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Chapter · September 2017

DOI: 10.1007/978-981-10-4208-9

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# Property Regimes in India: A Study of Political Determinants of Structural Factors

Deepa Kylasam Iyer

## 1 Introduction

At the heart of land policy in India is a contradiction—the attempt to ensure welfare through land reform and the strategy to promote development through land acquisition. Land is a ‘state subject’ in India that gives considerable autonomy to sub-national governments to pursue land policies, depending on the historicity, social, economic, geographic and political compulsions. After independence from the British colonial rule in 1947, a national reform objective on land was enunciated in the 1950s.<sup>1</sup> The primary objectives of this framework were extensive land reform that would redistribute land to the tiller, abolish the intermediaries and give the peasants tenancy rights.

Meanwhile land acquisition was governed by a Union law of colonial vintage, the Land Acquisition Act 1894. It was in 2014, that a new legislation called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (RFCTLARR) that overthrew the previous law, came into effect. The stated objective of this law was to meet farmer welfare and economic development through industrialisation. With this law coming to force, the revival of land redistribution, which was the original promise of Indian freedom struggle, remains a bleak possibility. On the other hand, land acquisition which also had a nationalist rationale of ‘nation building through publicly owned enterprises’ has undergone transformation. The new land acquisition act attempts to accommodate the need of private capital to fuel economic development in a neo-liberal paradigm.

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<sup>1</sup>The land policy objective centering on land redistribution was a product of two events: The Karachi Resolution of 1931 and 1936 during the Indian freedom struggle and the recommendations of the JC Kumarappa Committee that looked into agrarian relations in 1949.

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In this context, it is apposite to look into the original land reform agenda, how it fared in different sub-national units in India and what the political arguments were, that supported it. Such an analysis could explain in parts, why after two rounds of land reform till the 1980s, redistribution still remains incomplete and is not likely to revive as a credible land policy option in India.

Since land reform was left to the sub-national units with only a national framework as directive, there were two related consequences. Primarily, 'reform' was understood differently in different regions of India based on their historicity and political expediency. Consequently, the particulars of reform such as ceiling limit, and conditions and degree of tenure security were widely different in different regions. Some interesting questions emerge from observing what went on during the land reform years in different states of India. For instance, what were the different kinds of land reform responses that emerged out of the Indian sub-national units and what caused them? This paper argues that land reform was largely a product of structural features of political regime, especially its social base. By analysing the structural features of political regimes, there are possibly four types of property regimes that came out of India during this period.

Two qualifiers seem to be in order here. The first is the rationale for studying 'regime' as opposed to any other political unit, which is dealt with in the next section of this paper. The second point is that historicity of property institutions also played a role in determining the implementation of land reform<sup>2</sup> (see Banerjee and Iyer 2005, 2008). My argument is that while historicity determined the *nature* of land institutions in both the erstwhile princely states and colonial presidencies, social base of political regime explained *why* land reform took different forms in two regions with same historical institutions of land. For example, a largely benevolent princely state of Travancore in southern Kerala had already facilitated land reform laws in the region by the turn of twentieth century that encouraged reform-based thinking in the state after it became part of independent India. But the nature of design and implementation of land reform in the state was the product of political variable because political regimes had an acute interest in ordering the rights in a property regime, determined by which social classes were successfully transferring their proximity to power into property rights. Unlike the colonial regime whose interest in land was revenue generation with minimum protest from the natives, the democratically elected regimes had the additional responsibility of welfare of voting classes and Constitutional commitments<sup>3</sup> to adhere to. This made the emergence of property regimes a turf of political negotiation, between organised groups of social classes and castes.

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<sup>2</sup>For a comparative perspective from other regions, refer Engerman and Sokoloff (2005), Porta et al. (1998), and Açemoğlu et al. (2001).

<sup>3</sup>Initially, the right to property was a fundamental right in the Indian constitution under article 31. Many sub-national governments faced contentious litigation from large land owners while they tried to appropriate land for redistribution because of this clause. Eventually, this right was transferred to article 396 as a mere legal right but not fundamental right, i.e., the violation of this right could not be justiciable in a court of law.

This paper attempts to trace this evolution of property regimes in four subsequent parts. The first part deals with the idea of regimes and property in theory and why political regimes have an interest in ordering property regimes. The second and third part analyses the Indian sub-national context with four typical types of political regimes in order to examine the types of property regimes that evolved from them. The last part summarises the findings and conclusions.

