Land Policy Reform for Agricultural Transformation in India

CONSULTATIVE DRAFT 15 May 2020

National Background Paper

Submitted to
World Bank, Washington DC

Submitted by
NRMC Centre for Land Governance
Bhubaneswar
**Abbreviations**

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>CM</td>
<td>Cadastral Map</td>
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<tr>
<td>DAY</td>
<td>Deendayal Antodaya Yojana</td>
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<tr>
<td>DBT</td>
<td>Direct Benefit Transfer</td>
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<td>DFI</td>
<td>Doubling Farm Income</td>
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<td>DILRMP</td>
<td>Digital India Land Record Modernization Program</td>
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<td>DoLR</td>
<td>Department of Land Resources</td>
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<td>FAO</td>
<td>Food and Agriculture Organization</td>
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<td>FRA</td>
<td>Forest Rights Act, 2005</td>
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<td>GoAP</td>
<td>Government of Andhra Pradesh</td>
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<td>GOI</td>
<td>Government of India</td>
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<td>GOO</td>
<td>Government of Odisha</td>
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<td>ICAR</td>
<td>Indian Council of Agriculture Research</td>
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<td>IFPRI</td>
<td>International Food Policy Research Institute</td>
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<td>IRMA</td>
<td>Institute of Rural Management, Anand</td>
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<tr>
<td>JLG</td>
<td>Joint Liability Group</td>
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<td>KALIA</td>
<td>Krushak Assistance for Livelihoods and Income Augmentation</td>
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<td>MKSP</td>
<td>Mahila Kisan Shashaktikaran Pariyojana</td>
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<td>MoRD</td>
<td>Ministry of Rural Development</td>
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<td>NLRRMP</td>
<td>National Land Record Modernization Program</td>
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<td>NREGA</td>
<td>National Rural Employment Guarantee Act</td>
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<td>NRETIP</td>
<td>National Rural Economic Transformation Project</td>
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<td>NRLM</td>
<td>National Rural Livelihoods Mission</td>
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<td>NSSO</td>
<td>National Sample Survey Organization</td>
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<td>NTFP</td>
<td>Non-Timber Forest Products</td>
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<tr>
<td>OBC</td>
<td>Other Backward Caste</td>
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<td>PM KISAN</td>
<td>Pradhan Mantri Kisan Samman Nidhi</td>
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<tr>
<td>RKVY</td>
<td>Rashtriya Krishi Vikash Yojana</td>
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<tr>
<td>RoR</td>
<td>Right of Records</td>
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<tr>
<td>RTC</td>
<td>Right of Records, Tenancy and Cultivation</td>
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<td>SC</td>
<td>Scheduled Caste</td>
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<tr>
<td>SDG</td>
<td>Sustainable Development Goal</td>
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<td>SHG</td>
<td>Self Help Group</td>
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<td>SMART</td>
<td>State of Maharashtra's Agri-business and Rural Transformation Program</td>
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<td>ST</td>
<td>Scheduled Tribe</td>
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1. Executive Summary

1 The National Background Paper (NBP) is an initial product of a World Bank supported ongoing research study on land policy reform for agricultural transformation. It provides an overview of agricultural tenancy contexts in India along with an updated analysis of land leasing reforms carried out by states as a follow up to the Model Land Leasing Act that NITI Aayog drafted in 2016. This paper assesses the inclusion of tenants, women, and Dalits in the land redistribution and tenancy reform processes, as well as in major agricultural and rural development schemes by the Central and State Governments in India.

2 The objective is to generate a nuanced appreciation of the tenure contexts and tenancy relations in India, manifested as a result of its complex legal-institutional frameworks around land and related factors. It is hoped that a better understanding of de facto land tenure patterns and their interaction with de jure provisions, welfare interventions, and social innovations will positively inform further policy reform and initiatives to scale up inclusive agricultural transformation in India. Intensive focus states for this research include Odisha and Maharashtra, along with less intensive coverage of Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Uttarakhand, and Uttar Pradesh.

3 In pursuit of the above, the study scope includes assessment of current land leasing reform policies and laws, critical analysis of agricultural and rural development schemes from the perspective of inclusion of tenants, documentation of innovations to improve land access, analysis of land tenure impacts on selected projects financed by the World Bank, and recommendations of institutional/legal reforms and promising interventions at multiple levels to secure land tenure, especially in the interest of vulnerable groups, like tenant farmers, women, and dalits.

4 The NBP has four sections. The introductory section (Section 1) provides an overview of the study including context, objective, and scope. Section 2 presents an updated land tenancy analysis, covering historical redistributive land reforms and their impact on contemporary tenancy arrangements, tenancy trends and patterns, and their impact on farmers and farming. India’s actions towards land leasing reform and the follow up actions by states are also elaborated, including the status of these reforms and their implications; future directions for further land leasing reforms are outlined. In appreciation of the importance of recording of tenure, this section also highlights the status of and issues around India’s land record modernization initiatives. Section 3 focuses on the inclusion of women and Dalits in Indian agriculture from the perspective of land tenure, providing insights into relevant policies, issues, and initiatives. The last section reviews select agriculture and rural development schemes by the Government of India and Indian states with respect to inclusion of tenants and women, given their limited access to land records.

5 India is trying to improve ‘double farmers income’ (DFI) by 2022; a key strategy is through agricultural transformation, including via adoption of high value crops (diversification) and enhanced market linkages. As farming has become substantially feminized and remains dominated by small farmers, including landless farmers cultivating as tenants, such transformation without inclusion of these farmers would be tantamount to partial achievement of the goal. Given that land is the crucible of agricultural production and that farmers are characterized by their land tenure, agri-transformation processes are inherently and intricately linked with land governance systems.

6 India’s land governance has a long history, is complex and is legally pluralistic. As India passes through multi-dimensional changes, the land administration system needs to dynamically adapt
to these changes. As land is a state subject, related reforms must account for centre-state relations and the Indian system of cooperative federalism. The trajectory of Indian agriculture has been shaped by the way land is governed, especially from the perspective of tenure, land use, and taxation. Good land governance has crucial implications for achieving India’s inclusive agriculture transformation goals.

7 Despite intricate connections between agriculture and land, lately, they have been administered separately, thus undermining effective policy decisions and imperative institutional coordination. This study is expected to contribute to the process of building the much-need shared understanding across these sectors for better achieving agri-transformation goals.

**Land Tenancy Reform: Trends, Recording Rights, Vulnerable Groups, and Implications for Agriculture**

8 The role of redistributive land reforms in improving livelihoods outcomes for farmers and national income growth has been well documented across the globe, including in East Asia. Japan, South Korea, Taiwan, and, more recently, the Peoples’ Republic of China and Vietnam all achieved inclusive agricultural transformation through land reforms that recognized farmers’ land rights. Similarly, newly independent Indian provinces adopted a wave of redistributive land reform measures with the ultimate objective of recognizing the land rights of the actual tiller. While about 5.1 million acres of land were re-distributed, these reforms had limited success in benefiting vulnerable groups, like tenant farmers and sharecroppers, particularly those from lower farm-size class and caste structures. The redistributive land reform laws implemented by different states treated tenancy differently—some banning it outright, while others allowed it but with significant restrictions. However, all of the states’ redistributive land reforms had a clear focus on overturning historically feudal land tenancy relations. However, resistance from political class, elites and powerful, most of whom were landlords and absentee landlords, out of different reasons, constrained the success of reform. Half-hearted enactment of tenancy reform led to only 4 per cent tenanted area transferred to tenants across India; 33 percent of the tenants were evicted, and others continued concealed. Despite this laudable goal, the complete ban or severe restriction of land tenancy has been identified as one of the failures of India’s historical redistributive land reform process. There seems to be no relationship between formal law and actual practices with respect to tenancy patterns in contemporary India. Moreover, it has resulted in insecure tenancy arrangements and higher than optimal levels of fallowing and undermined tenants’ access to secure land rights and public and private agricultural schemes and services.

9 Tenancy practices remain widespread in India, thanks to historically skewed land ownership patterns and the large proportion of the population engaged in farming. Around 25-30 percent of farmers continue to be tenants, though researchers find this to be grossly under-reported. More than 90 percent of tenants are small farmers; 36 percent of tenants are landless, while 54 percent have less than one hectare.

10 Over the last few decades, tenancy has been on the rise, with evidence of diverse local tenancy arrangements in response to changing farming contexts. Some of these trends include an increase in fixed-rate tenancy, an increase in the number of high-tenancy holdings (where leased-in land represents a large share of the overall farm holding), a move towards longer-term leases, and the increasing role of larger farm size classes in tenancy, including more instances of reverse leasing (large land holders leasing in land from small landowners; about 36 percent land was also found to be taken on lease by top 30 percent landowners in 2011-12). Thanks to recent policy reforms, there has also been a comparative increase in the recording of leases, though it still remains low at 12.8 percent. Scholars, however, observe that tenancy does not follow any particular pattern,
and, given the complexity and diversity of land governance contexts across the country, deeper research is required.

11 The externalities of agricultural land tenancy on the farming sector and farmers have been widely reported. Lack of legal recognition of tenancy has had a depressing impact on agricultural productivity due to the lack of investment associated with uncertain informal tenure arrangements and tenants’ lack of access to mainstream agricultural development schemes. Although research suggests that there is little difference in yield per hectare on tenanted land in comparison to owned land across Indian states, low levels of durable investment on tenanted land is a serious concern for long-term productivity. High-value crops and commercialization are also found to be more likely on owner-farmed land. Furthermore, the reluctance of landowners to lease out their land due to their fear of losing their land rights to long-term tenants through existing legal provisions has led to a rise in the proportion of fallow lands. High suicide rates in states like Andhra Pradesh and Telangana have also been attributed to high rates of informal agricultural land tenancy.

The case for land leasing policy reform and experiences from early reform-adopting states

12 Evidence across the globe suggests that tenure security for farmers can be a catalyst for improved agriculture productivity and increased diversification into high-value crops, resulting in increased farmer income, and for addressing food and nutrition security. Given the limited success of India’s historical redistributive land reforms in achieving their intended goals of tenure security for poor/landless farmers, there appears to be a consensus now for legalizing tenancy and formalizing tenancy and sharecropping arrangements to secure the livelihoods of poor farmers and to unleash the potential of land rental markets to allocate arable land efficiently, including to small farmers.

13 NITI Aayog, the premier Indian policy-making body, has made important headway in this regard by drafting the Model Agricultural Land Leasing Act in 2016. The Model Act, framed based on an extensive analysis of state land policies and multi-stakeholder dialogue and deliberations, provides a flexible template for the states to legally recognize leasing contracts. It challenges the basic premise of redistributive reform, which considers agricultural tenancy to be regressive and presumes that landlord-tenant relations are always against the interest of the tenant. By contrast, the Model Act considers agricultural tenancy an economic necessity in the present context, argues for the mutual protection of lessors’ and lessees’ interests, and advocates for the formalization of the land rental market to stimulate inclusive agricultural transformation and growth.

14 Land being a state subject, however, the onus lies on the states to legislate and implement leasing reforms in the spirit of the Model Act, and states are at different stages of this process. States, such as Uttarakhand, Uttar Pradesh, Madhya Pradesh and Maharashtra, have already introduced amendments to existing laws or promulgated new laws, while in others, such as Punjab, Odisha and Karnataka, the legal reform process is still underway. Andhra Pradesh has brought in a similar new act in 2019 replacing a tenancy law, enacted in 2011.

15 Given that several states have thus recently adopted or are in the process of adopting similar land tenancy reforms, there is a need to facilitate cross-state knowledge sharing and awareness building to ensure that states still contemplating or in the process of revising their tenancy laws further refine and strengthen their reform initiatives based on the lessons learned from this first wave of land tenancy reforms. This paper provides a summary of such lessons based on secondary review of literature and aims to inform on-going and future land tenancy policy reforms.
Our review shows that the content of tenancy reforms varies from state to state, with some states adopting the Model Act. In all these states, implementation of these new/revised policies remains limited. However, the implementation experience in Andhra Pradesh Act of 2011, which was enacted prior to Model Act, 2016, suggests that efforts to simply register tenants in the absence of more comprehensive legal reforms to repeal leasing restrictions and strengthen the land rights of both landowners and tenant farmers are unlikely to succeed.

Early experience with the Licensed Cultivators Act (2011) in Andhra Pradesh suggests that well-intentioned efforts to register tenant farmers will be blocked by landlords fearful of losing their land ownership rights unless accompanied by reforms to historical tenancy laws and widespread public information education communication campaigns (IECs) on the updated tenancy laws. Since the state’s legal provision allowing long-term tenants to acquire land ownership rights as per provisions of A P Tenancy Act, 1956 (full ownership to tenants after 12 years; option of purchase of tenanted land by the tenant after 6 years) was not eliminated, landlords blocked registration of their tenants for loan eligibility cards (LECs), thus undermining the implementation of the Licensed Cultivators Act. Even for those tenants who obtained LECs, as revenue Officers were provisioned to issue LECs based on application of tenant and verification in Gram Sabha (landlord consent not mandatory), bankers’ limited awareness of LECs further undermined the reform’s impact on tenants’ access to agricultural loans. Thus, legal reforms must be accompanied by broad IECs to ensure all stakeholders understand the impact of the new laws on their interests. This act has been now replaced with AP Crop Cultivators Rights Act, 2019 with Crop Cultivator Rights (CCR) Card provision which requires an agreement to be executed between landlord and tenants, countersigned by Revenue official; tenure max 11 months. It is already witnessing, poorer performance due to alleged manipulation of landlords executing false contracts with relatives to usurp benefits intended for tenants.

More broadly, the Model Act, though progressive and timely, is not without critique. Scholars point to its silence on the ‘ownership’ form of tenure and its exclusive focus on ‘leasing’ tenure. An increased demand for leasing in land from rich capitalist farmers, more so in irrigated and cash cropped areas, is now observed along with a trend of reversal of state policy on tenancy from providing security of tenure and giving land to the tiller to assuring the rich that they need not fear losing land because of state intervention. This can be construed as a move towards corporatization, which land leasing reform process may also incentivize. It is further pointed out that leaving decisions on the terms of the lease to be negotiated directly between the landlord and tenant absent any government guidance could still potentially lead to the tenants’ exploitation by powerful landlords. The impacts of formal lease arrangements on the ground would also depend on when and how the local customs that affect informal leasing practices change, including to more fully recognize and secure the rights of particularly vulnerable tenant farmers, such as women and Dalits. The Model Act also fails to take into account the observed increase in absentee landlordism, which has been associated with an increase in the fallow area beyond what is economically optimal. While the Model Act aims to stimulate land rental markets and encourage more landowners to rent out their fallowed land to be cultivated by tenants, research suggests that the impact of land leasing reforms on fallowing decisions is likely to be mediated by local variations in the terms of tenancy arrangements. Some of the Model Act’s underlying assumptions, for example that smaller farms are inherently less efficient than larger farms, may also benefit from more critical analysis given regional and global evidence.

Recording Land Rights: Need and Challenges

To support effective land leasing reforms, maintenance of appropriate land records and their real time updating is an absolute necessity. Plural land administration systems in India and a reduced
government focus on land revenue post-independence has led to a poorly administered land record system. However, a proper and comprehensive land record is a necessary precursor to foster agriculture transformation and inclusion given that public service entitlements, as well as access to inputs, services, credit, and markets, are increasingly becoming digitized and directly linked to farmers’ bank accounts. The identity of farmer, nature of farming, as well as technology and economics of farming revolves around land and its types (viz. irrigated/rainfed, upland/lowland etc.), extent and uses, which are captured in land records, which also provide key evidence of land rights.

20 Although land policy reforms, the resulting changes in land tenure, and their impact on the agrarian structure have been the focus of considerable policy attention in India, the system of creating and maintaining land records and ensuring their accuracy has not (at least until recently) been adequately investigated and linked to the broader agricultural development policy agenda. Despite several Centre-led initiatives to computerize (digitise) land records starting in the 1990s, improving the quality of land records has not received adequate policy attention or political buy-in in India, and, as such, most land records do not reflect the current reality on the ground.

21 State-level implementation of land record computerization (digitisation) and updating is highly mixed, with large regional variations. In general, good progress has been made with digitisation: 90 percent of all villages across India now have digitised textual land records, though only about 53 percent of cadastral maps have been digitised. However, the survey and re-survey process, which updates spatial and textual records based on the current on-the-ground situation, has only been completed in 12 percent of villages. Moreover, the digitisation of land administration also remains unfinished. For instance, the digital recording of changes in land records (mutations), which is critical to update the textual records as land parcels change ownership, has been implemented in only 58 percent of registration offices, and the textual and spatial land records (cadastral maps) are integrated in only about 34 percent of all villages.

22 Still, even when the land records are fully digitised and updated – which requires substantial investment, capacity, and time at the current pace—tenants are largely unlikely to benefit from this initiative, as most state land records only document land ownership rights and no other kinds of subsidiary rights, such as tenancy and sharecropping. To avoid repeating costly field surveys to record tenants’ rights, there is an urgent need to reform state-level legal and institutional frameworks for land surveying and land records management to allow for tenants’ land rights to be recognized appropriately in this process. Similarly, it would be important to update the Model Agricultural Land Leasing Act to allow for the formal documentation of tenants’ land rights and to promote the integration of tenancy and other subsidiary forms of land tenure in state land records to provide the foundation for a legal leasing market and to ensure that states have a digital database of tenants that can be used to extend agricultural benefits targeting farmers to tenants.

**The State of Women and Dalit Farmers’ Land Rights in India**

23 Vulnerable sections of the farm community, including women, dalits, and tribal, rely heavily on agriculture for their livelihoods and constitute a substantial proportion of the sector’s workforce. However, they are rarely recognized as landowners, and they often face multiple structural and cultural barriers to being recognized as farmers and accessing related benefits, despite India’s equitable and inclusive legal framework for land. This paper thus devotes a section to accord due attention to the status of women’s and dalits’ land rights while discussing potential pathways to ensure their practical inclusion in agricultural transformation through inclusive tenure reforms.
24 Non-recognition of women as farmers because they lack formal land rights remains a critical issue in India. Despite women’s recognized contribution to the sector and the increasing ‘feminization’ of agriculture due to male outmigration, women continue to be viewed by governments and society at large as farm laborers, rather than “farmers,” because they typically do not have formal land records in their names. While women constitute 65 percent of all agricultural workers, they represent only 13.9 percent of all landholders with formally recorded land rights. This issue has both structural—i.e. the absence of suitable and formal mechanisms to record women’s land rights—and cultural–a patriarchal social context where agriculture is primarily seen as a male domain—elements. The lack of sex-aggregated land record data and the way agricultural statistics collect gendered data in India further compromise women’s visibility in farming.

25 The global discourse on women’s rights, however, has influenced Indian policy makers to work towards enhancing women land rights. Starting in the late 1980s with the 6th Five Year plan (FYP), there has been a focus on protecting women’s land rights through special provisions, such as joint titling. The 12th FYP includes administrative incentives for registering women’s land rights, including reduced stamp duty for women. Other such initiatives include, provisions for the issuance of joint titles under the Forest Rights Act and capacity building on land records under women’s empowerment programs, such as Mahila Kisan Shashaktikaran under the National Rural Livelihood Mission. Pilot experience also suggests that broader education and sensitization initiatives could strengthen women’s land rights from the ground up. For instance, in West Bengal, the State Rural Livelihood Mission has partnered with non-governmental organizations to implement a women’s land rights education program targeting around 3.8 million women. Given that India already has an enabling legal framework in place, it will be important to complement such education campaigns with institutional reforms to improve gender statistics in land and agriculture records and to address the barriers women face accessing land and agriculture administrations to strengthen women’s land rights in practice and thereby maximize their contribution to agricultural transformation.

26 Dalits also face significant difficulties accessing agricultural land in India, largely owing to historical land relations. More than 60 percent of dalits do not own land. India’s historical redistributive land reforms in some cases registered surplus land above legally proscribed land holding ceilings in the name of Dalits. However, many of the dalit beneficiaries of these earlier redistributive land reforms have not been able to maintain possession of the lands allocated to them due to their relatively weak political power vis-à-vis the previous landowners. A few states, such as Bihar, West Bengal and Telangana, have recently taken proactive measures viz. ‘Operation giving possession’, better implementation of land redistributive reform and ‘land purchase scheme’ respectively to secure land rights for dalit landowners land. However, dalits remain one of the most vulnerable communities, and in the absence of more concerted efforts to increase dalits’ access to arable land—including through tenancy—they may continue to be excluded from India’s agricultural transformation.

Inclusion of Tenants in Agriculture and Rural Development Programs

27 In the last decade or so, the federal and state governments have launched several development programs targeting poor farmers, including through Direct Benefit Transfers (DBT) and livelihood development and empowerment approaches. Given that these agriculture and rural development programs aim to support the poor and marginal farmers, it is imperative to understand the barriers tenants, sharecroppers, and women face in fully benefitting from these programs and solutions to overcome these barriers to inform land policy reforms. For instance, several central and state-level agriculture development programs use land records to identify beneficiaries. Since the land rights of tenant farmers, sharecroppers, and women farmers are typically not formally
recorded in the land records, the inclusion of these vulnerable farmers in such programs is limited. Moreover, women’s lack of recorded land rights has proven to be a barrier to the registration of all-female farmer producer corporations and to women’s access to formal agricultural credit, thereby limiting the impact of livelihood development programs on women’s empowerment. A summary of the inclusivity issues facing selected central and state schemes is provided below.

28 Pradhan Mantri Kisan Samman Nidhi (PM-KISAN) is a fully funded central government scheme that aims to support small and marginal farmer (SMF) families through DBT. Eligibility for the scheme has been determined based on land record data available with respective State governments, while the central budgeting is based on agriculture census data. Out of 125 million target farmers projected to be covered based on agriculture census data, 96 million have so far been included in the PM-KISAN database. A critical issue facing PM-KISAN has been coverage of tenant farmers due to lack of formal land records documenting tenancy rights as a result of the legal restrictions (and in some cases outright ban on tenancy) that still prevail in most states and the exclusion of tenancy rights from the prevailing land rights documentation practice in most states. Given that a substantial number of SMF are tenants—who are also the most vulnerable farmers—PM-KISAN’s effectiveness and impact requires the unambiguous identification and inclusion of tenants, which can be accomplished by digitally connecting existing databases (viz. Agricultural Census, Land Records, Census, Farmer databases under several schemes at state and centre, etc.) and formally recording land tenancy rights through partnerships with local governments (Panchayati Raj Institutions).

29 The National Rural Livelihood Mission (NRLM) is an umbrella rural livelihood development program exclusively focusing on women’s empowerment. A critical sub-component of the NRLM is the Mahila Kisan Shashaktikaran Pariyojana (MKSP), which aims to empower women engaged in agriculture, livestock, non-timber forest products, and allied activities by helping them establish productive business enterprises. NRLM has so far enhanced women’s access to credit and overall financial inclusion mostly in collective form, as self-help groups (SHG). However, mechanisms for ensuring women’s individual access to financial services as citizens remain missing, with women in rural areas either not getting access to loans or depending on guarantors owing to their lack of creditworthiness or inability to provide collateral, such as proof of land or assets in their name. Women’s and tenants’ lack of formal land records also undermines their ability to form farmer producer organizations (FPOs) and access allied services. In the absence of women’s recognition as tenant farmers and the entry of their names into formally recognized tenancy contracts, their access to FPOs and allied entitlements and services will be significantly restricted. Therefore, it is critical for NRLM to support SHG members to access formal documentation of their land rights. In the short term, the NRLM could more widely support the inclusion of landless women in group leasing contracts to increase their access to agricultural land with formally recorded land rights.

30 Krushak Assistance for Livelihood and Income Augmentation or KALIA is a DBT scheme launched by the Government of Odisha in 2018. The scheme aims to cover a range of vulnerable groups which include SMF, landless agricultural households, and labourers and sharecroppers. The scheme is characterised by the innovative use of technology to identify eligible beneficiaries. Compared to other DBT schemes, KALIA has achieved higher levels of inclusion of vulnerable groups, including sharecroppers. It is reported to have reached 0.32 million sharecroppers, estimated to represent one-third of the total number, by February 2019. Much of this achievement can be attributed to the state’s use of multiple datasets and algorithms to identify the targeted beneficiaries. However, the scheme has been criticized for not having a clear criterion for identification of sharecroppers given that state law continues to ban the practice.
Rythu Bandhu, launched by the Government of Telangana, was the first big DBT scheme targeting farmers in India. To achieve better coverage, a strategic time-bound land records updating process (LRUP) targeting landowners preceded the launch of the program, which offers critical lessons for many other States. In terms of overall coverage, the program has been comparatively successful, having reached around 69 percent of the target number of beneficiaries in the first round and up to 83 percent in the second. However, by design the program excludes tenant farmers, as it targets only recorded landowners. Given the high incidence of tenancy in the state and higher incidence of suicides among tenants, the state could leverage the LRUP and other ongoing surveys to document tenants’ rights and make Rythu Bandhu more inclusive of tenants.

Pradhan Mantri Fasal Bima Yojana (PMFBY), launched in 2016, is one of the largest crop insurance subsidy programs in the world. Initially meant to be mandatory for recipients of agricultural loans, the scheme is now open to all farmers willing to join. However, among the 8.5 million beneficiaries to date, the share of women, scheduled tribe (ST) and scheduled caste (SC) beneficiaries has been low, at 16 percent, 6 percent, and 8 percent, respectively. Thus, similar to previous agricultural insurance schemes, access of vulnerable groups to this program remain an issue. Moreover, PMFBY has also not been successful in adequately covering sharecroppers and tenant farmers.

**Recommendations**

1. State laws need to adapt to local diversities and contexts, and more research is needed to better understand and adapt to the diversity of contexts and existing informal tenancy arrangements.
2. Land leasing reform implementation should adopt an adaptive approach.
3. States drafting leasing reform laws should consider incorporating suitable changes in tenancy provisions in other laws and ensure supersession of contradictory provisions viz. long-term tenants’ rights to acquire ownership and ensure informed implementation.
4. Tenancy contract terms need to be adapted to the tenant farmers’ needs, especially for landless tenants and small and marginal tenants, ideally through the provision of legal services and training to vulnerable groups and potentially through the legitimate involvement of local governance institutions in land leasing reform implementation and dispute resolution as per article 243(G) of the 11th Schedule of the Constitution.
5. Complement land leasing reforms with strategies to better regulate land fallowing, the transfer of cultivable land to other uses (e.g. residential/urban), and contract farming.
7. Invest in robust public information and education campaigns.
8. Complement land leasing reforms with broader institutional and market reforms to support tenants.

While these broader leasing reforms are critical to achieving inclusive agricultural transformation in the long-term, short-term solutions will be required to ensure that tenants, sharecroppers, and women farmers benefit from existing agriculture and rural development schemes targeting farmers while the reform process is being implemented. Some potential short-term solutions could include:

1. Appropriate and expedited recording of tenancy rights through linking of relevant databases and democratizing the land records digitization process by involving local governance institutions to record, update, and validate tenancy documentation.
2. A time-bound initiative to add women’s names to the land records based on existing legal and institutional frameworks to reinforce recognition of women as farmers and
improve the availability of transparent and sex-disaggregated data on farming and land rights.

Key Policy Questions Remaining

35 In closing, we have identified some key policy questions surrounding the future policy reform agenda based on our analysis to date that require further study and public debate to address. These questions are highlighted below in the hopes of contributing to a broader public dialogue.

1. Comparing against the performance of India’s redistributive land reform experience and impacts, we question whether and how this new wave of land leasing reform will:
   a. Recognize, adapt to, and incorporate the de facto tenure informalities, which seem to be inevitable local realities, into the law-making process;
   b. Interact with and facilitate the land revenue administration system to effectively execute reforms that are adapted to the changing local contexts; and
   c. Address and regulate the market imperfections and embedded power relations to ensure normative inclusion while fostering agricultural transformation.

Given that the on-going land leasing reform leverages comparatively less extreme legal and institutional measures vis-à-vis the historical redistributive land reforms and has so far seen relatively limited buy-in from the states, investing in the identification of answers to these questions will be critical to ensure the desired policy impacts.

