ILDC 2019

Contents

PANEL 1: Women's inheritance rights to land: Rights and realities

Issues / Trends

- Micro studies and all the available data suggests that Women's ownership of land in India is strikingly low. Comprehensive gender segregated data on land ownership is not available.
- There are multiple laws with complicated provisions determining inheritance of women.
- Some progress have been made but the provisions for women's inheritance are often inadequate to provide equal inheritance rights to women.
- Where there are progressive provisions, the implementation of laws is not effective.

Challenges

- Multiple and overlapping provisions makes it difficult to clearly understand the existing provisions and legal applications.
- Existing cultural biases and social norms pose challenges in implementation of existing laws and provisions.
- Lack of mechanism to ensure accountability in implementation of laws
- Women's rights in marital property are largely ignored.

Good practices

- Women's rights to inherit land are being seen in the wider context of SDGs.
- Institutional mechanisms of working with women's grassroots federations; training cadre of community based Para legal workers; and setting up Swa Bhoomi Kendras by WGWLO at block level in Gujarat
- Establishing legal clinics where the lawyers support at block level for complicated cases
- Sensitization of stakeholders such as revenue officials, elected representatives, community leaders, and community members towards rights of women
- Review of laws from a gender responsive perspective and consistent advocacy with State towards requisite changes

Recommendations

- A review of one and all land laws is needed from a gender perspective
- Mechanisms need to be established to ensure accountability for effective implementation of existing laws
- There is a need to collect and maintain gender disaggregated data of land ownership at all levels

PANEL 2: One Thousand Land Laws: Mapping the Maze of Land Regulation in India

Issues/ Trends

- Land is a major source of legal disputes and on ground conflict in India, both because of its importance to individuals and communities as a social, economic, and cultural resource, and also because of its importance to the government for the purposes of economic development.
- Legal and extra-legal conflict over land not only threatens India's economic development, but also its social and political stability.

Challenges

- Creating a comprehensive database of land laws, factoring the colonial rule and post-independence period land rules and laws.
- Analysing different aspects of land governance, including types of land (based on land use, topography, and ownership); agrarian tenure systems.
- Acknowledging the complicated nature of land governance in India in the comprehensive database like *Zamindari*, *Mahalwari*, *Ryotwari*; land reforms; and legal arrangements (like, Fifth and Sixth Schedule areas).

Good Practices

- Compilation of comprehensive databased for the first time in India by CPR LRI.
- The current stage the database consists of over one thousand land laws, enacted both at the level of Central as well as the State government, including original laws and their subsequent amendments
- Covers eight states i.e. Andhra Pradesh, Assam, Bihar, Gujarat, Jharkhand, Meghalaya, Punjab, and Telangana.
- Creation of the database as the first step in navigating the labyrinth of land regulation in India, with a view to streamlining existing laws.

Recommendations

Dr. Wahi then presented the key findings from the project. She noted that within India's federal system, "land" was a state subject, and many subjects relating to "land revenue" fall within the state list, but many other subjects, including "acquisition and requisitioning of property" and "registration", and "trusts" are subjects within the Concurrent List, on which both union and state legislatures can legislate. She noted that CPR LRI had put together 150 central laws and 1261 state laws. Of these laws, the vast majority of original laws were enacted during the 1950s and 1960s, and following that there is a steady decline, though legislation picks up again post 2000s. CPR LRI has analysed only 25% of the original laws. Of these laws, the vast majority of original laws (60%) enacted pertained to rural land reforms, land acquisition, land use, and urban tenancy and development.

From their expertise, the panellists gave insightful comments on the presentation, highlighting problems relating to land governance. Mr. Raghav Chandra underlined the centrality of land in poverty alleviation and power nexus. He discussed several land laws pertaining to tribal issues with examples from his experience as Secretary, National Commission for Scheduled Tribes. Ms. Arkaja Singh's main focus was urban land laws vis-à-vis theoretical and functional view of urban development—discussing the principal vision and purpose of urban land laws. Mr. Ramesh Sharma discussed the land laws as a chronology of contradictions in postcolonial India, emphasising the ideological shifts in land governance over time, especially in the post-liberalization economy. Finally, Dr. Haque closed the panel discussion with a strong critique of the shortcomings of legal framework from the monitoring and implementation perspective, lack of proper institutional mechanisms, and importance of political will in implementation of laws.

PANEL 3: Azim Premji University's panel on The Future of Urban Commons: Notes to both Fears and Possibilities?

Issues and Challenges

- Considering that the strength of the commons depends on the community, the language of commons has treated the community perhaps rather naively, and narrowly, as one that eternally represents egalitarian values.
- Western teleological approaches in environmental law and policy for urban India do not capture the realities of Indian urban environmental complexity.
- While the socio-technical, socio-political and socio-historic approaches posited by several researchers and practitioners, are legitimate approaches to address the heterogeneities and multiplicities of urban modernities in India, they are still paradigms that tend to universalize and generalize approaches to environmental justice. While these approaches reinforce the premise that urban environmental governance is defined as comprising "formal and informal" rule making, and actor networks across scales, sectors and institutions, they still have not ushered the necessary change in mitigating social and ecological vulnerabilities. For the Indian urban context, an adaptive governance framework that addresses situated ecological considerations forms a relevant approach.

Good Practices:

- In Dharavi Bet, an island located to the West of Greater Mumbai, the local fisherman's communities sustained resistance against two large private corporations, including Essel World, who repeatedly threatened their very existence with the possibility of acquiring the commons land for large scale tourism projects and establishment of associated firms.
- The local people's movement strategically targeted political foundations of the problem. In doing so, they mobilized the cohesiveness of their community and collective bargaining power to extricate themselves from the jurisdiction of the Mumbai Metropolitan Region Development Authority's (MMRDA), a developer in their role and function, and be transferred back to the jurisdiction of the Municipal Corporation of Greater Mumbai (MCGM), the municipal corporation, preventing any threat of their dispossession from their native land.

