



The property puzzle: India's land governance in transition

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Sanjoy Chakravorty. 2013. *The price of land: acquisition, conflict, consequence*. New Delhi: Oxford University Press, 312 pp., ISBN: 9780198089544, £27,50.

Stefan Diederich. 2015. *Land und Industrialisierung in Indien*. Baden-Baden: Nomos Verlag, 309 pp., ISBN: 978-3-8487-2630-1, €59.

Jairam Ramesh & Muhammad Ali Khan. 2015. *Legislating for justice: the making of the 2013 Land Acquisition Law*. New Delhi: Oxford University Press, 266 pp., ISBN 9780199458998, £23,99.

Polarising politics: the land question

Capturing the imagination of an Indian constitutional lawyer is not always easy. All too often, the every-day-questions of constitutional law revolve around rather technical issues like taxation, competition, or government contracts. And yet, there are some legal subjects which do certainly not belong to this dry routine of legal practice. One of them is the area of property and land law. The so called "land question", as this area is often called in India, is a fascinating legal subject for several reasons. *Politically*, the question over distribution and redistribution of land has been a game changer in several Indian state elections and catapulted parties which had been in powers for decades out of office. *Economically*, the present system of land



governance is discussed as one of the most important hindrances to economic development as foreign and domestic investors complain about the hurdles of acquiring land. *Culturally*, land is deeply embedded in the identity of communities like the Adivasis and other rural communities. And, finally, *legally*, the area of land laws has been subject of spectacular confrontations between the Indian legislative on the one side and the Supreme Court on the other. The land question unfolded a surprising polarisation among all these lines—and it is safe to say that it remains one of the most delicate issues in Indian politics. The reasons for this polarisation are manifold and will be further explored in the remainder of this book review.

However, to get a first understanding of India's land question, three important factors shall be briefly highlighted already at this point: Firstly, India's land markets are among the most fragmented land markets worldwide. This fragmentation into many small holdings makes it difficult, if not impossible, to acquire large parcels of land. Especially for big public infrastructure projects, but also for private undertakings, the degree of fragmentation can represent a serious hurdle for realising a project. Secondly, especially in the last two decades, the land question turned increasingly into a question of identity. Unlike in other legal cultures like Europe for instance, Land is not perceived merely as a legal title or an economic good that has a monetary value but as a fundamental part of the own identity (Gupta 2012). This nexus of land and identity has fuelled many protests against land acquisition, in many cases even in a violent manner. Finally, especially in the decade the question over land has become virulent as with the enactment of the *Special Economic Zone Act* (SEZA) a new and controversial regulatory model entered the stage of economic politics. Special Economic Zones (SEZ) spread rapidly all over the country—and went along with big and controversial land acquisitions. Quickly, the questions over the desirability of SEZ was transformed into a question if a political party is "anti-poor" or "anti-farmer"—two topoi which can lead to quick polarisations of the political camps in India.

The legal dimension of the land question

As if this political and economic context is not challenging enough, the whole picture becomes more complex and turns truly into a puzzle if we consider the legal dimension of the land question. Being a large democratic federation, the legal framework of India's land is divided among different levels of governance. In this framework, the seventh



schedule of the Indian constitution provides that the power to regulate land vests with the states. This means that each state can pass the legal framework it deems to fit best for the structure and ownership of land within its own territory. This power, however, ends when it comes to the forceful expropriation of land owners which the constitution ascribes to the Union level. Until recently, the central legal document in this area has been the so-called *Land Acquisition Act* (LAA), an act which has been passed under British rule in 1894 and is regarded by many as an example par excellence for the brutal character of colonial bureaucracy.

Yet, despite those colonial roots, the LAA has been in power for nearly 120 years and shaped the land governance of India after independence for the biggest part of its history. It was only in 2013 that the act has been replaced with a new land act, called the Right to Fair Compensation and Transparency in *Land Acquisition, Rehabilitation and Resettlement Act* (LARRA). The new LARRA marks a significant shift from the old regime of the LAA: For instance, landowners, who have been forcefully displaced, receive much higher compensation, are entitled to rehabilitation and resettlement, and have a stronger position in terms of consent requirements.¹ The replacement of the LAA after decades of struggle by various NGOs, farmers, and political movements has not only been a small sensation in India's recent political history but has also been an occasion for academics to look back at the long history of the LAA and to critically evaluate the new legal framework of the LARRA.

