Land Reforms: Need for Institutional Innovations to tackle growing problem of landlessness in India

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ABSTRACT: Land property rights are the building blocks for agricultural productivity and the socio-economic empowerment of rural households (Hanstad, 2009). High incidence of landlessness and marginalization of land holdings pretense a threat to livelihood security of rural poor households. Therefore, redistribution of land to landless and marginal farmers ensures equity, growth, and reduction of poverty (Srivastava et al. 2007). Institutional reforms to ensure equality of land access are undertaken through abolition of intermediaries, imposition of ceilings, redistribution of surplus land regulation of tenancy, and consolidation of land holdings. But the record of implementation has not been satisfactory due to various reasons such as illegal inadequate land records, prevalence of oral leases and legislative shortcomings. Accurate and updated land records are the bases for successful implementation of institutional land reforms (Planning commission 2012). Restrictive tenancy laws have driven tenancy concealed or made it even more informal. Tenancy legalization would allow all sections to appropriately participate in the lease market depending upon their resource endowments. It also helps in consolidation of holdings. Long term tenancy contacts would help raise productivity. Thus, Collective farming approach is needed to overcome the multiple constraints faced by Small and Marginal farmers in access to land, and to enable them to take advantage of new market opportunities. Creation of the Public Land Banks at Panchayat level would help in efficient utilization of available agricultural land to meet demand and supply among land holders and landless labours (Planning commission 2012).

Keywords: Land reforms, Land holdings, poverty and land tenancy

I. INTRODUCTION

India contains both the largest number of rural poor and the largest number of landless households in the world. The two statistics are intrinsically related: landlessness – more than either caste or illiteracy – is the best indicator of rural poverty in India. Food insecurity, hunger and rural poverty often result from the imbalances in the present process of development which hinders access to land, water and other natural resources and livelihood assets in a sustainable manner. Land Property Rights are the building blocks for agricultural productivity and the socio- economic empowerment of rural households.

India has had a long history of social discrimination, closely linked with denial of access to land. Specific land tenure systems prevailing at the time of independence also created their own set of problems. The deteriorating quality of land records administration over the last four decades has compounded the hardships of the poor. The constraint posed by land is emerging as a key challenge in ensuring both inclusiveness and sustainability of the growth process. There is a constraint faced by the landless, small and marginal farmers within agriculture, as also the constraint faced by the growing need for land for the processes of urbanization and industrialization. Ever since independence, land reforms have been a major instrument of state policy to promote both equity and agricultural investment. The seminar reviews issues of land reforms and property rights in India and India's efforts to provide the poor with access to rural land through the enactment of laws and policies to extinguish intermediary interests, regulate tenancy relationships, set ceilings on land holdings, allocate government wasteland and allocate house sites to the poor. For each, the seminar examines the extent to which those laws have been successful in increasing land access, and makes an initial effort to distill the lessons learned for moving ahead.

II. LAND RIGHTS

Secure land rights refer to rights that are evidently distinct, enforceable, long-term, socially and legally legitimate and appropriately transferrable. Land rights contribute to livelihoods of poor households and to the alleviation of poverty in the short and long terms. The land rights are as follows:

- The family income increase due to improved land access which enhances the surplus income above and beyond the pure rental value of land.
- Due to the augmented land access it denigrates the shadow price of food for households which indirectly affects the food security issues.
- The superior land access also permits better welfare and reserves for households to withstand economic shocks more effectively, and thereby pursue and defend more effective wealth-building strategies by sending children to school and keeping them there.
- Self-motivated income allocation aspects are observed if a more egalitarian land distribution in the present lays the foundation for a broadly-based income growth in the future.

In India with a highly unequal distribution of land, the case for redistributing land rights from the rich to the poor or from large-scale farmers to small-scale farmers is strapping, both tentatively and empirically which relays on equity, economic growth, jobs, conflict prevention, and poverty reduction.