Recommendations:

- There is a need to view the community through a nuanced layered lens for a better understanding of their relationships to commons land.
- Community led formal land trusts may strengthen their relationship to commons land and increase their collective bargaining power.
- For urban places with specific social-political-historical relations between actors, a legal framework should include reflexive law, iterative decision making, legally binding authority and responsibility, and tangible state support.

PANEL 5: Women, Farming, and Land Rights

Issues:

- The idea of a woman farmer.
- Denial of land rights to women, including women farmers.
- The role of women in rural India.
- Agriculture, forestry, feminisation of agriculture.
- Contribution of women to the economy.
- Patriarchy, agency, and power.
- Forest land and tribal communities and role of the state

Challenges:

- The practice of propagating the forest department as a sole protector of the forest has led to the harassment of forest dwellers. Women are treated as criminals by the forest department.
- Persistent discrimination against women farmers, including women forest workers and forest-dwellers.
- Non-recognition of agricultural work done by women even though they constitute about 60% of the agricultural workforce and contribute to 80% of India's food production.
- The perception of who a farmer is in India is skewed, even in banking definitions and government schemes, a farmer is identified solely with male pronouns.
- Language in Indian policies is also biased towards the male – very little space and recognition of women's contributions.
- Women have a limited voice in decision-making even though they constitute the majority of farmers, especially marginal farmers.
- Lack of land rights for women and failure to recognize women as farmers is leading to increased hunger, marginalization, and impoverishment of women.
- Cultural taboos and "fragmented voices" of women need to be acknowledged, while some women may fight for their secure rights to land, they may not think of giving land to their daughters especially if they also have sons. This is a sign of how entrenched patriarchy is in India.

Good practices:

- Initiatives and outfits like Gulaabi Gang and AROH Campaign have empowered women to the level that they deem themselves "saksham."
- In Balrampur, Odisha, women hugged trees and protested against their felling; this resulted in the prevention of further deforestation.
- Supporting and training women for agro-ecological approaches to improve food security and nutrition.

Recommendations:

- Recognize women as farmers, irrespective of whether they own land or now. Include tenants, agricultural workers, and forest workers. Forest-dwellers and forest workers must also be recognized as farmers.
- Ensure secure land rights for women; register land in women's names; allocate redistributed land in women's names; ensure women's access to common property.
- Allow women's names to be in included in KCC accounts and to enable them to set up individual accounts, so that women can have access to credit.
- Pass the National Right to Homestead Law, and ensure allocation of homestead land in the names of women.

- Ensure the passage of the Women Farmers' Entitlements Act and implement recommendations of the Swaminathan Committee.
- Increase number of women, including through reservation, in Revenue Departments and Forest Department.
- Collect gender-disaggregated data on farmers, land ownership, and other issues related to women and farming.
- Operationalize more gender-friendly tools and machinery for farm operations. Promote training of women farmers and make such technology accessible to them.
- Promote sustainable cultivation methods and agro-ecological concepts.

PANEL 6: Inclusive Land Tenure Mapping by Skilling Rural Youth

NRMC-CLG and Centurion University

Issues/trends

- Approx. 1.5 billion land parcels in India are not surveyed or surveyed more than 50 years and are outdated.
- Survey grows at a rate of 10% every year due to fragmentations, divisions and inheritances and transactions.
- Special cases like in North east of India, Customary tenure have not been mapped.
- Remote tribal and forest areas where slope is more than 10 degree, land was not surveyed and declared as government land.
- There is voluminous need of land surveyors needed to complete and update the records right.
- Approx. 12 Lac land surveyors are required to complete the work.
- Amins (Land Surveyors) appointment is restricted and pending since long.
- To carry out implementation of FRA, government depends on retired Revenue Inspectors and Amin
- Skilled man power to carry put these jobs are negligible, not hired and lack behind on technological applications
- New skilling programs like land surveys are treated as add-on skill and not a job oriented program.

Challenges

- Revenue department in states is heavily loaded with many other works. Department personnel have not been trained and exposer to technology is not as per the current demand.
- Earlier method of surveying and mapping are often challenged by new technology, these add on to the burden of updating the records.
- States wise land records updating, digitation and the process is different among different states. There is disparity in implementing the DIRLMP project.
- Legal provision to adopt technology is not set up clearly. Land survey and mapping acts have remain unchanged in many states of India.
- Technology adoptions needs persimmons in many cases like use of satellite imagery, drone flying etc. which again hinders the application.
- Skilling the youth in this sector doesn't give direct employment opportunity therefore establishing institutions skilling in land surveys is not supported by government and banks financially.
- Criteria for being land survey which requires a BSc and Diploma in Engineering furthers limits the youth joining the programs.
- Due to lack of exposure to high end mapping tools and needs generated at ground level, government too feels there is no demand for use of DGPS and other new technology.

Good Practices

- Example from Manipur pilot study by NRMC can be taken where local youth and community are trained to use mobile based DGPS to land their parcel plots. Community based land mapping has led to legal and social acceptance in Manipur.
- License surveyors in Land Survey Act of Odisha and Bihar has now given space for certified licensing. Odisha Act also have provision of using DGPS based survey for land mapping process.
- State of West Bengal on a similar note with help of Landesa has started Women SHGs to train the members carry out mapping and surveying and is recognized by government.
- Approx. 40 services have been added to the land rights settlement Bhoomi Bandhu project of BRAC, Bangladesh. This project has legal and institutional support with affordable a user fee.

Recommendations

- Skill mission of GoI should be linked and integrated to land and revenue department of states
- Opportunities around integrating legal, technical and institutions should be tweaked.

- Donor must help in setting up the institutions for skilling in land survey and mapping with support in training infrastructure especially equipments.
- Land survey should be treated as an added skill and govt. should recognize and facilitate trainings and encourage them.
- Quality packs/ training modules to be created and certify the youth taking trainings as land surveyors.
- Existing skilling institutions to introduce the land surveying and mapping module along with their existing curriculum.
- Govt. may consider paying the common cost towards the training as per the norms.
- Training the farmers through RPL- Recognition for Prior Learning, can also be looked as an another way to get land and mapping skill funded.
- License surveyors can also be launched in application platforms like Uber, OLA, Urban Clap and utilize the surveyors services as per requirements.
- Existing govt. institutions like Department of Technical education may also be informed about the current requirement and needs on land mapping.

