

Land Conflicts in India

AN INTERIM ANALYSIS



November 2016

Background

Land and resource conflicts in India have deep implications for the wellbeing of the country's people, institutions, investments, and long-term development. These conflicts reveal deep structural flaws in the country's social, agrarian, and institutional structures, including ambiguities in property rights regimes and institutions.

In 2014, a study focusing primarily on reports in the national media reflected the gravity of these conflicts. There was great interest in this narrow exercise, which prompted a more rigorous and detailed data collection on conflicts and creation of an interactive web portal on land and resource conflicts in India.

While the exercise is ongoing, this brief provides an interim analysis of approximately 289 conflicts for which data was collected thus far, covering the period between January-September, 2016. This analysis provides a powerful instrument to understand land resource conflicts in India. The emerging patterns from the analysis of the 289 conflicts provide inferences about sectoral and spatial distribution of conflicts. Based on these patterns, our assessment is that this brief has captured roughly 25-40 percent of active and substantive land conflicts in the country.

Methodology

For the purposes of this study, a land-related conflict is considered to be a situation in which a substantive group of people actively oppose change in the current use or ownership of land by government agencies or private parties.

Data collection and analysis

Local researchers were identified in most states. Geographically larger states like Uttar Pradesh and Madhya Pradesh had more than one researcher. These researchers are gathering data about ongoing land-related conflicts in their regions by scanning local newspapers, government records, online information, and through direct communication with affected parties, government officials, scholars, non-profit organizations, and other key informants.

Findings

- The study analyzed 289 ongoing land-related conflicts in the country. Together these conflicts affect close to 32 lakhs (3.2 million) people and span close to 12 lakhs (1.2 million) hectares of land in India. These conflicts affect industrial or development projects amounting to roughly Rs. 12 lakhs crores (Rs. 12 trillion) in investment.
- Infrastructure projects account for almost half of all of the land-related conflicts documented by the study.
- Three-quarters of the land-related conflicts involved common lands, either forests or non-forests.
- More than 40 percent of all land-related conflicts involve forest lands, mostly concentrated in regions where customary rights of tribal communities are not recognized.
- Land acquisition by the government is a major cause of land conflict, involving 60 percent of all reported cases.
- Districts affected by left-wing extremism have 1.5 times greater number of land conflicts compared to the national average.
- Districts with Schedule V Areas, have 1.5 times greater number of conflicts than the national average. They account for almost one-third of the total number of people affected by conflicts.
- In order to sustain and expand India's socioeconomic development, it is imperative that the government respect its communities' legal land rights, and ensure that their formal as well as customary jurisdiction over commons is recognized and respected.

RRI Partners



Identification of conflicts: Researchers chose at least three newspapers—a combination of local and national dailies based on circulation and reach in each state. In addition, they selected key informants working on land-related issues to help identify ongoing conflicts. The researchers also searched online for news related to land conflicts in each region and set up alerts to get information about new conflicts. Another source of information was the 2014 database of the Rights and Resources Initiative (RRI) spanning about 250 conflicts. The researchers verified if these conflicts still existed, and if they did, collected additional updates. Upon identification of a conflict, the researchers reached out to communities, non-profits, companies, and local administrations to find additional information. They were encouraged to collect official and legal documents wherever available, and to locate any available online information about the conflicts.

Verification and validation: Verification requires that the researchers provide a source other than media reports to confirm that the conflict is actually happening on the ground, and that the facts and figures gathered on each conflict are valid and current. Additional sources could be court papers, police records, public hearing recordings or transcripts, documentation by the Pollution Control Board, Environment Impact Assessment reports, petitions or resolutions by communities, or similar documents which validate the existence of the conflict and associated facts. In cases where documented evidence was unavailable, the researchers reached out to resource persons on the ground to verify conflicts. So far, 90 percent of all reported conflicts have been verified using this methodology.

What data is being collected: Information collected about each conflict includes where it is happening; the underlying reasons; area and type of land; the number of people affected; amount of investment at stake; all parties involved; and to the extent possible, any related documentation.

