

West Bengal, INDIA - Land Governance Assessment Framework

Pan-LGI-Dim				Topic	Score			
					A	B	C	D
PANEL 1: Land Rights Recognition								
<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.	■				
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.			■		
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.			■		
PANEL 2: Rights to Forest and Common Lands & Rural Land Use Regulations								
<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.		■			
PANEL 3: Urban Land Use, Planning, and Development								
<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.					
PANEL 4: Public Land Management								
<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.					
PANEL 5: Transfer of Large Tracts of Land to Investors								
<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.					

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.				