2. In terms of tenancy documentation, we ask:
   a. What is the right way to document tenancy (leasing) relations to adequately and regularly capture the de facto informalities and integrate these with an adaptive de jure framework to ensure a win-win outcome for landlords and tenants?
   b. Is formalization of informal tenancy relations possible within the existing land revenue system of land record management, or is a new system building on principles of fit-for-purpose land administration (Enreck et al 2012) called for?

3. Drawing from the experience of pilot initiatives to strengthen the rights of women and tenants and their access to agricultural land, benefits, and services, we ask:
   a. How can knowledge and resource partnerships with CSOs be further leveraged to support agricultural transformation with inclusion of women and tenants?
   b. How can such partnerships be institutionalized within the relevant departments, particularly with the land revenue administration, which remains a law enforcement department lacking relevant experience and precedence?

4. In a digital age, when databases may be alternate solutions to ensure inclusion, we ask:
   a. Whether such databases, existing or updated/created rapidly (viz. LRUP in Telangana in three months), can serve as short-term measures to ensure inclusion of tenants and women in agriculture and rural development schemes?
   b. What are key pre-requisites to rapidly and robustly develop such a database?
   c. Is the inclusion of tenants in farmer databases sufficient to achieve inclusion in the short term or do tenants’ land use rights also need to be recorded to enable their access to agricultural benefits and services viz. collateralized loans?
   d. Which institution (e.g., Panchayati Raj Institutions, Land Revenue Department, Agriculture Department) would be best placed to maintain such a database?
5. Based on our analysis of the impact and inclusion of tenants in selected Centre and state-level agricultural and rural development schemes, we ask:
   a. Whether implementation of such schemes should *accompany* or *precede*:
      i. Legal reforms to recognize tenants as farmers (and their land use rights);
      ii. Investments to include tenants in databases used to transparently determine scheme eligibility; and
      iii. Investments in building institutional capacity for creating/updating/maintaining such databases, especially at local level.
2. Introduction

2.1. Study Background

1 It is well established that secure land tenure, often supported through spatially accurate and updated land records, contributes to agricultural transformation, including by incentivizing productivity-enhancing investments (FAO, 1994; Deininger et al., 2013; Osbahr et al., 2010) and facilitating efficient land transfers. The relevance of tenure security to the achievement of food security has also been underlined by the Sustainable Development Goal (SDG) land indicators.

2 India’s agriculture journey has been linked to and influenced by the way the land was governed, particularly in terms of the tenure, land use and taxation, historically from Kautilya’s Arthashastra through pre-colonial, colonial and post-independence regimes1. (State of Indian Agriculture, 2015-16). India’s complex geo-political diversity has shaped its tenurial complexities governing agricultural land. Land being administered as a ‘state’ subject, special provisions in constitutions for different geographies (viz. Schedule V and VI), the way inheritance laws have evolved, amended and executed as well as reformist actions by centre and state, over years have created a matrix of land tenure governance contexts, have substantially affected the way agriculture as a sector, as livelihoods and as rural development engine has developed and shaped.

3 Being the major land use (>60 percent), rural employment provider (> 50 percent)3 and with continued contribution and substantial impact on economy (about 18 percent as per Economic Survey 2017-18), Indian agriculture has also remained small farmer dominated (>86 percent)4, of late substantially feminized5 and food production oriented.

4 At Independence, the Government of India recognized the importance of strengthening the land rights of farmers, especially the poor, and, subsequently, land policies took the centre stage for poverty alleviation in the country (Besley and Burgess, 2000; Deininger et al, 2009). State governments undertook a number of significant land reforms6 in the 1960s and 1970s, with a

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1 A summarized historical account of how land tenure, revenue system and agriculture were governed is available at https://www.indiaagronet.com/indiaagronet/agri_economics/CONTENTS/Land%20Tenure.htm

2 The land including rights in or over the land is a state subject by virtue of entry 18 in list-II of the seventh schedule of Constitution of India. Even maintenance of land records and survey for revenue purposes and records of land rights is a state subject (Entry 44). There is no entry in relation to land in list-I which is the union list. The Registration Act and the Transfer of Property Act are under the domain of the Union Government probably by virtue of entry-6 in list-III which reads as ‘transfer of property other than agriculture land - registration of deeds and documents’. The important conclusion it gives is that registration of deeds and documents alone are covered by this entry and registration of rights are not.

3 An estimated 61.5 percent of India’s population are dependent on agriculture (Census of India, 2011), while more than 50 percent of its total workforce is engaged in agriculture (Economic Survey 2017-18)

4 There are 146 million operational holdings in 2015-16 covering an area of 157.14 million ha, out of which small and marginal holdings taken together (0-2 ha) constitute 86.21 percent and cover 47 percent of the total agricultural holding area.

5 65.1 percent of women workers depend on agriculture, either as cultivators or agricultural labourers, as opposed to 49.8 percent of male workers as per Census, 2011

6 To this end, most States passed land reform acts aiming to (i) abolish the system of zamindar intermediaries; (ii) eliminate exploitative agricultural tenancies and prohibit new tenancies except under specific circumstances (e.g. widowhood); and (iii) establish land holding ceilings, with “surplus” land eligible for redistribution to the poor.
focus on regulating land ownership, tenancy, and maximum land holding sizes; abrogation of intermediaries; and land consolidation (Ghatak and Roy, 2007).

5 While the intention of these land reforms, implemented starting in the 1960s, varied across states, was to return “land to the tiller,” the achievement of this overarching objective has been somewhat mixed. About 5.1 million acres<sup>7</sup> of land have been redistributed from large landowners to the landless and land-poor nationally till 2015 through state tenancy and land ceiling laws. However, these reforms also had unintended consequences that continue to negatively affect farmers and the broader process of agricultural transformation. The limited implementation of these reforms ultimately resulted in concealed tenancy and vast stretches of land lying fallow, constraining optimal land use and access, as landlords fear losing their rights to long-term tenants (GOI, 2016). The resulting informality of land leasing has undermined the lease market, reducing agricultural efficiency, and prevented tenants from accessing formal credit and loan waivers, insurance (Raju, 2019), markets, direct cash transfers, and other entitlements. There has also lately (2002-12) been a trend of “reverse tenancy” whereby large landowners lease-in additional land from smaller landowners (Rao, 2019). (Please Refer Section 2.2 and 2.3 for more details)

6 The post-independence wave of land reforms has been followed by a concerted effort towards decentralized democratization in the 1990s and the recent 21<sup>st</sup> century series of policy and legal reforms around inheritance rights (viz. Hindu Succession Act Amendment, 2005), forest rights (FRA, 2006), land acquisition (RFCTLARR, 2013) and land-leasing (NITI Aayog’s Model Act, 2016), along with concurrent digitization of land records. These reforms largely brought in by central government require adaptive implementation by the states, land being a state subject. The variability of state contexts as a result of their historical evolution, political actions, and technological innovations have, therefore, triggered diverse responses to land and agriculture policy reforms, interventions, and investments.

7 As the Government of India aims to double farmers’ income (DFI) by 2022, the NITI Aayog has highlighted the need to reform State leasing policies to achieve this goal and drafted a relevant model law. The Digital India Land Records Modernization Programme (DILRMP)<sup>8</sup> has also been recognized as key to achieving the DFI initiative (Padhee & Joshi, 2019). The Government’s commitment to move toward Direct Benefit Transfers to farmers, with beneficiaries identified through state-level land records, further underlines the importance of modernizing and updating land records and legalizing land leasing by working with the States, land being a state subject.

8 More broadly, as the agriculture sector gears up to achieve rural and national economic goals, sustainable food and energy systems, and adaptation to climate change, including as part of India’s contributions to the SDG agenda, State land policy reform and implementation will critically influence the pace and inclusiveness of agricultural transformation. While the agricultural and land sectors are thus intimately connected, they have of late been administered

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<sup>7</sup> https://docs.google.com/document/d/1nwu_Vm4Ch0MqlqKil8RX2illoQAS8sSh1u9aej-c-hv3w/edit (As per a RTI document received from Department of Land Resources). https://archive.indiaspend.com/cover-story/land-reforms-fail-5-of-indias-farmers-control-32-land-31897

<sup>8</sup> In the past, states such as Karnataka and West Bengal have attempted to provide legal rights to tenant farmers by forming electronic records of land holdings and giving tenant farmers the right to their produce.
separately. For example, in spite of the fact that the definition of farmer is linked to land ownership and that most farm entitlements including the Direct Benefit Transfer (DBT) schemes are also connected to digital land records, land revenue and agriculture departments hardly coordinate or work jointly around the same. There is an urgent need to build shared understanding and collaboration across the two sectors to accomplish India’s policy goals.

2.2. Overview of Study

This study is an important initiative in this direction to particularly ensure that India’s agricultural transformation is inclusive and sustainable by being better informed by and adapted to local land tenure issues. The study design includes a review of recent policy reforms, institutional frameworks, and implementation trajectories across national, state, and project scales. The research aims to provide a nuanced appreciation of complex legal-institutional frameworks around agricultural land tenancy and land record reform while shedding light on the ways these tenure frameworks affect farmers’ access to various entitlements and schemes and on promising approaches for securing farmers’ tenure and access to entitlements, especially for tenants and women. By highlighting effective reforms and tenure interventions, the study aims to encourage cross-state and national learning and to lay the foundation for successful reforms and interventions to be scaled up within and across states.

Scope of the Study

A1: Assess Tenancy Reform Policy and Laws:
Update the 2016 analysis of legal frameworks governing land tenancy that was completed by the NITI Aayog Expert Committee on Land Leasing with
Policy level progress by Government of India
Enactment, amendments and implementation related developments in **Andhra Pradesh, Madhya Pradesh, Maharashtra, Uttarakhand, and Uttar Pradesh**
Summarize their objectives, implementation status, initial impacts, and lessons learned,
Provide a comparative appreciation across states using concise tables, charts, and infographics to highlight key provisions and similarities and/or differences across states.

A2: Analyse organization and performance of relevant agriculture schemes with respect to land tenure implications by Federal and State Governments
Analyze the organization and performance of two flagship Federal Government agricultural and rural development schemes aiming to assist the farmers based on their identification through land record/tenure:
PM Kisan (Focus All farmer families; State Maharashtra)
National Rural Livelihoods Mission (Focus: Small marginal farmers & women; State Odisha: Poor as SHG members & Poor as Producers).
Analyze the organization and performance of flagship agricultural and rural development agriculture and rural development Schemes by State Governments aiming to assist the farmers based on their identification through land record/tenure:
Kalna in Odisha: Krushak Assistance for Livelihood and Income Augmentation
Rythu Bandhu in Telangana

A3: Analyse GO-NGO innovations/initiatives towards inclusive tenure security
Analyse recent government and non-government interventions aiming to secure land tenure rights for poor farmers and increase access to agricultural land, markets, finance and services for farmers, especially tenants and women, including their objectives, scale, implementation status, initial impacts, and lessons learned viz.
- Kudumbashree initiative to lease land to self-help groups in Kerala and Andhra Pradesh
- Landesa in Odisha and West Bengal (Homestead, single women, SHG farming)
- WGWLO in Gujarat (paralegal in enhancing women rights)
- Individual and Women Group Tenure in Manipur Hills under customary Tenure regime
- PRADAN in Odisha: Women Group farming on lease land

A4: Assess legal-institutional framework and impact at State level (two focal states: likely Odisha and Maharashtra and non-focal state: Bihar)
Summarize state-level legal and institutional frameworks governing agricultural land with a focus on land tenancy and land records,
Assess their impact on (i) land access, including for women and the landless/land-poor; (ii) agricultural productivity; (iii) access to agriculture and rural development benefits/schemes, finance and financial intermediation; and (iv) agricultural transformation, i.e. diversification away from food security crops into high-value crops, and the voluntary transfer of labour and capital into the non-farm economy.

A5: Analyse the impact of land tenure at Project level (Maharashtra-SMART; Odisha-NRETP)
Analyse the impact of land tenure on two World Bank-financed agriculture and rural development projects in the focal states
Identify opportunities for strengthening tenure and/or increase tenants’ access to agriculture benefits/schemes to improve the project’s ability to achieve its development outcomes, and
Build consensus among key decision-makers on the identified reforms and/or interventions.

A6: Provide recommendations (at national, state and project level)
Suggest legal/institutional reforms and related programming interventions to further secure land tenure rights and increase access to agricultural markets and services, especially for tenants and women.

2.3. Specific Objectives of this Report

The objective of this National Background Paper is to present the results of the updated legal analysis of tenancy reforms (A1) and overview of the inclusion of tenants in flagship agricultural and rural development schemes (A2).
3. Updated Land Tenancy Analysis

3.1. Land Redistributive Reform, Tenancy and Indian Agriculture

Redistributive land reforms\(^9\) have played an important role in agricultural development and rural transformation of many Asian countries in the past few decades. The role of redistributive land reform in bringing about structural change and spectacular growth in agriculture after the Second World War in Japan, South Korea, Taiwan and more recently in the Peoples’ Republic of China and Vietnam is well documented (Kay, 2002). Through systemic dismantling of the landed elite and by putting land into the hands of cultivators, in most east Asian countries, the equity and efficiency of small holdings vastly improved. Japan, South Korea, Taiwan, Malaysia, Indonesia, and Thailand grew twice as fast as the rest of East Asian countries, three times faster than Latin America and South Asia, and about five times faster than sub Saharan Africa. In China, land reforms redistributed the tangible means of upward mobility, influenced relatively rapid economic growth and diversification, improved the rural-urban balance, and contributed to a comparatively rapid fertility decline\(^10\). It transformed Vietnam from a food importing country to a food surplus country; apart from a substantive increase in rice productivity, areas under high value (industrial/commercial) crops were also significantly increased (Sharma & Jha, 2018).

In India, several measures of redistributive land reforms have been undertaken by various State Governments since Independence, including (i) abolition of Zamindari (intermediate landlords), (ii) abolition or regulation of agricultural tenancy, and (iii) imposition of ceilings on land holding and redistribution of ceiling surplus land among landless and semi-landless families. The abolition of Zamindari helped to a great extent in removing the feudal character of India’s agrarian economy and accelerating agricultural development. Other aspects of the land reforms were only partially implemented, however.

Tenancy provisions in Land Redistributive Reform Laws on agricultural land vary across different states (GOI, 2016; Kumar et al, 2017). However, there seems to be no relationship between legal law and actual practice as far as tenancy is concerned in India (Rao, 2019).

\(^9\) Redistributive land reform refers to transfer of ownership from a relatively small number of privileged owners with extensive land holdings to individual ownership by those who work the land, with or without compensation, often mediated by the state, and involves the modification or replacement of existing institutional arrangements governing possession and use of land (Sharma & Jha, 2018)

\(^10\) The reform and its policy environment were an indivisible package that produced a certain set of effects, some traceable to the reform itself, others attributable to the combination of reform and policy climate (Sharma & Jha, 2018)
### Table 1: Summary of Tenancy provisions in Historical Land Reform laws in States at a glance

<table>
<thead>
<tr>
<th>States</th>
<th>Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerala, J&amp;K, Manipur</td>
<td>Complete ban on Tenancy without any exception</td>
</tr>
<tr>
<td>Bihar, Himachal Pradesh, Karnataka, Madhya Pradesh, Odisha, Telangana and Uttar Pradesh</td>
<td>Complete leasing ban with exceptions viz. leasing-out restricted to certain categories of landowners, e.g. widows, minors, disabled and defence personnel</td>
</tr>
<tr>
<td>Punjab, Haryana, Gujarat, Maharashtra and Assam</td>
<td>No explicit ban and after a specified period of tenancy, the tenant acquires right to purchase the land after certain period as notified by respective state government</td>
</tr>
<tr>
<td>Andhra Pradesh and Tamil Nadu</td>
<td>There is no explicit ban on land leasing</td>
</tr>
<tr>
<td>Rajasthan and West Bengal</td>
<td>Relatively progressive tenancy laws, no legal ban on land leasing</td>
</tr>
<tr>
<td>Odisha, Rajasthan, Tamil Nadu</td>
<td>No ban on land leasing but have some restrictions on the terms and conditions of lease in which only a lease on a share cropping basis is allowed.</td>
</tr>
<tr>
<td>Scheduled Tribe areas of Andhra Pradesh, Bihar, Odisha, Madhya Pradesh and Maharashtra</td>
<td>Transfer of land from tribal to non-tribal even on lease can be done upon consent of competent authority. Focus on preventing tribal land alienation.</td>
</tr>
</tbody>
</table>

### 3.2. Tenancy Trends and Patterns

India’s redistributive land reforms led to concealed tenancy (Appu, 1975) and in some cases changed the nature of leasing patterns. While small and marginal farmers continued to lease-in land in agriculturally lagging regions, in agriculturally advanced areas the trend was towards “reverse tenancy,” where poor farmers rented out their land to wealthier farmers (Kumar, et al., 2017; Patel and Mishra, 2019). Tenancy arrangements are estimated to cover as much as 20-25 percent of the gross cultivated area, although official statistics underestimate the actual extent of agricultural tenancy (Planning Commission, 2013). Ironically, the phenomenon of tenancy appears to be high in states experiencing agricultural growth (Singh, 2006). As per the 10th Five Year Plan (Section 3.2.73), “[T]he prohibition of tenancy has not really ended the practice. On the other hand, it has resulted in agricultural practices that are not conducive to increased production. This, in turn, also depresses employment opportunities for the landless agricultural labouers.”

Cultivation in India is usually done on land that could be: (1) Own land- The cultivator has the right to permanent heritable possession; (2) Leased in Land- Land taken on lease from others without...
any permanent right of possession for the lessee; or (3) Otherwise operated- includes cultivation on encroached, forcibly occupied, unauthorized or disputed land. Leasing is done in terms of (a) Fixed money, where fixed amount of rent is negotiated in the beginning of the deal; (b) Fixed produce, where the gross produce is shared as per the pre-agreed quantity; (c) Share of produce, where the produce is shared as per the proportion of final output; (d) Usufructuary mortgage, where mortgagee possesses the land and takes out the income accrued out of cultivation till the full amount is realized.

There is great variation among states in terms of rent given to the landowner, cost, and the return sharing. Even in the same village, different forms of tenancy co-exist. The states that have mainly rainfed agriculture follow sharecropping as the major form of lease as the risk of crop cultivation is shared between the landowner and the tenant (Haque, 2000). The fixed Rent system for leased land has, however, been increasing over the years in the country, where the rent amount depends on factors, such as land fertility, irrigation facility, crops grown in the area, etc.

As far as sharecropping is concerned, an effort has been made to depict the system prevalent in various states in terms of input and output sharing between the tenant and the landowner. Input and output sharing between tenant and landowner varies across the states, with tenants often covering all labour and partial to full input costs, while landowner either does not pay anything or pays half to all of the input costs. Output is usually shared 50:50, with instances of around 1/3rd and 2/3rd. In a majority of the cases, it can be seen that the tenant is meeting the entire expenditure for cultivating in the field of the landowner, yet (s)he shares 50 percent of the produce at the end. Specific systems are also prevalent in some regions, viz. Bhagidaari system of sharecropping in Gujarat, where all paid-out cost is borne by the landowner, all labour provided by the bhagidaar, and sharing 3:1 of the produce between the landowner and the bhagidaar (Kumar et al 2017).

Share produce tenancy contracts in India are slowly being replaced by fixed money contracts to a large extent and by fixed produce contracts to a small extent, albeit with wide regional variation. At the all-India level, the fixed money tenancy contract stands out highest at 40.5 percent in 2012–2013 followed by share produce at 29.4 percent, fixed produce at 15.7 percent, and other terms at 14.4 percent. The fixed money tenancy contract is dominant in the high tenancy states of Punjab, Haryana, Andhra Pradesh, Telangana, and Tamil Nadu, and also in Maharashtra, Kerala, Bihar, and Himachal Pradesh. Fixed produce is predominant in Chhattisgarh and Uttaranchal, which are states characterized by low levels of tenancy (“low tenancy states”). The share produce format is popular in Assam, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Odisha, Rajasthan, Tamil Nadu, Uttar Pradesh, and West Bengal. Both fixed and share produce contracts are prominent in Bihar and Jharkhand (Rao, 2019).

In India, regional variations in the extent of tenancy do not follow any particular pattern, either in terms of the agro-climatic zone or the level of agricultural development (Rao, 2019). Tenancy was found by Bardhan (1976) to have a positive correlation with land improvement factor (that is, soil fertility, rainfall, and irrigation; percentage of area under tenancy is higher where land improvement factor is larger) and prevalence of unemployment, landlessness, higher wage rate, and highly labour-intensive crops (will have higher tenancy). Tenancy rates were lower in areas
where there were larger degrees of imperfection in the market for purchased inputs and credit, as landlords are in an advantageous position here. Deb et al. (2016) observed that decreased production risk can stop reverse tenancy in the semi-arid regions of Maharashtra and Telangana; in other words, where poor landowners are more confident that they can manage (lower) production risks, they are more likely to cultivate their own land rather than rent it out to a wealthier tenant. Based on the available evidence, Rao (2016) infers that there may be plausible reasons behind the complex patterns of tenancy transitions, and more studies are required to better address these questions and inform future policy decisions.

20 In India, “high tenancy holdings” that operate with a very low proportion of owned land (those with above 75 percent share of the operational area leased-in) have risen from 5.6 percent in 2002–2003 to about 9 percent in 2012–2013 (Rao, 2019). These high tenancy operational holdings are prominent in the states of Andhra Pradesh, Bihar, Odisha, Tamil Nadu, and West Bengal. The increasing trend of high tenancy holdings in all the states in India, except in Karnataka and Punjab, during the recent decade could be a cause of concern for equity reasons. These tenant farmers obviously would have comparatively lower access to subsidized inputs from the government and agricultural finance, because of their lower area of owned land, which governs eligibility for these agricultural entitlements and services (Rao, 2019). Moreover, tenant farmers are often also the poorest of the farmers, who require these entitlements and services comparatively more than relatively wealthier landowners.

21 The duration of land leases also varies considerably across the country, although longer-term leases are becoming more common. The share of leased-in area under contracts for two years or more stands at 63.5 percent in 2012–2013, a rate that has increased substantially from 43 percent in 2002–2003. These levels are relatively high among southern states, except in Telangana. The notable increase in areas leased-in for longer periods is a positive trend that should provide more benefits for tenants (Rao, 2019). A longer lease encourages tenants to adopt long-term cultivation plans and focus on land development; capital investment, such as installing bore wells and drip or sprinkler systems; crop rotation; and application of organic manure to sustain output for more than one year. Therefore, states characterized by shorter-duration leases viz. Telangana, Haryana, Uttaranchal, Jharkhand and Bihar etc. are particularly in need of attention. (Rao, 2019)

22 The recording of leased-in areas is abysmally low at 12.8 percent of the total leased-in area during 2012–2013. It has increased from 9.2 percent in 2002, with Kerala (40.1 percent), Tamil Nadu (39.4 percent), and Rajasthan (36.7 percent) recording the highest levels. The high record in Kerala, despite an absolute ban on land lease, may be due to the government initiative under the Kudumbashree Mission through which women in Joint Liability Groups are encouraged and assisted to lease-in land for cultivation (Rao, 2019). The lease recording level is medium in Maharashtra (20.8 percent), Punjab (22.1 percent), Telangana (13.5 percent), and Madhya Pradesh (15.7 percent). Very poor records are reported in the high tenancy states of Andhra Pradesh, Haryana, and Odisha, which could be a cause for serious concern given that Government Departments (viz. Agriculture) and banks require land rights documentation from farmers for eligibility to receive extension services, subsidized inputs, and credit. Thus, having an unrecorded lease denies those tenants access to these benefits (Rao, 2019).
Recent studies by Haque (2000), Murthy (2004), and Srivastava (2000), based on the NSSO data in 1982–1983 and 1992–1993, have found an increasing role of larger farm size classes in tenancy, especially in the regions characterized by agricultural progress, commercialization of agriculture, and farm mechanization. These are instances of so-called reverse tenancy, where bigger farmers lease-in land from small farmers. This trend has increased demand-side competition in the land lease market, resulting in either alienation or higher rents for small farm sizes. On the one hand, the available literature has established the entry of large size class holdings in the lease market, as these larger lessees were driven by the prospects of high profits spurred by the new technology used during the Green Revolution period (Bardhan, 1976; Laxminarayan, & Tyagi, 1977; Sarathi & Prasad, 1979). On the other hand, due to lack of access to capital, non-viability of (smaller) holdings, and various other factors, small landowners have increasingly leased out their land and themselves taken employment as casual labour or other jobs (Bandyopadhyaya, 1975). At an all-India level, 44.5 percent of leased-in areas were operated by medium and large farm size classes in 2012–2013. The dominance of larger farmers, that is semi-medium (2 – 4 ha) and above, is prominent in the higher tenancy states of Punjab, Haryana, Andhra Pradesh, and Tamil Nadu and also in Chhattisgarh, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan. By contrast, the states of Bihar, Odisha, and West Bengal are small farmer-based tenancy states (Rao, 2019).

### 3.3. Impacts of Tenancy on Indian Agriculture and Farmers

The NITI Aayog Expert Committee on Land Leasing (2016) found that agricultural land leasing restrictions have effectively forced tenants into informal, insecure land tenure arrangements with their landlords. Given rising land prices, it was practically impossible for poor and small farmers to buy land given their limited access to capital. It noted that around 36 percent of tenant farmers are fully landless, while 54 percent have less than one hectare of land (GOI, 2016). Insecure or concealed tenure seriously impeded agri-investments due to lack of recording of leasing, constraining access to formal finance, while shorter tenure leases affected the willingness of tenants to invest in land improvements. Landowners’ reluctance to lease-out land they do not cultivate due to their fear of losing their land rights to long-term tenants through existing legal provisions or land redistribution has also contributed to the downfall in India’s agricultural productivity by increasing land under fallow above optimal levels (also see paragraph 42).

Higher suicides of farmers have also been attributed to tenancy; in Telangana and Andhra Pradesh, for example, tenants accounted for 31 percent and 54 percent of suicides respectively in 2014, while constituting only 18 and 40 percent of the total cultivators in these states respectively. Researchers have ascribed a potentially worse situation considering the higher independent estimates of farmer suicides (Murty and Reddy, 2017).\(^{17}\)\n
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\(^{17}\) In fact, an understanding that tenants’ inability to contract institutional loans obliges them into borrowing high-interest bearing non-institutional loans, which drive them into the debt trap and suicides, had encouraged the then Government of Andhra Pradesh to enact the Land Licensed Cultivators Act, 2011, following the recommendations of the Koneru Ranga Rao Committee on land reforms (GoAP, 2006). Please see Paragraph 54 for more information on the implementation and impact of this Act.
Interestingly, evidence collated by Otsuka and Hayami (1988) shows that the single-crop productivity is not significantly different between sharecropping and owner farming globally. In India, Haque (2012) has noted that yield per acre on tenanted land is found to be quite comparable to that on owned land across states. Low durable investment on tenanted land has been the most serious objection to the landlord–tenant organisation of production (Bardhan, 1984; Herring, 1983; Schickele, 1941). However, productivity when defined as the total value of all crops grown on a unit of land was found to be significantly higher under owner-farming relative to sharecropping globally (Otsuka and Hayami, 1988).

High-value commercial crops seem predominate in owner-farmed areas, with staple food crops more commonly cultivated in sharecropping areas. It may be the case that capital accumulation under owner-operated farming (or neglect of durable investment on tenanted plots over long periods) promotes (or hinders) the crop mix in favour of high-value commercial crops, which is noteworthy in the context of promoting agriculture transformation. In Vietnam, a similar transition towards an increase in the area under high-value industrial/commercial crops was noted when large collective farms were redistributed into small family plots (Sharma & Jha, 2018).

