

## Legal Policy Pathways for Commons-Based Land Governance: Lessons from Gramdan

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### ABSTRACT

Emerging in the 1950s, the Gramdan model of land governance sought to reimagine all village lands as commons governed by the Gram Sabhas. To formalise this vision and Gandhian ideals of self-governance, laws were enacted in several Indian states to introduce provisions for voluntary donations, non-alienation, participatory governance, and equitable access. However, as social, economic, and ecological conditions evolved, the Bhoodan-Gramdan movement ebbed, and the supporting laws either became dormant or were repealed. Using a comparative doctrinal analysis, this article evaluates the design of Gramdan's legal-institutional framework in six Indian states as well as their capacity, or lack thereof, for adaptive governance of common land. Situating the lessons within the broader property rights discourse, particularly the Gramdan-inspired models of Community Land Trusts adopted globally, the paper aims to identify pathways for reform that can reposition Gramdan as a viable alternative to community land governance, both in India and globally.

**Keywords:** Gramdan, commons governance, property rights, legal pluralism, community land trusts

**JEL codes:** K11, O17, Q15, Q56, R52

### I

#### INTRODUCTION

The Gramdan model of land governance, introduced during Acharya Vinoba Bhave's Bhoodan Movement in the 1950s, sought to reimagine all village lands as commons governed by the Gram Sabhas (village assemblies) for the benefit of the community (Bhave, 1967). The entire land in a village was to be treated as 'common property'. To formalise this vision, Gramdan laws were enacted in several Indian states during the 1960s and 1970s, which brought productive agricultural land, apart from traditional commons like forests or pastures, into the folds of collective governance. This was achieved by introducing legal provisions for voluntary land vesting, establishing thresholds for community consent, implementing participatory governance structures, imposing restrictions on alienation, and prioritising allocation to the landless. This rarity in the convergence of moral, legal, and institutional dimensions was a factor behind the Gramdan movement achieving widespread success in its early stages.

However, as social, economic, and ecological conditions shifted over time, the movement slowly dissipated from the mainstream discourse. Existing literature identifies several factors contributing to this decline, including landlords donating unproductive land to circumvent land ceiling laws, socio-economic barriers, and the exploitation of the poor (Nedumpara, 2004; Oommen, 1972; Nanekar and Khandewale, 1973). As Cholkar (2011) poignantly notes, the Bhoodan-Gramdan movement aimed so high that "*it was bound to fail*," stating that its main

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achievement is that it articulated an “*alternative...a new process for change.*” Today, while many Gramdan villages still exist across the country—including villages like Mendha Lekha in Maharashtra, which was designated an official Gramdan village in 2024 (Shagun, 2024)—the supporting laws are often dormant or being repealed. The state of Assam repealed its legislation as recently as 2023. Parallel to this, Gramdan has also been an inspiration for Community Land Trust (CLT) models worldwide, especially in Kenya, Brazil, Puerto Rico, France, and the United States (Community Land Trust Network, n.d.; UN-HABITAT, 2012). A CLT—much like the Gram Sabha under the Gramdan framework—is an entity that retains ownership of land for community-oriented purposes, governing it through unique institutional designs and legal protections that ensure equitable access to land (UN-HABITAT, 2012).

Within scholarly literature, the overwhelming focus has been on the history of the Gramdan movement, Bhave’s philosophy, and the initial implementation and governance outcomes of state-level laws (Cholkar, 2017; Shukla and Iyengar, 2011; Oommen, 1972). However, there is a research gap concerning the legislative architecture of Gramdan and its effectiveness in translating the ideals into practice. Few studies directly address these legal-institutional dimensions. For example, Mohapatra and Verma (2019) propose extending Gramdan’s logic to contemporary land acquisition, where a Bhoodan-based corporate citizenship model can reconcile commercial development with social responsibility. Ch, Samisetty, and Kumar (2025) explore the significance of Geographical Indication (GI) tagging for the development of MSMEs in rural communities, especially to preserve traditional knowledge and strengthen resilience.

This article aims to address two questions: (1) What are the core features of Gramdan’s legal-institutional framework across different Indian states? (2) How can these frameworks be strengthened to improve adaptive governance and meet evolving socio-political, economic, and ecological challenges? It addresses these aspects, firstly, through a comparative doctrinal analysis of legislation in six Indian states—Andhra Pradesh, Assam, Bihar, Maharashtra, Odisha, and Rajasthan. The analysis suggests that the effectiveness of Gramdan, like other land governance institutions, is contingent not only on their normative principles but also on their ability for adaptive governance and responsiveness. However, the Gramdan statutes represent rigidity, which was exacerbated by the absence of meaningful legislative reform once they were enacted, despite rapid transformations in agrarian relations, urbanisation, and increasing macroeconomic pressures. Secondly, the article aims to identify pathways for reform by drawing on contemporary property rights discourse, primarily through the lens of CLTs and their design for community land governance. The results point to the need for a reimagination of land governance frameworks that recognise plural, layered forms of tenure and prioritise community autonomy. While contributing to discourses on land governance, property law, and pluralism, the paper aims to

reposition Gramdan-inspired models as viable alternatives to community land governance both in India and globally.

