

Learning from old and new approaches to Land Reform in India¹

Rural Development Institute

Introduction

India contains both the largest number of rural poor and the largest number of landless households on the planet. The two statistics are closely related: landlessness -- more than either caste or illiteracy -- is the best indicator of rural poverty in India.¹

At both national and state levels, India has made significant efforts to reduce rural poverty through attention to the inequalities of land access and the insecurity of land tenure. In the course of these efforts, India has encountered challenges, confronted problems, and experienced some successes. In recent years, a few Indian states have designed and implemented new approaches to increasing land access for the poor and marginalized -- with promising early results. This paper provides a brief review of the country's land reform history and its promising future in the hope that India's experience may help policymakers and civil society members trying to alleviate rural poverty in developing countries.

Following this introduction, Part II provides a brief historical overview of the context in

¹ This paper has been prepared for the workshop "Land Redistribution in Africa: Towards a common vision." The findings, interpretations, and conclusions expressed herein are those of the author(s) and do not necessarily reflect the views of the International Bank for Reconstruction and Development/The World Bank and its affiliated organizations, or those of the Executive Directors of The World Bank or the governments they represent.

which India began reforming its land policies and laws. The section describes India's key post-Independence legislative land reforms and the results of those first efforts. Part III discusses the unique issues and challenges arising from efforts to strengthen women's rights to land. In Part IV, the paper discusses how three Indian states have taken lessons learned from those early efforts and created new routes to increase the rural poor's access to land and enhance the security of land rights. Part V offers some lessons learned from India's extensive experience.

First generation Reforms to Land Policy and Law

Following Independence, India gave control of land matters to the states.² The states took full advantage of their authority. They enacted legislation aimed at: (1) abolishing intermediate interests in land; (2) regulating tenancy; (3) limiting the size of land holdings and redistributing the above-ceiling surplus; and (4) distributing government wasteland to those without agricultural land and houses.³ In addition to general country-wide discussion, in each section, the paper focuses on three states that have had notable success in implementing land reform legislation and programs: Andhra Pradesh, Karnataka, and West Bengal.⁴

Land Systems at the Time of Independence

At Independence, India inherited three types of land revenue systems from the British: the *zamindari*, *ryotwari*, and *mahawari* systems. These three systems not only established obligations of taxation but more broadly defined the relationships among the layers of land rights and control exercised by (or imposed upon) the state, landowners, landlords, tenants, and laborers.⁵



The *zamindari* system that governed most of eastern and northern India gave feudal lords and tax collectors permanent rights to and control of the land in exchange for collecting tax from peasant tenant farmers. In contrast, under the *ryotwari* system of southern India, farmers were considered proprietors of the land they cultivated, paid tax directly to the state, and had rights to transfer and mortgage their land. These two systems together governed in 95 percent of the country. Under the *mahalwari* system all residents contributed to a collective tax payment by the village to the state. This

system applied in the remaining five percent of the country. As time passed, all three systems gave numerous individuals intermediate rights to control land and land revenue, placing increasing pressure on those cultivating the land at the bottom of the pyramid.

Abolition of Intermediaries

Almost every Indian state passed laws restructuring the systems of land holdings and land revenue to abolish intermediate

interests. In general, these legislative efforts were effective. State laws eliminated the large population of intermediate interests in land, and 20 to 25 million tenants became landowners.⁶

The achievements were not without costs, however. In anticipation of the new legislation, landlords evicted sharecroppers and tenants at will in order to prevent them from gaining rights. In addition, shortcomings in the laws limited opportunities for the state to protect and empower the poorest tenants. However, the states implemented this phase of India's land reforms more comprehensively than the land ceiling and tenancy reforms that were to follow. As a result, despite the deficiencies in the legislation abolishing intermediary interests, that effort is judged among the most successful.

Regulation of Tenancy

In the period immediately after Independence, tenancy was widespread in India. The system greatly favored powerful landlords at the expense of their tenants. Most tenancies were oral and the landlord could terminate them at will. Laws provided virtually no protection for the most vulnerable tenants.

Recognizing the exploitative nature of tenancy relationships, in the 1960s and 1970s, every Indian state passed tenancy reform legislation. These laws affected both existing and future tenancies and were intended to give tenants greater security.

In most states, tenants who remained on tenanted land became entitled to permanent rights, with one large exception for "resumable" land, discussed below. The legislative approaches varied by state. For example, certain existing tenants in Karnataka, West Bengal, and the Telangana area of Andhra Pradesh were entitled to ownership or permanent occupancy rights. In the Andhra area of Andhra Pradesh, the law gave many existing tenants perpetual rights to tenanted land. In West Bengal, only share tenants were entitled to permanent rights and at a regulated share rent.

Whether states would permit the creation of new tenancies was perhaps the most controversial aspect of the tenancy laws. The laws fall into several categories. Karnataka, West Bengal and Andhra Pradesh are representative:

- Karnataka's law prohibits tenancy, with a few minor exceptions. The state has the power to seize land leased without compensation to the landowner and to distribute the land to land-poor families.
- With some narrow exceptions, West Bengal does not allow fixed-rent (cash) tenancies, but does allow sharecropping (although, because the law gives permanent rights to such sharecroppers, it discourages landowners from future sharecropping relationships).
- The Telangana area of Andhra Pradesh prohibits new tenancies unless the landowner is a smallholder (defined as holding less than 18 acres of irrigated

Loophole Undermines Reform.

