



# Unlocking the Land Assets

**Empowering citizens, updating land records, reducing corruption:**

**Lessons from the Forest Rights Act 2006**

NIPFP, February 25, 2016

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# Content

- Land and property rights
- Scale and scope of land conflicts
- Key challenges
- Empowering citizens
- Harnessing technologies
- Lessons from FRA
- Legal Framework



# Poverty and property rights

- Poverty is the inability to capitalise, easily and legally, whatever assets or possessions the poor may have, due to weak property rights regime
- Poverty perpetuates injustice
- Poverty disempowers people, makes them dependent on patronage, and vulnerable to exploitation



# Mystery of capital

- Economist Hernando de Soto has estimated that hundreds of billions of dollars of assets are locked up due to weak property rights regime in many developing countries
- The scale and scope of the informal economy is one of the consequences of assets which can't be capitalised

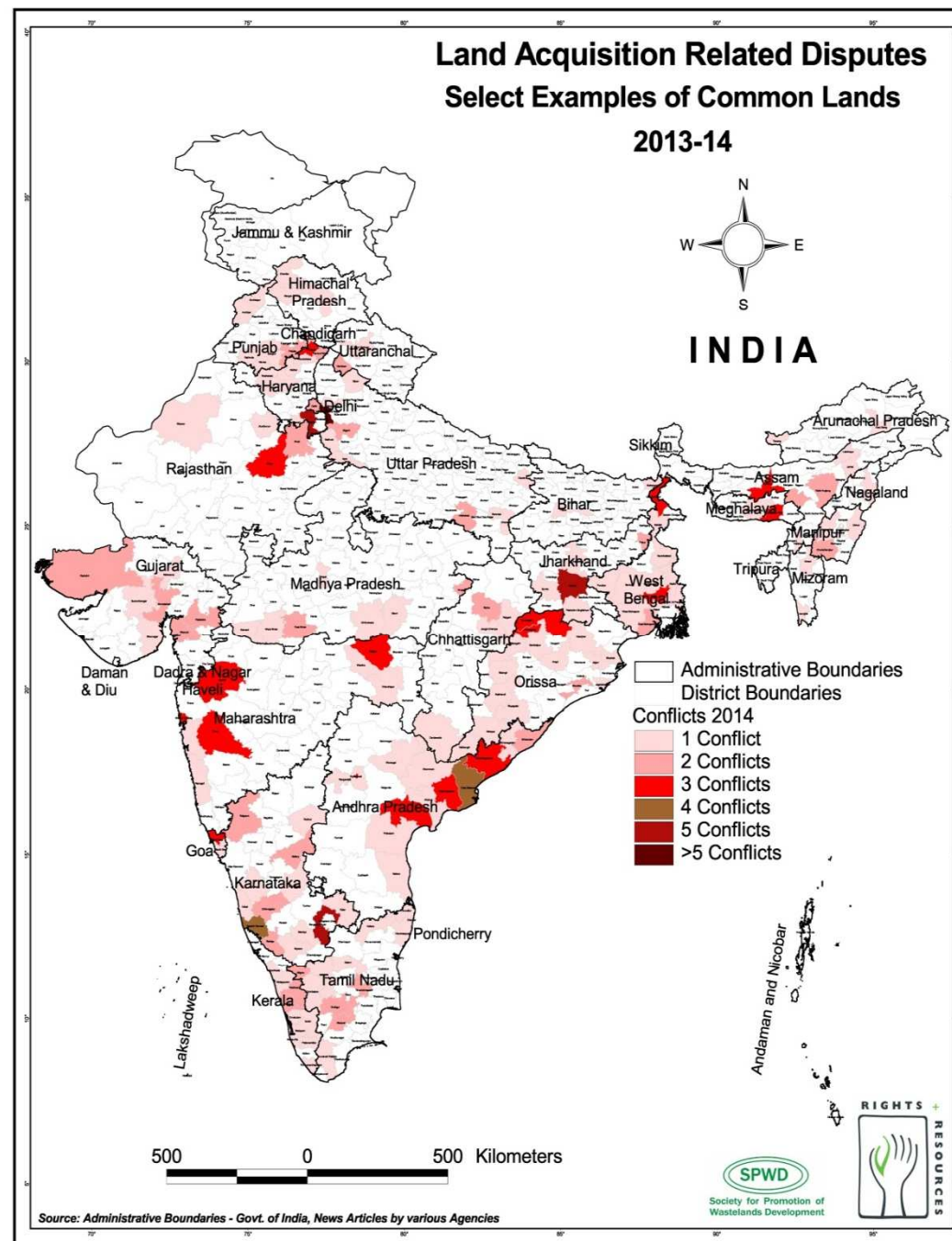


# Scale and scope of land Conflicts

- 40-50 million people displaced in the past 60 years, estimated 50 million acres acquired or land use changed
- 80% of court cases in lower judiciary pertain to land related disputes, huge backlog of cases;
- About 10% of criminal cases filed by police are due to property disputes (NCRB)
- 60% of investment in infrastructure projects affected
- 8% of 1200 large projects surveyed by CMIE, stalled
- Corruption worth 1-2% of GDP related to land and property transactions, each year
- About 900 million plots need to be digitised
- About 180 districts affected by left wing insurgency

# Geographical spread of land conflicts

Source: Rights and Resources Institute, USA





**Economic projects  
pitted against  
Environment  
protection, and local  
people's concerns**  
Mining projects, Dams,  
Highways, etc