Assumptions and caveats: While efforts have been made to collect data on estimated numbers of people affected, land areas involved, and amounts of investments at stake, these data remain provisional and have a substantial margin of error. In a number of cases, these data points were not available. Thus, the figures for these variables are highly conservative and likely underestimates. In the more detailed analysis, the study is limited to the number of people affected while providing only aggregate figures for land area and investments, to give a broad indication of what is at stake in these conflicts. These indicative numbers can provide useful insights into the magnitude and extent of the impacts of land-related conflicts on human and democratic rights, internal security, development, and investments.

Data analysis: Simple data analysis including tabulating and spatial distribution has been carried out across various categories (sectors, land type, regions) to draw broad inferences.

Findings

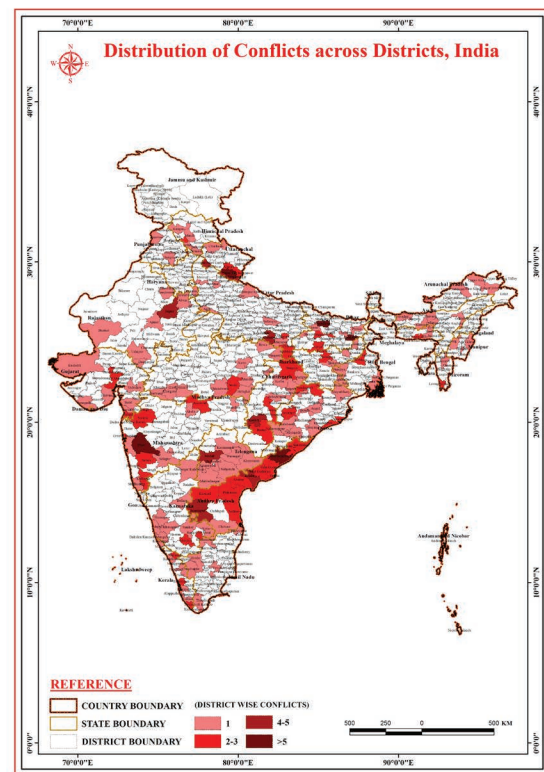
The analysis covers 289 ongoing land-related conflicts in the country. Together they affect close to 32 lakhs (3.2 million) people and span over close to 12 lakhs (1.2 million) hectares (ha) of land in India.

Box 1

LAND CONFLICT WATCH PORTAL

The data collection on conflicts is being incorporated into a custom designed Land Conflict Watch Portal that will be available at www.landconflictwatch.org. The interactive portal maps the conflicts and allows for a preliminary analysis of data related to each conflict. It allows searches by state and district, and provides information on the number of conflicts, type of land involved, causes, relevant sector, approximate number of people affected, and the approximate area of land and investments involved. The interactive map also provides the estimated location of each conflict.

Map 1



These 289 conflicts are located in 185 districts. The total investments (indicative) tied to these land conflicts are around Rs. 12 lakhs crore (Rs. 12 trillion). The above are estimates and only seek to provide an indication of the magnitude of the numbers of people and amount of investments affected.

Conflicts by sector

The 289 conflicts were divided into the five broad sectors in Table 1.

The distributions of sector-wise conflicts in terms of number of conflicts and number of people affected are presented in Figure 1, based on data in Table 1.

