

# Chapter 17

## Lack of Land Tenure Security as Challenges to Sustainable Development: An Assessment in the Context of Bihar, India

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### ABSTRACT

*Tenural security towards land has far-reaching and long lasting socio-economic implications. Secured tenural right over land found as influencing factor in utilising the land in more efficient way, do investment as well as precondition for environmentally sustainable natural resource use. Though there are numerous laws have been initiated in Bihar to ensure land right and equity in distribution, but their implementation to ensure land tenure security is a far cry. The lack of tenural right, theoretically, paves way for two problems towards sustainable development; in one hand it restrict the sharecropper to undertake a long term investment in the land to increase productivity, on the other hand this might have created the problem termed as 'tragedy of commons'. The study made an assessment of the legal framework and argues for proper legal initiative and effective implementation to protect land tenure security for sustainable development.*

### 1. INTRODUCTION

In rural as well as urban area land is the key source of income and livelihood. It, as argued, provides foundation for economic activities and functioning of market and non-market institutions (Deininger K., 2003). Land has become a significant resource in the context of economic development, rapid

urbanization and industrialization, increase in food demand, climate change and sustainable development. The importance of land in the 21<sup>st</sup> century is lies in the context of sustainable, sensitive and inclusive development. In this context, tenure security of land is critical for sustainable development of agriculture and livelihood. Land Tenure system is the relationship, whether legally

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or customarily, among people, as individuals or groups, with respect to land. The land tenure system, is also viewed as an institution i.e., rules invented by societies to regulate behaviour. These rules of tenure define how property rights to land are to be allocated within societies as well as define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. The land tenure systems determine who can use what resources for how long, and under what conditions (Food And Agriculture Organisation, 2002). For people, especially rural people land holding constructs its social identity. Secured access to land not only reduces uncertainty and vulnerability towards livelihood options it also ensure sustainable development. It is argued that tenural insecurity may arise if the property right are not recognised; this also paves way for disputes, conflicts. Ambiguous rights or ambiguity regarding who holds the rights can reduce transactions, blocking the transfer of land to more efficient uses (World Bank, 2012). When resource tenure and property rights are insecure, the potential for sustainable resource management is undermined.

Bihar is one of the poorest states in India. Located in the most densely populated part of India, Bihar is India's third most populated state. Bihar has a total population of 103.811 million people of whom 89% live in rural areas with agriculture being a key economic activity. The state accounts for 2.88 per cent of India's land mass but supports 8.58 per cent of the country's population (Census India, 2011). The state is characterised with low per capita income, low level of education, high fertility rate, high population density and dependency upon agricultural sector. The situation of women in Bihar is a matter of concern. The Census India (2011) recorded Bihar as the state with lowest female literacy rate. Women in Bihar also found resource less and voiceless. As it is argued that, norms and culture of the society in general, as well individual knowledge and ability, give negotiation power and voice (Agarwal, 1997),

the tenural right and security argued to empower women with more sustainable livelihood options.

Given this background the present paper attempts to assess the challenges of lack of tenure security in the context of Bihar and how it influence sustainable development. The assessment is done based on existing acts, laws to assess the legal framework and secondary data collected from concerned government offices to assess enforcement of tenure security. Accordingly, the paper has been divided into following sections. Section II develops a conceptual framework of land tenure system and discusses the historical background of land tenure system in Bihar. Section III discuss the theoretical framework of land tenure security and assess recognition of land tenure security in Bihar. Section IV discuss about the concept of Sustainable Development and establish the linkages between sustainable development and Tenure Security in the context of Bihar. Section V draws implication and concludes the study.

## **2. LAND TENURE SYSTEM: CONCEPT AND HISTORY**

### **2.1. Land Tenure System: A Conceptual Framework**

Land Tenure system is the relationship, whether legally or customarily, among people, as individuals or groups, with respect to land. The land tenure system, is viewed as an institution i.e., rules invented by societies to regulate behaviour. These rules of tenure define how property rights to land are to be allocated within societies as well as define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. The concept of 'tenure' is a social construct that also defines the relationships between individuals and groups of individuals by which rights and obligations are defined with respect to control and use of land (Economic Commission for Africa, 2004). For

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