This book review introduces into three recent monographies on this topic and contextualizes them in the overall discussion surrounding land, development, and social justice in India. All three books shed light on the question of land governance, but do so from different disciplinary angles. *The Price of Land: Acquisition, Conflict, Consequence* by Sanjoy Chakravorty discusses the Indian system of land governance from an economic point of view and argues that land markets in India have underwent some fundamental transformations. On the one hand, land prices have exploded in an unprecedented way. On the other hand, resistance and opposition have become more successful due to the spread of new information technologies. The second book, *Land und Industrialisierung in Indien* by Stefan Diederich looks at the topic from the perspective of political science and asks how it is to explain that the LAA has been in force for such a long time. Finally, the book *Legislating for Justice: The Making of the 2013 Land*



Acquisition Law by Jairam Ramesh and Muhammad Ali Khan introduces into the details of the new LARRA from the drafter's point of view.

In a nutshell: what is the land question?

So, what does it mean when we speak of the land question or land conflicts in India? Like in other parts of the world, the Indian economy, too, is witnessing an exploding demand for land (D'Costa & Chakraborty 2017). No matter if public infrastructure like highways, power plants, and dams or private projects like factories, SEZ, and hotels: all of them need land as a prerequisite. Land, however, is a scarce resource—and not everybody is willing to sell his or her parcel of land for the realisation of such a project. Put simply, this is the point where the state steps in: after a suitable area for a public or private project has been identified, the landowners (in most cases: peasants) receive a notification that the government authorities want to acquire their parcels of land. After some time to file objections, the state ultimately takes possession of the land and compensates the landlosers. This power of the state to forcefully acquire land is called "eminent domain." Conflict can occur at different stages of this process. Some landowners do not want to sell their land at all, no matter what the price is. But more often, the matter of dispute is the compensation level which in many cases is perceived as too low by the landowners.

In India, the eminent domain power of the state has led to intensive debates about the necessity, depth, and scope of this legal instrument (Downing 2013). The arguments surrounding the eminent domain power can be divided into two legal key questions: Firstly, in what cases is the state allowed to make use of this power? Secondly, once an expropriation has been undertaken, what kind of compensation should the landlosers receive? The first question is usually discussed under the label of "public purpose": only when the acquisition serves a public purpose the state can make use of his eminent domain power. Yet, what might sound plausible at first glance, turns out to be a tricky legal question: what exactly is a public purpose? Can private projects like the construction of a factory, which will provide hundreds of jobs, also be a public purpose? And how important do the public interests must be to justify an expropriation? Interestingly, these questions mark an area, where liberal and left-wing voices give similar answers. Liberals argue that land transactions should be undertaken solely by free markets. Corporations which want to acquire land should negotiate with all land holders and buy every needed parcel of land.



This can be a long and complex endeavour, but this is how markets work—and individual property rights should be valid in every situation. Left-leaning voices argue that the state can of course restrict individual property rights, but in the case of land the acquisitions mostly serve a neoliberal model of development.

This conflict between individual property rights on the one hand and the power of the state to expropriate on the other hand has been a frequent theme in Indian legal history (Sankaranarayanan 2011). Compared to other legal systems, the Indian approach to eminent domain was marked by an extraordinary powerful position of the state. The enactment of the new land law in 2013, however, marks a significant legal shift in this legal area—and all three books under discussion circle around that rupture.

The giving and the taking state: Chakravorty's intervention

If one would have to sum up Chakravorty's book in a nutshell, one could say that Chakravorty's primary aim is to ground the heated debates on land in empirical evidence. This empirical exercise is necessary because policy makers have '(...) either little knowledge of or little interest in the land market or in market principles' (Chakravorty 2013: 181). Chakravorty paints an alarming and dark picture of the political landscape: political parties have either no coherent positions on land governance or act out of sheer self-interest. Developing an effective legal framework, however, requires knowledge as a precondition. Chakravorty's book tries to provide this knowledge in three parts. The first part ("The Present") gives an account of present land conflicts. The second part ("The Past") looks back to the long history of distribution and redistribution of land in India, while the third part ("The Future") evaluates the structural conditions of India's land market and discusses the new legal framework of the LARRA.

