

AGREEMENT ON LAND REFORMS BETWEEN THE MINISTRY OF RURAL DEVELOPMENT (GOI)

AND JAN SATYAGRAHA

- 1. National Land Reforms Policy:** While land reforms is clearly a state subject under the Constitution, the MoRD acknowledges that a National Land Reforms Policy announced by the Central Government could have its own importance. The MoRD will initiate a dialogue with States immediately and put out a draft of this policy for public debate and discussion in the next 4-6 months and to be finalised soon thereafter. The draft Land Reforms Policy prepared by the *Jan Satyagraha* organized by *EktaParishad* will be an important input into the preparation of this draft. Civil Society Organisations will also be actively involved in this exercise.
- 2. Statutory backing to the provision of agricultural land and Homestead Land:** MoRD will proactively initiate the dialogue process with States to take up steps on the issue of giving statutory backing (like MGNREGA and FRA) to (a) provision of agricultural land to the landless poor in the backward districts; and (b) provision of Homestead Rights to the landless and shelter less poor of rural areas, all over the country, so as to guarantee 10 cents of homestead to every landless and shelter less rural poor household.
- 3. Homestead Land:** MoRD will propose doubling the unit cost to enable provision of 10 cents of land as homestead for every landless and shelter less poor family as a component of the Indira Awas Yojana (IAY).
- 4. Enhanced Land Access and Land rights for the poor, marginalized and deprived landless:** The MoRD agrees to issue detailed advisories in the next two months exhorting the States to focus on the effective implementation of various laws enacted by legislatures aimed at protecting the land rights of dalits, adivasis and all other weaker and marginalized sections of society. Details of these advisories will be worked out in consultation with civil society organisations active on this issue. MoRD will also, through a set of advisories exhort and support the State Governments to take up a time-bound programme, for securing access to land to specific categories of marginalized and deprived landless families.
- 5. Fast Track Land Tribunals:** The MoRD agrees to initiate a dialogue with States to establish Fast Track Land Tribunals/Courts for speedy disposal of the cases pending in revenue and judicial courts. In addition to the Central Scheme for legal aid, States too will be exhorted to extend legal aid to all the persons belonging to socially deprived sections, whose lands are involved in litigation, particularly dalits and tribal communities.
- 6. Effective Implementation of Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA):** MoRD will work with the Ministries of Tribal Affairs and Panchayati Raj to complete stakeholder consultations over the next four months so that detailed circulars to States could be issued for ensuring effective implementation of PESA by empowering the Gram Sabhas to exercise the powers given to them under the Act.

7. **Effective implementation of Forest Rights Act:** Ministry of Tribal Affairs have issued a comprehensive set of revised rules on 13th September, 2012 under the Scheduled Tribes and Other Traditional Forest Dwellers(Recognition of Forest Rights) Act, 2006. States will be actively exhorted and supported for effective implementation of the Forest Rights Act in the light of the revised rules and directives issued by the Ministry of Tribal Affairs and in light of suggestions received from civil society organisations.
8. **Forest and Revenue Boundary Disputes:** MoRD agrees to issue an advisory to States to set up joint teams of Forest and Revenue Departments to undertake a thorough survey of the forest and revenue boundaries to resolve disputes. The Gram Panchayats and Gram Sabhas will be fully involved in the survey and settlement process.
9. **Survey, updating of records and governing Common Property Resources:** The MoRD will exhort and support the States to carry out survey of Common Property Resources (CPRs) with the direct involvement of the Gram Sabha and the Gram Panchayats concerned. The States will also be advised to ensure full implementation of recent Supreme Courts' directions on this matter.
10. **Task Force on Land Reforms:** The MoRD will immediately set up a Task Force on Land Reforms headed by the Union Minister for Rural Development to implement the above agenda. Members of the Task Force will include representatives of MoRD, state governments, civil society organisations working on land reform issues and all stakeholders concerned.

In light of this Agreement Jan Satyagraha agrees to discontinue its present march and work with the MoRD to carry forward this agenda.

