Article

Decentralization as a Strategy to Scale Fit-for-Purpose Land Administration: An Indian Perspective on Institutional Challenges

Serene Ho [1,*] **, Pranab R. Choudhury** [2] **, Nivedita Haran** [3] **and Rebecca Leshinsky** [4]

1   School of Science, RMIT University, Melbourne, VIC 3001, Australia
2   NRMC Centre for Land Governance, Bhubaneshwar, Odisha 751003, India; pranabrc@nmrc.co
3   Ente Bhoomi Trust, Thiruvananthapuram 695005, India; nharan@gmail.com
4   School of Property, Construction and Project Management, RMIT University, Melbourne, VIC 3001, Australia; rebecca.leshinsky@rmit.edu.au
*   Correspondence: serene.ho2@rmit.edu.au; Tel.: +61-3-9925-7654

Abstract: Many countries grapple with the intractable problem of formalizing tenure security. The concept of 'fit-for-purpose land administration' (FFPLA) offers a way forward by advocating a shift towards a more flexible, pragmatic and inclusive approach for land rights recording. Inherently, the process and outcome of implementing FFPLA will have significant socio-political ramifications but these have not received much attention in the literature; additionally, few papers have considered this in the context of decentralization, an endorsed strategy for implementing FFPLA. This paper contributes to this gap by critically analyzing three land formalization initiatives in India which have employed flexible recording approaches and where decentralization is used to scale implementation. The cases show how quickly decentralization can kickstart implementation at scale via collaborations with local governing bodies and partnerships with non-state actors. An institutionalist approach highlights ensuing political contests between new and traditional land actors that inhibit political authority, and the challenges of coordinating a network of public and private actors without clear formal collaborative governance structures to ensure democratic outcomes. In doing so, we contribute to governance knowledge around FFPLA implementation so that it is 'fit-for-people' and better able to support policies and processes to secure land rights at scale.

Keywords: land administration; decentralization; India; fit-for-purpose; institutions; governance; politics

1. Introduction

Many countries around the world grapple with the seemingly intractable problem of formalizing land and property rights at scale, which is believed to disadvantage some of the most marginalized groups including Indigenous Peoples, women, and informal settlement communities. Acknowledging that a key barrier in titling lies in adherence to traditional surveying methodologies which are resource-intensive (time, money and capabilities), the publication of the concept of 'fit-for-purpose land administration' (FFPLA) advocate a shift towards more flexible, pragmatic and inclusive approaches for land rights recording that has legal backing, as well corollary shifts in organizational structures governing land administration [1]. More recently, the publication of a guide draws attention to a set of twelve key principles as starting points for implementing and scaling FFPLA that aligns with good governance values [2]. A body of knowledge is starting to accrue around strategic, structural and technical/functional aspects pertaining to implementing FFPLA (e.g., [3–10]). However, the process and outcome of implementing FFPLA is likely to have significant socio-political ramifications, and these have not received much attention in the literature [11].

This paper contributes to this gap by critically analyzing three land formalization initiatives in India: all employ flexible recording methods supported by legislation and receive significant state or federal government support and resources (see Table 1). In design, these cases echo the institutional principles proposed in the FFPLA guide; importantly, these are also cases where decentralization is used as an implementation strategy—also endorsed by the FFPLA guide—which includes partnerships with non-state actors [2]. The intention of this paper is to broadly explore the socio-political aspects of implementing decentralized land administration rather than specific analysis against each FFPLA institutional principle or the impact of new property rights (due to lack of empirical data as two of the three initiatives have only recently commenced).

Table 1. Overview of Indian land formalization initiatives.

Tenure Type Being Formalized	Year	Name of Initiative
Forest tenure (federal reform)	2006–no fixed end line	The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA)
Urban tenure (state reform)	2018–2023	*Odisha Land Rights to Slum Dwellers Act* 2017 and Jaga Mission (OLRSD)
Rural tenure (federal reform)	2020–2024	Survey of Villages Abadi and Mapping with Improvised Technology in Village Areas) (SVAMITVA)

Decentralization generally refers to both a form of governance and organizational structure, as well as an institutional process where power, functions, and/or resources are reallocated from central to local authorities. It can be fiscal, political, and/or administrative and is commonly believed to lead to greater accountability, stability and coordination. There are three broad types [12]:

- *Deconcentration,* where central responsibilities are simply shifted to local branches (i.e., administrative decentralization).
- *Delegation,* where central responsibilities are transferred to local governments who then act on behalf of the central authority.
- *Devolution,* where authority is given to local governments to act, although they can still be held accountable to a central authority (i.e., political decentralization).

These forms of decentralization represent a continuum of central-local relations in terms of shifts in power, authority and resources, and hence, democratic outcomes intended by decentralization (see Figure 1). Thus, it is a popular policy lever for improving the legitimacy of government and enabling democracy [13], especially in developing countries where the emphasis has tended to be on devolution [14–16]. With the promise of delivering political, governance and efficiency values [17], decentralization has also been linked to good governance outcomes and essentially also characterized as principles of good land governance [18]. In the context of land administration, decentralization is increasingly argued as a type of fit-for-purpose strategy for effectively addressing poor land governance at multiple levels [19–22]. Additionally, with a global push towards formalizing diverse social tenures, there has been an increasing turn towards a collaborative (or partnerships) approach in decentralized land governance, such as utilizing existing local institutions that are already well integrated and recognized by communities, or introducing new structures constituted of local representatives and tasked with dealing with local needs [23].
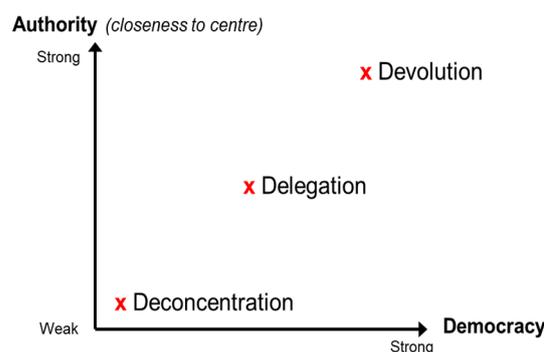
Figure 1. Continuum of decentralized relations and trade-offs between authority and democracy.