The "resumable" land exception in the tenancy reform laws was the largest legal loophole used to prevent tenants from obtaining ownership rights. Essentially, landowners were permitted to evict tenants if they resumed farming the land themselves. Even on non-resumable land, permissible "voluntary" surrenders of tenancy rights by tenants frustrated the objectives of tenancy reform. Many landlords took back their land by persuading their tenant(s) to give up their tenancy rights "voluntarily." Most states amended their laws to protect against such coercive tactics, but by that time the damage had been done.

land) or deemed “disabled,” a status defined to include women. Where tenancies are permitted under these exceptions, they must meet precise requirements for duration of the tenancy and rate imposed.

- In the Andhra area of Andhra Pradesh, the law permits tenancy relationships, but they must meet strict requirements regarding duration, rates, and renewal that grant substantial rights to qualifying tenants.⁷

Impact of tenancy reform - India’s tenancy reform legislation largely failed to achieve its goals of protecting tenants and providing land ownership rights to the landless rural poor. In the decades following enactment, the laws have provided 12.4 million tenants with rights to 15.6 million acres of land. This comprises about five percent of households and five percent of India’s agricultural land, as shown in the annexed Table 1. While the achievement cannot be discounted for those benefited, significant negative impacts experienced by a far larger group offset the positive results:

- Evictions. Tenancy reform caused the large-scale eviction of tenants. One study estimates tenant families were ejected from as much as 33 percent of India’s agricultural land due to tenancy reform legislation.⁸
- Passive dispossession. In addition to causing evictions, the tenancy laws prevented more poor farmers from accessing land through tenancy. Most rural households believe that landowners risk losing some rights to their land when they rent it out. As a result: (1) some landlords choose not to farm their land rather than to lease it out for fear of losing rights and control to tenants; (2) when land is rented, it is given only to people the landowner can trust not to assert rights. For extra protection, the landowner rotates the tenants to different parcels, often every year; and (3) land-poor households often report that they wish more land was available for rental.

They do not fear exploitation as much as they fear not being able to access land to improve their lives.

Recent studies show that the laws prohibiting or placing substantial restrictions on agricultural tenancies both constrain productivity and prevent landless and marginal farmers from accessing land.⁹ Thus, relaxing these tenancy restrictions are now likely to serve the interests of the landless and poor farmers. The paper discusses this opportunity in Part IV.

Agricultural Landownership Ceilings

All Indian states adopted land ceiling legislation that limited the amount of agricultural land a person or family can own. The laws were designed to equalize land holdings by taking possession of the land in excess of the ceiling. Excess land was then to be redistributed to poor, landless, and marginal farmers.

With some exceptions, the laws have not been effective. This is due to several factors: (1) the governments provided inadequate compensation for the land that they took, which made the programs unpopular with landowners; (2) the laws had many gaps and loopholes that landowners used to their advantage; (3) states often distributed the relatively small amount of land obtained in relatively large parcels, so that only a small percentage of landless families benefited; and (4) outdated and incomplete land records made implementation of the ceiling legislation more difficult.

Ceiling laws vary by state. In Andhra Pradesh and Karnataka, the law permits a family of five to hold between 10 and 54 acres of land depending upon the quality of the land.¹⁰ In both states, the laws permit the state to buy land above the ceiling, but the required payment to the landowner is set at only a fraction of the land value. The states prioritize the distribution of surplus land among landless and disadvantaged households. In Andhra Pradesh, the state

grants surplus land to beneficiaries in parcels up to two and one-half acres of wet and five acres of dry land. Andhra Pradesh has distributed a total of 582,319 acres of ceiling surplus land to 50,344 beneficiaries. Karnataka redistributed 68,745 acres of land (0.5 percent of the state's arable land) to 33,610 beneficiary households.¹¹

West Bengal set a relatively lower landownership ceiling than the other states and redistributes the surplus land in smaller plots. The ceiling area ranges from six to 17 "standard acres" depending on family size. A "standard acre" is one acre of irrigated land and 1.4 acres of other land. The government must pay landowners for land taken by the state. Again, the payment is less than market value. A landowner can also lose his land if the landowner fails to personally farm it. The state distributes the land to local residents who own less than one acre of farm land. The law gives preference to specific disadvantaged groups and persons who form a cooperative society.¹² West Bengal redistributed 1.04 million acres of ceiling-surplus land to 2.54 million land-poor households.¹³

Overall impact of ceiling laws - By the end of 2005, state governments across India had declared 7.34 million acres of above-ceiling land. Of that land, the governments had taken possession of 6.50 million acres and had distributed 5.39 million to a total of 5.64 million households. The total amount of land distributed amounts to approximately four percent of India's agricultural land (see annexed Table 1).¹⁴

The only states where more than five percent of agricultural households benefited are West Bengal, Jammu & Kashmir, and Assam. West Bengal leads India: the state distributed ceiling surplus land to 34 percent of all agricultural households, and West Bengal accounts for 40 percent of the ceiling surplus land beneficiaries in India. The state's relative success is based on several factors. First, the law has fewer loopholes than most other state land reform laws. Second, the state government's political will led to more effective

implementation. Finally, the state government's emphasis on distributing the benefits widely (but in smaller plots) led to more grassroots support for the process.

Benefiting More Families in West Bengal - West Bengal's land allocation practices emphasize distributing available land to as many landless families as possible rather than trying to give each beneficiary family a "full-sized" farm. In recent years, the state has been allocating the dwindling supply of ceiling-surplus lands in very small plots, averaging less than one-third of an acre. Field studies have shown that even a fraction of an acre can provide important supplementary benefits to a landless family. For example, in one study covering two districts in West Bengal, RDI interviewed 34 previously landless persons who had received plots averaging 0.16 acres (ranging from 0.07 to 0.38 acres). Nearly all farmed their plots intensively and reported significant increases in food consumption, income, and social status attributable to the plots.¹⁵

The disappointing results in other states are due largely to a lack of political will. In many cases, ceiling legislation was incomplete and allowed large landowners to avoid the law. Most significantly, however, the laws failed to provide fair compensation to landowners. Thus, even after policymakers revised the laws, government officials lacked the will to make compulsory land purchases from the relatively powerful landowning class. The lack of adequate land records also made redistribution efforts more difficult.