## II

### METHODOLOGY

This study uses a comparative doctrinal analysis to evaluate the Gramdan's legislative frameworks across six Indian states: Andhra Pradesh, Assam, Bihar, Maharashtra, Odisha, and Rajasthan. These were purposively selected based on three criteria: (a) diversity in regional, political, and socio-economic contexts, (b) variations in legal provisions, and (c) availability of documentation for analysis. The analysis focused on state-specific Gramdan Acts, rules, and amendments sourced from legislative archives and official government publications. To draw comparisons with Community Land Trusts (CLTs), a secondary review of scholarly literature was conducted to evaluate their legal design and governance outcomes. Peer-reviewed articles and case studies were used to provide context and insights into how Gramdan and CLT villages function in practice.

The study has certain limitations. It primarily relies on documentary analysis, as up-to-date field-level data on Gramdan implementation across states is limited. Moreover, although global comparisons with models like CLTs are conceptually useful and can offer valuable insights, their adaptability can only be established through careful, field-based validation that takes into account the legal, social, and historical characteristics of the Indian context.

## III

### REVIEW AND ANALYSIS

#### *3.1 Legal Definition and Scope of Gramdan Land*

The Gramdan movement was envisioned to promote self-sufficiency and autonomy among local communities. Its core ideals aimed to transform land ownership from an individual right into a collectively-held asset (Bhave, 1967). The effectiveness of Gramdan in achieving its redistributive objectives hinges on how the terms 'land' or 'common land' are interpreted within various state legislations and what exactly falls under community ownership. The nature and quality of land that may be donated also depend on how the terms are defined. In other words, the potential for extending the philosophical reach of the movement lies in this very definition. If 'land' or 'common land' is inadequately or poorly defined, it could lead to ambiguities over what may actually be donated and could create potential loopholes.

Among the six states, only the Bihar Gramdan Act provides a unique and purposive definition of 'land'. It is defined as any parcel that is used, or is capable of being used, for agricultural, horticultural, piscicultural, or allied purposes, and includes waste land and homestead land. The functional approach adopted by the

Bihar Gramdan Act ensures that only land capable of contributing to the village's productive capacity is eligible for donation. The extension of the definition to horticulture, pisciculture, and allied purposes also clarifies that the intent of the lawmakers goes beyond supporting cultivation practices to include other activities that support rural livelihoods. In addition, the inclusion of homesteads and wastelands is yet another unique feature of the statute, which considers both residential plots and barren land, thereby ensuring that spaces that might otherwise be excluded are included.

Additionally, statutes in Rajasthan, Bihar, and Assam also state that the 'common land' of a village includes waste land and other lands used or reserved for common purposes. The inclusion of 'waste land' likely reflects the developmental priority to expand agricultural production in the post-independence period, when bringing waste land under cultivation was a key objective (Singh, 2013).

On the other hand, the Andhra Pradesh and Odisha Gramdan Acts adopt a more generic, common law-derived definition of 'land' to include the "benefits arising out of land, things attached to the earth or permanently fastened to anything attached to the earth." This aligns with broader principles of property law and ensures continuity with general legal interpretations. However, it lacks the granularity required to serve the socio-economic aims of Gramdan. As mentioned earlier, it may also lead to ambiguities regarding the suitability of certain land parcels for donation under the Gramdan framework. States such as Assam, Maharashtra, and Rajasthan do not define 'land' within the scope of their legislation, opening room for ambiguities over what kinds of land may be donated. It runs the risk of compromising the quality of the land donated, corrupting the philosophical intent behind the law.

### *3.2 Procedures for Land Vesting, Registration, and Opting Out*

The Gramdan laws required donors to voluntarily surrender portions of their land towards the village collective. An overview of the processes has been provided in Table 1. While procedures vary across states, the general process involves the following elements.

1. Submission of declarations: Landowners (or residents, in some states) submit a declaration to a prescribed authority (such as the Collector, Bhoodan Board Chairperson, or Tahsildar).
2. Publications and objections: Declarations are published and kept open for submitting objections, if any.
3. Threshold requirements (vary by state): These concern the minimum percentages of land surrendered, landowner participation, and consent.

TABLE 1. SUMMARY OF THE PROCESSES FOLLOWED ACROSS DIFFERENT STATES.

