

# **Role of the State Land Use Board and Land Management in Himachal Pradesh**

**Technical Note III**

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**For the Government of Himachal Pradesh  
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## 1.1 Introduction:

Land Acquisition, or land transfer or allocation of land for different sectoral purposes have legal consequences as well as social consequences. While there is a legal framework for acquisition and administrative mechanism for land transfers, it is equally important to examine the policy framework that exists for land use and its allocation. This would be crucial to understanding the overall land management in the state. It is with this objective that other institutional arrangements on land use needs to be examined. The high profile State Land Use Board established, prima facie appears to be performing the role of an apex body to look into the entire land use scenario in the State. Before, the effectiveness or its constitution and functions are examined it would be useful to understand the evolution and rationale of such bodies in the country.

## 1.2 Evolution and Rationale of SLUB:

Institutional mechanisms for promoting sustainable land use was first initiated in the country through the constitution of Land Use Boards in most of the states and Union Territories by 1974 and later restructured in 1985. However, most of these have virtually remained non-functional. Kerala and UP provide some exceptions<sup>2</sup>. The National Land Use and Wastelands Development Council (NLWC) set up in 1985, located in the Department of Land Resources of the Ministry of Rural Development is the highest policy planning and co-ordinating agency for all issues concerning the country's land resources. The Prime Minister of India is the Chairman of the Council. The National Land Use and Conservation Board (NLCB) [established in 1983, and restructured in 1985 and 2001] is located in the Ministry of Agriculture, Department of Agriculture and Cooperation and serves as policy planning, coordinating and monitoring agency at national level for issues concerning health and management of land resources. The Ministry of Agriculture, GOI, oversees and co-ordinates the work of the National Land-Use and Conservation Board (NLCB) and the State Land Use Boards (SLUBs)<sup>3</sup>.

Under the strengthening of State Land Use Board (SLUB) initiative launched in 1983 through a Centrally Sponsored Programme all the States and Union

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<sup>2</sup>See DCAP; undated "Need for a state level coordinating and regulatory institutional mechanism for governance of forest sector".

<sup>3</sup> ibid

Territories (UTs) had been advised to establish State Land Use Board (SLUB) as an apex body where the major objectives were:

- a) To provide policy directive for sustainable development of land resources
- b) To ensure close coordination among various land user departments and
- c) To initiate necessary steps for integrated planning for optimal use of available land resources.

The major activities which are being undertaken by different States among other things required to formulate and implement a Land Use Policy; launch massive awareness campaign for promotion of scientific land use even at village level/Panchayat level to make the task of preservation of land resources as mass movement; implement the 19 point on National Land Use Policy Outlines (NLPOs); prepare perspective plan, formulate launching of development scheme in light of suggestion emerged in the perspective plan; develop infrastructure such as installment of computer system, Software for development of database on land uses among other things. See Box 1 for status of some of the activities in Himachal Pradesh as per secondary source.

**Box - 1**

**Status of Various Activities in Himachal Pradesh**

*Perspective Plan*

It is believed that Himachal Pradesh, has initiated the preparation of the perspective plan, however, the exact status need to be determined to know the status

*Land Use Policy*

No such initiative on Draft Land Use Policy has been taken by the state of Himachal Pradesh.

*Laws/Acts -*

It is reported that the state of Himachal Pradesh does have Laws/Acts for checking diversion of agriculture land for non-agricultural purposes.

Then there are other national bodies such as National Land Use Conservation Board and National Afforestation and Eco- Development Board as well as policies such as the National Policy outline concerned with land resources with their own share of implementation and effectiveness concerns. See Annex - I for details.

One of the objectives of the National Policy Outline that has relevance to the present context is the examination of legal support available for enforcement of land use policy in the form of existing State and central laws and to consider the need for comprehensive legislation to provide some teeth to any machinery entrusted with implementation of the national land use policy outline. Thus, as early as 1988, the need to adopt an inter-sectoral approach to management of

land resources, and the need for a suitable legal framework to enforce such an approach had been identified.

The latest in terms of the Policy Development at the national level on land is the constitution of a “ Committee on state agrarian relations and the unfinished task in the land reforms<sup>4</sup>” and more importantly the constitution of the “National Council for land reforms”<sup>5</sup>. The said committee among other things is required to conduct indepth review of status of distribution of land, access of the poor to CPRs, management, development and distribution of government land or waste land to landless, distribution of bhoodan land, tenancy issues, alienation of tribal land and their restoration, speedy disposal of land related litigation, homestead land, modernization of land management including updating of land records, proper recording of land rights and gender concerns in access to land. The National Council is a high profile body headed by the Prime Minister, seven Cabinet Ministers and including other known land related experts. The said Committee has been given one year to finish this task including in depth studies etc. that may be required to finally submit the report to the national council. It will be important to observe the progress of both the committee and the response by the National Council to assess the impacts of such bodies in the area of land reforms.