PANEL 7 -Land, Investment and Conflicts

UNDP-India and NRMC-CLG

Issues/ Trends

- Arable land has been analysed as the most valued form of property, for its economic, political and symbolic significance.
- Land rights attracted global attention through inclusion of several land-related indicators in the Sustainable Development Goals (SDGS).
- A major challenge before India's land sector in achieving SDG is to ensure faster and proper inclusion of excluded communities and groups, living without land rights viz. women, landless, tenants and share-croppers, Dalits, minorities and indigenous communities; forest dwellers including pastoralists, coastal communities including fish workers and slum dwellers etc.
- Policy progress on land governance is threatened by lack of good information.
- The land reform implemented in various states in India have not attained desired impact to the marginalised communities like the SCs and STs, instead it increases displacement and forceful eviction.
- Development based displacement and livelihood issues create disastrous impacts on the community, forcing them to move from one colony to another, mostly in gutters and unproductive lands and thereby ending as 'servants and related workers' in the nearby locality.
- Development induced displacement, progressive land reform legislation too works as centrifugal forces for displacement. This is because the available land under this scheme is not properly allocated to avoid colony formation. This also forces them to move to poor vicinity without any infrastructure for proper living.
- Environmental justice movements arise out of the need for defending land and water, livelihoods and cultures and often bear violent consequences. India has the highest number of murdered land and environmental defenders in South Asia, and the second highest after Philippines in Asia.
- 32% of rural households are de facto women-headed (widows, deserted women as well as women who manage farming when men migrate). But even among this large and growing body of female headed households in India, just 35% have direct access to land in their own right.
- Increasing prices of land alienating women from land rights particularly in case of the daughter's marriage where small value compensated in exchange of high value land. In other side, the daughter in law are getting pressure from their in laws to claim marital land when the land prices are rising up.
- Personal Law & Customary practices in force which affects conflicts around land rights particularly in sharing land rights with women.

Challenges

- Disadvantaged groups particularly scheduled tribe, scheduled caste, women etc. faces lots of roadblocks in accessing and realising land rights.
- The support to these groups are not adequate and institutionally recognized to withstand the pressures of development induced eviction and landlessness.
- Extent of different policies and interventions are inadequately address to make it gender inclusive and going beyond JUST gender.
- Sporadic and limited advocacy to push for a more inclusive land reform agenda in India.

Best Practices

- India's land sector has witnessed some remarkable changes which are logically meant to trigger desired impacts in terms of changed livelihoods and environmental outcomes.

Key Recommendations:

- Government should develop all-encompassing resettlement policy which can look at the specific problems of SC and ST population
- Justice systems have to be strengthened to reduce alienation of tribal communities in terms of land rights
- It is paramount that awareness is raised amongst key policy makers on the importance of information sharing, knowledge management and, more specifically the power of an information ecosystem.
- Livelihoods and housing for poor, especially women have to be ensured before they are displaced for development.

PANEL 8 Closing the loop: From local to international frameworks in food security and land rights

Issues / Trends
- Food security and land tenure are integrally linked.
- Women play a key role in household food security. Forests play a role in household food security.
- Tenancy on land is increasing and should be fully accommodated into economic policies and the law.
- Economic instruments such as tenancy should be gender equitable.
- Ground up reporting on food security and land tenure using SDGs and quasi legal instruments is gaining traction.

Challenges
- Slow rate of updating of land records
- Administrative practices that relegate women's names later on in the list, with the chance of being left out.
- Data in relation to agricultural practises from various primary sources are not consistent. Definitions and scope of terms in data collection not clear
- Social position of single women is low
- Single women burdened with agricultural work as well as household work
- The agrarian structure of Indian economy has been witnessing reduction of mean size coupled with high level of fragmentation and marginalisation.

Good practices
- Tool Library and Drudgery reduction tools introduced by WGWLO – to ease the work of women, also they make sure women don't do more burdensome work in the time that has been saved!
- Incentives through stamp duty relief for women brought about by WGWLO.
- Svabhumi Kendra – Revenue officers at block level and hands on help with paralegal workers to ensure women inherit rightfully.
- Inheritance rights capacity building workshops are conducted. Input and reflection.
- 15 blocks paralegals meet for tribal and non-tribal issues, sharing, reflection and training, the sessions include state level and retired govt officers are in the sessions, thus creating linkages and rapport.
- CBD, PESA, Campa, Biodiversity act, FPIC and other laws are important for forest rights.
- Revival of lost millets, lost seeds, through seed banks
- Value addition to produce, such as in the case of Tamarind is supported.
- Joint land ownership for women is as important as inheritance rights.

Recommendations
- Appropriate amendments in the existing Tenancy Act along with ownership rights to the women operational land holders should take place.
- (from Dr. Vincent) - Diversification of livelihoods in a sustainable manner is an attractive option for sustainability, resilience, women, tribal as well as rural livelihoods. Examples offered from West Bengal, Gujarat and NE.
- VGGT reporting should take place from ground up, and GoI should submit VGGT report.