3.4. **Move Towards Land Leasing**

Contemporary times demand a proactive legal environment that supports land leasing that can bring a “win-win” scenario for both landowners and tenants. The experience of limited success with redistributive land reform measures and the socio-political advancement of marginalised sections of the population in the last few decades have built a growing consensus that land rental markets and options like formalized sharecropping can unlock immense opportunities for poor farmers to secure their livelihood. Evidence across the globe suggests that tenurial security for farmers can be a gamechanger in addressing the multiple goals of improving agricultural productivity, enhancing farmers’ income through agricultural transformation, and addressing food and nutrition security (Sharma & Jha, 2018). Additionally, landowners better suited to and interested in pursuing non-farm activities are also set to gain by being able to securely rent out their land to farmers willing to cultivate their land without fear of losing their ownership rights.

To inform policymakers on land tenancy issues, the Government of India, through NITI Aayog, the planning think-tank, constituted an expert committee on agricultural land leasing that produced a report summarizing the evidence and a model Agricultural Land Leasing Act in 2016. Given that land is primarily a State subject, the states need to frame their own legislation as guided by this model act. The key lessons learned, and provisions of the model act are summarized below.

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18 In India, the current wave of reform is usually referred to as Land Leasing Reform. By contrast, the terms Land Reform or Land Tenancy Reform are often used to refer to the reforms undertaken post-independence to give land to the tillers (tenants) and to redistribute ceiling surplus land. To enable better understanding for a global audience, who are also intended readers of this report, however, we refer to this latter type of historical reform as Redistributive Land Reform in line with most global literature. For the same reason, we may use the terms Land Leasing Reform and Land Tenancy Reform interchangeably to refer to the on-going reform process.
30 The Case for Land Leasing Reform: Arguments by NITI Aayog for Land Leasing reform
1. Legal restrictions on land leasing have led to concealed, informal tenancy in almost all parts of the country. Informal tenants are most insecure and have no incentive to make investments in land improvement for productivity enhancement.
2. Due to the informal nature of most lease agreements, tenants do not have access to institutional credit, insurance, and other support services, which affect productivity of the land cultivated by them. According to the 70th Round of the NSSO, about 21 million households in the country cultivate about 10 to 11 million hectares of land on an informal lease basis, without any security of tenure or access to institutional credit and other services, which constrains productivity growth.
3. Due to legal restrictions, many landowners prefer to keep their land fallow due to the fear of losing their land rights if they lease it out. As of 2013-14, about 25 million hectares (ha) of agricultural land is fallowed (11 million ha of permanent fallow and 14 million ha of current fallow).
4. Legal restrictions on land leasing have also reduced the extent of land available in the lease market and consequently the welfare of marginal and small farmers. About 92 percent of informal tenants today are marginal farmers and landless labourers. Reduced availability of land in the lease market has restricted land access by these tenants, while their access to farm-related entitlements is also further constrained due to the lack of recorded leases, with both trends leading to inequitable outcomes. Informal and short-term leasing conditions that are unfavourable to tenants have also affected their productivity. As this category of farmers lease in more land than they own or lease out, legalization of land leasing would encourage more egalitarian outcomes by making more land available for leasing to the rural poor. Improved access to land on lease by the poor would help reduce their poverty and enhance their economic and social status.
5. The high dependence of the rural population on agriculture is one of the main reasons for the low size of land holdings and low per-capita income, as well as high incidence of poverty among agricultural workers in India. It is therefore absolutely necessary that there is a transfer of population from agriculture to non-agriculture livelihoods. Leasing legalization would allow large landowners to lease out land without fear of losing their land ownership rights and invest in non-farm enterprises, which is vital for occupational diversification and rapid rural transformation. This will reduce population pressure on agriculture and enable small farmers to augment their operational holding size by leasing in land. Also, marginal and small farmers can lease out their land to more viable farmers for rent, while seeking paid employment within or outside agriculture. This would help them to maximise their income by way of rentals, as well as wage, incomes. Legally allowing farmers to lease out their land without any fear of losing their ownership rights would also support their upward occupational mobility toward self-employment or wage employment.

31 The NITI Aayog’s Model Agricultural Land Leasing Act, 2016 (“Model Act”) was prepared after examining the tenancy laws of all Indian States and after consultation with various stakeholders in different states. Some of its major features are as follows:
1. A legal framework for leasing in and leasing out of land for agriculture and allied activities, including agro-processing by farmers and farmers groups.
2. Complete security of land ownership of the landowner-lessee and security of tenure for the lessee-cultivator for the agreed lease period, as provided in the lease agreement.

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19 Legal restrictions are as per both Land Reform laws which bans tenancy and also in many cases allow long-term tenants to acquire ownership rights.
20 According to 59th round of NSSO, about 36 percent of the tenant farmers are landless, while nearly 56 percent of the tenant households are marginal landowners, having less than one hectare land.
3. Landowner-lesser and lessee-cultivator mutually decide the terms and conditions of lease, with the Government having no role in this matter.

32 It provisions stipulations to enable the automatic reversion of possession to the landowner on the expiry of lease period, without the involvement of the Department of Revenue or any other Government department.

33 The lease should be registered but not be recorded in the record of rights (ROR), which records land ownership, as leasing of land shall not create any protected tenancy or permanent occupancy right, irrespective of any duration of the lease. This is critical to address landowners’ fear of losing their land rights when leasing out their land due to existing legal provisions in state tenancy legislation. The lessee-cultivator is entitled to undisturbed possession and use of the agricultural land for the agreed period as per the lease agreement. However, the lessee-cultivators’ right is not heritable, though it is renewable with mutual consent of the parties.

34 The model law also provides that in case of dispute, the landowner-lesser and lessee-cultivator shall make all efforts to amicably settle it using third party mediation, the Gram Sabha, or the Gram Panchayat to reduce the burden of land conflicts in the judiciary system (see Box 1 below).
35 An important dimension of the Model Act is that it covers not only crop farming, but also all other allied agricultural activities, such as dairy, animal husbandry, poultry, agro-forestry, agro-processing etc. Further, in scheduled areas, only scheduled tribes shall be eligible to lease in agricultural land.

36 While this act is considered timely and progressive by many, it has been not without critique. Scholars argue that legalisation of land renting would lead to diversion of agricultural land primarily for commercial crops. The lack of clarity over whether ‘contract farming’ by corporate entities would also qualify for land leases under the act further aggravates this concern. (Rao, 2017) Furthermore, the model act’s lack of provision for a minimum/maximum lease period and ambiguity in certain definitions, such as how ‘degradation of land’ would be determined to enable landowners to resume possession of their land prior to the lease expiration date, are a few of the problematic areas noted in the literature (Mani, 2016). Nevertheless, an important beginning has been made in reforming the land tenancy policy regime in India.

37 It was further expected that with land leasing becoming legal, tenant farmers engaged in agriculture and allied activities would be able to access institutional credit, insurance, disaster relief and other support services using a written lease agreement, with attestation by any responsible officer, including the Panchayat Pradhan, Block Development Officer, or Bank Officer etc. However, Rao (2019) argues that a complete liberalisation of the lease market without any legal stipulation on the duration, rent amount, location of registration of the lease, and the legal acceptability of lease documents21 for accessing institutional credit, crop insurance, and subsidised inputs, among other benefits, may not provide a level playing field to the tenant farmer, especially when the lessor is rich and powerful.

38 As can be seen in the next section (Section 2.5), the states have responded differently to these concerns by adopting different stipulations on lease duration and various other lease terms and conditions and attempting to ensure the legal acceptability of lease documents. Land being a state subject in India, this scope of diversity and innovation exists to accommodate a variety of contexts and aspirations, an important lesson that also comes from the way redistributive land reform laws were implemented by the states and the spectrum of (formal and informal) tenancy arrangements

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21 The model act, leaves the duration and terms of conditions of lease to be negotiated among the lessee and lessor and restricts the lease to be reflected in the registry
that have evolved over the years. This lesson must be factored into any subsequent policy and institutional reform recommendations. The Model Act thus can be seen as an attempt by the federal government to provide a guidance of uniformity in the direction of federal intent, while allowing the states to factor in their contextual concerns. The next section provides an overview of how various states have responded to this call for reform to agricultural tenancy.

3.5. State Government Initiatives - Taking Cues from the NITI Aayog Model Act

Following NITI Aayog’s Model Agricultural Land Leasing Act, several states, including Uttarakhand in 2016, Uttar Pradesh in 2016, and Madhya Pradesh in 2016, have amended their tenancy laws, the main objective of which is to legalize and liberalize agricultural land leasing. The state of Maharashtra also recently has passed a bill on agricultural land leasing (on the lines of NITI Aayog’s Model Act), which has been sent for the President’s assent. In addition, Punjab, Odisha, Karnataka, and Rajasthan have also taken initiative to work on it.

Federal-state relations and dynamics are important to consider in India’s federalism context, which has also a strong influence on the way central policies are acted upon by the states. In other words, since land is a State subject, the federal (Union) government can set policy objectives and promote specific legal reforms, but it is ultimately up to the States to determine the content of the land laws based on their particular context. As such, the basic terms of the recent reforms vary by State, for example the types of permissible land use, area of land that can be leased out, lease period, type of rent allowed, conditions of lease renewal, procedures and institutions for lease registrations, services and entitlements that can be accessed using the lease agreements, and dispute resolution mechanisms, among other terms. A comparative summary of the legal provisions is provided in Table 2, with a brief description of each State’s reform in this section.

Uttarakhand: The Uttarakhand Zamindari and Land Reforms (Amendment) Act, 2016 (Act. No25 of 2016) provides that without prejudice to the restriction contained in Section 157 (a) and 157 (b) of the Principal Act, the land for the purpose of agriculture, horticulture, herbs, animal husbandry and milk production, poultry farming and livestock procreation, agriculture, pisciculture and agricultural processing may be leased for a maximum period of 30 years22 with fixed terms and conditions and to any person, institution, trust and self-help groups. Cash, crops, or any part of the produce may be included in the lease rent (Section 156 1c). It further lays down that on the expiry of the term of the lease, the lease may be renewed on fresh terms and conditions. The lessee shall obtain a maximum of 30 acres of land on lease according to needs. The lease agreement may be registered without any fee under the Indian Registration Act 1908.

22 The new Uttarakhand law is largely on the line of the NITI Aayog’s Model Land Leasing Act, excepting that 30-year maximum lease period, which is renewable and 30-acre limit on lease, which was not to be prescribed by the State
## Table 2 Provisions of Land Leasing Reform Laws in Indian States

<table>
<thead>
<tr>
<th>Name of the act</th>
<th>Andhra Pradesh (A.P.)</th>
<th>Madhya Pradesh (M.P.)</th>
<th>Maharashtra</th>
<th>Uttar Pradesh</th>
<th>Uttarakhand</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Valid from</strong></td>
<td>17th August 2019</td>
<td>9th May 2018</td>
<td>Awaiting President’s assent</td>
<td>10th March 2019</td>
<td>2016</td>
</tr>
<tr>
<td><strong>Type of land</strong></td>
<td>Private land</td>
<td>Private land</td>
<td>Private land</td>
<td>Person, firm, Company, Partnership firm, Limited Liability Partnership Firm, Trust, Society or any other legal entity</td>
<td>Anyone</td>
</tr>
<tr>
<td><strong>Who can lease</strong></td>
<td>Anyone</td>
<td>Anyone</td>
<td>Person, firm, Company, Partnership firm, Limited Liability Partnership Firm, Trust, Society or any other legal entity</td>
<td>Anyone</td>
<td>Anyone</td>
</tr>
<tr>
<td><strong>Usage/Utility</strong></td>
<td>Agriculture or allied activities</td>
<td>Agriculture or Setting up Solar Energy Plant</td>
<td>Agriculture or Setting up Solar Energy Plant</td>
<td>Agriculture or Setting up Solar Energy Plant</td>
<td>Agriculture or Setting up Solar Energy Plant</td>
</tr>
<tr>
<td><strong>Ceiling area for tenancy</strong></td>
<td>No mention of ceiling area in in tenancy</td>
<td>No information available in the act</td>
<td>To be maintained in the remark column of RoR (names and details of lessee and lessor; period of lease; proposed use and annual rent)</td>
<td>To be maintained in the remark column of RoR (names and details of lessee and lessor; period of lease; proposed use and annual rent)</td>
<td>To be maintained in the remark column of RoR (names and details of lessee and lessor; period of lease; proposed use and annual rent)</td>
</tr>
<tr>
<td><strong>Duration of tenancy</strong></td>
<td>11 months</td>
<td>1-5 Years</td>
<td>Mutually decided by the landowner and tenant</td>
<td>Shall not exceed 15 years at a time; can be mutually extended; for Solar Energy Plant maximum period may be up to 30 years</td>
<td>30 years (1 year min)</td>
</tr>
<tr>
<td><strong>Pricing decision rent</strong></td>
<td>Mutual agreement between landowner and tenant</td>
<td>Mutual agreement between landowner and tenant</td>
<td>Lease agreement registered under Indian Registration act 1908.</td>
<td>Lease agreement registered under Indian Registration act 1908.</td>
<td>Lease agreement registered under Indian Registration act 1908.</td>
</tr>
<tr>
<td><strong>Agreement</strong></td>
<td>Signed by Landowner and tenant, countersigned by Village Revenue Officer. The agreement is called “Crop Cultivator Rights Card” (CCRC)</td>
<td>Signed by Landowner and tenant</td>
<td>Lease agreement registered under Indian Registration act 1908.</td>
<td>Lease agreement registered under Indian Registration act 1908.</td>
<td>Lease agreement registered under Indian Registration act 1908.</td>
</tr>
<tr>
<td><strong>Database Maintained (Yes/No)</strong></td>
<td>Yes, database maintained in the form of a register</td>
<td>No information available in the act</td>
<td>Yes, database maintained in the form of a register</td>
<td>To be maintained in the remark column of RoR (names and details of lessee and lessor; period of lease; proposed use and annual rent)</td>
<td>No information available in the act</td>
</tr>
<tr>
<td><strong>Who maintains</strong></td>
<td>Village Revenue Officer</td>
<td>Tehsil office</td>
<td>Copy of the agreement made available to Revenue Inspector</td>
<td>Copy of the agreement made available to Revenue Inspector</td>
<td>Copy of the agreement made available to Revenue Inspector</td>
</tr>
</tbody>
</table>
**Termination of agreement**

<table>
<thead>
<tr>
<th>Owner has the right to terminate only if the tenant fails to comply with the agreement terms. Two months advance notice should be given by the cultivator.</th>
<th>With mutual consent or decision taken by Tahsildar to terminate the agreement when there is a breach of it.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) No tenancy is terminable by efflux of time. However, the tenancy of any land shall be terminated in specific cases. 2) Landlord can also give 3 months’ notice. 3) A tenant may terminate the tenancy at any time by surrendering his interest.</td>
<td>1) Unless extended by mutual consent will terminate after expiry of lease term; lessee can terminate earlier with 6 month notice with payment of annual rent; lessee will treated as unauthorized occupant if doesn’t transfer land upon expiry of lease term and liable to be ejected along with scope of penalty.</td>
</tr>
<tr>
<td>Owner has the right to terminate the agreement if the tenant fails to pay lease on agreed time, comply with the terms and conditions of agreement, use of land for the purpose other than specified in the agreement. 2) Owner/tenant shall have the right to cancel the lease with 3 months prior reasoned notice to pay all encumbrances. 3) Termination of agreement.</td>
<td></td>
</tr>
</tbody>
</table>

---

**Owners’ rights/benefits**

<table>
<thead>
<tr>
<th>Right to alienate agreement land Loans entitled</th>
<th>Yes</th>
<th>Yes</th>
<th>Yes</th>
<th>In case of non-payment or violation by lessee, lessor can terminate with due notice; lessee is entitled to compensation if so agreed earlier, upon termination;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, eligible for loans other than crop loan</td>
<td>No information available in the act</td>
<td>Yes, eligible for mortgage</td>
<td>No information available</td>
<td>No information available in the act</td>
</tr>
</tbody>
</table>

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**Owners’ restrictions/limitations**

| Shall not interfere with the possession rights of the tenant until he/she complies with the terms of the agreement. | No information available | No information available | No information available in the act |

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**Impact/influence of change in land ownership under agreement**

| The new owner shall be the new owner of the land and he shall agree to the terms and conditions of the agreement done by previous owner | No information available in the act | No information | No information available in the act |

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**Tenants’ right transferable or not**

| No information available in the act or rules | Non-transferable. However, in case of death of the tenant, rights mentioned in the agreement shall be passed on to his legal heirs. | When a tenant die, land would revert to the owner at the end of crop year. With mutual consent between landowner and heirs of deceased lessee the agreement can be continued. In case when co-Lessee is included, the agreement will continue. | No information available | Non-transferable. However, in case of death of the tenant during the lease period, his/her legal successors shall be authorised to make a fresh a fresh agreement. |

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23 A fine of INR 10,000 per hectare is levied on the owner if he/she violated the terms and conditions of the agreement. Similarly, If the tenant failed to handover the land to the landowner then, a fine of INR 10,000 per hectare or confinement in civil imprisonment of three months.

24 When the tenant a) Has failed to pay the rent for any revenue year before the 31st day of May thereof b) has done any act which is destructive or permanently injurious to the land c) has sub-divided, sub-let or assigned the land d) has failed to cultivate it personally; or e) has used such land for a purpose other than agriculture or allied pursuits.

25 If the tenant doesn’t vacate his/her possession, the DM shall vacate with force and revert the land to owner with imposing a fine of Rs 300 per day be recovered from the date of vacation order
<table>
<thead>
<tr>
<th>Tenants’ rights/ benefits</th>
<th>Entitled to obtain 1) Crop loan from bank. 2) Crop insurance, Crop damages or any other benefits or facilities provided by Government 3) Eligible tenants will be entitled to Rythu Bharosa scheme.</th>
<th>When there is natural calamity, the right to receive the relief to receive and the amount claimed shall be in accordance with the agreement between the owner and the tenant.</th>
<th>No information available in the act or rules</th>
<th>Entitled to obtain 1) Crop loan from bank. 2) Crop insurance, Crop damages or any other benefits or facilities provided by Govt. Entitled to obtain insurance in case of natural calamities</th>
<th>Tenant shall be entitled to obtain any agricultural loan, disaster assistance, crop insurance, promotional amounts or grants and any other facility provided by the central and state government.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenant’ restrictions/ limitations</td>
<td>1) cannot create any change or interest or liability during agreement period 2) shall not have any right to the land</td>
<td>shall not have any right to the land under agreement</td>
<td>No information available in the act or rules</td>
<td>Cannot make any changes to the property boundaries during agreement period and shall not have any transferable rights to the land under agreement.</td>
<td>Tenant shall not change the boundary of land, and survey identification of boundary neither be removed nor be damaged</td>
</tr>
<tr>
<td>Conflict resolution mechanism</td>
<td>Initial</td>
<td>Village revenue officer (redress within 7 days of receiving grievance)</td>
<td>Tahsildar (dispose within six days from the case filing)</td>
<td>third party mediation</td>
<td>Amicably resolve and settle the dispute amongst lessee and lessor or if mutually agreed using third party, Panchayat and Village Revenue Committee.</td>
</tr>
<tr>
<td>1st appellate</td>
<td>Tahsildar (dispose within 7 days of appeal)</td>
<td>Sub-Divisional Officer (dispose within 6 days of appeal)</td>
<td>Tahsildar</td>
<td>Sub Divisional Officer within 30 days</td>
<td></td>
</tr>
<tr>
<td>2nd appellate</td>
<td>Sub Collector or Revenue Divisional officer (dispose within 7 days of appeal)</td>
<td>-</td>
<td>Collector (dispose within one year)</td>
<td>Commissioner (decision is final)</td>
<td></td>
</tr>
<tr>
<td>Revision authority</td>
<td>Joint Collector of the district (dispose by summary enquiry within 7 days of appeal)</td>
<td>Divisional Commissioner (dispose within 6 days of appeal)</td>
<td>Maharashtra Revenue Tribunal (dispose within one year)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Last resort</td>
<td>High court followed by Supreme court</td>
<td>High court followed by Supreme court</td>
<td>High court followed by Supreme court</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reform did (not) repeal tenants’ right to acquire ownership</td>
<td>1956 Tenancy Act repealed</td>
<td>Revenue Code Amended</td>
<td>To be confirmed</td>
<td>Revenue Code Amended</td>
<td>Revenue Code Amended</td>
</tr>
<tr>
<td>Implementation status</td>
<td>No statistics available in public domain</td>
<td>No statistics available in public domain</td>
<td>Bill is awaiting President’s assent</td>
<td>No statistics available as of now</td>
<td>No statistics available in public domain</td>
</tr>
</tbody>
</table>
The lessee will have no right over the land other than those set forth in the lease agreement. The lessee shall be entitled to obtain any agricultural loan, disaster assistance, and any other facility provided by the central and state government.

42 Uttar Pradesh: The Uttar Pradesh Government has passed a comprehensive amendment in the agricultural tenancy law of the state. While the first amendment to the Revenue Code was brought in 2016, a more comprehensive amendment in line with the Model Act was approved in March 2019. It amended section 94 to allow for Private Leases by Bhumidhar (landowners), and allows a person, firm, Company, Partnership firm, Limited Liability Partnership Firm, Trust, Society or any other legal entity to lease in land, both for agricultural activities and also for setting up a Solar Energy Plant. While the lease terms and conditions are allowed to be set mutually, the period of lease is regulated to a maximum of 15 years (30 years for a solar plant), with scope for further extension. The lease can be oral or written and must be registered in the remark column of the Record of Rights (RoR) without creating any rights in favour of the tenants including protected tenancy or occupancy rights or any other rights against eviction or lease termination. The UP Zamindari and Land Reforms (Amendment) Act, 2016 had earlier abolished the clause of occupancy right accruing to a tenant in possession of land continuously for 12 years. It, however, does not clearly mention the entitlements to access institutional credit, insurance, disaster relief, and other support services by the tenants.

43 Madhya Pradesh: The Madhya Pradesh Bhumiswami Evam Bataidar Ke Hito ka Samrakshan Vidhayak, 2016 (which received the President of India’s assent in May, 2018 and became a new law) provides that an agreement between the landowner and tenant shall be executed on plain paper, and a copy of the agreement shall be kept by both the parties, and one copy may be provided to the tehsildar, provided that no entry in the revenue record shall be made on the basis of such an agreement. The term of agreement provided in the MP Act is a maximum of 5 years at a time, which is renewable with mutual consent. It also provides that notwithstanding anything contained in any other law for the time being in force, the tenant will have no right to create a charge\footnote{26} of any kind on the leased land. This act has a penal provision for a fine of INR 10,000 per hectare or confinement in civil imprisonment of three months if the tenant does not hand over the possession of land to the landowner on the expiry of the lease period. In case of damage of crop due to natural calamity, the right to receive the relief to be given by State Government or insurance company shall be in accordance with the agreement executed between landowner and tenant. It does not explicitly say anything about lessee cultivators’ eligibility for institutional credit. However, based on the written lease agreement, the bank and other financial institutions may advance short term loans to lessee-cultivators.

\footnote{26}{Charge here indicates a burden or encumbrance created upon property. In this context it can be a mortgage or subleasing or anything that may create an additional legal liability on property, which may diminish the value of the land. \textit{Charge means a burden or Encumbrance upon property or a claim or lien upon State or on the land. It means a legal liability on property. Thus, it constitutes a burden on the title which diminishes the value of the land.} https://indiankanoon.org/doc/945572/ An encumbrance is a right to, interest in, or legal liability on property that does not prohibit passing title to the property but that may diminish its value. Steven H. Gifis, Barron's Dictionary of Legal Terms, 4th edn., s.v. “encumbrance” (Barron’s Educational Series, 2008), 169}
44 **Maharashtra:** The Maharashtra Agricultural Land Leasing Bill, 2017 (duly passed by the State legislature and waiting for the President’s assent) is very similar to NITI Aayog’s Model Agricultural Land Leasing Act, 2016. The Act clearly mentions that notwithstanding anything contained in any other law on commencement of this Act, every person who is competent to transfer agricultural land under Section 7 of the Transfer of the Property Act, and who intends to lease in or lease out agricultural land for agriculture and allied activities, shall be entitled to enter into a lease agreement. The definition of agriculture and allied activities, as well as the rights and obligations of the landowner-lesser and lessee-cultivator, are the same as in the Model Act, except that the Maharashtra Bill provides for penal action, including use of force, in case the lessee-cultivator does not hand over the possession of leased in land on the expiration of the agreed lease period.

45 **Initiatives by other states:** As per the latest available information, Punjab and Odisha have prepared draft bills for amendments in their tenancy laws along the line of the Model Act, while Karnataka and Bihar have also initiated discussions on this matter.

46 So far, the Model Agricultural Land Leasing Act, as well as those of Uttar Pradesh, Uttarakhand, MP, and Maharashtra, appear to have terms favourable to both tenants and landlords. The adoption of the Model Act by States can therefore help improve the economic condition of both landowners (lesser) and tenants (lessee) (see Section 2.4 e.g. para 28, 30 & 33). It can be an instrument of accelerated agricultural transformation and poverty reduction in rural areas. In fact, agricultural land leasing reform can provide a win-win situation for the landowner-lesser and lessee-cultivator, as well as any state government that implements it (see Section 2.4). Importantly, land leasing reform is not at all a politically sensitive issue feels Dr T Haque, the architect of Land Leasing Reform. It can be safely spearheaded by governments of various leanings, as has already been done by some State Governments under various political parties (Para 34).

3.6. **Land Leasing Reform: Critiques**

47 The Model Act challenges the basic premise on which redistributive land reform laws were based i.e. that tenancy in agriculture is by its nature regressive and that all landlords exploit their tenants, and therefore it is necessary to impose either a prohibition or restrictions on tenancy and to confer rights of ownership or cultivating rights on the land to the tiller. The redistributive land reform laws were made only from the tenant’s point of view. By contrast, the Model Act attempts to also take the landowner’s point of view. It views tenancy as progressive and considers that liberalised and legalised tenancy is a tool to achieve equity, efficiency, occupational mobility and rural transformation (Rao 2019). As per Rao, both kinds of land policy reform (redistributive land reforms and land tenancy reform) work with the same objective of equity in landholding, even though the chosen paths to accomplish this objective are different.

48 However, Rao (2019) points out that the Model Act ignores the increasing incidences of permanent absentee landlords (of large farm sizes) migrating to urban spaces and settling in the non-farm sector while still owning large quantities of land, potentially resulting in a larger than optimal share of fallowed land. Without reliable statistics on land tenancy, it is difficult to test this hypothesis. However, as per the 70th round of NSSO (2013), nearly 69 percent of urban
households’ own land in rural areas, and the share of non-cultivating households who own land is 38 percent. Between 2003 and 2013, the share of total land (cultivable and uncultivable including homesteads/residential areas) owned by non-cultivating households increased from 6 percent to 11 percent, while the cultivable land owned by them witnessed a decline from 5 percent to 3 percent. Some authors have hypothesized that this increase in the non-cultivable land owned by non-cultivators may be an indication that farmland is being diverted away from cultivation to non-cultivation uses (mostly residential areas). Alternatively, this trend has also been interpreted as an indication that non-cultivating households are starting to view land more as a store of value (to derive ground rent) than as a productive asset (Bhue & Vijay, 2016). It is, however, also important to note that there is also an increase in fallowing of land over this same period. As a proportion of the cultivable area, fallow land increased from 11 percent in 1970–1971 to 13 percent in 2010–2011, and as of 2013-14, about 25 million hectares (18 percent of net sown area) of agricultural land is kept fallow, comprising 11 million hectares of permanent fallow and 14 million hectares of current fallow land (GOI, 2016). Moreover, current fallow land as a percentage of cultivable area increased from 6 per cent to 8 per cent during 1970-71 to 2010-11 (Raghunathan & Pandey, 2020).

