

**FINAL REPORT ON**

**RIGHT TO HOMESTEAD LAND IN RURAL BIHAR: A  
STUDY OF ITS STATUS, ISSUES, AND CHALLENGES IN  
IMPLEMENTATION OF POLICIES AND PROVISIONS**

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

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## Contents

*List of Tables and Figures*

*List of Abbreviations*

*Acknowledgements*

<b>Chapters</b>	<b>Page No.</b>
1) Access to Homestead Land and Housing in Rural Areas: A Rights Based Perspective	1-5
2) Right to Homestead Land: Laws and Policies in Bihar	6-14
3) Approach and Methodology	15-18
4) Socio-economic Profile of Selected Districts, Blocks, Village Panchayats and Sample Households	19-29
5) Access to and Ownership Rights over Various Types of Homestead Land in Bihar: An Assessment	30-38
6) Processes of Displacement/ Settlement of Rural Landless and Marginalised Communities in Bihar	39-45
7) Practices and Processes of Implementation of Laws and Policies: Identifying Administrative/ Institutional and socio-Economic Hurdles	46-49
8) Recommendations and Conclusion	49-54
<i>References</i>	55-56

### *Annexures*

I	Bihar Privileged Persons Homestead Tenancy (BPPHT) Act, 1947	57-68
II	Circular Letter No. 5LR-232/ 71— 5805—R, dated 16-8-1971	69-71
III	List of Scheduled Castes identified as Mahadalits by Government of Bihar	72
IV	Circular Letter No. 11- LRD- 6/99- 749- R dated 20.9.1999	73
V	Villages Surveyed by the Government of Bihar for Identification of Mahadalit Families without House-sites	74-75
VI	Principles and Modalities of Land Purchase by Government of Bihar for Allotment of House-sites to Mahadalit Families	76-78
VIIA	Socio-Economic Profile of Households which have been allotted homestead land under the Scheme of Purchased Homestead plots for Mahadalits	79-83

VII B	Socio-Economic Profile of Households which need to be Regularised homestead plot	84-88
VIII	Data Tables: Access and Ownership Rights over Various Types of Homestead Land	89-101
IX	Additional Data Tables	102-127
X	Circulars	128-138
XI	Households Interview Schedule	139-142

## **List of Tables and Figures**

### **Tables**

2.1: Outcome of Mahadalit survey	12
2.2: Cluster formation for allotment of house-sites	13
3.1: Sample Size and Structure	15
4.1: Region wise List of sample districts, blocks and villages	20
4.2: Demographic profile and Literacy Rate of Bihar and nine Sample Districts	24
4.3: Demographic Profile of the Sample Blocks	25

### **Figures**

4.1: Average Household Size	25
4.2: Marital Status of Household head	26
4.3: Educational profile of Household head	26
4.4: Distribution of households by house type	27
4.5: Occupation of Household heads	27
4.6: Possession of Ration Cards	27
4.7: District wise distribution of Households by Occupation	28
4.8: Distribution of households by size	28
4.9: Possession of Ration Card	29
5.1: Distribution of Households by Size of Homestead Plot Allotted	30
5.2: Block wise Distribution of Households by Size of Homestead Plot by the Govt.	31
5.3: Status of Allotment of Homestead Land	31
5.4: Block level variation in the status of homestead land allotted to beneficiaries	31
5.5: Distribution of households by status of homestead plot allotment	32
5.6a: Year Wise status of Allotment of Homestead Plots - Yes Registration (kevala), yes possession	32
5.6b: Year Wise status of Allotment of Homestead Plots - No Registration (kevala), yes possession	32
5.6c: Year Wise status of Allotment of Homestead Plots - Yes Registration (kevala), no possession	33
5.6d: Year Wise status of Allotment of Homestead Plots - No Registration (kevala), yes possession	33
5.7: Status of house construction on homestead Plot received	33
5.8: District wise status of house construction on homestead plots	33
5.9: District wise Distribution of Households by status of residence on homestead plot	34

5.10: Distribution of households by status of residence on homestead plot	34
5.11: Distribution of Households by Status of IAY assistance received	34
5.12: Distribution of Households by number of years of residence on current homestead plots	34
5.13: District wise Distribution of Households by number of years of residence on current homestead plot	35
5.14: Distribution of Households by Status of residence	35
5.15: Sources of threat of Eviction faced by the households	35
5.16: Distribution of households by size of present homestead plot	36
5.17: District wise distribution of households by size of homestead plot	36
5.18: Distribution of households by category of land on which house has been constructed	36
5.19: Distribution of households by claims made for legal entitlement	37
5.20: Status of legal entitlement of homestead land	37
5.21: District wise Distribution of households by benefits received from IAY	37
5.22: Distribution of households by benefits received from IAY	37
6.1: Distribution of Households by Threat of Eviction Faced	39
6.2: Distribution of Households by Threat of Eviction Faced	39
6.3: Block-wise distribution of households facing Threat of Eviction	39
6.4: Landless households settled on various types of Land	40
6.5: Distribution of Households by Sources of Threat of Eviction	45

## **Diagram**

3.1: Study Implementation Phases	18
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## **List of Abbreviations**

BPL	Below Poverty Line
BPPHT	Bihar Privileged Persons Homestead Tenancy Act 1947 focus group discussions
DRDA	District Rural Development Agency
FGD	Focus Group Discussion
IAY	Indira Awaas Yojana
JRY	Jawahar Rozgar Yojana
MLA	Members of Legislative Assemblies
MP	Members of Parliament
NREGA	The Mahatama Gandhi National Rural Employment Guarantee Act, 2005
NREP	National Rural Employment Programme
NSSO	National Sample Survey Organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
RLEGP	Rural Landless Employment Guarantee Programme
SC	Scheduled Castes
ST	Scheduled Tribes
UNHRP	United Nations Housing Rights Programme
ZP	Zilla Parishad

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## Chapter 1

### **Access to Homestead Land and Housing in Rural Areas: A Rights Based Perspective**

#### **1.1. Context**

Access to homestead land, and housing in turn, are basic requirements for human survival. Every citizen needs to have a safe, secure and healthy place to live, work and lead a life of dignity. A house provides not only physical protection against the vagaries of nature, but also space and privacy to an individual and his family for physical, emotional and intellectual growth. More importantly, ownership of a house brings about a profound change in his social existence, endowing him with an identity, dignity and a sense of belongingness, thus integrating him with his immediate social milieu and enhancing his opportunity for participation in social, economic and cultural life of the society. Considering its importance for the overall well-being of individuals and families, right to housing has been enshrined as a basic human right in international human rights instruments and *treaties* as well as in the Constitution of India as interpreted by the Supreme Court in many of its judgements.

#### **1.2. Right to Housing in International Human Rights Instruments**

The right to adequate housing as a component of the right to an adequate standard of living is enshrined in many international human rights instruments. Most notable among these are the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1976). Article 25.1 of the Universal Declaration of Human Rights states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”(UDHR, 1948).

The International Covenant on Economic, Social and Cultural Rights in its Article 11.1 reiterates: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent”(ICESCR. 1966).

Since the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing has been recognized as an important component of the right to an adequate standard of living. During the 1990s, the right to adequate housing gained further recognition among the human rights community, and many governments adopted or revised their housing policies to include various dimensions of human rights. The Second United Nations Conference on Human Settlements (Habitat II) in 1996 harnessed this momentum. The outcomes of the conference, namely, the Istanbul Declaration and the Habitat Agenda, constitute a framework where development of human settlements is linked with the process of realizing human rights in general and housing rights in particular. The Habitat Agenda, states that “within the overall context of an enabling approach, Governments should take appropriate action in order to promote, protect and ensure the full and progressive realization of the right to adequate housing” (Para 61, The Habitat Agenda, 1978). These actions include: (a) providing legal security of tenure and equal access to land for all, including women and those living in poverty, as well as effective protection from forced evictions that are contrary to the law, taking human rights into consideration and bearing in mind that homeless people should not be penalized for their status; and (b) adopting policies aimed at making housing habitable, affordable and accessible, including for those who are unable to secure adequate housing through their own means.

Subsequently, the Commission on Human Settlements adopted Resolution 16/7 on The Realization of the Human Right to Adequate Housing in May 1997. The resolution recommended that UN-HABITAT and the Office of the United Nations High Commissioner for Human Rights (OHCHR) elaborate a joint programme to assist States with the implementation of their commitments to ensure the full and progressive realization of the right to adequate housing (UN-Habitat, 1978). More recently, the Commission on Human Rights in April 2001 adopted resolutions on adequate housing as a component of the right to an adequate standard of living, requesting UN-HABITAT and OHCHR to strengthen their cooperation and to consider developing a joint housing rights programme. Consequently, the United Nations Housing Rights Programme (UNHRP) was launched in April 2002, as a joint initiative by UN-HABITAT and the OHCHR.

### **1.3. Constitutional Provisions in India**

Under the provisions of the Constitution of India, the right to housing/shelter stems from Articles 19(1)(e) which guarantees the right to reside and settle in any part of India, and Article 21 which guarantees the right to life and liberty. In various cases, the Supreme Court has enlarged the meaning of the right to life under Article 21 of the Constitution to include within its ambit, the

right to shelter. In the *UP Awaas Evam Vikas Parishad vs. Friends Coop Housing Society Ltd.*, the Supreme Court declared that the right to shelter is a fundamental right, which springs from the right to reside and settle in any part of India under Article 19 (1)(e) and the right to life and personal liberty under Article 21 of the Constitution. In *PC Gupta vs. State of Gujarat and Ors.*, in 1994, the Court went further holding that the right to shelter in Article 19(1) (g) read with Articles 19(1) (e) and 21 included the right to residence and settlement. Protection of life guaranteed by Article 21 encompasses within its ambit the right to shelter to enjoy the meaningful right to life. The right to residence and settlement was seen as a fundamental right under Article 19(1) (e) and as a facet of inseparable meaningful right to life as available under Article 21. In some cases, upholding the right to shelter, the Supreme Court looked at differentiating between a mere animal-like existence and a decent human existence, thereby, bringing out the need for a respectable life. Upholding the importance of the right to a decent environment and a reasonable accommodation, the Court in the *Shantistar Builders vs. Narayan Khimalal Totame*, held that: “The right to life would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body, for a human being it has to be a suitable accommodation, which would allow him to grow in every aspect – physical, mental and intellectual”.

In the *Chameli Singh vs. State of Uttar Pradesh* a three-judge bench of the Supreme Court had considered and held that the right to shelter is a fundamental right available to every citizen and had enlarged the meaning of the right to shelter to include within its ambit reasonable space, clean and decent environment as well as other infrastructural facilities. Para 8 of the judgment reads: “Shelter for a human being, therefore, is not a mere protection of his life and limb. It is his home where he has opportunities to grow physically, mentally, intellectually and spiritually. Right to shelter, therefore, includes adequate living space, safe and decent structure, clean and decent surroundings, sufficient light, pure air and water, electricity, sanitation and other civic amenities like roads etc. so as to have easy access to his daily avocation. The right to shelter, therefore, does not mean a mere right to a roof over one’s head but right to all the infrastructure necessary to enable them to live and develop as a human being. Right to shelter when used as an essential requisite to the right to live should be deemed to have been guaranteed as a fundamental right”.

Right to housing has, thus, been acknowledged as a fundamental human right and is considered an essential component of the right to adequate standard of living. The meaning of adequate housing has also been gradually enlarged whereby it refers to not only a physical dwelling unit but also includes provisions for basic services like safe drinking water, sanitation, drainage, clean and healthy surroundings and environment, which are essential for decent living.

In recent years the socio-political and economic benefits of housing have also begun to be emphasized. For instance, in rural India, where the traditional practice of landlords providing homestead land to landless agricultural labourers has been a major source of bonded labour relations (Breman, 1974), ownership of even a small plot of homestead land increases the status and self-image of rural households and their ability to participate in the socio-political affairs of the village. Even now, in many parts of the country, a number of landless rural families continue to reside on such land which originally belonged to some landowner. Since they do not have secure ownership rights over their homestead land, these families are always at the risk of eviction by the landowner, and, therefore, are vulnerable to subordination and exploitative unfree labour relations. Ownership of homestead land can provide these families freedom of their choice of their employer and increase their bargaining power for higher wages and better working terms and conditions.

Studies have also shown that ownership of homestead land can confer multiple other important benefits to rural households in terms of income, food and economic security, particularly when the plots are large enough to include a kitchen garden and space for a few animals. (Hanstad, Brown and Roy Prosterman, 2002; Hanstad, Haque and Nielson, 2008.). Small plots of homestead land can increase the quantity and quality of food intake, and improve family nutrition and health by providing opportunity to grow fruits and vegetables. It can also be used to shelter and rear livestock which can in turn be additional source of food and nutrition. Homestead plots also provide an important safety net through their value as a source of food, income and capital for families in times of drought, unemployment, or other hardships. Such plots also increase a family's ability to access formal and informal sources of credit for investment purposes or in times of distress. Many of the important benefits accrue specially to women. Such plots provide women with a place close to home to undertake economic activities such as tending livestock and cottage industries that can provide them with an important source of independent income. If women hold or share legal ownership right over homestead plots, it can also enhance their status and decision-making power within the household as well as provide security to them in case of husband's death.

Keeping in mind the economic benefits of housing, the Eleventh Five year Plan of the Government of India also recommends that: the land given to each family is of a minimum size (10- 15 cents), so that the average family not only has enough space to live, but also has a little space extra for supplementary livelihood activities, such as growing fodder and keeping livestock, planting fruit trees or vegetables, or undertaking other land-based economic activities (farm or non-farm) to improve their food, nutrition, and livelihood security’.

Ownership of house and homestead land is thus important for the overall well-being and empowerment of the poor, especially the landless rural labourers. As rural areas account for about 71 per cent of the population and nearly 65 per cent of the housing shortage in the country(Census of India, 2001), India faces a daunting challenge in the task of ensuring that its commitment to right to housing becomes a reality.

## **Chapter 2**

### **Right to Homestead Land: Laws and Policies in Bihar**

Access to land and secure ownership rights over it are the key to ownership of a house in rural areas. And access to and for housing in rural areas essentially involves: (i) granting the landless poor ownership rights over homestead land on which they have constructed their houses, and (ii) allotting homestead plots to those without any land. The existing laws, policies and regulations in Bihar, as described below, sufficiently provide for both these contingencies.

#### **2.1. Policies and Programmes of the Central Government**

Housing for the rural poor was virtually neglected by the Government of India in the first three decades after Independence. For the first time in the 1980s rural housing was included as a major activity in the National Rural Employment Programme (NREP) and the Rural Landless Employment Guarantee Programme (RLEGP). In 1985 specific proportions of rural employment funds under RLEGP were earmarked for construction of houses for the Scheduled Castes (SCs), Scheduled Tribes (STs) and freed bonded labourers. This scheme was known as the Indira Awaas Yojana (IAY), which continued as a sub-scheme of the Jawahar Rozgar Yojana (JRY) from 1989 to 1995. In January 1996, IAY was delinked from JRY and made an independent scheme. Since then IAY is the major housing scheme of the Government of India being implemented all over the country for construction of houses for the rural poor, free of cost.

##### **2.1.1. Indira Awaas Yojana (IAY)**

Under IAY, financial assistance is provided for construction/upgrading of dwelling units to the BPL rural households belonging to the Scheduled Castes, Scheduled Tribes and freed bonded labourers. From the year 1993-94, the scope of the scheme was extended to cover non-Scheduled Caste and non-Scheduled Tribe rural BPL poor, subject to the condition that the benefits to non-SC/ST would not be more than 40 per cent of the total IAY allocation. The benefits of the scheme were extended to the families of ex-servicemen of the armed and paramilitary forces killed in action. Three per cent of the houses were also reserved for the rural BPL physically and mentally challenged persons. From 2006-07 onward, funds and physical targets under the IAY are also being earmarked for BPL minorities in each state.

Under the scheme, financial resources are shared between the Centre and the states on 75: 25 bases. Since reduction of shelter less-ness is the primary objective, 75 per cent weightage is given to housing shortage and 25 per cent to the poverty ratios prescribed by the Planning Commission for state-level allocation of funds.

For district-level allocation, 75 per cent weightage is given again to housing shortage and 25 per cent to SC/ST population of the concerned districts.

On the basis of allocations made and targets fixed, District Rural Development Agency (DRDAs)/Zilla Parishads (ZPs) decide Panchayat-wise the number of houses to be constructed under IAY and intimate the same to the concerned Gram Panchayat.

Thereafter, the Gram Sabha selects the beneficiaries, restricting its number to the target allotted, from the list of eligible households in the permanent IAY waitlist. No further approval of any higher authority is required.

**On 1/4/2013, the ceiling on grant-in-aid assistance under the IAY has been enhanced from Rs.35,000 in 2008 to Rs. 70,000 per unit in the plain areas, and from Rs.38,500 in 2008 to Rs. 75,000 in hilly/difficult areas including LWE districts.** For up-gradation of *kutch* houses, financial assistance has been enhanced from Rs.12,500 to Rs.15,000 per unit. Construction of the houses is the sole responsibility of the beneficiary. Engagement of contractors is strictly prohibited. The scheme also includes provisions for facilities such as sanitary latrines, smokeless *chullhas* and proper drainage for each of the houses constructed.

The dwelling units constructed under the scheme are allotted either in the name of a female member of the beneficiary household or, alternatively, in the name of both the husband and the wife. Only in case there is no eligible female member in the family is the house allotted in the name of an eligible male member.

### **2.1.2. Inclusion of Provisions for Homestead Sites in the IAY**

A significant proportion of the rural poor, particularly from the SC and ST communities, find themselves ineligible for assistance under the IAY because they either do not have access to land for building a house or do not have legal ownership rights over the homestead land on which they have been residing since long. Due to this, the neediest among the rural poor are often unable to avail the benefits of the IAY scheme. With an aim to remedy this lacuna and provide shelter to the homeless in the light of the recommendations of the Eleventh Five Year Plan, the Central Government, in August 2009, approved a scheme to provide homestead sites to rural BPL households. As per the scheme, the beneficiaries will be selected from the permanent IAY waitlists as per their priority in the list. Only those BPL households who have neither land nor house site will be eligible. The state governments will regularize the land as a homestead site if it is presently occupied by a BPL household and if regularization is permissible as per the existing acts and rules. In case regularization is not permissible, the state government will allot suitable government land as homestead site to the eligible BPL households. The state governments are supposed to purchase or acquire private land for homestead sites in case suitable government land is not available for the purpose. Financial assistance of Rs.10,000 per

beneficiary or actual, whichever is less, will be provided for purchase/ acquisition of a homestead site of an area around 100-250 square metre.

The IAY enjoys considerable support since it creates a visible and valuable asset for beneficiaries, which is likely to improve security, and economic and social status. Unlike other schemes where beneficiaries have to work in return for assistance, the IAY provides grants with minimal requirements on the part of the beneficiaries. Thus, in contrast to other schemes, the IAY has not undergone major transformations or reincarnations since its inception almost two decades ago.

Nonetheless, several problems in its implementation have been pointed out by periodic evaluations of the scheme (Majumdar, 2005; Nair, 1999.). Favouritism, nepotism and role of bribe money are reported to play important role in the selection of beneficiaries, disregarding official guidelines. The lump sum payment of the financial assistance is large enough to again attract substantial corruption. Local politicians, including Members of Parliament, Members of State Legislative Assemblies, and even village Panchayat heads view this as an important mechanism for patronising supporters and a high proportion of benefits under the scheme are reported as being manipulated towards this end. The popularity of the IAY may be gauged from the fact that it has become a contentious issue between Members of Parliament (MPs) and Members of Legislative Assemblies (MLA) with the former perceiving the latter to be gaining from a Centrally-sponsored scheme. These machinations may be a natural outcome of the context of the scheme, since the total allocation of grants-based IAY, although substantial, is miniscule relative to potential demand based on the number of BPL households without houses in the country.

