially those being called wastelands
- (ii) Most of the forest areas have problems related to
 - (a) Encroachments on Forest Lands by local people or immigrants from Bangladesh, etc.
 - (b) Improper and incorrect Surveys and Settlements.
 - (c) Unsettled forest villages.
 - (d) Irregular declaration of state forests.
- (iii) Pasture lands have reduced drastically.
- (iv) Diversion of agriculture land for non-agriculture purposes through the Land Acquisition Act
 - (a) Brick Kiln
 - (b) Creation of Industrial Parks
 - (c) Residential Areas

⁸ See an interesting study with inter-state comparison of the implementation of the Forest Rights Act, 2006, in *Promise and Performance: Ten Years of the Forest Rights Act in India, 2016*, CFRR-LA (2016).

⁹ On the question of land rights in the northeast, recently an important change has been made to the land laws in Arunachal, which paves the way for individualisation of land rights. See Mishra (2018) and Sharma and Borgohain (2019) for details.

- (v) Major changes in the land use through other land use practices like
 - (a) Mono-cultivation
 - (b) Tea – Estates
 - (c) Privatization of common lands
 - (d) Monocropping practices in agriculture areas and forest plantations threaten bio-diversity. (CFRR-LA 2016: 247)

8 TOWARDS LEGALISING TENANCY

The three-decade old land records modernisation programme initiated by the Indian state has revealed that the programme of digitisation of land records and maps confine to recording the existing land holders. It does not leave any scope for recording in the records of rights of the other informal rights and interest holders of the land such as tenants/sharecroppers to secure their status (Government of Bihar 2008: 54–7; Government of India 2009a; Nayak 2015). The process of land records modernisation of existing old records hinders an effective land reform initiative of recording the tenancy. Though it is favoured in recent micro studies for revisiting the tenancy practice, yet no study has come out with a practicable solution for recording the tenancy and balancing the interests of tenant's tenure security and the property rights of the lessers. It requires many legal and institutional changes in the existing arrangements of land records particularly the record of rights. A series of suggestions by *Bihar Land Reforms Commission's Report* (2009), in brief, that both the tenants and landlords should be given a certificate of land schedule of tenanted lands and the same should be recorded in the record of rights (RoRs) after detail field enquiry to identify tenants (*bataidars*) by the revenue officials with the help of local ward members of Gram Panchayats (village council); legal presumption in favour of tenant of his land holding; burden of proof on the person who challenges the status of tenant; heritable right of cultivation of the tenants; the tenants should be given records clearly indicating the name of the land owner and the numbers of plots he is cultivating; recording the names of the tenant in the record of rights; involvement of Panchayati Raj members for accuracy of the recording of the tenanted land in the villages; right of resumption of the tenanted land by the land owner only for his livelihood; no voluntary surrender of tenanted land would be allowed unless the appropriate revenue officer causes an enquiry and heard from both the parties; transfer of property cannot be used as a

means to evict or eject the tenants and so on, only explains the serious legal and political challenges that lie in recording the tenancy. The maintenance of such land records of tenants and landlords and dovetailing the tenancy with a host of institutional measures to facilitate access to institutional credits to the tenants to sustain the land lease are important institutional and political challenges for the state (Government of Bihar 2009: 54–7). The report has been rejected by the Bihar government due to political compulsion.

The changes in land use, the decline in per capita land holdings, conversion of agriculture land for non-agricultural purposes, demographic pressure on land, commodification of land in urban areas, setting up of industrial corridors and Special Economic Zones on acquired farm land, changing land labour relations in rural areas, rapid urbanisation and above all, the shifting land policy of the Indian state from land reforms to promoting land titling and land liberalisation regime in land are indicators of the changes in the political economy of land and development in India. Some liberal scholars like Barbara Hariss-White have forcefully argued that the large-scale demographic and political economic changes in the agrarian sectors have diluted the polarising relationship between large landlords and tenants and farmers. For them, the semi-feudal relations no longer exist in the Indian countryside (Lerche et al. 2013). The prevalence of landlordism as of significance to land and agrarian relations problems is evident from the changing political economy in rural Bihar and massive outstate migration there. But it is argued that there exists strong case for redistributive land reforms. The factors responsible for decline of landlordism and feudalism are due to “declining power of caste hierarchies,” which reduced significance of village. Though the semi-feudal relations are changing, yet the rural society is characterised by inequality, social exclusion and caste-based relations and networks. What we find that the developments in political economy in land call for a revisiting land reforms agenda and a strong state intervention due to some expected and unexpected outcomes of land reform programmes and the larger developments in the political economy. The issues are not confined to only redistribution and social justice but to sustainable development and intergenerational equity as well. The indicators of commodification of land are: conversion of land, pressure on land use, vanishing common property resources, Special Economic Zones and industrial corridors, urban growth in rural areas and development of the so-called smart cities.