III. EQUITY, GROWTH, AND POVERTY REDUCTION

In the recent past Land reforms are undergone huge transformation with reference to the relationship between land redistribution, welfare and growth. Land reforms have been focal point in framing the strategies to improve the asset base of resource poor population among developing countries in due course of time their effectiveness has been slow downed by intervention of political constraints during implementation (Besley and Burgess, 1998). Equity in land distribution is associated with overall higher economic growth. For instance, the initial phase of China's high and sustained growth and poverty reduction spurt clearly was linked to its 1979 change from collective large-scale farms to small family farms. Large-scale farms usually have become technically elegant, which reduces the labour use, and their computerization leads to speed movement of labor from the agricultural sector into urban slums which ultimately leads to creating more rural and also urban poverty. Conversely marginal farmers, usually use more labor (their own plus hired) per hectare (or per unit of output) when compared others. Hence, they increase per unit of output for the economy in general, this adds to an advantage for countries which are characterized by widespread unemployment. Increased access to land by family farmers also can lead to more vibrant local wealth. Admittance to land provides an excellence societal wellbeing, which encourages many farmers to move into off-farm businesses, which yields to greater degree of risks coupled with free enterprise. There is significant and growing empirical evidence that well-targeted land redistribution programs have a direct and meaningful impact on prosperity. The past act of land reorganization programs demonstrates that when poor people are given good farmland and adequate post settlement support, they can lift themselves out of poverty permanently.

IV. EFFICIENCY OF LAND

The efficiency of land, labor, and capital are in case of small-scale farmers than the large-scale farmers who depend primarily on engaged labor. It reveals existence of inverse relationship between farm size and productivity; this implies that agriculture generally is characterized by diminishing costs per unit of output, which means that reallocation of land from large farmers to family farmers can bring efficiency gains to the economy. The main reason why family-scale farms are more efficient is that their owners operate them primarily using family labor. These small scale famers-owners stay on farm, concern and supervise very carefully for their own property. These owners have strong-minded will to spend their savings back to their fields/farms. However, although there are facing difficulties to contact for input and output markets, technical and financial support and also information especially information about new markets and technologies. However, such inconvenience can be answered if small farmers coordinate their efforts through marketing and credit cooperatives. The land rights redeployment has two universal approaches they are rights based approach and broader entitlement approach. In the first approach access to land is permitted to beneficiaries where as in the other approach they have no land or not enough land to access and intervening often leads to transferring the land from rich to redistribution of land to people who need it. However, in case of right based approach Intervening through land redistribution is a way to reinstate individual's rights.

V. OWNERSHIP AND OPERATION OF LAND HOLDINGS

5.1 Distribution of land holdings

According to 59th Round of National Sample Survey (NSSO, 2006), In India about 6.6 percent of the rural households do not own any land, while about 3.4 percent households own on average 0.002 hectare only. These two categories of rural households are generally categorized as landless. Considering the landless and

marginal households for the year 2003, having less than 1 hectare land, about 79.6 percent households at the bottom own only 23.0 percent of the total area, while 3.6 percent households having land above 4 hectares, and own 34.7 percent of the total area. Nearly 10.8 percent are small farm households in the size group of 1 to 2 hectare which own 20.4 percent of the total area and 6.0 percent are semi- medium farm households in the size group of 2 to 4 hectares that own 22.0 percent of the total area (Table 1).

It would be seen from Table 1 that the distribution of ownership of land continues to be quite skewed. Even though the percentage shares of medium and large holdings in the total number of holdings as well as in total area owned declined significantly overtime, the pattern of distribution of land ownership remained unequal.

