

Calling a piece of the earth their own

SUDHIRENDAR SHARMA

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Taking ownership Entitlement papers (parcha / parwana) for homestead land are being distributed to landless households at a village in Gaya district Sudhirendar Sharma

An initiative in Bihar to secure land entitlements for the landless has begun to show results

Kameshwar Manjhi's family is one among 10,125 musahar (traditional rat-catching community) households that have received entitlements to homestead land in recent days.

The 60-year-old Manjhi recalls his four decades of ordeal to get rightful entitlement to a piece of land as enshrined under the Bihar Privileged Persons Homestead Tenancy Act of 1947 and the subsequent Mahadalit Awas Bhoomi Mission of 2010 for protecting the rights of the landless.

Despite an enabling policy environment created by the government, there has been the proverbial slip between the cup and the lip. Stymied by complex processes and a non-responsive lower-level officialdom, landlessness among the poor has continued to escalate in Bihar. While 67 per cent of the rural poor was landless or near-landless in 1993-94, the figure spiked to 75 per cent towards the end of 2000.

The terms 'landlessness' and 'homelessness' have often been interchangeably used. However, the National Sample Survey Organisation defines landlessness as a condition where a family owns less than 0.002 hectares, or 215 sq ft — not adequate for a humane dwelling.

By this definition, the country's landless population works out to be a staggering 200 million, of which an estimated 3.4 million are found in Bihar alone.

The scourge of landlessness has afflicted rural Bihar for more reasons than one — natural calamities, development displacement and forced eviction being the main factors. Like innumerable others, Manjhi too has been a victim of forced eviction. With land reforms remaining an unfinished agenda, both in the State and countrywide, millions of rural poor are squatting on lands that are not rightfully theirs.

Adopting a rights-based approach, Gaya-based Deshkal Society mobilised over 51,000 landless families in 554 villages over the last eight years to assert their rights by providing the status of their landlessness to the government. Some 11,426 applications were filed and verified by the *amin*, the lowest-level land records representative of the State, before they were forwarded to the block office for further action. The community mobilisation created pressure from below.

Cut the official clutter

Though the success rate of securing land entitlements for the needy has been in excess of 90 per cent, the poor find the process woefully complicated. Lands belonging to a landowner who may have permitted a person to reside upon it, and the occupancy continues for at least a year, can be settled within two months in favour of the squatter at the local level by the circle officer. Such lands are called *raiya* (concessional) lands.

Since there aren't enough cases of settlement on *raiya* land, the challenge lies in securing entitlements over government (*gairmazarua-khas*) and panchayat (*gairmazarua-aam*) lands. While the former takes, on average, six months to secure entitlement, the latter warrants almost nine months of persistent efforts. While the process of securing entitlement to 'government land' falls within the purview of the sub-divisional office, for 'panchayat land' it involves the district magistrate.

"The task before us was to circumvent the bureaucratic ladder," says Sanjay Kumar of Deshkal Society. By meticulously pursuing each application, the team soon learnt that the remedy lay in getting the process altered in favour of the landless. It got the Department of Revenue and Land Records to issue an executive order allowing settlement of all land issues at the district level, instead of at the divisional commissioner.

Anju Singh, circle officer at Wazirganj block of Gaya district, considers this a forward-looking tripartite partnership between the government, civil society and the community.

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Bottom-up activism

Baleshwar Prasad of Fatehpur village suggests using this bottom-up pressure building approach to short-circuit bureaucratic hurdles across 44,874 villages in the State.

The revenue and land records department has enthusiastically welcomed the initiative and issued within two years as many as 14 executive orders related to identification of land under various categories; status of actual allotment/possession; and action related to regularisation of allotted land.

Significant among these initiatives is the order that has enhanced the size of homestead land allocation from three decimal to five decimal for the poor.

Building on Deshkal Society's initiative, Vyas Ji, Principal Secretary of the department, established a Land Reforms Core Committee — a government-civil society interface to generate demand from the grassroots to expedite the process of land entitlement and possession. The government has now received more than two million applications for land entitlement and possession.

For Deshkal Society, the task is far from finished. It now intends persuading the government to clear the backlog of land-related issues at the block level.

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