9 A CONTESTED TRANSFORMATION

The National Commission on Farmers' in its fourth report (2006) on *Serving Farmers and Saving Farming* has recommended that the land reforms should be "mainstreamed within the national development agenda" with a thrust on secure access of land, water and tenurial relationships through like Panchayati Raj institutions. It has realised that the redistributive land reforms programme would invite resistance from the propertied classes who want to promote commodification of land and promote agri-business and corporatisation of agriculture. So the Commission advocates for harmonising the interests of both the beneficiaries and losers of redistributive land reforms programme, while it has suggested for legalising tenancy and liberalising contract farming, for thoughtful implementations of land reform laws. Therefore, the "old land reform" programmes should be revisited and revitalised in view of changing political economy such as globalisation, liberalisation, crop diversification, off-farm employment, public private partnerships, revival of rural cooperatives, group farming and so on, but the interests of all farmers must be kept at the centre of development process (Government of India 2006b: 92, 131). Thus, the report advocates for a balanced reorientation of land policy of the Indian state in view of the changed political economy of land and development.

We have so far found a statist discourse in the form of advocating liberalisation of land regime in the Five Year Plans, which is in conformity with the World Bank's advocacy for liberalising India's land regime. On the other hand, findings of the government-appointed committees referred in the paper and agitations by landless farmers belonging to deprived communities across the country advocate strongly for revisiting land reforms agenda. Interestingly, the importance of land reform agenda has been sidelined in the public policy but the importance of land questions for the poor and deprived sections and for women has been kept alive and burning. An example of how the neoliberal economic policy of the state stands in conflict with the livelihood and rights of the forest dwellers is the recent dilution of the Forest Rights Act, 2005, that premises "to recognise and to vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded ... during the colonial period as well as in Independent India resulting in *historical*

injustice” (emphasis added). It is a unique right-based law that recognises and secure the interrelated rights to land, forest, water and livelihood of the forest dwellers, but more than ten years of implementation of the act reveals that structural reasons like poor quality of forest rights emanating asymmetric power relations of forest bureaucracy and powerless forest dwellers, competing claims of forest by industry, corporate and forest dwellers due to contemporary political economy that advocate market-driven development, lack of political will to implement the act, passing of compensatory forest act, 2016, that advocates for regeneration, investment in environmental service and net present value of investment, lack of coordination between forest, revenue and tribal departments, non-recognition of community forest rights, minor forest produce, contradictory provisions in multiple laws of state laws hinder effective implementation of the Forest Rights Act, 2005. More importantly, the proposed draft amendment of the Indian Forest Act, 1927, dilutes the rights of forest dwellers by vesting overriding power on the forest bureaucracy and creation of village forests (Oxfam India 2018; EPW 2019: 9).

The redistributive agenda of land reforms initiated by the Indian state in the 1950s has had limited success in so far as removing the intermediaries in the areas with permanent settlement tenures with payment of compensation. The commodification of land is evident in growing conversion of agricultural land for non-agricultural purpose and rise in informal land leasing market. The land questions like failure to tackle land alienation of tribal land, rise in landlessness and homesteadless population and the growing importance of addressing the women land rights due to large-scale feminisation of labour and growing feminist movement cannot be addressed by adoption of land titling regime. There is, therefore, justification for a second generation of land reforms for addressing the land rights and access to land for dalits, tribals, women, common property resources for sustainable resource use and management. The fixation of ceiling on land holdings and its implementation not been properly carried out (Scaria 2016; Government of India 2009a).

The larger development in the political economy in land and development has moved many scholars to argue that India has not witnessed classic agrarian scenario marked by the rise of a large army of agrarian proletariats and big landlords. It is argued that the rise of circular or migrant labour force in rural areas of India has contributed to the multiple

