

Landlessness and Social Justice

*An Assessment of Disparities in
Land Distribution and Prospects of Land Reforms*



PRAXIS
Institute for Participatory Practices

Land, in the context of poverty eradication, defies classical theories of economics. A piece of land to a landless person goes far beyond the economic significance as a means of livelihood or a habitat. It is a ‘quantum leap’ in self esteem, self worth and entrepreneurship.

The land mapping exercise carried out by Ekta Parishad and Praxis is in recognition of this critical role land plays in the lives of the poor. It is aimed at understanding the nuances of land distribution in Bihar, to form the basis for collective actions aimed at better entitlements for the poor. The current global financial crisis has helped to re-establish a long forgotten paradigm that it is not just the size of the cake that matters; but is how it is cut. The land mapping exercise provides evidence of this in no uncertain terms.

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Based on a 'Land Mapping' process facilitated in five districts

Jamui, Gaya, Nawada, Patna, West Champaran

*An Initiative of
Ekta Parishad
and
Praxis - Institute for Participatory Practices*

Landlessness and Social Justice

An Assessment of Disparities in Land Distribution and Prospects of Land Reforms

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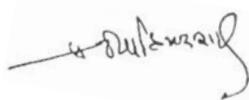
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Foreword

Land, in the context of poverty eradication, defies classical theories of economics. A piece of land to a landless person goes far beyond the economic significance as a means of livelihood or a habitat. It is a ‘quantum leap’ in self esteem, self worth and entrepreneurship.

The land mapping exercise carried out by Ekta Parishad and Praxis is in recognition of this critical role land plays in the lives of the poor. It is aimed at understanding the nuances of land distribution in Bihar, to form the basis for collective actions aimed at better entitlements for the poor. The current global financial crisis has helped to re-establish a long forgotten paradigm that it is not just the size of the cake that matters; but is how it is cut. The land mapping exercise provides evidence of this in no uncertain terms.

This report is the outcome of the relentless and often arduous efforts put in by the cadres of Ekta Parishad and colleagues from Praxis. It is just a small step. It would have achieved its aim when the insights this offers and the questions it poses inspire purposeful actions for a more equitable social order.



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1

An Account of Distribution of Land in Bihar and Challenges

In the economically backward state of Bihar, agriculture is the main source of livelihood for a majority of people, including landowners, agricultural workers and sharecroppers. According to the Census of 2001, nearly 75% of all main workers are dependent upon agriculture in the state, including cultivators and agricultural labourers. This high degree of dependence on land underscores the criticality of entitlements and rights relating to land, which need to be secured for a large section of the state's citizenry for addressing their long term development needs.

Distribution of land in Bihar showcases an unparalleled degree of disparity, compared to any other state of the country. According to statistics released by the Ministry of Agriculture for 1995-1996, the proportion of marginal land holdings in Bihar exceeds the corresponding national figure by far. Whereas 61.58% land holdings are smaller than 1 hectare in India, the same for Bihar is 80.14%. Furthermore, the average size of the marginal land holdings in Bihar (0.34 hectare) is also lower than the national average of 0.4 hectare. The total area covered by marginal land holdings in Bihar amounts to only 36.24% of the total land area of the state. The serious nature of disparities in Bihar is also confirmed by the average sizes of different categories of

land holdings in the state relative to those for the rest of India. Overall, the average land-holding size of 0.75 hectare in Bihar is far below the national average of 1.41 hectare.

According to 55th round of survey undertaken by NSSO in the year 1999-2000, nearly 76.6% of the all agricultural labourers in Bihar are completely landless. This is 6.3% higher than the corresponding proportion determined five years back, which points at a steady rise in the scale of landlessness in the state. The condition of *dalits* is particularly grave in the matter of landlessness, compared to other communities. The NSSO data for the same year shows that 23.8% of all households belonging to Scheduled Castes were completely landless, a figure which is far higher than the corresponding level in any other state of the country. If the number of *de facto* landless households (i.e. people owning less than 40% of a hectare of land) is added to the above figure, it shoots up to a whopping 91% of all Scheduled Caste households of the state!

Interventions of the Government in the direction of land reforms in Bihar have been largely inadequate, although several significant initiatives have been undertaken during the decades after independence. Bihar was one of the first states in independent India to formulate laws relating to land reforms. The Land Reform Act was passed in the year 1950, which brought to an end the ownership of private holders over several kinds of non-land immovable properties, e.g. water bodies, markets, forests, mines etc. Earlier, the state government had passed the ‘Abolition of *Zamindari* Act’ in 1947, which came into effect in the modified form of a law in 1948. Subsequently, to prevent excessive private ownership of land, the state government prepared the Bihar Agricultural Land (Ceiling and Management) Act in the year 1955, but this could not be passed on account of resistance from influential landowners. It was only in 1961 that the Bihar Land Reforms (Ceiling, Land Allocation and Surplus Land Aquisition) Act came into effect. It allowed any ‘person’ to own 20 to 30 acres of land with an additional allowance for holding up to 10 acres of land as homestead area, 15 acres for cultivation of fodder and up to one-fifth of the ceiling limit for each dependent of the family. In case the number of dependents exceeded four, the overall limit of ownership was kept at double the ceiling limit. The Act was revised about a decade later in 1971 and 1973, which vested land holding rights in a ‘family’ rather than in a ‘person’ and determined a ceiling of 45 acres for each family.

Prior to the abolition of *Zamindari* in Bihar, there were nearly two lakh permanently settled land holdings in the state that used to regularly pay revenue to the government. The revenues used to be collected by big landlords, who used to forward a lion's share of the collections to the government, retaining a small part (about 10%) for themselves and for sharing with the legal owners of the land, the occupancy ryots, contractors and agricultural labourers. With so many parties sharing a paltry portion of the land revenue, the insufficiency of the relative shares of small farmers and labourers can be easily deduced.

Even after laws were passed in the 1950s towards land reforms and abolition of the *Zamindari* system, the small farmers and agricultural labourers did not get much

Table 1 – Comparison of statistics relating to land distribution in Bihar and the whole of India

Issue	Bihar	India
No. of Marginal land holdings	11344 000 (80.14%)	71179 000 (61.58%)
No. of Small land holdings	1526 000 (10.78%)	21643 000 (18.72%)
No. of Semi-Medium land holdings	941 000 (6.65%)	14261 000 (12.34%)
No. of Medium land holdings	314 000 (2.22%)	7092 000 (6.14%)
No. of Large land holdings	29 000 (0.2%)	1401 000 (1.21%)
Total no. of land holdings	14155 000	115580 000
Area covered by Marginal land holdings	3871 000 ha (36.24%)	28121 000 ha (17.21%)
Area covered Small land holdings	2018 000 ha (18.89%)	30722 000 ha (18.8%)
Area covered Semi-Medium land holdings	2566 000 ha (24.02%)	38953 000 ha (23.84%)
Area covered Medium land holdings	1749 000 ha (16.37%)	41398 000 ha (25.34%)
Area covered Large land holdings	479 000 ha (4.48%)	24163 000 ha (14.79%)
Total area covered by the land holdings	10682 000 ha	163357 000 ha
Average size of Marginal land holdings	0.34 ha	0.4 ha
Average size of Small land holdings	1.32 ha	1.42 ha
Average size of Semi-Medium land holdings	2.73 ha	2.73 ha
Average size of Medium land holdings	5.57 ha	5.84 ha
Average size of Large land holdings	16.52 ha	17.21 ha
Average size of total land holdings	0.75 ha	1.41 ha

Source: *Ministry of Agriculture, Government of India*

relief. There are two major reasons for this. The pace of implementation of the laws was so slow that it gave ample opportunity to the big landowners to save their property. Many big landowners divided their land into small parts in compliance with the legal ceilings and registered them in the names of different family members or loyal servants. Besides, the law had certain loopholes, which allowed the landowners to keep land in excess of the prescribed ceilings for specific purposes (e.g. homestead land, *khas* land or land for commercial purposes).

According to data released by the Ministry of Agriculture, Government of India, only 70.52% (i.e., about 6640 thousand hectares) of Bihar's total geographical area is cultivable (ref. Table 1.1). If all the available cultivable land of the state is viewed in terms of per capita availability for agriculture dependent population, it would amount to less than one-eighth of a hectare, far less than the corresponding average for other

Table 1.1 - Description of the total land area of Bihar.

Type of Land	Area (in thousand hectares)
Total Geographical Area	9416
Reporting area for land utilization statistics	9360
Land under forests	622
Land not available for cultivation	2081
Other uncultivated land excluding fallow land	302
Permanent pastures & other grazing lands	18
Land under misc. tree crops & groves not incl. in net sown area	238
Culturable waste land	46
Total Fallow land	643
Fallow lands other than current fallows	130
Current fallows	513
Net sown area	5712
Total cropped area	7882
Agriculture land/ Cultivable land/ Culturable land	6640

Source: *Ministry of Agriculture, Government of India (2003-2004)*

states of India. Distribution of a vital resource like land to as many people as possible and especially to those sections whose livelihood skills and capacities are predominantly centered around agriculture should therefore be a pressing priority for any government.

Even after nearly five decades since the abolition of the *Zamindari* system, land distribution in Bihar remains highly polarized. According to The Journal of Peasant Studies (edition dated April 1982, subsequently quoted in the yearend edition of The Times of India in 1983) fewer than 2% of Bihar's population own more than 20% of its land whereas a massive 64% of its rural families own only 16% of its total land.

The severely polarized distribution of land resources in Bihar provides the context for undertaking the process of Land Mapping across five districts of the state. The following chapters bring to light specific issues related to land distribution and relevant policy implications.

2

The Process of Land Mapping

The need of preparing a fact-based document focusing on disparities in land distribution in Bihar had been discussed on several occasions by the state level workers of Praxis and *Ekta Parishad*. It was felt that data bringing to light micro level challenges and prospects relating to land distribution would have a tremendous relevance for efforts directed at provisioning of land in favour of the landless and homeless families of the state. In the course of these discussions, it was decided to initiate a thorough assessment of the current status of land distribution in the state, which, even if undertaken on a small scale, would help in identification of necessary policy interventions based on a comprehensive analysis of the patterns of ownership and control vis-à-vis the land resources of a few selected villages.

Identification of Suitable Locations for Land mapping

In order to undertake a comprehensive analysis of the patterns of ownership and control over the entire range of land holdings falling within the boundaries of a few selected villages, the first step taken was selection of five districts of the state representative of different geophysical settings and social features. The following are the districts selected for the purpose and specific locations selected within them:

- Jamui – 14 villages of Sikandara block
- Nawada – 7 villages of Kauwakol block
- Gaya – 6 villages of Bankebazaar block
- West Champaran – 10 villages of Bagaha block
- Patna – 1 village of Paliganj block

Preliminary Preparations and Initial Processes

The land mapping process took off with a residential workshop held at Patna, which brought together representatives of selected villages from Jamui and Gaya districts. The aim of the workshop was to build a team, which would be able to facilitate the processes of mapping all the land holdings in selected locations with the support of local villagers. During the workshop, mock exercises were undertaken to attempt mapping of all holdings of a few familiar villages and to compile critical pieces of information relating to each plot of land, so that this experience would enable them to orient others to carry out similar processes. A few days later, the facilitators trained in the workshop initiated the pilot phase of the land mapping process in seven villages of Sikandara block of Jamui in partnership with local villagers.

