



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



CAN THE REVENUE DEPARTMENT REMAIN URBAN AGNOSTIC IN INDIA?

Aparna Das¹, Anindita Mukherjee², Baisakhi Sarkar Dhar²

¹Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, New Delhi; ²Centre For Policy Research (CPR), New Delhi
aparna.das@giz.de

**Paper prepared for presentation at the
“2020 WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, March 16-20, 2020**

Copyright 2020 by author(s). All rights reserved. Readers may make verbatim copies of this document for non-commercial purposes by any means, provided that this copyright notice appears on all such copies.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Abstract

The spatial morphology of Indian cities mirrors a disconnect between the urban statutory spatial plans and Revenue records. The Revenue Department instituted during the colonial times had an overarching mandate to collect land taxes and, till today, is referred to as the "custodian of the land." This was a key institution that prepared robust cadastre maps to support the revenue collection. Post-independence, these spatial records are not updated. The institutional disconnect between the Revenue and Registration departments and Urban Land Administration Institutions in the urban and peri-urban areas coupled with poor land records affect the overall confidence in the land administration system. This further limit the nurturing of a robust land market. Taking two land titling programmes: JAGA mission, Odisha, and LIFE mission, Kerala, this paper argues that to achieve the full potential of such land titling programmes, the role of the Revenue and Registration Departments need to be reimagined.

Key Words:

Urban Land Titling, Revenue Department, Urban Poor, Tenure Security, Informal Economy.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Table of Contents

Abstract.....	1
Key Words:.....	1
1. Introduction.....	4
1.1 “To be or not to be” - The urban dilemma	4
1.2 State’s role in making equitable city	5
1.3 The political economy of the land titling programmes	6
1.4 Urban and Peri-Urban Land Administration Institutions	8
1.5 Structure of the paper	9
2. An overview of Land Administration in India	10
2.1 Evolution of Revenue Department in India.....	10
2.2 Types of revenue collection systems in colonial times	10
2.3 Decline of the cadastre /land records	11
2.4 District Administration in the times of 73rd and 74th CAA	12
2.5 Land records Modernization Initiatives	13
2.6 Interface between the Revenue Department and urban land.....	13
3. Challenges of Land Management in Urbanising India	15
3.1 Land as a fiscal tool or social good	15
3.2 Urban Land Administration Institutions	15
3.3 Land Title Vs. Land Tenure	16
3.4 Capacity and disconnect between Revenue and urban administration	17
4. Comparative Narrative of JAGA and LIFE mission	18
4.1 Leveraging on the Centrally Sponsored scheme PMAY	18
4.1.1 Implementation of PMAY in Odisha.....	19
4.1.2 Implementation of PMAY in Kerala.....	19
4.2 Brief about Kerala and Odisha.....	19



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



4.3	Comparative Analysis of Odisha and Kerala	20
4.3.1	Intent of implementation of the missions.....	20
4.3.2	Land Relations in Odisha and Kerala	21
4.3.3	The extent of the subsidy model	23
4.3.4	Governance model	25
5.	Conclusion and Possible policy directions.....	28
5.1	Land Rights are in tandem with other rights	29
5.2	De jure rights are not the panacea for the poor	30
5.3	Twining the Urban Planning Instruments and the Revenue Department processes	30
5.4	Using technology to disrupt the status quo	31
5.5	Way Forward.....	31
	References.....	32

LIST OF FIGURES

FIGURE 1: PROCESS MAP FO GETTING ROR	7
FIGURE 2: PROCESS OF SUBSIDY DISBURSAL UNDER LIFE - 3RD PHASE	24

LIST OF TABLES

TABLE 1: COMPARISON MATRIX JAGA AND LIFE	27
--	----



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



1. Introduction

Historically, all over the world, ownership of land has been the key in defining an individual's class, influence in society, and their political representation. The spatial morphologies of Indian cities - be it the metropolises or the smaller cities - pronounces skewed power relations that exist between the governance structures and the governed. Since the liberalisation of the Indian economy in the 1990s, economic growth has been accompanied by a sharp rise in inequality - the top one percent of India holds 52 percent of national wealth, whereas the bottom 60 percent holds 4.8 percent of the wealth (Himanshu, 2018). The land and property ownership data to exhibit such skewness. It is estimated that 60 percent of the country's population has right over only 5 percent of the country's land, whereas 10 percent of the population has control over 55 percent of the land (MOSPI, 2013). According to the India Rural Development Report of 1992, nearly half of the country's rural population was absolutely or near landless. Landlessness has been steadily rising among the Schedule Castes and Scheduled Tribes. India has the largest number of rural poor as well as landless households in the world. Landlessness is a strong indicator of rural poverty in the country (DoLR, 2013). In 2011, for the first time, India witnessed a shift in its demographic trajectory - the net increment to the urban population exceeded the net increment to the rural population. Urbanization has emerged as a pivot for the country's economy, contributing almost 60 percent of the Gross Domestic Product (GDP). India recognises that managing the process of urbanization is a necessary condition for its structural transformation; however, the transition to the urban world remains a challenge.

1.1 "To be or not to be" - The urban dilemma.

India is the second-largest urban system in the world, consisting of 7933 cities and towns accommodating 380 million people (Census, 2011); only half of these urban areas are statutory, implying the urban administrations govern these. The other half, though functionally urban, continues to be governed under the rural administration.

There are multiple reasons for this denial, such as taxation, failure to benefit from the rural welfare subsidies weak political representation, and so on. This adverse position against urban areas has a negative impact on land use planning. Unlike urban areas, rural areas are not required to make any statutory spatial plans. Only half of the statutory towns have Master Plans (1483 notified plus 549 under preparation) (Ghose,



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Chatterjee, & Shaw, 2018). In the absence of any spatial steering, these urban areas succumb to environmental degradation and are vulnerable to rent-seeking behaviour.

The economic growth of the country, in the last two decades, is well mirrored on the spatial reconfiguration of the urban and peri-urban areas. The urban periphery is dotted with real estate projects with the hope that basic infrastructure will reach there someday. The coexistence of slums and the gated middle-class colonies and mixed land uses narrates a very different way of life than the aspirations proposed by the statutory spatial plans. Rapid urban population and economic growth spurred by liberalising reforms, and a set of complex challenges has accompanied an influx of domestic and international capital. These are demands for improved infrastructure, better governance, and a growing need for land and real estate development (Chandrashekar, 2010) (Chaudhary, 2007) (Menon, 2007).

1.2 State's role in making the equitable city

Land in rural areas is distinctly different than in urban and peri-urban areas. In urban and peri-urban areas, the land provides select economic opportunities. In recent times, cities in India are exploring possibilities of using land-based fiscal tools to finance urban infrastructure. The state and city governments compete against each other to make their region or city the most attractive to businesses (Xu & Yeh, 2005), using land as a key resource to facilitate economic development. Various states have adopted legislative changes through their spatial planning instruments to include such measures.

There are two basic objectives in adapting such measures: one is to capture the land value in cities, and the second is to redistribute these benefits for the common benefit of the city dwellers (Gandhi & Phatak, 2016). The second measure is often more difficult and contentious. Urban planning instruments are formulated to suit the interests of the few, even if that implies disregard for the existing democratic governance models. It is critical to acknowledge that the state is not a monolithic entity. There are frequent conflicts between various regulating bodies (at the city and state level) regarding land use and development, especially when administrative jurisdictions are unclear as in the case of land on the urban periphery.

In the urban areas, the claim over the land may be through ownership rights, tenancy rights, occupancy rights (lease arrangements, rights given under public schemes to residents of informal settlements), development rights (Transferable Development Rights, other usufruct rights), etc. The economic value and GDP, produced in urban areas, are pivoted on these property relationships. The urban informal economy



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



contributes from 40 percent to 60 percent of urban GDP, and around 47.5 percent of all employees in urban areas are employed in the informal economy (ILO, 2018). Almost 30 -40 percent of any city lives in slums or slums like conditions. This section of the society may not be able to claim the city's land even when this has been reserved for them institutionally. Taking Ahmedabad as a case study, Mahadevia (2009) demonstrates that formal planning tools such as the Town Planning Scheme provided land for the poor, which remains locked and used ineffectively due to various administrative and legal barriers. There are designated lands for the poor in the city, but they are not utilised effectively. Such practices reflect inefficient land management and lack of coordination on the part of various planning authorities at the state and the ULB level.

Urban property values are also significantly higher than rural values. However, land records, as the name suggests, do not record transactions in the built-up property market. This often does not capture public allotment of land and property while captures inter-governmental issues inadequately. Lack of updated and comprehensive urban property records creates incentives for fraudulent transactions, thereby increasing property disputes. (IIHS, 2017). India, as yet, does not have a well-developed land and real estate market. Mortgage to GDP ratio for India is as low as 10 percent, which for countries like China are significantly higher at 18 percent, Thailand at 20 percent. For developed countries like Germany, it is as high as 40 percent (PNB Housing Finance Ltd, 2017). The potential to use the land as a financial tool is still untapped. Sanjoy Chakraborty (2013) argues that India has the most expensive land value because of its misgovernance and administrative complexities. To be globally competitive, these ambiguities in the land administration systems need to be addressed.