means of livelihood. The semi-feudal nature of landlord-tenant relationship and attached labour or bondage labour practices with landlords no longer exist in rural areas. The landless agricultural labourers are no longer dependent on agricultural work for their sustenance because of the growth of non-farm sectors like construction, trade, hotels, manufacturing, large capitalist farming and other petty commodity production sectors. The rise of reverse tenancy in which the small farmers are leasing out their land to large farmers and integration of tenancy with capitalist relations in agriculture require revisiting the earlier approach to tenancy (Shah and Harriss-White 2011). Interestingly, such argument misses its point when we refer the findings of the government-appointed commission like *the Report of the Bihar Land Reforms Commission (2006–2008)*. The Commission in its report has found that in the state of Bihar, nearly 74 per cent of workforce is engaged in the agriculture which gives nearly 33 per cent to state domestic product. The Commission has observed that the demands of the left-wing extremists like the Maoists/Naxals to seize the uncultivated and ceiling surplus lands and community property resources from the control of the land-owning upper classes and distribute among the poor and landless agricultural labourers as legitimate and legal as these have been reflected in India's Five Year Plans formulated since the 1950s (Government of Bihar 2008: 15–9).

Our examination of the emerging political economy of land and development in India thus reveals that the asymmetric and unequal land relations continue though the big landholdings are on decline, yet there has been the rise of intermediate landed castes and rise of the new landlords like the land hungry castes from the so-called non-cultivating peasant households. For these non-cultivating middle-class households, land is a commodity. The historic legacy like the tenancy and the gender bias in landholding continues till today with the signs of reverse tenancy and feminisation of agriculture. Interestingly, the macro and micro developments that we have referred in our study of the emerging land questions have also generated a renewed interest to revisit the much discussed land reform programmes of the Indian state. The demand for land reform by the marginalised sections among the tribes, the scheduled castes and other landless vulnerable social groups remains a burning issue. Thus, one can argue that the land questions for the neoliberal state and its citizens are contradictory in nature.

10 CONCLUSION

This chapter thus has presented two approaches to the land questions in India that are interestingly similar to the contemporary debates on land reforms (Assies 2009). There is strong advocacy for liberalising land laws and policies to develop land market. The other approach sees land rights in terms of livelihood concern and human rights issues anchored on constitutional governance of India. The demands for engendering land rights and ownership, protecting the tribal land from alienation, strengthening their community land rights and recording the tenancy for safeguarding the interests of the tenants and the landlords dominate the contemporary land questions. Redistributive land reform programmes in the contemporary neoliberal political economy have lost their political credence. But at the grassroots level, for the poor and marginalised sections, land reform implies secured land rights for homesteadless persons, land for landless persons and effective land rights for women, the secured rights over common property resources and their protection from encroachments and degradation. Interestingly, guaranteed title to land has not been the agenda of discussion in the policy documents such as national policy on agriculture, national policy for farmers or the draft land reforms agenda. The imperative of promoting land market by providing individualised secure landed property is missing in the whole gamut of literature on land questions. Except by the motivated advocacy by the World Bank and its funded research organisations and consultants and the Indian government's policy planners advocating for "land liberalisation," hardly we find any serious scholastic work that advocates for guaranteed title to land as a panacea for growth and poverty reductions. The numerous reports of the statutory committees and commissions rather advocate for revisiting the land reforms agenda to protect the interests of the poor and landless persons.

In the context of neoliberal political economy, the debate on revisiting land reform and promoting land titling regime can be seen as challenge or dilemma before the Indian state. The market pressure of efficiency and economy in land management and the imperativeness to promote social justice and equity in land and agrarian relations by the state require revisiting the land reforms agenda. The larger developments in the political economy in land across India suggest two inevitable trends in the land. First, commodification of land and the need for expanding land market by easing of regulations and consequently the importance of land records like

clear property rights. Second, the need for the interventionist state to secure and promote land rights of the landless, small and marginal farmers, other vulnerable sections, and the secondary interest holders in land.

It is argued by the votaries of land titling that it enhances tenure security and tenure insecurities arising out of challenge to possession and the cost of defending possession of land would be lessened. This argument does not hold good in the context of India's extant presumptive land records with conclusive evidentiary value. It still serves as prima facie document of title with conclusive evidentiary value. No court judgment on land title has ever questioned or observed the legality of the presumptive nature of land records in India. Similarly, no bank has ever questioned the legal validity of the presumptive nature of land records and cited it as the problem in giving credit or making the land as collateral as the advocates of land titling claim. Interestingly, the guaranteed land title regime does not provide any legal solution to replace the presumptive land records with conclusive evidentiary value. The continuance of the presumptive nature of land ownership records is a historical reality as we have found in our examination of the record of rights of major Indian states. The complex and localised nature of land disputes, the phenomena of land grabbing as highlighted in land grabbing acts in some states are not addressed in the proposed land titling regime. Rather the main idea behind such land titling policy strategy is to create the regime of individualisation of land holding through land titling and remove restrictions on land transactions so that the land market can grow.

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