The first part of Chakravorty's book is an extremely useful introduction into the complex field of land conflicts by pointing to some similarities of these conflicts all over India. An interesting finding of Chakravorty, for instance, is that the typical land conflict does not take place between peasants and private industry, but that the overall number of conflicts (around 90 per cent) revolve around public projects. This is somewhat contrary to the popular perception of land conflicts as a phenomenon of capitalist accumulation by dispossession (cf. Levien 2013). On the other side, Chakravorty, too, shows that with the emergence of SEZ the role of private interests in land acquisition



has become more and more important. But not only the actors of land conflicts are similar, also the reasons for resistance against land acquisition can be grouped and systemised along different categories: in many cases, resistance occurs because the landowners did not get enough time to face objections or engage in negotiations. These are the cases where the public authorities have used the so called "emergency" or "urgency" clauses of the LAA to forcefully acquire the land. In other cases, landowners argue that there is less productive land (so called wasteland) which should be acquired instead or that the area of land to be acquired is bigger than the area needed for the project. In terms of the involved agents, Chakravorty shows that the sheer number of interests affected by an acquisition provides another reason for the complex structure of these conflicts.

On the side of the buyers there is little surprise as we find public or private entities. The other side, however, cannot be reduced to the sellers of land, hence the landowners. A group which is at least equally important to understand India's land conflicts are stakeholders who do not own land. Tenant farmers or wage laborers, for example, produce or work on land without owning it. Likewise, groups like Adivasis use land as community resources without having individual property titles. The most significant actor, however, is the civil society which has organised opposition on the ground and collected information on acquisition projects all over India. Chakravorty takes the reader in a very clear and well-structured manner through many details of land conflicts and finishes the first part by pointing to some "flashpoints" of land conflicts.

Whereas the first part of Chakravorty's book remains largely descriptive, the second part delves in a rich and compelling manner into the economic and political history of land governance. Chakravorty unfolds this story along the figure of the "giving" and the "taking" Indian state after independence and shows how the state engaged in re-distributive land policies on the one hand (the giving state), but has also displaced millions of people in the name of the modern, developmental state (the taking state). Especially in independent India, this regime of distribution and redistribution of land played an important economic and political role. Yet, this mechanism of land governance is older than the modern, developmental state. Chakravorty shows that the origins of this regime date back to the time of *company raj* in India. Most importantly, the very idea of individual land titles and private property has been introduced as one of 'the Company's "experiments" with governance' (Chakravorty 2013: 78). Under the



permanent settlement in the east, the zamindars were no longer regarded as merely revenue collectors for the company but as proprietors of the land. Interestingly, the *Land Acquisition Act* of 1894 is only mentioned briefly at the end of the chapter on company and state raj. Somewhat contrary to the popular expression that the LAA is a colonial law, Chakravorty argues that the LAA played only a marginal role during colonialism and has not affected any large numbers of people. To unfold the power of the LAA, another actor had to step in: the postcolonial developmental state.

In contrast to the colonial state, the postcolonial state was driven by a vision to transform the state at large-scale level. At the level of land-reforms, the removal of zamindaris is surely the most well-known reform of the young independent state. But also, other, less known land reforms like tenancy reform or limits on the size of land holdings played an important role in the state's vision of a just and social transformation of land distribution. While this aspect of India's early days after independence might be known to many, the chapter becomes interesting when it comes to one of Chakravorty's original aims: the empirical grounding of land policies. Chakravorty shows that only few of the socialist slogans and big visions of redistribution had any effect in practice. Whereas zamindari abolition indeed led to more equality, other reforms had no significant impact on the unequal structures of the land market. What had an impact on the daily lives of millions, however, has been the other face of the Indian state: the taking state. For decades, the most important tool of the taking state has been the already mentioned LAA which gives the state the power to forcefully acquire land for a public purpose. The requirement that the acquisition must be done for a public purpose was used in a broad and extensive way. Moreover, provisions on consultations of project affected people were circumvented by relying on emergency clause.

