

Book Review

Land Rights in India—Policies, Movements and Challenges

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There are several intricate issues pertaining to land and human interface. A systematic discussion on the question of land rights needs to be seen as one embedded in a dynamic and broad socio-political context and with a bearing on patterns of social relations in the society. Different aspects, such as land use and agrarian production; population growth/movements and changing settlement patterns; agrarian accumulation and class formation; peasant politics/social movements; and institutional structures/governance mechanisms, need to be looked to understand the dynamics of land rights, thereby making it a complex issue of both economic and socio-political concern.

This publication, *Land Rights in India – Policies, Movements and Challenges*, edited by Varsha Bhagat-Ganguly, engages with an important issue of land rights in neoliberal India. The volume, outcome of a national seminar, attempts to provide a rich landscape of this complex issue, looking beyond the dominant discourse of land acquisition, examining government policies, laws, land governance, and land reforms from the perspective of social justice and people's response to the dispossession of land.

The book's foreword section sets the context and provides an interesting perspective on the issue of land rights from the perspective of global North-South. After the introductory chapter by the editor, the book is divided into five parts with 16 contributions. Part 1 focusses on issues

of land dependents and draws on the empirical research undertaken in Bihar, Telangana, Odisha, and Rajasthan and concludes with an exploratory analysis of land lease arrangements in India. The case of Dalit landless agricultural labourers of a village in Bihar brings forth the linkages between caste power, class power, and state power and how this creates difficulty in bringing about any change in the lives of the landless. Natural resources, such as land, rivers, and forests hold the living memories of histories of human engagement. Through the case of the communities in the Godavari–Sabari region, the book depicts how the loss of any of these natural resources from the democratic structure from above results in dislocation, dispossession, or displacement of certain communities, in both physical and metaphorical terms. The case of commons in Rajasthan and tribals in Odisha brings out the dependence of the commons on land and forest resources. It displays how the government machinery and market forces have weakened the institutional structure (socio-political and legal) resulting in the deprivation of land.

An important issue of land degradation is the nature and composition of land lease arrangement. Through an exploratory analysis of land lease arrangements in India in the concluding chapter of Part 1, three different trends have been identified. Firstly, over time a significant decline in leased-in land (from 25 per cent in 1971 to 10 per cent in 2003)

and reduction in land under tenancy (around 6 per cent in 2003) implies a decrease in the importance of tenancy in rural areas and an increase in self-cultivation. Secondly, the nature of contractual arrangement against the backdrop of decline in tenancy witnessed an increase in the fixed rental contract. Thirdly, in the land lease market, the percentage of the area land leased by operational holding size class has increased from around 65 per cent in 1971 to 12.1 per cent in 2003, thus exhibiting the relative importance of large landowners. However, looking at the trend at the State level on tenancy arrangement, a new form of tenancy is being observed in the irrigated areas on account of the increase in absentee landlordism due to the diversification of cultivating households moving out of agriculture. Also, in recent years, lack of the diversification option to the poorer households has led to an increase in the number of households dependent on agricultural labour entering the land lease market.

The second part of the book provides a detailed and lucid account of the political economy of land reform in post-Independent India. The trajectory of land reforms has been tumultuous starting with the abolition of intermediaries between the tiller and the state, based on the recommendations of the Economic and Programme Committee of 1947, and the increasing trend of land acquisition in recent times by the State in the wake of rapid urbanization. This has resulted in an increase in the pressure on agricultural land. The changing nature of land reforms in India in the states of Karnataka, Uttar Pradesh, and Kerala captures the different facets of land reforms from the perspective of social justice. While unanticipated consequences of first generation land reforms is discussed in the case of Karnataka, insights from Kerala as a 'model' state provides valuable lessons for other states from the policy perspective regarding second-generation land reforms. It also outlines the shortcomings of land reforms in addressing the issue of land alienation of tribals and the failure to confer land rights to women which has become important in the present context of large-scale feminization of

agricultural labour. It is aptly pointed out that significant political will is required to address these shortcomings.

