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# **ISSUES AND CHALLENGES IN PARTITION OF AGRICULTURAL LAND A DOCTRINAL RESEARCH**

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## **ABSTRACT**

Agricultural land partition in India is a complex and multidimensional legal phenomenon rooted in centuries of agrarian tradition, personal law, and colonial legislative inheritance. The partition of agricultural holdings among co-sharers, successors, and legal heirs has been a persistent source of litigation, land fragmentation, and administrative disputes across rural India. This doctrinal research paper examines the legal, historical, institutional, and socio-economic dimensions of agricultural land partition, with a focused analysis of the issues and challenges that impede equitable, efficient, and legally sound division of such land.

The paper traces the historical evolution of partition law from Hindu joint family traditions through colonial-era codification to post-independence statutory frameworks. It surveys the principal legislation governing agricultural partition, including the Transfer of Property Act 1882, the Hindu Succession Act 1956 (as amended in 2005), the Partition Act 1893, state-specific land revenue codes, and tenancy laws. It interrogates the structural causes of agricultural land fragmentation and the institutional mechanisms revenue courts, civil courts, Panchayat Raj bodies, and Lok Adalats available for dispute resolution.

Through an analysis of landmark Supreme Court and High Court decisions, the paper identifies critical jurisprudential developments concerning the rights of female heirs, coparceners, tenants, and tribal communities. The research highlights post-liberalisation government initiatives including the National Land Records Modernisation Programme (NLRMP), DILRMP, model land leasing laws, and various state-level consolidation statutes. The paper concludes with concrete recommendations directed at legislators, administrators, and dispute-resolution bodies to address the systemic inefficiencies that plague agricultural land partition in India.

**Keywords:** Agricultural, partition, Hindu joint family, agricultural land partition, post-liberalisation, NLRMP, DILRMP

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# **CHAPTER I**

## **1.1.INTRODUCTION**

Land is not merely a factor of production in the agrarian context; it is the repository of family identity, social status, and economic survival. For millions of rural households in India, agricultural land represents the singular most important asset across generations. Partition of agricultural land refers to the legal process by which undivided or jointly held agricultural property is divided among co-owners, co-parceners, or heirs, resulting in individual, definite, and separate shares. While the concept appears deceptively simple, the legal and practical landscape governing such partition is extraordinarily complex, shaped by a confluence of constitutional norms, central statutes, state-specific revenue and tenancy laws, personal law systems, and customary practices.

The doctrinal research methodology employed in this paper relies upon the analysis of primary legal sources statutes, constitutional provisions, judicial decisions of the Supreme Court and High Courts, and revenue manuals supplemented by secondary sources including academic commentary, law commission reports, and policy documents. The paper does not engage in empirical field research but situates doctrinal analysis within the socio-legal context necessary to evaluate the adequacy of existing law.

## **1.2SIGNIFICANCE OF THE STUDY**

Land, as the primary means of agricultural production, is not merely an economic asset but also a socio-cultural and legal entity deeply embedded in the fabric of Indian society. The partition of agricultural land whether through inheritance, family settlement, court decree, or voluntary division has far-reaching consequences for food security, rural livelihoods, and the socio-economic status of farming communities.<sup>1</sup>

The significance of studying this subject arises from several convergent imperatives. First, land partition is among the most frequent causes of civil litigation in India. Revenue courts and civil courts across the country are overwhelmed with partition suits filed by co-owners, co-sharers,

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<sup>1</sup> (1) Government of India, *Agricultural Census 2015–16* (Ministry of Agriculture & Farmers Welfare, 2019)

legal heirs, and members of joint Hindu families. The backlog of such cases has reached crisis proportions in states like Uttar Pradesh, Bihar, Madhya Pradesh, and Maharashtra, highlighting an urgent need for doctrinal clarity and institutional reform.

Second, the progressive fragmentation of agricultural holdings as a result of repeated partitions has become a critical agrarian problem. Third, the legal landscape governing agricultural land partition is extraordinarily complex. It involves an intricate interplay of central and state legislation, personal laws, customary practices, tenancy statutes, and land ceiling laws.<sup>2</sup> Ambiguities in this legal framework give rise to contradictory judicial interpretations and administrative confusion, particularly regarding the rights of female heirs, the status of self-acquired versus ancestral property, and the applicability of tenancy protections during partition proceedings. Fourth, marginalised communities including women, Scheduled Castes, Scheduled Tribes, and landless agricultural labourers are systematically disadvantaged in partition proceedings. Despite legislative amendments such as the Hindu Succession (Amendment) Act 2005, practical access to rightful shares of agricultural land remains elusive for many women due to sociocultural resistance, inadequate land records, and procedural complexity.<sup>3</sup>

This research paper is therefore significant because it seeks to provide a comprehensive doctrinal mapping of the legal framework, identify systemic deficiencies, and offer evidence-based recommendations for reform contributions that are of immediate relevance to legislators, administrators, legal practitioners, and agrarian policymakers.

### 1.3 REVIEW OF LITERATURE

The literature on agricultural land partition in India spans legal scholarship, agrarian economics, sociological studies, and policy analysis. A comprehensive review reveals both the breadth of scholarly engagement with this subject and the gaps that this doctrinal study seeks to fill.

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<sup>2</sup> Government of India, *Report of the Committee on State Agrarian Relations and Unfinished Task in Land Reforms* (2009)

<sup>3</sup> Hindu Succession (Amendment) Act, 2005, No. 39 of 2005, India.

### 1.3.1 Classical and Historical Scholarship

**Sir Henry Maine's** Ancient Law (1861)<sup>4</sup> - arguing that the joint family system was the primordial form of social organisation from which individual property rights gradually evolved. This insight informs contemporary understanding of why partition from a Hindu joint family is treated as a severance of status rather than a mere transfer of property. P.V. Kane's History of Dharmashastra (Volumes I-V) provides a meticulous exposition of the Mitakshara and Dayabhaga schools of Hindu law and their divergent approaches to joint family property and partition rights, constituting an indispensable reference for any doctrinal analysis.

### 1.3.2 Legal and Jurisprudential Literature

**Mulla's** Principles of Hindu Law (23rd Edition, 2018)<sup>5</sup> remains the authoritative commentary on the Hindu Succession Act 1956 and related provisions, offering detailed analysis of coparcenary rights, daughters' inheritance, and the mechanics of partition. Paras Diwan's Modern Hindu Law is similarly essential, particularly his treatment of the right to demand partition and the effect of the 2005 Amendment on female coparceners.

**Vepa P. Sarathi's** Law of Evidence<sup>6</sup> and Takwani's Civil Procedure - Regarding revenue law, P.S. Narayana's Commentary on Land Revenue Laws and various state-specific commentaries (such as those on the U.P. Zamindari Abolition and Land Reforms Act 1950) provide the technical foundation for understanding administrative partition proceedings.

**Usha Ramanathan's**<sup>7</sup> and Rama Naga's scholarship on tribal land rights, address the specific vulnerabilities of marginalised communities in land partition contexts. Govind Kelkar and Dev Nathan's Gender and Tribe offer an intersectional analysis of how customary law disadvantages women in tribal land partition.

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<sup>4</sup> Sir Henry Maine's Ancient Law (1861) laid the foundational framework for understanding joint property and partition in the context of primitive communities

<sup>5</sup> Mulla's Principles of Hindu Law (23rd Edition, 2018) remains the authoritative commentary on the Hindu Succession Act 1956

<sup>6</sup> Vepa P. Sarathi's Law of Evidence and Takwani's Civil Procedure are critical references for understanding the procedural dimensions of partition suits before civil courts

<sup>7</sup> Usha Ramanathan's works on land acquisition and dispossession,



### 1.3.3 Economic and Agrarian Studies

**The National Sample Survey Office (NSSO)**<sup>8</sup> Reports on Land and Livestock Holdings (various rounds) document the extent of agricultural land fragmentation and its economic consequences in comprehensive quantitative detail. World Bank studies, particularly the 2007 report on land policies in India, analyse the inefficiencies created by fragmented holdings and the barriers to land market development. Bhupinder Singh's Agricultural Land Reforms and Development in India traces the economic dimensions of land fragmentation post-Green Revolution.

### 1.3.4 Policy and Institutional Studies

**The Report of the National Commission on Farmers (M.S. Swaminathan, 2006)**<sup>9</sup> makes crucial recommendations on land consolidation, prevention of further fragmentation, and the need for a Model Agricultural Tenancy and Land Leasing Act. The Planning Commission's Working Group Reports on Land Reform (12th Five Year Plan) examined institutional failures in land administration, including those related to partition. NITI Aayog's Model Agricultural Land Leasing Act 2016 directly responds to the need to regulate voluntary transfers arising from partition-led fragmentation.

### 1.3.5 Research Gaps

Despite this rich scholarship, a comprehensive doctrinal study that integrates historical evolution, multi-statute legal framework analysis, judicial interpretation, institutional mechanisms, and reform recommendations in a single work is lacking. Most existing studies are either narrowly focused on one aspect (such as succession rights or fragmentation economics) or treat partition of agricultural land as incidental to broader agrarian reform discussions. This research paper aims to fill that gap by providing a holistic doctrinal treatment.