1.3 The political economy of the land titling programmes

Issues pertaining to urban planning are more of a political economy question. As per the 2011 census, 65.5 million people in India lived in slums. This is about 17 percent of the urban population, 6 percent of the total population, and is equal to the entire population of France in 2019. With unclear or no land titles, their ability to access institutional finances, and basic services are compromised, thereby trapping the slum dwellers in intergenerational cycles of poverty.

The urban poor relies on clientelism and political patronization to overcome the circuitous administrative processes to make their claim on the city's land. Unlike the popular perception that the poor in the cities are



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



encroachers, evidence from two cities of Puri and Berhampur in Odisha demonstrate that a large proportion of the poor is owners of their land (Das & Mukherjee, 2018). They might have legal papers, but may not be the "right" legal papers. To claim ownership over land, the urban dwellers have to engage with the Revenue and Registration Department, which is part of the District Administration. The Revenue and Registration Department is most often delinked from the municipal administration. Being an elected entity, municipal administration is closer to its citizens in terms of governance. To a poor urban dweller, the District Administration appears distant and intimidating.

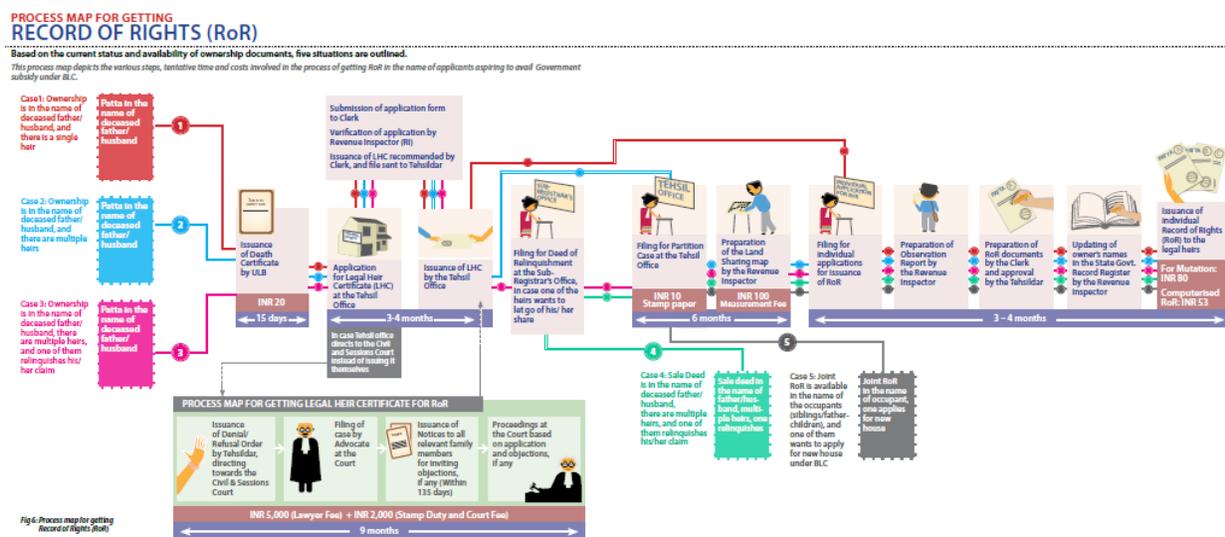


Figure 1: Process Map for getting RoR

Source: (Das, Mukherjee, & Mazumder, 2017)

The experience from Puri and Berhampur indicates that many of them have not undertaken the Mutation - an administrative process by which the name of the person gets noted in the Record of Rights (RoR) maintained by the Revenue Department. This notification also enables the government to charge the property tax to the rightful owner, which prevented many from undertaking this process. There are instances where they did not feel any need for it as the land for them never offered any transactional value. Second, getting the mutation done is expensive, time-consuming, and cumbersome. This lack of update makes the land records of little use and also deprives the poor to take advantage of the public welfare schemes. A typical process of updating once RoR in Odisha would look as in Fig 1 which, on a case by case basis, might end up costing up to INR 10,000 (USD 140) and one and a half years.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Land titling programmes have been promoted for many years in rural years. Since the early 1990s, they have been undertaken in urban and peri-urban areas. World Bank was an early supporter of urban land titling programmes. In 2000, De Soto made a compelling emotional appeal to unlock the dead capital that the poor people in the developing countries are sitting on by giving all of them de jure land titles. (De Soto, 2000). The advocacy by the Global Land Tenure Network (GLTN) encouraged countries to go for tenure legalisation to unlock the potential of slum settlements. There are now considerable global experiences in implementing urban land reform programmes.

1.4 Urban and Peri-Urban Land Administration Institutions

The Revenue Department is the primary institution dealing with land records; there are multiple institutions within urban and peri-urban areas, which regulate land and control its usage. These include, among others Town and Country Planning and Development Authorities responsible for assigning land uses (including change of land use), development controls, granting development permissions, licenses; Municipal Authorities/Urban Local Bodies responsible for maintaining property register and collecting taxes, granting development permissions, licenses; Industrial Development/Housing/Slum Authorities responsible for acquiring, own, develop and allot land for specific purposes of industrial development, slum improvement, etc.; Special Authorities: Control over land for specific purposes such as infrastructure provision (IHS, 2017).

While the Revenue Department is responsible for maintaining the Cadastre for both the urban and rural areas, Urban land Administration agencies are responsible for the preparation of Master Plan, Comprehensive Development Plan, Development Plan, and Local area plans. Revenue records do not reflect urban land uses, or permissions such as Change of Land Use (CLU) /layout permission. This is also not mandated under the legislation. There is no provision in urban RoRs to record tenancies. A vast spectrum of tenurial rights with respect to slums squatters' encroachments irregular settlements are not recorded in the land records.

The departments in charge of planning and managing the urban utilities do not always work with the land record-keeping department, which results in a gap between planning and reality. The newly emerging Urban Land Administration Institutions takes the lead in shaping the cities, whereas the Revenue and Registration



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Departments continued to focus on the rural areas. They continued as a "custodian of the land" and often were in contradiction with these new emerging institutions.

It is not surprising that what is marked as a water body in the Revenue Records on the ground is a dense housing settlement. The process of updating the revenue land records is very slow, and it does not keep pace with the ground reality, especially in the urban areas.

Land and urban planning are a State subject. The statutory spatial planning processes in urban and peri-urban are administered by the Urban Land Administration Institutions (IIHS, 2017). The Town and Country Planning Act guide these institutions. Unfortunately, these most often lack the agility to respond to the dynamic ground-level economic situations. Compared to Revenue departments, ULAI's are not empowered adequately. ULAI's are responsible for putting use to the land, whereas the Revenue Departments, in a way, is the owner of the land. For the last decade, there has been a focus on digitalization of the land records; however, this is more in rural areas. Revenue departments, in general, ignore the urban and peri-urban areas and let it grow informally with periodic subsidies that are conferred on them from various political parties.

Given the scale, pace, and nature of the urbanization process, India's urban agenda will be one of the defining projects of the 21st century. India needs to undertake bold key reforms to make its institutions and planning paradigms effective. Thereby having its cities as growth engines as well as remains inclusive in its growth trajectory. To achieve the global commitments made under the Sustainable Development Goals, especially SDG 11, India being the second largest urban system, needs to show the way.

1.5 Structure of the paper

This paper is structured into five sections. The first section included an introduction to the context, maps the political economy of the land titling programmes and presents the constellation of the various institutions that are engaged in land administration and land management activities. The second section traces the evolution of the Revenue Department, which is the part of the Ministry of Rural Development and the urban land administration institutions that are engaged in preparing and updating the spatial maps of the urban and peri-urban areas. This section is followed by challenges in land management in urbanising India. In the fourth section, a comparative analysis of two recent urban land titling programmes, one in Odisha titled JAGA Mission and the other in Kerala titled LIFE Mission against common indicators. In this



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



comparative analysis, the role of land management and land administration are highlighted. In the concluding section, a set of recommendations and a way ahead is proposed.