A review workshop was subsequently organized, to discuss the initial experiences, areas of success, shortcomings, challenges faced by the team and ideas towards improving the process.

Based on the experiences of the first phase, the second phase of the process was started on 29th March 2007 with a three day workshop in Patna. In this workshop, representatives from villages of Nawada, Gaya, West Champaran and Patna came together in addition to village level facilitators from the first phase of the process. After the training of the newly joined group of village level facilitators, the process of land mapping resumed in three new districts from the third week of April.

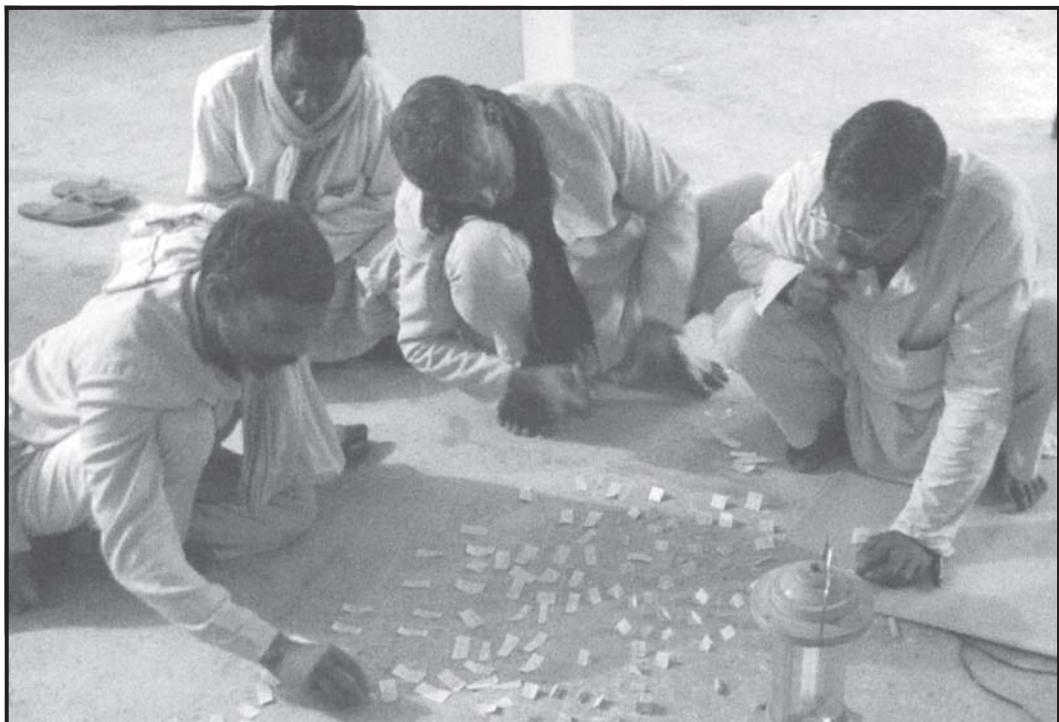
Subsequently, the process of land mapping was carried out in the selected villages in the form of an eight-step-process as delineated below:

Eight steps of the land mapping process at the village level

1. Identification of a group of villagers whose collective knowledge about distribution of land in the village would enable a comprehensive mapping of each and every land holding located within the boundaries of the village. In each village included in the exercise, three to four such persons were identified.
2. Orientation of the villagers identified for the process of land mapping by the trained facilitators so that they understand the far-reaching objectives of the land mapping process, the methods used therein and critical aspects of the data collection framework.



3. Drawing each and every plot of land in the village from one end on the ground using pieces of chalk, or on paper of adequate size using pencil, and assigning each plot of land a unique number.



4. Entering the following details in a recording sheet, relating to each plot of land indicated on the map:
- A reference number for the plot
 - Name of the person who presently has control or possession over the plot.
 - Father's name
 - Caste
 - Size of the plot
 - Duration of control over the plot
 - Basis of control or possession of the plot.
 - Type of land (according to its legal status)
 - Irrigated or unirrigated / quality of land
 - Name of the legal owner of the plot
 - Whether subjected to any dispute or not
 - Any other remarks
 - Plot number according to 'Register 2' of land records, or official maps

5. Drawing a map showing the residential place of each household of the village separately (mentioning the size of homestead land) in order to preempt the omission of any household from the land mapping exercise and for identifying and listing resident households deprived of even homestead land.
6. Formal presentation of the maps thus prepared in front of a large gathering of villagers for collective verification of contents and for correcting probable mistakes. Obtaining the signatures or thumb impression of the villagers at the end of the verification process as a mark of their endorsement of the data presented in the maps.
7. Comparing the map prepared by the villagers with the official map and redrawing the contours of the plots shown in both the maps carefully on another big sheet of paper.
8. Reproducing the maps on A4-size sheets, getting them scanned, entering data relating to the plots in a spreadsheet and data analysis. Annex 1 presents an example of such a spreadsheet, while Annex 1a presents land data from Mircha Kodasi village of Jamui relating to various variables in the form of visual maps.



3

Distribution of Land in Locations of Study and Inherent Disparities

Amongst the 35 *panchayats* where the process of land mapping was carried out, disparities in distribution of land were found to be of utmost concern in the district of West Champaran. In several villages of the district the local people only have some homestead land in their control and have no land for cultivation. Moreover, nearly all the land in such villages is under the control of big landlords of the area, belonging either to the same villages or nearby habitations. Jainagar is one such village situated in Bagaha block where 81 families occupy only 17 acres of land and 69 families belonging to the scheduled caste have on an average a mere 1.74 *katha* of land (inclusive of homestead land). In the neighbouring village of Bhartapur the average goes down to 1.08 *katha*, whereas in Sikatiya the average land holding of each *dalit* family is 2.89 *katha*.

If the pattern of land distribution across all the locations of study are examined together, the proportion of marginal farmers (having less than a hectare of land) emerges to be very high. While 88.7% of all land holders based in study locations have marginal holdings, their concentration is highest in Nawada district (91.8%). The figures for the districts of Jamui, West Champaran and Gaya are 87.8%, 86.3% and 82.6 % respectively. Amongst all communities, the proportion of marginal landholders is highest amongst Scheduled Tribes and Scheduled Castes (95.1% and 92.6% respectively), while the proportion within Other Backward Castes, Muslims and Other

Castes stands at 88.1%, 82.7%, and 77.7%, respectively. Table 3.1 shows the proportion of marginal landholders in different communities in four of the districts included in the study.

Table 3.1 – Proportion of marginal landholders in different caste-groups in study sites

Proportion of households with marginal landholding (less than 1 hectare)	Nawada	Jamui	Gaya	West Champaran
Scheduled Castes	0.95	0.95	0.86	1.00
Scheduled Tribes	—	0.97	—	0.92
Other Backward Classes	0.92	0.88	0.80	0.82
Muslims	0.82	0.84	1.00	0.00
Other Castes	0.87	0.71	0.42	0.42
Total	0.92	0.88	0.83	0.86

Close examination of the category of marginal landholders reveals that most of the marginal landholders have less than 40% of an hectare, i.e., less than one acre of land. Various surveys undertaken by the NSSO have treated such landholders as virtually landless. The proportion of such virtually landless families was found to be

Table 3.2 – Proportion of virtually landless households amongst different communities.

Proportion of virtually landless households (owning less than 0.4 hectares of land)	Nawada	Jamui	Gaya	West Champaran
Scheduled Caste	0.89	0.75	0.70	0.96
Scheduled Tribes	—	0.88	—	0.80
Other Backward Classes	0.79	0.67	0.59	0.64
Muslims	0.70	0.65	0.67	0.00
Other Castes	0.72	0.58	0.42	0.26
Total	0.80	0.70	0.64	0.73

very high (about 74.1%) in the areas under study. The concentration of such families is highest in the district of Nawada (about 80.2%), while the same in West Champaran, Jamui and Gaya stands at 73.3%, 70.3%, 64.3%, respectively. Most families belonging to the Scheduled Tribes and Scheduled Caste (84.6% and 81.1% respectively) fall under this category, while the proportion of virtually landless households amongst Other Backward Classes, Muslims and other castes is 70.8%, 67.9% and 66.5% respectively. Table 3.2 shows the concentration of virtually landless households amongst different communities in different districts.

It would be essential to point at the proportion of households within the category of ‘virtually landless’ facing landlessness of almost an absolute nature. Table 3.3 contains data relating to families that have less than 0.4 acres (or one-tenth of a hectare) land. The proportion of such families in the areas of study is 44.9%, whereas it is highest in Nawada district (54.9%). The percentage of such families in West Champaran, Gaya and Jamui is 48.4%, 36.1% and 31.6% respectively. The concentration of families facing near-absolute landlessness is highest amongst the Scheduled Castes (53.5%) whereas the same for the Scheduled Tribes, Other Backward Classes, Muslims and other castes is 47.98%, 40.9%, 45.7% and 39.2% respectively.

Table 3.3 – Proportion of families facing near-absolute landlessness in different castes

<i>Proportion of completely landless families</i> (owning less than 0.1 hectare of land)	Nawada	Jamui	Gaya	West Champaran
Scheduled Castes	0.70	0.36	0.38	0.71
Scheduled Tribes	—	0.47	—	0.49
Other Backward Classes	0.50	0.28	0.34	0.42
Muslims	0.50	0.38	0.33	0.00
Other Castes	0.54	0.19	0.33	0.16
Overall	0.55	0.32	0.36	0.48

The limited availability of land can be clearly deduced from the data presented above. If the average land availability per household is taken into account in different caste-groups,

one notices an excessive pressure of population on land in the areas of study. The pressure is most visible in the land ownership of Scheduled Castes and Scheduled Tribes. While the average land holding per household is a dismal 1.13 acre across the whole area of study, the same for Scheduled Tribes and Scheduled Castes is 0.65 acres and 0.72 acres, respectively. Amongst the other backward classes, Muslims and socially advanced castes the average land holding per family is 1.16, 2.02 and 2.13 acres respectively. In the districts of West Champaran and Nawada, while the average land holding per landowning family amongst the Scheduled Castes is extremely low (0.28 acre and 0.49 acre, respectively), the same amongst the socially advanced castes is found to be many times higher. Compared to other districts, Nawada accounts for the lowest land holding (0.82 acres) per landowning family, while the same for West Champaran, Gaya and Jamui districts is found to the tune of 1.04, 1.43, and 1.41 acres respectively. Table 3.4 shows the average land holding per landowning family for different caste-groups in various districts covered under the study.

