

Project on

Right to Homestead land in Rural Bihar: A Study of Its Status, Issues, and Challenges in Implementation of Policies and Provisions

Even by the most conservative estimate of the Census of India 2001, Bihar ranks first (42.10 lakhs) among the states in terms of rural housing shortage, and the magnitude of the shortage is nearly double of that in the state ranked second, and triple of that in states ranked third and fourth. Key to housing in rural areas is access to and ownership rights over homestead land. But it is unfortunate that there are no official data and information available on ownership of homestead land. The NSSO data on homestead land accounts for only de facto ownership-like possession of homestead land. It does not capture the issue of lack of legal ownership over homestead land. The proposed study will make an assessment of the magnitude of the problem of lack of ownership rights to homestead land in Bihar, and provide inputs to the Planning Commission which will help in devising a regular mechanism for collection of data and information on such households and in formulating appropriate policies and programmes for ensuring right to homestead land.

Bihar was probably the first state in the country to enact a separate law, namely the Bihar Privileged Persons Homestead Tenancy Act 1947, for providing security of tenure to landless



rural households over their raiyati homestead land. Since then the Bihar Government has also made provisions for regularisation of homestead of the landless on gairmazarua khas and gairmazarua aam lands. Implementation of these laws and provisions does not require additional financial resources from the govt. But despite this, a large number of eligible landless

Through its study and analysis of the processes and practices involved in the implementation of the laws, policies and provisions, the proposed research seeks to locate and identify the institutional/administrative hurdles and provide concrete inputs to the Planning Commission which will help it in undertaking necessary steps for improving the implementation of the laws, policies and provisions.

Major objectives of the Project are

- i) to study and explore the status of access and ownership rights to homestead land among the rural landless and marginalized communities in Bihar;
- ii) to study and analyse the patterns and processes of residential displacements and settlements of the rural landless and marginalized communities on various types of land such as raiyati, gairmazarua khas and giarmazarua aam lands;
- iii) to study and analyse the existing laws, policies and provisions in Bihar and the administrative/ institutional practices and processes of their implementation for granting homestead rights to the rural poor;
- iv) to locate and identify the institutional/ administrative as well as socio-economic hurdles behind the lack of implementation of the existing laws, policies and provisions, and the denial of homestead rights to rural poor; and
- v) to suggest inputs and remedial measures for improving implementation of the existing laws, policies and provisions, and for ensuring the right to homestead land for the rural poor.

Hypotheses tested

The hypotheses tested by the proposed research are:

- i) Despite existence of laws, policies and provisions for granting homestead rights to the rural landless and marginalized households, a majority of rural landless and marginalized community households,

particularly SC/ ST households do not have ownership rights to their homestead land on which they have been residing since long.

- ii) The complex and cumbersome administrative/ institutional procedures along with tedious paperwork involved in the process for acquiring legal entitlement to homestead land together with lack of interest and commitment among government officials for implementing the laws, policies and provisions has resulted in a large number of eligible landless households being denied their right to homestead land.



- iii) Because of lack of official data and information about the number of rural households that do not have ownership right over their homestead land, it is difficult to accurately estimate the magnitude and severity of the problem;
- iv) Since there is no training given to officers to familiarize them with the system of land revenue administration, laws and rules, when they are confronted with the issue of granting legal ownership to homestead land, they do not know how to take appropriate action to implement the relevant laws and rules.
- v) Lack of ownership right over homestead land prevents the poorest and the neediest among the rural poor from availing the benefits of housing assistance under the IAY scheme.

Methodology

The research study is empirical in nature. It is based mainly on primary data collected through a sample survey of BPL households. The sample of the target beneficiaries is drawn by following the multi-stage random sampling method. Data is collected from the sample of BPL households by using interview

schedules. Primary data and information is also collected from revenue officials at state, district, block and village Panchayat levels by making use of separate interview schedules. In addition to these, method of focus group discussions (FDGs) with BPL households as well as in-depth individual interviews and key informant interviews with village panchayat representatives, community leaders, and social workers will be conducted in order to collect qualitative data and information.

Besides the primary data and information, the proposed research also collected and utilized relevant secondary data available from reports and records of the Department of Revenue and Land Reforms, Government of Bihar, Statistical handbooks, Census of Bihar, NSSO etc. Unpublished data from the selected district, block and Village Panchayat Offices will also be collected and utilized.

Field survey for the study was carried out in the ear 2011.

Statistical Design

The proposed research is based on primary data collected from a sample of 1800 BPL households drawn through the method of multistage random sampling. The state of Bihar has been divided into three regions- Kosi region, North Bihar (non-Kosi region) and South Bihar. From each of these three regions three districts were selected on the basis of the highest percentages of the rural BPL households. In Kosi region, these districts are Araria with 80.26%, Supaul with 74.56%, and Purnia with 69.96% rural BPL population. In North Bihar (non-Kosi region) these districts are Madhubani with 72.43%, Sheohar with 69.83% and Sitamarhi with 67.12% rural BPL households. In South Bihar These districts are Gaya, Nawada and Aurangabad with 69.83%, 62.03% and 61.72% of the rural BPL population respectively.

From each of these nine selected districts two blocks having the highest population of SCs/STs were selected. Thus a total of 18 blocks were selected. From each of these blocks 2 village panchayats were selected on the basis of sizeable population of SCs/STs in them. The data on village panchayats were collected from the respective block offices.

Further, a list of all the BPL households were collected and compiled from the respective village panchayat and block offices and a sample of 50 BPL households will be drawn randomly. Of these 50 BPL households from each village panchayat, 40 are from SC/ ST category and 10 from non- SC/ST category. The details of the sample size and structure are given below in tables I and II.

Table I: Sample Size and Structure

Region	Districts	Number of blocks	No of village panchayats	No of BPL households
Kosi Region	Araria	2	4 (2 per block)	200 (50 per village panchayat)
	Supaul	2	4 (2 per block)	200 (50 per village panchayat)
	Purnia	2	4 (2 per block)	200 (50 per village panchayat)
North Bihar	Madhubani	2	4 (2 per block)	200 (50 per village panchayat)
	Sheohar	2	4 (2 per block)	200 (50 per village panchayat)
	Sitamarhi	2	4 (2 per block)	200 (50 per village panchayat)
South Bihar	Gaya	2	4 (2 per block)	200 (50 per village panchayat)
	Nawada	2	4 (2 per block)	200 (50 per village panchayat)
	Aurangabad	2	4 (2 per block)	200 (50 per village panchayat)
Total	9	18 (9x2)	36 (18x2)	1800 (36x50)

Table II: Sample structure of BPL households (50) at village panchayat level on proportionate basis

Category	Number of BPL Households	Percentage of BPL Households
SC/ST	40	80%
Non SC/ST	10	20%
Total	50	100%

Besides the sample of BPL households, primary data and information were also be collected from revenue officials at village Panchayat, block, district, and state levels. At least two officials from each of the selected districts, blocks and village panchayats, and two state level officials from the Department of Revenue and Land Reforms were selected for this purpose. Thus, as indicated in table-III, 18 district level officials, 36 block level officials and 72 village Panchayat level officials were selected for collecting data and information. Separate interview schedules were prepared for sampled BPL households and officials at various levels.

Table III: Sample Size and Structure of Officials

Level	Number in the sample	Number of Selected officials
State	1	2
District	9	18
Block	18	36
Village Panchayat	36	72
Total		128