ILDC 2020

Institution, Innovations & Information for Improved Land Governance & Inclusive Land Tenure Security

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Organising Partners

Azim Premji University	FES — Foundation for Ecological Security
Housing and Land Rights Network — 20 Years	Landesa — Rural Development Institute
Land Rights Initiative	NCAER — Since 1956 — Quality. Relevance. Impact
NRMC	WRI INDIA

Preface

This report provides an overview of the proceedings of the fourth India Land & Development Conference, organized at India International Centre, New Delhi, India on March 2nd -4th 2020. The members of the organizing committee included Azim Premji University, Center for Land Governance (NRMC),Foundation for Ecological Security (FES), Landesa, Housing and Land Rights Network (HLRN), Land Rights Initiatives, National Council of Applied Economic Research (NCAER), and the WRI India. The three-day event celebrated partnership with more than 40 Indian and global partners joining together and witnessed enthusiastic deliberations and sharing of experiences, knowledge and practices over twelve thematic areas which included twenty four panel discussions, six master classes, three lightening talk, and one innovation fair.

More than 300 participants from across Indian states and overseas attended the conference and contributed in making it an impactful debates and discussions in the arena of Indian Land Governance. The participants of the conference included representatives from Government of India, State Governments, International Institutions, UN agencies, bilateral donors, people's representatives, media, academia, NGOs, researchers, consultants, practitioners etc.

About 30 papers were presented in the conference orally and as posters. The presentations and deliberation were very well received by the participants and acclaimed as highly valuable for the land actors in prioritizing future action.

This report was prepared by Centre for Land Governance, NRMC, the Secretariat of India Land & Development Conference 2020. The findings, interpretations and suggestions expressed herein do not necessarily reflect the views of CLG-NRMC and other organising committee members. We do not guarantee the accuracy of data included in this report either.

Centre for Land Governance
NR Management Consultants India Pvt Ltd.
K-8/767, Kalinga Nagar, Ghatikia
Bhubaneswar-751003, Odisha, India
Tel-+91-674-2386114
Email: indialandconf@gmail.com
Web: http://centerforland.org

Contents

Pre Conference Events

Geo-spatial Round table

Theme : Institution, Innovations & Information for Improved Land Governance & Inclusive Land Tenure Security

India Land & Development Conference 2020

4th ILDC 2020

Participants

SATELLITE IMAGERIES · GPS/GNSS/DGNSS · DRONE/ UAV · MACHINE LEARNING /DEEP LEARNING/ FEATURE EXTRACTION · LAND ADMINISTRATION APPLICATION/PLATFORM

Geo Spatial Actors

Land Tenure Professionals

LAND ADMINISTRATOR · ACADEMIA · CIVIL SOCIETY · TECHNOLOGY PLAYER · MEDIA

Dr T Haque
Ex-Chair, Land Policy Cell,NITI Aayog & Chair,Infrastructure and Miscellaneous Projects and CRZ, MoEFCC

Mr Vinod Agrawal, IAS (Retd)
Ex- Additional Chief Secretary, Telangana & Chair, Conclusive Titling, NITI Aayog

Mr Tim Hanstad
Chief Executive Officer
Chandler Foundation

Amy Coughenour Betancourt
Chief Executive Officer
Cadasta Foundation

Frank Pichel
Chief Programs Officer
Cadasta Foundation

Pranab R Choudhury
Vice President
Centre for Land Governance -NRMC

Narayana A
Professor,
Azim Premji University

Ruchika Singh
Director - Sustainable Landscapes & Restoration WRI India

Safia Agarwal
Forestry Officer,
The Food and Agriculture Organization (FAO)

Megha Datta
Director - Global Development Agenda at Geospatial Media and Communications

In India,

- About 1.5 billion parcels either remain un-updated or un-surveyed, as per our estimate.

- Lack of land record updating is attributed as the cause of 2/3rd of conflicts in Indian civil courts.

- Aim of conclusive titling to improve ease of doing business, improve land market and ensure inclusive growth remain a distant dream in absence of updated digital land records.

- DILRMP, has made substantive progress with
  Computerization of > 86% of land records
  Digitization of ~ 50% of cadastral maps
  However only 2% villages have been resurveyed.

- Forest Rights Act (FRA) has the potential to recognize the rights over 40 million ha; most of remain unmapped and digitized, though some rights have been recognized.

- About 15 million ha in North East lies largely un-surveyed and without land records, so as uplands in central Indian tribal geographies.

- New rights on homestead and agriculture lands to tribal, Dalits, landless and women not yet mapped.

- Regularization urban informalities like slums and unauthorized colonies require mapping solutions.

Releases during ILDC 2020

Effective Mapping Protocol for Forest Rights Mapping in India:

Insights from a Collaborative Field Pilot in Chhattisgarh and Odisha

NRMC FES CADASTA

India Land & Development Conference 2020

India Land and Development Conference- 2020

1ST NORTH-EAST LAND CONFERENCE

Conference Summary Report
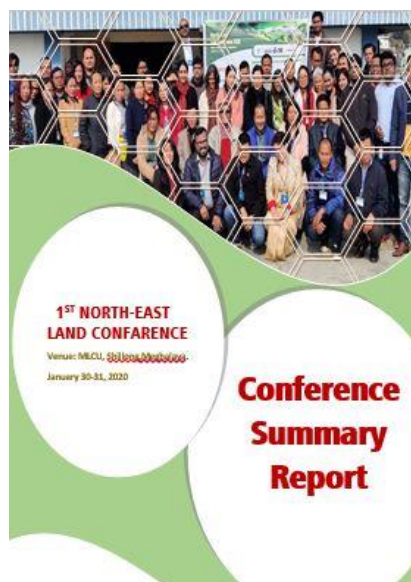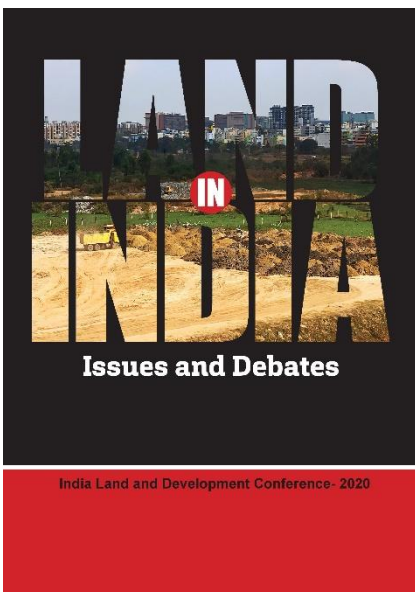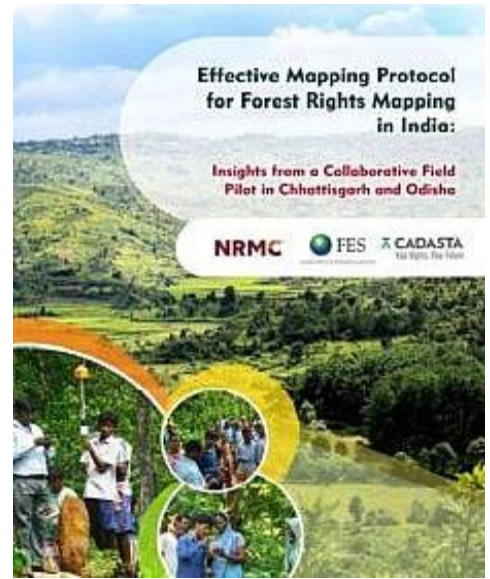
- Effective Mapping Protocol
- Land in India: Issues and Debate
- North East Land Conference Summary

Master Class during ILDC 2020

MC 1: Master Class on Socio-Ecological Approach to Livelihoods (SEAL) by (Foundation for ecological Security)

Presenter	*Mr Mihir Mathur, DeSTA, New Delhi*

MC 2: Master Class on Survey 123

Presenter	**Mr Frank Pichel, Chief Programme Officer, Cadasta**

MC 3: Master Class on Land Administration

Presenter	*Dr Dimo Todorovski, Coordinator masters specialization in Geo_Information Management for Land Administration*

MC 4: Master Class on India Observatory

Presenter	*Mr Chiranjit Guha, Principal Consultant Analytics, FES*

Panel Session Highlights

Session panel 1: Land Agro Forestry, Gender and Tenure

WRI INDIA

Moderator	*Ms. Marie Duraisami,* Senior Project Associate

Dr. Ruchika Singh, *Director, Sustainable Landscapes and Restoration, WRI India*

Dr. Devashree Nayak, *Agroforestry and Gender Scientist, South Asia Regional Program, World Agroforestry Centre*

Ms. Anupama Sreeramaneni, *COO, Araku Coffee & Head Agro Forestry Project, Naandi Foundation*

Mr. Yogesh Sawant, *Senior Programme Coordinator, BAIF Development Research Foundation*

Shri. Sugato Dutt, *IFS, APCCF, Social Forestry and Extension, Tamil Nadu*

Mr. Amba Jamir, *Executive Director, The Sustainable Development Forum Nagaland*

Key Takeaways

Agroforestry has been identified as a viable pathway towards achieving multiple goals of climate resilience, poverty alleviation, farmer welfare and environmental protection and promotion. It allows for farmers, both marginal and small to reap the benefits of increased productivity while simultaneously protecting the environment. These environmental benefits are gained through increased carbon sequestration through a concomitant increase in tree cover and reduction in land degradation. Seeing through agro-forestry as a mode of agriculture and environmental protection will not only aid farmers monetarily, it also allows the country to achieve its ecological goals as outlined in the Sustainable Development Goals framework and the Paris Climate Change agreement. It contributes towards increasing the carbon sink in the country, towards restoration of land and consequently the paybacks also accrue towards improving the livelihoods of farmers, in particular women, thus fulfilling a further number of SDGs. It is thus a holistic approach and is reflected well in India's National Agroforestry Policy (the first of its kind in the world), which should be given further impetus.

There is potential to develop 87 Mha under agroforestry. However, there are financial, legal and technical impediments to realizing this potential. There is a shortcoming in the allocation and utilization of funds, as well as the lack of careful channelling of funds and finance to those stakeholders requires it the most and will utilize it the best, namely small and marginal farmers who have thorough knowledge about local systems and land. There needs to be greater market facilitation for agroforestry products, which is under-developed at the moment and better technical assistance need to be provided to farmers regarding the species and methods to be used. This suggests the requirement of more coherent policy to address the multiple facets of agro-forestry more comprehensively. Legal restrictions need to be resolved and quality planting material needs to be provided to farmers. Technology is also at a nascent stage and needs to enhanced with regard to the sector to bring in greater benefits.

Multiple examples abound of successful agroforestry projects. For instance, BAIF's project WADI has enabled land restoration and utilization of degraded lands in different parts of the country, through small family farming, combined tree and crop models. This has led to the generation of timber and non-timber forest produce, firewood and other produce which has further generated local value-addition enterprises. This has a combined effect of improving farmer livelihoods, while also regenerating the environment. Other initiatives include Araku Coffee which employs a social enterprise model that ensures community and ecological well-being. The sustainable Development Forum in Nagaland raises the pertinent issue of recognizing and retaining local resource management practices and resisting the homogenizing influence of mainstream practices. This is essential because local knowledge of resource management ensures its protection and prosperity. Certification of products, particularly wood and wood products can enable profitability for farmers, through cultivation of trees for wood on their farms or private lands, while sparing forest lands the scourge of felling. Through community planning and a participatory approach, gender can be integrated in a meaningful manner. Participatory approach helps to harness the abilities of the farmers as a collective decision-making entity. Value addition enterprises and SMEs can be located near the agro-forests to promote commercial activity and increase profitability. Civil society organizations have played a crucial role in promotion of agroforestry, financing, technical assistance and exposure to markets.

Session panel 2: Realizing the potential of India's Forest Sector: Role of Innovative Technology and Finance- Special Session

Welcome Address	*Ms Seema Paul, Managing Director, The Nature Conservancy – India*

Panellists

India's forest sector: opportunities and challenges

Dr Sushil Saigal, *Program Lead-Lands, The Nature Conservancy – India*

Transformative potential of India's forests:
Contribution to people's health

Dr Abdul Kareem, *Head of Medicinal Plant Conservation Centre, University of Trans-Disciplinary Health Sciences and Technology*

Climate mitigation and livelihoods

Ms Amita Ramachandran, *Program Lead – India Climate Collaborative*

Key Takeaways

India's forests are a veritable storehouse of resources both in terms of environmental well-being and the material well-being of the people that live off the land. India is one of the most bio-diverse countries and its forests play host to approximately 300 million citizens. It has untapped potential to improve its biodiversity (8% of the world's flora and fauna) which in turn enhances ecological resilience and improves agricultural productivity thus helping to attain various SDGs. This potential can be unlocked through innovative technological and financing methods that are focussed towards the achievement of different laterals in the larger forest ecosystem and its stakeholders. The Finance Commission of India has recognized the importance of finance in enabling sustainability and livelihoods in the forestry sector and has thus recommended sharing 10 % of the shareable pool of resources towards states that have better forest cover. There is a strong legal and policy space in this regard with multiple schemes and policies released over the years, e.g National Green Mission, National Agroforestry Policy etc. However, more needs to be done and while there is great potential there are also great challenges.

Forest cover is rapidly depleting, with 15000 sq km of desertification each year. Fires, invasive use, reduction in common lands and maintenance of protected areas as islands within a sea of development are all part of an unsustainable trend. In terms of policy challenges there needs to be greater institutional capability, greater societal awareness, upgraded policy infrastructure, and improved R&D.