PANEL 9: How far Land Policies ensure People centred land governance in India – Experiences from grassroots in intersections with policies and practices by Land Forum India/NES India

Issues

- First generation land reforms are yet to be implemented in its spirit
- The commons land is shrinking.
- Less clarity and action on post recognition of management of resources
- Rejection of CFR and IFR claims

Challenges

- Under Land Ceiling Act, the landless is not having either access, control or ownership over land, to the surplus land, however, huge landholdings have been given to the goshalas, religious trust, etc.
- The role of pastoralists in use of commons is not recognized
- The classification of commons remains complicated.
- Non recognition of rights of OTFD

Good Practices

- Natural Farming Practices Developed by Cho Han kyu, as a methodology to improve the living of the poor farmers – Model used by NES India
- Influencing Panchayats to ensure women's inheritance rights to land: Case study of Aga Khan Rural Support Programme (India) and WGWLO

Recommendations

- The Land Reform Bill spearheaded by Ekta Parishad should be passed.
- An enabling legal framework for local communities to **claim and assert collective rights** on Commons
- Need to **involve communities in planning, regeneration and management** of common lands, including **distribution of benefits**.
- Recognition of the rights of OTFD and emphasis should be levied on them under FRA

PANEL 10: Enhancing Impact of Forest Rights and Governance

Tata Institute of Social Sciences

Issues/ Trends

- Realising the socio-economic benefits of forest rights act both from individual and community forest rights recognised.
- Interface of multiple laws at the implementation level in addressing forest conservation and climate change concerns.
- Post-forest rights recognition impact on the livelihood, governance and sustainability of forest resources.
- Management of forest resources vis-à-vis tenure security of individual land rights and a democratic and institutional arrangement for improved transparency.

Challenges

- Recognition of individual forest rights has several fundamental flaws.
- Gap in the recognised and claimed area, no record of rights in many parts of Odisha and also the intervention by the state in the post-recognition phase has been very minimal to enhance the livelihood of forest dwellers.
- Institutional bottlenecks in the implementation of FRA in Odisha and the limited presence of nodal agency delays asserting rights of claimants.
- Conflict of compensatory afforestation programs and forest rights act implementation at the grassroots level delays the claim process and settlement of forest land.
- Without Gram Sabha's consent afforestation activities are undertaken by the forest department which is a violation of forest rights act
- Misuse of compensatory afforestation funds in non-plantation activities.

Best Practices

- Forest dwellers' of Kerala adopts to climate change in different parts of the state where FRA has been implemented effectively with improved tenure security right incentivised people's participation in climate change mitigation programs.
- Post IFR recognition stage correction in RoR to include women's name in the RoR in Odisha.

The overall discussion points that emerged from this session were directed towards the post-forest rights act implementation challenges and institutional bottlenecks. The speakers are of the view that the recognition of rights without institutional support will not promote and enahce the livihood of people, despite recognition of rights. It was also felt that consistent orientation at multiple levels about the process and intervention in the post-recognition to integrate line department schemes is the need of the hour.

PANEL 11: Policy Dialogue to Achieve the Promise of Commons

Barriers and Challenges

- Lack of shared understanding on definition, use and management of Commons
- Data deficit and use of archaic data
- Ambiguous legal and institutional mechanisms governing Commons
- Weak and poor policy framework recognising community ownership over village commons
- Limited awareness and knowledge about contribution of Commons
- Encroachments and large scale individualisation of CPRs

Good Practices

- Integration of commons into government programmes like MGNREGA and NRLM
- Comprehensive Landscape Assessment and Restoration tools to augment such integration

Recommendations

- Legal and institutional reforms
  - o Stringent legal procedures to restrict diversion of Commons
  - o Legal clarity to decentralise management of Common
- Model Commons Policy at the national level to facilitate state policies on Commons
- Rural livelihoods and development programmes to integrate Commons to ensure doubling of farm income and ecological balance
- Strengthen institutional framework for restorations and reclamation existing and lost village commons
- A major chunk of public expenditure budgeted for gram panchayat development to be on soil and water conservation
- Doubling budgetary provisions for livestock rearing
- Centre staging potentials of Commons to create 'one hundred thousand' smart villages in the next five years

PANEL 12: Contexts, Issues and Challenges around Customary Tenure Regimes and Community Land Governance practice in NE India.

Issues/Trends:

- **Naga society of Nagaland & Manipur**. Naga customary land tenure reflects increasing insecure land tenure system following complex land tenure system; increasing land conflicts as customary laws being only oral codification; no legal framework and institutions for land governance; shrinking community land due to land acquisition for mega government programmes; and elite capture of land. Mapping of different categories of land tenure within the customary practices using modern technologies could ensure peace & development.
- **Matrilineal land tenure (Meghalaya):** Matrilineal land tenure do not necessarily ensure secure land tenure to all women; while the youngest daughter among the Khasi society could inherit the ancestral land/property, in practice she being the custodian only, the overall 'land basket' within customary regime of land tenure is actually reducing for women.
- **Sikkim:** Unabated infrastructure development particularly roads and hydroelectric projects in the state is impacting land of rural communities; again, land compensation where applicable is inadequate and untimely.

Challenges

- **Naga society of Nagaland & Manipur:** Codification of Naga customary laws concerning land governance due to diverse systems. '*Meiram mei nap phunbou de*" as quoted by Akeina Gonmei from Nagaland, reflecting persistent patriarchal mindsets that consider women belonging to others' house, therefore, no assets be given as that will go to other households.
- **Matrilineal land tenure system (Meghalaya):** Privatisation of community land through issuance of 'land patta' to individuals to secure bank loans for cash crop plantations often have no inclusion of wife's name but only that of the husband.
- **Sikkim:** Challenges of implementing environmental management plan for land restorations impacting by development activities.

Good practices:

- **In Nagaland**, Ms Dithuanliu Kamei is the first woman Chairperson of the Village Council of Machiang Village in Nagaland; her position as the Chairperson has brought in new leveraging effects for the women of the village. Her conduct of the Village Council meetings and deliberations are yielding positive results for respectable attention for the women, besides the male members too appreciating her efforts for inclusive social justice for all in every decisions of the village authority.
- **In Manipur**, the Land Tenure Certificate (LTC) within the customary practices which include women land rights is a good practice giving hope to providing secure land tenure/rights to the women and also contributing to peace building between conflict-prone communities.
- In **Meghalaya**, under the **Meghalaya Succession to Self-Acquired Property (Khasi & Jaintia Special Provision) Act of 1984** many families are purchasing land and giving equally to all daughters (and also sons), thereby, enabling land title to all women members in the families (while the youngest daughter gets the ancestral property).

