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South Asia Agriculture and Rural Growth Discussion Note Series

Strategies to Increase Poor Farmers' Access to Land and Related Benefits in India

HELP VULNERABLE FARMERS ACCESS FORMAL LAND RECORDS

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Photo credit: Tyler Roush – Landesa

This discussion note profiles approaches for supporting farmers to obtain legal recognition of their informal land rights through government land allocation programs and joint titling.

1. OVERVIEW

Context

- Tenure security is critical to incentivize farmers to make large and long-term land investments. Farmers without recorded land rights may have less tenure security than farmers with updated land records in their names.
- Many poor farmers lack formal land records in their names. Some farmers use land informally; others may not have updated their family's land records following an inheritance or other land transfer.
- Across India, legal access to entitlements and services linked to agricultural land—such as crop insurance, credit, and subsidized inputs—increasingly depends on farmers having formally recorded land rights. As such, documenting land rights in the formal land records is important to ensure that the current landholders can access agricultural support programs.
- The procedures for formally recording land rights and updating existing land records are clearly specified by each state government. However, poor and vulnerable farmers—especially women and members of Scheduled Castes (SC) and Scheduled Tribes (ST)—are often unaware of their legal land rights and unfamiliar with land administration procedures.
- Some states have therefore provided additional support to help poor and vulnerable farmers register their rights in government land records. Experiences from government-sponsored and externally aided projects in Odisha and West Bengal were analyzed, and the findings are summarized below.

Interventions

- Increase farmers' legal awareness of their land rights through 'land literacy' trainings.
- Collect and use data to effectively identify landless households eligible for receiving formal land rights under available legal provisions.
- Train Community Resource Persons (CRPs) on procedures for updating land records and collecting relevant information using digital tools.
- Leverage community institutions, such as Self-Help Groups (SHGs), to provide hands-on support to help families check and update their land records.
- Assist women farmers in adding their names to their families' land records through joint titling.

Impact

- Poor farmers gained a better understanding of the procedures required to access formal land rights through government land allocation programs. They also developed their capacity to understand, access, and update their formal land rights records.
- The addition of women's names/gender information to the formal land records has led to a greater recognition of women as farmers and enhanced their access to credit and entitlements.
- Landless farmers—including women—that received formal land rights through government land allocations were better able to access land and water development support, as well as agricultural inputs and training. This enabled these farmers to adopt improved farming practices, resulting in more sustainable land management and, ultimately, higher productivity and incomes.

Lessons Learned

- Integrated technical assistance is needed to help vulnerable farmers obtain formal land records in their names. This includes awareness building, training on the use of digital tools for collecting land rights information, a

trained CRP network to support farmers to access land administration services, and capacity building for Land Revenue Department officials.

- Vulnerable farmers need 'land literacy' training to understand, access, and update formal land rights records. Training is also important to help them access formal land rights through ongoing government land grant programs.
- Training and mobilizing local community members is crucial for effective and sustainable delivery of land administration services at scale. CRPs can help poor farmers complete government procedures required to update their land records or obtain government land grants.
- A collaborative program that leverages the respective strengths of state government institutions, non-governmental organizations (NGOs), and community-based organizations (CBOs) can complement the role of the Land Revenue Department and enhance land administration service delivery to vulnerable farmers. A clear definition of the roles of each stakeholder and the use of government programs and human resources can build the political buy-in and administrative coordination needed to quickly scale up such initiatives.

2. CONTEXT

The importance of land rights and tenure security for farmers is well recognized. Secure land rights underpin the farmer confidence needed to make long-term investments.

Land rights can be perceived as secure without being formally recorded. Formal land records, however, are key for legal access to entitlements linked to agricultural land in India, such as subsidized credit, crop insurance, and inputs, as well as compensation for compulsory land acquisition. This is because many government programs require formal land ownership records to validate farmers' eligibility to access entitlements and benefits.

Unfortunately, many poor and vulnerable farmers (including women and SC/ST members) lack formal land records in their names. Some farmers use land informally, meaning they do not have legally recognized rights to the land they cultivate and lack formal land records. Other farmers who do have legal land rights may not have updated their family's land records following an inheritance or other land transfer. As a result, these farmers lack formal land records in their names and may be excluded from government agriculture support programs.

Securing farmers' land tenure and legal access to government agriculture support programs requires a number of processes: building farmers' awareness of land laws and procedures; having in place an

adequate legal and institutional framework for land service delivery; inventorying and mapping land rights; and providing technical assistance to help farmers update their existing land records and/or obtain allocations of government land through ongoing land distribution programs.