Source: Mint, June 4, 2010

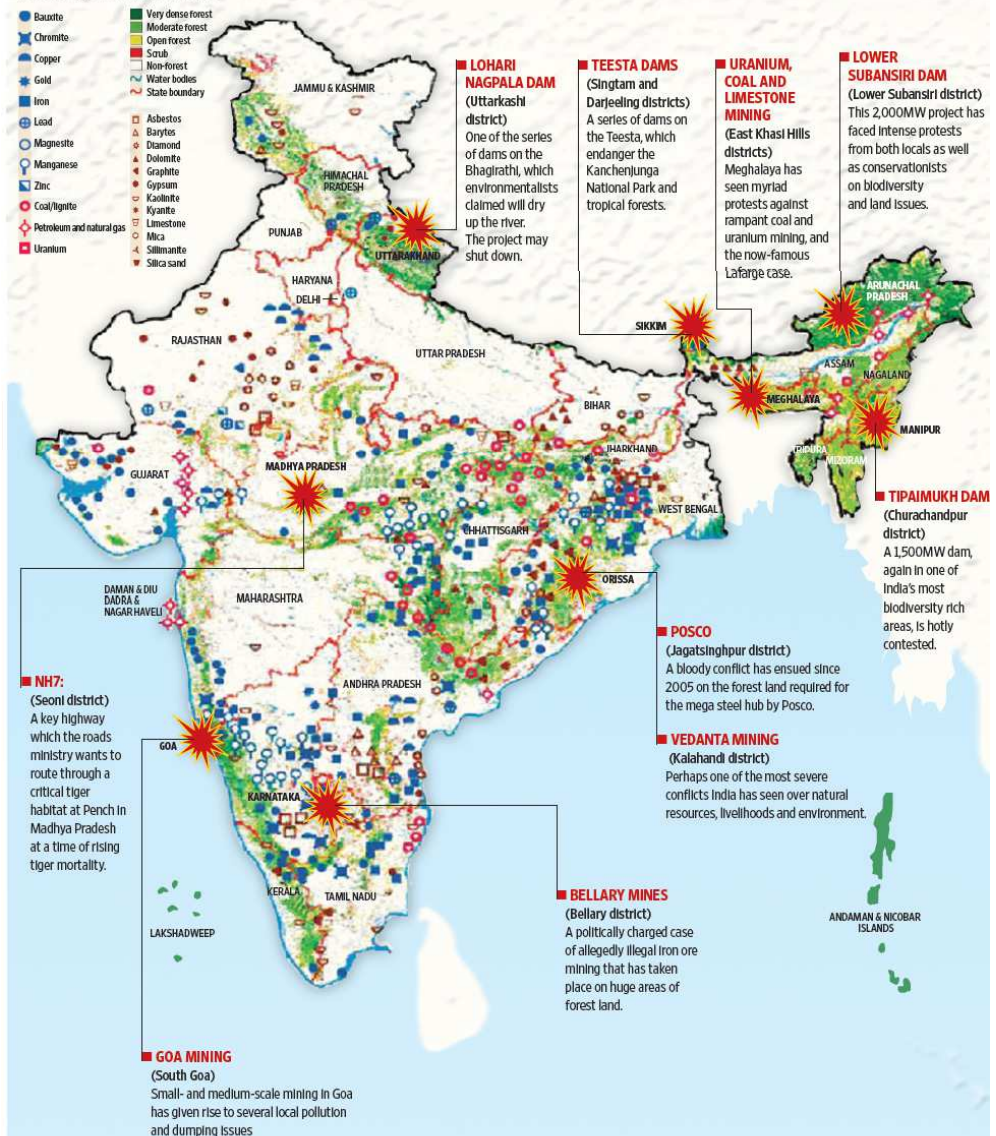
# ZONES OF CONFLICT



The map of India's green conflict zones clearly shows development pitted against the environment. These hotspots include hydroelectric projects, mining projects, factories and infrastructure development as the intensifying search for resources consistently squares off against supporters of the environmental cause. Critically, most of India's recoverable mineral reserves are in heavily forested land, which is located in the poorest, most backward districts. The battle then takes on political overtones as in the swathe of land encompassing the Maoist insurgency-affected states of Jharkhand and Chhattisgarh, manifesting itself as a constant struggle involving land for resources, subsistence livelihoods and environmental conservation. The list of long-running conflicts such as the ones over the Narmada dam, uranium mining in the North-East, mining in Kudremukh or the Tadoba tiger reserve are set to get worse as the dash intensifies for what lies beneath.

By Padmaparna Ghosh  
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India's mineral deposits are largely  
beneath its remaining forests



Graphics by Ahmed Raza Khan/Mint

Source: 'Rich lands poor people: is "sustainable" mining possible?', Centre for Science and Environment



# Key challenges

- Poor quality of land records
- Lack of transparency, and easy access
- Land settlement sporadic and incomplete
- Presumptive titles instead of guaranteed
- Restrictions on land use
- Limited supply of land, fuelling scarcity
- Abuse of eminent domain
- Corruption, abetted by high transaction costs
- Insurgency prone areas with weak land records and titles





# Lowering transaction costs

- Digitisation of land records
- Records reconciled with the ground realities
- Transparent and easy to access land and property records
