

MAPPING LAND CONFLICTS AND THEIR IMPACT ON
HUMAN RIGHTS AND INVESTMENTS IN INDIA

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INTRODUCTION

For the majority of the world’s population, land goes beyond being a simple place of “living”, to establishing and facilitating a multitude of relationships that contribute towards a person’s wellbeing and survival. Likewise, In India, conflicts over land have deep and far-reaching implications for the well-being, development, and identity of communities. A land conflict is any instance in which two or more parties contest the *use, access* or *control* over land, and its associated resources. Resolving land conflicts in India’s developing economy remains an essential requirement for *reducing inequality* and inequities that economic growth can exacerbate.

Identifying and addressing the issues behind land conflicts are essential to resolve them. In the context of emerging concerns such as climate change, this analysis could help develop better strategies to reduce the vulnerabilities of a vast number of India’s multicultural citizenry. So far research has been unable to assess and capture the true extent of land conflicts across the country.

Our Goal

Over the last three years, Land Conflict Watch (LCW) has investigated and documented the impact of land conflicts across the country. LCW tries to address the lacuna of limited discourse that exists around land conflicts, addressing the full range of factors and dynamics that render them as complex phenomena. LCW intends to fill the knowledge gaps, which could empower victims of conflict as well as lawmakers, researchers, academics, civil society and industry. Closing these gaps is an essential step towards inducing positive change for the country’s most vulnerable communities.

LCW has developed peer-reviewed protocols, standards and methodology for data collection, research and analysis which were fine-tuned further with the help of researchers, academics and institutions. The LCW team consists of field researchers, reviewers, coordinators and data analysts who are involved in the process of conflict identification, data collection, documentation, verification and analysis.

LCW collects data on 84 different parameters for every land conflict it maps. This includes information on the

- Number of people impacted,
- Investments associated with the land conflict
- Type of economic activity undertaken on the land
- Area under conflict.
- Tenure systems and the economic activity associated with the land under conflict
- Parties involved in the conflict

This involves collection of primary and secondary sources of information pertaining to the conflict.

Primary sources of data include first-hand accounts, videos, recordings, and photographs that are personally collected by field researchers or obtain as a result of building network with locals, grass-roots organizations, activist groups, peasant movement leaders, government officials, industry leaders, and, NGOs which are active in the region under their focus. LCW also relies on secondary sources including regional and local news sources, Google alerts, official documents available on public records like administrative and legal records, etc.

The data collection efforts of LCW faced certain constraints. Coverage in areas affected by civil unrest, Left-wing extremism, inter-ethnic conflicts, and scheduled areas has been relatively lesser so far. Many of these factors red flag the presence of potential land conflicts. LCW relies upon media reports and other available sources when primary sources are not available. In these cases, LCW relies upon the more conservative sources of information.