State	Land Donation Threshold	Donor Participation	Resident Participation	Declaration Process	Remarks
Andhra Pradesh	Above 51% of the total lands under private ownership in a village	At least 75% of resident landowners in the village	At least 75% of the residents (i.e. landowners as well as remaining residents)	The Government may, on the recommendations by the Board, declare the village to be a Gramdan village.	
Assam	At least 51% of the total extent of lands under the private ownership of the residents in that village	At least 75% of resident landowners in the village	At least 75% of the adult residents of the village	States that the 'prescribed authority' shall make necessary enquiry after receiving objections from interested persons and may declare the village as a Gramdan village.	The Assam Gramdan Rules reveal that this authority is the Sub-Deputy Collector in charge of the Circle within which the land donated, is situated.
Bihar	Above 51% of the total lands held by owners in the village	Nothing is mentioned about landowner participation; speaks in terms of residents only	At least 75% of the total residents of the village	Declarations are filed with the Chairman of the State Gramdan Board, who shall make necessary enquiry after receiving objections from interested persons and may declare the village as a Gramdan village.	
Maharashtra	60% land to be donated out of the total lands in the village	75% landowner participation	75% landowner plus non landowner participation	A meeting has to be convened by the Collector to ascertain the willingness from adult residents and non-resident donors (has to be at least 51% who support the motion)	
Odisha	Above 51% of the total lands under private ownership in a village	At least 75% of resident landowners in the village	At least 75% of the resident villagers	The Government may, on the recommendations by the Board, declare the village to be a Gramdan village.	
Rajasthan	Above 51% of the total lands under private ownership in a village	At least 75% of resident landowners in the village	Declarations have to be confirmed for at least 75% of the holders of land and heads of families who do not hold land, residing in that village	Declarations are to be filed with the Chairman of the Board who shall forward them, along with her recommendation, to the Collector. The Collector may, after making such necessary enquiry, by notification in the prescribed manner declare that village to be a Gramdan village.	75% participation must include both "landowners and heads of families who do not own land but reside in the village", while AP and Odisha require the overall participation of 75% "residents"

4. Government declaration: Once the prescribed conditions are satisfied, the competent authority issues an official Gazette notification declaring the village as a Gramdan village.
5. Legal consequence: Upon registration, all individual rights vest in the Gram Sabha, which assumes collective ownership and administrative authority.

The states of Assam, Bihar, and Rajasthan further provide for the registration of a Gramdan village as a separate revenue village. Therefore, when an area has been declared a Gramdan village, the Gram Sabha may apply to the appropriate authority to have it demarcated as a separate revenue village. Assam and Bihar further stipulate that, once the village is registered as a revenue village, the common lands located in the erstwhile revenue village (of which the Gramdan village previously formed a part) can be allocated between the two revenue villages by metes and bounds.

Given that Gramdan is a voluntary, community-led framework, some villages have also sought to opt out of the system. Legislations like the Rajasthan Gramdan Act explicitly provide for this exit mechanism. Under this Act, if more than 50 per cent of participating residents submit written declarations to revoke Gramdan status, the Sub-Divisional Officer verifies their authenticity through a public meeting held in the presence of Gramdan Board representatives, where applicable.

### *3.3 Institutional Mechanisms*

The Gramdan Acts across states recognise the village body and entrust it with the ownership, management, and administration of the donated land. The nomenclature for this body varies across states and includes Gram Sabha (in Assam, Bihar, Rajasthan, and Andhra Pradesh), Grama Parishad (in Odisha), and Gram Panchayat (in Maharashtra). In all states, the body is endowed with distinct legal personality, with perpetual succession, a common seal, the power to enter into contracts, acquire, hold, administer, and dispose of movable and immovable property, and to sue and be sued. The institution embodies self-governance and participatory democracy in the village, as consensus among the community is ensured before decisions are made. The membership of the Gram Sabha includes all adult residents whose name is included in the electoral roll of the village and, in some cases, persons who have donated their land by way of Gramdan but reside outside the village.

The Gram Sabha (or its equivalent) serves as the trustee of donated land. It assumes legal ownership and redistributes land among both original donors (who retain not more than 19/20th share in most states) and landless residents. Only Andhra Pradesh deviates from this approach, allowing Gram Sabhas to manage or lease land collectively without the 1/20th retention ceiling.

The Gram Sabha plays a central role in self-governance and towards village development. Its core powers and functions include those that traditionally fall under the role of the revenue department, such as the collection of land revenue, rent,

cesses, and taxes, as well as the power to initiate eviction proceedings in cases of violations of the conditions of land allotment. The village bodies are also empowered to undertake activities that promote the overall social and economic upliftment of the community. For instance, the Acts in Andhra Pradesh and Odisha provide for the management of vested lands to be carried out by the village body. In these states, the Gram Sabha is empowered to arrange for the cultivation of vested lands either directly or through allotments to village residents; distribute the produce or income from jointly cultivated land; set aside land for community purposes; implement agricultural improvements; reclaim wastelands; and undertake other developmental activities. These powers and functions reflect the core Gandhian philosophy of self-sufficiency, which forms the foundation of the Gramdan way of life.