However, neoliberal reforms that seek to institutionalize decentralization have, in reality, often imposed new forms of control that tipped the balance of bargaining power back towards the center, e.g., by withholding financial resources [24]. In this way, decentralization has been criticized as a political instrument that does not benefit local communities and, in developing countries, realizing the benefits of decentralization remains predicated on a complex combination of institutional factors including local capacity and autonomy, multi-level accountability mechanisms, and commensurate fiscal decentralization [25]. We operationalize this in the analysis by looking at the consequences of decentralization on new authority structures, local capacity and autonomy related to new land administration processes, and how this is coordinated and governed across multiple levels.

Theoretically, our analysis draws on institutional theory as institutions are strongly implicated in attempts to introduce innovations in land administration [19,26,27]. Additionally, property rights research has shown that similar institutions may not always produce consistent effects due to contextual conditions related to how organizational power is distributed throughout society [28,29]. Institutional theory argues that actors (individuals or organizations) are always embedded in social structures that influence and condition behavior. These social structures, i.e., institutions, are stable regulatory, normative or cognitive elements that provide the 'rules of the game'—those formal or informal prescriptions providing organizing principles for collective behavior [30,31]. In this way, behavior can be 'locked in' or institutionalized as a consequence of longstanding repetition and internalization of rules [32]. Actors are compelled to comply with institutional rules to gain legitimacy and hence, access to resources; therefore, legitimacy exists when an organization is perceived to meet needs thereby gaining cultural, cognitive and normative support and where its goals and performance become unchallenged and unquestioned [33]. This perspective directs analysis to institutional dynamics between (new) local land administration actors and macro-level political and administrative contexts, as well as new and existing land administration structures.

Methodologically, the critique is interpretive, based on secondary data. A broad concurrent search and analysis was conducted across diverse data sources to develop a rich description of the multiple realities of those implementing or being impacted by the schemes. The search criteria were defined by the paper's aim (i.e., new authority structures, local capacity and autonomy) and data sources included publicly available policy documents, reports and media articles[1] regarding the structure and implementation of the schemes, as well as grey and academic literature[2] which provided empirical context and findings. An iterative, critically reflexive analysis (relating theory, history and context of Indian land administration and published experiences) supported identification of common themes across the literature, whereby an institutional lens guided meta-analysis of the consequences of decentralization. Research rigor was maintained through: diverse

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[1] Using mainstream Indian news media and articles published in English,

[2] These are limited peer review studies for *Odisha Land Rights to Slum Dwellers Act 2017* (OLRSD) and the Survey of Villages and Mapping with Improvised Technology in Village Areas (SVAMITVA) due to the schemes being recently implemented,

documentary evidence, which strengthened the representation of 'truth' with validity predicated on triangulating across sources to identify repetition; interpretive awareness, enhanced by critical reflexivity; and a collaborative, multi-researcher approach consisting of a range of disciplinary backgrounds as well as some co-authors having professional experiences with the schemes [34–36].

Although the findings are oriented to the Indian experience, the outcomes of the paper have global resonance in three ways:

- Practically, it is highly likely that decentralization and its focus on improved local service provision will be attractive as a key modality for operationalizing and scaling FFPLA in many countries.
- Ideologically, decentralization reflects the type of exogenous (neoliberal) institutional logics—including good governance—that tend to characterize public and land administration reforms in the Global South, where we see a growing role for non-state actors that prioritizes small government and market-oriented policies for delivering public services [19,21,37–40].
- Theoretically, if successfully used, decentralization can heighten the legitimacy of central government and local actors, as well as the formal land tenure document, something particularly important in land administration reforms given the widely acknowledged issue of corruption in land transactions and limited perceived security or utility of formal land tenure documents [41].

The paper is organized accordingly. First, the institutional context of land administration in India is briefly overviewed, touching also on the long history of decentralization of land administration in the country. Secondly, the three cases are presented describing local land issues and the nature of decentralization, with each case concluding with its own institutional analysis of decentralization efforts. Comparative learnings are then drawn out in the discussion before the paper concludes with a recognition of research limitations and recommendations for further research.

2. The Institutional Context of Land Administration in India

2.1. Class, Caste and Land Relations

In India, societal class and caste relations have historically wielded significant power and influence over land relations, while economic growth aspirations, especially of late, have added competition and contestations around land. In the medieval period, kings paid priests (brahmins) and military leaders (kshatriyas) to deliver state services around land, while the colonial regime, based on these existing land ownership patterns, consolidated and formalized caste-based land ownership distribution [42]. At independence, India's large landowners were typically drawn from the upper castes [43] and the lower castes or dalits were largely landless laborers and servants for, or tenants to, the upper castes [44]. More than 60% of dalits do not own land, and their share of the village population is strongly correlated with local land inequality [42].