## 2 Why Do Regimes Order Property Rights?

The idea of ‘property’ has some interesting interpretations in literature. This paper borrows from the idea of property regime used by Daniel Bromley as a ‘stream of benefits or income’ (Bromley 1989). Bromley defined property right as ‘a claim to a benefit stream that is usually guaranteed to be protected by an authority like the state or any other legitimate unit of coercion, by assigning duty to others who may covet or interfere with the benefit stream through adverse claims’ (Bromley 1989, p. 2). Defined in this sense, property is not an object but a *social relation* that defines property holder with respect to something of value (benefit stream) and against all other adverse claims.

In this study, property is considered in the context of a regime. Regimes are human artefacts that are instrumental in origin, i.e. specific regimes are created for specific purposes (Ibid.). Regimes perform their function by virtue of commonly held perceptions regarding what is scarce as well as valuable by protecting them with rights. In a property regime, there are bundle of rights on property that constitute the benefit stream. These bundle of rights can be classified based on the types of rights, i.e. physical or social as shown in Table 1.

This brings us to the question: why are political regimes interested in ordering property rights? Primarily, property conceived and claimed is allied to the other institutions that subsist within the jurisdiction of political regime. Property regimes are thus ‘embedded institutions’ (Bromley 1989). They are structural attributes of a political regime that gives its agents a domain to exercise their choice. Property regimes have a pre-allocative function because a political regime in which it has been decided who has control over the scarce economic resources and property relations, can determine the terms of trading and contracts. A political regime has incentive to determine property regime by setting these constraints and choices.

**Table 1** Types of bundle of rights (Maine 1861)

Physical rights	Social rights
Air	Control of access
Water	Use
Soil	Sale
Tree	Lease
Animal	Gift
Mineral	–

It must be noted here that political regimes as referred to in this paper, denotes the structures of the political system and not specific governments. Political regimes determine the allocative and legitimate use of power. They can be used to indicate how political elites deal with public interest, in this case, vis-à-vis, property relations.

Then again, how does the regime perform this regulatory function of ordering property rights? The establishment and evolution of standard norms in property that constitute a property regime is often through dialogue between legislature that makes new law and the courts that interpret the legislations. This collaborative process has been described by Carol Rose as that of ‘crystal and mud’ formation (Rose 2002). What is inserted as crystalline clauses in laws are interpreted with flexibility and latitude by courts of law. This is again contested by private orderings and further modified leading to judicial ‘fuzzying’ or ‘muddying’. Standardization and plurality of property, in other words, ‘facilitates the regulation of particular problems in property in a more targeted manner than regulating on a system-wide basis’ (Merrill and Smith 2000).

In India, comparative work on land reform implementation has been done within the axis of land ownership from a class and caste perspective with interesting results. PS Appu’s review of regulation on tenurial status in India in his paper ‘Tenancy Reform in India’ (1975) sheds light on the way uniform tenancy reforms were initiated in different states of India despite historical differences in land tenure systems like zamindari, ryotwari and mahalwari systems. Land tenancy reforms in India have aimed at three rights—giving tenancy rights, permanent user rights and ownership rights to tenants. However, different states have interpreted and implemented tenancy reforms with varying results.

Following this, state-specific studies were conducted on specific land policies in Gujarat, Karnataka, Andhra Pradesh and Kerala. Pani (1983) has worked on land reform, transfers and tenancy policy in the state of Karnataka, Kumar (2005) has mapped the changing priorities of land use policy in Kerala and Sud (2007) has worked on Gujarat-specific land policy. While these state-specific land studies bring out the nuances of context, research on structural reasons as to why different states pursue different land policy approaches to land use is missing. This study attempts to fill this research gap.

In a comparison of Indian states on implementation of land reforms, Sharma (1994) identified how the land ownership in both owned and operated land holdings has been affected by the land reform policies in India. He pointed out that the level of hierarchy at which reshuffling of land ownership happens as a result of land reform is at the lower landholdings.