49 While land tenancy reform has the potential to reduce the amount of fallow land in India, Raghunathan & Pandey (2020) note that this reform may not immediately have an impact on fallowing decisions due to the variation in local tenancy arrangements. Specifically (based on analysis of India Human Development Survey 2010-11 dataset for all India) they observed that owning more land increases the probability and proportion of land left fallow. Interestingly, they also found that the proportion of land left fallow and proportion of farmers owning land who left land fallow, were highest in villages where there is predominantly no tenancy (15 percent and 20 percent respectively for current fallow in comparison 5-6 percent and 10-12 percent under tenancy respectively) – lending support to the hypothesis that the lack of (formal) lease markets has artificially increased the proportion of fallowed land above optimal levels. They also noted that the proportion of land under fallow was lower for households living in villages with fixed-rent arrangements as the predominant form of tenancy. Based on this study, the authors conclude that the type of tenancy (payment) arrangement impacts fallowing decisions. Therefore, the imperfections in land lease markets imposed by local customs would have to change before the impact of tenancy reform affects fallowing decisions. Raghunathan & Pandey (2020) also note that while landowners might prefer a particular type of contract viz. fixed rate or sharecropping,

27 This consists of net area sown, current fallsows, fallow lands other than current fallsows, cultivable waste land and land under miscellaneous tree crops. http://eands.dacnet.nic.in/PDF_LUS/Concepts_%26_Definitions.pdf
28 Includes land left fallow in the current year (current fallow), land left fallow for more than 1 year but less than 5 years (fallow other than current fallow), and land left fallow for five or more years, including the current year (culturable wasteland). http://eands.dacnet.nic.in/PDF_LUS/Concepts_%26_Definitions.pdf
29 This represents the total area sown with crops and orchards. Area sown more than once in the same year is counted only once. http://eands.dacnet.nic.in/PDF_LUS/Concepts_%26_Definitions.pdf
30 The permanent fallow means the land kept uncultivated for the period of more than five years. It includes land under permanent pasture, other fodder land, miscellaneous trees and bushes.
31 This represents cropped area which is kept fallow during the current year; http://eands.dacnet.nic.in/PDF_LUS/Concepts_%26_Definitions.pdf
32 IHDS is a large-scale nationally representative survey conducted under the supervision of the National Council of Applied Economic Research (NCAER) in collaboration with the University of Maryland. The survey was conducted in all the states and union territories of India except Andaman and Nicobar, and Lakshadweep. The survey used two-stage stratification and was conducted over a sample of 42,152 households including 27,579 households in around 1503 villages.
tenants might prefer another type of contract, based on the contexts, as the IHDS data indicate. As a significant share of land (53 percent) is also leased out by small holders, it might be inappropriate to characterise landlords as risk neutral, and therefore a diversity of land leasing arrangements may be appropriate across different local contexts and depending on the particular risk tolerance of the landlord and tenant.

50 Rao (2019) also observes that the Model Act’s recommendation to allow the landowner and tenant to directly negotiate the terms of the lease agreement (including, for example, the duration of the lease, the amount/share of landholding that can be leased out, and the rent or crop sharing amount) may also lead to the exploitation of poor tenants, especially when the landlord is powerful and/or land is scarce. For the security of tenants, Rao recommends that State governments define a minimum lease duration, maximum rent, and the nature of eligible lessees, in other words whether only individuals or also corporations or companies would be eligible to lease in land. Given that agricultural land tenancy in India is currently characterized by mostly marginal farmers who depend on leased-in land for their livelihoods, he argues that the Model Act should include special safeguard provisions for the benefit of these tenants, instead of adopting a strictly deregulation approach (Rao, 2019). As can be seen in Table 2, states that have enacted leasing reforms have also repealed long-term tenants’ rights to acquire ownership.

51 Small farms are more efficient as per growing evidences and also experiences from East Asia reforms; therefore, reverse leasing arguments of the Model Act, citing small farm inefficiency may not be imposed allowing states to take decision as per the contexts. Model Act also argues reverse leasing citing inefficiency of small farms, a fact continues to be contested in India, with enough evidences to its counter. The example of Asian miracle cases of extremely effective land reforms around small farms, which were made efficient through dispersal strategies and highlighted the superiorities of small farms in contributing agricultural surplus for investments in other sectors of economy. This must be factored in, while making decisions by the state to encourage land aggregation at the hand of big farmers (Sharma and Jha, 2016). Bangladesh, in the neighbourhood have also demonstrated significant productivity and diversification in smaller.

52 A qualitative study in Uttar Pradesh found that (i) informal land leasing continues to be practiced extensively throughout the state, even after the amendment of the UP Revenue Code Rules, 2016; (ii) awareness of this reform is low; and (iii) the lack of formal lease agreements continues to hinder tenants’ access to agricultural benefits (Mandal et al, 2019). In commercial agriculture areas, land is primarily being leased in by affluent lessees from small landowners under

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33 One of the major negative externalities that is attributed as a failure of redistributive land reform in India has been the shorter duration tenancy agreements and the rotating of leased land (to ensure that no tenant would have a long enough tenure to qualify to acquire ownership rights) that evolved as a reaction to India’s redistributive land reforms, in particular the clauses allowing long-term tenants to acquire ownership rights common to many states. As noted by NITI Aayog, (2016), this has resulted reduced productive investments in land productivity and land improvement. Therefore, it is important to ensure longer duration as part of land-leasing reform laws.

34 The Model Act adopts a deregulation approach, freeing landlords to make any kind of formal ‘written lease agreement’ with their tenants while also not stipulating its legal acceptability by institutional credit agencies and government departments to confer intended benefits on the lessee.

35 families with a secure land base develop explicit mobility strategies stressing demographic expansion, spatial dispersal, and sectoral diversification.

36 This study was conducted in two villages each in 9 districts spread across the state in different agro-climatic zones viz. Pilibhit, Shamli, Shahjahanpur, Aligarhm Raibareli, Jhansi, Basti, Jaunpur and Mirzapur.
fixed-price rental agreements. By contrast, in areas of primarily subsistence agriculture, land is leased-in by poor lessees from upper caste, affluent landowners under sharecropping arrangements. Very little awareness was found among both lessors and lessees concerning legislative provisions on agricultural tenancy. As no formal documentation of the lease agreement is made in these tenancy informal arrangements, lessees failed to access various benefits provided by the government to farmers - including agricultural subsidies, credit, insurance, and the minimum support price for agricultural products.

53 Importantly, the study also found that women were categorically excluded from the leasing market by their own families, society, and government institutions. Women are not generally given land on lease by landowners, they do not get agricultural credit from the banks on their own, and they face security threats from their respective families if they themselves want to lease-out agricultural lands that are in their names. The study acknowledges the need for formalization of leasing agreements and the importance of establishing pro-women and pro-poor leasing policies and institutional arrangements, especially to protect the leases by poor women lessees, who are largely ignored as the study observed by the officials, by beginning with the sensitization of public officials in this regard (Mandal et al, 2019).

54 Assessments of the impact of Andhra Pradesh’s Licensed Cultivators Act, 2011 came to similar conclusions regarding its shortcomings, which they attribute to: (i) tenants’ and landlords’ lack of awareness of the new law and its implications; (ii) landlords’ reluctance to let tenants register for loan eligibility cards (LECs) for fear of losing ownership rights over the leased lands (given that AP still allowed long-term tenants to acquire ownership); and (iii) bankers’ lack of awareness of the LEC, fear, and apathy (Haque, 2013; Murty and Reddy, 2017; Revathi, 2014).37

As noted above, this act provided for the issuance of LECs to tenants38 to entitle them to gain access to formal credit, crop insurance, input subsidies, and disaster relief. However, as the state’s legal provision allowing long-term tenants to acquire land ownership rights as per provisions of A P Tenancy Act, 195639 (full ownership to tenants after 12 years; option of purchase of rented land by the tenant after 6 years) was not eliminated, landlords blocked registration of their tenants for loan eligibility cards (LECs). Even for those tenants who obtained LECs, as revenue Officers were provisioned to issue LECs based on application of tenant and verification in Gram Sabha (landlord consent not mandatory), bankers’ limited awareness of LECs further undermined the reform’s impact on tenants’ access to agricultural loans. Thus, legal reforms must be accompanied by broad IECs to ensure all stakeholders understand the impact of the new laws on

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37 In 2011-12, after one year, about 39 percent of the estimated tenants had applied for an LEC, 29 percent were issued LECs, while only 15 percent of the LEC holders were advanced bank loans, and the maximum amount of loan disbursed was only INR 14,000. Bank loans also constituted only 13 percent of the total loans contracted by the LEC holders. Four years after the Act was passed in AP, in 2015, only 21 percent of the estimated tenants were issued LECs, and of those issued the cards, only 15 percent were recipients of bank loans. In Telangana, only 8 percent of the tenants were issued LECs, and among them only 18 percent were advanced loans (Murty and Reddy, 2017).

38 The farmers, who had occupancy right in land either under the Tenancy Laws or under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, or other revenue laws and got their names recorded in concerned registers are excluded from the benefit under this Act.

39 The 1956 AP Tenancy Act, had fixed and restricted the tenancy amount. This law allowed tenancy to be given up to six years and gave tenants the first right to purchase the land she tilled. It further gave full ownership rights over the land to the tenant if she tills the land for a period of 12 years. However, the law was subverted by many landowners by not getting a formal contract drawn up.
their interests. This act has been now replaced with AP Crop Cultivators Rights Act, 2019 with Crop Cultivator Rights (CCR) Card provision which requires agreement to be executed between landlord and tenants, countersigned by Revenue official; tenure max 11 months. It is already witnessing, poorer performance due to alleged manipulation of landlords executing false contracts with relatives to usurp benefits intended for tenants.

55 Thus, in the absence of totally annulling historical tenancy laws, registering tenancies is unlikely to result in acceptable outcomes for either landlords or tenants (Murty and Reddy 2017). If states pursue such a strategy of registering tenants/tenancies in the absence of more comprehensive legal reforms to overturn historical tenancy restrictions and protect the rights of both landowners and tenants, the result could be that landlords refrain from providing support to the tenants, as happened in West Bengal under Operation Barga (Bandyopadhyaya, 1981; Khasnabis, 1981; Pal, 1995; Rudra, 1981), or, worse, the landlords may take back the leased land from the tenants, as happened in the aftermath of India’s historical redistributive land reforms. (Murty and Reddy 2017)

3.7. Land Leasing Reform: Future Directions

56 While the Model Act provides an important road map to guide state governments in undertaking land tenancy reform, there is now an opportunity and a need to complement this general guidance with more context-specific policy advice based on new analysis of land tenancy contexts, land policy reforms, and implementation experiences across states and over time. This report thus provides critical insights that can help the early-reformer states and other states yet to undertake tenancy reforms to improve the content of these reforms and associated processes and institutional mechanisms for implementation. Some of the initial conclusions that emerge from the report’s analysis are provided below. However, these conclusions will be further reviewed and augmented based on the remaining analytical activities planned as part of this study, that is the state-level legal and institutional review; analysis of inclusive tenure initiatives by governments and non-governmental organizations in different contexts in India; as well as the project-specific analysis of land tenure issues and opportunities, as outlined in the Introduction.

57 Given that existing informal tenancy relations appear somewhat correlated to characteristics of the tenant (e.g., small and marginal farmers vs. semi-medium to large farmers) and agricultural system (e.g., rainfed vs. irrigated land, less agriculturally developed vs. agriculturally advanced), Figure 1 provides a guiding framework to states and regions within states to help prioritize leasing policy reforms based on the current tenancy and agriculture system context. See Box 2 for a detailed narrative description of Figure 1.
Figure 1: Matrix of Current Tenancy Patterns and Policy Options for Leasing Reform

- **Tenancy Context**: State/Region/ Village/ Type of land

- **Policy Impact**:
  - Inclusive Agricultural Growth
  - Agricultural Transformation

- **Policy Focus**:
  - Increase SMF tenants’ access to ag. benefits and ability to invest
  - Facilitate legal lease markets to decrease fallowed land, increase tenants’ capital investment

- **Policy Options**:
  - More Secure Lease Terms: Tenants and landlords share production risk and returns; Long duration, written contract; Contract recorded
  - Less Secure Lease Terms: Produce shared while tenants bear production risk; Short duration, informal contract; Contract not recorded

- **Terms of Tenancy**:
  - + Agric. Status, - Farm Size, + Fallow
  - + Terms of Tenancy
  - - Terms of Tenancy

- **Risk**:
  - High Risk
  - Low Risk

- **Tenancy Relations**:
  - Lessee-Lessor

- **Rainfed**
  - Less Agriculturally Developed
  - Market imperfection
  - Tenants: Small & Marginal Farmers
  - Share cropper
  - More Fallow

- **Irrigated**
  - Agriculturally advanced/
  - Perfect Market
  - Tenants: Semi-Medium to Large Farmers
  - Fixed Renter (Produce-Money)
  - Less Fallow
Tenancy relations have adapted to the diverse farming contexts in India, as per the evidence and trends discussed earlier, evolving locally from colonial through post-independence administrations, adapting to formal legal regimes as well as to the level of agricultural transformation (e.g., irrigation, crop diversification, market developments etc). *De facto* tenancy practice seems to evolve dynamically in response to changing contexts, creating diverse intermediary or informal tenure forms and regimes that are found to be customarily and locally accepted and practiced. Where tenancy practices deviate from *de jure* prescription, they remain concealed to the formal administration, though they have been documented by academic, as well as NGO, literature. The political power relations, socio-cultural dynamics, stages of market development, as well as intentions of populist/welfare states, together form the farming contexts and have directly and indirectly influenced these tenancy relations. Although tenancy relations do not appear to reflect a very clear pattern or any normative direction, nevertheless, some relations between the farming context and tenancy relation are observable. These patterns are not uniform across the country, however, and there are local exceptions. In spite of this limitation, they provide meaningful information and directions that policy and decision makers across state and region can learn from to execute more locally adapted and acceptable tenancy reforms.

We attempt to present a graphic to capture these relations within the context in which Indian farmers and farming operate (Figure 1). The X-axis in this framework presents the tenancy contexts in the states and regions/villages in the states related to different typologies of farmers, land types, and farming. Farmers are located as per their farm size, moving along the axis from left to right from marginal, small to medium and large scale farms. The types of tenant farmers change from sharecroppers to fixed renters (money or produce) in the same direction. Farming contexts also change from rainfed to irrigated, from agriculturally less developed (i.e. subsistence or food crop oriented) to agriculturally more advanced (high value crops, diversification and commercialization), from left to right. Input and output markets improve along this axis, as well. This axis also presents a continuum of risk from the perspective of farming, farmers and tenancy.

The Y-axis of the framework presents the tenancy relations. These relations between landlord and tenant/sharecropper are manifested in terms of the duration of the lease, money/produce being paid, and dispute resolution provisions. They move along this axis from insecure conditions on the bottom to more secure conditions toward the top, both for the tenant and the landowner. It is assumed that certain lease terms and conditions, such as short-term duration, low rent/produce sharing, ill-defined contract terms and lack of documentation, etc. are reflections of insecure tenancy with the opposite terms being secure. This axis also represents a scale of return for the farmers, tenants, and farming (low at bottom to high at top).

Interactions between tenancy contexts and tenancy relations in X and Y axis lead to development of four sets of conditions in as many quadrants. Each point in these quadrant spaces represent a dynamic location based on the typologies of the tenancy contexts and relations, changing on a continuous scale. States and regions can be located in these quadrants as per their tenancy contexts and relations.

Based on the patterns of these contexts and relations, policy and decision makers of the geographies can locate themselves and prioritize/decide their actions. Quadrants 1 and 4 are low hanging fruits for land leasing reform actions. States in Quadrant 1 can trigger quicker agricultural transformation by making the leasing terms more favourable to landowning small and marginal farmers, who could then benefit more by leasing out their land to larger, more commercialized farmers (reverse tenancy) and collecting suitable rent. Meanwhile, Quadrant 4 presents suitable environment to facilitate inclusion: reforms to strengthen the rights of small farmer tenants can increase their tenure security and enable their move towards Quadrant 1 (agricultural transformation) by incentivizing them to make more long-term capital investments and enabling them to access agricultural services. For states and regions in these quadrants, land leasing policy reform and its implementation can result in quick wins related to equity and growth outcomes. Those in quadrant 2 and 3 have certain risk elements for leasing reform given their existing unfavourable tenancy relations that need to be strategically addressed with appropriate reform priorities and strategic implementation of these reforms (viz. better communication, documentation etc.). Quadrant 3 is particularly challenging, while Quadrant 1 provides a relatively easier context for land leasing reform and agricultural transformation.
In addition, Table 3 below presents a more discursive and simplistic portrayal of these relations.

**Table 3: Tenancy relations across Farming Contexts in India**

<table>
<thead>
<tr>
<th>Subsistence</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Risk/Return</strong></td>
<td>Higher risk, low return</td>
</tr>
<tr>
<td><strong>Farming System</strong></td>
<td>Rainfed, low inputs</td>
</tr>
<tr>
<td><strong>Marketing System</strong></td>
<td>Less developed marketing</td>
</tr>
<tr>
<td><strong>Tenant Profile</strong></td>
<td>Small &amp; marginal farmers</td>
</tr>
<tr>
<td><strong>Rent Payment</strong></td>
<td>Share of produce</td>
</tr>
<tr>
<td><strong>Agric. Devt. Issues</strong></td>
<td>Limited arable land access and</td>
</tr>
<tr>
<td><strong>Linked to Tenancy</strong></td>
<td>access to ag. sector benefits</td>
</tr>
<tr>
<td><strong>Policy Focus</strong></td>
<td>Increase access to ag. land and</td>
</tr>
<tr>
<td><strong>Policy Options Linked</strong></td>
<td>ag/rural devt. benefits, increase</td>
</tr>
<tr>
<td><strong>to Tenancy</strong></td>
<td>capital investment</td>
</tr>
<tr>
<td><strong>Short-term:</strong></td>
<td>Register tenants to enable access to benefits</td>
</tr>
<tr>
<td></td>
<td><strong>Short-term:</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Repeal contradictory provisions and raise awareness</strong></td>
</tr>
<tr>
<td><strong>Long-term:</strong></td>
<td>Register leases and formalize lease markets</td>
</tr>
</tbody>
</table>

58  **Recommendations to Guide Future Land Leasing Reforms:**

1. **State laws need to adapt to local diversities and contexts, and more research is needed to better understand and adapt to the diversity of contexts and existing informal tenancy arrangements.** Although it has been shown that tenancy arrangements vary regionally and have evolved to adapt to local socio-economic and agroecological complexities, there is not enough data yet to establish clear correlation/causality relationships or to determine conclusively the drivers influencing these complex informalities (Rao 2016). More studies are therefore required to provide more informed and locally adapted tenancy solutions for different states and regions within a state taking into account, for example:

   a. **Historical state experiences with previous land policy reforms and associated laws** (e.g., use of Government Land, inheritance laws, SC/ST protection laws, etc.);
   
   b. **Agroecological contexts** (viz. rainfed vs. irrigated, as well as arid, semi-arid, and humid ecosystems);
   
   c. **Stages of agricultural development** (viz. agriculturally prosperous with better infrastructure, support system, and crop diversification vis-à-vis subsistence economies);
   
   d. **Land use and tenure context** (viz. average landholding size, proportion of leased land as share of total cultivable area, proportion of fallow land as share of total cultivable area; average proportion of landholdings that are leased-in/-out; terms of existing tenancy arrangements);
   
   e. **Socio-cultural context** (viz. wealth, caste, tribe of lessors and lessees); and
   
   f. **Geography** (viz. peri-urban, road/rail infrastructure and access).

Generation of such information will better inform and reinforce the framework in Figure 1 and enhance its usability and application to policymaking.
2. **Land leasing reform implementation should adopt an adaptive approach.** Land is a State subject, and thus legal reforms would need to be enacted by the states. However, the process of implementing such legal reforms can be incremental, focusing on a particular land revenue administrative unit, agro-ecological unit, or a complex yet relevant tenancy-typology unit (identified using available geospatial data) within a state as per the priority in consideration of the contexts. To be adaptive, this gradual implementation approach would need to be accompanied by a robust monitoring and evaluation agenda to ensure that lessons learned during early implementation (piloting) can be addressed by further policy/regulatory reforms where needed and incorporated into the larger-scale implementation of these reforms. Such a strategy thus requires that the framing of the policy content and associated institutional mechanisms and implementation procedures account for the diversity of local contexts across the state, building on the results of the more detailed research agenda called for in the previous recommendation. While such an approach is likely to be more labour-intensive and consultative, it is also more likely to result in the intended positive outcomes of tenancy reform in terms of equitable access to cultivable land and agricultural benefits in the short term, and more inclusive agricultural transformation in the longer term.

3. **States drafting leasing reform laws should consider incorporating suitable changes in restrictive tenancy provisions in other laws and ensure supersession of contradictory provisions viz. tenants’ rights to acquire ownership and ensure informed implementation.** Implementation of the Licensed Cultivator Act, 2011 by Andhra Pradesh witnessed resistance of landlords towards issuance of LEC due to their fear that it could be used as proof of long-term possession and result in their tenants acquiring ownership rights under the legal provisions still in force at the time. Such provisions, where existing, must be fast removed, and farmers must be made well aware. The Model Act drafted by NITI Aayog also prescribes this reform, and the states that have already enacted the Model Act seem to have removed this provision. Given that land laws are complicated, multiple, and litigation-prone, an audit of the prevailing relevant laws must be made during the leasing reform enactment process to ensure competing and conflicting causes are removed or superseded with appropriate references made conspicuously in the new law. That the implementation of RFCLARR, 2013 and FRA, 2005 by states has been riddled with similar problems, in spite of the supersession of such provisions with specific reference to old acts (at least in the former), suggests that awareness-raising on the reforms among all stakeholders will be as important as the content of the legal reforms. The drafting of leasing reform laws and their implementation arrangements by states must proactively and strategically address these issues.

4. **Tenancy contract terms need to be adapted to the tenant farmers’ needs, especially for landless tenants and small and marginal tenants, ideally through the provision of legal services including**

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40 Many states have legal provisions providing tenants with the right to preemptively purchase leased in land and/or to acquire ownership rights to land that has been leased in continuously for a period of many years (GOI, 2016). For example, as per provisions of *The Andhra Pradesh Tenancy Act, 1956*, tenants get full ownership after 12 years and an option of purchase of tenant land by the tenant after 6 years. If an owner wants to end leasing and take the land from the tenant for personal cultivation, then the owner will have to leave at least 50% of the land with the tenant. *The Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1963*, also had a possession clause which said that if a tenant continued to cultivate a piece of land for over 12 years, s/he would be eligible to occupy that land. *The Malabar Tenancy Amendment Act, 1954* (Applicable over Kerala) prohibits eviction of tenants, who have had land possession for 6 years. *The Mysore Tenancy Act (Mysore Act XIII of 1952), 1952* (applicable over Karnataka) granted permanent tenancy rights to those who had occupied the land for 12 years or more.
free legal aid and training to vulnerable groups and potentially through the legitimate involvement of local governance institutions in land leasing reform implementation and dispute resolution. As evidenced in the studies presented above, Indian farmers have different levels of demand for and responses to the various terms of tenancy agreements, including the duration, payment terms, and other lease conditions, based on their landholding size, location, commercial/subsistence orientation, and other characteristics. To be implemented, new leasing reform laws must address the needs of both landlords and tenants, and the Model Act therefore provides that the lease terms should be negotiated by these parties directly. Nonetheless, landless and small and marginal tenants may require more proactive policy measures and/or hands-on assistance in negotiating with potentially more powerful landlords, considering historical power/feudal relations and continued inequalities. For example, it would be important to complement the legal reforms with provisions of legal services (including Free Legal Aid to vulnerable sections of the society) as per Section 12 of the Legal Services Authority Act, 1987. It also entails creating legal awareness by spreading legal literacy. Legal aid clinics as per the provisions of the National Legal Services Authority (Legal Aid Clinics) Scheme, 2010, can be located in Panchayats to provide legal services, especially to remote rural communities. Legal training through para-legals will help vulnerable groups to better understand their rights, access relevant government services, and negotiate favourable lease agreements. It may also be useful to augment the regulatory framework with a provision for the involvement of legitimate Panchayati Raj (Local Self Governance) Institutions in land leasing reform implementation (viz. the identification of vulnerable groups for legal aid/training, as well as potentially recording and endorsing the lease contracts where this is not allowed in the land records) and in leasing-related dispute resolution as per article 243(G) of the 11th Schedule of the Constitution. Such a locally-adapted and democratic decentralization of the institutional processes to implement land leasing reform will be critical considering the tenancy diversity at local levels, which can be better captured and addressed democratically at the local level.

5. Complement land leasing reforms with strategies to better regulate land falling, the transfer of cultivable land to other uses (e.g. residential/urban), and contract farming. The available macro- and micro-level evidence suggests that there has been an increase in absentee landlordism and that this trend is associated with an increase in falling and with an increasing pace of agricultural land being converted for other uses (for example see Para 49 and 50). It is therefore important that land laws and associated institutions should at a minimum take these trends into account and ideally develop strategies to proactively shape these trends in future, particularly as these issues are likely to become more prevalent with increasing urbanization, rural-urban

41 through legal awareness camps, print media, digital media and organizing Lok Adalat for the amicable settlement of disputes which are either pending or which are yet to be filed, by way of compromise. NALSA also undertakes necessary steps by way of social action litigation with regards to any matter of special concern to the weaker sections of the society. Legal services also encompass facilitating the beneficiaries to get their entitlements under various government schemes, policies and legislations. https://nalsa.gov.in/faqs
42 including the places with geographical barriers, away from the seats of justice and the offices of the legal services institutions (‘legal services institutions’ means the Taluk/Sub-divisional/Mandal Legal Services Committees, District Legal Services Authorities, High Court Legal Services Committees, State Legal Services Authorities and Supreme Court Legal Services Committee established under the Legal Services Authorities Act, 1987) The legal aid clinics established by the Legal Services Authorities shall be located at a place where the people in the locality can easily access. A room within the office building of the local body institutions like village panchayat shall be ideal. http://chdsla.gov.in/right_menu/schemes/pdffiles/legal_aid_clinic.pdf
43 According to this article, “Land improvement, implementation of land reforms, land consolidation and soil conservation” must be devolved to the Panchayat.
migration, and younger people moving out of agriculture. Leasing reform implementation, for example, can be prioritized in areas where the fallowing is more prevalent, along with penalties for fallowing and better implementation of laws governing the conversion of agricultural land to non-agricultural uses. It is also equally important to take note of another trend towards the increasing prevalence of contract and commercial farming and the increasing entry of new farming organizations viz. private sector, entrepreneurs and Farmer Producer Organizations. While enacting and implementing land leasing reform, States should include provisions to safeguard the interests of small and marginal tenants viz. better regulatory and contract provisions with these new farmers when they enter new geographies and also when they execute contracts with the tenant farmers. For example, small landowners, in particular, would benefit from a system to collect and share prevailing market prices, taking into account land quality, to inform negotiations with corporate tenants (World Bank 2006). Leasing reform laws must also include these new farmers, along with financial institutions and governments, as stakeholders in public information and education campaigns to ensure that they recognize and respect the lease contract terms.