Given the significant role women play in agriculture in India and their limited access to productive assets and capital, adding women landowners' names to the formal land records is particularly crucial. In many states, women have become substantially involved in farming given the out-migration of men from rural areas.

However, women farmers often lack ownership rights to farmland. This is problematic, because the definition of a 'farmer' in India is typically associated with land ownership. As a result, rather than being recognized as 'farmers', women who work in agriculture are typically categorized as 'agricultural workers' or 'farm helpers'.



Photo credit: Tyler Roush – Landesa

Moreover, women farmers who do own land rarely hold legally recorded land ownership rights. Nationally, women represent just under 14 percent of formally recorded landowners. In India's eastern states, only 3 percent of rural households have land registered under women's names. This creates barriers for women farmers' access to government agriculture support programs, since, as noted earlier, these programs typically require formal land records to access these benefits.

The increasing reliance of government agriculture support programs on formal land records to determine farmers' eligibility highlights the importance of ensuring that vulnerable farmers—especially women and SC/ST members—have the legal awareness and technical support to register their current rights in the formal land records.

3. INTERVENTIONS

Initiatives in states, such as Odisha and West Bengal, have supported vulnerable farmers, including women and SC / ST members, to obtain formal land records in their names, either by updating their existing records or by claiming formal rights to land they already farm informally through ongoing government land allocation programs.

Intervention 1: Leverage Community Institutions to Build Legal Awareness

The West Bengal State Rural Livelihoods Mission (WBSRLM) partnered with a specialized land rights NGO (Landesa) and the state's Land Revenue Department to implement a 'land literacy' training program. The training program leveraged the WBSRLM's extensive CBO network of women's SHGs to train its leaders to help women farmers collect and submit the information needed to update their land records. This included adding women's names to their family's land records. In its pilot phase, which lasted about one year, 2.2 million SHG members across five of the state's districts received such training. This entailed an initial process of mobilizing the SHGs to build women's awareness of land rights laws and procedures¹.

1 See the related discussion note: Build Farmers' Land Rights Awareness and Last-Mile Access to Legal Aid.

Intervention 2: Identify Landless Households for Government Land Allocation

In Odisha, the state (through the Land Revenue and Forest Departments) owns almost two-thirds of all land. This includes lands legally classified as forests and lands with a slope greater than 10 percent. Historically, steeply sloping lands could not be surveyed using then-available instruments, even though these lands were often used for shifting cultivation by tribal communities. As a result, some 3-7 million people—especially members of tribal communities and women-headed households—are legally landless, meaning that their existing rights to land are not legally recorded.

The state government has implemented a number of programs for allocating government land to landless households (see Box 1). Odisha is one of the leading states in terms of recognizing individual forest rights under the Forest Rights Act (FRA), which formally grants land rights to those who have been cultivating forest land for years. However, access to these programs has been limited by capacity constraints in the Land Revenue Department, which is beset by high staff vacancy rates and an increased workload. Also, there is limited coordination between the Forest and Land Revenue Departments. Moreover, there has been limited integration of rights recognized under the FRA into the Record of Rights (formal land records). And, although the FRA mandates that women's names be included in the land records, there has been little support for implementing this requirement in practice.



Photo credit: Tyler Roush – Landesa

Box 1: Government Land Allocation Programs by Type of Land Tenure in Odisha

Land Tenure	Beneficiary	Implementation Partner	Network Support Partner	Legal Framework
Homestead Land	ST, SC, Single Women, Widows	OTELP	Revenue & Disaster Management Department ST & SC Development Department	OGLS Act ^a , OPLE Act ^b , Vasundhara Scheme ^c , Mo Jami Mo Diha Scheme ^d
Agricultural Land	ST, SC, Single Women, Widows	OTELP	Revenue & Disaster Management Department ST & SC Development Department	OGLS Act, OPLE Act, Mo Jami Mo Diha Scheme, Orissa S & S Act
Forest Land (Individual Forest Rights ^e)	ST	OTELP	Revenue & Disaster Management Department ST & SC Development Department Forest Department	Forest Rights Act 2006
Women's Land Rights	Women	District Administration, Women Support Centers	<i>Panchayati Raj</i> Department Revenue and Disaster Management Department	Odisha Special Survey and Settlement Act 2012

^a The Odisha Government Land Settlement Rules, 1983 empowers the government to settle (allocate) land to poor families that own no agricultural land or very small areas (less than one acre) of farmland (also known as 'landless') or that own no homestead land for use as a house site (also known as 'homesteadless'). Eligible families can receive up to 1/25th of an acre of homestead land or up to one acre of agricultural land subject to the availability of suitable land.

