




Building a Land Information Ecosystem in India

A Webinar Report





An information ecosystem is an extremely vast and cluttered space. What data exist? What data is up to date? What data is reliable? Who owns the data? Can I use the data without inflicting harm? Who are the data subjects? Many people across numerous sectors struggle with such questions and more. The land governance sector in India is no different. But somehow, it seems the land data ecosystem in India is more complex and controversial.

In this country with 1.3 billion inhabitants, living across 29 states and 7 union territories, land is an important source of identity, a symbol of social status and foundation for rural power in India, often carrying significant emotional attachment. With a long history, diverse geography and pluralistic culture, land governance has evolved in India through communal, imperial, feudal, colonial and modern systems, gradually moving towards individualization and conclusive titling. Where land is a topic governed by the State governments, forest land is a topic for the federal government. This complicated legal, economic and social structure in which land is governed, is also reflected in the complexity of its land data and information ecosystem.

Lack of equal access to information and a lack of reliable or usable information has been identified to be one of the many challenges we face in achieving our common goal: achieving land governance. This webinar addressed these challenges and the need to build a functioning information ecosystem on land in the country. The webinar, which took place on 20 February, 2020, identified the most urgent challenges ahead, and key areas that may result in progress.

The webinar was co-hosted by the Center for Policy Research (CPR), the Land Portal Foundation, the NRM Center for Land Governance, Omidyar Network India and Thomson Reuters Foundation in the context of the 4th India Land and Development Conference (ILDC) 2020.

Moderator:

Rina Chandran, Thomson Reuters Foundation

Presenters:

Pranab Choudhury, NRM Center for Land Governance

Namita Wahi, Center for Policy Research Land Rights Initiative

Shreya Deb, Omidyar Network India

A complete recording of the webinar can be found at: <https://youtu.be/WDi-igbtZmY>



Key Takeaways

- The webinar demonstrated that a lot of work has been done to put information on land data together or is currently underway, and this can be the beginning of an effort to make land information more accessible and the government more accountable.
- There is a clear need for more data and information, multiple stakeholders need to come to the table to build the ecosystem on land information in India. Many initiatives are currently underway with state governments, and we may be close to a tipping point when things will start moving at a much faster pace than they have in the past.

Webinar Summary

1) WHAT MAKES THE LAND DATA SYSTEM IN INDIA SO COMPLEX AND COMPLICATED?

- When we speak about land data in India, most of what we are referring to is government data. Government data has been a black hole for a long time. Prior to the enactment of the Right to Information Act of 2005, most government data was not available publicly in an online accessible form. Now there are obligations of the government to proactively disclose all data in the public domain.
- However, while various state government departments have made efforts to comply, there are a multiplicity of legal regulations relating to data on land along with a multiplicity of administrative practices dating back to colonial times. There are three main problems: an absence of publicly available data, dispersal of data among government departments and outdated data. In many states, especially in Northern and Northeastern India, Land surveys have not been undertaken for decades, and is thus totally inaccurate.

2) DO THESE CHALLENGES HAMPER PROGRESS WHEN IT COMES TO IMPROVING LAND GOVERNANCE OR DEVELOPMENT? IF SO, HOW?

- Lack of updating land records is often attributed as the main reason two-thirds of civil court disputes related to land, which impacts land markets. Lack of documentation of land-leasing, a common practice among farming communities in India, affects administration of agriculture subsidies, minimum support prices, agriculture insurance, credits and direct cash transfers,.
- Improper recording (collection and management) of forest rights information has led to court cases and become an election issue.
- In a rapidly urbanizing India, the real estate sector, property tax collection and city development are substantially affected by land record deficiencies. In Northeast India, lack of surveys and documentation of land information has created local conflicts in the wake of developments and investments brought in by the state and markets.
- Lack of land information also impacts sensitive policymaking and amendments, including a lack of gender-disaggregated data.

3) GIVEN ALL THESE CHALLENGES, WHAT'S KEEPING US FROM THINKING MORE URGENTLY AND ACTING ON THEM?