The medicinal plant industry is a good example of the challenges and opportunities in the sector. 1622 out of 6580 plants are actively in use in various indigenous systems of medicine. In fact, about 70% of flora are utilized by this industry. The industry's wellbeing impacts consumers and economic growth as 26% of production is exported. Some pioneering and innovative solutions to conserve and enhance this industry have been made through in-situ conservation of species, better R&D and creation of knowledge portals to disseminate information regarding the sector to users and practitioners and developmental experts. There have been efforts to institute a community managed scale up of the industry as it has implications on health security and livelihood security. Similarly, another example of landscape conservation reveals that the priority is to find a balance between national goals and policies and local level practices by overcoming the jurisdictional, political and financial barriers while creating synergies amongst all stakeholders. Landscape conservation focusses on lives, livelihoods, habitat, biodiversity, culture etc. and this yield immense ecological, economic and sustainability gains.

There are several recommended practices and resourceful ways to give a fillip to the forestry sector in India.

- The very first mandate would be to create partnerships and alliances amongst like-minded organizations to obtain the benefits of increased knowledge base, of economies of scale and to be able to obtain and target finance better.
- Economic incentives,
- Community partnerships
- Recognition and retention of traditional knowledge and practices
- Easing market access,
- Use of technology
- Acknowledgement of tribal rights
- All of these can enable productivity to co-exist with a viable conservation framework.

A people's movement with synergies across stakeholders and a shared pool of information and resources can help to create a comprehensive, cohesive and sustainable approach to conservation.

Session panel 3: Women and Land: Getting Ground Realities

Moderator	**Ms Shipra Deo,** *Director – Women's Land Rights, Landesa*

Panellists

Mr. Ishteyaq Ahmad, *Bavla Mahila Vikas Sangathan*

Ms. Sumitra Devi, *Landesa*

Ms. Nibha Sinha, *Ekal Nari Swashakti Sangathan (ENSS)*

Key Takeaways

The gender gap that persist in society is translated into land ownership and is in turn reified by it. Where women are denied their rights and entitlements in social and cultural domains, denial of land rights is one of the barometers of persisting gender inequality. The lack of land rights translates into a lack of agency and independence to conduct life in a dignified manner with emphasis on those aspects such as nutrition, education and financial security that enable empowerment. The denial of this right thus speaks to a greater trend of pervasive gender injustice and must thus be rectified with targeted and informed policy.

The FAO's Gender and Land Rights Database shows that women landholders are far fewer than men in the countries for which information is available. Of the women that are denied land access, the most vulnerable categories include single women – widowed, divorced, separated, never married and those whose husbands are missing. Most land records are registered in the name of men thus putting women at disadvantage. Where there is joint ownership, the cornucopia of laws and the legal hassle in asserting their rights, effectively disempowers the women in this regard. There have been instances of women being denied their rights through collusion by immediate and extended family members and revenue officials. This is an of the oppression faced within their homes by many rural women living in traditional households that are often hostile to the idea of women's agency and prefer to supress their voice.

These trends can be combated in the following ways.

Formation of women's collectives can strengthen women's agency and power, especially in the midst of hostile traditions and social conventions. Social barriers are more easily challenged if women come together to stake a claim for their rights.

It has been found that women who have greater awareness of their rights and entitlements can better stake a claim to demand them. It is also true that revenue officials responsible for land allocation, when schooled in gender sensitivity and trained in gender justice make more equitable decisions that benefit women. Thus, training both women and officials in these matters is bound to make a difference.

Session panel 4: Large Scale Land Acquisitions in India: New Act with Old Challenges

UNIVERSITY OF CAMBRIDGE

Moderator	Dr. Shashi R Singh, Department of Geography, University of Cambridge, UK

Panellists

Mr Sakharam Soumya, *Principal Development Specialist, Adjunct Faculty, NTPC School of Business*

Mr Tushar Dash, *Independent Researcher, Forest Rights Act*

Mr. Gaurav Kumar, *DGM, Environment, NTPC Ltd.*

Key Takeaways

The narrative of development versus tradition plays out in all its glory in the context of large-scale land acquisitions. The very process pits economic development against the rights of indigenous peoples and the environment and is often presented as a zero-sum game in which the losers are quite often local communities without agency. The law of eminent domain and adverse possession have all come under fire for bulldozing the rights of people over land and resources. Conversely, industry has argued that customary rights and an ill-defined land rights have compromised investment and economic growth. However, there could be a productive synergy between the processes of large-scale land acquisition and community development and prosperity that remains untapped. For this there needs to be an effort to undertake projects with community participation, clarity in legally enforceable land rights, security and predictability of tenure, sustainable and commensurate compensation and rehabilitation mechanisms. This will contribute towards preventing and resolving land conflicts and bring about economic development in a sustainable, participatory and equitable manner.

Land conflicts in India have erupted over mineral extraction, waste management, infrastructure, industrial structures, water management, fossil fuels, tourism etc. The Rights and Resources Initiative Report of 2016-18 found that infrastructure projects accounted for almost half of the land related conflicts and three quarters of land related conflicts involved common lands either forest or non-forest. 40 percent of land related conflicts involve forest lands, regions where customary rights of tribal communities are not recognized. Land acquisition by the government is major cause of land conflicts, involving 60 percent of all reported cases. Districts affected by left wing extremism and schedule V areas have 1.5 times greater number of land conflicts compared to the national average, together they account for one third of the total number of people affected by conflicts. The LARR Act of 2013 is a public purpose act which defines the provisions related to acquisition with clarity. It provides for enhanced compensation in a time-bound manner and for resettlement and rehabilitation to be an intrinsic part of the land acquisition process in a mandatory and time bound manner and prevents displacement before the R&R process is complete. It provides for a Social Impact Assessment prior to acquisition and requires the people's consent by 80% for private developers and 70% for Public Private Partnerships. There are also limits to using multi-cropper irrigated land and any unused land is to be returned to farmers.

There are some challenges to its implementation. Identification of beneficiaries' Primary Source of Livelihood is difficult given the multiplicity of economic activities they undertake through the year. Computing the compensation and multiplier effect is tough given that there is no uniformity across communities and their economic or ownership status. Assessing and evaluating the nature and extent of land ownership and tenure of beneficiaries itself is difficult if land records have not been maintained or updated or if there is variance between geo-spatial data and the tehsil records due to the prevalence of customary rights. Moreover, the very utility of the Social Impact Assessment in being able to accurately bring out the substantive issues and provide meaningful inputs on the nature of impact and type of compensation have been questioned by experts. As a case in point, Vedanta-Cicero conducted a perception study in their area of operations in Jharsuguda, Orissa which threw up some similar challenges. The people affected had very low levels of trust vis-à-vis the company and were concerned about job opportunities post the re-settlement and the pollution and health concerns that would come up due to the plant operations.

Some recommendations both generic and those found through Vedanta's study are as follows:

- The land records of project affected areas must be updated and to this end, revenue official should be involved and attempts should be made for maximum accuracy in discerning entitlement parameters, inclusion/exclusion etc.
- Social Impact Assessment must be time bound and must be followed with the process of obtaining consent in a logical progression
- While calculating compensation an accurate, yet generous multiplier factor must be utilized to ensure adequate reimbursement
- Improve communication with the PAFs to build trust at all levels - official, community and industry to ensure synergy
- Jobs must be provided to project affected families, particularly women, so that they do not fall into a debt-trap and are well-provided for in terms of financial means and livelihood. Educational opportunities can also be provided for children of such communities in tandem
- Any fallouts in terms of pollution or environmental damage should be avoided or rectified and health facilities should be made available.

Session panel 5: Industrialisation and Land Related Issues: SEZs and Industrial Corridors

ISID
Institute for Studies
in Industrial Development

Moderator	***Prof Ramaa Arun Kumar,*** *Assistant Professor (ISID)*

Panellists

Dr. Hariharan Ramchandran, *Visiting Professor, ISID*

Prof. Amitabh Kundu, *Distinguished Fellow, RIS*

Shri L. B. Singhal, *Development Commissioner, Noida SEZ*

Key Takeaways

Special Economic Zones were heralded as a new era in the industrial progress of the country. The availability of land on reduced tax or tax-free terms was though to usher in increased investment in the manufacturing sector, which would further result in growth of the sector , creation of myriad employment opportunities and bolster economic growth. However, the operation of this sector has run into practical difficulties of land acquisition, particularly the diversion of agricultural land to industrial uses. There has also been large-scale diversion of land for purposes other than those intended thus calling out the dubiousness of the entire enterprise. It is necessary to shed light on these developments and assess how they can be rectified so that SEZs can resume their intended function and achieve their envisioned objectives.

India is often said to have skipped the manufacturing phase in its economic growth trajectory. The duration of manufacturing growth potential was rather short-lived in the country and it entered a phase of de-industrialization rather quickly as a consequence of the meteoric rise of its services sector. However, manufacturing, particularly rural industrialization, is a crucial component in alleviating poverty and generating employment in the country. The Land Acquisition, Resettlement and Rehabilitation Act (LARR Act), 2013, is seen as striking a balance between the needs of industrial land acquisition and the welfare needs of project affected families. However, even through the mechanism of this act, challenges remain. While compensation forms a rather negligible portion of total project costs, the opportunity cost escalates as a consequence of the process of resettlement and rehabilitation which poses inordinate delays in establishing industrial projects. The NCAER State Investment Potential Index (N-SIPI) rose in states where land was not included as one of the inputs for investment except for states such as West Bengal, Uttarakhand, Chhattisgarh and Tamil Nadu which attests to the constraint that land acquisition costs and delays impose on industrial activity. There have been huge acquisitions of land under the SEZ Act since 2005 which have not translated into economic activity. The under-utilization of land can be attributed to commodification of land, the provision of loans against land as a commodity in itself and due to the imposition of the Minimum Alternate Tax. The imposition of MAT since 2011 has proven to be a disincentive to manufacturing firms in establishing units of SEZ land or procuring parcels of such land.

There are a number of recommendations to ameliorate the current state of affairs as evidenced by the recent experience of various states:

- Mechanism for speedy resolution of land disputes
- Time bound completion of resettlement and rehabilitation measures
- Tier 2 and 3 cities to be encourage to set up SEZs as has been done in the case of Lucknow, Chandigarh, Mohali etc.
- To utilize the existing SEZ land, land allotted to sectoral SEZs should be opened up as multi-product SEZ zones
- Land requirements can be made less onerous for example in Nagaland and Tripura the minimum area requirements for SEZs have been halved

Session panel 6: Innovative finance and market mechanisms (Special Session)

The Nature Conservancy
India

Facilitator	Dr Bhawani Shankar Tripathy, The Nature Conservancy – India

Panellists

Dr Promode Kant, *Adjunct Professor, Advanced Institute of Wildlife Conservation, Chennai & Director, Institute of Green Economy*

Prof Purnamita Dasgupta, *Chair in Environmental Economics and Head, Environmental and Resource Economics Unit, Institute of Economic Growth*

Ms Mahua Acharya, *Asia Director, Climate Policy Initiative*

Mr Himraj Dang, *Senior Advisor, Olympus Capital*

Mr Jayant Sarnaik, *Founding Member & Joint Director, Applied Environmental Research Foundation*

Dr Jagdish Kishwan, *Chief Executive Officer, GICIA India Pvt. Ltd.*

Key Takeaways

The forests sector in India, as elsewhere, is a veritable treasure trove of resources, for both human and environmental development. The cultivation of forest resources can provide employment to millions, conservation can ensure the well-being of forest dependent communities and tribes, intelligent utilization can boost economic growth through the development of both a domestic market and by tapping export potential. However, financing for these activities and development of the forest sector at large remain limited to government sources and thus the latent potential of the sector remains unexploited as yet. Public capital will not suffice for this purpose and thus innovative financing models that attract private sector investment become crucial.

Investment into the sector should focus on one of three things: 1) mass-scale reforestation 2) drive capital flows to the forestry sector 3) supplement farmers' income – these three addresses the climate change NDCs at the Paris COP and the Sustainable Development Goals at large of increasing ecosystem services, increasing carbon sink and sequestration, alleviating poverty and generating gainful employment. The challenges that face any investment into these areas are the following:

- Cumbersome regulation on harvesting and marketing of agroforestry products
- Volatility of agroforestry product prices e.g. wood, timber and pulp
- Lack of price discovery mechanism
- Lack of good quality planting material
- Probable tree loss and mortality due to natural disasters
- Minimal financial and insurance coverage
- Bureaucratic regulations on harvesting that cause delays and cost overruns, in addition to corrupt practices

For financers and investors, the sector presents a great deal of risk as forestry assets are illiquid in nature, there is a long investment horizon, lack of sufficient track record of industry in the emerging sector, policy and regulatory risk and high transaction costs owing to small size of land plots and high due-diligence costs.

- In order to address these issues a number of innovative mechanisms have been suggested
- Aggregation mechanisms can address some of these barriers to investment by forming a long-term contract with the private sector thus increasing economies of scale, aiding price discovery, reducing price volatility etc. Such an aggregate mechanism can more easily acquire finance and insurance cover. In terms of farmer welfare, it can procure good quality planting material, organize better marketing strategies and can eliminate the middlemen thus enabling better price realization for the farmers.
- Madhya Pradesh which has the largest forest cover of over 80000 sq. km has seen a degradation of about 36000 sq. km, which are no longer performing ecosystem services. Two suggested ameliorative measures are procuring ecosystem service loans from the World Bank and to promote wildlife tourism. The scale of the World Bank loan will enable a number of activities related to water recharge, soil conservation, minor forest produce, carbon storage etc. could be significant. Wildlife tourism would also create an enabling environment for local community employment generation, as evidenced by studies in Ranthambhore.
- Finally, India could take a leaf out of the playbook of countries such as Canada, Australia and the United States which have undertaken Forest Certification as an innovative financing tool that bolsters environmental, social and economic efforts. However, it must be borne in mind that Forest Certification is driven by environmental concerns in these countries, whereas India operates through external, business induced demand. This must be altered if forest certification is to contribute to conservation and rejuvenation of ecological resources and community development to meet India's Paris Commitments and SDGs and not degenerate into another mechanism for profiteering and elite capture.