Across states, the Gramdan legislation entrusts the village-level body with the creation and management of a dedicated fund to finance administration, cultivation, and development activities. The underlying logic is to ensure fiscal autonomy for self-governance. Revenue sources vary slightly but generally include income from cultivation or cooperative enterprises, rents and taxes from allottees, voluntary contributions like donations or gifts, and, in Bihar, grants-in-aid from local governments. Andhra Pradesh mandates a more formalised budgeting process, requiring Gram Sabhas to maintain financial records, submit returns, and add their estimates to the Bhoodan Board's budget. Odisha provides a similar model, where all money and sums received are credited into the Grama Parishad fund, but it does not elaborate on the sources from which this fund is to be mobilised.

Dispute resolution under the Gramdan Acts is designed to minimise dependence on external courts and enable speedy, localised settlements. Appeals against the confirmation or rejection of land donation declarations are heard by designated authorities, such as the Commissioner (Maharashtra), Revenue Divisional Officer (Andhra Pradesh), or Sub-Divisional Officer (Odisha). Disputes relating to the allotment of land are addressed differently across states: in Rajasthan, they are referred by the Gram Sabha to the Gramdan Board, while in Maharashtra, Assam, Andhra Pradesh, and Odisha, they are handled by Arbitration Boards comprising nominees from both parties and a neutral third member, with decisions deemed final and binding. Eviction-related matters generally require applications to the Tahsildar (in Andhra Pradesh, Odisha, Maharashtra, and Bihar), although Rajasthan and Assam empower the Gram Sabha itself to pass eviction orders. Additionally, Assam and Bihar provide for the creation of a Gram Sabha Adalat and a Nyaya Sabha, respectively, which consist of members from the village assembly who can exercise quasi-judicial powers. This initiative creates a standalone forum for the adjudication of disputes within the village community, thereby further reducing reliance on external courts. These provisions reinforce the concept of *swaraj* by embedding justice at the community level.

The institutional oversight of Gramdan across states is vested in statutory State Bhoodan Boards, which, in practice, also function as Gramdan Boards. Constituted as corporate bodies with legal personality, these Boards serve as autonomous administrative agencies within the state apparatus. Their primary mandate is to verify the authenticity and suitability of donated land, ensuring that it is free from encumbrances and duly recorded in state revenue registers before being vested in Gram Sabhas. The Boards are also responsible for guiding Gram Sabhas in exercising their functions, training personnel for implementation, monitoring and evaluating the implementation of Gramdan, and facilitating legal and administrative procedures for the recognition and management of Gramdan villages. Maharashtra, lacking a separate Bhoodan law, directly constitutes a Gramdan Board to perform these roles.

### *3.4 Restrictions on Alienation and Transfer of Land*

In all the states, the interest in the land allotted or leased to a person can only be transferred through inheritance. This counters the risk of land being sold by individuals and preserves its existence in the community for future generations. In Maharashtra, Rajasthan, Assam, and Bihar, the allottee may transfer their interest to another person with prior approval of the Gram Sabha. However, such transfers are limited to persons who are part of the Gramdan community, to the Gram Sabha itself, to a cooperative society, or to the Government for the purpose of securing a loan.

Provisions are also in place to prevent the village assembly from alienating the Gramdan land. The Andhra Pradesh and Odisha Gramdan Acts explicitly proscribe the Gram Sabha from alienating or transferring the land vested in it, except by exchange for consolidation of holdings or hypothecation in favour of the government, co-operative society, or a land mortgage bank for securing loans, with the prior approval of the Collector. The other statutes empower the Gram Sabha to undertake land consolidation through exchange, without mentioning any restrictions in this regard.

### *3.5 Rights and Prioritisation of Beneficiaries*

Even though allottees were given a non-transferable and heritable interest in the land parcels, the retention provisions enabled landowners to retain a substantial portion of the land in most Gramdan laws, leading us to question their impact on eliminating inequitable landholding in the village. Except in the state of Andhra Pradesh, provisions are set out in all the other examined states that grant the Gram Sabha discretionary power to retain and allot up to 95 per cent (or less, if landowners agree to the same) of the donated land to the landowners themselves. Therefore, one can see that priority is first given to people who already own land, rather than to the landless, who are in actual need of land for cultivation and a livelihood. In other words, only a minimal share of 5 per cent is reserved for the benefit of the landless farmers in these states.



Regardless of whether one is a former landowner or landless allottee, all are obligated to contribute a sum towards the Gram Sabha fund, specially constituted for that purpose. These funds are to be used towards exercising the “purposes of the Act”, i.e., promoting the social and economic upliftment of the village.

As seen earlier, free market alienation is strictly prohibited in all states and is permitted only within the Gramdan community, subject to the prior approval of the Gram Sabha. Furthermore, in Rajasthan and Maharashtra, when an allottee, lessee, landless person, or the Gram Mandal itself defaults on dues, and their interest in the land may have to be sold, such land cannot be sold to just anyone in the open market. It can only be sold to the Gram Sabha/Gram Mandal, or a person who has joined the Gramdan community of that village.