2. An overview of Land Administration in India

2.1 Evolution of Revenue Department in India

The legacy of the District Administration in India can be traced back to the colonial times around 1772. The district was the unit for governance, and the head of the District was the 'monarch' of that territory. To an extent, a similar structure is continued till today. The tradition of creating exhaustive land cadastres was started during the Mughal Period, and the British administration further strengthened this. The sole motivation for creating these land cadastres was to collect revenues from land - the main contributor to the treasury. To facilitate the collection of the revenue from land, the existing land relations were disrupted by introducing intermediaries. The intermediaries were legitimized by the rulers to collect the revenue from the land - who otherwise had nothing to do with the cultivation of land. A new rung of officials emerged, such as *Tahsildar*, *Naib Tahsildar*, *Patwaris*, *Kanungos*, each having specific roles such as maintaining and updating land records, retrieving land taxes, etc. This system continues more so for rural areas. In the urban areas, the association with the land, per se, gets diluted, and rights over property take precedence (MoPPGP, 2009).

2.2 Types of revenue collection systems in the colonial times

During colonial times, three major systems of land revenue collection existed in India. These were – *Zamindari*, *Ryotwari*, and *Mahalwari*. The *Zamindari* system, also known as the permanent settlement system, was introduced in 1793. The *Zamindars* or the feudal lords paid fixed revenue to the East India Company and were declared proprietors of land. This system was prominent around the States of Bihar and Bengal. *Ryotwari* system was introduced in the Madras province in 1802, and after that, it was introduced in Bombay in 1817-18. *Ryot*, meaning the cultivators, were recognized as proprietors of their land and had the right to sublet mortgage, and transfer the lands by gift or sale. *Ryots* were having secured land tenure as long as they made payments to the Collector - the head of the district. This system of *Ryotwari* prevailed over most of South India, including present-day Maharashtra, Karnataka, Tamil Nadu, Kerala, Andhra Pradesh and most of Madhya Pradesh and Assam. The princely states of Jodhpur and Jaipur in Rajasthan



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



also followed the Ryotwari system. There were also pockets within Ryotwari areas, where Zamindari existed and was administered by local rajas or nawabs. Ryotwari systems accounted for around 38 percent of the total cultivated area in India. The Mahalwari system was introduced between 1820 and 1840 and remained less extensive compared to Ryotwari. It was applicable in Punjab, State of Haryana, parts of Madhya Pradesh, and Orissa. The village communities held the village land jointly under this system, and the members of the community were jointly responsible for the payment of land revenue. There was a fixed land revenue for the whole village and the village headman (Babu & Nautiyal, 2013).

The current social relations in different provinces in India can be attributed to the land relations it has inherited. The southern region, including states like Karnataka, Tamil Nadu, Andhra Pradesh that inherited the Ryotwari system has a more equitable society in comparison to regions that were under the feudal system. Post-independence, the luster of the revenue department diminished as land ceased to be the source of revenue. The political parties in the new nation-state tried to mend the land relations that were disrupted under British rule. Bhoodan Movements (land redistribution) led by Acharya Binoba Bhave in the 50s, followed by the abolition of the Zamindari system, were in favour of creating spatially just society. However, these efforts were too little considering the scale of a country like India.

2.3 The decline of the cadastre /land records

The decline of the Revenue Department reduced the emphasis on creating and maintenance of the land records. The settlement surveys got stalled, and the maps were not updated any further. For example, in Kerala, the original survey of the State was conducted during the period 1883-1928, separately for the Travancore, Cochin, and Malabar areas during different periods. The resurvey exercise, as per the survey rules, needs to be done every 30 years in Kerala. This exercise has been ongoing for several years since 1965, but it is still not completed for various reasons. The department is now undertaking the survey using updated technologies (Directorate of Survey and Land Records, n.d.). In Odisha, in 1905, attempts were made for systematic land revenue settlements with detailed traverse and cadastral surveys. In this state, too, their survey exercise needs to be conducted every 30 years (Rout, 1993). The Odisha Special Survey and Settlement Act, 2012, provided for undertaking survey and settlement operations in the state by adopting modern technology inclusive of base mapping, demarcation of ground realities.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



In both Kerala and Odisha, the resurvey is ongoing under the Digital India Land Records Modernization Programme (DILRMP).

2.4 District Administration in the times of 73rd and 74th CAA

The towering edifices of district offices, circuit houses, camp offices of the Collector built during colonial times conveys the powers it had once commanded at that time. District 'Collector', as the name suggests, was in complete control of collecting the revenues. Even after the 73rd and 74th Constitutional Amendments that attempted to decentralise the power to the local bodies (urban and rural both), the decentralisation of powers has happened only in a limited manner. The District Collector, usually from the Indian Administrative Services (IAS), remains a powerful entity commanding a lot of respect and decision-making powers.

As per the 74th Constitutional Amendment Act, the Urban Local Bodies are expected to prepare 'plans for economic development and social justice.' However, they are institutions as it is said locally having 'keys to empty cupboards'. The intent of the 74th Constitutional Amendment Act can only be realized through the implementation of certain governance, institutional, financial, and administrative reforms. Local governments have to be enabled to respond to challenges faced by the urban sector. As of now, barring from few states and big metropolises, these institutions remain under the shadow of the district administrations.

In Odisha, like many other states, except for Kerala and West Bengal, political decentralisation has not been backed by enough financial devolution. Thus, the Urban Local Bodies in the state depends upon the State government's political and bureaucratic lobbies to access funds. Only in three states, i.e., in Kerala, Madhya Pradesh, and West Bengal District Planning Committees (DPC), have been set up through separate legislation. As yet, no State government has notified the Metropolitan Planning Committee (MPC). Kerala is in the process of drafting legislation in this regard. Institutions like DPCs and MPCs are expected to function as a bridge between rural and urban administration.

No State has been able to take a specific action on the situation of Development Authorities except in Kerala, where the processes are underway. Kerala has also attempted to bring various line agencies under the Urban and Rural Local Bodies. Apart from these, the experience of working with the Governments of Kerala and Odisha underscored the significant capacity constraint faced by the latter when it comes to



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



managing urbanisation. Unavailability of skilled human resource, vacant positions, over-dependence on private consultants contributes to significant structural bottlenecks that Odisha face on a day on day basis. The capacities of the political representatives also acted as a significant deterrent to forward-looking comprehensive policymaking.

2.5 Land records Modernization Initiatives

The government has taken initiatives to digitize the land records for rural areas, but the case of urban land is still not addressed. The Revenue Department is in charge of the urban land, but the department maintains records of land outside the city survey boundaries. The responsibility of maintaining land records within the city survey boundaries lies with the city survey superintendent. This is complicated because these survey boundaries are not necessarily coterminous with the boundaries of the Urban Local Bodies. The presence of various planning boundaries complicates the situation further and results in a multiplicity of agencies, protocols, and formats for building and maintaining maps across any urban area. There is a mismatch in the spatial records of the textual records. The discrepancy between spatial and textual records also exists because transfer and partition of land, either through inheritance or sale are not captured through surveys. For example, when a property owner dies, records may not be updated when land is transferred to the heir (Mishra & Suhag, 2017). The need to update land-related papers is often not felt at the urban poor household level, as this entails a high opportunity cost in terms of their productive time. Moreover, the time and cost involved vary significantly based on the complexity of the issue, which is often unaffordable for this segment.

2.6 The interface between the Revenue Department and urban land

The states in India have powers to legislate on various matters relating to land revenue, including the revenue assessment and collection, the maintenance of land records, survey for revenue purposes, records of rights, and registered rental agreements, among others. This indicates that the states are the primary actors in the process, and the Revenue Department has been designated as the primary custodian of land within the states. At the same time, with increasing urbanisation, land development-related information rests within multiple silos, such as development authorities, town planning bodies, municipalities, and designated state parastatals.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



The land record consists of three types of data records, such as textual, spatial, and transaction detail and three different state departments are responsible for maintaining these records. The Stamps and Registration Department is responsible for registering sale deeds and collecting stamp duty. The Revenue Department maintains the RoR/mutation register and tax registers for collecting land revenue. The Survey and Settlement Department is responsible for maintaining spatial data through maps and surveys. These departments are under the Ministry of Rural Development.

It is significant to note that these departments are not mutually exclusive of one another in terms of their functioning, as there is a requirement for institutional coordination between them. In certain states (e.g., Gujarat and Karnataka), either two or all three functions are merged at the state-level for coordinated decision-making, followed by separate officials for each function. Some other states have merged the departments completely, such that multiple functions are vested in the same official up to the field-level. For example, in Haryana and Himachal Pradesh, the sub-registrar (registration function) is also the Tahsildar (revenue and record function). Such mergers promote efficiency and reduce difficulties that arise out of inter-institutional coordination (inconsistent data sets, poor sharing of information, incoherent policies/ processes). It also reduces the scope for fraudulent transactions as the inspection and registration functions are vested with the same official.