For the newly independent Indian state it was essential to have at hand some readymade legislation on land acquisition because the state needed to begin a massive industrialization and modernization project for which large quantities of land were required. Nothing close to it had been undertaken in British India. In fact, it is doubtful whether jump-start industrialization on this scale, in such a short period, had ever been attempted anywhere else (with the possible exception of the Soviet Union). (ibid.: 114)

Under the circumstances of rapid industrialisation, millions had been displaced with the help of the LAA and in the name of development. The exact numbers of displaced people are unknown as the state did



not acquire the numbers; but Chakravorty estimates that between 50 and 60 million people had been affected by land acquisition.

This story of displacement in the name of development continued through the history of independent India. But at the beginning of the 21st century a new player entered the scene who fundamentally changed the policy area of land acquisition: the Special Economic Zone. SEZs are demarcated spaces for private investors in which a different regulatory environment is in force than in the rest of the country. After the UPA government passed the so called SEZ Act in 2005, hundreds of SEZ had been notified all over the country. Yet, running a SEZ is not possible without land. And to acquire the needed land, government authorities made—once again—use of the LAA. The crucial difference to "conventional" land conflicts, however, is that in the case of SEZ the beneficiaries are private investors. The development discourse thus shifted into a direction where "public purpose", as required by the LAA, is understood in way that private investors are included by the notion of public interests. The perhaps most important effect of this shift was that the country-wide expansion of SEZ led to wide and bitter opposition (Jenkins 2014) and made land acquisition a top priority political topic.

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In sum, Chakravorty's second part paints a bleak picture of the history of land conflicts in India. The big promise of a more equal and just society has failed to become reality as at most 5,9 per cent of agricultural land had changed hands and 50-60 million people were displaced. But how did this harsh regime of the LAA survive for such a long period of time? Chakravorty explanation is a numerical one: The "winners" of this regime have outnumbered the "losers." If, for instance, a community is displaced to build an electricity plant, then the numbers of beneficiaries are far higher than the number of displaced people. And what counts at the end of the day are electoral majorities.

So, what about the way forward? The future of Indian land governance is still unclear. But it is safe to say that the land regime is undergoing a historic transition. Chakravorty begins his last part with some more empirical insights into the price of land. Based on the Residential Price Index (RESIDEX) Chakravorty shows that land prices in urban settings have increased by a factor of five in one decade. Likewise, agricultural land prices have risen drastically due to the growth of income and the expansion of credit supply. One of the most astonishing datasets provided by the author is a comparison of the



prices for the highest end of housing in India with some international counterparts:

In Hong Kong, London, Tokyo, and Paris, four highly developed and very congested megacities with among the highest land prices in the world, between 62 and 69 years of the national average income is needed to buy housing in the highest end of the property market. In New York City and Singapore, around 47 years of the national per capita income is needed to purchase housing in the most desirable neighborhoods. In Mumbai the comparable number is 580 years, far and away the largest number in the dataset. (Chakravorty 2013: 147)

Chakravorty concludes his book with a brief evaluation of the new legal framework of LARRA.² Chakravorty has not doubt that the new land law marks a radical departure from the LAA-regime by expanding consent and compensation requirements. Yet, he remains critical: whereas the old law under-compensated the landloosers, the new law clearly overcompensates them. Under the new requirements of LARRA, land acquisition becomes so expansive that the consequences for the Indian society might be "miserable." Every vision of development, even social democratic or progressive ones, depends on the ability of the state to expropriate—and invoking the eminent domain power might become impossible under the new requirements of LARRA.

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In sum, Chakravorty's book is of high value to every researcher who wants to read a concise and well written introduction into the field of land conflicts in India. The strength of the book is without doubt its empirical foundation. Where others engage in ideological battles, Chakravorty speaks the language of numbers and datasets. Yet, Chakravorty's empirical exercise is far from being apolitical. Being an economist, Chakravorty's analysis is driven by a trust in market forces and dedicated to a development model which builds on growth and free markets. This might explain why the author's critique of LARRA is formulated in such a harsh way. The reader, however, should be aware that this harsh critique of LARRA is grounded in a very specific idea of development and does not necessarily mean that LARRA is a "bad" law which only serves political self-interests.