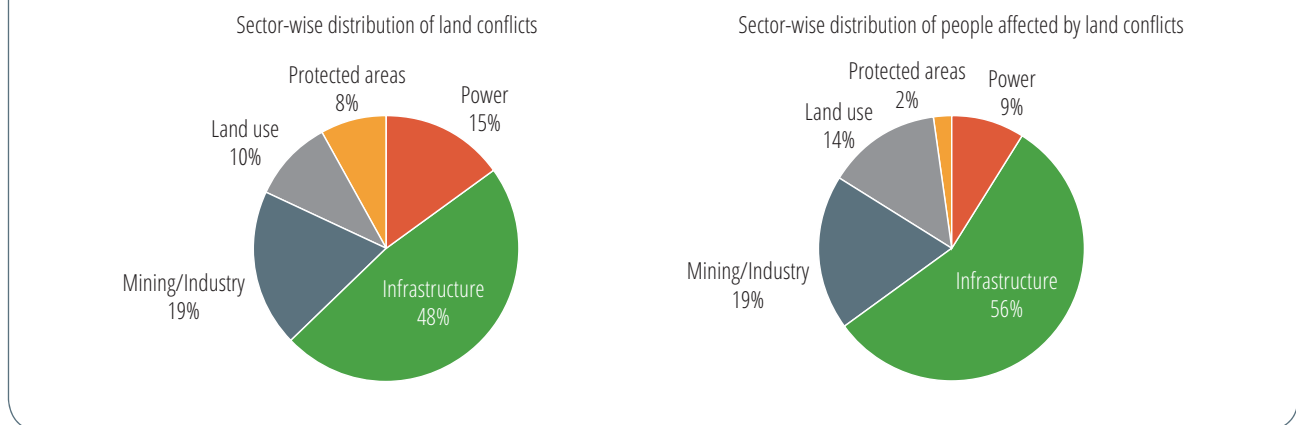
From the data, two major categories of reasons for conflicts emerge. Almost 80 percent of land conflicts arise out of development and industrialization processes, infrastructure being the single largest cause. Meanwhile, conservation and non-industrial land use-related activities account for approximately 20 percent of the conflicts.

Table 1

Classification of sectors

Infrastructure	Airports, townships, roads, railways, multipurpose dams, canals and SEZs, industrial corridors, and investment zones.
Mining/Industry	All kinds of mining projects and industrial projects like steel plants, petroleum and gas, textile, and food processing plants.
Power	Thermal power, nuclear power, renewable energy, hydroelectric dams (only power generation), and transmission lines.
Land use	Violations or non-settlement of rights under the 2006 Forest Rights Act, plantations on community lands, land occupation by landless, and displacement due to natural calamities or ethnic conflicts.
Protected areas	Conflicts arising out of conservation-related activities such as relocation of communities from protected areas.

Figure 1



Conflicts by land type

In contrast to accepted wisdom, the majority of land conflicts in India are related to common lands rather than private lands. Thirty two percent of land conflicts involved only common lands, and another 42 percent involved both common and private lands. In contrast, 26 percent of conflicts were found to involve only private land. Overall, 74 percent of conflicts involved common land. This significant finding indicates that governance of common lands is an important cause of conflicts in India, despite not receiving adequate attention to date (see Figure 2).

The analysis also attempts to trace the involvement of forest commons in conflicts, and found that 43 percent of all cases involved forest land (see Figure 3). Forest land-related conflicts affect 18 lakh (1.8 million) people.

