

[Land Locked]

INVESTMENTS AND LIVES IN LAND CONFLICTS

STATE OF LAND
CONFLICTS | 2022



[Land Locked]

INVESTMENTS AND LIVES IN LAND CONFLICTS



Land Conflict
Watch

Authors: Mrinali K, Anmol Gupta and Mukta Joshi

Research and Database Design: Mrinali K

Editor: Kumar Sambhav

Data Collection and Field Documentation: Field Researchers (Appendix A)

Data Review: Radhika Chatterjee, Moushumi Sharma, John Simte, Pragathi Ravi, Flavia Lopes, Unnati Ghia, Akash Lakra, Anagha MV, Ankita Agarwala, Ayushi Jain, Bhavesh Seth, Meghna Jandu, Pamela Das, Prudhviraaj Rupavath, Shreethiga Ganeshan, Vibha Nadig, Vishu Surana, Jeff Joseph and Nihar Gokhale

Editorial Support: Furquan Ameen

Design Direction and Cover Design: Pradip Saha, www.damagecontrol.in

Layout Design: Vijay Narang

Maps: Pradeep Koulgi

Copyediting: The Clean Copy (www.thecleancopy.com)

Copyright: The report, its contents, or a part of them, may be republished or reproduced for non-commercial use with full citation and reference to the original as “Mrinali K., Anmol Gupta, and Mukta Joshi, “Land Locked: Investments and Lives in Land Disputes - State of Land Conflicts in India 2022,” Land Conflict Watch, December 2022.”

Publisher: Nut Graph LLP

ACKNOWLEDGEMENTS

We thank Usha Ramanathan, independent legal scholar, for her valuable guidance in preparing this report. We also thank Nikita Sud, Professor of Politics of Development at the University of Oxford; Navdeep Mathur, Associate Professor at the Indian Institute of Management, Ahmedabad; Geetanjay Sahu, Associate Professor at the Tata Institute of Social Sciences, Mumbai; and Arpitha Kodiveri, Adjunct Professor of Clinical Law at the New York University School of Law for reviewing the draft of this report and providing invaluable feedback. Their comments helped us improve our initial drafts. This final version of the report incorporates some of their suggestions and addresses their queries (extracts from their critiques are published at Appendix A)

We deeply value the inputs provided by Himanshu, Associate Professor of Economics at Jawaharlal University, New Delhi; Rajendran Narayanan, Assistant Professor of Mathematics at Azim Premji University, Bengaluru; and Ishan Bakshi, Deputy Associate Editor at the Indian Express, which helped us refine our methodology.

We are grateful to Sonmoni Borah, Joint Secretary at the Department of Land Resources, Government of India, and Radha Ashrit, Deputy Director General at NITI Aayog, with whom we discussed the findings of this report. Their suggestions helped us conceptualise the next steps in the research.

We thank Fernando Barrio, Senior Lecturer at Queen Mary University of London. Our interactions with him have greatly helped us in building understanding of land conflicts and their potential resolutions. We are also thankful to Arvind Khare, Former Advisor to the Rights and Resources Initiative (RRI), Washington DC, and Kundan Kumar, former Indigenous Peoples Resources and Climate Change Expert with the Food and Agricultural Organization, for their guidance in originally conceptualising this study.

This report is the result of six years of dedicated data collection, analysis, and review, carried out by Land Conflict Watch (LCW) network of researchers. In total, 102 researchers from across the country contributed to the database of land conflicts and over 20 researchers reviewed and cleaned this data. We are grateful to each one of them.

Finally, and most importantly, we express our gratitude to and solidarity with the people, communities and organisations who work and live at the frontlines of resource conflicts in India. We draw our mandate and essence from their lived experiences. Our work is informed by their knowledge and we hope it aids them in their struggles and decisions.

TABLE OF CONTENTS

Introduction	i
Methodology	iii
1. Definitions	iii
2. Data Collection, Verification and Analysis	v
3. Caveats and Limitations	vii
Summary of Principal Findings	1
1. Spread, Span and Impact of Land Conflicts	2
2. Investments Embroiled in Land Conflicts	2
3. Communities' Demands, Contentions and Perspectives	3
4. Laws, Litigations and Violations in Land Conflicts	3
5. Land Tenure Systems and Land Conflicts	4
6. Conflicts in Districts with Fifth Schedule Areas	4
7. Resolution of Conflicts	5
8. Findings	5
Chapter 1: The Big Picture	7
1. Geographical Distribution of Land Conflicts	8
2. Temporal Distribution of Conflicts	10
3. Sector-wise Distribution of Conflicts	10
4. Rural-Urban Distribution of Conflicts	14
5. Parties Involved in Conflicts	15
6. Demands/Contentions of Communities	15
7. Significance of Land to Communities	16
Chapter 2: Stalled Investments in Land Conflicts	19
1. Investment Involved in Conflicts across All Sectors	20
2. Top 10 Subsectors by Investments Involved in Conflicts	21
3. Stalled and Scrapped Projects	22
4. Delays and Cost Overruns in Projects due to Land Conflicts	23
5. Sector-wise Status of Projects in Ongoing Conflicts	25
6. Investments Involved by Sector and Status of Projects	25
7. Sector-wise Distribution of Delayed Projects in Ongoing Land Conflicts	26
8. Sector-wise Investments in Delayed Projects	26
9. Demands/Contentions of Communities in Conflicts with Stalled and Delayed Projects	27
10. Demands/Contentions of Communities in Conflicts with Projects Underway within Their Deadlines	28
11. Demands/Contentions of Communities in Conflicts Where Projects Are Complete	29
12. Significance of Land to Communities in Stalled and Delayed Projects	30
13. Significance of Land to Communities in Conflicts when Projects Underway within Deadline	31

Chapter 3: Laws, Litigation and Land Conflicts	33
1. Most Frequently Occurring Legislations in Conflicts	34
2. Most Frequently Occurring Legal Loopholes and Processes Involved in Conflicts	35
3. Litigation in Conflicts	36
4. Litigation in Conflicts Classified by the Status of Projects	37
5. On-the-ground Resolution of Conflicts Disposed of in Courts	38
6. Legislations and Communities' Demands/Contentions Involved in Litigated Conflicts	38
7. Litigated Conflicts by Region, Sectors and Sub-sectors	40
8. Reported Violence and Constitutional Rights Violations	41
 Chapter 4: Conflicts by Land Tenure type	 43
1. Distribution of Conflicts by Tenure Type	44
2. People and Land Area Affected in Conflicts Classified by Land Tenure	45
3. Investments Affected by Conflicts Classified by Land Tenure Type	46
4. Sector-wise Conflicts across Different Land Tenure Types	47
5. Stalled and Delayed Projects by Land Tenure Types	48
6. Conflicts by Types of Commons	50
7. Significance of Land to Communities by Land Tenure Type	51
8. Demands of Communities and Legal Loopholes/Processes in Conflicts by Land Tenure Type	53
9. Top Legislations Involved in Conflicts by Land Tenure Types	56
10. Number of Litigated Conflicts by Land Tenure Types	57
 Chapter 5: Land Conflicts in Fifth Schedule Districts	 59
1. Sector-wise Distribution of Conflicts and Affected Populations in Fifth Schedule Districts	60
2. Conflicts by Land Tenure Type in Fifth Schedule Districts	62
3. Top 10 Legislations Involved in Conflicts in Fifth Schedule Districts	63
4. Demands/Contentions of Communities in Fifth Schedule Districts	64
5. Legal Loopholes in Land Conflicts in Fifth Schedule Districts	65
6. Significance of Land to Communities in Fifth Schedule Districts	65
 Chapter 6: Resolution of Conflicts	 67
1. Distribution of Closed Conflicts by Sectors	68
2. Land Tenure-wise Percentage of Closed Conflicts of All Documented Conflicts	70
3. Reasons for Resolution	71
4. Qualitative Analysis of Resolved Conflicts	71
 Conclusion	 75
Research Agenda for the Future	77
Appendix A: List of all Field Researchers	79
Appendix B: List of Data Fields	80
'Appendix C: Extracts from Critiques by Reviewers'	88

INTRODUCTION

India's development agenda recognises the need for "inclusive and sustainable industrialisation".¹ The country's first *Voluntary National Review Report* towards achieving the United Nations Sustainable Development Goals states, "While targeting economic growth, infrastructure development and industrialisation, the country's war against poverty has become fundamentally focussed on social inclusion and empowerment of the poor".¹

As a large, emerging middle-income economy, India also seeks high economic growth driven by industrial and infrastructure development. The practice of securing such growth often treats land purely as an asset—a factor of production—while ignoring multiple, and at times contested, values that a large section of society attaches to it. The competing demands and values cause conflicts.

The issue of land conflicts – which arises largely out of land needs for infrastructural development, industrial projects, conservation, livelihood needs, and, increasingly, climate change mitigation and adaptation interventions – is a critical and urgent challenge in land-scarce India. Land conflicts have become endemic, with serious implications for the wellbeing of the poor, social stability, and industrial and infrastructural development. The impacts are visible in the unprecedented quantum of investments that have been locked up³ due to delays in land acquisition, courts being overburdened by land and property disputes,⁴ and rising instances of social unrest around land.⁵

Resolving land conflicts in India's developing economy remains an essential requirement in reducing inequality and promoting sustainable industrialisation and infrastructure development. In order to resolve these conflicts, it is essential to identify and address the reasons why they arise. The systemic issues and processes that shape or aggravate on-the-ground conflicts across the country have not been empirically studied so far in an aggregated manner. As a result, decision-making on land disputes and stalled investments in the past has been limited by the paucity of data and analysis on the full range of factors and dynamics that cause them.

For instance, policymakers' key response⁶ to stalled and delayed projects has been to simplify rules and procedures that hold up projects at the licensing and approval stages under various laws and regulations. This is often done when concerned infrastructure ministries raise concerns⁷ about projects under their purview being stalled.

The effectiveness of these measures, however, remains questionable, as the time and costs of large development projects have continued to rise over the years, with disputes over land acquisition continuing to be the leading reason for stalled projects.⁸

It is therefore necessary to bridge the information gap around land conflicts to enable evidence-based decision-making by governments, businesses, and civil society organisations. Through quantitative and qualitative analysis of granular data pertaining to 607 ongoing and 82 closed/resolved land conflicts, documented in the Land Conflict Watch (LCW) database till date, this report tries to address the lacuna of the limited discourse around land conflicts in India.

We attempt to present an overall picture of land resource disputes by analysing their various facets. We assess the impact of land conflicts on investments by analysing cost and

time overruns in industrial and infrastructural projects embroiled in conflicts. We record the potential economic and social significance of land and its resources to the communities living on it. We also analyse systemic issues and processes that induce or aggravate land conflicts, including economic factors, such as determination of compensation; social factors, such as communities' demands and contentions; and legal factors, such as contentious legislations and judicial pronouncements. Our report also highlights spatial and temporal trends in such parameters based on geographies, economic sectors and land tenure systems.

This research is based on data collected over six years by more than 100 researchers (a complete list of whom is appended to this report as Appendix A) who mapped and tracked the occurrence and evolution of land conflicts across the country. For each conflict, we collected data on 69 parameters. In our research, we included only large-scale conflicts in which a community (group of families) is collectively contesting a change in the use or the ownership of land – we have excluded private property disputes between individual families or entities.⁹ The data captured in this report presents a conservative picture – many ongoing land conflicts are being mapped and documented in the LCW database¹⁰ as we write this report.

This report intends to fill knowledge gaps to empower lawmakers, researchers, academics, civil society and industry to minimise, avoid and resolve land conflicts in order to induce sustainable economic growth and minimise business risks and the socioeconomic vulnerabilities of communities. When considered within the context of emerging concerns such as climate change, this analysis of land conflicts could help in developing better strategies to address the existing and emerging challenges of those living on the economic and social margins.

LAND CONFLICT WATCH DATABASE

Unlike one-time events, land disputes go on for years. Tracking them is an arduous process requiring long-term engagement. With an objective to facilitate better decision-making, Land Conflict Watch (LCW), a multidisciplinary research agency, started mapping and tracking land-resource disputes in India in 2016. Over the past six years, it has built the country's first and largest database of ongoing land disputes in which the public, or particular communities, are contesting changes in land use or ownership. These conflicts have been mapped on the LCW portal (<https://www.landconflictwatch.org>).

Over 40 researchers from across the country regularly update the database with new and refreshed data as conflicts emerge, evolve, escalate, end or resolve over time. We collected data from government records, independent research studies and affected parties. The database reveals not only macro trends and statistics about disputes at scale but also presents a micro picture of each dispute, with granular data and documents. Each case study also tells the story of people, communities, organisations and other actors who work at the frontline of the conflicts.

In 2020, LCW presented an analysis of preliminary data from 703 ongoing land conflicts documented until then to understand their nature, scale and impact.¹¹ In the past two years, additional layers of data about the social, financial and legal processes involved in these conflicts have been added to the database. While several conflicts have been closed or resolved, and several new conflicts have been reported during this period, we have limited the analysis in this report to only those ongoing and resolved conflicts whose data were updated and verified in the past two years. The data of several conflicts is currently under review; we have not included them in the analysis.

METHODOLOGY

LCW has developed peer-reviewed protocols, standards and methodology for data collection, research and analysis. These were fine-tuned with the help of academicians, researchers and practitioners working in the field of land governance.

LCW collects data on 69 quantitative and qualitative parameters for every land conflict it maps. These parameters include information on the people impacted; investments associated with the land conflict; area under conflict; type of economic activity undertaken on the land; land tenure systems; the parties involved and their demands and contentions; the significance of the land to communities; the legislations and judicial pronouncements involved; legal loopholes and procedural violations associated with the conflict; and other location-specific characteristics. A cross-referenced narrative summary of the conflict also documents why and how the conflict emerged and evolved. If a conflict ended or was resolved eventually, LCW records the reasons behind its closing or resolution. We provide an exhaustive list of all the parameters on which data were collected for each conflict in Appendix B.

LCW gathers and maintains the requisite evidence to support the data; this includes official, administrative and legal records pertaining to the conflict. This information is supplemented by interviews carried out by LCW field researchers, who source additional information from the affected parties. The LCW team consists of field researchers, coordinators, reviewers, legal researchers and data analysts. Each of them has clearly defined roles in the process of conflict identification, data collection, verification and analysis.

The research uses specific terminology and definitions oriented towards field research and the subsequent analysis of land conflicts. We list key definitions and the step-by-step process of data collection and analysis here.

■ 1 • DEFINITIONS

- **LAND CONFLICT:** A land conflict is defined as any instance in which the use of, access to, ownership of and/or control over land and its associated resources are contested by two or more parties, and where at least one of the contesting parties is a community (group of families). The LCW database records only those conflicts for which documentary (and/or audio-visual) evidence of such a contest is available for verification. Land conflicts between two private parties are excluded unless the particular conflict has a larger underlying public interest.
- **LAND TENURE TYPE:** This refers to the nature of ownership or control of the land. Land may be privately owned by individuals/families or collectively controlled/managed by a community as commons.

- **AFFECTED AREA:** The extent of land area under contestation is the affected area. This could be different from the area of the project/activity causing the conflict, as the entire area of the project/activity may or may not be contested.
- **AFFECTED POPULATION:** For private lands, people who hold or claim legal¹² and rightful tenure over the conflict-affected land, or depend on it for their livelihood, are considered the affected population. For common lands, people who have a stake in the contested land parcel and the services it provides, or who depend on it for their livelihoods, are considered the affected populations.
- **INVESTMENTS INVOLVED IN CONFLICT:** An investment involved in conflict is the total amount of investment made, or expected to be made, at the time of the commissioning¹³ of the project that is being undertaken on the land under conflict. The amounts are based on evidence available in the public domain, as cited by project developers, government records or news reports. If different investment figures are available in the public domain, the figures from government and company documents, or the most conservative estimates presented in news reports, are considered.
- **SECTOR:** A sector is the broad category of the activities that induce conflicts. Since neither the government nor academia have a universally accepted categorisation of the economic or social activities that induce land conflicts, LCW has classified these activities into six broad categories – infrastructure, power, mining, industry, conservation/forestry and land use. Here ‘land use’ signifies all the activities that do not fall under any other category, and where land is not assigned by the government or the industry to any specific project/activity.
- **SUBSECTOR:** A subsector is the sub-categorisation of the nature of the activity causing the land conflict. It narrows the conflict down to the primary trigger of the dispute, like the industrial project, government scheme or other activity inducing it.
- **SCRAPPED PROJECTS:** Infrastructure, power, mining and other industrial projects involved in land conflicts, which are eventually cancelled, are called scrapped projects. Their cancellation could be due to any reason.
- **COMPLETED PROJECTS:** Infrastructure, power, mining and other industrial projects that are involved in land conflicts, which have reached the commissioning stage are called completed projects.
- **STALLED PROJECTS:** Stalled projects are infrastructure, power, mining and other industrial projects involved in land conflicts where work has stopped, but the projects may or may not have crossed their original commissioning deadlines.
- **UNDERWAY PROJECTS:** These are infrastructure, power, mining and other industrial projects involved in land conflicts, which are ongoing and may or may not have crossed their original commissioning deadlines.
- **DELAYED PROJECTS:** Stalled and underway projects that are involved in land conflicts,

and which have crossed their original commissioning deadlines, are delayed projects. We use publicly available records of the original dates of commissioning to calculate the time overruns of delayed projects. In this report, we analyse delays only for stalled and underway projects.

- **STARTING YEAR OF CONFLICT:** This refers to the year in which the contest over the land began. It could be different from the starting year of the project/activity that caused the conflict. It could also be different from the year in which the conflict was recorded in the LCW database.
- **RESOLVED CONFLICT:** A land conflict in which the contesting parties eventually arrived at a consensus is considered a resolved conflict.
- **CLOSED CONFLICT:** This is a land conflict that has become inactive on the ground. The contesting parties may or may not have arrived at a consensus in such cases.
- **DEMAND/CONTENTION OF COMMUNITIES:** These are demands and contentions with respect to the ownership, control, use, access to or transfer of the land, articulated by the communities directly involved in land conflicts or by their representatives.
- **LEGAL LOOPHOLES/PROCESSES IN CONFLICT:** Situations and/or issues in a land conflict where a question of law is involved, and which aggravate a land conflict or prevent its resolution, are legal loopholes or processes in conflict. Such situations and issues may or may not be covered under existing legislations; they may also arise out of violation of laws.
- **SCHEDULED AREAS:** The Indian Constitution enshrines a special legal and administrative framework for the land rights of Scheduled Tribes in geographically demarcated areas, known as Scheduled Areas, in 10 peninsular and 4 northeastern states. Areas within the northeastern states are demarcated in the Sixth Schedule and those in peninsular India are demarcated in the Fifth Schedule.
- **HOUSEHOLD:** For all calculations, a household comprises an average of 4.8 individuals, as per Census 2011 data.

■ 2 • DATA COLLECTION, VERIFICATION AND ANALYSIS

- **CONFLICT IDENTIFICATION:** LCW has a team of 42 part-time field researchers in 24 of the 28 states and 3 of the 8 union territories working to identify and collect data on land conflicts. Some large states have more than one researcher assigned to them. However, some states and regions are under-reported, either due to difficult terrain or the periodic absence of the affiliated researchers. LCW's researchers include academics, lawyers and research scholars, all of whom have specialised professional experience in their respective geographic areas.
- **DATA SOURCES:** Field researchers based in different states draw upon local and regional sources to identify potential leads, follow them up and verify and report them to the

core team of reviewers. Field researchers collect information from a mix of primary and secondary sources. They are encouraged to verify details about conflicts using evidence from multiple sources, including:

1. **REGIONAL AND LOCAL NEWS SOURCES:** Researchers monitor local and regional newspapers for signs of potential land conflicts. These necessarily include newspapers published in regional languages.
2. **GOOGLE ALERTS:** Google Alerts is a useful tool for identifying potential conflicts. Researchers use them to track specific issues, industries and districts in national and regional news reports.
3. **OFFICIAL DOCUMENTS:** Whenever viable, researchers use official documentation available on public record to ascertain details. Such documentation can include, but is not restricted to, environmental impact assessments (EIAs), affidavits, court case transcripts, police reports, petitions, village assembly resolutions, and any other official documentation that confirms the presence of a conflict.
4. **PRIMARY SOURCES:** First-hand accounts, videos, audio recordings and photographs often form part of the evidence gathered from those involved in conflicts.
5. **CROWDSOURCING:** People can inform the LCW team about a land conflict in their region by filling a publicly available form on the LCW website. Field researchers then follow up to collect data on those disputes.

Researchers are encouraged to build networks with locals, grassroots organisations, peasant movement leaders, government officials, industry leaders and NGOs that are active in their region of focus. LCW's team of regional researchers – combined with their wide network of informed citizens' groups and resource people – are essential for the effective, accurate and detailed identification of land conflicts.

- **DOCUMENTATION:** LCW equips all researchers with a research manual that gives them the necessary context and instructions. It also provides researchers access to LCW's online database platform built on Airtable and trains them to use the platform. To file a conflict, researchers fill an online form that has quantitative and qualitative questions.
- **VERIFICATION:** As part of the review phase, the reviewers' team verifies and cross-references all the data and citations that the researcher provides and edits the case summaries. The reviewer can raise queries about the data, and the researcher can respond through a workflow built into the platform. After verification, the conflict is published and uploaded onto the LCW website.
- **DATA SHARING:** Data on each conflict is made available to the public on an open online platform. Aggregate data on basic trends across geographical regions, industrial sectors and land types can also be analysed through the interactive data explorer. Interested parties can request access to the LCW database, or segments of it, for further research. The platform does not share personal data about the people and communities involved in the conflicts.
- **UPDATING CONFLICTS:** As land conflicts are constantly evolving, the field researchers periodically review and update records pertaining to conflicts in their region. They reach out to the original sources, conduct online searches for the latest information, and make phone calls to the resource persons and the representatives of the parties involved to

keep track of updates. If a conflict is resolved or closed, it is marked as such and archived in another section of the database.

- **DATA ANALYSIS:** Following data collection, verification and updating, a team of data analysts conduct quantitative and qualitative analysis. Data from Airtable can be exported to other software for analysis.

■ 3 • CAVEATS AND LIMITATIONS

1. The list of land conflicts in the LCW database and in this analysis is not exhaustive. The database is dependent on researchers reporting on conflicts from their regions; this is further dependent on the availability of documentary evidence of conflicts in the public domain. The state-wise distribution of conflicts does not, therefore, represent the actual distribution of conflicts on the ground.
2. When available, we retrieve data from official reports and independent studies. LCW relies on media reports and other secondary sources when primary sources are unavailable. When data differs across sources, LCW relies on government sources. In case government sources are unavailable, LCW considers the most conservative figures from other sources.
3. The figures that we use in our analysis of the investments involved in conflicts are conservative. In many ongoing projects, only data of the partial costs incurred, and/or the partial investments made until the time of reporting, were available. In many conflicts, data on investments were not available. The project cost estimations may also not include revised outlays estimated by project developers from time to time. The database presents the most recent figure available in the public domain at the time of recording of the conflict.
4. Data on every conflict is reviewed and updated every three to six months. Some updates from the ground or in the news reports, may not reflect in the database for a few months.

¹ "India – Voluntary National Review," *Sustainable Development Goals Knowledge Platform, United Nations, 2020*, <https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=2096&menu=3170>.

² "Voluntary National Review Report on Implementation of Sustainable Development Goals," *United Nations High Level Political Forum, 2017*, <https://sustainabledevelopment.un.org/content/documents/16693India.pdf>.

³ "Project Implementation Status Report of Central Sector Projects Costing Rs. 150 Crore & Above, April–June, 2022–23 (QTR – 1st)," *Ministry of Statistics and Programme Implementation*, http://www.cspm.gov.in/english/qr/QPSIR_1st_QTR_2022-23.pdf.

⁴ "Access to Justice Survey," *Daksh, 2016*, <https://dakshindia.org/wp-content/uploads/2016/05/Daksh-access-to-justice-survey.pdf>.

⁵ Thomas Worsdell and Kumar Sambhav, "Locating the Breach," *Land Conflict Watch, 2020*, https://global-uploads.webflow.com/5d70c9269b8d7bd25d8b1696/5ecd20dd626f166d67f67461_Locating_the_Breach_Feb_2020.pdf.

⁶ Mayank Aggarwal, "Environment Ministry Pursues 'Ease of Business', One Office Order at a Time," Mongabay, <https://india.mongabay.com/2022/02/environment-ministry-pursues-ease-of-business-one-office-order-at-a-time/>.

⁷ Mrinali K, "Developers should pay a higher Net Present Value for cutting forests," Mongabay, <https://india.mongabay.com/2022/04/analysis-developers-should-pay-a-higher-net-present-value-for-cutting-forests/>.

⁸ "124th Project Implementation: An Overview," August 2022, Ministry of Statistics and Programme Implementation, August 2022, http://www.cspm.gov.in/english/pio_report/PIO_August_2022.pdf.

⁹ See Methodology and Definitions, page iii

¹⁰ See Land Conflict Watch Database, page ii

¹¹ Worsdell and Sambhav, "Locating the Breach," Land Conflict Watch.

¹² The term 'project affected' got legal recognition in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR). The LARR's definition is very specific and lists all the different scenarios in which a family could be affected by land acquisition in order to identify beneficiaries of compensation and rehabilitation. LCW's definition here is broadly worded to refer to all people who are affected by a land conflict because of their ownership or traditional rights or livelihood dependence on the land under conflict, both in case of private and common lands.

¹³ In the context of infrastructural and industrial projects, the term 'commissioning' refers to the stage when project is ready to run operations.

CHAPTER [0]

SUMMARY OF PRINCIPAL FINDINGS

SUMMARY OF PRINCIPAL FINDINGS

We present the findings of this research in six chapters. Each chapter deals with a specific theme around the reasons, impact and patterns of evolution of land conflicts. We provide a concise summary of the principal findings here.

■ SPREAD, SPAN AND IMPACT OF LAND CONFLICTS

1. A total of 607 ongoing land conflicts were recorded in the LCW database at the time of writing this report. These conflicts span over 15,15,295.30 hectares (ha) of land and affect roughly 63,77,080 people. Conflicts have been reported in all 28 states and 4 of the 8 union territories. Of the 766 districts in the country, 323 have at least one ongoing conflict.
2. About 100 conflicts have been going on for over two decades and over 265 conflicts for more than a decade. The current average age of these conflicts is 13 years; they are still unresolved, indicating prolonged impact on the citizens and businesses involved in them.
3. The maximum number of conflicts are concentrated in the infrastructure sector (almost 34% of total conflicts), followed by the power sector (16%), forestry/conservation (14%), industry (11%) and mining (8%). Apart from the usual investment-centric sectors, like infrastructure and industries, forestry and conservation schemes have emerged as a large arena of continuing land conflicts.
4. People involved in land conflicts reported physical attacks in 55 cases, threats and intimidation in 44 cases, lathi charge or tear gas attacks in 37 cases, killings in 34 cases and torching of houses in 18 cases.

■ INVESTMENTS EMBROILED IN LAND CONFLICTS

1. Investments worth at least ₹22.84 lakh crore (approximately US\$ 280.1 billion), or 9.65% of India's GDP¹⁴ in 2021–22, are embroiled in land conflicts. Out of this, investments worth ₹8.02 lakh crore are locked in stalled and delayed projects, and investments worth ₹14.64 lakh crore are at risk of being delayed or stalled. In addition to these, projects worth at least ₹1.68 lakh crore have been cancelled (and in one case, shifted out of the

contested land) in the past six years. These are conservative estimates as investment data for several projects are not available.

2. Infrastructure projects account for the largest share of investments at risk due to ongoing land conflicts – ₹12.96 lakh crore. Conflicts related to power projects involve investments worth ₹5.7 lakh crore, followed by ₹2.04 lakh crore in mining conflicts and ₹1.91 lakh crore in industrial conflicts.
3. Out of the total 416 projects in the infrastructure, industry, mining and power sectors involved in ongoing conflicts, 71 projects are currently stalled and 9 have been scrapped altogether. Another 82 stalled and underway projects are experiencing delays ranging from a few months to 22 years.
4. In nine cases, the land conflict did not end even when the original project was cancelled, as communities are demanding the return of their land. Similarly, conflicts continued after the completion of projects in 71 cases, as communities complained against procedural violations, lack of rehabilitation and denial of promised compensation. This indicates that the fundamental issues in land conflicts concern communities' demands to exercise their rights and agency over land and not their opposition to specific projects.

■ COMMUNITIES' DEMANDS, CONTENTIONS AND PERSPECTIVES

1. Across all conflicts, complaints against procedural violations form the most common demand or contention of communities. In 41% of the cases, communities allege that authorities or project proponents did not follow proper procedures for the takeover of land.
2. In 34% of the cases, communities are fighting to retain or protect their rights over common lands and resources. In 28% of the cases, they demand legal recognition of their land rights. In 28% of the cases, communities are refusing to give up their land for the project altogether, and in 26% of the cases, they are resisting projects on the grounds of environmental degradation. In 23% of the projects, people are still awaiting rehabilitation. In several cases, more than one demand exists.
3. In most conflicts, land provided multiple livelihood and economic services to communities and held cultural or religious significance. Most of the conflicted land was used for agriculture (seen in 42% of the conflicts), closely followed by residential use (which appears in 37% of the conflicts). In around 28% of the conflicts, communities use the land to extract other natural resources, like water crops or minor forest produce, or for fishing. In 9% of the cases, they are dependent on water bodies, and in 7% of the cases, they depend on the land for grazing cattle.

■ LAWS, LITIGATIONS AND VIOLATIONS IN LAND CONFLICTS

1. Land conflicts involve 413 national and state legislations, 37 case laws and 82 government policies. The most frequently occurring legislations were the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (LARR), 2013

(in about 33% of cases), the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA or Forest Rights Act, 2006) (in about 25% cases) and the Environmental Impact Assessment Notification, 2006 (in 18.7% cases).

2. Conflicts reported several overlapping legal loopholes and issues that arose out of the lack or violation of protective legal provisions around land rights. The most common one was the lack of legal protection of the traditional land rights of communities (in 31.78% of conflicts), followed by forced evictions and dispossession of land (in 27.9% of cases), non-implementation or violation of the FRA (in 23.65% of cases) and violation of free prior informed consent (FPIC) in 23.2% of cases.
3. Nearly half (48%) of all the conflicts never made it to court, indicating that the aggrieved parties either did not have access to or the inclination to approach the judiciary to address their concerns. Of all the conflicts that the courts have disposed of, 83% are still active on the ground, indicating the ineffectiveness of judicial interventions in resolving land conflicts.
4. LARR, 2013, was the most frequently invoked legislation in litigated land conflicts (in 34.18% of the cases). Though FRA, 2006, was the second-most frequently applicable law in all conflicts (in 25% cases), it was fourth among the applicable laws in litigated conflicts (only in 18.36% of cases), indicating the lower accessibility of the judiciary to communities involved in forest rights conflicts. Urban conflicts saw more litigation (in almost 60% of cases) as compared to rural conflicts (49%).

■ LAND TENURE SYSTEMS AND LAND CONFLICTS

1. More than three-quarters (75.94%) of the ongoing conflicts involve common land. The highest proportion – 41% of the conflicts – occur exclusively over commons, 23% exclusively over private lands, and 35% are spread over both common and private lands. Within conflicts involving common lands, the highest share, 37.31%, occurs on non-forested commons; 23.42% of conflicts occur on forested commons, while 36.66% of conflicts involve both forested and non-forested commons.
2. While conflicts related to infrastructure, industry and power projects tend to occur more on land of both tenure types, mining conflicts overwhelmingly involve lands classified as commons (94% in total). Conflicts due to conservation and forestry tend to be concentrated exclusively on common lands.
3. The most common legal loopholes and issues involved in land conflicts concerning forest lands were the non-implementation and violation of the FRA, 2006, and lack of legal protection for land rights. In conflicts over non-forest commons, the most common issues were forced evictions and dispossession of land. And in conflicts over private lands, the most common issues were incorrect estimation of compensation and the violation of free prior, informed consent.

■ CONFLICTS IN DISTRICTS WITH FIFTH SCHEDULE AREAS

1. While Fifth Schedule districts constitute only 15% of the total districts in the country, they are the site of 24.55% of all land conflicts, 23.71% of the conflict-affected

population and 20.97% of the conflicted land area. This indicates a higher concentration and intensity of land conflicts in these districts as compared to the rest of the country.

2. Infrastructure, conservation and forestry-related conflicts are most prevalent in Fifth Schedule districts.
3. Non-implementation or violation of the FRA and violation of free prior informed consent are the most common legal loopholes and issues occurring in conflicts in these districts. We recorded that 34% of mining conflicts in Fifth Schedule districts occur exclusively on forested commons.

■ RESOLUTION OF CONFLICTS

1. Out of 689 conflicts recorded in the LCW database, 82 (12%) have ended on the ground during the six-year period of this research. While these closed conflicts constitute a small dataset, they provide significant insights into the prevention and resolution of conflicts.
2. Half of all closed conflicts ended when the affected community's demands were met; 13.4% of conflicts ended because the community agreed to alternative offers; 8.53% ended because a court decision was not in favour of the community; and 19.5% ended because the community gave up their agitation for other reasons.
3. In the conflicts that ended because the community's demands were met, their demands ranged from the retention or protection of access to common land (in 17 cases), refusal to give up land for the project (in 17 cases), opposition to environmental degradation (16 cases) and complaints against procedural violations (15 cases). In most of these cases, the projects themselves were cancelled or moved to other locations.
4. A significant share (20.97%) of conflicts over private land have ended, as opposed to only 13% of common land conflicts, and only 9.85% of conflicts involving both common and private land. A lack of formal rights over common land is a notable hurdle to communities having their demands met and potentially prevents the conflicts from being resolved.

CHAPTER [1]

THE BIG PICTURE

1 THE BIG PICTURE

8

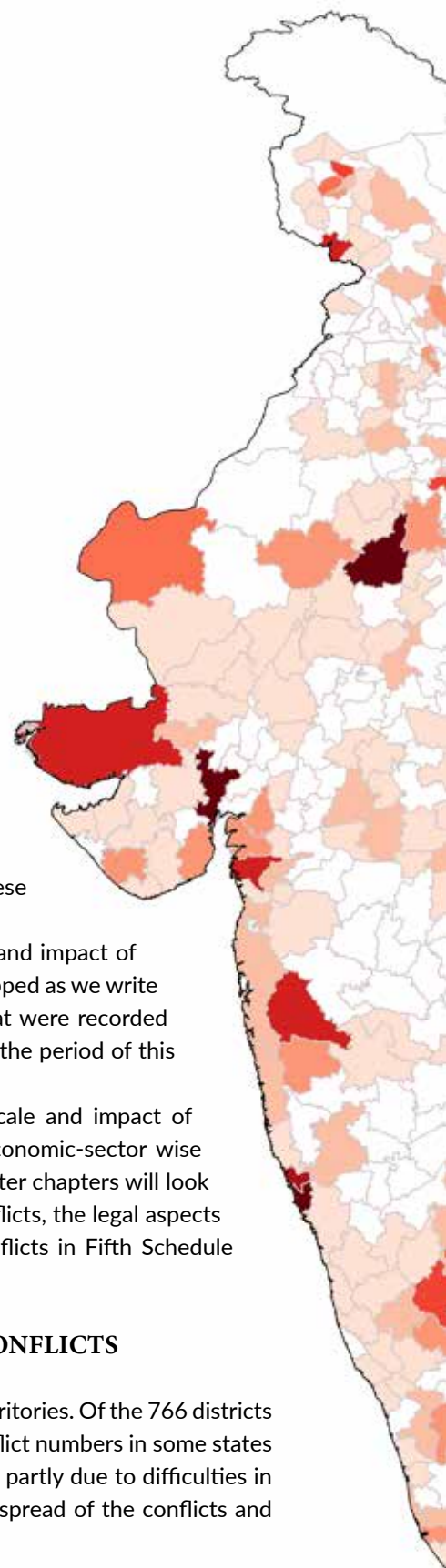
The LCW database featured a total of 607 ongoing land conflicts at the time of writing of this report. These conflicts span over 15,15,295.30 hectares (ha) of land and affect roughly 63,77,080 people. Investments worth at least ₹22,83,805.6 crore (approximately US\$ 280.1 billion) – equivalent to 9.65% of India's GDP¹⁴ for 2021–22 – are embroiled in these conflicts. Of this, industrial and infrastructure projects with investments worth ₹8,02,886 crore have either been stalled or delayed, as conflicts over the land assigned to these projects continue to boil.