The lack of political will still exists today. Therefore, reconsideration of ceiling laws at this stage is unlikely to contribute significantly to providing India's rural poor with greater access to land. Other strategies, such as those discussed in the following sections, are more likely to succeed in improving land security for India's rural poor.

Government land allocation programs

In addition to the legislative abolishment of intermediaries, tenancy reform, and ceiling laws, some states conducted major efforts to allocate government land to land-poor families. States have used government land to allocate both house sites and agricultural plots to the land-poor.

House sites - Some states have provided house sites or homestead plots to landless laborers or other land-poor households. Land used for such programs has included government land, ceiling-surplus land, residential land under tenancy, and even purchased land. Incomplete data indicates that an estimated four million households have received ownership of house sites. The plots typically range in size from 0.02 acre (about 900 square feet) to 0.10 acre (about 4,300 square feet), with the majority at the smaller end of the range.¹⁶

Karnataka provides an example. Karnataka's land reform law gave agricultural laborers the legal right to apply for and receive ownership of their house and house site.¹⁷ At first, the law limited the amount that the state could grant a beneficiary to 2,180 square feet but that ceiling was eliminated by a 1982 amendment. On average, each applicant received 5,880 square feet.

However, more recent rural housing programs designed to assist the rural poor allot plots averaging approximately 1,200 square feet.¹⁸ These plots provide space for little more than a house. Recent studies show that larger homestead plots also provide other important benefits particularly when the plots are large enough to include a garden and space for a few animals.¹⁹ Plots that are 0.07 to 0.10 acre (about 3,000 to 4,500 square feet) in size have been shown to provide the following benefits to farm worker families:

- most or all of the families' fruit and vegetable needs;

- space to keep livestock that can provide all of the families' dairy needs;
- income (from the sale of products) equivalent to the wages of one full-time adult farm worker;
- a chance to create wealth through the growth of valuable trees and/or labor-intensive improvements to the plot;
- a valued boost in social status;
- improved access to credit; and
- the basis for ending a family's dependency on a large landowner.

These findings from India are consistent with evidence from other developing countries.²⁰ Moreover, many of these benefits of house plots are directed toward and received by women. When women have some control over a house plot and its use and production, they will tend to use the benefits of that plot, including increased amounts of food and surplus income, to benefit the children and family.²¹

Programs granting house plots have enormous potential to improve the livelihoods of the poor. Unfortunately, India-wide, the vast majority of rural housing programs provide the poor with very limited space, leaving little room beyond the footprint of a small house. As discussed in Part IV, Karnataka and West Bengal have recognized the opportunity in small plots. Both states recently adopted new programs designed to provide landless and other poor families with plots that can provide substantial benefits to the family.

Wasteland allocation. Wastelands are lands that are either entirely barren or are producing significantly below their economic potential. ²² An estimated 150 million acres of India's 810 million acres are wastelands and most are owned by state governments. Not surprisingly, India has tried a variety of ways to use its wasteland to provide the poor with access to land.

State governments have allocated 14.7 million acres of government wasteland to poor rural households through land reform

programs.²³ Six states account for 80 percent of this land, led by Andhra Pradesh (see annexed Table 1).²⁴ Most of the allocations took place in the 1970s and 1980s. Most beneficiaries received between two and three acres of land.

In recent years, wasteland distribution programs have slowed or stopped altogether. In addition to the lack of new allocations, recent field studies show that a significant portion of the government land supposedly given to poor families is not actually in their possession. In Andhra Pradesh, for example, observers estimate that many of the reported recipients of government wasteland are not in legal or physical possession of their land. In some cases, the lands were distributed “on paper” but not on the ground. In other cases, lands were distributed on the ground, but without formal legal documentation. In still other cases, more powerful interests in the village forced the grantees off the land.²⁵ Indeed, in many states the failure of state governments generally to maintain accurate, current land records has also undermined their ability to undertake effective redistribution of land, including government land.²⁶

The Andhra Pradesh state government, with World Bank support, is now taking steps to identify and correct cases where the grantees are not in secure legal and physical possession. Moreover, the state government is pursuing the allocation of unallocated wasteland and other innovative and decentralized methods for providing secure land rights to the rural poor. The state’s efforts may provide useful models for other states and countries. (See the discussion of the IKP project in Part IV below.)

Summing up and moving forward

Overall, India’s land reform efforts have had some positive results, particularly in a few states. As of 2002, nearly 10 million hectares of land had been transferred under the ceiling surplus and tenancy reform legislation. Land reforms have had

favorable effects on family income, asset growth, consumption and childhood education, especially in the states where the reforms were more vigorously implemented²⁷.

Overall, however, land reforms did not fully accomplish their objectives and the positive impacts of the reforms have declined over time, as implementation efforts have slowed and the negative impacts may now be outweighing the positive impact.²⁸ Moreover, research indicates that the programs have not uniformly benefited the poorest and landless. For example, ceiling laws often induced land owners to transfer land to relatives and to rent to more well-off tenants with the capacity to more effectively farm the land.²⁹ In addition, some of the potentially beneficial impacts of reform were lost due to the failure to provide follow-up with non-land inputs.³⁰

In particular, the first generation reforms missed a big opportunity to provide rural women with access and rights to land. However, as the next section discusses, some states in India understand the substantial impact women’s access to and control of land can have on their families’ well being and rural livelihoods. With women’s land rights as the foundation, these states have created and put into effect programs that represent the second generation of land reforms in India.