### **2.1.3. The Eleventh Five Year Plan: Provision for Security of Homestead Rights**

The Eleventh Five Year Plan, the major national policy and plan document of the Government of India, acknowledges for the first time that the right to a roof over one's head needs to be seen as a basic human right, along with the right to freedom from hunger and right to education (Government of India, 2008). Referring to the Supreme Court judgment in UP Awaas Evam Vikash Parishad vs. Friends Co-operative Housing Society (All India Reporter [AIR], 1997, Supreme Court [SC] 152), which held that right to shelter was a fundamental right, the plan document proposes that the following steps are needed to be undertaken to ensure the realization of this right.

- All landless families with no homestead land as well as those without regularized homestead should be allotted 10–15 cents of land each. Female-headed families should have priority.



- Some of the required resources can be arranged through the reallocation of resources from existing schemes, such as the IAY, NREGA, and so on. This must be completed during the Eleventh Five Year Plan.
- When regularizing the homesteads of families occupying irregular and insecure homesteads, the homesteads so regularized should be in the name of the wife.
- The beneficiaries should be given homestead land in a contiguous block, within 1 km or less of their existing village habitation, with proper roads and infrastructural connectivity. In such a consolidated block, essential facilities should also be provided, such as primary school, primary health centre, drinking water, etc.
- The beneficiaries of homestead-cum-garden plot should be assisted by Panchayats and line departments of government to develop plans and receive financial assistance for undertaking suitable economic activities, such as livestock rearing, fodder development, and planting of high-value trees if water is available.

## **2.2. Laws and Policies of the Government of Bihar**

Bihar was probably the first state in the country to enact a separate law, namely the Bihar Privileged Persons Homestead Tenancy Act 1947, for providing security of tenure to landless rural households over their homestead land. The act received the assent of the Governor-General on the 17 January 1948, and the assent was first published in the Bihar Gazette of the 18 February, 1948. This act was meant to provide permanent tenure rights over homestead to those landless rural households which have been residing on raiyati lands. However, since then various other rules and regulations, which are described below, have also been framed by the state government to provide ownership rights to landless households over Gairmazarua Malik/Khas and Gairmazarua Aam lands, as well as to allot house sites to those without access to land.

### **2.2.1. Bihar Privileged Persons Homestead Tenancy Act 1947**

According to the provisions of the Bihar Privileged Persons Homestead Tenancy (BPPHT) Act, 1947 (**Annexure I**), a 'privileged person' who has built his house on private land given to him by a landowner for residential purposes and has been living on that land continuously for one year, has permanent right over his homestead land. The Act defines homestead as any land which is held by the privileged person for residential purposes including any building erected on the land together with *bari*, *sahan* and any vacant land used for residential purposes. A privileged person is defined as a person who besides his homestead holds no other land or holds any such land not exceeding one acre.

Lands falling under the ambit of the BPPHT Act originally belonged to a landowner who had allowed a person to reside upon it. Such lands are known as raiyati land. A landless person after completing a constant stay up to a period of one year becomes a privileged person under the BPPHT Act and thus becomes eligible to get a permanent entitlement parcha issued by the revenue authorities. The Circle Officer has been authorized as the competent authority to effect settlement of raiyati land under the Act.

### **2.2.2. Policy and Rules for Settlement of Gairmazarua Malik/Khas and Gairmazarua Aam Land for Homestead**

The provisions of the Bihar Privileged Persons Homestead Tenancy Act 1947 do not apply to either *Gairmazarua Malik/Khas* or *Gairmazarua Aam* lands. But keeping in view the fact that a large number of poor households have constructed houses on such land, the government made a policy that where a privileged person had his homestead on *Gairmazarua Malik/Khas* land, his possession should be recognized and normal settlement made with him (letter no. 5LR-232/71- 5805- R, dated 16 August 1971) (**Annexure II**). In case of *Gairmazarua Aam* land, it was decided that if such land had lost its *Aam* character and is no longer used for community purposes, such land should also be settled with the privileged persons. But before the settlement of *Gairmazarua Aam* land, the community has to be informed through a public notice, and if any objection is raised against the proposal, the settlement cannot be made. The policy also states that in settlement of these lands for homestead purposes, preference should be given to the following category of households:

- a) Scheduled Castes,
- b) Scheduled Tribes,
- c) Backward Classes,
- d) Serving soldiers and family of martyred soldiers, and
- e) Refugees from East Pakistan and Burma who came to India on or after 2 January 1964.

While *Gairmazarua Malik/Khas* land may be settled with eligible category of persons, *Gairmazarua Aam* land is reserved for public use unless the nature of such land has changed and the Gram Sabha has passed a resolution warranting its settlement with eligible persons. After the *Gram Sabha* has resolved to that effect, a case record is prepared which goes to the government through the Circle Officer, SDO, District Collector and the Divisional Commissioner. The settlement can be permitted only after its approval by the Department of Revenue and Land Reforms of the Government of Bihar. In view of the fact that the routing of papers and records from the Gram Sabha to the Council of Ministers is time consuming, it is being proposed in the government to authorize the Divisional Commissioners to allow such settlement. As regards the *Gairmazarua*

*Malik* or *Malik/Khas* land, the Sub-divisional Officer is competent to settle the same for residential purposes with eligible persons.

### **2.2.3. Policy to Provide At Least 2 Decimal of Homestead Land and Include Bari and Sahan in the Homestead**

The government, through letter no. 6780-LR dated 29 July 1970 (referred to in letter no. 5LR- 232/71- 5805-R, dated 16 August 1971 in Annexure II), made it clear that the definition of homestead under the BPPHT Act 1947 included within it the area of bari and sahan also. Accordingly, the government directed that in all cases where bari and sahan had been left out while making settlement of homestead, these should be re-opened suo-moto by the Circle Officer, and that steps should be taken to record these, in addition to the house and to distribute revised *parchas* to the privileged persons. It was also decided that no privileged person should have a homestead which is less in area than 2 decimals. In this regard the government issued directions that if the area of the homestead land for which parcha had been given to a privileged person is less than 2 decimals, the following steps should be undertaken by the competent authorities:

- a) Inclusion of the areas of *bari* and *sahan* in the parcha where such area had been left out.
- b) If Gairmazarua Malik/Khas land or Gairmazarua Aam land is available immediately adjacent to the homestead for which parcha has already been given, settle requisite additional area with the privileged tenant.
- c) Where neither Gairmazarua Malik/Khas nor Gairmazarua Aam land is available immediately adjacent to the homestead of the privileged tenant, necessary action to be taken to acquire the additional area.

The minimum area to be settled or acquired under (b), (c) or (d) above should be one decimal. Similarly, action under (b), (c) or (d) should be taken if even after action under (a) the privileged person still continues to have an area of less than 2 decimals for his homestead. The provision for the minimum area of homestead land for a privileged person was later revised by the government to be 3 decimals (Letter No. 11- LRD- 6/99- 749- R dated 20.9.1999) (**Annexure IV**).

### **2.2.4. Policy for Providing Homestead Land to Mahadalits<sup>1</sup>**

The Mahadalit Commission set up by the Government of Bihar in 2007 has assigned the Dept. of Revenue and Land Reforms the responsibility to identify Mahadalit families without house-sites in the entire state, and provide them access to homestead land. As part of this programme, a survey of 10,380 villages was conducted

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<sup>1</sup> 20 weakest caste groups out of the total 22 Scheduled Castes have been classified as Mahadalits by the Government of Bihar. See the full list of Mahadalit caste groups in **Annexure III**.

during a span of one and a half years<sup>2</sup>. The survey focused on (a) identifying Mahadalit families without house-sites and with house-sites of their own, and (b) identifying suitable land, government or private raiyati land, which could be allotted to house-site less Mahadalit families. About 17 per cent of the Mahadalit families surveyed were found to be without house-sites of their own. The outcome of survey is given in Table 2.1 below.

**Table 2.1: Outcome of Mahadalit survey**

1.	Total no. of villages surveyed	10,380
2.	Total no. of Mahadalit families identified	10,60,029
3.	Total no. of Mahadalit families with house sites	8,81,133
4.	Total no. of house-site less Mahadalit families	1,78,896
5.	Total area of raiyati land identified which could be allotted as house-sites	4,374.58 acres
6.	Total no. of families to whom raiyati land for house-site to be allotted	1,06,674
7.	Per family average area to be covered by raiyati land	4.10 decimal
8.	Approximate cost on acquisition of raiyati lands (Rs. In lakh)	75,705.39
9.	Total area of government land identified against which house-sites are to be allotted	4,055.99 acres
10.	Total number of families to whom government land is to be allotted for house-site	
11.	Per family average area to be covered by the Government land	5.61 decimals
12.	Per family average area of total land identified (raiyaati land + Government land)	5.58 decimals

Source: Dr. C. Ashokvardhan, 'House-site Scheme for Mahadalit Families in Bihar', paper presented at the national seminar on Shelterlessness and Homestead Right, organized by the Council for Social Development, New Delhi, 5-6 November 2009.

After the survey the government decided to impose a ceiling of 3 decimals per family for allotment of house-sites in order to maximize the benefit with available land and financial resources. For acquiring land, it also shifted its policy from land acquisition to land purchase with regard to raiyati land. Since land purchase from individual landowners has been envisaged as the major source for allocating house-sites, the government has also delineated the principles and modalities for acquiring land through purchase (**Annexure 6**). According to a survey by Department of Revenue and Land Reforms, Govt of Bihar a total of entitled 2, 16, 829 homeless Mahadalit families have already been identified. Of these 37, 328 families have been allotted homestead lands. However, several such families have not got parcha or parwana for such allotted land despite entitlement as per law. Hence, a drive was concurrently launched by the government to bring to surface such cases and grant settlement *parchas*, especially to Mahadalit families.

Till September 2009, 20,022 *parchas* for raiyati land involving an area of 423.36 acres had been issued to Mahadalit families. It was also ensured that along with the distribution of parcha for homestead land, the

<sup>2</sup> The district-wise total number of villages covered along with the predominant Mahadalit habitations found in the villages of a given district is given in Annexure V.

beneficiaries were also issued the current rent receipt against the *jamabandi* opened in their name to save them from the trouble of running to the Anchal office in this regard. 725.314 acres of Gairmazarua Malik/Khas land has also been settled with 14,540 Mahadalit families during the same period.

### 2.3. Cluster Approach to Allotment of House-sites

The government has proposed to follow a cluster approach for allotment of house-sites to Mahadalit families. Accordingly, the proposed house-sites have been classified into two categories—cluster house-sites and isolated house-sites. A cluster has been defined as a habitat with 30 or more number of families. The details of cluster formation that have come out from the survey are given in Table 2.2.

**Table 2.2: Cluster formation for allotment of house-sites**

Sl. No.	Type of land	No. of clusters having less than 30 families	No. of clusters having 30-50 families	No. of clusters having 51-80 families	No. of clusters having 81-100 families	No. of clusters having more than 100 families	No. of clusters having 30 or more families	Total
	1	2	3	4	5	6	7	2+7
1.	Government land	4404	478	224	44	48	794	5198
2.	Raiyati land	6450	439	231	34	58	762	7212
	<b>Total</b>	<b>10854</b>	<b>917</b>	<b>455</b>	<b>78</b>	<b>106</b>	<b>1556</b>	<b>12410</b>

Source: Dr. C. Ashokvardhan, 'House-site Scheme for Mahadalit Families in Bihar', paper presented at the national seminar Shelterlessness and Homestead Right organized by the Council for Social Development, New Delhi, 5-6 November 2009.

Isolated house-sites are habitations comprising families numbering 1 to 30 which may be locationally scattered. No cluster could be formed due to non-availability of families in requisite numbers as well as non-availability or inadequate availability of government and private land.

In case of isolated house-sites, a maximum of 3 decimals of land is to be settled with a given homeless family. For habitations constituting a cluster, the average per family land size will be lesser than 3 decimals and the balance land sliced out will be pooled to provide common facilities and planting of nutritional fruit-bearing trees to be used by the cluster families as a group. The common facilities may include an Anganwadi centre, community centre or even a school, whichever is not pre-existing.

There are laws, policies and regulations already existing in Bihar which provide for granting legal rights to homestead land of various types as well as for acquisition/purchase and distribution of house-sites by the government to those without access to land. Moreover, the Eleventh Five Year Plan of the Government of India has also recommended implementation of similar provisions in order to realize the goal of ensuring right

to housing in rural areas. The Government of India has accordingly proposed to include in its Indira Awaas Yojana scheme a provision for allotting house-sites to those without access to land. All this raises the hope that the problem of rural houselessness in Bihar can adequately be addressed if these already existing laws, policies and regulations are implemented effectively.

### Chapter 3

#### Approach and Methodology

The report is empirical and is based on primary data collected from a sample of 1800 Schedule Caste households drawn through multistage random sampling. For in-depth findings, the state of Bihar was divided into three regions- Kosi region, North Bihar (non-Kosi region) and South Bihar. Three districts were selected from each of the region on the basis of the highest percentages of the rural Below Poverty Line (BPL) households in the district. In Kosi region, the districts selected were Araria with 80.26%, Supaul with 74.56% and Purnia with 69.96% rural BPL population. In North Bihar (non-Kosi region) these districts were Madhubani with 72.43%, Sheohar with 69.83% and Sitamarhi with 67.12% rural BPL households. In South Bihar, these districts were Gaya, Nawada and Aurangabad with 69.83%, 62.03% and 61.72% of the rural BPL population respectively.

From each of these nine selected districts two blocks having a sizable population of SCs and where the government of Bihar has allotted purchased homestead land to a significant number of Mahadalit households were selected. Thus, a total of 18 blocks were selected in nine districts. From each of these blocks 2 village panchayats were selected on the basis of sizeable population of SCs and the number of Mahadalit households, who have been allotted homestead land by the Govt. of Bihar. The data on Blocks were collected from district offices and data on village panchayats were collected from the respective block offices.

Further, from each of the selected village panchayats 25 SC households were selected randomly from households which have been allotted homestead land by the government and another 25 SC households were selected from households which have not been allotted homestead land by the government. The details of the sample size and structure are given in Table 3.1.

**Table 3.1: Sample Size and Structure**

Region	District	Block	Village Panchayat	Revenue Village	No. of sample SC households (HH)		
					HHs received homestead plot from govt.	HHs not received homestead plot from govt.	
South Bihar	Gaya	Paraiya	Karhata	Rajauli Rampur	25	25	
			Punakala	Mohanpur	25	25	
		Mohra	Jethian	Raj Bigha	25	25	
			Gahlor	Chhibra	25	25	
		Nawada	Nawada	Bhadauni	Bhadauni	25	25
				Bhadokhara	Bhadokhara	25	25
	Rajauli		Shirodavar	Saraiya	25	25	
			Amava	Amava	25	25	
	Aurangabad	Rafiganj	BhatkiKalan	Bishwambhar	25	25	

				pur			
			Balar	Bhewandi	25	25	
		Haspura	Koilma	Koilma	25	25	
			Tal	Fatehpur	25	25	
North Bihar	Madhubani	Rajnagar	Majhaura/ Sugauna	Majhaura/ Sugauna South	25	25	
			Bhatsimar West	Bhatsimar	25	25	
		Ladania	Gajahara	Gajahara	25	25	
			Gidhwas-1	Gidhwas-1	25	25	
	Sheohar	Tariyani	Sonvarsha	Aura	25	25	
			Chhatauni	Chhatauni	25	25	
		DumariKat sari	Shyampur Bhatahan	Shyampur	25	25	
			Mohamadpur Katsari	Jhitkahi Nanhakar Wazidpur Daulat	25	25	
	Sitamarhi	Dumra	Punaura West	Punaura	25	25	
			Berwas	Raghopur Bakhari	25	25	
		Bajpatti	Bangaon South	Bangaon	25	25	
			Madhuvan Basaha West	Madhuvan Basaha	25	25	
	Kosi Region	Araria	Raniganj	Raniganj	Parsahat	25	25
				Kharat	Gidhwas-2	25	25
Kursahat			Rahatmina	Doriya	25	25	
			Lailokhar	Madhubani	25	25	
Supaul		Pipara	Pipara	Pipara	25	25	
			Thumha	Thumha	25	25	
		Raghopur	Dharhara	Dharhara	25	25	
			Devipur	Devipur	25	25	
Purnia		K. Nagar	Kohvara	Kohvara	25	25	
			Jagani	Jaikishan Kataha	25	25	
		Sri Nagar	Jageli	Jageli	25	25	
			Khuti Dhanauli	Khuti Dhanauli	25	25	
<b>Total</b>					<b>900</b>	<b>900</b>	

Primary data was collected from 1800 sampled households by administering an interview schedule. The final interview schedule was constructed after pre-testing it in the field on selected households. Primary data and information were also collected from revenue officials at state, district, block and village Panchayat levels by making use of separate interview schedules. In addition to these, method of focus group discussions (FGDs) with BPL households as well as in-depth individual interviews and key informant interviews with village panchayat representatives, community leaders, and social workers were conducted.



Besides the primary data and information, relevant secondary data available was collected and examined from reports and records of the Department of Revenue and Land Reforms, Government of Bihar, Statistical handbooks, Census of Bihar, NSSO etc.

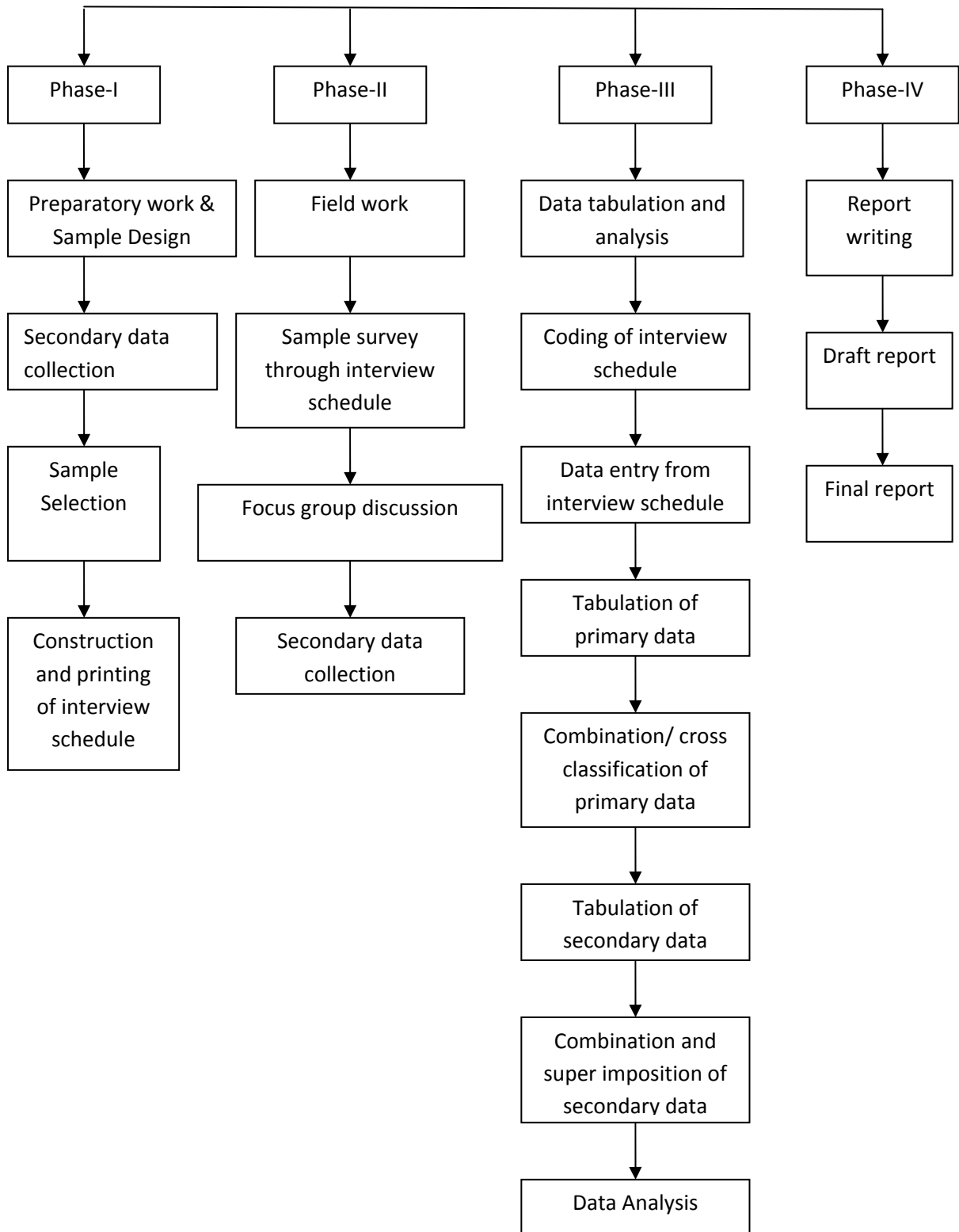
The major variables on which data was collected are:

- a) Number and proportion of landless and marginalized community households residing on various types of homestead land- *raiyyati*, *Gairmazarua Malik/Khas* and *Gairmazarua Aam*;
- b) Processes of displacement and settlement of landless and marginalized community households on various types of land;
- c) Number and proportion of landless and marginalized community households not having ownership rights over their homestead land;
- d) Awareness and utilisation among landless and marginalized community households of the various laws, policies and provisions for granting homestead rights;
- e) Practices and processes involved in claiming rights to homestead land by the landless and marginalized community households, as per laws, policies and provisions;
- f) Administrative /institutional hurdles behind the tardy implementation of laws, policies and provisions and denial of ownership rights to homestead land for the landless and marginalized community households;
- g) Socio-economic hurdles behind the tardy implementation of laws, policies and provisions;

The sampled BPL households are sources of primary data for all the above variables. Primary data on variables (c), (e), (f) and (g) were also collected from revenue officials at the state, district, block and village levels; from elected representatives of village panchayats; and from community leaders and other key informants. Secondary data and information on variables (a), (b), (c) and (e) were collected from reports and records of the Department of Revenue and Land Reforms, Government of Bihar, Statistical handbooks, Census of Bihar, NSSO, and from unpublished records of the selected district, block and Village Panchayat Offices.