Pellissery (2016) has analysed land alienation that has resulted from unsuccessful policies from a ‘mode of production’ point of view. Viewing land inequality through ownership holdings, his inference is that the lower castes like Dalits, Adivasis and Other Backward Classes have ended up in the lower strata with the least land holding. From the survey of literature, path dependency and social composition of political regime emerge as the two variables that determine the property regime in sub-national states of India. While the former determines the

**Table 2** Type of data used (author)

Legislation	Policy documents	Case laws	Plan documents	FDI agreements	Economic data
Land reform	Record of rights	Writ petition	Plan development	Reports of land grab	Economic surveys
Land acquisition	Land grants	Public interest litigation	Plan infrastructure	Revoked agreements FDI	Directorate of economics and statistics
Land revenue	Conversion of land use or tenure	Case law	Perspective plan		
	Land ceiling and tenancy				

strength of continuity, the latter introduces the degree of change. These studies emphasise the degree of importance social base has in influencing political regimes.

Another interesting question is how a political regime considers ordering property regime through land policies. Usually, it is assumed that the relative costs involved in each land policy option is considered by the political regime while selecting land policy as shown in Table 2. Comparative analysis of Indian states based on typology studies gives us an insight over and above ‘cost benefits approach’ about the political regimes operating in the states. This paper begins with the typology framework given by Atul Kohli that categorises political regimes based on the success or failure of redistributive programs in the poverty reform agenda. Using variables like political leadership, social base of the political party, organisational style of the political party and frequency of anti-incumbency, Kohli charts out three types of regimes (Kohli 2009). The first type is a state where there is a well-organised left-of-centre regime that is able to push through distributional reforms like that of Kerala and to a limited extent, West Bengal. The second type is a state that has a regime being co-opted by the propertied class as in the case of Gujarat. The third type is an in-between state that has been able to push through limited reforms through a populist leader as in the case of Karnataka.

This paper begins with these type states and examines land reform policy as the political regimes implemented them. The assumption is that different kinds of political regimes (as they have been classified based on distributional aspect) would lead to different kinds of property regimes based on land reform agenda pursued. Table 2 shows a comprehensive list of type of data used in this study.

### 3 The Type States in India

#### 3.1 Gujarat

The original land reform program that the Union Government launched post independence was as a result of the agrarian land reform program of the 1931 and

1936 sessions of the Indian National Congress that tried to cater to diverse interests like social justice, economic efficiency and abolishment of landed intermediaries. There were two kinds of forces operating to make land reform policies work in the opposite direction. On the one hand, there was the early government machinery of the 1960s with elaborate land institutional structures comprising Agricultural Land Tribunal Officers and Tenancy Deputy Collectors who worked to make land reform a success.

At the same time, there were parts of the State in which land reform failed, due to the failure of the state to take possession of declared surplus land or redistribute it. This too was the result of the institutional structure for entirely the opposite reason. Many of the land revenue officials belonged to the same caste as that of the owner cultivators. Often land was not acquired under the law, or acquired only on paper, while the owner continued to till and reap benefits from the land. For instance, Saurashtra and Kachchh saw 21.4 million hectares of land transferred from former princes and large landowners to tenant tillers since these areas had Rajput princes as the intermediaries and the distributed land was predominantly given to Kanbi and Patidar castes, comprising 12% of the total state's population. In mainland Gujarat, surplus land had to be taken from the same upper and middle castes comprising Brahmin, Baniya and Kanbi Patidar castes and given to the Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). Thus the same regime promoted 'social justice' in one part of the state and remained status quo in another depending on the constituents of the landed class.

The land reform laws were revived in the early 1980s when a regime change brought lower and backward castes, Muslims and Adivasi groups from within the Congress party to power in the state. The leaders of these groups used existing land reform laws to redirect land to the tiller. This was followed by a pendulum swing of ideas. In 1988, under the Chief Minister Amarsinh Chaudhary, a law was passed disallowing the 'eight kilometre rule' (section 2(6) of Bombay Tenancy and Agricultural Land Rules 1956). This was a reversal of the prohibition of buying or selling of agricultural land beyond eight kilometre limit in order to keep the transferred land in the hands of the new tenants. By revoking this provision, the state was opening a speculative market in land. Further in 1995, section 65 of the Bombay Revenue Act 1969 was amended to revoke the necessity of permission for conversion of land use from agricultural to non-agricultural purposes, to ten hectares.

The Union Government allowed the initial Land Acquisition, Rehabilitation and Resettlement Bill<sup>4</sup> to lapse and asked the state governments to pass their own laws. Subsequently, the Gujarat State Government made amendments to four existing land laws in August 2015 namely The Gujarat Agricultural Lands Ceiling Act, 1960, The Gujarat Tenancy and Agricultural Lands Act, 1948, The Saurashtra

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<sup>4</sup>This bill introduced in 2010 by the Congress majority Union government was the first attempt to amend the 1894 land acquisition law. This law exempted five categories including industries to seek consent while acquiring farm land. Many controversial clauses in the bill made it impossible for it to sail through the Parliament.

Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and The Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kachchh Area) Act, 1958.

### 3.2 Kerala

The present-day state of Kerala comprises the erstwhile Travancore kingdom, Cochin and Malabar regions. By the beginning of twentieth century, there were major land policy changes already taking place in Kerala. In the north, the Malabar region was under the British rule. Here, a system of survey and settlement had led to land tax imposition with high rent. In the Travancore region, the Pattom Declaration (1865) gave ownership rights to tenants in *Pandaravaka* land (land owned by the king) on payment of revenue. Further the Nayar Regulation Act 1925 allowed breaking of the matrilineal lines into lineages (*thaivazhi*) to enable inheritance of land along family lines. Meanwhile, the Cochin Tenancy Act 1914 and 1938 enabled tenancy at will as well as sharecropping possible in the Cochin region. Only in Malabar region, the old land tenure system clashed with the British revenue system.

After independence, the land reform agenda was brought to Kerala with five objectives—abolition of land lords, tenancy reforms including ceilings of ownership, consolidation of land holdings, redistribution of surplus lands and reorganisation of agrarian economy. The Agrarian Relations Bill 1957 that was passed in 1959 by the first-elected communist government in Kerala gave a number of provisions. The government also launched into direct action, procuring land from land lords that led to the imposition of President's Rule in 1959.

Subsequently, the Congress government came to power and introduced the Kerala Agricultural Relations Act 1960. This Act provided for new exemption categories but left the major provisions of the old act intact. While attempting to implement this act, the High Court of Kerala stayed many orders of land reform as ultravires the Constitution under article 31 (Right to Property). Consequently, Kerala Land Reforms Act (KLRA) 1963 was passed and inserted the law in the ninth schedule of the Constitution in order to prevent judicial review.

The delayed KLRA received a new lease of life with the Communist government coming to power again in 1969 and amending the act to include certain important provisions. The burden of proof of tenancy was shifted to the landlords and not the tenants as before. However, there was a provision to accommodate 'deemed tenants' who according to the law 'honestly believed themselves to be tenants and took the risk of the cultivator'.

The peasant unions in the 1970s ensured successful registration of tenancy applications. However, the ceiling provisions were not implemented uniformly across the state. Furthermore, the land reform laws did not touch certain marginalised groups like the indigenous people. As a result, land reform was implemented to some extent, however, intermediaries and informal leasing continued to persist.



Land Reform has grabbed the attention of policy makers once again in the 2000s. This was triggered by agrarian protests. In the bill proposed by the Congress government in 2005, it is explicitly mentioned that ceiling exemptions for new crops over and above plantation crops are ‘considered necessary to grant exemption to lands planted with cashew, medicinal plants and vanilla from the ceiling provision’ since ‘they will not get exemption from ceiling limits if the land is used for non-plantation purposes’.

There has also been a move to introduce contract farming as a measure to solve agrarian crisis with the state Agriculture Produce Marketing (Development and Regulation) Act that hoped that those enterprises that are ‘capital-starved and cannot make major investments in technological inputs would find this a big help. Contract farming agreements would provide them with quality inputs, technical guidance, credit and management skills’. These proposed bills have elicited protests with fears of reverse tenancy where big farmers may lease out land from small agriculturalists (Kuriakose and Iyer 2015).<sup>5</sup>

Development projects have also clashed with land-related conservation agenda in the state. For instance, the Left Democratic Front government in 2008 brought out the Conservation of Paddy and Wetland Act 2008 that prevented filling of paddy fields and wetlands in Kerala. A proposed amendment in 2015 changes two important provisions. One is to permit filling of paddy lands under certain conditions. Another provision that has been inserted is a section that gives title deeds to land in *puramboke* (state-owned land) areas.

### 3.3 *Karnataka*

At the time of independence, land in the Mysore State was mostly held by three communities—Brahmins, Lingayats and Vokkaligas. Brahmins held most of the Inam lands<sup>6</sup> and were absentee landlords. The Lingayats and Vokkaligas were owners as well as tenant cultivators in Inam lands. Soon after independence, there were two strong grassroots movement in Karnataka—the Communist movement that promised radical land reform as well as anti-Brahmin movement. The ruling Congress Party reacted to this development by passing a number of laws to abolish Inamdars since they were a minority land-owning community that had aroused opposition through social movements. There was a delay in land reform implementation since the implementation of laws vested on the bureaucracy that was populated by Brahmins.