These figures present a conservative estimate of the scale and impact of land conflicts in India – many ongoing land conflicts are being mapped as we write this report. In addition to the ongoing conflicts, 82 conflicts that were recorded in the database either died down or reached a resolution during the period of this research.

This chapter presents broad, countrywide trends in the scale and impact of the ongoing land conflicts; their geographical, temporal and economic-sector wise distribution; and the socio-economic factors behind them. The later chapters will look specifically into stalled and delayed investments due to land conflicts, the legal aspects of conflicts, conflicts in different land tenure systems, land conflicts in Fifth Schedule areas, and trends around the resolutions of land conflicts.

1.1 • GEOGRAPHICAL DISTRIBUTION OF LAND CONFLICTS

LCW documented conflicts in all 28 states and 4 of the 8 union territories. Of the 766 districts in the country, 323 have at least one ongoing conflict. Lower conflict numbers in some states are partly due to a lack of reporting of conflicts in the media and partly due to difficulties in accessing information. Map 1 gives a sense of the geographical spread of the conflicts and how they have been reported in different states.



Map 1: Distribution of Ongoing Conflicts across Districts

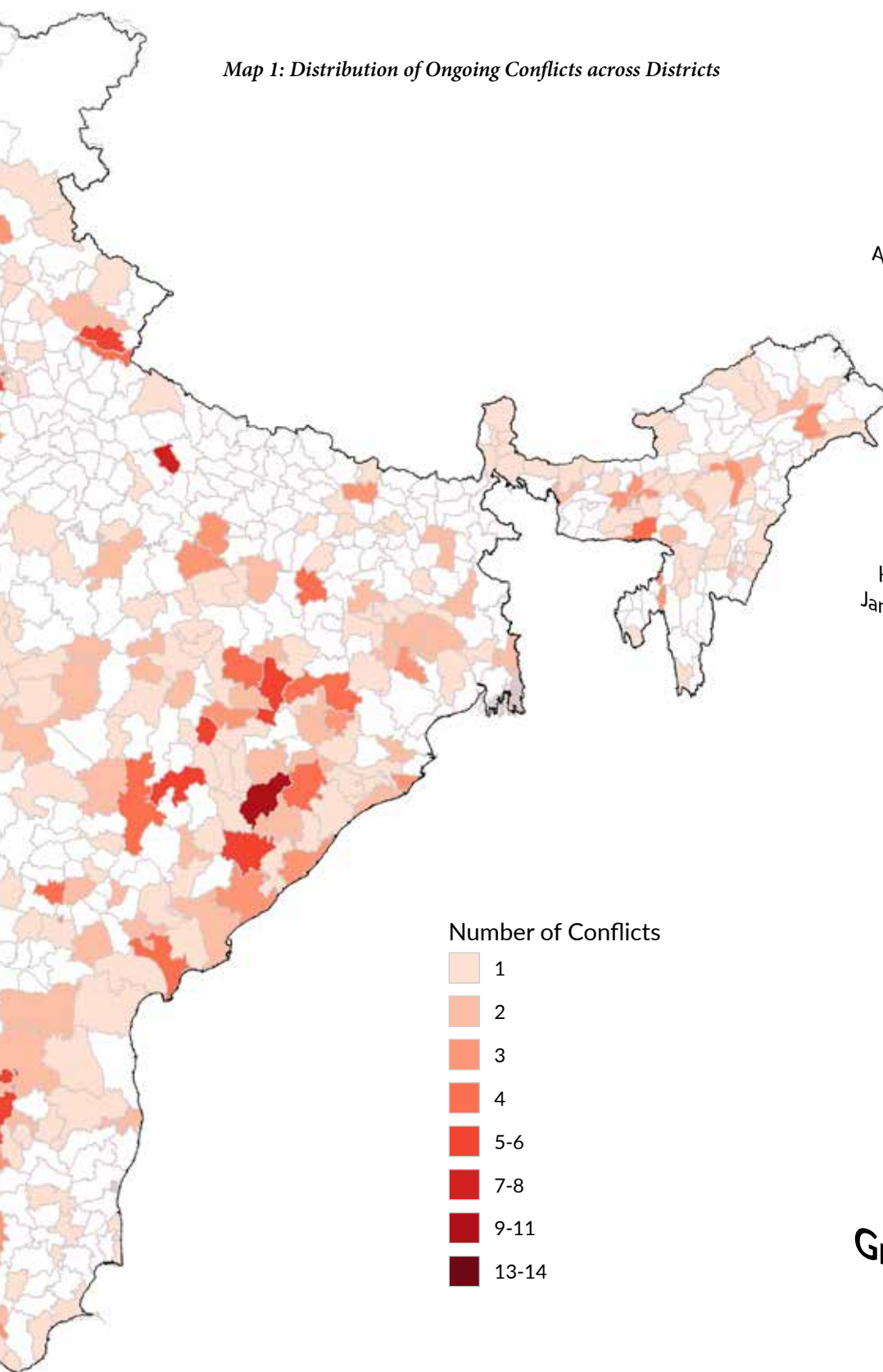


Table 1: Distribution of Conflicts across States

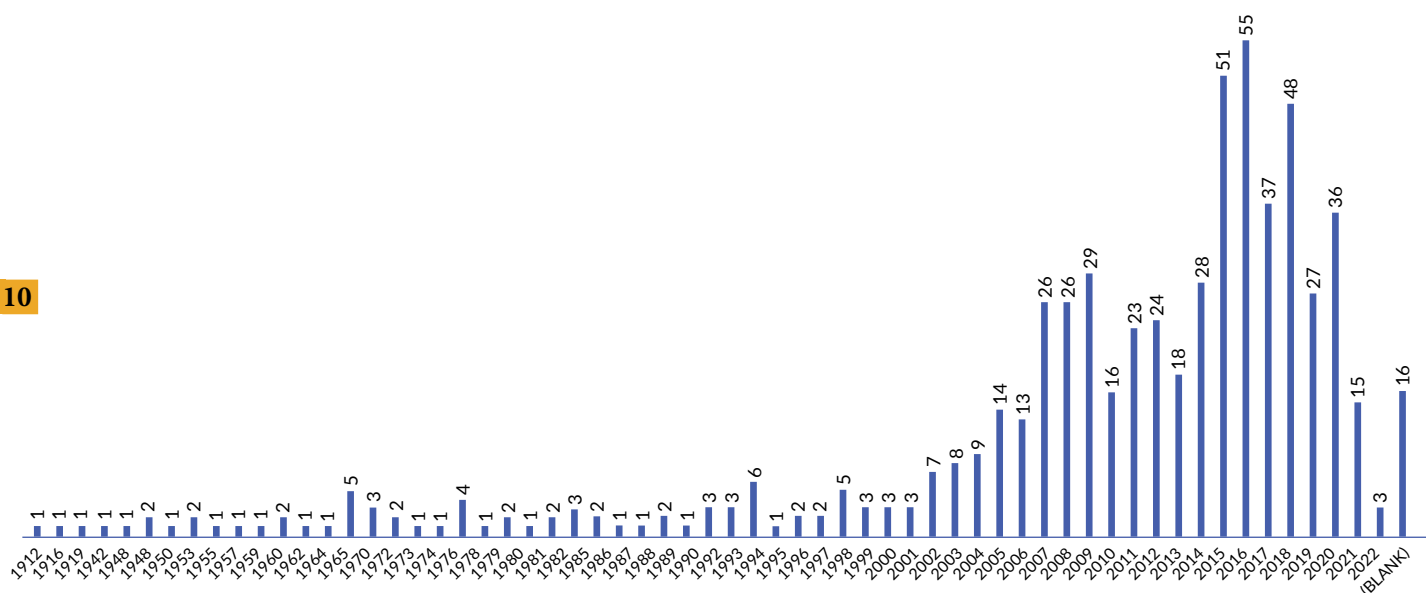
STATES	No. of Conflicts
Andhra Pradesh	22
Arunachal Pradesh	8
Assam	28
Bihar	11
Chandigarh	2
Chhattisgarh	39
Daman and Diu	1
Delhi	11
Goa	23
Gujarat	58
Haryana	13
Himachal Pradesh	10
Jammu and Kashmir	33
Jharkhand	19
Karnataka	28
Kerala	15
Madhya Pradesh	35
Maharashtra	37
Manipur	10
Meghalaya	9
Mizoram	2
Nagaland	3
Odisha	51
Punjab	8
Rajasthan	39
Sikkim	3
Tamil Nadu	14
Telangana	20
Tripura	4
Uttar Pradesh	18
Uttarakhand	16
West Bengal	17
Grand Total	607

1.2 • TEMPORAL DISTRIBUTION OF CONFLICTS

Chart 1 shows the distribution of ongoing conflicts according to their starting year; the longest continuing conflict has lasted for over 110 years. More than half (342) of the conflicts have cropped up in the last decade; 171 conflicts have been going on for over a decade; 31 conflicts have been going on for over two decades; and 12 conflicts have been alive for over three decades. But many conflicts extend much longer – 15 started over four decades ago, 9 started five decades ago, 6 have continued for over six decades, 4 for over seven decades, and 3 for over a 100 years.

The average age of these conflicts currently is 13.04 years, and they are still unresolved. It is, therefore, essential to assess the destruction of livelihood opportunities, capital and investment these prolonged cases cause to determine their impact on the lives of the citizens caught in the conflict as well as on the economy at large.

Chart 1: No. of Conflicts by Starting Year



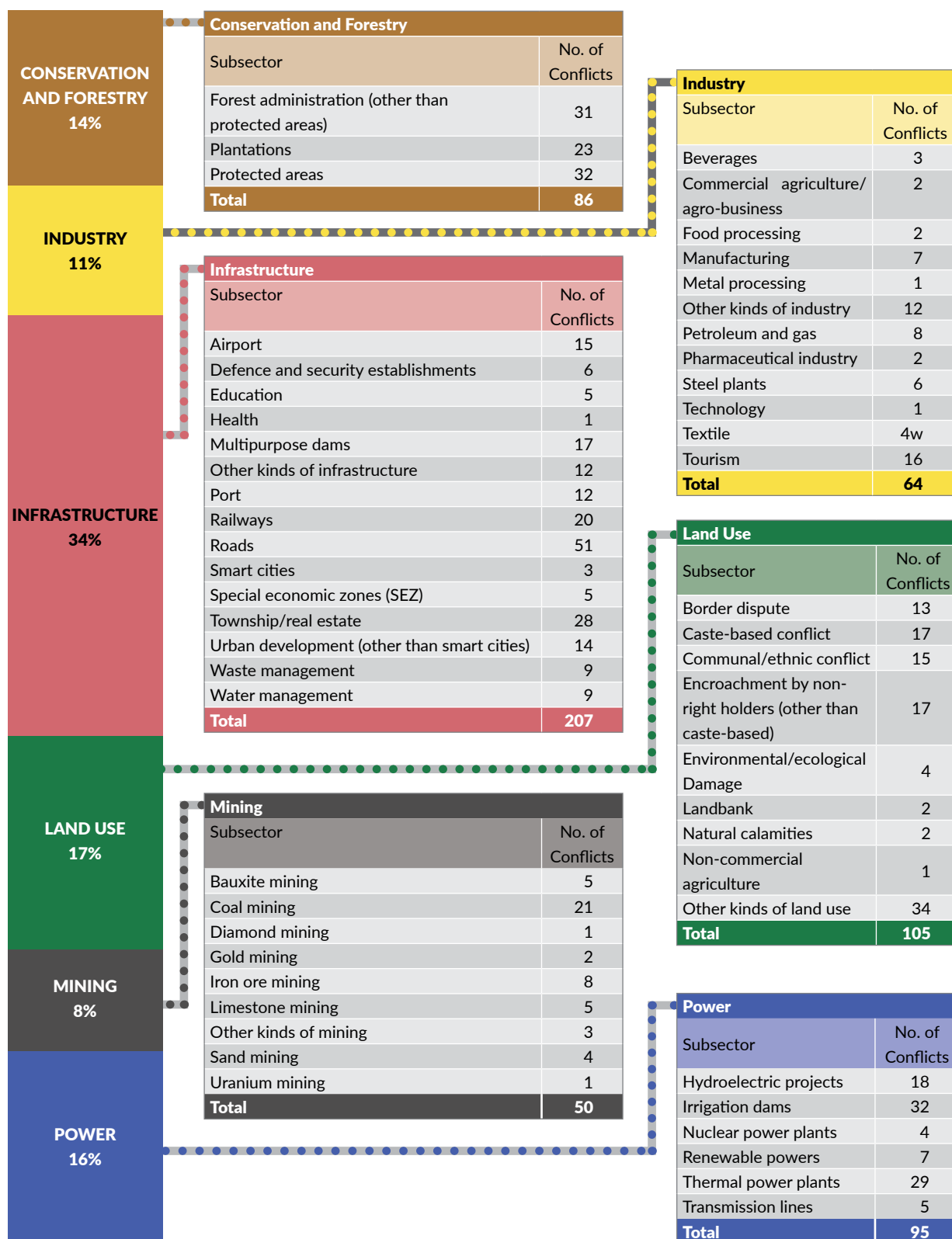
1.3 • SECTOR-WISE DISTRIBUTION OF CONFLICTS

Since neither the government nor academia provides a universally accepted categorisation of the economic or social activities that induce land conflicts, LCW classifies these activities into six broad categories – infrastructure, power, mining, industry, conservation and forestry, and land use. Here 'land use' signifies all the activities that do not fall under any other category and when the land is not assigned by the government or industry for any specific project.

Henceforth, in this report, we will refer to these categories as 'sectors'.¹⁵ We refer to the sub-categories based on the nature of the activity causing the land conflict as 'subsectors'. Chart 2 lists the sectors, corresponding subsectors and the number of conflicts falling under each subsector.

The maximum number of conflicts are seen in the infrastructure sector, making up almost 34% of total conflicts, followed by land use¹⁶ (17%), power projects (16%), forest/conservation related activities (14%), industry (11%) and mining (8%).

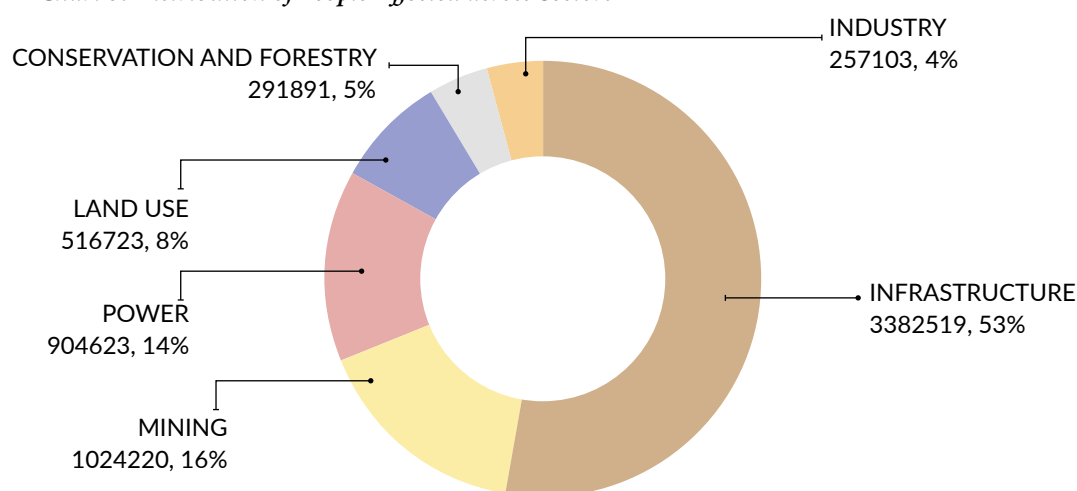
Chart 2: Sector-wise Distribution of Conflicts



■ 1.3.1 • People Affected by Conflicts across Sectors

Although infrastructure causes 34% of conflicts, it accounts for over half the total population (53%) affected by land and resource conflicts. Despite being the reason for only 8% of the total conflicts, mining projects impact up to 16% of the total population affected by land conflicts. This is closely followed by conflicts due to power projects, which impact 14% of the affected population. Land use conflicts impact around 8% of the affected population, and conflicts caused due to industries and the forestry sector impact 4% and 5% of the affected population, respectively. Data on the number of people affected was available for 467 conflict cases.

Chart 3: Distribution of People Affected across Sectors



Although infrastructure conflicts affect the largest number of people (53%), mining conflicts have the largest impact on people per conflict. On average, 26,953 people are affected per mining conflict. This is followed by infrastructure, which affects about 22,400 people per conflict. Overall, an average of 13,655 people are affected per conflict.

Table 2: Average Number of People Affected per Conflict across Sectors

Sectors	Average Number of People Affected per Conflict
Mining	26,953
Infrastructure	22,400
Power	10,899
Land Use	6,799
Industry	6,592
Conservation and Forestry	3,648
Grand Total	13,655

Among the subsectors¹⁷, township/real estate conflicts affect the most people, followed by coal mining. This is followed by dams and the construction of roads (including highways).

Waste management conflicts are usually caused by landfills, which affect a huge section of the population around them. These are followed by roads, railways and land banks.

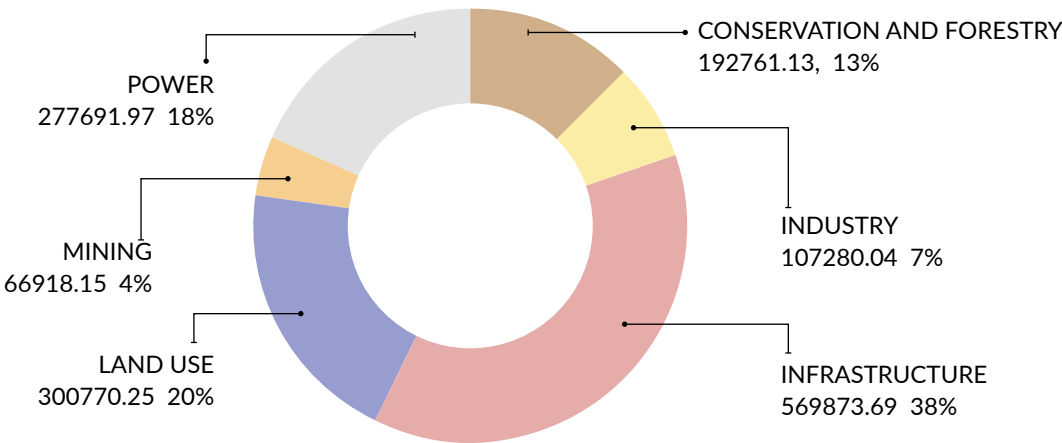
Table 3: The Top 10 Subsectors with Land Conflicts Affecting the Most Number of People

Subsectors	Total number of people affected
Township/real estate	7,29,396
Coal mining	7,14,455
Multipurpose dams	5,14,177
Irrigation dams	4,92,613
Roads	4,25,470
Urban development (other than smart cities)	3,81,967
Waste management	3,56,083
Port	3,16,915
Railways	2,99,915
Protected areas	2,19,636
Total	44,50,627

1.3.2 • Land Area Affected by Conflicts across Sectors

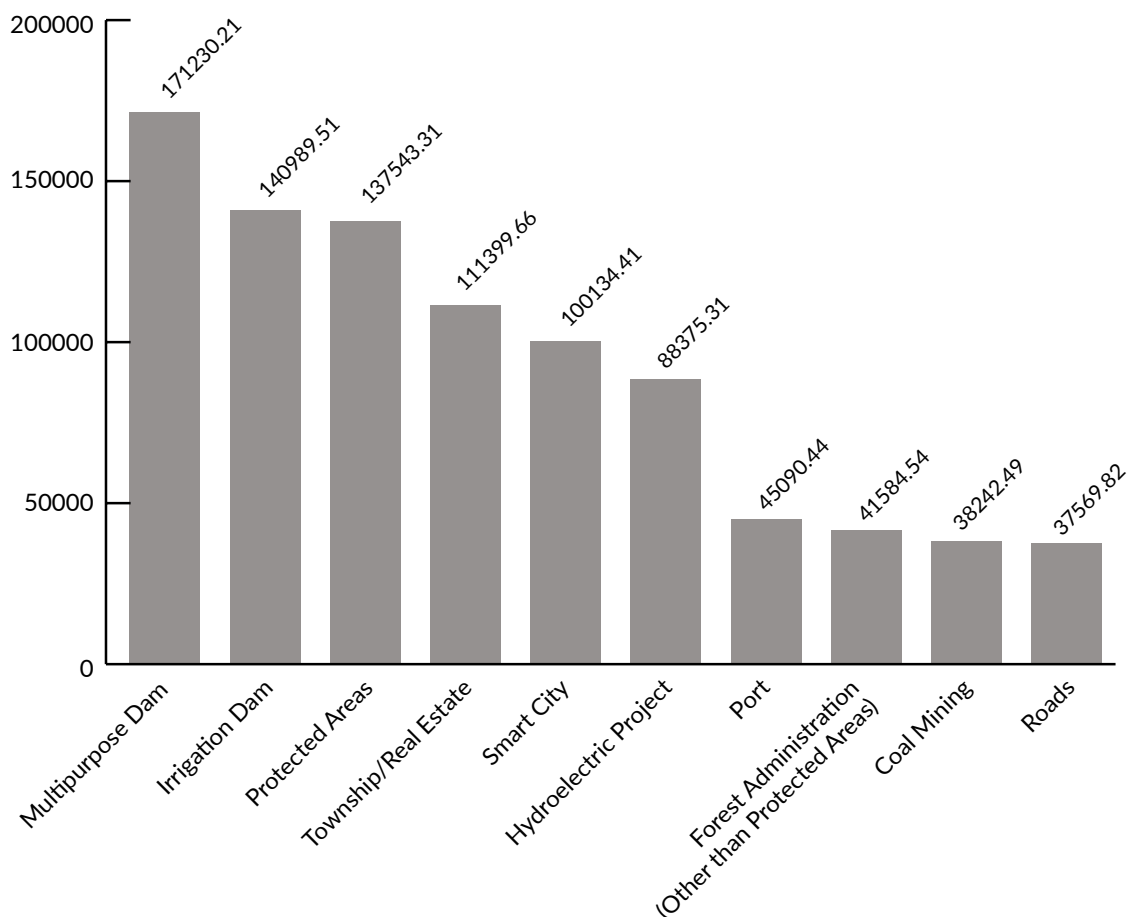
Infrastructure conflicts are spread over the largest area – 5,69,873 hectares of land – making up 38% of the total area affected. This is followed by land-use conflicts, which make up 20% of the total area affected. Power projects and forestry-related conflicts both account for around 18% of the land under conflicts, each, while mining makes up 4% of the total conflicted land.

Chart 4: Affected Land Area across Sectors



Among subsectors, conflicts due to multipurpose dams are spread over the largest area – 1,71,230 hectares of land. This is closely followed by irrigation dams, which affect 1,40,989.5 hectares of land.

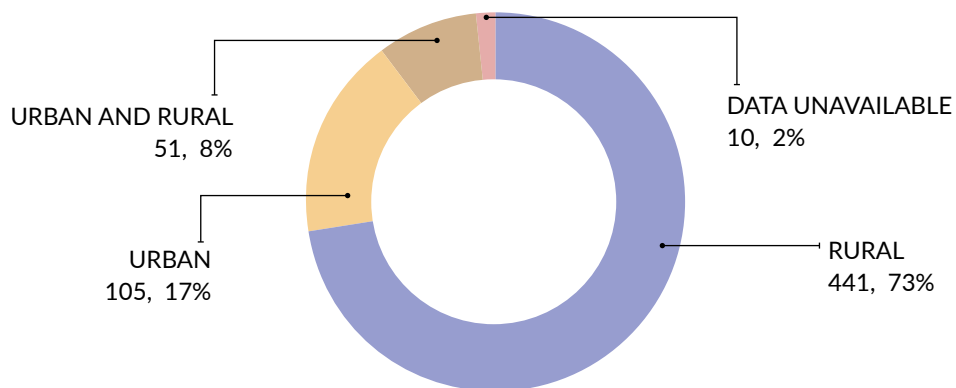
Chart 5: Top 10 Subsectors with the Largest Land Area under Conflict



1.4 • RURAL-URBAN DISTRIBUTION OF CONFLICTS

The overwhelming majority of reported conflicts are concentrated in rural areas. Out of the 607 ongoing conflicts, 73% fall in rural areas, 17% in urban areas and 8% in both urban and rural areas.

Chart 6: Distribution of Conflicts across Urban and Rural Areas



1.5 • PARTIES INVOLVED IN CONFLICTS

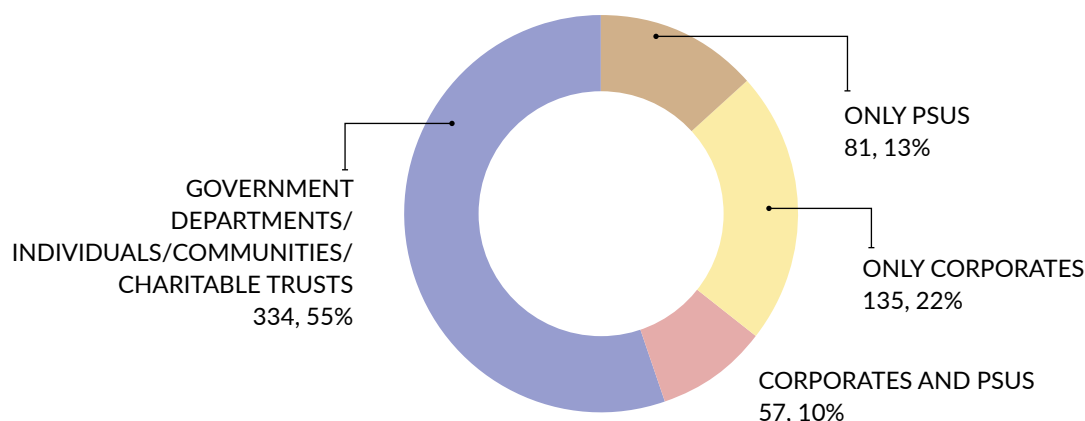
By definition, a community (group of families/citizens) makes up at least one party in each land conflict. The other contesting parties in the conflicts could be private corporations, public-sector undertakings (PSUs), government departments and/or non-state and non-corporate actors, such as individuals, trusts, or another community. In addition to the directly involved parties, government departments also play an indirect role in all conflicts as mediators or entities that have a duty to take notice and provide a resolution to the conflict.

Out of 607 conflicts, corporates were directly involved as parties in 193 conflicts (31.8%) and PSUs were involved in 138 conflicts (22.73%). Both corporates and PSUs were involved in 57 conflicts (9%). In the remaining 220 conflicts (36%), government departments or non-government, non-corporate actors, such individuals, communities or charitable trusts, are involved as contesting parties.

Table 4: Conflicts Classified by Directly Involved Second Parties

Type of Party Involved in Conflict	Number of Conflicts
Only PSUs	81
Government departments/individuals/communities* / charitable trusts	334
Both corporates and PSUs	57
Only corporates	135

Chart 7: Second Parties Directly Involved in Conflicts



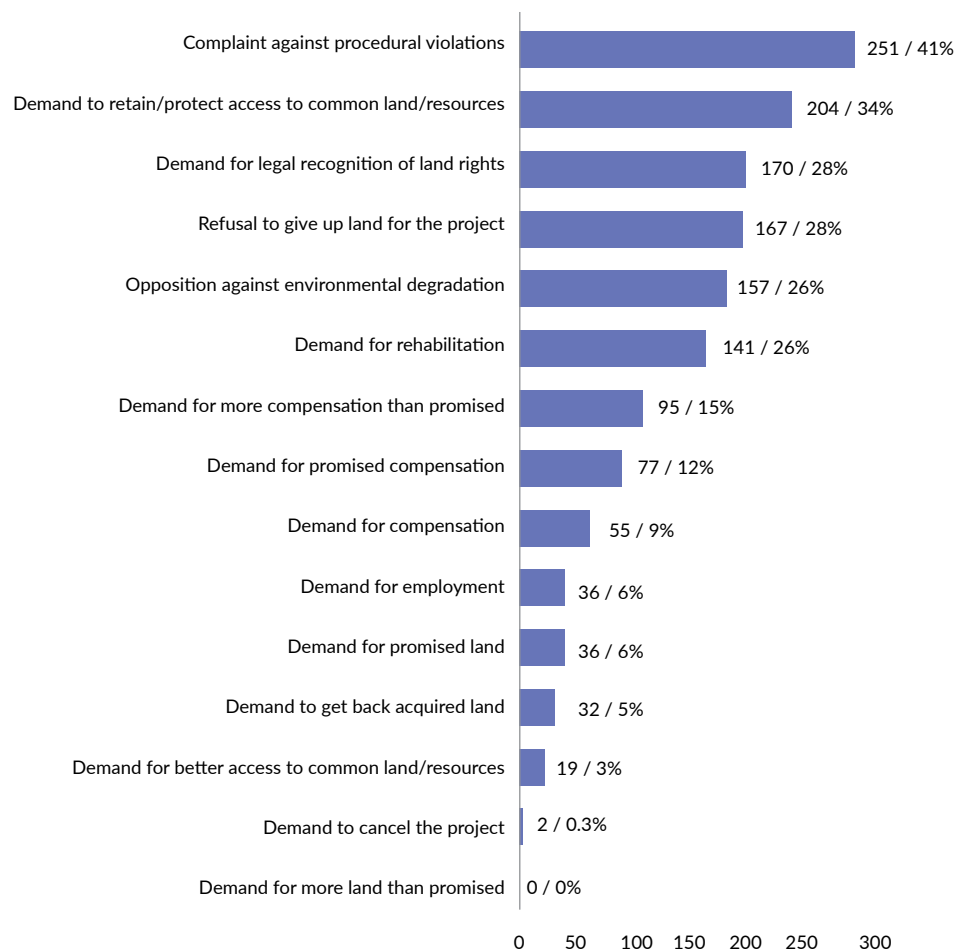
Note: * refers to community vs community conflicts.

1.6 • DEMANDS/CONTENTIONS OF COMMUNITIES

To understand the most contentious issues in land conflicts, the LCW database records the demands and contentions raised by communities. This data is captured based on the community's actions and voices documented at the government and judicial level and in public forums.

Complaints against procedural violations are the most common demands or contentions of communities. In 41% of cases, communities allege that the authorities or project proponents did not follow proper procedures when taking over the land. In 34% of cases, communities are fighting to retain or protect their rights over common land and resources, while in 28% of cases, communities demand legal recognition of their land rights. In 28% cases, communities are refusing to give up their land for the project altogether. In 26% of cases, communities are resisting projects on the grounds of environmental degradation, while in 23% of projects, people are still awaiting rehabilitation. A community could have multiple demands and contentions in a conflict, and thus these categories overlap in several conflicts.

Chart 8: Most Commonly Occurring Demands/Contentions of the Affected Community

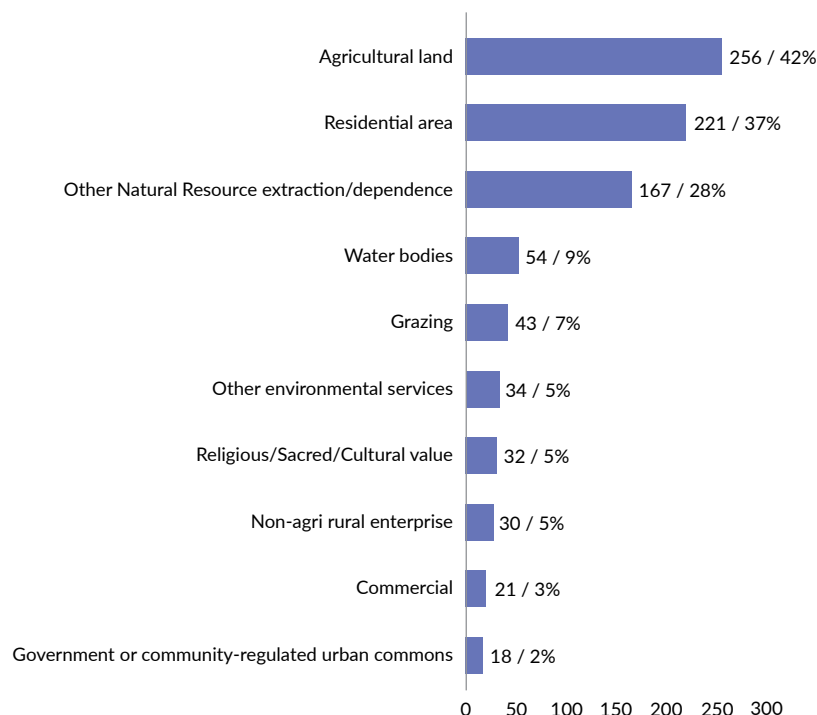


Note: The demand 'refusal to give up land for the project' holds when the land is yet to be taken over for a project. The 'demand to cancel the project' option was added to differentiate demands made by the community to shut down a completed or ongoing project. The latter demand became necessary for cases like the Kudankulam project where land had already been used to set up the plant, but now the community wants it shut down.

1.7 • SIGNIFICANCE OF LAND TO COMMUNITIES

Documentation of the significance of conflicted land to communities shows the variety of ways in which communities use land. The land could be of economic, environmental, religious or cultural significance. With dependence ranging from agricultural and residential use to grazing, communities are directly or indirectly dependent on land for their livelihoods.