The power of institutions: Diederich's history of the LAA

Whoever is interested in the political and institutional history of land governance in India should read Stefan Diederich's *Land und Industrialisierung in Indien*. Unfortunately, the book is written in German



language and thus misses the opportunity to reach a wider audience. Diederich's aim is to explain why the LAA has been in force for such a long time and what led to the sudden replacement of the LAA with the LARRA. Indeed, the question is well justified: how can a law which clearly bears the signature of the colonial administration survive for decades in a democratic federation like India? To answer this question, Diederich looks at the LAA through the lens of historic institutionalism. The basic assumption behind this theory is that it is not enough to think of institutions as something shaped by individuals, but that we must look at this relationship also the other way around: it is also institutions which shape individual behaviour. The basic tool kit of Diederich's work is theories of (institutional) path dependence, increasing returns, and of critical junctures. Understanding these theories might be difficult for those who are not familiar to institutionalist theories. However, Diederich is aware of this problem and uses the introduction to introduce in a (too) detailed manner into these schools of thought. Diederich's basic assumption might be summarised as follows: once the administrative machinery of the LAA had been created by the British administration, political actors in colonial and independent India had little incentive to abolish this regime and to replace it with something else. This so called institutional lock-in could only be overcome after the formation of different political advocacy coalitions which worked against the LAA and in favor of a new law.

After explaining the basic assumptions and justifications of eminent domain, Diederich engages in a historical exercise, which is similar to Chakravorty's part on history, but much more detailed. Diederich, too, recapitulates how individual land titles and the eminent domain power have been invented by the colonial administration and shows that the LAA served the purpose of a rapid expansion of the colonial state. Moreover, to carry out the expansion in a cost-effective way, the compensation requirements of the LAA were kept as low as possible. A strategy to justify these legal interventions has been to contrast a seemingly "despotic" organisation of land rights with a "civilised", modern, and western notion of individual land titles. But not only the LAA fundamentally transformed land governance during colonialism. Also in other areas of land law, like forest governance, local social structures were destroyed by declaring forests "waste land" which belongs to the state and can be used without even invoking the eminent domain power (Diederich 2015: 132).

Most parts on property and land rights during colonialism will be known to readers who are familiar with Indian legal history. The



chapter becomes interesting, however, when it comes to the initial years of Indian independence. Diederich shows that for a short period of time the approach towards property rights and expropriation remained open—and that different institutional developments would have been possible. The work of the constitutional assembly could have been the right moment for a rupture with the British system of eminent domain. Yet, the system of the LAA remained not only in force, but unfolded a power which even exceeded its application under British Rule. Diederich claims that, like in other areas of law, there has been a strong incentive to incorporate the colonial land laws because the (mostly British educated) ruling elite was "used" to them and the accompanying legal practice. Likewise, the administrative service had little interest in changing a well-known legal practice. Conflicts within the elite on the depth and scope of the right to property (think only about the famous clashes between Nehru and Patel) were delegated to the courts. The subsequent confrontation between the legislative and the judiciary ended with the removal of the fundamental right to property with the 44th amendment—and the instrument of eminent domain got more powerful than it has ever been before.

Why and how did this acquisition regime change? This question stands at the center of Diederich's fourth chapter which argues that for a long time the area of land acquisition has not been perceived as a distinct policy field, but that land acquisition took place below the radar of big politics. This, however, changed in the 1980s. The most important context for the beginning policy change is surely the begin of India's economic liberalisation in the late 1980s which led to an increasing demand of land. Simultaneously, the group of people affected by land acquisition becomes more visible through an increasing collaboration between NGOs, the media, and, at least partly, the judiciary. A crucial difference to preceding protests has been that NGOs began to translate the language of local peasant protests into the professional language of politics in Delhi. Likewise, academics and think tanks began to look at the issue of forceful displacements.