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<sup>8</sup> The National Sample Survey Office (NSSO) Reports on Land and Livestock Holdings (various rounds) document the extent of agricultural land fragmentation

<sup>9</sup> The Report of the National Commission on Farmers (M.S. Swaminathan, 2006) makes crucial recommendations on land consolidation

## 1.4 OBJECTIVES OF THE STUDY

- To trace the historical evolution of agricultural land partition law in India from ancient Hindu legal traditions through the colonial period to the post-independence legislative framework.
- To systematically map the legal and administrative framework governing partition of agricultural land, encompassing central legislation, state revenue laws, personal laws, and tenancy statutes.
- To identify, classify, and analyse the key issues and challenges legal, administrative, socio-economic, and institutional that impede fair and efficient agricultural land partition.
- To examine the principal causes of agricultural land fragmentation resulting from repeated partitions and assess their impact on farm productivity and rural livelihoods.
- To evaluate the institutional mechanisms available for the resolution of agricultural land partition disputes, including revenue courts, civil courts, Lok Adalats, and Panchayat bodies.
- To analyse landmark judicial decisions that have shaped the law on agricultural land partition, with particular reference to the rights of female heirs, tribal communities, and tenants.
- To assess government initiatives and legislative reforms aimed at addressing the challenges of agricultural land partition and fragmentation.
- To formulate concrete, evidence-based recommendations for legal and administrative reform to improve the partition process and protect the interests of all stakeholders.

## 1.5 RESEARCH QUESTIONS

### *1.5.1 Central Research Question*

What are the principal issues and challenges in the legal framework, administrative processes, and institutional mechanisms governing the partition of agricultural land in India, and how can these be effectively addressed through legal and policy reform?

### *1.5.2 Subsidiary Research Questions*

1. How has the historical evolution of partition law from Dharmashastra to colonial codification to post-independence legislation shaped the contemporary legal framework governing agricultural land partition?
2. What are the different types of agricultural land partition recognised under Indian law, and what are the legal consequences of each?
3. How do the multiplicity and inconsistency of laws governing agricultural land partition create legal uncertainty and administrative inefficiency?
4. To what extent have the rights of female coparceners under the Hindu Succession (Amendment) Act 2005 been effectively realised in the context of agricultural land partition, and what barriers persist?
5. How effective are existing institutional mechanisms revenue courts, civil courts, Lok Adalats, and alternative dispute resolution in resolving agricultural land partition disputes expeditiously and equitably?
6. What lessons can be drawn from recent government reforms and judicial decisions to improve the legal and administrative framework for agricultural land partition?

## **1.6 RESEARCH METHODOLOGY**

### **1.6.1 Nature and Approach**

This research paper adopts a doctrinal legal research methodology. Doctrinal research, also described as 'black-letter law' research, involves a systematic analysis of legal texts, statutes, judicial decisions, and established legal principles to understand, describe, explain, and critique existing law. The doctrinal approach is appropriate for this study because the primary objective is to analyse the legal framework governing agricultural land partition, identify its internal inconsistencies and gaps, and formulate normative recommendations for reform.

## 1.6.2 Sources of Data

**Primary Sources:** The research draws principally on primary legal sources, including the Constitution of India<sup>10</sup>; central legislation (Hindu Succession Act 1956, Transfer of Property Act 1882, Partition Act 1893, Hindu Minority and Guardianship Act 1956<sup>11</sup>, Land Acquisition Act 1894 and its replacement, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013); state land revenue codes and tenancy statutes; landmark Supreme Court judgments and High Court decisions; Law Commission of India Reports; and Parliamentary Committee Reports on land-related legislation.

**Secondary Sources:** Secondary sources consulted include standard legal textbooks and commentaries<sup>12</sup> peer-reviewed journal articles from law reviews and agrarian studies publications, reports of the National Commission on Farmers, NITI Aayog policy papers, World Bank and FAO reports on Indian land policy, and reputable academic monographs on agrarian history and land tenure.

## 1.7 Scope and Limitations

### *1.7.1 Scope of the Study*

This study examines the legal, socio-economic, and administrative issues involved in the partition of agricultural land in India. It focuses primarily on the doctrinal analysis of laws governing partition, including personal laws (especially Hindu law), central and state land legislations, tenancy laws, and land reform policies. The study also explores judicial interpretations relating to partition disputes, particularly those concerning coparcenary rights, inheritance, and the distinction between ancestral and self-acquired property. Further, the research analyses key challenges such as fragmentation of landholdings, procedural delays in courts, inadequacies in land records, and the impact of partition on agricultural productivity and rural livelihoods. Special attention is given to the position of marginalized groups, including women, Scheduled Castes, and Scheduled Tribes, in accessing their legal rights during partition proceedings.

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<sup>10</sup> Constitution of India 1950

<sup>11</sup> Hindu Minority and Guardianship Act 1956

<sup>12</sup> Mulla, Paras Diwan, Vepa P. Sarathi

### *1.7.2 Limitations of the Study*

Despite its comprehensive approach, the study is subject to certain limitations. First, the research is primarily doctrinal in nature and relies on secondary sources such as statutes, case laws, government reports, and academic literature. It does not include extensive empirical or field-based data collection. Second, given the diversity of land laws across Indian states, the study does not provide an exhaustive analysis of all state-specific legislations. Instead, it adopts a generalized approach, with selective references to certain states for illustrative purposes. Third, the dynamic nature of land laws and ongoing judicial developments may limit the long-term applicability of certain findings and interpretations presented in the study.

## **1.8 FRAMEWORK OF STUDY**

- 1.8.1 **CHAPTER I INTRODUCTION** provides the introductory framework, Introduction, Significance of the Study, Review of Literature, Objectives of the Study, Research Questions, Research Methodology, Scope and Limitations and overall framework of paper.
- 1.8.2 **CHAPTER II HISTORICAL BACKGROUND AND TYPES OF PARTITION** – Partition of agricultural land traces 4 period Ancient Period: Dharmashastra and the Hindu Joint Family, Medieval Period: Mughal Land Administration, Colonial Period: Legislative Codification and the Emergence of Modern Partition Law, Post-Independence Period: Agrarian Reforms and the Contemporary Framework. Partition of agricultural land into 4 types of Partition by Mutual Agreement (Consensual Partition), Partition by Court Decree, Partition by Revenue Authority, Partition by Will or Testamentary Direction.
- 1.8.3 **CHAPTER 3: ISSUES IN PARTITION OF AGRICULTURE** – There are various issues in partition of agriculture land -Multiplicity and Inconsistency of Laws, Challenges Related to Land Records, Gender Injustice in Agricultural Land Partition, Disputes over Ancestral vs. Self-Acquired Property, Administrative Delays and Corruption, Minors and Persons under Legal Disability, Tenancy and Third-Party Rights and Tribal and Forest Land.

- 1.8.4 **CHAPTER 4: LEGAL FRAMEWORK AND MECHANISMS** First framework Constitutional Framework, Central Legislation includes Hindu Succession Act 1956 (as amended 2005), Transfer of Property Act 1882, The Partition Act 1893, Code of Civil Procedure 1908, State Land Revenue Laws, Tenancy and Ceiling Laws, Personal Laws of Other Communities and many Institutional Mechanisms for Dispute Resolution includes Civil Courts, Revenue Courts and Revenue Authorities, Panchayat Raj Institutions, Lok Adalats and Alternative Dispute Resolution, Special Land Tribunals.
- 1.8.5 **CHAPTER 5: JUDGMENT AND REFORMS:** Landmark judgement includes Supreme Court of India and various High Court judgment and lots of Government Initiatives and Reforms National Land Records Modernisation Programme (NLRMP) / DILRMP, Model Agricultural Tenancy and Leasing Laws Special Courts and Fast-Track Mechanisms etc.
- 1.8.6 **CHAPTER 6 : CONCLUSION :** Presents the conclusion ,test the hypothesis, and offer comprehensive suggestions for law reforms and policy intervention.



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## **CHAPTER II**

### **2.1 HISTORICAL BACKGROUND AND TYPES OF PARTITION**

#### **2.1.1 Ancient Period: Dharmashastra and the Hindu Joint Family**

The concept of joint family property and its partition in Indian law is of great antiquity, traceable to the Vedic period. The Rigveda and Atharvaveda contain references to family property (kulasva) and the division of cattle and grain among sons.<sup>13</sup> The Dharmashastra literature comprising the Manusmriti, Yajnavalkyasmriti, Naradasmriti, and Arthashastra of Kautilya elaborately treats questions of inheritance and partition (vibhaga) within the joint Hindu family.

Two principal schools of Hindu law developed divergent doctrines of joint family property. The Mitakshara school, prevailing throughout India except Bengal and Assam, held that sons, grandsons, and great-grandsons acquire by birth an interest in joint family property (sapinda property or ancestral property). Under this school, any coparcener possesses an inalienable right to demand partition (vibhagadhikar) which the other coparceners cannot refuse.<sup>14</sup> The Dayabhaga school, operative in Bengal and Assam and codified by Jimutavahana, took the contrasting position that sons acquire no interest in ancestral property during the father's lifetime; property vests only at the father's death. Partition under Dayabhaga thus resembles succession more than a severance of joint status.