The proposed research was implemented in four phases: a) preparatory work and sample design, b) field work for data collection, c) data tabulation and data analysis, and d) report writing. The details of the various phases are given in the diagram below.

**Diagram 3.1: Study Implementation Phases**

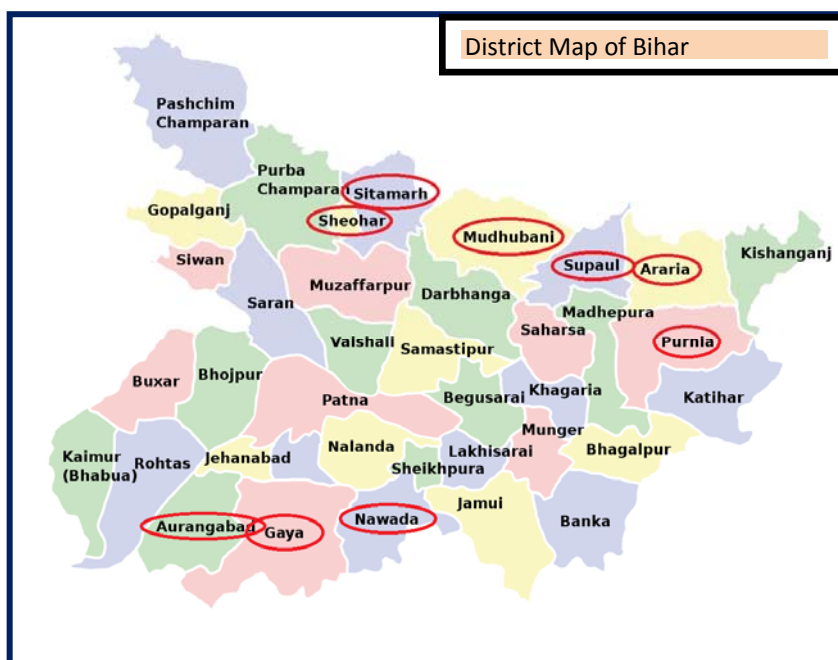


## Chapter 4

### Socio-economic profile of selected state districts, blocks, villages and sample households

#### 4.1. State Profile

With a total area of 98,163 square kilometres Bihar is the twelfth largest state in India (Census of India, 2011). Demographically, it is the third most populous state in the country with a population of 103,404,637 with 54,185,347 male and 49,619,290 female populations. Administratively, the state has been divided into 38 districts, 101 sub-division, 534 blocks, 8,471 Panchayats and 45,103 revenue villages (Govt. of Bihar). Schedule Castes (SCs) constitute 15.9 per cent of the total population whereas Schedule Tribes (STs) constitute only 1.28 per cent of the total population. The percentage of Muslims in the state is 16.53 per cent (Census of India, 2001). Bihar is a predominantly rural society with 88.71 per cent of the population living in the villages (Census of India, 2011). It has the second largest percentage of rural population in the country after Uttar Pradesh. For the study, a total of 9 districts were selected on sample basis



namely, Madhubani, Sheohar, Supaul, Sitamarhi, Araria, Aurangabad, Nawada, Purnia and Gaya. These districts represent the three geographic regions of Bihar- Kosi region- Araria, Purnia, and Supaul; South Bihar- Gaya, Aurangabad and Nawada; and North Bihar- Madhubani, Sheohar, and Sitamarhi. Two blocks from each district have been selected for the study. Thus, a total of 18 blocks have been selected. And, two villages from each of the blocks have been selected totalling to 36 villages in the entire state of Bihar. Refer table 1 as given below for detail information on sample selection.

Bihar has the country's lowest literacy rate at 50.4 per cent, according to Census, 2011, as against the 74.04 per cent for the country. Gender disparity in literacy rate is very stark. Male Literacy rate is 58 per cent, while female literacy rate is 42 per cent. Rural-urban disparity is also very significant in Bihar with 65 per cent of literacy rate in the urban areas, while 49 per cent literacy rate in the rural

areas. Male literacy rate or female literacy rate in the rural areas is far below the corresponding literacy rates in the urban areas.

**Table 4.1: Region wise List of sample districts, blocks and villages**

Sl. No	Regions	Districts	Blocks	Sample Villages	
1	North Bihar	Madhubani	Rajnagar	Majhaura/ Sugauna South, 2. Bhatsimar	
			Ladania	1. Gajahara, 2. Gidhwas-1	
		Sheohar	Tariyani	1. Aura, 2. Chhatauni	
			DumariKatsari	1. Shyampur, 2. Jhitkahi Nanhakar Wazidpur Daulat	
		3	Sitamarhi	Dumra	1. Punaura, 2. Raghapur Bakhari
				Bajpatti	1. Bangaon, 2. MadhuvanBasaha
4	South Bihar	Aurangabad	Rafiganj	1. Bishwambharpur, 2. Bhewandi	
			Haspura	1. Koilma, 2. Fatehpur	
		Gaya	Paraiya	1. Rajauli Rampur, 2. Mohanpur	
			Mohra	1. Raj Bigha, 2.Chhibra	
		6	Nawada	Nawada	1. Bhadauni, 2. Bhadokhara
				Rajauli	1. Saraiya, 2. Amava
7	Kosi Region	Purnia	K. Nagar	1.Kohvara, 2.Jaikishan Kataha	
			Sri Nagar	1.Jageli, 2.Khuti Dhanauli	
		8	Araria	Raniganj	1. Parsahat, 2. Gidhwas-2
				Kursahat	1.Doriya, 2.Madhubani
		9	Supaul	Pipara	1.Pipara, 2.Thumha
				Raghapur	1.Dharhara, 2.Devipur

## 4.2. A Brief Profile of Sample Districts

### 4.2.1. Madhubani District

Madhubani District is one of the thirty-eight districts of Bihar and Madhubani town is the administrative headquarters of this district. Madhubani district is a part of Darbhanga division and falls in North Bihar. Administratively, the district has been divided into five sub-divisions, namely, Madhubani, Jaynagar, Benipatti, Janjharpur, Phulparas.

There are 27 blocks in the district. The total area of the district is 3501 square kilometer. According to Census of India, Madhubani district has a population of 4487379 persons (Census of India, 2011), which is the highest among the nine sample districts. Madhubani has the largest percentage of population and household living in the rural areas. The corresponding percentage

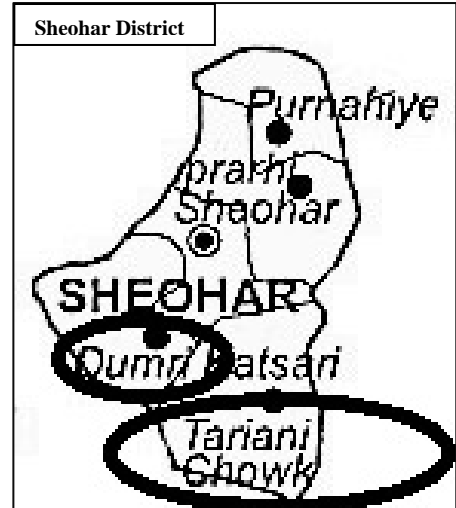


of rural and urban population is 96.40per cent and 3.60per cent respectively. 13.08per cent of the population in Madhubani district are from SC communities and only 0.09per cent of the population are from ST communities. The Rajnagar and Ladania block in the Madhubani district have 15.90per cent and 15.19per cent SC population respectively. 100per cent of the SC population in Ladania block are concentrated in the villages, whereas 99.23per cent of the SC population in Rajnagar block are in the

villages. These two blocks in Madhubani districts are rural blocks. The literacy rate of Madhubani district is 48per cent. Literacy rate for male and female is 58per cent and 38per cent respectively.

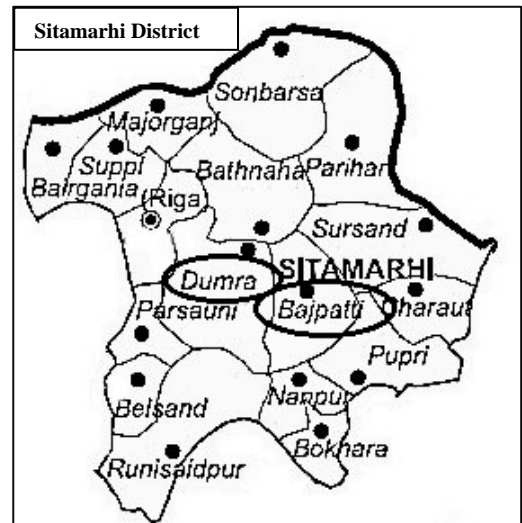
#### 4.2.2. Sheohar District

Sheohar district is situated in the northern Bihar region. The district headquarter is located at Sheohar town. Sheohar district occupies an area of 443 square kilometres. Administratively, the district has been divided into five blocks: Sheohar, Tariyani, Piprahi, Dumri-katsari, Purnahiya. According to Census of India, 2011 the total population of Sheohar is 656246. As of 2011 it is the second least populous district of Bihar. Out of the total population 95.72per cent are village habitants. The percentage of SC and ST population in Sheohar district are 14.73per cent and 0.05per cent respectively. 96.13per cent of the SC population live in the villages. Literacy rate is 43 per cent with 50 per cent male literates and only 36 per cent female literates.



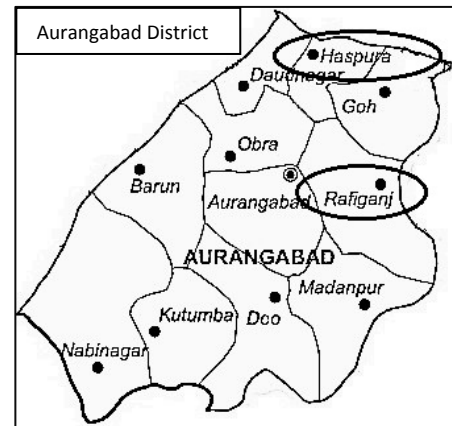
#### 4.2.3. Sitamarhi District

Sitamarhi is one of the districts in Northern Bihar. Sitamarhi town is the administrative headquarters of this district. The district is a part of the Tirhut Division and is located along the border of Nepal. Administratively the district is divided into three sub-divisions: Sitamarhi Sadar, Belsand, Pupri. According to census of India 2011, Sitamarhi district has a population of 3423574. 94.44per cent of the total population of the district live in the rural areas. 11.85 per cent of the population in Satimarhi is from the SC communities and only 0.09per cent of the population is from ST communities. The district has a literacy rate of 42per cent, with 49per cent male and 34per cent of female literacy rate.



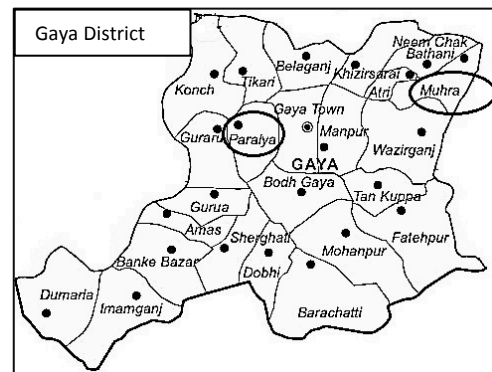
#### 4.2.4. Aurangabad District

Aurangabad district is situated in South Bihar region. Aurangabad town is the administrative headquarters of this district. Aurangabad district is a part of Magadh division. Aurangabad District comprises following Subdivisions: Aurangabad, and Daud Nagar. It has been administratively divided into the blocks of Madanpur, Kutumbba, Daudnagar, Aurangabad, Barun, Obra, Deo, Nabinagar, Haspura, Goh and Rafiganj. According to the 2011 census Aurangabad district has a population of 2540073. The share of SC and ST Population to the total population is 24.10per cent and 0.04per cent respectively. The district has a literacy rate of 58per cent, which is the highest among the 9 sample districts.



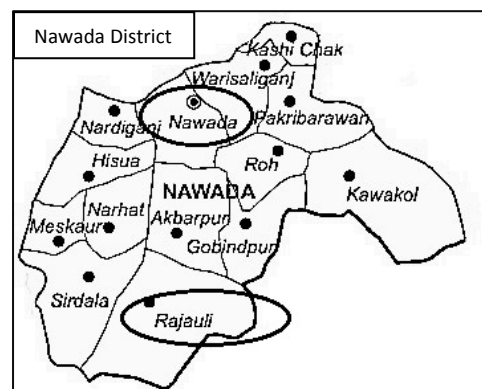
#### 4.2.5. Gaya District

Gaya is the second largest district in Bihar in terms of area. Gaya town is its head-quarter. District Gaya is also the third most populous district in Bihar with 43,91,418 people. The SC population in Gaya district is 30.39per cent and ST population is 0.07per cent (Census of India, 2011). Gaya has the lowest concentration of population in the rural areas among the sample districts with 86.76per cent people living in rural areas and 9.71per cent living in urban areas. Among the 9 sample districts Gaya has the highest percentage (30.39) of SC population.



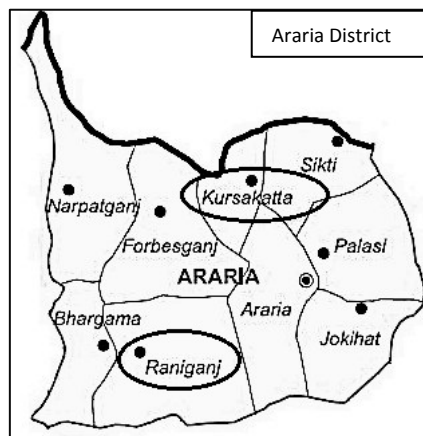
#### 4.2.6. Nawada District

Nawada district is one of the thirty-eight districts of Bihar and is situated in south Bihar. Nawada town is the administrative headquarters of this district. Administratively, the district has been divided into two sub divisions: Nawadah, Rajauli and 14 blocks: Kawakol, Warisaliganj, Nawadah, Rajauli, Akbarpur, Hisua, Narhat, Govindpur, Pakribarawan, Sirdalla, Kasichak, Roh, Nardiganj, Meskaur. According to the 2011 census Nawada district has a population of 2219146. 25.47per cent of the total population is from SC communities and 0.09per cent are from ST communities. The literacy rate of Nawada is 49per cent (Census of India, 2011) with 58per cent male literacy and 40per cent female literacy rate.



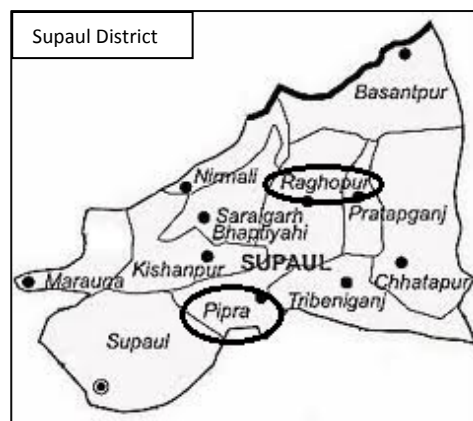
#### 4.2.7. Araria District

Araria district is situated in the eastern part of Bihar is Kosi region. Araria town is the administrative headquarters of this district. Araria district is a part of Purnia division. It is comprised of Araria and Forbesganj sub-divisions. Araria sub-division comprises of 4 blocks: Araria, Bhargama, Sikkti and Raniganj. Frobesganj sub-division comprises of 5 blocks: kursakanta, Forbesganj, Bhargama,raniganj and Narpatganj. According to the Census 2011 Araria district has a population of 2811569. The share of SC and ST communities to the total population is 13.61per cent and 1.38per cent respectively. The literacy rate of Araria district is 43per cent with 50per cent male literacy rate and 35per cent female literacy rate.



#### 4.2.8. Supaul District

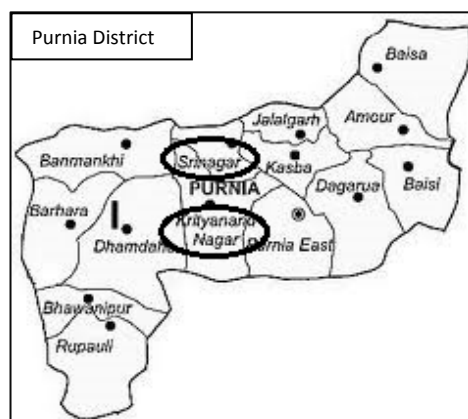
Supaul district is situated in the Kosi region of Bihar. Supaul town is the administrative headquarters of this district. Administratively, the district has been divided into Supaul, Birpur, Triveniganj and Nirmali sub-divisions. Supaul sub-division consists of four blocks, namely, Supaul, Kishanpur, Saraigadh-Bhaptiyahi and Pipra. Birpur sub-division is further divided into three blocks, namely, Basantpur, Raghopur and Pratapganj. Triveniganj sub-division has two blocks, namely, Triveniganj and Chhatapur. Nirmali sub-division comprises two blocks, namely, Nirmali and Maruna.



According to the Census of India 2011, Supau district has a population of 2229076. Out of the total population 4.74 percent lives in urban areas of district, while 95.26 per cent of the population lives in rural areas. 15.89per cent of the total population are from SC communities and 0.46per cent of the population are from ST communities. The literacy rate of Supaul district is 46per cent, and male and female literacy rates are 69.03per cent and 43.82per cent respectively.