Part 3 reviews the existing policies and laws. It starts with arguing that the notion of land carries a broader connotation, in terms of serving as a prism of culture and identity and not only as a source of livelihood. This idea of land is discussed through the narratives gathered during the fieldwork from villages in Jharkhand based on which a call has been made to broaden the ambit of legal systems on land rights from the 'eminent domain', which bestows exclusive power to the state to exercise control over land and impose a regime of private individual ownership, by providing space for alternative imagination of land and land rights. Recently, the state of Arunachal Pradesh also became subservient to this concept of 'eminent domain' through the Arunachal Pradesh Land Settlement and Records Amendment Bill, 2018, which confers ownership rights to indigenous tribal people. A critique of the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 2013 (LARR 2013) is being made that the Act reduces the wider scope of land rights as it makes acquisition of land easier than in the past for the corporate sector and making it more amenable to violation. Further, the pros and cons of the Forest Rights Act, 2006, discussed in the book calls for regulated market mechanism, financial support, legal tools, a deft policy hand, among others, for better governance and management of forest.

Conflicts over unequal access to natural resources, especially land, is a major issue and social movements have played an important role in ensuring land rights. Part 4 of the book provides a comparative analysis of people's movement across India in response to land dispossession. The adoption of different methods of protest is explained by locating the movements in the political, economic, and cultural context of the participants by taking up the cases of Nagri in Jharkhand, Niyamgiri in Odisha, and Kudankulam in Tamil Nadu. The case of Nagri and Niyamgiri depicts protest movements challenging the move by the state and the

government machinery to pursue 'public purpose' through establishing educational institutions and granting mining rights to the corporate sector. The book provides valuable insights on why people adopt distinct approaches of protest in response to the same phenomenon of land dispossession. Loss of faith in the judiciary forced people in Nagri to actively engage with the political parties, thus providing a greater scope for the articulation of interest through the political means. In the Niyamgiri case, the movement was largely based upon custom, identity, and culture as it is observed that the issues articulated within the framework of culture and identity successfully draws judicial attention. Unlike Niyamgiri, in the Kudankulam case of people's movement against the state initiative for setting up the nuclear power plant, issues of culture and identity were entirely absent and the livelihood concerns of the fisher folk and the farmers did not enjoy the active support of the political class. This has failed to curb the dominant ideology of development endorsed by the state. Another contribution in Part 4 of the book revisits the non-state movement of Bhoodan and Gramdan in the context of land rights and social transformation. Some common misconceptions on Bhoodan, such as land obtained in Bhoodan was barren, most of the Bhoodan lands were disputed lands and unproductive has been cleared and given the originality and novelty in its conception and methodology, it has been suggested to evaluate the movement with a proper perspective lest it would be looked upon as reactionary and revivalist in modern Western terminology. Further, exploring the potentialities of Gramdan, which blossomed from Bhoodan, it has been suggested as the need of the hour as it is asserted that it is the only way to ensure land rights to all.

The last part of the book looks at the issues and challenges of land governance. It traces land governance system in post-Independent India in the perspective of constitutional provisions in the Directive Principles of State Policy and efforts that have been made in the implementation of policies and their outputs as well as outcomes. Land-related issues, such as landlessness,

informal settlements, resettlement of people displaced by violent conflicts, natural disasters and climate change, being intricately complex and politically-sensitive poses a challenge in making any changes as well as to improve and sustain their effectiveness. Changes in land records by adopting an apolitical techno-managerial approach has been attempted under the National Land Records Modernization Programme (NRLMP) and some major critical factors impeding the implementation process and remedial measures has been well elucidated in the book. Adopting a techno-managerial approach of land records modernization also brings forth the issue of capacity of the state and the government machinery to secure public interest while negotiating a deal with big IT corporates. Based on the American experience, which has witnessed a massive rise of 'an industry of e-government vendors', in the wake of increasing outsourcing activities for building virtual state, examining the role played by IT vendors in influencing the sharpening of information and communication technology (ICT)-based public service delivery has been suggested as an important and emerging area of research.

This book departs from a dominant conception of land as a commodity for economic growth and explores critical themes, including issues of social identity, culture, livelihood, and food security through a study of land reform; reviews existing land policies and legal dimensions; and discusses issues and challenges of land governance and land dependents as well as perspectives from people's movements. This edited, albeit integrated volume, gives readers concerns about the multilayered nature of issues and intricacies surrounding land rights in a comprehensive manner, and the occasion to think about the transformative potential through better approaches to land governance. Written in a lucid manner, this book drawing contributions from academicians, researchers, bureaucrats, and social activists, encourages richly textured descriptions and analysis based on empirical research. The rich content and breadth of discussion, as well as the extensive list of references that accompany each chapter will benefit novices as well as professionals alike.