6. **Develop a Tenants/Land Lease Database System**: At present, there is no standard guidance for maintaining a database of lease records, perhaps because the Model Act recommends not to record such leases in the Record of Rights to allay landowners’ fear that such a database could be used to challenge their ownership rights. Land lease agreements are therefore either recorded by various agencies in different states, for example at the office of the tehsil or the Revenue Inspector within the land administration department, mostly in registers (Table 2) or are not being recorded at all. Given that the major objective of land leasing reform is to enhance tenants’ access to public services and entitlements (viz. agricultural subsidy, DBT, extension etc.), credit, and markets, and especially given that these complementary systems are increasingly becoming digitized, it would be imperative to develop a digital database of tenants/lease records that allows for interoperability and/or data sharing with these other systems. As the Model Act stipulates that a lease contract should not create any charge or encumbrance, it is important to assess how such a digital database can serve the purpose of a tenants/land lease registry while not reducing the rights conferred by land ownership (title). In this context, a provision in the Model Conclusive Title Act allowing for the creation of a separate registry for charges (including leases) provides one option. The development of such a lease database is particularly urgent considering the challenges faced by flagship schemes like PM-KISAN and KALIA in targeting Direct Benefit Transfers (DBTs) to tenants and sharecroppers. In the absence of any documentary evidence recording tenancy, tenants and sharecroppers have largely been excluded from accessing the benefits of such schemes, which are intended for all farmers (more details are provided in subsequent sections). Given that the recognition of tenants and sharecroppers is also envisaged under the Model Contract Farming Act, 2018, and considering increasing attempts to include them as members of Farmer Producer Organizations (FPOs), investing in such a database seems timely and indeed necessary to accomplish the Federal Government’s policy objectives in the agriculture sector. Provision for the creation of such a digital database with clear terms of access and regulations can be made by the states while enacting or implementing leasing reform laws. Similarly, institutional arrangements for the same need to be prescribed; ideally the National Informatics Centre (NIC), which assists states in establishing land record registries, can take the lead to maintain such a database under the supervision of the state Land Revenue Department and with the involvement

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44 However, as per UP Revenue Code Amendment, 2019, private leases have to be recorded in the RoR (Sec 95 (2)); Please see Table 2 for more detail.

45 More about this is discussed under Inclusion section against women farmers
of the state Department of Agriculture. This database must have provisions for references and links to the land records, bank mortgage, insurance, agricultural DBT, FPO and SHG databases, minimum support price (MSP)/paddy procurement database, agriculture census database etc. to avoid duplications and build synergy.

7. **Invest in robust public information and education campaigns (IEC):** The implementation experiences of the Licensed Cultivators Act in AP, as well as the initial impacts of leasing reforms in MP and UP, highlight the complete lack of awareness about these reforms and their objectives among the target farmers and other stakeholders, such as banks. To ensure the benefits of leasing reform reach the poor landless, marginal, and small farmers residing in remote villages, and to ensure that landowners fully understand the implications of the leasing reform for their rights and entitlements and therefore participate in the process, states need to commit resources to building broad public awareness and employ methods and institutional arrangements to reach both agricultural landlords and tenants. Similarly, a dedicated awareness raising campaign targeting banks and institutions providing agricultural services and entitlements will be needed to ensure that all stakeholders understand the content of the reforms and the relevance to their work. With multiple media tools available and universal mobile access, this should be easily possible, if well strategized, as demonstrated, for example, in Odisha (Refer to Para 89 under Section 4.3 KALIA). Considering the levels of exposure, expertise, and networks for managing farmer communications, the Agriculture Department will be better placed to lead the IEC initially and can build the capacity and assist the Land Revenue Department to implement it. To ensure the effectiveness of the IEC, drawing from similar experiences from other campaigns, specialist agencies, including NGOs, can be involved along with Panchayati raj institutions at the field level. Communication activities can be complimented with capacity building interventions for relevant stakeholders viz. government departments, financial institutions, and local self-governance institutions, as well as farmers’ and women’s organizations, through existing training infrastructure and institutions used by other departments (viz. PRI, Rural Development etc.).

8. **Complement land leasing reforms with broader institutional and market reforms to support tenants:** Effective implementation of leasing reforms, as well as their translation into intended impacts on inclusive agricultural transformation, requires substantial institutional support in terms of providing complementary legal services/assistance to tenants and enhancing their access to credit/services/markets. These complementary services and assistance include interpretation/preparation of legal documents, filling application forms and inclusion of required evidence, execution of contracts, negotiations, book-keeping, business development services etc. While states may find it difficult to execute such complementary interventions with their already limited workforce and resources, state governments can also leverage the expertise of the private sector (viz. micro-finance institutions, MFIs) and entrepreneurial investments in agricultural support systems (viz. advisories, value chain support, etc.), as well as the work of civil society and not-for-profit legal services (viz. para-legal services, legal clinics, free legal assistance, etc.).
3.8. Land Record Reform

**A realistic agrarian policy in India is almost impossible in view of this lack of an accurate record of rights not to speak of a record which would distinguish between ownership and tenure so as to provide information about the actual units of cultivation** (Schiller 1964).

Land records form the base for all land reforms, and, therefore, regular periodic updating of land records is essential in all states, said the 7th Five-year plan document of Government of India. Ironically, the land reform measures of independent India were undertaken without any reference to the land revenue system as per Rothermund (1971), which was allowed to decay further until some states actually abolished land revenue. In this way, the administrative machinery for the maintenance of land records disappeared, where these records should have been improved.46

India struggled to build a good land record system in the post-independence period for a number of reasons. Different pre-independence jurisdictions used different systems of maintenance of records of rights under different land revenue systems viz. Northern India, Bihar-Bengal, Bombay and Madras Presidencies. The Colonial administration system also failed in its effort to harmonize and build a good system. Moreover, the newly independent government placed less importance on land revenue collection and the land revenue administration (Rothermund, 1971). The Census of India made an attempt to develop a database but missed capturing the complex agrarian relations (Thorner & Alice, 1962).47 As observed almost half a decade ago, in the above quote, the situation remains almost the same with regard to the lack of an appropriately updated record of the status of tenure (including rights of ownership and others, such as tenancy), and cultivation. (Please see paragraph 64 for the current status of land records)

The term “land records” in India is a generic expression and could refer to many different kinds of textual documentation related to land, as well as cadastral maps. Different states in India maintain different records,48 owing to their colonial legacy. There are two kinds of states in terms of recording tenancy and crop information in land records regularly as per the Agriculture Census methodology:49 1) Non-Land Record States: Arunachal Pradesh, Goa, Kerala, Manipur, Mizoram, Meghalaya, Nagaland, Odisha, Sikkim, Tripura and West Bengal and the Union Territories of Daman and Diu and Lakshadweep, where no village revenue agency exists for collection of crop

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46 It is said that in some parts of India, the peasants actually protested against the abolition of land revenue because the revenue receipts were the only security of their land title, and the revenue rates, which had not been revised for many decades, were anyhow so low that they could be paid easily. The government, of course, abolished the revenue for this very reason, because by now the cost of collecting the revenue was higher than the income derived from it. If the government had converted the land revenue into an agricultural property tax from which smaller holdings could have been exempted, the machinery of revenue administration could have been put to the service of land reform, and the land records could have been maintained and revised for this purpose. Instead, the government designed ceilings on land holding, which in the absence of adequate land records could never be effectively imposed (Rothermund, 1971).

47 Everyone in possession of a piece of land was classified as an owner-cultivator, and all further complications of agrarian relations were disregarded. A critic rightly called this procedure “agrarian revolution by census re-definition.”

48 In Karnataka, records like the Register of Lands of Khetwar Patrika, Records of Rights, Tenancy and Crop Inspection Register (RTC) Form 16, Khata Register (Form 24), Khirdi (Form 25), Mutation Register (Form 12), Disputed Cases Register (Form 8), etc. form part of Land Records. (Chawla, 2004). In UP, the record of rights has two parts, a list of the proprietors (khewat), and a list of the tenants (jamabandi). Furthermore, the patwari was required to compile village statistics (milan khasra) which showed for every year which fields were cultivated, and which remained fallow, which were irrigated and what kind of crops were grown. These data were summarized annually and entered into a pargana book for the respective revenue circle (pargana). (Rothermund, 1971)

49 [http://agcensus.nic.in/document/methodagcen.htm](http://agcensus.nic.in/document/methodagcen.htm)
statistics on a regular basis; and 2) Land Record States, which have a fairly comprehensive system of land records consisting of various village forms and registers giving detailed information on land (ownership, use and size/extent), tenancy, and crops (Box 2).50 Even in the states with good textual land records maintained by Departments of Revenue, however, the spatial data (cadastral maps – maintained by Surveying and Land Record Departments) and register of transactions (Registered sale deeds – maintained by Registration Departments) are typically maintained by separate institutions using separate databases that are often not linked, which results in frequent discrepancies among the databases. (World Bank, 2014)

Box 3: Predominant types of textual land records in India

**Record of Rights (RoR):** The RoR is the primary record that shows how rights to land are derived for the landowner and records the property’s transactions from time to time. The structure of the document and the information it provides differs across states. Typically, it provides (i) names of all persons who have acquired some rights with regard to the land, (ii) the nature and limits of their rights, and (iii) the rent or revenue to be paid by them. These rights could be ownership, long-term leaseholds, or tenancy related. The RoR may also capture information regarding loans taken by the occupant, details on the rights of the owner or occupant of the land, and any community or government rights on the land (Mishra and Suhag, 2017).

**Record of Rights, Tenancy, and Crops (RTC):** In addition to information available in RoR, the RTC also maintains records of tenants and crops. Crop details are essential to be included in the RTC as they form the most important base on which the crop loans and crop insurance is sanctioned to the farmers. This makes it critical to ensure that the latest crop details are updated in the RTC. Changes to RTCs may be due to sale, partition, inheritance, pledge, release, government order, court order, phodi etc. The RTC is a document needed for many tasks, such as obtaining bank loans, selling properties, creating partition deeds etc. (Chawla, 2004)

*Phodi is a series of activities, like giving notices to the interested parties, surveying in the field, drawing a mahajar statement, mapping, recording measurement, adjacency information etc. The entire process of phodi would normally take 30 days. [http://siteresources.worldbank.org/INTINDIA/Resources/karnatakaPhodi.pdf](http://siteresources.worldbank.org/INTINDIA/Resources/karnatakaPhodi.pdf)*

62 As noted already, the availability of accurate and up-to-date digital land records of farmers is critical to ensure agricultural transformation and inclusion given that public service entitlements, as well as access to inputs, services, credit, and markets, are increasingly becoming digitized and directly linked to farmers’ bank accounts. Although land policy reforms, the resulting changes in land tenure, and their impact on the agrarian structure have been the focus of considerable policy attention in India, the system of creating and maintaining land records and ensuring their accuracy has not (at least until recently; see NCAER discussion below in paragraph 64) been adequately investigated and linked to the broader agricultural development policy agenda (Saxena, 2005).

63 The Government of India has been making efforts in this direction since the launch of the Computerisation of Land Records (CLR) scheme in 1987-88. However, despite three decades of successive programmes National Land Records Modernization Program-NLRMP51 launched in

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51 The National Land Records Modernization Programme (NLRMP) was launched by the Government of India in August 2008, to modernize management of land records, minimize scope of land/property disputes, enhance transparency in the land records maintenance system, and facilitate moving eventually towards guaranteed conclusive titles to immovable properties in the country. [https://dolr.gov.in/node/88300](https://dolr.gov.in/node/88300)
2008 and Digital India Land Records Modernization Program-DILRMP\textsuperscript{52} launched in 2016), the results have been mixed and widely varied across states (Box 3). These programs have resulted in some impressive achievements: for example, of the 0.665 million villages in the country, 0.59 million (roughly 90 percent) have digitised their textual land records to date (Table 3). About 53 percent of the cadastral maps have been digitised, however, and a mere 34 percent of villages have integrated their textual and spatial data – an important step toward efficient land administration.

\textit{Table 4 Progress of DILRMP (as of November, 2019)}\textsuperscript{53}

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Activity</th>
<th>Task completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Computerization of Record of Right</td>
<td>90.06% of villages</td>
</tr>
<tr>
<td>2.</td>
<td>Automation of Sub-Registrar Office’s (SROs)</td>
<td>78.79% of SROs</td>
</tr>
<tr>
<td>3.</td>
<td>Integration of land records and property registrations</td>
<td>58.14% of SROs</td>
</tr>
<tr>
<td>4.</td>
<td>Record of Rights on web</td>
<td>83.33% of states</td>
</tr>
<tr>
<td>5.</td>
<td>Survey/Re-survey of land records</td>
<td>11.52% of villages</td>
</tr>
<tr>
<td>6.</td>
<td>Digitization of cadastral maps</td>
<td>53.31% of maps</td>
</tr>
<tr>
<td>7.</td>
<td>Bhu-Naksha application (cadastral mapping software)</td>
<td>30.63% of villages</td>
</tr>
<tr>
<td>8.</td>
<td>Textual and spatial data integration</td>
<td>33.82% of villages</td>
</tr>
<tr>
<td>9.</td>
<td>State data centre setup</td>
<td>52.78% of states</td>
</tr>
<tr>
<td>10.</td>
<td>Tehsil modern record room</td>
<td>27.45% of tehsils</td>
</tr>
</tbody>
</table>

The recently released National Council of Applied Economic Research (NCAER) Land Records and Services Index (N-LRSI 2019-20) assesses the status of land records digitisation across the country based on the actual extent of digitisation and registration, improvement in key citizen services linked to land records, and improvement in the quality of land records resulting from the digitisation process. Out of the 28 States/UTs that have made digitised textual records available for the entire area or some area of the State/UT on the web, digitised cadastral maps were available for 13 States/UTs\textsuperscript{54}. A basic service that a digitised land record facilitates is the citizen’s ability to obtain copies of the record for various purposes. Nine States and three UTs make available a legally usable digitally signed copy of the RoR and Cadastral Maps (CM), respectively, to anyone accessing the record on the web. Ten States and three UTs make available a legally usable digitally signed copy of the RoR and CM, respectively, through e-service centres. One of the objectives of DILRMP was to enable citizens to avoid scope for corruption through non-personal transactions and make administrative processes more effective. Ten States and eight UTs still insist on a person visiting a departmental office for a legally usable copy of the RoR and CM, respectively.

\textsuperscript{52}The main aims of DILRMP are to usher in a system of updated land records, automated and automatic mutation, integration between textual and spatial records, inter-connectivity between revenue and registration, to replace the present deeds registration and presumptive title system with that of conclusive titling with title guarantee. It has 3 major components - (a) Computerization of land record (b) Survey/re-survey (c) Computerization of Registration. The District has been taken as the unit of implementation, where all programme activities are to converge.

\textsuperscript{53}http://dilrmp.gov.in ; it reports for 28 states and 9 Union Territories

\textsuperscript{54}Land records in a written or digitised form are only available for a negligible proportion of the state areas in Mizoram, Nagaland, Meghalaya, and Arunachal Pradesh. The land records of Jammu & Kashmir and Ladakh are yet to be digitised and made available on the web. Sikkim, Chandigarh, and Kerala have not made the digitised land records available on the web. As a result, these nine States/UTs were not assessed on the parameters relating to digitisation of land records.
Box 4: Unfinished Agenda of DILRMP: Still Miles to Go

From among 0.59 million villages which have digitized land records in India, mutation (transfer of ownership) records have been computerised in only 0.39 million. The survey/re-survey work that validates and updates the textual and spatial land records data has been finished only in 12 percent of the villages. Moreover, the computerization of land records and digitization of cadastral maps are essentially just digitization of existing records, which may be old (up to 100 years) and often do not reflect the actual situation on ground at present. The survey and re-survey mapping exercises are used to update these textual (e.g., RoR/RTC) and spatial (e.g., cadastral maps) records using highly precise tools and technology to record the current ownership rights and extent of the parcel area. It may be noted that earlier surveys date back from a few decades up to a century ago in some states, and most land records remain out-dated, as citizens find the transaction costs (viz. stamp duty for registration, which is around 7 percent of the value of property) and processes (which often take a long time and involves corrupt practices) too high to update their land records to reflect land ownership and/or parcel boundary changes due to inheritance and in some cases also those changes resulting from land sale/purchase. Furthermore, the record of rights has been linked to Aadhaar, India’s unique citizen identification number based on biometric data, in only 33,569 villages, which makes it difficult to use the RoR for DBTs linked to Aadhaar. Paper cadastral maps across all villages in the country total 12.4 million, out of which 11.6 million are in good condition (are not torn or mutilated because of being very old and can be digitized) and 6.65 million have been digitized so far. These maps have been linked to the record of rights in only 33 percent of the villages, however, and of these, the spatial data has been verified (parcel data checked to confirm accuracy of ownership data) in only 45 percent of these digitised villages.

http://dilrmp.gov.in/faces/newthememenu/physicalRepoList.xhtml#

65 The N-LRSI 2019-20 results highlight the scope for improvements in the situation of land records made possible by quickly surveying the unmapped inhabited areas and creating a record for these areas. The report notes that standardization of the terms and indicators for the States and UTs to upload authenticated data with provision of a central portal (like that of the Department of Land Resources-DoLR) that collects and reports real-time data can help improve progress monitoring. Possible rapid improvements that can support agricultural transformation include real-time attestation of mutations; linking databases like birth and death registers and genealogical tables; recording tenant possession; noting/recording civil court litigation; and reflecting changes in land use or planned changes in land use. Cross-learning from some states on practices—such as maintenance of digitized RTCs, easily navigable websites with updated portals, anywhere-any time registration, and linkages between RoRs and registration databases—can expedite the integration of land record databases with databases for agricultural services and market access. In most states, the registration database is not linked to RoR, which not only complicates verification of the genuineness of transactions being registered, but also delays the process of updating of RoR. DILRMP aims to link these databases online in all states.

66 Even after full implementation of DILRMP, however, land tenancy rights in many states may not be recorded, as this digitization process is governed by existing state laws on land records maintenance. Therefore, states that do not record land tenancy—either due to the historical land revenue system in the colonial era or as a result of redistributive land reforms banning tenancy—
would not be able to produce digitized land tenancy records. As such, complementary legal reforms to formally recognize land tenancy are critical along with clear requirements for recording tenancy rights in a digital registry. In the absence of these complementary tenancy reforms, the estimated 20 million tenants and sharecroppers (NSSO, 2012) will be excluded from the benefits of DILRMP, and a conclusive and up-to-date database of tenants—critical to ensure their tenure security and enable them to access agricultural entitlements and benefits intended to reach all farmers—will remain a pipe dream. Addressing the exclusion of tenants in DBT schemes through use of alternate (non-land record) databases (as can be seen in later section 4) would not increase tenants’ tenure security and may therefore be seen as a partial solution.

Another challenge with DILRMP is the absence of data on the gender of the landowner in existing land records and the continued inaction of the states to include this data, in spite of a directive to this effect by the DoLR, Government of India, in 2015. While there are adequate constitutional and legal provisions around gender equality over property rights, most states in India lack a gender column in their land records database, and some others who agreed to the suggestion of DoLR (viz. Odisha) have yet not initiated the process to add a gender column in the digital record. It must be also noted that, even if states add a gender column now, which may improve land records created in the future, updating the millions of legacy records lacking these data would require considerable political will and executive commitment, even though the process may not be technically very difficult and could be incorporated into on-going operations to survey/re-survey and update land records (Choudhury et al, 2017). In the absence of such efforts, women will continue to be excluded from their due entitlements and benefits as farmers, since eligibility for these benefits is often linked to land records (see Chapters 3 and 4).

4. The State of Women and Dalit Farmers’ Land Rights in India

While tenancy informality largely impacts small and marginalized farmers—about 80 percent of India’s farm population—women, castes discriminated against as ‘lower’ in the Indian caste hierarchy, and members of minority ethnic and religious groups also face unique legal and cultural challenges accessing secure land for farming in different states.

4.1. State of Women Farmers and Land Rights in India

In the context of the land reform principle ‘Land to the Tiller,’ law makers—then and now—continue to see the tiller as male. This attitude causes women’s independent identity to be subsumed in the identity of the (male-headed) household. Yet, despite their extensive involvement with agriculture work, women are still not accommodated as owners of land. Women constitute 65 percent of all agricultural workers (Census, 2011) but still face extreme disadvantage in terms of pay, land rights (only 13.9 percent of all landholders as per Agriculture Census, 2016), and representation in local farmer’s organizations. Importantly, because women typically do not own land, they are not identified as farmers and are usually excluded from extension and agricultural support programmes (Deo, 2020). This has productivity, as well as equity, implications, as the Food and Agriculture Organization (FAO, 2011) estimates that if women had the same access to productive resources as men, they could increase yields on their farms by 20–30 percent. These gains in agricultural production could lift some 100–150 million people out of hunger globally.
With global discourses around women’s rights gaining momentum, Indian policy makers have also been taking the initiative to improve the land rights of women. This is conspicuous over the successive five-year plans. The 6th Five Year Plan (1985-1990) was the first to mention women’s rights to economic resources and included a policy for joint titles to be issued to the husband and wife in transfers of assets and when land titles/grants were given under welfare schemes. Over time, it was felt that the joint titles initiative has not worked as expected, and so the 12th Five Year Plan (2012) advocated considering ‘individual titles in women’s names only rather than joint titles with husbands’ in the regularization and distribution of new land. The plan emphasized increasing women’s access to land from three sources: direct government transfers, purchase or lease from the market, and inheritance. The draft National Land Reforms Policy (2013) reiterated the same. The 2016 Draft National Policy for Women explicitly states: ‘Regarding resource rights of women, efforts will be made to prioritize women in all government land redistribution, land purchase, and land lease schemes to enable women to own and control land through issue of individual or joint land pattas.’ In the case of private land, the policy encourages joint registration with spouses or registration solely in the name of women and measures to incentivize land transfers to women. Recently, NITI Aayog (2018) also emphasized the need for improved asset ownership and economic security of women and suggested encouraging joint registration with spouses or sole registration of land in the name of the woman through registration fee and stamp duty concessions. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (called the FRA) also provides that tribal women have rights equal to those of men; however, the data monitoring system does not record gender, which would be required to track implementation of this legal provision. Furthermore, unlike an earlier law governing land acquisition, which ignored daughters’ rights to be included among the household members, the new RFCLAR&R (Land Acquisition) Act 2013 removed this male bias and provides that girls qualify as separate units for the rehabilitation of household members displaced as a result of governmental acquisition of land (Trivedi 2016).

The data available in India on ownership of land by women remain inadequate and incoherent, primarily because for years land records have not kept sex-disaggregated data on land ownership. The most relevant data (of all the existing sources) comes from the Agriculture Census (Choudhury et al 2017), which is conducted every five years. Per the latest agriculture census data in 2015-16, 13.96 percent of agricultural landholders are women, which is a marginal increase from 12.79 percent in 2010-11. These women operate 11.72 percent of agricultural lands as against 10.36 percent in 2010-11 (Agriculture Census 2015-16). Importantly, the data also show the increasing participation of women in the management and operation of agricultural lands.

There is of course some interstate variability of women’s landholdings, with a larger number of women’s holdings observed in the southern states, which can be attributed to, among other

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55Joint titling was mostly restricted to new land rights provided under land grant programs in different states, which were mostly homestead lands. As Choudhury et al (2017) observe, when segregated across agricultural and homestead lands, one can find more homesteads are recorded in the name of women, especially with more ‘joint patta,’ which conforms to the Government’s gender-equitable initiative around homestead land. However, considering the relatively small percentage of all land that is under homestead and other (non-agricultural) lands, as well as the smaller size of homestead plots, there remains a long way to go to achieve gender-equitable outcomes in land ownership. Also, and importantly, the concept of “joint ownership” remains mostly on paper, with the patriarchy often not allowing women to exercise their new land rights.
reasons, women-friendly amendments to complementary laws and policies governing, for example, inheritance, civil rights (marital property), and gender equity more broadly\(^\text{56}\) (Choudhury et al 2017). Reduced stamp duty for registration of property in the name of women (in the States of Himachal Pradesh, Punjab, Uttar Pradesh, Madhya Pradesh, Haryana, and Delhi) and increased male out-migration may also have contributed to higher numbers of women landholders in some other States (Choudhury et al, 2017).

73 State governments have been trying to enhance women land rights by incentivizing registration of land in women’s name, viz. reducing stamp duty and registration fees and allowing free and easy mutation of land records to add the names of daughters to parental property through inheritance. Recently, West Bengal abolished the mutation fee for all inherited property after division of the family’s immovable assets. Bihar has fixed a fee of Rs. 100 (Rs. 50 each as registration fee and stamp duty) applicable uniformly, irrespective of the size and value of property, to encourage registration of property. The State of Uttar Pradesh has made an effort to improve the inheritance rights of unmarried daughters to make them equal to sons. The State Rural Livelihood Missions (SLRM) in the states of Odisha and West Bengal have also included a land rights curriculum as part of the training courses for women members, reaching more than half a million women in West Bengal to date. (Deo, 2020)

Box 5: Updating Land Records by training SHG: Landesa Women Land Rights Initiative

The land rights training curriculum implemented by the State Rural Livelihoods Mission in West Bengal aims to work with women’s self-help group (SHG) to provide them with skills that they could use to collect information to update land records in their villages. SHG members who are interested in working as data collectors within their villages are jointly selected by SRLM and a non-governmental organization (NGO) partner, Landesa. In addition to training and educating women on land laws and how to update land records, SHG leaders are also trained about inheritance rights and why it is so important for them and their families to secure rights over a parcel of land, whether it is homestead land or agricultural land. The SHG leaders then go to each household member of their SHG and talk to them about whether they have updated records, whether they have carried out any mutations and whether their existing land records reflect their current realities, etc. The training curriculum has been developed by Landesa in collaboration with West Bengal SRLM and the Department of Land & Land Reforms. The pilot is being rolled out in two districts in West Bengal and expects to reach 3.8 million women from 0.38 million SHGs.


74 Short-term male migration has also become very common in rural villages, as opportunities open up in cities for earning higher cash incomes. Women are thus forced to become the main operators of farms, and they have to make all the farming decisions. This phenomenon of the so-called “feminisation” of agriculture is taking place in a number of developing countries, including

\(^{56}\) The southern States of Karnataka, Andhra Pradesh, Telangana and Andhra Pradesh gave equal coparcenary rights to daughters long before the 2005 amendment in The Hindu Succession Act, 1956. Kerala has abolished the joint family property altogether. The Civil Code of the State of Goa has provisions ensuring that married couples enjoy joint ownership and equal shares in each other’s property. Gujarat enacted a gender equity policy in 2005 with specific provisions governing women’s entitlements to immovable property, both at the individual level and as co-partners in common property resources.
India. The number of female agricultural labourers in Maharashtra, Tripura, and Kerala has been on an upward trend since 1961 (Ghosh & Ghosh, 2014). At the same time, since 2013, over 12,000 (male) farmers have committed suicide every year, and the burden of debt repayment has fallen on their wives, who often have no assets and have to work full-time as farmers to pay back the debts⁵⁷. While this trend of the feminization of Indian farming is on the rise, with the burdens of farming and farm households increasingly falling on women’s shoulders, the continued absence of women’s names in the land records and women’s lack of recognition as farmers by government authorities as a result of this inequity continue to marginalize them while also substantially affecting the agriculture sector.

75 Women farmers need direct access to information on improved agricultural practices and better links to markets. One small step is marking October 15 as Women Farmers’ Day. More concretely, the 2018 budget acknowledged the role of women in agriculture, and 30 percent of the budget allocation is for women beneficiaries in all ongoing schemes and programmes, as well as development activities. This progressive budget allocation needs to be supplemented by policies to address the structural alienation of women as farmers and enhance their land rights. Women’s lack of land rights continues to be a significant barrier to their economic and social empowerment. While women’s rights differ among States, religions, and tribes in India based on a maze of formal and customary laws, one striking similarity in all of them is that they have some preference for male lines of heirs and grant inferior rights to women and girls. A patriarchal social system conveniently co-opts women’s agricultural labour but falls short of giving them the status of farmers.

76 Women farmers’ land rights urgently need to be recognised, as farming was never exclusively a man’s work. In the case of (male) farmer suicides, policy benefits previously provided to the deceased husband should also extend automatically to their widows. At present, however, there is no database of the women farmers in the suicide-affected families that the government maintains, nor any coordination between agencies that are supposed to support them with compensation or free education or pension⁵⁸. These benefits, therefore, largely go to the son or father of the deceased as next of kin or inheritor. A significant number of women farmer suicides are also excluded from the government suicide data due to one simple fact – women aren’t considered as farmers, and they are included in the suicide data only in the column of housewives⁵⁹.

77 While the overall agrarian crisis needs to be tackled with utmost urgency, the gendered aspect should also be addressed proactively. Recognition of women as farmers in all agricultural schemes and databases, as well as recording of women’s name in the land records, can be two critical first steps in this regard, which are required to be implemented with adequate institutional support, strong communication, capacity building, coordination, and monitoring.