Slowly but steady, the many but isolated conflicts on land acquisition transformed into a distinct policy subsystem in which different advocacy coalitions acted either in favour or against the land acquisition system of the LAA. This emergence of an advocacy coalition, however, was not sufficient, of course, to change the LAA. According to Diederich something else was needed: a political shock. Diederich identifies such a shock in the violent protests surrounding



land acquisition in West Bengal. After demonstrations against a SEZ in the small village of Nandigram left 14 people dead and protests erupted against a large acquisition project in Singur, the issue of land led to an end of the decade long reign of the communist party in West Bengal. Suddenly, the question of land acquisition unfolded a political power which could become dangerous to ruling political parties. Likewise, the powerful National Alliance of People's Movements (NAPM) had managed to become a direct negotiating partner of the UPA-II government. The political conditions thus became ideal to change the LAA—and indeed, with the enactment of LARRA in 2013 a 120 year old institution came to an end.

In sum, Diederich's book provides an interesting account for everybody interested in the political history of land acquisition in India. But also on a more general level, the book is a valuable contribution to the question of legislative change in India by showing how social questions can enter high level politics. The role attributed to the judiciary, however, is surprisingly small. This is astonishing since in many areas of politics in India, the courts (most notably: the Supreme Court) play an important role when it comes to legislative change and are an important part of institutional dynamics.³ Here, it could have been interesting to ask why the courts are perhaps more reluctant to intervene in the area of land acquisition than in other areas.

The power of law: Ramesh's and Ali-Khan's view from within

Whoever might miss the legal dimension in Diederich's book is well advised to look into *Legislating for justice: the making of the 2013 Land Acquisition Law* by Jairam Ramesh and Muhammad Ali Khan. Ramesh, a Congress politician, has been Union Minister for Rural Development and is currently a member of the Rajya Sabha. Ali Khan is an advocate at the Supreme Court and was an officer on Special Duty to Jairam Ramesh.

To begin with, it should be stressed that the book by Ramesh and Ali Khan is not an academic contribution to the field but a very practical insight into the world of law making. Most parts of the book are dedicated to explaining the many different provisions of the new land law by comparing LARRA to the LAA. Ramesh and Ali Khan leave little doubt that they consider the new land law a big achievement. And indeed, reading the author's explanations of the different provisions of the new act leaves one with the impression that LARRA can be considered a milestone in Indian legislative history.



Ramesh and Ali Khan begin their book with a brief assessment of the policy area of land acquisition and highlight that an important factor for the enactment of the new land law has been the "rights based approach" of the UPA government. During that time, different legislative milestones had been achieved like the *Right to Education Act*, the *Right to Information Act*, or the *National Rural Employment Guarantee Act*. The following chapters explain the different provisions of the act along the chronological order of land acquisition proceedings. Beginning with the requirement of a social impact assessment (SIA) before every land acquisition, the authors explain how the reasoning behind every provision took place. In the case of SIA, for instance, the drafting committee organised a group discussion process with officers who worked on land acquisition and different actors of civil society.

Ramesh and Ali Khan show how with the help of such discussions, expert hearings, and different expert studies the final provision on SIA has been drafted. The outcome is a provision which requires social impact assessments in all cases of land acquisition. The new LARRA requires that an independent expert group must evaluate in every case if a public purpose is served and if the benefits of the acquisition outweigh the social costs. Ramesh and Ali Khan explain how the LARRA addressed every controversial provision of the old LAA and replaced those old provisions with the new system of LARRA.

It would go beyond the scope of a book review to summarize every legal provision explained by Ramesh and Ali Khan. For this reason, two brief and more general observations shall conclude this part of the review: firstly, Ramesh's and Ali Khan's book somewhat refutes Chakravorty's depiction of an uninformed and amateurish policy sphere in land acquisition. Quite in the contrary, the authors give an insight into how serious the drafting committee took the task of reforming the land acquisition system. The reader does not get the impression that the negative points raised by Chakravorty (like the amount of compensation) have been drafted in an amateurish and self-interested manner but that they are the result of a thoughtful and conscious process. Indeed, the fact that Chakravorty frontally attacks some provisions of LARRA, while the very same provisions are presented as a big success by Ramesh and Ali Khan demonstrates how radical economic and political views sometimes differ on the very same issues. What appears economically sound might simultaneously be at odds with prevalent political imaginations—especially in development policies.