Table 3.4 – Average land holding per landowning family in different caste-groups

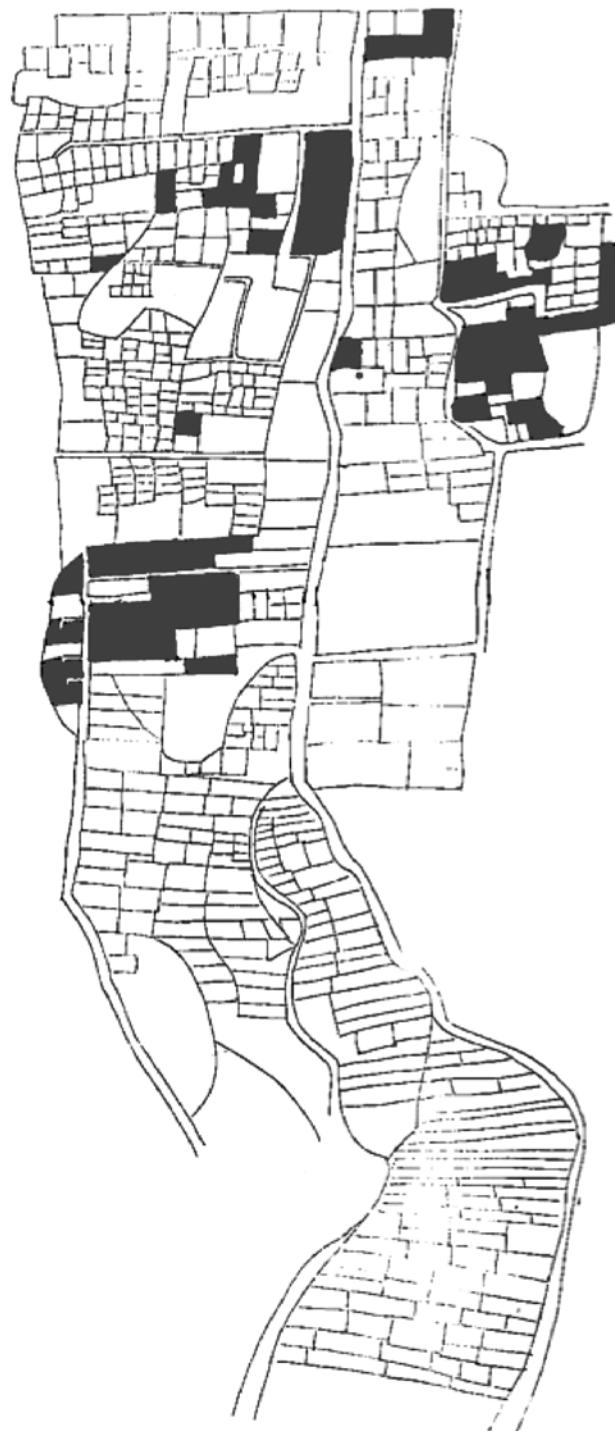
Average land holding per land owning family (acres)	Nawada	Jamui	Gaya	West Champaran
Scheduled Castes	0.49	0.77	1.10	0.28
Scheduled Tribes	—	0.61	—	0.71
Other Backward Classes	0.83	1.14	1.65	1.81
Muslims	1.24	3.45	0.87	7.48
Other Castes	1.17	3.00	4.44	5.49

In almost all the districts included in the study, sharecropping is a common phenomenon. Even within the limited area of the study, practices relating to large scale sharecropping were found in several villages. Sikandara village in Jamui district is one good example, where around 312 acres of land is under sharecropping. Similarly, almost all the land in several villages of West Champaran is engaged in sharecropping. In villages like Sikatiya and Bhartapur located in Bagaha block of West Champaran, land amounting to 84 and 74 acres respectively are being employed for such purposes.

Picture 3.1 Outline map of Lachhuar village (Jamui), showing areas under sharecropping

Outline map of LACHHUA^R Village (Jamui), showing sharecropped areas

Nearly 295 acres (enclosed within 56 holdings of land, of which 33 belong to general castes and 18 to OBCs) out of the gross 717 acres of mapped area of the village is under share-cropping.



→ North

Lachuar village of Jamui is another glaring case in point, where almost 295 acres of land is used for sharecropping (ref. Picture 3.1).

In most cases of sharecropping, the agreement between landowners and sharecroppers seem to violate the provisions of Bihar Tenancy Act of 1885. Importantly, most cases relating to sharecropping in the state are based on verbal agreements and no landowner wants to have such agreements written out on paper or assume the form of formal contracts. As a consequence, most sharecroppers in the state are unable to safeguard their legal rights. According to prevailing customs the sharecropper has to give one-half of the yield of the land cultivated by him to the land owner, which is a breach of the legal ceiling prescribed to this effect. Further, landowners make sure that sharecroppers do not get to cultivate any plot of land continuously over a long time, to pre-empt possibilities of legal transfer of land ownership in the name of the sharecropper. A large-scale study on the scale and issues relating to sharecropping in the state would be a meaningful initiative in the direction of safeguarding land rights of a large number of sharecroppers.

Another important finding from the study of land distribution relates to an excessively high proportion of holdings lying in possession of people who do not own the same. Contrary to prevalent ideas, most encroachments are done by the prosperous and socially advanced sections of society. As a matter of fact, the average land encroached upon by socially advanced castes, at 2.04 acres, is 4.5 times higher than the amount of land being used by non-owner SC families. In the case of Scheduled Castes, most such instances of unregulated occupancy of land are driven by compulsions of eking a livelihood, as clearly evident from their high degree of landlessness. In contrast, illegal encroachments over nearly 11% of land are undertaken by a handful of people hailing from socially advanced castes (ref. Table 3.5), who additionally own large amounts of legally sanctioned property, illustrates the high degree of control over land resources of the socially and economically advanced sections. The comparative degrees of possession of land without ownership rights have been presented in Table 3.5 for different caste-groups. Picture 3.2 from Jagdishpur village presents an example of such possessions.

Table 3.5 – Possession of land by different caste-groups without ownership rights

Caste-groups / Community	Instances of possession without ownership (%)	Proportion of area covered	Average size of possession (acres)
Scheduled Castes	31.3 %	17.3 %	0.46
Scheduled Tribes	22.7 %	23.1 %	0.85
Other Backward Classes	38.8 %	45.6 %	0.98
Muslims	2.73 %	3.02 %	0.92
Other Castes	4.46 %	10.9 %	2.04

The failure of the state machinery to provide effective control over land to the landless has pushed many landless communities in different parts of the state to take the path of active struggle. Such efforts by landless labourers have yielded positive results in some parts of the state. A good example is the establishment of control over 700 acres of land by labourers attached to '*Khet Majdoor Sabha*' in Gaunaha and Mainatand blocks of West Champaran. Although there have been stray instances of success towards securing possession over land by the underprivileged in a few places, on account of initiatives of agencies outside the government, there is a need for strong interventions by the Government to find effective and large scale solution to address the issue of disparity.

Various issues relating to ownership of land that emerged in the course of the study have been explained in different sections of this document. One important issue that seems to have affected a huge number of landless people is their inability to get effective control over land allotted to them by the Government. Amongst various reasons of such deprivations, one key reason is non-issuance of essential documents of land-ownership (*daakhil kharij*, or receipt) after allotment. In many cases, no headway could be made in this direction even after deprived villagers lodged appeals in the courts of law.

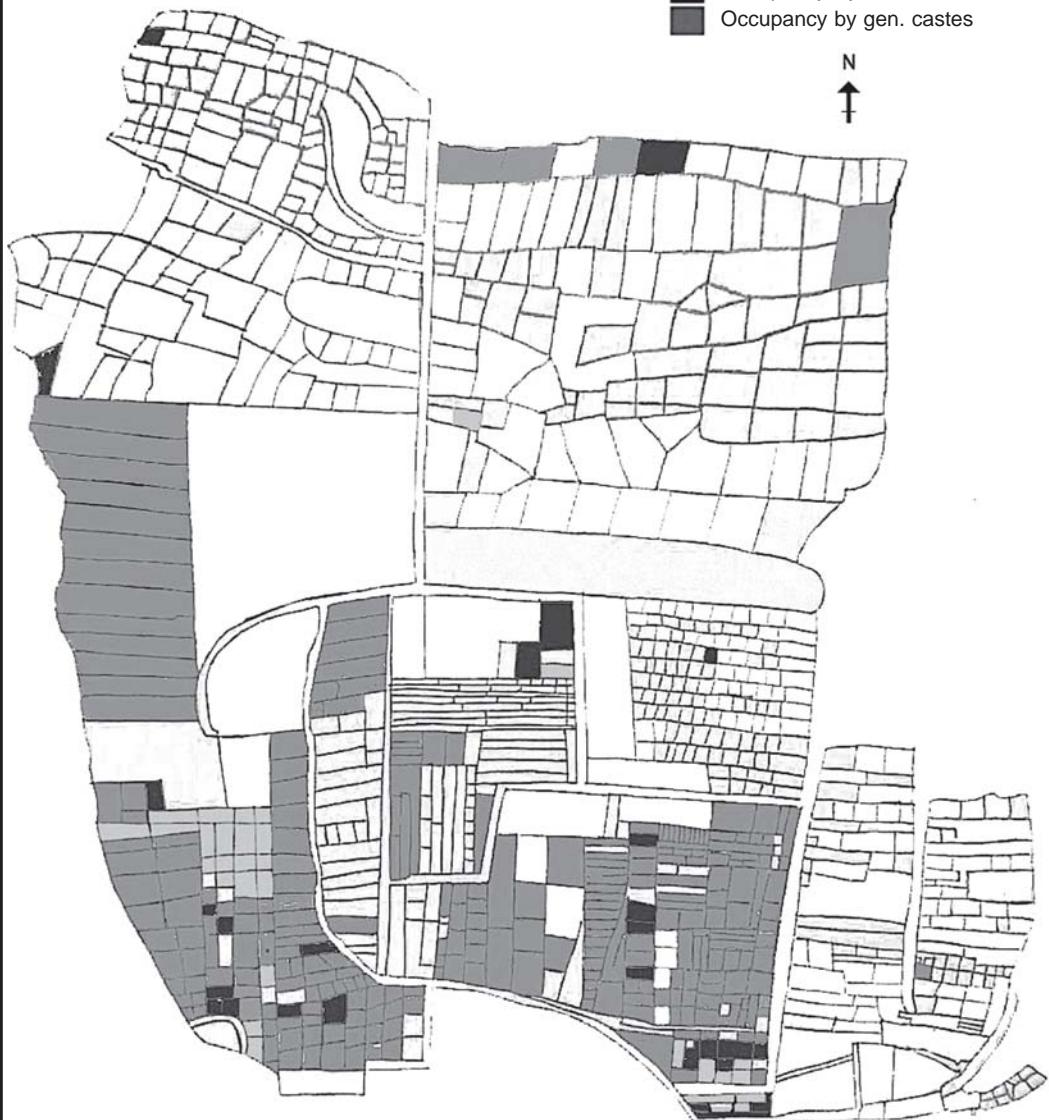
Picture 3.2 – Land occupied without ownership by different castes in Jagdishpur

Land occupied by different caste-groups without ownership rights

Jagdishpur Kodasi village (Jamui)

- Occupancy by SCs
- Occupancy by STs
- Occupancy by OBCs
- Occupancy by gen. castes

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Struggle to own land – a fight carried down by several generations

Mananpur village is located in Mahudar panchayat of Kauwakol block in Nawada. It exemplifies a village where hundreds of farmers do not have formal ownership of land even though their families have been managing plots of land since the *Zamindari Raj* and the British rule.