- Continuous updating of ground situation
- Simply land use change
- High registration fee, stamp duty, capital gains
- Land regulations to the local government bodies



# Empowering citizens

- High degree of social mobilisation on the issue of land
- Increased level of awareness
- At the community level, awareness of the status of land and property, including informal transactions
- Technology allows communities to participate documenting the status in an objective way



# Harnessing the technology

- Digitisation of land records
- Use of GPS for land survey
- State governments are training patwaris / amins on the use of GPS
- Use of satellite images to prepare maps
- Availability of archival satellite images
- Documenting change of land use
- AADHAR no. linking claimants / owners to coordinates of the property
- Blockchain technology could secure property transactions



# Forest Rights Act, 2006

- Acknowledgement of “historical injustice”
- Recognition of pre-existing rights over land and resources, as of Dec 2005
- Individual / unit family claim up to 4 hc, not-transferable
- Community / nistar rights for livelihood, grazing, firewood, water, MFP, etc, and school, roads, cremation / burial ground, religious / cultural sites, etc
- Community forest resource rights over NTFP, including right to manage, protect and conserve forest resources



# FRA process

- FRA passed on 13 Dec 2005
- Rules were published in 2007-08
- FRA came in to effect from Jan. 1, 2008
- Amended rules in Sept 2012
- Gram Sabha to elect / nominate Forest Resource Committee
- FRC to help identify claims and claimants, and document and map the claims, including relevant evidences
- Claims approved by Gram Sabha forwarded to SDLC
- SDLC initiates joint verification on location, examines documents, communicates decision to Gram Sabha and DLC
- DLC approves titles