⁵⁷ https://www.orfonline.org/research/women-farmers-plight/
4.2. Dalit Farmers and Land Rights

Land ownership in India has a caste-bias. At Independence, India’s large landowners were typically drawn from the upper castes, and there were two primary categories of tenants. First, occupancy tenants enjoyed permanent heritable rights on land and relative security of tenure and could claim compensation from landlords for any improvement on the land. These households were typically drawn from the middle and lower castes (often grouped as Other Backward Castes or OBCs). Second, tenants at will lacked security of tenure and could be evicted at the will of the landlord. They were largely drawn from the lowest castes and tribal households (grouped as Scheduled Castes or Dalits and Scheduled Tribes). (Basley et al, 2015) In early post-independence period, lower castes or dalits were largely landless laborers, servants, or tenants for the upper castes: e.g., in Tamil Nadu, 59 percent of the members of one upper caste were reported to be either landlords or rich peasants, while only 4 percent of the dalit were landlords (Srinivas 1966, Sharma 1984). This translated into widespread landlessness, with roughly one in every three rural household was landless, with the prevalence much higher among lower castes (Kumar 1962, Shah 2004).

Almost 60 percent of Dalit households did not own any farmland in 2013, the latest year for which figures are available, according to the India Land and Livestock Holding Survey.60 Nearly 70 percent of Dalit farmers are labourers on farms owned by others, according to the 2011 Census.61 They own only 9 percent of cultivable land, and nearly 61 percent of their land parcels are smaller than two hectares. Dalits typically are also found to pay higher prices for land and are usually not sold “high-quality land” near irrigation canals or next to fields of dominant-caste farmers.62 As they rarely own land, the marginalisation of landless Dalits in the rehabilitation process post-disasters, which typically uses land ownership as an eligibility criteria, has been repeatedly reported.63 While substantial stretches of land were allocated to Dalits by the British and through post-independence redistributive land reforms, including ceiling surplus redistribution, they continue to lack possession (use) of the land legally allocated and titled to them. For example, as noted in a report by TRF,64 Dalits in Tamil Nadu hold less than 10 percent of the land allocated to them, according to Dalit rights groups. Similarly, in Bihar, Gujarat, and Madhya Pradesh, land titles given to Dalits over the years in land-redistribution programmes are reportedly not benefitting the Dalit beneficiaries, because those who originally owned the land, typically from higher castes, never ceded control.65 Land conflicts are also a major driver of caste-related violence against Dalits: land-related atrocities occur when Dalits try to claim possession of land whose land title deed was in their name, but which had been illegally taken over by other occupants (Tankha, 2014).

The extent of tenancy is relatively high among Scheduled Castes (SCs) (18.3 percent), followed by Other Backward Castes (OBCs) (10.1 percent) and Other castes, usually upper castes (9.4 percent)

60 https://www.epw.in/journal/2016/47/commentary/dalit-emancipation-and-land-question.html
62 An unpublished field study by Thorat’s team, covering Tamil Nadu, Haryana, Maharashtra and Uttar Pradesh,
63 https://earthjournalism.net/stories/why-disaster-rehab-in-india-must-focus-on-landless-dalit-farmers
in 2012. The extent of tenancy is particularly high among SCs in Andhra Pradesh, Bihar, Haryana, Odisha, Punjab, Telangana, and West Bengal. While all social groups report an increase in the extent of tenancy in India during 2002–2012, it is relatively high among SCs especially in the states of Andhra Pradesh, Bihar, Odisha, West Bengal, Kerala, Haryana, Uttarakhand, and Madhya Pradesh. (Rao, 2017) As per agriculture census, 2010-11, 25 percent of leased operational holdings (wholly leased in or partially leased in) belonged to SC. About 62 per cent of leases among SC tenants were under share cropping while 36 per cent were on fixed cost/produce. In contrast, 81 percent of all lease terms were fixed cost/produce and 14 per cent were share cropping. (Agriculture Census, 2010-11)

81 To address the landlessness among dalits, Ambedkar, a leading freedom fighter, who later framed constitution of India, who also belonged to a Dalit community had argued that rural Dalits should be given cultivable land controlled by the government and commons, such as grazing land. In 1941, he urged Dalits to capture public land in villages and cultivate it in Maharashtra. By doing so, he said, they could become self-sufficient farmers. This, later became a movement, continuing post-independence expanding to other states. There is a trend of wilful occupation of Government land by Dalits in Maharashtra that has spread to Punjab, Kerala, and Tamil Nadu.

82 In Bihar, Gujarat and Madhya Pradesh, land titles given to Dalits over the years through land-redistributive reform were useless, because higher castes, who originally owned the land, never ceded control. The impact of land redistribute reform was heterogeneous across pre-reform landownership status (paragraph 78), and was closely linked to the historic caste structure, leaving Dalits at margin (Basley et al 2015) Redistributive reform in south Indian states led to increase own-cultivation among middle-caste households, Dalit households were rendered to work as daily agricultural laborers.

83 Some states have recently implemented pro-active and innovative initiatives to enhance the land rights of Dalits. For example, Bihar launched ‘Operation Dakhal Dehani’66 or ‘giving possession’ in 2014. Under this initiative, camps (temporary office) were set up in villages, by police and revenue officers, who helped Dalits gain control of the land for which they had received titles to decades earlier. In 2018, when the operation ended, it had resulted in the effective transfer of control to Dalit landowners for 75 percent of the lands titled in their name. By contrast, the Government of Telangana, through a Land Purchase Scheme67 launched in 2014, bypassed the difficulties of redistributing land to Dalits by buying land from landowners and giving about three acres (1.2 hectares) to each landless Dalit family. The state has so far purchased 6,070 hectares of land and distributed it to about 6,000 Dalit families.

84 Dalits as a community have been comparatively more excluded from land historically and also during the post-independence redistributive land reforms, making them more vulnerable68. However, carefully designed reform efforts seem to have the potential to reduce this land

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66 [http://lrc.bih.nic.in/Circulars/590_150920141516.pdf](http://lrc.bih.nic.in/Circulars/590_150920141516.pdf)
68 As most of them stay in rural areas with less literacy, their dependence on agriculture is high. In absence of ownership, they become agriculture labourers or tenants, which limit their access to income and entitlements.
ownership gap between Dalits and non-Dalits, as the experience of land reform in West Bengal shows. Dalit households in West Bengal have better access to land compare to other States. There has also been very little increase in the incidence of landlessness among Dalits in West Bengal between 1993-94 and 2004-05. Primary investigations reveal that Dalit, Adivasi, and Muslim households have been the major beneficiaries of redistributive land reforms in West Bengal. Dalit and Muslim households were also net buyers of land in recent years (Bakshi, 2008).

5. Inclusion of Tenants and Women Farmers in Agriculture and Rural Development Schemes

The Government of India (GoI), as well as several state governments, have launched numerous flagship agriculture and rural development schemes to assist farmers facing distress through various approaches, including Direct Benefit Transfers (DBTs) and integrated livelihoods approaches involving collectivization (group enterprise formation), capacity building, and support to value chain development, and financial inclusion. Many of these schemes have also tried to proactively identify and include marginalized farmers, especially tenants and sharecroppers, including landless farmers. As detailed below, some schemes have used different means to reach out to non-landowners, such as by identifying them through land record/tenure databases, proactively including them in scheme selection criteria, and adopting innovative strategies combining institutional, digital database, communication, and monitoring approaches. Through such innovations, these schemes have attempted to overcome the barriers to tenants’ inclusion highlighted in Chapter 2, including the inconsistent legal recognition of tenants’ land rights across states, as well as the incomplete status of land records and lack of formal recording of tenancy/sharecropping tenure in most states. However, not all GoI or state government agriculture and rural development schemes have been successful in reaching tenants and sharecroppers, including women. This chapter therefore aims to provide a concise overview of the organization and performance (with respect to tenants’ inclusion) of two flagship schemes launched by the GoI (viz. Pradhan Mantri Kisan Samman Nidhi—PM-KISAN and the National Rural Livelihoods Mission—NRLM) and two flagship schemes recently launched by state governments (viz. KALIA by the State of Odisha and Rythu Bandhu by the State of Telangana). To keep the exercise manageable for the two federal government schemes, their performance is assessed through their implementation in this study’s focal states viz. Maharashtra for PM-KISAN and Odisha for NRLM. A comparative summary of all four of these schemes is provided in Table 8.

5.1 PM KISAN

About PM-KISAN: In India, the one-third of the agricultural households who are tenants or lack land records to use as evidence of land ownership or collateral depend on informal credit to deal with the consequences of crop failure, pest infections, commodity price fluctuations, and natural disasters.69 With 60 percent of the small and marginalised farmers not able to obtain agricultural loans from authorised banks as a result of their tenure/land record status,70 these farmers

70 60 percent comes from https://www.thehindubusinessline.com/opinion/editorial/institutional-credit-small-farmers-need-better-access-for-farming-allied-activities/article29451165.ece
primarily rely on moneylenders, whose high interests have been blamed for the growing trend of farmer suicides across the country (Merriot, 2016) with tenants disproportionately affected as noted earlier. As India aims to double farmers income (Chand, 2017) by 2022, farmers’ financial inclusion has been a focus of the Government. With a vision to improve the income of small and marginal landholder farmers, the GoI introduced the “Pradhan Mantri Kisan Samman Nidhi (PM-KISAN)” scheme in Feb 2019. It is a fully funded (100 percent) central government scheme whose objective is to provide an amount of INR 6000 in three instalments every four months to every small and marginal landholder farmer family in the country. The amount is directly deposited into the bank account of the eligible famers (DBT). Since June 2019, the scheme has been extended to all farmers irrespective of the size of their landholdings.72.

87  **Eligibility and Selection:** According to the PM KISAN guidelines,73 a farmer family (after June, any farmer family) is “a family comprising of husband, wife and minor children who own cultivable land as per land records of the concerned State/UT.” The government’s intensions in providing this direct grant is to support the financial needs of farmers to ensure crop health and achieve good yields.74 As noted in the quote above, the list of small and marginal farmers (later all farmers) eligible for the scheme is identified from the land records data maintained by the respective state governments, with special procedures for identifying eligible farmers in states in the northeast where land is governed customary laws,75 and the cut-off date for entry into the scheme was 01st February, 2019.76 Aadhar linking is also mandatory to avail the benefits of the PM-KISAN scheme.

88  **Target, Estimated Budget, and Allocations to Date:** For the financial year 2018-19, the number of eligible farmers for the scheme is projected to be 125 million.77 Later in June 2019 it was revised to 145 million to include all landholding farmers. This estimate is, however, based on a projection from the Agriculture Census 2015-16 and not land records data (see Box 4). The Central Government has allocated INR 200,000 million11 in the Union Budget of FY 2018-19, INR 750,000 million in the Union Budget of FY 2019-20, and INR 750,000 million78 in the Union Budget of FY 2020-21 for the scheme. To date, four instalments have been transferred to participating farmers’ accounts. While 90.92 million beneficiaries have received first instalment, 86.44 million, 77.83 million, 64.07 million, and 33.56 million beneficiaries have received the 2nd, 3rd, and 4th

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71PM KISAN Government of India official Website https://www.pmkisan.gov.in/
72http://www.pmkisan.gov.in/Documents/RevisedFAQ.pdf
73Possible FAQs on PM KISAN https://www.pmkisan.gov.in/Documents/FAQPMKISAN.PDF
74PM KISAN Additional FAQs https://www.pmkisan.gov.in/Documents/ADDITIONAL%20FAQ%20IN%20RESPECTIVE%20OF%20THE%20PM2.pdf
In north east states, two types of land ownership co-exist. One is community ownership, governed by customary laws and the other is individual ownership, governed by land laws of the states. In states where there are customary laws, an alternative mechanism is to be designed to find out the eligibility of the farmers under the PM-KISAN scheme and the same shall be approved by the Committee of Union Ministers of Ministry of Development of North East Region (DoNER), Ministry of Land Resources, Union Agriculture Minister and concerned State Chief Ministers or their Ministerial representative.
76There shall be no new addition to the eligibility list for next 5 years except for land transfer in case of succession cases due to death of the landowner. In case of land transfer due to sale and gift deeds, the old owner shall be removed from the list. There is no provision to add the new landowner.
77About the Scheme (English) PM KISAN https://www.pmkisan.gov.in/Documents/PMKisanSamanNidhi.PDF
instalments, respectively. As of 24th February 2020, 85 percent of the beneficiaries have been Aadhar verified.\textsuperscript{79}

89 A number of state governments have established their DBT schemes targeting farmers with similar objectives to those of PM-KISAN. However, several of these state-sponsored schemes specifically target tenants and sharecroppers among the eligible farmer beneficiaries. A list of schemes similar to PM-KISAN implemented by state governments is presented in Table 5. In general, states with their own DBT use PM-KISAN funds first and then allocate their own funds according to their expanded eligibility criteria (viz. Odisha’s KALIA covers landless) or the amount of the grant (viz. KALIA provides a larger grant; Rythu Bandhu grant is paid according to acreage).

\textit{Table 5: Different State government schemes similar to PM-KISAN}

<table>
<thead>
<tr>
<th>State</th>
<th>Scheme name</th>
<th>Launch date</th>
<th>Eligibility &amp; Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telangana</td>
<td>Rythu Bandhu</td>
<td>10th May 2018</td>
<td>INR 4000 per acre per crop season (means INR 8000 per acre per year for Kharif and Rabi) for the year 2018-19 for all landowning farmers. Later, it is announced that INR 5000 per acre per crop season (means INR 10,000 per acre per year for Kharif and Rabi) from 2019-20.</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>Mukhyamantri Krishi</td>
<td>December 2018</td>
<td>Rs 5,000 per acre to a maximum of Rs 25,000 to all the farmers owning 5 acres or lesser.</td>
</tr>
<tr>
<td>Odisha</td>
<td>KALIA</td>
<td>December 2018</td>
<td>INR 10,000 to cultivators including sharecroppers; Interest free crop loans up to INR 50,000; insurance cover up to INR 200,000; INR 12500 household of landless labour.</td>
</tr>
<tr>
<td>West Bengal</td>
<td>Krishak Bandhu</td>
<td>31st December 2018</td>
<td>Farmer with one or more acre of land are entitled to receive INR 5000 per annum (Rabi &amp; Kharif Season) assistance with minimum 2000/-per annum assistance pro rata basis.</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>Rythu Bharosa</td>
<td>15th October 2019</td>
<td>INR 7500 per farmer household for small and marginal farmers + tenant farmers belonging to SC/ST/OBC/Minority communities</td>
</tr>
</tbody>
</table>

5.1.1 PM KISAN in Maharashtra

90 According to the Agriculture Census of India 2015-16,\textsuperscript{80} Maharashtra has 15.29 million operational holdings, out of which nearly 12 million farmers hold operational landholdings of up to 2 hectares.\textsuperscript{81} This means that nearly 12 million small and marginalised farmers in the state were initially eligible for PM-KISAN scheme. Maharashtra stands in the top three beneficiary states implementing the scheme, as per the PM KISAN website. While 9.3 million beneficiaries have received the first instalment, 8.6 million, 7.34 million, 5.70 million, and 2.51 million beneficiaries have received the 2\textsuperscript{nd}, 3\textsuperscript{rd}, and 4\textsuperscript{th} instalments, respectively.

91 To complement the PM KISAN scheme, the state government has established a new project to double farmers’ income called the State of Maharashtra’s Agribusiness and Rural Transformation (SMART) project. The SMART project represents a big leap forward towards the transformation

\textsuperscript{79} https://economictimes.indiatimes.com/news/politics-and-nation/centre-appeals-west-bengal-govt-to-join-pm-kisan-scheme/articleshow/74281677.cms. However, for the first instalment, alternate documents are submitted for identity verification and the beneficiaries are asked to enrol for Aadhar to receive subsequent instalments. In States/UTs where Aadhaar numbers are not issued, for identity verification, documents like Driving license, Voters’ ID, NREGA job card, or any indemnification card issued by Central/State/UT Governments are asked to be submitted.
\textsuperscript{81} https://www.livemint.com/companies/news/80-of-maharashtra-farmers-to-get-income-support-of-7-200-cr-1549563910450.html
of the rural economy and the empowerment of farmers and aims to unite agriculture-oriented corporations with farmers by providing them a common platform.\textsuperscript{62} The inability of tenants and women farmers to access agricultural schemes and entitlements was raised during project preparation, and the SMART project plans to pilot approaches to increase tenant farmers’ access to agricultural entitlements, such as PM-KISAN.\textsuperscript{83}

\textsuperscript{62} \url{http://factly.forumias.com/state-of-maharashtras-agri-business-and-rural-transformation-program-sma}

\textsuperscript{83} As noted in the Introduction, this study will include an analysis of land tenancy legal and institutional frameworks and their impacts on tenant farmers’ ability to access agricultural entitlements in the context of the SMART project land pilot as part of research activity A6.
Without consistent, up to date, and comprehensive data on land ownership and tenurial arrangements (whether ownership, tenancy, or other arrangement) across states, estimates of the number of farmers in India vary widely. For example, while planning for PM-KISAN, the GoI estimated the number of eligible Small and Marginal Farmers (SMF) under the scheme on the basis of a projection of the Agricultural Census 2015-16 data for 2018-19. SMF is defined as “a family comprising of husband, wife and minor children who collectively own cultivable land up to 2 hectares as per land records of the concerned State/UT.” The GoI projected the number of holdings of SMFs landholder farmer families for FY 2018-19, when the scheme was launched, as 131.5 million, extrapolating the Agriculture Census data of 2015-16, which was 127 million. Taking into account the likely exclusion of certain categories of beneficiaries of higher economic strata, the total number of eligible beneficiaries was fixed at 125 million. The PM-KISAN guidelines note that the existing landownership system would be used for identification of beneficiaries for calculation of financial benefits under the scheme (see paragraph 87 for further details).

Though the Agriculture Census (refer to the note below the box) uses the land record data from the states, it presents them differently as operational holdings, which is essentially a technical unit of farm management and not a presentation of ownership. However, the census also records tenancy, which the land records of many states do not document. Nonetheless, the census has failed to fully capture the reality on ground, as tenancy remains concealed quite often, both in land record states due to lack of updating and in non-land record states, as land owners conceal tenancies during household surveys. The census also only records the gender of the head of the household, thus missing single women and women landowners in the household (Choudhury et al 2017).

The Census of India 2011 also records farmers according to occupation (cultivators vs. agricultural laborers) and arrives at a different estimate: 119 million cultivators and 144 million agricultural labourers. Such differences in the total estimated number of farmers across the Agriculture Census, Census, and land records, along with their lack of updating (of land records) and inadequate integration of dynamic occupational migration, has already been affecting the identification of PM-KISAN beneficiaries and the scheme’s ability to effectively reach the intended beneficiaries.

For example, only 90.9 million beneficiaries are now listed in the PM-KISAN database, after considerable efforts by the states over last two years to identify eligible beneficiaries, while the revised target was 145 million farmers. This discrepancy is also visible at the state level. For example, there are 9.3 million farmers listed as PM-KISAN beneficiaries in Maharashtra. However, Maharashtra has 15.29 million farmers (operational holdings) as per the Agriculture Census, 2015-16.

The lack of a clear definition of who counts as a farmer—i.e. only land owners with formal land records or also tenants, sharecroppers, women, and other farmers without formal land records at present—is not only problematic for scheme budgeting, planning, implementation, and monitoring. It also makes it difficult to achieve the scheme’s objectives of inclusion and equity. While there are now Artificial Intelligence/Machine Learning tools that can be used to harmonize across large databases to improve beneficiary identification and targeting, a base data layer identifying farmers in harmony with existing databases, state land records, and the ground situation is required to ensure the transparent identification and inclusion of tenants/sharecroppers and women in PM-KISAN and other DBT schemes at the federal and state level. A comprehensive digital farmer database connecting such existing databases with annual updating of tenure aided by localized peer review system with involvement of Panchayati Raj Institutions could thus improve the effectiveness and efficiency of PM-KISAN (see also section 2.6).

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**Box 6: How many farmers are in India? The Number Jumble Continues without a Proper Land Tenure**

**Database:** The unit of Agriculture census, however, is operational holdings and not exactly the land ownership. Operational holding is defined as all land which is used wholly or partly for agricultural production and is operated as one technical unit by one person alone or with others without regard to the title, legal form, size or location. Operated area includes both cultivated and uncultivated area, provided part of it is put to agricultural production during the reference period. Operational holder is a person who has the responsibility for the operation of the agricultural holding and who exercises the technical initiative and is responsible for its operation. The operational holder may be Individual/Joint/ Institutional. The Agriculture Census in India, carried out every 5 years following FAO guidelines, collects data following two broad approaches. (1) In States where comprehensive land records exist (Land Record States), the data on operational holdings are collected and compiled on complete enumeration basis through re-tabulation of information available in the Village Land Records. Agriculture Census 2015-16 has also used the computerized land record data (DILRMP) in some such States, where the ownership data was retrieved from the computerized land records and latter converted to operational...
5.1.2 Why PM-KISAN needs comprehensive, up-to-date land rights data to succeed

In the absence of up-to-date state land records, it is difficult to ensure that PM-KISAN payments are directed to the intended beneficiaries — that is, small and marginal farmer families that are currently cultivating. The academic/NGO literature has publicised several cases where payments are reportedly not being paid to eligible families, because of a lack of updated land records. For example, in some cases, there is a mismatch of names between the land records and Aadhaar cards. In others, the land records still show ownership in the name of grandfather/grandmother/mother/father, although their legal heir is now cultivating the land after his/her death and should therefore be receiving the PM-KISAN payment. The lack of updated land records and their impact on who receives PM-KISAN benefits have resulted in grievances and some conflicts. Even in villages where land titles are digital, there is still a lot of litigation, as ownership has not been verified. In Telangana, for example, complaints have been growing on mistakes in the pattadar passbooks issued by Dharani — the State’s integrated land and revenue records portal—with cases of land titles recorded in the wrong names and areas recorded in the digital passbooks that are less than the original area recorded in the owner’s paper passbook. There has been violence and bloodshed in the state over disputes in land titles in the first quarter of 2020.

Moreover, as tenant farmers constitute a considerable proportion of farmers in most of the states in the country, (more details available in paragraph 20-22) there is an increase in the demand for the inclusion of tenant farmers, especially those who do not have land on their own, in PM-KISAN. However, given PM-KISAN’s reliance on state land records to determine farmers’ eligibility and the current status of land records in most states—i.e. not updated to reflect current landholding and tenure realities and in most cases not inclusive of tenants, sharecroppers, and women—it is perhaps inevitable that the scheme will benefit only landholders that hold a title (whether or not they are in fact the current land owner). If the scheme continues to rely solely on states’ land record databases, it will not be able to reach all small and marginal farmers, in particular landless tenants, sharecroppers, and women farmers who are the most vulnerable cultivators but whose names are not yet recorded in the land records due either to a lack of updating or because of the absence of tenancy reform laws. In other words, considering that only a limited number of states have adopted the Model Agricultural Land Tenancy Act developed by NITI Aayog and an even smaller number have up to date records on land tenants/sharecroppers, (paragraph 58.5, 61) including women, it will be difficult for the PM-KISAN

holdings after verification by the field functionaries. (2) For Non-Land record States, this data is collected through sample survey in 20 percent of villages in each block (sub-district). These villages are selected through simple random sampling method and all the operational holdings in the selected villages are enumerated following household enquiry approach. A list of Land record and non-land record states are provided in paragraph 61 under section Land Records.

89 https://www.orfonline.org/research/the-pm-kisan-challenge-48167/
scheme (or any other scheme) to easily identify genuine tenants, especially women. Unless all the
states in the country adopt new laws to formally recognize and register tenant farmers, including
women, the scheme may thus not be able to accomplish its target of supporting the most
marginalized farmers.

5.2 National Rural Livelihoods Mission – NRLM

About NRLM: As per a 68th round of NSSO survey (2012), around 11 percent of farm families are
women-headed. Despite playing a critical role, women have little access to the benefits of
agriculture development schemes and institutional credit, primarily because they lack formal
ownership of land, which is predominantly held by men. In this context, the Deendayal Antyodaya
Yojana-National Rural Livelihood Mission (DAY-NRLM), launched in 2011, centrally focuses on the
holistic empowerment of women. The central objective of this centrally-sponsored mission is to
eliminate rural poverty through innovative implementation strategies involving four core
components viz., (i) social mobilization and community institution building through self-help
groups (SHGs); (ii) financial inclusion; (iii) livelihoods promotion; and (iv) convergence with other
government-sponsored schemes and social development. NRLM is implemented under the
umbrella of the Ministry of Rural Development (MoRD), GoI in collaboration with State missions
based on a contribution model with a ratio of 75:25 between the federal and the state
governments. The NRLM is under implementation in all States and Union Territories of India
(except Delhi and Chandigarh) and is the largest public initiative for livelihood improvement in the
world. As of March 2020, 0.62 million SHGs were being supported by NRLM covering 6.42 million
households. About 50 percent of these SHGs have received NRLM revolving fund to the tune of
4.3 billion (INR 14,364 on average).

Mahila Kisan Shasaktikaran Pariyojana (MKSP): A critical sub-component of the DAY-NRLM is the
MKSP, which aims to improve the status of women farmers through increasing their participation
and productivity in sustainable agricultural livelihood opportunities. MKSP aims to empower
women engaged in agriculture, livestock, non-timber forest products, and allied activities by
helping them establish productive business enterprises. Nationally, around 3.6 million Mahila
Kisan (women farmers) have been covered under MKSP. As of 2018, about 0.8 million women
farmers had been mobilized into 86,000 producer groups and 126 producer companies.90

5.2.1 MKSP Coverage and Odisha

During the year 2019, with a targeted coverage of 0.5 millions of women farmer, the achievement
stood at 0.045 million.91 Since the start of the intervention, Odisha has covered around 0.5 million
Mahila Kisan.92 If an average of 10 members is taken per SHG, the total number of women covered
under a total of 0.4 million SHGs would be around 4 million. Thus, in a decade of MKSP
implementation, 12.5 percent of potential beneficiaries have been covered. While all of these
women are members of SHGs, there is no database or evidence (viz. land record) to prove their
status as women farmers. Because of the lack of recognition of women as farmers, their names

90 https://rural.nic.in/sites/default/files/4_Years_Achievement_English.pdf
92 http://mksp.gov.in/ViewProjectsStatus.nic?value=1
hardly figure in any tenant or sharecropper databases that the government creates indirectly viz. for paddy purchase in Odisha (for more information please see the KALIA Section below). Instead, MKSP identifies beneficiaries based on their rural residence and engagement in farming activities.

5.2.2 Why women need stronger land rights to fully realize the objectives of NRLM/MKSP?

Women farmers have traditionally remained invisible due to the failure of the government to recognize them as landowners. In this context, efforts, such as those promoted by NRLM/MKSP, to mobilize women around their economic identity could be an effective strategy for strengthening their self-identification as livelihood actors and making their productive work in agriculture—which has traditionally been unreported, undervalued, and unrecognized—more visible. Women’s organization into SHGs and productive enterprises and increased access to finance, training, and markets through the NRLM/MKSP have been important mechanisms for achieving the scheme’s goals of women’s holistic empowerment and rural poverty elimination.

A total of 23 million households (12.8 percent) in rural India (Odisha: 12.3 percent) are headed by females as per Socio-Economic Caste Census, 2011; 9.6 million (41.2 percent; Odisha 43 percent) of them are landless. Landlessness among all rural households is 38 per cent. About 79 percent of the female headed households earn less than INR 5000 per month (all HH 74.5 percent; Odisha 91 per cent). One fourth of these households own un-irrigated land (Odisha 30 percent), 20 percent own irrigated land (Odisha 8 percent) and 10 percent own other lands (Odisha 5.6 percent), as per SECC, which relies on household survey during Census. However, the percentage share of female operational holders was 14 per cent (Odisha 4 percent) as per Agriculture Census. They operated and managed 12 per cent of agricultural lands (Odisha 3.6 percent). On a positive note this has marginally increased from last agricultural census, 2010-11. In terms of business, 2.4 percent of women headed households in India are involved in non-agriculture enterprise registered with government, in comparison to 2.7 percent for all rural households and 1.4 percent for female headed households in India.