After promulgation of Ceiling Act, many large holdings of land belonging to big landowners, e.g. 81 acres owned by Mahant Ramdhan, were divided and redistributed among people without land. However, till date no receipts or documents have been issued by the Government to the recipients of land. After redistribution of the large chunk land, possessions by the new occupants was registered in a survey undertaken in 1971. The villagers filed a case against the Government of Bihar in the Civil Court of Nawada raising the issue, but could not pursue the same due to dearth of resources.

Later, an appeal was lodged by the villagers in Patna High Court to push for registration of the plots in their names on the basis of their possession. However, the farmers haven't been able to secure papers relating to the land till date.

For many deprived communities, aspirations of land ownership are directly linked with their identity, self-esteem and struggle for existence. In the absence of ownership over land, large sections of socially and economically backward communities are subjected to frequent displacements, which have an enduring impact on their lives and future. The example given below describes the struggle of a large mass of people displaced from their habitations in Danapur block of Patna.

During the process of land mapping, many instances of violation of land rights came to the fore, caused by absence of an efficient system for speedy settlement of long-drawn conflicts between families. In many cases, conflicts are on account of incomplete execution of the process of land allotment by the government. During the process many instances of conflict came to the fore. For example, in Dhaneta village of Gaya, an outsider called Pati Yadav has been issued a revenue receipt for a plot of one acre and 11.5 decimals that has been under the control of the family of Bartu Paswan for over a hundred years. Applications have been filed in the local Circle Office for settlement of the consequent dispute as many as ten times, and the charges meant for availing of the service of land measurement have also been paid. However, no remedial steps have been taken till date. In the same village a big farmer called Mohan Yadav has been able to get a document certifying a homestead plot of four decimals in his name, located on a plot of land that the family of Munshi Thakur has been tending to for over two centuries. To get it cancelled Munshi Thakur has been making rounds of

We will fight unto death for securing land!

— Sunil Kumar, victim of displacement on account of a new Railway project in Danapur

We came to Danapur from different districts of Bihar in 1982 and settled on a vacant stretch of land. Most of us did not have land back home and were completely worn off due to heavy exploitation by landlords. We came here in search of work and settled on a variety of livelihoods ranging from agriculture and masonry to odd jobs as daily wagers and domestic help. The vacant land we occupied belonged to the government, and many of us were provided with ration cards, voter identity cards and basic amenities during the years that followed. A few years later, the government claimed the land for allotting to a college, and we were forced to move out to the next closest place. We moved to several nearby *panchayats* of Danapur and stayed on for over twenty years. We live as one big family despite hailing from different castes and religions.

In 2002, the government decided to lay a new railway track on public demand and we were once again faced with the prospects of displacement. It was not easy for us to uproot ourselves once again. However, no notice was served this time and one morning we were shocked to find bulldozers razing down houses from one end and leveling the area. We realized that some of the houses in our neighborhood had already disappeared and it was only a matter of time before all our houses were demolished.

As many as 2556 families from seven villages of the area were displaced during the days that followed. The villages include Jalalpur, Tejal Varma Nagar, Sabari Nagar, Chuldai Chowk, Balapur Nagar, Abhimanyu Nagar and Digha. The land was acquired by the Indian Railways for laying the new track. We had no choice but to move to a location between the railway track and a canal, which makes us extremely vulnerable to accidents on both sides. The children play on the tracks and are always in the danger of being run over or falling in the canal. We have already faced an accident; during the last *Holi* festival, one of our children lost his life after falling in the canal. We are not at all safe living here.

We approached the office of the block *panchayat* to resolve the crisis. They promised land for all the displaced and gave the assurance of relocating all of us as early as possible. Subsequently, the government decided to allot land in the name of 274 families and the entitlements to this effect were formalized on stamp paper. However, none of the families have been able to acquire possession over land till date and their entitlement is only on paper. The government officials have not taken any action to hand over actual possession over the land to the allottees, as the land allotted is in the control of some other farmers. As far as we are concerned, we are always pressed with some problem or the other and can hardly rise above our own trials of life. We have to struggle hard to find work and our children can hardly attend schools under all the quandaries.

On the 12th of January 2007, we reorganized ourselves into a large gathering and once again asserted our demands, but the government remained silent. This compelled us to initiate an indefinite strike. We decided to sit on a peaceful *dharna* inside the premises of the block office and to continue the protest till our demands were met. It is continuing till date. We take turns to sit on the *dharna* and our conviction is growing stronger by the day. We are ready to undertake any necessary measures to achieve our demands and to secure our rights to own a piece of land. If we do not get a suitable response here, we shall march to Delhi. We will meet the Prime Minister and press for fulfillment of our demands.

West Champaran district – epicenter of land disparities

The realities of West Champaran in the matter of distribution of land are shocking. The level of disparity can be easily gauged from the fact that thousands of acres of land are occupied by merely half a dozen estates and a handful of families. The list below has the names of some of the people who occupy land in excess of 200 acres.

Shikarpur Estate: Controlled by Dilip Verma (BJP MLA from Sikta), Madhu Verma (an elected representative), Om Verma (Member, District Council) and their families, the estate possesses around 5,000 acres of land spread over Shikarpur, Gaunaha, Mainatanr and Ramnagar blocks of the district.

Bhaisahi Estate: Owned by Krishna Prasad and Om Prakash, the estate owns 2,500 acres of land.

Ramnagar Estate: Also known as Ramnagar royal dynasty, comprising Baba Raja, Dhananjay Raja and Arjun Raja (MLA and former Minister) as its main members, the estate possess more than 5,000 acres of land.

Vilaspur Estate: Owned by Chandramohan Rai (BJP MLA Ramnagar) and Vishwamohan Sharma (Congress MLA and former Minister), the estate possesses more than 3,000 acres.

Dumaria State: Owner by Ranvijay Shahi, the estate has 3,500 acres of land spread over different blocks.

Bargaon Estate: Owned by two brothers, Markanday Singh and Jhunnu Singh, the estate possesses around 1,500 acres of land.

Other families possessing between 250 – 1,000 acres of land: Bharat Rai and Shivji Prasad of Lauriya Block; Sardar Bahadur Rai and Virendra Kunwar of Chanpatia block; Baldev Sah, Shankar Sharan Rai (Pakri Durbar) and Digvijay Yadav (Sherpur Durbar) of Gaunaha Block; Family of Brigadier BN Shahi in Majhaulia block; Purnamasi Ram and Lalu Yadav of Bagaha-II Block; Bhagar Yadav of Bairiya Block; Rajguru family and Rana Ranvijay Singh of Bettiah block and Markanday Pandey of Mainatanr block.

Source – “Land Struggle in West Champaran Reaches New Heights” – Liberation, September 2002

the Circle, Block and District Offices since 1990. Even the local *Gram Panchayat* has met over and discussed the issue, yet the receipt in Mohan Yadav's name has not been cancelled. Similarly, in Macharganwa Tola of Siktiya village of West Champaran, eight families (families of Basant Thakur, Sita Ram, Banarasi Ram, Dudhnath Ram, Dinanath Ram, Nand Kishor Thakur, Vijay Thakur and Kishun Ram) have been living on a plot of land for years, yet they have not been able to get it registered in their names. Unfortunately, they have got entangled in a conflict over the possession of the land with other families

(that of Farid Sah, Bishun Sah, Shambhu Kushwaha, Bashishth Sah etc.) and have been subjected to brawls and arson. They have registered their complaint in this regard with the Circle Officer and the Subdivisional Officer, yet there has been no hearing of their plea till date.

Similarly, in accordance with the Ceiling Act, the surplus land of Pipra Estate of Gaya was distributed among 35 families and a notice was issued in this regard 15 years ago. However, some other farmers of the village connived with the owner of the Estate and got the land registered in their names. They are fighting with the families that were allotted the land by the government and have been trying to evict them. In Pavapuri Gouraiya village of Nawada, Amrik Manjhi's father-in-law Jaladhar Manjhi had mortgaged his plot of five acres at a rate of Rs. 200 per *kattha* to one Shiva Choudhary. However, since the death of Jaladhar Majhi in 2005, Shiva Choudhary has started claiming that Jaladhar had handed over the ownership of the land to him vide a *kewala* (registration). When asked to show the papers that would prove the transfer of ownership, he refuses to show the same. Furthermore, he had forcefully usurped the land and has started cultivating it too.

4

Land Rights of *Dalits* and *Adivasis* in the Areas Under Study

Analysis of outcomes of the land mapping process clearly underscores the fact that the issue of deprivation from an extremely vital resource like land is more severe amongst communities of Scheduled Tribes and Scheduled Castes, compared to other communities. Data included in Table 4.1 clearly shows that the scale of land ownership is very low amongst Scheduled Castes and Scheduled Tribes and land ownership of nearly half of all landowners from these communities is negligible. Most of the land owned by *dalits* and *adivasis* seem to be marginal land holdings, which are often not very productive, especially in the absence of irrigation and other essential inputs. Under such circumstances there is a pressing need of firm steps towards enhancement of the scale and quality of land ownership amongst these communities, which are socially disadvantaged and economically backward.

One important issue related to land distribution in Bihar is the existence of a large number of families deprived of ownership of even homestead land. During the process of land mapping many such families were identified in various villages, and it was found that most of such families belong either to Scheduled Castes or Scheduled Tribes. For example, amongst families deprived of homestead land in Sukhodewra and Paharpur villages of Nawada, 98% (41 out of 42 families) and 88% (22 out of 25 families) belong to Scheduled Castes. In Jagdishpur, Lacchuar and Mircha Kodasi village of Jamui, these proportions were found to be of the order of 86% (30 out of 35 families), 84% (26 out of 31 families) and 81% (58 out of 72 families) respectively,

Table 4.1 – Status of land ownership amongst Scheduled Castes and Scheduled Tribes.