Size Group	% of Households			% of Area Owned				
	2003	1992	1982	1971-72	2003	1992	1982	1971-72
Marginal (<1 ha)	79.6	71.9	66.6	62.6	23.0	16.9	12.2	9.8
(less than 1 hect)								
Small $(1 - 2 ha)$	10.8	13.4	14.7	15.5	20.4	18.6	16.5	14.7
(1-2 hect)								
Semi-Medium (2-4 ha)	6.0	9.3	10.8	12.0	22.0	24.6	23.6	21.9
Medium (4-10 ha) (4-10 hect)	3.0	4.5	6.5	7.8	23.0	26.1	29.8	30.7
Large (Above 10 ha)	0.6	0.9	1.4	2.1	11.6	13.8	18.0	22.9
All	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Table 1: Distribution of rura	l households and are	a owned by different size groups
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Source: NSSO(2006a)

The Figure.1 reveals the percentage of area owned by different categories of farmers. It is evident from that table that the land large farmers are gradually decreasing from 70 per cent to 85 per cent in case of large farmers. However, in case of marginal and small farmers the area has been increase approximately from 0 per cent to 18 per cent and 21 per cent to 38 per cent respectively.

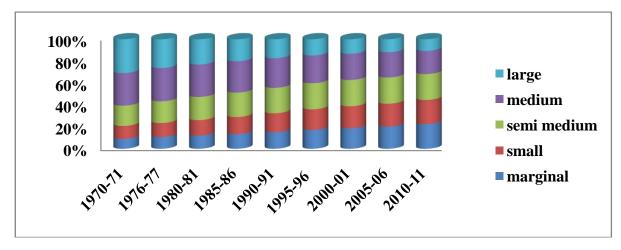


Figure 1. Percentage of area owned by different categories of farmers

Source: Agricultural census 2010-11.

5.2 Inequality in the distribution of land holdings

In India Land holdings are unevenly distributed it has always been used as a tool to measure social power. The key behind the land reforms since independence is to ensure secure access to land ranging from resource poor to landless labourers (Deininger, Jin and Yadav, 2008). The structure of land ownership is core part for wellbeing of people in this direction government has struggled to change the ownership pattern of cultivable land but it has ended with limited success. The Table 2 shows the inequality in the distribution of operational and ownership land holdings. The Gini-co-efficient, showing the inequality in the distribution of operational holdings in 2003 was 0.62 as against that of ownership holdings estimated at 0.74. Gini- coefficient of operational holding which showed a rising trend from 0.59 in 1972 to 0.64 in 1992 declined marginally to 0.62 in 2003. The Gini co-efficient of ownership holdings which remained constant at 0.71 during 1971 to 1992 increased to 0.74 in 2003. Inequality as such may or may not be a problem, but high incidence of landlessness and marginalization of landholdings pose a threat to livelihood security of millions of rural poor households and consequently, social stability and peace in the villages. Inequality as such may or may not be a problem, but high incidence of landlessness and marginalization of landholdings pose a threat to livelihood security of millions of rural poor households and consequently, social stability and peace in the villages. Inequality and peace in the villages.

Table 2:	Gini coefficient of ownership	noidings and operational noiding
Year	Operational holdings	Ownership holdings
1962	0.58	0.73
1972	0.59	0.71
1982	0.63	0.71
1992	0.64	0.71
2003	0.62	0.74

Table 2: Gini coefficient of ownership holdings and operational holdings

Source: NSSO (2006a)

The Table 3 shows the Proportions of Landless Households and Marginal Ownership Holdings during 2003. Incidence of landlessness is relatively higher than the national average of 10.0 percent in the states of Andhra Pradesh (14.3 percent), Gujarat (13.6 percent), Himachal Pradesh (15.0 percent), Karnataka (14.1 percent), Madhya Pradesh (12.1 percent), Maharashtra (17.7 percent) and Tamil Nadu (16.6 percent). The proportions of marginal holdings and the percentage of area under marginal holdings (ownership) were relatively higher in the states of Assam, Bihar, Jammu and Kashmir, Kerala, Orissa, Tamil Nadu, Uttar Pradesh and west Bengal. However in the states of Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Punjab and Rajasthan, the percentage shares of marginal holdings in the total area owned are found to be relatively lower.