Women’s Land Rights: Overcoming Past Inequities and Leading New Approaches

While women in India have the legal right to own land, very few do. For those women who do own land, ownership rarely means control of the land or of the assets flowing from the land.³¹

Government land allocation programs provide one means by which women can gain rights to land. Under first generation reforms, men received title to the vast majority of this land because programs almost uniformly gave land rights to the heads of households or the farmer of the land – roles traditionally filled by men.³²

Poverty-reducing potential in women's land rights

The harmful effect of women's unequal rights to access and control rural land has been well documented.³³ The impact on livelihoods is particularly strong in India, where men migrate to expanding non-farm employment opportunities and women comprise a growing percentage of the rural population.³⁴ Women's literacy rates, childcare obligations, and cultural constraints make them less qualified than men for non-farm employment.³⁵ Eighty-six percent of female workers in rural India are dependent on agriculture for their livelihoods.³⁶

Despite this growing dependence on agriculture, rural women's ability to access and manage the benefits from the land to which they are tied remains highly restricted. Excluding women from control of agricultural land and its income harms not only the individual women. It also hurts the children, the family, and ultimately the community.³⁷ Where men control the use of land and household assets, they are more likely to spend income on personal items, status-seeking activities, and the fulfillment of individual desires.³⁸ However, women usually use income from land to meet the basic nutritional, welfare, and educational needs of their children and family. In short, if women have secure access to land and can control the income it generates, the benefits to the family are huge.³⁹

State programs to increase women's land rights

Several states have tried to increase women's land rights through policies dictating how title should be granted in land distribution programs. The results have been mixed. Fourteen years after its land distribution programs began, West Bengal started requiring government land to be issued jointly in the name of husbands and wives, or to women individually, "to the extent possible."⁴⁰ Unfortunately, the state had already distributed most of the land, and the policy did not have retroactive effect.⁴¹ In addition, even in the case of new land allocations, implementation of the policy by local officials was spotty.⁴²

The problems encountered in West Bengal also threatened to have a negative impact on a government housing program in Karnataka. Karnataka is among a small group of states that has attempted to increase women's land rights through ownership of government-distributed housing benefits. Beginning in 1993, the state ordered officials to put government housing benefits (houses and often house plots) in the names of both the husband and wife. As in West Bengal, implementation of the requirement was at best uneven. In 2000, Karnataka attempted to address the problem of implementation and further enhance the rights of women by requiring officials to title housing benefits in the name of women individually, with limited exceptions.

Important lessons come from Karnataka's experience with this housing program. Since 2003, title to houses and house plots assigned to poor rural families have been put in the name of a female family member (usually the wife of a married couple). However, in some areas local officials did not understand the purpose of the titling requirement. In those areas, they put the house in the women's name but were unable to teach the women about the importance of the title. Thus, the women received title but did not understand its benefits to them and their families. In these areas, the titling requirement had little impact on the lives of the beneficiaries.

Elsewhere, the situation is much different. In some areas of the state, local NGOs are actively working with the community, providing capacity building, savings, and income-generation programs for rural women. Working with the local government, the NGOs:

- taught the community about the benefits to the entire household when women have land rights;
- provided education programs for men and local leaders on issues of gender equality;
- trained women to create kitchen gardens, raise livestock, and develop home-based businesses such as tailoring and food preparation; and
- assisted women in developing credit relationships with local banks.

The impact of these efforts is clear and very positive. Where the NGOs are actively working with the housing program, the women beneficiaries, their husbands, and their families recognize the importance of land rights. The women understand how their ownership of the house and house plot can be used to get a bank loan. They see how they can use the plot for improving their families' nutrition. The women participate in newly formed action committees that, together with other

community members, identify local problems and discuss possible solutions. In short, the women and their families are receiving all of the benefits of property ownership.

New Approaches

Karnataka's recent efforts in its housing program to put land titles in the name of women reflect a number of potentially powerful new approaches to land reform: (1) changing existing laws and drafting new regulations and rules narrowly tailored to objectives; (2) designing focused land-based programs; (3) using local, decentralized government institutions for implementation; (4) getting the support of capable NGOs and community organizations; and (5) planning for legal aid and support for rights enforcement and education.

This section highlights some examples of these new approaches. The first two examples describe opportunities for tenancy reform and support for sharecropper transactions. They are examples of potential legislative reforms. The third and fourth examples are state programs that work under existing law to increase land access and tenure security for the rural poor.

Tribal Land Rights: A Need for New Approaches

India's indigenous population, known as tribals or *adivasis*, makes up seven percent of India's population. Tribals are among the poorest and most land-dependent of India's population, yet their land rights are among the least secure. Land that tribals rely on for their livelihoods has been encroached, seized, transferred, and acquired – too often without adequate compensation or provision for comparable other land.

For decades, policymakers and civil society alike have struggled to preserve tribal land rights. Efforts include (1) laws restricting tribal land transfers; (2) recent extension of local governance authority to tribal areas; and (3) brand new legislation granting forest land rights. These efforts have historically suffered from the same gaps between law and reality, lack of political will, and lackluster implementation that have plagued India's first generation land reforms. However, state governments and civil society are trying new approaches, including targeting tribal areas for legal aid services and integrating land programs with development programs. Such new approaches to combat the persistent problem of tribal land rights are sorely needed.

Removing restrictions on tenancy

As discussed in Section II, current tenancy restrictions now largely have a negative impact on the poor families they were intended to benefit. The negative effects of laws that prohibit or strictly limit tenancy are becoming more widely recognized. Several Indian states, including Andhra Pradesh and Karnataka, are considering relaxing these restrictions. Through carefully designed changes in the law, tenancy legislation could: (1) grant poor households access to substantial amounts of under-utilized land; and (2) ensure that tenancy relationships are recognized and appropriately regulated.

