

# Bihar State, INDIA - Land Governance Assessment Framework

Pan-LGI-Dim				Topic	Score			
					A	B	C	D
<b>PANEL 1: Land Rights Recognition</b>								
<i>LGI 1: Recognition of a continuum of rights</i>								
1	1	1	Individuals' rural land tenure rights are (i) legally recognized and (ii) protected in practice.	(i)	(ii)			
1	1	2	Customary tenure rights are legally recognized and protected in practice.					
1	1	3	Indigenous rights to land and forest are (i) legally recognized and (ii) protected in practice.					
1	1	4	Urban land tenure rights are legally recognized and protected in practice.					
<i>LGI 2: Respect for and enforcement of rights</i>								
1	2	1	Accessible opportunities for tenure individualization exist.					
1	2	2	Individual land in rural areas is recorded and mapped.					
1	2	3	Individual land in urban areas is formally (i) recorded and (ii) mapped.	(i)	(ii)			
1	2	4	The number of illegal land sales is low.					
1	2	5	The number of illegal lease transactions is low.					
1	2	6	Women's property rights are recorded.					
1	2	7	Women's property rights to land are equal to those by men in law and in practice.					
<b>PANEL 2: Rights to Forest and Common Lands &amp; Rural Land Use Regulations</b>								
<i>LGI 1: Rights to Forest and Common Lands</i>								
2	1	1	Clear identification and assignment of use for (i) forests (ii) common lands					
2	1	2	Rural group rights are formally recognized and can be enforced.					
2	1	3	Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.					
2	1	4	Multiple rights over common land and natural resources on these lands can legally coexist.					
2	1	5	Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist.					
2	1	6	Multiple rights over land and mining/other sub-soil resources located on the same plot can legally coexist.					
2	1	7	Accessible opportunities exist for mapping and recording of group rights.					
2	1	8	Boundary demarcation of communal land.					
<i>LGI 2: Effectiveness and equity of rural land use regulations</i>								
2	2	1	Restrictions regarding rural land use are justified and enforced.					
2	2	2	Restrictions on rural land transferability effectively serve public policy objectives.					
2	2	3	Rural land use plans are elaborated/changed via public process and resulting burdens are shared.					
2	2	4	Rural lands, the use of which is changed, are swiftly transferred to the destined use.					
2	2	5	Rezoning of rural land use follows a public process that safeguards existing rights.					
2	2	6	For protected rural land use (forest, pastures, wetlands, national parks, etc.) plans correspond to actual use.					
<b>PANEL 3: Urban Land Use, Planning, and Development</b>								
<i>LGI 1: Restrictions on Rights</i>								
3	1	1	Restrictions on urban land ownership/transfer effectively serve public policy objectives.					
3	1	2	Restrictions on urban land use (disaster risk) effectively serve public policy objectives.					
<i>LGI 2: Transparency of Land Use Restrictions</i>								
3	2	1	Process of urban expansion/infrastructure development process is transparent and respects existing rights.					
3	2	2	Changes in urban land use plans are based on a clear public process and input by all stakeholders.					
3	2	3	Changes in assigned urban land use are swiftly followed by actual land use change.					
<i>LGI 3: Efficiency in the Urban Land Use Planning Process</i>								
3	3	1	Policy to ensure delivery of low-cost housing and services exists and is progressively implemented.					
3	3	2	Land use planning effectively guides urban spatial expansion in the largest city.					
3	3	3	Land use planning effectively guides urban development in the four next largest cities.					
3	3	4	Planning processes are able to cope with urban growth.					
<i>LGI 4: Speed and Predictability of Enforcement of Restricted Land Uses</i>								
3	4	1	Provisions for residential building permits are appropriate, affordable and complied with.					

3	4	2	A building permit for a residential dwelling can be obtained quickly and at a low cost.						
<i>LGI 5: Tenure regularization schemes in urban areas</i>									
3	5	1	Formalization of urban residential housing is feasible and affordable.						
3	5	2	In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing.						
3	5	3	A condominium regime allows effective management and recording of urban property.						
<b>PANEL 4: Public Land Management</b>									
<i>LGI 1: Identification of Public Land and Clear Management</i>									
4	1	1	Criteria for public land ownership are clearly defined and assigned to the right level of government.						
4	1	2	There is a complete recording of public land.						
4	1	3	Information on public land is publicly accessible.						
4	1	4	The management responsibility for different types of public land is unambiguously assigned.						
4	1	5	Responsible public institutions have sufficient resources for their land management responsibilities.						
4	1	6	All essential information on public land allocations to private interests is publicly accessible.						
<i>LGI 2: Justification and Time-Efficiency of Acquisition Processes</i>									
4	2	1	There is minimal transfer of acquired land to private interests.						
4	2	2	Acquired land is transferred to destined use in a timely manner.						
4	2	3	The threat of land acquisition does not lead to pre-emptive action by private parties.						
<i>LGI 3: Transparency and Fairness of Acquisition Procedures</i>									
4	3	1	Compensation is provided for the acquisition of all rights regardless of their recording status.						
4	3	2	Land use change resulting in selective loss of rights there is compensated for.						
4	3	3	Acquired owners are compensated promptly.						
4	3	4	There are independent and accessible avenues for appeal against acquisition.						
4	3	5	Timely decisions are made regarding complaints about acquisition.						
<b>PANEL 5: Transfer of Large Tracts of Land to Investors</b>									
<i>LGI 1: Transfer of Public Land to Private Use Follows a Clear, Competitive Process and Payments are Collected</i>									
5	1	1	Public land transactions are conducted in an open transparent manner.						
5	1	2	Payments for public leases are collected.						
5	1	3	Public land is transacted at market prices unless guided by equity objectives.						
5	1	4	The public captures benefits arising from changes in permitted land use.						
5	1	5	Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored.						
<i>LGI 2: Private Investment Strategy</i>									
5	2	1	Land to be made available to investors is identified transparently and publicly, in agreement with right holders.						
5	2	2	Investments are selected based on economic, socio-cultural and environmental impacts in an open process.						
5	2	3	Public institutions transferring land to investors are clearly identified and regularly audited.						
5	2	4	Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (incl. sub-soil).						
5	2	5	Compliance with contractual obligations is regularly monitored and remedial action taken if needed.						
5	2	6	Safeguards effectively reduce the risk of negative effects from large scale land-related investments.						
5	2	7	The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice.						
<i>LGI 3: Policy Implementation is Effective, Consistent and Transparent</i>									
5	3	1	Investors provide sufficient information to allow rigorous evaluation of proposed investments.						
5	3	2	Approval of investment plans follows a clear process with reasonable timelines.						
5	3	3	Right holders and investors negotiate freely and directly with full access to relevant information.						
5	3	4	Contractual provisions regarding benefit sharing are publicly disclosed.						
<i>LGI 4: Contracts Involving Public Land are Public and Accessible</i>									
5	4	1	Information on spatial extent and duration of approved concessions is publicly available.						