Session panel 7: Resource Revenue Sharing: DMF Experiences from Mineral Rich States

UNIVERSITY OF
CAMBRIDGE

Moderator	*Dr. Shashi R Singh,* Department of Geography, University of Cambridge, UK

Panellists

Mr Chandra Bhushan, *President & CEO, Iforest*

Dr Amar Patnaik, *Hon'ble Member of Parliament, Rajya Sabha*

Prof Sumita Sindhi, *Assistant Professor, IIM Sambalpur*

Session panel 7: Resource Revenue Sharing: DMF Experiences from Mineral Rich States

Key Takeaways

For a long period of time, approximately 17 years, mineral rich states such as Orissa, Jharkhand, Madhya Pradesh and Chhattisgarh had been petitioning the Central government to institute a fair and equitable resource revenue sharing mechanism. The States argued that there were heavy negative externalities in the form of social and environmental damage, for which the states and its people were not sufficiently compensated. In pursuit of this request, in 2006, the government constituted the Hooda Committee which deliberated on a possible mechanism. Thus, in 2015 the Mining and Mineral Development Regulation Act (MMDRA) was amended and a provision inserted – 9 D - which mandated constitution of a district mineral fund (DMF) for every such mineral rich districts. This provision addressed the larger issue of the resource curse in these districts where inspite of the presence of massive resources, human development indicators were very poor. In India there are roughly 50 districts, concentrated in Orissa, Jharkhand, Madhya Pradesh and Chhattisgarh which generate 85% of the mineral wealth of the country. Most of these districts have very poor socio-economic indicators and are aspirational districts. The DMF has been incorporated in each district as a trust, whose Executive Committee is headed by the Collector and has representation from the MLA/MP of the constituency and the local bodies. However, there is no community representation. The MMDRA law is effective in as much as it targets beneficiaries affected by mining activities, has defined focus areas for development intervention and has a significant financial corpus with non-lapsable funds directed straight to mining districts. People with user rights, traditional/customary rights, those displaced or who lost lands or forest usage under the FRA, 2006 are all eligible for compensation. The law also mandates decentralized, bottom up planning.

However certain issues have cropped up in the implementation.

- How are affected areas defined? Direct and indirect costs and impacts can stretch much further than the immediate mining area thus muddying the waters in determining who is eligible for compensation and to what extent
- Although the rules categorically state that money must be spent on social and economic indicators, most of it is spent of physical infrastructure, which mostly does not yield any benefits to the people
- Although money is allocated it is not spent appropriately due to a lack of planning and ad-hoc selection of projects without a baseline study of what the community really needs. For example, in Singrauli, only 0.9% of the amount is spent of drinking water purposes and less than 1% or rural households have access to safe tap drinking water.
- Lack of planning on how to execute the budget
- No involvement of community members in decisions regarding projects for which money is spent- decisions are top-down - in Sundagrah district the website for DMF mentioned only the line departments as stakeholders and did not mention any community members or Gram Sabhas
- Overlap in the mandates of various schemes e.g. CSR and local DMF and other local schemes and overlap in functions of line departments due to lack of cooridnation
- No need based, analysis of gaps to narrow down the project options as per community requirements
- There are either too few executing agencies vis-à-vis the amount of funds and scale of projects or there are too many agencies colliding with one another and overlapping mandates
- Despite the main aim of the DMF being to address the environmental damage, very little to no money is spent on tackling this negative externality; physical infrastructure is given priority

Recommendations to improve the current state of affairs are as follows:

- Conduct an assessment of socio-economic indicators to see whether physical infrastructure has improved their well-being
- Better planning and coordination amongst executing agencies to zero in on those projects that are of greatest benefit to the community
- Coordination between line departments and community stakeholders to better identify needs and aspirations
- Ramp up the number of executing agencies commensurate with the extent and scope of projects and fund allocation to ensure better utilization
- Involve community members as executives and involve CSOs and NGOs for handholding to ensure for substantive community participation

Session panel 8: Caste, Land and Social Justice

Moderator	***Ms Shivani Chaudhry**, Executive Director, Housing and Land Rights Network*

Panellists

Mr Lalit Babar, *General Secretary, National Federation of Dalit Land Rights Movements*

Ms Roma, *Deputy General Secretary, All India Union of Forest Working People*

Dr Richard Devadoss, *Convenor, South India Coalition for Land Rights*

Mr Jai Singh, President, *Dalit Dasta Virodhi Andolan*

Mr Vincent Manoharan, *Chairperson, National Federation of Dalit Land Rights Movement*

Mr Dilraj Singh, *Legal Advisor, Volunteer for Social Justice*

Key Takeaways

The relationship between housing, land rights and caste are intrinsically linked to a larger narrative of discrimination and dispossession. Scheduled Castes and Scheduled Tribes, Adivasis, Dalits etc. suffer disproportionately in terms of accessing housing or staking claim to land rights as they are often the most marginalized in terms of entitlements and ownership. This situation needs to be rectified through a more intensive and focussed policy framework.

There are acute levels of discrimination against SC/STs and a nexus between land and caste that speaks to the role of land as an exclusionary instrument that it being used to deny Dalits their means of livelihood and basic equality and dignity of life.79% of Dalits possess land holdings of less than 2 hectares. What comes to the fore more than its economic value, is the necessity of land as a form of identity, which is eviscerated by the measly holding they possess if at all. Rectifying this situation feeds into a larger process of gender, economic and social justice. All states have land laws that were designed to give land to the tillers. This however, remains a dead letter as the remnants of colonial landlordism have concentrated holdings in the hands of zamindars and larger upper caste farmers. Loopholes in these laws have enabled such elite appropriation of land and political will to remedy the situation remains poor. Of the 70 million people displaced since Independence, 20% are from the SC community and 80% are Adivasis. 23% of forest land is under the control of state revenue departments, even though no law provides for such state appropriation of common land. Of these lands, several forest or tongya villages in which Dalits are primary dwellers, have been razed to the ground to make way for development projects. The areas where Dalits reside do not show up on revenue maps; their identity is obfuscated. Under the NREGA scheme, it has been seen that Dalit labourers are reluctant to work for larger upper caste farmers due to the intense discrimination they face at their hands. Gender equity is also under fire - it has been shown that where women have access to forest lands, the female sex ratio is much higher as women have greater economic independence. However, women most often face the greatest brunt of violence and ostracism within the Dalit community and are the most marginalized. Even though 99% of farm work is done by women, they have no rights or facilities and there are no schemes catered to addressing their particular grievances within the larger issues facing the SC/ST community.

A case in point is that of Panchami lands in Tamil Nadu, wherein under the British era Depressed Classes Land Act, 12 lakh acres were allotted to the Panchami or depressed classes. Today, however, these lands are taken over by the government for various purposes. Even those with pattas have no access to the land, if they have the pattas at all. In addition, they face tremendous damage to whatever little land exists due to hydrocarbon extraction in the vicinity that creates saline, alkaline drinking and farming water thus destroying crops and health. Here as well, women bear a disproportionate load of the loss.

- Much remains to be done; a limited but essential set of possibilities are outlined.
- They should be given at least 5 hectares of arable land,
- 10 cents of homestead land,
- land for cremation and burial (land serves a spiritual and cultural purpose in coping with social discrimination),
- surplus land should be allotted to these communities and
- fast track courts should be established to deal specifically with the land disputes that the community faces.
- More than 2 lakhs allocated for housing through the Indira Awas Yojana

This is a project in redistribution of wealth, power and opportunity, within a larger purpose of social justice as outlined in the Sustainable Development Goals.

Session panel 9: Land Agenda 2030 Conclaves: Convening on SDG 5 a 1: Stocktaking & Way Forward

Moderator	**Dr. Govind Kelkar,** *Senior Advisor, Landesa*

Panellists

Mr R B Sinha, *Joint Secretary, Ministry of Agriculture, FAO*

Ms Shipra Deo, *Director – Women's Land Rights, Landesa*

Dr K P Soma, National Facilitation Team, Mahila Kisan Adhikar Manch (MAKAAM), and Executive Team, Community Forest Rights Learning Alliance

Ms Kanta Singh, *Country Program Manager, UN Women India*

Ms Nafisa Barot, *WGWLO*

Key Takeaways

As India moves a decade closer to its commitments towards the 2030 Sustainable Development Goals, there must be a process of evaluating how far we have come. This session looks in particular at the progress made towards achieving SDG 5a i.e. the promotion of women's land rights in the broader context of protection and promotion of gender equality in relation to land. Issues that pervade the development narrative on land such as ensuring security of land tenure for example all have a bearing on women's development and empowerment as well. It is this intrinsic linkage that requires further exploration and elucidation of ways forward, by engaging stakeholders at multiple levels and bringing to the fore matters related to data sources, collection, interpretation and utilization, without which a substantive assessment of the country's current position and obtaining direction for future courses of action will not be possible. What is the connection between SDG 5a and the right of women to own and control agricultural land in state policy and customary institutions?

There has been large-scale feminization of India agriculture wherein women cultivate the land and are responsible for it; however formal credit institutions still provide finance only in the name of the owner of the land, who is usually the male member of the household thus further disempowering women. 83% agricultural land is inherited by males whereas only 2% of land is inherited by women. Post-independence, land to the tiller concept automatically assumed ownership by males thus subsuming the work and identity of the women. There are different layers of personal laws and constitutional or statutory provisions that overlap in determining women's land ownership rights e.g. the Hindu Succession Act, Muslim Personal Laws, the Indian Constitution, state laws etc. Another barrier is the social ethos- despite empowering provisions for land ownership, for example under the Hindu Succession Act, women are reluctant to come forward to stake their claim during land divisions. Some states apply personal laws for inheritance, others are silent on which laws apply. In some states there are specific provisions for inheritance in which there is outright discrimination against women e.g. in Punjab, Haryana, Delhi etc. In most cases women are not the primary heirs. In U.P., inheritance laws pits inheritance against marriage - inheritance only to unmarried daughters. The intersectionality of patriarchy and class devalue the work of women. Women are also under an increasing burden on reproductive work thus denying them an ability to build their resource base and independence.

It is difficult to measure how far states have progressed on these goals because gender disaggregated data is not available and there are no indicators in national or state level policies that enable assessment of operational land holdings. Without indicators there can be no monitoring or measurement. Only after the 8th Five Year Plan did the Central Government mandate the inclusion of women's names in land records and pattas. Very often, under social pressure women give up their legal shares in joint holding for purposes of preventing land fragmentation. There is a lack of focus on public land holdings upon which most women are dependent as opposed to privately held land. Women farmers are not recognized as a category (the 2007 National Agricultural Policy provisions have not percolated to the ground yet and most governments seem unaware of this provision of women as farmers). Statutory laws are influenced by adverse social gendered norm.

Recommendations to promote women's rights in land ownership.

- Gender disaggregated land ownership information is required
- Have policy to disincentivize daughters from giving up their share in inheritance
- Invest in promoting and supporting women to access their land and other related entitlements, e.g. institutional mechanisms such as Paralegal Workers and Swa Bhoomi Kendras at the block level
- We need better data systems and visibility of the work that women perform
- Government needs to invest in creating awareness among male members, relatives and the village heads
- Integrate gender perspective in the syllabus of relevant government officials such as talatis regarding their role in maintaining land title records, measures to be taken when the 'varsai (inheritance)' takes place in ensuring women are not left out
- Legitimate spaces (platforms) for civil societies should be established, for regular dialogue with the government and establishing gender sensitive participatory public monitoring mechanism to inform all and work towards the common goal
- Enhance women's access to technologies

Session panel 10: Innovative technology as a game changer (Special Session)

Panellists

Dr Devendra Pandey, *Former DG, Forest Survey of India*

Mr Sagar Mysorekar, *GIS Head, The Nature Conservancy – India*

Prof Surya Durbha, *Associate Professor, Centre of Studies in Resources Engineering, IIT Bombay*

Dr Ruchika Singh, *Director - Sustainable Landscapes & Restoration, WRI India*

Mr Ishan Agrawal, *General Manager (Programmes), Foundation for Ecological Security*

What more? Beyond finance and technology

Key Takeaways

New age, cutting edge technology can be used to fruition in forest sector for purposes of increased productivity, catering to market requirements and enhancing market access, conservation efforts, restoration and regeneration efforts etc. This can contribute overall, to goals that outline in the Sustainable Development Goals and to improve the health and potential of forest ecosystems in the country.

Compared to other sectors, the closest being agriculture, the uptake of technology has been in rather slow progression in the forest sector. The coupling of data and technology can be very useful for conservation and restoration efforts, for example in watershed management. For instance, the India Observatory provides comprehensive information on India's social and economic parameters on a spatial and temporal platform for informed decision making on nature conservation and enhancement of livelihoods. Similarly, tools designed by the FES team helps in enhancing data access for wider civic engagement and livelihood initiatives such as NLRM. There are numerous examples of the use of technology to enhance the possibilities of forest sector. For example, clonal technology and tissue culture are cutting edge tools that can enhance productivity. A novel idea to reduce deforestation has been to utilize discarded cell-phones. The cell-phones are attached to the trees to monitor any chainsaw activity- the phones capture the data in real time and precise locations are shared by alerting the authorities. Similarly, drone GIS and GPS can be very valuable in reforestation efforts wherein the technology is used to identify prime spots for seed planting. This speeds up the process of planting and growth. In addition, drone flights to monitor their growth can ensure an increase in survival rates. Newer technologies are also very precise which greatly aids the process of forest conservation by identifying areas that are in danger of destruction or are prime areas to build the quality of forest cover.