The specific content of these amendments will differ from state to state. In general, however, policy and legislative changes under consideration include:

- Where tenancy is now prohibited, allow for tenancy but include enforceable regulation that balances the interests of the tenants and landlords.
- Require that lease agreements be in writing, using a standardized form that forces the parties to clearly state the rent amount, the lease length, and other important terms of the lease. Guarantee the tenant the right of exclusive possession for the duration of their agreement, but avoid unenforceable maximum rent payments or minimum length of terms.
- Clearly state that new tenants will not be given any long-term rights to land beyond what is in the written agreement.

Turning protected tenants into landowners

West Bengal provides a second opportunity for improving land rights through legislative change. West Bengal's tenants benefited from land reform but received something less than full ownership of the land. West Bengal gave its sharecroppers (known as bargadars) substantial rights and

protections. Under the *West Bengal Land Reforms Act*, sharecroppers are entitled to permanent and non-transferable (except by inheritance) rights to farm the sharecropped land and keep a legally determined share of the production.⁴³ In addition, sharecroppers have a right of first refusal to buy the sharecropped land. Thus, if a landlord wants to sell his land, he must first offer it for sale to the sharecropper. A sharecropper keeps his rights even if the land is sold to a third party.

For many years, sharecroppers were unable to enforce these rights. As a result, in the late 1970's the West Bengal government started *Operation Barga* -- a campaign to register and enforce sharecropper rights. More than 1.4 million sharecroppers have been registered and field studies confirm that their rights under the law are, for the most part, respected and enforced.

However, while West Bengal's sharecroppers have benefited from stronger tenure security and lower crop share payments, virtually all of them would prefer to have ownership of the land. In addition, as non-agricultural opportunities have increased, many landowners would like to sell their land in order to engage in other business activities. The law has not kept pace with these changes. Instead, the law has frozen sharecroppers in their position as tenants and effectively prevents landowners from selling the sharecropped land to a third party.

West Bengal can expand its already significant land reform achievements by allowing its protected sharecroppers to become landowners. However, land sales between the many landowners and sharecroppers who want to do business are often prevented by: (1) legal restrictions on the transferability of sharecropped land and, (2) the sharecroppers' lack of purchasing power.

The West Bengal government is now seriously exploring legislative and other changes for supporting the sharecroppers

who wish to become owners (and helping those landlords who want to sell). These include:

- Funding a land corporation to help sharecroppers purchase the land they farm.
- Adopting a simpler and less costly process for the sale or exchange of sharecropped land to sharecroppers that includes safeguards to prevent abuse by landlords.
- Setting a standard or minimum price to be used when a sharecropper wishes to sell or purchase sharecropped land.

Expanding Land Access through Land Purchase

A third new approach assists the rural poor with land purchases. The state governments in Karnataka, West Bengal, and Andhra Pradesh have recently begun new programs to provide micro-plots of land to landless laborers through a land purchase program. In these programs, the land is obtained only through voluntary purchase. This avoids the problems of past land reform approaches that relied on involuntary takings of land. All three programs purchase land in large parcels and then divide the land for multiple beneficiaries. The amount provided for each recipient varies from 0.10 acre (in Karnataka) to up to 1.0 acre (in Andhra Pradesh).

The programs in Karnataka and West Bengal are focused in part on providing house-and/or-garden plots. Beneficiaries of these programs can choose to use the plots for a house site (if needed) as well as for income generating purposes such as farming and keeping livestock.

Providing a 0.10 acre house-and-garden plots may be the most practicable method of providing meaningful land rights to India's seventeen million landless rural families. Because land in most village areas is scarce and expensive, the West Bengal and Karnataka governments are buying land parcels of one or more acres within one

kilometer of a village. They then divide the parcels into house-and/or-garden plots. The programs also provide some basic infrastructure such as a road, drinking water, and an electricity line, if those are needed.

Andhra Pradesh's land purchase program aims to give up to one acre of irrigated land per beneficiary. While Karnataka's program operates through village governments and West Bengal's through the state government line departments, Andhra Pradesh's program operates through women's self-help groups. The early experience is promising. However, its capacity to reach a significant portion of the landless poor is in question, both because of the relatively high costs per beneficiary (about US\$1,200) and the limited supply of land available for sale. The Andhra Pradesh program has the following positive features:

- *Beneficiary-driven process* - Land purchase activity is begun by the beneficiaries, not government officials. Self-selected beneficiaries that have shown the capacity for a land purchase identify the land, negotiate a price, and develop a business plan for farming the

Micro-Plots: Low Cost – High Impact

The land costs per family for micro-plots are affordable. If non-irrigated agricultural land is targeted, typical costs of such land in India range from US \$450 to US \$2,000 per acre or US \$45 to US \$200 to benefit each family with a one-tenth acre plot. Thus, governments need not be constrained by insufficient existing government land. They can also avoid the political and administrative difficulties of taking land involuntarily. The amount of land needed in India is not large--giving such plots to each of the 17 million landless families in India would require less than 0.5 percent of India's agricultural land.

land.

- *Purchase plus improvements; business plan requirement* - The program requires beneficiaries to consider what improvements (such as irrigation) are necessary and to include such improvements in their business plan. The requirement of a business plan focuses the beneficiaries on the economic feasibility of their land purchase and requires consideration of options.
- *Cost recovery plan* - The program includes a substantial grant component and reasonable repayment terms so beneficiaries do not end up with too much debt. The debt repayment plan is included in the business plan so beneficiaries can understand their financial obligation and how it affects the overall economics of the land purchase option.