Recommendations:

- Mapping of various land holding categories / land tenure systems across the tribes by skilling the youth and capacity building of the traditional village council/authority.
- Need for working with each individual tribal village for codification of the oral law for land, and making rooms to support the existing traditional law that are positive toward women and land/in general as also recommended by Nagaland State Women Commission.
- ***Feminist Participatory Action Research*** that will enable equitable land rights to women particularly among the patriarchal/patrilineal/patrilocal tribal societies, as well as promoting comprehensive research around customary land tenure.
- Partnerships among academia-CSO-traditional community institutions in developing robust land rights framework within the customary/traditional land tenure system that will have recognition/endorsement of the community leaders/institutions and the Government.

PANEL 13: Technology Options to Improve Land Administration

Issues/ Trends
- The state of land records in India is inadequate impacting most of the rural and poor households causing problems in accessing various public services linked to land records or documentation.
- Low quality and coverage of textual records and outdated spatial records are often outdated and un-updated land records causing land tenure insecurity for the poor.
- Inadequate land records encourages corruption, contribute to the high and costly incidence of land disputes, reduce the government's ability to conduct effective planning and raise revenue, and affects effective land governance.
- Easy accessibility of land records in India.
- Maintenance and up-dation of land records.
- Land conflicts forms the majority of court cases (66%) in India.

Challenges
- Initial investment in resurvey is quite huge and availability skilled manpower for conducting survey operations is limited.
- Use of technology particularly for flying drone in India requires permissions from appropriate authorities which is cumbersome and time consuming.
- Choice of appropriate technology for conducting the survey operation is also a challenge based on different geo-physical context.

Good practices
- Use of drone in mapping urban slums in Odisha implemented by Government of Odisha with the support of Tata Trust and Transverse.
- Hybrid geospatial technology for improving crop area data management in Karnataka piloted by IIM Bangalore
- Use of mobile app augmented with DGPS receiver in mapping forest rights piloted by Geolysis and NRMC in Odisha and Manipur with the support of Pradan, FES and RNBA Network.
- Low-cost foot mounted inertial navigation system for updating cadastral maps prototype developed by IIT Kanpur.

Recommendations

- Digitization of land records should be completed as early as possible in a fast mode.
- Extra precautions should be taken while taking and storing data as the data can be misused.
- Involvement of communities should be ensured in data collection as well as verification process.
- New innovative technologies like drone mapping, geospatial, mobile apps can be used to validate the data.

PANEL14: Land Rights of the Urban Poor in the context of Forced Evictions and Smart City Development

Issues:

- Importance of land rights in the urban context.
- Discrimination and insecurity resulting from the lack of land rights for the urban poor.
- Trends promoting exclusion and marginalization of the urban poor

Challenges:

- Land rights in rural areas are discussed and taken up by policy-makers as an important issue but the same does not apply to urban areas. However, land rights are at the heart of the social, political, economic story of the city. Even though public policies work for electricity and water to reach slums, the fact that people can be evicted at any point means they do not have any security.
- Continued forced evictions of the urban poor and forced relocation to city peripheries are resulting in violation of multiple human rights.
- Real estate speculation and lack of investment in social/low-cost/public housing makes housing unaffordable for the majority.
- Inherent insecurity, precarity, marginalization, and poverty of the urban poor – linked to the lack of secure land rights in urban areas.
- There is no allocation of land for the poor. They are forced to often build their homes on land that no one else wants to live on. But they do not get security of tenure over their homes/land. This lack of tenure causes insecurity, as people can be evicted at any point in the absence of secure land title/records.
- The Smart Cities Mission is excluding people from the planning process and private players are impacting governance.
- Durability of long-term settlements is also questionable. Untenable lands have often been made tenable by the people and that should be valued.
- Excessive land ownership by different agencies and bodies who own land that is not being used, and the lack of transparency about this.

Good practices:

- 2BHK housing scheme in Telangana.
- 'D form pattas' given to people in Hyderabad - which was an attempt to provide the urban poor with some form of tenure security and also to include people living in slums in city planning.
- Bombay Hotel housing project in Ahmedabad.
- Odisha Property Rights to Slum-dwellers Act

Recommendations:

- Need for a human rights approach – implying the recognition of the rights to land and housing as human rights in policy and practice.
- Provision of legal security of tenure to the urban poor – where they live – not in remote settlements outside cities.
- Adequate spatial reservation for the urban poor based on their population in urban areas.
- Control of real estate speculation and privatization of public land.
- Moratorium on evictions and displacement. Implementation of UN Guidelines on Evictions in case people have to be relocated in "exceptional circumstances."
- Provision of different tenure forms - rental, cooperative, collective. Since the current ones are not able to solve the problem of housing for all.

- Implementation of the 74th Constitutional Amendment Act – ensuring increased participation of people in urban planning and devolution of powers to urban local bodies.

PANEL 15: Upscaling community forest resource rights(CFR): Role of Technology

Issues/Trends

- The absence of decision-making tools for the gram sabhas and NGOs
- The absence of a transparent and robust system to monitor the rights recognition and post-recognition process
- No web enable the platform to collect, store and analyze community level social-economic indicators

Challenges

- An understanding of the usage of advanced technology for democratic governance of CFRs
- Technology for a good cause and accessibility

Good practices

- Tracking improvement, protection, institutional at the community level
- Measuring non-timber forest product for a livelihood at household and community level
- Low-cost technology that can work with and without internet, graphs, and charts for easy interpretation

Recommendations

- An elaborate discussion on the benefit of technology including web platform, satellite images, GPS, etc. with the focused group (Researchers, CFR practitioners, NGOs, CSO, etc.)
- Training session for key stakeholders on an understanding of satellite images, GPS, and other advanced technology that can be used for the good cause
- Develop case studies on technology adoption and empowerment by the academic research group
- Recommend policy level change on adoption of technology

PANEL 16 Land Policy Reforms to Double Small Farmers Income and achieve SDG

Issues / Trends
- 25 million hectares of land is left fallow in India laying unproductive while, smallholder farmers have poor access to land and water resources with highly unsecure land tenure.
- The required investment to double farmer's income is about INR 640,000 crore, excluding all the subsidies. It also demands significant investments by farmers but the lack of formal contracts clearly disincentives farmers to invest.
- The loss of DGP @ 3% annually is due to not having clear land titles.
- Gender inequality in land rights - land rights to women could reduce global poverty by 20%.