^b The Odisha Prevention of Land Encroachment Act, 1958 and Rules deal with government lands that are encroached or in possession of another person. As per Section 7 of the Act, where the land is occupied by a homesteadless person and utilized for homestead purposes, the *Tehsildar* (revenue officer) can allocate rights to the land user up to a maximum 1/10th of an acre. However, this act is not applicable for the reserved category of land, such as grazing or graveyard land.

^c Under the Vasundhara Scheme, government land up to the extent of 0.04 acres (later increased to 0.1 acres) has been provided free of charge to each homesteadless family for use as a house site since 1974-75. This initiative is governed under the provisions of the Odisha Government Land Settlement Rules, 1983.

^d The government of Odisha launched the '*Mo Jami Mo Diha*' campaign during 2007 to protect the land rights of the poor. The objectives of the campaign are to: (a) ensure that all previous beneficiaries of government land are actually in possession of their allotted land; (b) link the land allottees with government development projects to enable them to fully utilize their land; and (c) assist the poor, especially the ST and SC communities, to retain their land and homestead within the current legal framework.

^e Legally recognizes an individual's right to hold and live on forest land for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.

Hence, Landesa partnered with the International Fund for Agricultural Development (IFAD)-funded Odisha Tribal Empowerment and Livelihoods Project (OTELP) to help landless households claim land tenure rights within the prevailing legal framework and promote the inclusion of women's rights in land title documents. After unsuccessful attempts to amend legal provisions to use modern tools for surveying the hilly lands, the team focused on helping legally landless households

obtain government land allocations under ongoing homestead land allocation programs and the FRA.

At the heart of this intervention was the identification of landless families eligible for receiving formal land rights as per state land allocation programs. Landesa assisted OTELP to enumerate and categorize eligible homesteadless and landless families, and OTELP supported the Land Revenue Department to settle agriculture



Photo credit: Tyler Roush – Landesa

land for them. Nearly 30,000 households (53 percent of project-targeted households) were identified as landless, of which nearly 90 percent were tribal. Of these, over 26,000 households (about 87 percent of the total landless) benefited from the program. These included 17,427 households who received land titles under the Odisha Prevention of Land Encroachment Act (1958) and the Orissa Government Land Settlement Rules (1983) and 8,611 households who received land titles under the FRA.

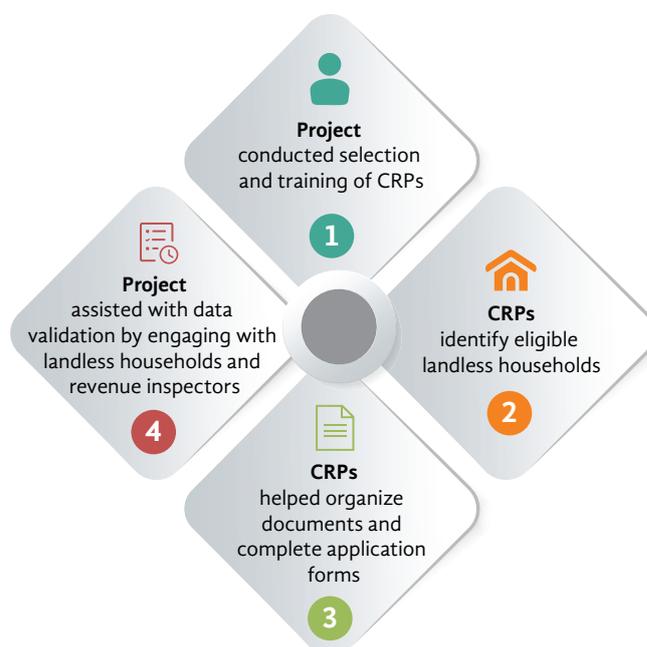
Three critical elements of this intervention were:

1. **Training and mobilization of moderately literate local youth as Community Resource Persons (CRPs)** to provide basic facilitation services to eligible families to claim rights over government land within the state’s legal framework. The CRPs were selected in coordination with communities and trained on the collection and validation of data needed to identify eligible landless households. Data validation involved an interactive process of engaging with the selected landless households and verifying collected information with government land revenue officials (*Tehsildar*). Besides

assisting with data processes to determine eligible landless households, these CRPs helped families organize the required documentation, which included completing and submitting their application forms in compliance with legal requirements.