A number of recommendations have emerged from the discussion on the use of technology:

- Integrate skill development with the use of technology to train and enable livelihood enhancement
- It is important to integrate different datasets for more robust planning that includes bio-physical, social, economic aspects
- The participation of communities, forest dwellers and other relevant stakeholders must be ensured to prevent technology from creating elite capture or disempowering any groups
- Data should be an open source resource that can be freely accessible to all, particularly to concerned stakeholders
- Collaboration and catalytic changes from other sectors need to be incorporated in the forest sector as well

Session panel 12: Claims, Contestations and Citizenry among the Informal Settlements

Moderator	*Prof Atanu Chatterjee*, Lecturer (Xavier Centre for Urban management and Governance-XUB

Panellists

Prof. Darshini Mahadevia, *Programme Chair, School of Arts and Sciences, Ahmedabad University*

Shri Shishir Dash, *Tata Trusts*

Ms Shivani Chaudhry, *Executive Director, Housing and Land Rights Network*

Key Takeaways

Contested citizenship of and by the urban poor has become the major narrative in subaltern politics in urban areas. Informal settlements in urban and peri-urban areas are often viewed as encroachments of formal urban land systems that need to be dismantled. However, a movement of the urban poor in the context of "beautification" of cities has heralded a new chapter in the story of assertion of rights and entitlements, security of tenure, freedom from fear of eviction and decent standard of living and a re-evaluation of the place of the urban poor within the larger urban ecosystem. This represents a pushback against the contemporary vision of urbanization that excludes the urban poor. The intervention by state and non-state actors in providing housing and slum development for the urban poor also leads to a re-articulation and re-evaluation in the status and citizenship rights of the urban poor.

The paradox is that cities can spur economic growth and help reduce poverty - however it presently functions as an exclusionary space which further exacerbates existing inequalities and vulnerabilities. The contemporary vision of urbanization excludes the poor. Three questions can be posed in evaluating this scenario: 1) How does the manifestation of urban development create exclusion 2) how do the poor negotiate their rights and entitlements 2) how do housing plans by state and non-state actors affect "informal settlements"?

Informal settlements are definitionally problematic in as much as they become a legitimization of qausi-rights and quasi citizenship. Cities largely witness incremental and "jugaad" citizenship, sense of belonging and yet being invisible. There is a divide between formal and substantive citizenship. This situation has come about through a potent combination of political systemic biases and social inequality. These populations experience multiple vulnerabilities. In this situation, where earlier the state would determine citizenship, this process has been co-opted by private actors leading to further marketization on urban land and speculative urbanization which is most detrimental to the marginalized. The entry of market players has resulted in impunity in the subversion of citizenship rights of the poor. The urban poor lack documentation and their identity and political legitimacy is thus eviscerated. Restoration, re-settlement etc. are all a euphemism for gentrification and segregation. Land pooling and land banks are code for grabbing public land. The trend has been to relocate the poor to settlements on the peripheries of a growing city, where they are far away from their sources of livelihoods. As an alternative, they are re-situated in high-rise building close to their original slum area, but can hardly afford the maintenance or rent to continue residing in this state-built or private sector built poor housing. The poor want land and finance in order to determine their housing for themselves in keeping with cultural sensitivity and livelihood adequacy all of which are a function of requisite housing. New subversions are in play, by using climate change, ecological reasons, disaster management and security to delegitimize the poor. Since there is no data on evictions in the country, HLRN started the Nation Displacement and Eviction Observatory which showed that 47% of evictions in the past 2 years have been in the name of "beautification" or slum development. Of the documented cases of evictions, only 30% received resettlement benefits.

In Orissa, some best practices have been identified. Over 3 lakh families have no documents. There has been a movement from land rights to land entitlements thus avoiding the delay that land rights classification, location, registration all bring to bear in the process. The Orissa Land Rights to Slum Dwellers, 2017 has been a good movement to provide re-settlement benefits to 40% of the city's population that lives on 2.5% of the land. Orissa has adopted slum re-densification strategy which is an in-situ movement within the slum from tenable to untenable land thus respecting the effort that families took to build their homes, their need to be close to their place of work, cultural requirements and to prevent the struggle and distress of moving to another place where they have no roots or social and economic safeguards in place.

Some recommendations for the urban planning and housing sector are the following:

- Human rights approach to urban planning – adopt human rights indicators, human rights impact assessment of vulnerability to projects etc.
- Evaluate existing scheme e.g PMAY on whether the most marginalized are receiving benefits (there is no definition of what is affordable and for whom)? Perhaps it could be re-oriented to first ensure homes for the homeless?
- Link rural and urban policies to address rural migration into cities
- Link housing and land policies for coherence
- Utilize a citizen-centric, rights-based approach to planning
- Flexibility in housing and re-location options to reflect the local realities and people's actual needs
- Learn from other nations- e.g. Latin America's social function of land – if land is not being used, redistribute it. Also, in Latin America, security of tenure is granted within 5 years - in India is takes 30 years of continuous dwelling which is an onerous requirement especially for itinerant workers and their families who move depending on the source of their income.
- Pursuant to the previous point, provide easier legal tenure and re-orient money used for shelters for itinerant stay into provision into rent that can be paid in state or collective housing schemes, because the poor will only stay temporarily at shelters. This will help give them at least a semi-permanent home.

Session panel 13: Community Perspectives and Initiatives in Wetland Conservation – Experiences, Challenges and Possibilities from across the country

FES
FOUNDATION FOR ECOLOGICAL SECURITY

Session Anchor	*Mr Ranjan Panda, Water Initiatives*

Panellists

Linking Ecological Security with Water Security: Perspectives from India' Diverse Aquatic Systems
Dr Jagdish Krishnaswamy, *Senior Fellow, Centre for Bio-Diversity and Conservation, ATREE, Bangalore*

Traditional Water Harvesting Structures as Vital Wetland Eco-Systems: An Overview
Mr Indira Khurana, *Vice Chair, Tarun Bharat Sangh*

Innovations and Learning from Wetland Conservation in addressing Climate Challenges

Mr Richard Mohapatra, *Centre for Science and Environment, New Delhi*

Experiences in Reviving Traditional Water Harvesting Structures: Community ownership and Empowerment
Mr Prasanna Khemariya, *CEO, Srijan, New Delhi*

Key Takeaways

India has more than 225 rivers, it is blessed with abundant groundwater, an extensive coastline, numerous lakes and springs and yet the country battles water scarcity. 54% of the country faces high to extremely high water stress while floods affect 3 million people annually. The implications of water scarcity are manifold namely crop failure, drinking water crisis, vulnerable state of food security and resultant hunger and poverty. Ecological security is thus closely linked to water security.

Land cover on wetlands is a very complex issue. Grasslands carry more water since evapotranspiration rates are higher in these areas. Unplanned tree planation drives are wrecking this system. In rainforests, evapotranspiration enables the water to return as rainfall. Studies have proved conclusively that evapotranspiration in the Western Ghats have resulted in rainfall in the Eastern Ghats. The country also has an abundance of free-flowing interstate rivers with incredibly important sediments. These sediments however are devalued for their ecological benefits and are constantly being removed in the process of construction of dams, embankments, canals etc. Desedimentation is a very destructive process, stripping away crucial nutrients and minerals and soil value. Sediments prevent soil erosion and also maintain the ecological balance in coastal areas. However, there is no sedimentation management policy in the country that considers this crucial role that sediments play. Land mafia and the construction industry mine sand and sediments thereby denuding and destroying riparian and marine ecological systems. Another case in point are the mangroves which are pertinent as a carbon sink and for carbon sequestration as well as for preventing soil erosion and abating the effects of extreme climate events such as cyclones. These have also been destroyed systematically thereby rendering coastal ecosystems vulnerable to the adverse impacts of climate change.

In light of the experience of the panellist's and numerous studies conducted on these matters a number of measures were suggested:
- To attain water security, we can increase the process of rainwater harvesting. A case in point is Kerala in which roofs are used to collect and recharge well-water, talaabs in Madhya Pradesh, Jal Sahelis in Bundelkhand,
- It is necessary to involve local people and encourage them to take ownership of water harvesting processes
- Need to find ways to use re-captured on recycled water to replenish groundwater sources as well
- Need for sediment and mangrove policies in the country to address the desertification and salination of both delta areas and the increased vulnerability of coastal areas

Session panel 15: Prioritising Commons in Development Policies and Programmes

FES
FOUNDATION FOR ECOLOGICAL SECURITY

Chair	**Dr.T.Haque,** *Ex-Chair, Land Policy Cell, NITI Aayog*

Panellists

Role of Commons in Improving Livelihoods

Mr Mihir Mathur, *DeSTA, New Delhi*

Contribution of Non-Forest Commons to Nationally Determined Contributions (NDC)

Ms Himani Sharma, *Foundation for Ecological Security (FES)*

Discussion on reflections and inputs from parallel session on Wetland Conservation/Water Commons

Mr Ranjan Panda, *Water Initiatives, Odisha*, **Satya Narayan Patnaik,** *Seva Jagat, Odisha*

Discussion on reflections and inputs from parallel session on Forest Tenure/Commons

Mr Mohan Hirabai Hiralal, *Vrikshamita, Maharastra*

Discussion on reflections and inputs from parallel session on Pasture Commons

Mr Purnendu Kavoori, *Faculty at Azim Premji University, Bangalore*

Key Takeaways

The tragedy of the commons is not merely and ecological tragedy, it is a tragedy of livelihoods and well-being of a large section of the population that lives in forest areas. Not only have common lands and water bodies been sullied through commercial, they have been sold to private developers thus extinguishing the very lifeline of forest dwellers who depend on these areas for their food, fodder, shelter and livelihoods. Where traditional lands have been retained with the forest dwelling communities, this possession remains nominal. The state forest and revenue departments exercise true control and have dismantled all forms of traditional knowledge systems and practices that enabled man to live in synergy and harmony with nature and its occupants. What then is the way forward?

The existing forest ecosystem had previously maintained a happy balance through a synergy between the social order and the ecological order. The ecological order provides the means of existence for the social order. But with privatization, rampant over-utilization of resources has upset this order. While the Forest Rights Act, 2006 allows for community ownership of forest lands, it has been seen that in practice this ownership is weak and susceptible to manipulation. There have been calls for mainstreaming the commons. However, this idea may be double edged sword. The biggest problem with mainstreaming is a sense of universalism that pervades the administration. This is problematic since commons don't exist at the global level, they are very much embodied by and embedded in the local context. This is not to say that commons are a micro-entity- they are trans-regional and spatially multiple. The tragedy occurs because no value is placed on it – it belongs to everybody and nobody. Commons cannot be reduced to a mere exchange value – they have multiple overarching values to the communities that occupy them. However, commodification of the commons has reached such an extreme that it has become destructive. Traditional knowledge of the local communities had marinated the ecological balance. However, one must also question the equity of traditional systems and whether they are truly inclusive- i.e. traditional knowledge and practices cannot be accepted in their totality, but through evaluated moderation. In any process of mainstreaming of the commons there should not be a loss of community.

Recommendations:
- The Gram Panchayats need to be strengthened and more unified so that they can stake their claim to resources more forcefully
- All processes need to be participatory and inclusive
- Gender equity must be taken into consideration – women often derive their livelihoods from the resources of the commons and their financial independence must not be compromised as it can accrue great welfare gains for women and children especially around their health and education in the long run
- Integration of local and traditional knowledge systems and practices into modern scientific methods of conservation, restoration and revitalization and administration at large of the commons

Session panel 16: One City Many Faces: Lal Dora Lands in Delhi

Chair & Moderator   *Dr. Nivedita Haran, Retired Additional Chief Secretary, Government of Kerala, and Professor at JNU*

Panellists

Mr A.K Jain, *Former Commissioner Planning DDA*

Mr P P Srivastava, *IAS (Retd), Member NDMA, Ex-Vice Chairman, DDA,*

Mr Paras Tyagi, *Founder & President, CYCLE*

Dr Ruchita Gupta, *Assistant Professor, SPA, New Delhi*

Adv Sanjay Poddar, *Senior Advocate, Delhi High Court*

Key Takeaways

The Lal Dora areas of Delhi which are remnant of the land acquisition drive of the Government of India in 1960, now face an existential challenge in the context of recent policy developments. While Unauthorized Colonies in Delhi are now being conferred formal and legal ownership rights and tenures which further provides security of lives and livelihoods, the Lal Dora areas remain outside the purview of this development. This process is perhaps most important for the Lal Dora villages, where poverty and historic practices of exclusionary and unregulated planning and development have led to isolated pockets of developments i.e. urban villages in which residents have created unsustainable, vertical, structurally unsound, rentier colonies that lack basic infrastructure and facilities. This causes an abysmal standard of living and the area could easily become the epicentre of disease, morbidity and mortality. In light of the Delhi's Land Pooling Policy of 2019, perhaps it is worth our while to take a re-look at how to administer and develop these areas in the near future.

These areas have always been outside the purview of city planning practices. No official records are maintained, including records on transfer and purchase of property. Legislative exemptions were created to socio-cultural and historic fabric of these lands. There is lack of official clarity on the definition/constitution of these villages which leads to further marginalization and unregulated, unplanned development. There has been massive loss of agricultural lands as a consequence of acquisition of development and infrastructure projects and also to further develop the peripheries of urban areas as urban gentrification proceeds apace. Residents are unable to access formal finance and unable to regularize or establish small business for their livelihood. Income generating opportunities are thus greatly circumscribed. In addition, the residents live in perpetual fear and insecurity of eviction or loss of home due to the lack of institutionalized property/land documentation. There is dearth of social infrastructure such as schools and hospitals which disproportionately impact the standard of living of women and children. Low levels of awareness amongst the community members about legal reprieve and the commensurately low levels of engagement with government authorities have led to the proliferation of informal patronage networks. From the point of view of government agencies and voluntary organizations working for the welfare of the Lal Dora residents, there is a paucity of data and information pertaining to these areas particularly government land revenue/records data. Much legislation pertaining to this area are in limbo and there is insufficient legal precedent and policy response to address the challenges of this area.