Land-Related Legal Aid in Andhra Pradesh

In the final example, a program developed in Andhra Pradesh ensures land rights reach intended beneficiaries through legal aid. Many of those who were supposed to be land reform beneficiaries as well as other small and marginal farm families in India have not fully realized the land rights to which they are entitled. They do not know their rights and are usually unable to assert their rights when they do understand them. For such families, legal aid can provide both knowledge and assistance to fully receive their land rights.

Andhra Pradesh has recently begun a state-wide legal assistance program to help such families. Research has found that most land cases involving the poor are not legally complicated. Specifically, the goals of the program are: (1) making poor people aware of their rights; (2) identifying and sorting through the facts of existing cases; and (3) socially empowering the poor to assert their rights.

The program works mostly through training young people from villages to act as paralegals. These paralegals receive training and a lawyer is available to help them. The paralegals teach women self-help groups about their legal rights. They also work with the women and other local activists to identify land cases where the poor have not received their due justice. The paralegals then work to help resolve those cases. The self-help groups' enhanced awareness and collective power also helps their members in asserting their rights.

Because many of the cases require surveys (and the government has a shortage of surveyors), the program also trains educated youth from the villages as "community surveyors". These community surveyors work with the paralegals to resolve cases requiring survey work.

Lessons learned

The following lessons can be drawn from India's experience with land reforms to date:

Define the issues narrowly in legislation - Legal reform strategies and land legislation benefit from efforts to define issues and terms narrowly. In an effort to end exploitive relationships, India's tenancy laws often broadly prohibited all tenancy relationships or imposed excessive restrictions. The laws failed to recognize the role land rental markets can play in providing land access for the poor while also meeting the legitimate needs of landowners.

Look for unanticipated impacts - India's first generation land reforms suffered in their effectiveness because they failed to take into account the vulnerability of the tenants and sharecroppers on the land. Legislation that successfully abolished intermediary interests in land unintentionally caused some of those most dependent on the land to be evicted and become landless. If there had been a greater knowledge of the realities and likely response of all groups to the new legislation,

governments could have made efforts to design protections for these populations, such as granting protected status to sharecroppers as the bargadars received in West Bengal.

Give attention to the rights of women and other marginalized groups at all stages of any reform process; do not ignore capacity building - India's land reforms legislation utterly failed to recognize the importance of equitable land rights for women and men. States taking steps to address inequities are learning that increasing women's land rights involves fundamental social change. In order to ease social change, every aspect of a program -- from concept to design to development to implementation to evaluation -- must be studied to identify and avoid inequities. In addition, considerable time and resources must be devoted to sensitization, education, and capacity building.

Respect existing land rights - The needs of those with existing land rights cannot be ignored in efforts to help the beneficiaries of land reform. India has been unable to implement its ceilings laws mostly because the laws do not provide fair compensation to larger landowners. The inadequate compensation caused landowners (who might otherwise be willing sellers) to evade the law, and local officials lacked any incentive to enforce the ceiling. In the process of reform, existing land rights should be protected with clear legal authority to retain existing rights or fair compensation for those rights acquired.

Seek opportunities to decentralize power - India's decision to give states power over land matters has generally served the objectives of land reform well. States have the authority to adopt legislation and develop programs for the circumstances unique to its region and population. Where local officials are trained in land matters, such as through Andhra Pradesh's IKP program or West Bengal's Operation Barga, the results are more likely to benefit the intended communities.

Challenge assumptions and settled thinking - India's early land reform planning was paralyzed by the belief that land government distribution programs must provide families with at least one or two acres of land. Karnataka and West Bengal's small plots programs are examples of projects that are based on current knowledge about rural livelihoods and increased understanding of the benefits available in small plots. The first step in creating such promising programs is a willingness by policymakers to question old beliefs regarding land reform.

Prioritize and fund implementation of new legislation - Much can be lost between legislative intent and implementation. Upon investigation, officials in Andhra Pradesh discovered that as much as 30 percent of the intended benefits of government land allocation programs had not reached the intended beneficiaries. In many areas, Karnataka's effort to title land in women's names was unknown and had no impact. A well planned program for implementation can make an enormous difference. West Bengal's bargadars benefited enormously from Operation Barga, the government's program to educate communities about bargadar rights and register bargadars. Twenty years later, bargadars almost always say they learned about their land rights from Operation Barga. They identify registration of their rights through the program as one of the most important factors in their negotiation power with landowners.

Improve land records to provide more secure tenure to the poor - Inadequate and incomplete land records are a substantial obstacle for conducting meaningful land redistribution or strengthening existing land rights of the poor. Improving land records administration benefits the poor by reducing the time, cost and petty corruption associated with land transactions.⁴⁴ While modern and complete land records are not always a prerequisite for effective land reform, they do make it much easier. Before attempting land reform, attention must be

given to the state of current land records and consideration given to updating and improving those records.

Plan dispute resolution and enforcement systems - Land rights are only valuable if they can be enforced. In India, the judicial and administrative institutions charged with enforcing land reforms are inadequate in number, capacity, and funding. As a result, hundreds of thousands of land rights cases are stuck in the courts and administrative bodies, usually to the disadvantage of the poor. Land reforms must include methods and institutions for dispute resolution and enforcement of rights that are accessible to the poor.