5	4	2	Compliance with safeguards on concessions is monitored and enforced effectively and consistently.					
5	4	3	Avenues to deal with non-compliance exist and obtain timely and fair decisions.					
<b>PANEL 6: Public Provision of Land Information: Registry and Cadastre</b>								
<i>LGI 1: Mechanisms for Recognition of Rights</i>								
6	1	1	Land possession by the poor can be formalized in line with local norms in an efficient and transparent process.					
6	1	2	Non-documentary evidence is effectively used to help establish rights.					
6	1	3	Long-term unchallenged possession is formally recognized.					
6	1	4	First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.					
<i>LGI 2: Completeness of the Land Registry</i>								
6	2	1	Total cost of recording a property transfer is low.					
6	2	2	Information held in records is linked to maps that reflect current reality.					
6	2	3	All relevant private encumbrances are recorded.					
6	2	4	All relevant public restrictions or charges are recorded.					
6	2	5	There is a timely response to requests for accessing registry records.					
6	2	6	The registry is searchable.					
6	2	7	Land information records are easily accessed.					
<i>LGI 3: Reliability of Registry Information</i>								
6	3	1	Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost.					
6	3	2	Registry information is up-to-date and reflects ground reality.					
<i>LGI 4: Cost-effectiveness and Sustainability of Land Administration Services</i>								
6	4	1	The registry is financially sustainable through fee collection to finance its operations.					
6	4	2	Investment in land administration is sufficient to cope with demand for high quality services.					
<i>LGI 5: Fees are Determined Transparently</i>								
6	5	1	Fees have a clear rationale, their schedule is public, and all payments are accounted for.					
6	5	2	Informal payments are discouraged.					
6	5	3	Service standards are published and regularly monitored.					
<b>PANEL 7: Land Valuation and Taxation</b>								
<i>LGI 1: Transparency of Valuations</i>								
7	1	1	There is a clear process of property valuation.					
7	1	2	Valuation rolls are publicly accessible.					
<i>LGI 2: Collection Efficiency</i>								
7	2	1	Exemptions from property taxes payment are justified and transparent.					
7	2	2	All property holders liable to pay property tax are listed on the tax roll.					
7	2	3	Assessed property taxes are collected.					
7	2	4	Receipts from property tax exceed the cost of collection.					
<b>PANEL 8: Dispute Resolution</b>								
<i>LGI 1: Assignment of Responsibility</i>								
8	1	1	There is clear assignment of responsibility for conflict resolution.					
8	1	2	Conflict resolution mechanisms are accessible to the public.					
8	1	3	Mutually accepted agreements reached through informal dispute resolution systems are encouraged.					
8	1	4	There is an accessible, affordable and timely process for appealing disputed rulings.					
<i>LGI 2: The Share of Land Affected by Pending Conflicts is Low and Decreasing</i>								
8	2	1	Land disputes constitute a small proportion of cases in the formal legal system.					
8	2	2	Conflicts in the formal system are resolved in a timely manner.					
8	2	3	There are few long-standing (> 5 years) land conflicts.					
<b>PANEL 9: Institutional Arrangements and Policies</b>								
<i>LGI 1: Clarity of Mandates and Practice</i>								
9	1	1	Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.					
9	1	2	Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).					
9	1	3	Administrative (vertical) overlap is avoided.					

9	1	4	Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.				
9	1	5	Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.				
9	1	6	Ambiguity in institutional mandates (based on institutional map) does not cause problems.				
<i>LGI 2: Equity and Non-discrimination in the Decision-making Process</i>							
9	2	1	Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.				
9	2	2	Land policies address equity and poverty reduction goals; progress towards these is publicly monitored.				
9	2	3	Land policies address ecological and environmental goals; progress towards these is publicly monitored.				
9	2	4	The implementation of land policy is costed, matched with benefits and adequately resourced.				
9	2	5	There is regular and public reporting indicating progress in policy implementation.				
9	2	6	Land policies help to improve land use by low-income groups and those who experienced injustice.				
9	2	7	Land policies proactively and effectively reduce future disaster risk.				