Chart 9: Most Common Significance of Land in Land Conflicts

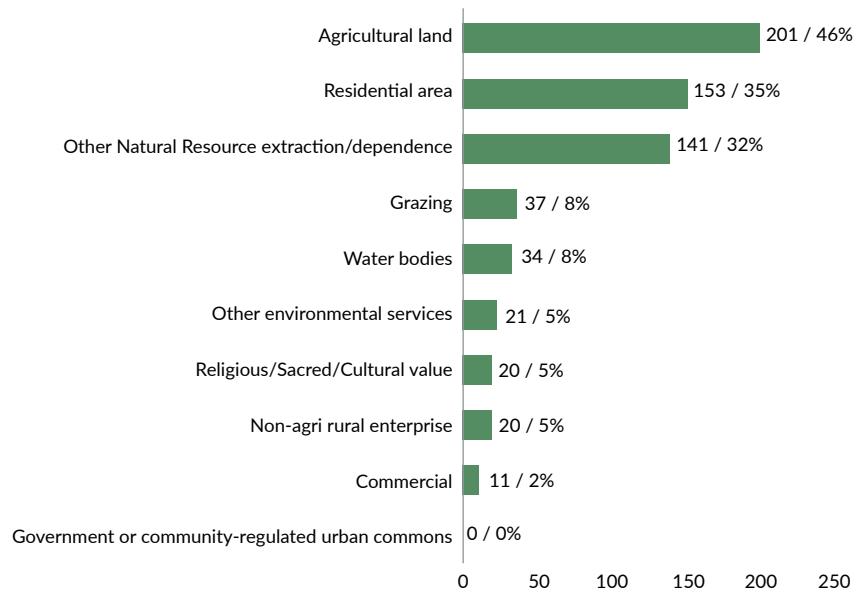


The most popular use of conflicted land is for agriculture (seen in 42% of conflicts), closely followed by residential use (which appears in 37% of conflicts). In around 28% conflicts, communities use the land to extract other natural resources, like water crops or minor forest produce, or for fishing. In 9% of cases, communities are dependent on water bodies and in 7% of cases, they depend on the land for grazing cattle. In most conflicts, the land is valuable to communities in more than one way, so the above categories often overlap with each other. Conflicts where communities refuse to give up land due to its environmental significance are categorised as being used for other environmental services.

1.7.1 • SIGNIFICANCE OF LAND TO COMMUNITIES BASED ON RURAL-URBAN CLASSIFICATION

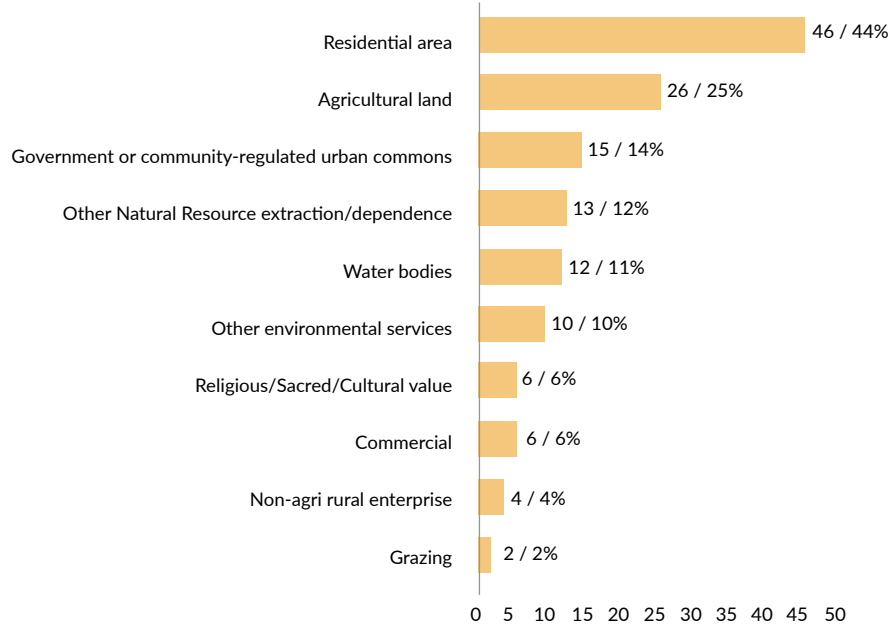
Similar to the overall pattern, in rural areas, agricultural land is mostly implicated in land conflicts, closely followed by residential land. This is followed by land used for extracting other natural resources.

Chart 10: Most Common Significance of Land in Rural Conflicts



In urban areas, residential use is the most popular use of land, followed by agricultural use and then urban commons.

Chart 11: Most Common Significance of Land in Urban Conflicts



¹⁴ "Macro-Economic Aggregates (At Current Prices), 2011–12," Reserve Bank of India, <https://rbi.org.in/Scripts/PublicationsView.aspx?id=21098>.

¹⁵ See Definitions, page iii

¹⁶ See Definitions, page iii

¹⁷ See Definitions, 'subsector', page iv.

CHAPTER [2]

STALLED INVESTMENTS IN LAND CONFLICTS

2 STALLED INVESTMENTS IN LAND CONFLICTS

One of the major implications of land and resource conflicts is the non-completion of infrastructure and industrial projects as per schedule. As of August 2022, the Ministry of Statistics and Programme Implementation (MoSPI) recorded that out of a total of 1,526 large-scale projects (worth more than ₹150 crore each) commissioned by the central government, 647 projects were delayed by one month to 23 years.¹⁸ The costs of the delayed projects also went up by 32%.¹⁹

The ministry listed 'delay in land acquisition', 'delay in obtaining forest/environment clearances', 'law & order problems', 'encroachment', 'court cases' and 'delay in getting clearance from local authorities' among the reasons for project delays.²⁰ The Ministry's quarterly report on project monitoring for the period April–June 2022 states that while cost escalations due to general price rise cannot be avoided, it is necessary to minimise cost escalations due to project delays. The government has put in place several mechanisms for the 'removal of bottlenecks' in the progress of projects and to fix 'responsibility for time and cost overruns'.²¹

Despite these measures, the time and cost overruns have continued to rise. The share of delayed projects among all large projects grew from 29.4% in March 2014 to 42.4% in August 2022.²² During this period, the cost overruns in these projects increased from 19.4% of the original cost of the projects to 21.9% of the original cost.²³ Newspaper reports indicate that the government is considering shutting down about 116 such stalled projects worth ₹1,26,000 crore (US\$ 15.43 billion) due to unresolved obstacles, with land acquisition being the most prominent among them.²⁴

A 2016 study²⁵ by the Indian School of Business and The Rights and Resources Initiative noted that one reason why past policies were ineffective was their underestimation and lack of understanding of the role of land-related conflicts in stalled investments. "The discussion on stalled investments and land-related disputes in India is often mired in political controversies and presumptive positions, mainly due to the fact that there is little data to inform this highly sensitive debate. As a result, the usual policy prescriptions often lack a data-based examination of the situation," the study said.

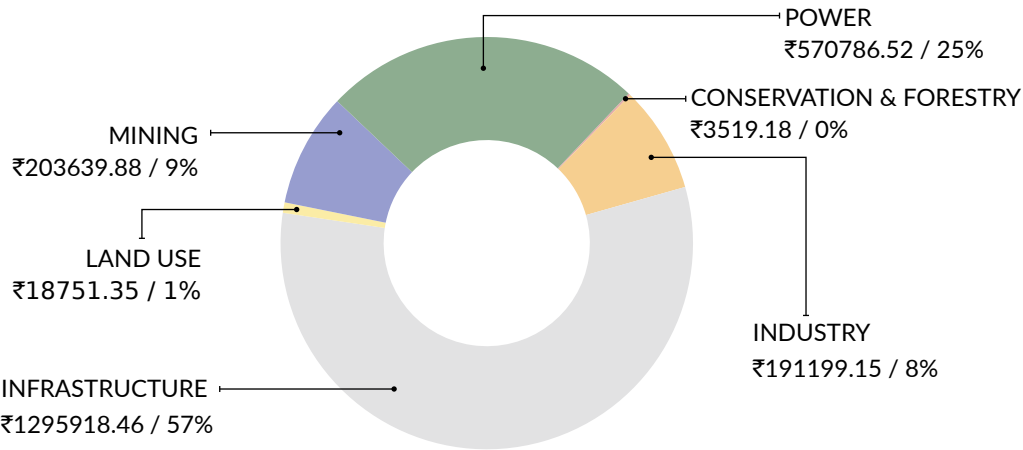
Based on the LCW database, which records 607 ongoing land conflicts, this chapter analyses the investments involved in land conflicts and assesses the role of conflicts in delaying industrial and infrastructure projects and stalling related investments. By understanding socio-economic parameters, such as the demands and contentions of the communities in land conflicts and the significance of land, which we have discussed in this chapter, and the legal and policy trends around conflicts, which we discuss in forthcoming chapters, this analysis provides a comprehensive view of how stalled investments can be addressed responsibly.

■ 2.1 • INVESTMENT INVOLVED IN CONFLICTS ACROSS ALL SECTORS

Investments worth ₹22,83,805.6 crore (approximately US\$ 280.1 billion) are involved in 310 of the 609 ongoing conflicts. Data for the rest of the conflicts were not available. The largest

share of investments – ₹12.96 lakh crore (57% of the total) – is involved in infrastructure-related conflicts. Power projects conflicts involve the second-largest amount – ₹5.7 lakh crore (25%) – followed by ₹2.04 lakh crore (9%) in mining conflicts, and ₹1.91 lakh crore (8%) in industries conflicts.

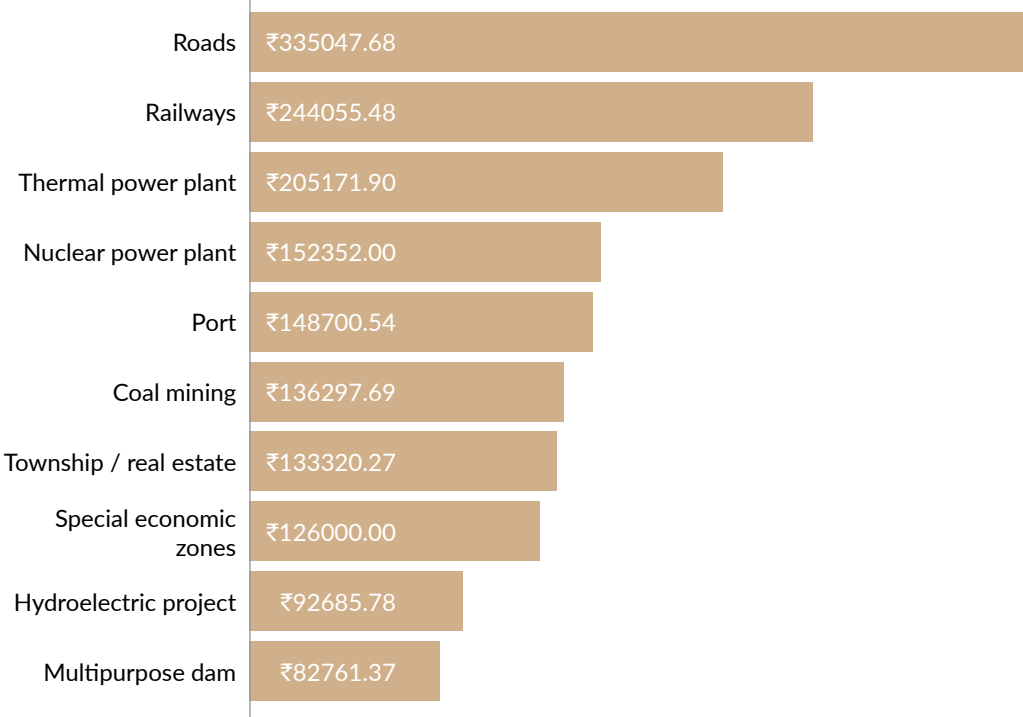
Chart 12: Sector-wise Distribution of Investment (in Crores)



2.2 • TOP 10 SUBSECTORS BY INVESTMENTS INVOLVED IN CONFLICTS

Among subsectors, conflicts due to the construction of roads involve the highest amount of investments (₹3.35 lakh crore), followed by conflicts involving railways (₹2.44 lakh crore) and thermal power plants (₹2.05 lakh crore).

Chart 13: Subsectors with the Highest Investment Involved



■ 2.3 • STALLED AND SCRAPPED PROJECTS

Analysing the status of projects involved in the ongoing land conflicts in the infrastructure, industry, power and mining sectors gives a better picture of conflicts' impacts on projects in these investment-intensive sectors. LCW uses publicly available records to classify whether the projects embroiled in the conflicts are underway, stalled, scrapped or completed.²⁶ Then, within stalled and underway projects, it identifies delayed projects by recording the original commissioning deadlines of the projects. It also estimates time and cost overruns on the basis of their original commissioning deadlines and cost estimations.

A total of 416 projects, with investments of at least ₹22,61,544.01 crore,²⁷ were embroiled in land conflicts in the infrastructure, industry, power and mining sectors. Of these, 71 projects with investments worth at least ₹3,98,581.87 crore have already been stalled. In every three out of four stalled projects, documented evidence shows that work stopped due to land disputes. For the remaining quarter of cases, further research is required to establish the correlation.

A total of 416 projects, with investments of at least ₹22,61,544.01 crore, were embroiled in land conflicts in the infrastructure, industry, power and mining sectors. In every three out of four stalled projects, documented evidence shows that work stopped due to land disputes

22

In addition, nine projects worth ₹16,472.46 crore have been scrapped altogether – many due to land conflicts, which are still alive in these cases, because people are now demanding back the land that was earlier taken from them for the projects.

In 71 cases, projects with investments worth at least ₹1,30,000.72 crore have been completed, but the land conflicts around them continue. In 216 cases, projects with investments worth ₹16,66,102.08 crore are currently underway, with protests continuing around the land transactions.

These above estimates of stalled and scrapped projects are conservative, as data on the status of 49 of the 416 projects were not available.

Apart from these projects involved in ongoing conflicts, 23 more projects with investments worth at least ₹1,51,688.93 crore have been scrapped in the past six years, and the conflicts have become inactive. We present a detailed analysis of resolved and closed conflicts in Chapter 6 of this report.

Table 5: Status of Projects and Investments Involved in Ongoing Land Conflicts

Status of Projects	No. of Conflicts	Investment, In Crore INR
Projects scrapped	9	16,472.46
Projects stalled	71	398,581.87
Projects Underway	216	1,666,102.08
Projects Completed	71	130,000.72
Data not available	49	50,386.88
Total	416	2,261,544.01

Chart 14: Ongoing Land Conflicts by Status of Projects involved

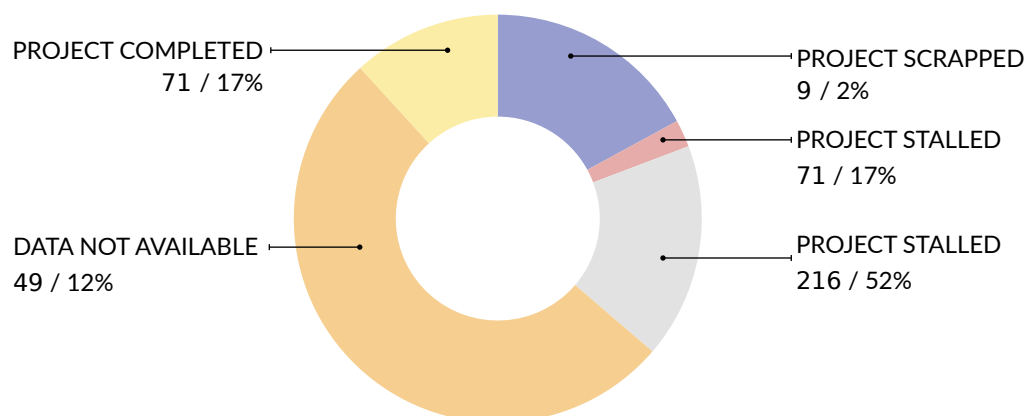
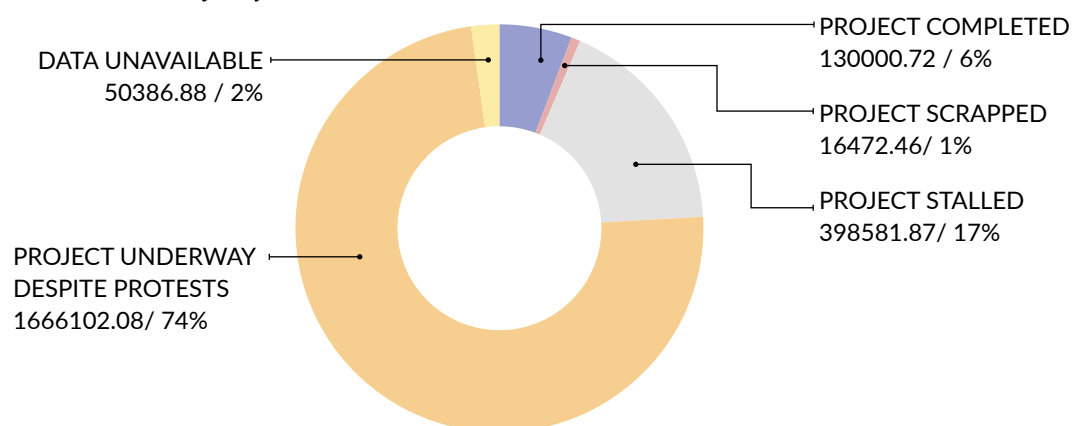


Chart 15: Status of Projects and Investments Involved



■ 2.4 • DELAYS AND COST OVERRUNS IN PROJECTS DUE TO LAND CONFLICTS

Among the projects that are not complete, or which were stalled, we assessed how many were delayed beyond their commissioning deadlines. A total of 82 (29%) of such projects, with investments worth ₹5,62,377.34 crore, have passed their deadlines. The time overruns in these projects range from a few months to 22 years. In a few of these cases, the data on the deadline year were not available, but publicly available records mark these projects as delayed.

In the delayed projects, for which the deadlines and original investment figures were available, and which have seen a time overrun of more than a year, we calculated an indicative cost overrun by adjusting the original investment figures for current prices using the wholesale price index.²⁸ Accordingly, 44 such delayed projects would have by now incurred an additional cost of ₹34,778.2 crore, which is 14% of their original costs.

These are conservative estimates of time and cost overruns, as the data regarding the original commissioning deadlines were not available for 135 (49%) of the stalled and ongoing projects.

Table 6: No. of Conflicts and Investment Involved in Delayed Projects

Delay in Stalled and Underway Projects	No. of Conflicts	Investment, In Crore INR
Projects delayed	82	5,62,377.34
Projects underway within the commissioning deadline	70	8,84,031.79
Data not available	135	6,18,274.82
Total	287	20,64,683.95

Chart 16: Delay in Stalled and Underway Projects

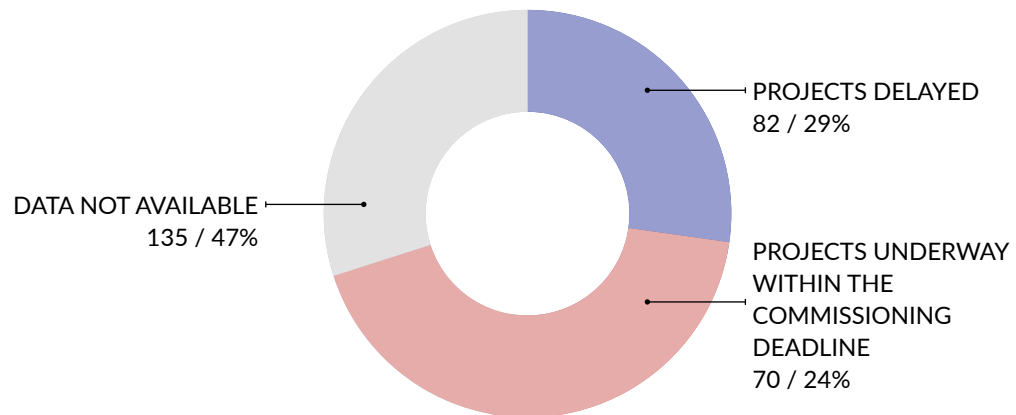
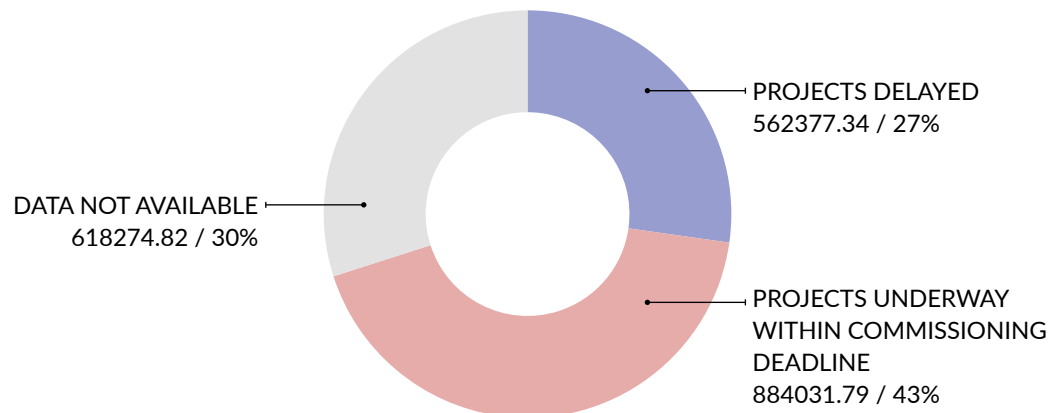


Chart 17: Investments in Delayed Projects and those Underway within the Deadline

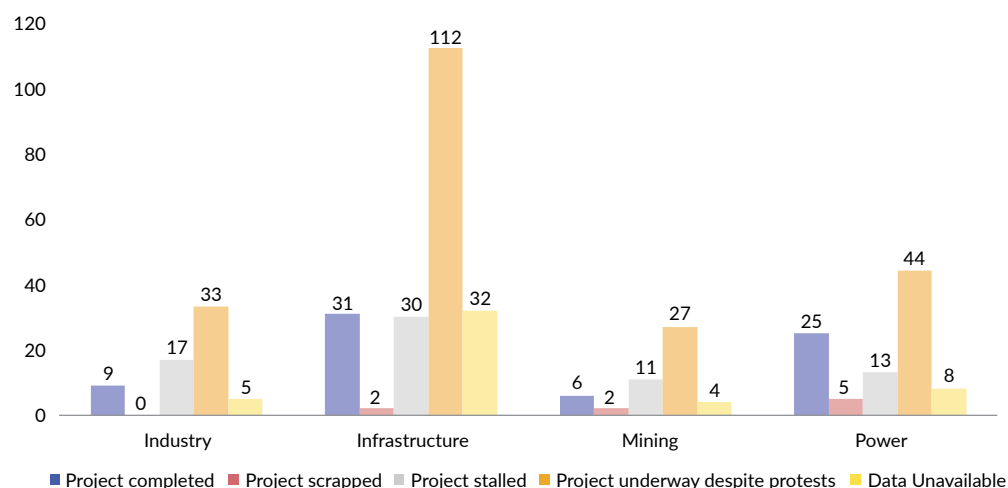


Investments worth ₹8.02 lakh crore are locked in stalled and delayed projects, and investments worth ₹14.64 lakh crore are at risk of being delayed or stalled

2.5 • SECTOR-WISE STATUS OF PROJECTS IN ONGOING CONFLICTS

Conflicts in the industrial sector have the highest rate of stalled projects (26%), followed by mining, where 22% of conflicts are stalled due to protests. Power projects have the largest incidence of completed projects that are still involved in conflicts (26%).

Chart 18: Sector-wise Status of Projects



Note: Data was unavailable for 49 projects, which we have marked as 'blank'.

25

2.6 • INVESTMENTS INVOLVED BY SECTOR AND STATUS OF PROJECTS

Out of the total sum of ₹12,95,918.46 crore worth of investments involved in infrastructure-related conflicts, ₹1,94,302.37 crore (15%) is locked away in stalled projects. In industry conflicts, investments of ₹86,518 crore (45%) are stuck in stalled projects, while mining has ₹23,888 crore or 12% of its total investments stalled. Power projects have ₹93,873.5 crores (16%) stuck in stalled projects.

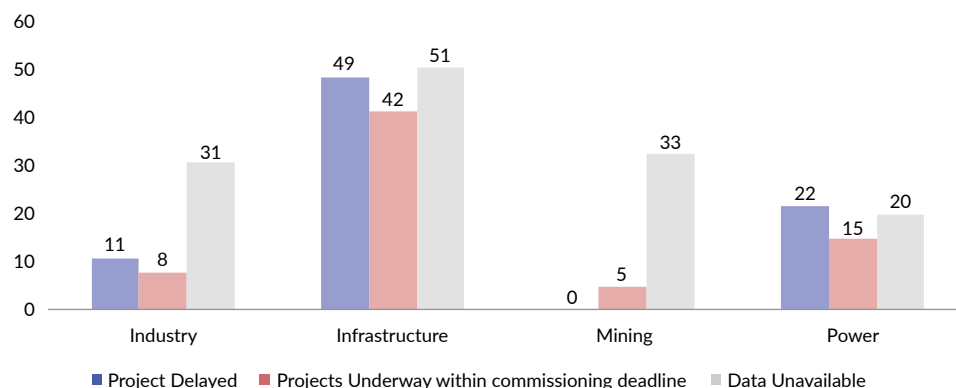
Table 7: Investments Involved by Sector and Status of Projects (In INR Crore)

Status of Project	Industry	Infrastructure	Mining	Power	Grand Total
Project completed	13,169.31	34,095.02	19,216	63,520.39	1,30,000.72
Project scrapped		389.46	11	16,072	16,472.46
Project stalled	86,518	1,94,302.37	23,888	93,873.5	3,98,581.87
Project underway despite protests	91,511.84	10,25,050.42	1,52,478.77	39,7061.05	16,66,102.08
Data unavailable		42,081.19	8,046.11	259.58	50,386.88
Grand total	1,91,199.2	12,95,918.46	2,03,639.88	5,70,786.52	22,61,544.01

2.7 • SECTOR-WISE DISTRIBUTION OF DELAYED PROJECTS IN ONGOING LAND CONFLICTS

The power sector saw the largest incidence of delays in projects, with 39% of them being delayed. This was followed by infrastructure, where 34% of projects involved in conflicts are delayed; and 22% of industrial projects are delayed.

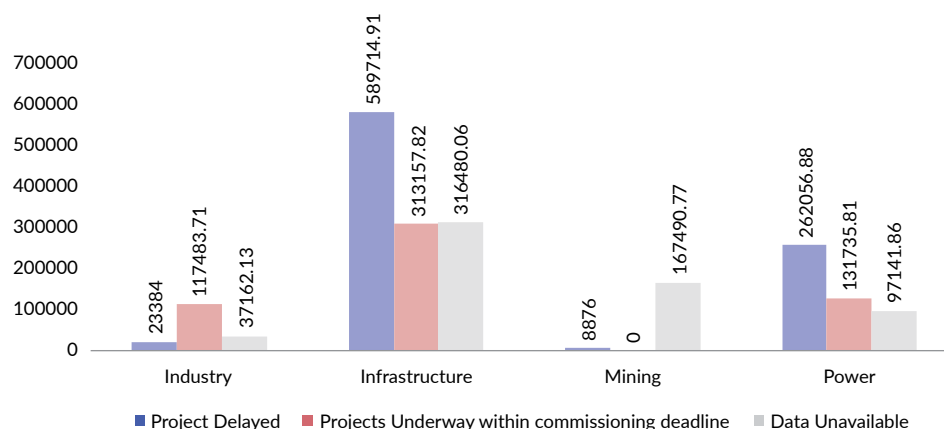
Chart 19: Project Delays across Sectors



2.8 • SECTOR-WISE INVESTMENTS IN DELAYED PROJECTS

An estimated ₹5,89,714 crore worth of projects in infrastructure alone are delayed, amounting to 48% of the total investment. In the industrial sector, 13% of investments, ₹1,17,483 crore, is involved in delayed projects; 5% of investments are in delayed mining projects, while ₹2,62,056 crore are involved in delayed power projects.

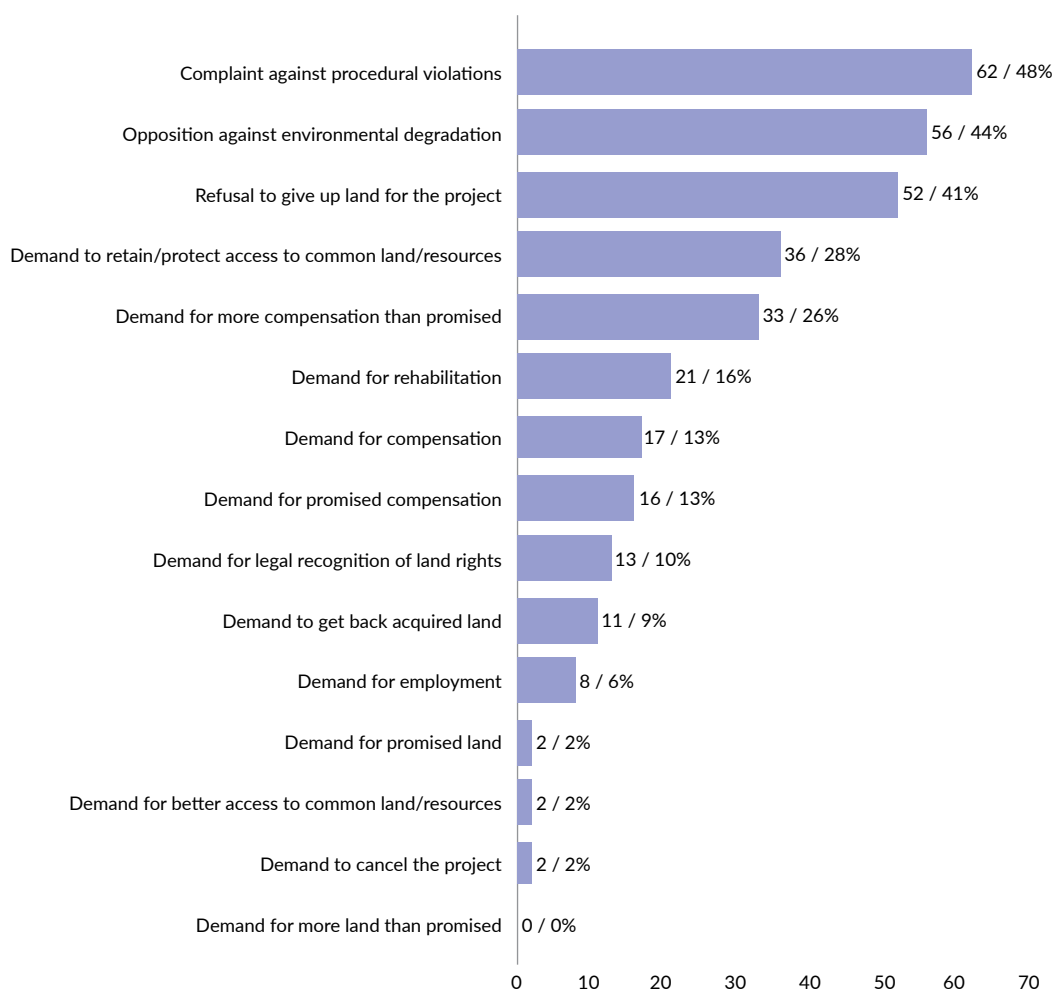
Chart 20: Sector-wise Investments in Delayed Projects



2.9 • DEMANDS/CONTENTIONS OF COMMUNITIES IN CONFLICTS WITH STALLED AND DELAYED PROJECTS

An analysis of communities' demands gives a better picture of why they oppose the takeover of land for these projects. They have at least one specific demand or contention, and in most cases, more than one demand/contention overlaps with another.

Chart 21: Demands/Contentions of Affected Communities in Conflicts with Stalled and Delayed Projects

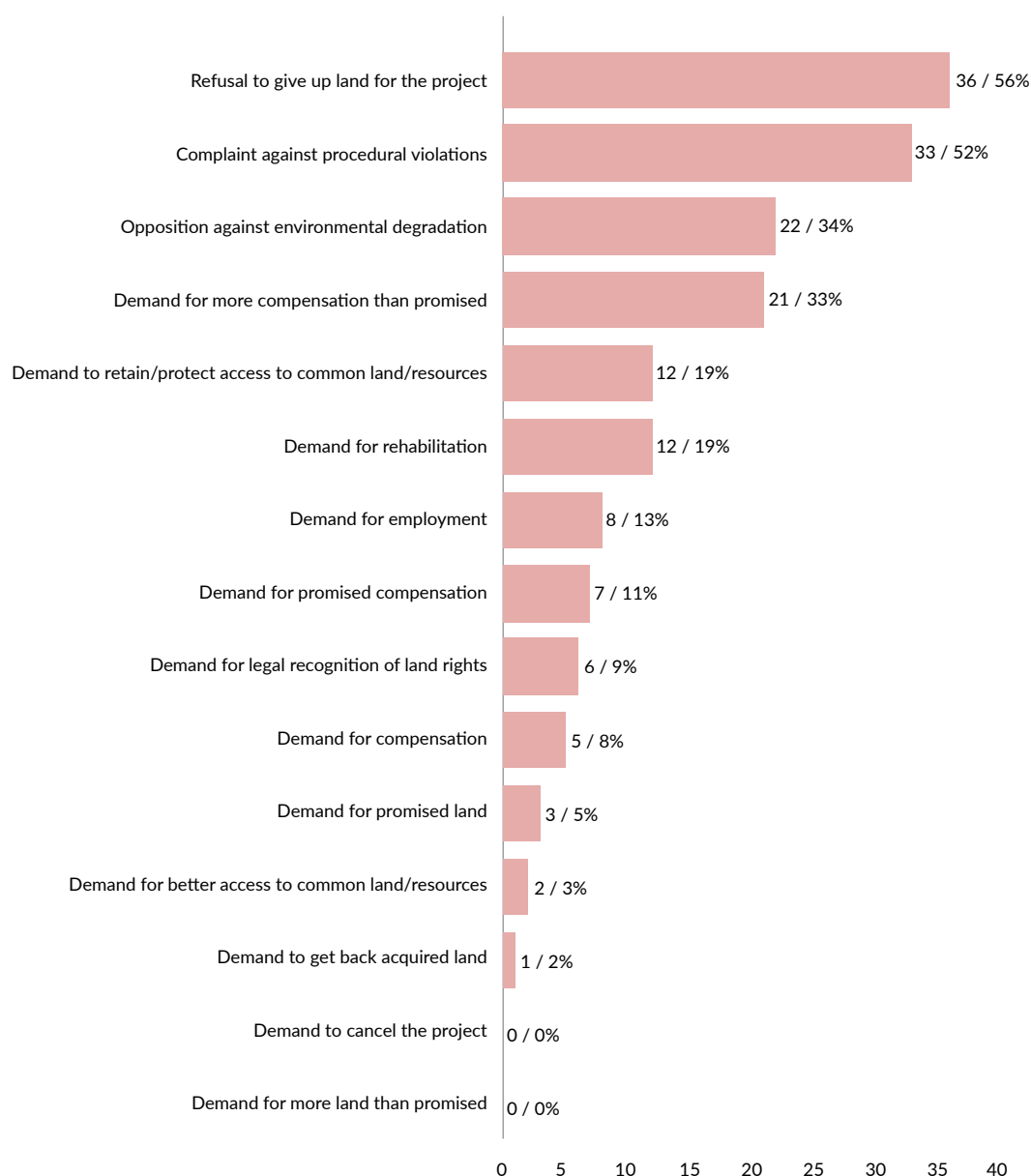


The most popular demand occurring in 62 (48%) out of the total of 128 cases is complaints against procedural violations. This means that communities allege that authorities or project proponents did not follow due process during the takeover of their lands. Opposition on environmental grounds is the second-most popular contention of communities, occurring in 56 cases (43.75% cases, closely followed by complete refusal to part with the land in 52 cases [40%]).