Policy developments at the national level clearly provides a compelling context for the enactment of a land use policy for Himachal Pradesh. It is in this background the State Land Use Board of Himachal Pradesh needs to be examined.

### ***1.3 SLUB and Land Use Policy in Himachal Pradesh***

The government of Himachal Pradesh wide notification No. Van-A(F) 6-2/92-Vol-1 dated January 9<sup>th</sup> 2004 constituted the Himachal Pradesh State Land Use and Wasteland Development Board under the Chairmanship of the Chief Minister. This was again a high profile body with several Ministers, MLAs Chief Secretary and other senior bureaucrats and technical heads of departments however with a comparatively lesser senior forest official as a Member Secretary. The Member Secretary is a Conservator level forest officer who is also a Director of the State Land Use Board. The mandate of the SLUB was to assess the land resources of the state and the uses to which these resources can be put. Among other things it was also required to lay down policy for land management programmes and control land management works. The State Land Use Board was also mandated to review the existing landuse in the state and putting land to use in accordance with their capabilities. Further, the Board is required to undertake effective measures to protect agricultural land from

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<sup>4</sup> Vide resolution No. 21013/4/2007-LRD dated 9<sup>th</sup> January, 2008 of the Ministry of Rural Development (Department of Land Resources)

<sup>5</sup> Vide Resolution No. 21013/4/2007-LRD dated 9<sup>th</sup> January, 2008 of the Ministry of Rural Development (Department of Land Resources)

urbanization and industrialization. The SLUB among other things was also required to provide a forum for bringing together various disciplines on land use so as to evolve integrated plans on land use. The SLUB is also required among other things to review existing land use in the state and exploring possibilities of taking steps to putting land use according to their capabilities. Among other things the SLUB is required to enforce land use statutes, increase land efficiency, formulate and implement plans for rehabilitation of allottees of surplus land and setting up of land reclamation and development corporation. Waste Land development is another major focus of the SLUB where wasteland development, coordination with centre, state and local bodies and setting up of inter disciplinary bodies and expert groups for preparing schemes are essential functions entrusted to the SLUB.

Another important aspect, which the SLUB is required to look into, is the development of the land use policy. The issue of land use policy and its importance for forest sector management was brought up in several consultative meetings / workshops conducted in the course of implementation of *Himachal Pradesh Forest Sector Reforms Project* (HPFSRP), both within the Forest Department as well as with other Departments of HP Government <sup>6</sup>. The various opinions and suggestions that were repeatedly made by participants include:

- Lack of Land Use Policy
- Need for land use policy in every department.
- Non functioning of Land Use Board.
- Lack of clear agenda and strategies for Land Use Board.
- Lack of coordination with Various departments in developing land use policies.
- Lack of sufficient technical expertise for land use policy.
- Problem of low emphasis on planning in the State as a whole.
- Need for Natural Resources Policy that over-rides all other policies, rather than Forest Policy.
- Need for a Natural Resources Policy for each department within a broad state level framework

Infact the new Forest Sector Policy emphasises the role of SLUB and Land Use Planning where it states: *“The need for land use planning becomes imperative to balance the competing demands of different sectors in order to promote balanced land use and check the diversion of prime lands under forestry and agriculture. The State Land Use Board will undertake this task on priority. The forest sector shall be an integral part of the land use planning”*. Land under tree cover needs to be safeguarded for providing sustained benefits to the

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<sup>6</sup> Ibid

*community and diversion of such land to other purposes should be done after careful examination from the social and environmental standpoint.*

One of the key Strategies to achieve the above is to strengthen the State Land Use Board (SLUB) and streamline the land use planning process and existing arrangements of the state land use resources by empowering it through adequate financial resources, representative staffing from all land using departments and regulatory functions. This was also brought out in numerous interactive sessions with officials of SLUB both present and past. Three clear problems were delineated as follows:

- a) although the SLUB is a very high profile body it is not a statutory body and thus lacks teeth as far as implementation is concerned.
- b) it is financially cash strapped and does not have any statutory mandate due to which even basic information gathering within the state has been a problem.
- c) the operational problem is its placement within a line department i.e. forest department and therefore the lack of influence on other departments.

It has thus been suggested that the management of day-to-day activities needs to be placed at a much higher level in the government and the Board must have statutory powers to exercise influence on other departments.

#### **1.4 Concluding remarks:**

Thus a case is clearly made out for a state-level institution - such as the H.P. State Land Use and Wasteland Development Board - that can prepare, direct and coordinate an appropriate land use policy for the State, as well as function as a fulcrum for effective inter-sectoral coordination. In its present form, however, the SLUB is not equipped to undertake these responsibilities. The role of SLUB needs to be redefined through appropriate legislation that will confer upon it a superior authority to enable it to effectively enforce appropriate land use decisions inter-sectorally, for harmonizing conflicting land demands of the various sectors including industry, roads and other infrastructural developments in the state in the interest of sustainable development, and thereby ensure equitable land use for different competing sectors. It is important that competing land use by different sectors such as industry, roads and other infrastructure development needs to be over seen by an overarching body such as the SLUB which has the Chief Minister as its head.