Similarly, in the land reform principle, 'Land to the Tiller,' law makers (then and now) continue to see the tiller as male. This attitude causes women's independent identity to be subsumed under the identity of the (male-headed) household. Despite, their extensive involvement with agriculture work, 65% of all Indian agricultural workers are women while only around 14% of all landholders are women [45]. Today, entrenched gender and class systems continue to affect Indian land administration especially at local levels, perpetuating exclusionary behaviors (especially during land formalization, locally known as survey and settlement processes) despite constitutionally enshrined equity and a plethora of legal and institutional reforms to enhance the land rights of vulnerable groups [46,47].

2.2. Decentralization: Old Game, New Name

Decentralization has a long history in Indian land administration. In pre-colonial times, as per the ancient Hindu system, the king was entitled to the share of the produce as the protector of subjects and not as owner of the land. Land belonged to the cultivators

and not to the king, and was settled collectively with the communities and administered at village level, with the village headman responsible for collecting land revenue and paying it to the head of the Pargana (a group of villages) [48]. A revenue official (the gopa) was entrusted with the duty to assess and collect land revenue and maintain various registers regarding village boundaries and land use. The Mughals, who, primarily transformed the customary and unwritten accounts of Hindu land administration to systematic management of revenue records through survey, measurement and settlement of revenue, introduced zamindars as intermediaries—non-hereditary, transferable state officials of land who, after the decline of the Mughals, became hereditary and locally indispensable land administrators [48].

To maintain political equilibrium, the British retained existing local land administration norms. The intermediary structure was evident in the form of three systems of land revenue collection introduced: zamindari (permanent settlement, with lands owned by zamindars), ryotwari (peasant cultivation), and mahalwari (combination of zamindari and ryotwari, with land organized into mahals (one or more villages) with ownership vested with peasants) [49]. However, to maximize revenue collection, colonial administrators introduced western-style survey and settlement processes, revenue administration and dispute resolution systems.

2.3. The 'Rules' of the Decentralization Game

Post-independence, land fell under three lists that divide powers between the center and the states (as per the seventh schedule under Article 246 of the Constitution). The union list governs taxes and duties on and related to succession of non-agriculture land and over which Parliament can legislate. The state list governs agricultural land including rights in or over land, land tenures including the relations between landlord and tenant and the collection of rents; transfer and alienation of agricultural land; land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues, which are governed by state legislatures. As a state subject, land is administered via a hierarchical system down to the village level, largely reproducing colonial architectures, although tribal areas are governed under local customary laws and special protections. The concurrent list governs land subjects where both Parliament and state legislatures have jurisdiction, including transfer of property other than agricultural land, as well as registration of deeds and documents around land transfers.

Table 2 broadly overviews the structure of Indian land administration. At the state level, responsibility for land is shared by at least four departments and some independent bodies. These have acquired and command legitimacy across state and market institutions. Forest land is managed by the Forest Department; public and private agricultural land as well as common lands are under the Revenue Department. Land use planning sits with the Town and Country Planning Department under the Urban Development Department, while rural planning sits with Gram Panchayats (village local governing bodies), who are granted powers via the Indian constitution to perform functions as mandated by state legislatures. Land for industrial use is often acquired by public industrial development corporations. Religious lands are governed separately under religious boards and endowment departments. Urban and rural local bodies (such as municipalities and Panchayats respectively), as decentralized structures (i.e., the third tier of governance in India), manage urban and rural lands, mostly properties and in some states, also rural public lands (e.g., Karnataka and Rajasthan). Urban and rural land are administered by one department, i.e., the Land Revenue Department in most states, with one registry.

Table 2. Land administration structure in India.

Land Administration/Use	Land Survey and Record Management	Sale, Purchase, Transfer	Land Use Change, Land Rent/Cess	Property Tax, Land Use Planning	Overall Control (Trustee)
Urban	Land Revenue-Survey and Settlement Department (state)	Land Revenue-Registration Department (state)	Land Revenue Department (state)	Municipalities	Land Revenue Department with local bodies, Industry Department, Endowment Department (state)
Rural				Panchayats	
Industrial				Industry Department (state)	
Religious Use				Endowment Department (state)	
Forest	Forest Department (state and federal)				

In the 73rd amendment of India's Constitution, land administration was proposed to be devolved to Gram Panchayats and hamlet/habitation level institutions in tribal areas (Palli Sabha). However, except for the state of West Bengal,, the devolution of land administration has not happened except for sporadic attempts at allowing Panchayats to administer government or public land [50]. The complete abolition of revenue collection in most states has also significantly weakened land revenue administration [51]. Consequently, a decline in revenue used to cover costs, as well as the emergence of an institutionally complex landscape in terms of government departments with limited coordination, characterizes India's land administration system today [52].

2.4. Structure and Performance of Indian Land Administration

The goal of Indian land administration has long been revenue collection, and this gained heightened legitimacy during colonial times. As such, the Land Revenue Department is a key institutional actor, entrusted with management of land and other allied matters in states. Broadly its role and responsibilities range between policy formulation, policy implementation, and judicial matters, which contradicts the legal doctrine of Separation of Powers [53], an essential principle of democracy that prevents the concentration of power and provides for checks and balances. While not explicitly recognized in the Indian Constitution, the violation of this doctrine is conspicuous around land administration.