State	Percentage of	Percentage of	Percentage of total
	landless	Marginal Holdings	area under marginal
	households		holdings
Andhra Pradesh	14.3	68.4	21.9
Assam	8.1	73.7	44.4
Bihar	7.6	81.8	42.1
Gujarat	13.6	59.7	13.6
Haryana	9.2	68	13.1
Himachal Pradesh	15	68.7	43.8
Jammu &	3.3	74.2	36.3
Kashmir			
Karnataka	14.1	56.9	16.6
Kerala	4.8	90.5	60.7
Madhya Pradesh	12.1	49.6	11.6
Maharashtra	17.7	51.3	12.4
Orissa	9.6	75.9	41.5
Punjab	4.6	71.7	9.2
Rajasthan	5.7	49.5	9.3
Tamil Nadu	16.6	73.5	33.2
Uttar Pradesh	3.8	77.2	34.9
West Bengal	6.2	85.9	58.2
All India	10	69.6	23

 Table 3: Proportions of Landless Households and Marginal Ownership Holdings (as of 2003)

Source: NSSO (2006a)

An unequal situation of the rural poor in accessing land through ownership may be partly improved if they are able to lease in land from large and medium farmers.

VI. LAND TENURE SYSTEMS AT INDEPENDENCE

During the independence period in 1947, Indian agricultural land was governed by three broad types of land tenure systems they are namely the zamindari system, Ryotwari system, and mahalwari system. The most widespread was zamindari system, covering 57 percent of cultivated land during the British ruling period. During this stage, the British regime had declared feudal lords and other persons previously designated as land tax collectors to be proprietors of the land. The empowerment of zamindars transformed the tillers of the land into tenants whose fortunes were dependent upon the wishes and whims of the zamindars. This system prevailed in Bengal, Uttar Pradesh, Rajasthan, Bihar, and Orissa, Bengal, and fractions of Andhra Pradesh, Madhya Pradesh and Assam. The second broad type of land tenure system was the rvotwari system, which covered about 38 percent of the cultivated land in British India. The Ryotwari system prevailed in much of southern India including Karnataka, Tamil Nadu, and Maharashtra, in addition to most of Andhra Pradesh, Madhya Pradesh and parts of Assam, Bihar, and Rajasthan. The ryotwari system recognized individual cultivators (ryots or raiyats) as proprietors of their land with generally recognized rights to sell, lease, mortgage or else reassign their land. During this system, it didn't legally distinguish any kind of intermediary interest between the cultivator and the state; the proprietors paid land revenue directly to the colonial administration. Only approximately 5 percent of British India's cultivated land was administered under the third type of land tenure scheme, the mahalwari system. In this system, land revenue was assigned to and paid by entire village units called as mahals. Peasant farmers contributed shares of the total amount of land revenue owned by the village in proportion to their property. In states like Punjab and Haryana, as well as parts of Madhya Pradesh, Orissa, and Uttar Pradesh mahalwari system is still practiced.

VII. INSTITUTIONAL REFORMS TO LAND POLICY

Land reforms aims to land endowment of poor which has appreciable impact on reducing rural poverty, it also indicates that decrease in land concentration has greater impact on reducing rural poverty. Hence it is inevitable to have a balanced policy which will not isolate land re-allocation measures and economic progress (Pal and Khandker, 2010). Ever since independence, various institutional land reforms were undertaken to increase equality of land access, to eliminate the exploitation of farmers, and to improve agricultural productivity.

Important approaches of institutional reforms are

- 1. Elimination of intermediate interests in land
- 2. Regulation of tenancy
- 3. Imposition of land ceilings
- 4. Consolidation of holdings and land distribution programs

The laws to abolish intermediary interests brought an estimated 20 to 25 million erstwhile tenants into a direct with state relationships, majority of the beneficiaries belong to the states of Uttar Pradesh and West Bengal. The economic benefits realized by beneficiaries were somewhat limited for at least three reasons. First, many of the tenants who were brought in direct relationship with the state had already received some tenure security and rent regulation from tenancy laws enacted prior to Independence. Second, most of the state laws required the former tenants to make payments to the government for acquiring ownership rights. Third, most of the states obliged the beneficiaries to pay annual rent at an amount equal to what they are paying to intermediaries.