The Mitakshara concept of the coparcenary comprising the holder of the property and his descendants up to three degrees and the doctrine of survivorship (in which a deceased coparcener's share accrues to the surviving coparceners rather than passing to his heirs) had profound implications for agricultural land.<sup>15</sup> Under the classical Mitakshara system, partition of the family's agricultural khet (field) was a solemn act requiring physical division of land, demarcation of boundaries (adhara or maryada), and, ideally, documentation before witnesses.

The Arthashastra of Kautilya (circa 4th century BCE) reveals a sophisticated state interest in agricultural land and its orderly transfer. Kautilya's text prescribes rules for the settlement of boundary disputes (seema vivadas) between neighbouring cultivators, the role of village headmen

<sup>13</sup> Rigveda, X.85; Atharvaveda, III.30

<sup>14</sup> Mulla, *Principles of Hindu Law* (22nd ed., LexisNexis, 2016).

<sup>15</sup> Mayne, *Hindu Law and Usage* (16th ed., Bharat Law House, 2008)

(gramika) in certifying land divisions, and penalties for the encroachment upon demarcated plots all reflecting an early administrative framework for the partition and protection of agricultural land.

### **2.1.2 Medieval Period: Mughal Land Administration**

During the Mughal period, the theoretical ownership of all land vested in the Emperor, and agricultural land was administered through a hierarchical system of jagirs, zamindars, and village communities (malguzars). The *Ain-i-Akbari* of Abul Fazl describes the elaborate land revenue system of Emperor Akbar, based on actual measurement and classification of land (zabt system), which created a detailed administrative record (patta) of cultivated holdings that incidentally served as the basis for partition and inheritance among agricultural families.<sup>16</sup>

Partition of agricultural land in the Mughal period was governed primarily by customary law and the mediation of local qazis and village panches. Muslim law of inheritance (Shariat), with its elaborate faraid (mandatory shares) for male and female heirs, applied to Muslim agricultural families, creating a system of fractional co-ownership (shirkat) upon the death of a landowner. The resulting multiplicity of co-sharers in agricultural holdings—a phenomenon noted by early British administrators was already creating the fragmentation problem centuries before colonial intervention.<sup>17</sup>

### **2.1.3 Colonial Period: Legislative Codification and the Emergence of Modern Partition Law**

The advent of British rule brought a systematic legislative codification of land law that fundamentally transformed the legal framework for agricultural land partition. The Permanent Settlement of 1793 in Bengal created the zamindari system, converting zamindars into private landlords with heritable and transferable property rights. This encouraged the partition and sale of large zamindari estates but also introduced English concepts of absolute ownership into the Indian land tenure system, often at variance with the customary joint ownership structures of village communities.

<sup>16</sup> Abul Fazl, *Ain-i-Akbari*, Vol. I; see also W.H. Moreland, *India at the Death of Akbar* (Macmillan, 1920).

<sup>17</sup> B.H. Baden-Powell, *The Land Systems of British India* (Clarendon Press, 1892)

The Transfer of Property Act 1882 codified the law of voluntary transfers, including partition as a mode of transfer between co-owners.<sup>18</sup> The Partition Act 1893 provided a specific legislative framework for the partition of property among co-owners, allowing a co-owner to seek a sale of undivided property where physical partition was not feasible a provision of particular significance for agricultural land where physical division might render individual plots non-viable.

The Code of Civil Procedure 1908 established the procedural framework for partition suits, conferring jurisdiction on civil courts and laying down the rules of pleading, evidence, and execution applicable to partition decrees. Order XX Rule 18 of the CPC specifically deals with the form and execution of decrees for partition of immovable property.<sup>19</sup> Simultaneously, the colonial administration created an elaborate revenue administration machinery District Collectors, Sub-Divisional Officers, Tehsildars, Patwaris, and Revenue Inspectors with jurisdiction over agricultural land records, the mutation of entries in revenue registers (jamabandi, khatauni, khasra), and the administrative demarcation of holdings arising from family partitions.

The various Land Revenue Acts enacted in different provinces the Punjab Land Revenue Act 1887, the Bombay Land Revenue Code 1879, the Madhya Pradesh Land Revenue Code 1954, the U.P. Zamindari Abolition and Land Reforms Act 1950 created a dual jurisdiction over agricultural land partition: civil courts for the legal declaration of partition rights and revenue courts/authorities for the administrative mutation and demarcation of the divided holdings.

## **2.1.4 Post-Independence Period: Agrarian Reforms and the Contemporary Framework**

Following independence in 1947, India embarked on a comprehensive programme of agrarian reform comprising the abolition of intermediary tenures (zamindari, jagirdari, inamdari), imposition of ceilings on agricultural landholdings, consolidation of fragmented holdings, and the conferment of occupancy rights on tenants. These reforms, implemented through state legislation under Entry 18 of List II (State List) of the Seventh Schedule to the Constitution, fundamentally altered the landscape of agricultural land ownership and, consequently, the context of agricultural land partition.<sup>20</sup>

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<sup>18</sup> Transfer of Property Act 1882.

<sup>19</sup> Code of Civil Procedure 1908, Order XX Rule 18

<sup>20</sup> Government of India, *Report of the Committee on State Agrarian Relations and the Unfinished Task in Land Reforms* (Ministry of Rural Development, 2009).

The abolition of zamindari concentrated landownership with former tenants and created millions of small owner-cultivators, many of whom held their land jointly with family members. The enactment of the Hindu Succession Act 1956 replaced the customary law of inheritance for Hindus with a statutory framework that preserved the Mitakshara coparcenary system while introducing modifications, including the conferment of absolute ownership rights on female heirs in respect of property inherited from male relatives. The Hindu Succession (Amendment) Act 2005 made the landmark change of including daughters as coparceners in the Mitakshara joint family, giving them equal rights to demand partition and receive shares in joint family agricultural property—a transformation of immense socio-legal significance.<sup>21</sup>

The post-liberalisation period since 1991 has seen renewed attention to land market reform, digital land records modernisation, and the development of a regulatory framework for agricultural land leasing all directly relevant to the contemporary understanding of agricultural land partition and its challenges.<sup>22</sup>

## **2.2 TYPES OF PARTITION IN AGRICULTURAL LAND**

### **2.2.1 Conceptual Understanding of Partition**

Partition of agricultural land refers to the process by which jointly owned or jointly cultivated agricultural land is divided among co-owners, legal heirs, or co-sharers, resulting in the creation of separate, identifiable interests in specific portions of the land. Partition may be defined as the division of property held in common by two or more persons into distinct portions so that each may enjoy his or her share in severalty. In the agricultural context, partition is both a legal event (the creation of separate legal entitlements) and a physical event (the actual demarcation and allotment of land on the ground).

### **2.2.2 Classification by Mode of Partition**

- *Partition by Mutual Agreement (Consensual Partition)*

<sup>21</sup> Hindu Succession (Amendment) Act 2005; see also *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1

<sup>22</sup> NITI Aayog, *Model Agricultural Land Leasing Act* (2016); World Bank, *Land Governance Assessment Framework: India* (2014).



The most common and legally preferred mode of agricultural land partition is through mutual agreement among co-owners or co-sharers. A consensual partition is effected by a family settlement, partition deed, or oral agreement followed by actual delivery of possession. Under Hindu law, an oral partition, followed by a change in possession and the separate occupation of the divided portions, has always been recognised as legally valid.<sup>23</sup> Consensual partitions are then recorded in the revenue records through a mutation (dakhil-kharij) application to the revenue authority.

- *Partition by Court Decree*

Where co-sharers cannot agree on the terms of partition, any co-owner may file a partition suit under Order XX Rule 18 of the Code of Civil Procedure 1908 read with the Partition Act 1893. The court first determines the parties' shares (the declaratory decree) and then appoints a commissioner to divide the property by metes and bounds and to allot the divided portions to the respective parties (the final decree). For agricultural land, courts typically seek to allot the land physically rather than ordering a sale, unless physical division would render individual allotments unviable.

- *Partition by Revenue Authority*

Most state revenue laws provide an alternative administrative mechanism for partition of agricultural land, bypassing the civil courts. Under statutes such as the U.P. Revenue Code 2006, the Punjab Land Revenue Act 1887, and similar legislation, co-owners may apply to the Revenue Authority (Tehsildar or Sub-Divisional Officer) for an administrative partition of their holdings.<sup>24</sup> The Revenue Authority conducts a field survey, demarcates the boundaries of proposed divided plots, hears objections from parties, and issues a partition order which is then recorded in the revenue records. This mechanism is generally faster and cheaper than civil court proceedings.

- *Partition by Will or Testamentary Direction*

A testator may, by a valid will, direct the partition of agricultural land among his heirs in specified proportions or allot specific plots to named beneficiaries. Testamentary partition is governed by the Indian Succession Act 1925 (for Christians, Parsis, and those governed by the Act) and by the Hindu Succession Act 1956 for Hindus (in respect of self-acquired property;

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<sup>23</sup> Mulla, *Principles of Hindu Law* (22nd ed., LexisNexis, 2016).

<sup>24</sup> Punjab Land Revenue Act 1887; see also state revenue procedures on partition

Mitakshara coparcenary property cannot be disposed of by will to the exclusion of coparcenary rights). The practical implementation of a testamentary partition still requires mutation in revenue records.