2.10 • DEMANDS/CONTENTIONS OF COMMUNITIES IN CONFLICTS WITH PROJECTS UNDERWAY WITHIN THEIR DEADLINES

In projects that are underway within their deadlines (64 cases), the most common contention by communities is a refusal to part with their land for the project, occurring in 36 cases (56%). Complaints against procedural violations is the second-most popular demand, featuring in 33 conflicts (51%), followed by opposition against environmental degradation in 22 cases (34%) and demands for more compensation than promised in 21 cases (32%).

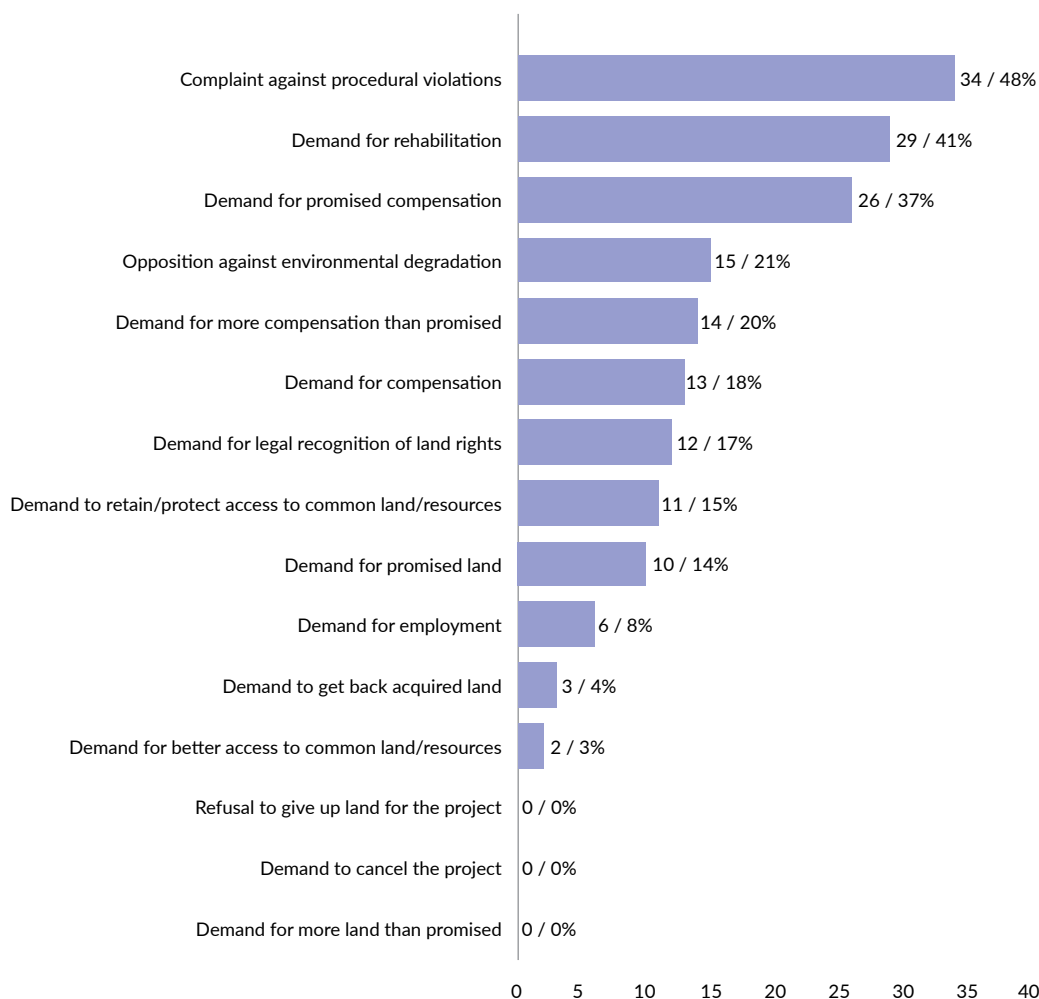
Chart 22: Demands/Contentions of Affected Communities in Conflicts with Projects Underway Within Deadline



2.11 • DEMANDS/CONTENTIONS OF COMMUNITIES IN CONFLICTS WHERE PROJECTS ARE COMPLETE

The most popular contention in conflicts that have continued despite the completion of projects (71 cases) is complaints against procedural violations (47%). This is followed by demands for rehabilitation (40%) and the promised compensation (36%).

Chart 23: Demands/Contentions of Affected Communities in Conflicts with Completed Projects

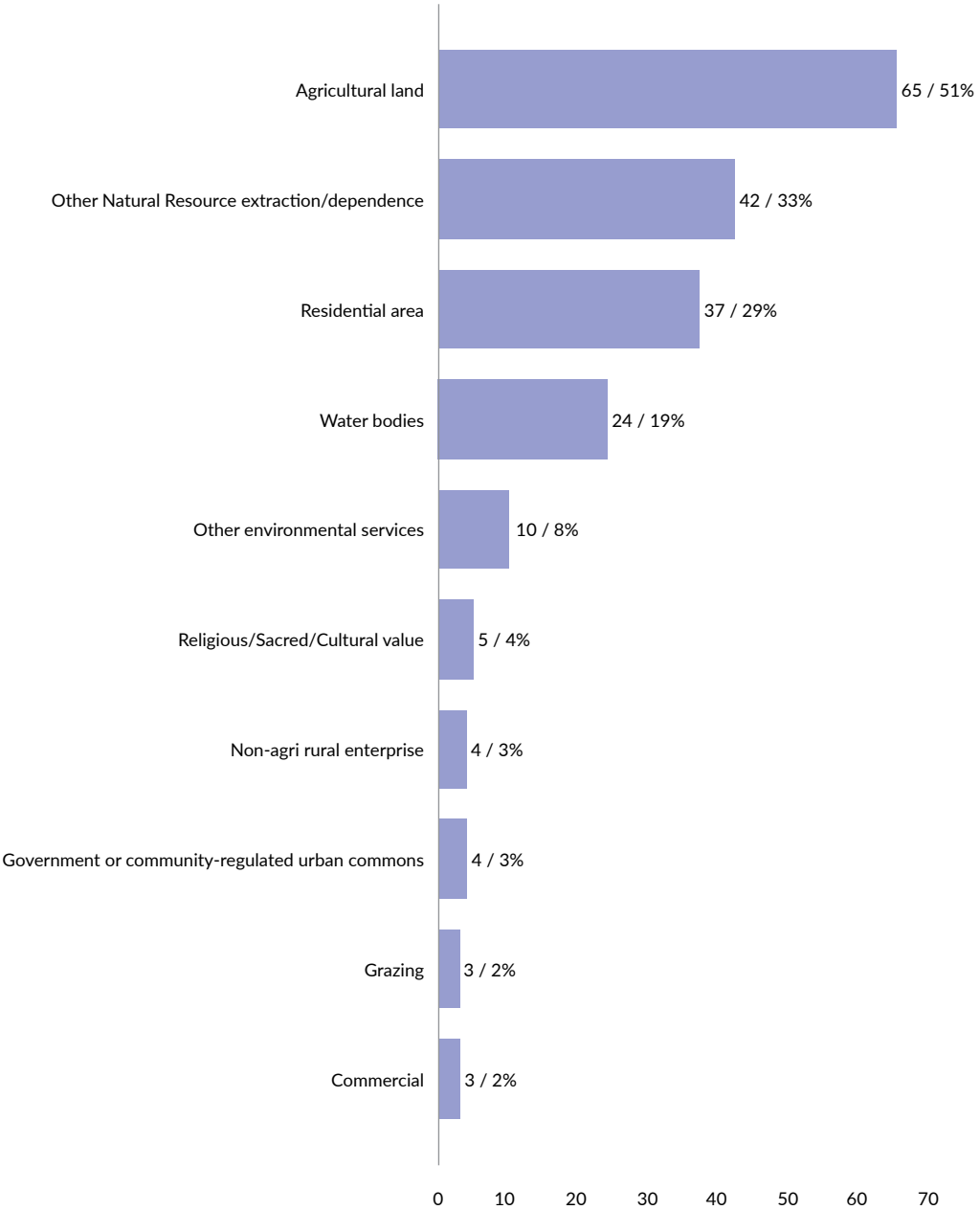


Across all conflicts, complaints against procedural violations form the most common demand or contention of communities. In 41% of the cases, communities allege that authorities or project proponents did not follow proper procedures for the takeover of land

2.12 • SIGNIFICANCE OF LAND TO COMMUNITIES IN STALLED AND DELAYED PROJECTS

In 65 cases (50%) where projects were stalled or delayed, communities used the land for agriculture. In 42 cases (32%), communities used the land to extract other natural resources, while the conflicted land was used as residential land in 37 cases (28%). This is followed by conflicts that involved water bodies on which the communities were dependent. In many cases, land held significance for communities in more than one of these ways.

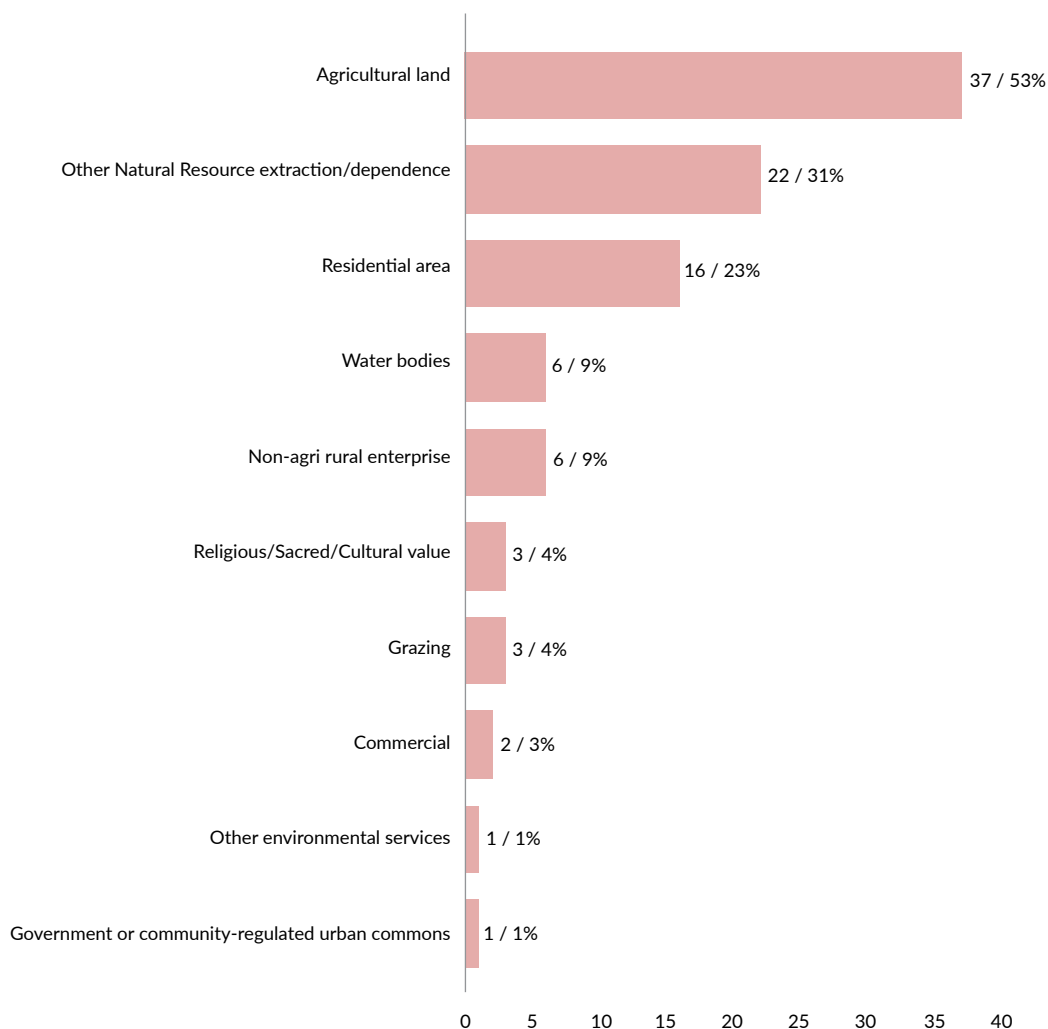
Chart 24: Significance of Land for Communities in Conflicts with Stalled and Delayed Projects



2.13 • SIGNIFICANCE OF LAND TO COMMUNITIES IN CONFLICTS WHEN PROJECTS UNDERWAY WITHIN DEADLINE

Out of the total of 64 conflicts that are underway and within their deadlines, agriculture is the most frequently occurring use, accounting for 37 cases (57%), followed by the use of land for other natural resource extraction (34%). Agricultural use, therefore, remains the most frequently occurring one across the four sectors – infrastructure, industry, mining and power.

Chart 25: Significance of Land to Communities in Conflicts with Projects within Deadline



In most conflicts, land provided multiple livelihood and economic services to communities and held cultural or religious significance. Most of the conflicted land was used for agriculture

-
- ¹⁸ Ministry of Statistics and Programme Implementation, "124th Project Implementation."
- ¹⁹ Ministry of Statistics and Programme Implementation, "124th Project Implementation."
- ²⁰ Ministry of Statistics and Programme Implementation, "124th Project Implementation."
- ²¹ Ministry of Statistics and Programme Implementation, "Project Implementation Status Report of Central Sector Projects Costing Rs. 150 Crore & Above, April-June, 2022-23 (QTR – 1st), Ministry of Statistics and Programme Implementation http://www.cspm.gov.in/english/qr/QPSIR_1st_QTR_2022-23.pdf."
- ²² 124th Project Implementation: An Overview, August 2022, Ministry of Statistics and Programme Implementation (available at http://www.cspm.gov.in/english/pio_report/PIO_August_2022.pdf).
- ²³ Ministry of Statistics and Programme Implementation, "124th Project Implementation."
- ²⁴ Dhruvaksh Saha, "Centre May Axe 116 Infra Projects Worth Rs. 1.26 trn Lagging for Decades," *Business Standard*, November 7, 2022, https://www.business-standard.com/article/economy-policy/centre-may-axe-116-infra-projects-worth-rs-1-26-trn-lagging-for-decades-122110600576_1.html.
- ²⁵ "Land Disputes and Stalled Investments in India," Rights and Resources Initiative, https://rightsandresources.org/wp-content/uploads/2016/11/Land-Disputes-and-Stalled-Investments-in-India_November-2016.pdf).
- ²⁶ See Methodology, page iii.
- ²⁷ Based on data available from 299 projects.
- ²⁸ We calculated increases in costs using the average WPI indices for each respective year.

CHAPTER [3]

LAWS, LITIGATION AND LAND CONFLICTS

33

3 LAWS, LITIGATION AND LAND CONFLICTS

Since 2020, LCW has sought to capture the legal aspects of land conflicts in its database. This includes the laws applicable to any given land conflict, any possible litigation involved in the conflict, and the key legal issues in the conflict. When aggregated and analysed, these data points give insights into legal trends in land conflicts in India.

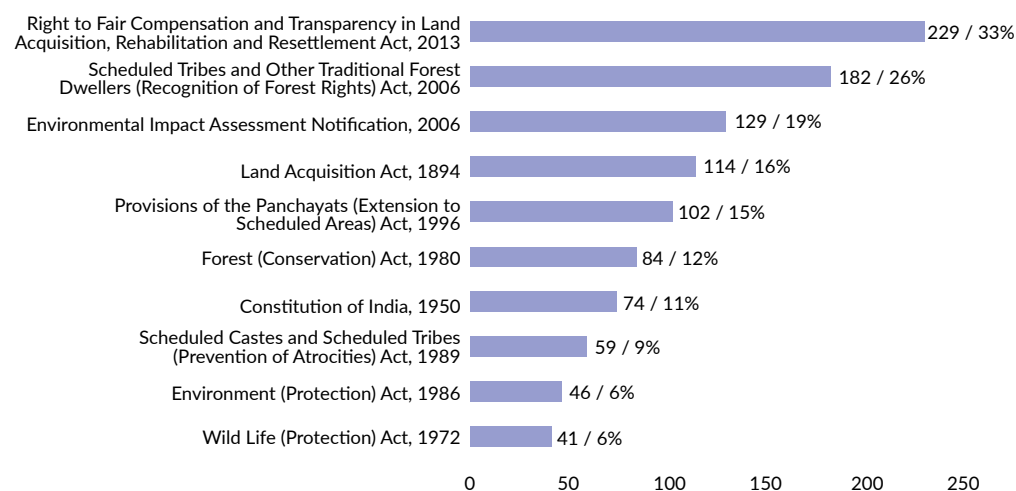
These trends are significant because capturing the most commonly applicable laws to land conflicts gives an idea of recurring themes and legislative shortcomings in the prevention of conflict. Second, analysing legal provisions that are repeatedly invoked in conflicts can indicate whether the law meets the needs of the stakeholders it affects. Third, the judiciary is at present the supreme arbiter of conflicts. It is also one of the few means of conflict resolution that are widely considered to be legitimate, especially when land disputes comprise the largest share of pending cases in the Indian judiciary²⁹. Thus, an analysis of litigation in land conflict can help identify patterns in how the judiciary decides on land conflicts, the effectiveness of the judiciary in resolving land conflicts, the kinds of conflicts that most often end up in court, and the accessibility of the judiciary to the communities that are most frequently impacted by land conflicts.

The analysis of conflicts in this chapter includes both active and closed/resolved conflicts, unlike in the previous chapters, which deal solely with active conflicts.

3.1 • MOST FREQUENTLY OCCURRING LEGISLATIONS IN CONFLICTS

LCW has identified 413 legislations, 37 cases and 82 government policies involved in the total 689 ongoing and closed/resolved conflicts considered in the analysis. Chart 26 provides an overview of the legislations most frequently applied in these conflicts:

Chart 26: Most Frequently Occurring Legislation in Conflicts



In conflicts to which the Right to Fair Compensation and the Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR) applies, the most contentious issues are the calculation and payment of compensation in accordance with the Act. In conflicts to which the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) applies, the most contentious issues concern delays or non-recognition of forest rights. In cases where claims have been granted, a recurring issue is hindrances in the recognition of rights under Section 4 of the Act, such as the right to collect forest produce and the right to settle on forest land.

In addition to union laws, LCW has also identified state legislations, government policies and case precedents associated with conflicts. For example, the Jammu and Kashmir Public Premises (Eviction of Unauthorised Occupants) Act, 1988, the Rajasthan Land Revenue Act, 1956, and Odisha Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Rules, 2015, are state legislations that are commonly applied in land conflicts. The National Rehabilitation and Resettlement Policy, 2007, and the Delhi Slum & JJ Rehabilitation and Relocation Policy, 2015, are examples of government policies that are commonly invoked in conflicts. When it comes to case law precedents that apply to conflicts, *SAVE v. State of Jammu and Kashmir*,³⁰ which ordered the Jammu and Kashmir Forest Department to expeditiously remove encroachments from forest land, *Godavarman v. Union of India*,³¹ which expanded the definition of forest land, and *Jagpal Singh v. State of Punjab*,³² which directed the government to remove encroachments from village common land, are frequently applicable.

More details about these legislations and policies, along with an exhaustive list, can be found in the report, "The Legal Canvas of Land Conflicts",³³ published by LCW.

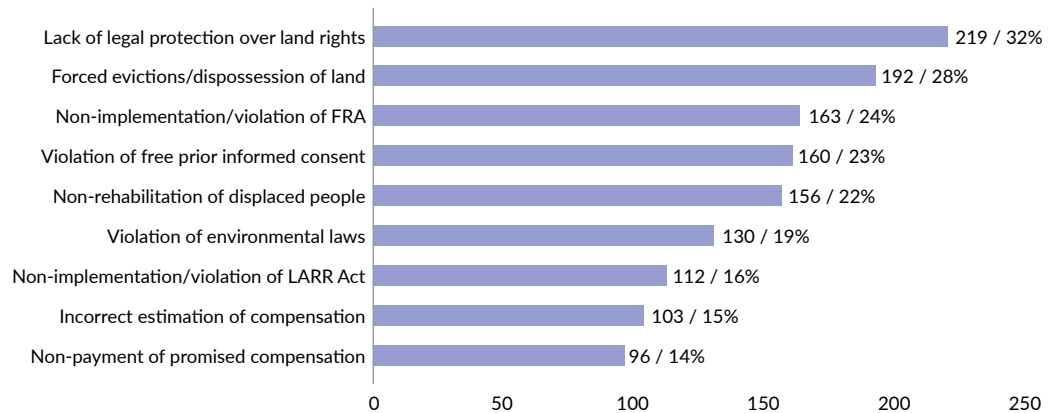
■ 3.2 • MOST FREQUENTLY OCCURRING LEGAL LOOPHOLES AND PROCESSES INVOLVED IN CONFLICTS

LCW also analysed conflicts to identify which situations became legal issues. Such situations may or may not be covered under existing legislations or may arise as a result of the violation of laws. This research defines these issues as 'legal loopholes or processes' and classifies them under 10 broad categories.

'A lack of legal protection of land rights' is the most frequently occurring legal issue, accounting for 31.78% of conflicts, indicating either that traditional rights over land have not been recognised by the law or that legal rights over land have been violated by the state or were not protected by the judiciary. Forced evictions and dispossession of land are also alarmingly common, occurring in 192 of the conflicts (27.86%). Non-implementation or violation of FRA, 2006, was observed in 163 of the conflicts (23.65%).

The most common legal loophole is the lack of legal protection of the traditional land rights of communities (in 31.78% of conflicts), followed by forced evictions and dispossession of land (in 27.9% of cases)

Chart 27: Most Commonly Occurring Legal Processes/Loopholes



3.3 • LITIGATION IN LAND CONFLICTS

When it comes to litigation, the database shows that nearly half of all conflicts never made it to court. Out of those that did, more than 51% are currently pending in court while 46% have been resolved by courts.

Chart 28: Litigation in Land Conflicts

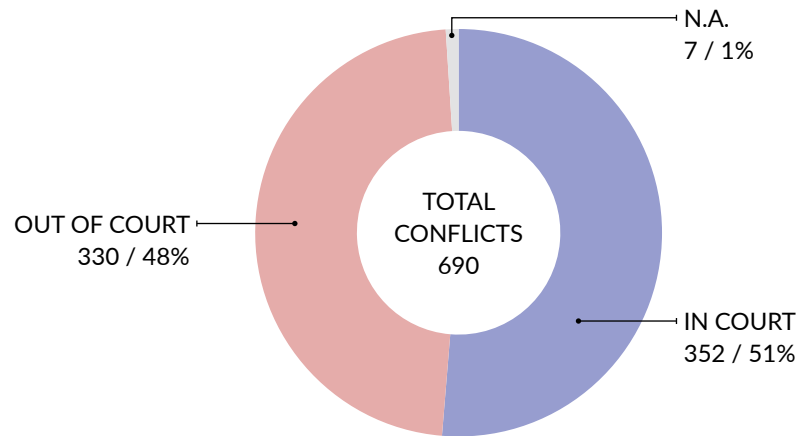
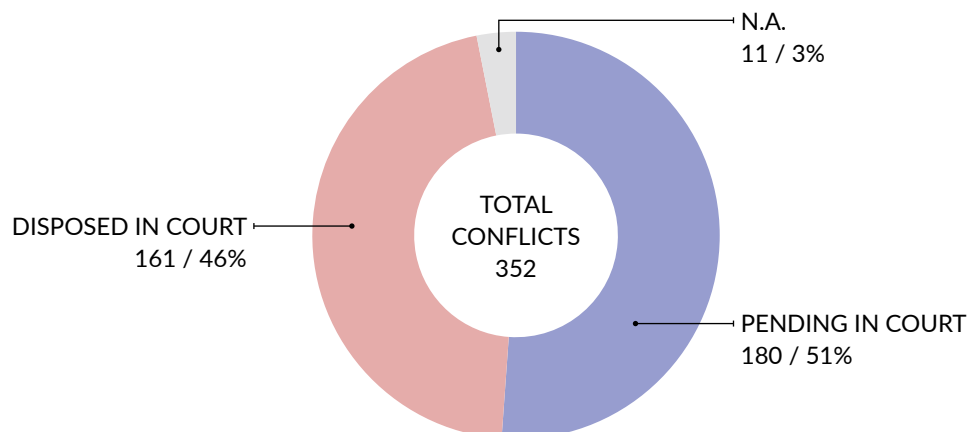


Chart 29: Status of In-court Conflicts

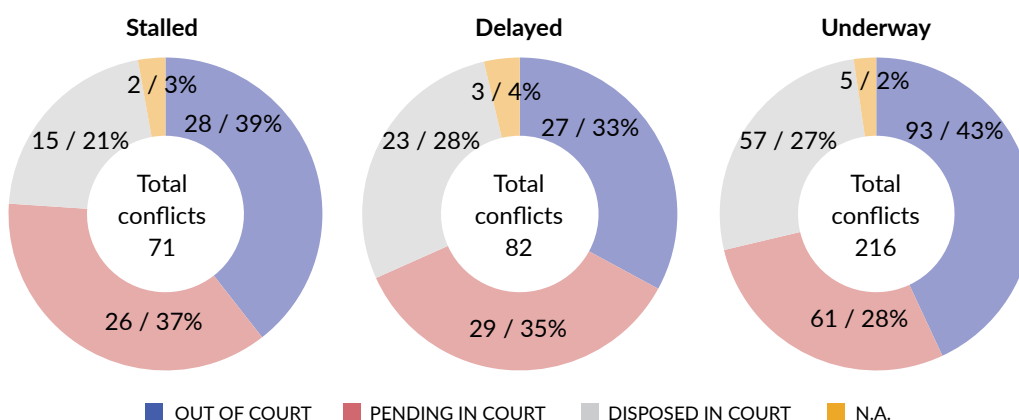


What are the possible causes behind these figures? For one, litigation is a resource-intensive exercise,³⁴ making it inaccessible to communities affected by land conflicts, who are often poor and marginalised. Opting for litigation also involves approaching an already overburdened judicial system. As of 2022, government data shows that over 71,000 cases are pending in the Supreme Court,³⁵ while over 5.9 million cases are pending before the high courts in India.³⁶ A 2016 survey by Daksh showed that over two-thirds (66.2%) of all civil cases pending before the judiciary were property-related litigation.³⁷

■ 3.4 • LITIGATION IN CONFLICTS CLASSIFIED BY THE STATUS OF PROJECTS

We analysed litigation trends in ongoing conflicts, where infrastructure and industrial projects are currently stalled, delayed or underway within their deadline, to assess how litigation might be affecting the progress of projects.

Chart 30: Litigation Trends Based on the Status of Projects



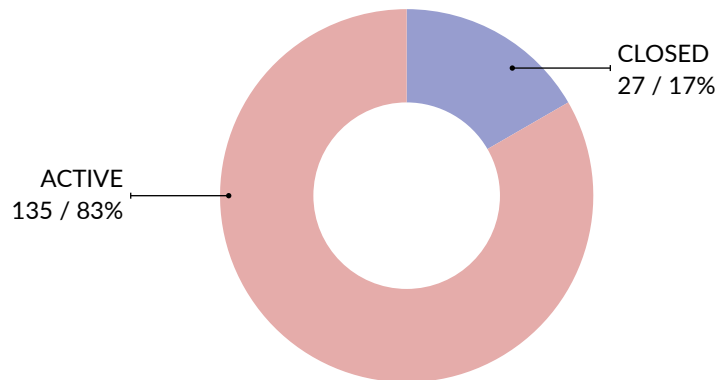
Out of the total 71 stalled projects, 41 (57.74%) went to court. Out of those, 15 (36.58%) have been disposed of – though the project is still stalled – and 26 (63.41%) are still pending in court. Out of the 216 projects that are underway, 119 (55.09%) went to court. Out of these, 57 (47.89%) have been disposed of and 61 (51.26%) are still pending in court. As discussed in the previous chapter, out of the above 287 stalled and ongoing conflicts, 82 projects have been delayed. Of these, 52 (63.41%) went to court, of which 23 (44.23%) have been disposed of and 29 (55.76%) are still pending in court. This data indicates that there may be a link between conflicts pending in court and projects being delayed. It also shows that disposal of a conflict by a court does not always translate to the project proceeding on the ground.

Of all the conflicts that the courts have disposed of, 83% are still active on the ground, indicating the ineffectiveness of judicial interventions in resolving land conflicts.

■ 3.5 • ON-THE-GROUND RESOLUTION OF CONFLICTS DISPOSED OF IN COURTS

Out of the 162 conflicts disposed of in court, only 27 conflicts have ended on the ground, while the remaining 135 are still active. A deeper analysis of conflicts that have ended has been presented separately in Chapter 5 of this report.

Chart 31: Status of Conflicts Disposed of in Court



The discrepancy between conflicts that have been disposed of in court, as opposed to those that have ended on the ground, could point to the ineffectiveness of the judiciary in resolving land conflicts. It also indicates a disconnect between the communities' demands and the available judicial safeguards.³⁸ In many cases, conflicts remaining active on the ground despite resolution in court indicates a disconnect between the decision of the court and its implementation on the ground.³⁹

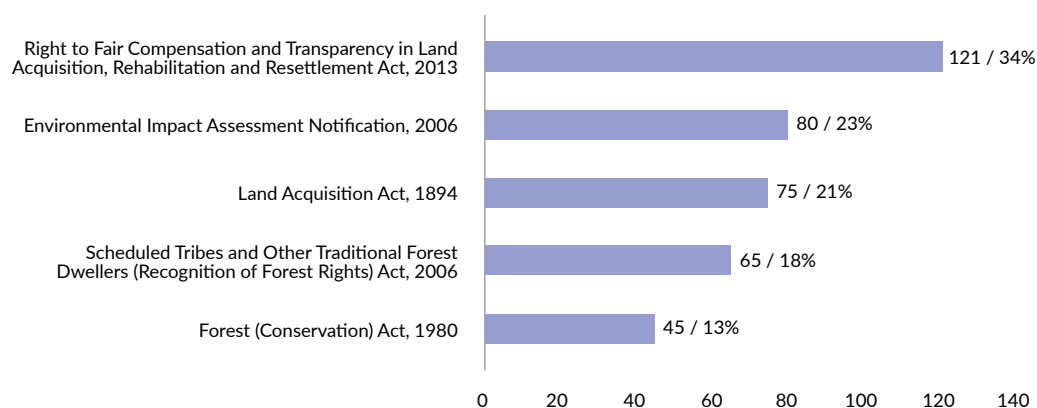
■ 3.6 • LEGISLATIONS AND COMMUNITIES' DEMANDS/CONTENTIONS INVOLVED IN LITIGATED CONFLICTS

The legislations most commonly applicable to in-court conflicts, and the communities' demands and contentions in these conflicts, give an idea of the kinds of conflicts that usually make it to court. However, they may or may not correspond to the issues that were litigated and decided upon by the court.

■ 3.6.1 • Frequency of Legislations Applicable to In-Court Conflicts

FRA, 2006, despite being the second-most applicable legislation to land conflicts, is fourth on the list of legislations most commonly involved in land conflicts in court, indicating a lower rate of litigation⁴⁰ in conflicts that pertain to forest rights. The communities involved in these conflicts are tribal communities with historically low access to the judiciary.⁴¹

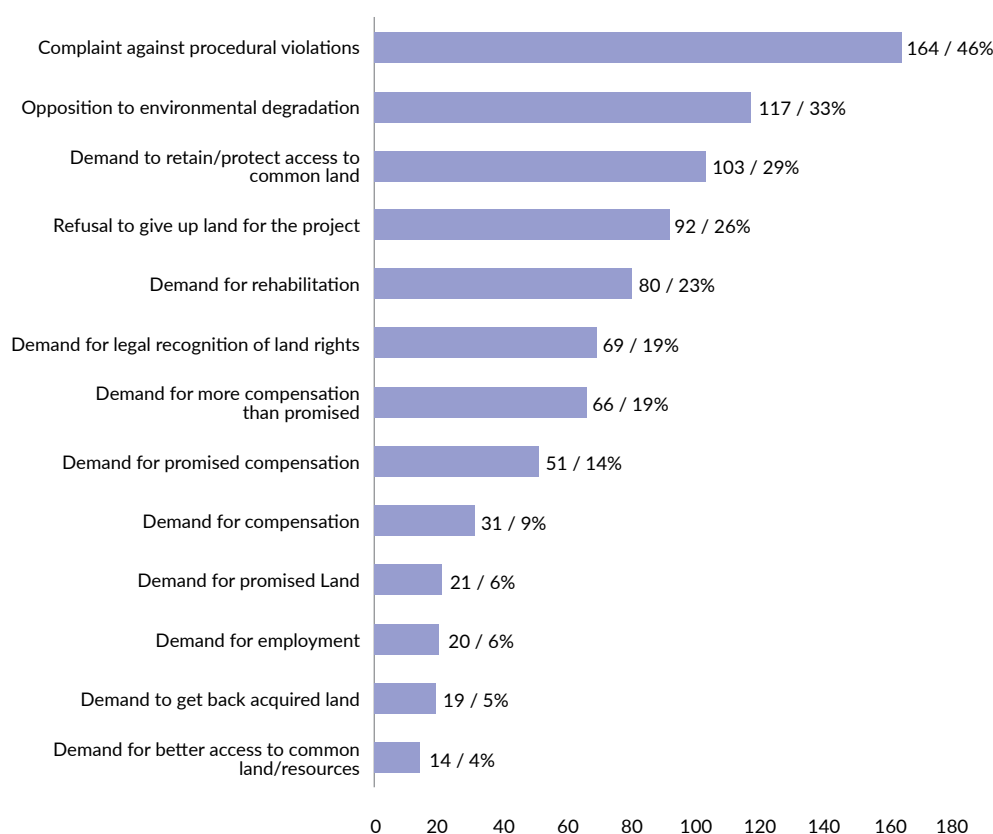
Chart 32: Legislations Most Commonly Applicable to In-court Conflicts



3.6.2 • Communities' Demands/Contentions in Litigated Conflicts

Complaints against procedural violations are the most frequent contentions put forth by communities affected by land conflicts that have gone to court. This is followed by an opposition to environmental degradation and demands to retain or protect access to common land or resources. A refusal to give up land for projects is significant as well, given that land acquisition conflicts account for the majority share of conflicts tracked by LCW.