#### 4.2.9. Purnia District

Purnia district is situated in the Kosi region of Bihar. The town of Purnia is the administrative headquarters of this district. Administratively, Purnia district has four subdivisions: Purnea banmankhi baisi and Dhamdaha and they are further divided into fourteen blocks namely East Purnea, Krityanand Nagar, Banmankhi, Kaswa, Amaur, Bainsi, Baisa, Dhamdaha, Barhara Kothi, Rupauli, Bhawanipur, Dagarua, Jalalgarh and Srinagar. According to



Census of India 2011, the total population of Purnia district is 3264619. Purnia district has the lowest proportion of the SC population (11.98 per cent). Among the 9 sample districts Purnia has the highest percentage of Scheduled Tribe population to the total population. It is 4.27per cent to the total population. Literacy rate of Purnia district is 41, with 47per cent of male and 34per cent of female literates.

**Table 4.2: Demographic profile and Literacy Rate of Bihar and the Sample Districts**

	Total Population	% SCs to Total Population	% STs to Total Population	Literacy Rate	Male Literacy Rate	Female Literacy Rate
Bihar	104099452	15.91	1.28	50	58	42
Araria	2811569	13.61	1.38	43	50	35
Aurangabad	2540073	24.1	0.04	58	66	49
Gaya	4391418	30.39	0.07	52	60	44
Madhubani	4487379	13.08	0.09	48	58	38
Nawada	2219146	25.47	0.09	49	58	40
Purnia	3264619	11.98	4.27	41	47	34
Sheohar	656246	14.73	0.05	43	50	36
Sitamarhi	3423574	11.85	0.09	42	49	34
Supaul	2229076	15.89	0.46	46	56	36

Source: Census of India, Provisional Population Total, Bihar, 2011

#### 4.3. A Brief Profile of the Blocks

At the block level, among the 18 blocks selected for the project, 12 blocks have 100per cent of its population living in the rural areas. These blocks are Paraiya (Gaya), Muhra (Gaya), Dumri Katsari (Sheohar), Tariani Chowk (Sheohar), Bajpati (Sitamarhi), Ladania (Madhubani), Raghapur (Supaul), Pipra (Supaul), Raniganj (Araria), Kursakatta (Araria), Krityanand Nagar (Purnia), and Srinagar (Purnia). Among the remaining six blocks, Rajnagar (Madhubani) and Haspura (Aurangabad) have more than 95per cent of the population living in rural areas (96.74per cent and 95.06per cent respectively). In Rafiganj block (Aurangabad) and Rajauli block (Nawada) 88.62per cent and 81.85per cent population live in the rural areas. Likewise, in Dumra (Sitamarhi) and Nawada



(Nawada) blocks 74.46per cent and 63.06per cent of the population respectively live in the rural areas. Among the 18 blocks, Bajpati block in Sitamarhi district has the lowest and Muhra block in Gaya district has the highest percentage of SC population. Out of the 18 block selected for the project, 1 blocks have more than 30per cent SC population, 4 blocks have 20per cent-29per cent of SC population, 11 blocks have 10per cent-19per cent SC population and only 1 block has 8.59per cent SC population. Presence of ST population in these 18 blocks is very negligible. Only 3 blocks namely Krityanand Nagar, Sri Nagar and Raniganj have around 5per cent of ST population.

**Table 4.3: Demographic Profile of the Sample Blocks**

Block	Total Population	% SC to Total Population	% ST to Total Population	Literacy Rate	Male Literacy Rate	Female Literacy Rate
Bajpatti	215507	8.59	0.01	43	49	35
Dumra	438240	10.39	0.03	47	54	39
Dumri Katsari	93398	13.83	0.06	43	49	36
Haspura	160820	23.65	0.01	59	67	50
Krityanand Nagar	230504	19.04	5.57	41	48	34
Kursakatta	149231	13.37	1.1	46	54	36
Ladania	175561	15.19	0.03	47	58	35
Muhra	100820	35.2	0.04	49	58	39
Nawada	321491	18.83	0.04	56	62	48
Paraiya	101969	33.92	0.01	54	63	44
Pipra	201399	17.23	0.27	44	55	32
Rafiganj	312367	21.04	0.05	55	64	46
Raghopur	215643	14.95	0.08	47	56	36
Rajauli	166226	27.37	0.06	49	57	40
Rajnagar	246933	15.9	0.05	50	58	40
Raniganj	398977	21.83	4.54	39	46	32
Srinagar	110058	18.12	5.13	35	42	28
Tariani Chowk	197693	14.66	0.07	43	49	36

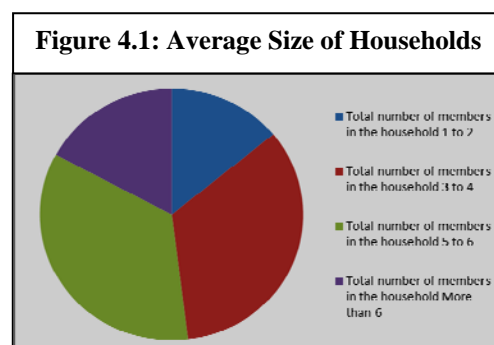
Source: Census of India, Provisional Population Total, Bihar, 2011

#### 4.4. Brief profile of the Households which have been allotted homestead land

This section on Household profile provides information about number of households; average household size; characteristics of the household heads; household composition as well as marital status of household members.

##### 4.4.1. Average Household Size

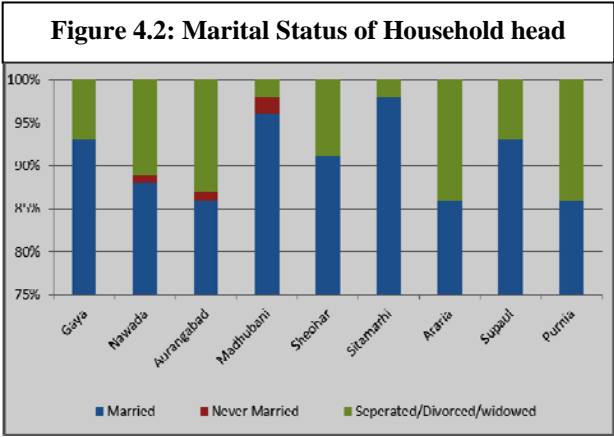
Majority (34.89per cent) of the households, who have been allotted homestead land by the govt., have 3 to 6 house hold members. Only 14per cent of the households have 1-2 members while 17per cent of



the households have large family size with more than six members of house hold (Figure 4.1). See Table 1 in Annexure VII A.

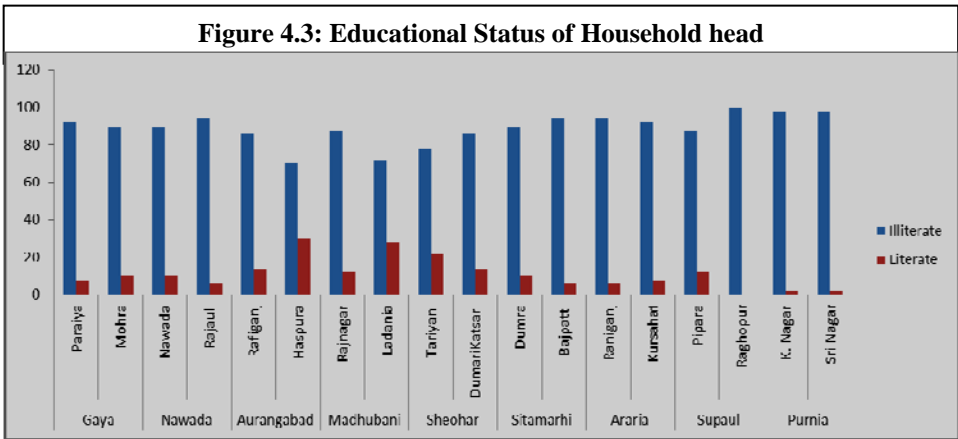
**4.4.2. Marital Status of Household Members**

The distribution of the population by marital status can be found in Annexure. Overall, 90.78per cent of the household heads are married. 8.78 percentage of the population in the sample districts are either Separated, widowed or divorced. Only 0.44 per cent of the population in these districts have never married. 87.33per cent of the households have at least one couple living in the house, while 8.78per cent households have 2 to 3 couples as household members. See Table 2 in Annexure VII A.



**4.4.3. Educational Status of the Households**

Literacy levels of the households in the sample districts who have been allotted household are very low. 88.89per cent of these households are

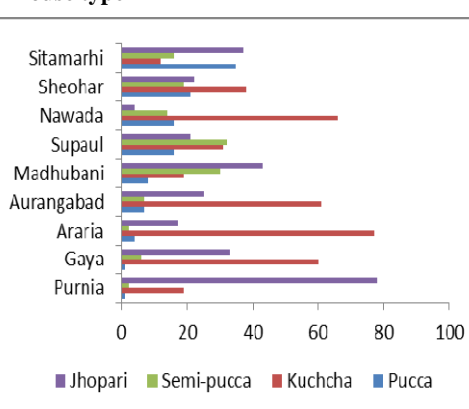


illiterates. Only 8.33per cent of the households have completed primary education, 2.56per cent have completed higher education and negligible number of households (0.22per cent) have completed graduation and above. The figure below provides a picture of literacy levels in the sample blocks. Raghupur block in Supaul district has no literate person. On the other hand, Haspura block in Aurangabad district have 30per cent literate population, which is the highest among all the 18 blocks. Thus, 3 blocks namely, Tariyani (Sheohar), Ladania (madhubani) and Haspura have more than 20per cent literate population. See Table 3 in Annexure VII A.

#### 4.4.4. House Type

In the 9 districts, around half (42.56per cent) of the households who have been allotted homestead land live in kutchha houses. 31.11per cent of the households live in jhuggi-jhopris and the rest 26.33per cent of the households have Pucca or semi-pucca houses. Figure 4.4 shows the distribution of household by house type in the 9 sample districts. Accordingly, Purnia district has the highest per centage (78per cent) of households living in jhuggi-Jhopris. Araria district has the highest number of households living in kuchcha houses. On the other hand, Sitamarhi has the highest percent age (35per cent) of households living in pucca houses. Further, 74.44per cent

**Figure 4.4: Distribution of households by house type**

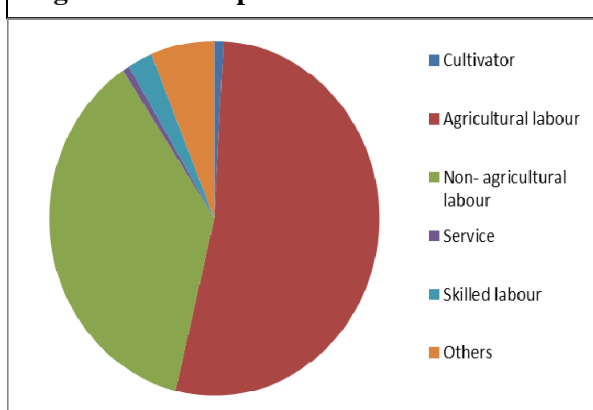


of the houses are single room houses. However, 19.33per cent houses have two rooms and another 6.22per cent have more than three rooms. **See Table 4 in Annexure VII A.**

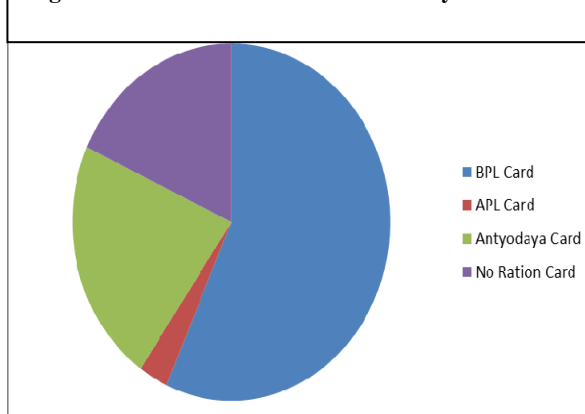
#### 4.4.5. Economic and Occupational Profile of the Households

An overwhelming majority (89.7per cent) of the households which have been allotted homestead land by the government of Bihar are labourer households (figure). Out of them, more than half of the household heads (52.9per cent) are agricultural labourer and the rest 36.9 per cent of the household heads are non-agricultural labourers. Only 2.44per cent of the household heads are skilled labourer. The remaining (7.78per cent) household heads are engaged in service sector, cultivators or other source of occupations. **See Table 5 in Annexure VIIA.**

**Figure 4.5: Occupation of Household heads**



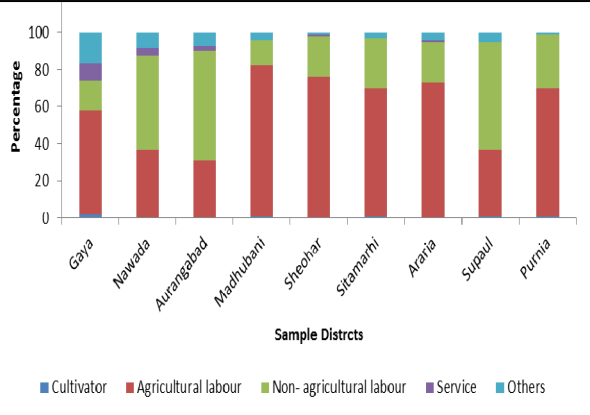
**Figure 4.6: Possession of Ration Cards by households**



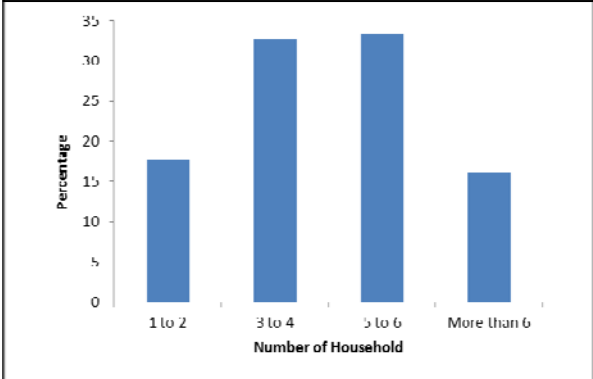
Out of the total households in the 9 sample districts, 56.67per cent own a BPL cards; 22.22per cent has Antodaya cards; and 18.11per cent households do not have any type of ration card. The remaining 3per cent of the households holds APL cards. **See Table 5a in Annexure VII A.**

In terms of ownership of livestock, a productive asset, 70.22per cent of the households do not own any kind of livestock. Only 29.78per cent households own livestock such as poultry, goats, pigs, milch or non-milch cattle. Out of the livestock owning households, 6.11per cent own poultry, 9.56per cent own goats, 2.11per cent own pigs, 15.33per cent own milch-cattle, and 6per cent own non-milch cattle. **See Table 6 in Annexure VII A.**

**Figure 4.7: District wise distribution of Households by Occupation**



**Figure 4.8: Distribution of households by family size**



**4.5. Brief Profile of households which have not been allotted homestead land**

**4.5.1. Average Household Size**

The number of household members varies considerably among the households which have not been allotted homestead land purchased by the government of Bihar. Majority (66per cent) of the households have 3 to 6 house hold member. Only 16.22per cent of the households have more than 6 members while 17.78per cent of the households have 1-2 members. **See Table 1 in Annexure VIIB.**

**4.5.2. Marital Status of Household**

Marital status in India is defined in terms of never married, married, separated or divorced and widowed. On an average 89.22 per cent of the household heads are married in the 9 sample districts. See Annexure 8. On an average 86.78per cent of the households have at least one couple living. **See Table 2 in Annexure VIIB**

**4.5.3. Educational profile of the Households**

83.55per cent of these households are illiterates. Only 12.67per cent of the households have completed primary education, and 3.77per cent have completed higher secondary and above level of education **See Table 3 in Annexure VIIB**

#### 4.5.4. House Type

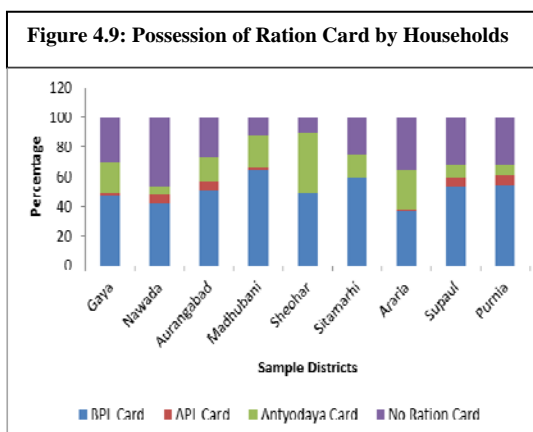
49.33per cent of these households have been living in kutchha houses. Another 20.67per cent of the households is living in semi pucca houses. 20.56per cent of the total households live in jhuggi jhopris. Only 9.44per cent of the households own pucca houses. 26.33per cent of the households have Pucca or semi-pucca houses. Further, 69.22per cent of the houses are single room houses. However, 21.22per cent houses have two rooms and another 9.56per cent have more than three rooms. **See Table 4 in Annexure VIIB**

#### 4.5.5. Economic and Occupational Profile

An overwhelming majority (91.67per cent) of the households which have not been allotted homestead land by the government of Bihar are labourer households. Out of them, 58.67per cent of the total households are agricultural labourer and the rest 33 per cent of the household heads are non-agricultural labourers. Only 2.44per cent of the household heads are in the service sector. The remaining (5.56per cent) household heads are engaged other source of occupations. Only 0.675 of the households are cultivators. **See Table 5 in Annexure VIIB**

Out of the total households, only 72.33per cent households have ration card and the rest 27.67per cent of the household donot hold any kind of ration cards. 50.76per cent of ration card holders have BPL cards; 18.33per cent have Antodaya cards. The remaining 3.22per cent of the households holds APL cards. **See Table 6 in Annexure VIIB.**

In terms of ownership of productive assets, 73.89per cent of the households do not own any kind of livestock such as poultry, goats, pigs, milch or non-milch cattle. **See Table 7 in Annexure VIIB**



## Chapter 5

### Access to and Ownership Rights over various types of Homestead Land in Bihar an Assessment

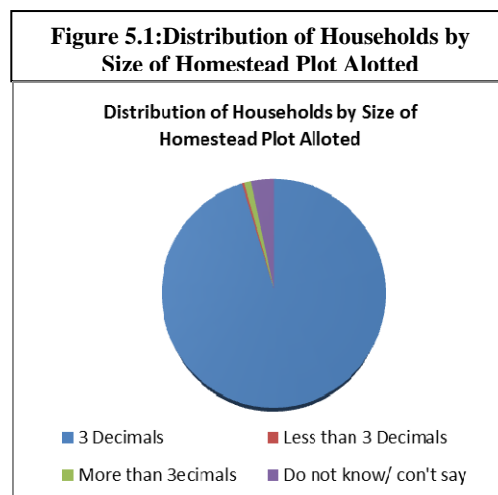
#### 5.1. Introduction

The present chapter analyses household data collected from 36 villages in 18 blocks of nine sample districts in Bihar. The sample districts are: Gaya, Nawada, Aurangabad, Sheohar, Sitamarhi, Araria, Madhubani, Supaul and Purnia. The data have been collected from 1800 households in these districts. Out of these 1800 households, 900 households were selected from among those households who have been allotted homestead land by the Govt. of Bihar under the House Site Scheme of Bihar Mahadalit Vikas Mission. The rest 900 households are chosen from among those households who are to be regularised/legalised for homestead land under The Bihar Privileged Persons Homestead Tenancy (BPPHT) Act, 1947. The present chapter has been divided into two parts: Part A deals with the issues and status of those 900 households who have been allotted homestead land by the govt. of Bihar under the House Site Scheme of Bihar Mahadalit Vikas Mission. Part B, on the other hand, deals with the issues and status of those 900 households who need to be regularised/ legalised for homestead land under The Bihar Privileged Persons Homestead Tenancy (BPPHT) Act, 1947.