	Scheduled Castes	Scheduled Tribes
Proportion of owners with less than 0.1 hectare land holding	53.5 %	47-98 %
Proportion of owners with less than 0.4 hectare land holding	84.6 %	81.1 %
Marginal Farmers (owning less than 1 hectare of land)	92.6 %	95.1 %
Average land owned by per land owning family	0.29 hectare	0.26 hectare

whereas in Phulwaria Kodasi village all the 61 families lacking ownership of homestead land belonged to Scheduled Tribes. In various villages of Gaya, the proportion of SC families deprived of homestead land ranged from 83% to 100%.

According to a press release issued by the Joint Secretary of the Department of Rural Development of Government of Bihar, the state government had decided in 2002 to issue documents certifying ownership of homestead land to all the deprived, and land for this purpose was to be made available either out of *Malik Gairmajaruwa* land, or by acquiring 4 decimals of land on which *Indira Awaas* houses could be built. However, it is ironical that despite availability of funds for acquiring land to provide houses for homeless SC families, the government could acquire only 26.22 acres as against the estimated 542 acres, according to a report of the Comptroller and Auditor General of India published in the same year (2001)!

It was also found during the study that a large number of landless families hailing from *dalit* and tribal communities have benefited from land distribution exercises undertaken by the state government on various occasions. However, a large proportion of such beneficiaries have been unable to use land allotted to them because of their inability to establish control over the holdings. The examples given in various chapters of this document regarding different land issues mostly concern families belonging to

Scheduled Castes and Scheduled Tribes, which is not merely a coincidence but indicative of a highly common phenomenon.

Trials and tribulations to prove ownership of land

Ancestors of Shri Girdhari Koda (son of Shri Bansi Koda) of Phulwari Kodasi village of Jamui had cleared a part of the jungle and had started cultivating on a plot of 32 acres and 28 decimals. Subsequently, big landlords of the area had unleashed a reign of terror on them and had forced them away to take refuge in nearby caves. During the last land survey conducted by the government, the aggrieved tribal people contacted the survey workers and got the land registered in their names. The details of the land are recorded in *Khata* number 12, *Khasra* number 564. Unfortunately, soon after the survey the Forest Department took control over the land and planted trees on it. The aggrieved villagers met the *Karmachari*, who confirmed that 32 acres of the land is actually registered in the name of Shri Girdhari Koda. Hearing this, the villagers decided to meet the Forester.

The Forester asked them to show the papers of the land within ten days. Around ten men from the village went with the papers to the Jamui office and met the Forester, who told them that the papers were not the right ones. Once again the villagers went to the *Karmachari* of the Circle Office and requested him to issue a revenue receipt for the concerned plot of land. They were asked to submit an application to the District Collector in this regard. Since then the villagers have made many trips to the District Collector's office and have spent over Rs.8000, but till date they haven't managed to get the '*Dakhil Kharij*' of the land.

Assessment of land ownership patterns of the socially and economically advanced communities in the same villages where land owned by Scheduled Castes is minimal points at extreme disparities. Mircha Kodasi village of Jamui is an ideal example of such disparities, where an individual owns more land than the collective holding of every community living the village. Given below is an account of the disparities in Mircha Kodasi village.

Mircha Kodasi village – A striking example of disparities in land distribution

Mircha Kodasi village located in Sikandra block of Jamui is a striking example of disparities related to land distribution. Only 18 of the 55 Scheduled Caste families in the village own land, amounting to a total holding area of 10.2 acres, or roughly 0.57 acres per family. About 433 acres of the village land is under illegal control of villagers from various communities, of which a lion's share (174.79 acres) is in the control of 122 families belonging to Other Backward Castes. Even in the matter of unauthorized holdings, the average share of dalit families is less than that of other communities. As many as 58 *dalit* families of the village have control over only 74.29 acres of land whereas only 4 families of so-called forward castes have control over more than 40 acres of land.

Even today, a single individual of the village named Badru Jama Baig, is in control over 122 acres of land, whose forefathers used to be big landlords of the area. Some families belonging to Scheduled Tribes managed to wrest control over about 80 acres of land for several decades and Badru Jama has initiated legal cases against 20 of these families. According to local villagers, many labourers were settled in the village during the reign of the King of Gidhaur and many of their families also were issued revenue receipts for the land cultivated by them till 1977. Later, when Badru Jama stopped them from using the land, the aggrieved villagers filed an application before the Circle Officer. On the latter's instructions, the Circle Inspector examined the issue and asked Badru Jama to produce papers in support of his claim. Initially, Badru Jama tried to evade the issue by claiming that the land had been obtained through auction; however, the Circle Inspector kept on insisting for the papers. Soon, the matter was resolved in favour of the people but no action was taken against Badru Jama. Today, though the villagers are contemplating to file a case in the *Munsif* Court, the cost implications of initiating a legal procedure is holding them back. It needs to be mentioned in this context that most of the villagers involved in the dispute still depend on collection and sale of wild leaves for their livelihood.

5 Women's land rights in the areas under study



Analysis of the pattern of ownership of land in the areas under study points at an extremely limited share of women. In the entire area covered under the study, only 1.85% of all landowners are women, owning a mere 1.84% of the total area occupied

by all land holdings. This percentage is the lowest in West Champaran, where only 0.28% of all land owners are women, each owning an average of only 0.35 acres of land. The average amount of land owned by women in the other districts also is more or less the same. This average is of the order of 0.44 acres in Nawada and Jamui districts, while in Gaya, the average size of land owned by women is 1.46 acres. Table 5.1 shows the status of land ownership by women in different districts.

Land ownership among women	Nawada	Jamui	Gaya	West Champaran
Percentage of women among all land owners	1.998	2.169	1.844	0.282
Average land owned by each land owning women (acres)	0.443	0.444	1.463	0.351

In view of the extremely limited ownership of land by women, any allocation of land by the government must accord priority to the women.

Glaring issues related to landlessness of women

Mistreatment of women driven by motives of denying them their land rights is a common phenomenon in the society of Bihar, which manifests in different forms. A common example of such denials is their dispossession from property after widowhood. Urmila Devi, a resident of Shaharrampur village located in Naubatpur block of Patna district, is a living example of such dispossession and has been fighting a legal battle for the last 14 years to secure rights over the property of her deceased husband. Urmila's husband passed away two years after her marriage, after which she was subjected to domestic violence for several months at the hands of her in-laws. She subsequently moved back with her parents and filed a case to secure her rights.

Another prevalent method of misappropriation of women's land rights is by branding them as 'witches'. Such instances are common in several pockets of Bihar. In addition to dispossession of property, the victims of witchcraft are subjected to severely

humiliating experiences. During a public hearing organized at Patna by *Ekta Mahila Manch* in 2005, where testimonies were presented by victims of gender-based atrocities, the case of Badamiya Devi, who had been forced to eat human excreta after being branded a witch, came to the fore as a shocking instance of violence stemming from motives of misappropriation of her property.

Banishment of first wives by men marrying a second time and their dispossession from property rights is another common issue. One glaring example is the case of Neelam Devi of Phulwarisharif, who's husband married a second time after fathering three children, ruled her out from any share in the property of the household and also ordered her to get Rs. 50,000 from her parents. Facing torture on a regular basis, Neelam's husband has also been threatening to kill her.

Ownership of land has a direct bearing on the dignity of women. Women in a large number of landless SC households in rural Bihar have to use stretches of land belonging to powerful landlords for easing themselves and have to often face expulsion or atrocities in the process. A large number of households hailing from economically disadvantaged sections and deprived of ownership of even homestead land have to regularly face the problem of homelessness. Many such families settle on *Gairmajarua* land and face several difficulties, which get accentuated in the case of women-headed households. For instance, Gayatri Devi of Chhoti Tangaila village of Naubatpur block in Patna was forcibly evicted by from the *Gairmajarua* land under her possession by fellow villager Ram Sagar Singh. Singh staked a claim on the plot of land on which Gayatri Devi had been living for many years and got her hut razed. Sudden demolition of her hut not only caused the loss of many of her valuable belongings, but also subjected her to sudden homelessness. She has been running from pillar to post in search of support for securing a small piece of land, but in vain. She has been living under extremely insecure conditions for the last two years and hasn't got any support from *panchayat* leaders at different levels.

High scale of distress migration in rural Bihar thrusts the responsibilities of managing households on the shoulders of women. Lack of agricultural land compels women in economically disadvantaged categories to work as daily wage labourers to fend for themselves and their families, which often subjects them to exploitation of various kinds due to lack of security and bargaining power. Households deprived of homestead

land often build their houses on very small stretches of land, which often prevents them from keeping any livestock. Even when families own livestock, they are unable to grow fodder or graze the animals due to paucity of land or space.

A large number of women in Bihar play a vital role in managing agriculture, particularly in areas where a large number of people migrate out of villages for long periods in search of livelihood. The story of Shanti Devi, who takes care of all agricultural activities of her household in a self-reliant manner, is a good example.

Shanti Devi – One among many efficient women farmers

Shanti Devi is a resident of Kubaul village of Kiratpur block of Darbhanga. Her husband Shri Ram Dayal Mukhiya has been working in a factory in Delhi for several years along with their elder son. This has made it imperative for Shanti Devi to take charge of the household. She independently manages a cultivable plot of about one *bigha* of land and a cow owned by the household. Further, to meet both ends meet she also cultivates an additional two and a half *bighas* of land as a sharecropper. Importantly, Shanti Devi, who cultivates about three and a half *bighas* of land, is not the only woman in her village who has to resort to active farming for ensuring the survival of her family. Women from many other families in the village, whose male members have migrated, shoulder the responsibilities of agriculture. During the *Kharif* season, Shanti Devi cultivates rice, and during the season of *Rabi* she cultivates maize and *moong* by locally hiring a water pump for irrigation. It's the earnings from farming activities that enables her to feed her two minor children, including a son and a daughter, besides herself. The money sent by her husband and her eldest son from Delhi, besides the earnings from sale of milk serve as additional sources of income for the family. Being situated between Kamla-Balan and Kosi rivers, the inhabitants of Kubaul village have to live under fear of severe floods that hit the area almost every year. Shanti Devi has to look after her fields even during periods of severe waterlogging.

One vital reason underlying the limited ownership of land by women in Bihar is the exclusion of women from her due share in paternal property. Even though daughters in Hindu families are entitled to an equal share in paternal property as that of their brothers, as per an important amendment of Section 6 of the Hindu Succession Act 1956 (amended in 2005), the awareness of such provisions among the masses is very low. Furthermore, time-honored social norms prevent formal provisioning of a share to women in paternal property. Assessment of responsibilities typical handled by women in various agricultural activities in Bihar shows that in most rural families women play an equally important role as their male counterparts.