In the rural context, the Revenue Department is the primary institution dealing with land records, whereas there are multiple institutions within urban and peri-urban areas, which regulate land and control its usage, like the Town and Country Planning Organisation, development authorities, Urban Local Bodies, Housing/ Slum authorities, and other line departments. While the Town and Country Planning Organisation and the development authorities are responsible for preparing Master Plans and assigning land uses, development controls, granting development permissions, licenses, the Urban Local Bodies are responsible for maintaining property register and collecting taxes. The Housing and the Slum authorities also acquire, own, develop, and allot land. There are other line departments as well who have control over land for specific purposes such as infrastructure provisions, export promotions, real estate development (IIHS, 2017).

To implement any land-related programmes, these institutions need to coordinate among themselves. At this point, the Revenue Department is obsessively engaged with the ownership concerns, whereas the development authorities are restricting themselves to the uses that it assigns to the land. These two functions are not synchronized, causing much confusion for the end-users.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



3. Challenges of Land Management in Urbanising India

3.1 Land as a fiscal tool or social good

India is moving towards an urban future. Land in urban and peri-urban areas are becoming critical in shaping the policy debate. With the announcement of any subsidised housing or land titling programme for the poor, the typical discussion that goes around is if the poor can hold on to the land that they have been offered. Do the poor care about the land title? Can they mortgage the tile to access institutional credits? The state is criticised for spending public tax money to offer all the subsidies to the poor. The poor is conceptualized as a burden that lives on to the state's welfare fund. The very idea of giving anything free to the poor is then contested. In implementing the JAGA Mission, the state takes a welfare position and justifies the subsidy that it offers. In Kerala, a market approach is adopted to reach the beneficiary. The question that remains unanswered is why the city planning exercises exclusionary? What could be the reasons for dealing with the poor in isolation and not consider them as part of the macro spatial planning processes? Is there a barrier to capture information about people who are employed informally?

The urban planning processes are confronted with the archaic land legislations. The bulk of the current regulations that govern the sale, transfer, use, development, and management of land in India date back to colonial rule and have only been slightly modified since independence (Morris & Pandey, 2007). In addition, as the Indian national government continues to liberalise the real estate sector, outdated and difficult to understand land regulations create significant barriers to entry, especially for international investors. To make sense of the land titling programmes, evaluation and overhaul of land regulations in India are needed.

3.2 Urban Land Administration Institutions

In some states, the land pockets are delineated or recorded by the revenue department as a settlement area, with no details of individual ownership or possession. In contrast, the detailed ownership data are available with the urban administration. In the case of Himachal Pradesh, it is seen that this has created difficulty while land record modernisation as the flat numbers were not matching the original khasra numbers. The urban RoR also does not have the provision for recording tenurial rights for slums, squatters, or encroachment. Moreover, the revenue records do not reflect urban land uses or permissions such as Change



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



in Land Use permission. This difference in combinations of institutions in urban/peri-urban areas leads to different cadastre situations and records formats. It increases the probability of mismatches due to inaccuracies and scale differences. These mismatches become significant when land is acquired for development purposes. The link between land records and processes of acquisition, notification, denotification is incomplete and not updated in real-time. Inter-institutional land transfers are not updated in land records, especially in intermediate stages. In the absence of the up to date urban land records, suitable compensation may not be paid.

The disconnect between revenue jurisdiction/land records systems and other urban institutional jurisdictions, such as planning areas and municipal areas, results in legal implications. There are an estimated 24 million cases (DoLR, 2011) pertaining to land disputes pending before courts in India. Litigation around land is multi-dimensional and in multiple courts, ranging from disputes regarding boundaries, inadequate permissions, unauthorised constructions, change of land use permissions, contractual obligations, fraudulent registrations, incomplete mutations, non-updated spatial information, tenorial questions, partition matters, common areas questions, customary rights claims, land acquisition claims, notification and denotification questions and so on (IIHS, 2017).

3.3 Land Title Vs. Land Tenure

India largely uses a deeds-based land registration system, where deeds are registered as proof of a transaction, unlike some other parts of the world that use a title-based system. The title is not conferred directly but is presumptive, derived from the registered deeds and documents. Recording of a deed does not serve as proof that the parties have a legal right to enter into a particular transaction. In land and property transactions, a deeds-based system indexes the names of the involved parties, rather than the parcel of land, and cadastral maps are generally not used. In addition, records for revenue and registration systems exist in parallel in India. A land transaction registered under the Registration Act, 1908, is technically supposed to be updated within the revenue Record of Rights (RoR), which does not necessarily happen. To add to the complication, certain transactions that may be entered in the RoR do not require registration under the Registration Act, 1908. This has also led to a divergence between the two records systems.

The poor management of land records affects the overall confidence in the land administration system and serves to restrain future property transactions and encourages the informal land market. The informal



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



market, though illegal, has become a part of the social construct in India. It becomes unmanageable and cumbersome to access land records when data is spread across departments and is not up to date. To find any claims of ownership on a piece of property, one has to go back through several years of documentation, including manual records, if available. This poor administration of land caused by the lengthy approval procedure deters private sector actors from participating in the formal market. Instead, resort to ill methods of land acquisition and development, especially on the urban periphery.

3.4 Capacity and disconnect between Revenue and urban administration

The Revenue Department is the oldest arm of governments, existing from time immemorial in the country. The process of revenue administration was started by Sher Shah Suri (1540-45). From very early times, land administration and revenue administration centered on the collection of taxes/land revenue, which was the main source of revenue for rulers. The British Revenue Department was pivotal in administration. Whereas the Urban administration, like Urban local bodies, development authorities, and planning bodies are very new as compared to the Revenue Department.

In India, Development Authorities have come into existence, out of the need to tackle growing housing problems and poor infrastructure. It was envisaged that the development authorities would help to plan, implement & co-ordinate development activities in a structured way. After the constitution of urban development authorities, the actual implementation of urban projects and master plans has started. The first to come up was the Delhi Development Authority (DDA) in 1957, for the Delhi metropolitan area. Similarly, the Haryana Urban Development Authority – HUDA in 1977 and the Maharashtra Housing and Area Development Authority (MHADA) in 1976 was established to accelerate the process of planned development.

The Estimates Committee of the Fifth Lok Sabha, in its 37th report, had suggested the establishment of the urban development authorities to plan, control, and coordinate development programmes for cities and major towns having rapid growth. The planning commission had also indicated the desirability of structural innovation in the urban government during the fifth plan. The Committee on State Agrarian Relations (2009) had observed that for updating land records and strengthening land management, there is a need to build capacity among officials at all levels. It recommended that with the introduction of new technology such as GIS, GPS, and the use of satellite imagery to update land records, manpower responsible for upgradation, registration, and maintenance of land records should be adequately trained and skilled.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



This training of the revenue officials shall include understanding revenue records, surveying, creation of the record of rights, and their maintenance. The training exercise should also include the development of skills such as computer operation, maintaining records, and data management. The urban planners are not part of this knowledge domain. The knowledge domain of the revenue officials and the urban planner ideally should overlap, which is not the case at present.

4. Comparative Narrative of JAGA and LIFE mission

Since 2014, much learning has been gathered while implementing the centrally sponsored mission mode program titled Prime Minister's Awas Yojna (PMAY)-Housing for All (Urban). Many States demonstrated innovations in leveraging the subsidies provided by the Central scheme in accordance with their ground realities. For this study, we select two states - Odisha and Kerala to explore how they have responded to this Centrally sponsored housing scheme. Both states are facilitating land ownership to the individual beneficiaries adopting two diverse approaches. In this section, commonalities and differences between these two approaches are explored.

4.1 Leveraging on the Centrally Sponsored scheme PMAY

With an aim to provide housing for all, the Pradhan Mantri Awas Yojana (PMAY) has been launched by the Government of India (GoI) that offers four verticals to address housing deprivation of urban poor amongst others: (i) In-situ slum redevelopment using land as a resource; (ii) Affordable Housing through Credit Linked Subsidy (CLSS); Affordable housing in partnership; and (iv) Beneficiary-led individual house construction/enhancement (BLC).

Out of the four verticals, two verticals (BLC and CLSS) are demand-led; that is, they offer subsidies (either as a direct subsidy or in the form of an interest subsidy on a housing loan) to poor households to improve/upgrade their dwellings whereas the remaining two are supply-driven. Out of all the four verticals, Beneficiary Led Construction emerged as the most successful with many States opting for this vertical. Under this scheme, financial support is extended to the recipients belonging to the Economically Weaker Section (EWS) beneficiary without an 'all-weather dweller unit' anywhere in India. The Central government offers a subsidy of INR 1,50,000 lakh (2100 USD) with a supplementary subsidy provided by the State government and city government, as the case may be.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Usually, the subsidies offered by the Central and State government are not enough to complete the construction of the dwelling unit, and in such cases, the beneficiary is expected to organise for the gap funding. To avail of this subsidy, the beneficiary must have ownership over a piece of land. Initially, the implementing agencies insisted on *de jure* rights over the land, which limited the state's ability to use the funding under PMAY; later on, this condition was relaxed.