Challenges
- Land records are poorly kept, neither up-to-date nor digitalized. Also, there are no titles for smallholders for the land they have historically inhabited.
- There has been very limited attention and actions in policy and practice on key structural democratic state, equality provisions in the constitutions dimension of small farming.
- The land-leasing model proposed by Haque Committee Report has largely not been implemented.
- The cultural mind set is a challenge to the empowerment of women.

Good Practices
- Collective Farming is considered to work even without a sufficiently good framework, where women empowerment is key and establishing good partnerships is crucial.
- Vietnam and other Asian countries showcase the great potential of land reforms, not only for food production and improving smallholder livelihoods, but also as a game changer in the overall economic growth of the country.

Recommendations:
- Long term access and control over land is crucial for smallholder farmers to ensure sustainable production and thus has to be ensured.
- Smallholders should be the primary stakeholders at all levels including the policy discussions and decisions.
- Partnerships are key and thus should be encouraged and established.
- Arable land kept fallow should be productively used for food production by enabling land tenure security.
- Legalise Land Leasing.
- Update and digitalize land records, followed by land titling.
- State Governments should give a high priority for the immediate implementation of Haque Committee Report across the country

PANEL 17: How to tackle the divergent needs for openness and protection in land data governance in India?

University of Twente & NRMC-CLG

Issues/Trends
- Land data (locational and personal) is becoming increasingly digitally documented, open and visible through efforts of DILRMP, various policy reforms, Open data policies, RTI as well as non-state initiatives
- Fast changes in technologies (IT & GIS) also making data increasingly accessible and visible
- Countries and states adopt different practices in sharing data e.g. in US all property data and transactions are available openly; In many states of India, personal land records are also openly available in DILRMp websites
- Data becoming next oil, more investments into this sector as well as more unethical or unintended uses are becoming common

Challenges

- There is lack of clarity in understanding and defining open land data. There seems to be different understandings as land data bundles both personal and locational data; open data usually excludes personal data
- Questions of who collects data for what purpose and whether the data providers and subject is informed about the same and potential externalities and given consent is becoming a gray area

Good Practices

- Europe's GDPR

Recommendations

- Make land data open (esp. availability, accessibility, standards, inter-operability) to add transparency, efficiency, participation in land administration and to promote land tenure security
- Consider land Data regulation as more and more land becomes open and visible. In this context NSDAP is required to converge with Draft Privacy bill
- Local landholders must be adequately informed and empowered to influence the processing and uses of their data during the process of documentation
- Responsibilities over data management and sharing need to be distributed between civil society organizations, data platforms, technology providers, and governments
  -

PANEL 18: Status of Women Food Producer and Policy Recommendation – NES India

Issues

- Multiplicity of marginalization of women that pushes them on further margins, these layers of marginalisations are through aversive legal systems, the economic development paradigm, caste/ethnicity and gender.
- Non-recognition of the identity of fisherfolk women, women salt pan workers, pastoral women and tribal women as food producers and farmers.
- Poor land ownership in the name of women, even under FRA, many IFR titles are not in the joint names.
- Promulgated land ownership issues.

Challenges

- FRA - No voice in decision making bodies like Gram Sabhas, JFM Committees, FRCs, SDLC, DLC-impacts overall livelihood & access to forest produce

- Despite being a significant proportion of the OTFD Maldhari women & men are grossly under-represented on FRCs across the State.

- Shrinking Commons, infrastructure development and lack of the policies in favour of pastoralist and non-recognistion of pastoral women's role, push them to sedentarise, thus having a very negative impact on the status of women
- Exploitative working and living conditions of salt pan workers and fisher folk women
- Non-existence of government policies in favour of salt pan workers
- The fisherfolk families, esp. women can't benefit from government schemes for them, in Kerala , as the eligibility criteria makes them ineligible
- Rehabilitation increased the cost of living.
- Deep patriarchal mind set and the absence of laws for women.
- Burden and drudgery after the death of the male bread earner.
- Proxy methods to fulfil women quota in surveillance forest committees.

Good Practices

- Development of fodder storage and seed bank for promoting women participation – by Utthan, Gujarat
- Malia Mahila Sahkti Sangathan and a fish farmers' cooperative Azad Mahila Machhimar mandala. They have promoted models of demonstrating healthy and nutritive food feeding practices for the children below 6 years and educating mothers and fathers and other family members on nutrition education and child rearing – by ANANDI, Gujarat

Recommendations

- Promote local seeds and varieties and a mechanism to make locally grown and relished crops in own local area/PDS
- RECOGNISE pastoralist mobility as a fundamental right.
- RECOGNISE the essential role of pastoralists in global environmental sustainability, including the conservation of biodiversity, mitigation of climate change and combating desertification.
- Segregating the dept of livestock and agriculture
- Separate guidelines for each fishing village Assertion for adequate budgetary allocation for addressing pastoral women's issues to promote women's traditional livelihoods and pastoralism.
- Implementation of FRA from the perspective of Pastorals, Fisherfolk and Fisheries

PANEL19 : Rights of Pastoral Communities in Forest Rights Act: Initiatives and Challenges

Centre for Pastoralism

Issues/ Trends

- Rights of pastoral communities in the largest natural grassland in Gujarat with its socio-cultural uniqueness and ecological value traditionally used by the pastoralists have not been recognized.
- There are twenty ethnic communities that comprise of the "maldhari" pastoralists whose livestock grazed this landscape.
- Although, under Forest Rights Act, 31D, rights of pastoral communities are recognized especially for seasonal migration their customary rights on the landscapes has not been recognized being a vulnerable communty.
- Rights of pastoralists in non-tribal areas are not in focus.
- Displacement of pastoralist community without ensuring their traditional livelihood system makes the community more vulnerable. The case displacement of Gujjar community in Himachal Pradesh to a far flung area without any greenery affected their traditional livelihood practice of cattle rearing.