The department is concerned with laws related to the state list (Section 2.3). Maintenance of land records, survey for revenue purposes and updating of the Record of Rights (RoR) constitutes one of the major activities of the department. 'Land records' is a generic expression in India and could refer to different kinds of textual documentation related to land, i.e., RoRs (primary land records and not property records), sale deeds (registered transactions for tax/stamp duty collection), rent receipts (annual tax collection documents), and cadastral maps [54]. The frontline revenue apparatus within a district is under the authority of the District Collector and each district is divided into subdivisions headed by Sub-Collectors. The next lower revenue administrative unit is the Tehsil, which functions under the Tehsildar. It is the Tehsildar office where most revenue matters are handled at the lowest level; however, the Revenue Inspector remains the cutting-edge official interacting with farmers, being responsible for a revenue circle, which usually consists of few villages.

The RoR is prepared under the respective State *Survey and Settlement Act and Rules*. After final publication of the RoR, the information is continually updated at the Tehsil level by the process of mutation as per the State's *Mutation Manual*. The updated land records at the Tehsil level become the base data for preparation of RoRs in subsequent settlement/consolidation operations. All transactions of immovable properties under the *Registration Act 1908* takes place in registration offices and are subsequently maintained by these offices. In terms of data maintenance of RoRs, textual data is maintained by the revenue department (which also collects rent) while spatial data (i.e., cadastral maps) is maintained by the survey and land records department; deeds are maintained by the registration department.

These departments tend to work in silos and the lack of coordination (settlement and consolidation vs. registration) entrenches a disconnect between textual and spatial data, resulting in data across departments not being updated properly [54]. Additionally, frontline revenue administration staff is thin and Revenue Officials are overloaded with land and non-land administrative tasks [52]. Following the launch of the Digital India Land Records Modernization Program (http://dilrmp.gov.in/), there has been substantive progress in linking disparate land information databases; nonetheless, challenges remain due to jurisdictional resistance (e.g., the registration department claiming that the state government cannot impose any conditions on the registration procedure) as well practical challenges related to daily operations.

3. FFPLA in India: Three Narratives

The three cases of land formalization initiatives (set out in Table 1) are described here. Although not explicitly framed as FFPLA, all cases have adopted a flexible, technical approach for mapping, echoing FFPLA guidelines: satellite imagery and mobile applications (FRA); unmanned aerial vehicles (UAVs) or 'drones' for rapid and high accuracy orthophoto production as the basis of cadastral mapping (OLRSD and SVAMITVA); participatory boundary demarcation and mapping (all cases); digital data integration and updating (all cases). In the following sections, each initiative is described, presenting an overview of the local land issue, the implementation process and a per-case institutional analysis. It should be noted that, being recently initiated schemes, information on the second and third cases are comparatively limited.

3.1. Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

3.1.1. Local Land Issue and Community Needs

The rights of India's Indigenous Peoples (Scheduled Tribes) and Other Traditional Forest Dwelling communities over forested areas have long been denied. Colonial and post-independence appropriation of these areas (key sources of culture and livelihood), in conjunction with poor legislative frameworks, resulted in the degradation of forests and the erosion of the rights of Scheduled Tribes and Other Traditional Forest Dwelling communities, leading to marginalization and severe poverty with forest dwelling communities being amongst the most chronically poor in India [55–57].

3.1.2. FRA and Its Decentralized Implementation

The *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006* (FRA) was enacted as a result of democratic processes driven by demand for recognition of forest rights by forest dwellers. FRA represents a political, demand-based response to reform forest governance, attempting to shift away from a centralized, top-down, locally-insensitive model of land and forest administration that denied the rights of tribal and forest dwellers [56]. It sought to reinstate and recognize the traditional rights of forest dwelling communities over land and resources and establish community-based governance over an estimated 40 million hectares of forests, thereby empowering over 150 million forest dwellers in over 170,000 villages [58]. The main types of formal tenure introduced were: Individual Forest Rights (IFR; the paper focuses only on IFR for comparability across cases, i.e., instances of formalizing individual tenure) and Community Rights to use and access to forest land and resources, and a new category of rights, Community Forest Resource rights, to use, manage and govern forests within the traditional boundaries of villages [59]. An overview of the decentralized land administration structure for FRA is provided in Table 3. FRA mandated a multi-level governance system for adjudicating and verifying claims, as well as dispute resolution, with the Ministry of Tribal Affairs appointed as the responsible department [60]. The Act is particularly significant for seeking to democratize forest governance and empower communities by devolving administrative power to the Gram Sabha (the local self-governance unit and village assembly) who oversees

claim-making, vetting and rights recognition [56,59]; the Act also prescribes conditions for inclusion such as gender quotas in the Gram Sabha. This framework for localized administration was intended to contribute to building trust and empowering forest-dependent communities by creating conditions for greater downward accountability, equity and social justice to reduce corruption and ensure inclusion [61].

Table 3. Decentralized land administration structure under the *Recognition of Forest Rights) Act 2006* (FRA).

Governance Level	State Actors	Non-State Actors
Federal	Ministry of Tribal Affairs (nodal agency)	Advocacy Networks
Sub-state	District Level Committee Sub-divisional Committee (representatives from Land Revenue, Forest and tribal departments_	NGOs
Village	Gram Sabha	NGOs

Once accepted by the Gram Sabha, tenure claims are advanced to Sub-Divisional Level Committees who prepare the forest title (RoR). This is then forwarded to the District Level Committee for final approval. Additionally, each state is expected to initiate a state-level monitoring committee for oversight of the process.