4.1.1 Implementation of PMAY in Odisha

Since 2015, the Housing and Urban Development Department (HUDD), Government of Odisha, has been implementing the AWAAS (literally meaning housing) - the Odisha Urban Housing Mission scheme in tandem with the PMAY. The scheme has been implemented in nine phases based on projects submitted and sanctioned by the Central Government. In addition to the Central subsidy, the state level contributes a sum of INR 50,000 (700 USD), and the remaining fund for completion of the dwelling unit measuring 30-meter square is required to be mobilized by the beneficiary.

4.1.2 Implementation of PMAY in Kerala

Kerala implemented the 'Housing for All Mission,' within this, it incorporated a component titled "Livelihood, Inclusion, and Financial Empowerment" (LIFE), focusing specifically on households who are homeless or landless. Such urban poor are financially supported to procure a piece of land in an around the city, which forms the basis of accessing the housing subsidy. Under the BLC, the central grant remains constant at INR 1,50,000 (2100 USD), with the state share being INR 50,000 (700 USD), and the urban local bodies contribute an amount of INR 2,00,000 (2800 USD) towards the housing with no beneficiary share mandated.

4.2 Brief about Kerala and Odisha

Kerala is the southwestern state of India, having a population of 33.3 million (Census, 2011), out of which 47.70 percent of people live in urban regions. Kerala ranks first among the major Indian States in the Human Development Index (HDI) (UNDP, 2019). The slum population in the state is less than one percent of the total slum population of the country. Odisha, on the other hand, has a population of 42 million (Census, 2011), out of which only 16.69 percent are living in urban areas. Odisha ranks 22nd among the Indian states (UNDP, 2019), and the slum population accounts for 2.4 percent of the total slum population of the country.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



When compared across the literacy parameter, Kerala is found to be the second leading state with a 95.1 percent literacy rate, whereas Odisha has a literacy rate of 85.70 percent. In Kerala, only 5 percent of the population is living the official. Below the Poverty Line, in Odisha, the percentage is higher at 17.3 percent.

Interestingly, even when the literacy and demography of the two states are quite different, the unemployment rate of the urban population in Kerala is higher at 7.8 percent to Odisha at 3.7 percent. The labour force participation rate of the urban population in Kerala is 38.6%, whereas, in Odisha, it is 39.5% considering both principal and subsidiary status. The GSDP for Kerala is INR 6,21,700 (approx. 8700 USD), which is almost double that of the GSDP of Odisha, which stands at INR 3,77,202 (approx. 5273 USD), as per data of 2016-17 (MoHUA, 2019).

4.3 Comparative Analysis of Odisha and Kerala

Comparison between the two programmes, i.e., JAGA mission and LIFE Mission, are made against four common indicators: The intent of implementation of the mission, land relations, and its linkages with the urban planning paradigm in the state; the extent of the subsidy model and the Governance model.

4.3.1 The intent of implementation of the missions

The state assembly of Odisha approved the enactment of two Acts, on August 30, 2017. The Odisha Land Rights to Slum Dwellers Act, 2017, assured land rights to the urban poor households in municipalities and Notified Area Councils (NACs). The property rights are aimed to be granted to the slum dwellers in five municipal corporations under the Odisha Municipal Corporation (Amendment) Act, 2017. As per this legislation, the slum dwellers across the state are now entitled to heritable and mortgageable land rights for up to 30 square meters for residential use. This initiative acknowledges the rights of the informal settlements and the need to confer land titles upon the slum households and to leverage on the housing subsidy,

LIFE Mission (LIFE – Livelihood Inclusion Financial Empowerment) in Kerala aims to provide employment for all homeless people for livelihood and to increase the social capital. Unlike the JAGA Mission, the LIFE mission targets the subsidy towards landless or homeless people and not necessarily exclusively on the slum dwellers. This may be because the slum population in Kerala is considerably low. It is important to note that while the JAGA Mission in Odisha is for the urban poor, the LIFE Mission in Kerala is for the landless and homeless throughout the state, irrespective of rural or urban.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



4.3.2 Land Relations in Odisha and Kerala

The origins of the land management regime in Odisha can be traced back to the Bengal Land Revenue Regulation of 1793 during colonial times. At the District level, the District Magistrate/ Collector is the Chief Officer-in-charge of the Revenue Administration. The district is further divided into subdivisions; such offices are headed by the Sub-Collectors/Sub-Divisional Magistrate. Each subdivision is further divided into Tehsils headed by Tehsildars. There are 317 Tehsils in Odisha, which are responsible for managing revenue functions. The three key functions of the Revenue Department are the Creation and maintenance of land records/cadastral; Management of land tenure, and Registration of land and property transactions (having direct implications on the implementation of housing programmes in the State).

Since Odisha was formed with the amalgamation of parts of the Madras Presidency, Central Provinces, Bengal Presidency, and the other Princely States, it inherited a diverse range of land tenure and Revenue Administration systems. After independence, the State Government formulated several legislations to establish a comprehensive legal framework for land reforms in Odisha. These land reforms are mostly for rural areas.

Key legislations in Odisha includes:

- The Orissa Estates Abolition Act, 1951
- It abolished the interest in land of intermediaries and vested the land with the State Government
- The Orissa Survey and Settlement Act, 1958
- The Orissa Land Reforms Act, 1960
- The Orissa Prevention of Land Encroachment Act, 1972
- The ST and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006

As per the Orissa Survey and Settlement Act of 1958, the GoO is the absolute owner of all land in the state. A person enjoying the right to use a parcel of land is referred to as the 'Prajā' or 'occupant.' Occupants are the owners of the concerned parcel of land. However, their rights to the land are not unlimited (Das & Mukherjee, 2018).

The state of Kerala was formed in 1956 by integrating the district of Malabar belonging to Madras State with Travancore - Cochin. Kerala, in addition to West Bengal, was a pioneer in implementing land reforms. With effect from January 1, 1970 (As per the Land Reforms (Amendment) Act, 1969), landlordism in Kerala has been legally abolished. All the rights of Brahmins and Nairs (higher castes) on land were to be



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



vested with the Govt, and the tenants were declared as the virtual owners of the land. The landless households were the main beneficiary of this land reform intervention in Kerala. Nearly three lakh landless households became owners of a tiny plot of land, ten cents (approx. 405-meter square) each in rural areas, and three cents (120-meter square) each in the urban area. It mainly consisted of three sets of provisions. The first was to confer the ownership rights on the cultivating tenants of the land leased in by them. The act brought within its ambit all kinds of tenancies, including crop share tenure. It was envisaged to abolish landlordism, tenancy, and intermediary rights in land. Second, the act provided for granting ownership rights to tenants, mainly agricultural labourers, over their homesteads. The third scheme was to take possession of surplus lands and redistribute these among landless labourers and peasants. The first two schemes were implemented, but the last remains largely unrealised. The reforms were limited to rural areas only. The district administration did not put much focus on urban land as such.

The state of Kerala consists of 14 districts, 21 revenue divisions, 63 Taluks (as in Tehsil in Odisha) and 1453 villages. Each district is headed by a District Collector who is assisted by Deputy Collectors. Each revenue division is headed by a Revenue Divisional Officer and assisted by a Senior Superintendent. Each Taluk is headed by a Tahsildar who is assisted by Additional Tahsildar/Deputy Tahsildars. Each village is headed by a Village Officer who is assisted by Special Village Officer/Village Assistants (Revenue Department, n.d.).

The land reform in Kerala is guided by the following key legislation:

- Malabar Tenancy Act of 1930
- Malabar tenancy (Amendment) Act of 1954
- Agrarian Relations Act of 1960
- Land Reforms Amendment act of 1969

Currently, as part of improving land management activities in the State of Kerala, the Department of Revenue & Disaster Management has constituted the Institute of Land and Disaster Management. The Institute of Land and Disaster Management is an autonomous body under the Revenue Department, Government of Kerala. The Institute has been undertaking various activities, including capacity building of the revenue and survey staff in land management and capacity building of stakeholders from various departments, NGOs, and communities in disaster management. The Institute functions under the overall control of the Governing body under the chairpersonship of the Hon'ble Minister (Revenue) and the



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Executive Committee under the chairpersonship of the Commissioner of Land Revenue, Government of Kerala (Revenue Department, n.d.).

4.3.3 The extent of the subsidy model

The implementation of the Odisha Land Rights to Slum Dwellers Act, 2017, began with the pilot in two districts – Ganjam and Puri. Statistics by the Government of Odisha highlight that under this mission, 30 districts have been surveyed so far, with 1886 covered slums and 51,041 Land Rights Certificates (LRCs) approved. As per a report on the Land Rights to Slum Dwellers on Odisha (Pichel, Dash, Mathivathanan, & Srivastava, 2019), the full-scale implementation is on-going, covering 109 municipalities and NACs across the state.