Recommendations

- This needs to be done as a lot of older areas are now denotified and are being developed by various development authorities.

PANEL20 : Modalities for building a community led restoration movement at scale

Issues/ Trends

- There is growing evidence from across the globe that secure tenure results in low deforestation rates, significant increase in forest cover, and sustainable production of timber and other forest products. Examples from Brazil, Bolivia, Mexico, Guatemala, Nepal, Indonesia, Tanzania and other countries show that securing rights of indigenous communities is a cost-effective way of combating climate change.
- In the Nigiris Biosphere Reserve (NBR), there is a critical need to meet conservation and livelihood goals. Recognition of community rights in this region is at a nascent stage and many Community Forest Resource Rights (CFR) applications are still under preparation.
- Evidence of post-recognition resource management by communities in Maharashtra shows laudable effort of communities in protection and restoration of forest cover and biodiversity conservation.
- Recognition of rights in Gujarat has led to improved productivity of land. However, communities require technical and financial support for managing resources and NGOs play a key role in building capacities of communities for resource management.

Challenges

- India's commitment to sequester additional 2.5 to 3 billion tons CO_2 eq. by 2030 through improved forest and tree cover under the Nationally Determined Contribution (NDC) can have positive climate and social benefits. However, in the absence of secure tenure and resource rights, the full benefits of restoration cannot be realized by communities.
- In the NBR, key challenges facing recognition of rights include inconsistencies in the claim process, rejection of claims without explanation, lack of awareness and assertiveness of community based organizations such as the Forest Rights Committees (FRC), Forest Management Committees (FMC) and even the Gram Sabhas. Further, there is a lack of collective effort of communities in the rights process.
- The barriers in claim recognition under FRA is lack of government support and political will.
- Adoption of appropriate natural resource management at post recognition stage of individual forest rights are limited due to lack of financial and technical capacities required for using land sustainably.
- Lack of coordination among government departments, lack of willingness of state governments to recognize rights and reluctance of forest departments to engage in this process.

Good Practices

- WRI India's Restoration Opportunities Atlas identifies the potential for landscape restoration in India and presents four layers on tenure and resource rights as key enabling conditions for successful restoration. The Atlas has a database of restoration initiatives that documents best practices including those related to tenure and resource rights.
- Good practices from the NBR region include; a) strengthening FRC and FMC committees through knowledge enhancement, building leadership capacity, increasing visibility, accountability and legitimacy; b) training programmes on sustainable harvest practices, organic agriculture, organic input production, wild food and indigenous seed promotion, establishing indigenous seed banks and seed exchanges; c) promoting organic agriculture –production and sales; d) promoting value added non-timber forest produce (NTFPs) - training on value addition and marketing; e) Strengthening Farmer Producer Organisations (FPOs)- marketing support, price guarantees and incentives for sustainably harvested NTFPs and organically cultivated products and f) certification support- PGS-India, Fair Trade, Fair Wild.
- Maharashtra has also led the way in easing management of natural resources post rights recognition. The state government has issued over 80 circulars on a range of issues through various departments including the tribal development department, rural development department, planning department, governor's office and forest and revenue department. The Governor's office in particular

issued 17 circulars and played a crucial rule in issuing the 44 circulars from tribal development department. Key interventions to assist communities in effectively managing resources include setting up of title correction committees, transit permit book – gram sabhas, tender advertisements (over 700), PESA and FRA co-ordinators, convergence committees, management plan grant, tribal sub-plan grant, line department schemes and CAMPA funds to gram sabhas.

- Post-recognition resource management by communities in Maharashtra shows the impact on livelihood, forest cover protection and restoration and biodiversity conservation. Communities have developed successful livelihood activities around forest produce and have robust mechanisms to maintain their finances. Communities are investing their effort and finances in conservation of resources. For example, communities in a village decided not to harvest tendu leaves for moral and biodiversity reasons. A key outcome of this measure was the immediate increase in migratory birds in the region that were drawn to the tendu flowers. The community spent approximately INR 5 lakhs in this conservation effort.
- NGOs have played an important role in building capacities among farmers in Gujarat. Farmers with IFRs are investing in growing and protecting trees in their areas thereby increasing green cover and the productivity of lands. Satellite image analysis between 2009 and 2017 shows significant improvement of tree cover in Narmada district with IFR lands and customary rights.

Recommendations

- There are several positive examples of community led restoration in India. However, these tend to be small scale and lack documentation. One effective way of scaling effort would be to build a network of community led restoration in India. Government departments, civil society and communities involved in restoration can showcase their efforts in India's Restoration Opportunities Atlas and help build a list of best practices to scale community led restoration in India.
- In areas like NBR where recognition of rights is still in preliminary stages, it is important to provide government officials and communities access and opportunities to learn from successful models of community based resource management post CFR claim recognition. The success stories from Maharashtra, central India groups and Soligas (BR Hills) could spur community led action in other areas.
- Institutions play a critical role in building community led restoration movements in India. Maharashtra's experience highlights the importance of government effort in addressing gaps and bottle necks in community management of resources. There is a need for adaptive learning in other regions to replicate and scale the positive learnings from Maharashtra.
- Building on the case studies from Gujarat, there are two key next steps. First, is to build the capacities of farmers and local population in sustainably managing lands and building value chains for their products. Second, to build a robust monitoring system using satellite imagery to showcase the positive impact of rights recognition of forest and tree cover.

PANEL 21: Securing Tenure in Urban India: First get the Record Right

Issues/ Trend

- There is a district difference between lack of tenure clarity and concept of affordable housing.
- In view of the steep real estate prices, the existing informality in Indian cities often creates opportunities to accommodate the marginalised population within the city, by providing incremental housing to migrants and labourers.
- Based on the research experience of several years around land, there is a broad spectrum of tenure in Indian cities, and there are several more critical issues which may not be addressed by a narrower focus on clarity in land titles

Challenges

- Overlapping and conflicting jurisdictions of multiple institutions in maintaining the property record, and the limitations of not having a technologically linked database.
- Unaffordability of rental or ownership-based housing market in most Indian cities, has sustained the high prices despite several recent shocks to the economy.
- Based on information collected by Prindex, there is a high perception of tenure security in India.

