

## Workshop and Book Release

# Right to Homestead Land and Housing in Bihar: Status, Issues and Challenges

Renaissance Centre, AP Colony, Gaya, Bihar

21 December, 2013

The workshop commenced with a welcome speech by Mr Sanjay Kumar, Secretary, Deshkal Society. Sri K. B. Saxena, former Secretary, GoI, Sri Vyas ji, Principal Secretary ( Dept. of Revenue and Land Reforms), Sri Bala Murgun D, District Magistrate, Gaya, Sri Rajpal, National Programme Manager, PACS, DFID, Sri Sanjay Kumar, Secretary, Deshkal society, Smt. Jyoti, MLA, Gaya were the key speakers of the Workshop. The welcome speech was followed by a PowerPoint presentation by Mr. Sanjay Kumar on background and context of the workshop thematic. He shared people's experiences while highlighting impediments and lacuna in entitlement to homestead land. Additionally, statistics, facts and figures at ground level pertaining to growing demand after intervention of Deshkal Society and its strong civil society network in Gaya District for entitlement were presented.

Requested by Secretary, Deshkal, Sri Vyas ji, Principal Secretary, Dept. of Revenue and Land Reforms, GoB was steered further proceedings of the workshop.

Introducing the workshop thematic, **Vyas ji** observed that the issue of land is very complex and has been a cause of social conflict.



As it is turning out again and again, laws, policies and regulations alone cannot ensure entitlement unless supported by civil society groups. He quoted the example village Durbey, where a landless beneficiary --even after a long struggle of more than 30 years-- could not get entitlement and possession despite a strong intervention of Administration. He stressed the need of developing an understanding on this serious social issue amongst Administration and civil society groups.

**Prof. KB Saxena** hoped that this workshop on the important issue of homestead land in pious and historic Gaya will come out with a guiding reference to the complex issue of land not only for Gaya District but for all of Bihar. He also hoped it will give an insight to policy makers into the complexities of problems and resolutions of the vexed issue which lies at the very core of social justice.

Land is a central marker in social identity of man. Homestead is a natural right. He appreciated that though Bihar took the lead in this direction by enacting BPPHT Act 1947, the Administration remained crawling and ineffective in its implementation. The Act stands out for its simplicity of processes and procedures. He stressed on simplifying administrative procedure and process and reducing irrelevant information and documentary enclosures needed in filling applications of landless and marginalized communities.

Prof. Saxena advocated a bottom up approach to curb the social structural barriers hierarchies that hinder the right to home stead land. He outlined three basic problems:

- I. Lack of information.
- II. Apathy and
- III. Limited struggling capacity

The poor and marginalized has to confront with the above in seeking entitlement. He appealed to policy makers and implementers to be more responsive, accountable and sensible while addressing the issues of homestead land and recommended the process and protocol be run on access-friendly mode.

**Sri Bala Murgan D, DM, Gaya** informed that all possible steps are being taken by District Administration to ensure entitlement to all beneficiaries. He said that 90% of the beneficiaries in the District are already residing on the land and are permanent occupants. They will soon be provided Parcha and Parwana for the same. Forced eviction, dispossession and atrocities will be dealt with strictly.

He appreciated the endeavor of Deshkal society and announced that there shall not be any pendency in entitlement by 3.10. 2014, the date the district completes its 150 years.

**Mr. Rajpal**, PACS, offered support for training, capacity building and advocacy on land right issue in other blocks of Gaya as well as in other districts of Bihar. He appreciated the experience and understanding of Deshkal on Land rights and its endeavor to establish coordination between administration and civil society as a prerequisite for a meaningful resolution of the complex issue.

**Smt. Jyoty**, MLA, Gaya, Bihar, suggested that a landless person should be entitled to at least 10 decimal lands to support his livelihood; mere three decimal is not enough. She shared her experiences as secretary of a civil society group (name???) and explained the circumstances under which a social activist has to perform. Society and Government coordination can change the situation.

**Shri Baleshwar Ji**, PGSS, Gaya, Bihar emphasized how Laws and Acts remain nullified unless backed by healthy social processes. Lands distributed in the past have been taken back forcibly by influential land lords. This puts the beneficiary in a strange and helpless situation. Along with Laws and Acts the issue of land right also needs a social movement, strong organizational network, education and unity amongst stake holders.