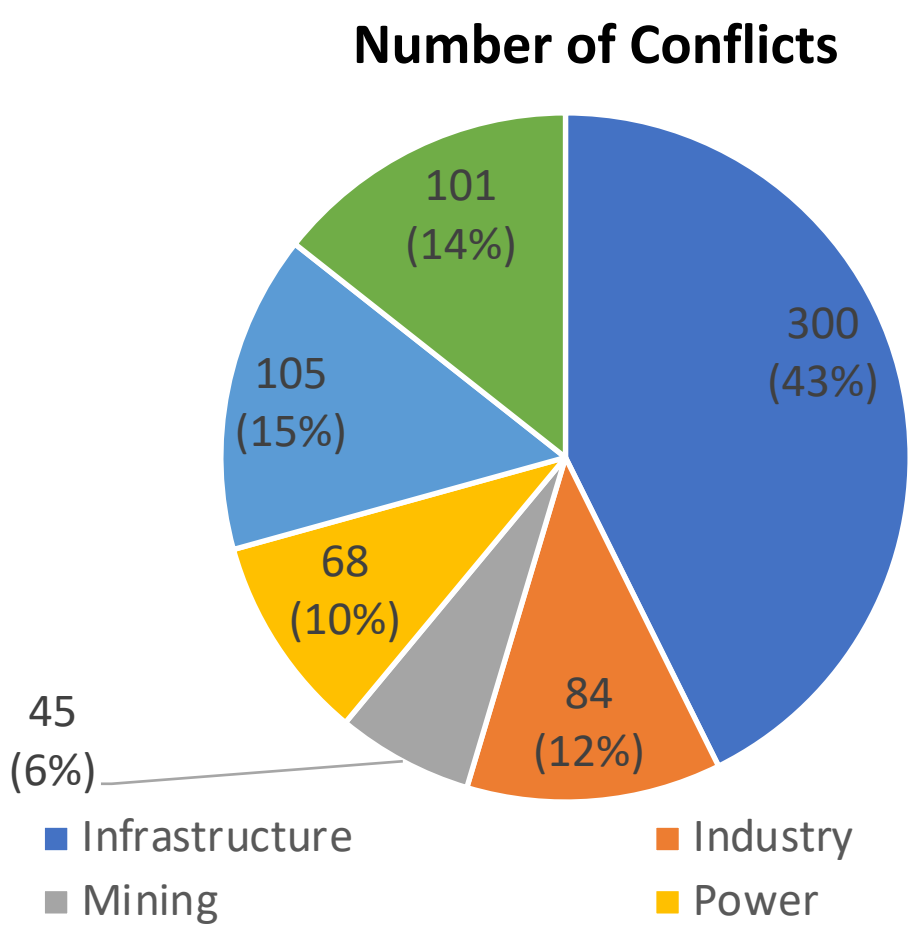
ACKNOWLEDGEMENTS

This study is a result of three years of data collection and documentation work by the Land Conflict Watch’s network of researchers and journalists. Data collection has been primarily supported by Rights and Resources Initiative, Washington DC.

RESULTS

This analysis of 703 case studies in our database has been pivoted on three key parameters: Number of affected people, land area under contestation and existing or potential capital investment embroiled in the disputes.