After the reorganisation of erstwhile Mysore State into the present-day Karnataka State, the Lingayat community was in power for 15 years.

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<sup>5</sup>In their draft discussion paper, the argument put forth by the authors is that the same instruments like land legislations and policies have been increasingly used as instruments to reverse tenancy in Kerala. The relation between absence of adequate agrarian reforms and subsequent problems with land reform is discussed in Kuriakose and Iyer (2012).

<sup>6</sup>Inam lands were given in the British revenue system to the priestly classes.

Land Reforms Committee was formed in 1957 that submitted its recommendation; a bill was drafted in 1960 and came into effect by 1965. The domination of landed communities in the legislature was an important reason in delaying the implementation of land reforms as well as tinkering with some of its cardinal provisions.

There were two major ways in which land reforms were impeded by the design of the legislation. The first one was through the provision of high ceiling on land holdings as high as 27 standard acres for a family of five that was much more than the 10–18 acres suggested by the Planning Commission. In matters of tenancy rights, a number of tenants were evicted based on the provision of ‘self cultivation’ as given in the 1960 Act. Due to a split in the then-ruling Congress Party, a new coalition was formed mainly consisting of backward castes and Muslims in 1969. A new bill for land reforms was formed and enacted in 1974 that took the recommendations of the fourth Five-Year Plans seriously. The number of tenancy declarations arose considerably in the following years and steeply declined after 1977.

The post-1980 period saw further changes in the way land policy was perceived and implemented. It was felt that due to the heavy burden of application, an appellate authority over and above Land Tribunals was required under section 48. However, the decision to have appellate authorities was revoked in 1990 and the decision of the Tribunal was final.

In its vision 2020 and the 12 point formula devised by the State planning board, ‘job oriented growth, vibrant knowledge society and rural prosperity through agriculture and allied activities’ were highlighted as the top three priorities. Consequently, the land policy focus changed from reform to regulations through Transfer of Development Rights (TDRs)<sup>7</sup> and Regularisation of illegalities through *Akrama Sakrama* law.

This facilitation of land for industrialisation continued with new amendments proposed to land laws in 2015. There were two significant changes to the legislation proposed. The law was supposed to ‘enhance the annual income limit from two lakhs to twenty-five lakhs from sources other than agricultural lands to acquire any land taking into consideration the revision of rupee value since 1995; (2) to empower Deputy Commissioner instead of Assistant Commissioner to grant permission for non agriculturist to purchase agriculture land under section 80’. The law was expected to ‘regularise land’ and free it up for free market transactions.

### 3.4 Tamil Nadu

The Tamil Nadu land reform Act was enacted in 1961 having provisions that contravened the proposed sections in the National Policy. The ideal rent was fixed

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<sup>7</sup>Bangalore was one of the first Indian cities to have implemented TDRs. But the scheme landed in controversy when the Office of the Vigilance Cell in BBMP found a scam involving nearly 9 lakh sq km land in the city.

between 20 and 25% of the produce. There was to be an earnest attempt to give ownership rights to tenants as well as bring sharecroppers on records. The importance of recording tenancy was to both claim tenurial status thereafter and have access to facilities like credit institutions. The maximum area of land captured under tenancy under the Land Reform Law was about 10% of the total land. There were no ownership rights provisions for tenants in the Land Reform Law of 1961. The fear of ejection was very high since in many districts the land-owning class also belonged to the upper or middle Hindu castes like Vellalars where as tenant belonged to lower castes like Pallas.

There were three important restrictions that were placed on possession clauses of land by tenants. The tenant could not claim land if (i) he had worked on wet land exceeding about 6 acres, or (ii) whether the owner was self-cultivating and, (iii) his claim was made within 30 days from the commencement of the Act. The third provision was especially unfair on the tenants as sufficient publicity was not given to the law, and many claimants could not rest their case in time for possession rights.