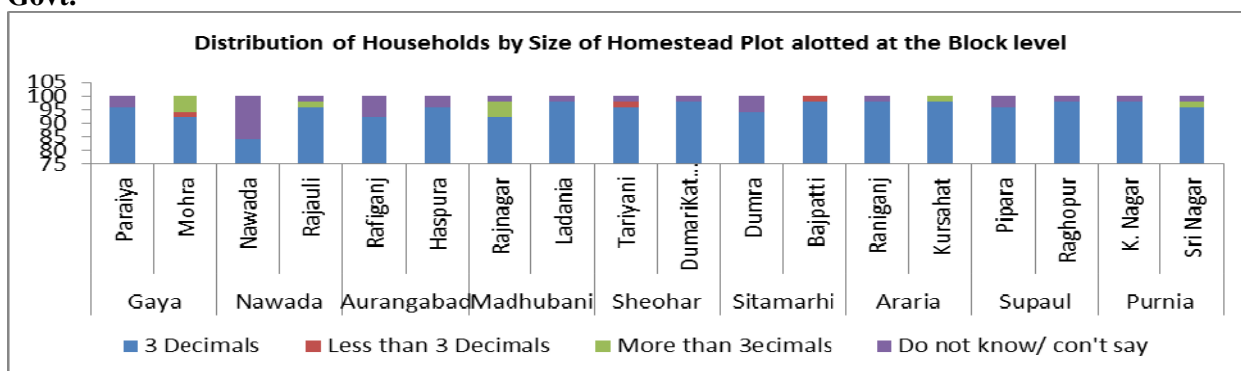
#### 5.2. Status of Households by Homestead Plot Allotment by the Government of Bihar under the House Site Scheme of Bihar Mahadalit Vikas Mission

##### 5.2.1. Distribution of Households by size of homestead plot received from the government

The scheme of homestead plot allotment by the Govt. of Bihar mandates the size of homestead lands to be allotted to the household is 3 decimals. Thus, 95.33% of the households in the sample districts have received homestead plots of size 3 decimal. 3.33% of the households have reported that the size of homestead land is more than 3 decimals. As the scheme mandate is for 3 decimals of pot, the households who have responded a more or less than 3 decimals or do not know can be attributed to the lack of awareness on the part of the beneficiaries. A similar trend of distribution of households by size of homestead plot at the district and block levels can also be observed. **See Table 1 in Annexure VIII.**

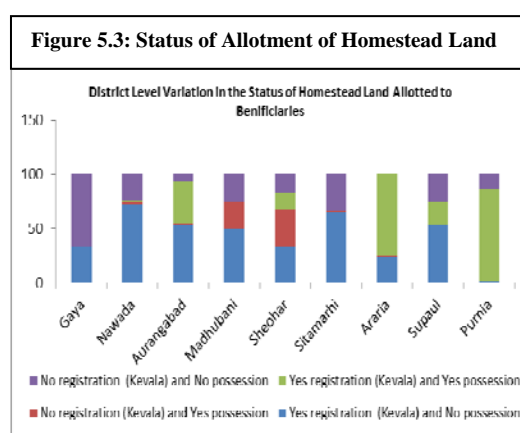


**Figure 5.2: Block wise Distribution of Households by Size of Homestead Plot Allotted by the Govt.**



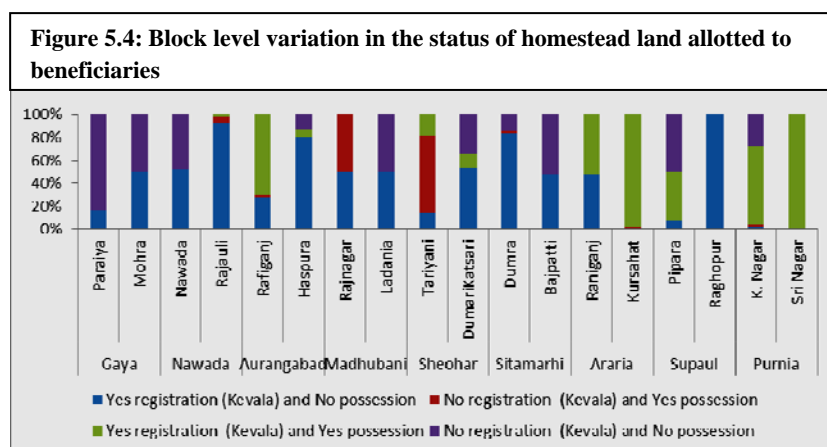
### 5.2.2. Status of the Homestead land received

Since the inception of the scheme in 2010, only 26.11% of the households, who have been allotted homestead land by the government, have received registration papers as well as possession of the plots. 43.11% have received registration papers but have not yet received possession of the plots. 23.44% have neither received registration papers nor possession of the plots. Another 7.33% of the households have not received registration papers but have possession of homestead plots.



Among the sample districts, Purnia has the highest percentage of households (84%) who have received both possession and registration papers of homestead land, which is followed by Araria (75%), Aurangabad (39%), Sheohar (15%), and Nawada (1%). In the districts of Gaya and Madhubani not a single households have received both possession and registration papers of homestead land.

On the contrary, 33% households in Gaya, 72% in Nawada, 54% in Aurangabad, 59% in Madhubani, 34% in Sheohar,



665 in Sitamadhi, 54% in Supaul and 1% in Purnia have received registration papers but no possession of homestead land. Likewise, 3% households in Nawada, 15 in Aurangabad, 25% in Madhubani, 34% in Sheohar, 1% in Sitamarhi, 1% in Araria, 1% in Purnia and none in Gaya and Supaul have received possession but no registration papers to homestead land. The percentage of households who have

neither received possession and registration papers of homestead land is highest in Gaya (67%) followed by Sitamarhi (33%), Supaul (25%), Madhubani (25%), Nawada (24%), Sheohar (17%), Purnia (14%), Aurangabad (6%) and Araria (0%). See Table 2 in Annexure VIII

### 5.2.3. Year wise allotment of Homestead Land

37.9%, 15.86% and 38.46% of these households have received both registration papers and possession of land in the year 2010, 2011 and 2012 respectively.

In the year 2011, 50.9% of the households have received registration papers but no possession of the plots. 31.97% of the households have received neither registration papers nor possession in the year 2011. Only 15.86% of the households have been given both registration papers and possession of plot in the same year. In the year 2012, 21.77% of the households have been given both registration and possession of homestead plots. On the contrary, 33.06% of the population have not received registration papers and possession of land in the same year. See Table 3 in Annexure VIII.

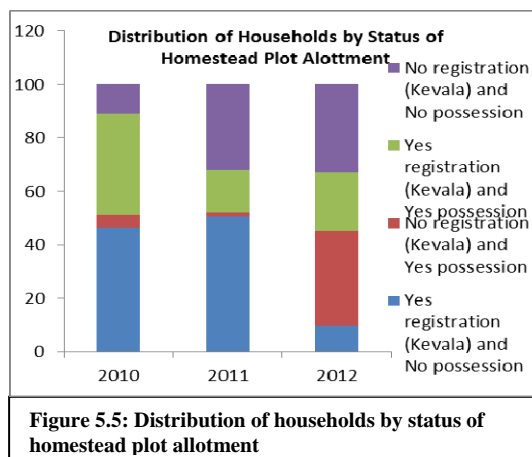


Figure 5.5: Distribution of households by status of homestead plot allotment

The following figures 5.6a to 5.6d demonstrate the distribution of households in these three years i.e. 2010, 2011, and 2012 by the status of allotment of homestead plot. In the year 2012, 21.77% of households have been given both registration papers and actual possession of allotted plots, which was 37.90% in the year 2010. Likewise, only 9.68% of the households have been given registration papers of plots but have not been given actual possession of plots. On the other hand, 35.48% of the households have been given possession of plots but no registration papers. Overall, 26.11% of the households have received both registration and actual possession of homestead land plots since 2010, while 23.44 are yet have not received either registration papers or possession of plots.

Figure 5.6a-5.6d: Year Wise status of Allotment of Homestead Plots

Figure: 5.6a

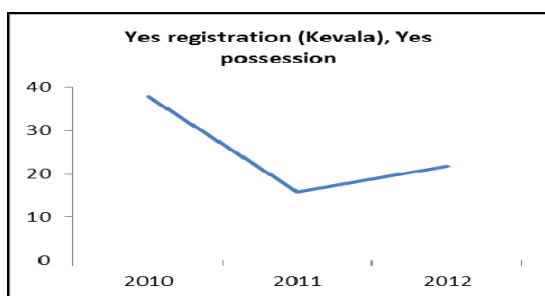
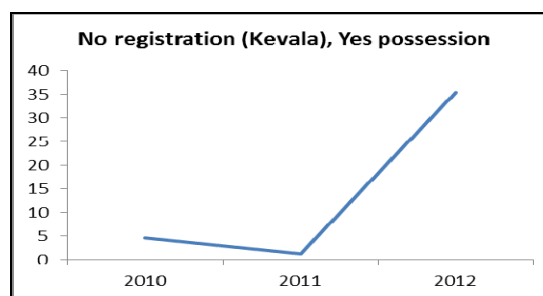
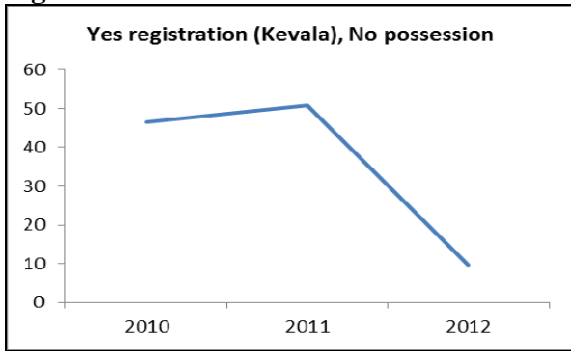


Figure:5.6b

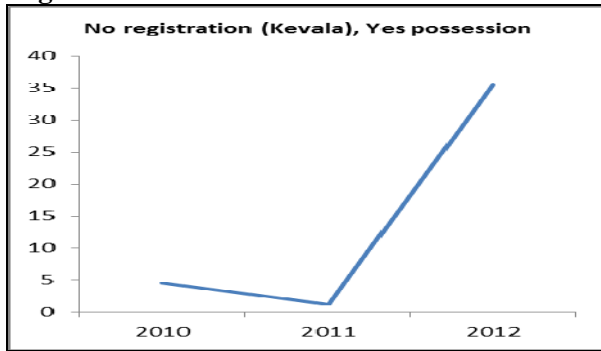




**Figure 5.6c**



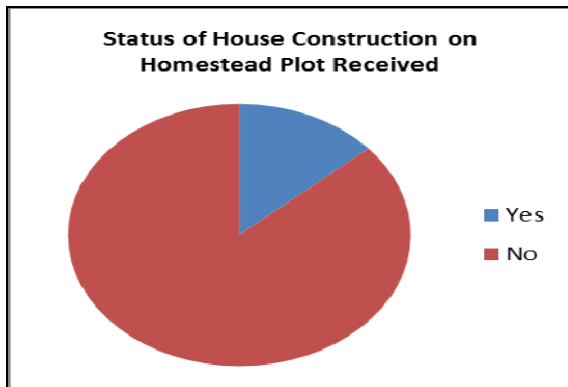
**Figure 5.6d**



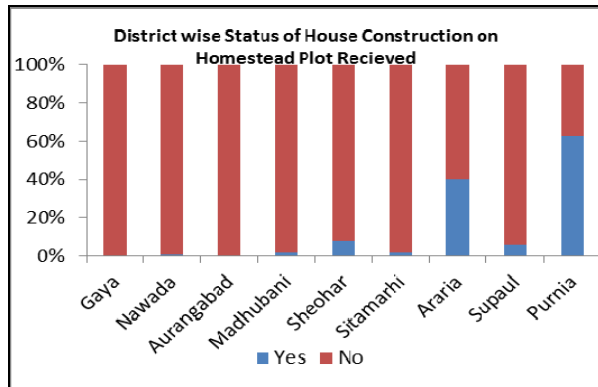
**5.2.4. Status of construction of Houses on the Homestead plot received**

The inconsistencies in allotment of homestead plots by the government have resulted into low rate house constructions. Only 13.56% of these households have been able to construct houses on the allotted homestead plots. There is a wide variation of status of house construction at district level. Purnia has the highest rate of construction of houses (63%) followed by Araria (40%), Sheohar (8%), Supaul (6%), Sitamarhi (2%), Madhubani (2%), and Nawada (1%). Gaya district has no household who has constructed houses on homestead plot allotted by the government. See Table 4 in Annexure VIII for block level details.

**Figure 5.7: Status of house construction on homestead Plot received**



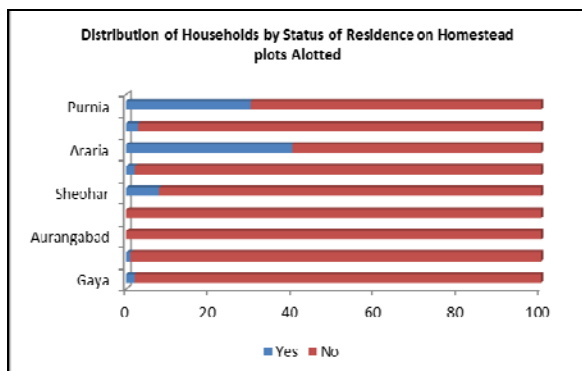
**Figure 5.8: District wise status of construction on homestead plots**



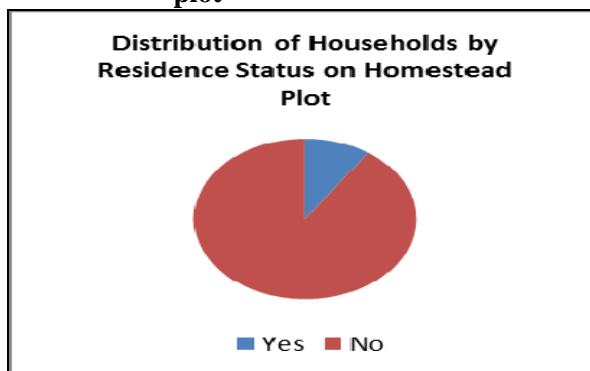
**5.2.5. Distribution of Households by Status of residence on homestead plots**

9.56% of the households who have been allotted homestead plots have actually started residing in the allotted plots. In Aurangabad and Madhubani districts none of the households have started residing on the homestead plots. On the contrary, 40% households in Araria, 30% in Purnia, 8% in Sheohar, 2% in Sitamarhi, 2% in Gaya and 1% in Nawada districts have started residing in the allotted homestead plot. See Table 5 in Annexure VIII

**Figure 5.9: District wise Distribution of Households by status of residence on homestead plot**



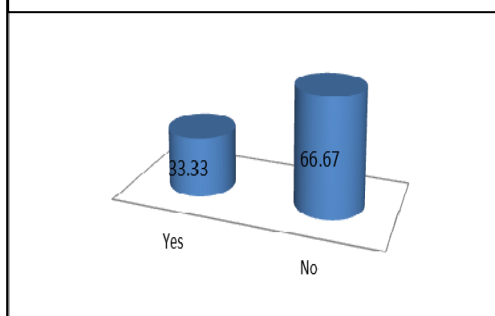
**Figure 5.10: Distribution of households by status of residence on homestead plot**



### 5.2.5. Status of Assistance Recieved from Indira Awaas Yojana

Only 33.33% of the households, who have been allotted homestead plot, have received assistance from Indira Awaas Yojana either for construction of new houses or for the repair of their houses. The remaining households have reported not to have received any assistance as such from the scheme. Sheohar district has the highest percentage (71%) of the households who have received assistance from the IAY scheme. It is followed by Sitamarhi (69%), Supaul (63%), Madhubani (39%), Aurangabad (22%), Nawada (14%), Gaya (13%), and Purnia with lowest percentage (3%) of households receiving IAY assistance. However, it important to take note that only a few households have received Indira Awaas Yojana benefits during the project period. The responded who have said reported of receiving IAY benefits also include those who have received the benefits at any point of time apart from the project period. **See Table 6 in Annexure VIII**

**Figure 5.11: Distribution of Households by Status of IAY assistance received**

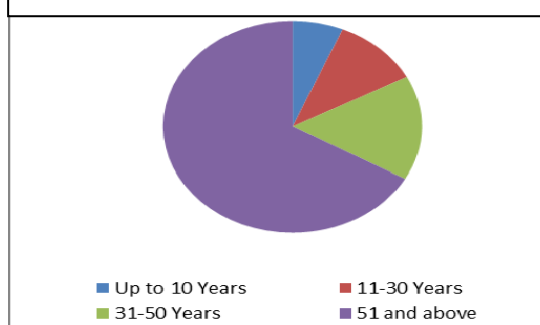


### 5.3. Status of Regularisation/Legalisation of Homestead Plot

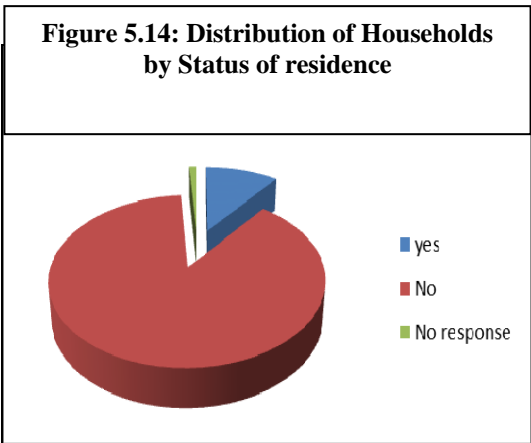
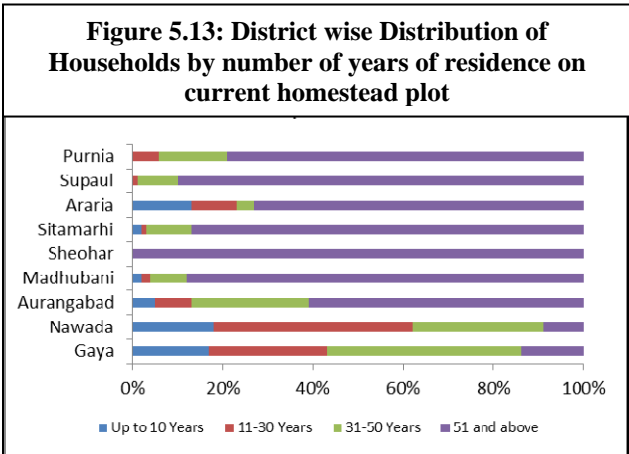
#### 5.3.1. Distribution of Households by years of Residence at present homestead plot

66.78% of the households have been living on their present homestead land since more than 50 years, and 16% of the households have been living on their present homestead land for more than 30 but less than 50 years. Another 10% of the households have been living on the present homestead land for 10-30 years. Only 6.33% of

**Figure 5.12: Distribution of Households by number of years of residence on current homestead plots**

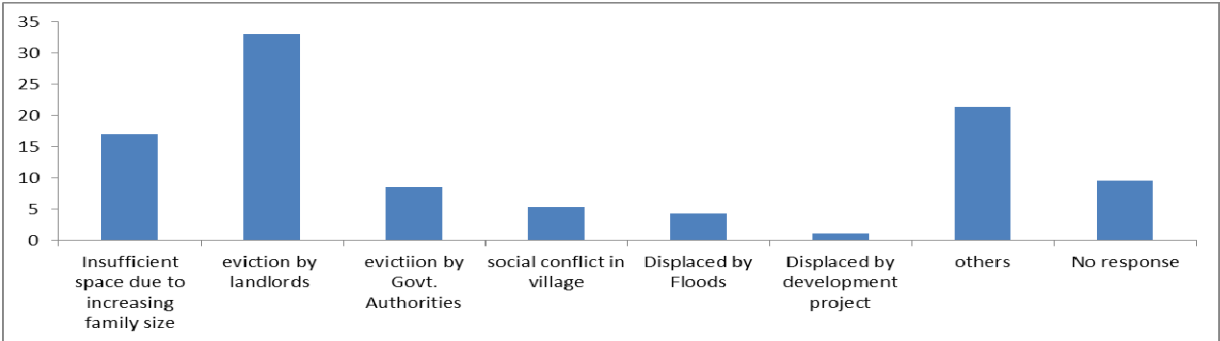


the households have been living in the present plots for more than 10 years. A district level analysis of the same shows a varied picture. In Sheohar district 100% of the households have been reportedly living on the present homestead plot for more than 50 years. Similarly, in Supaul 90%, Madhubani 88%, Sitamarhi 87%, Purnia 79%, Araria 73% and Aurangabad 61% of the households have reportedly been living on the present plot for more than 50 years. However, only 14% households in Gaya and 6% in Nawada are living in the same plots for more than 50 years. **See Table 7 in Annexure VIII**