## *Annex I*

### **National Bodies on Land Resources and Their Use- Status and Challenges of Implementation**

Some of the important national bodies concern with which include the National Wastelands Development Board (NWDB), located in the Department of Land Resources, Ministry of Rural Development for matters related to wasteland in the country and the National Afforestation and Eco- Development Board (NAEB) located in the Ministry of Environment and Forests for the matters related to the land belonging to forests.

The creation of the National Land Use Conservation Board and the corresponding State Land Use Boards at the State level (SLUBS) has not created a major impact<sup>7</sup>. Meetings of NLCB and the SLUBs are few and held far in between. All States were asked to prepare perspective plans for next 25 years (2025) through the SLUBs keeping in view the demands for food, fuel, fodder and industrial needs. This however, remains to be accomplished in the future. In December 1986, a study group was set up by the National Land Use and Conservation Board to go into the whole question of working of the SLUBs. It submitted its report in December 1987. Based on this report, the Centre announced the National Land Use Policy Outline in 1988, which included a 19-point agenda that was adopted based on decisions at the first meeting of the National Land Use and Wasteland Development Council. Apart from again stressing the need for revitalisation of the SLUBs, the agenda sought evolution of a land use policy and enacting of legislation for its enforcement.

*The National Land Use Policy Outlines, 1988* takes into account the environmental, social, demographic, economic and legal issues. The National Land Resource Management Policy Outline follows the stated underlying principle that aims at the transition from resource *use* to resource *management*.

The Policy Outline was circulated to all States concerned for adoption and implementation through enactment of suitable legislation.

The Policy outline suggested several strategies for achieving the objectives of:

1. Increasing productivity of land
2. Restoring the productivity of degraded land
3. Preventing any further deterioration of land resource
4. Rational allocation of land for different uses
5. Establishing an effective institutional structure for land use regulation
6. Involving community in adoption of appropriate land use practices

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<sup>7</sup> Personal communication with senior officials at the State Secretariat and in the Central Government

7. Creating greater awareness of advantages of appropriate land use.
8. Restructuring livestock production practices.
9. Promoting mixed farming systems to combine agriculture with fodder and energy supply
10. Establishing a reliable land use database etc.

The National Policy Outline, however, did not make the desired impact, mainly due to the poor response of States and UTs in the matter of its implementation, and the continuation of fragmented handling of different components of agriculture like land and soil, and of different natural resources.

The Government of India has also initiated the preparation of a Land Resource Management Policy and Approach in consultation with FAO, the Lal Bahadur Shastri National Academy of Administration and the National Institute of Rural Development (NIRD). The policy is intended to have dynamic conservation, sustainable development and equitable access to the benefits of intervention as its thrust<sup>8</sup>.

Another important decision was to set up a national commission on land use policy comprising experts in the relevant fields to examine the various aspects and make appropriate recommendations. The objectives behind the decision were:

- to review and coordinate a long-term strategy at the national and the state levels on the pattern of land use in the country
- *To adopt an integrated approach to a number of related subjects such as preservation and development of forest wealth, optimum utilization of wasteland, watershed development, safe guarding biodiversity, etc.*

A similar multi-sectoral, multi-dimensional approach to land resource management has been adopted by the present Government at the Centre, particularly in the context of the country being a signatory to international environmental covenants.

The National Action Programme to Combat Desertification in the context of the UNCCD<sup>9</sup> lists the following important issues that require to be addressed in the context of combating desertification and for sustainable development in the country.

1. Preparation of legislation for land use policy since land is a State subject, on all aspects of land use planning.

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<sup>8</sup> India National Action Programme to Combat Desertification in the Context of United Nations Convention to Combat Desertification (UNCCD), Ministry of Environment and Forests, GOI, New Delhi, September 2001.

<sup>9</sup> Ibid

2. Inventory, characterization and monitoring of **natural resources**, as adequate information is lacking on characterization of soil and water resources and climatic parameters at micro-level, which is very essential for efficient land use planning and resource allocation.
3. Development of efficient and sustainable land use plans for each agro-ecological zone or sub-zones of the country, considering their resource base, potential productivity, risk factors, and social acceptability at micro-level. This would help in creating essential infrastructure to support the system for yield maximization and its commercialization without adverse impacts to ecology.
4. Development/reclamation of degraded lands (including permanent and current fallows) to bring additional area under cultivation in order to meet the increasing demands of food.
5. Development of institutional mechanism of people for sustainable land use.