**Ms. Putul Kumari**, GNK, Gaya, Bihar pointed out that entitlement of land gives social identity but it should not be restricted to men only. Women too need the right to homestead land and be made co-owner of land. Government need pay attention to the gender bias in it.

**Mr. Dharam Sahi**, participant, presented the historic aspect of land right issue and said many raiyatis are settled on his land but they do not have the entitlement because his family got entitlement from court. He offered the district administration all sorts of cooperation in getting entitlement to those who are already settled in his land.

**Mr. Shambhu Nath Singh**, PGSS, Gaya, Bihar raised the issue of the changing character and use of land. He suggested if any objection does not come from the Panchayat Samiti on such land within a stipulated time frame, the same should be distributed among the landless in marginalized community.

**Mr. Ray Madan Kishore Prasad**, DDC, Gaya, Bihar pointed out that if schemes and programmes meant for the welfare of the poor are not implemented properly and delivered, the emergence of unconstitutional

outfits is inevitable, Mr. Roy said in the workshop. He stressed the need for a strong social network for the sustainability of the programme.

**Sri. Vinod Ji**, political Activist, Bihar said that the desired outcome of the land right issue cannot be achieved with indifferent attitude of the implementers. He expressed disappointment over poor functioning of the local and district level officials and making the situation more complex and worse.

**Professor Smt. Kushum**, Magadh University, Gaya, Bihar pointed out that Land is a basic need and fundamental right, unfortunately this right gets lost in legal disputes that go beyond the containing capacity of common man.

**Ms. Arti Verma**, PACS, Bihar highlighted the issues of basic amenities that a habitation of marginalized group fails to have for the want of legal entitlement on the land. The schemes of NAREGA can bring these amenities to this habitation if there be a convergence of Revenue and Land Reforms Department and Rural Development Department.

**Mr. Balchand Manjhi**, Participant stated that Government lands are under the control of land mafia and anyone who raises a voice fears being implicated in false and forged cases. He lamented that officers are inaccessible and there is no one to respond.

**Ms. Geeta Ji**, Rtd. Lecturer, DIET, Gaya, Bihar stressed upon the need of Universalisation of education and appealed to participants to help each and every child to have education.

### **Issues that emerged out of the deliberation**

- ◆ Simplification of administrative procedures and processes
- ◆ Reduction in irrelevant information and unnecessary documentary enclosures in filling applications
- ◆ Speedy processing of applications
- ◆ Need for a guideline for officers associated with Revenue and Land Reforms Department
- ◆ Need for training and capacity building of the Govt. officials
- ◆ Awareness campaign

- ◆ Availability of forms, land record, maps and other documents
- ◆ Formation of a taskforce comprising of Govt. officials and members of civil society organization

Sri Vyas ji, Principal Secretary, Dept. of Revenue and Land reforms announced the following urgent needs:

- ◆ Deshkal society and PACS are entrusted to develop a draft guideline under the guidance of Prof. K B Saxena for simplification of administrative processes and procedures. The draft guideline will be presented for consultation in a workshop on land rights to be organised at ANSISS, Patna on 18-01-2014.
- ◆ PACS and Deshkal Society will develop training modules in association with the Department of Revenue and Land reforms, Govt. of Bihar for capacity building of revenue officials at Panchayat, Block and District levels.
- ◆ Awareness campaign to be carried out and flex boards at Block and District levels shall be on display for the same.
- ◆ Application forms for homestead land, receipts and maps of revenue villages will be made available in adequate quantity in the Blocks by the second week of January 2014.
- ◆ All Circle Officers will be provided adequate and exclusive training on various issues of land rights.
- ◆ The book titled *Bihar Mein Waas Bhumi aur Awaas ka Adhikar: Sthitiya, Mudde aur Chunotiya* will be made available to the 534 Blocks in Bihar along with a recommendation letter from the Principal Secretary, Dept. of Revenue and Land reforms, Govt. of Bihar.

Mr. Sanjay Kumar, Secretary, Deshkal Society extended his gratitude to all invitees for their participation and inputs. The workshop ended with the vote of thanks by Mr. kumar.

The Workshop and Book Release were organised by Deshkal Society, Gram Nirman Kendra, Lok Shakti Shiksan Sangathan, and Prakhand Gram Swaraj Sabha in partnership with PACS, Bihar.