88.56% of these households have been residing on the same plot of lot. Only 10% of the households have reported residence in other places and thus migration to the present plot of land. When asked the reason for this migration from old residence to the present plot, 33% of the households cited eviction of dominant landlords as the reason. Another 17% households cited growing family size, 8.51% cited eviction by Government authorities, 5.32% cited social conflict in the village, and 4.26% cited displacement by floods as the reason. **See Figure 5.15 below and Table 8 in Annexure VIII**

**Figure 5.15: Sources of threat of Eviction faced by the households**



### 5.3.2. Households by size of present homestead plot

Close to half (48%) of the households have been living on extremely tiny homestead plots of the size of less than 1 decimal. Another 44.67% of the households are living on plots which are 1 to 3 decimal in size. Only 7.33% of the households have homestead plots larger than 3 decimal. Sheohar has the largest (75%) percentage of population with less than 1 decimal plot size, followed by Gaya (71%). On the other hand, Nawada has the largest population with 1-3 decimal of plot size. See Table 9 in Annexure VIII

Figure 5.16: Distribution of households by size of present homestead plot

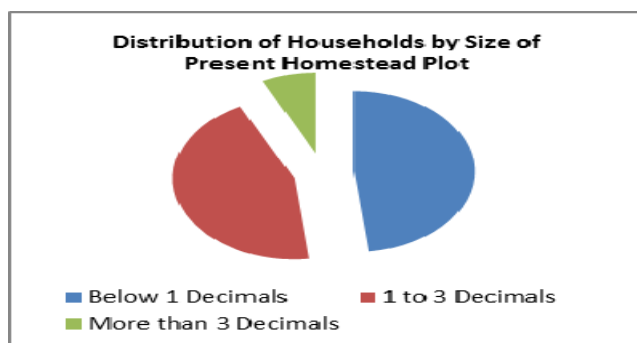
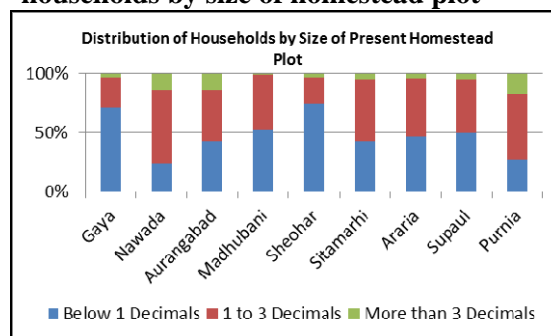


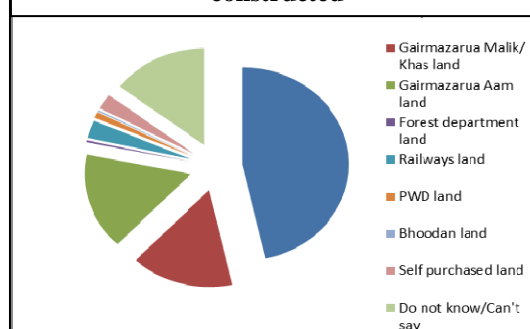
Figure 5.17: District wise distribution of households by size of homestead plot



### 5.3.3. Category of Homestead Land

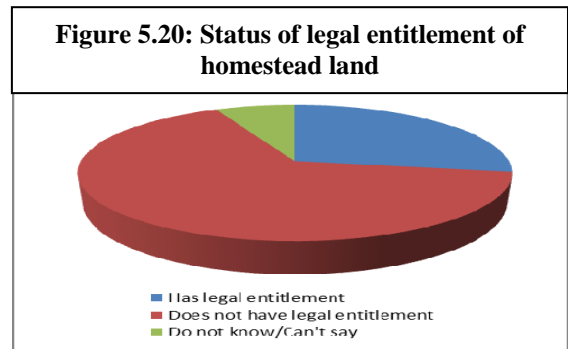
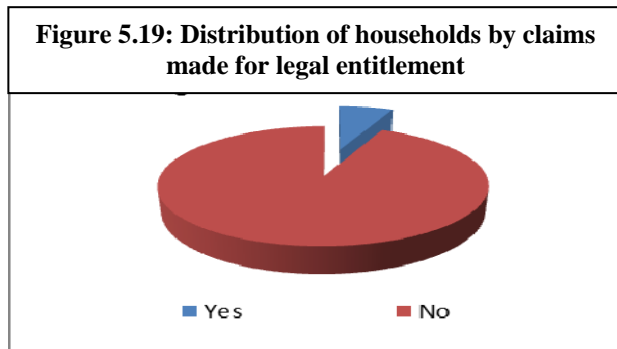
In terms of the category of the homestead land on which these households are residing, 46.56% are raiyati land, 16.11% are gairmazarua aam land and 15.56% are gairmazarua Malik/Khas land. However, a significant proportion of the households (14.67%) also do not know the category of their homestead land. Only 27.44% of the households have legal entitlement (parcha/parwana) of their homestead land. 65.56% of the households do not have legal entitlement of their homestead land, and 7.00% of the households are not aware if they have legal entitlement of their homestead land. See Table 10 in Annexure VIII

Figure 5.18: Distribution of households by category of land on which house has been constructed



### 5.3.4. Status of Legal Claims made before authorities for Homestead Land

Though a majority of the households do not have legal entitlement to their homestead land, the findings indicate that only very few (6.61%) have ever made any attempt to claim legal entitlement. Of the claims made for legal entitlement, a majority of the cases are pending either at the level of the

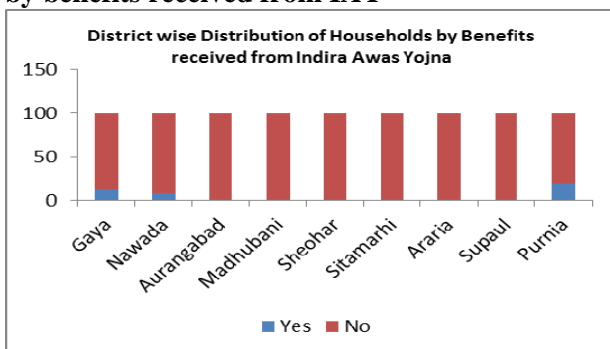


Karmachari (the lowest rung revenue official) (35.90%) or at the level of the Circle Inspector (33.33%) or the Circle Officer (28.21%). Although the proportion of households making any claim for legal entitlement to their homestead land was found to be very low, 26.44% of the households were found to be fully aware and another 36.95% partially ware of the laws and government policies that provide for legal entitlement to homestead land for these households. **See Table 11a-11d in Annexure VIII.**

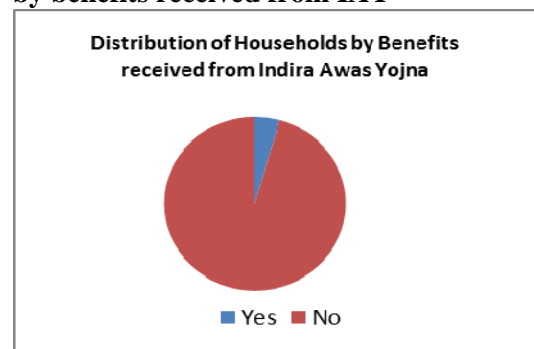
### 5.3.5. Assistance received from Indira Awaas Yojana

Only 4.44% of the households have received assistance from Indira Awaas Yojana either for construction of new houses or for the repair of their houses. 95% of the households have not received assistance from Indira Awaas Yojana. In Purnia district only 19% of the households have received assistance from Indira Awaas Yojana, which is the highest number among all the nine sample districts. Gaya with 13% and Nawada with 8% holds second and third position in this regard. In the rest 6 sample districts not a single household have received the benefits of Indira Awaas Yojana. **See Table 12 in Annexure VIII**

**Figure 5.21: District wise Distribution of households by benefits received from IAY**



**Figure 5.22: Distribution of households by benefits received from IAY**



### 5.4. Conclusion

The primary data discussed above indicate that the BPPHT Act, 1947 as well as the Scheme of Purchased Land for Mahadalits has not been implemented effectively at village level among rural

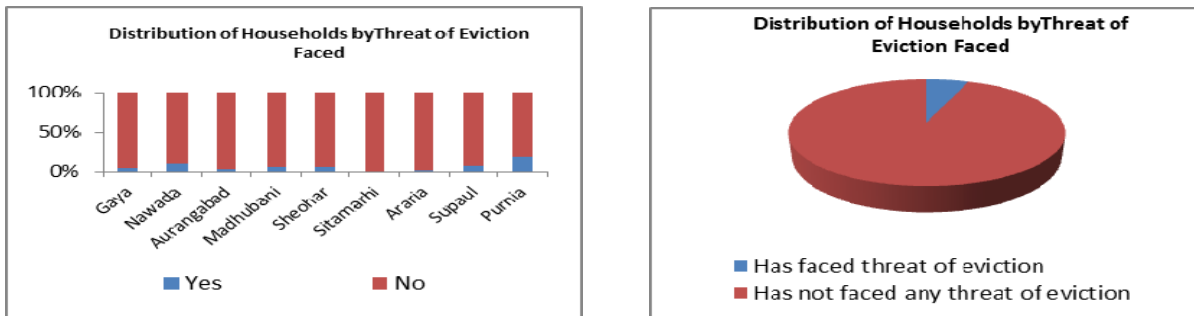
poor, primarily Schedule Caste households. It shows that the delivery mechanism of existing institutions are ineffective in providing *parcha* and *parwana* to landless poor as per the provisions of BPPHT Act and the scheme of purchased land for *Mahadalit* communities. Though there is no need of creating additional resources for effective implementation of policies, particularly, BPPHT At 1947, but there is a enormous gap between the ground reality and provisions of the laws and schemes. Besides, the policy makers and government implementing agencies also over sighting the multiple categories of homestead land mainly *Raiyati*, *Gairmazarua Malik* and *Gairmazarua Aam* land. Therefore, the implementing agencies are yet to develop proper strategies and planning for implementation of the scheme and BPPHT Act, 1947 in other categories of homestead land too. Additionally, it is an eye opener that it takes a many years to get entitlement to homestead land for the landless poor schedule castes at *anchal* (block) level.

## Chapter 6

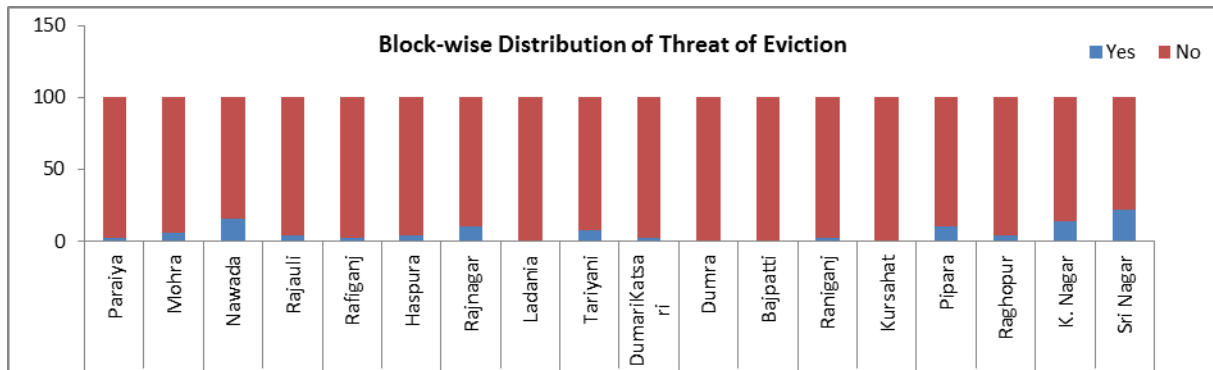
### Processes of Displacement/Settlement of Rural Landless and Marginalised Communities in Bihar

The households settled in the present homestead land for years and waiting for legal entitlements and regularisation have faced threats of eviction/displacement from different sources. 5.88% of the households have faced such threats and 94.11% of the households have not faced any such threats.

**Figure 6.1 and 6.2: Distribution of Households by Threat of Eviction Faced**



**Figure 6.3: Block-wise distribution of households facing Threat of Eviction**



It is noteworthy that the households living in Railways Land are the ones facing threat of eviction most, which 33.33%. the trend is followed by households settled on Gairmazarua Malik/ Khas land (7.86%), Raiyati land (5.97%), and *Gairmazarua Aam* land (3.45%) See Table 13 and 13b in Annexure VIII.

Majority of the rural landless labourer households in Bihar were traditionally settled, mainly, on raiyati land given by their landowning employers during the *Zamindari* System<sup>3</sup>. However, during the last 20-25 years the landless labourers have started settling mainly on government or public lands. The

<sup>3</sup> This was essentially a part of the traditional bonded labour system in agriculture in rural India. It has been discussed and explained by many scholars who have worked on different regions of the country. See for example, Breman, 1974; Prakash, 1990

number of landless families residing today on raiyati land is comparatively less than those residing on gairmazarua malik and Gairmazarua aam land or land owned by other public agencies. This was clearly brought out by the survey of 19,081 households carried out by Deshkal Society in 361 villages spread over 4 Blocks in Gaya district of Bihar. The survey revealed that the number of landless households residing on either *Gairmazarua Malik/Khas* or *Gairmazarua Aam* land is nearly twice of those residing on raiyati land (Figure 6.1).

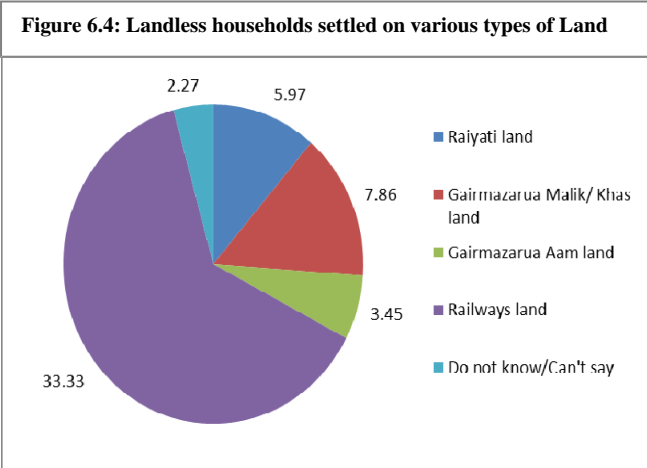
Besides these three categories of land, the survey points out that the landless labourers have settled on privately purchased land, land provided under the Indira Awas Yojana Scheme, and land under the Department of Forest. Interestingly, a large number of landless households (28.65 per cent) have also managed to purchase homestead plots privately.

However, there is evidence of increasing number of displacement of these rural landless labourer households. The major reasons that for displacement/shifting of rural landless from raiyati land are: (i) insufficient space due to growth in family size and disappearance of the old traditional practice of giving house plots to labourers by the landowners due to various reasons; (ii) Eviction by dominant landlords (iii) eviction by government authorities, (iv) social conflict in villages, (v) displacement by natural hazards like floods, and (vi) displacement due to developmental projects.

**6.1. Displacement due to increase in family size and mechanisation of agricultural system**

The Deshkal Survey brings out that 17.02% of the rural landless labourers have faced displacement from their current homestead land. After Independence, the expansion of capitalist agrarian relations and continuing population pressure has led to a gradual decline of traditional patron-client bondage that characterized the landowner-agricultural labourer relationship in the past. (Das,1981; Breman, 1974). Various developments such as the introduction of motor-driven tube wells, tractors and motor-driven threshers, combined with smaller landholdings and increased participation of landowners in production have contributed towards a decline in the need for agricultural labourers for farm operations. On the other hand, the population of landless

labourers witnessed manifold growth and their small plot of raiyati homestead land could not sustain their extending families. In the absence of any avenues available to them for access to land for housing they were pushed to build houses and settle on gairmazarua khas/malik and gairmazarua aam land.





## **6.2. Eviction by dominant landlords**

The abolition of Zamindari and the subsequent land and tenancy reforms measures did not benefit the landless poor belonging to marginalized communities such as the SCs and STs in any significant manner in terms of accrual of land to them. (Das, 2000; Government of Bihar, 2008). As a result of increasing population pressure together with growing landlessness among the rural poor, Bihar was confronted in the second half of the 1960s with heightened social tension and violent conflicts between the landed class and landless labour households (Das, 1981). Under these circumstances the landless labour households settled on raiyati lands started leaving their habitats and settling on various government or public land in order to escape increased oppression and subordination by the landowners. The Deshkal survey found out that 32.98% of the households have face eviction by dominant land owners. Azad Bigha, Antu Bigha and Shanti Nagar, some 15 km from the district headquarter of Gaya form three such settlement sites that came into being as a result of the collective flight of kamias from their parent village Bandhua in the mid-1960s due to violent clashes with upper caste landlords. Taking a break from his daily job of stone-cutting, Phulu Manjhi of Azad Bigha, pointing towards the barren hills, poignantly says:

“These hills have given us freedom. Freedom from exploitation and suffering at the hands of the upper-caste maliks in our parental village of Bandhua. I was some 15 years old when we came here. My father was the kamiya of a Rajput malik ...some of us even had lands there. We had to not only bear verbal abuse but sometimes even physical torture... it was quite suffocating there. There was no space for us... sometimes our domestic animals used to enter the maliks’ fields which was a constant source of quarrel... Enough is enough... once some kamiyas had an altercation in the field with an upper-caste malik, All the kamias present in the field regrouped and beat him black and blue. My father who was instrumental in this called a meeting of the Bhuinyas of Bandhua. Looking at the grave consequences of the incident all of us decided to leave Bandhua and seek refuge in these foothills. My father Aklu Manjhi named our village Azad Bigha since it gave us freedom from the bondage that we had experienced in our parental village of Bandhua”(Ahmed, 2004).

Like Azad Bigha, the neighbouring settlement sites of Antu Bigha and Shanti Nagar share the same history of displacement of Bhuinyas from Bandhua. Raja Manjhi of Shanti Nagar ruefully remembering the days says:

“We had to brave 48 hours of incessant rains standing in the foothills when we came here after a dispute with upper-caste maliks of Bandhua... employees of the forest and railway department lodged legal complaints against us. Many a times our houses erected were

razed. The upper-caste maliks of Bandhua together with the government officials tried their best. Though we did not have money we pooled our resources to fight the case in court and at last we won. But we still live in the fear of eviction”(Ahmed, 2004).

However, it seems today that the landowning farmers generally do not want labourers to be displaced from their settlements because they need their labour. They even want them to continue residing on the land given to them by their forefathers (raiya land). This is because as long as the labourers reside on the raiya land, the landowners can hope to exercise control over them. But the landowners are opposed to giving legal entitlement of these homestead lands to the labourers since it will give the latter independence and freedom to work wherever they want and no longer listen to their landlords’ diktats. For example, 10-12 landless labourers are settled on raiya land in Pale village in Wazirganj Block<sup>4</sup>. When the issue of giving them parcha came up there was opposition from the landowner. Due to this opposition the CO did not proceed to take any action to settle the labourers on the land and provide them parcha, on the pretext that doing so would create social tension in the village.

There is a saying among the landowners in Gaya district that landless labourers should neither die nor become fat (*na mare na mutaye* (Singh, 2009)). The meaning is that the landowners want the labourers to survive so they can avail their cheap labour, but they also do not want to see their labourers becoming prosperous because in that case they will no longer work in their fields.