3.1.3. Institutional Analysis of Decentralized Land Administration in FRA

The FRA framework reveals the complexity that federalism has imposed on forest land administration, and the significant roles that intra-state politics and non-state actors (especially the activists' coalition) play in pro-poor land institutions [62]. The decentralized environment introduced a new dominant institutional actor in the Ministry of Tribal Affairs and empowered the agency of forest dwelling communities. It simultaneously reduced the role of state forest departments and forest officers within the national Ministry of Environment, Forest and Climate Change, who up till the introduction of FRA, were key actors of a centralized forest governance system.

However, new actors have struggled to establish their legitimacy, evident in a failure to attract resources, e.g., lack of training of officials under Ministry of Tribal Affairs or hiring of additional staff to manage a complex process [63]. There has also been poor oversight and accountability of the various multi-level committees intended to govern and approve forest rights claims, leading to a clumsy and dysfunctional claims process lasting several years [64]. This has led to perceptions of FRA as opaque, with allegations of serious lack of awareness about its provisions among rights holders and duty bearers alike: the District Level Committee and Sub-Divisional Level Committees, who play a critical role in rights recognition, have executive powers that lie only with the chairperson [65]. With a lack of clarity about the weight of other non-governmental members, the interests of forest communities have become subservient to those of bureaucrats and officials [66].

The prioritization of Individual Forest Rights recognition and granting of "land titles" has also been interpreted as a populist measure conveying political benefits. Kumar et al. [58] found that Individual Forest Rights created rent-seeking opportunities for field functionaries and received less resistance from the land-owning forest departments as these lands tend to already be under cultivation. In addition to contests by forest bureaucracy, institutional tensions are also experienced with conservationists, who see democratic decentralization as a threat to the forest conservation paradigm [55,56,58,67].

Consequently, the actual land recognition is far less compared to what has been stated in the Act, with only 13% of this potential area realized as of March 2020 [68]. The recording of land rights has become a contraction of legal access to existing tenure over

forest resources and FRA has been reduced to a "beneficiary scheme with patta-giving exercise" (patta is a local term for land title), with many states using it for political benefit with issues around subsequent possession, clear recording and access to entitlements [69].

However, in spite of this contested institutional environment, FRA has had some success, especially in states where pressure has been exerted by civil society organizations and grassroots advocacy groups, and supported by progressive bureaucrats, particularly tribal department officials and district collectors (e.g., in Odisha and Gujarat) or higher-level public servants (e.g., the Governor's office in Maharashtra) [58].

3.2. Odisha Slum Dweller's Act 2017 and Jaga Mission 2018–2023

3.2.1. Local land Issue and Community Needs

In Odisha, 'slums' refer to a compact settlement of at least 20 households with kutcha houses, lack of access to drinking water, sanitation and closed drainage (any household will be considered as a "slum-like" household if it satisfies all the four deprivations, i.e., (i) kutcha house (temporary housing), (ii) source of drinking water not available within the premises, (iii) no latrine within premises and (iv) not having closed drainage) [70]. Although Odisha currently has the lowest percentage of slum population in India (comprising almost 4% of total population), most of these are concentrated in larger urban areas like Bhubaneshwar and Cuttack, and 23% of Odisha's urban population live in slums [71].

3.2.2. OLRSD and Its Decentralized Implementation

Land tenure security has been a policy focus in Odisha to address slum challenges since 1980s. In 2011, the government developed the Slum Rehabilitation and Development Policy, "Housing for All", and the Odisha Property Rights to Slum Dwellers and Prevention of New Slums Bill [72,73], aimed at building a slum-free Odisha by 2020 and reducing urban poverty [74]. These policies culminated in the *Odisha Land Rights to Slum Dwellers Act 2017* (OLRSD) and the launch of the "Jaga Mission" in 2018, which aimed to physically upgrade slums into 'livable habitats', but also implements the Act, aiming to grant in-situ land rights (albeit with size limitations) that are mortgageable and inheritable (but not transferrable) to around 0.2 M households living in around 2000 slums across the 109 municipalities and Notified Area Councils in Odisha (http://www.jagamission.org/).

The OLRSD Act is a state-led initiative that draws from its urban and housing policy. It follows a string of influential central schemes such as the Prime Minister's Awas Yojana launched in 2015, which mandated land formalization to enable households' access to housing subsidies. The Act is also a shift from earlier state policies that focused more on people living in identified or recognized slum areas, and less on slum-like households living outside those areas. The Act provides the legal framework to grant Land Rights Certificates to urban areas in the whole of the state of Odisha covering all the 116 Urban Local Bodies (i.e., municipal corporations). A key motivation for slum titling was easier transition to livable habitats: secured individual title and clearly delineated boundaries can ease access to better sanitation, credit, healthcare, education and housing services [75].