Policy suggestions include:

- Develop contextual, village-level plans to preserve the socio-cultural, spiritual, and historical connection of people with the land, with appropriate and customized development control tools and planning standards.
- Need for a bottom-up approach to planning led by community members and supported and guided by experts within the proper legal framework with access to sources of finance - which could include municipal, local sources of finance.
- Land pooling and other Public-Private Partnership models to be explored after consultations with the community, as a means to improve infrastructure in these urban villages.
- Need for more inclusive platforms with multiple stakeholders including community members, government functionaries, urban planners etc to ensure the specific issues related to the legislation and governance of Lal Dora lands are reflected in ongoing and future city planning practices.

Session panel 17: Moving India's Needle Forward towards SDG 2: Can Inclusive Tenure Security help expediting Food & Nutrition Security and Doubling Farm Income?

Session Anchor	**Dr Arabinda Padhee,** *Director, Country Relations, ICRISAT*

Panellists

Doubling Farm Income & Land Tenure Security
Dr. Ashok Dalwai, *CEO, NRAA :*

Land Leasing Reform & Food Security

Dr Tajamul Haque, *Ex- Chair Land Policy Cell, NITI Aayog & Director, CAPD*

FAO perspectives on SDG-2 and Land Tenure

Ms Safia Aggarwal, *Forestry Officer, Tenure, Social Forestry Team Forestry Department, FAO*

Nutrition-Tenure linkages and potential policy pathways

Mr Basant Kar, *Member, Steering Committee, South Asian Policy Leadership for Nutrition and Growth (SAPLING):*

Forest (Rights) as source Food and Nutritional Security
Dr Bhaskar Vira, *University of Cambridge*

Agriculture- Nutrition Pathways and Women Land Rights
Dr R V Bhavani, *Director, Agriculture-Nutrition-Health, MSSRF*

SAFBIN, Small Farmers and Nutrition Security
Mr Sunil Simon, *South Asia Coordinator*

Key Takeaways

The link between land tenure security and nutritional security is intrinsic and crucial. More than 150 million tribal communities and the many more millions of forest dwelling and dependent communities as well as agricultural communities need to have security of land and tenure in order to be able to produce and consume food in the right balance. The interests of the landless who comprise half of the agricultural population such as tenants, sharecroppers, etc. need to be taken into consideration when devising plans to meet goals to eradicate hunger. Many government schemes such as PMK Scheme. PMFBY, NFSA, PMKSY, Forest Rights Act, addressing issues of land tenure security , recognizing community rights to forest land, PDS coverage of landless, tenants and sharecroppers, direct cash transfer schemes, MSP and crop loss compensation are all directed at the welfare of this population and towards the larger goals of addressing malnutrition, sustainable farming practices and doubling farm incomes by 2022, zero hunger, improving nutritional security and doubling agricultural productivity and incomes. It is also important to bear in the people-land relation which is a linchpin in achieving these goals. Tenure security is not just critical for achieving SDG 2 but also SDGs 1,5, 11, 13, and 15.

The FAO has conclusive evidence that tenure security leads to nutritional security. Land leasing reform is crucial because the erstwhile post-Independence goal of land to the tiller has now degenerated into a situation where lands remain fallow and are not utilized properly due to land fragmentation, elite capture etc. Around 25 million hectares of land is kept fallow which is largely attributable to land leasing and land ceiling restrictions. Land lease reform and ease of land access can spur better investment, more informed cultivation and thus higher food security. How do we re-engineer the uses of existing arable land to meet the nutrition requirement? How do we e-engineer technology to ensure sustainable returns to the farmers who grow our food? How do we transfer remunerative prices to the farmers while creating a conducive environment to maximise production? While tenure reforms have been undertaken they are defective - either rights are legally recognized but not documented or if documented the rights are usurped by a nexus of government and industry. Subsidized lands are allocated for industry use, whereas small and marginal famers receive piecemeal compensation, either in land or in lieu of land. 82% of rural households are landless or marginal and only 10% of women own land in total, it being less in rural areas. More than 50% of India's children are malnourished. It has been seen that empowering women enables sustainable land use. Women contribute 95% of the domestic work and 75 % of the cultivation field work. SAFBIN programme has successfully demonstrated that India has high potential to double farm income especially of the smallholder farmers, who can work wonders given long term access to good quality agricultural land.

- There need of proper registration, measurement, recording of land to enable productive investment and full and sustainable utilization of the land
- All the sustainable development goals should be addressed in unified and cohesive manner. There should not be a singular focus on SDG 2 to combat hunger because all of them are interlinked. Do not address the SDGs in silos.
- We need a re-engineered Management Information System (MIS) that first looks into the essential nutrients needed and then work backwards to see which crops can be planted to meet these nutritional requirements
- Create a system of bio-fortification which will enable essential nutrients to be enhanced in cultivation
- There should be a focus of government schemes towards allocating food and grains to women and children
- There needs to be commensurate compensation in terms of increase in income to the farmer and any tenants or sharecroppers.
- Collective farming models can enable better utilization and support the resource poor
- Recognition of women as farmers and allocation of land to them can improve nutritional security and other welfare indicators. Women also enable sustainable land development and cropping practices that are attuned to nutritional requirements and ecological concerns

Session panel 18: How Secure are the New Urban Tenures? An Interdisciplinary and Legal Enquiry

Moderator	Prof Narayana A, Faculty, Ajim Premji University

Panellists
Ms Shikha Srivastava, *Lead, Urban Poverty Alleviation and Livelihoods, Tata Trusts*

Prof. Darshini Mahadevia, *Programme Chair, School of Arts and Sciences, Ahmedabad University*

Mr Alok Prasanna Kumar, *Senior Resident Fellow, Senior Resident Fellow and Team Lead, Vidhi Centre for Legal Policy*

Ms Aparna Das, *Senior Advisor, GIZ-ICPP*

Mr Kulasekhara Chakravarthy, *General Manager, National Housing Bank*

Key Takeaways

Moving beyond social recognition of land tenure towards a legal acknowledgement of the same has become paramount both for economic purposes and for the welfare of the millions of urban poor. Tenure security for private property rights is paramount in creating a transparent and robust property market in the country. Moreover, with the bourgeoning class of urban poor who reside in informal settlements and slum dwellings, property rights become crucial for identity and survival and to access government services for their welfare. Many government schemes have attempted to regularize informal settlement, mainstream them into the legal paradigm and provide for titles and security of tenure e.g. the JNNURM and the Rajiv Awas Yojana. States like Odisha have also launched a massive slum land rights project. There is a movement towards Fit-For Purpose projects which take into concern local idiosyncrasies and tailor interventions on these bases, although there are concerns that it undermines formal tenure systems like the Torrens system. The concerns that surround these interventions are that such efforts should not disintegrate into an attempt of slum redevelopment that packages these settlements as urban assets. Tenure systems in urban areas perforce remain dynamic and complex evolving and adapting to geographic, cultural, economic and social contexts and are redefined across continuum of externalities such as middlemen, holders, society and government. Urban land rights are imbued with an ethos of informality. As it occupies formal system of land administration with multiple legacies and pluralistic legal systems at play, city developers, planners and administrators have tried to devise new systems of tenure to tackle the narrative of informal encroachment that pervades the land administration system. What are the new urban tenures? How secure or vulnerable are these tenures? What are the implications?

Possession of land is a fact and ownership are what the law says a person is entitled to. Hence ownership is not a single right, it is a series of rights of possession gained over a period of time that translates into ownership. The legal process needs to deal with multiple stakeholders when deciding land litigation. The extent of lands that were informally brought into the housing market after the passage of the Urban Land Ceiling Act were very vast. Pattas provide a series of rights - the provision of basic services, participation in governance, security of tenure amongst many other rights. The issue of land being inheritable but not transferable needs to be addressed, since the inability to draw a mortgage on a loan will impact the housing market negatively and preclude opportunities for buying, selling and productive investment. The Orissa Land Rights to Slum Dweller Act, 2017 addressed many issues such as the role of technology in capacity development and implementation. In situ was the most preferred and utilized method. It provided almost 57000 land rights certificates and there has been no litigation till date. The law specified that the land was to be used for residential purposes only or for livelihoods related to residential purpose - commercial activity was not allowed. The land rights were inheritable but not transferable. The law covered all municipalities and Notified Zones but not the Municipal Corporations - focus was on smaller areas. It spoke strongly for gender equality by mandating joint ownership. All legal proceedings related to unauthorized occupation prior to the act would lapse. Slum dwellers associations were established and land rights were ratified by the community themselves thereby utilizing a participatory and inclusive approach. The law also mandated the establishment of an Urban Slum Rehabilitation and Resettlement Committee to be headed by the collector and to be the final authority on issuing land rights certificates. This model can be replicated in other states of India.

Recommendations:

- Explore intermediate tenure as an alternative system
- Group security or collateral as an alternative to formal collateral
- Relinquish one size fits all approach- take into account the local intricacies
- Land titling process needs to be institutionalized
- More careful perusal of provisions regarding mortgages and commercial aspects

Session panel 19: Open Land Data and Financial Inclusion in India: Prospects and Challenges

Terra
Economics &
Analytics
Lab

Moderator	*Mr Kshitij Batra,* TEAL

Participants

Mr Tarun Kapoor *(Vice Chairman, DDA)*

Mr Nilanjan Sinha, *Head of Legal, ICICI Bank*

Mr Ashutosh Sharma, *Legal head, PNB Housing Finance*

Mr Siddharth Vij, *National Credit and Legal Manager India Shelter*

Mr. Annindya Banerjee -*Retail Legal Head, HDFC*
Mr Tim Hanstad, *CEO, Chandler Foundation*

Mr Malcom Childress, *Global Land Alliance*

Dr. Vinod Agrawal, *IAS (Retd), Ex-Additional Chief Secretary, Govt. of Telangana*
Mr Pranab R Choudhury, *Vice- President, NRMC-Center for Land Governance*

Key Takeaways

India's real estate market is one of the largest in the world with 77% of households hold approximately 150 lakh crores of their wealth in housing and property. However, it remains under-utilized as an asset class with the mortgage to GDP ratio at a miniscule 10% due to information asymmetries around land titles and disputes. With limited land records and long-drawn litigation, lenders avoid properties where it is difficult to ascertain ownership or discover encumbrances. There has been a long ongoing effort to bring about greater digitization of land records across the country by both the centre and different state governments, but significant challenges remain especially in linking data across agencies. There are four main aspects that demand analysis namely- title discovery and financial inclusion, the competing demand of transparency versus privacy when considering an open data system of land records, regulatory hurdles on the part of banks and NBFCs, the opportunities and challenges therein and finally the challenges of implementing any policy option which includes data availability and the repercussions of policy action.

Government agencies face difficulties of limited and poor quality of data records and fragmentation of data across agencies. The government also has limited resources and capacity to collate, link and clean the fragmented sources of data. In many cases external private agencies such as TEAL assist in this function. In many parts of the world, private repositories of data have allowed the title industry to develop and has permitted both homebuyers and lending institutions to be indemnified from the liability of the title being challenged due to a defect of records in the past. There are administrative difficulties in digitizing and publishing complete land records due to resistance from functionaries who see this process of increased transparency as a loss of their own agency. Government agencies and local urban bodies are increasingly exploring ways to leverage technologies such as drone surveys and mapping of unique property IDs to facilitate the provision of crucial public services to identified land parcels. The increased transparency and dissemination of information could potentially support government reforms such as land-pooling which are essential to expand infrastructure development and provisions of public services in a metropolis like New Delhi. Housing Finance Companies face several challenges in terms of underwriting mortgages. Assessing asset risk is tough with limited information and the inadequate accountability of government agencies in the context of assigning conclusive ownership. Due to significant challenges in foreclosing in the country, even on properties with clean title, individual credit risk (such as proof of regular salary) often becomes a critical input for financial institutions to assess overall loan risk. There have also been instances wherein the state has revoked the legal status of property assets held by financial institutions thus driving up the costs associated with lending disbursements.

Recommendations

- Rope in private sector entities with the necessary expertise to assist government agencies, to accelerate the digitization and database linking process dramatically, to collate data and assign quantitative metrics to assess risk that would assist the lenders.
- Ultimately the government at some level, through one of its agencies, has to legally demarcate and assign ownership clearly in order for anyone to use that as the basis of avoiding future litigation.
- Focus on addressing the current limitations of digitization has to precede any attempt at conclusive titling

Session panel 23: Land Administration and Conclusive Titling

Chair & Moderator	Dr. Vinod Agrawal, IAS (Retd), Ex-Additional Chief Secretary, Govt. of Telangana

Panellists

Dr. V. Santhosh, *Chief, Perspective Planning Division, Kerala State Planning Board*

Dr Sreedhar Cherukuri, *IAS, Joint secretary, Chief Commissioner of Land Administration,*

Department of Revenue, Government of Andhra Pradesh

Representative from Revenue & Land Reforms, Gov. of Bihar

S. Chockalingam, *Settlement Commissioner and Director of Land Records, Govt. of Maharashtra*

Key Takeaways

Reliable land records and reliable data in digital for i.e. record of right and cadastral map is very important for land use planning. It provides a reliable record of ownership and integrates various types of land records e.g. common lands, private, public etc. It facilitates ease of doing business and land related policy development, water resource management, disaster management, infrastructure development amongst others. Reliable land records allow easy storage, reduced transaction costs and time, provides better security and ensures easy document movement and recovery. Land records updation is part of the land consolidation drive

The maintenance and modernization of land records is a state subject and it varies from state to state. Revenue records in India are at best a record of presumptive title. In most urban areas there is no revenue record. There is not security of definitiveness of titling in the country and according to the Mckinsey report these systems lead to a loss of 1.3% of GDP annually due to difficulties in the four stages of titling namely – transfer, conferment, succession and adverse possession and the litigation the system occasions. The transfer of property in India is by contract and not by registration. Most land record systems have remained same as the immediate post-Independence system. For example, the ryotwari system in Tamil Nadu. In Kerala, the land systems of the erstwhile princely states remain the same with 25000 to 30000 parcels of land per village and cause complexity in the State's land records system. In some states like Kerala, there is low integration of system operation between the survey and settlement departments of the government. In the Southern states namely Telangana, Andhra Pradesh, Tamil Nadu and Karnataka it has been found that land use changes are allowed freely based on owner discretion subject to payment of fees and charges. Most of states are using DILRMP funds for implementing core technology and most project managements are implemented in partnership with the Survey of India. In many states like Uttar Pradesh, the problems occur at the stage of survey and resurvey of land records which are the core of improving land records. There are four broad stages in land modernization namely,

1) digitization of textual records
2) converting cadastral maps into digitized format
3) survey and re-survey process
4) merging land ownership data with land use data.