The landless poor themselves prefer to reside on government or public land because it gives them independence and freedom from subordination and oppression of landowners. However, instances have been found of the dominant landowning groups harassing and evicting people settled on even gairmazarua land. In one such case in Goreya village, when some landless families constructed their houses on gairmazarua land, the dominant landowners of the village destroyed them (Singh, 2009). This happened thrice. It stopped only when some social activists of the area intervened and threatened to take legal action against the landowners.

### **6.3. Displacement due to natural hazards like Floods**

Around 75% area of north Bihar is affected by severe flooding of its rivers, mainly Kosi, Gandak and Bagmati. Erosion by rivers and regular floods has left scores of people in this area permanently displaced from their settlements and shelter less. Displacement due to floods in the sample districts have been 4.26% of the total eviction faced by the landless households.

There are two categories of people affected by floods. The first category consists of people who have been permanently displaced due to erosion by the rivers. The second category of people is those who

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<sup>4</sup> The incident was narrated by Shri Upendra Singh in a Seminar on Right to Homestead land: Public Action, Issues and Challenges, organized by Deshkal Society in collaboration with Frederick Ebert Foundation, New Delhi, 24-25 October, 2009.

are displaced due to regular floods because their villages are located inside the embankments of the rivers.

Thousands of these displaced people can be found living on the river embankments or by the side of the roads, many of them living there for as long as 30 to 40 years. However, the Government of Bihar does not seem to have any definite policy for the resettlement of these shelters less people. When the Kosi project was being formulated the issue of resettlement of people had come up and this issue had been included in the Detail Project Report (DPR). But there was stiff opposition from various quarters and the issue was neglected. Instead, the then irrigation minister issued a statement that people from 304 villages which were at that time falling inside the embankment area would be resettled outside the embankment. Apart from this statement there was no other commitment by the government for the resettlement of these people. For the first time, in 1991 the Relief and Rehabilitation Department of the Government of Bihar issued a circular that the people permanently displaced by erosion and floods will be allotted 4 decimal land for their resettlement. The District Collectors and Divisional Commissioners were authorized to purchase land at the rates decided by the government. In November 2008, the government brought out another policy document, specifically on rehabilitation of people displaced by the Kosi River, which clearly states that land shall be acquired to settle the families of SC/ST having no homestead land (Madan, 2009).

Although policies for resettlement of people displaced by floods exist, the government has so far not taken any significant effort for resettlement of these people. The initiatives taken by the government have been very lacklustre, lacking vision and planning, and have not benefited the people in any significant manner. In the beginning of the Kosi Project, the affected people inside the embankment area had been Promised Land outside the embankment. Many people were even given parcha/parwana for the same.<sup>5</sup> But most of these people did not go to settle on those lands, a major reason being that these lands were located around 10 km away from their original villages. It was, therefore, not practically feasible for the villagers to settle on these lands and carry out farming on land in their original villages. Another reason was that the lands which were outside the embankment but adjacent to it became perennially waterlogged and unfit for settlement. As a result most of the people displaced by the regular floods still do not have a secure permanent settlement and continue to reside on the embankment or other such uplands. Similarly, in Champaran, a large number of people have lost their shelter due to erosion by the Gandak river. Many of them have again received parcha for land to settle on, but a majority of them have still not been able to take possession of those lands. For instance, in Parjeeva village 573 people have received parcha for land; in Uttar Patjirva, Dakshin Patjirva, and

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<sup>5</sup> Description of displacement of people in flood-affected areas is based on the presentation of Satya Narayan Madan in the seminar 'Right to Homestead Land: Public Action, Issues and Challenges', organized by Deshkal Society in collaboration with Frederick Ebert Foundation, New Delhi, 24-25 October 2009.

Yogapatti villages 573, 200 and 500 people, respectively, have been given parcha for homestead land but none of them have been able to take possession of their plots. All these people continue to reside on the embankments or at the roadsides.

Since Independence the landless poor in rural Bihar have gradually been forced by circumstances to build their settlements increasingly on various types of government and public land, in foothills, on banks and dried up beds of aahars (village irrigation tanks), pains (traditional village irrigation channels), or on flood control embankments and roadsides. The major factors contributing towards this trend have been population pressure; modernization of agriculture, development of capitalist agrarian relations and disappearance of traditional patron-client based labour relations; failure of land reforms measures to benefit the landless; and loss of habitat due to regular flood and erosion by rivers, especially in north Bihar. Since a majority of the landless rural households, particularly from marginalised communities, are today settled on government or public land, granting them ownership rights to homestead would essentially mean, besides granting ownership rights to those settled on raiyati land, regularizing their homestead plots and distributing homestead plots in cases where regularization is not possible.

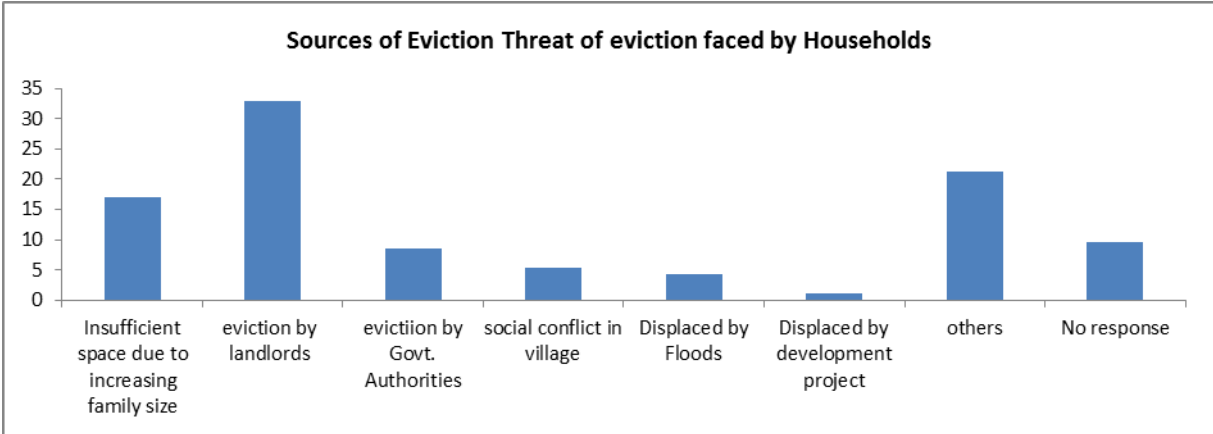
The provisions of the Bihar Privileged Persons Homestead Tenancy Act 1947 do not apply to either gairmazaruaMalik/Khas or gairmazaruaaam lands. But keeping in view the fact that a large number of poor households have constructed houses on such land, the government has also made policies that where a privileged person has his homestead on gairmazaruaMalik/Khas land, his possession should be recognized and normal settlement made with him (Annexure 1). In case of Gairmazarua Aam land, there is a provision that if such land has lost its Aam character and is no longer used for community purposes, such land should also be settled with the privileged persons.

Despite existence of laws, policies and provisions in Bihar since long, it unfortunate that a large number of rural landless and marginalized community households are denied their legal rights to homestead land. Due to lack of ownership rights over their homestead land, these households are also not able to avail the benefits of housing assistance under various schemes. Though a majority of the households do not have legal entitlement to their homestead land, the findings indicate that only very few (6.61%) have ever made any attempt to claim legal entitlement. Of the claims made for legal entitlement, a majority of the cases are pending either at the level of the Karmachari (the lowest rung revenue official) (35.90%) or at the level of the Circle Inspector (33.33%) or the Circle Officer (28.21%). Although the proportion of households making any claim for legal entitlement to their homestead land was found to be very low, 26.44% of the households were found to be fully aware and another 36.95% partially ware of the laws and government policies that provide for legal entitlement to homestead land for these households.

**6.4. Threat of Eviction by government authorities and development projects**

Displacement of landless households by government authorities and development project is a wide spread phenomena of contemporary India. The lopsided development process has been at the root of many developmental woes of those who are at the margins of the society. In the Deshkal survey 8.51% of the respondents have reported displacement by governmental authorities or other public agencies. 1.06% of the respondents have reported displacement by developmental projects.

**Figure 6.5: Distribution of Households by Sources of Threat of Eviction**



**6.5. Conclusion**

It is significant to note that landless poor schedule caste population have been settled in their own homestead land for decades and do not face threat to eviction from their own homestead land. On the contrary, they perceive that it is not possible to evict them from their homestead land given the contemporary changing socio-political scenario. However, they still get displaced from their homestead land due to natural calamities, particularly in flood prone regions of Kosi. Unfortunately, the government policy of resettlement of displaced people is not effective in delivering homestead land for re-settlement. Here, it is important to note that historically it was a common phenomenon for rural poor in different regions of Bihar to get evicted from homestead land. Therefore, it is a positive development for the rural landless poor in contemporary socio-political scenario that threat of eviction of the rural poor is almost becoming negligible.

## Chapter 7

### **Practises and Processes of Implementation of Laws and Policies: Identifying Administrative, Institutional and Socio-economic Hurdles**

The study has covered primarily two categories of right to homestead land for the rural poor. The first category covers the regularisation of the homestead land through legal entitlements in terms of *parcha/parwana* and the second category covers those households, especially from the *mahadalit* communities, who have been given land for house sites under the land purchase scheme. Hence, the hurdles behind the lack of implementation of the existing law, policies and provisions, and denial of the Homestead Land Rights to rural poor for these two categories of rights to homestead land are not similar but are different. Therefore, the Report is locating, identifying and analysing the hurdles and denial of the right to homestead land to the rural poor in two sections.

**7.1. The first section** of the study shows that despite existence of laws and policies for regularisation and granting legal entitlements to homestead land, majority of the rural poor, especially from the Scheduled Castes residing on *raiIyati*, *gairmazarua Malik/Khas* or *gairmazarua aam* land since long have not been able to obtain *parcha/ parwana* for their homestead land. The major administrative, institutional and socio-economic hurdles identified and analysed by the study in this regard are as follows.

- a) The administrative procedures and processes as well as the paper work required for acquiring right to homestead land are so complex and cumbersome that it is very difficult for the rural landless and marginalized communities to negotiate the processes and pursue and acquire their legal right to homestead land.
- b) There is no attempt by the government to collect data and information about the number of households that do not have access to and legal ownership right (*parcha/parwana*) over homestead land.
- c) In Bihar, land records have not been updated since long. Finding required land records and cadastral maps of villages is a monumental task. The government departments simply do not care to keep these records updated. Even old records are very difficult to find. Obviously, for a poor landless labour household it is a monumental task to arrange for these records.
- d) Copies of government circulars and policy guidelines are not available in the Block, Sub-division or District offices, including the District Collectariate. Due to unavailability of circulars and guidelines, and ignorance about them, different officials interpret the rules and laws differently.

e) The government has not prepared any official manual which can provide guidelines to officials at various levels for taking appropriate action for implementation of the laws, rules and policies regarding homestead land. The officials, therefore, do not know what they ought to do when somebody submits an application for grant of ownership right (*parcha/parwana*). Besides, since land revenue is no longer an important source of revenue earning for the government, there is also no training of officers these days to familiarize them with the system of land revenue administration, laws and rules. As a result when officers are confronted with issues such as legal ownership of homestead land, they do not know how to take appropriate action to implement the relevant laws and rules.

f) Since land revenue is no longer an important source of revenue earning, the revenue administration is neglected by the government. The worst effect of the government's drive to reduce the size of its administrative structure has been on the revenue administration, especially at the lower levels. The Bihar government has recently taken steps to merge the offices of the Block Development Officer (BDO) and the Circle Officer (CO) into one. Therefore, though technically there is a CO for every revenue circle, in reality they do not exist. Each BDO has to disburse, supervise and keep account of crores of rupees, and land revenue now being a miniscule part of government's overall revenue earning, he neither has the time nor the interest to look after the functions of the revenue department. Below the BDO/CO also there is only one Circle Inspector (CI) for a revenue circle which consists roughly of 100 villages. Obviously a single CI cannot properly supervise an area of 100 villages. Even if he does the quality of work can be anybody's guess.

g) The most unfortunate aspect of the revenue administration in Bihar is that the government has stopped fresh recruitment of the lowest ground-level revenue functionaries called *karmacharis*. As a result a large number of posts are lying vacant, and the existing *karmacharis* have to cover a large number of villages and bear a heavy burden of work. Moreover a *karmachari* has no fixed office. It's difficult to approach him as he has no fixed working hours.

**7.2.** The **second section** of the study shows that despite existence of laws and policies for house sites for the rural poor, especially for the *mahadalit* communities, under the land purchase scheme by the government, majority of the rural poor have not been able to exercise their right to homestead land. The major administrative, institutional and socio-economic hurdles identified and analysed by the study in this regard are as follows.

**a) The process of identifying and purchasing land for allotment:** As per the existing provision, the identification and purchasing of land for the rural poor is primarily supervised by the Circle Office of the Block. The Circle Office, with the assistance of the revenue staff, the Circle Inspector and the

*karmachari*, first identifies the land in the area of their geographical jurisdiction. If the land is not available within its jurisdiction, the Circle Officer approves purchase of land - which is neither more than 3 decimal nor does its price exceeds by Rs. 20,000 for each family. However, it has been learnt that owing to recent increase in land prices it is becoming increasingly difficult to purchase land within the prescribed price band. The land that eventually gets purchased is generally not appropriate for the rural poor to live with dignity in a good quality habitation. These land sites have one or more of the following problems.

- (a) the land is barren;
- (b) the land lies in the foothill of hillocks;
- (c) the land is prone to flooding;
- (d) the land is surrounded by agricultural land; or
- (e) it has low groundwater table and lacks other sources of drinking water.

Additionally, in many of the sample villages it was pointed out that the distance between the current habitation and the resettlement location was very far. Therefore many households are unwilling to resettle in the identified new land for house sites under the Scheme. Further, the new habitations identified under the scheme do not have the basic amenities required for minimum standard of living. There are neither link roads nor drinking water, sanitation and drainage facilities in these allotted homestead lands. These problems make the house sites inaccessible and challenging for habitation.

**b) Delay in registration and allotment of land to the individual beneficiary households:** The legal ownership of the house site of the purchased land is directly given to the women of the beneficiary households by the Circle Office. As per the norms, the Circle Officer first makes a proposal for those households who fulfil the criteria then following the registration of the land for the house site hands the same over to the concerned women. But the hard reality is that often registration and transfer of the land for the house site to the women of the households gets delayed by the Block Office. Sometimes the process of registration and transfer takes up from 8 to 12 months.

**c) Delay in plotting the land for allotment to individual beneficiary households:** The Circle Office takes the initiative for allotment of land to the individual beneficiary households. However, it is the responsibility of the Block Office to demarcate/plot the land for allotment and arrange for the physical/actual possession by the beneficiary households.

The process of demarcation and actual transfer of allotted plots for possession by the Block Office is a time consuming process. Sometimes this process may take anywhere between one to two years. In this process, the beneficiaries have to visit Block Office multiple times, facing bureaucratic hurdles and harassments.



**d) Reasons for the beneficiary rural poor households under the categories of BPL not getting assistance for house construction at the allotted sites under IAY:** As per the provisions, those rural poor households who are beneficiaries of the Scheme of allotment of purchased homestead land, have the right to get the benefits of *Indira Awas Yojana* (IAY) for house construction at the allotted sites. However, there are three main reasons why these families are not able to avail the benefits under IAY. Firstly, as per the provisions of IAY Scheme, the Block Development Officer (BDO) is responsible for implementation and monitoring of the IAY Scheme. Thus, the process of allocation of fund for the construction of house sites under IAY scheme starts afresh for these households. The process of allocation of the funds for construction of house sites starts only after the submission of the registry papers and actual possession of land, which is a prerequisite for availing the IAY Scheme. Secondly, the families benefitting from the land purchase scheme for rural poor households do not get the registry paper and actual possession of land for their house site on time from the Circle Office, hence, the beneficiary are not able to submit the documents to the Block Development Office within stipulated time. Thus, availing the IAY Scheme involves two inter-related processes, in the Circle Office and in the Block Development Office, which take a long time and create bureaucratic hurdles for the beneficiaries. Thirdly, it is found that, for inexplicable reasons the BDOs often discourages the beneficiaries from availing benefits of both the schemes.

## **Chapter 8**

### **Recommendations and concluding remarks**

In the light of the situation discussed, analysed and the problems identified on the regularisation of the homestead land through legal entitlements in terms of pracha/parwana and on the scheme of purchased land for Mahadalits, the following measures have been recommended in two sections. Section 8.1. points out the recommendations on regularisation of homestead land through legal entitlements and section 8.2 deals with the recommendations on scheme of purchased land for Mahadalits.

#### **8.1. Measures recommended for effective implementation of the existing laws and policies and for ensuring the right to housing and homestead land for the rural poor in Bihar.**

a) The administrative procedures and processes involved in implementation of the laws, policies and provisions need to be streamlined and simplified. The government needs to adopt a bottom up proactive approach to identify record and process for settlement all the eligible cases of landless households that need to be granted homestead rights. Collecting various types of information required for filing of application for legal rights over homestead land is a tedious task, and certainly an insurmountable task for the landless poor. Instead of filing of individual applications, it should be the responsibility of the Block level revenue officials to record the eligible cases of households for granting of homestead rights. This can be done in a mission mode through organizing village camps and recording all the eligible cases with the help of Village Panchayat and Gram Sabha.

b) While raiyati land can be settled by the Circle Officer and gairmazarua Malik/Khas land by the District Collector, in case of gairmazarua aam land the process goes up to the Department of Revenue and Land Reforms after it is recommended by the Divisional Commissioner. The process of settlement of gairmazarua aam land can be further simplified by giving authority to the District Collector to settle such land. However, it should be kept in mind that a lot of gairmazarua aam land has been encroached upon by the powerful landed interests. There should be proper checks and balances to ensure that non-eligible persons do not take undue advantage of the simplifications of the processes to regularize their illegal encroachments.

c) The provision of the maximum area currently fixed by the government for allotment of house sites needs to be revised and enhanced. At present, the maximum area has been fixed at 3 decimals. The Government of Bihar should increase the minimum area of homestead land to be allotted to the landless households to 10 decimals so that along with shelter it provides space for some

supplementary sources of livelihood such as livestock rearing, fodder development and planting fruit trees or vegetables growing etc, to the rural landless and marginalized communities. Studies have shown that house plots of this size can make significant contributions to improvement in food, nutrition and livelihood security of the households.

d) There is a need for streamlining the revenue administration at various levels. The lowest-official, the karmachari, should be provided with a permanent office space with necessary facilities for due discharge of duties. The existing karmacharis should also be given appropriate training to upgrade their knowledge and skill to function effectively. There should be at least one Circle Inspector for 25-30 revenue villages. Each Circle Inspector should be assisted by one trained amin. The Circle Officer and the Sub-Divisional Officer should ensure that parchas/parwanas are assigned to the right people and those with parcha/parwana get physical possession of the land.

e) The Government should update the land records and revenue maps of villages. These records should be properly maintained and should be made available to the public on demand.

f) 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 for taking appropriate action. These should be made available at all the Block and District Offices. The Government should also organize periodic training programmes for revenue officials to familiarize them with the system of land revenue administration, laws and policies.

g) Since there are no data and information available on ownership of rural homestead land, a village survey needs to be conducted in Bihar to identify the households that do not have legal ownership rights over their homestead land as well as those that do not have access to land for house-site. Such a survey is already being conducted by the government for Mahadalit households. This should be extended to cover landless poor households from all the communities in all the villages in the state. The village Panchayats can be roped in for this exercise and can be given the responsibility of collecting, maintaining and displaying the complete list of all the landless and house-site less households that need either granting of legal rights over their existing homestead plots or allocation of house-sites.

h) The village Panchayats, with cooperation from the Block officials and approval of the Gram Sabha, should also record and maintain an inventory of areas of land and locations under private ownership, public use and common property (grazing and fallow lands), as well as land that

can be made available for allocation to landless households for house-sites. These records should be available at the village level for easy access by all.

i) It is necessary to significantly step up the quantum of rural housing being added every year under the IAY scheme. The Government of Bihar can also initiate suitable schemes for meeting the housing needs of the BPL families that remain left out under the IAY scheme.

j) Habitat development and improvement is currently not linked with the schemes for allotment of house-sites to the landless poor. Along with allotment of house-sites, assistance for house construction under the IAY and provision of facilities like safe drinking water, sanitation, etc., can be done by the department of Rural Development under its various schemes. There is a need for coordination and convergence of these various schemes under the Department of Rural Development.