### 2.2.3 Classification by Legal Character

- *Partition of Ancestral (Coparcenary) Property*

Partition of Mitakshara joint family property (ancestral property) is governed by the Hindu Succession Act 1956 as amended in 2005. Every coparcener including daughters since 2005 has an inalienable right to demand partition of coparcenary agricultural land. The share of each coparcener is determined at the time of partition, and a coparcener's alienation of his or her undivided interest before partition requires the consent of the other coparceners, except under special circumstances.<sup>25</sup>

- *Partition of Self-Acquired Property*

A Hindu's self-acquired property, whether agricultural or otherwise, does not form part of the Mitakshara coparcenary and cannot be partitioned by coparceners during the owner's lifetime. Upon the owner's death, self-acquired agricultural land devolves by succession under Section 8 of the Hindu Succession Act 1956 (as amended), under which Class I heirs (including the widow, sons, daughters, and mother) are entitled to inherit simultaneously. This succession creates co-ownership, which may then be followed by partition among the inheriting co-owners.

- *Partition of Tenancy Rights*

The partition of agricultural tenancy rights the right to cultivate land held under various forms of tenancy presents complex legal issues. Most state tenancy laws restrict the sub-division and transfer of tenancy rights to prevent further fragmentation of operational holdings. Under statutes such as the Bombay Tenancy and Agricultural Lands Act 1948 and the Karnataka Land Reforms Act 1961, specific provisions govern the devolution and partition of tenancy rights, typically limiting partibility to members of the tenant's immediate family and requiring the approval of the relevant revenue authority.

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<sup>25</sup> Vineeta Sharma v. Rakesh Sharma, (2020) 9 SCC 1.

## **CHAPTER III**

### **3.1 ISSUES AND CHALLENGES IN PARTITION OF AGRICULTURAL LAND**

#### **3.1.1 Multiplicity and Inconsistency of Laws**

One of the most fundamental challenges in the legal framework for agricultural land partition is the extraordinary multiplicity of applicable laws operating simultaneously at the central and state levels, and across different personal law systems. A single partition dispute may require the application of the Hindu Succession Act (for succession issues), the Transfer of Property Act (for the nature of co-ownership), the state land revenue code (for administrative partition and mutation), a state tenancy law (if the land is subject to a tenancy), a state ceiling law (if post-partition holdings would approach the ceiling), and the Code of Civil Procedure (if the partition proceeds by way of a civil suit).<sup>26</sup>

This legislative multiplicity creates fertile ground for contradictions and interpretive conflicts. For instance, the definition of 'agricultural land' varies across state revenue laws and has been the subject of judicial controversy as to whether a particular piece of land qualifies as 'agricultural' for the purpose of applying land ceiling or tenancy protections. Similarly, the 2005 amendment to the Hindu Succession Act creating equal coparcenary rights for daughters has created conflicts with state land reforms laws in certain states (notably Maharashtra, Andhra Pradesh, and Tamil Nadu) which had already made their own earlier amendments, creating uncertainty about which version of the law prevails and from what date.<sup>27</sup>

#### **3.1.2 Challenges Related to Land Records**

Inaccurate, outdated, or disputed land records are perhaps the single most pervasive practical challenge in agricultural land partition proceedings. The land records system in India, comprising the Record of Rights (khatian or jamabandi), the land map (khasra or field book), and

<sup>26</sup> N.R. Madhava Menon, *Law and Social Justice in India* (Eastern Book Company, 2010)

<sup>27</sup> Hindu Succession (Amendment) Act 2005; see also *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

the mutation register (dakhil-kharij register), was established under colonial administration and has suffered from decades of neglect, under-investment, and systemic corruption.

The specific challenges that arise in partition contexts include: entries in the Record of Rights that do not reflect the actual shares of co-owners due to failure to mutate previous partitions or successions; disputed boundary demarcations (nishana) between plots arising from errors in field measurement; loss or destruction of field maps (village maps/parcel maps) making physical demarcation impossible without fresh survey; and the deliberate manipulation of revenue records by powerful local interests to exclude legitimate co-owners (particularly women and minor heirs) from partition proceedings.<sup>28</sup>

The digitalisation of land records under the NLRMP and DILRMP has made significant progress, but digitisation of existing defective records does not resolve the underlying errors it merely preserves them in a more durable form. Furthermore, the critical last-mile step of linking digital Records of Rights to physical ground reality through Ground Control Points (GCPs) and satellite imagery remains incomplete in many districts.

### **3.1.3 Gender Injustice in Agricultural Land Partition**

Despite the landmark amendment of Section 6 of the Hindu Succession Act in 2005, giving daughters equal coparcenary rights in agricultural land, the practical implementation of this legal entitlement has faced formidable barriers. Sociocultural resistance to daughters' inheritance in agricultural families remains intense, particularly in northern and central Indian states. Daughters are frequently coerced into relinquishing their shares through family pressure, promises of gifts, or threats, often without legal advice or understanding of their rights.

The Supreme Court in *Vineeta Sharma v. Rakesh Sharma* (2020) unequivocally held that the 2005 amendment applies retrospectively to daughters born before 2005, and that coparcenary rights accrue by birth and are not dependent on whether the father was alive on the date of the amendment. However, implementing this ruling in the context of already-concluded partitions, mutations that have already been recorded excluding daughters, and family settlements that pre-date the judgment remains deeply contentious and litigious.<sup>29</sup>

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<sup>28</sup> Government of India, *Digital India Land Records Modernization Programme (DILRMP) Guidelines* (Ministry of Rural Development, 2016)

<sup>29</sup> Bina Agarwal, *A Field of One's Own: Gender and Land Rights in South Asia* (Cambridge University Press, 1994)

Women are also disadvantaged in partition proceedings by their lack of awareness of legal rights, limited access to legal representation, procedural complexity of revenue court proceedings, and the systemic bias of revenue officials who often reflect and reinforce societal preferences for male inheritance. Furthermore, in tribal communities governed by customary law under Schedule V and VI areas, daughters inheritance rights are frequently overridden by tribal custom that restricts land to the patrilineal family, creating a tension between constitutional equality norms and the protection of tribal culture and land rights.

### **3.1.4 Disputes over Ancestral vs. Self-Acquired Property**

A perennial source of litigation in agricultural land partition is the question of whether a particular piece of agricultural land constitutes ancestral (coparcenary) property or self-acquired property of the last holder. The legal consequences are dramatically different: ancestral property is subject to partition demand by coparceners during the lifetime of the holder, while self-acquired property is the absolute property of the holder and cannot be partitioned during his or her lifetime.<sup>30</sup>

The determination of ancestral character requires historical tracing of the property's acquisition and the source of funds used for its acquisition an inquiry that may require documentary evidence spanning several generations, evidence that is rarely available in full and often contested. The burden of proof rules in this context have been the subject of divergent judicial interpretation, with different High Courts taking varying positions on whether the ancestral character or the self-acquired character of land is presumed in the absence of conclusive evidence.

### **3.1.5 Administrative Delays and Corruption**

The administrative machinery for agricultural land partition revenue officers at the tehsil and district level is chronically understaffed, under-resourced, and, in many states, marked by significant corruption.<sup>31</sup> Revenue officials (patwaris, tehsildars) who are responsible for the critical functions of field measurement, boundary demarcation, and mutation recording in partition

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<sup>30</sup> Mulla, *Principles of Hindu Law* (22nd ed., LexisNexis, 2016)

<sup>31</sup> Government of India, *Report on Administrative Challenges in Revenue Record Maintenance* (Ministry of Rural Development, 2018).

proceedings are both underpaid relative to their discretionary powers and subjected to intense local political pressure.

Mutation proceedings, which are non-contentious administrative proceedings intended to update revenue records to reflect a completed partition, frequently drag on for years due to procedural delays, disputed objections, appeals to senior revenue authorities, and outright corruption in which officials demand payments to expedite or approve mutations. The absence of strict timelines and robust accountability mechanisms in most state revenue laws enables this systemic delay.

### **3.1.6 Minors and Persons under Legal Disability**

Where a co-sharer in agricultural land is a minor or person of unsound mind, partition proceedings involving that co-sharer face additional legal safeguards that introduce further complexity. The Hindu Minority and Guardianship Act 1956 requires that the natural guardian or court-appointed guardian obtain the permission of the court before entering into a partition settlement on behalf of a minor. A partition effected without such court approval is voidable at the instance of the minor on attaining majority. This protection, while essential for the minor's welfare, is often observed in the breach, with family partitions being executed without court approval and subsequently challenged when the minor attains majority sometimes decades later.<sup>32</sup>

### **3.1.7 Tenancy and Third-Party Rights**

Agricultural land that is subject to a tenancy creates acute complications in partition proceedings. The tenant's occupancy rights under state tenancy laws are protected even in the event of a change in the ownership of the land. This means that a partition of the landlord's interest does not affect the tenant's right to remain in possession and cultivate the land under the original terms of tenancy. Questions arise as to how the leased portion of a jointly owned estate should be allocated in partition: should the co-owner who receives the leased plot receive a higher area in compensation for the burden of the tenancy, or should the leased plot be shared among all co-owners in proportion to their shares?