An overview of the decentralized land administration structure for OLRSD is provided in Table 4. OLRSD introduced a new consortium of actors and departed from the typical Indian model of land administration led by Revenue Departments. The initiative was spearheaded by Odisha's Department of Housing and Urban Development in collaboration with Tata Trusts (a major funding partner) and more than 27 local civil society organizations, international NGOs (e.g., the Norman Foster Foundation, Omidyar Network and Cadasta Foundation), and technology companies. Whilst OLRSD mandates the creation of an Urban Area Slum Redevelopment and Rehabilitation Committee, led by the District Collector (who sits under the revenue department) for each urban area to govern the settlement process, it goes no further [76]. Instead, as part of implementation, contracted local NGOs were tasked with supporting the creation of local Slum Dwellers Associations, comprising members from each slum household and led by an elected executive to represent local interests [77]. The 'Jaga Mission' also employed Jaga Fellows, individuals attached to various

communities to support implementation, but also to build capacity in urban development issues (https://socialservicesindia.com/wp-content/uploads/2019/06/Jaga.pdf).

Table 4. Decentralized land administration structure for OLRSD.

Governance Level	State Actors	Non-State Actors
State	Department of Housing and Urban Affairs (nodal agency) *Land Revenue Department* *	Tata Trusts International NGOs Technology companies
Sub-state	Urban Local Bodies Urban Area Slum Redevelopment and Rehabilitation committees (led by District Collectors under land revenue departments)	Jaga Fellows, NGOs Technology companies Slum Dwellers Associations
Slum	Urban Local Body Wards	

* These actors do not have a formally defined role but are involved in the process.

3.2.3. Institutional Analysis of Decentralized Land Administration in OLRSD

Like many other parts of India, state Revenue Departments have an institutionalized role as the authoritative agency for land administration. In this case, the dominant actor was bypassed, although the state government as an entity remains the implementing agency for OLSRD [76]. Arguably, this case provides a demonstration of significant political will, resources and commitment—the project is estimated to cost USD120M and scheduled to be completed in four years, reflecting efforts by new institutional actors to underscore their appropriateness. Key actors have also successfully publicized the rapid outputs of the scheme (around 50,000 households had received LRCs by 2019) which not only established status, it also led to significant global attention and framed OLSRD as an efficient and effective land administration reform for tackling urban poverty (the scheme was awarded a bronze medal in the 2019 World Habitat Awards (https://world-habitat.org/world-habitat-awards/winners-and-finalists/odisha-liveable-habitat-mission/)). All these maneuvers arguably enhanced and reinforced institutional legitimacy of the scheme and its actors.

Decentralization was operationalized through local NGOs and Slum Dwellers Associations. NGOs were contracted to deliver the types of formalization-related duties that the local Tehsil might typically be involved with NGOs selected based on technical experience in similar work, and training was provided by technical organizations and Tehsildars [77]. Decentralization here is not legally mandated but is instead an implementation policy decision. Slum Dwellers Associations therefore do not have statutory authority, nor is community-based participation prescribed in the rules, but was initiated to ensure inclusion. This has been problematic: a lack of training and clarity about responsibilities means that Slum Dwellers Associations are not performing as expected, leading to NGOs taking over [77]. Poor local performance is also substantiated in a recent study which found that a totalitarian approach led to households not being present at the time of adjudication, leading to errors or exclusion from grant of Land Rights Certificates [78].

Leadership of Urban Local Bodies, involvement of NGOs, formation of Slum Dwellers Associations and the use of Jaga Fellows as agents potentially creates a conducive environment for community participation. Activities like drone flying, community interaction with aerial imagery, house marking, etc., also potentially contribute to trust-building in the project and long-term slum governance. However, in reality, this potential has been diluted by multiple factors during implementation, e.g., the limited capacity of Urban Local Bodies and their upward accountability and lack of autonomy from state government; the lack of capacity and decision-making role of the Slum Dwellers Associations; limited and temporary involvement of NGOs; poor communication between the state and communities; delays or exclusions of certain vulnerable households in terms of Land Rights Certificate allotment; and contraction of households' legally allotted area.

3.3. SVAMITVA Scheme 2020–2024

3.3.1. Local Land Issue and Community Needs

Rural land administration has been an ongoing challenge for India. A historic focus on surveying solely for revenue collection has resulted in the exclusion of 'marginal' areas including abadi (inhabited) village land from formal records, which are often grossly outdated due to mandated rural resurveys not being executed for generations [79]. Consequently, rural India suffers from lack of tenure security, land conflict and landlessness, all of which are linked to high levels of rural poverty [80].

3.3.2. SVAMITVA and Its Decentralized Implementation

In response to this chronic problem of rural land administration, the SVAMITVA (Survey of Villages and Mapping with Improvised Technology in Village Areas) scheme was launched in 2020. Echoing De Soto [81], SVAMITVA sought to stimulate a growth agenda through financialization of 'dead capital', facilitation of land markets, and reducing federal fiscal burden by buttressing the property tax base of Panchayats (Constitutional local governance bodies).

An overview of the decentralized land administration structure for SVAMITVA is provided in Table 5. Drawing from pilots in Maharashtra and Haryana, the scheme is a collaborative project involving the federal Ministry of Panchayati Raj, State Panchayati Raj Departments, State Revenue Departments and the Survey of India. The deliberate move to dissociate from the traditional land revenue department as the nodal agency, as well as incorporating engagement with the Survey of India, drone technology and private sector actors, indicated an intention to enhance the efficiency of land administration through a "business *unusual*" approach. The four-year project aims to map rural land parcels across 0.66M villages in India using GNSS and drone technology to enable the issuing of Sampatti Patrak (Rural Property Cards), available as digital or hard copies. The process will be led by state governments, supported by the federal government with implementation devolved to local Panchayats. Data collected will be used to update the RoRs in the land revenue register (an online registry (every state in India, has its own online land registry portal) supported the Digital India Land Records Modernization Program) and property registers (which are maintained by Panchayats).