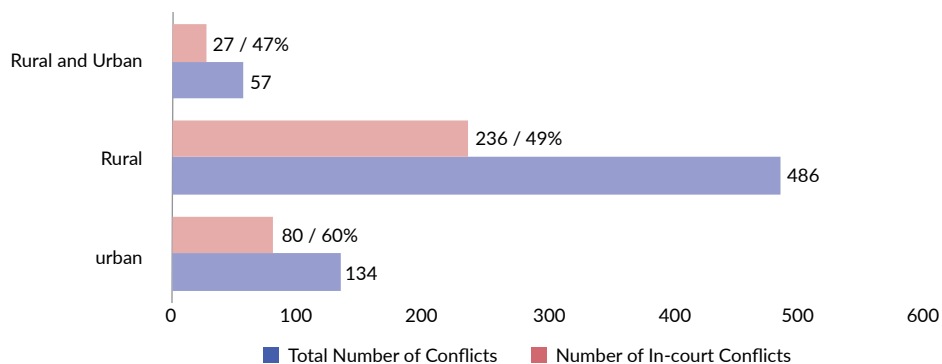
Chart 33: Most Commonly Occurring Demands/Contentions of Affected Communities in Litigated Conflicts



3.7 • LITIGATED CONFLICTS BY REGION, SECTORS AND SUBSECTORS

The classification of in-court conflicts by region, economic sector, subsectors, communities' demands, etc., is a helpful indicator of the types of conflicts that tend to go to court, the accessibility of the judiciary, and the perceived outcomes of litigations.

Chart 34: Number of Litigated Conflicts by Region

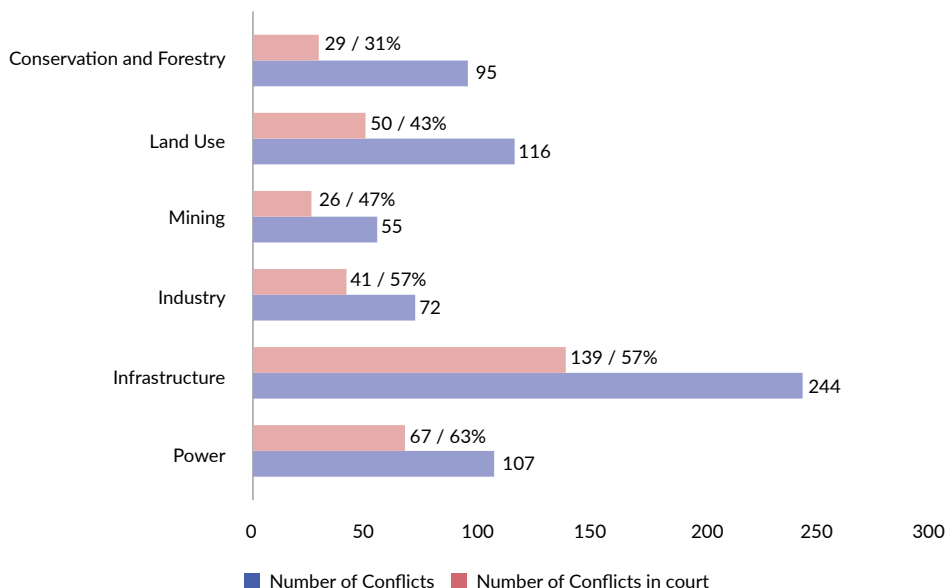


Land conflicts in urban areas are more frequently litigated than those in rural areas or those that span across rural and urban regions. Previous research on land-acquisition cases in the Supreme Court has indicated similar trends⁴². This could point to differences in the accessibility of the judiciary.

3.7.1 • Frequency of Litigation Based on Sectors

Communities affected by power, infrastructure and industry land conflicts have approached courts more often than those affected by mining or conservation and forestry. Notably, those affected by the mining and forestry sectors tend to be forest-dwelling, tribal communities.

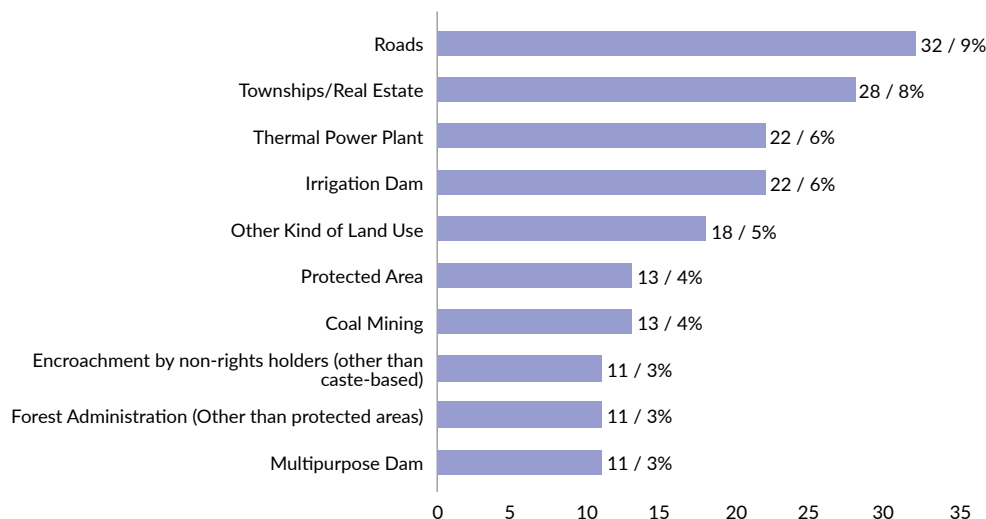
Chart 35: Number of Litigated Conflicts by Sector



■ 3.7.2 • Frequency of Litigation Based on Subsectors

Conflicts related to roads, townships/real estate, irrigation dams and thermal power plants saw a large number of cases in court.

Chart 36: Most Frequent Subsectors Involved in Litigated Conflicts

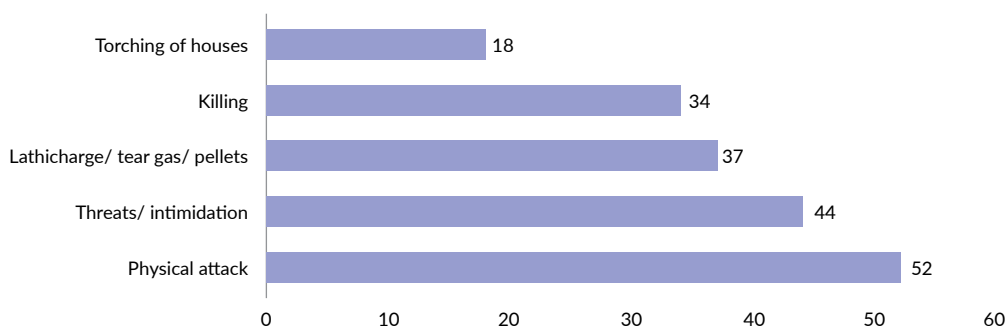


■ 3.8 • REPORTED VIOLENCE AND CONSTITUTIONAL RIGHTS VIOLATIONS

41

Severe land conflicts can lead to violence or the violation of the constitutional rights of the people involved. LCW collects data on instances of such violence or violations, classified by the nature of such incidents. This data can show patterns in the kinds of violence that aggravate conflicts.^{43,44} However, it is based only on reported instances, and, thus, reflects a conservative estimate, as all such incidents may not be reported, either in the media or to LCW.

Chart 37: Most Frequently Reported Violence and Violations



Physical attacks were the most frequently reported form of violence and constitutional rights violations in land conflicts, followed by threats/intimidation, *lathi* charge/tear gas/ pellet attacks, killings and torching of houses.

-
- ²⁹ Mapping Indian Land Laws, Land Rights Initiative, <https://landlawsofindia.org/>
- ³⁰ *SAVE (through its Chairperson) v. State of Jammu and Kashmir and Ors*, PIL No. 25/2017-IA(2/2017) CM(1456/2020) (High Court of J&K, October 28, 2020).
- ³¹ *In Re: T. N. Godavarman Thirumulpad v. Union of India and Ors*, WP (C) No. 202/1995 (Supreme Court of India).
- ³² *Jagpal Singh and Ors v. State of Punjab* (2011) 11 SCC 396.
- ³³ Mukta Joshi, Unnati Ghia, and Vibha Nadig, "The Legal Canvas of Land Conflicts: An Interim Analysis of Legal Processes Involved in Land Conflicts in India," *Land Conflict Watch*, 2022. [https://global-uploads.webflow.com/5d70c9269b8d7bd25d8b1696/612dda2423fb0ba68e297e9a_Draft%20Paper_The%20Legal%20Canvas%20of%20Land%20Conflicts\(1\).pdf](https://global-uploads.webflow.com/5d70c9269b8d7bd25d8b1696/612dda2423fb0ba68e297e9a_Draft%20Paper_The%20Legal%20Canvas%20of%20Land%20Conflicts(1).pdf)
- ³⁴ A 2016 survey by Daksh revealed that civil litigants spend ₹ 497 per day on average for court hearings and that they incur a loss of pay of ₹ 844 per day.
- ³⁵ "Summary: Types of Matters Pending in the Supreme Court of India," Supreme Court of India, last modified on November 1, 2022, <https://main.sci.gov.in/statistics>.
- ³⁶ Express News Service, "Over 59 Lakh Cases Pending in High Courts, and Where 96 Women Judges are Serving," *The Indian Express*, August 2, 2022, <https://indianexpress.com/article/explained/over-59-lakh-cases-pending-high-courts-women-judges-serving-8064617/>.
- ³⁷ Daksh, Access to Justice Survey 2015-16, Bengaluru: Daksh Society, <https://dakshindia.org/wp-content/uploads/2016/05/Daksh-access-to-justice-survey.pdf>.
- ³⁸ See Sandeep Pattnaik, "Adivasis Demand Return of Unused Land in Rourkela Steel Plant, Odisha," *Land Conflict Watch*, July 9, 2017, <https://www.landconflictwatch.org/conflicts/tribals-demand-for-unused-land-in-rourkela-steel-plant-rsp-odisha>.
- ³⁹ See Neerajha, "Forest Dwellers Relocated From Tamil Nadu's Mudumalai Tiger Reserve Await Compensation," *Land Conflict Watch*, <https://www.landconflictwatch.org/conflicts/villagers-relocated-from-tamil-nadu-s-mudumalai-tiger-reserve-await-compensation>.
- ⁴⁰ Only 35.71% of the conflicts to which the Forest Rights Act, 2006, applies made it to court.
- ⁴¹ See Shomona Khanna, et al., *Criminalisation of Adivasis and the Indian Legal System* (Indigenous Peoples Rights International, 2022).
- ⁴² Namita Wahi, "Land Acquisition in India: A Review of Supreme Court Cases from 1950 to 2016" Land Rights Initiative, Centre for Policy Research. <https://ssrn.com/abstract=3915345>.
- ⁴³ For example, in Sonbhadra district in UP, 10 members of the Gond community were killed by the village pradhan following decades of struggle to claim their forest rights. (Eleonora Fanari, "Gond Adivasis in UP's Sonbhadra District Fight for Land Rights," *Land Conflict Watch*, October 25, 2016, <https://www.landconflictwatch.org/conflicts/gond-ativasis-in-up-s-sonbhadra-district-fight-for-land-rights>).
- ⁴⁴ In a contentious border dispute between Assam and Nagaland, 54 Assamese people were killed by armed Naga men in a series of attacks on villages in the border district of Golaghat. (Ashmita Bhattacharya, "Nagas Target Assamese People as Assam-Nagaland Border Dispute Continues Since the 1960's," *Land Conflict Watch*, September 16, 2016, <https://www.landconflictwatch.org/conflicts/assam-nagaland-border-dispute>).

CHAPTER [4]

CONFLICTS BY LAND TENURE TYPE

4 CONFLICTS BY LAND TENURE TYPE

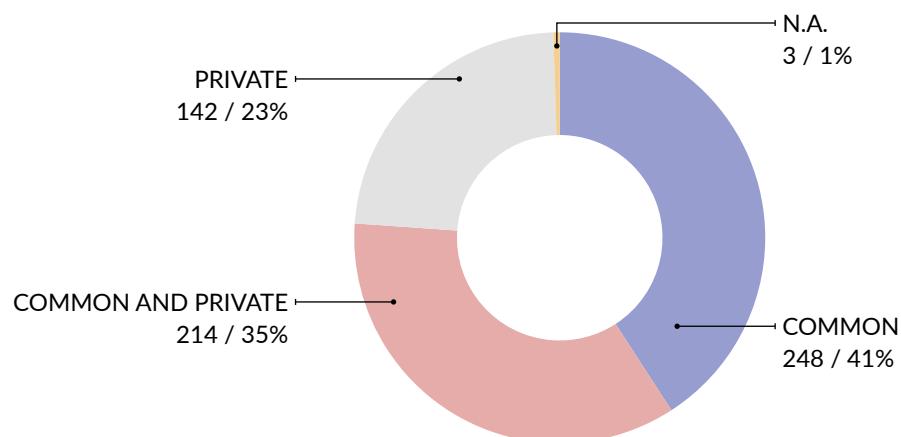
More than three-quarters (75.94%) of the conflicts in our database involve common land. Common property resources or the 'commons' refer to areas that have been historically managed and used by a group of people collectively. The land is used on a usufruct basis, that is, the group has a right to use the land and obtain the profits from such use. The key feature of common land is that no private person or legal entity has ownership or property rights over such areas.

LCW uses the tenure type (private and commons) of the land to further classify and analyse conflicts. Conflicts involving commons often see an infringement of the affected community's right to access common land. Under the present governance framework, the ownership of common land is vested ultimately in the state or central governments, whereas the traditional rights of communities to enjoy the land are recognised through various legislations, such as the FRA, 2006, and PESA, 1996. Conflicts persisting over common lands are often caused when the authorities do not recognise such traditional rights.

4.1 • DISTRIBUTION OF CONFLICTS BY TENURE TYPE

Chart 38 shows the distribution of conflicts as per each tenure type: 41% of the ongoing conflicts exclusively involve common lands whereas 23% of land conflicts involve only private lands. The remaining 35% involve both common and private lands. Conflicts involving both tenure types often involve large infrastructure or power projects that affect several communities as well as individual landowners who are based in the area. Such conflicts, thus, involve a combination of issues plaguing common land conflicts (such as a lack of legal protection of land rights) as well as issues plaguing private land conflicts (such as incorrect estimation of compensation for land acquisition by the government).

Chart 38: Distribution of Conflicts as per Tenure Type of Land



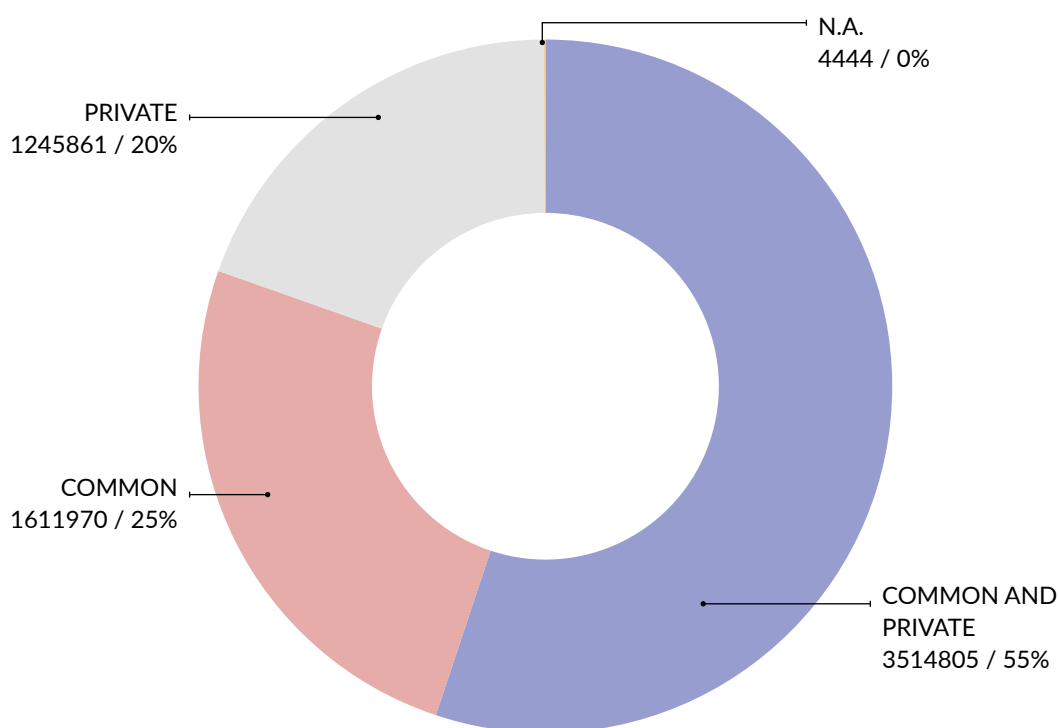
■ 4.2 • PEOPLE AND LAND AREA AFFECTED IN CONFLICTS CLASSIFIED BY LAND TENURE

Conflicts involving both tenure types affect the largest number of people. This can be attributed to multiple historic conflicts, many of which have persisted for several decades and have seen lakhs of people displaced or affected.⁴⁵ Such conflicts also account for the largest share of affected land area. This is evident in conflicts involving large-scale dams, where disputes cover thousands of hectares (ha) of land.⁴⁶

In conflicts involving the commons exclusively, the largest number of people are affected in conflicts where communities have been deemed 'encroachers'.⁴⁷ Conflicts involving the commons often involve large swathes of land over which communities have traditional rights, such as forest lands and grazing lands. The conflict over access to the Banni grasslands in Gujarat is an example of this, with nearly 2.5 lakh ha of land being affected.

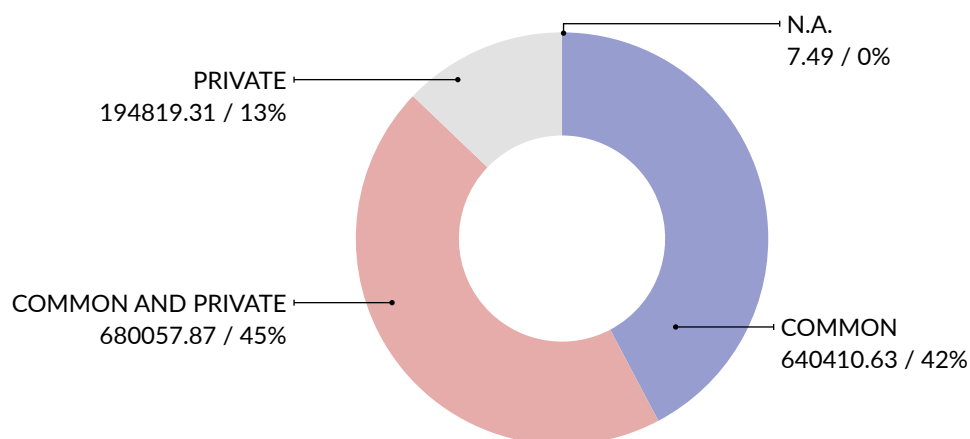
In contrast, in conflicts involving private lands exclusively, the largest number of people and land area are affected in cases where farmers complain that their land has been forcibly acquired. Examples of this can be seen in farming communities' protests in Gujarat's Junagadh village and the Ahmedabad-Dholera Belt as well as in Andhra Pradesh's Kurnool district and the villages around Amravati. These conflicts together involve a combined area of 1.03 lakh ha of land.

Chart 39: People Affected in Conflicts Across Tenure Type of Land



Note: Data from 465 conflicts, data not available in 142 conflicts.

Chart 40: Affected Land Area in Conflicts Across Tenure Type of Land



Note: Data from 492 conflicts. Data not available in 115 conflicts.

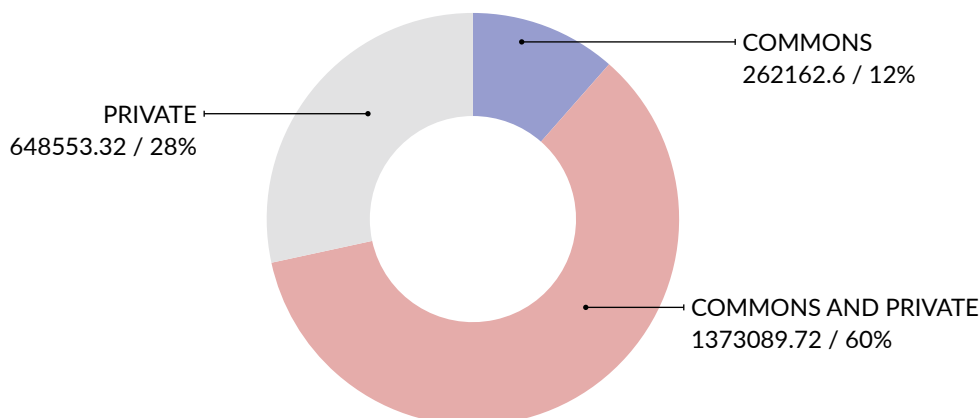
4.3 • INVESTMENTS AFFECTED BY CONFLICTS CLASSIFIED BY LAND TENURE TYPE

Table 8 shows the distribution of investments affected by land conflicts across tenure types. Conflicts that are spread over both common and private lands constitute over 60% of the total investment involved in conflicts across all tenure types. Conflicts over private land constitute 28.4% of the affected investments followed by conflicts over commons, which affect 11.48% of the total investments involved in conflicts.

Table 8: Distribution of Investments Across Tenure Type of Land

Tenure Type of Land	Investment in Crores (₹)
Commons	2,62,162.6
Commons and private	13,73,089.72
Private	6,48,553.32
Total	22,83,805.64

Chart 41: Investment across Tenure Type of Land (₹ Crore)

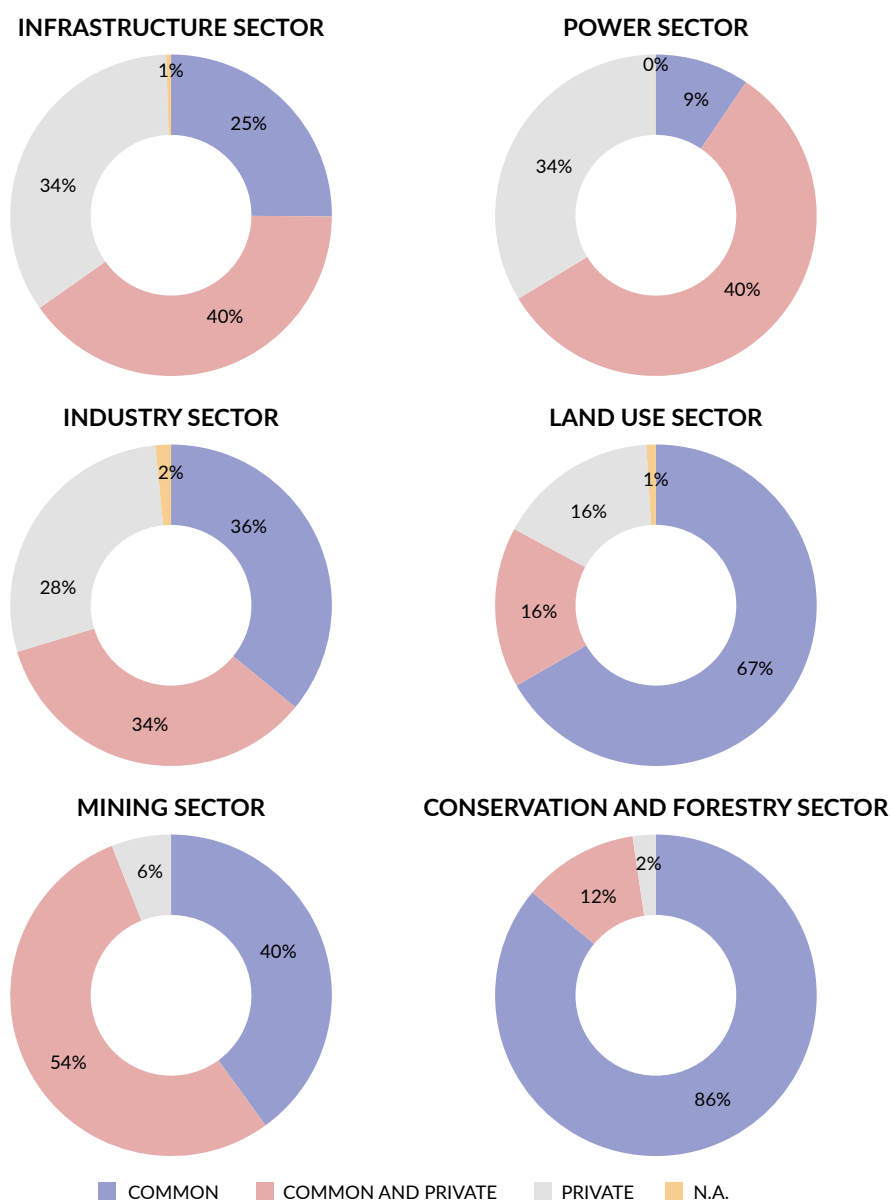


■ 4.4 • SECTOR-WISE CONFLICTS ACROSS DIFFERENT LAND TENURE TYPES

The largest number of conflicts over land use and conservation and forestry occur exclusively in common lands. Nearly 86% of all conservation and forestry conflicts involving common lands feature a violation or non-implementation of the FRA, 2006.

While the infrastructure, industry and power projects related conflicts tend to involve land of both tenure types, mining projects tend to occur overwhelmingly in land involving commons (94% in total). LCW's data indicates that issues involving 'land use' arise mostly due to caste-based or communal conflicts, border disputes or encroachment by non-right holders, which also are overwhelmingly high on commons (71%).

Chart 42: Distribution of Conflicts across Tenure Type of Land in Each Sector



■ 4.5 • STALLED AND DELAYED PROJECTS BY LAND TENURE TYPES

Table 9 shows the number of stalled and delayed projects involved in land conflicts across tenure types. The largest number of projects have stalled in conflicts involving commons exclusively.

Table 9: Distribution of Projects across Tenure Type of Land

Row Labels	Common	Common and Private	Private
Projects scrapped	1 (0.96%)	5 (2.69%)	3 (2.41%)
Projects stalled	28 (19.23%)	20 (12.37%)	23 (22.58%)
projects underway	47 (45.19%)	112 (60.21%)	57 (45.97%)
Project completed	12 (11.54%)	38 (20.43%)	21 (16.94%)
Data not available	24 (23.08%)	8 (4.3%)	15 (12.1%)
Total	104	186	124

Chart 43: Status of Projects in Conflicts over Common Land

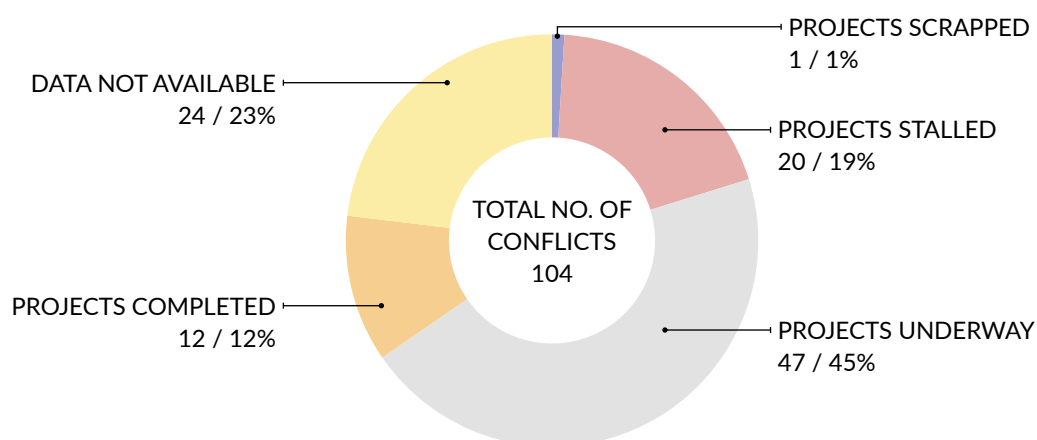


Chart 44: Status of Projects in Conflicts Over Both Common and Private Land

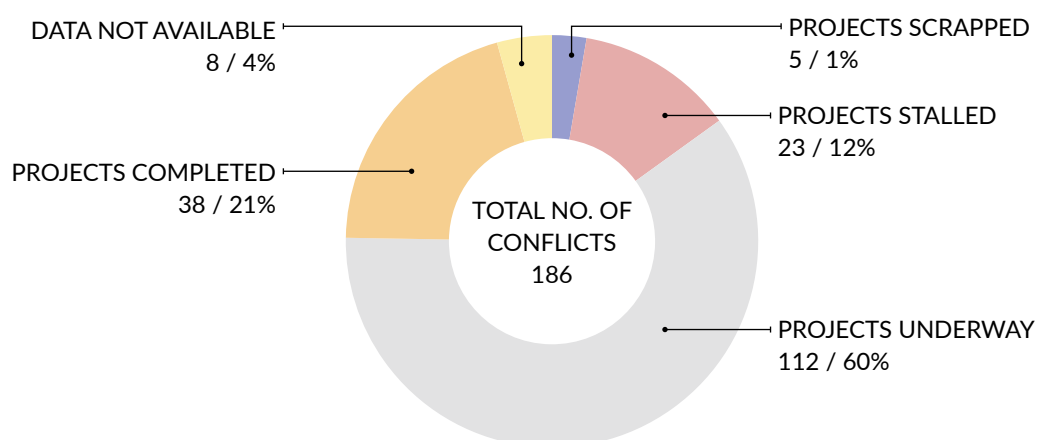
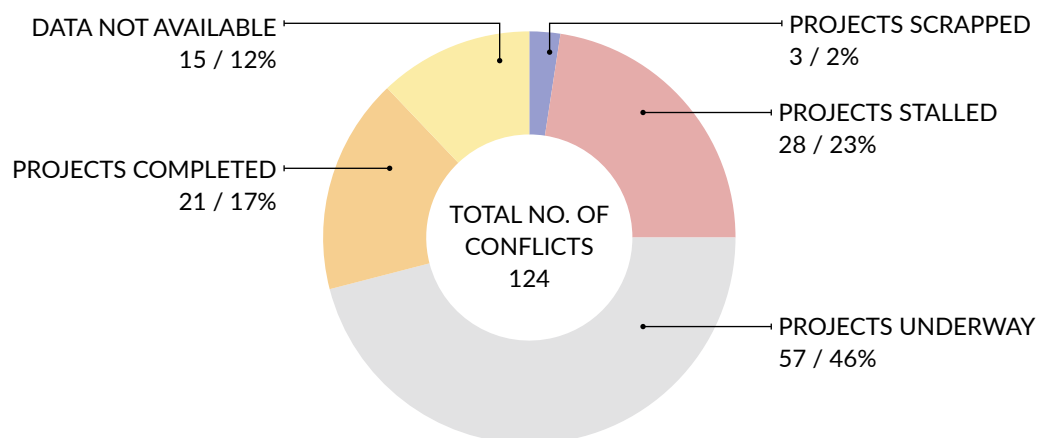


Chart 45: Status of Projects in Conflicts over Private Land



Around 45% of all investments-related conflicts occur over lands that are classified as both common and private. Only 25% of such conflicts occur in lands exclusively classified as commons. Across all tenure types, projects that are currently underway comprise the largest share. The largest number of completed projects can be found in conflicts involving both common and private land (in 20% of cases of this tenure type). Conversely, conflicts over private land account for the largest share of stalled projects. It is important to note that project data on common land conflicts are largely not available (in 23% of all projects in this tenure type).

Table 10: Distribution of Delayed Projects across Tenure Type of Land

Delays in Stalled and Underway Projects	Common	Common and Private	Private	Grand Total
Projects delayed	20 (24.4%)	42 (51.2%)	20 (24.4%)	82
Projects underway within the commissioning deadline	11 (15.7%)	37 (52.8%)	22 (31.4%)	70
Data not available	36	56	43	135
Total	67	134	85	287

Similarly, in the 82 conflicts where projects have been delayed, the largest share occurs in conflicts concerning both tenure types (in 51.2% of cases). In the 70 conflicts where projects are underway and are within their commissioning deadline, the largest share occurs in conflicts concerning both tenure types (in 52.8% of cases), followed by conflicts over private land (in 31.4% of cases). In both categories, conflicts concerning common lands exclusively comprise the smallest share.

Chart 46: Delayed Projects in Conflicts across Tenure Type of Land

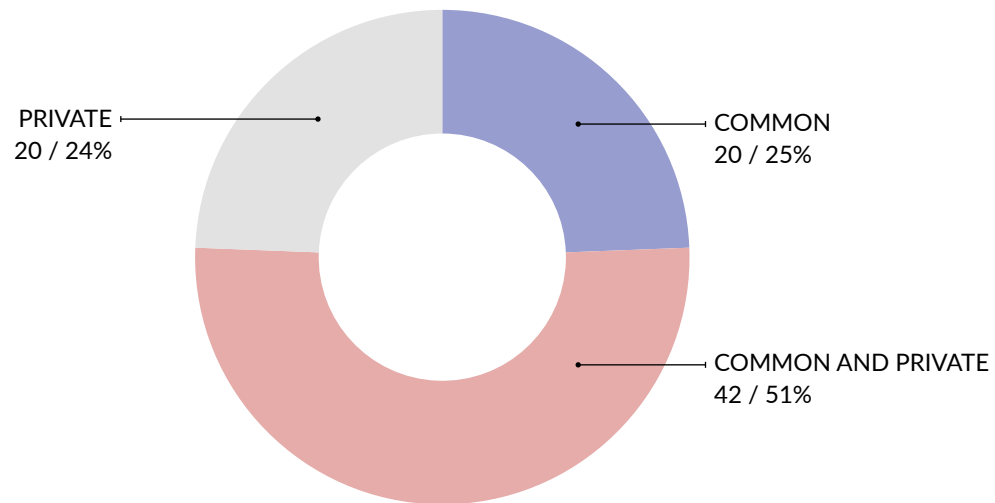
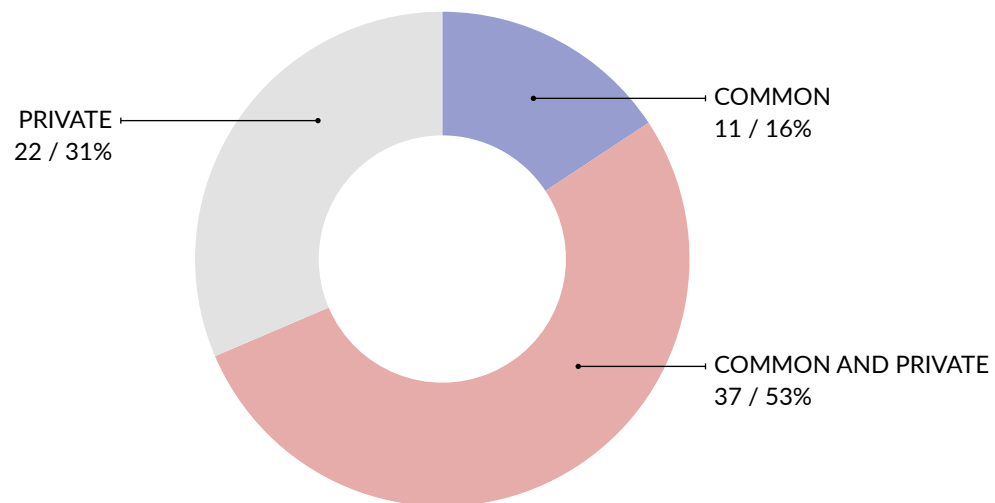


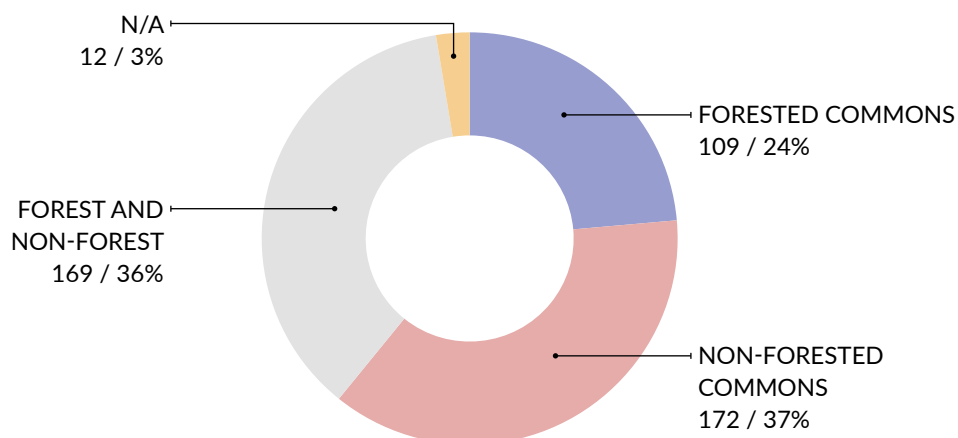
Chart 47: Projects Underway in Conflicts across Tenure Type of Land



■ 4.6 • CONFLICTS BY TYPES OF COMMONS

To understand the nature of conflicts occurring over common lands, LCW further classified commons into two categories – forested commons and non-forested commons. Non-forested commons include grazing lands, water bodies and village land, among others. Among conflicts involving common lands, 37.31% of conflicts occur in non-forested commons, 23.42% occur in forested commons and 36.66% involve both forested and non-forested commons. This can be attributed to a lack of formal protection of traditional rights over non-forested commons, as opposed to forested commons, where rights are protected by national legislations like the FRA, 2006. Protection of non-forested commons varies widely from state to state as well as across different kinds of commons.