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<sup>32</sup> Hindu Minority and Guardianship Act 1956; see commentary in G.P. Tripathi, *Law of Minors and Guardianship in India* (2015)

### **3.1.8 Tribal and Forest Land**

Partition of agricultural land in tribal areas (Fifth Schedule areas) is subject to special constitutional protections designed to prevent the alienation of tribal land to non-tribals. Most states with significant tribal populations (Jharkhand, Odisha, Chhattisgarh, Gujarat, Rajasthan, Himachal Pradesh) have enacted Scheduled Tribes land protection laws that severely restrict the transfer of tribal agricultural land, including its alienation through partition. The Chhota Nagpur Tenancy Act 1908 (Jharkhand) and the Santal Parganas Tenancy (Supplementary Provisions) Act 1949 are notable examples.<sup>33</sup>



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<sup>33</sup> Chhota Nagpur Tenancy Act 1908; Santal Parganas Tenancy (Supplementary Provisions) Act 1949



## **CHAPTER IV**

### **4.1 LEGAL AND ADMINISTRATIVE FRAMEWORK**

#### **4.1.1 Constitutional Framework**

The Constitution of India distributes legislative power over land between the Union and the States. Entry 18 of the State List (List II) of the Seventh Schedule places 'land' and 'rights in or over land; land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonisation' squarely within the exclusive legislative competence of State legislatures. Consequently, the primary legislation governing agricultural land partition is state law, leading to significant diversity in the legal framework across different Indian states.

Article 31A of the Constitution provides protection to agrarian reform legislation (laws relating to the acquisition or extinguishment or modification of rights in estates) from challenge on grounds of inconsistency with Articles 14 and 19 a<sup>34</sup> protection of crucial significance during the zamindari abolition and ceiling legislation of the 1950s–70s. The Ninth Schedule of the Constitution, inserted by the First Constitutional Amendment 1951, provides immunity from judicial review to certain land reform laws included therein, though this immunity was qualified by the Supreme Court in *I.R. Coelho v. State of Tamil Nadu*<sup>35</sup> in so far as laws included after April 24, 1973 are concerned.

#### **4.1.2 Central Legislation**

- *Hindu Succession Act 1956 (as amended 2005)*

The Hindu Succession Act 1956 is the cornerstone of agricultural land partition law for Hindus, who constitute approximately 80% of India's population. Prior to the 2005 amendment, Section 6 of the Act preserved the Mitakshara coparcenary system with survivorship rights, conferring coparcenary membership only on male descendants. The Hindu Succession (Amendment) Act 2005 inserted a new Section 6 which provides that a daughter of a coparcener

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<sup>34</sup> Indian Constitution, 1950

<sup>35</sup> *I.R. Coelho v. State of Tamil Nadu* (2007)

shall be a coparcener in her own right in the same manner as a son, with equal rights and liabilities in the joint family property. This amendment has the effect of doubling the number of potential claimants in agricultural land partition proceedings, with profound implications for land fragmentation.

- *Transfer of Property Act 1882*

The Transfer of Property Act 1882, though primarily concerned with voluntary transfers of property, provides the definitional foundation for partition (as a mode of transfer between co-owners) and governs questions of the nature of the interest transferred, the effect of conditions and restrictions on transfer, and the rights of transferees from co-sharers. Section 44 of the TPA, which deals with the transfer of share by a co-owner, is particularly relevant in partition contexts: a co-owner may alienate his share before partition, but the transferee takes subject to the conditions and encumbrances binding the original co-owner.

- *The Partition Act 1893*

The Partition Act<sup>36</sup> 1893 was enacted primarily to address the situation where a co-owner of immovable property holds a share that was formerly held by a person under a mortgage or other incumbrance, and physical partition would be inequitable. Section 2 of the Act empowers a co-owner to seek a sale of the property in lieu of partition where physical partition would not be reasonably practicable. For agricultural land, courts are generally reluctant to order a sale under the Partition Act 1893, preferring physical partition to preserve the ownership of agricultural land within the family.

- *Code of Civil Procedure 1908*

The Code of Civil Procedure 1908 provides the procedural framework for partition suits. Order VII Rule 1(d) requires a partition suit plaintiff to set out the plaintiff's share and interest in the property; Order XX Rule 18<sup>37</sup> governs the content and execution of preliminary and final decrees in partition suits; and Order XXVI empowers courts to appoint Commissioners for the local

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<sup>36</sup> The Partition Act 1893

<sup>37</sup> Order XX Rule 18,cpc

investigation and demarcation of land in partition proceedings. The institution of the partition suit is governed by the general provisions on jurisdiction, limitation, and pleading.

### **4.1.3 State Land Revenue Laws**

Each Indian state has enacted comprehensive land revenue legislation that governs the administrative aspects of agricultural land partition, including the recording of partition in land records, the demarcation of divided holdings, the computation of revenue liability of divided holdings, and the resolution of boundary and revenue disputes arising from partition. Key statutes include:

- The U.P. Revenue Code 2006: Consolidates and replaces earlier UP revenue legislation; provides for administrative partition of co-holdings by the Sub-Divisional Magistrate; Section 33 onwards deals with consolidation of landholdings.
- The Punjab Land Revenue Act 1887: One of the oldest and most comprehensive revenue codes, providing for the recording of rights (jamabandi), mutation on account of partition, and boundary demarcation (seema niyanta) proceedings.
- The Maharashtra Land Revenue Code 1966: Governs land records maintenance, mutation, and the determination of land revenue liabilities after partition; Section 85 deals with survey and demarcation.
- The Rajasthan Tenancy Act 1955 and the Rajasthan Revenue Act 1956: Govern partition of holdings and tenancy rights in Rajasthan, including restrictions on partition of khatedari (occupancy) holdings below the prescribed minimum area.
- The Bombay Tenancy and Agricultural Lands Act 1948 (applicable in parts of Maharashtra and Gujarat): Contains provisions on the devolution and partition of tenancy rights and restrictions on sub-division of holdings.

### **4.1.4 Tenancy and Ceiling Laws**

Agricultural land partition is significantly affected by the web of state tenancy laws and land ceiling laws enacted as part of agrarian reform programmes. Tenancy laws in most states restrict the sub-division of agricultural holdings below a prescribed minimum viable size (variously termed the economic holding or subsistence holding), often ranging from 0.2 to 2

hectares depending on the quality and type of land. Partition of an agricultural holding that would result in divided portions falling below this minimum is prohibited or subject to special regulatory approval.

Land ceiling laws, enacted under state legislation, impose an upper limit on the size of agricultural landholdings that any individual or family unit may possess. Partition is frequently used both legitimately and as a device to evade ceiling provisions to distribute large holdings among family members to bring each member's holding below the ceiling. States have enacted anti-benami and anti-fragmentation provisions to check spurious partitions designed to evade ceiling laws.

#### **4.1.5 Personal Laws of Other Communities**

Muslim agricultural landowners are governed by the Muslim Personal Law (Shariat) Application Act 1937, which makes the Muslim law of inheritance (faraid) applicable to agricultural land unless there is a customary exemption. The faraid system prescribes fixed fractional shares (often 1/2, 1/4, 1/8, 1/6, etc.) for a large number of heirs simultaneously, creating highly fractionalised ownership interests in agricultural land upon the death of an owner. The absence of a statutory equivalent to the Hindu joint family system means that Muslim agricultural land does not have the same concept of coparcenary partition; partition among Muslim co-owners is governed by the general law of partition applicable to co-owners.

## **4.2. INSTITUTIONAL MECHANISMS FOR DISPUTE RESOLUTION**

### **4.2.1 Civil Courts**

Civil courts from District Courts upwards to High Courts and the Supreme Court in appellate jurisdiction have historically been the primary forum for the adjudication of agricultural land partition disputes where the parties cannot agree on the terms of partition. Civil court jurisdiction in partition suits is conferred under the Code of Civil Procedure 1908, with the District Court having original jurisdiction over suits for partition of agricultural land exceeding the pecuniary jurisdiction of subordinate courts (which varies by state).

Civil court partition proceedings follow a well-established procedural sequence: filing of the plaint, service of summons, filing of written statements by defendants, framing of issues, trial (including examination of documentary evidence and witnesses), a preliminary decree determining parties' shares, appointment of a Commissioner, preparation of the partition scheme, and the final decree allotting specific portions to each party. This process, while thorough, is notoriously slow. Partition suits routinely take five to fifteen years to reach a final decree, and the execution of final decrees which involves physical demarcation and delivery of possession is subject to further delays and challenges.

#### **4.2.2 Revenue Courts and Revenue Authorities**

Revenue courts and authorities Sub-Divisional Officers (SDOs), Tehsildars, Revenue Inspectors, and their appellate superiors up to the Board of Revenue exercise a parallel jurisdiction over administrative aspects of agricultural land partition under state land revenue laws. This jurisdiction covers the recording of mutations in the land records following a consensual or court-ordered partition, the administrative demarcation of divided holdings (tatima proceedings), and the adjudication of disputes specifically relating to the entries in the land records (such as whether a particular person's name should be recorded as owner of a divided plot).

Revenue courts are generally faster than civil courts, but they suffer from their own pathologies: inadequate record-keeping, susceptibility to bribery, lack of independence from local political influences, and inadequate training in the substantive law of succession and partition. The limited scope of revenue court jurisdiction also means that fundamental questions of legal title and share entitlement must still be determined by civil courts, creating the need for concurrent proceedings in both forums.