The national policy on tenancy reform evolved gradually over decades and is embodied in various policy documents issued by the National Planning Commission. The First Five-Year Plan (1951-1956), contained the first authoritative exposition of national tenancy reform policy and included four important guidelines. First, rent should not exceed one-fifth to one-fourth of the gross produce. Second, landowners should be allowed to evict tenants-at-will and bring under "personal cultivation" land up to a ceiling amount determined by respective state limits. Third, tenants on large landowners should be given permanent and heritable rights to such land. Finally, tenants on "small and medium landowners" should be given 5-10 year rights. The Second and Third Five-Year Plans essentially reiterated and tried to fine-tune the policy guidelines established in the year 1951. During the last stage of third Plan, practically all states had espoused to tenancy reform legislation that broadly followed the policy guidelines.

The Fourth Five-Year Plan (1969-1974) noted that even after years of tenancy reforms, the objectives of the tenancy reform policies and laws had not been achieved. Since these efforts to mend tenancy had unsuccessful, it was known as ending tenancy. This plan suggested that the states adjust tenancy reform legislation to make all existing tenants owners of the land they had been cultivating upon payment of compensation and future tenancies should be prohibited except for special cases such as disabled persons, widows, and energetic members of the armed forces. Numerous states did amend their legislation. The problem of proving prevailing contract, however, continued. The crucial outcome of the new policy and corresponding legislation was to push tenancies further concealed. However, though few plans have just restated the earlier policies through shortcoming communication in laws and their need to adequate implementation, only in case of 10th and 11 FYPs recommended for the legalization of tenancies was brought under practice. Twelfth Five Year Plan largely recommends for the innovative institutional and legal changes to land policies such as collective farming as an integrated approach to solve multiple land related problems, and creation of Public Land Banks at the Panchayat level to make full use of available agricultural land.

All Indian states adopted land ceiling legislation that limited the amount of agricultural land a person or family can own. The laws equalize landholdings by authorizing the states to take possession of land in excess of the ceiling, and to redistribute the excess land to poor, landless, and marginal farmers. Ceiling laws vary by state. In Andhra Pradesh and Karnataka, the law permits a family of five to hold between 10 and 54 acres of land, depending on the quality of the land held. In both states, the laws permit the state to buy land that exceeds the ceiling, but the required payment to the landowner is set at only a fraction of the land value (Behuria 1997).

The third and final aspect of Indian land reform has been the distribution of government wastelands and the move to consolidate fragmented holdings. Consolidation of holdings in a village could be done after two-third of the landowners had consented. Land of variable quality was then pooled and redistributed among the landowners in consolidated plots, thereby reducing fragmentation and increasing the possibility of adoption of land-augmenting technologies. By 2002, consolidation had taken place on 66.1 m ha out of the 142 m ha of cultivable area, but many states had stopped the process earlier (Planning Commission, 2003). Maximum land has been consolidated in the northwestern states of Punjab, Haryana, and Uttar Pradesh and in the western state of Maharashtra.

VIII. RESTRICTIVE TENANCIES

Since land and tenancy policies are state subjects, largely four types of tenancy laws are prevailing in the country.

- **Complete prohibition of tenancy**. The laws in Kerala and Jammu & Kashmir place a virtual or absolute prohibition on the creation of agricultural tenancies.
- General prohibition/limited leasing. The laws was practiced in eight states namely Telangana in Andhra Pradesh, West Bengal, Bihar, Karnataka, Himachal Pradesh, Madhya Pradesh, Uttar Pradesh, and Orissa which are characterized by a general prohibition on future tenancies combined with an allowance of leasing by certain defined categories of landowners and/or under certain other conditions.
- **Permissible leasing with ownership potential**. Five states permit leasing, but with a stipulation that the tenant acquires a right of ownership or a right to purchase ownership subsequent to some particular period. The states like Haryana, Maharashtra, Assam, Punjab and Gujarat. However, there was also change with respect to length of time period from 1 to 6 years, in this type of leasing state like Gujarat and Maharashtra was one year where as in Haryana and Punjab it was 6 years.
- No prohibitions on leasing. Three states place virtually no prohibitions on leasing. in the states like Rajasthan, Tamil Nadu and Andhra area of Andhra Pradesh constantly however, provisions on upper limit rent, least length of term, and rights for tenants to purchase land be capable of having the effect of preventing landowners from renting out their land or making tenancies concealed.