Chart 48: Distribution of Conflicts across Types of Common Lands



Note: Data from 462 conflicts

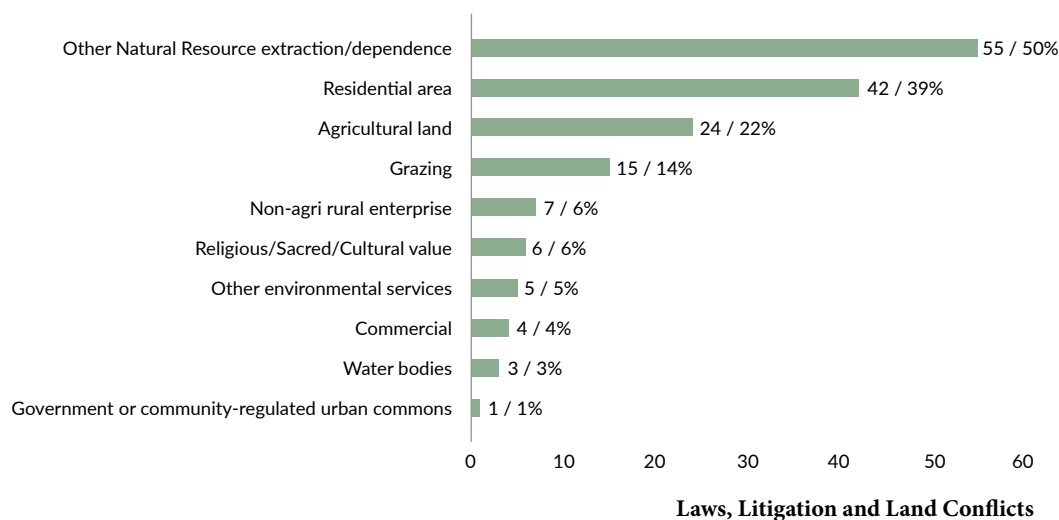
As per Indian law, there is no national legislation codifying the different types of commons. In 2011, the Supreme Court issued directions for the protection of common lands in *Jagpal Singh v. State of Punjab*. This case involved the protection of water bodies from encroachers. However, as per a new study by LCW, *(Un)Common Verdicts: an Analysis of the Impact of Jagpal Singh v State of Punjab on Commons Conservation in India*,⁴⁸ the *Jagpal Singh v. State of Punjab* judgment has been overwhelmingly used by high courts across the country to justify the eviction of encroachers from all kinds of government land without much emphasis given to the protection of the commons.

51

4.7 • SIGNIFICANCE OF LAND TO COMMUNITIES BY LAND TENURE TYPE

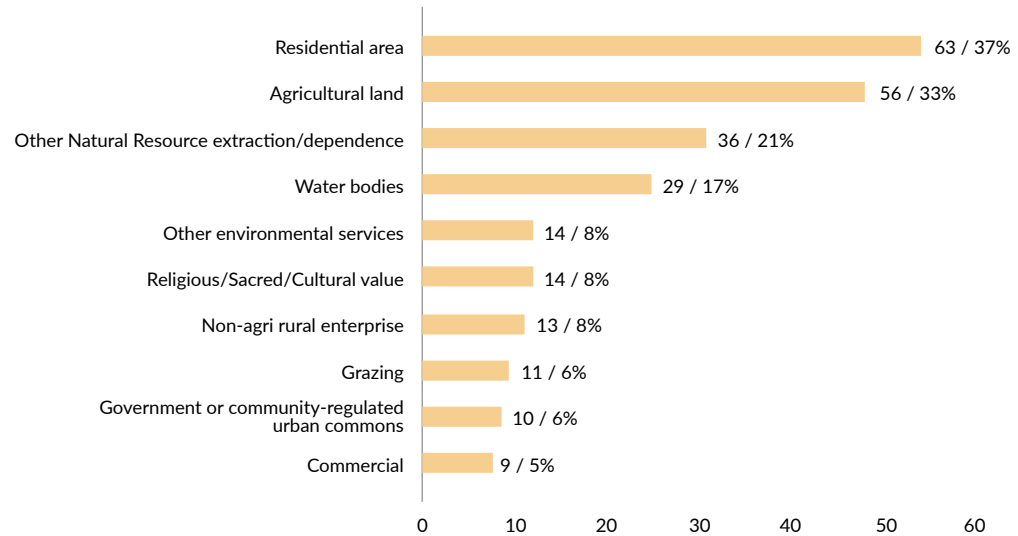
In most conflicts spanning forested commons, communities rely on forests for 'other natural resources extraction' (in 50.46% of cases). This refers to communities' dependence on land for fishing and collecting water crops and minor forest produce, such as tendu leaves, etc. This is followed by residential use in 38.53% of cases, agricultural use in 22.02% of cases and grazing in 13.76% of cases.

Chart 49: The Most Common Significance of Land in Conflicts over Forested Commons



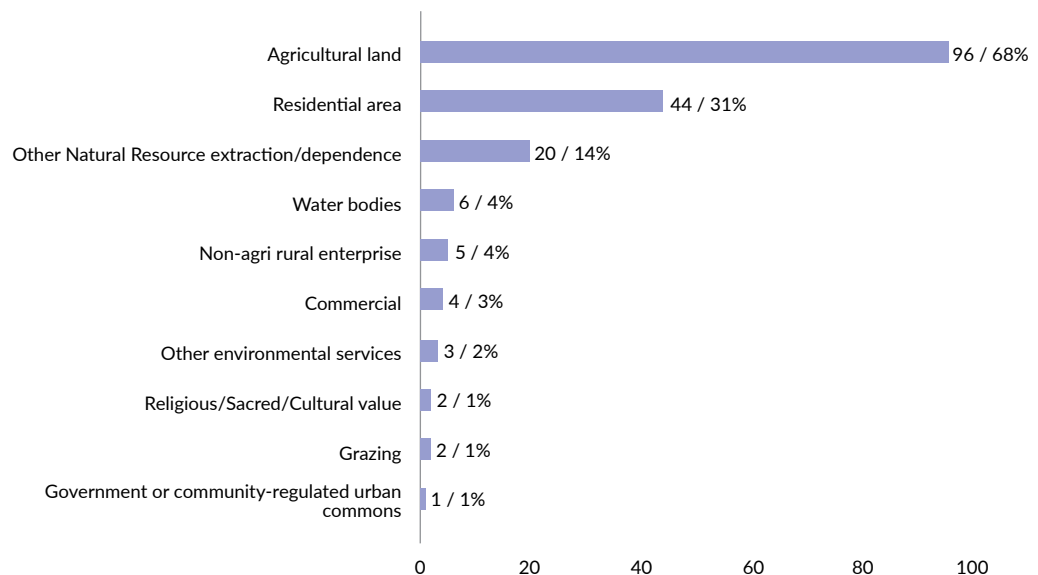
Similarly, in conflicts involving non-forested commons, residential use is the most commonly occurring significance (in 36.63% cases) followed by agricultural use (in 32.59% cases). Such conflicts often involve ousting farming communities from village common lands or marginalised communities from communal spaces in urban areas. This is followed by 'other natural resource extraction' (in 20.93% cases) and water bodies (in 16.86% cases).

Chart 50: Most Common Significance of Land in Conflicts over Non-forested Commons



Similar to non-forested commons, conflicts involving only private land are more likely to concern agricultural land (in 67.61% of cases) and residential areas (in 30.99% of cases). In contrast to conflicts over forested or non-forested commons, however, the other types of the significance of land comprise only a minority of conflicts over private land.

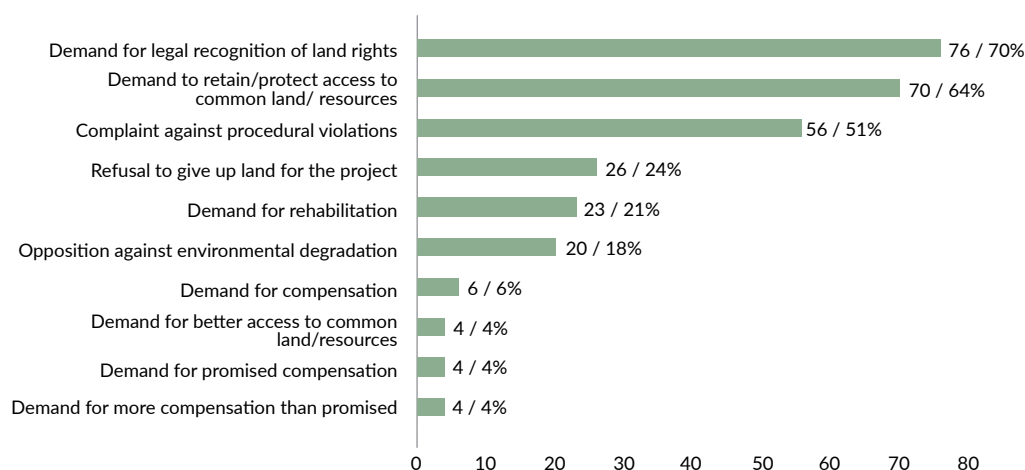
Chart 51: Most Common Significance of Land in Conflicts over Private Land



■ 4.8 • DEMANDS OF COMMUNITIES AND LEGAL LOOPHOLES/ PROCESSES IN CONFLICTS BY LAND TENURE TYPE

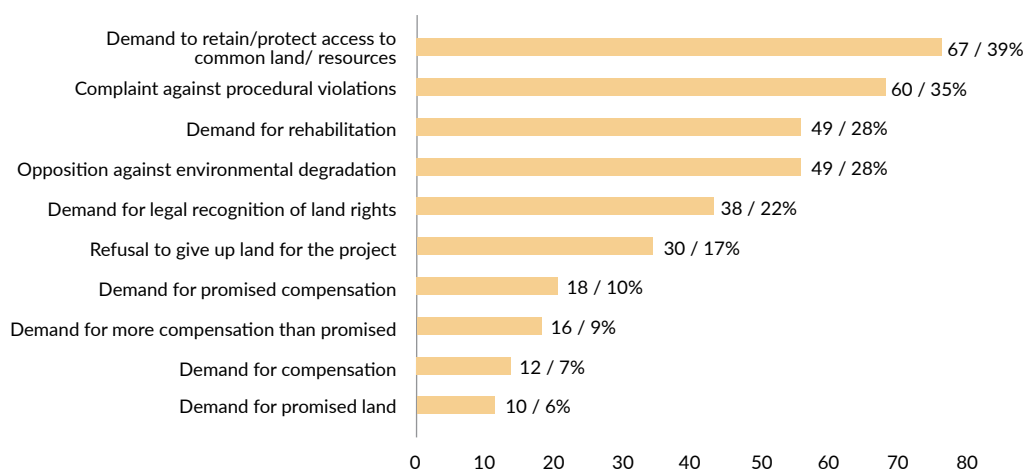
The most frequently occurring demand of affected communities in conflicts concerning forested commons is the demand for legal recognition of land rights (in 68.81% of cases). Conflicts in both forested and non-forested commons are highly likely to feature demands to retain or protect access to common land (in 63.3% and 38.95% of conflicts, respectively). 'Complaints against procedural violations' come next in conflicts concerning both forested and non-forested commons (in 51.38% and 34.88% of cases, respectively).

Chart 52: Most Common Demands/Contentions of Affected Communities in Conflicts over Forested Commons



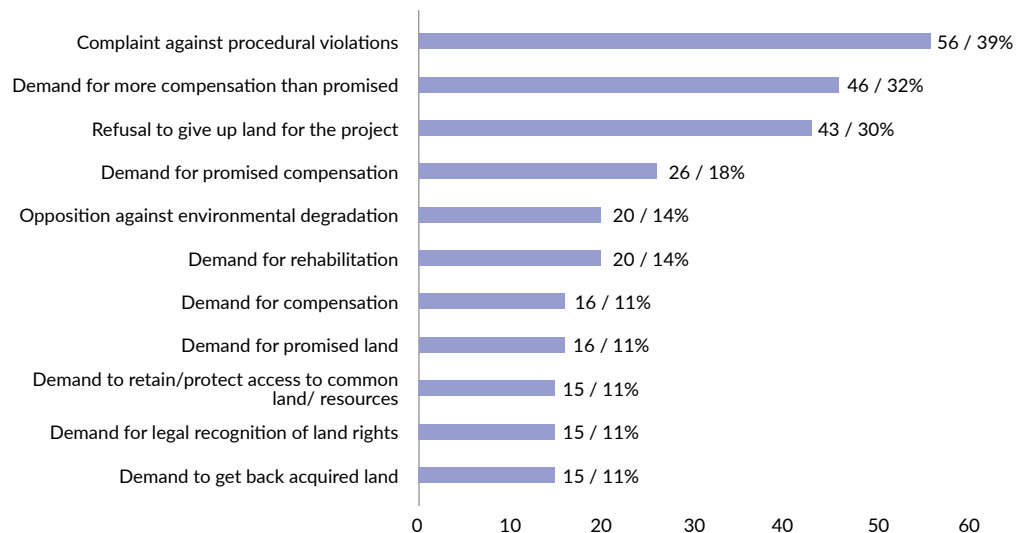
In non-forested commons, opposition to environmental degradation is also one of the most common contentions (28.49%), indicating how communities might be articulating land rights related issues through environmental concerns in the absence of protection of land rights.

Chart 53: Most Common Demands/Contentions of Affected Communities in Conflicts over Non-forested Commons



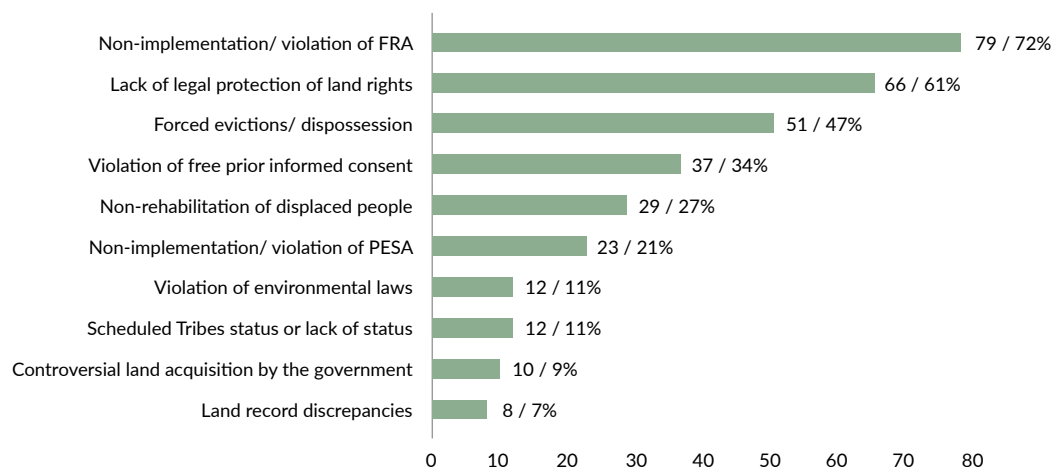
In contrast, demands by affected communities in land conflicts over private land reflect the prevalence of issues such as complaints against procedural violations (in 39.44% of cases) and a demand for more compensation than promised (in 32.39% of cases). Another common occurrence is a refusal to give up land for the project inducing the conflict (in 30.28% of cases).

Chart 54: Most Common Demands/Contentions of Affected Communities in Conflicts over Private Land



The demands of affected communities are best explained with the corresponding legal loophole or issue. In forested commons, the demand for legal recognition of land rights is contrasted with a corresponding violation or non-implementation of the FRA, 2006 (in 81% of such conflicts). Similarly, the lack of legal protection of land rights is a frequently identified issue in both forested and non-forested commons.

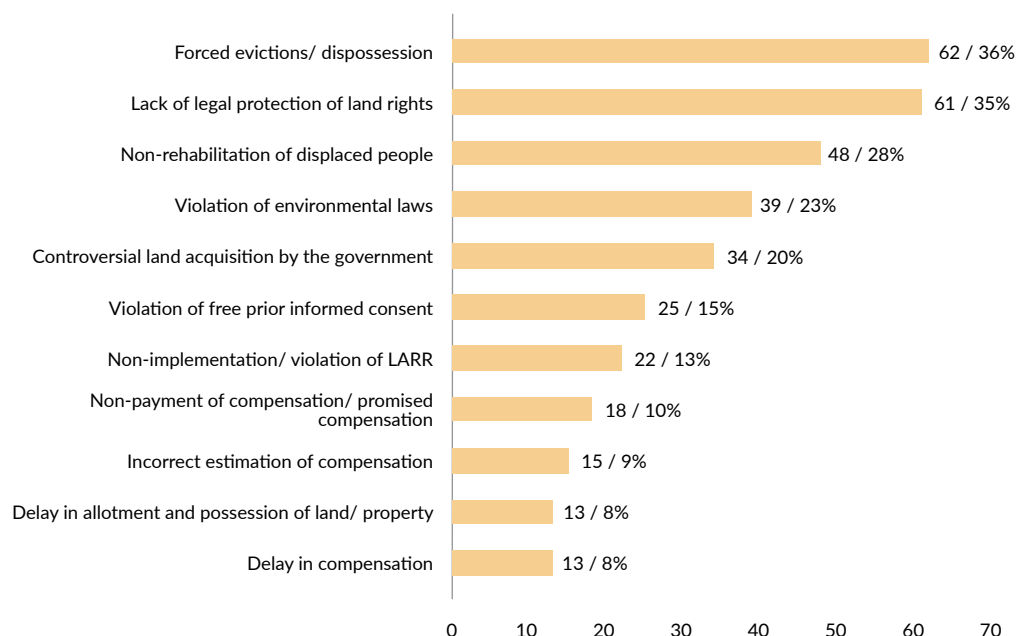
Chart 55: Most Frequent Legal Loopholes/Legal Processes in Conflicts over Forested Commons



However, it is worth noting that with non-forested commons, affected communities are seen to face a higher number of forced evictions/dispossessions (in 36.05% of cases). While

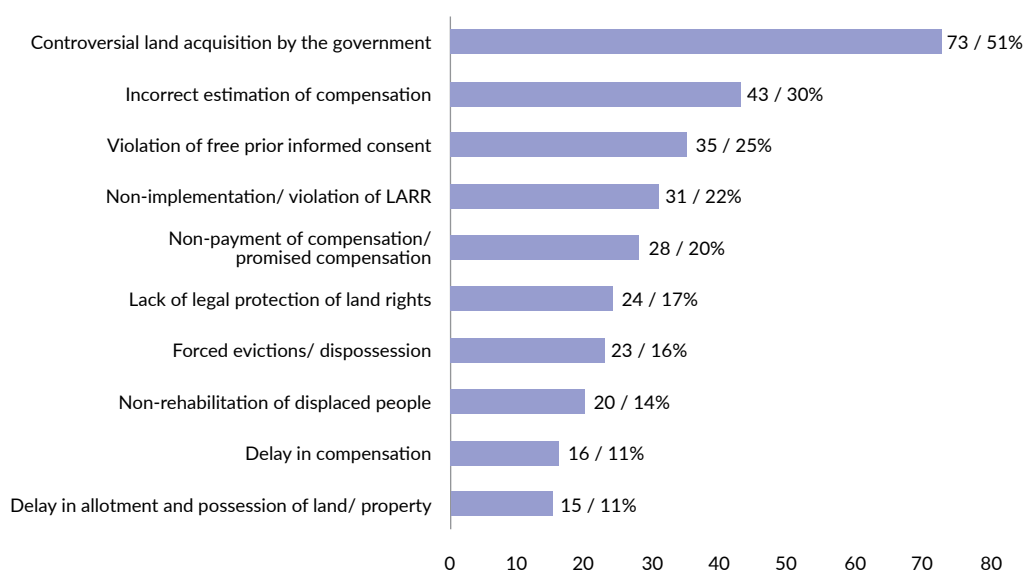
forced evictions/dispossessions are seen in conflicts in forested commons as well (in 46.79% of cases), there are protections against the same in FRA, 2006.⁴⁹

Chart 56: Most Frequent Legal Loopholes/Legal Processes in Conflicts over Non-forested Commons



In contrast, conflicts over private land are faced with the issue of incorrect estimation of compensation (in 30.28% of cases), violation of free prior informed consent (in 24.65% of cases) and non-implementation/violation of LARR, 2013 (in 21.83% of cases). While complaints against procedural violations are common across all tenure types, the issue arises in conflicted private lands more often due to such land acquisition.

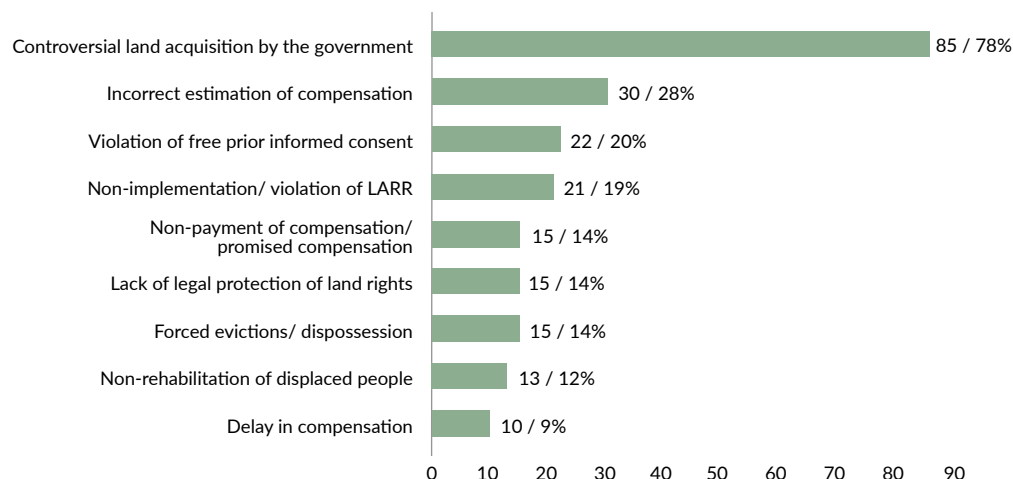
Chart 57: Most Frequent Legal Loopholes/Legal Processes in Conflicts over Private Land



4.9 • TOP LEGISLATIONS INVOLVED IN CONFLICTS BY LAND TENURE TYPES

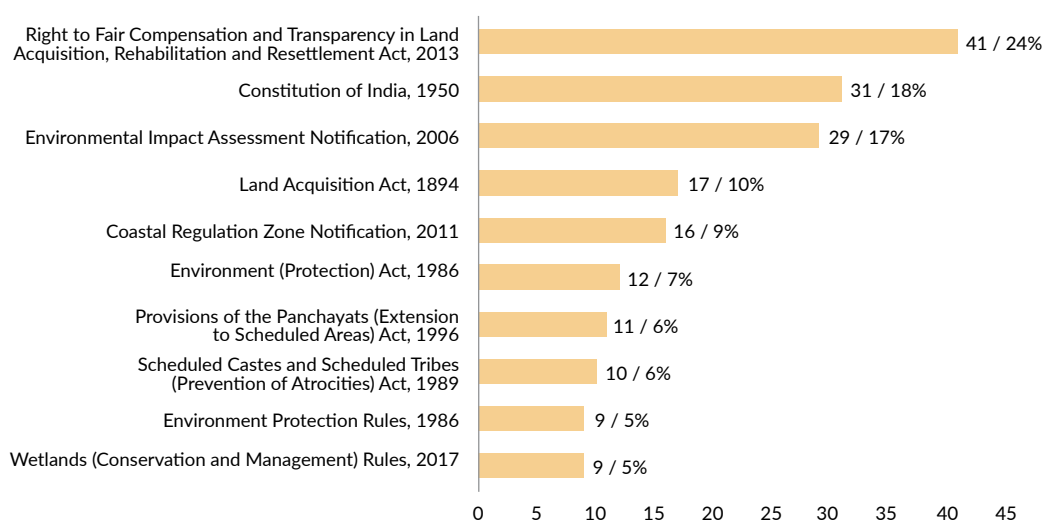
The most common legislation in conflicted forested commons by far is the FRA, 2006 (in 77.98% of cases). This is followed by the PESA, 1996, in 27.52% of cases, the Forest (Conservation) Act, 1980, in 20.18% of cases and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in 19.27% cases.

Chart 58: Most Frequently Applicable Legislations in Conflicts over Forested Commons



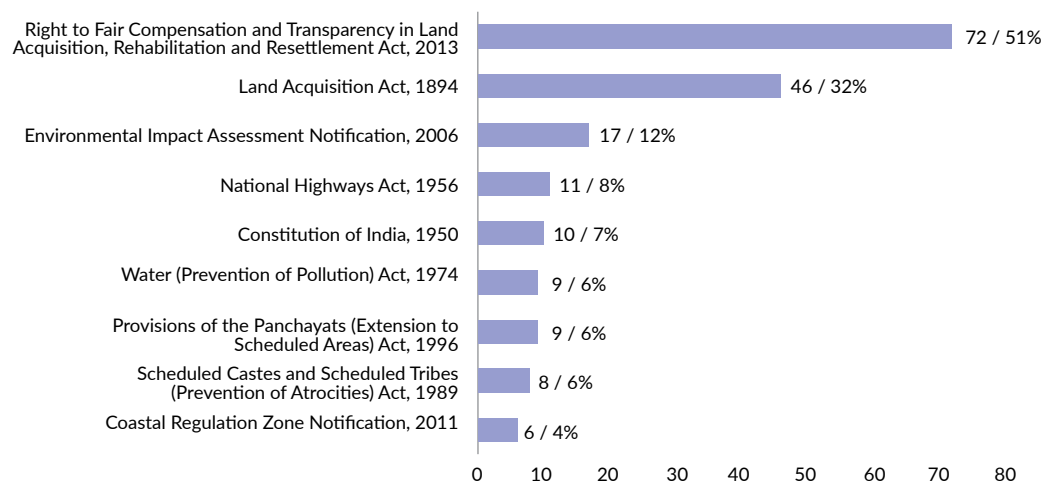
In the absence of any uniform law that protects rights over non-forested commons, communities seem to have relied on other land and environmental laws that provide peripheral protection of non-forested commons. LARR, 2013, is the most commonly occurring legislation (23.84% of all cases) with regards non-forested commons conflicts. This is followed by rights-based provisions of the Constitution of India, 1950 (such as Article 19), in 18.02% of cases, EIA Notification, 2006, in 16.86% of cases, and the Land Acquisition Act, 1894, in 9.88% of cases.

Chart 59: Most Frequently Applicable Legislation in Conflicts over Non-forested Commons



Similarly, in conflicts involving only private land, the most commonly reoccurring legislations are land acquisition laws, namely LARR, 2013 (in 50.7% of cases) and the Land Acquisition Act, 1894 (in 32.39% of cases). Due to a higher prevalence of opposition against environmental degradation in such conflicts, the EIA Notification, 2006, is the next most frequently occurring legislation in such conflicts (in 11.97% of cases).

Chart 60: Most Frequently Applicable Legislation in Conflicts over Private Land



4.10 • NUMBER OF LITIGATED CONFLICTS BY LAND TENURE TYPES

Conflicts involving forested commons markedly went to court less, with 66% of the conflicts remaining out of court. Conflicts in non-forested commons (in 58% of cases) and private land (in 62% of cases) mostly went to court. Further, unlike the cases involving non-forested commons and private lands, the forestland conflicts also saw a higher number of disposed cases (54%) as against pending cases (43%). Considering that this set of conflicts is presently ongoing, this would indicate a higher disposal rate for cases that do not resolve the affected community's grievances. This indicates a higher level of haste and greater ineffectiveness of the judiciary in resolving forestland-related conflicts.

Chart 61: Number of Litigated Conflicts over Forested Commons

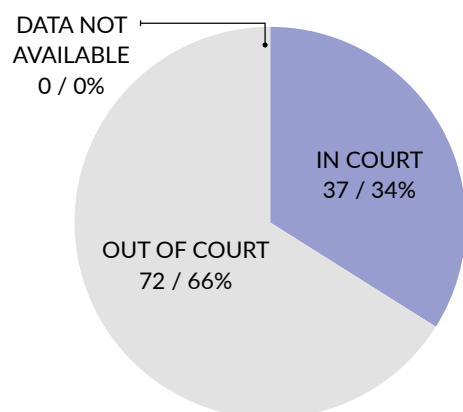


Chart 62: Status of Litigated Conflicts in Court over Forested Commons

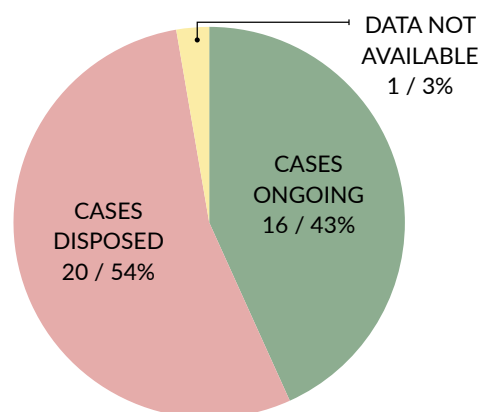


Chart 63: Number of Litigated Conflicts over Non-forested Commons

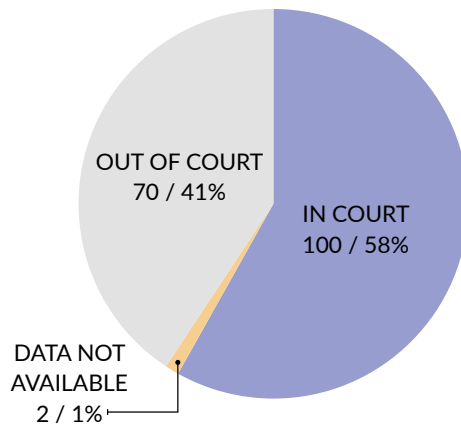


Chart 64: Status of Litigated Conflicts in Court over Non-forested Commons

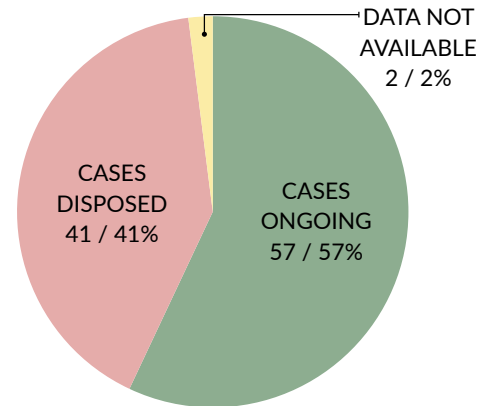


Chart 65: Number of Litigated Conflicts over Private Land

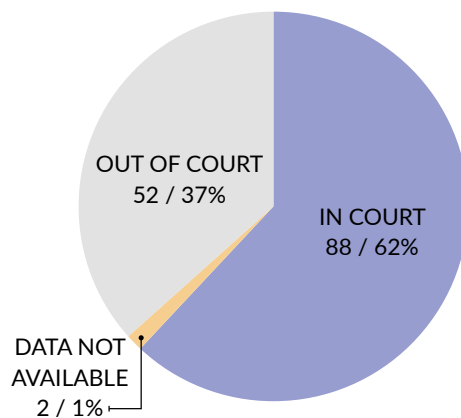
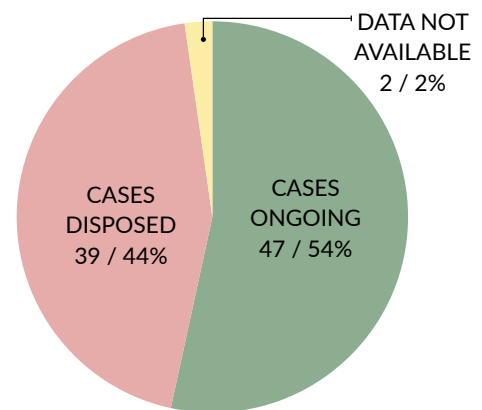


Chart 66: Status of Litigated Conflicts in Court over Private Land



⁴⁵ See Alok, "Century-old Fire in Jharia's Coalfields in Jharkhand Kills 20, Residents Allege Rehabilitation Discrepancies," *Land Conflict Watch*, May 18, 2017, <https://www.landconflictwatch.org/conflicts/century-old-fire-in-jharia-s-coalfields-kill-20-residents-allege-discrepancy-in-rehabilitation>,

⁴⁶ Sibashish Ray, "Odisha Villagers Oppose Construction of Manibhadra Dam," *Land Conflict Watch*, October 18, 2016, <https://www.landconflictwatch.org/conflicts/manivadra-dam> <https://www.landconflictwatch.org/conflicts/manivadra-dam>

⁴⁷ See LCW, "Demolition Drive in Haryana's Khori Gaon Leave over 1 Lakh People Homeless," *Land Conflict Watch*, August 12, 2021, <https://www.landconflictwatch.org/conflicts/demolition-drive-in-haryana-s-khori-gaon-leave-over-1-lakh-people-homeless>

⁴⁸ (Un)Common Verdicts: Analysis of Supreme Court and High Court judgments on common lands, *Land Conflict Watch*.

⁴⁹ Section 4(5), *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*, states that no member of a forest-dwelling Scheduled Tribe or other traditional forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete.

CHAPTER [5]

LAND CONFLICTS IN DISTRICTS CONTAINING FIFTH SCHEDULE AREAS

5 LAND CONFLICTS IN DISTRICTS CONTAINING FIFTH SCHEDULE AREAS

The Fifth Schedule of the Constitution mandates that certain tribal areas be designated as 'Scheduled Areas' and given special protections. These tribal areas were initially notified based on the tribal population and after considering their level of economic backwardness. It is necessary to monitor conflicts in Scheduled Areas, as they often demonstrate the non-implementation of safeguards guaranteed to tribal populations.