Table 5. Decentralized land administration structure for SVAMITVA.

Governance Level	State Actors	Non-State Actors
Federal	Ministry of Panchayati Raj (nodal agency) Survey of India *Ministry of Rural Development (Digital India Land Records Modernization Program) *	Technology and/or survey companies
State	Panchayati Raj Department *Land Revenue Department *	Technology and/or survey companies
Village	Gram Panchayat	

* These actors do not have a formally defined role but are involved in the process.

The decentralized data collection process is intended to be democratic and transparent, relying on the communities themselves to draw chunna (white chalk) lines and Panchayats for adjudication and oversight. The maps produced are intended to provide important spatial inputs into the preparation of Gram Panchayat development plans, which are constitutionally mandated and prescribes a participatory process. While orthorectified base maps will be jointly owned by the Survey of India, Ministry of Panchayati Raj and the state government, property data will be owned by the State Revenue Department. Other updated GIS data layers will be shared by the Talathi/Patwari level officer once every year incorporating updates that have been done in the preceding 12 months.

The scheme is currently being piloted in eight states (Maharashtra, Karnataka, Haryana, Uttar Pradesh, Uttarakhand, Madhya Pradesh, Punjab and Rajasthan). In October 2020, 0.1 M property holders from more than 760 villages across six states received the first Rural Property Cards via SMS links.

3.3.3. Institutional Analysis of Decentralized Land Administration in SVAMITVA

SVAMITVA seeks to institutionalize a new rural land administration system and new actors. With leadership by the Ministry of Panchayati Raj and devolution of tasks to local Panchayats, the decentralized model draws immediate institutional legitimacy by realizing constitutional, policy and public consensus that local bodies should be involved with land improvement, implementation of land reforms, land consolidation and soil conservation (in line with the 73rd and 74th Amendments, the Panchayats (Extension to Scheduled Areas) Act (PESA), as well as article 243(G) of Schedule 11 of the Constitution), advancing India's stalled devolution agenda. Further, the introduction of new actors occurs at a time when the role of the land revenue department—a law enforcement agency whose continued role in land administration is a persistent colonial legacy practice—is increasingly delegitimized (as seen in decreasing staff and resources) [79]. However, by leveraging their expertise in survey and settlement, the scheme inadvertently preserves a significant role for state revenue departments.

The use of local Panchayats enrolls an actor with a high level of local acceptance, as well as a demonstrated ability to support land reform programs [82]. Explicit formal (implementation) rules (albeit not laws) clarifies roles and expectations around community engagement in boundary definition and adjudication, ensuring practices are, in theory, standardized and inclusive [83]. There is also a clear incentive for Panchayats to engage: in India, the low level of tax collection by rural local governments has been a challenge in reconciling fiscal federalism, accountability and true devolution, with Panchayats depending on funds from the center/state for 95% of their resources [84]. SVAMITVA could generate improved collection of property tax, which in turn would improve the financial autonomy of Gram Panchayats.

SVAMITVA holds promise to build trust locally by involving a more downward accountable, easily accessible and less corrupt Gram Panchayat in its implementation, while use of drone technology is expected to stimulate participation and ensure transparency. Similarly, the involvement of communities in boundary delineation and the issuing of Rural Property Cards digitally through text messages are potential trust building measures in meeting needs. However, the limited devolution of land administration related powers to Panchayats along with their limited capacity, the ongoing significant role of the land revenue department around Rural Property Card processes, and already reported threats of exclusion and elite capture in survey processes, could undermine community trust during implementation.

4. Decentralization as a Scaling Strategy

Using three cases of FFPLA-like initiatives in India, this paper sought to broadly explore the socio-political aspects of implementing decentralized land administration by critically analyzing the consequences of decentralization on new authority structures, local capacity and autonomy related to new land administration processes, and how this is coordinated and governed across multiple levels.

The three cases demonstrated a range of decentralization strategies at work. Of these, FRA comes closest to an aspired model of devolution; OLRSD appears to behave more like deconcentration, and SVAMITVA more like delegation. An overview of theory vs. practice of decentralization is provided in Table 6, which reveals differing outcomes in authority and democratic dividends at local levels. Despite varying successes, the cases underscore the difficulty of redistributing power; as well, all cases—even FRA—struggle with integrating new processes and new forms of property rights with extant systems, arguably introducing greater institutional fragmentation into Indian land administration.

Table 6. Overview of initiatives and decentralization model/attributes (as defined in [12]).

Initiative and Decentralization Type	Theoretical Attributes	± Authority Outcomes	± Democracy Outcomes
		+	Gram Sabha emerging

4.1. The need for Institutional Legitimacy for Political Authority

New legislative frameworks introduced new nodal land administration agencies and established roles, rules and processes around new land administration structures. A decision to bypass traditional land administration actors potentially signals a bid to rebuild trust in the Indian land administration system; similarly, a policy of decentralization signals a bid to improve democracy. The various institutional analyses (Section 3) however clearly show capacity, autonomy and governance challenges—in some instances, still unresolved—that impact on local benefit and the ability of new processes to meet needs. This underscores the reality that formal 'rules' are only part of the puzzle in producing authority; an ongoing challenge remains in shoring up cultural, cognitive and normative support, i.e., institutional legitimacy, to ensure that new actors at both macro and micro levels have true political authority and technical capacity to act. In FRA, we see the contested role and authority of the Ministry of Tribal Affairs leading to flow-on effects and similar challenges for Gram Sabhas.