There is a need for the government to seriously work towards enhancement of land ownership among women. Government should make it a point to allot land only in the names of women. Further, the government needs to provide important facilities like efficient markets and agricultural loans on convenient terms, to encourage women farmers. The examples presented below underscore the critical role of land ownership in bringing about substantive improvements in the quality of life of women.

Some examples of improvements in the quality of life of women due to ownership of land

Kunti Devi is a resident of Kotarwa village of Bodhgaya. She did not have any agricultural land till the year 1988 and used to fend for herself and her family by undertaking wage labour. There were occasional days when she had to starve as well. She was allotted a plot of land in 1988 – 89, which ensured the availability of a few months' foodgrains for her family from agriculture.

Gita Devi of the same village has a similar story. She had managed to secure 10 *katthas* of land through sustained struggle during the *Muth* Movement, which ensures her family up to 4 months of food grains today, a difficult prospect during her earlier years as a landless labourer.

Muniya Devi's widowed mother-in-law was allotted land in 1988-89 in Mastipur village of Bodhgaya, which enabled her to take care of her family for many years. Today, long after her death, the same piece of land enables Muniya Devi and her family to eke a living.

Phoolwa Devi, who hails from the *Musahar* community, was allotted 1 acre of land after administration of the Land Ceiling Act. She draws a living by cultivating the land and is also able to grow fodder for her cattle.

It is evident therefore that ownership of land by women has the potential to address several practical challenges of survival faced by them. There are many other similar examples that support the proposition and make a strong case for securing the land rights of women.

6

An Account of Govt. Interventions towards Land Distribution

Scrutiny of cases of allotment of different types of land to eligible categories of landless families by the Government of Bihar during the last two decades indicates that a large number of beneficiaries have not been able to establish control over the holdings allotted to them. This is mainly due to incomplete compliance with necessary legal formalities related to land ownership. Most cases of allotment of *Gairmajarua* or *Bhoodan* land studied during the land mapping process were found to have some procedural shortcoming or the other. As a result, maintaining ownership over allotted land has become an arduous experience for a large number of sufferers of such procedural shortcomings.

The incident mentioned above is not the only one of its kind. In a similar case in the year 1955, twenty farmers of Duari village were allotted forty acres of land on the basis of a common certificate of ownership by the *Bhoodan Yajna* Committee. The people established control over this land and started cultivating it. Later, functionaries of the Forest Department started claiming the land as ‘forest land’ and entangled the villagers in a legal suit. Similarly, some Manjhi families of Machhandra village of Nawada were allotted land on the edge of a dense forest by the *Bhoodan Yajna* Committee. They too have not been able to obtain any revenue receipt for the land, while the Forest Department officials have started asking them to vacate the land claiming the same as forest land. In the same village, some Musahar families were each allotted one acre of *Bhoodan* land by a Minister in 1972. However, no receipts were

The Toil for Securing '*Dakhil Kharij*' – An Arduous Experience

In the year 1958, Shri Baldev Mahto, son of Shri Bhojal Mahto and resident of Madpo village in Lalpur panchayat of Nawada, was allotted an acre and 40 decimals of land on the edge of a forest by the *Bihar Bhoojan Yajna Committee*. Although the land was barren and rocky, Baldev toiled hard and turned it into a cultivable land, which became the mainstay of the livelihood of his family of twelve. Strangely, even though a *parwana* (ownership certificate) was issued in his name, Baldev's efforts to secure the mutation certificate have gone in vain for over fifty title.

When Baldev put an application to the Circle Office for mutation of the land he was asked to produce the ownership certificate for the land distributed as *Bhoojan* land. On the next day, when he reached the office with the certificate, he was asked to fill and submit 'Form 10' at the *Bhoojan* office located in Gaya. He had to spend twelve hundred rupees to obtain the form for which he even had to borrow money. When the filled-in Form reached the Circle Office, he was asked to get this Form verified by LRDC. Family responsibilities restricted Baldev from making any more rounds of the government offices. A fellow villager offered him help in lieu of some money, but Baldev's financial exigencies hindered him from seeking any help.

Till date, mutation of Baldev's land has not been carried out. Sometime back, the Forest Department started a drive to plant trees in the village. The forest officials cut a drain through the middle of Baldev's land and started claiming the land up to the drain. Baldev is being asked to produce land documents and is also being threatened of legal procedures. In these circumstances, Baldev is finding himself helpless as he has nothing else to prove his ownership of his land other than the *parwana*.

issued at that time. When people approached the Circle Officer with the demand for receipts, he asked for Form 10. The *Bhoojan Yajna Committee* demanded Rs.500/- for each form. None of them could get the Form 10 due to scarcity of money and the receipts for the land have not been issued till date.

Few years back, a member of the *Bhoojan Yajna Committee* refused to issue revenue receipts for a few recent years for the land allotted in the name of Late Shukar Mahto of Madpo village, and a *parwana* for the same plot of land was subsequently allotted in the name of Shri Mahaveer Mistry vide a new notification. When the member was asked about the issue, he promised to send the *Amin* (functionary responsible for carrying out land measurements) for measuring the dimensions of the land and charged Bharat Mahto (Sukar Mahto's son) Rs.200 towards for the purpose, besides another thousand rupees for issuing a Certificate of ownership. However, the certificate has not been issued till date since 2000.

In the course of the land mapping exercise, instances of forceful grabbing of land donated to the socially and economically backward communities by powerful people came up in many places,. For example, *Bhoodan* land was distributed in many villages in Nawada in the year 1957 and *parwana* was issued in the names of the recipients. One such beneficiary was Lalit Rai of Pavapuri Goraiya village. Even revenue receipts were issued for these holdings. In 2001, a group of people including Ramswaroop Rai, Mishri Yadav, Bishun Yadav, Jagdish Yadav, Majir Mian, Ansi Mian and Karu Mian got together and forcibly ploughed Lalit Rai's land under the threat of bullets. The local police was informed about the incident and the incident was investigated as well. Unfortunately, Lalit Rai's family had to leave the land fallow due to the threats of these people and had to depend on forest produces for their livelihood.

Distribution of *Bhoodan* land undertaken on a large scale in Sondaha village of Gaya shows that the wellbeing of socially and economically backward families can be enhanced substantially through effective provisioning of land. In Sondaha, around 73 acres of *Bhoodan* land was distributed among 108 landless families, of which 60 belong to the Scheduled Castes (recipients of 35.86 acres of land) and 48 families belong to Other Backward Classes (recipients of 37.46 acres of land). About 18.64 acres of land allotted to eligible families in the same village have not been yet settled in their names.

In the case of allotment of land to landless families hailing from eligible categories , there are many instances where it is almost impossible for poor to establish control over the allotted land even after allotment. It seems that mechanisms existing within contemporary government systems to terminate the illegal control of powerful sections of the society from plots allotted officially and legally to landless people are severely ineffective. In Bagaha subdivision of West Champaran, holdings in excess of the ceilings prescribed by the government were redistributed among the poor. However, the task of securing control over the land by the poor has proved to be highly arduous, which establishes the need for stringent punitive measures against inefficient administrative officials and the need for provisions to hold them accountable to the public.

Efforts in the direction of reducing the scale of landlessness in Bihar have been largely inadequate. Attempts by government and some voluntary agencies to redistribute

**Government orders are not enough
– Enforcing them is a greater necessity!**

Although a large number of plots of land, confiscated after the Land Ceiling Act came into effect, were redistributed amongst landless families of Bihar, yet many of them have not received revenue receipts of the land allotted to them till date. The experience of 29 families of Karmaha Bodsar village (*Binvaliya Bodsar Panchayat*) of Bagaha-II circle in West Champaran, who have not been able to ensure mutation of their land till date even after a lot of efforts, is a clear example of such a case. The case number of the land is 1-77-78. A list of the affected families is given below:

S. No.	Name	Father's/ husband's name	Khata Number	Khesra Number	Size of plot (in decimal)
1	Shri Kana Baitha	Shri Enar Baitha	18	281/1	70
2	Shri Dhure Mushar	Shri Nagai Mushar	18	281/3	72
3	Shri Ram Vriksh Mushar	Shri Guli Mushar	18	281/6	72
4	Shri Ramun Mushar	Shri Guli Mushar	18	281/5	75
5	Shri Gulli Mushar	Shri Chokar Mushar	18	281/4	75
6	Shri Jamun Mushar	Shri Guli Mushar	18	281/8	72
7	Shri Garav Dhangad	Shri Prasad Dhangad	27, 18	100, 93	40, 24
8	Mosamat Koshiya	Shri Dhanu Mahto	25	49/1	59
9	Shri Dhebu Mushar	Shri Johar Mushar	18	289/11	62
10	Shri Mohar Hazra	Shri Baksh Hazra	2, 4	21/1,293/20	18, 36
11	Shri Paras Hazra	Shri Mohar Hazra	18	295/4	60
12	Shri Shiv Dhangad	Shri Garav Dhangad	18	251/1	77
13	Shri Shankar Dhangad	Shri Ramjeet Dhangad	111	106/3	65
14	Shri Ramjeet Dhangad	Shri Bifai Dhangad	111	106/1	65
15	Shri Jatan Dhangad	Shri Tahal Dhangad	18	281/7	74
16	Shri Kul Mushar	Shri Sevak Mushar	27, 20	89, 80	30,30
17	Shri Chokar Dhangad	Shri Boba Dhangad	18	281/10	69
18	Shri Dhannu Chamari	Shri Rogi Chamari	27	200/2,3	76
19	Shri Dhup Mushar	Shri Lochan Mushar	18	251/3	78
20	Shri Banhu Mushar	Shri Bhagan Mushar	18	95/1	71
21	Shri Chulhi Hazra	Shri Budhiram Hazra	18	281/18	72
22	Shri Bhukhal Hazra	Shri Mani Hazra	18	281/17	75
23	Shri Thagai Mushar	Shri Jawahir Mushar	25	60/3	63
24	Shri Jhulan Baitha	Shri Chilar	18	167, 178	50, 22
25	Shri Bamai Dhangad	Shri Bifai Dhangad	18	281/11	72
26	Shri Sanhu Mushar	Shri Nagai Mushar	18	281/4	75
27	Shri Amirik Mushar	Shri Budhai Mushar	18	251/2	77
28	Shri Keshwar Mushar	Shri Jawahir Mushar	18	281/16	72
29	Shri Ramdhari Hazra	Shri Dehul Hazra	18	95/4	72

Contd...

Contd...