The Table 4 shows the distribution of rural households reporting leasing in of land and average area leased in per household. There is a land lease market in most parts of the country and that majority of the tenants comprise pure landless labourers (35.8 percent), marginal farmers (55.7 percent) and small farmers (4.7 percent). The large farmers having land above 10 hectares account for only 0.3 percent of the total number of tenants, while medium farmers in the size group of 4 to 10 hectares constitute 0.4 percent of the total number of tenants. Among marginal farmers around 30.3 percent land is shared from the total leased in

area, while small and semi-medium farmers in the size groups of 1 to 2 hectares and 2 to 4 hectares share 22.1 percent and 21.8 percent respectively. Thus, 74.2 percent of the total leased in area is operated by marginal, small and semi-medium farmers respectively. The large farmers above 10 hectares share only 11.2 percent of the total leased in area. It may be seen from Table 4 that on an average, the landless agricultural labourers leased in 0.055 hectare of land and marginal farmers in the size group of 0.02 to 1.0 hectare leased in land in the range of 0.461 hectare to 0.709 hectare.

Size Group (ha)	% households reporting leasing in land	Average area leased in (ha)
0.0	35.8	0.055
<0.002	1.4	0.544
0.002 - 0.005	4.0	0.709
0.005-0.040	17.0	0.545
0.040-0.50	25.1	0.461
0.50 - 1.00	8.2	0.656
1.00 - 2.00	4.7	0.937
2.00-3.00	1.8	1.285
3.00-4.00	0.7	1.80
4.00 - 5.00	0.5	2.00
5.00 - 7.50	0.4	2.757
7.50-10.00	0.2	6.02
10.00 - 20.00	0.3	3.633
20.00 and above	0.0	0.0
All sizes	100.0	0.444

Table 4: Percentage Distribution of Households Reported leasing in and Average Area	
leased in (as of 2003) in India by size Group of ownership Holdings	

Source: NSSO, (2006).

Therefore landless laborers, marginal and small farmers could able to improve their land access through leasing which causes distribution of operational holdings to be relatively less skewed. Further, the study suggests that, nearly 70 % of the rural population is dependent on land (CLRA, 2011) to fulfil their basic need as farm labourers or farmers; this clearly evident it is essential to deal with the issue of land in such approach that it provides prosperity, employment and food security to millions of rural poor. Apart from this, though our country is known to be leading number of rural poor population as well as households with landless in the world. Landlessness can be strong indicator to measure the rural poverty which most precious and non-perishable ownership for the people who extract their socio-economic needs and livelihood status in the society.

IX. CONCLUSION

The study indicates that high incidence of landlessness and marginalization of land holdings creates a threat to livelihood security of rural population. The process of fragmentation of marginal and small farm holdings further widens poverty gap. In addition, the role of institutional land reforms should ensure equity, growth, and reduction of poverty by ensuring resource poor people's access to land and entitlement to institutional finance and technical support in long run. Further, it also need to be effective in implementing institutional reforms which are deep embedded to the management of land records and the correctness, transparency and accuracy of the record-of-rights. Finally, the study suggests that, Institutional land reforms need appropriate legal changes and also institutional innovations like collective farming as an integrated approach to resolve the several constraints, It has greatly increased food security to contributing households, this might not be possible on an individual basis. In addition, creation of Public Land Banks a law to recognize tenancies could freeze the informal land lease market in the short run, this banks can help better in regulating and rationalizing the land.

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