Still, it is clear that women’s lack of formally recognized land rights continues to hinder their empowerment and undermine poverty alleviation efforts. For example, in terms of financial inclusion, the implementation data of the Prime Minister Fasal Bima Yojana (PMFBY), India’s flagship crop insurance scheme, reveal that only 18 percent of loanees were women during Kharif, 2019. Moreover, a study of NLRM by UNWomen (Tankha, 2014) noted that women’s lack of recognition as farmers due to their lack of formal land ownership documentation creates complications in registering women’s farmer cooperatives. For instance, registration of a women

93 Women take primary status in a household only when there is no man. These women are totally marginalized even by the most basic infrastructure like a pucca house. They don’t have property rights, they are landless. Women end up heading households mostly after the death of their husbands, or when they are separated or divorced. Female-headed households account for nearly three-fourths of those headed by a widowed person, about two-thirds of those headed by separated people and about 60 percent of those headed by the divorced. Only 4 percent of married women head a household. The proportion of female-headed households in India has been rising, but their economic status is falling.

94 https://www.livemint.com/Politics/RjAdjOqWkNMqHGI1DqX8tJ/Census-reveals-gloomy-picture-of-life-in-femaleheaded-house.html

https://farmer.gov.in/dashboard/dashboard.html
farmers’ cooperative in Gujarat under the Community Managed Sustainable Agriculture initiative of MKSP was complicated due to the women’s lack of documents establishing them as landowners. Membership of such institutions restricted to farmers and identification/recognition of farmers being linked to evidence of land records, most of the time women members, who are de facto farmers, fail to join or get benefit of such institutions, when such evidences are mandatory. For example, for registration of an FPO, land records of office bearers are required. Kisan credit card (KCC), which allows easy access to agriculture loan is also linked to land records. Only 0.39 percent of rural households have KCC without land records as per SECC, 2011. Among female headed households it is 0.37 percent India and 0.2 percent in Odisha. These examples highlight the following two main obstacles to the achievement of NRLM’s objectives:

1. **Lack of land rights as an obstacle to financial inclusion:** NRLM has so far enhanced women’s access to credit and overall financial inclusion mostly in collective form, as SHGs, premised on disciplinary norms and behavioral compliance of group members for promoting savings and ensuring conscientious repayment of loans (Kalpana, 2008; Nirantar 2007). While SHG membership under NRLM, was found to bring in social mobility, awareness and skill development to women’s life, the economic decision-making power in respect to the use of loan, use of income from loan, utilization and repayment of the loan was noted by Sarkar and Chottophayay-Kolkata (2018) to be not pleasing at the household level. Mechanisms for ensuring women’s individual access to financial services as citizens remain missing, with women in rural areas either not getting access95 or often depending on guarantors owing to their lack of creditworthiness or inability to provide collateral, such as proof of land title deeds or assets in their name (Tankha, 2014). A woman’s ownership of immovable property, particularly a house or land, is critical in enhancing her freedoms and individual financial access and reducing her risk of marital violence (Agarwal and Panda, 2007). It is a fact that laws in most countries no longer discriminate against women in financial services, however, continued legal and traditional limitations on land ownership along with other gender-barriers, restricts their financial access and inclusion96 (Ng’weno et al 2018). Kumar et al (2019) found that SHG membership can lead to increased knowledge and access to public entitlement, however it is incumbent upon deliberate efforts by an external agency to do so; therefore it is important to make SHG aware of the land rights implications and also assist them to enhance their rights through NGO facilitation.

2. **Lack of formal recognition of women tenant farmers undermines their ability to form FPOs and access allied services:** Women’s limited access to assets, land and income hinder their possibilities to join producer organizations, especially when membership rules require asset ownership such as land, or cash (Agarwal, 2001; Wiig, 2013). Most of the poor women who are members of SHGs in rural India and would-be members of FPOs are either individually (as single woman) or along with their spouse are part of tenant farming households. In the absence of their recognition as tenants and entry of their names into formally recognized tenancy contracts, their access to FPOs and allied entitlements and services will be significantly restricted. Therefore, it is critical for NRLM to document the status of the SHG members as members of land owning or tenant families and

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95 Women often do not have land registered in their own name, due to which banks fail to recognise them as farmers and refuse to issue them Kisan Credit Cards, as found in ANANDI-UNWomen MKSP Pilot in Bihar

96 Although credit accessibility is universally dismal, women may be worse affected because they are more likely to lack formal land title to offer as collateral; may be hampered by other bureaucratic documentation with higher demands on literacy; and may be less able to travel to formal institutions to lodge documents and meet with loan officers.
accordingly to help them plan and implement actions to ensure entry of their names in the appropriate land records.

100 Thus, to achieve its ambitious but urgent objectives of women’s empowerment and poverty elimination, NRLM needs to empower women in the short term through more targeted training and data collection related to women’s land rights, building on the pilot in West Bengal, and in the longer term through helping them to achieve stronger land rights. Experience from Ethiopia indicates that joint certification of land registration of spouses in most rural areas (Kumar and Quisumbing 2012) likely to have a positive impact on women’s ability to fulfil membership requirements and join producer organization. This study will undertake a more detailed analysis of tenure strengthening opportunities in cooperation with the SLRM in Odisha. Based on the information available to date, and building on the recommendations of Tankha (2014), the below opportunities appear to be within NRLM’s scope:

1. **Support recognition of women, including the landless, as farmers by the community and the government.** There is a need to create an institutional mechanism and space within MKSP to ensure that women farmers who lack land ownership documents, including the landless, can nevertheless register as producer organizations and access business services, including finance. In the short-term, scheme-specific guidelines, advisories, and trainings for women, men, and business service providers could help facilitate women’s recognition as farmers and inclusion in government programs targeting farmers until legal/regulatory reforms formally recognize and register women as tenants, sharecroppers, and landowners. There may also be scope to introduce policy directives or government orders/resolutions to this effect.

2. **Increase women farmers’ access to productive land through ownership/joint title.** Joint titling can be an efficient way to ensure women’s recognition as farmers and access to agricultural entitlements. Given that most states already have provisions for joint titling, including favorable terms for registration/mutation of land registered to women (discussed earlier under Section 3), NRLM could scale up its training program to help SHG leaders facilitate their members to update their family’s land records, including to add women’s names. In addition to expanding its trainings for SHG leaders, NRML could support more sophisticated training of interested SHG leaders/members to become local “barefoot paralegals” by providing basic legal advice to women facing legal challenges to their/family’s land rights, as has been piloted by some NGOs in different states. Building on its partnerships model in the financial sector, NRLM could partner with the Department of Land/Revenue to proactively update land records in the scheme’s targeted villages and in facilitate the addition of a gender column in the land records.

5.3 **KALIA, ODISHA**

101 Odisha had 3.28 million cultivators and 2.42 million agriculture labourers in the state, whose main occupation (with more than six months of engagement) is agriculture as per the Census, 2011. About 90 percent (3.01 million) of the cultivators are small and marginal farmers. There are 4.81 million individual operational holdings in Odisha as per the Agriculture Census, 2015-16, with an
average size of 0.95 ha. The marginal and small holdings constituted 75 percent and 18 percent of the total holdings, respectively, representing 45 percent and 30 percent of the total operated area, respectively. Scheduled Caste and Scheduled Tribe holdings number 0.74 million and 0.15 million, with the average area of holdings operated by them being 0.74 ha and 1.06 ha, respectively.97

102 About KALIA: The Krushak Assistance for Livelihood and Income Augmentation or ‘KALIA’ Scheme was launched by the Government of Odisha as a DBT intervention in 2018. In contrast to writing off farm loans, which often benefits the better off farmers,98 this scheme adopts a more inclusive strategy as an anti-farmer-distress programme and ensures financial discipline. The idea was also to diversify farming through financial incentives.99 The scheme aims to benefit small (1-2 ha) and marginal farmers (< 1ha), landless agricultural households, vulnerable agricultural households, landless agricultural laborers, and sharecroppers under different components of the scheme (Table 5) (Gaurav, 2019). A total of 4.2 million families were expected to be covered, which was later revised to 6 million and again increased to 7.5 million in a cabinet meeting in November 2019. The estimated cost for the entire scheme for the three-year period was earlier fixed at INR 101,800 million (INR 7,540 for farmers and INR 2,640 for labourers), and with the latest expansion, the cost could increase to about INR 150,000 million.

Table 6: Target Groups and Assistance under KALIA100

<table>
<thead>
<tr>
<th>Sl no</th>
<th>Target Group</th>
<th>Assistance per farm family</th>
<th>Purpose</th>
<th>Expected Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Small and marginal farmers</td>
<td>INR 25,000 over total five seasons</td>
<td>to help purchase of inputs like seeds, fertilizers, pesticides and use assistance towards labour and other investments</td>
<td>3 million (increased to 5 million)</td>
</tr>
<tr>
<td>2</td>
<td>Landless</td>
<td>INR 12500 each in 3 installments in 3 years</td>
<td>for Agricultural allied activities like for small goat rearing unit, mini-layer unit, duckery units, fishery kits for fisherman, mushroom cultivation and beekeeping</td>
<td>1 million (increased to 2.5 million)</td>
</tr>
<tr>
<td>3</td>
<td>Vulnerable cultivators/landless agricultural laborers</td>
<td>INR 10,000 per year</td>
<td>take care of sustenance of the vulnerable cultivator/landless Agricultural Laborers who are in old age, having disability/ disease and are vulnerable for any other reason.</td>
<td>0.5 million every year</td>
</tr>
<tr>
<td>4</td>
<td>All farmers</td>
<td>Crop loan up to INR 50,000 for Kharif, 2019 at 0percent interest rate</td>
<td></td>
<td>3.28 million cultivators &amp; 2.42 million AL</td>
</tr>
<tr>
<td>5</td>
<td>All Cultivators, landless and agriculture labourers</td>
<td>Life insurance Cover INR 0.2 million and Personal accident cover of INR 0.2 million to farmers with savings bank account, GOO to pay annual premium</td>
<td></td>
<td>2.0 million farmers</td>
</tr>
</tbody>
</table>

97 http://www.desorissa.nic.in/agril_census.html
98 As per Chief Minister, Odisha, of the 32 lakh cultivators in the state, only the richest 20 lakh have farm loans https://timesofindia.indiatimes.com/blogs/Swaminomics/why-naveen-patnaik-has-the-best-solution-for-farm-distress/
99 Through some financial levers, the behavior of farmers is expected to shift from paddy to high-value income-generating activities. The landless will be supported with a unit cost of Rs 12, 500 for activities like poultry farming, goat rearing, mushroom cultivation, beekeeping, and fishery. The attempt is to incentivize the farmer to move away from paddy to something of greater value gradually by putting more money into a farmer’s pocket, as per Dr Saurabh Garg, Principal Secretary, Department of Agriculture and Farmer Empowerment, Odisha. https://www.thebetterindia.com/186368/odisha-farmer-agriculture-kalia-pest-attack-governance-india/
103 Implementation of KALIA: After introduction of the scheme, the government has invested its entire machinery for facilitating implementation of the scheme in terms of covering the beneficiaries. Wide publicity of the scheme was undertaken. The implementation process involves a cross-verification of multiple administrative data sets within the government (see para 90 below). For transparency, a detailed list of beneficiaries has been made available on the dedicated website of the scheme.

104 Innovations: KALIA has been appreciated by many for its inclusive strategies and innovation even by critical economists.\(^{101}\) Table 6 presents some of the innovative strategies that KALIA has been able to institutionalize in addition to its inclusive targeting approach described in Table 5 above.

**Table 7: Innovations in KALIA**

<table>
<thead>
<tr>
<th>Type</th>
<th>Instrument</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outreach/ Awareness through</td>
<td>Phone /Message/ WhatsApp</td>
<td>Toll free helpline KALIA BARTA(^{104}): Information service through calls</td>
</tr>
<tr>
<td>digital, social, mass and</td>
<td>PEETHA(^{105}) camps and KALIA Ratha</td>
<td>and SMS by registering through miss call (Barta means message in Odia)</td>
</tr>
<tr>
<td>outdoor media(^{102})</td>
<td>Advertisement(^{106}) &amp; Communication (TV, Cinema and Information</td>
<td>Awareness Camps/rallies across the state at a pre-decided date</td>
</tr>
<tr>
<td>(Krushak Sampark Yojana(^{103}))</td>
<td>Education and Communication (IEC))</td>
<td></td>
</tr>
<tr>
<td>Institutional arrangement</td>
<td>Krishak Sampark Abhiyan (Farmer contact campaign)</td>
<td>Sub-divisional committee for monitoring and smooth implementation at</td>
</tr>
<tr>
<td></td>
<td></td>
<td>sub-division/Block/GP level; ensure inclusion and exclusion, communication</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and coordination(^{109}) A State Nodal Authority identified: Odisha State</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Agricultural Marketing Board</td>
</tr>
<tr>
<td>Inclusion/Exclusion</td>
<td>Red and Green forms and SOP(^{110}), Red and Green Drop Box at GP(^{111}), Multiple databases and algorithm, Multi-level committees and screening/validation mechanism, Grievance redressal</td>
<td></td>
</tr>
</tbody>
</table>

105 Eligible beneficiaries were identified using various databases maintained by the agriculture department and other departments (Table 7). Algorithms were apparently designed to carry out


\(^{102}\)https://kaliaportal.odisha.gov.in/assets/guidelines/MOM-25th-December.pdf

\(^{103}\)https://kaliaportal.odisha.gov.in/assets/guidelines/Operational-Instructions-1-final-for-KSA-301218.pdf

\(^{104}\)To facilitate dissemination of information to farmers, KALIA BARTA, an information service has been created. Any person wanting to get information on Kalia Scheme can register by giving a miss call to the telephone No. 08061174222. All information about KALIA Scheme will be sent to this phone number through SMS and voice messages from time to time.

\(^{105}\)Peoples Empowerment - Enabling Transparency and Enhancing Accountability in Odisha Initiatives; Scheme for enabling and improving the awareness about the various Government scheme of the state. The awareness camps are scheduled at gram panchayat level on 15th to 20th date of each month.

\(^{106}\)A point in case is the ubiquitous and larger than life sized posters of KALIA being put up at public spaces including airports and railway stations that advertise different scheme components. (Gaurav, 2019)

\(^{107}\)https://kaliaportal.odisha.gov.in/assets/guidelines/Operational-Instructions-8-Wall-mounted-Flex-Board.pdf


proper verification of data, including to eliminate duplicity and non-eligible cases. Ground surveys reportedly have been undertaken with use of information gathered from the green- and red-boxes installed at the gram panchayat level. Potential beneficiaries can use the green form to apply for benefits, whereas the red form can be used to record grievances with regard to wrongful selection of beneficiaries or self-reporting about having wrongfully received benefits when one is not eligible to. Timely implementation is aided by a robust verification process that cross-verifies across multiple administrative datasets based on the proof of identity, land records, and other relevant documentation submitted through the application process (Table 7).

Table 8: Government databases used to identify KALIA beneficiaries

<table>
<thead>
<tr>
<th>Available with</th>
<th>Databases</th>
<th>Brief Description</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture Department</td>
<td>Pradhan Mantri Fasal Bima Yojana,</td>
<td>Pradhan Mantri Fasal Bima Yojana (PMFBY) aims at supporting sustainable production in agriculture sector by way of providing financial support to farmers suffering crop loss/damage arising out of unforeseen events</td>
<td>2.005 million farmers(^{112})</td>
</tr>
<tr>
<td>National Food Security Act(^{113}),</td>
<td>Database to ensure distribution of highly subsidized food grains as per National Food Security Act (NFSA) which gives legal entitlement to 67 percent of the population (75 percent in rural areas and 50 percent in urban areas) Food, Supplies and Consumer Welfare Department in Odisha handles this</td>
<td>82.17 percent rural households as on 2019</td>
<td></td>
</tr>
<tr>
<td>P-PAS (Paddy Procurement Automation System)(^{114}),</td>
<td>Portal managing paddy procurement from farmers (including sharecroppers) through Minimum Support Price as per GOI scheme of food grain procurement</td>
<td>1.235 million registered farmers including sharecroppers(^{115})</td>
<td></td>
</tr>
<tr>
<td>DBT(^{116}) (seed, fertilizer, etc.),</td>
<td>DBT (Direct Benefits Transfer) for agri-inputs like seeds, farm machinery, implemented under ‘AGRISNET’ project. Agriculture and Farmers’ Empowerment Department, Government of Odisha received the National Award for this</td>
<td>1.8 million till 2017</td>
<td></td>
</tr>
<tr>
<td>Another Department</td>
<td>Socio Economic Caste Census(^{117})</td>
<td>Rural Landless households: 3.4 million (39.4 percent)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ration cards</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Voter IDs</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Odisha government merged the KALIA scheme with the Centre’s PM-KISAN), launched in February 2019, and reduced the financial assistance given to farmers under the KALIA scheme to INR 4,000 per annum from INR 10,000. Keeping the parity of both schemes, the small and marginal

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\(^{112}\)https://agriodisha.nic.in/content/pdf/ACTIVITY%20REPORT%202019-20.pdf
\(^{115}\)The system allows registration of sharecroppers (those who cultivate on another’s land) by accepting any of the following documents (1) Declaration by the landowner 2. testifying to the sharecropper details (2) Authorization by the sarpanch 3. testifying to the sharecropper details (3) Manual Verification Report by officials from Agriculture or Revenue Department http://www.foododisha.in/Download/CaseStudyPaddyProcurementfinal.pdf
\(^{116}\)https://agrisnetodisha.ori.nic.in
\(^{117}\)https://secc.gov.in/stateSummaryReport
farmers now would be given with INR 5,000 for 2019-20 and INR 4,000 per year from 2020-21, so that they will get INR 10,000 annually i.e. INR 6,000 from PM-KISAN and Rs 4,000 from KALIA. Around Rs 10,180 crores are expected to be spent by 2020-21 by both these schemes together. By January 25, 2019 around Rs 622.5 crore have been credited to the bank accounts of 1.24 million farmers as part of first instalment.
### Box 7: Data Journey behind KALIA

The Department of Agriculture in partnership with the Bill & Melinda Gates Foundation and Delhi-based consulting start up SAMAGRA initiated the Analytics for Decision Making and Agricultural Policy Transformation (ADAPT) initiative in November 2017 with an aim to go beyond the piecemeal treatment this sector has received over the years. Instead of merely focussing on the resources available to the state, policymakers can make better decisions on big ticket concerns or develop better systems backed by data so that administrations can know how to prioritise their resources for greater tangible impact.

Agriculture is one domain where there is a plethora of data that has not been used to its full potential. Making matters worse, the key data points in Odisha’s agricultural system were available in silos. For example, the data sets for seed quality, supply, and certification were available in separate systems. The idea was to bring all these 30-40 different data sets into one comprehensive system to develop a thorough understanding of how agriculture in the state is evolving and performing across a particular geographic area, crop, or season.

Working with the data more closely led to the realisation that only providing data may not solve the problem. Getting into some of the design elements of the problem is required. One of the critical elements that came into work was KALIA. Work started on it sometime in May-June 2018 at a time when, nationwide, farmers were under a lot of distress.

The agriculture department conducted meetings with bureaucrats from the education, health, labour, industry, food and civil supplies, and police departments to ascertain what databases exist and if they talk to each other. The first step was to bring all the databases together, trying to ascertain a unique identity, because in some systems people have registered to different databases using Aadhaar, while in others it’s the voter ID or ration card.

Within a month, the state leadership, with assistance from Samagra, managed to set the entire machinery in place to implement this gargantuan scheme. Within two weeks of the scheme’s announcement, 9.5 million applications were received. In the first phase, the seed Direct Benefit Transfer (DBT) database of 2.176 million farmers of the Department of Agriculture & Farmers’ Empowerment and 0.105 million data base of sharecroppers supplied by the Food Supply and Consumer Welfare Department was used as the 1st Draft Beneficiary List (DBL).

A verification system was put in place to avoid income taxpayers’ inclusion as beneficiaries. Through the verification process, the team found full-time teachers and police constables claiming to be farmers. After scrutiny of all applications at GP/Block/District level and verification of all the data at State level, 3,634,710 Small/Marginal Farmers & 1,470,580 Landless Agriculture Household beneficiaries have so far been assisted with KALIA benefits during 2018-19 under the first two components of the scheme.

https://www.thebetterindia.com/186368/odisha-farmer-agriculture-kalia-pest-attack-governance-india/

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5.3.1 Inclusion of sharecroppers and the landless in KALIA

While KALIA has been lauded as an inclusive scheme, critiques often note the difficulty that it would face in its operationalization, most particularly in identifying the landless and sharecroppers in the absence of a conclusive and updated land tenure database. The first tranche of the benefits was transferred within a very short time span, and it has been alleged that the identification of genuinely eligible beneficiary farmers, including sharecroppers, may not have been possible within such a very limited time. It has been also argued that many eligible beneficiaries have not been included in the scheme, especially the sharecroppers, as there is no clear-cut definition or procedure laid out for their identification in law. Although not legally
recognised by the state’s land laws, sharecroppers account for more than 70 percent of paddy cultivators in Odisha, however they constituted only 57,000 out of 4 million KALIA beneficiaries identified by March 2019 as per a report in Scroll.in. The initial data for sharecroppers comes from Odisha’s paddy procurement database, which stipulates that sharecroppers solicit consent forms from the landholders, certification from a sarpanch, or be verified by a district agricultural officer. However, such administrative requirements are often difficult for sharecroppers to fulfil in practice, especially since sharecropping and tenancy continue to remain illegal in Odisha except for some privileged ryots under the Odisha Land Reform Act (Amendment in 1974). The identification of sharecroppers can also pose considerable challenges, as it requires interpolation involving multiple administrative registries of individuals (Gourav, 2019).

Perhaps as a result of these challenges, there are varying estimates of the number of sharecroppers and landless farmers that have benefited from the KALIA scheme to date. It has been reported that 1.5 million sharecroppers and landless farmers have benefitted from the scheme. However, there are about 2.5 million landless households as per KALIA’s estimate, and, assuming that 70 percent of the small and marginal farmers are sharecroppers (estimates range from 60-80 percent as per paragraph 107), there are a total of 5 million households who are sharecroppers and landless households, with the potential for some overlaps. The rate of inclusion of this population of farmers would therefore appear to be around 30 percent.

5.4 Rythu Bandhu

About Rythu Bandhu: The growing cost of farming, low productivity, unpredictable weather, and un-supportive prices for produce coupled with rising family expenses are leading to farmers distress across the country. Along with this, farmers are also dependent on informal credit from moneylenders at high rates. In view of this, the Government of Telangana wants to improve the living conditions of agriculture-dependent families. Initially, the government implemented a farmers loan waiver scheme, which gave a huge relief to 35 lakh farmers in the state. Realising the importance of crop investment, the Government of Telangana has established the “Rythu Bandhu” scheme (RBS). One of the objectives of the scheme is to ensure that the farmers do not fall into a debt trap. The scheme was launched in 2018 and aimed to be implemented starting in the Kharif season of 2018-19. According to the scheme, an amount of INR 4,000 per acre per farmer for each crop season shall be given to all landowners in support of their agriculture investment. Hence, the total amount of support per farmer per acre will be INR 8,000 per year. According to the Telangana Socio-Economic Outlook 2019, 5.150 million farmers benefited

118 Unofficial estimates estimate that 60% farmers in Odisha are sharecroppers.
https://www.thehindu.com/news/national/other-states/no-poll-promises-for-sharecroppers-in-odisha/article26658076.ece
119 https://scroll.in/article/917704/most-vulnerable-farmers-are-left-out-as-states-across-india-start-money-transfers-to-farmland-owners
120 https://www.thebetterindia.com/186368/odisha-farmer-agriculture-kalia-pest-attack-governance-india/
121 G.O.Rt.No. 231 Guidelines for implementation of agriculture investment support scheme (Rythu Bandhu) in Telangana State
122 Rythu and Bandhu are Telegu words meaning farmer and relative respectively.
123 Socio Economic Outlook – 2019, Government of Telangana,
https://www.telangana.gov.in/PDFDocuments/Socio%20Economic%20Outlook%202019.pdf
from the scheme for Kharif 2018-19 and 4.903 million farmers for Rabi 2018-19. During 2019-20, the amount of support was increased to INR 5,000 per acre per season for each farmer (meaning INR 10,000 per acre per year for each farmer).

110 Importance of Updating Land Records to Develop a Database of Eligible Farmers: Before implementation of the Rythu Bandhu scheme, the Government realised the importance of having a database providing details of the beneficiaries. Hence, it launched a program to update the land records in the state: the land records updating program (LRUP). The program’s primary objective is to facilitate collection of data on the landowners in the state for Rythu Bandhu. Hence, it was restricted only to updating the textual records and ignored the spatial records. The state government allocated extensive state resources and completed the LRUP in a very short time period of three and half months, offering lessons to other states aiming to update their textual land records. The Chief Commissioner of Land Administration, Telangana finalised the textual land records data in March, 2018, and a final list of the landholders was prepared to implement the scheme shortly thereafter.

Box 8: Land Record Updating in Record Time: Lessons from Telangana

Telangana Land Records Updation Programme (LRUP), titled ‘Rythu Vari Bhu Survey’ was initiated on 15 September 2017, to ‘purify’ the textual land records in rural areas of the state. From the outset, it was apparent that the Survey was not a cadastral survey or re-survey exercise as delineated in state land revenue legislations. It was launched with the primary objective of updating textual land records with the ownership details for agricultural lands. However, several other aspects of land records were also sought to be updated as part of the survey viz. the status of implementation of land acquisition orders, updating the records of various types of lands, updating unrecorded successions, partitions of land, and even the socio-economic status of the occupiers in case of government assigned lands. The Revenue Officers heading the team were given quasi-judicial powers in verifying a claim made by a villager but were bound by the general rule of making changes in favour of those who were in lawful possession of the land. The survey teams were issued strict instructions to simply make a record of lands which were subject to legal dispute and not settle the ownership claims on these lands.

The entire process was concluded in 3½ months, with the team handing out copies of amended textual records to the villagers, which once attested by them would be the new textual record. However, the survey did not tick all the boxes that a proper exercise to update land records should have. A major gap was the exclusion of spatial records from the scope of the survey. An examination of the survey as carried out by the Dr. MCHRHD Institute found the purity level of the records to have been raised to 93 percent from 65 percent”. Rythu Vari Bhu survey, however, did not take into account the results of the Rythu Samagra survey conducted almost simultaneously by the Agriculture Department in coordination with the Revenue Department which had built a database of farmers and crops grown across the state. Another significant gap in the LRUP is that it leaves agricultural tenants out of the scope of the survey.

111 Overall, RBS implementation was imperfect and little exclusive with respect to tenants, but still fairly successful compared to many other similar programs. With its simple and efficient features

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126 According to the Socio-Economic Caste Census of 2011, 57.5% of rural households in the state do not own land. There are an estimated 1.4 million agricultural tenant farmers in the state and their absence from both the Rythu Bandhu scheme
of supporting the farmers, the scheme has become an inspiration for similar schemes launched by the Odisha, Jharkhand, and West Bengal state governments, along with the Federal government’s PM-KISAN scheme. The scheme has also received accolades from the World Bank for successful implementation of the scheme to reduce farmers’ need to borrow money for cultivation. In the most recent Telangana Budget (2020-21), the government has proposed 14,000 crores to implement the scheme.

5.4.1 Inclusion and Equity of the Rythu Bandhu Scheme

Along with the accolades, the scheme has also received its own share of criticism. The following are important observations on the program with respect to inclusion and equity.