Annex 1: Table 1 - Share of Households and Agricultural Area Affected by Land Reforms in Major Indian States⁴⁵

State	Tenancy		Ceiling		Wasteland
	Area (%)	Pop. (%)	Area (%)	Pop. (%)	Area (%)
A. Pradesh	3.48	0.75	8.34	3.81	24.56
Bihar	0.00	0.00	4.42	4.00	5.95
Gujarat	15.00	11.20	1.95	0.31	16.36
Haryana	0.51	0.01	1.26	0.26	0.00
H. Pradesh	0.16	3.19	0.06	0.05	0.16
Karnataka	15.38	5.29	1.71	0.30	7.30
Kerala	8.47	12.49	1.30	1.04	48.62
M. Pradesh	2.15	0.61	2.69	0.71	0.18
Maharashtra	27.01	10.68	7.74	1.08	3.05
Orissa	0.15	1.43	2.24	1.28	5.36
Punjab	1.89	0.04	1.50	0.25	0.71
Rajasthan	0.00	0.16	6.63	0.75	0.34
Tamil Nadu	3.65	3.23	2.47	1.24	2.05
U. Pradesh	0.00	0.00	5.81	3.68	24.59
W. Bengal	6.41	10.80	14.91	19.73	2.54
All India	5.45	5.35	4.41	2.27	4.94

¹WORLD BANK, INDIA: ACHIEVEMENTS AND CHALLENGES IN REDUCING POVERTY (A World Bank Country Study, 1997) at xiii-xiv.

² *Constitution of India*, art. 246(3) and Seventh Schedule, List II(18). Despite the states' exclusive jurisdiction to enact land reform legislation, the central government does play and has played an important guiding and consultative role in land policy and legislation, enabled in large part by the money it directs to the state for various rural development and poverty alleviation schemes.

³ In addition to these government land reform tools, civil society used another tool that achieved some redistribution success. Vinob Bhave, a disciple of Mahatma Gandhi, started the *Bhoodan* (land gift) movement in 1951 in Andhra Pradesh at a time when an armed land grab upsurge was gathering momentum. Bhave asked landowners to donate a portion of their land for peaceful distribution to the landless. The *Bhoodan* (land gift) ultimately received donations of 39.16 million acres of land across multiple states for redistribution to the poor. Of the land donated, only 21.75 million acres has been formally distributed to the poor. The remainder has not been distributed for a variety of reasons including: land was unfit for agriculture; land had been encroached upon; donation was contested by heirs; or donation documents were missing or not in order.

⁴ See Annex 1 for a map of India showing the location of the three states.

⁵ For background on India land tenure systems, see generally P.S. APPU, 1996. *LAND REFORMS IN INDIA* (New Delhi: Vikas Publishing); G. KOTOSKY, 1964. *AGRARIAN REFORMS IN INDIA* (New Delhi: People's Publishing House)

⁶ The National Planning Commission estimated that “more than 20 million tenants” were brought into direct relationship with the State. GOI Planning Commission, Third Five-Year Plan, chapter XIV (on land reform). Haque and Sirohi state that “nearly 20 million” cultivators were brought into direct contact with the government between 1950 and 1960. T. HAQUE AND A. S. SIROHI, 1986. *AGRARIAN REFORM AND INSTITUTIONAL CHANGES IN INDIA*, at 30. P.S. Appu estimates that “about 25 million” former tenants were brought into direct relationship with the State. Appu, 1996, at 73.

⁷ Other measures adopted by Indian states include (1) complete prohibition; and (2) leasing permitted but the tenant gets a right of ownership or a right to purchase ownership after a period of one to six years.

⁸ P.S. Appu, 1996, at 82-124.

⁹ WORLD BANK, 2007. *INDIA: LAND POLICIES FOR GROWTH AND POVERTY REDUCTION*, at 74-79 (New Delhi: Oxford University Press).

¹⁰ N.C. BEHURIA, 1997. *LAND REFORMS LEGISLATION IN INDIA: A COMPARATIVE STUDY* (New Delhi: Vikas Publishing House).

¹¹ GOI, Ministry of Rural Development, Annual Report, 2005-6, at Annexure XXXVII

¹² WEST BENGAL LAND REFORMS ACT, 1955, as amended, § 14.

¹³ GOI, Ministry of Rural Development, Annual Report, 2005-6, at Annexure XXXVII

¹⁴ GOI, Ministry of Rural Development, Annual Report, 2005-6, at Annexure XXXVII.

¹⁵ Hanstad, Tim, and S.B. Lokesh, 2003. *Findings from Micro-Plot Research in West Bengal* (RDI memorandum on file with RDI)

¹⁶ Das, Sukumar, 2000. *A Critical Evaluation of Land Reforms in India (1950-1995)* in SINHA & PUSHPENDRA (eds.), *LAND REFORM IN INDIA: AN UNFINISHED AGENDA*, 2000, at 38. West Bengal alone reports allocating approximately 500,000 such house sites.

¹⁷ KARNATAKA LAND REFORMS ACT (1961 as amended) § 38(a).

¹⁸ The Rajiv Gandhi Housing Corporation maintains records of the state housing programs on its website at www.ashraya.kar.nic.in; see also discussion in ICRW and RDI, 2006, *Women's Property Ownership: an examination of the Process and Impact of Karnataka's Rural Housing Program Titling Directive* (on file at RDI)

¹⁹ See Hanstad, Brown & Prosterman, *Allocating Homestead Plots as Land Reform: International Experience and Analysis from Karnataka*, *ECONOMIC AND POLITICAL WEEKLY*, 20 July 2002.

²⁰ R. Mitchell and T. Hanstad, 2004. *Small homegarden plots and sustainable livelihoods for the poor*. UNFAO Livelihood Support Programme Working Paper No. 11.

²¹ Bina Agarwal, 1998, *Disinherited Peasants, Disadvantaged Workers: A Gender Perspective on Land and Livelihood*, *ECONOMIC AND POLITICAL WEEKLY* (March 28, 1998) at A-2; BINA AGARWAL, 1994, *A FIELD OF ONE'S OWN: GENDER AND LAND RIGHTS IN SOUTH ASIA* (Cambridge: Cambridge University Press) at 31; KLAUS DEININGER, 2003, *LAND POLICY FOR GROWTH AND POVERTY REDUCTION* (Washington: The World Bank), at 38.