The villagers have put in a lot of effort till date to get the mutation of the land carried out in their names. For example, on August 18, 2006, the villagers organized a one day *gherao* (sit-in) outside the office of the District Collector of Betiah and also filed a written application in pursuit of their demands. On July 1, 2006, a written application for the same was submitted in the Circle Office at Bagaha-II. Furthermore, during a Public Hearing organized on January 16, 2007, a written application was submitted to the Subdivision Officer. A two-day protest event was subsequently organized outside the Bagaha Block and Circle Offices on 18th and 19th June, 2007. Once again on July 2, 2007, the villagers sat in a protest meeting at the Circle Office for a day and gave a written application about their demands. Unfortunately, even after so much of efforts the villagers have not got their rights till date.

land to the landless have had only limited impact. The proportion of landless households to the total rural population continues to grow. One of the earliest measures implemented by the state government of Bihar between 1972 and 1977 (including the period of emergency proclaimed from 1975) was a statewide effort at redistribution of land. During this period, the government acquired 94,000 hectares of surplus land and distributed 53,000 hectares to nearly 138,000 landless families. As a matter of fact, these measures came about at a time when success across the rest of the country was limited vis-à-vis land reforms. This was preceded by an amendment relating to land reforms promulgated in 1973 that set a range of ceilings on land holdings for a family of five, from six to eighteen hectares depending on land quality, and offered an allowance for each additional family member, subject to a maximum of one-and-one-half times the holding. It was an unprecedented measure that eventually brought about a massive debacle of ruling party in the assembly elections of 1977.

Assessment of the 303 cases of distribution of *Bhoodan* land identified during the study clearly indicates that a good number of landless people hailing from Scheduled Castes have been provided with ownership of land through distribution of *Bhoodan* land. Out of the 303 cases, as many as 191 instances relate to distribution of land to landless Scheduled Caste families, while about 99 families belonging to Other Backward Classes have also been benefited. Thirteen cases relate to beneficiaries from other castes and not a single *Muslim* family was found to be part of the 303 *Bhoodan* land beneficiaries identified during the study.

Although a large number of families have been benefited from distribution of *Bhoodan* land, the average size of the plots distributed to them is very small. According to an

assessment carried out during the land mapping exercise, the average size of land allotted to scheduled caste families is 0.65 acres and in case of OBC families the same is 0.72 acres. Altogether 201 acres of land was distributed among 303 families, i.e. on an average of 0.66 acres per family.

The land donated by *Zamindars* during the *Bhoodan* movement was not of very good quality. Though Bihar accounted for more than 50 per cent of the 21,17,756 acres of land gifted during the movement in the country, a large part of it could not be distributed because of its location; some was received without proper authorization papers from the donors; and some land was involved in litigation. Till 2001, about 3,97,010 acres remained to be distributed. A total of 5,78,899 people received land, of whom the majority belonged to the Other Backward Classes (OBCs). The average area of land distributed to members of the Scheduled Castes, the Scheduled Tribes and the OBC groups was about 1.2, 1.85 and 0.89 acres respectively. There were some 49,960 “other recipients” too, who received about 1.55 acres each. They apparently did not belong to any of the disadvantaged categories. About 5.6 *lakh* acres of land was distributed without proper record of ownership. In the absence of transparent mechanisms of prompt redistribution and dispute settlement, a large part of the land meant for the landless ended up in the hands of local elites in various districts, and need to be redistributed to the intended beneficiaries.

By January 2001, nearly 2.78 *lakh* acres of surplus land acquired under the provisions of Bihar Land Ceiling Act of 1973 had been redistributed to 3.53 *lakh* landless families, which however, provides for too small an area per household for profitable cultivation. Besides, many tracts of redistributed land were stated to be of poor quality and thus of little agricultural value.

Non-issuance of ‘*parcha*’ (document indicating land-ownership) emerged as a key grievance of a large number of landless people officially declared to be recipients of surplus land redistributed in Bihar. In many cases, where the ‘*parcha*’ had actually been distributed, lack of clarity about the exact location of the land and forceful occupancy of a powerful third party were cited as commonest reasons for the inability of the land recipients to access and claim their land. In Tipalia *panchayat* of East Champaran, 25-years old cases of ‘*parcha*’ distribution came to the fore, which did not lead to actual occupancy of the land by the landless.

7

Issues that require Policy Interventions

Keeping in view the large scale of landlessness in Bihar, policy interventions of a far-reaching nature are required in order that a large number of citizens of the state have a lasting asset of livelihood. At least one-third of Bihar's rural families are landless and in some districts this proportion rises as high as 70%. Even today there are numerous land owners in the state having control over more than ten times the legally prescribed ceiling of land ownership.

It is clear that only allotment of land to the landless in the name of land reforms is not enough. Outcomes of the study jointly undertaken by *Ekta Parishad* and Praxis indicate clearly that securing lasting control of the landless over land allotted to them is the biggest challenge for the government. For this, stringent punitive actions against people encroaching upon land in an illegal manner, barring those belonging to the deprived and eligible sections (e.g. landless from socially disadvantaged categories), would be most essential. Also, administrative authorities at the sub-division level should be empowered to take such actions. Failure to take appropriate action within a stipulated time frame, or inability to secure effective control over allotted land by the beneficiary families should also be held to account, and erring government authorities should also be subjected to punitive actions.

Allotment of land is of little meaning, unless control is ensured!

In Nayagaon and Kathfor villages of West Champaran, 5.75 acres of land belonging to Smt. Sharda Devi was declared (vide notification number 635, dated 10.8.83) to be in excess of ceiling limits, as per Article 15 (1) of the Land Ceiling Act, and was distributed among 12 Scheduled Caste families (record no. 6 / 83-84). Unfortunately, Paras Nath Yadav and few other men took control over the distributed land. Few people including Shri Lalwachan Harijan registered a dispute (No.1262 / 93) in the Court of the Sub-divisional Magistrate and also registered a complaint with the District Magistrate in January 2004. Following the instructions of the Sub-Divisional Magistrate the *Karamchari* and the *Amin* (functionaries attached with Circle Office) of the area inspected the place and their report verified that the land was not under the control of the allottees and was under the illegal control of Paras Nath Yadav and others.

On 2nd June, 1994 Paras Nath Yadav and other encroachers were informed that they have to show the papers of the land. There was no reply to this for months. At last on 28th November 1994 the encroachers answered that their possession was backed by documents . However, they furnished no information about the type of documents justifying their claim. On 5th July 1995, the Circle Court once again ordered the Circle Inspector, Circle *Amin* and the Circle *Karmachari* to secure the control of the land in the hands of the families of Lalwachan and others to whom the land had been allotted.

It has been twelve years since the order was issued, but even today the control over the land has not been ensured in the hands of Lalwachan and the rest, although Lalwachan has spent over twenty thousand rupees in the process in running from pillar to post.

The names of the people who were allotted land in this case are:

S.No.	Name	<i>Khata No.</i>	<i>Khesra No.</i>	Size of plot	Name of Village
1	Sarwan Chamar	3	12	64 Decimals	Kathfor
2	Dharma Raj Harijan	50/5	161/1	54 Decimals	Nayagaon
3	Ramkishun Harijan	50/5	161/3	50 Decimals	Nayagaon
4	Jiwat Harijan	50/5	161/4	50 Decimals	Nayagaon
5	Subhag Harijan	50/5	161/5	50 Decimals	Nayagaon
6	Dahari Harijan	161/6	161/6	50 Decimals	Nayagaon
7	Vyas Harijan	161/6	161/7	50 Decimals	Nayagaon
8	Ganesh Harijan	161/6	161/8	50 Decimals	Nayagaon
9	Lalwachan Harijan	50/5	161/9	50 Decimals	Nayagaon
10	Basanti Harijan	50/5	161/10	50 Decimals	Nayagaon
11	Biswanath Harijan	50/5	161/11	50 Decimals	Nayagaon
12	Shankar Bhar	50/5	161/2	7 Decimals	Nayagaon

It should be a priority of land reform policies to clear disputes that have been pending for a long time. According to a document (letter no. 10/L.R. 4-29/00-778/R, dated 28.7.99) of the Department of Revenue and Land Reforms of the Government of Bihar, as many as 1723 cases of disputes related to land, involving 159820.17 acres of land, are pending before various courts of the state. Timely resolution of these cases can make a large chunk of land available for distribution to a large number of landless people in the state.

The plots of land allotted by the Bihar *Bhoodan Yajna* committee should be immediately processed for mutation and the responsibility of this work should be given entirely to the Committee and the Revenue Department. During the process of land mapping many such cases were identified where the allottees of land had to run from pillar to post to accomplish mutation of their land, and in many cases they were evicted from the land in the absence of “proper” documents. Moreover, there is a need of urgent action towards resuming distribution of *Bhoodan* land, a process that has been stalled for a long time.

In this context it would be important to bear in mind that most cases of illegal encroachment of land involve encroachments by well off people, as established by the study undertaken by Praxis and *Ekta Parishad*. This indicates that generally it's not the landless or underprivileged families that seize land illegally but it's mostly affluent people, who do not belong to any of the disadvantaged categories. As per the provisions of Bihar Public Lands Encroachment Act 1956 (amended in 1972), in case of encroachments by landless people or people owning very little land (i.e. cases where the encroacher owns less than 5 acres of land including homestead land and where the land encroached is (i) not *Gairmajuruya Aam* but *Gairmajuruya Khas* or Government land, (ii) is adjacent to the agricultural land of the encroacher and (iii) is limited to ten decimals of encroached land) steps should be taken in the direction of settlement of the land in favour of the encroacher, in keeping with the policy of facilitating land ownership of more and more landless families.

High degree of fragmentation and dispersion of multiple land holdings belonging to the same owners is a teething problem in several districts of Bihar. For instance, it is quite common in districts like Nawada, Gaya and Jehanabad to find a 2-acre land holding scattered in ten different pieces and locations. The need for serious efforts towards consolidation of disjointed tracts of land have been felt for several decades, and

successive judicial interventions have sought to push the state government to act promptly to this effect. However, the land consolidation office in Bihar has remained defunct for more than a decade and a half. Despite repeated judicial injunctions from the Patna High Court and Supreme Court of India, successive governments in the state haven't been able to operationalize the much-needed task of land consolidation. The principle of equity needs to be adhered to in processes of *chakbandi* (land consolidation) to protect the interests of marginal and small land owners. Many cases where *chakbandi* had affected the land rights of farmers utilizing a plot for years, were identified in the course of the study.

Land alienation due to consolidation (*Chakbandi*)

The families of Suresh Paswan and Swaroop Paswan, sons of Ram Chander Paswan of Gaya's Lala Bigaha village have been living in a house on the land their ancestors had lived on. Swaroop Paswan has also been allotted an *Indira Awaas* on the same plot, but a recently undertaken survey has recorded the land within a 'consolidated' unit of land belonging to another person, Raju Mahto. Raju Mahto wishes to bring down the house of the Paswans on the plot. The dispute could not be resolved even after intervention of Police. Meanwhile, Suresh Paswan has been stopped from undertaking any repair work of his ancestral house.