Figure 2

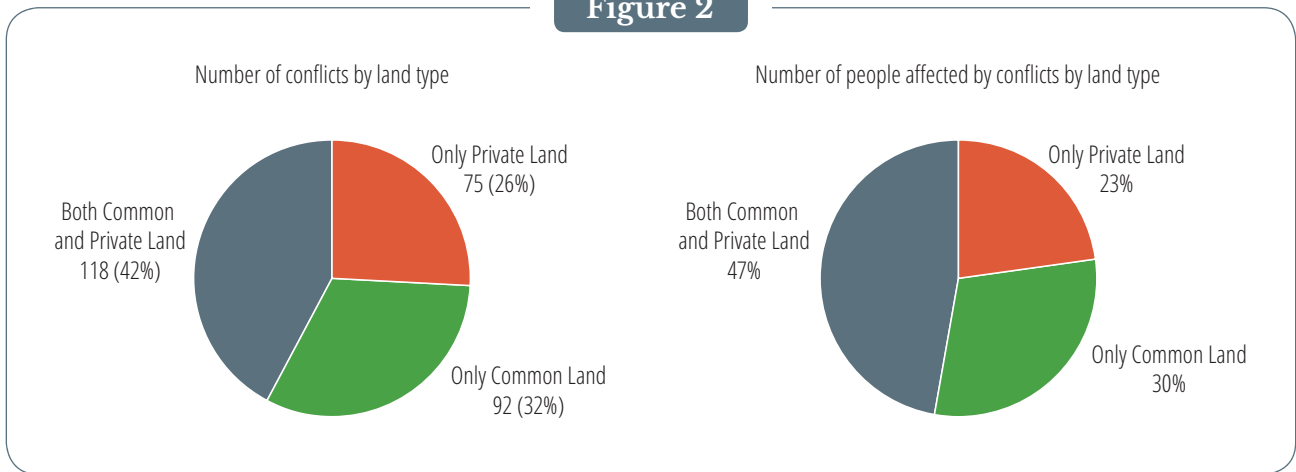
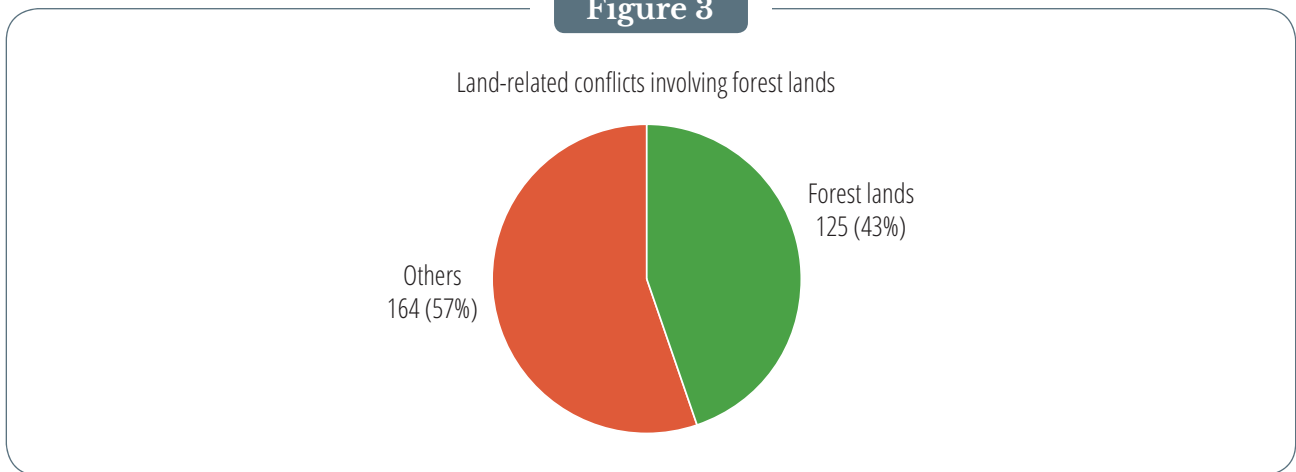


Figure 3



Land conflicts in LWE districts

The government of India has identified 106 districts in 10 states as affected by left-wing extremism (LWE). These include: Andhra Pradesh, Telangana, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Uttar Pradesh, Maharashtra, Odisha, and West Bengal. Seventy-four of the land conflicts reported are located in LWE districts, affecting approximately 10.1 lakh (1.01 million) people and 4.9 lakhs ha (0.49 million ha) hectares of land. Hence, while less than 15 percent of the country's districts are LWE-affected, they account for 26 percent of all ongoing land conflicts and 32 percent of the land-conflict affected population (see figure 4).

Two clear inferences can be drawn from the LWE district land conflicts data:

1. The number of mining and industry-related conflicts is higher in LWE districts than the national average.
2. A much larger number of people are affected by mining and industry-related conflicts than the national average.

This posits a potential relationship between the extractive industries and LWE that needs to be explored. Almost 80 percent of the conflicts in LWE districts involved common lands, and 45 percent of the conflicts in LWE districts involved forest lands.