# Facilitating FRA

- The challenge

- Inability to compile adequate evidence
- Unable to measure the claims properly
- Complexity of procedure

- The solution

- Satellite images provide good quality evidence
- GPS instruments can accurately measure
- Community participation, in a transparent and accountable way
- Enhancing capacities of the communities

# Sensitising stakeholders





# Mapped image of a village

RighttoProperty.org

The screenshot displays the RighttoProperty.org website interface. The browser's address bar shows the URL 'righttoproperty.org/site/search'. The main content area features a satellite map of a village with property boundaries outlined in white. A 'Region Details' popup window is open, providing the following information:

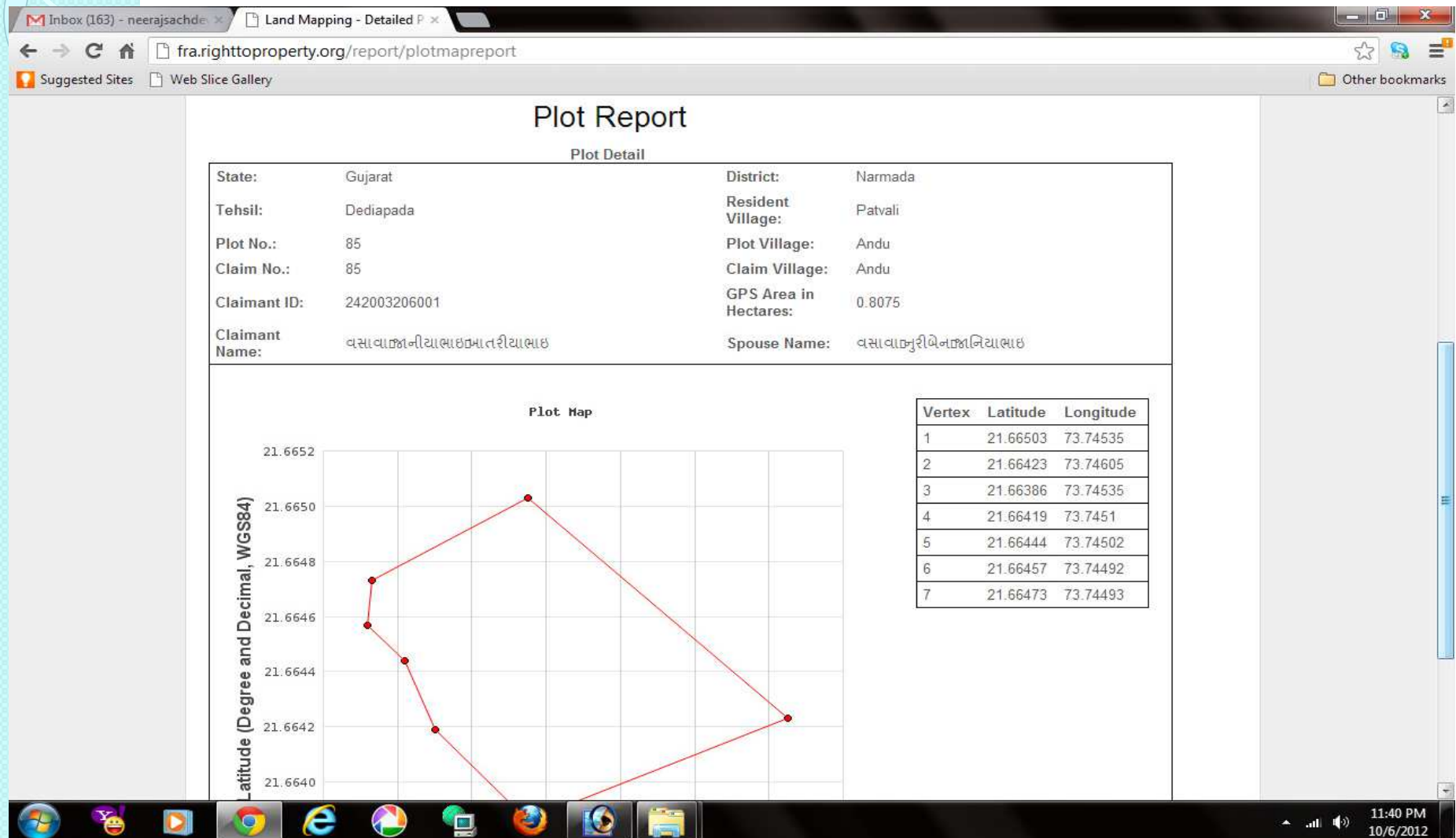
Region Details	
State: Gujarat	District: Narmada
Tehsil: Dediapada	Resident Village: Dabka
Plot No: 91A	Plot Village: Dabka
Claim No: 91	Claim Village: Dabka
Claimant ID: 242003208091	GPS Area in Hectares: 0.79
Claimant Name: વસાવા ખેતીયાભાઈ ભંડારભાઈ	Spouse Name: વસાવા જાંબીબેન ખેતીયાભાઈ
Clicked Location: 21.704542939955004,73.80075216118712	