The Tamil Nadu (Panchayats) Act 1994 conferred special powers to Panchayat for transfer of *inam* land, *puramboke* lands as well as communal lands. There was to be a three-tier structure with a Panchayat union council vested with powers of review, monitoring and assessment of land reforms activities. These powers were suggested by the State Planning Commission. For instance, village Panchayats were entrusted with maintenance of land records, tenancy and distribution of surplus land. The district office could supervise the legal proceedings concerning land reform measures. The Panchayats could compile data on the ceiling limits placed in the Panchayat Union region and assist in securing tenancy rights by identifying families who were in need of surplus land.

Tamil Nadu had passed their land acquisition law in 1999. The act had allowed the residents to voice their grievances after the state expressed its intent of acquiring land. The state government subsequently made its policy priority of developing infrastructure and industry clear, through its vision and plan documents.

Tamil Nadu follows nodal mode of investment in which it has selected five districts of Kanchipuram, Tiruvannamalai, Tirunelveli, Tuticorin and Krishnagiri, mostly non-agricultural districts for industrial projects. The characteristics of Tamil Nadu while negotiating land for industrial projects are that (a) the government has identified five non-agricultural districts to predominantly house industries (b) the government negotiates with the land owners directly rather than use acquisition laws through by the State Industries Promotion Corporation of Tamil Nadu (Sipcot) and (c) the state has been successful in utilising wasteland for its industrial projects.

The thrust on infrastructure development has been clear from the plan and vision documents of the state since 2005. The Tamil Nadu vision 2023 document prepared in 2011–12 has pushed energy, industry, transport and infrastructure above agricultural activities as a policy priority. There is also a strategy given to develop the state-based industries through growth of nodal cities.

## 4 Basis of Building Typology

Based on the state-wise study, this paper has attempted to assess how power could wield through the structures of property to create regimes from the analysis of the type states. One of the ways power acts in the case of property regimes is in the area of access to property. The outcomes of land policy implementation (through access to property) and land policy design (ideational influence) are indicative of the power distribution of the structures of political regimes.

### 4.1 Access Mapping

Access mapping was done to understand the way land policies gave rise to access to property. The question asked was whether implementation of land policy gave access to the variables in question to the landless. The high or low access to each of these resources would determine the distribution of power in favour of the beneficiaries of land reform. The intended beneficiaries of land reform wherever it was unsuccessful, have been of the lower classes and castes (Table 3).

Gujarat as a state has followed a land policy that has favoured formation of land markets by making land mortgage worthy and saleable. This was done through the registration program of title deeds as well as jantri rates (state index rate for property in a circle). The state also had a land acquisition policy that gave ongoing benefits from the land sold through land pooling and zoning the regions. Culturally, the spirit of entrepreneurship that the dominant community of Patidars (who are also the land owners) are known for, helped to make negotiations easier. The political regime in Gujarat has been favouring the industrial class through market intervention based land policies with fairly easy negotiation with the public opinion on this issue. The property regime developing in the state has been a market-oriented land acquisition based transactional model.

Kerala on the other hand has given land reform a predominance that is historically related to grassroots peasant struggles as well as institutional land policies that favoured tenancy from pre-colonial times. Hence, over the period, land tenancy has been successful with the state directly mediating between land owners and tenants.

**Table 3** Access mapping through land reform policies (author)

Particulars	Gujarat	Kerala	Karnataka	Tamil Nadu
Capital	High	Low	Low	Low
Labour opportunities	Medium	Low	Low	High
Land markets	High	Low	High	High
Technology	High	High	High	Medium
Authority	Low	High	Medium	High
Social identity	Low	High	Low	Low

However, the enforcement costs of registering tenancy applications as well as ceiling limits with the judiciary reversing several reform based policies has made the monitoring and enforcement costly and land reform to fizzle out in later years. Land acquisition has been difficult and the most recent amendments to land reform bill as well as wetland conservation bill have met with opposition based on grounds of land grab and corruption. Limited access to state or market created labour opportunities and the agrarian crisis of 1998 has created a unique situation. The political regime in Kerala when colluding with landed interest has tried to tinker with land reform by exempting new types of land that produce cash crops, from redistribution. It has also attempted to dilute environmental conservation laws in an attempt to build infrastructure and industry. But the property regime developing as a result of the manoeuvres of political regime is an oppositional kind that hopes to marry equity concerns of social justice with those of environment justice.