- There is a lack of understanding that pervades among smart intellectuals in the country. Perhaps because land or property transactions happen only a handful of

times in someone's lifetime, citizens do not grapple with the lack of data on a daily basis. It is only at the time of a transaction that we feel the acute loss of reliable data and information.

- Land surveys can be highly variable and different results are often obtained, and thus the spatial record, which is meant to verify the actual area of land, can often be erroneous, as was demonstrated in nearly 40% of sample plots in Himachal Pradesh.

4) HOW HAS A LACK OF LAND INFORMATION AFFECTED COMMUNITIES? DO YOU HAVE SOME EXAMPLES?

- Improper recording of forest rights information threatened eviction of 1.9 million tribal households. Furthermore, lack of documentation of land leasing denies millions of tenant farmers access to public services and entitlements.

5) WHAT NEEDS TO BE DONE TO IMPROVE EXCHANGE AND ENGAGEMENT WITH LAND DATA AND INFORMATION?

- Connecting and building capacity of land information ecosystem actors within government and those external to it as well as expanding or building space for non-state actors to complement and supplement state efforts, particularly in terms of generating more data, such as crowdsourcing, converting gray data, scraping, curating and managing data.
- Generating awareness of data ethics and privacy vis-a-vis land data, especially with respect to land records. Furthermore, land and property information is as critical for any transaction as credit profile information; there is a need for a similar system in which users of the data contribute towards its maintenance and upgrading.

6) DO YOU HAVE ANY STORIES THAT DEMONSTRATE THE POTENTIAL OF ACCESS TO LAND INFORMATION?

- Telangana's **Rythu Bandhu scheme** ensured cash transfers to over 5 million farmers through the land record information; Odisha's **Jaga Mission** created detailed drone maps of 200,000 slum households across the state, and then proceeded to give them land rights certificates; calculation of the potential of forest rights in India by using Census Village land use data by RRI-NRMC-Vasundhara helped the monitoring discourse by civil society and implementation by the government; landlessness data from the Socio Economic and Caste Census of 2011 informed many discourses, including influencing the National Land Reform Policy; **Land Acquisition in India: A Review of Supreme Court Cases (1950-2016)** has been used by individual litigants across the country in making claims. In addition, the report is being used by the government, and was recently cited by the Solicitor General in the Supreme Court in the five judge bench constitutional case hearing the constitutional validity of section 24. It is also being used in several High Courts across the country; The **Legal Regime and Political Economy of Land Rights Of Scheduled Tribes in the Scheduled Areas of India** was adopted by the National Commission for Scheduled Tribes as part of its Annual Report shortly after its release. It has also been referenced by the National Human Rights Commission. It is being used by civil society groups across the country.

Notable Quotes from the Panelists



“NOT A LOT OF DATA IS AVAILABLE IN OPEN DATA FORMATS. DATA STANDARDS AND INTEROPERABILITY VARY. THERE IS A NEED TO PUT LAND DATA IN A FORMAT THAT IS ACCESSIBLE, AND THE GOVERNMENT NEEDS TO INVEST IN THE CAPACITY OF ACTORS WHO ARE COLLECTING AND MANAGING LAND DATA.”

- PRANAB CHOUDHURY, NPMC CENTER FOR LAND GOVERNANCE



“IF THERE ARE LAWS THAT WERE ENACTED DURING THE COLONIAL AND POST-COLONIAL PERIODS THAT ARE CONFLICTING, COMMUNITIES AND INDIVIDUALS WILL NOT KNOW HOW THOSE LAWS AFFECT THEM. IF THERE ARE TWO LAWS- ONE THAT PROTECTS MY RIGHTS AND THE OTHER THAT DOESN'T, THE GOVERNMENT CAN DECIDE WHICH APPLIES.”

- NAMATI WAHI, CENTER FOR POLICY RESEARCH LAND RIGHTS INITIATIVE



“ONCE WE START TO UNDERSTAND AND ACKNOWLEDGE INACCURACIES IN THE DATA, THEN WE CAN START MOVING FORWARD AND FINDING SOLUTIONS.”

- SHREYA DEB, OMIDYAR NETWORK INDIA



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