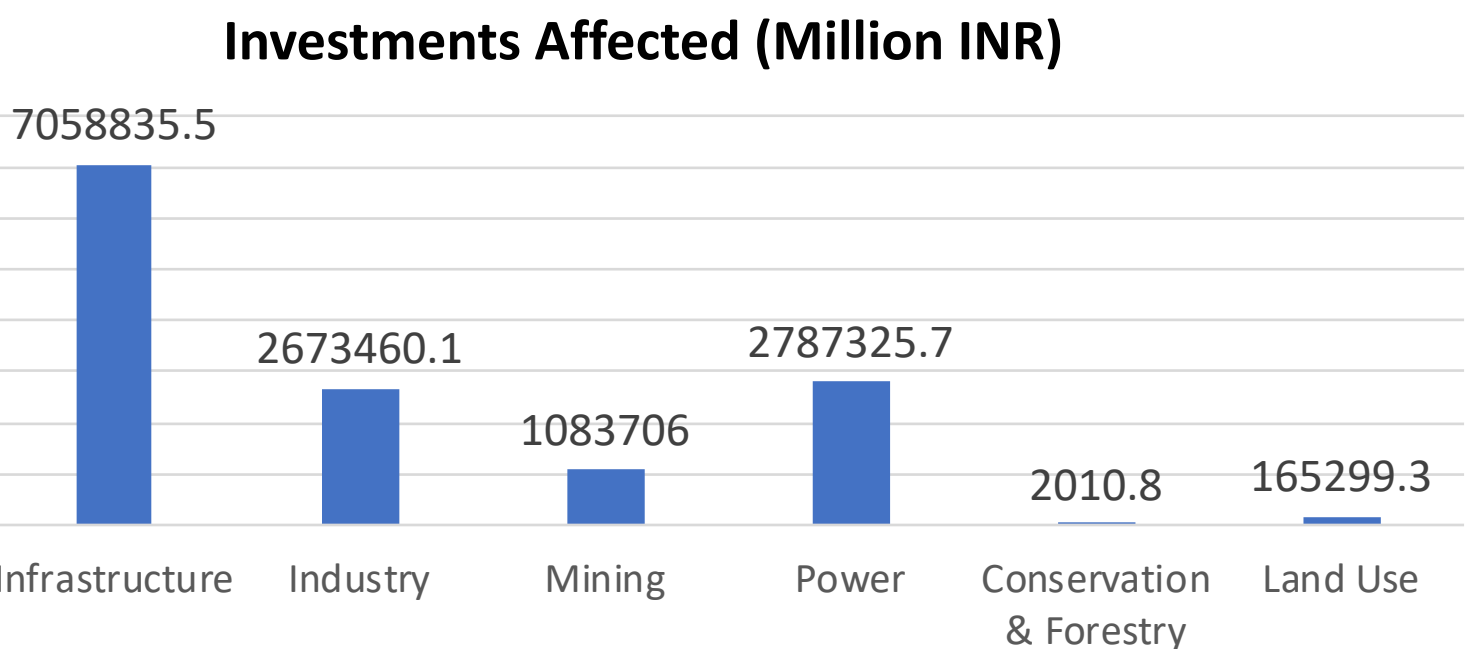
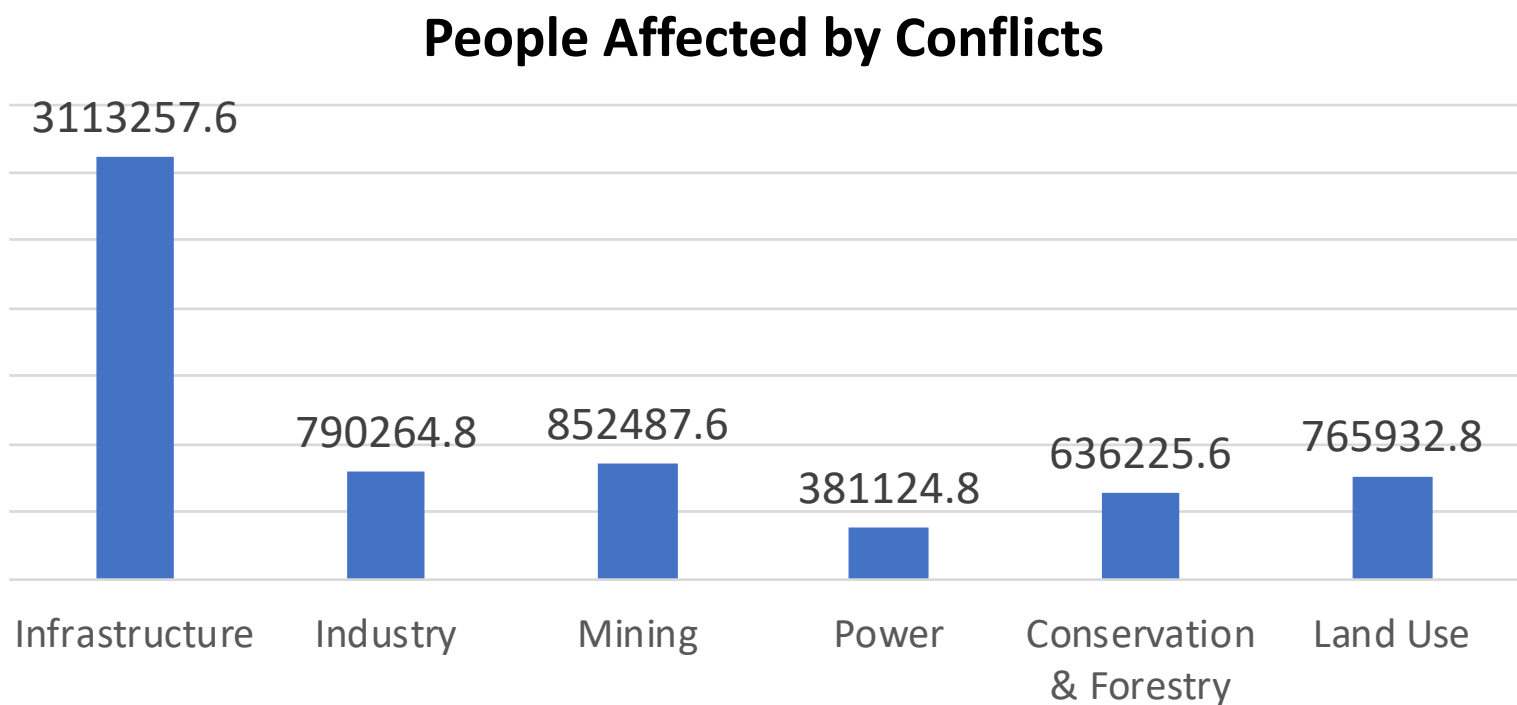
- The documented 703 on-going conflicts affect 6.5 million people
- Data for investments locked in land conflicts were available for 335 cases. At least \$191.5 billion (INR 13.7 trillion) worth of existing and earmarked investment is involved in conflicts. This is 7.2% of the country’s GDP for 2018-19¹
- The conflicts are spread over 2.1 million hectares of land across India