#### **4.2.3 Panchayat Raj Institutions**

The 73rd Constitutional Amendment Act 1992 created a constitutional framework for Panchayat Raj Institutions (PRIs) and enabled states to delegate to Gram Panchayats certain functions relating to local dispute resolution. Several states have enacted Gram Nyayalaya legislation or have extended the jurisdiction of the Gram Panchayat to resolve minor land boundary disputes and relatively simple partition matters at the village level. The Gram Nyayalaya

Act 2008 at the central level established mobile courts at the block level with jurisdiction over specified civil and criminal matters, including certain categories of land disputes.

The effectiveness of PRIs as dispute resolution forums in partition matters varies enormously across states and localities. Where gram sabhas and gram panchayats are genuinely functional and accountable, they provide an accessible, low-cost, and culturally appropriate forum for the resolution of intra-family partition disputes..

#### **4.2.4 Lok Adalats and Alternative Dispute Resolution**

Lok Adalats, established under the Legal Services Authorities Act 1987, have emerged as a significant alternative forum for the resolution of agricultural land partition disputes, particularly those arising from pending civil court cases. A Lok Adalat award is deemed to be a decree of a civil court and is not appealable, making it a final and binding resolution of the dispute. Parties who settle through a Lok Adalat are refunded the court fees paid, providing a financial incentive for settlement.

Pre-litigation Lok Adalats can also take cognisance of agricultural land partition disputes before they reach the courts. The National Legal Services Authority (NALSA) has specifically promoted Lok Adalat initiatives for land-related disputes as part of broader access to justice programmes. However, the voluntary nature of Lok Adalat proceedings means that a recalcitrant party can simply refuse to participate, and the absence of coercive jurisdiction limits their utility in highly contested partition disputes.

#### **4.2.5 Mediation and Conciliation**

Following the Mediation Act <sup>38</sup>, mediation has been institutionalised as a structured alternative dispute resolution mechanism in India, applicable to civil disputes including partition of property. Mediation offers significant advantages over adversarial litigation in family partition disputes: it preserves relationships among family members, allows for creative solutions beyond the binary win-lose outcome of litigation, and is generally faster and less expensive. The challenge is ensuring that mediation outcomes are truly voluntary and not the product of coercion of weaker

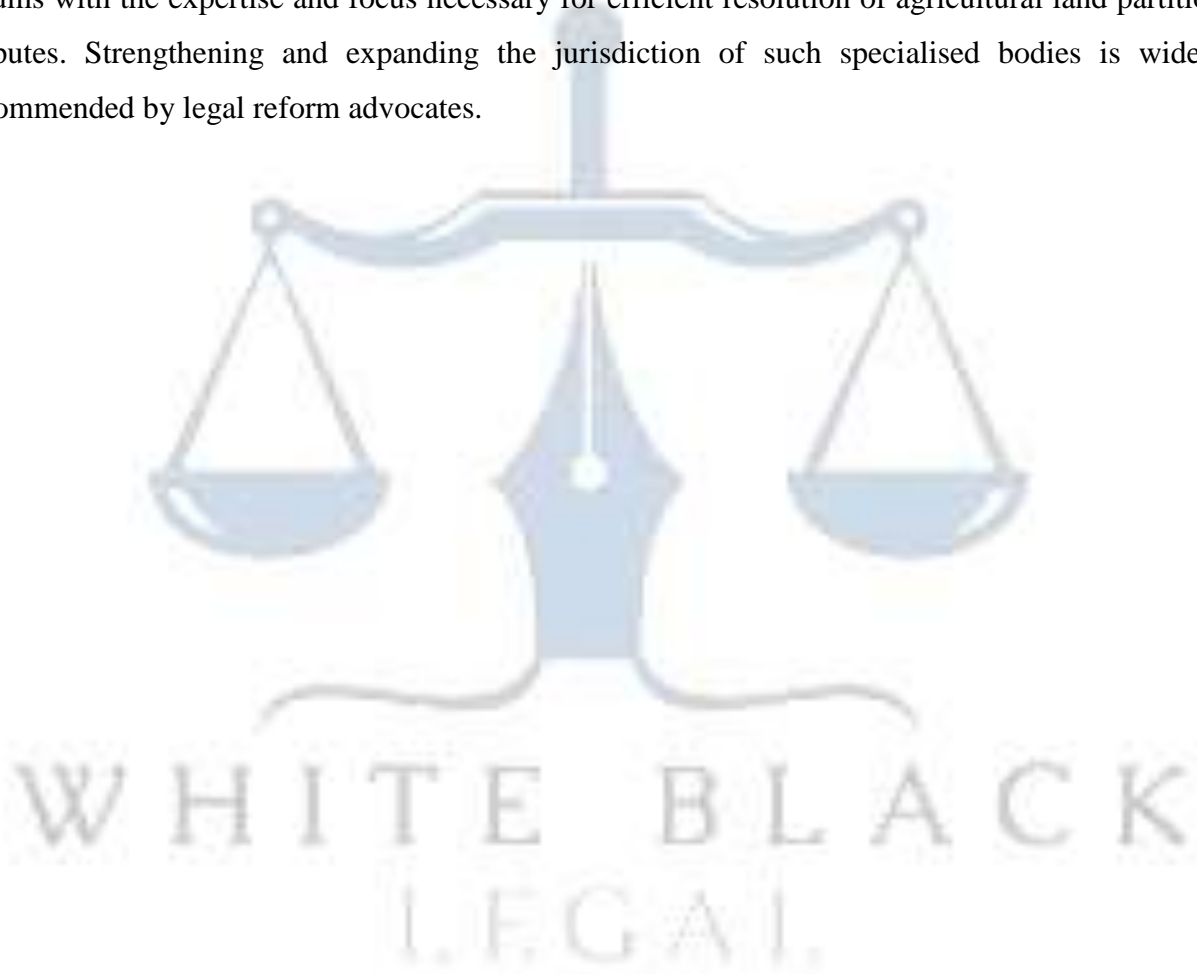
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<sup>38</sup> Mediation Act 2023

parties—a particular concern in agricultural land partition disputes involving women, minor heirs, and socially marginalised co-owners.

#### **4.2.6 Special Land Tribunals**

Several states have established special land tribunals or boards to handle the volume of land-related disputes, including those arising from partition. The Karnataka Appellate Tribunal for Land Reforms, the Maharashtra Revenue Tribunal, and similar bodies provide specialised adjudicatory forums with the expertise and focus necessary for efficient resolution of agricultural land partition disputes. Strengthening and expanding the jurisdiction of such specialised bodies is widely recommended by legal reform advocates.



## **CHAPTER V**

### 5.1 LANDMARK JUDGEMENTS

□ *Vineeta Sharma v. Rakesh Sharma & Others*<sup>39</sup>

Facts: A three-judge bench of the Supreme Court considered the retrospective operation of the Hindu Succession (Amendment) Act 2005, which gave daughters equal coparcenary rights. Several conflicting High Court decisions had created uncertainty about whether the amendment applied to daughters born before 2005 and to partitions that had already been effected.

Held: The Court held unanimously that the 2005 amendment is applicable with effect from September 9, 2005 (the date of enactment), that daughters born before that date are entitled to coparcenary rights, and crucially, that such rights are not dependent on whether the father was alive on the date of the amendment. The Court overruled *Prakash v. Phulvati* (2016) and *Danamma v. Amar* (2018) to the extent they were inconsistent. This decision has enormous significance for agricultural land partition, as it opened the door to daughters claiming shares in agricultural land even where fathers had died or partitions had been recorded before 2005.

□ *State of Maharashtra v. Narayan Rao Sham Rao Deshmukh*<sup>40</sup>

Facts: The case concerned the interpretation of the definition of 'family' for the purposes of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961, and whether a partition among family members could reduce each member's holding below the ceiling so as to avoid the surplus land provisions.

Held: The Supreme Court held that where a partition is effected for the specific purpose of defeating the ceiling laws and does not reflect a genuine severance of the joint family, revenue

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<sup>39</sup> (2020) 9 SCC 1

<sup>40</sup> AIR 1985 SC 716



authorities are entitled to treat the partitioned holdings together for ceiling purposes. This decision reinforced the anti-evasion dimension of agricultural land partition law.

□ *Sunil Kumar v. Ram Prakash*<sup>41</sup>

Facts: The Court examined the fundamental distinction between a partition and a mere division in the status of joint family members, and the specific right of a coparcener to seek partition of Mitakshara joint family property.

Held: The Court reaffirmed the principle that a coparcener's right to seek partition is an inalienable legal right that cannot be fettered by agreement among the coparceners. Any agreement by which a coparcener purports to give up the right to seek partition in the future is void as being contrary to public policy. This principle is of particular importance in agricultural joint family property where such agreements are frequently attempted to prevent the break-up of viable farming units.

□ *Narayan Ganesh Dastane v. Srikant Vishnu Dastane*<sup>42</sup>

Facts: The case involved the scope of Section 4 of the Partition Act 1893, which enables a co-owner to purchase the share of a co-owner who has mortgaged or encumbered his share, rather than allowing the encumbrancee to seek partition and sale.

Held: The Supreme Court clarified the conditions under which Section 4 of the Partition Act 1893 applies and the procedure for exercising the co-owner's right to purchase the encumbered share, setting important procedural guidelines for partition proceedings where third-party interests are involved.