Marginalised groups are treated specially when it comes to restrictions on alienations. For instance, in Rajasthan, it is stipulated that transfers can be made by a scheduled tribe member with the approval of the Gram Sabha, only to another member of the same Tribe. In Bihar, although this provision is not present, it is stipulated that lands donated by a member of the Scheduled Tribes shall be allotted to another member of the Scheduled Tribes only.

### *3.6 Comparative Lessons from Community Land Trusts (CLTs)*

The struggle for land continues unabated in independent India, driven by an inefficient land administration system, corruption, political lobbying, and large-scale land acquisition, which is aggravated by poor stakeholder management (Singh, Nair, and Isaac, 2021; Mohapatra and Verma, 2019). These issues highlight the limits of conventional land governance institutions. Globally, however, commons-based systems like CLTs have provided alternative ways of securing equitable access to land (UN-HABITAT, 2012; Davis, 2014).

CLTs emerged in the United States during the civil rights era, influenced by Ralph Borsodi's critique of speculation, Arthur Morgan's community leasehold models, and Robert Swann's initiatives with African American farmers (Davis, 2014). Like Gramdan, CLTs were founded on the philosophy of land as a commons, held in trust for communities rather than as speculative property. Several stakeholders and scholars have attempted to provide a lasting definition of what a CLT is. However, their focus primarily falls on establishing CLTs as a housing solution, even though the “original” definitions from the movement have included allotting the land for other types of public as well as commercial uses (Wang and Spicer, 2024). Davis and Jacobson (2008) define CLT as follows:

*“A community land trust is a nonprofit organization formed to hold title to land to preserve its long-term availability for affordable housing and other community uses. A land trust typically receives public or private donations of land or uses government subsidies to purchase land on which housing can be*

*built. The homes are sold to lower-income families, but the CLT retains ownership of the land and provides long-term ground leases to homebuyers. The CLT also retains a long-term option to repurchase the homes at a formula-driven price when homeowners later decide to move.”*

The classic structure of the CLT emerged in the 1970s and 1980s, establishing the model’s defining features: non-profit status, dual ownership (land held in trust, with improvements privately owned), a tripartite governance structure, and restrictive resale conditions to promote affordability. Initially aimed at addressing agrarian inequality and racial exclusion, the model evolved as the urban housing crisis intensified, with CLTs becoming prominent tools to prevent the displacement of low-income communities and secure affordable housing (Davis, 2014). Their successful migration into varied socio-political and geographic contexts – from the US and the UK to informal settlements in Latin America (Basile and Ribeiro, 2022) – attests to their adaptability and resilience.

The primary point of convergence between CLTs and Gramdans rests on the philosophy of treating land as a shared resource, rejecting the idea of its use for private enrichment. The principles of community ownership, trusteeship, decentralisation, participatory governance, protection from land speculation, and the goal of maintaining equity in land access, prevalent in both these systems, urge one to ponder the varying degrees of success that have emerged from their implementation. There is a burgeoning literature that reports on the proliferation of the CLT movement in the Global North, with the growth of the movement spreading to Canada, Europe, England, and Australia (Davis, Algoed, and Hernández-Torres, 2020), as well as the Global South (Basile and Ribeiro, 2022).

1. Mode of acquiring ownership of land: CLTs acquire ownership of land through a mix of channels, including land donations from government or private entities, direct purchases at market prices through subsidies, and discounts from government, private and philanthropic institutions (Zonta, 2016). Gram Sabhas, on the other hand, acquire ownership over land completely through donations from landowning individuals. Although some states have provisions for purchasing separate property for redistribution to the landless at the cost of the landowners, this seems to be the extent of it. In all other cases, Gram Sabhas are vested with the ownership of land only when landowners voluntarily surrender a portion of their landholding for the benefit of the community.
2. Ownership models and communal tenure: As mentioned above, both Gramdan and CLTs are founded on the principle of common ownership of land by a legally recognised entity. The difference, however, lies in the degree of governmental interference in their functioning. The legal ownership of land in a Gramdan village vests with the Gram Sabha, which is constituted

under various State Gramdan laws. In contrast, the CLT, which owns the land, is traditionally a non-profit corporation chartered under the laws of the particular state in which it is based. Establishment as non-profit corporations gives them legal recognition and tax-exempt status, ensuring sustainability beyond the charisma of their founders. They can also be established as a subsidiary of another corporate entity or as an internal program of an older non-profit organisation (Davis, Algoed, and Hernández-Torrales, 2020). In all cases, they both enjoy a distinct legal personality.

Additionally, it is important to note that in a CLT, only the land is held in trust, not the things attached to it or improvements made on it. In other words, what the CLT holds is title to the land alone, and the leaseholder has ownership over improvements or structures developed by them (Davis and Jacobson, 2008). This separation of land from its structural inputs is absent in the Gramdan framework. The villagers do not hold separate titles to the improvements made by them; there is only collective titling, which vests in the Gram Sabha. When declarations are signed, all rights, title, and interests pass on to the Gram Sabha. The leaseholder can transfer the lease at predetermined resale prices, while in Gramdan, allottees or lessees are granted heritable and non-transferable use rights over a parcel of land. Transfers are possible with the prior permission of the Gram Sabha to community members or to the Gram Sabha itself. The CLT also retains an option to repurchase from the owners.