A main barrier to building institutional legitimacy for new state actors seems to be the continued explicit or implicit involvement of the Land Revenue Department since it remains the legal custodian of land records and implementer of key land revenue laws. This affects new land administration processes; further, as new tenures are being created based on legacy records and cadastral boundaries, the location and extent of new property rights and documents remains relative to the RoR and cadastral maps. Arguably, this has made the Land Revenue Department more critical in the coordination of new and existing land administration systems, not only for the relative authoritativeness of these documents, also for their intended future use, e.g., for mortgaging and entitlements, as well as subsequent updating. This raises the need to further investigate legal and policy paradoxes in both property rights and administrative structures as it inevitably impacts implementation of FFPLA.

4.2. Local Capacity and Autonomy

Local governing bodies like Gram Sabhas and Panchayats now play a lead role in local and participatory forms of decision making and administration of formalized rights in FRA and SVAMITVA respectively; in OLRSD, Slum Dwellers Associations have been created and Urban Land Bodies are more involved in land administration. Redistribution of power is formalized via a mix of legislative and policy actions, with different resources provided to support new responsibilities.

Although there is limited evidence in SVAMITVA, the experiences in FRA and OLRSD indicate that true empowerment is vital for local autonomy and the ability to meet local needs. In FRA, support from NGOs is identified as a factor in strengthening the performance of Gram Sabhas; in OLRSD, early evidence points to poor training and lack of clarity over the role of Slum Dwellers Associations, which has resulted in poor performance and community outcomes. Although conceived as community-driven development, OLSRD and SVAMITVA appear to be government-initiated and led, with little evidence that thought has been given as to how local institutions might dovetail with new centrally designed institutions (e.g., legal frameworks). If unaddressed, this can create a cycle of not meeting local needs and eroding trust in new decentralized systems.

4.3. The need for Collaborative Governance for Institutional Coordination

Decentralization introduces different coordination and governance challenges that may not have been required previously: indeed, the FRA case shows how poor coordination and multi-level governance has negatively impacted on the new system. The cases demonstrate a reduced role for the state, increased collaboration, and a greater number of non-state actors at multiple levels. This directs a need for a governance method that supports institutional integration and realization of democratic outcomes like integrity and accountability.

Presently, the cases illustrate how existing structures and politics related to decentralized land administration may not be facilitating goals around trust and democracy. In FRA, clear formal rules within the Act for inclusion on multiple fronts are not being complied with or enforced due to limited governance and legitimization of new land administration processes. In fact, a lack of effective enforcement has contributed to the intended model of devolution in FRA becoming dysfunctional.

This seems more apparent in OLRSD and SVAMITVA, where governance frameworks for public entities across multiple institutional levels are set out in policy, and presumably, the use of contracts provides some oversight for NGOs and private sector organizations. However, in FRA, the initial collaborative model did not consider involvement by local NGOs, and despite their positive work, has not been able to evolve to accommodate these actors formally. Given this new landscape of networked actors, the literature suggests a possible solution might be to turn towards a model of collaborative governance, which is a governance arrangement where state and non-state actors interact *formally* in joint and deliberate decision-making, either with regards to policy making or implementation, or management of public programs [85].

4.4. "Fit-for-Purpose" or "Fit-for-People"?

In OLSRD and SVAMITVA, the cases prove that, while they are technically "fit-for-purpose" with their rapid outputs, this may not be the case institutionally. Although decentralization seems to work to kickstart implementation at a significant scale with supporting legislative and policy frameworks, we raise the question as to whether it is necessarily "fit-for-people"? The analysis indicates true authority and autonomy is not being experienced and appropriate governance structures are not in place to coordinate a network of state and non-state actors at multiple levels. Decentralization may be the policy goal but the 'rules of the game' are still very much centrally dictated, which creates a greater need for resourcing and empowerment at the local level, and effective consensus-based governance across levels.

We propose that the notion of "fit-for-people" references both the process and product of implementation: the process should be attendant to local politics and 'rules of the game', i.e., values, norms and dynamics to ensure social equity, build trust and facilitate coordination and collective decision making. The product of implementation should be authority and resources to empower new actors to act to meet local needs in a way that has cultural, cognitive and normative support, which will help build public confidence that the new FFPLA initiatives will address local land issues and needs with integrity.

5. Conclusions

The ideal of FFPLA is becoming normative but there is still a paucity of knowledge on socio-political, i.e., institutional, innovation to scale FFPLA. This paper has contributed to this gap by critically analyzing the use of decentralization as a scaling strategy in India, an approach also endorsed by the FFPLA guide. Decentralization has introduced new actors at both macro and micro levels but the persistent institutional legitimacy of existing land actors, structures and processes, has led to contests over political authority, limited realization of local capacity and democratic dividends, and a lack of effective governance and institutional integration between new and existing land administration systems.

India's experience shows decentralization can work to effectively kickstart the implementation of FFPLA at scale; however, beyond initial policies, there is tremendous work to be done to ensure that implementation is "fit-for-people" to deliver a trustworthy system that redistributes power and delivers critical social justice. Uncovering local realities and the significance of informal 'rules of the game' is therefore an important area for future research; additionally, we acknowledge that the research presented here is limited in evidence base and by context and further research should also aim to extend and enrich this investigation by undertaking empirical research in varying country contexts.

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