2. **Bolstering the capacity of the Land Revenue Department** by providing data entry services and assisting land revenue officials (*Tehsildar*) to prepare the required documentation, including application forms, trace maps, case records, and field verification reports.
3. **The complementary and coordinated role of the partnering entities: Landesa and OTELP.** While Landesa prepared the capacity-building plan along with tools and material to train and mobilize CRPs, OTELP supported the Land Revenue Department and its officials in carrying out the services needed to complete land settlement. Landesa had substantial activity in the beginning of the initiative but gradually phased out to allow state actors to take over and scale up. In addition, communities played an important role in identifying and nominating CRPs for this initiative (see Figure 1).

Figure 1. Workflow Graphic: Identify Landless Households for Government Land Allocation



Box 2: Key Impacts

West Bengal

- An assessment (see Figure 2) found that the program increased women's legal awareness, including their understanding of the importance of authentic and updated land documents to prove ownership and the procedures needed to update land records. Women beneficiaries are also now using smart phones to check land ownership records, and government officials report that online applications for land record updates have increased substantially. For example, in one block of 57 villages, 882 applications for recording land transfers (mutations) were received in just one month, 70 percent of which were filed online.

Figure 2. Impacts of Women's Land Literacy Training in West Bengal

32% women could describe what is meant by the record of rights and what documents constitute it

36% women were able to recall which office needs to be approached for obtaining record of rights

45% women recalled to which office the application for mutation needs to be submitted

34% women could identify which office to visit for obtaining a succession certificate

Odisha

- According to the project completion report, around 87 percent of the 30,000 households identified and targeted received land titles, all in the name of both husband and wife. In addition to strengthening farmers' tenure security, land title beneficiaries had greater access to land and water development support, as well as agricultural inputs and training. This led to improved farming practices and, ultimately, higher productivity and incomes. Average household production increased from 532 kg to 1,283 kg for cereals, pulses, and oilseeds, and incomes increased from INR 1,938 (USD 27) to INR 36,990 (USD 510) at project completion. Positive but unquantified impacts were also observed on environmental sustainability, including reduced soil erosion, decreased runoff, and enhanced soil organic content.

4. LESSONS LEARNED

Concerted land administration support is needed to ensure poor farmers' land rights are legally recorded in the formal land records. In addition to having more secure tenure, farmers with formal land records are better able to access government agriculture support programs that rely on land records to determine eligibility. Farmers' increased access to such support ultimately lays the foundation for increased on-farm investment and improved farming practices that generate higher productivity and incomes.

Experience from several Indian states that have supported vulnerable farmers to update and/or access formal land records for the first time reveals the following lessons:

- **Integrated technical assistance is needed to help vulnerable farmers obtain formal land records in their names.** While state governments have ongoing regulations and programs to facilitate land records updating and access to land for landless families, a broader approach and integrated set of actions are needed to help vulnerable farmers obtain formal land records in their names. The task of building farmers' awareness of land laws and knowledge of government procedures ('land literacy') needs to be integrated with identification of eligible landless households, promotion of relevant digital technologies, provision of legal aid, mobilization of local organizational and training capabilities, and implementation of facilitation services.

- **Training and mobilizing a cadre of community trainers is crucial for effective and sustainable delivery of land services at scale.** Empowering community and smallholder group leaders is vital, not only for leading the training process, but also for creating the space for the necessary conversations on legal and land-related issues. Trainees can put their knowledge into action by helping community members use digital tools (such as customized mobile apps and the state government's online land administration platform) to view and lodge applications to update land records and record women's land rights.
- **A collaborative program that leverages the respective strengths of state govern-**

ment institutions, NGOs, and CBOs can complement the role of the Land Revenue Department and enhance land administration service delivery to vulnerable farmers. Such partnerships can help overcome land administration resource gaps, enable vulnerable farmers to update their land records and benefit from government agriculture support programs, and improve land administration service delivery. A clear definition of the roles of each stakeholder (building on their respective strengths) and the use of government programs and human resources can build the political buy-in and administrative coordination needed to quickly scale up such initiatives.

ABOUT THE DISCUSSION NOTE SERIES

This note is part of the South Asia Agriculture and Rural Growth Discussion Note Series, which seeks to disseminate operational learnings and implementation experiences from rural, agriculture, and food systems programs in South Asia. It is based on the findings of the *Land Policy Reform for Agricultural Transformation in India Study* under the India Agriculture and Rural Development Advisory Services and Analytical Program. The other notes in this series include:

- Increase Land Access for Land-Poor Women Farmers
- Informally Register Farmers' Customary Land Rights in Tribal Areas
- Build Farmers' Land Rights Awareness and Last-Mile Access to Legal Aid
- Promising State Initiatives to Increase Poor Farmers' Access to Land and Agricultural Services
- Agricultural Land Leasing Reform in India

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