The map includes standard Google Maps controls on the left, such as a compass, a person icon, and zoom in/out buttons. The word 'DABKA' is visible on the map. The bottom of the map shows the Google logo and map data attribution: 'Map data ©2014 Google Imagery ©2014 CNES / Astrium, Cnes/Spot Image, DigitalGlobe | Terr'.





# Claimant Report





# Village Report

Inbox (163) - neerajsachde Land Mapping - Detailed V x

← → ↻ 🏠 fra.righttoproperty.org/report/villageclaimsreport ☆ 🌐 ☰

🔍 Suggested Sites 📁 Web Slice Gallery 📁 Other bookmarks

## Village Claims Report

Forest Rights Committee of Village : Andu, Taluka Dediapada, Dist. Narmada, State Gujarat

List of Claims for forest lands together with area of each plot as determined by GPS Survey

### Summary

Total No of Claims in this village :	118
Total No. of Plots :	149
Total Area of claimed Plots (Hectares):	186.2208
Total No. of Claims by Claimants from same village :	88
Total No. of Claims by Claimants from other villages :	30

S.No	Claimant ID	Claimant Name	Spouse Name	Claimant Residence Village	Claim No	Plot No	Plot Village	SNO / Compt No.	Area (GPS) Hectares	Total Area
1	242003206001	વસાવા જાનીયાભાઈ ખાતરીયાભાઈ	વસાવા નુરીબેન જાનિયાભાઈ	Patvali	85	85	Andu	310	0.8075	0.8075
2	242003206002	વસાવા સોમાભાઈ બાઠીયાભાઈ	વસાવા ધનુબેન સોમાભાઈ	Patvali	86	86	Andu	310	1.3425	1.3425
3	242003206003	વસાવા બામણીયાભાઈ બાઠીયાભાઈ	વસાવા જાતરીબેન બામણીયાભાઈ	Patvali	87	87	Andu	310	0.8865	0.8865
4	242003206004	વસાવા દેવજીભાઈ હીરીયાભાઈ	વસાવા મણીબેન દેવજીભાઈ	Patvali	88	88	Andu	311	0.7293	0.7293
5	242003206005	વસાવા રડવીયાભાઈ બામણીયાભાઈ	વસાવા પાયલીબેન રડવીયાભાઈ	Patvali	90	90	Andu	310	0.757	0.757
		વસાવા	વસાવા							

11:37 PM 10/6/2012

# Glimpses of empowerment



Benefits of community forest resource rights over bamboo, and other MFPs.



Secured land rights, leading families to invest labour and capital in building their own toilets