1 Tenant farmers are ignored, and the owners are given the benefits: According to the national crime records bureau data for 2017 and 2018, the state has the highest number of tenant farmers suicides. A study conducted by Rythu Swarajya Vedika (NGO) with students from the Tata Institute of Social Sciences (TISS), Hyderabad, during May-June 2019, showed that 75 percent of the farmer suicides in the previous four years were by tenants, which is disproportionately higher as discussed earlier in paragraph 26. Tenancies and other interests in land are no longer recorded in the Pattadar Passbook, a type of land record that was digitally updated by the Government to ensure better implementation of RBS following an important amendment to the Telangana Pattadar Passbooks Act, 1971 in 2018. The Passbook ultimately affects the identification of beneficiaries under the RBS, as it excludes tenants, note Udaya and Zaveri (2020). They argue that the failure to record other interests in land, such as tenancy and mortgages, on the digital Pattadar Passbooks may have actually influenced the design of the Rythu Bandhu scheme. Regardless of the causality, in practice, reliance on the digital Pattadar Passbooks for the identification of RBS beneficiaries leads to the exclusion of landless farmers, such as tenants and sharecroppers, who cultivate land and incur related expenditures. Hence, there is widespread support to expand the scheme to include tenant cultivators. However, this will require the creation of new land records that formally document other interests in land, such as tenancy and occupancy, which ultimately would require amending the existing law and conducting a new land survey. In this context, The LRUP, the results of the Rythu Samagra survey conducted almost simultaneously by the Agriculture Department in coordination with the Revenue Department, which had built a database of farmers and crops grown across the state, might be useful to consider.

as well as the LRUP, defeats the overall objective of ensuring that the financial benefit is received by the actual tiller of the land. State government, however, maintains that it consciously chose to avoid including agricultural tenants from the ambit of these schemes to avoid the litigation borne out of their informal work conditions.

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133 https://blog.theleapjournal.org/2020/03/linking-welfare-distribution-to-land.html
2 Transfer of support based on farm size disproportionately benefits larger farmers who are also more likely to be landowners – thus, small and marginal farmers, including most tenants, benefit less: The baseline allocation of benefits under RBS was regressive, as the payment amount was proportional to registered landholdings. Based on calculations of agricultural landholdings in the state and the RBS payment schedule, it was found that about 38 per cent of RBS payouts in terms of value went to farmers with greater than 2 hectares, who constitute 12 percent as per Agriculture Census 2015-16. Moreover, while 89 percent of farmers in the top quartile of the landholding distribution (holding more than 3.1 acres of land) cashed their checks, only 68 percent of farmers in the bottom quartile (holding fewer than 0.4 acres) did so. This seemingly irrational behaviour may be explained by the regressive allocation of benefits: a farmer at the fifth percentile of the land size distribution (0.09 acres of land) would receive a check worth just Rs. 370, possibly less than the time and money costs of cashing it (Muralidharan et al, 2020). A DBT payment linked to the farm holding size may thus result in sharpening rural inequality and the exclusion of landless farmers from such a subsidy. Most of the tenants also operate on small and marginal holdings.

5.5 Pradhan Mantri Fasal Bima Yojana (PMFBY)

Pradhan Mantri Fasal Bima Yojana (PMFBY) is possibly one of the largest crop insurance subsidy programs in the world. Launched in 2016, the scheme includes the benefits of previous insurance schemes viz. National Agricultural Insurance Scheme (NAIS) and Modified NAIS (MNAIS), while also being more farmer friendly as it reduces the premium burden on farmers. Earlier insurance schemes in India had been marred with problems, such as low transparency, delayed or non-payment of claims, and a high premium burden on farmers. PMFBY is implemented by the federal and State governments based on equal contributions for premium coverage, which is equal to the difference between the actuarial premium rate and the premium paid by the farmers. The scheme is implemented by both private and public insurers. PMFBY Features: Initially the scheme was mandatory for farmers with a loan account (loanee farmers); however, since 2020, it has been made voluntary. It is also supposed to cover non-loanee farmers, sharecroppers, and tenant farmers. The budgetary allocation during 2016 was INR 140 billion. As of 2020, about 8.5 million farmers and 27.9 million ha of cultivated area (average of 3.28 ha) are covered with insurance coverage of INR 49.6 billion. Relative progress in terms of inclusion as compared to its predecessors has been encouraging. Women farmers’ participation is 16 percent, scheduled caste farmers represent 6 percent of beneficiaries, and scheduled tribe farmers 8 percent. Small and marginal farmers are 62 percent of the insured.

The comparative participation of small and marginal farmers, scheduled caste (SC) farmers, and scheduled tribe (ST) farmers indicates they still face barriers accessing PMFBY. In comparison


with the Agriculture Census data for 2015-16, the PMFBY beneficiaries represent just 6 percent of all farmers and 18 percent of the total agricultural area, even though the average farm size of PMFBY beneficiaries is roughly three times the average farm area nationally. Similarly, while small and marginal farmers represent 86 percent of all farmers according to census data, only 62 percent of the insured farmers are small and marginal; 6 percent of the insured are SC, while their share of all farmers is 12 percent. By contrast, ST beneficiaries account for 8 percent of all PMFBY beneficiaries, which is close to their proportion of all farmers (9 percent). The participation of women farmers (16 percent), is actually marginally higher than their share of operational holdings (14 percent).

PMFBY has also not been successful in adequately reaching out to sharecroppers and tenant farmers due to their lack of formal land records. In the absence of land lease certificates, sharecroppers and tenant farmers cannot access this scheme. Rajeev and Nagendran (2019) highlight barriers farmers face in accessing institutional credit in the absence of proper land records (RoR), tenancy certificates, and lack of automatic mutations. In UP, a study found that tenants and sharecroppers were not included in the 2016 and 2017 seasons. Shri Ajay Vir Jakhar, Chairman of the Bharat Krishak Samaj, also points out the issue of non-inclusion of landless agriculture workers under the scheme.

Given that these are also some of the most vulnerable farmers, it is important that PMFBY undergo further reforms to achieve optimum inclusion of the neediest farmers, including those without access to formal land records. Increasing small and marginal farmers’ access to crop insurance and facilitating the inclusion of tenants and sharecroppers is a necessary first step towards stabilising their incomes and giving them greater resilience to increasing agricultural risks in the wake of climate change. The updating of digital land records through better implementation of DILRMP is required to include most of the small and marginal farmers who have not yet updated/mutated their land records. Similarly, legal recognition, documentation, and digitization of leasing contracts (tenancy rights) through policy reform and improved implementation measures is important to ensure that PMFBY benefits tenants and sharecroppers.

138 https://www.iima.ac.in/c/document_library/get_file?uuid=ae2019ae-6e67-4ad8-964b-93c464f223b&groupId=62390&filename=PMFBY%20(Part-I)%202018%20-%20Final%20Report%20-%20sent%20to%20MoA
139 A non-political, non-sectarian association of agriculture producers, http://bks.org.in/about/
140 epw.in/engage/article/precarious-livelihoods-how-state-fails-insure-its
Table 9: A comparative assessment of Flagship Agriculture and Rural Development Schemes

<table>
<thead>
<tr>
<th></th>
<th>PM Kisan</th>
<th>Rythu Bandhu</th>
<th>Rythu Bharosa</th>
<th>Kalia</th>
<th>NBETP (NRLM)</th>
<th>PMFBY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Date of Implementation</strong></td>
<td>Effective from 1st December 2018</td>
<td>Launch on 10th May 2018</td>
<td>Launched on 15th October 2019</td>
<td>2018</td>
<td>NRLM originally launched in 2011. NRETBP under NRLM was launched in 2019 with additional funding as a loan from the World Bank</td>
<td>Launched in 2016. World’s largest crop insurance subsidy programs</td>
</tr>
<tr>
<td><strong>Outlay</strong></td>
<td></td>
<td></td>
<td></td>
<td>1018 million</td>
<td>Outlay for MKSP: 11740 million</td>
<td></td>
</tr>
<tr>
<td><strong>Supported amount per year per family</strong></td>
<td>INR 6000 (3 instalments)</td>
<td>INR 4000 per acre per crop season (means INR 8000 per acre per year for Kharif and Rabi)</td>
<td>INR 6500 apart from INR 6000 from PM KISAN</td>
<td>INR 10,000 to cultivators including sharecroppers; Interest free crop loans upto INR 50,000; insurance cover up to INR200,000; INR 12500household of landless labour</td>
<td>Not fixed. No direct cash transfer.</td>
<td>Farmers pay premium between 1.5 to Spercent. Federal and State government equally share the differential premium amount (Actuarial premium – paid by farmers).</td>
</tr>
<tr>
<td><strong>Adoption of technology for scheme administration</strong></td>
<td>The list of farmers eligible for the scheme are reportedly identified from the land records data maintained by the states;</td>
<td>Land Record Updation Program (LRUP) of the state creating a database of Digital Pattadar Passbook holder (land owning farmers)</td>
<td>Yes</td>
<td>Collation of data from multiple agriculture and non-agriculture sources for beneficiary identification and algorithm use for data refinement and ensuring accuracy.</td>
<td>SHG databases are maintained by states; viz. Mission Shakti in Odisha. But whether MKSP uses this database is not clear; MKSP funds pass through partners who support SHG</td>
<td>Administered through National Crop Insurance Portal for better coordination amongst multiple stakeholders</td>
</tr>
<tr>
<td><strong>Nature of Support/ Mode of payment</strong></td>
<td>Direct bank transfer to beneficiary</td>
<td>Order Cheques to beneficiary</td>
<td>Direct bank transfer to beneficiary</td>
<td>Direct bank transfer to beneficiary</td>
<td>Institution building, capacity building, technical support, input support, market and bank linkage</td>
<td>Settlement payment made directly to bank account of concerned farmers.</td>
</tr>
</tbody>
</table>
### Beneficiaries

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landowners</td>
<td>Recorded in the land records</td>
</tr>
<tr>
<td>Landowners as per the land records and tenant farmers with agreement as per Andhra Pradesh Corp Cultivator Rights Act, 2019</td>
<td></td>
</tr>
<tr>
<td>Small and marginal farmers, landless agricultural household, vulnerable agricultural household, landless agricultural laborers and sharecroppers</td>
<td></td>
</tr>
<tr>
<td>Women farmer from poor, vulnerable and excluded communities and minorities</td>
<td></td>
</tr>
<tr>
<td>Previously, loanee farmers compulsorily included. In 2020, changes made to make the scheme optional for all farmers. Supposed to benefit sharecroppers and tenant farmers but coverage has been negligible. They also don’t cover landless farmers.</td>
<td></td>
</tr>
</tbody>
</table>

### Database

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land record database of states</td>
<td></td>
</tr>
<tr>
<td>Database of Digital Pattadar Passbook holder (land owning farmers)</td>
<td></td>
</tr>
<tr>
<td>Maintain a database which includes tenant farmers</td>
<td></td>
</tr>
<tr>
<td>Agriculture department &amp; other department databases</td>
<td></td>
</tr>
<tr>
<td>Participatory identification and further vetted by gram sabha; SHG (Mission Shakti) Data base</td>
<td></td>
</tr>
</tbody>
</table>

### Exclusion

<table>
<thead>
<tr>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional landowners, holding constitutional posts, serving or retired officers, taxpayers and professionals</td>
</tr>
<tr>
<td>No exclusion conditions. However, there is “Give it UP” option for rich farmers</td>
</tr>
<tr>
<td>Apart from PM Kisan, additionally for converted farmland, taxpayers, as per lease conditions</td>
</tr>
<tr>
<td>Excluding government employees: serving and retired; Large farmers staying in urban local bodies and paying income tax</td>
</tr>
<tr>
<td>Farmers having loans against collateral not included for want of insurable interest. Sharecroppers and tenant farmers have been mostly excluded due to absence of proper land lease certification/land possession</td>
</tr>
</tbody>
</table>

141 Those farmers received loan through Kisan Credit Card or seasonal agricultural loan
145 [http://www.mainstreamweekly.net/article7684.html](http://www.mainstreamweekly.net/article7684.html)
146 Agriculture data related to Pradhan Mantri Fasal Bima Yojana, National Food Security Act, P-PAS, State Food Security Scheme, DBT (seed, fertiliser etc), paddy procurement (large farmer)
147 Non-agriculture: SECC (Landless), ration cards, voter ID Including landless – data from SECCA; algorithms were designed to carry out proper verification of data, eliminate duplicity and non-eligible cases. This was supported by ground survey and using information gathered from the green- and red-boxes installed at the gram panchayat level.
148 Farmers families who in which one or more belong to former or present holders of constitutional posts, Former and present Ministers/ State Ministers and former/present Members of Lok Sabha/ Rajya Sabha/ State Legislative Assemblies/ State Legislative Councils, former and present Mayors of Municipal Corporations, former and present Chairpersons of District Panchayats; All serving or retired officers and employees of Central/ State Government Ministries /Offices/Departments and its field units Central or State PSEs and Attached offices /Autonomous Institutions under Government as well as regular employees of the Local Bodies (Excluding Multi-Tasking Staff / Class IV/Group D employee)All superannuated/ retired pensioners whose monthly pension is Rs.10,000/-or more (Excluding Multi-Tasking Staff / Class IV/Group D employees); 
All Persons who paid Income Tax in last assessment year.Professionals like Doctors, Engineers, Lawyers, Chartered Accountants, and Architects registered with Professional bodies and carrying out profession by undertaking practices
149 People owning farmlands converted into House sites, Aquaculture or any other non-agriculture usage either updated or not updated in the Revenue Records. Necessary ground truthing shall be done by village level functionaries of Revenue and Agriculture Depts.; 2) Persons paid Commercial Tax/ Professional Tax/ GST during last assessment year; 3) Lease agreement entered between Landless Tenant/cultivator and a Marginal Farmer who are residing in the same village will not be entertained; 4) The tenant farmer/family member shall not have any Agriculture/Horticulture/ Sericulture Land of their own; 5) Lease agreement within the family not supported
**Land Policy Reform for Agricultural Transformation in India**  
National Background Paper

| Tenant farmers eligibility | Tenant farmers are excluded; applicable to only land owning families | Minimum extent of lease areas should be (For Agriculture, Horticulture and Sericulture Crops) 1.0 acre; (For Vegetables, flowers and fodder crops) 0.5 Acre; (For Betel vine) 0.1 Acre | Sharecropper, with some documentary evidence viz. Certificate from Sarpanch or Landlord being used in Paddy Procurement database of Civil Supply Department of the State | Women farmers from poor, marginalized and vulnerable communities including PVTGs and socially excluded minorities | Non-loanee farmers need to produce land record documents |

| Total Number of beneficiaries until now | India Total: 90.1 million  
I inst: 86.3 million  
II inst: 77.8 million  
III inst: 64 million  
IV inst: 33.5 million | 57,15,870 | Total farmers: 4,650,846  
Tenant\(^{149}\): 158,123 | 2018-19\(^{150}\): 3.3 million small/marginal farmers/sharecroppers covered (0.32 million sharecroppers till Feb 2019\(^{151}\))  
Jan- May 19: 3.6 million SF/MF and 1.5 million Landless Agriculture Households  
2019-20\(^{152}\): 4.8 million beneficiaries (3.2 million SF/MF and 1.6 million Landless Agriculture households) covered with 2nd instalment | National Total: 3.96 million Women farmers | Coverage (2017-18)\(^{153}\) Total farmers insured: 50.1 million; Area covered: 48.9 million hectares; Sum insured: 1910000 million |

| Maharashtra Total: 9.1 million  
I inst : 8.86 million  
II inst: 7.34 million  
III inst: 5.70 million  
IV inst: 2.51 million | 57,15,870 | 57,15,870 | Total farmers: 4,650,846  
Tenant\(^{149}\): 158,123 | 2018-19\(^{150}\): 3.3 million small/marginal farmers/sharecroppers covered (0.32 million sharecroppers till Feb 2019\(^{151}\))  
Jan- May 19: 3.6 million SF/MF and 1.5 million Landless Agriculture Households  
2019-20\(^{152}\): 4.8 million beneficiaries (3.2 million SF/MF and 1.6 million Landless Agriculture households) covered with 2nd instalment | National Total: 3.96 million Women farmers | Coverage (2017-18)\(^{153}\) Total farmers insured: 50.1 million; Area covered: 48.9 million hectares; Sum insured: 1910000 million |

| Odisha Total: 0.5 million Women farmers | 57,15,870 | 57,15,870 | Total farmers: 4,650,846  
Tenant\(^{149}\): 158,123 | 2018-19\(^{150}\): 3.3 million small/marginal farmers/sharecroppers covered (0.32 million sharecroppers till Feb 2019\(^{151}\))  
Jan- May 19: 3.6 million SF/MF and 1.5 million Landless Agriculture Households  
2019-20\(^{152}\): 4.8 million beneficiaries (3.2 million SF/MF and 1.6 million Landless Agriculture households) covered with 2nd instalment | National Total: 3.96 million Women farmers | Coverage (2017-18)\(^{153}\) Total farmers insured: 50.1 million; Area covered: 48.9 million hectares; Sum insured: 1910000 million |


\(^{149}\)Tenant Farmer/Cultivator is a landless active cultivator who has taken land for lease.

\(^{150}\)Annual Report 2018-19 Department of Agriculture and Farmers’ Empowerment [https://agriodisha.nic.in/content/pdf/ACTIVITY%20REPORT_2018-19.pdf](https://agriodisha.nic.in/content/pdf/ACTIVITY%20REPORT_2018-19.pdf)

\(^{151}\)[http://ncds.nic.in/sites/default/files/OEDS2NCDS.pdf](http://ncds.nic.in/sites/default/files/OEDS2NCDS.pdf)

\(^{152}\)Activity Report 2019-20 Department of Agriculture and Farmers’ Empowerment [https://agriodisha.nic.in/content/pdf/ACTIVITY%20REPORT%202019-20.pdf](https://agriodisha.nic.in/content/pdf/ACTIVITY%20REPORT%202019-20.pdf)

<table>
<thead>
<tr>
<th>Issues</th>
<th>Lack of clear basis and guideline for identification of sharecroppers</th>
<th>Comprehensive inclusion focus – coverage of different sections under MKSP either through sustainable agriculture, NTFP related interventions in addition to other interventions under NRLM (labour, financial inclusion – bank linkages)</th>
<th>Loanee farmers not always covered who are not willing to pay premium. Low uptake amongst non-loanee farmers. Exclusion of sharecroppers and tenant farmers Scheme seems to more biased towards farmers covered under formal finance</th>
</tr>
</thead>
</table>

Issues: Lack of clear basis and guideline for identification of sharecroppers, Benefit to ineligible farmers to due to hurried up selection process.
6. Conclusion

118 Post-independence land reforms in India with a socialist motivation drawn from contemporary global experiences were enacted with a strong political mandate and implemented through substantive institutional and legal reforms. However, the agenda of this redistributive land reform to give the land to the tiller remains unfinished half a century later despite significant investment of resources. The social structure and caste-power relations in rural India ensured that tenancy informalities continue in diverse forms adapted to varied farming contexts. This can be inferred as a failure of the formal land laws to capture the ground realities and adapt to India’s unique and diverse socio-economic, political, and cultural contexts. It also could be construed as a failure of the land revenue administration to execute reform in the post-independent governance system, with its changed role and weakened importance, along with the increasing involvement of other departments in the rural land sector, such as the agriculture department. The Model Act, however, attributes the failure of India’s historical land reforms to their focus on the extreme social adjustment of land redistribution and argues to replace this with the idea of economic restructuring around rental conditions (in place of ownership changes) while recognizing tenancy as an economic necessity in the present (neo-liberal) development context. The redistributive land reform wanted the state to be the land regulator and the implementer to ensure redistribution and equity favouring the tenants.

119 On the contrary, the current leasing reform approach allows land rental markets to operate, favouring the land tenure security of the landlord and also of tenants (limited to the lease period). This modern leasing reform focuses more on leasing contracts as licenses for tenants to operate in agriculture markets and access farm entitlements. Still, given the identified critical failures of redistributive land reforms, we foresee impending challenges around the enactment, implementation and impact of the current leasing policy reforms, in deriving the desired policy impacts. In view of the analysis to date, we question: **whether and how this new reform will (1) recognize, adapt to, and incorporate de facto tenure informalities, which are inevitable local realities, into the law-making process; (2) Interact with and facilitate the land revenue administration system to effectively execute reforms that are adapted to the changing local contexts; and (3) address and regulate the market imperfections and embedded power relations to ensure normative inclusion while fostering agricultural transformation.** It will be important to investing in identifying answers to these questions to ensure desired the impact of the on-going leasing reform given their comparatively less extreme legal and institutional measures vis-à-vis the historical redistributive land reforms and relatively limited buy-in to date from the states.

120 The failure of historical land reform measures to consider the land revenue administration system (more particularly the land record system) could also explain its failure (Rothermund 1971), and

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154 Land redistributive reform, as per Model Act, considered agricultural tenancy to be regressive and presumed that landlord-tenant relations are always against the interest of the tenant.

155 The Model act adopts an open market or deregulation approach, in terms of type of contract validation, contract terms and conditions (viz. duration, rent etc.) and also not stipulating its legal acceptability by institutional credit agencies and government departments to confer intended benefits on the lessee.
therefore the land administration system must be considered while launching future land leasing reforms. India’s land administration and land record modernization process inherits and perpetuates a documentation system based on a linear relationship between the landowner and land. Like many other land administration systems globally, this system has developed a standard grammar (Scott, 1989) for easy documentation and scaling up, in contrast to the complex and diverse land-people relations existing and evolving at different geographies in response to local geo-political, socio-cultural, and economic contexts (Richter, 2014). The multidimensionality of land (Sud, 2019) and legal pluralism (Bavnick and Jyotishi, 2014), while acknowledged in the literature, have not been captured in land administration and land record documentation in many parts of the globe, including India. Examples of lack of documentation of informalities include historical injustice in documenting forest tenures, which the FRA, 2005 is trying to recognize, neglect or poor documentation of tribal tenures (Kumar et al, 2005), and urban informalities around slums and informal settlements (Mahadevia, 2010), as well as diverse agriculture tenancy arrangements, as discussed in this paper. Resistance to a singular or simple system of land record documentation or administration by states in India has been not restricted to NLRMP/DILRMP156 alone; historical evidence on the attempt by the colonial administration to create a uniform land record system through survey and settlements in the early twentieth century shows that this reform was also resisted by Madras, Bombay and Bihar, and Bengal presidencies, citing the strength of their local (and informal) systems Rothermund (1971). The system of RTC used in many states of India withered post-independence with less focus on agricultural property, while other states following RoR system never practiced documentation of tenancy. The Model Land Leasing Act also prescribes non-recording of tenancy in RoR. Therefore, neither the enunciation of this act in present form, nor the successful implementation of DLIRMP, ensure appropriate documentation of tenancy. Suggestions of the Model Act to promote lease registration without consideration of the requisite land administration system may not be helpful unless a special digitally connected database of leasing is created as recommended by this paper. The present forms of land record documentation in India are thus not adequate to record complexities and diversities of tenancy and associated informalities. In this context, several policy questions need to be answered, including: what is the right way to document tenancy (leasing) relations to adequately and regularly capture the de facto informalities and integrate them with an adaptive de jure framework to ensure a win-win outcome for landlord and tenants? Is formalization of tenancy informalities possible within the existing land revenue system of land record management, or is new system following principles of fit-for-purpose land administration (Enreck et al 2012) required?

121 Exclusion in land tenure and farming are often attributed to social structures, conditioning, power and caste relations in India. In spite of reformist and progressive inclusive constitutional provisions and legal and institutional frameworks by the welfare state, inclusion of tenants, including women and dalits, in land markets and agricultural development has remained inadequate and elusive, at least in some geographies and programs. However, sporadic innovations, particularly involving partnerships between state and civil society institutions, highlight isolated islands of success through localized interventions involving CSOs and collectives,

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156 As demonstrated in widely differential progresses by states along with very poor progress around updating land records through survey and settlements as well as recording of tenancy regularly through RTC system
as well as implementation through flexible project/mission structures, some of which are reviewed in this paper in Section 4. Fragmented implementation of land reform, as well as agriculture and rural development interventions, by siloed and poorly connected departmental structures (viz. land, agriculture, PRI, RD etc.), along with their limited resource and capacity, may need to be overcome to maximize their impact on inclusion. This leads us to a question on (1) How can knowledge and resource partnerships with CSOs be further leveraged to support agricultural transformation with inclusion of women and tenants? (2) How can such partnerships be institutionalized within the relevant departments, particularly with the land revenue administration, which remains a law enforcement department lacking relevant experience and precedence?

One of the major goals of leasing reform is to ensure agriculture transformation (increased productivity, reduced fallowing, commercialization, doubling farmers’ income etc.) while ensuring inclusion of poor tenants. Review of agriculture and rural development schemes in section 5 above, as well as implementation of other such farm-services entitlement program (viz. MSP, post-disaster/pest loss compensation in Odisha, to be reviewed subsequently), indicate alternative approaches to address inclusion and transformation without the policy reform route. For example, the PM-KISAN and KALIA schemes rely on existing databases (viz. farmer-agriculture census, land record and other such databases including MSP, DBT etc.) with application of technical (viz. Artificial Intelligence, Machine Learning in Odisha) and institutional (viz. involving village level institutions in Odisha for KALIA and in North East India for PM-KISAN) innovations to identify tenants and sharecroppers. Odisha had also provided compensation to sharecroppers earlier during Phailin and allows them access to MSP entitlement through their inclusion in the Paddy Procurement Database through local peer references. Along with such instances of inclusion, there are also evidences of exclusion of tenants through lack of use of relevant data, viz. in Rythu Bandhu scheme in Telangana, which follows the LRUP database to transfer benefits, a database which records only landowners and excluded tenants, even though tenants were recorded in the department of agriculture’s Rythu Samagra database. PM-KISAN’s reliance on land records maintained by the states has also impacted its inclusion of women and tenants, due to their lack of inclusion in these records. Similarly, NFBY excludes tenants and sharecroppers, as well as those small and marginal farmers, who have not updated their land records. To overcome such issues, Landesa with SRLM in West Bengal, has been trying to enhance inclusion by updating land records with inclusion of the name of women rapidly by training and involving hundreds of thousands of SHG members. In a digital age, when databases may be alternate solutions to ensure inclusion, we ask (1) Whether such databases, existing or updated/created rapidly (viz. LRUP in Telangana in three months), can serve as short-term measures to ensure inclusion of tenants and women in agriculture and rural development schemes? (2) What are key pre-requisites to rapidly and robustly develop such a database? (3) Is the inclusion of tenants in farmer databases sufficient to achieve inclusion in the short term or do tenants’ land use rights also need to be recorded to enable their access to agricultural benefits and services viz. collateralized loans? (4) Which institution (e.g., Panchayati Raj Institutions, Land Revenue Department, Agriculture Department) would be best placed to maintain such a database?


158 It was conducted at the same time by the Agriculture Department in coordination with the Revenue Department
Review of agricultural and rural development schemes reflects a conspicuous intent of the government to extend the safety net and welfare measures to the farmers, especially those who are marginalized and excluded viz. tenants, women, tribal and dalits. However, all of them seem to suffer from inclusion crisis, mostly due to lack of a transparent and adaptive system to ensure inclusion on ground. The eligibility criteria developed though demonstrate such inclusion intent, the indicators have not been effectively ensured inclusion in absence of availability of reliable database as well as a robust system of implementation and monitoring. Only the case of KALIA (Odisha) and Rythu Bharosa (Andhra Pradesh), inclusion of Tenants/sharecroppers have been reported, the former through use of data and localized peer review and later through a legal enactment (Crop Cultivators Rights Card -CCRC based on Andhra Pradesh Crop Cultivators Rights Act 2019). However, the method and extent of inclusion have been questioned by NGO/academic literature with field evidences and estimates, implying scope of improvements of either. Similarly, inclusion of women farmers in MKSP in NRLM based on SHG membership and database, without their recognition as farmers, without having their name in land record, remains unconvincing. This leads to a question on: Whether implementation of such schemes should accompany or precede (1) Legal reforms to recognize tenants as farmers (and their land use rights); (2) Investments to include tenants in databases used to transparently determine scheme eligibility; and (3) Investments in building institutional capacity for creating/updating/maintaining such databases, especially at local level.
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