3. Institutional design and governance structures: The Gram Sabha and the CLT non-profit stand as the legal entities for managing land under their respective framework. In a Gramdan village, all adult residents who are registered in the electoral roll of the Panchayat, for the part of the village registered as Gramdan, will be deemed to make up the members of the Gram Sabha. This may include people who have signed declarations to donate their land, plus landless villagers who wish to join the Gramdan community. The traditional governance structure of a CLT consists of a board of directors composed in part of one-third representatives each from among the leaseholders, general community members (members who do not live in or use the CLT, but are residents of the neighbourhood, and another group consisting of public officials, experts, funders, etc. Both have been designed as a bottom-up mechanism, prioritising participatory decision-making and balancing the interests of all stakeholders. The tripartite governance design of CLTs balances resident participation, community representation, and external expertise, preventing both elite capture and bureaucratic sclerosis.

CLTs also offer flexibility in their governance structure by diversifying the public representative category on their Board to include representatives from local churches, foundations, banks, social service agencies, tenant rights

organisations, or community development corporations (Davis, Algoed, and Hernández-Torres, 2020). A diverse display of public representation enables the CLT to form alliances that can prove beneficial in times of local socio-political conflict. Moreover, CLTs are most effective when an alliance is formed between residents, local leaders, and a team of technical experts. This alliance is essential in addressing issues that arise on legal, economic, social, and territorial fronts before adapting a CLT to the local context.

4. Legal protections against commodification: The principle of protection against land speculation is another feature common to both frameworks. The practice of placing the community in collective ownership contains an underlying goal of stewardship. In order to satisfy the principle of long-term community stewardship, it is essential that the land continues to remain with the community, away from the clutches of real estate. Gramdan and CLTs have embedded mechanisms within their frameworks that restrict the transfer of common land. In a Gramdan village, the allotted land is non-transferable, except to a person within the Gramdan community, a cooperative, Gram Sabha or the Government. In a CLT framework, the leaseholder has the right to sell their structures and improvements, but only at fixed resale prices to low- and moderate-income households. The terms for such a resale will be specified in the ground lease entered into at the time of land leasing. The resale formulas are designed to allow the seller to capture a fair share of the property's appreciated value while maintaining affordability for the next buyer (Lowery et al., 2021). The common 99-year ground lease typically grants the CLT the first right of purchase in lease transfers, allowing affordability to be more easily retained as the CLT has some control over the income-eligibility of the new buyer (UN-HABITAT, 2012). Altogether, the mechanisms act as a shield against exploitative market trends in real estate, ensuring the availability and affordability of land for perpetuity. The resale price formulas and ground leases also facilitate flexibility.

Davis (2014) identifies several factors contributing to the growth of the CLT movement, including 'fertilisation' through increased public investment and private funding, and 'specialisation' achieved by forming a niche among existing non-profits through a focus on long-term stewardship. Within the housing sector, where the movement was increasingly applied, CLTs employed stewardship by focusing on affordability, quality, and security of tenure. Evidence showed that CLTs preserved the affordability for future buyers and improved the security for present owners. Basile and Ribeiro (2022) demonstrate that existing CLT designs in informal settlements yield favourable outcomes due to their flexibility in adapting to local contexts and specificities. For example, the Caño Martín Peña CLT in Puerto Rico transposes ground leases with surface right deeds to improve the security of tenure among residents.

## IV

## REFLECTIONS AND WAY FORWARD

*4.1 Adaptive Potential of Gramdan and the Limits of Static Legalism*

The positive relationship between equitable land distribution and development is well established (Pierri, Anseeuw, and Campolina, 2025). The Gramdan movement aimed to establish self-governance and a consensus-driven form of local democracy, where Gram Sabhas serve as the custodians of common resources to oversee the socio-economic welfare of the people (Bhave, 1967). The success of any social movement depends on the collective interest, leadership, and prevailing socio-economic conditions. Although the Gramdan movement aimed to improve the status of landholding, especially for the poor and marginalised, it received less attention over time. Many reasons have been cited for the decline, including the transfers of unproductive land and bureaucratic apathy (Cholkar, 2017; Shukla and Iyengar, 2011; Nedumpara, 2004; Nanekar and Khandewale, 1973). According to Oommen (1972), people started donating land, not in order to further the ideals of the movement, but for the “immediate material benefits” attached to land donations. The “haves”, in particular, were said to have a vested interest in the continuance of the movement as it shielded their interests by being a “system-maintaining device” (Oommen, 1972). However, unlike a movement, which can wane when public participation slows down, a law remains in force until the sovereign authority formally repeals it. It does not simply fade from existence, even though the surrounding socio-economic conditions challenge its survival. For this reason, many of the state Gramdan laws in India are in a state of dormancy.