# The contrast

Self-motivated

Govt contractor driven



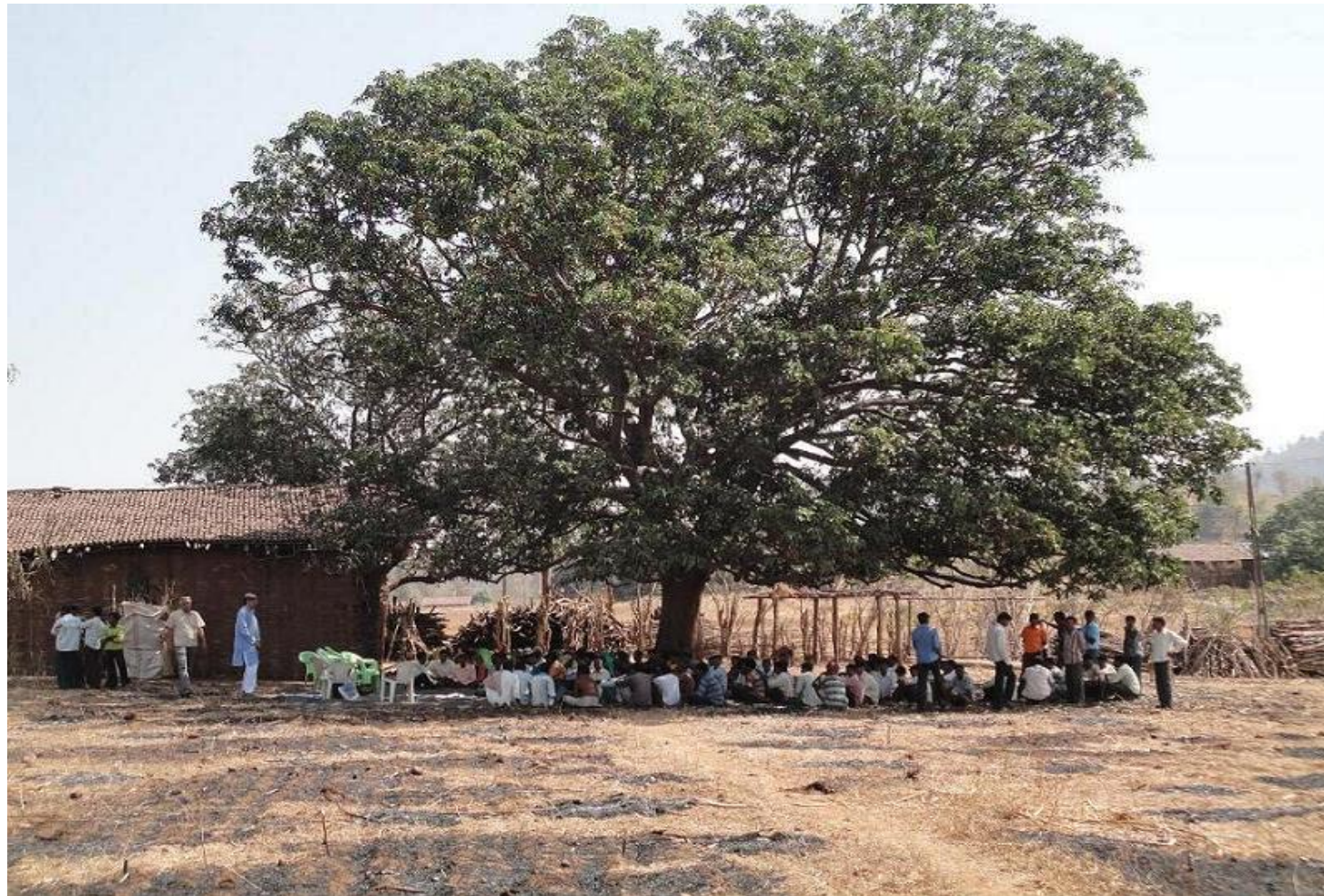


# Towards a land market

- Land could be brought under a new schedule for local bodies in the constitution
- Land, being always local, would directly engage the local citizens, and empower them
- Decentralisation would trigger experimentation and discovery of best practices
- A model land bill, with title guarantee, transit from presumptive titles, to assist the states
- A national portal to document status of property, including ownership, possession, claimants, and flagging disputes if any, etc.
- A partnership between citizens and the state to maintain the information in a transparent manner



# Bottom up approach to development





# ***Thank you!***

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[www.InDefenceofLiberty.org](http://www.InDefenceofLiberty.org)

[www.EmpoweringIndia.net](http://www.EmpoweringIndia.net)



**[www.RighttoProperty.org](http://www.RighttoProperty.org)**

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