Best Practices

- In the absence of a pre-existing record of right, the surveying exercise using drone technology, records the person in possession as the land holder, and thus enabling greater tenure security for the rural population – Gaothan exercise in Maharashtra.

Recommendation

- There is a need to have clarity in land titles, or efforts to have clear marketable land titles, in urban areas. The attempts needs to clarify that land titles must be accompanied by regulatory mechanisms which prevent gentrification in cities, and marginalization of urban poor.
- These gaothan areas may expand into cities over the next one or two decades, and having a documented record of right may help their transition into more organised urban settlements. He reflected that land titling may create several issues if not implemented well, but it was important to atleast get a record of right in place.
- The question remains, whether informality indeed finds its way in a manner that is negotiable and affordable for majority of the population, and thus trying to bring it into the formal domain may instead be counter-productive. Instead, it may be approach to bring down the costs of the formal system, by structuring it better.
- The informal settlements also wish to have a formal right to their land or property, whether ownership right or use right, as they are constantly under the threat of being displaced by the formal sector.
- It remains important to create the systems which create and maintain a better quality urban property record which is updated on a real time basis.

PANEL 22: Meeting SDG Targets around Land Indicators: Global initiatives & experiences

Issues/Trends

- Slightly less than one in five adults in India (18%) feel tenure insecure versus a 33-country average of 24%
- Reasons for insecurity: the owner may ask me to leave, followed by family disagreements and lack of money were top reasons
- Across all countries, 50% of respondents had formal documentation establishing their right to use any property, while 43% had no documentation. In India, 75% had formal documentation (higher than the global average)
- In India, 81% of owners had documentation but /only 36% of renters did
- On average renters are 25% more insecure than owners, globally
- Globally (and in India) no difference was found between levels of tenure insecurity among men and women- but women tend to be far more worried about being forced from their homes in the event of divorce or spousal death
- 11% of respondents in India had experienced losing property in India
- Use of technology to collect community-level data to ensure national figures are inclusive of all groups
- Community-led data collection brings transparency, clarity and knowledge, empowerment
- Development of Landex- A tool to promote common indicators and to contribute and go beyond the SDGs and VGGT

Challenges

- How do we measure the S in SDGs?
- How do we support and ensure that vulnerable communities and community-level data is reflected in national SDG reporting?
- SDG indicators do not do an adequate job of capturing perception of tenure security for different types of tenure
- In land, there are always challenges in ensuring that data is capturing the most vulnerable communities (i.e. home/landless, pastoralists, indigenous, etc)
- Not a lot of clarity on how the government is collecting and reporting on SDG data
- Government doesn't accept data not produced through its own processes
- Only 20 countries are ready to report
- A lot of the SDG indicators do not directly link to sustainability

Good Practices

- Landex- will launch on March 28th and designed to track progress towards land-related SDGs according to their commitments on people-centered land governance to expand and add substance to the SDG indicators
- VGGT offer finer details about how to implement SDGs

Recommendations

- Need to find alternative solutions (i.e. occupancy certificates) aside from Government issued documentation
- Need more flexible about alternative forms of advancing tenure security

PANEL 23: Land Rights and Governance

Issues/ Trends

- Institutional failure in land administration, not only in India but also in other developing countries like Brazil.
- Unregulated real estate development in urban areas results in huge debts.
- Ignorance towards land rights to women and forest dwellers that in a way imposes huge cost on the economy.
- Development triggered by real estate groups
- The need therefore is to reorient the policy focus and to strengthen our land institution to correct for these rigidities.

Challenges

- Institutional problem in conferring land titles to the land owners in Brazil, although having common regulatory body to govern the land titling.
- Institutional paralysis attributed to technical issues, fast rotation of the officials resulting in poor governance in the Brazil and created substantial gap between targeted and actual titling.
- Urban land supply experiments like SEZs, IT parks, integrated townships etc, are promoted in India without any adequate institutional framework, questioning the sustainability of such experiments.
- Developments that are driven by real estate groups, rather than the governments has created pro capitalist leads to speculation with regard to land prices in the adjoining areas, possibly forming a price bubble.
- Lack of ownership over land by women excludes women from agricultural markets, limits their access to agricultural credit, fertilizers etc.
- Huge amount of money being lost in protecting the forest rights and still there is a massive gap between potential and actual protected forest area.

Best Practices

- Mapping technology used to identify gaps in defining forest boundaries and has resulted in resolution of conflict between communities over boundary demarcation.

PANEL 24: Transforming Slums to Liveable Habit: Odisha Model

Issues/ Trends

- Urban slums faces basic habitat challenges like housing, drainage, drinking water electricity etc. for not having clear ownership/ lease over land they are residing.
- Increasing migratory population from rural areas makes the urban slums vulnerable to live.

Challenges

- The process of settling land in favour of its claimants within the purview of the existing land law and rules was a challenge.

Best Practices

- The Odisha government has initiated to transform slums into livable habitats. Slum dwellers are given rights to their land; their habitats.

- Revenue Department was included in this process of land ownership transfer as they are the keepers of Record of Rights and helped in accessing the tenability and untenability status of land.

- A participatory process blended with technological solution for mapping of parcel adopted to convert the slum into Liveable Habitat.

- Adopts the open data approach by making all the data available and accessible in public domain ensuring improved transparency.

Recommendation

- NGOs, government officials and community will work together to realize the vision and provide basic amenities in the slums

- The Act is designed to provide the benefit at the door step of the beneficiaries and people need not visit government offices as then the harassment process starts for the marginalized.

- This is a welfare act, not an enforcement act. The law was intentionally designed to be simple. The state will provide land rights and the beneficiary can construct their house. Changing the face of slums and giving the dwellers a dignified life is a long process, this is just the first step.