According to the law, up to 30 square meters of land will be allotted at no cost to slum dwellers from the Economically Weaker Section (EWS) based on tenability. In Odisha, any household with an annual household income of up to INR. 1,80,000 (approx. 2500 USD) is identified as EWS. The settlement is made for land occupation by the slum household with up to a maximum limit of 60 sqm in NACs and 45 sqm in municipalities. If the slum is on untenable lands, the entire community will be moved to a new location, still within the core municipal area – with each household receiving a land allocation of 30 sq. m. In the in-situ settlements, the value of the land occupied more than 30 sq. m is settled by charging an amount, which is a percentage of the Benchmark Value of land.

Under the Odisha Land Rights to Slum Dwellers Act, the LRCs provided are heritable and mortgageable but not transferable. The land may be mortgaged to access loans and finances, but it can only be put to residential use. Livelihood activities taken up along with residence is also considered as residential use.

The certificates are issued jointly in the name of both the spouses (in case of married couples) and the name of a single person (in the case of households headed by a single person). The certificate is also acceptable as evidence for proof of address.

LIFE Mission, of the Kerala Government, aims at providing better access to livelihood by providing the beneficiaries with the benefit of all social welfare schemes and employment, including financial services. Providing security of tenure and affordable housing is a means to achieve the overall goal of the mission.

It has been taken up under three phases:



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



- In the first phase, completion of incomplete houses already constructed under the LIFE scheme.
- In the second phase, Construction of 60 sq.m houses under a budget of INR 4,00,000 (approx. 5600 USD) for newly identified beneficiaries.
- In the third phase, providing houses to landless beneficiaries.

The second phase is converged with PMAY- BLC and is ongoing. The third phase is yet to take off in full swing as the state is unable to identify vacant land that can be redistributed. Considering this shortage of land, the Government is planning to build housing complexes. In case the beneficiary can identify a piece of land, the subsidy is extended for buying private land. The local body is mandated to allocate 20 percent of the plan fund for the LIFE mission, which highlights its priority in the state agenda (Govt. of Kerala,

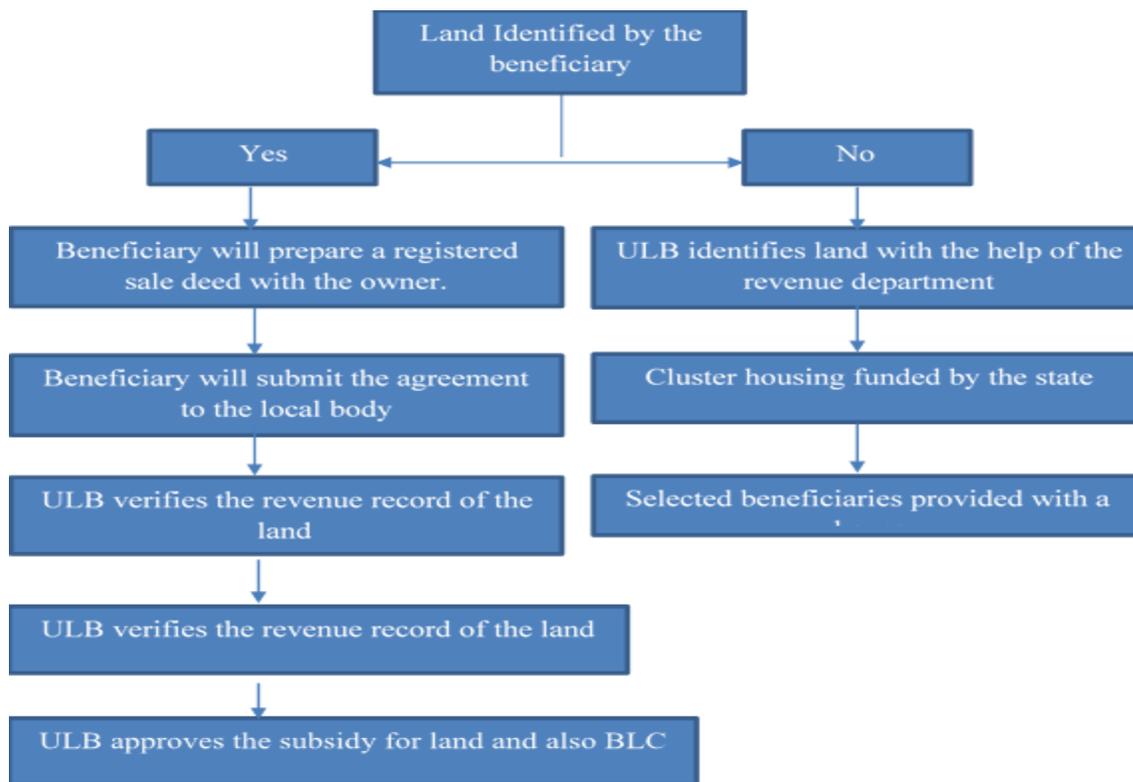


Figure 2: Process of subsidy disbursement under LIFE - 3rd phase

n.d.).

The subsidy structure under the mission: For the general population a proportion of 1.5 (60.7 sq.m) to 3 cents (120 sq.m) of land is offered to cost up to INR 2,50,000 (approx. 3500 USD); for the beneficiary belonging to Scheduled Caste this proportion is around 3 cents (120 sq.m) costing up to INR 6,00,000



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



(approx. 8300 USD). The general population is expected to pay for the registration fee plus the Stamp duty fee according to the land value. For the Scheduled Caste population, the Stamp duty fee is waived off.

4.3.4 Governance model

In Odisha, the foundation of JAGA Mission is a collaborative effort of the government, including multiple stakeholders and partners. The state government, urban local bodies, and slum dwellers Association are the main stakeholders for the execution of the Land Rights Acts and the transformation of slums to liveable habitats. In the field, the Collector of the district heading the Urban Area Slum Redevelopment and Rehabilitation Committee (UASRRC) which is the designated authority to approve land rights, District Urban Development Agency (DUDA), Tahsildar and the Revenue Administration at Tehsil level, ULB functionaries – all play critical roles in the implementation of this LRC program and Jaga Mission.

Though the state revenue administration has a role in implementing the Mission, the main anchoring authority is the Housing and Urban Development Department (HUDD), Government of Odisha. The revenue department is involved in three stages, once while collecting cadastral maps, second while matching the data of survey with the cadastral map and lastly updating the RoR. Interestingly the RoR is updated with the name of HUDD, it does not contain the data of individual households, and since the registration of the property is not mandatory, there is no record of the actual owner of the land. This, in the long run, might create an opportunity for the grey market. A similar case has been seen in Raipur, where despite having registered patta, with the revenue department, the slum dwellers were asked to move out.

In Kerala, the State Housing Mission Task Force at the state level is chaired by the Chief Minister and Co-Chaired by Minister for Local Self Government. The Deputy Chairperson could be Finance, Housing, Social Justice, Electricity, Water Resources, Labor, SC / ST Development, Fisheries Departments, and Deputy Chairman of State Planning Board (9 persons). The Special Invitee is the Leader of the Opposition. The Mission Secretary is the Secretary of the Local Government Department. At the District Level, the Mission is governed by the chairperson, who is the District Panchayat President & Chairman of District Planning Committee. The members consist of Lok Sabha members from the district, MLA, Mayor, Municipal Chairman, One Block Panchayat President, and two Panchayat Presidents. The District Collector is the Member Secretary of the DPC. At the local level in Kerala, LIFE Mission is governed by the Chairperson, who could be Gram Panchayat President / Municipal Chairman / Mayor. The members consist of representatives of District / Block Panchayat Division, Panchayat / Municipality / Corporation Governing



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Council members, Secretary, Local Self Government Institution, Agriculture Officer, Kudumbashree, ICDS Supervisor, Village Extension Officer, Engineer of Local Self Government Institution. Engineer of Local Government (Govt of Kerala, n.d.).

Box 2: Case of Raipur, Chhattisgarh

Telibandha lake is known as the mini marine drive of Raipur, Chhattisgarh. Located in a prime area It is today a popular tourist destination. In the 1980s, approximately 1000 poor households were settled around the lake who received tenure / patta from the Revenue Department through political negotiation. However, the settlement never received adequate municipal services, and over a period of time, the settlement morphed into a slum. After two decades - around 2004, Raipur Municipal Corporation (RMC), on account of the environment and public health concerns, ordered reclamation of the water body. The National Green Tribunal (NGT) also intervened as the settlement was causing pollution to Telibandha lake. By this time, the real estate value of the area has also appreciated considerably. During the negotiation with the slum community, RMC learned that almost 70 percent of the slum dwellers residing then was not the original recipients of the tenure in the 1980s. However, RMC, with the support of the judiciary, went on to reclaim the water body relocating the slum dwellers in public housing with the promise of accommodating them in a new apartment in the vicinity of the original settlement. The then Commissioner RMC found the process of relocation complex. The *formal pattas* of the slum dwellers were nullified and the Revenue Department by transferring the ownership of the slum land to the Raipur Municipal Corporation. RMC, in turn, gave property rights to the individual slum dwellers with a minimal registration fee. This could be cited as a typical case where the patta could not protect the original occupiers from eviction on account of the development of public land.