Figure 4

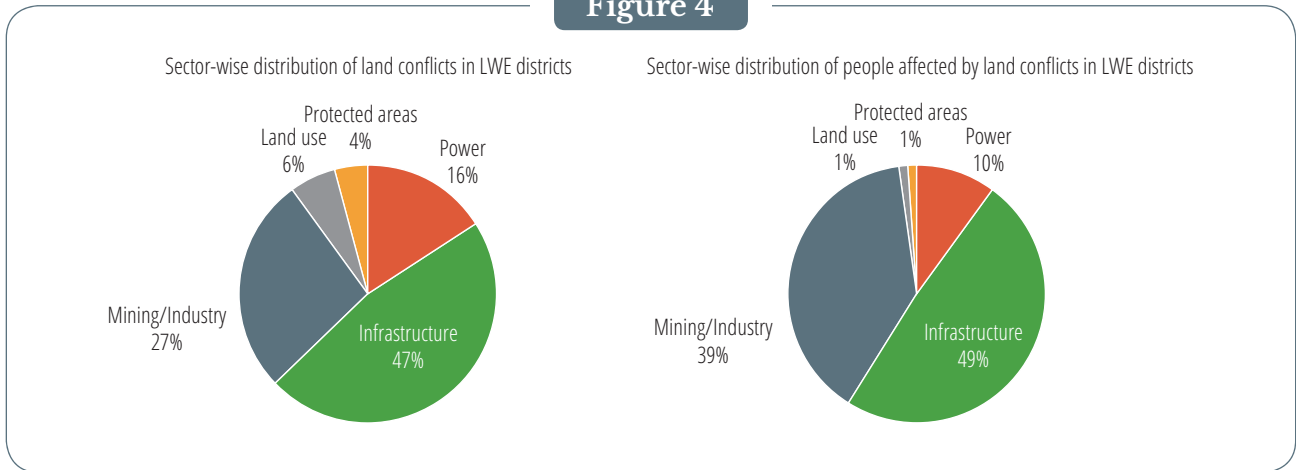
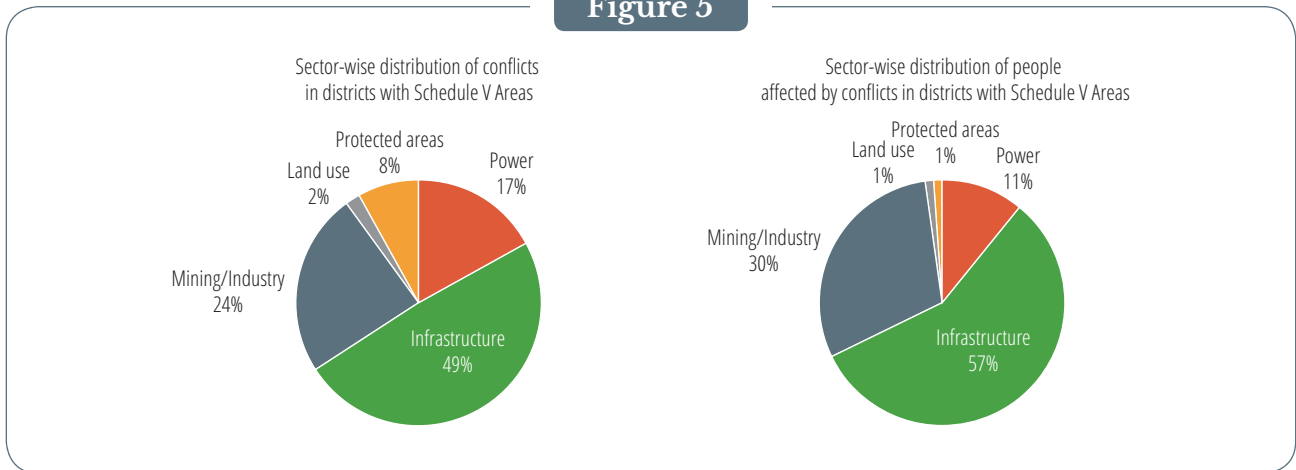


Figure 5



Conflicts in Districts with Schedule V Areas¹

Given that the tribal population in districts with Schedule V Areas has special protections under the Indian Constitution, a separate analysis of land conflicts in these areas was performed. The analysis found that the intensity of conflicts is higher in districts with Schedule V Areas, which constitute 12 percent of total districts in India, but are the site of 18 percent of all land conflicts.