According to the latest data available on the website of the Ministry of Panchayati Raj, Government of India,⁵⁰ along with supplemental data from the respective state departments with respect to re-organised district boundaries, Fifth Schedule areas are spread across 117 districts⁵¹ in 10 states. These states are Andhra Pradesh, Jharkhand, Chhattisgarh, Himachal Pradesh, Madhya Pradesh, Gujarat, Maharashtra, Odisha, Rajasthan and Telangana. About 90% of all mineral wealth generated in India comes from the Scheduled area states⁵². For the sake of classification, LCW has categorised all of these districts as Fifth Schedule districts rather than as fully or partially covered, as they have been formally notified.

LCW has recorded 149 ongoing conflicts in 71 Fifth Schedule districts, which together affect 15,12,355 people and span over 3,17,767.58 ha in land area.

While Fifth Schedule districts constitute 15% of the total districts in the country, they are the site of 24.55% of all land conflicts, 23.71% of the conflict-affected population and 20.97% of the conflicted land area. This indicates a higher concentration and intensity of land conflicts in these districts as compared to the rest of the country.

■ 5.1 • SECTOR-WISE DISTRIBUTION OF CONFLICTS AND AFFECTED POPULATION IN FIFTH SCHEDULE DISTRICTS

Classifying conflicts by sector shows the high prevalence of infrastructure (27.52% of all conflicts) and conservation and forestry related conflicts (20.81% of all conflicts) in Fifth Schedule districts, followed by mining (19% of cases), industry (13% of cases) and power projects related conflicts (in 13% cases). The most frequently occurring projects in infrastructure-related conflicts include the construction of roads, multipurpose dams and ports. In comparison, conflicts involving conservation and forestry feature frequent resistance against proposed plantations, most notably those established under the Compensatory Afforestation Fund Management and Planning Authority (CAMPA). Around 58% of the total affected population in conflicts in Fifth Schedule districts are affected by infrastructure projects.

Map 2: Land Conflicts in Fifth Schedule Districts

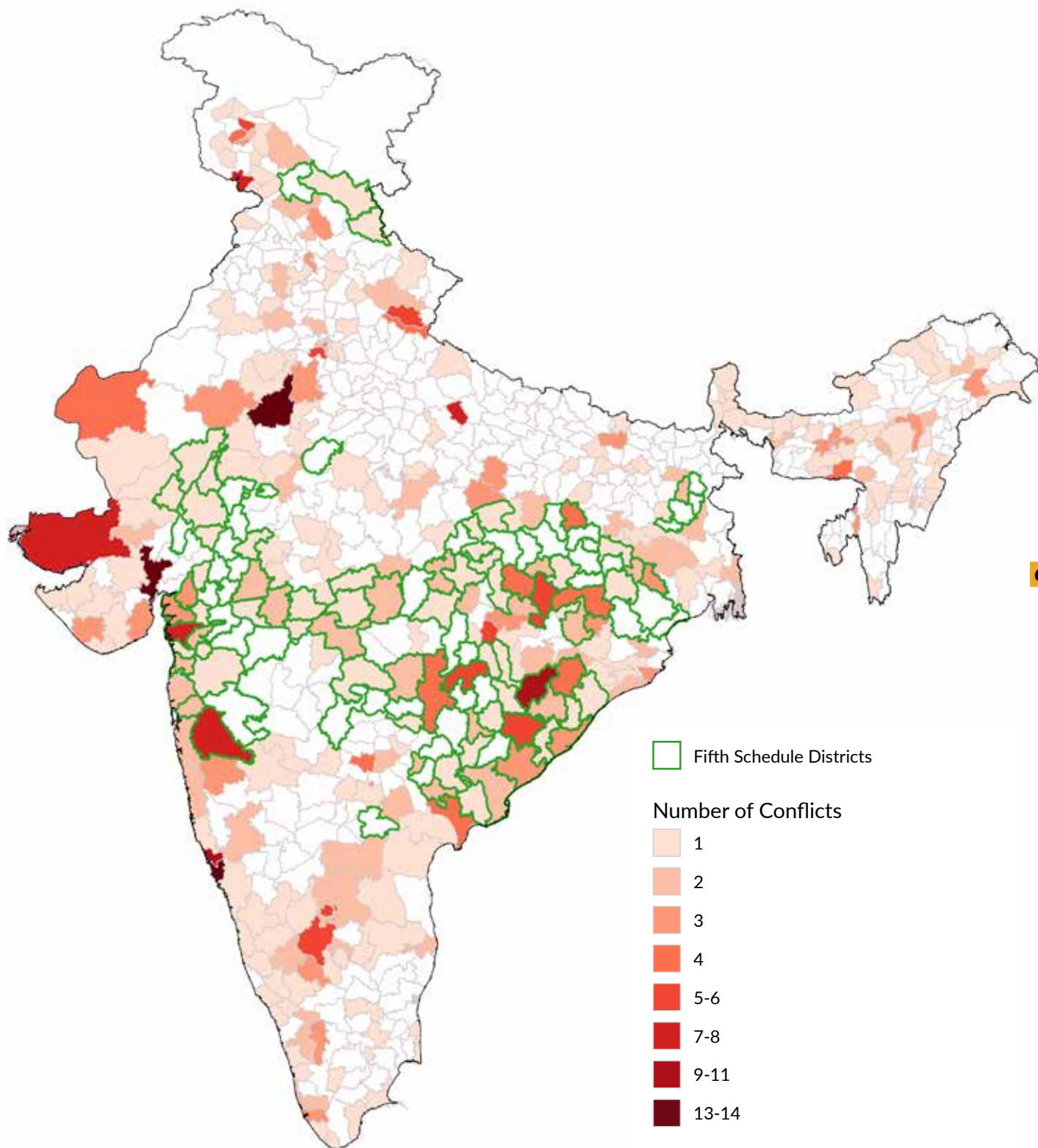


Chart 67: Sector-wise Distribution of Conflicts in Fifth Schedule Districts

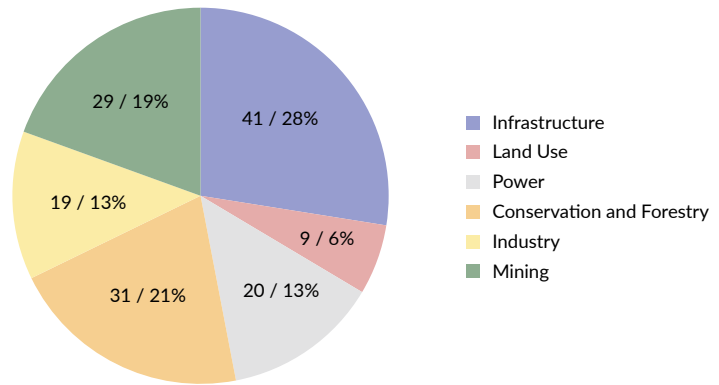
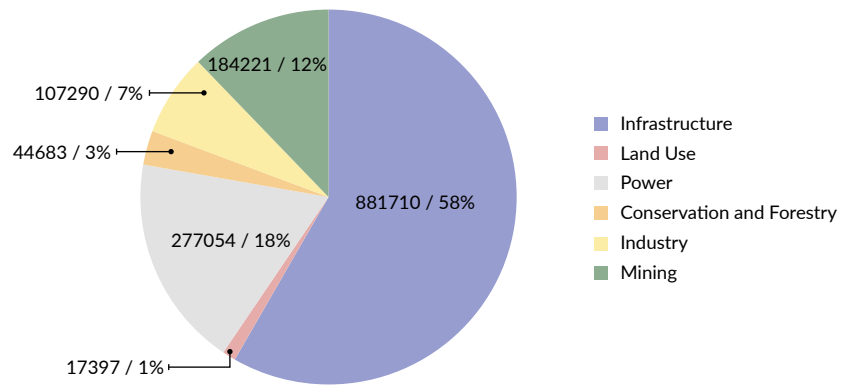


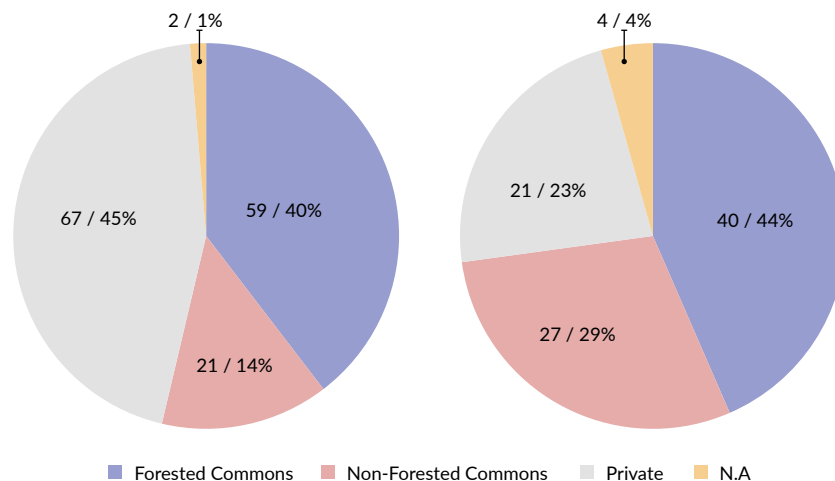
Chart 68: People Affected in Different Sectors in Conflicts in Fifth Schedule Districts



5.2 • CONFLICTS BY LAND TENURE TYPE IN FIFTH SCHEDULE DISTRICTS

The majority of conflicts in Fifth Schedule districts occur on common lands (85%). Classifying these conflicts by type of commons shows that the majority of conflicts in Fifth Schedule districts involve forested commons (44%).

Chart 69: Distribution of Conflicts by Land Tenure Type and Type of Common Lands in Fifth Schedule Districts



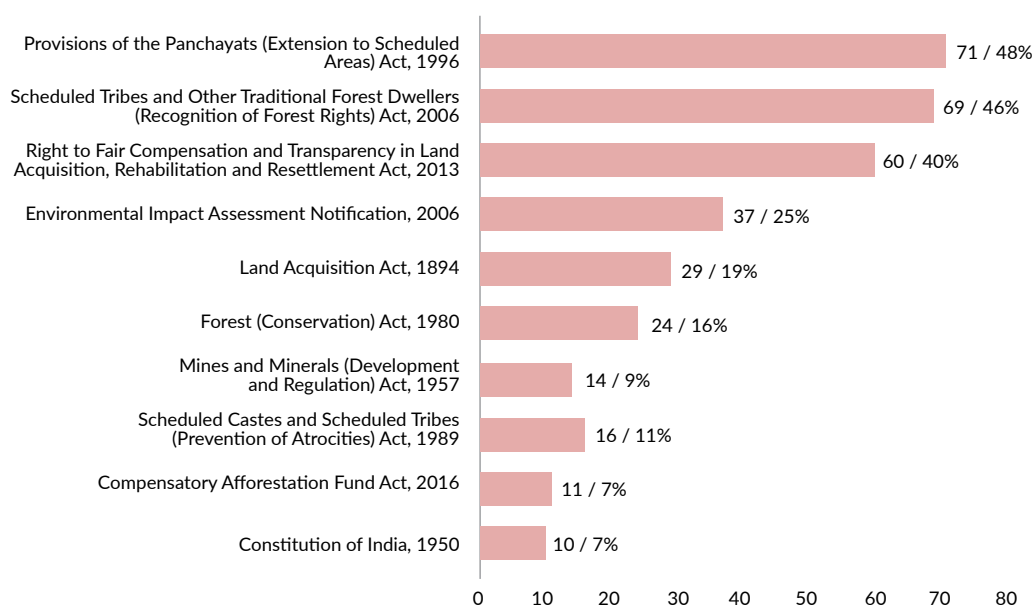
It is worth noting that all conflicts occurring in the mining sector in Fifth Schedule districts involve some form of forested commons: 34% of these conflicts in Fifth Schedule districts have been recorded to occur on lands exclusively classified as forested commons.

5.3 • TOP 10 LEGISLATIONS INVOLVED IN THE CONFLICTS IN FIFTH SCHEDULE DISTRICTS

The most frequently occurring legislations in Fifth Schedule districts are the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA). PESA is applicable in nearly half of all Fifth Schedule conflicts (47.65%). Similarly, FRA is applicable in 46.3% of all Fifth Schedule conflicts. The third most applicable legislation is the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR).

The most frequent application of PESA, 1996, in land conflicts involves circumvention of the prior consultation clause⁵³ from the panchayats/gram sabhas notified under the Act.

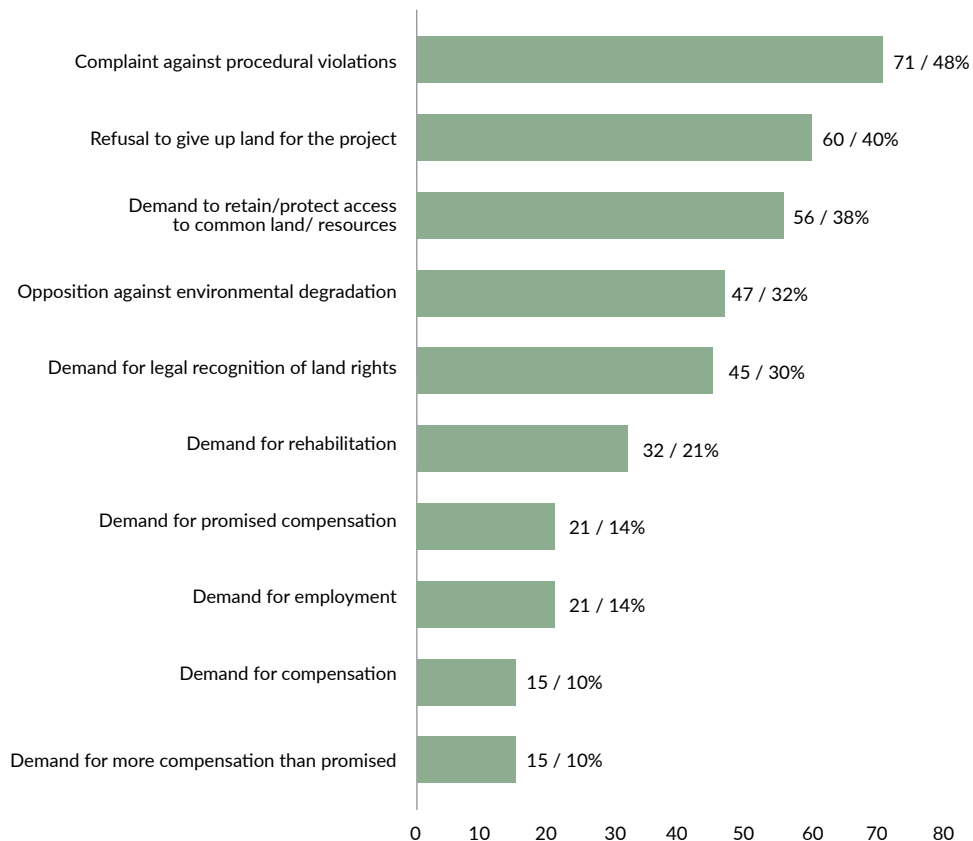
Chart 70: Most Commonly Applicable Legislation in Conflicts in Fifth Schedule Districts



5.4 • DEMANDS/CONTENTIONS OF COMMUNITIES IN FIFTH SCHEDULE DISTRICTS

Complaints against procedural violations were reported in nearly half of all conflicts in Fifth Schedule districts (47.65%). This is followed by a refusal to give up land for the project (in 40.27% of cases), demands to retain/protect access to common land/resources (in 37.58% of cases) and opposition against environmental degradation (in 31.54% cases).

Chart 71: Most Common Demands/Contentions of Affected Communities in Conflicts in Fifth Schedule Districts

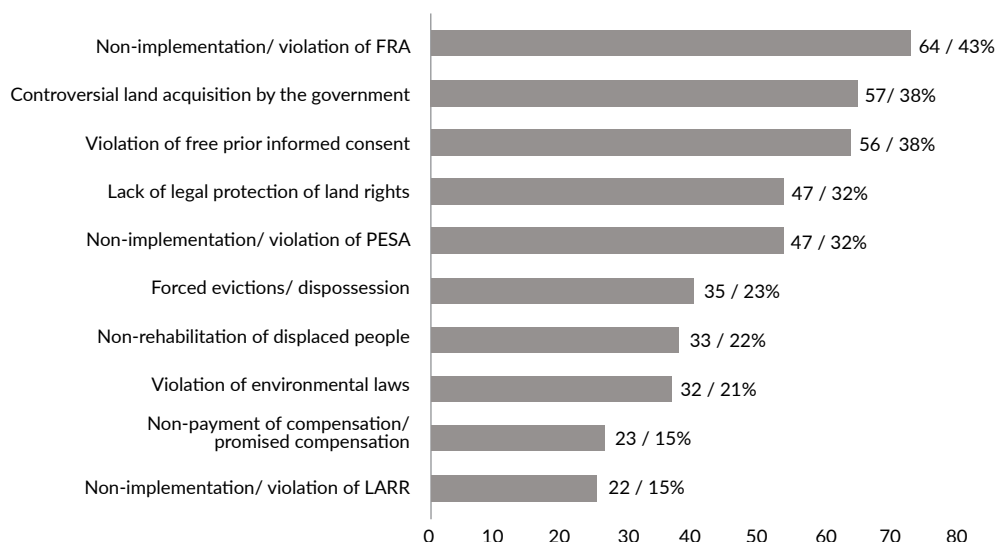


5.5 • LEGAL LOOPHOLES IN LAND CONFLICTS IN FIFTH SCHEDULE DISTRICTS

The most commonly occurring legal loophole/process is the non-implementation/violation of FRA, 2006, as seen in nearly half of all conflicts (42.95% of cases). This is followed by the violation of free prior informed consent (37.58% of cases) and a lack of legal protection of land rights (31.54% of cases).

In conflicts with complaints against procedural violations, the most frequently occurring legal loophole/process violation was a violation of free prior informed consent (in 49% of cases) and a violation or non-implementation of FRA, 2006, and/or PESA, 1996 (in 45% cases, each).

Chart 72: Most Common Legal Loopholes/Process Violations in Conflicts in Fifth Schedule Districts

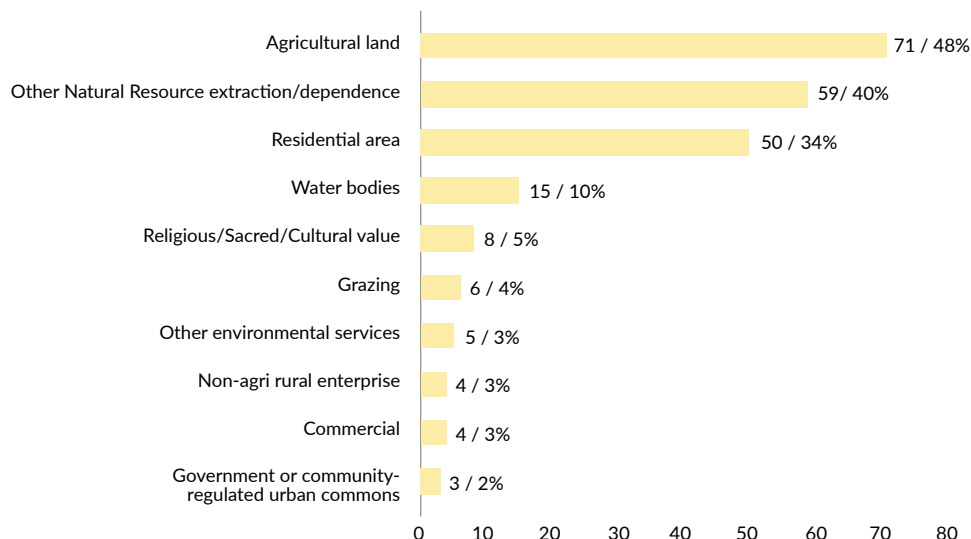


■ 5.5.1 • Significance of Land to Communities in Fifth Schedule Districts

The most common significance of land reported in conflicts in Fifth Schedule Districts is the use of land for agriculture and other natural resource extraction purposes (such as water crops, minor forest produce, fishing, etc). These are followed by the use of land as residential areas and water bodies and for religious and cultural values.

65

Chart 73: Most Common Significance of Land in Conflicts in Fifth Schedule Districts



⁵⁰ Ministry of Panchayati Raj, Government of India. State-wise Details of Notified Fifth Schedule Areas. New Delhi: Government of India, <https://www.panchayat.gov.in/web/ministry-of-panchayati-raj-2/state-wise-details-of-notified-fifth-schedule-areas>.

- ⁵¹ In April 2022, the state government of Andhra Pradesh notified 13 new additional districts, the boundaries of which intersect with the formerly notified Fifth Schedule districts. As no reliable list of updated Scheduled Areas has been released by the state or central governments since then, our list includes the formerly notified districts (Visakhapatnam, East Godavari, West Godavari, Srikakulam and Vizianagaram).
- ⁵² Namita Wahi and Ankit Bhatia, "The Legal Regime and Political Economy of Land Rights of Scheduled Tribes in Scheduled Areas of India," Centre for Policy Research, March 15, 2018, <https://ssrn.com/abstract=3759219>.
- ⁵³ Section 4(i) of the PESA Act, 1996, states that consultation with the gram sabha is mandatory before undertaking any land acquisition or development project in the Scheduled Area.

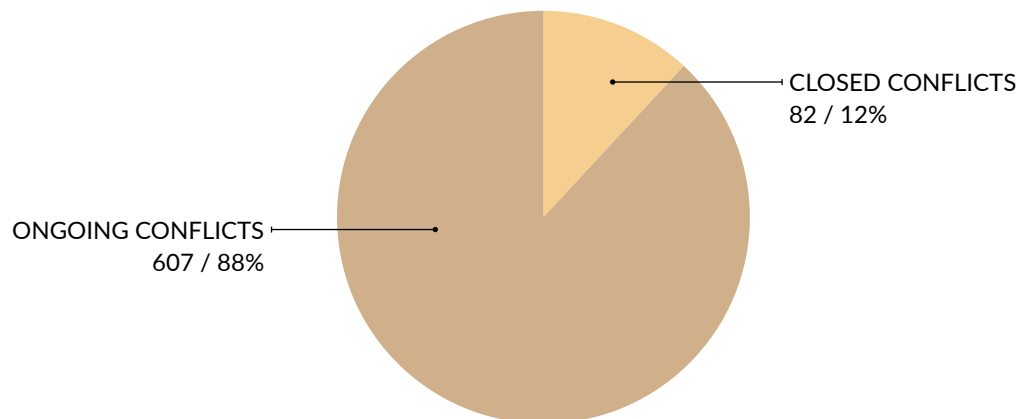
CHAPTER [6]

RESOLUTION OF CONFLICTS

6 RESOLUTION OF CONFLICTS

Out of the 689 conflicts recorded in the LCW database, 82 have ended on the ground since they were first reported during this research. While closed conflicts constitute a small dataset (less than 12% of all documented conflicts) and may not present macro trends, studying how these conflicts ended provides insights into the prevention of conflicts and carries lessons for the speedy resolution of ongoing and future conflicts. For example, conflicts that end after the compensation-related demands of the community were met indicate the need for investors to factor in the cost of fair compensation at the outset rather than bearing the cost of stalled and delayed projects. Resolution of a conflict only after the proposed project was cancelled or shelved indicates the importance of robust preliminary assessments and the need for a consent-based model of undertaking projects. An analysis of the role played by courts in ending conflicts is helpful in understanding the efficacy of litigation as a strategy in resolving conflicts.

Chart 74: Proportion of Closed Conflicts out of Documented Conflicts



6.1 • DISTRIBUTION OF CLOSED CONFLICTS BY SECTORS

The highest proportion of closed conflicts are seen in the infrastructure sector (45%), followed by power (15%), land use (13%) and conservation and forestry (11%). In terms of the proportion of closed conflicts to the total conflicts within a sector, infrastructure has the highest proportion of conflicts that had closed down during the period of the research (over 15%), followed by power and industry (both around 11%). Mining, conservation and forestry, and land use related conflicts had the lowest rate of closing down, with only around 9% of such conflicts ending during the period of research.

Chart 75: Distribution of Closed Conflicts across Sectors

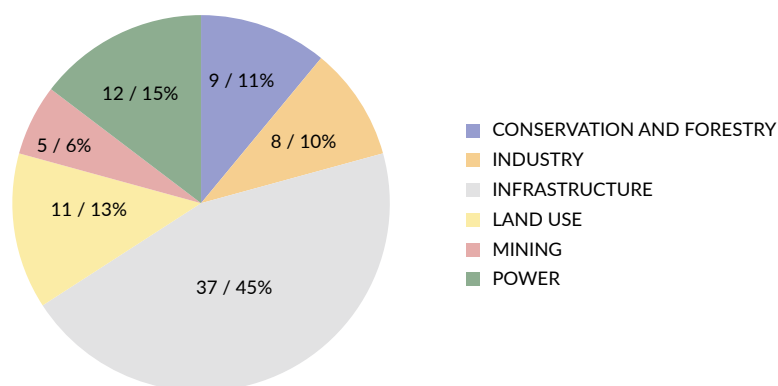


Chart 76: Proportion of Closed Conflicts per Sector

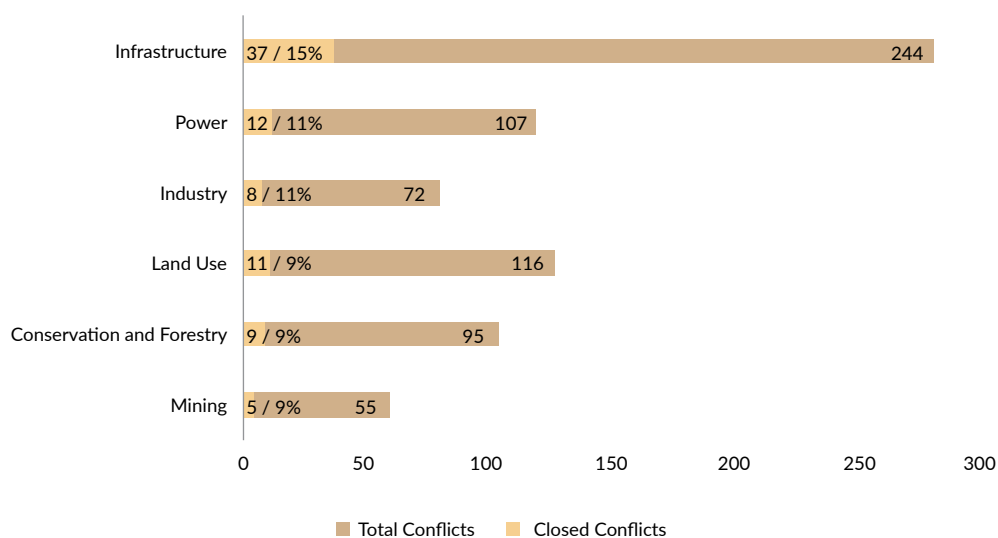


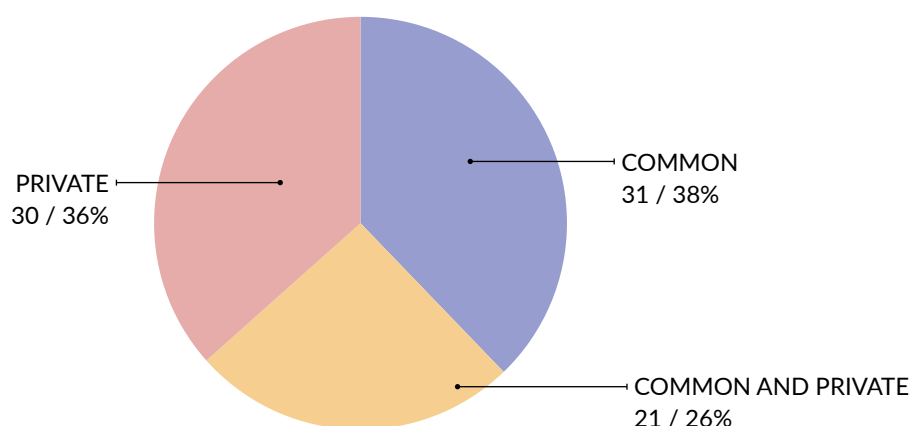
Table 11: Sector-wise Investments Involved in Closed Conflicts

Sector	Investment (₹ Crore)
Conservation and Forestry	640
Industry	73,914
Infrastructure	30,032.42
Land Use	350
Mining	20,018.87
Power	112,498.93
Grand Total	237,454.22

6.2 • LAND TENURE-WISE PERCENTAGE OF CLOSED CONFLICTS AMONG ALL DOCUMENTED CONFLICTS

Conflicts over common land comprise the largest share of closed conflicts – they form 38% of all closed conflicts. However, conflicts over private land have the highest rate of closing down. A significant 20.97% of conflicts over private land have closed down, while only 13% of common land conflicts, and only 9.85% of conflicts involving both common and private land, have died down. The lack of formal rights over common land is a notable hurdle in the communities' demands being met, potentially preventing conflicts from being resolved in a meaningful way when formal safeguards, such as judicial resolution, are not available to the community.

Chart 77: Distribution of Closed Conflicts across Tenure Type of Land



6.4.1 • PROPORTION of Closed Conflict to All Conflicts by Land Tenure Type

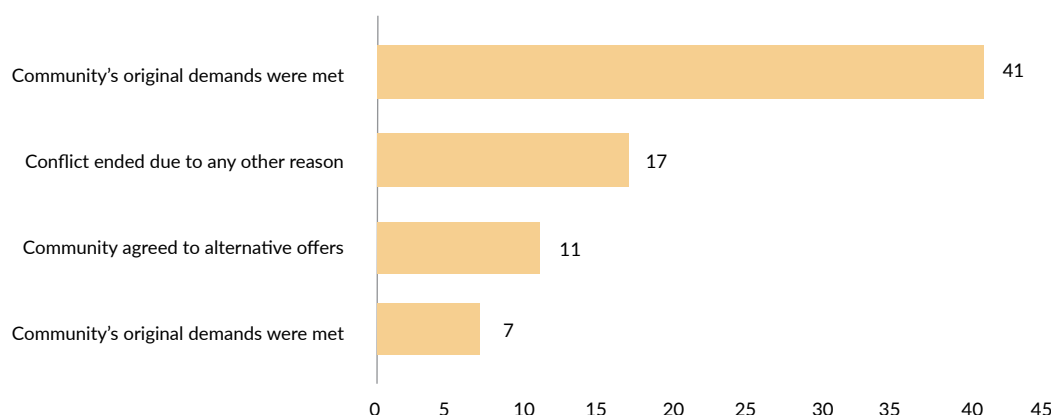
Chart 78: Proportion of Closed Conflicts per Tenure Type of Land



6.3 • REASONS FOR RESOLUTION

The LCW database records the reasons behind the closing of a conflict as well. For example, the conflict may end because (1) the demands of the community were met (through any means, whether through government action, court order or by the actions of the contesting party), (2) the community agreed to alternative offers, (3) owing to a court decision not in favour of the community, or (4) other reasons. Other reasons may include the community simply ceasing to protest or a mutual agreement between the parties to cease the conflict.

Chart 79: Reasons for the Resolution of Conflicts



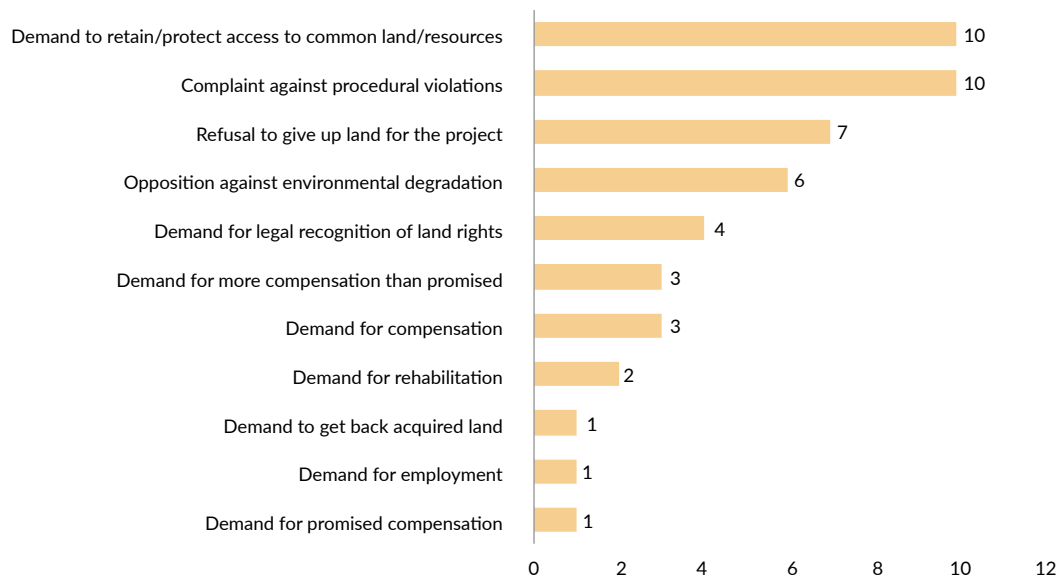
Most conflicts ended when the community's demands were met (50%); this includes demands being met by either cancellation, shelving or modification of the project. This is followed by conflicts that ended because the community agreed to alternative offers (in 13.41% of closed conflicts) and a court decision not in favour of the community (8.53% of closed conflicts). Other reasons make up 19.51% of closed conflicts.

6.4 • QUALITATIVE ANALYSIS OF RESOLVED CONFLICTS

6.4.1 • When Communities' Demands were Met

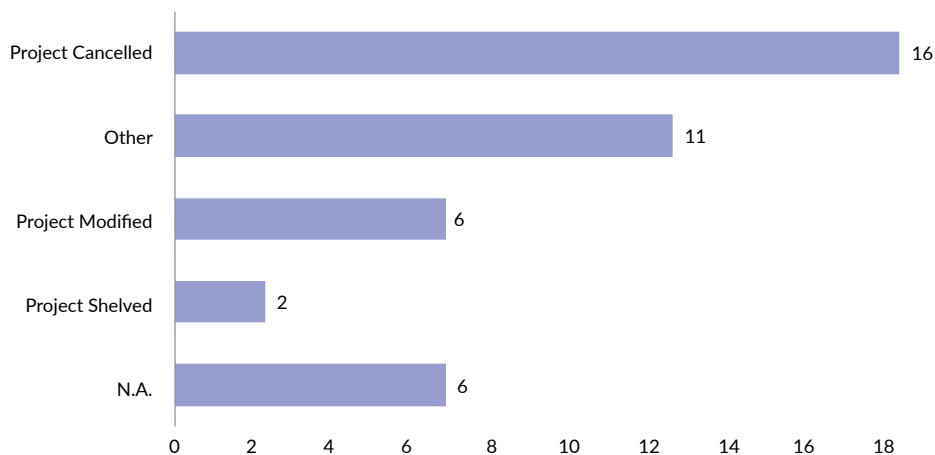
The highest proportion of closed conflicts ended because the communities' original demands were addressed. Their contentions ranged from demands to retain/protect access to common land (in 17 cases), a refusal to give up land for projects (in 17 cases), opposition to environmental degradation (in 16 cases) and complaints against procedural violations (in 15 cases). Other demands include insistence on changing the status of the land, close projects and conduct public consultations (such as ensuring community participation in the government plan rather than blanket declaration of an eco-sensitive zone).