It should be borne in mind that these four processes are also recommended processes by the DILRMP and may not be underway in certain states.

Suggestive measures to improve the land modernization program in India are as follows:

- Move towards a guarantee titling system rather than conclusive titling in which the titles and all relevant information are a matter of public record under a Registrar of Titles and information is conclusive
- A new law to enable registration of titles not registration of deeds and a corresponding administrative setup and amendment of the Indian Evidence Act to move from presumptive to conclusive titling
- Maps are necessary to ensure a unique ID which will further ensure that shape and location of property is fixed and disables multiple descriptions and claims
- Data interoperability between departments is crucial and should be enhanced
- Registrar of Charges, Covenants and Encumbrances should be read together with the Registrar of Titles and mutation and transfer need to occur simultaneously

Some generic recommendations from the DILRMP mandate include:

- Modern record rooms
- Data centres at tehsil level
- Connectivity between revenue officers
- Computerization of registration department
- Connectivity between sub-registrar officers
- Integration of registration and land records

Session panel 24: Can land governance be an instrument for social justice in neoliberal era?

Centre for Social Justice

Chair	*Dr Varsha Bhagat Ganguly,* Independent Researcher, Ahmedabad

Panellists

Revisiting Land Governance Assessment Framework (LGAF) from social justice perspective

Ms. Rita Sinha, *Retired IAS officer (Secretary, Department of Land Resources, 2008-10), member of LGAF, India*

Forest Rights – Act (2006), judiciary, administration and action

Ms. Shomona Khanna, *Lawyer, Supreme Court*

Land Acquisition – Act and administration

Dr. Usha Ramanathan, *Senior Law Researcher*

Land Governance in the Scheduled Areas of India

Dr. Sujit Kumar, *Assistant Professor teaching Political Science; co-editor of the recent publication –*

India's Scheduled Areas, Routledge, 2019

Mr Kumar Sambhav, *Independent journalist & co-founder 'Land Conflict Watch'*

Key Takeaways

Social justice through land governance is a dynamic and multi-modal exercise. There are many cross-cutting issues that impact one another. Land ownership and the tussle between customary tenure versus legal titling, political economy of the role of the state vis-à-vis the market and their equation with land owners, community governance versus the influence of state authorities, the multiplicity and overlap of regulatory regimes all make the issue of land , its ownership and its utilization for social justice a highly contested and arduous terrain. Matters thus embroiled have to be resolved to bring about a cohesive regime that ensures equity in the distribution of land, access and equal opportunity to use land, participation of people in governance and regulatory decision making on land and ensuring rights to access, management, control and ownership through laws and judicial interpretation.

Social justice needs to be envisioned in the four following ways namely 1) equity 2) access 3) participation and 4) rights. It is in the denial of these that injustice through and of land is perpetuated. The unfinished project of land reforms continues to bring grief and is a constant source of conflict. The post-independence project was one of market reforms rather than welfare-oriented redistribution. Thus, the landless continue to be disempowered and of the landless the Dalits bear a disproportionate burden of the injustice. Looking at land as property in itself is a harmful notion. Scheduled Area protections prevent the sale of land to non-tribals. This is an acknowledgement of land as a belonging that has far greater cultural and livelihood resonance which cannot be translated into market value. The law of eminent domain has stripped many tribal communities of their land without accountability thus forcing the question as to whether the state is a trustee or owner of lands in the country. This process brings to bear the opacity and the colossal power of the state without encumbrances. The power and information asymmetry between the state and the people is brought out in the case of land laws where there is a collapse of procedure - the Collector acts as an agent of the state rather than as an intermediary between the state and the affected person (there is a continuing process of dis-intermediation). Land ceiling laws are violated with impunity under the garb of messy land laws in many states. Technology only perpetuates a digital divide which furthers di-intermediation as the poor are falling off the digital database. Technology is not incorruptible and technologists are not trained to deal with poverty. Pre and post-independence the way the forest laws have operated is to extinguish the rights of the poor through statutes of limitations and other provisions that prevent substantive ownership by tribals. The state has eradicated the rights of the forest dwellers through legal fictions and it has been possible for it do to so because these communities are the most marginalized, there is an asymmetry of power and because these communities do have access to resources to activate the justice system. The process of decentralization is still unfinished - for example, the PESA Acts translation into state laws remains undone, incomplete or perverted such that clauses for protection are manipulated and whittled down. The FRA, 2006 had created a robust protection mechanism but the application of the same boils down to the paradigm of state munificence and beneficiary dependence. From 2202 to 2004, 300000 forest dwellers were brutally evicted and 305000 hectares were taken over by the government. Petitions against this are still pending. Recommendations to promote social justice are:

- Review and reduce tenancy restrictions
- Review restrictions on agricultural land ownership and transfer
- Systematically monitor Hindu Succession Act implantation
- In communal and forest lands, recognize existing rights to non-surveyed lands
- Fast-track and monitor FRA implementation especially with regard to common lands
- In public land management and acquisition, replace adversarial schemes of land acquisition with benefit sharing
- In land disputes, computerize courts to categorize and monitor case load
- Establish tribunals to settle case load, improve access to justice and encourage out-of-court settlement
- Draw links between land use and land tenure more systematically
- Explore options for developing responsibility for land to local government
- National land information system is to be established which is not present at the moment
- Limitation in computing compensation – market-based calculation should be completely abandoned
- Replacement level compensation i.e. land in lieu of land
- Gradual and fruitful integration of tribals into the mainstream, ensuring their livelihood opportunities and provisions of health and education services to improve their well-being

Committee Recommends:

- Doctrine of eminent domain should be made more objective ensuring political and executive accountability for its usage

- Definition of public purpose as given in LARR, 2013 should be severely limited as a broader definition will only lead to greater acquisition and displacement in Scheduled Areas

Session panel 25: FABLE India

Chair	*Prof. Ranjan Kumar Ghosh, IIMA*

Dr Ruchika Singh, *Director - Sustainable Landscapes & Restoration, WRI India*

Ms Vartika Singh *(IIMA)*

Mr Chandan Jha Research Fellow FABLE PATHWAYS *(UN-SDSN), IIMA*

Mr Tushar Dash, *Independent Researcher, Forest Rights Act*

Key Takeaways

There are multiple complementary demands that the Sustainable Development Goals place on resources and attention. Variegated issues ranging from food security, biodiversity, healthy eating systems, land tenure, curbing greenhouse gas emissions and ensuring sustainable water supply and use are all aims that are intrinsically interlinked. Governments, however, lag behind in adopting these integrated approaches due to lack of awareness and experience. It is here that the Food, Agriculture, Biodiversity, Land-use and Energy (FABLE) Consortium allied with a significant number of countries and their knowledge institutions attempts to develop the relevant data and model infrastructure that will result in scenarios of long-term sustainable land-use and food security systems.

FABLE works under the larger umbrella of Food and Land-Use Consortium (FOLU), both of which were started in 2017. FOLU is an umbrella of 8 organizations and FABLE works in tandem with their larger vision. The broad vision is to transition towards a low carbon, resilient landscape that can support sustainable land management through nature-based solutions and more specifically to transform food and land-use systems to protect the natural environment so that it can produce nutritious and affordable food but also strengthen resilience and prosperity for people. Their work is premised on the idea that any development pathway will have an impact on land-use and vice-versa. Various facets of development such as biodiversity, food demand, agricultural changes all boil down to issues of land allocation i.e. how land is allocated optimally to achieve sustainable development pathway. The three pillars that underpin their work are: 1) building resilient and efficient agriculture cultivating systems 2) conservation of biodiversity and restoration 3) food security and achieving healthier diets and also looking into issues of food and farm wastage from farm to fork and lowering dietary disease risk. FABLE also looks into cross-sectional linkages that emerge from such analyses, for example water and irrigation management and trade flows which are all inter-connected. These interaction effects are captured by the FABLE calculator and interaction effects are modelled for each country in the consortium. FABLE has about 21 countries in its consortium as does FOLU. The FABLE model is a multi-modal approach with an overall strategy of pathways as a method for problem solving by focussing on capacity development and sharing of best practices by countries. The major steps are to develop national pathways using national data, collect and harmonize data, compute the evolution of key variables and then the linker tool aggregates countries at the global level. Once country-wise indicators are mapped and projections are made using Magpie, FABLE's optimization model and then cross-country comparisons are made.

An example of FABLEs project is their predicted projection of use of bio-fuels in 2050. They use a baseline and then apply a project shock, such as the National Bio-fuel Policy of 2018 (which mandates 20% ethanol blending in petrol and 5% bio-diesel blending) and make projections. These projections not only show how much ethanol needs to be produced, how much sugarcane filed need to be expanded, it also projects, water use, diversion of land from other crops to sugarcane, the expected food shortage, the expected imports to compensate for the same, food security etc. It thus analyses whether the net GHG emissions are negative for the entire chain of events that this one policy will generate across macro-variables in the country. This can be then compared to other countries trade flows and crop productions to make global assessments. According to FABLE projections countries will reach several of its targets. For example, the average dietary intake will be above the minimum by 2030, zero net deforestation will also be met by 2030 and 50% of global land will be spared to conserve biodiversity by then. In India, it was projected that the country will be able to meet higher consumption of vegetables and fruits and less cereals, and to meet the average minimum daily energy calorie requirements from 2020 onwards.

- The one problem with the FABLE India calculator is that there are some knowledge gaps such as lack of inclusion of different agricultural production systems and management practices soil management practices, irrigation systems and certain country specific policy systems. These gaps may lead to over or under estimation in the projections or pathways. To address this FABLE India has been trying to use large partial equilibrium model called Magpie. It hopes to improve the incorporation of Indian idiosyncrasies in varied systems in its application which is currently missing in the FOLU matrix.

Session panel 26: North East Land Tenure

Chair	Dr. Vincent T. Darlong, Vice Chncellor of Martin Luther Christian University

Panellists

Land Tenure among the Kukis: Dynamics, Changing Trends and Implications
Dr Mangcha Touthang, *Assistant Professor, Department of Social Work, Martin Luther Christian University*

Experience of land tenure mapping in Manipur

Mr Dimgong Rongmei, *Secretary, RNBA*

Dams and Displacement in North East Region

Mr Jiten Yumnam, *Centre for Research and Advocacy, Manipur*

Developing Criteria & Indicators for Forest Land Governance under Community Control:

A Concept to be Explored?

Mr   , *Executive Director, NIRMAN, Bhubaneswar*

Key Takeaways

The North-Eastern region of India is a melange of different cultures and linguistic traditions- its land practices too cannot be painted with a single brush. Tribal villages have their own customary land tenures and varied administrative setups. By and large there are patriarchal systems of land ownership and control although matrilineal systems are interspersed for example among the Khasi tribe in Meghalaya. The societies in these regions have experienced transitions from traditional systems of land ownership towards the demands of the modern day and age, and this has brought changes in its wake.

Despite constitutional protections under Schedule 6 and Article 371, the safeguards have been observed more in the breach. For example, in Tripura, although Schedule 6 provides that land rights vest in the people and 70% of the land is forested area, 90% of such land vests in the forest department. There is no upper ceiling on land ownership and this has led to massive elite capture of land and land hoarding as evidenced in Nagaland and Manipur. Commercialization of forest and agricultural lands and conversion of paddy fields into land for housing have led to landlessness and food insecurity for the Kuki tribes across the North-East. For this tribe, land ownership is traditionally vested in the chief under the system of feudal chieftainship. Now however, land is diverted towards the chief's personal use or the chief colludes with private interests to divert the land for commercial purposes. In urban areas land has been transferred to non-locals despite categorical prohibition of the same under the relevant laws. Villages are in a no-man's land wherein they do not abide by the provisions of the Village Authority Act and neither do they completely follow customary conventions anymore. The construction of dams is also a major problem area for this region. There are more than 200 dams in the region and there are direct and indirect costs of displacement associated with these developments. Not only is the fragile ecosystem of the North-East disrupted by the activity, the social impact is also immense. There is large-scale violation of Section 371 and of provisions of the Forest Rights Act that mandate inclusion of tribal communities in decision-making are observed in the breach. The FRA, 2006 and the FCA, 1980 are often manipulated to acquire forest land for other purposes. In these states, government and corporate bodies are given precedence over customary land rights, with most state laws failing to acknowledge these rights themselves.

- In conclusion, there is only a single recommendation to counteract the toxic development that strips the North-East tribes of their land rights and that is to create some convergence between legal policies and traditional systems. Legal codification of land practices in the North-East is not possible given the variegated nature and diversity, however, legal processes and substantive provisions need to recognize the presence and influence of conventional land tenure systems.