Keeping in view the low level of ownership of land amongst women in the state, there is a need for the government to seriously promote land rights of women. Land distributed by the government should be necessarily allotted in the name of women. In addition, the government should provide loans on easy terms, markets and other facilities to women undertaking agriculture-based business activities. It is also essential to scale up social acceptability of women's land entitlements through large-scale mass awareness drives, which should also strive to bring about greater awareness about the important amendment to the Hindu Succession Act 1956 that entitles daughters to equal share in paternal property as their brothers.

Another important issue that needs policy intervention is related to the land rights of a large number of active sharecroppers in the state. Since almost all the cases of share-cropping in the state are based on verbal agreements, it is essential to study the conditions of share-croppers in the state on a large scale and to initiate measures for protection of the rights of the share-croppers through processes like village level public hearings. It is a known fact that according to prevalent traditions, the sharecropper has to give one half of the yield of the land cultivated by him to the landowner, which

violates the maximum limit prescribed by law. Again, the landowners make sure that the sharecroppers do not get to cultivate a particular plot of land continuously. Non-maintenance of records of sharecropping in the state denies many sharecroppers their due entitlements as per various enabling provisions of Bihar Tenancy Act, 1885. Identification and registration of sharecroppers is an urgent need of the hour to safeguard their land rights, to prevent their expulsion from land and to ensure them due returns from their work. A task force vested with special powers must be constituted in the state to work in this direction.

As per the provisions of the Bihar Privileged Persons Homestead Act, 1947 and a decision of the Government of Bihar, families lacking even homestead land need to be identified with utmost urgency within a timeframe and homestead plots of 4 decimals need to be made available. Most of the families identified to be lacking homestead land during the land mapping process were found to belong to Scheduled Castes and Scheduled Tribes (see Chapter 4 for details). It needs to be mentioned that in 2002 the state government had decided to issue ‘*Waasgeet Parchas*’ (certificates of ownership of homestead land) to families lacking any homestead land and to make available suitable *Gairmajaruwa Malik* land or acquire 4 decimals of land for construction of Indira Awaas houses. The responsibility of execution of this very important task should be handed over to officials of the level of District Magistrate, and there should be time-bound processes to hold them accountable to this effect.

Many farmers in the state have to mortgage their lands in the face of excessive indebtedness and in numerous such cases they have to lose ownership of their land. It is known that the Credit-Deposit Ratio of Scheduled Commercial banks in the state is not only lower than that of other states, but is also far lower than the standard ratio fixed by the Reserve Bank of India. A large number of economically backward people living in the rural areas of the state depend on local moneylenders for credit and often the interest rates range up to as high as 5 or 10 percent per month. It is essential to enforce the provisions of Bihar Moneylenders (Regulation of Transactions) Act, 1938 (including amendments of 1939 and 1972) to prevent dispossession of limited land ownership of poor households in the state. According to this law there are a number of restrictions on moneylenders, including prohibition of any kind of action by unregistered moneylenders towards recovery of loans other than filing a civil suit. In addition, it has also been stipulated that under no circumstances can the amount recovered (including

interest and principle) exceed twice the amount borrowed as principle. It also gives the borrowers the option of repaying loans through courts of law.

Formulation of mechanisms for speedy resolution of land disputes needs to be seen as a critically important policy intervention. During the course of the land mapping process, hundreds of cases were identified where the absence of any mechanism for fast and effective resolution of land disputes had severely affected the livelihoods of families. There is a pressing need for establishment of fast-track courts for speedy disposal of disputes relating to land. In addition, strong punitive provisions are required to effectively evict powerful people who encroach upon the lands belonging to socially and economically disadvantaged sections.

Annex

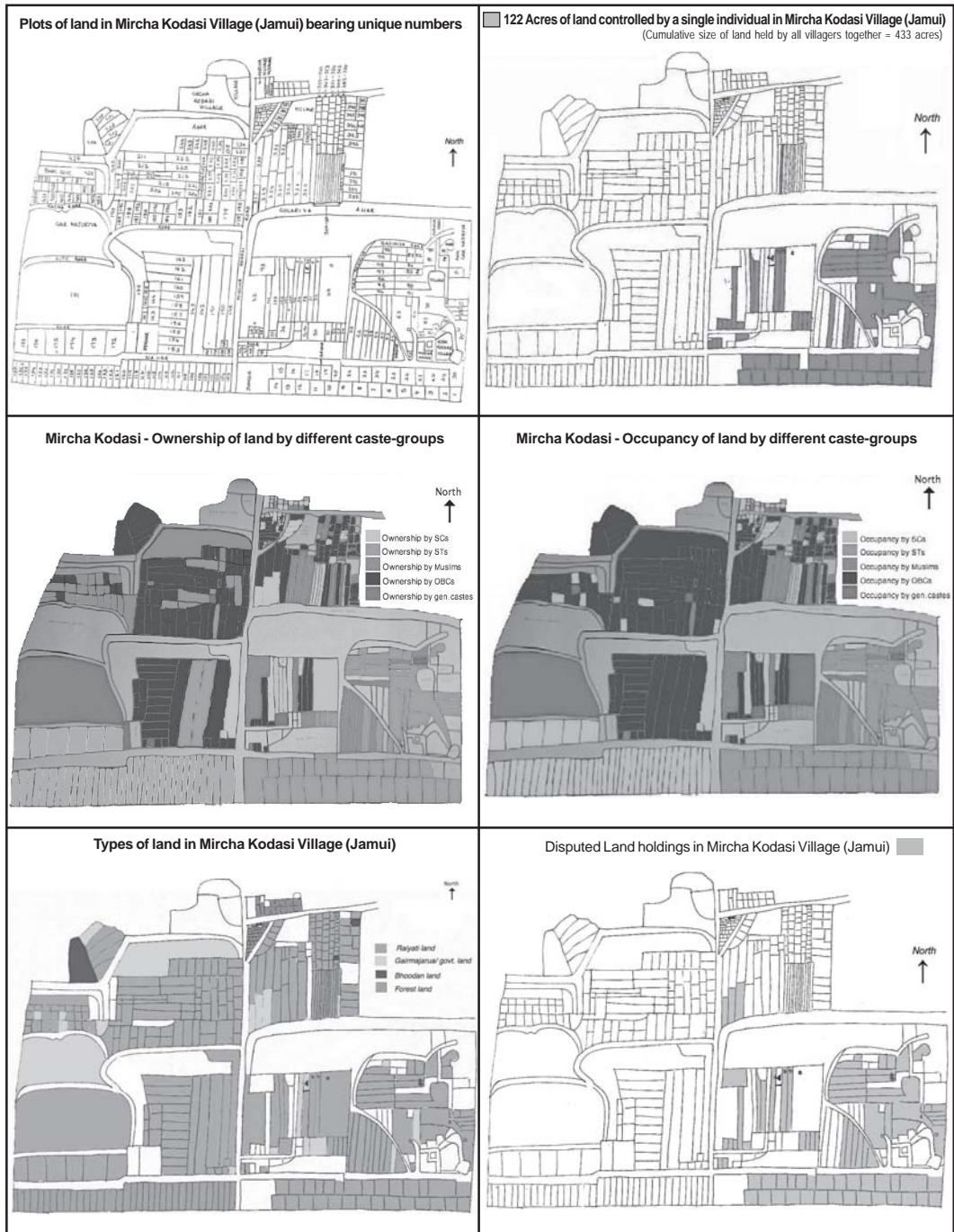
- A. Example of village level data compilation on land
- B. List of places selected for the process of land mapping
- C. Description of land measurement units used in different districts
- D. References
- E. Glossary of key words used in the document

Annex-A

Example of village level data compilation on land

Annex-B

An Example of Maps focused on Different Variables



Annex-C

List of places selected for the process of land mapping

Jamui (Sikandra Block)

1. Mircha Kodasi
2. Jagdishpur Kodasi
3. Lachuar
4. Etasagar
5. Sikandra
6. Sijhori
7. Rave
8. Dharampur
9. Mahadev Simri
10. Pote
11. Mathurapur
12. Bichwe
13. Khardih
14. Manjosh

West Champaran (Bagaha II Block)

1. Siktiya
2. Asauni
3. Jhankol
4. Micholi
5. Pokharbhinda
6. Karmaha
7. Nayagaon
8. Balua
9. Jai Nagar
10. Bharthapur

Gaya (Bankebazar Block)

1. Dongila
2. Sondaha
3. Dhaneta
4. Saifganj
5. Shankarpur
6. Devangarh

Nawada (Kovakol Block)

1. Paharpur
2. Mahundar
3. Pavapuri Gorewa
4. Bandol
5. Lalpur
6. Pachamva
7. Bhanwarkol

Patna (Paliganj Block)

1. Khanpura

Annex-D

Description of land measurement units used in different districts

Jamui

1 katha = 0.0437 acre

1 bigha = 0.874 acre

1 dhur = 0.00185 acre

1 decimal = 0.01 acre

Gaya/Nawada

1 katha = 0.037 acre

1 bigha = 0.741 acre

1 dhur = 0.00216 acre

1 decimal = 0.01 acre

West Champaran

1 katha = 0.07402

1 bigha = 1.4805

1 dhur = 0.0037

1 decimal = 0.01 acre

Patna

1 katha = 0.03125 acre

1 bigha = 0.625 acre

1 dhur = 0.00156 acre

1 decimal = 0.01 acre

Annex-E

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Annex-F

Glossary of keywords used in the document

<i>Bhoodan</i>	Name of movement launched by Acharya Vinoba Bhave in the early sixties calling for voluntary donation of land held by big landlords for redistribution amongst the landless.
<i>Bigha</i>	Measure of land of varying size (ranging from being equivalent of 0.625 acres in Patna to 1.4805 acres in West Champaran; ref. Annex C for details)
<i>Kattha</i>	Measure of land of varying size (ranging from being equivalent of 0.03125 acres in Patna to 0.074 acres in West Champaran; ref. Annex C)
<i>Dhur</i>	Measure of land of varying size (ranging from being equivalent of 0.00156 acres in Patna to 0.0037 acres in West Champaran; ref. Annex C)
<i>Raiyati</i>	Plots of land meant for agricultural use
<i>Gair Majarua</i>	Plots of land historically allowed for residential settlement of agricultural labourers by landowning gentry, now administered by land and revenue department and settled either in the name of the landless (<i>gair majarua maalik</i> land) by issue of <i>parwanas</i> or treated as common property land of the village community (<i>gair majarua aam</i> land)
<i>Panchayat</i>	Smallest unit of local self-governance in India, corresponding to a population of approximately 7000 in Bihar
<i>Parcha</i>	Certificate of ownership of Raiyati land
<i>Parwana</i>	Document certifying settlement of <i>Gair Majarua Khas</i> land
<i>Sanvyavahar viniyaman</i>	Regulation of transactions
<i>Waasgeet parcha</i>	Certificate of ownership of homestead land