Chart 80: Community Demands in Land Conflicts that Ended Because the Demands Were Met



In conflicts that ended because the community's demands were met, most ended when the project itself was cancelled, shelved or modified. In many conflicts that ended after the contested project or scheme got cancelled, the affected communities refused to give up land for the project and strongly opposed it due to the possibility of environmental degradation. In all six cases where the conflict ended owing to the project being modified, the project was shifted to another location. The chart below details how these conflicts ended. Data on the exact manner in which the conflict ended is not available for six conflicts.

Chart 81: Reasons for Conflicts Ending Where the Community's Original Demands Were Met



■ 6.4.2 • When Communities Agreed to Alternative Offers

In the conflicts where the communities agreed to alternative offers, a breakdown of the nature of these alternative offers sheds light on the various ways in which conflicts can be resolved amicably even when the original demands of the community are not met.

For example, in a conflict related to a power grid in Bhangar in West Bengal, affected communities objected to the acquisition of land for constructing transmission lines, which they claimed had been done without due consultation. The state government arrived at an agreement with the villagers by assuring them that the number of proposed transmission lines will be reduced and by promising increased compensation and jobs to those whose land had been acquired for the project as well as to the families of deceased protesters. In a land dispute between Gujjars and Gonds in UP, the government offered four acres of land to the families of the deceased, who accepted the compensation as opposed to their original demand for legal recognition of their rights over the land contested between two communities. In a case involving the construction of an ash pond by Damodar Valley Corporation (DVC) in Jharkhand, the conflict ended with successful negotiations between the DVC and protesters. The latter demanded that the authorities shift the ash pond to 600 metres away from Kariyawan village, but the DVC announced that it would shift the pond to 220 metres away from the village. The construction of the pond commenced in June 2017 and the conflict ended.

■ 6.4.3 • When Courts Decided Against Communities' Demands

We have data from seven conflicts in which the ongoing litigation did not end in the community's favour. Two out of the seven conflicts revolved around issues of compensation whereas the other three relate to a demand for better access to common land and resources. In such conflicts, the courts also decided against staying the operations of all disputed projects.

Further, even in cases where the courts recognised that relief must be granted to landowners, only a select few ended up receiving benefits due to the application of narrow caveats. For instance, over 15,000 farmers were denied increased compensation by the Supreme Court when the farmers approached the Court to contest land acquisition by the Greater Noida Industrial Development Authority. Though the Allahabad High Court had directed the Authority to pay compensation to other landowners affected by the same land acquisition proceedings, the Supreme Court declined to grant relief to the petitioners as they had not filed writ petitions before the high court first.

Most of these conflicts did not see appeals by the communities against the decisions of the local high courts. Such conflicts could indicate instances where affected communities cannot continue agitating due to the high cost of appellate litigation, especially at the Supreme Court level. For instance, the Rajasthan High Court dismissed a petition to cancel land allotment for a solar plant in Jodhpur when the residents of the Ugras village, Jodhpur, approached the court. The division bench in the writ appeal recognised that the tenurial rights of the residents had been circumvented through an improper procedure. However, both the division bench and single judge rejected the claims of the landowners regardless. The petitioners in this case informed LCW that they did not wish to pursue the matter further after the court's verdict.

In conflicts that ended because the court's decision was not in favour of the community, a stark disconnect can be seen between people's demands on the ground and the judicial process and decision. As mentioned in Chapter 3, this disconnect often leaves judicial interventions ineffective in ending conflicts on the ground, as out of 162 land conflicts that have been disposed of by the courts, 135 are still active on the ground.

■ 6.4.4 • Other Reasons

The LCW database also records miscellaneous reasons why the conflicts may have ended. Around 43.75% of these conflicts involved litigation. However, the role of courts in such conflicts is often ancillary. In such instances, alternative means of grievance redressal have proved to be more helpful for the affected communities. Among conflicts that have been marked as closed for miscellaneous reasons and in which data regarding project status is available (10), 70% of the projects have been completed. In the absence of any alternative relief or information, this would suggest that in a number of land conflicts, affected communities stopped protesting because the disputed project had already been sanctioned and built.

⁵⁴ Mitali Biswas, "West Bengal Government Changes Plan for Power Grid in Bhangar Following Protests," *Land Conflict Watch*, December 30, 2016, <https://www.landconflictwatch.org/conflicts/west-bengal-government-changes-plan-for-power-grid-in-bhangar-following-protests>.

⁵⁵ Saurabh Sharma, "Land Dispute in UP's Sonbhadra Between Gujjars, Gonds Claims 10 Lives," *Land Conflict Watch*, August 3, 2019, <https://www.landconflictwatch.org/conflicts/land-dispute-in-up-s-sonbhadra-between-gujjars-gonds-claims-10-lives>.

⁵⁶ Alok, "Damodar Valley Corporation (DVC) Agrees to Relocate Ash Pond Following Public Protests in Jharkhand," *Land Conflict Watch*, March 17, 2017, <https://www.landconflictwatch.org/conflicts/damodar-valley-corporation-agrees-to-relocate-ash-pond-following-public-protests-in-jharkhand>.

⁵⁷ Ankur Goswami, "Over 15,000 Farmers Denied Hiked Compensation After Supreme Court Order," *Land Conflict Watch*, March 9, 2018, <https://www.landconflictwatch.org/conflicts/over-15-000-farmers-denied-hiked-compensation-after-supreme-court-order>.

⁵⁸ Kuber Bathla, "Rajasthan HC Dismisses Petition to Cancel Land Allotment for Solar Plant in Jodhpur," *Land Conflict Watch*, March 14, 2022, <https://www.landconflictwatch.org/conflicts/rajasthan-hc-dismisses-petition-to-cancel-land-allotment-for-solar-plant-in-jodhpur>.

⁵⁹ Nestlé, Appendix to The Nestlé Policy on Environmental Sustainability (Vevey: Nestlé, July 2014), https://www.nestle.com/sites/default/files/asset-library/documents/library/documents/corporate_social_responsibility/nestle-commitment-land-rights-agriculture.pdf.

CHAPTER [7]

CONCLUSION

75

7 CONCLUSION

Land conflicts are leading to stalled and sunk investments at unprecedented scales, causing loss of economic and livelihood opportunities for citizens, and inflicting direct and indirect violence on communities that are at the socio-economic margins of society.

So far, policy prescriptions have often focussed on fast-pacing, deleting or streamlining approval processes. At times, the prescriptions try to bypass communities rather than create an environment for their structured engagement with the state or industry. The presumption behind such a response – that communities' concerns are best dealt with by moving files faster within the government – often fails to produce results on the ground.

Because the processes do not accommodate communities' sense of justice and fairness, speedily securing land for projects on paper alone does not translate to unencumbered access to lands. Therefore, land conflicts have continued to flare up, and locked investments in these conflicts have continued to swell. This bodes ill for communities as well as businesses that seek secure access to land resources.

The findings of this research suggest a holistic pathway towards minimising and resolving land conflicts. For one, the data in the report establishes that in most land conflicts involving investments, the fundamental issue is communities' demand to exercise their rights and agency over land and not an essential opposition to specific projects. This is reflected in the large number of conflicts around land that continue even after the projects proposed on such land have been cancelled or completed. Thus, a shift in the discourse – from seeing communities' actions as hindrances to supporting the recognition and realisation of land and resource rights as a mechanism to prevent and resolve land conflicts – can go a long way in realising the sustainable development agenda.

The need to address land conflicts has a history of triggering larger movements, which have played a crucial role in shaping the more progressive legal and policy framework that exists in India today. Legislations, such as FRA, 2006, LARR, 2013, and EIA Notification, 2006, were created to recognise land and resource rights, resolve disputes over access and ownership, and facilitate more equitable negotiations for transferring rights and access between different parties. However, as the findings in this report show, the procedures required under these laws are often violated. Across all conflicts, complaints against procedural violations have been the most common demand/contention of communities.

The demand to retain or protect rights over commons, and the demand for legal recognition of land rights, in general, have been observed as the most prominent factors in land conflicts. While respecting and implementing the provisions of legislations such as the FRA can address the recognition and protection of rights over forested commons, there is a

need to develop a framework to recognise community rights over non-forested commons. As reflected in this research, customary users of land are cognizant of their rights even if existing governance structures do not recognise them. Land transactions by government authorities or businesses without recognising and respecting such rights will continue to fuel conflicts.

Globally, investors are becoming more wary of investing in projects that are likely to get stuck in land disputes or attract criticism for ignoring the land rights of communities. The findings in the report about the resolution of some land conflicts are also instructive to investors. For instance, the resolution of a conflict after the proposed project was cancelled or shelved indicates the importance of a preliminary assessment of land and resources rights and a consent-based model of undertaking projects. The fact that many conflicts were resolved after the compensation-related demands of the community were met indicate that industries and governments need to factor in the cost of fair compensation at the outset rather than bearing the cost of stalled and delayed projects due to conflicts.

The ineffectiveness of judicial interventions in resolving land conflicts on the ground, as reflected in the findings of this report, requires discussions among the legal fraternity to assess the right approach towards land conflicts. In particular, the low ability or faith among the most marginalised communities, such as tribals, to approach the courts, and the haste and ineffectiveness with which the courts have disposed of their concerns, needs reflection.

We hope the findings of this research help inform a more holistic approach in addressing land conflicts.

■ RESEARCH AGENDA FOR THE FUTURE

Using the framework employed in our database, we have consistently tracked the issues emerging at the intersection of natural resources governance, land rights, climate change and environmental laws. In line with our initial objective of facilitating transparency and evidence-based land resources governance, our research has sparked public discourse and been picked up by academics, researchers, journalists, lawyers, civil society organisations, and parliamentarians alike – the first step towards lasting change through policymaking.

As the LCW database grows, it will serve as an effective tool in fostering a comprehensive understanding of broad trends and facilitate a better understanding of land and natural resource uses. Towards that objective, LCW now plans to release a comprehensive analysis of trends and insights on land disputes and governance every two years in the form of the biennial *State of Land Resource Disputes in India* reports.

In the past couple of years, our research has focused on understanding the economic impact of land conflicts at different scales for various stakeholders and the evolving legal issues, jurisprudence and dispute settlement practices. We built several layers of economic and legal data into our database to facilitate research. While we will continue to update and study this data in the coming years, we plan to research emerging themes and concerns in natural resource governance and how these impact the rights and well-being of various stakeholders including communities, businesses and government agencies.

We are now focusing on the impact of climate change on land and resource usage and the gender and caste dimensions of land conflicts in both rural and urban areas. We are also keen to study the impact of technology on land governance, with a focus on how it impacts marginal communities. To do so, we will collaborate with other research entities and organisations, which will help us generate data from the ground up, distil the information through research and analysis, and disseminate it in meaningful ways. LCW remains committed to generating data and insights to address systemic issues underlying natural resource governance.

APPENDICES

■ APPENDIX A: LIST OF FIELD RESEARCHERS

- | | |
|-----------------------------------|---|
| 1. 101 Reporters | 38. Gurvinder Singh |
| 2. Aashish Deep | 39. Hariprasad Radhakrishnan |
| 3. Abdul Kalam Azad | 40. Himdhara Environment Research and Action Collective |
| 4. Aditi Patil | 41. Ishan |
| 5. Alinery Lalngilneii Lianhlawng | 42. Ishita Patil |
| 6. Alok | 43. Jinda Sandbhor |
| 7. Amulya Rastogi | 44. Jonah |
| 8. Anamika Gode | 45. Jyotsna Singh |
| 9. Anjali Dalmia | 46. Krithika A |
| 10. Ankur Goswami | 47. Kuber Bathla |
| 11. Ankur Paliwal | 48. Lakhvinder Singh |
| 12. Ankur Phukan | 49. Lokendra |
| 13. Anuradha Thapa | 50. Mahesh Deka |
| 14. Anurag Das | 51. Manasi Karthik |
| 15. Arpit Deshmukh | 52. Manish Tiwari |
| 16. Asha Verma | 53. Meenakshi Kapoor |
| 17. Ashish Gaur | 54. Mhao Kikon |
| 18. Ashmita Bhattacharya | 55. Mir Farhat |
| 19. Athar Parvaiz | 56. Mitali Biswas |
| 20. Atom Samarendra Singh | 57. Mubashir Bukhari |
| 21. Basudev Mahapatra | 58. Nazimuddin Siddique |
| 22. Bhasker Tripathi | 59. Neerajha |
| 23. Bimla Vishwapremi | 60. Nihar Gokhale |
| 24. Bodhi Ramteke | 61. Nupur Sonar |
| 25. Connor Staggs | 62. Pravin Mote |
| 26. Damandeep Singh | 63. Perna Chaurashe |
| 27. Deepak C N | 64. Prudhviraaj Rupavath |
| 28. Deepika Joshi | 65. Pushpendra Singh |
| 29. Dr. K.H. Amitha Bachan | 66. Rabiya Bashir |
| 30. East Street Journal Asia | 67. Rahul Maganti |
| 31. Eleonora Fanari | 68. Rahul Shrivastava |
| 32. Elizabeth Mani | 69. Rakesh Agrwal |
| 33. Emilo Yanthan | 70. Rama Shanker Singh |
| 34. Faizi Ahmad | 71. Rejitha Nair |
| 35. Flavia Lopes | 72. Riddhi Pandey |
| 36. Furkan Khan | 73. Rimki Patgiri |
| 37. Gourav Jaiswal | |

- | | | | |
|-----|--------------------------|------|-----------------------|
| 74. | Rishabh Shrivastava | 89. | Sooraj H S |
| 75. | Sandeep Dahiya | 90. | Soumik Dutta |
| 76. | Sandeep Pattnaik | 91. | Stella James |
| 77. | Sanghamitra Dubey | 92. | Sumana |
| 78. | Sapna Yadav | 93. | Sundara Babu Nagappan |
| 79. | Sarfaraz Hamid | 94. | Surabhi Bhandari |
| 80. | Sarup Sinha | 95. | Sushmita |
| 81. | Satyendra Singh Narwaria | 96. | Tamanna Naseer |
| 82. | Saurabh Sharma | 97. | Tarun Joshi |
| 83. | Seethalakshmi | 98. | Thokchom Seema |
| 84. | Shazia Nigar | 99. | Urvashi Mahtolia |
| 85. | Shivam Mogha | 100. | Vaibhav Walunj |
| 86. | Shivani | 101. | Varsha Torgalkar |
| 87. | Sibasish Ray | 102. | Yaniam Chukhu |
| 88. | Siddhant Kalra | | |

■ APPENDIX B: LIST OF DATA FIELDS

1. Title of conflict	
2. State	
3. District	
4. Village/town	
5. Left-wing-extremism-affected district	Yes/No
6. Schedule Five district	Yes/No
7. Latitude and longitude	
8. Additional locations	
9. Region classification	Rural/urban
10. Reason/cause of conflict	• Airport • Aluminium refining • Bauxite mining • Beverages • Border dispute • Caste-based conflict • Coal mining • Commercial agriculture/agro-business • Communal/ethnic conflict • Defence and security establishments • Diamond mining • Education • Encroachment by non-right holders (other than caste-based) • Environmental/ecological damage

	• Finance • Fisheries • Food processing • Forest administration (other than protected areas) • Gold mining • Health • Human-wildlife conflict • Hydroelectric project • Industrial park • Iron ore mining • Irrigation dam • Landbank • Limestone mining • Livestock • Manufacturing • Metal processing • Multipurpose dam • Natural calamities • Non-commercial agriculture • Nuclear power plant • Other kinds of industry • Other kinds of infrastructure • Other kinds of land use • Other kinds of mining • Petroleum and gas • Pharmaceutical industry • Plantations • Port • Protected areas • Railways • Renewable power • Roads • Sand mining • Smart city • Special Economic Zones (SEZ) • Steel Plant • Technology • Textile • Thermal power plant • Tourism • Township/real estate • Transmission lines
--	--

	• Uranium mining • Urban development (other than smart cities) • Waste management • Water management
11. Other reasons/causes of conflict	
12. Sector	• Conservation and forestry • Industry • Infrastructure • Land use • Mining • Power
13. Type of protected area	• National park • Wildlife sanctuary • Tiger reserve • Eco-sensitive zone
14. Demand/contention of the affected community	• Complaint against procedural violations • Demand for better access to common land/resources • Demand for compensation • Demand for employment • Demand for legal recognition of land rights • Demand for more compensation than promised • Demand for more land than promised • Demand for promised compensation • Demand for promised land • Demand for rehabilitation • Demand to cancel the project • Demand to get back acquired land • Demand to retain/protect access to common land/resources • Opposition against environmental degradation • Refusal to give up land for the project
15. Type of land	• Common • Private • Common and private
16. Type of common land	• Forest • Non-forest (grazing land) • Non-forest (other than grazing land) • N/a • Forest and non-forest

17. Categories of legislation involved in the conflict	• Case laws • Central/state government policy • Constitutional law • Environmental law • Forest and scheduled area governance laws • Land acquisition laws • Land ceiling laws • Land reform laws • Other • Procedural laws
18. Official name of the act/policy/rule	
19. Relevant sections in the legislation	
20. Legal processes/loopholes enabling conflicts	• Constitutional inconsistencies between state and union land laws • Controversial land acquisition by the government • Delay in allotment and possession of land/property • Delay in compensation • Forced evictions/dispossession of land • Incorrect estimation of compensation • Lack of legal protection over land rights • Land record discrepancies • Non-consultation with stakeholders • Non-implementation of land ceiling laws • Non-implementation of land reform laws • Non-implementation/violation of FRA • Non-implementation/violation of LARR Act • Non-implementation/violation of PESA • Non-payment of compensation/promised compensation • Non-rehabilitation of displaced people • Scheduled Tribe status or lack of status • Use of old/outdated laws • Violation of environmental laws • Violation of free prior informed consent • Violation of fundamental rights • Violation of standard international laws
21. Whether claims/objections were made by the affected community as per legal procedure in the relevant statute	

22. What was the claim/objection raised by the community?	
23. What was the decision of the concerned government department?	
24. Legal status	• In court • Out of court
25. Name(s) of the court(s)	
26. Whether any adjudicatory body was approached	
27. Name of the adjudicatory body	
28. Case number	
29. Legal-supporting documents	
30. Legal-link to documents	
31. Nature of protest	• Advocacy (for inclusion in courts) • Armed protests • Artistic and creative actions (theatre, murals, art, music, etc.) • Blockades • Boycott of company's products • Boycott of official procedures/non-participation in official processes • Campaigns (grassroots organisations/press releases/media) • Community-based participatory research • Complaints/petitions/letters/memorandums to officials • Development of a network or collective • Hunger strike • Involvement of national and international NGOs • Land occupation • Media-based activism/alternative media • Objections as part of official procedures • Property damage/arson • Protests/marches • Public campaign • Referendum and other local consultations • Refusal of compensation • Riots • Self-immolation

	• Shareholder/financial activism • Stone pelting • Strikes • Suicide/attempt at suicide • Threat to use arms
32. Number of people affected	
33. Households affected	
34. Upload source for people affected	
35. Investment in crores (₹)	
36. Investment type	• Cost of project • Investment made • Investment expected • Type of investment unknown
37. Upload source for investment	
38. Year of investment estimation	
39. Current value of project (₹)	
40. Land area affected in hectares	
41. Upload source for land area	
42. Starting year (of conflict)	
43. Parties involved (government)	
44. Government authorities approached for comments/confirmation by LCW	
45. Description of government authorities approached	
46. Parties involved (corporate)	
47. Companies approached for comments/confirmation by LCW	
48. Description of corporate authorities approached	
49. Parties involved (community/local organisations)	
50. Parties involved (others)	
51. Major human rights violations related to conflict	• Arrest/detention/imprisonment • Attempted killing • Blackmail/threats/intimidation • Displacement • Financial harassment • Judicial harassment • Killing • Lathi charge/teargas/pellets • Other harassment

	• Physical attack • Raid/break-in/theft • Self-immolation/suicide • Sexual violence/sexual harassment • Surveillance • Torching of houses • Torture
52. Report instances of violations	
53. Date of violation	
54. Location of violation	
55. Whether criminal law was used against protesters	
56. Official name of the criminal law(s) used	
57. Status of project involved in conflict	• Project stalled • Project underway • Project scrapped • Project completed
58. Significance of land to land owners/ users	• Agricultural land • Non-agricultural rural enterprise • Residential area • Grazing • Other natural resource extraction/ dependence • Water bodies • Other environmental services • Religious/Sacred/Cultural value • Government or community-regulated urban commons • Commercial
59. Whether the project has been delayed	
60. Whether the project was stalled due to land conflict	
61. Original project deadline	
62. Documents related to conflict	
63. News links related to conflict	
64. Short narrative summary of conflict	
65. Has the conflict ended?	
66. When did the conflict end?	

67. Describe why the conflict ended	• Community agreed to alternative offers • Community forced to give up their demand by the opposing party • Community's original demands were met • Conflict ended due to any other reason • Court decision in favour of community • Court decision not in favour of community • Project/scheme was cancelled or modified
68. Video	
69. Image	

■ APPENDIX C : EXTRACTS FROM CRITIQUES BY REVIEWERS

■ Reviewer: Nikita Sud

Professor of the Politics of Development, University of Oxford.

Author: The Making of Land and The Making of India (Oxford University Press, 2021)

I commend the Land Conflict Watch Team for another rich, in-depth, data-driven report on the nature and extent of land conflicts in India. The report makes clear the labour that has gone into producing this valuable document. We can see that the report brings together the work of researchers on the ground, spread across the country, and that of analysts who have produced abstractions from this data to give us a snapshot of a very complex field.

The report does well to operationalise its definitions and thinks carefully about what land is, and what it means to a range of stakeholders. We go well beyond property, and well beyond privately owned land, when trying to understand why conflicts arise and why development projects are stalled. While the report does not speak to the academic literature on this topic, its findings complement that body of research. This includes studies of land, its political economy, and the sociology of development conflicts in India and across the globe.

Land Conflict Watch is a data research project, so perhaps the feedback I provided last time, and again this time, is considered less relevant for the team. As a reader of its reports, and a follower of the individual cases that LCW traces, I would find it incredibly useful to have more life added to the stories behind the statistics. It would not be amiss to highlight some qualitative case studies and trace some life histories of people in different contexts related to land conflicts. This would include communities, but also other stakeholders, including from the worlds of business, politics, the law and bureaucracy. Having said that, I fully appreciate that this kind of qualitative information might be hard to present in the milieu in which LCW currently operates.

On a related note, the report has extremely useful sections on conflicts that have been resolved. The statistics indicate that this is a relatively small proportion (12%) compared to projects that have been stalled or even abandoned. Undoubtedly, a lot of resources are sunk in this kind of impasse. It would therefore be beneficial for various parties to move on from conflicts. Data from existing cases suggest that conflicts may be resolved when community demands are met, including demands for access to the commons. More likely, the report tells us, conflicts are 'resolved' when courts rule against litigating individuals or communities, when 'alternative offers' are made, or when challengers give up their demands around land in favour of, presumably, more powerful parties.

This raises questions about what 'resolution' means in the case of land conflicts. Is resolution the going-ahead of large infrastructure, real estate, etc., projects? Or is resolution mutually amicable, if this is possible at all? Or is resolution pro-communities? If the latter, who are the people involved, broken down by categories such as private-land owners versus users of commons, as also by characteristics of caste, gender, etc.?

In short, there is scope for interrogating the very important category of 'resolved' conflicts to ask resolution for whom, on what terms, how and when. While the present report hints at some of these answers, there is much potential for deepening the analysis. Again, case studies will help.

There is also scope for bringing in the role of institutions in LCW's analysis. We hear about the roles of courts, regulations, and laws. This is often in abstract terms, to go with

data-driven, quantitative figures. In the resolution issue I raise above, delving further into the role of institutions such as the bureaucracy, courts, and political entities will deepen the picture. It may well tell us why conflicts are resolved or remain on the boil.

Finally, the authors themselves raise points for further contemplation towards the end of the report. This shows reflexivity and the striving for improvement, which should be applauded. The authors suggest that they need to include more data on climate change and renewable energy-related conflicts. This will definitely be an area to watch out for in the coming years. It is already a hot topic in different parts of the country, including Assam, Karnataka, Gujarat, and Rajasthan. The authors are also aware of the need to have much stronger caste and gender-based data. I fully agree and look forward to seeing these identity characteristics better reflected in future reports.

Having said all this, I continue to be impressed by the breadth and ambition of the LCW project. The report before us is a superb example of intelligent, sensitive, data-driven research that goes well past metropolitan, elite spaces and focuses on issues that truly matter in India today. Very many congratulations to the Land Conflict Watch Team.

■ **Reviewer: Arpitha Kodiveri**

Adjunct Professor of Clinical Law

New York University School of Law

Introduction

This report comes at an opportune time as the Indian legal landscape on land rights and conflicts is transforming in two ways. Firstly, as the report identifies, existing legal protections, especially procedural, are being violated in specific ways, contributing to the increase in land conflicts. Secondly, with the political economy of development becoming more land-intensive, it becomes imperative to gauge the nature and legal contours of these conflicts.

In my brief review of this robust report, I aim to focus on two broad report-wide suggestions and a few specific suggestions for each chapter. The guiding principle for my comments stems from lending more analytical teeth to the report as the rich data can be harnessed to provide some key insights to policymakers, academics, and activists. The analytical points I make are located on the incredible contribution this report makes for vulnerable communities caught in the web of these intricate land conflicts and the lawyers supporting these communities.

Report-wide Suggestions

Distinguishing between the substantive and the procedural: The report provides fascinating insights on how the substantive legal understanding of land rights has become increasingly procedural. The recognition and protection of land rights now rest on the more procedural legal grounds of the FPIC and other legal avenues of public participation. The report-wide suggestion would be to highlight this point even more by emphasising how substantive land rights have not been adequately recognised in the law and how procedural law can only do so much. The other insight that the report does highlight, which can be further emphasised, is how procedural legal rights and violations have given communities on the ground a foot in the door in contesting land acquisition. I suppose what I am saying is that despite the law's inability to adequately recognise land rights, procedural protections still step in as a valuable legal opportunity to contest unjust land acquisition.

Mapping from the protesting against land acquisition to legal claims of compensation: The

report documents how legal claims in the life cycle of land conflicts vary from protesting land acquisition to claiming compensation. The report can be strengthened by analysing if in each sector and in each category of land, there are patterns noticeable on when legal claims protesting land acquisition transform to ones of compensation and what causes that shift in legal strategy in addressing the land conflict. This will be immensely helpful, especially for lawyers on the ground, in understanding what it means to build legal strategies in complex land conflicts.

Specific Comments per Chapter

Chapter 1: To introduce conceptually and theoretically what the data on land conflicts says about India's changing political economy of development and democracy. Have you noticed any differences in these diverse political, legal, and social contexts in dispossession? I may recommend using either Micheal Levein's work on regimes of dispossession or Legal Geography scholarship on what it means to undergird land conflicts with laws that facilitate capital.

Chapter 2: To highlight here the substantive and procedural distinctions that shape these land conflicts. In the industry-specific distribution, if possible, speak to anything you notice in how each sector tackles land conflicts. For instance, in the power sector, does the data tell you why land conflicts are so pervasive, and does the sector choose to litigate these land conflicts or settle them informally?

Chapter 3: Potentially distinguish the legal architecture on land as laws that enable acquisition and laws that provide avenues for communities to push back. Further categorise the laws that provide procedural protections based on land types. In this section, the reader can greatly benefit if you provide an overarching framework to navigate the legal context.

Chapter 4: This chapter is so well done! My only comment here is to further elaborate on these loopholes and how they are operationalised. Add a few paragraphs of commentary on which actors use these loopholes and how.

Chapter 5: In this chapter, I would suggest adding a framing paragraph locating Fifth Schedule areas as zones of self-governance and making it a special legal category in the context of land conflicts. What does this mean for existing legal protections and special legal protections, and how they are operationalised? What role does the governor, for instance, play in these areas?

Chapter 6: Again, this a fantastic and insightful chapter. I am curious here if you could speak to what happens after conflicts are legally resolved. What does this mean for communities on the ground? And what is the residual nature of these legal conflicts? For instance, in work I did in Kalinganagar, legally the land conflict is seen as being resolved, but, on the ground, the residual nature of the legal conflict that remained was negotiations of access to compensation and other benefits that were promised by the extractive company.

■ Reviewer: Navdeep Mathur

Associate Professor, Public Systems Group, Indian Institute of Management Ahmedabad

Firstly, it's an exceptional effort. The sheer scale and depth of the work, thousands of hours of thoughtful observations, perusal of material sources, fieldwork, attention, and engagement comes through quite clearly in the draft of the report. Moreover, the methodological substance in both quantitative terms (thinking through all the categories and subcategories of all the variables related to land conflicts, as well as the different constituents of land conflicts) as well as qualitative terms is rich and very rigorous. I cannot commend you enough for such a systematically layered presentation of data and its meanings/contexts.

There are many findings that are and should be shocking and a wake-up call to the principal actors that have power and resources in those situations, certainly more than communities that disproportionately bear the brunt of land conflicts. For example, if around half of the documented conflicts are more than a decade old, many are more than two decades old and some three decades old (with the oldest being more than a hundred years old) – the implications are that institutions of governance are inflexible to the effects of such long-drawn conflicts – not just the human costs, but also the sheer wastage of resources, as well as the massive wasted investment opportunities for more inclusive development. And that this inflexibility carries over in different ways, through different mechanisms and instruments, with all the changes that may otherwise take place in the letters of law and policy. This comes out quite clearly from reading through different chapters that present the data.

A very significant takeaway for me from this report is that it is not cynical. The evidence that a high number of disputes that were considered resolved through judicial processes still continue as conflicts (83%) could have led one to make the judgement that judicial processes or statutory protections are irrelevant. However, what you point out here is that many resolved disputes through state institutions have indeed ended as conflicts, and this connotes a positive possibility of reducing conflicts given the transformative capacities of those institutions.

I have noted a few minor spaces to make suggestions or provide food for thought:

In the introduction, it would be good to spell out how land becomes, ecologically and socially, de-contextualised enough to be seen as a singular quantity across time and space and manipulated through econometric models projecting said growth. This makes land a deeply vulnerable entity and also makes everything and everyone that relies on it in multiple ways vulnerable to dispossession. And disputes and conflicts are what flesh out its socially and ecologically embedded character.

In my reading of the definition of land conflicts, it would be very important to identify the other party as well, even though you have said that it is not about conflicts between two private parties and is of a public/common nature mainly. But I suppose in almost all the cases, the other party would either be a statutory body (including public-sector units) or a for-profit corporation enabled by policy/legislation (enforceable through law/policy as you have pointed out in table 9 and chart 26). To my mind, this would clarify that governments as well as state institutions are principally responsible for the occurrence of land conflicts, and development discourse that is officially legitimised creates the multiple vulnerabilities in the first place that you have pointed out.

The implications of rights violations and violence at the end of chapter 3 need to be highlighted a bit more and maybe written out in a paragraph in a little more detail. Land

conflicts cause harm to citizens, their bodily integrity, right to life, etc., which otherwise are supposed to be protected by the Constitution. The implication for me is that land conflicts create exceptions where constitutional protections entirely disappear, and therefore create immense vulnerabilities and harms. This also connotes non-democratic spaces where peoples' institutions are rendered powerless or ineffective or at the very least unrepresentative.

■ **REVIEWER: GEETANJOY SAHU**

Associate Professor at the Centre for Science, Technology & Society, School of Habitat Studies, Tata Institute of Social Sciences (TISS), Mumbai

Documentation and analysis of the state of land conflicts in India is an important and critical exercise in the context of India's developmental and environmental trajectory. There is clear evidence of impeccable groundwork and investigation by the authors of the *State of Land Conflicts in India Report 2022* on various conflicts in different regions in the country. The report also offers several new perspectives on the evolving law, policy and institutional frameworks to address land disputes in India. It clearly recognises how violation of procedures in acquiring land of different types (from private lands to common lands including forests) has led to a flood of litigation across the country. Conceptualising land conflicts is of course a much-trodden task, but to recognise land conflicts in a broader sense of use of, access to, ownership of, and/or control over land and its associated resources contested by two or more parties and where at least one of the contesting parties is a community is an improvement from the earlier reports.

The structure of the *State of Land Conflicts Report 2022* is clear and intelligent, and the report incorporates all the relevant material in a logical and coherent form. There is also a clear distinction between field narratives and interpretation of evidence, and relevant conclusions are drawn underlining the significance of the facts to the narrative in the report. There is a refreshing tone and sense of real connection and genuine thinking and engagement with the ground realities in scheduled and forest areas. The use of several (excellent) field insights are highly appreciated. Overall, the report is an excellent piece of work. It is very well written, and it shows clear signs of originality and sensitivity in dealing with a very complex issue.

Notwithstanding excellent efforts by the team in compiling the report, I have the following comments to improve the report's presentation and analysis of the collected field narratives:

A region and sector-wise sample of case studies would be useful for the report. Micro-level case studies on diverse types of land disputes would enrich the analysis.

If information is available, then a detailed discussion on the litigation cost, not only for investment and development, but also for the affected people and local development, would be very useful.

Similarly, a discussion on the role of political regimes and administrative efforts in resolving disputes should have been highlighted, as well as how diverse powerful groups, including project proponents at multiple levels, engage in dispute resolution. Photographs from the land dispute sites should be added.

■ ABOUT THE AUTHORS:

Mrinali K

Mrinali works as Database and Collaborations Lead with Land Conflict Watch. She graduated with a Bachelor's degree in Economics from Stella Maris college in Chennai. Her research focuses on climate change and resources conflicts. She leads collaborations with researchers and journalists to update, understand and analyse the data gathered at Land Conflict Watch.

Anmol Gupta

Anmol works as Legal Associate with Land Conflict Watch. They graduated from the National Law University Odisha, Cuttack. Prior to joining Land Conflict Watch, they worked as a litigator at the appellate stage in New Delhi, focusing on matters of constitutional law and environmental law.

Mukta Joshi

Mukta works as Legal Research Lead with Land Conflict Watch. She graduated from the National Law School of India University, Bengaluru. Her research focuses on the issues of constitutional rights in the context of conflict. In the past, she has worked with Trilegal, Citizens for Justice and Peace and the Jagdalpur Legal Aid Group.



■ ABOUT LAND CONFLICT WATCH

Land Conflict Watch (LCW) is a multidisciplinary research agency that generates data and insights to address systemic issues underlying natural-resources transactions to minimise risks of businesses and socioeconomic vulnerabilities of communities. It has built the country's first and largest database of ongoing land disputes in which the public, or particular communities, are contesting changes in land use or ownership. These conflicts have been mapped on the LCW portal (<https://www.landconflictwatch.org>).

**This report is a data-based
analysis of more than 650 land
conflicts in India that lock up
both, lives and investments**



**Land Conflict
Watch**