Land conflicts were categorized into six broad sectors: **Infrastructure, Power, Conservation and Forestry, Mining, Industry and Land Use**. Land Use includes any Non-industrial, Non-Developmental and Non-Conservational Land Use processes such as natural disasters, inter-caste and communal conflicts

- Infrastructure projects, led by townships/real estate, roads and irrigation projects, are causing the highest number (43%) of the land conflicts
- This is followed by Conservation and Forestry-related activities, such as compensatory afforestation plantations and wildlife conservation schemes

- Infrastructure projects leading to land conflicts affect people the most. More than 3 million people are impacted by these 300 conflicts
- Land conflicts over mining projects are the second highest cause of distress with 852,488 citizens affected
- On average, each of these 703 land conflicts impact 10,667 people
- On an average land conflicts involving mining projects affect 21,312 people



- Infrastructure-related conflicts affect the highest worth of investment, over \$97.9 billion (INR 7 lakh crore)
- This is followed by the power and industry related conflicts that affect \$39.2 billion (INR2.8 lakh crore) and \$37.7 billion (INR 2.7 lakh crore) of investment respectively

- 60% of mining related land conflicts occur in Fifth Scheduled districts, a provision under the Indian Constitution which provides certain privileges to Indigenous communities to protect their land and resources
- Over 50% of mining conflicts involve violation or non-implementation of the Forest Rights Act, 2006 (FRA). The law recognizes land rights of indigenous people and forest dwellers.
- In total, there were 131 FRA associated land conflicts. 17% of them involve violation of the consent procedures

CONCLUSIONS

India has many legislations and regulations to settle land and resource rights, to resolve disputes over access and ownership and to facilitate more equitable negotiations for transfers of rights and access between different parties. Yet, conflicts and contestations over land continue to imperil India’s development and put communities at considerable economic and social risks. The need for infrastructural enhancement has become the leading reason for new conflicts on one hand, conflicts have also emerged out of unexpected economic activities, such as state’s conservation and forestry initiatives on the other. LCW’s research also empirically proves for the first time that marginal communities, such as indigenous people and those living in resource-rich but violence afflicted areas – are disproportionately impacted by land and resource conflicts. LCW’s research shows that the State continues to fail in implementing the set of progressive laws and regulations, thus threatening the survival of both businesses and communities. The impacts are visible on the unprecedented quantum of investment that are getting unproductively locked in the disputes over land and resources.

LITERATURE
CITED

1. Government of India, India Budget 2019-2020, ‘Budget at a Glance, 2019-2020’, https://www.indiabudget.gov.in/doc/Budget_at_Glance/bag1.pdf [accessed on October 10, 2019]