Common Governance approaches:

It is observed that both the States resorted to CBOs for implementing the scheme. Odisha constituted Liveable Habitat Mission "JAGA" a society under Housing & Urban Development Department (HUDD), Government of Odisha, headed by the Chief Secretary, Odisha as Chairman and Principal Secretary, HUDD as Member Secretary (JAGA Mission, n.d.), Kerala constituted Kudumbashree which is the poverty eradication and women empowerment programme implemented by the State Poverty Eradication Mission (SPEM) of the Government of Kerala. Kudumbashree is essentially a community network that covers the entire State of Kerala. It consists of a three-tier structure with Neighbourhood Groups (NHGs) as primary level units, Area Development Societies (ADS) at the ward level, and Community Development Societies (CDS) at the local government level (Kudumbashree, n.d.).

Under the LIFE scheme, monetary assistance is being given out to the beneficiaries to buy private land. However, unlike Odisha, Kerala has made registration of the property mandatory. In both cases, it is observed that the government has been taking initiatives to facilitate access to land and housing for informal



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



dwellers. Though these schemes are ongoing, and the long-term impact of not registering land and bypassing revenue department by another government body is still unknown, examples from past and studies show that, if the loop of the land transaction is incomplete, the very aim of securing the urban poor may not be completely realised.

Table 1: Comparison matrix JAGA and LIFE

Criteria	Odisha	Kerala
Intent of Implementation	LRC provided to the slum dwellers with the intent to transform existing slums to liveable habitat	Provide land to all landless to increase social capital and improve the livelihood of the urban poor.
Land Relations	<ul style="list-style-type: none"> • Ryotwari system of land management • At the District level, the District Magistrate/Collector is the Chief Officer-in-charge of the Revenue Administration. The district is further divided into subdivisions, headed by the Sub-Collectors / Sub-Divisional Magistrate. Each subdivision is further divided into Tehsils headed by Tehsildars. Odisha has 317 Tehsils in Odisha. 	<ul style="list-style-type: none"> • Mahalwari system of land management • The state of Kerala consists of 14 districts, 21 revenue divisions, 63 Taluks, and 1453 villages. Each district is headed by a District Collector. Each revenue division is headed by a Revenue Divisional Officer. Each Taluk is headed by a Tahsildar. Each village is headed by a Village Officer
The extent of the subsidy model	<ul style="list-style-type: none"> • Up to 30 square meters of land allotted at no cost to slum dwellers from the EWS, with an annual household income of up to Rs. 1,80,000. • The settlement is made for land occupation by the slum household with up to a maximum limit of 60 sqm in NACs and 45 sqm in municipalities. • If the slum is on untenable lands, the entire community will be moved to a new location, still within the core municipal area – with each household receiving a land allocation of 30 sq. m. • In the in-situ settlements, the value of the land occupied more than 30 sq. m is settled by charging an amount, which is a percentage of the Benchmark Value of land. 	<ul style="list-style-type: none"> • The government is committed to building houses for 1,58,000 families who are without land /house having income less than INR. 3,00,000 (4100 USD) per annum • The government also plans to build housing complexes for those who will not be able to identify land to buy
Governance Model	<ul style="list-style-type: none"> • The state government, urban local bodies, and SDAs are the main stakeholders for the execution of the Land Rights Acts and the transformation of slums to liveable habitats. • District Urban Development Agency, Tahsildar, and the Revenue Administration at Tehsil level, ULB functionaries – all play critical roles in the implementation of this LRC program and Jaga Mission. • HUDD is the anchoring authority • Odisha constituted Liveable Habitat Mission "JAGA" which is a society under Housing & Urban Development Department, Government of Odisha, 	<ul style="list-style-type: none"> • The State Housing Mission Task Force at the state level is chaired by the Chief Minister. • At the District Level, the Mission is governed by the chairperson, who is the District Panchayat President & Chairman of District Planning Committee. • At the local level in Kerala, LIFE Mission is governed by the Chairperson, who could be Gram Panchayat President / Municipal Chairman / Mayor. • Kerala constituted Kudumbashree, which is the poverty eradication and women empowerment programme implemented by



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



headed by the Chief Secretary, Odisha as
Chairman and Principal Secretary, HUDD
as Member Secretary

the State Poverty Eradication Mission
(SPEM) of the Government of Kerala.
Kudumbashree is essentially a community
network that covers the entire State of
Kerala.

5. Conclusion and Possible policy directions

It is evident that the two land titling programmes: Jaga Mission and LIFE Mission are based on the assumption that having legal ownership enables the urban poor to use their land as collateral for accessing institutional credits and leverage on available public subsidies where ever applicable. Land ownership is also used as a means to ensure livelihood for the poor. It is established (UN GLTN) that legal ownership encourages individual expenditures in improving the immediate physical environment as investments are made in constructing toilets and other sanitation facilities or improved housing construction.

Both JAGA Mission and LIFE Mission establish that state governments have a sympathetic role in creating spatial justice either by redistributing the land (as in Odisha) or by facilitating access to subsidised land prices (as in Kerala). In Odisha, the Revenue Department confers ownership rights to the Housing and Urban Development Department (HUDD), who, in turn, gives the Land Rights Certificate (LRC) to the individual beneficiary. The Revenue Cadastre documents the extent of the settlement and recognizes HUDD as the landowner but does not document the extent of each individual plot boundary and/or the list of people who occupy the same plot by having an LRC. There is no compulsion for the individual plot holders either to Register the plot in their name with the Revenue Department. It may be argued that foregoing the Registration process is weakening the ownership claim of these LRC recipients.

The legal sanctity of ownership certificates, such as LRC for the poor, needs to be evaluated against the way poor negotiates their claim over the city, which is mostly done through political negotiation rather than the judiciary route. Taking a cue from the Raipur experience, where land titles were registered with the Revenue Department, the poor were still evicted citing public purpose concerns; there is no reason to believe that such process validation as one full-proof experiences cannot be repeated again.

To achieve spatial justice, the scale of operation is of immense importance. The government of Odisha, having the right intentions and committed leadership, could distribute only 50,000 pattas in small towns where land remains majorly uncontested. In spatial terms, 50,000 (30 sq. m. unit) parcels of land translate



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



to only 1.5 square km for the entire state of Odisha. Considering the area of all the cities (Odisha has 109 ULBs), these may be too minuscule compared to the effort that has been put in to implement such a mission mode programme in the state. Nevertheless, the process of recognition of the slum settlements within the state and GoO's commitment to re-distribution of public land is definitely a welcome start in the right direction.

In Kerala, under the third ventricle of the LIFE mission, the landless/ homeless are supported to access plots at the subsidised rate. Kerala is more prosperous, and in comparison to Odisha, the number of landless/ homeless people in this state is much lower. The state offers plot sizes that are almost triple the size of the Odisha plots (around 120-meter square with a dwelling unit size of 60-meter square in Kerala as against 30-meter square in Odisha). The mission supports the beneficiary to purchase land in the market at a subsidised rate. On producing the registered sale deed of the plot, the beneficiary is entitled to access the housing subsidy. It is envisaged that the registration step will protect the interests of the beneficiaries in case of any legal dispute. The Revenue Department will also be in a better position to update the land record for future transactions. The revenue department, if the land is registered, may act as a checkpoint to non-transference as well. The implementation of this scheme is at a very early stage, yet to be taken up at the Statewide level.

However, it will not be totally misplaced to say that Kerala is mimicking the experience of rural land reform for the urban areas. From both case studies following inferences can be drawn:

5.1 Land Rights are in tandem with other rights

Today's urban question in India is at once also an agrarian question, where agrarian regimes of territory, land, and property are implicated and inscribed in ongoing urban land-use changes (Roy, 2016). Both JAGA and LIFE mission demonstrates adequately that the state has a certain perception of the urban poor and their entitlements. Instead of making broad-brush changes in the urban planning instruments, piecemeal measures are taken to address the concerns of the urban poor. It is important that without addressing the other Rights of the urban poor, only conferring land rights will not address their needs to alienate poverty. It is estimated by Mahadevia (2009) to accommodate the poor in cities, only 2-3 percent of the city's land is required. Unfortunately, it seems that the city can never prioritise this need.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



5.2 De jure rights are not the panacea for the poor.

Considering the political economy of the urban land question, this paper concludes that the popular argument of de jure ownership of urban land by the poor allows them to access institutional credits, needs further empirical validation. Many studies in Chile and Peru (Cockburn, 2004) have established that legal titles may be necessary but not sufficient for enabling institutions' credit access to the poor. Their properties may continue to remain non-mortgageable even after they have secured the legal titles. The social relations and other rights of the poor are decisive factors that allow them to claim a stake on the urban land.