□ *Madhukar Bhaskarrao Joshi v. Madhukar Sitaram Bhonsale*<sup>43</sup>

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<sup>41</sup>(1988) 2 SCC 77

<sup>42</sup> AIR 1987 SC 1882

<sup>43</sup> (2000) 10 SCC 713



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Facts: The question was whether a partition that had been effected orally, without a formal partition deed or court decree, could be recognised as a valid partition of agricultural land for purposes of mutation in the land records.

Held: The Supreme Court confirmed the well-established principle that an oral partition followed by actual division of possession is legally valid and enforceable, and that a partition deed is not a legal requirement for the validity of a Hindu family partition. Revenue authorities are required to give effect to such oral partitions upon satisfactory proof.

□ *Ram Narain v. State of U.P.* <sup>44</sup>

Facts: The Allahabad High Court examined the jurisdiction of Revenue Courts versus Civil Courts over disputes arising from partition of agricultural holdings under the U.P. zamindari laws.

Held: The Court held that where a dispute is specifically about the entries in the land records arising from partition, the Revenue Court has exclusive jurisdiction, but where the dispute is about the fundamental legal right to partition or the determination of shares, the Civil Court retains jurisdiction. This dual jurisdiction principle continues to govern the forum question in UP agricultural partition disputes.

□ *Kamla Devi v. Bachha Lal* <sup>45</sup>

Facts: The Madhya Pradesh High Court examined the right of a daughter to claim partition of agricultural land under the Hindu Succession Act as amended in 2005, where the partition suit had been filed after 2005 but the property had been partitioned informally among the sons of the joint family before 2005.

Held: The Court held that where a partition has been duly effected and recorded before the 2005 amendment, the daughter cannot reopen the partition. However, where the partition was informal and not properly completed by actual division and mutation, the daughter's coparcenary rights under the 2005 amendment must be recognised.

□ *Janabai v. Uttam Sakharam* <sup>46</sup>

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<sup>44</sup> AIR 1971 All 261

<sup>45</sup> AIR 2011 MP 175

<sup>46</sup> AIR 1996 Bom 321

Facts: The Bombay High Court considered the rights of a widow in the partition of agricultural land held in a Mitakshara joint family, and whether the widow could claim a share as a co-owner independently of her right to maintenance.

Held: The Court held that a widow who was not herself a coparcener is entitled to inherit her deceased husband's share in joint family agricultural land under the Hindu Succession Act, and that this share vests in her as an absolute owner, entitling her to seek partition and receive a specific allotment of agricultural land.

□ *Gurudevdati VKSSS Maryadit v. State of Maharashtra*<sup>47</sup>

Facts: The Supreme Court considered the constitutional validity of provisions of the Maharashtra land reforms legislation that restricted the partition of agricultural land held by members of a cooperative farming society.

Held: The Court upheld the restrictions on partition as a valid exercise of the state's power to regulate agricultural land in the public interest, holding that the right to partition is not an absolute fundamental right but is subject to reasonable legislative restrictions in the interests of agricultural development and food security.

## 5.2 GOVERNMENT INITIATIVES AND REFORMS

### 5.2.1 National Land Records Modernisation Programme (NLRMP) / DILRMP

The National Land Records Modernisation Programme, launched in 2008 and subsequently restructured as the Digital India Land Records Modernisation Programme (DILRMP) in 2016, is the most ambitious government initiative to address the land records crisis that underlies much of the confusion and litigation in agricultural land partition. The DILRMP aims to: (i) digitise all Records of Rights (RoRs) and make them available online; (ii) complete cadastral survey and mapping using modern technology including satellite imagery and DGPS; (iii) establish a computerised registration system linked to land records; and (iv) implement a system of automatic mutation on registration of instruments of transfer.

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<sup>47</sup> (2001) 4 SCC 534

By 2024, significant progress had been achieved: over 90% of Records of Rights had been computerised in most states, and several states (including Gujarat, Maharashtra, Karnataka, and Andhra Pradesh) had achieved near-complete digitisation of land maps. The Bhulekh portal in Uttar Pradesh, the Bhoomi system in Karnataka, and the E-Dharti platform of the Department of Land Resources have made land records accessible online to citizens, reducing the dependence on patwaris for record access.

However, critical limitations remain: the quality and accuracy of the underlying data, the linkage between textual records and spatial maps, and the integration of land records with registration data are incomplete in many states. The full realisation of DILRMP's potential for improving agricultural land partition outcomes requires sustained investment, inter-departmental coordination, and a focus on data quality rather than merely the digitisation of existing defective records.

### **5.2.2 Model Agricultural Tenancy and Leasing Laws**

The NITI Aayog Model Agricultural Land Leasing Act 2016 was prepared to encourage states to liberalise their agricultural land leasing laws, recognising that the prohibition on or heavy restriction of tenancy in most state laws had driven tenancy underground, denied tenants legal protection, and prevented the market-based consolidation of fragmented holdings through leasing. The Model Act proposes the removal of restrictions on agricultural land leasing, the protection of tenants' rights during the lease period, and importantly, the guarantee that leasing will not create any permanent tenancy rights a key concern of landowners that had driven the prohibition on tenancy.

Several states have enacted tenancy reforms inspired by the Model Act, including Madhya Pradesh (Bhoomi Adhikar Adhiniyam 2018), Uttar Pradesh (amendments to the UP Revenue Code), and Andhra Pradesh and Telangana. The liberalisation of tenancy law, while not directly a partition law reform, reduces the adverse consequences of agricultural land fragmentation by enabling small post-partition holdings to be consolidated through voluntary leasing into operationally viable farming units.

### **5.2.3 Legal Aid and Access to Justice Initiatives**

The National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) have undertaken targeted initiatives to improve access to justice for marginalised parties in agricultural land partition disputes, particularly women, Scheduled Castes, and Scheduled Tribes. These initiatives include: free legal aid clinics in rural areas specifically addressing land rights; Legal Services Camps in revenue villages; mobile legal aid vans; and the training of Community Paralegals to assist villagers in understanding their land partition rights and navigating revenue proceedings.

#### **5.2.4 Special Courts and Fast-Track Mechanisms**

Several states have established Fast-Track Courts specifically for land-related disputes, including partition suits, in order to reduce the backlog that undermines timely resolution of agricultural land partition cases. Karnataka, Andhra Pradesh, and Telangana have established dedicated revenue courts and land tribunals at the taluk and district level with specific jurisdiction over agricultural land disputes. The National Mission for Justice Delivery and Legal Reforms has set targets for reducing pendency of all categories of civil cases, including partition suits, which if realised would significantly benefit agricultural land partition litigants.

#### **5.2.5 PM SVAMITVA Scheme**

The PM SVAMITVA (Survey of Villages and Mapping with Improved Technology in Village Areas) Scheme, launched in 2020, uses drone technology to survey residential properties in rural areas (abadi land) and issue property cards to rural households. While primarily directed at residential rather than agricultural land, the SVAMITVA scheme demonstrates the technological capability and political will to conduct rapid, large-scale land surveys, which if extended to agricultural holdings would substantially improve the cadastral base for partition proceedings.

## **CHAPTER VI**

### CONCLUSION

#### **6.1 RECOMMENDATIONS AND SUGGESTIONS**

##### **6.1.1 Legislative Reforms**

###### *Ö Enactment of a Comprehensive Central Agricultural Land Partition Law*

The Union Government should consider the enactment of a framework central law (under Entry 18A of the Concurrent List, relating to acquisition and requisitioning of property, or by constitutional amendment to include a new entry in the Concurrent List) that establishes minimum standards for agricultural land partition proceedings, including: a standard definition of 'agricultural land' for partition purposes; minimum procedural requirements for the validity of consensual partitions (including mandatory written records and revenue authority intimation); time-bound mutation proceedings; and baseline protections for the rights of women, minor heirs, and tribal co-owners. This central framework law would not replace state laws but would set a floor of rights and procedures applicable across all states.

###### *Ö Amendment of Hindu Succession Act: Addressing Agricultural Land Specifically*

The Hindu Succession Act 1956 should be amended to include a specific chapter addressing the partition of agricultural land, clearly resolving the conflicts between the Act and state land reform legislation, specifying the procedure for the effectuation of daughters' coparcenary rights in agricultural land (including mandatory mutation in the name of daughters upon the death of a coparcener), and providing for the protection of minor heirs' shares through mandatory judicial oversight of family partition settlements involving minors.

### *Ö Anti-Fragmentation Provisions*

State land revenue laws and agricultural land legislation should incorporate explicit anti-fragmentation provisions that: (i) prescribe a minimum viable holding size (not less than 0.1 hectares for irrigated land and 0.2 hectares for unirrigated land) below which partition resulting in the creation of sub-minimum holdings shall not be registered; (ii) create a mechanism for the compulsory pooling and collective management of holdings falling below the minimum viable size; and (iii) incentivise voluntary consolidation of fragmented holdings through stamp duty exemptions and access to institutional credit.

### *Ö Liberalisation of Agricultural Land Leasing*

All states should enact liberal agricultural land leasing legislation on the lines of the NITI Aayog Model Act 2016, removing restrictions on agricultural tenancy while providing clear protections for both lessors (no permanent tenancy rights created by lease) and lessees (written lease agreements, protection against eviction during the lease period, access to credit and insurance). This reform is essential to enable the market-based consolidation of fragmented post-partition holdings.