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Government of India*

PV Rajagopal
Jan Satyagraha

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Agra

Annexure 2: Suggested Agenda for action for ensuring effective implementation of the PESA, 1996 and FRA, 2006

PESA

Align all State revenue laws and land related relevant laws with PESA 1996 to recognize powers of Gram Sabha over land matters; provide mandatory intimation to Gram Sabha in writing through the Gram Panchayat of any proposed sale of transfer including mortgage of any land/transaction in the village; authorize Gram Sabha to call for relevant revenue records, conduct a hearing and direct SDM for restoration of alienated land in necessary cases; inform any changes in the land record including mutations to the Gram Sabhas; expand the list of Schedule V villages by including all the eligible but left out habitations; enforce in letter and spirit, the 'Samata Judgment' in all acquisition of tribal land for private companies and implementation of PESA to be strengthened by notification of appropriate rules and directives under it; given overriding effect in the State, over all others laws, with appropriate amendments being carried out in all the State laws that are in conflict with PESA within a period of one year.

Forest Rights Act

Securing to the Tribals, Bank credit facilities in respect of the land granted under Forest Rights Act and other land laws; ensuring vesting of all forest rights as defined under the Act, to the tribal communities, who were earlier displaced because of notification of National Parks and Wild life Sanctuaries, and are rehabilitated under the provisions of Forest Rights Act; settlement of Forest Rights, both individual and community rights, in respect of lands proposed for acquisition, before land acquisition proceedings are commenced.

All forest land where the Forest Rights Act applies and where the process of settlement of rights under the Indian Forest Act, 1927 has not been completed, it will be made clear that the process of recognition of forest rights under the Forest Rights Act will be completed first and then the Settlement process will be taken to its logical end facilitating absolute rights to the tribals. All Particularly vulnerable/ primitive tribal groups without their date of occupancy on a particular piece of land will be exempted from furnishing of evidence of residence as required under Forest Rights Act. This will be done through appropriate amendment to the Forest Rights Act.

'Orange Areas' in Madhya Pradesh and Chhattisgarh, where large extent of land is underdispute between Revenue Department and the Forest Department shall be settled expeditiously.

Annexure 1: Suggested Agenda for action to secure access of land to the poor

1. Protection and development of lands belonging to Dalits and Adivasis: Measures to prevent alienation Government lands assigned to Dalits; Identification of Govt./assigned lands encroached by ineligible persons for restoring back to the original assignees; Identification of tribal lands alienated to the non-tribals in contravention to the existing land transfer regulations for restoring the land back to the tribals and thorough inventory of land belonging to SCs/STs for taking up development of the lands and provision of irrigation facilities under MGNREGS and other programmes;
2. Assignment of land to the landless poor: Regularization of unobjectionable occupations on the Government lands in favor of landless poor and issuance of title deeds (in scheduled areas, in favor of tribals only); Resumption of land acquired, purchased and/or leased out to industries etc. or acquired for development projects but remaining unutilized, for distribution to the landless poor and State Governments to identify all categories of lands available for assignment to the poor and taken up assignment of the land to the poor, giving priority to the poorest of the poor; To secure access to land to the specific categories of marginalized and deprived landless people such as, Nomads, Particularly vulnerable Tribal Groups, Single Women, HIV Affected People, Siddhis (Gujarat &Karnatka), Fisherfolks, Slum inhabitants, Hawkers, Leprosy affected people, Physically & Mentally Challenged People, Tea Tribes, Salt Workers, Pastoral communities, Bonded Labourers, Mine Workers, Bidi Workers, Internally Displaced People; Re-survey and physical verification of Bhoodaan lands to recover the Bhoodaan lands from encroachers, for allotment to the poor and to revisit the ceiling limit and implement ceiling laws, undertake reclassification of the lands and assign the surplus lands to the poor.
3. Land related issues of the poor: Identify land related problems being faced by the poor and take up a programme for their resolution in a time bound manner; recording of tenancy to enable the tenants secure loans from the Banks; Protect/provide burial grounds and pathway to burial grounds, especially to the most vulnerable communities in the villages; and management of land records at the village in a transparent manner.
4. Land to the Nomads: To issue appropriate directives to the State governments to take up a campaign to settle the nomadic communities, by providing minimum homestead and agricultural land for sustaining their livelihoods.
5. Womens Land Rights: To ensure that land owned by a family is recoded either in the name of a woman or jointly in the name of the man and the woman.