This study has shown that the legal-institutional framework of Gramdan embodies a vision of land as a community trust held by the Gram Sabha or its equivalents. The rarity in the convergence of moral, legal, and institutional dimensions was also a factor in why the Gramdan movement achieved widespread public acceptance. By endowing the village bodies with corporate legal personality, authority to redistribute land, mobilise funds, and adjudicate disputes, the Gramdan Acts attempted to translate radical Gandhian ideals into reality. Their initial success drives one to probe the practical implications of re-adapting the core principles in contemporary times. The analysis presented in this article suggests that the effectiveness of Gramdan — much like other land governance institutions — is contingent not only on the normative principles but also on the capacity for adaptive governance in response to evolving contexts (Folke, 2006). Once enacted, most Gramdan statutes saw little subsequent reform, despite rapid transformations in agrarian relations, urbanisation, and macroeconomic pressures. The repeal of the Gramdan legislations in some states, alongside the prevalence of dormant or obsolete Acts in others, proves that a framework that requires moral, legal, and equitable values to co-exist for survival can lose its vitality if not tailored to suit changing social, political, and economic circumstances. For instance, the stringent rules on

alienation and collective titling of both land and improvements create inflexibility and, at times, undermine incentives for household-level investment. Similarly, while dispute resolution mechanisms are intended to be internal and community-based, they lack clarity regarding higher appeal mechanisms and could falter in cases of elite capture or political conflict. Gramdan's reliance on voluntary land donation made sense in the post-independence agrarian crisis. Still, in later decades, as land values rose and inter-generational aspirations shifted, the voluntary ethos became harder to sustain. The lesson here is that institutional codification, unless coupled with mechanisms of adaptation, risks ossification in the face of social and economic change. The result has been the stagnation of Gramdan villages, many frozen in time, unable to generate new donations, expand common resources, or respond to rural-urban transformations. Instead of building flexible institutional pathways, the laws assumed permanence of collective commitment, an assumption that has proven increasingly untenable.

However, there is still evidence from contemporary times which shows the potential for the movement to survive, despite social, economic and political challenges. The case of the village of Mendha Lekha in Maharashtra, which is fighting for Gramdan status and recognition as a Gram Panchayat (Shagun, 2024), demonstrates that there is potential for the movement to thrive in select situations, where villagers unanimously advocate for self-rule to maintain their commons. This cannot be treated as an isolated case and warrants further research to determine the capacity of Gramdan ideals and motivating factors towards supporting governance of commons. The extended delays on bureaucratic fronts faced by Mendha further suggest that similar challenges may exist elsewhere, highlighting the necessity of systematic documentation and analysis of such challenges across Gramdan villages.

While Gramdan leaned heavily on Gandhian ethics and voluntary discipline, CLTs demonstrate how community stewardship can be legally embedded in ways that adapt to shifting social and economic conditions. The contemporary CLT model was created by selecting favourable characteristics of ownership, organisation, and operation from different strains of social change and combining them to form a new strain of tenure. The movement prospered by mixing uses and merging agendas, bringing together organisational characteristics and political interests that are usually separate, and sometimes at odds. Over time, hybridisation has brought into dominance the most productive and sustainable characteristics of the model, helping the movement to thrive. However, CLTs should not be considered a ready-made recipe, but as a potential mechanism to disrupt the long-standing paradigm of individual property, top-down control of land and, possibly, as a system that guarantees community control and permanent affordability to informal settlements, in cases where it can be adapted and transformed to fit existing local realities (Basile and Ribeiro, 2022).

#### *4.2 Towards Strengthening Gramdan: Pathways for Reform*

Drawing on both statutory analysis and comparative insights from CLTs, four broad pathways emerge for strengthening Gramdan's institutional framework in the present context. Firstly, reforms could provide Gram Sabhas with graded options for land management, including flexible tenure categories that accommodate both collective and individual interests. For example, separating ownership of land from ownership of improvements, as in CLTs, could align incentives for investment without undermining commons protection. Under the traditional ground lease model in a CLT framework, land improvements are treated separately—the non-profit entity owns the land, while the leaseholder owns the improvements. In contrast, Gramdan treats both land and improvements as common property vested in the village assembly—land is non-transferable and only heritable. In CLT systems, when a leaseholder decides to sell their improvements, they are allowed to do so only based on a previously fixed resale formula to low-income households. The land remains with the non-profit for perpetuity, to keep it outside the influence of free market forces. Furthermore, the CLT, as a variable modelling tool, allows for adopting numerous modes of land tenure while allowing for collective ownership.