## **6.1.2 Administrative Reforms**

### *Ö Completion and Quality Assurance of DILRMP*

The Government of India and state governments should prioritise the complete implementation of the Digital India Land Records Modernisation Programme, with a specific focus on: (i) data quality assurance and error rectification in digitised Records of Rights before they are made the official record; (ii) the linkage of textual records with updated cadastral maps through modern survey technology; (iii) the integration of the land records database with the property registration system to enable automatic mutation on registration; and (iv) public verification mechanisms enabling landowners to verify and correct errors in digital records.

### *Ö Strengthening Revenue Court Personnel*

State governments should significantly invest in the training, staffing, and accountability of revenue court personnel. The curriculum for patwaris, revenue inspectors, and tehsildars should specifically include modules on the substantive law of partition (Hindu

Succession Act, Partition Act, state revenue codes), the procedural law of revenue court proceedings, and the rights of women, minors, and marginalised co-owners. Accountability mechanisms, including regular performance review and citizen feedback systems, should be implemented to address the corruption and delay that plague revenue administration.

### **6.1.3 Judicial and Access-to-Justice Reforms**

#### *Ö Specialised Land Courts*

Every district should have at least one dedicated land court or land bench within the District Court with exclusive jurisdiction over civil partition suits relating to agricultural land, presided over by a judge with specific training in land and revenue law. This specialisation would improve the quality and speed of judicial decisions in agricultural land partition cases and reduce the burden on general civil courts.

#### *Ö Mandatory Pre-Suit Mediation*

Agricultural land partition disputes should be subject to mandatory pre-litigation mediation, with trained, certified mediators empanelled at the district level specifically for this purpose. Only after a genuine mediation effort has been made—certified by the mediator—should parties be permitted to file a partition suit. Successful mediation should result in a mediation settlement agreement that is directly recordable in the revenue records upon filing with the revenue authority, without the need for further judicial endorsement.

#### *Ö Legal Aid for Women and Marginalised Co-owners*

Legal Services Authorities at the national, state, and district levels should implement targeted legal aid programmes for women, Scheduled Caste, and Scheduled Tribe co-owners in agricultural land partition proceedings. These programmes should go beyond the provision of lawyers in litigation to include: community legal awareness campaigns about inheritance and partition rights; trained paralegal support at the village level for navigating revenue proceedings; and monitoring of mutation records to identify cases where daughters' names have not been added as coparceners following the Vineeta Sharma decision.

## **6.2 CONCLUSION**

The partition of agricultural land in India is a phenomenon of profound legal, economic, and social significance that has received inadequate attention as a distinct field of doctrinal study. This research paper has demonstrated that the legal framework governing agricultural land partition is extraordinarily complex, involving an intricate interplay of central and state legislation, personal laws, tenancy statutes, ceiling laws, and procedural codes. This complexity generates uncertainty, litigation, and administrative confusion that imposes enormous costs on the parties particularly the most vulnerable parties and on the judicial and administrative systems.

The historical analysis has shown that the tension between the traditional Indian concept of joint family property (with its rights of partition) and the modern demands of agricultural efficiency and food security has been a constant theme from the Dharmashastra through the colonial era to the present. The post-independence legal framework, while representing significant progress particularly in the recognition of female inheritance rights and the creation of a comprehensive administrative machinery suffers from fragmentation, inconsistency, and inadequate implementation.

The issues and challenges identified in this research—the multiplicity of laws, defective land records, gender injustice, administrative delay and corruption, disputes over property character, tenancy complications, and tribal land vulnerabilities are systemic and mutually reinforcing. Piecemeal reforms addressing individual symptoms will not suffice. What is required is a comprehensive, multi-pronged approach encompassing legislative harmonisation, administrative modernisation, judicial specialisation, and sustained policy commitment to both fair partition and the prevention of further fragmentation.

The case law analysis has revealed that Indian courts particularly the Supreme Court have played a crucial and progressive role in expanding the rights of female coparceners, protecting the integrity of partition proceedings, and checking the abuse of partition as a device for ceiling evasion. The Vineeta Sharma judgment stands as a landmark affirmation of daughters' agricultural land rights. Yet the gap between legal entitlement and practical realisation remains wide, particularly for women and marginalised communities in rural India.

The government initiatives reviewed DILRMP, model tenancy law, SVAMITVA point in the right direction but require sustained commitment, better implementation, and integration into a coherent vision of agrarian reform. The recommendations offered in this paper are directed at all three branches of government and at the administrative apparatus,

and are grounded in the conviction that efficient, equitable, and transparent agricultural land partition proceedings are not merely a matter of private law but are essential to India's broader goals of agricultural development, rural welfare, and social justice.

Agricultural land is not merely property it is the foundation of rural livelihoods, the source of national food security, and, in the Indian socio-cultural context, the embodiment of family identity and continuity. The law of agricultural land partition must be worthy of this weighty responsibility.

## **REFERENCES**

### **Ö Primary Sources — Legislation**

- The Constitution of India, 1950 (Seventh Schedule, List II, Entry 18).
- Hindu Succession Act, 1956 (Act 30 of 1956), as amended by the Hindu Succession (Amendment) Act, 2005.
- Transfer of Property Act, 1882 (Act 4 of 1882).
- The Partition Act, 1893 (Act 4 of 1893).
- Code of Civil Procedure, 1908 (Act 5 of 1908).
- Indian Succession Act, 1925 (Act 39 of 1925).
- Hindu Minority and Guardianship Act, 1956 (Act 32 of 1956).
- The Muslim Personal Law (Shariat) Application Act, 1937.
- Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- Mediation Act, 2023.
- Legal Services Authorities Act, 1987.
- Gram Nyayalaya Act, 2008.
- Punjab Land Revenue Act, 1887.
- Bombay Land Revenue Code, 1879.
- Maharashtra Land Revenue Code, 1966.
- U.P. Revenue Code, 2006.
- Karnataka Land Reforms Act, 1961.
- Chhota Nagpur Tenancy Act, 1908.
- Bombay Tenancy and Agricultural Lands Act, 1948.

### **Ö Primary Sources — Case Law**

- Vineeta Sharma v. Rakesh Sharma & Others, (2020) 9 SCC 1.
- State of Maharashtra v. Narayan Rao Sham Rao Deshmukh, AIR 1985 SC 716.
- Sunil Kumar v. Ram Prakash, (1988) 2 SCC 77.
- Madhukar Bhaskarrao Joshi v. Madhukar Sitaram Bhonsale, (2000) 10 SCC 713.
- Narayan Ganesh Dastane v. Srikant Vishnu Dastane, AIR 1987 SC 1882.
- I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1.
- Gurudevdatla VKSSS Maryadit v. State of Maharashtra, (2001) 4 SCC 534.
- Prakash v. Phulvati, (2016) 2 SCC 36 (overruled in part by Vineeta Sharma).
- Ram Narain v. State of U.P., AIR 1971 All 261.
- Kamla Devi v. Bachha Lal, AIR 2011 MP 175.
- Janabai v. Uttam Sakharam, AIR 1996 Bom 321.

### Ö Books and Commentaries

- Mulla, Principles of Hindu Law (23rd edn, LexisNexis 2018).
- Paras Diwan, Modern Hindu Law (21st edn, Allahabad Law Agency 2019).
- P.V. Kane, History of Dharmashastra (Bhandarkar Oriental Research Institute, Vols I-V, 1930–1962).

### Ö Official Reports and Policy Documents

- National Commission on Farmers, Final Report (M.S. Swaminathan Commission, Government of India, 2006).
- NITI Aayog, Model Agricultural Land Leasing Act 2016 (Government of India, 2016).
- Ministry of Rural Development, Guidelines for Digital India Land Records Modernisation Programme (Government of India, 2016).
- Agriculture Census 2015-16, All India Report on Number and Area of Operational Holdings (Ministry of Agriculture and Farmers Welfare, Government of India, 2019).
- NSSO 70th Round, Key Indicators of Land and Livestock Holdings in India (MOSPI, Government of India, 2014).
- Law Commission of India, Report No. 174, Property Rights of Women: Proposed Reforms under Hindu Law (Government of India, 2000).
- World Bank, India — Land Policies for Growth and Poverty Reduction (World Bank Report No. 38894-IN, 2007).

- Planning Commission of India, Working Group on Land Reform for the 12th Five Year Plan (Government of India, 2011).

### Ö Journal Articles

- Bina Agarwal, 'Bargaining and Gender Relations: Within and Beyond the Household' (1997) 3(1) Feminist Economics 1.
- Rohini Pande and Christopher Udry, 'Institutions and Development: A View from Below' (2006) Yale Economic Growth Centre Discussion Paper No. 928.
- Archana Prasad, 'Tribal Land Issues in India: A Historical Perspective' (2015) 17(2) Contributions to Indian Sociology 245.
- V. Suresh, 'The Hindu Succession (Amendment) Act 2005: Critical Analysis' (2006) 48(2) Journal of the Indian Law Institute 207.
- Namita Wahi, 'The Elusive Promise of Equality: Land Rights and Gender' (2019) Economic and Political Weekly (Supplement), Vol. LIV, No. 17.



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