Most of the conflicts in districts with Schedule V Areas relate to infrastructure, mining and industry, and power. However, what is far more worrisome in the context of districts with Schedule V Areas is the estimated number of people involved. They account for 30 percent of the total people affected by land conflicts in the country (see Figure 6).

Regional distribution of conflicts

The states of India were divided into six broad regions shown in Table 2.

The 289 conflicts were mapped over these regions, and the distribution of conflicts was found to be largely uniform, with the largest number of land conflicts observed in the south. However, it is expected that as more conflicts are documented, better patterns would emerge. Meanwhile there are some interesting emerging patterns across regions in an analysis by sector or land type, providing insights and scope for a more detailed investigation (see Table 3).

Figure 6

Land conflict in districts with Schedule V Areas as compared to the whole country (%)

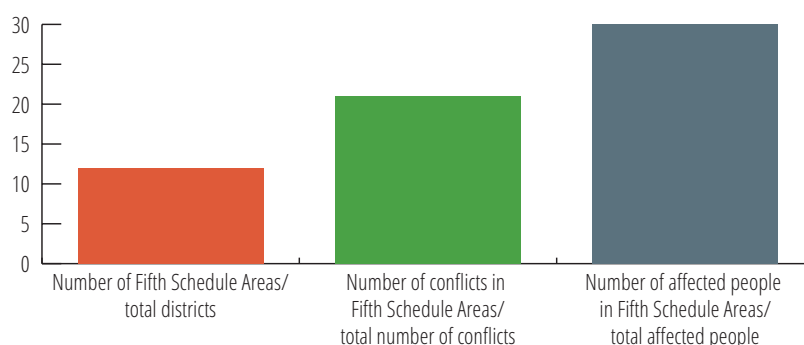


Table 2

Classification of regions

North	Uttar Pradesh, Himachal Pradesh, Uttarakhand, Punjab, Haryana, Delhi, Jammu and Kashmir.
West	Rajasthan, Gujarat, Maharashtra and Goa.
Central	Madhya Pradesh and Chhattisgarh.
East	Bihar, West Bengal, Jharkhand and Odisha.
South	Andhra Pradesh, Telangana, Karnataka, Tamil Nadu and Kerala.
North-East	Manipur, Mizoram, Sikkim, Assam, Arunachal Pradesh, Meghalaya, and Nagaland.

Table 3

Breakdown of conflicts by region and sector (%)

Region	North	West	Central	East	South	North-East
Infrastructure related	43	70	33	50	47	38
Power	14	7	33	15	13	17
Mining and Industry	5	10	30	22	30	14
Protected Area	20	10	4	4	4	3
Land Use	18	3	0	9	6	28
TOTAL	100	100	100	100	100	100

Almost 70 percent of conflicts in the western region are related to infrastructure projects, primarily roads. The share of conflicted infrastructure projects is only 33 percent for central India and 38 percent for the north-east. At the same time, almost one-third of conflicts in central India are linked to power projects, reflecting the immense number of thermal power projects coming up in Chhattisgarh and the resistance they are facing. In the north-east, 17 percent of the conflicts are related to the power industry—almost all of them on hydroelectric projects (see Table 3).

In both central and north-east India, almost 90 percent of the conflicts involve common lands; and in central India three-quarters of the conflicts involve forest lands. These high numbers likely reflect the non-recognition of customary rights over commons in these regions, which are dominated by tribal communities.