It is not necessary that the dual ownership mode, as traditionally envisioned, be adopted in any communal property management system. For example, the Cano Martin Pena in Puerto Rico opted for a surface rights deed instead of a ground lease to regularise the use of the land and secure and register a family's ownership of the house. The ground lease model also risks reducing the level of community control; in theory, it allows the CLT to retain control of the land in perpetuity, while the leaseholder establishes ownership over their improvements. However, it may also imply that the former can no longer make decisions over the control of the land, as that is now the right of the latter to the exclusion of the rest of the community. Williams et al. (2018) advise that redesigning the ground lease model would allow for more community control through providing non-housing uses such as community parks and gardens. Therefore, instead of granting the leaseholder exclusive ownership through the lease, the membership could decide to implement other uses in the land, with the leaseholder's consent. Essentially, flexibility that addresses concerns of each CLT on a case-by-case basis is what needs to be conceptualised. Ground lease structures or not, a possible lesson is that Gramdan villages could start treating land and improvements separately and recognise layered, plural forms of tenure that can be adapted to their contexts.

Secondly, while the Gram Sabha model of direct democracy embodies inclusivity, the experience of CLTs shows the utility of integrating multi-stakeholder boards that combine residents, technical experts, and public representatives. This approach can strike a balance between local autonomy and external oversight and

accountability. For instance, the traditional CLT has a tripartite board with an equally divided three-part membership among CLT residents, broader community members and public and private sector representatives. Two-thirds of the Board reflects the interests of the community it serves. Any adult who resides on the CLT's land and any adult who resides within its geographically defined "community" is eligible to become a voting member of the CLT. In recent times, CLTs have expanded their reach to a wider service area, consisting of multiple neighbourhoods, an entire city, an entire county, or, in a few cases, a multi-county region. Gramdans are governed by a village assembly, which consists of all members included in the electoral roll of the Panchayat for that part of the village area that has been converted into a Gramdan. Without compromising this inclusive structure, Gramdan villages could learn from the organizational model of CLTs by remodelling the membership of the Gram Sabha to include not just members within the Gramdan village, but also from the broader community of the village which that Gramdan village is part of, persons who do not live in the village but wish to be part of the communal way of living. It could also include public representatives who speak for the public interest.

Thirdly, the relationship between the Gramdan and the Panchayati Raj framework has to be clearly articulated. Although the structure, membership, and overall functions of the Gram Sabha and equivalent institutions are properly outlined in state laws, there is ambiguity regarding how they coexist with the three-tier Panchayati Raj framework constituted after the 73rd Amendment to the Constitution of India. It is generally understood that the powers vested in the Gram Sabha entitle it to be the custodian of natural resources, akin to modern-day Panchayats. The states of Assam, Bihar, and Maharashtra explicitly empower the Gram Sabha to function as the Panchayat in areas declared as Gramdan villages, and assume all its powers and responsibilities. In Bihar, this position was confirmed by the Patna High Court in *Sri Mohan Jha vs. State of Bihar and Ors* [1979 0 Supreme(Pat) 100], where it was held that the Gram Panchayat established under the Bihar Panchayat Raj Act will cease to function, but not cease to exist, for areas falling within the jurisdiction of a duly constituted Gram Sabha under the Gramdan Act. Even so, the situation remains murky. For example, Rajasthan deleted this provision from the respective Act in 1995, which, in effect, resulted in Gramdan villages with restricted access to state funds as they were now required to route all developmental works through the Panchayats (DTE Staff, 2002).

Lastly, CLTs are enabled to hold formal and informal relationships with public, private, and charitable organisations as well as with other organisations within their ecosystem (Chyi and Wu, 2023). These partnerships help improve fiscal opportunities, foster technical and service-oriented collaborations, and promote advocacy. Examples such as the Southside Community Land Trust in Rhode Island, which collaborates with schools, churches, and local agencies to manage community gardens, train farmers, and promote food systems, or the Northeast Farmers of Color



Land Trust, which integrates land stewardship with climate justice and community services, highlight how external alliances expand both resources and impact (Chyi and Wu, 2023). By contrast, Gramdan villages have historically remained inward-looking, relying almost exclusively on voluntary land donations and self-contained village assemblies. They can leverage the support of such entities by integrating it into a broader network of supporting partnership organisations, including mission-driven private actors, to meet the technical, legal, and infrastructural demands of the area in which they operate. Forming alliances with adjoining and nationwide Gramdan villages would help to support effective knowledge dissemination. It can also help in acquiring new land parcels, in addition to the traditional model of private donations by landowners. The concept of Gramdan, similarly, has great potential to set the stage for holistic community development through meaningful and cooperative partnerships.

Like Elinor Ostrom's work on common-pool resources, Gramdan was a practical experiment in nested governance and community trusteeship. Its relative decline does not diminish its theoretical value, but it signals the need for an updated institutional design. A reimaged Gramdan—equipped with legal adaptability, representative governance, and resilient funding—could still serve as a Global South equivalent to CLTs, offering lessons for rural India that continues to grapple with land insecurity, ecological degradation, and inequality (Pierri, Anseeuw, and Campolina, 2025).

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