Session panel 27: Land Fragmentation and Farmer Producer Organizations

University of Hertfordshire UH

Hertfordshire Law School

| Chair | **Dr. Chamu Kuppuswamy,** *Senior Lecturer, Hertfordshire Law School* |

Panellists

Mr Sudhanshu Jangir, *CEO of Indiagro*

Prof. Ranjan Kumar Ghosh, *IIM-Ahmedabad*

Mr Gautam Prateek, *XUB, Bhubaneswar*

Key Takeaways

Farmer Producer Organizations (FPOs) are the vanguard of collectivization of farmers to create economies of scale, enhance market linkages and assist in building product brands that are popular and sustainable. There is an additional need to further engage with the potentialities and linkages of FPOs with regard to land, welfare and sustainable development.

FPOs help to fill the institutional void that is created due to lack of mobilization of farmers and lack of branding which create missing markets. They foster an entrepreneurial spirit amongst the member farmers. It is necessary to consider whether household food security of small and marginal farmers can be improved through FPOs. An understudied area is whether FPOs can aid in the fulfilment of Sustainable Development Goals, particularly SDG 2, that is eradicating hunger. A study in Salem district of Tamil Nadu showed in the context of land holdings that, farmer members of FPOs believed that at least 2 acres of land were necessary for food security and anything less than that would undermine this goal. Land titling and leasing are crucial factors in determining the FPO farmers' productivity. Farmers are unable to realize the benefits of cooperation / federation of FPOs if the titles to their lands are not secure. It is problematic when farmers cultivate government or commons without a title deed. Land governance is benefitted by the operation of FPOs. The first generation of FPOs from 2010 onwards to 2014 were not as successful since the intervention and assistance by the non-governmental organizations was not sustained; however the newer FPOs are much more successful. There has been a transition in the organizing ethos of FPOs from a political orientation to a more autonomous, independent and corporate-oriented paradigm.

Recommendations

- Interventions have to be made to enable landless farmers to reap the same benefits from the FPO as the landed members
- Policy interventions with respect to tenure security etc. for FPOs to reap further benefits
- More work on a conceptually theorizing FPOs is needed to enable more informed policy interventions

Session panel 28: Climate Change and Land Rights

Moderator	*Ms. Shivani Chaudhry, Executive Director, Housing and Land Rights Network*

Panellists

Mr Soumya Dutta, *Advisory Board member, UN Climate Technology Centre and Network, and Co-convenor, South Asian People's Action on Climate Crisis (SAPACC)*

Dr Soma K.P., National Facilitation Team, Mahila Kisan Adhikar Manch (MAKAAM), and Executive Team, Community Forest Rights Learning Alliance

Mr Miloon Kothari, *Former UN Special Rapporteur on Adequate Housing, and President, UPR-Info*

Mr Jiten Yumnam, *General Secretary, Centre for Research and Advocacy, Manipur*

Key Takeaways

Tackling climate change and its human impacts have become a pertinent area of intervention for global governments including India. India is the fifth most vulnerable country to climate change impacts as reported by the Global Climate Risk Index and as evidenced by data in 2018, it had the highest number of fatalities and the second highest number of monetary losses from climate change related disasters. India has committed to a considerably substantive climate change mitigation and adaptation goals at international fora, of which the Nationally Determined Contributions (NDCs) at the Paris Conference of Parties (COP) are the most visible and have gained the most traction. Abundant caution must be exercised, however, in the modalities of implementing mitigation and adaptation protocol. Indigenous communities and the marginalized already suffer disproportionately from the impact of extreme weather events. Creating climate change resilient frameworks must not become another vehicle for disempowering the poor and the marginalized. For example, the creation of carbon sinks through afforestation must not become a by-line for the eviction and displacement of forest dwelling communities. Attaining climate adaptive goals through an equitable human rights-oriented regime then becomes of critical significance.

The poor are increasingly vulnerable to losing their homes in the name of climate change and insecurity of their tenure along with limited recognition of customary access to land affects their adaptive capacities. They are more likely to live in low-lying, poorly protected areas that are most prone to droughts, landslides and floods. Extreme weather events create cycles of poverty, deprivation and exclusion by forcing people who live in extreme poverty to over-exploit natural resources as a coping mechanism to ensure survival. It can also result in climate change related forced exodus to urban areas, thus increasing the pressure on cities, where the urban poor also bear a disproportionate burden of climate stress in the form of heat waves and increased humidity. Of these victims, the largest number are women. Women face not only monetary but also subsistence risk. Unsustainable development policies compound the impacts of climate change. The promotion of intensive cash crop cultivation and monoculture destroys forest areas, undermines access to resources and has resulted in the loss of livelihoods for millions of women dependent on land. Most paradoxically, renewable energy projects, particularly hydropower projects that are touted as being green and environment friendly are some of the biggest emitters of greenhouse gases. Other projects like solar and wind projects have destroyed natural topographies and have utilized scarce water for commercial purposes in places like Rajasthan and Gujarat. Existing climate regimes such as CAMPA, REDD+, etc amongst others have resulted in the commercialization and marketization of forestation and the creation of single type of commonality which is problematic.

While intentions and plans have been endorsed at both the international and national level, the experience occasions certain recommendations:

- Need for human rights indicators to monitor climate targets (carbon neutrality of projects cannot be the only measure of sustainability)
- "Do No Harm" regime to be promoted whereby resettlement of communities impacted by climate projects is a last resort and burden of proof is on authorities where there is no other alternative
- Need for consultation with and inclusion of affected communities and prior informed consent. For example, in Ethiopia it has been found that of farmers who own land, 60% would take measures to prevent soil erosion and in Ghana 39% of farmers with stronger land rights were more likely to plant trees. Thus, cross-national studies have shown that stronger land rights lead to less deforestation.
- Region based planning is crucial as one countries policies affect the other. A South Asian plan could be contemplated. For example, the large number of trans-boundary rivers in the South Asian region means that multi-state planning is necessary.
- Assess the direct and indirect impacts of renewable energy projects as their functioning might negatively impact climate change more than it benefits climate adaptation efforts.
- Action plans and policies e.g. heat action plan, national action plan on climate change, state action plans and disaster mitigation plans should be cohesive and coordinated and all climate related interventions should be integrated

Session panel 29: 25 years of Land Record Digitization – Where are we now?

Moderator	Dr Shekhar Shah, Director General, NCAER

Panellists

NCAER Land Record and Services Index (N- LRSI)

Short presentation by **Dr Prerna Prabhakar,** *Associate Fellow, NCAER*

Dr. Vinod Agrawal, *Former Additional Chief Secretary, Govt. of Telangana*

Mr Tim Hanstad, *CEO, Chandler Foundation and Co-Founder & Senior Advisor, Landesa*

Kshitij Batra, *CEO & Co-Founder, Terra Economics and Analytics Lab*

Key Takeaways

Digitization of lands record began in India in 1987. Post two committee recommendations and after multiple institutional iteration, what is now known as the Department of Land Records was instituted as the apex body. Land is an asset of true value, comprising 77% of household wealth/financial assets, an asset that enriches the holder, creates better transactions and bolsters economic growth. Any attempt at improving land records and their digitization will have to be done on the shoulders of the states – they are the harbingers of progress in this arena. While creating systems to digitize and modernize land records, it must be borne in mind that this is a part of a larger project to bring about a study of land governance that can be prepared and monitored so that states can assess one another and themselves.

It is in this direction that the NCAER Land Records and Services Index is one of its kind in bringing out a comprehensive study of land records and digitization. It looks not only at digitization of textual and spatial records, encumbrances, ease of procuring land records and quality of records, but also tries to hone the data to understand structural impediments to this project. The project methodology is robust, having compared the claimed records from the DOLR site substantiated by the knowledge from the web portals of the states. Jharkhand, Orissa, Rajasthan and Chattisgarh have done well on various parameters, whereas Meghalaya , Nagaland, Mizoram and Arunachal Pradesh were not evaluated due to the fact that their land records could not be standardized in order to digitize them. As a unique project this Index yielded singular outcomes and insights which will be useful for furthering the purpose of improving India's land records and thus giving a fillip to the land economy.

There are some concerns with regard to the methodological assumptions that the study takes and also to some structural assumptions which may escape the analysis. While the study allowed for joint ownership up to two people without penalizing them, those with greater number of owners were penalized. The assumption that joint ownership leads to greater litigation should be questioned as should the reluctance to litigate. What are the fallouts for gender equality in landownership in a system that prefers easier transactions and clear-cut single ownership (usually patriarchal in this context). It is important to note also that joint ownership accounted for 72% of the discrepancies between recorded land and ground possession. It is thus the bane of records and is taken as a reflection of actual possession. However, issues remain, for instance, women under the Hindu Succession Act have to take the permission of other owners before selling their portion of the land (there may be multiple male co-owners). This issue of joint ownership thus throws up issues of gender equity which needs to be further addressed in pursuance of SDGs 2 and 5. There are also sub-sectors that need to be looked into in detail for example, price, market price discovery and overcoming legacy issues in the mortgage market. This raises questions as to the appropriate intervention mechanism by the state in bridging this gap and preventing private sector unscrupulous practices that vitiate the market environment. Finally, there needs to be careful attention paid to the gaps between what the record shows the lived ground reality as this gap is often biased against the poorest and most marginalized and thus offers the greatest opportunity for elite capture.

In conclusion, the functions of such surveys have altered. The very function of record keeping has altered from revenue collection towards an entire ecosystem of services. In consequence, these surveys are no longer prepared for revenue purposes but to assess the nature and position of land and the gamut of information that surrounds land, the people and bureaucracy associated with it. This Index and its ranking will encourage policy makers and will enable states and state-based organization to analyse and ask deeper questions along these lines. States should use this information to trigger a positive race to the top. Opening up the Index towards a user-based interface will also take forward the project by addressing demand side issue points as well.

Session panel 30: Accessing Justice: Deciphering Land Decisions through Data Analytics

Presenters

Presentation of Research

Dr. Namita Wahi, *Fellow, CPR & Director, Land Rights Initiative*

Mr. Kaustuv De Biswas, *Visiting Fellow, CPR Land Rights Initiative*

<u>Discussants</u>

Dr. Aparna Chandra, *Assistant Professor and Director, Centre for Constitutional Law, Policy and Governance, NLU Delhi*

Mr. Alok Prasanna Kumar, *Senior Resident Fellow and Team Lead, Vidhi Centre for Legal Policy, Karnataka*

Mr. Devendra Damle, *Research Fellow, National Institute of Public Finance and Policy*

Key Takeaways

This panel looks at the work done at the Land Rights Initiative and the 2017 report on Land Acquisition and more broadly the work on land disputes, to see whether machine learning can expedite the process of analysis of land disputes.

A number of studies have been done which look at the nature of land disputes, the reasons behind land disputes and types of litigation that involves land disputes. Some of the findings of these studies are that land disputes formed 12% of the cases that were disposed by the Supreme Court, 2/3rds of which pertained solely to land acquisition. 66% of all cases at all levels of courts were land disputes, the majority of which were brought by members of the OBC community and most were family disputes. Land acquisitions were the most popular category under Special Leave Petitions. In the Supreme Court, land acquisition cases formed 6.2% of the total and land laws and tenancy formed 1.5% thus bringing the total to approximately 8% and the average pendency of such cases was approximately 5 to 5.5 years. On average, 44% of cases are taken up for further hearing and in cases where a senior advocate appears, the court takes up 63% percent and 33% if a senior advocate doesn't appear. 50% of land acquisition cases were taken up for further hearing by the Supreme Court. In terms of the geographical distribution of cases, much of the cases came from urban and commercial centre e.g. Delhi, Mumbai, Noida, Ghaziabad, Faridabad etc. More than half the cases came from just 20 districts in India and 6 states such as Karnataka, Delhi, Punjab, Haryana and U.P. 63% of all litigation was seeking fair compensation and 34% was to challenge procedural irregularities. There were cases challenging the invocation of the urgency clause and also challenging the purpose for acquisition. A large bulk of the purpose for acquisition came form 6 reasons – planned development, infrastructure, highways, amongst others. There are delays from the filing to the registration of a case. These insights pertain to disputes between the state and private parties. The reasons for land disputes include the following. There is a plethora of laws that contradict one another. For example, there are more than 1000 laws for just 8 states and the centre. There has been an upsurge in land acquisition litigation post 2013 because the laws are drafted in a confusing manner. The other major reason is malafide intention on the part of the government or the purpose in acquiring the land or non-compliance with administrative processes and safeguards. Two recommendations include streamlining the existing laws and regulations pertaining to land acquisition and also political and bureaucratic will to abide by the administrative procedures and an institutional mechanism to abide by the rule of law.

In pursuit of these studies, there are efforts to utilize data analytics and training data to read legal texts and replicate certain structured data. An effort in this direction is Project Dalton. In addition, just knowing how to pre-process the data and using simple abstractions, one can elicit very useful information from websites and databases without using extensive algorithms or analytics. It also helps, if the researcher narrows down where to look for the relevant information within a judgement. (This has been the experience with I-TAT, which deals with 5-6 broad typologies of issues). Training data is extensive and difficult to create and requires immense manpower. Manupatra and SCC online were used in these studies, but there were gaps as each site had different information in their databases. The problem with these paid archives is a difficult process of searching for relevant data and the search engines had shortcomings, hence cross-checking is crucial. In addition, there are some legacy issues in that the Supreme Court took a while to digitize their records, hence everything before that has to be retrieved from private databases. In addition, cases with less than five lines are often not included in these databases although some cases are disposed of with just single line judgements. Similarly, there are efforts to combine hand-coded data and mined data to form meta-data. Metadata is crucial because comparisons of cases need to be made on the basis of consistent criteria. Large empirical data sets can help identify problem areas to focus on. Quite often, cases are compared across the country even though their definition and content vary across both jurisdiction and across substantive issues. Metadata is crucial in order to identity the structural issues that plague the courts in daily, regular cases and in order to shift the focus from solely high-profile cases. It will also help to identify the nature of cases which are dismissed and not taken up for further hearing. This is a valuable source of information. There are often inconsistencies and difficulties in accessing the data to create these studies. Some recommendations in terms of looking at the data of the studies is to look into judicial behaviour, the pace, judge effect, the subject matter of the case etc. There are many stories that can be told using the meta-data. However, there are restrictions to such comprehensive, universal datasets where minor trends may get suppressed. It is also important to keep in mind that anecdotal and ground level instances may not be adequately reflected in these data trends and thus more ground-level work will be required.