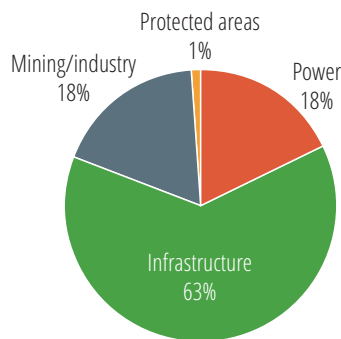
Table 4

Breakdown of conflicts by region and land types (%)

Region	North	West	Central	East	South	North-East
Involvement of commons (both forests and non-forests)	67	49	96	75	76	86
Involvement of forest land	49	37	74	36	29	62

Figure 7

Sector-wise distribution of conflicts involving land acquisition



Conflicts related to land acquisition

Over 60 percent of all the conflicts documented involve land acquisition. One hundred and nine (63 percent) of the land acquisition conflicts involve infrastructure projects. The majority of all private land conflicts involve land acquisition by the Government of India.

Major inferences

Land conflicts are reflective of deep structural problems within societies and governance structures. The analysis draws the following inferences:

Predominance of commons as a source of land conflict: The most important and perhaps surprising finding has been the predominance of the commons in land conflicts, with three-fourths of the conflicts involving public lands. A number of critical investments and infrastructure projects have been held up primarily because community rights on commons are not recognized in law, and land is diverted without obtaining community consent. The importance of conflicts related to common lands is not widely appreciated in Indian policy debate on land acquisition.

Left-wing extremism and districts with Schedule V Areas: Though this study does not seek to establish causal links, the high intensity of land conflicts in LWE districts and districts with Schedule V Areas warrants policymakers' attention. It is also important to note that most of these conflicts relate to infrastructure and extractive industries, and the impact on commons such as forests.

Lack of recognition and respect of customary rights: The high incidence of conflict over common lands in the central, eastern and north-east regions (which often overlap with LWE and districts with Schedule V Areas) point to the poor state of recognition of customary rights over community lands in these regions.

Private lands and land acquisition: Almost all conflicts related to privately owned land are linked to land acquisition for infrastructure, industrial, and extractive projects. This implies that in spite of the LARR 2013 and other protective legislation, land acquisition conflicts continue, reflecting resistance by local communities when land is obtained without their free, prior, and informed consent.

Conclusion

This analysis of land conflicts in India concludes that a majority of conflicts involve common lands. While private lands have some protection and room for negotiation, especially under acquisition laws on the book, the situation with respect to common lands is much more adverse. Governments have treated the commons as state-owned, and rarely respect their customary usage or communities' claims when changing the land use.

It is not that there is no protection for common lands in Indian law. In fact, constitutional provisions relating to districts with Schedule V Areas provide ample protection to non-forest common lands, while the Forest Rights Act provides a robust rights regime for forest lands in both Scheduled and Non-Scheduled Areas. However, both legal protections are often breached, and this is reflected in the high number of conflicts in districts with Schedule V Areas involving forest land.

Two measures are required to urgently address these conflicts. First, the government must respect existing constitutional provisions and statutes protecting land rights, and second, clear laws and policies must respect the customary ownership of common lands that are not covered by protective laws. Customary users of land, such as tribal communities, are fully cognizant of their rights even if the current governance structures provide no reference to them. Without clarity on land and forest rights, competing claims between communities and the government will continue to fuel conflict and put India's socioeconomic future at risk.

Endnote

¹ Many districts have only part of their area under Schedule V. For ease of analysis, all the conflicts in these districts have been included in the category "Conflicts in Districts with Schedule V Areas."

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The Rights and Resources Initiative

The Rights and Resources Initiative (RRI) is a global coalition consisting of 15 Partners, 5 Affiliated Networks, 14 International Fellows, and more than 150 collaborating international, regional, and community organizations dedicated to advancing the forest land and resource rights of Indigenous Peoples and local communities. RRI leverages the capacity and expertise of coalition members to promote secure local land and resource rights and catalyze progressive policy and market reforms. For more information, please visit www.rightsandresources.org.

Affiliated Networks



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