²² S.C. Sharma, 1987. *Wastelands: Definition and Classification*, in S.C. SHARMA, R. B. CHATURVEDI, AND O.P. MISHRA, (eds) UTILIZATION OF WASTELANDS FOR SUSTAINABLE DEVELOPMENT IN INDIA,. (New Delhi: Concept Publishing), at 44.

²³ Ministry of Rural Development, ANNUAL REPORT 2002-2003, at Annexure XL.

²⁴ The state-level Revenue Departments still control about 50 million acres of wasteland. ROBERT CHAMBER, N.C. SAXENA, AND T. SHAH, 1989. TO THE HANDS OF THE POOR: WATER AND TREES, at 44.

²⁵ Vakati Akella, Hanstad and Nielson, *New Life for Land Reform: the Potential in a Decentralized Approach*, at 4.

²⁶ See, e.g., Vakati Akella, *Building on Political Will: the Next Step for Land Reform in Andhra Pradesh*, unpublished paper on file in the RDI library.

²⁷ The World Bank, 2007. INDIA: LAND POLICIES FOR GROWTH AND POVERTY REDUCTION (New Delhi: Oxford University Press), at 58-64.

²⁸ *Id.* at 63-64.

²⁹ *Id.* at 61.

³⁰ West Bengal has recently initiated a new microfinance program to provide financial support for land purchase by the landless poor in that state. Loans of up to Rs 6,000 are available at 4% per annum interest.

³¹ See generally K. Mukund, 1999, *Women's Property Rights in South India: A Review, Economic and Political Weekly* (May 29, 1999); BINA AGARWAL, 1994. A FIELD OF ONE'S OWN: GENDER AND LAND RIGHTS IN SOUTH ASIA (Cambridge: Cambridge University Press); DIANA DEERE AND MAGDALENA LEON, 2001. EMPOWERING WOMEN (Pittsburgh: University of Pittsburgh Press).

³² Agarwal, 2002, at 10-11. Even where women were in fact heads of households, title often was given to a male family member. Jayoti Gupta, *Women Second in Land Agenda*, ECONOMIC AND POLITICAL WEEKLY, May 4, 2002, at 6; cited by Agarwal, 1998, at A-7.

³³ Bina Agarwal, 1998. *Disinherited Peasants, Disadvantaged Workers: A Gender Perspective on Land and Livelihood*, ECONOMIC AND POLITICAL WEEKLY, March 28, 1998, at A-2; DEININGER, 2003. LAND POLICIES FOR GROWTH AND POVERTY REDUCTION, World Bank Policy Research Report (Washington D.C.: World Bank), at 38-40.

³⁴ Most recent statistics suggest that females are de facto heads of 20-30 percent of rural households. Bina Agarwal, 2002, *Are We Not Peasants Too? Land Rights and Women's Claims in India*, SEEDS paper for the Population Council, November 21, 2002, at 3.

³⁵ *Id.*, at 3.

³⁶ Gita Gopal, 1993. *Gender and Economic Inequality in India: The Legal Connection*, BOSTON COLLEGE THIRD WORLD LAW JOURNAL, Vol. 13, at 64.

³⁷ The debilitating effect of women's unequal rights to access and control land is well documented. See generally Bina Agarwal, 1998. *Disinherited Peasants, Disadvantaged Workers: A Gender Perspective on Land and Livelihood*, ECONOMIC AND POLITICAL WEEKLY, March 28, 1998, at A-2; DENININGER, 2003. LAND POLICIES FOR GROWTH AND POVERTY REDUCTION, World Bank Policy Research Report (Washington D.C.: World Bank), at 38-40.

³⁸ De Corta, Luci, and Davuluri Venkateshwarlu, n.d. *Unfree Relations and the Feminization of Agricultural Labour in Andhra Pradesh, 1970-1995*, RURAL LABOUR RELATIONS IN INDIA, at 107.

³⁹ Agarwal, 1998, at A-2; Agarwal, 1994, at 31; Deininger, 2003, at 38.

⁴⁰ Gupta, 2002, at 7.

⁴¹ *Id.*, at 7-8.

⁴² In three rounds of field research, RDI encountered few cases of government-granted land allocated in the joint names of husband and wife or in the independent name of a woman. RDI found several examples of families that had received government-allocated land after the adoption of this policy who stated that the land was granted solely to the male head of household. Jennifer Brown, and Sujata Das Chowdhury, 2002. *Women's Land Rights in West Bengal: A Field Study*, RDI REPORTS ON FOREIGN AID AND DEVELOPMENT, No. 116, at 14. RDI did not view the land documents in these cases, so it is possible that the land in these situations had been granted jointly, and the female grantees were not aware of their ownership status.

⁴³ The sharecropper's share is 50 percent if the landlord provides inputs, 75 percent if not. *West Bengal Land Reforms Act* §§ 15(2) and 15A.

⁴⁴ The World Bank, 2007, at 22-53.

⁴⁵ *Source for columns 2-5:*, WORLD BANK, 2007, LAND POLICIES FOR GROWTH AND POVERTY REDUCTION, World Bank Policy Research Report (Washington D.C.: World Bank), at 38 (citing Kaushik, "Nature of Land Market Interventions in India" 2005).

Source for column 6: India Ministry of Rural Development, "Annual Report", 2003-04, at Annex XXXVII and Deininger, Jin and Nagarajan, *Equity and Efficiency Impacts of Rural Land Rental Restrictions: Evidence from India*, (unpublished paper available from the World Bank) at 18, Table 1.