Session panel 31: Transforming urban property governance with RERA: Possibilities and Challenges

| Moderator | *Triveni Prasad Nanda,* Assistant Professor, School of Construction, RICS |

Panellists

Mr Anthony de Sa, *Chairman M. P. RERA*

Shri K. K. Khandelwal, *Chairman Haryana RERA*

Shri Nimish Gupta, *M. D South Asia RICS*

Shri Venket Rao, *RERA Expert, Founder & CEO, Intygrat Business Advisory*

Shri Akshat Pande, *Lawyer, Founder and Managing Partner, Alpha Partners*

Key Takeaways

The Real Estate Regulation Act (RERA), has ushered in certainty and predictability in a market rife with insecurity and high stakes. It has regularized the market offering much needed protection to buyers and creating a discipline and order to the actions of developers and sellers. However, as with any legislation there have been impediments in its implementation, which coexist with its latent potential to transform the urban real estate landscape. Can RERA be viewed as a potential prominent player in owning, maintaining and disseminating information around urban property rights and records? What are the limitations of the RERA Act, such as overlaps with consumer forums, problems relating to access of funds for stressed projects and the lack of clarity on the role of the adjudicating officer amongst others?

 Developers, investors and buyers are all equal stakeholders in successful operation, functioning and development of Real Estate Regulatory Agencies (RERAs). Although RERAs are granted the powers of civil court from which legal recourse may be taken, in reality, issues related to land titles and tenures are beyond their legal purview, falling within the ambit of the judiciary. RERAs rely on civil engineers on site to provide them with reports in order to monitor quality compliance, which can sometimes be unreliable, arbitrary and irregular. It has been seen that many projects fail due to the failure in implementing master plan- RERA has not been able to address this issue sufficiently. Development Authorities and Urban Local Bodies are not deemed to be legal promoters under the RERA Act, which can result in unscrupulousness and extra-legal government elite capture as opposed to a transparent, streamlined process where the government bodies are acknowledged for their role. There are some best practices in the sector which shows incredible promise. For example, the RERAs are developing an intra RERA online platform – the All India Forum of Real Estate Regulatory Authorities which will facilitate peer learning and sharing best practises in a standardized manner. Similarly, states have shown zeal in implementing reforms. For example, there is pilot project underway in Madhya Pradesh to link data of the revenue department and the municipality tax records. This will enable inter-operability of departments and data and facilitate the work of RERAs.

Some measures can be incorporated to further bolster the system:

- There is merit in having site inspection as an institutionalized process to monitor construction quality closely.
- Amend the RERA Act to provide for Development Authorities and Urban Local Bodies as promoters
- It could be valuable to consider the role of chartered surveyors and accountants in providing resources for the RERA monitoring systems
- All property and built environment professionals need to be working in a synergetic role with Real Estate Regulatory Authorities to ensure professionalism and standardization of services in urban property management
- RERAs can play the additional role of urban property management portals

Session panel 32: Resettlement of Project Affected Families: Where are we going?

THE ENERGY AND RESOURCES INSTITUTE

Moderator	*Mr. Sanjay Mitra, Former Defence Secretary, Distinguished Fellow, TERI*

Panellists

Dr Ashok Dalwai, CEO, National Rainfed Area Authority

Ms Archana Goswami, *Senior Planner (MEGA) in Gujarat Institute of Development Research*

Mr Pankaj Dhyani, *Additional General Manager (R&R), NTPC*

Dr Preeti Jain Das, *Senior Fellow, TERI*

Key Takeaways

Forced displacement of families and communities has become the grim underbelly to the state's development project. A number of such projects have resulted in mass forced re-location of people and concomitantly resulted in landlessness, poverty, poor food security and well-being. Previously governed by the archaic Land Acquisition Act of 1894 and later replaced with the LARR Act, of 2013, executive actions have drawn ire and controversy. The displacement of village communities in the Narmada River Valley Project has become the most visual and vocal representation of a deeper malaise. The National Rehabilitation and Resettlement Policy, 2007 provides for a one-time compensation/financial package, an administrative mechanism to oversee and implement the rehabilitation and also provisions to engage with the women in the affected communities and provide a social impact assessment. The 2013 The Right to Fair Compensation and Transparency in Land Acquisition in Rehabilitation and Resettlement (RFCTLARR) Act also provides for the participation of project affected families of PAFs and provides for resettlement and compensation mechanisms on basis of various criteria, such as landowning, rural/urban, and whether the land is in the command area of irrigation projects amongst other factors. Very detailed mechanisms of Rehabilitation and Resettlement have been set out in the new RFCTLARR Act. Some questions abound. Is there a national database? Is it in the public domain? Can administrators learn from each other's best practices? There are too many committees which raises the question as to how they work together. How are the interests of tribal, landless labourers and sharecroppers taken care of? Finally, how does the FRA square with the Act is a matter to be addressed.

The NTPC is cognizant of the cultural linkages and community connections that are severe through displacement, they thus attempt to build a rapport with the PAFs and educate them on the process and entitlements accompanying the displacement. It tries to minimize the land that is acquired for its projects and also provides the PAFs with a range of resettlement options according to their preference together with the help of the district administration. GMRCL also documents the entire resettlement and rehabilitation process. 80% of the PAFs are non-title holders in the GMRCL case. They provide cash for land, land for land and structure for structure resettlement options and also provide for R & R compensation in lieu of 50% of the total compensation allowance. Third part evaluators conduct baseline, midline and endline surveys of the process at 6 and 18 months respectively and evaluate changes in employment, transportation, safety and facilities available to the PAFs at each stage. It has been identified that further authentication of land allotment is necessary to prevent encroachment. GMRCL also provides livelihood training and skill development. TERIs case study in Rohi Village of Gautam Buddh Nagar of Uttar Pradesh was focusses on understanding the aspirations, expectations, fears and hopes of the women of PAFs who were facing imminent displacement. It also looked at how resettlement benefits stacked up to the compensation benefits laid out in the Act and finally came up with some suggestion. Most of the money was paid directly into the bank accounts of title holders which is in improvement from areas where the holders had to file for their compensation from the District Administration. Hence that element of bureaucratic control has been eliminated in this study area. However, money was mostly deposited in the bank accounts of males, leaving women, already insecure financially regarding the impending displacement and a possible change in their economic and social roles, further disempowered. The district administration did not comply with Schedule 2 of the Act which lays down an exhaustive list of benefits that accrue to PAFs- this needs to be rectified and a specific R&R cell should be established. In addition, farmers felt that they were entitled to 4 times more the value that they received. A suggestion to empower women in this case would be to transfer money into a joint account thus aiding a gender-equitable resettlement policy. It is satisfactory to note that 70% of people in the project provided consent during the social impact assessment and welcomed development in the area. This shows that a conflicted relationship is not the only possibility. An interesting area for further study is the interface between encroachers claiming adverse possession and the development imperative.

Session panel 33: Global Experiences: India Relevance

Chair	*Darryl Vhugen, Land Tenure Consultant*

Panellists

Cadasta Experiemce Sharing and India Strategy :

Amy Coughnour Betancourt, *Cadasta Foundation*

PRindex, India datasets and Localization Strategy:

Malcolm Childress, *Global Land Alliance*

Land Information Ecosystem:

Neil Sorensen, *Land Portal Foundation*

Methodologies and Evidence from Global Land Rights Research

Shagun Saberwal & Niharika Betkerur, *J-PAL South Asia*

Changing Land Administration Systems

Dimo Todorvski, *ITC, University of Twente*

Key Takeaways

When considering land administration systems and the means to improve them, one has to be pragmatic and sensible to the complex local realities. Every country has a different system of land administration but only 25% of them maintain a complete land system that covers all geographic areas, tenure types and transactions. The key to improving land-administration systems in a cost-effective and practical manner is to employ "fit-for-purpose", technologies and programs that achieve results that are "good enough" for the aims of the system. For example, while it is possible to demarcate property boundaries down to a few millimetres that is usually not necessary. Indeed, in rural areas measurements that are accurate within a meter or two are often perfectly adequate. The current plan in India of documenting 1.5 billion land parcels in India would require about 10,000 surveyors, plus countless other staff, and would take about 25 years to complete the survey, which is impractical. Therefore, India should adopt a fit-for-purpose strategy that uses different technological, human resource and systemic approaches to complete the job more quickly and less expensively.

There have been efforts in this direction. Two instances of organizations working towards these goals in innovative ways will be detailed below:

The Land Portal Foundation as an organisation has put effort to build a land information ecosystem. In many countries, land information is fragmented and difficult to find. The Land Portal seeks to remedy this situation by attempting to gather and make available information on land tenure, governance and other issues in one place. Currently, they are building partnerships with organizations in India, adding land information relevant to India to the database and making it easily available to those who need it.

Global Land Alliance has an initiative called Prindex that collects robust data on perceptions of property rights, to help to build a world where everyone feels secure in their right to their home. They do this by conducting surveys that inquire about people's perception of their tenure security. He noted that 20% of people worldwide feel tenure insecure. While this percentage varies by country, people report some level of tenure security in every country they have surveyed to date. Prindex data is used by policy makers, donors and others to help design programs and policies aimed at improving tenure security. Prindex will soon announce results from surveys in India. Moreover, in 2020 the organization is doing a "deep dive" in India by gathering data that can be used to compare levels of tenure security in Indian states.

Delegate Profile

ORGANISATION CATEGORY

Organisation

- Academia
- Government
- Individual
- INGO
- Media House/Jounalist
- Network Organisation
- NGO
- Private/Corporate
- Research Org

Pie chart values: 18%, 2%, 21%, 8%, 2%, 10%, 13%, 19%, 7%
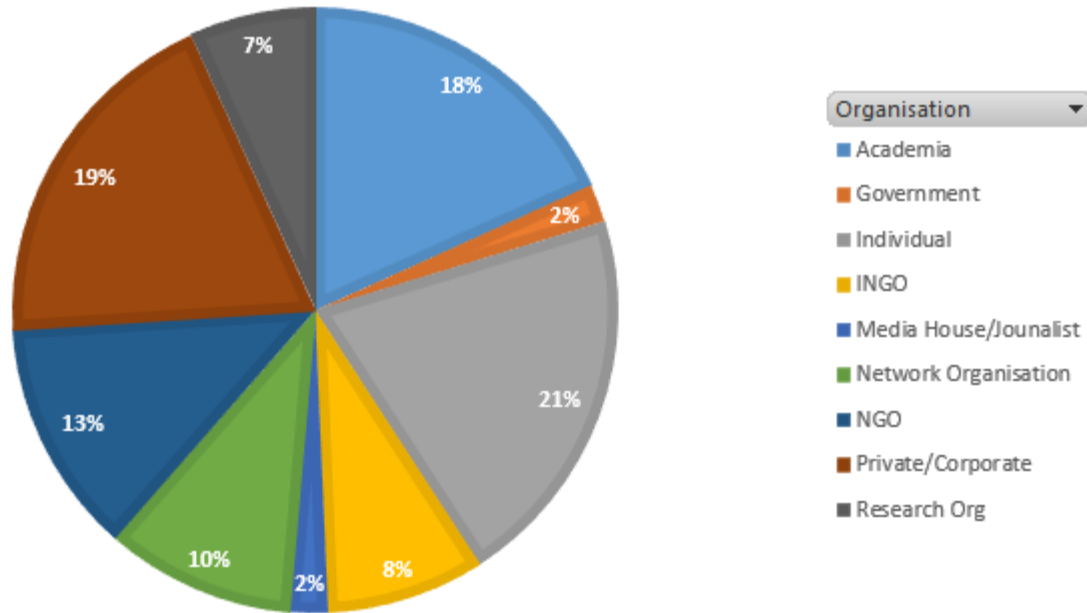
GEOGRAPHICAL PROFILE

Media Coverage

4th India Land and Development Conference (ILDC 2020)

India's poor risk loss of privacy, land in drive to digitise records

by Rina Chandran | @rinachandran | Thomson Reuters Foundation
Monday, 9 March 2020 07:59 GMT

Experts say push to digitise land records to establish ownership could make poor communities more vulnerable to evictions

By Rina Chandran

NEW DELHI, March 9 (Thomson Reuters Foundation) - A push to digitise land records in India to establish ownership and minimise conflicts has raised concerns over privacy for poorer communities and could...

4th India Land and Development Conference (ILDC 2020)

The fourth edition of the India Land and Development Conference took place from 2–4 March, 2020, in New Delhi, India, and provided platforms for enriching and interdisciplinary conversations on how Institutions, Innovations and Information matter for influencing and impacting land governance.

The Land Portal served as a media partner of the ILDC for the 4th consecutive year.

For more details please visit the India Land and Development Conference webpage at https://centerforland.org/ildc2020

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SECRETARIAT- ILDC 2020
Centre for Land Governance
NR Management Consultants India Pvt Ltd.
K-8/767, Kalinga Nagar, Ghatikia
Bhubaneswar-751003, Odisha, India
Tel-+91-674-2386114
Email: indialandconf@gmail.com

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