The third type of state is Karnataka which has a history of failed land reform primarily because the political regime had colluded with upper caste landed class except for a brief period. They have also failed in their attempt to provide state-given infrastructure and housing. As a result illegal markets for land and property developed especially in city zones. Here, access to land had been state facilitated for digitisation of land records through e-bhoomi project and through state index rate of land prices. Regularisation of irregularities and acquisition with regulation are the main land policies used. The intended beneficiaries of land reform remain without access to land and with reinforced social identity bias. The negotiation with the urban population has been constantly made through new land policies and judicial intervention and therefore access to authority has been present to some extent. The political regime has favoured regulation with less negotiation with stakeholders and the property regime formed has been a regularisation-based model that recognises titling and ownership through market-based transactions.

Tamil Nadu, the fourth type of state, also failed in land reform due to the landed interest playing a part in political regime. However, the state did not abandon the lingo of reform by incorporating these interests through decentralisation in 1994, about the same time it welcomed industrialisation as a major policy. With a substantial vote bank comprising agrarian class and with progressive social movements, a dual strategy was adopted. There were a large number of welfare policies announced for the small and the marginal land holder. At the same time, a growth-based industrial and infra-structural policy was selected for five urban nodes. Thus the political regime favoured a substitution of land reform with welfare and inviting land acquisition through well-directed state policies. The property regime that has formed is a dual regime that has land reform component and acquisition component in practice.

Based on the mappings done above, four types of property regimes are proposed. They are Acquisitive State, Redistributive State, Facilitative State and Substitutive State.

Acquisitive state like Gujarat is the first type that has a development discourse hinged on industry-based growth. As a result, a lot of policy making is around attracting investment and providing land to industries at reduced rate. Land acquisition is the most preferred land policy used to acquire vast tracts of land,

along with land pooling. The central policy value is efficiency and liberty. The tools used here are digitisation of records and transparent record of rights. The bundle of rights emphasised is the ownership right of individuals. Historical and cultural factors like business acumen of the people help in communicating the market-based approach of land policy successfully to the public. Conflicts of land issues that capture public attention involve government grant of land to industries, at concessional rates.

Redistributive state like Kerala that comes in the second category is historically inclined toward land redistribution through ceiling and tenancy laws. The central policy value is welfare and security. A strong left movement along with social movements of women and the environment has impacted the land policy formulation through a rights-based approach. The tools used are government acquisition of land through ceiling laws and transferring of land through land banks. The state is seen as a welfare institution that protects land rights, manages natural resources of the people and imparts skill and training to the people to have meaningful employment opportunities. Civil society organisations are more active in ensuring land rights and opposing large industrial projects that involve land acquisition. The most important conflict that captures public attention is corruption in land deals involving politician–bureaucrat nexus.

The third category is the Facilitative state like Karnataka that focuses on revenue from land as a major policy priority. The central policy value is efficiency and security. Hence registration of land through titling is taken on large scale and innovative land regulation policies like TDRs and regularisation are extensively used. It is interesting that attempts to correct historical wrongs failed through land reforms and hence the policy focus has shifted to regularisation. There is emphasis on attracting investment in large projects involving vast tracts of land. Conflicts in land ownership and corruption in land deals are resolved by petitioning the judiciary and through positive judicial intervention. The government is seen as a facilitator of land transfers.

The fourth category is the Substitutive state like Tamil Nadu which began with one land policy discourse like reform and transformed its policy goals to another end such as acquisition. This dramatic volte-face happens even when the political regime remains the same over the years. The state is seen as patronising the interest class of farmers with subsidies while acquiring land for industrialisation. This dual character makes the state both a facilitator and a welfare provider. Interest group organisations are active and enunciate their class interest clearly. This is responded to, by the political regime, depending on the political power they wield. Conflicts around land are politicised and are usually resolved through policy and vision documents.

## 5 Summary and Conclusions

The study set out to find out how political regime in a state affects the property regime. The questions were whether property regime evolved in a linear manner or went back and forth. The primary finding of the study is that political regime does

affect the property regime in a state. The composition of the political regime determines what kind of property regime is likely to develop in a state. A political regime composed of backward class, agrarian group and lower caste groups is likely to favour a reform-based property regime. A political regime with landed gentry as one of its classes tends to support land revenue based system. A political regime with predominantly trading classes may favour land acquisition and industrial growth as in Gujarat. A regime with mixed interest group of farmers and traders may have a property regime where reform was reattempted through decentralisation as in Tamil Nadu. It is also clear that the four types are not discrete set of property regimes mutually exclusive from one another. Instead one type of property regime is in continuum with another.

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