In addition to the Land Rights distribution to the slum dwellers or facilitating the landless to buy subsidised land, other interventions such as simplifying the administrative processes to conduct mutation, tax collection needs to be ensured. To make the new urban housing programme a success, institutions like the Revenue Department need to be included in the urban discourse. With weak municipal governance and no participation of the Revenue Department, implementing state housing programmes for the urban poor, even if it has the best of the intentions, may not yield the desired results.

5.3 Twining the Urban Planning Instruments and the Revenue Department processes

The discourse on urban planning in the country is in its nascent stages. This can be said with confidence as urban planning is yet to emerge as a strong academic/professional discipline. The profession is mostly guided by the administrative officers who are primarily trained in rural administration. The capacities of urban professionals to appreciate the urban phenomenon is limited. Acknowledging the scale and pace of urbanization in the country, urban professionals need new skill sets that go beyond spatial mapping. Planning for future cities in response to the existing political economy is a daunting task. From the case studies, it can be concluded that urban planners need the ability to appreciate rural administration and vice versa. An institutional innovation needs to be done to bring the Revenue department and the urban planning institutions together. This is a tall task as there is a strong resistance from the Revenue Department to change. Lack of transparency and accountability encourages rent-seeking behaviour, and this resistance could be read as a reflection of that disconnect. There is a need to modernise the Revenue Administration. Steps need to be taken to include the administration of the urban areas too within the ambit of the district administration. Considering the power equation between the district administration and the municipal administration, the lead needs to be taken by the Revenue Department.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



5.4 Using technology to disrupt the status quo

The pace of urbanization also demands the use of technology. In recent times, there is an emphasis on digitization and the use of satellite images. As technology is becoming increasingly accessible, there is a propensity by the planners to acquire more and more data. In the absence of any data policy, the data collected is not used in the desired manner. The digital maps that are produced may not be backed up by the legislation, which renders many of them legally invalid. Hence, it can be concluded that while the use of technology may expedite the data collection, mandating its safe keep and efficient usage still may require continuous administrative facilitation.

5.5 Way Forward

The urban system is, no doubt, difficult to navigate. Few states in India have demonstrated commendable work to rural land reform; however, this has not been translated in the case of urban land. The Central government's initiative to implement the Digital India Land Records Modernization Programme is also a slow starter. However, initiatives are being taken by various states to bridge gaps between urban institutions and the revenue department. For example, in Himachal Pradesh, Revenue officials are made available across all urban institutions such as municipalities, planning authorities, development authorities, industrial development authorities, etc. before any land is notified as to their jurisdiction by these organisations in HP or before it is acquired for development. Capacity building of both the revenue officials and the urban planners needs to be done together so as they have a possibility to exchange and benefit from mutual learning.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



References

- Mahadevia, D. (2009). Urban Land Market and Access of the Poor. *Urban Poverty Report 2009*, New Delhi.
- Babu, M., & Nautiyal, S. (2013). *Historical Issues and Perspectives of Land Resource Management in India: A Review*. Bangalore: The Institute for Social and Economic Change.
- Census. (2011). *Office of the Registrar General & Census Commissioner, India, MHA, GoI*. Retrieved from Census: <https://censusindia.gov.in/>
- Chakravorty, S. (2013). *The Price of Land: Acquisition, Conflict, Consequence*. Oxford.
- Chandrashekhar, V. (2010). *As wealth rises in India, so do private towns*. Boston, MA: The Christian Science Monitor. Web ed.
- Chaudhary, D. (2007). *American Real Estate firm invests \$100 mn in Shriram Properties*. Bangalore: The Wall Street Journal.
- Cockburn, J. (2004). *The formalisation of property in Peru 2001-2002: The case of Lime'* *Habitat International*. Lincoln Institute Of Land Policy.
- Das, A., & Mukherjee, A. (2018). *DEMYSTIFYING URBAN LAND TENURE ISSUES- The curious case of small cities in India*. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.
- Das, A., Mukherjee, A., & Mazumder, A. (2017). *BENEFICIARY-LED INDIVIDUAL HOUSING CONSTRUCTION/ENHANCEMENT (BLC): AN APPROACH*. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.
- De Soto, H. (2000). *The Mystery of Capital- Why Capitalism Triumphs in the West and Fails Everywhere*. Bantam Press.
- Directorate of Survey and Land Records, G. (n.d.). *Official Website of Directorate of Survey and Land Records*. Retrieved from <http://dslr.kerala.gov.in/>
- DoLR, 2. (2013). *Draft National Land Reforms*. New Delhi: Department of Land Resources, MoRD, GoI.
- Gandhi, S., & Phatak, V. (2016). Land-based Financing in Metropolitan Cities in India: The Case of Hyderabad and Mumbai. *Urbanisation, Sage Journal*.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



Ghose, C., Chatterjee, R., & Shaw, R. (2018). Enforcement of Building Construction Regulations in Urban Centers of India. In *Disaster Risk Governance in India and Cross-Cutting Issues* (p. 329).

Govt of Kerala. (n.d.). *Life Mission*. Retrieved from <https://lifemission.kerala.gov.in/>

Govt. of Kerala. (n.d.). *Mission LIFE (Livelihood Inclusion and Financial Empowerment)*. Retrieved from Official Web Portal of Govt of Kerala: <https://kerala.gov.in/life>

Himanshu. (2018). *India Inequality Report 2018 - Widening Gap*. New Delhi: Oxfam India.

IIHS. (2017). *Land Record Modernisation: 'Good Practices' & 'Gap'*.

IIHS. (2017). *Land Records Modernisation - Institutional Interfaces (Policy Brief)*. Indian Institute for Human Settlements.

IIHS. (2017). *Land Records Modernisation - Legal Insight*. Bangalore: IIHS.

ILO. (2018). *Global Wage Report 2018/19 -What lies behind gender pay gaps*. International Labour Organization (ILO).

JAGA Mission. (n.d.). *Jaga Mission - Transforming Slums to Liveable Habitats*. Retrieved from <http://www.jagamission.org/>

Kudumbashree. (n.d.). *State Poverty Eradication Mission, Govt of Kerala*. Retrieved from <http://www.kudumbashree.org/#>

Menon, S. (2007). Global real estate funds build hope on the Indian Market. (Analysis). *The Economic Times*, Mumbai, Bennet, Coleman & Co. Ltd.

Mishra, P., & Suhag, R. (2017). *Land Records and Title in India*. PRS.

MoHUA. (2019). *Handbook of Urban Statistics*. MoHUA, GoI.

MoPPGP. (2009). *STATE AND DISTRICT ADMINISTRATION - SECOND ADMINISTRATIVE REFORMS COMMISSION*. Ministry of Personnel, Public Grievances & Pensions, GoI.

Morris, S., & Pandey, A. (2007). Towards reform of land acquisition framework in India. *Economic and Political Weekly*.



Institutions for Equity & Resilience

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
WASHINGTON DC, MARCH 16-20, 2020



MOSPI, N. (2013). *Household Ownership and Operational Holdings in India - NSS 70th Round*. New Delhi: National Sample Survey Office, India.

Payne, G., Durand, A., & Rakodi, C. (2007). Social and economic impacts of land titling programmes in urban and peri-urban areas: A review of the literature. *Presented at the World Bank Urban Research Symposium Washington DC*.

Pichel, F., Dash, S., Mathivathanan, G., & Srivastava, S. (2019). The Odisha Liveable Habitat Mission: The process and tools behind the world's largest slum titling project. *Paper prepared for presentation at the "2019 WORLD BANK CONFERENCE ON LAND AND POVERTY"*.

PNB Housing Finance Ltd. (2017). "Indian Mortgages: Only the tip of the Iceberg." *Motilal Oswal Investor Conference*.

Prabhakar, P. (2018). Impact assessment of Digital India Land Records Modernisation Programme: Evidence from Himachal Pradesh.

Revenue Department, G. (n.d.). *Revenue portal*. Retrieved from <https://www.revenue.kerala.gov.in/>

Rout, B. (1993). *The economic condition of the princely states of Orissa 1858 to 1949*.

UNDP. (2019). *Human Development Report 2019, Beyond income, beyond averages, beyond today: Inequalities in Human Development in the 21st Century*. UNDP.

Xu, J., & Yeh, A. (2005). City Repositioning and Competitiveness Building in Regional Development: New Development Strategies in Guangzhou, China. *International Journal of Urban and Regional Research*.