

Facilitating Realisation of Legal Entitlements to Homestead Land for Dalit Communities and Landless Labourers through Using the Tool of RTI Act in the Villages of Gaya District of Bihar

Background

In course of work on the issue of homestead land rights, it was realised that the provisions of RTI Act could be an effective tool for realizing the rights of the landless poor, especially from marginalised communities, to legal entitlement to their homestead land. For claiming their legal rights and filing applications for legal entitlement to their homestead land, the landless poor are required to procure several documents and information related to land records. This proves to be generally an uphill task for landless labourers and persons belonging to marginalized communities such as SCs and STs. Most often, due to their ignorance they are prone to get exploited by local touts and middlemen too. It is found that the key actors namely community, civil society organizations and representatives of the Panchayati Raj Institutions, who play a significant role in facilitating the processes for realizing the right to homestead land, are not generally aware of how RTI Act can be used as a tool for obtaining these vital documents. In this context, this project was undertaken in order to generate awareness among the key stakeholders about the provisions of the RTI Act and how it could be used by the stakeholders for obtaining legal entitlements to homestead land. The project was implemented in the Wazirganj block of Gaya district during 2009-10 with financial support from the World Bank, India under its scheme of Social Development Civil Society Fund Grant.

Objectives

The objectives of the project were

- To facilitate the process of realizing legal entitlement to homestead land for the landless labourers and Dalit communities, especially Musahars through using the tools of RTI Act.
- To build the capacity of PRI members and communities on RTI Act and legal entitlements to homestead land for making local governance institutions and administration accountable, responsive and transparent.

Major Outcomes

- i. 74 persons belonging to the most marginalized Musahar community from Baljori Bigha village in Bishanpur Panchayat received legal entitlement to homestead land of Malik Gairmazarua category.
- ii. 531 applications for grant of legal entitlement to homestead land of gairmazarua aam category were filed by landless households belonging to Musahar community. The applications were facilitated through various stages to reach the office of the Divisional Commissioner for final approval.
- iii. 87 applications were filed by members of Musahar community in Janakpur Tola of Sahiya panchayat for grant of legal entitlement to homestead land of Malik Gairmazarua category. These applications were facilitated to reach the office of the Sub Divisional Officer.
- iv. 41 RTI applications were filed in the Block office by landless households from 12 villages in the Wazirganj Block for seeking records and information on khata/khesra no., plot no., and the character and legal status of their homestead land on which their houses are located.
- v. 250 community leaders from the Musahar community and 20 PRI representatives from 4 Village Panchayats- Punama, Sahiya, Bishanpur and Pater Mangrama- in Wazirganj Block received training on how to use the RTI Act to obtain various types of information from government authorities, and use these information to claim their legal entitlement to homestead land.

Key Lessons from the Project

- i. Lack of access to official information is a major hurdle that prevents common people, especially people from marginalized communities, from availing their legal rights and entitlements. The government authorities are generally averse to share official information with common people. They think that providing official information is not part of their duty. Instead, they consider it as a favour. This attitude among government officials gives rise to the practice of middlemen, touts and bribes. In such a situation people from marginalized communities feel helpless and harassed when they try to approach government officials for obtaining any information or records. Seeking information through RTI saves people from harassment by officials and middlemen as well as wastage of time.

- ii. If the required information is available to people from marginalized communities, they feel confident to approach the government authorities, and take initiatives and efforts to demand and assert their claim to legal rights and entitlements.
- iii. Finding the required land records and cadastral maps of villages is a monumental task since these have not been updated since long. The government needs to update the land records and revenue maps of all the villages, and make them available to the public on demand.
- iv. Copies of government circulars and policy guidelines are not available at the Block, Sub-division or District offices, including that of the District Collectorate. Due to this, the officials do not know what they ought to do when someone submits an application for grant of ownership right to homestead land. The government should compile copies of laws, circulars and policy guidelines as well as prepare an official manual which can provide guidelines to officials at various levels to take appropriate action.