Secondly, readers should be aware that Ramesh's and Ali Khan's book is a biased book in the sense that next to explaining the LARRA the author's primary goal is obviously to advertise "their" achievement and to defend it against criticism. Though the authors mention critical objections against LARRA at various points, one does not get the impression that these objections were taken serious enough. For instance, the social impact assessment by the expert group can still be overruled by the government in case the expert group recommends refraining from conducting the acquisition. Ramesh and Ali Khan, however, stress that only 'very reckless officials would proceed against an "Expert" report' (Ramesh & Khan 2015: 23) and that the critique of this provision therefore is unjustified. But given the fact that political majorities change and that the prevalent political idea in India is not a right based agenda anymore it is far from impossible that such "reckless" decisions will be made in the future.

Land governance as a battle of ideas

This book review introduced into three different accounts on land reforms in India. Though looking at the field from three different disciplinary angles, all books have one thing in common—they exemplify that land governance is not only a complex legal field, but primarily a field in which different ideas and ideals of development clash. Like a prism, the history of land governance in India makes us look at many concurring ideas which constantly thrive for hegemony: ideas of economic liberalisation and a "business friendly" environment concur with visions of social transformation and distribution; communal models of shared resources concur with "modern" systems of individual property rights; union-wide development agendas concur with states having their own economic and political ideas. The future of India's land governance will depend on many actors, but three actors will play a particularly important role: firstly, the BJP has stressed on many occasion that it wants to reverse many of the achievements of LARRA. Currently, the BJP lacks a majority in the second chamber of the Indian parliament, the *Rajya Sabha*.

This current status quo, however, can change easily as the BJP has managed to replicate its union wide success in many states. Secondly, much will depend on the judiciary. Beginning in 2015, various state governments began to amend the LARRA at state level—and it is an open legal question if this approach is constitutional. Finally, and most importantly, it will depend on the civil society to uphold the recent



achievements in land governance. If the land question has been a game changer in state elections once, this can easily be the case in future elections.

Endnotes

¹ Wahi, Namita et al. (eds.). 2017. *Land acquisition in India: a review of the Supreme Court Cases 1950-2016*. edited by Centre for Policy Research New Delhi, p. 16, <http://www.lawtransform.no/wp-content/uploads/2017/04/Land-Acquisition-Report.pdf> [retrieved 08.11.2017].

² It should be noted that at the time when Chakravorty wrote his book the law was not enacted. However, the draft discussed by the author did not change substantially.

³ Cf. fn. 1

Bibliography

- Chakravorty, Sanjoy. 2013. *The price of land: acquisition, conflict, consequence*. New Delhi: Oxford University Press.
- D'Costa, Anthony P. & Achin Chakraborty, eds. 2017. *The land question in India: state, dispossession, and capitalist transition*. 1st edn. Oxford: Oxford University Press.
- Downing, Casey. 2013. Eminent domain in 21st century India: what New Delhi can learn from New London. *New York University Journal of International Law and Politics*, 46 (207), pp. 207–51.
- Gupta, Priya S. 2012. The peculiar circumstances of eminent domain in India. *Osgoode Hall Law Journal* 49 (3), pp. 445-89.
- Jenkins, Rob, ed. 2014. *Power, policy and protest: the politics of India's special economic zones*. New Delhi: Oxford University Press.
- Levien, Michael. 2013. The politics of dispossession: theorizing India's "Land Wars". *Politics & Society*, 41 (3), pp. 351-94.
- Ramesh, Jairam & Muhammad Ali Khan, eds. 2015. *Legislating for justice: the making of the 2013 land acquisition law*. 1st edn. New Delhi: Oxford University Press.
- Sankaranarayanan, Gopal. 2011. The fading right to property in India. In *Verfassung und Recht in Übersee/Law and Politics in Africa, Asia and Latin America*, 44 (2), pp. 220-36.