## **8.2. Measures recommended for effective implementation of the Scheme of Purchased land for Mahadalits**

a) To set up a Tripartite Committee and Block Level Consultation with key stakeholders for identification as well as purchase of land: The process of identification and purchase of land for house sites should be based on the block level consultation with the key stakeholders. In this regard, a Tripartite Committee may be constituted at the Block level consisting of the key stakeholders, who will have a say in the decision making process for purchase of land for his/her house site. Through this Committee, the voices and concerns of the rural poor, for whom the land for house sites is to be purchased and who are the re-settlers, should be represented and safeguarded. In the process of key stakeholder consultation, the final decision should certainly be based on two major considerations: one, availability of funds and two, locating good quality land. This process of stakeholder consultation will also help mitigate the conflict between the rural poor, the key stakeholder, and the block officials regarding the location and quality of land for house sites.

b) To set up a High Level Committee for the revision of the existing amount of funds approved for the purchase of land for the house sites: A high level Committee, with representatives from the Planning Commission of India and the Departments of Revenue and Land Reforms as well as Department of Rural Development, Government of Bihar, should be set up for revision of the current approved amount of Rs. 20,000 for purchase of 3 decimals of land. In view of the substantial increase in the demand and price of land for house sites in the rural land market, the currently approved amount under the Scheme needs immediate revision. During the field visit and survey by the research team, this point was raised repeatedly not only by the Block officials but also by the rural poor households. The

revision of the approved amount to ensure land for house site for the rural poor and to make the Scheme a success was also stressed upon.

c) Effective implementation of the Bihar Right to Services Act, 2011 to expedite the process of registry, demarcation and allotment of land for house sites to the beneficiary households: The delay in registration, demarcation and allotment of land for house sites to the beneficiaries need urgent attention. The entire process should be completed on time in order to guarantee effective delivery of services under the Scheme. This may be ensured through provisions of the Bihar Right to Service Act, 2011. The Act states that “the designated public servant shall provide the service notified...to the person eligible to obtain the service, within the stipulated time limit”. With reference to the Act, the Department of Revenue and Land Reforms, Government of Bihar, which has the prime responsibility for the planning, supervision and monitoring of the Scheme, may send a circular to the District Magistrate in order to ensure the delivery of the registry papers and physical possession of land for home sites to the beneficiaries within stipulated time period. In this regard, we propose that the District Magistrate provide directions to the Block Officials to deliver the services under the Scheme within the time frame of not more than a month and penalty may be imposed on those Block Officials who do not comply with direction.

d) Establishing linkages and coordination between the Circle Office and Block Development Office to ensure the benefits and assistance for house construction under IAY Scheme for those rural poor households who have already received the benefits of the land purchase scheme: After the identification of land and preparation of the proposal for allotment of the house sites by the Circle Officer, the Block Development Officer must be an integral part of the future course of action for the process of the registration, demarcation and allotment of the purchased land. With the coordination between the Block Development Officer and the Circle Officer, allotment of the funds to the beneficiaries under the Indira Awas Yojna Scheme should be ensured during the finalisation of the proposal for registry of land. The funds under the Indira Awas Yojna will be released to the beneficiaries subject to the submission of documents of registry papers and actual possession of land by them to the Block Development Office. In order to facilitate and ensure this coordination at the lower level, coordination between the Department of Revenue and Land Reforms and the Department of Rural Development of the Govt. of Bihar, who have the prime responsibility for planning and delivery of the Indira Awas Yojna and the Scheme of land purchase for rural poor, must be established.

### **Concluding Remarks**

There is an urgent need for effective implementation of the laws, policies and provisions by the government for the actualisation of the legal entitlements in terms of parcha/parwana and purchase,

demarcation and allotment of land for the rural poor. Except the suggestion to increase the approved funds for the purchase of land for house sites, the rest of the suggestions and the remedial measures do not need the creation of additional resources and structures by the government and its implementing agencies. Primarily there is a need to bring reform in governance, its nature and functions. These reforms are possible through the will, concern and commitment of the government, with the cooperation and support of the community, the key stakeholder of the Schemes, to implement the laws, policies and provisions effectively and successfully.

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**The Bihar Privileged Persons Homestead Tenancy Act, 1947**  
**[BIHAR ACT IV OF 1948]<sup>18</sup>**

*[This Act received the assent of the Governor-General on the 17th January, 1948, and the assent was first published in the Bihar Gazette of the 18th February, 1948]*

ACT AN

To make better provisions on certain subjects relating to the law of landlord and tenant in respect of homestead held by certain classes of persons in rural areas of the State of Bihar.

Whereas it is expedient to make better provisions on certain subjects relating to the law of landlord and tenant in respect of homestead held by certain classes of persons in rural areas of the State of Bihar.

It is hereby enacted as follows—

*Comments and Case-law*

[The Act was enforced to improve the lot of the weaker sections of the society, such as labourers and artisans. Who live either in houses built by themselves on lands given to them by the landlords or the houses built by the landlords and to provide them with greater security in the matter of their houses and occupation of such homesteads. Provisions have also been made for fixation of fair and equitable rents payable by such landless labourers for their security against their illegal and unreasonable ejection from the lands. *Bishwanath Singh Vs. State of Bihar*, 1981 BBCJ 199.

The idea behind the Act is to secure a piece of land for residential purposes. If he has already a piece of land or homestead then there is no meaning in further securing for him permanent tenancy in some land on which he might actually be living. *Nagina Sah Vs. Rajpati Devi*, 1979 BLJ 236 :1979 BBCJ 345.]

1. Short title, extent and commencement—This Act may be called the Bihar Privileged Persons Homestead Tenancy Act, 1947.

(2) It extends to the whole of the State of Bihar.

(3) It shall come into force on such date<sup>19</sup> as the State Government may, by notification, appoint.

2. Definitions—In this Act, unless there is anything repugnant in the subject or context—

- (a) “Building” includes a house, shed, hut and any other structure whether of masonry bricks, wood, mud, metal, bamboo, *khar* or any other material but does not include the land on which it stands;
- (b) “Collector” includes any officer appointed by the State Government to discharge all or any of the functions of a Collector under this Act;
- (c) “Holding” means a parcel of homestead held by a privileged tenant and forming the subject of a separate tenancy;
- (d) “Homestead” means any land which is held on lease or used with the consent, express or implied, of the landlord for residential purposes and includes any building erected thereon, together with any *Sahan* and *Bari* appurtenant thereto;
- (e) “Industrial establishment” means—

- (i) an industrial establishment as defined in clause (ii) of Section 2 of the Payment of Wages Act, 1936 (IV of 1936), or
- (ii) a factory as defined in clause (i) of Section 2 of the Factories Act, 1934 (XXV of 1934)<sup>20</sup> or
- (iii) a railway as defined in clause (4) of Section 2 of the Indian Railways Act, 1890 (IX of 1890);
- (f) “mahajan” means a person whose business is money lending;
- (g) “permanent tenancy” means a tenancy which is heritable in the same manner as any other immovable property and which is transferable subject to the provisions of this Act;
- (h) “prescribed” means prescribed by rules made under this Act;<sup>21</sup> [(i) “privileged persons” means a person—
  - (a) who is not a proprietor, tenure-holder, under tenure-holder or Mahajan; and
  - (b) who, besides his homestead, holds no other land or holds any such land not exceeding one acre;
 

but does not include any person who has come into possession of the homestead land in contravention of the provisions of Sec. 20 of the Santhal Parganas Tenancy (Supplementary Provisions) Act, 1949 (Bihar Act XIV of 1949) or Section 46 of the Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908) or Section 49-C of the Bihar Tenancy Act, 1885 (Act VIII of 1885.)
- (j) “privileged tenant” means a privileged person who holds homestead under another person and is or but for a special contract would be, liable to pay rent for such homestead to such person;
- (k) “rent” means whatever is lawfully payable or deliverable in money or in any other form by a privileged tenant to his landlord on account of the use or occupation of the homestead held by such tenancy; and
- (l) all words and expressions used but not defined in this Act and used in the Bihar Tenancy Act, 1885 (VIII of 1885) or in the Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1906), shall, in respect of the areas to which the Chotanagpur Tenancy Act, 1908 (Bengal Act VI of 1908) applies, have the meanings assigned to them in that Act and, in respect of the other areas, the meaning assigned to them in the first mentioned Act.

#### *Comments and Case-law*

[From the definitions of the expressions “homestead” “privileged tenant” and “rent” as defined in clauses (d), (j) and (k) it appears that two conditions are contemplated which must exist as a condition precedent before a person can be called a “privileged tenant” within the meaning of the Act. Where the relationship of landlord and tenant exist without any arrangement for payment of rent as such, for example in cases where the person happens to be an artisan like a carpenter, potter, etc. and is allowed to occupy a house on consideration of his rendering service to the raiyat of the landlord concerned, there being always an implied contract on the part of the tenants to compensate the landlord for the use and occupation of the land. This implied contract postulates a promise by the occupier to pay the landlord a reasonable amount for the use and occupation. Therefore, a person who has entered upon somebody else’s land, and although might be a privileged person in the sense that he does not possess any other land, without the consent of the *raiyat* or the landlord, does not acquire the right of a privileged tenant. In other words, a trespasser or a squatter cannot acquire the right of a privileged tenant and earn the protections and privileges conferred upon a privileged tenant under the statute. *Bishwanath Singh Vs. State of Bihar*, 1981 BBCJ 199: AIR 1981 Pat. 145: 1981 BLJ 19.

The word “landlord” has been used here in a wide sense, so as to include even a person who is not a proprietor or the like, but is himself a tenant under whom there is another person, who is holding some land as a tenant. A tenancy can be created by establishing relationship of landlord and tenant. This relationship may be expressed, implied or gathered from conduct of circumstances of the parties concerned. Where the opposite party was in possession of the house with the implied consent of the petitioner, the petitioner would be the landlords of the opposite party within the meaning of Sec. 3(4) of the B.T. Act, read with Sec. 2(1) of the Act *Ragho Singh Vs. State of Bihar*, 1957 BLJR 445 : AIR 1957 Pat. 163: ILR 35 Pat. 1040.

From the depositions as given in this Act, it is plain that in order to bring a person within the definition of “privileged person” it must be established, besides, what is mentioned in Sec. 2 (i) (1), that besides his homestead he held no other land or holds such other land not exceeding one acre *Bijli Sahu Vs. Bahadur Mahton*, 1968 BLJR 281.

A privileged person is a person who, besides him homestead holds no other land or holds any such land not exceeding one acre. Therefore, to be a privileged person the first requirement under clause (1) Sec. 2 is that the person has a homestead. *Nagina Sah Vs. Rajpati Devi*, 1979 BLJ 236: 1979 BLJR 53: 1979 BBCJ 245.

Where it appears that the “*parcha*” in Form No. 26 appears to have been issued malafidely without following mandatory procedure laid down under the Act and the Rules framed thereunder, the entire proceeding is vitiated and liable to be quashed. *Soman Sahu Vs. State of Bihar*, 1992 (1) PLJR 477.

Revenue Authority which granting “*Parcha*” in respect of “homestead” land under the Act, must first record a finding that the person to whom “*Parcha*” was being granted was a “privileged person” within the meaning of Section 2(1).

The concerned landowner must also be served a notice as envisaged under the mandatory provisions of Rule 5 of 1948 Rules. *Maya Rani Chatterjee Vs. State of Bihar*, 1993 (1) PLJR 612.

Sections 2(d), (j) & K—Petitioner, a squatter or a trespasser over a piece of land, cannot acquire the protection of a privileged person since there is no relationship of landlord and tenant between him and the landlord of that land—any subsequent willingness on the part of the petitioner, will not convert him into a privileged person—the fact that the petitioner was possessed of more than one acre of land, a fact not controverted by the petitioner will also deprive him of the status. *Bishwa Nath Singh Vs. State of Bihar*, 1980 PLJR 533.

Sections 2(i), (j)—competing claims—*Anchal Adhikari* is required to adjudicate where both sides claim status of privileged tenant and deny the status of landlord—once it is found that the person alleged to be a landlord is really in the same position as the person who claims to be the privileged tenant, then the benefit of the Act is not available to the privileged tenant. *Gopal Pandit Vs. State. of Bihar*, 2000 (3) PLJR 324.

Sections 2(i), 2(j) and 4—Permanent tenancy in the homestead to the privileged tenant—requirements for—duty of authorities before making such a declaration u/s 4— it is necessary for the privileged tenant claiming permanent tenancy in the homestead to prove that he is a privileged person within the meaning of Section 2(i) and that besides his homestead does not hold any other land or holds any such land not exceeding one acre—authorities have to give a finding to this effect before passing any order giving a permanent tenancy in the homestead to the privileged tenant—where no such finding is given by the authority concerned the order not being in accordance with law has to be quashed. *Sk. Wajuddin Vs. State of Bihar*, 1985 PLJR (NOC) 14.

Sections 2(i) and 2(j) and Bihar Privileged Persons Homestead Tenancy Rules 1948, Rule 5—Provisions contained in the Act and the Rules being mandatory, Collector’s order declaring a person as a privileged person in violation of such provisions, must be quashed. *Hira Lal Vishwakarma Vs. Vishwanath Sah*, 1978 PLJR 398.

Sections 2 (j), 4 and 8—Collector passing vague order without proper enquiry and without issuing valid notice to landholder in proceeding initiated on application praying for grant of “Basgit *Parcha*”—Collector before granting *parcha* has to come to a finding that the applicant is in fact a “privileged person” and “privileged tenant” as defined under the Act—in absence of any such finding being recorded as mandatorily required by law, the order granting *parcha* has to be declared illegal and without jurisdiction—title of the landlord if based on purchase of the land in a Money Decree passed by Civil Court may not be open to doubt, if claim of land holder is found correct—all orders passed in respect of grant of *parcha* and action taken under Section 8 quashed and Arlchal Adhikarl directed to dispose of matter afresh. *Surya Narain Mishra Vs. State of Bihar*, 1998(1) PLJR 561.

Section 2(j)—a trespasser or squatter can not become a privileged tenant. *Deoraj Thakur Vs. State of Bihar*, 1993(2) PLJR 598.

Section 2 read with Rule 5 of the Rules framed under the Act—belated prayer by writ petitioner for quashing order of Revenue Authority by which “*Parcha*’ under the 1947 Act was granted to respondent no. 3—order passed for granting “*parcha*” by Revenue Authority without recording a finding that the person to whom it was being granted was a “privileged-person”—order not sustainable—case remanded for disposal, with liberty to parties to make fresh submissions. *Maya Rani Chatterjee Vs. State of Bihar*, 1993( 1) PLJR 612.

Sections 2,2A and 15—the entries in statement prepared in Form No. 26 is to the guidance of the authorities under the Act—does not confer any right, title or interest in favour of the person mentioned therein—any such statement prepared without taking resort to the statutory provisions under the Act is liable to be quashed. *Soman Sahu Vs. State of Bihar*, 1992(1) PLJR 477.

Section 2 r/w Section 4 (4) of Bihar Land Reforms. Act, 1950—defendant (no. 2) having six shops in the market and alleged to have encroached upon the suit land while reconstructing his old house—as such, he cannot be treated as a privileged person and therefore not entitled to receive *parwana* from the State—when the *Parwana* issued in favour of defendant (no, 2) was found to be of doubtful character and the suit having been filed within a period of twelve years after the issuance of *Parwana*, the appellate court had to hold that he had no authority to continue in possession of the land—order passed by D.C.L.R. also indicating that plaintiff—appellant—were assessed to rent and it would imply that settlement in favour of plaintiff appellants was not cancelled by Collector u/s 4(b). *Shyam Bihar Prasad Vs. Most. Kalawati Devi*, 2002(3) PLJR 197.]

<sup>22</sup>, [2A. Act to apply notwithstanding contrary to provisions in other enactments—The provisions of this Act shall have effect, notwithstanding anything contained to the contrary in any law for the time being in force.]

#### *Comments and Case-law*

[It makes this Act self contained and can be compared by the reasonings given in AIR 1951 SC 115.]

3. Act not to apply to certain lands, buildings or areas—This Act shall not apply to—
- (a) any land or building, residential or otherwise—
    - (i) appertaining to an industrial establishment;
    - (ii) vested in the Government or a local authority; and
  - (b) any land situated within—

(i) any area which has been, or may hereafter be, constituted a municipality or notified area under the provisions of the Bihar and Orissa Municipal Act, 1922 (B. & O. Act VII of 1922) or a Union Committee constituted under Section 38 of the Bihar and Orissa Local Self-Government Act of 1885 (Bengal Act III of 1885);

<sup>23</sup>[(ii) vested in the Government except homestead deemed to have been acquired by the State Government under sub-section (2) of Section 17A, or a local authority;

(iii) any other area which is declared by the State Government by notification issued in this behalf to be a place of business or fair;

<sup>24</sup>[Provided that if any area in which a privileged person or a privileged tenant has acquired any right in his homestead under this Act, is subsequently converted into an area mentioned in sub-clause (1) of clause (b), the privileged person or the privileged tenant, as the case may be, shall not be divested or deprived of his right in the homestead.]

#### *Comments and Case-law*

[Land falling within the municipal or notified area the Act has no application. *Shyam Lal Sahu Vs. State of Bihar*, 1984 PLJR (NOC) 74 : 1984 BBCJ 748 : AIR 1985 Pat. 76.

Where claimant alleging to be a privileged tenant was inducted over disputed land for purpose of establishing wood business—Act would not be applicable. *Bishwanath Singh Vs. State of Bihar*, 1980 PLJR 533: AIR 1981 Pat. 145.

Section 3(b) (i)—Act does not apply to any area of land which is situated within a Municipality or a Notified Area Committee—respondent authorities could not take recourse to the provisions of the Act for granting *parcha*—order granting *parcha* under the Act for lands within such areas is bad and fit to be set aside. *Shyam Lal Sahu Vs. State of Bihar*, 1984 PLJR (NOC) 75.

Section 3—provisions of the Act do not permit grant of *parcha* to a person who has several houses. *Nawal Kishore Sah Vs. State of Bihar*, 2002(2) PLJR 275.

Section 3—basically, the concession which has been granted under the Act is literally for the under-privileged—the Act is in the shape of a social reform to take care of persons who were virtually “Bhumihin”—petitioner being a rich businessman and a money lender, has no status to come within the meaning of privileged persons to see an allotment of agricultural holding under the Act—appellant to be proceeded u/s 340, Cr. P.C. for filing false statements. *Nawal Kishore Sah Vs. State of Bihar*, 2002(2) PLJR 713.]

4. Privileged tenant to have permanent tenancy in his holding—Subject to (the payment of such rent as may be agreed upon between a privileged tenant and his landlord, or where there is no contract or no valid contract in respect of rent or where the rent contracted is alleged to be unfair or inequitable, such rent as may be fixed by the Collector under the <sup>25</sup>[proviso to Sub-section (3) of section 17-A], a privileged tenant shall have a permanent tenancy in the homestead held by him at any time continuously for a period of one year.

#### *Comments and Case-law*

[Permanency is acquired under this Act by length of continuous residence in the homestead for a period of one year at any time under this section or by fiction of law under section 5 of the Act. This right is very important in the sense that if there is no permanency, tenant at will can be ousted at the pleasure of the landlord under the provisions of the T.P. Act as explained in AIR 1961 Pat 350.

*Parcha* ordered to be granted to a person who is neither a privileged person nor a privileged tenant without conducting an enquiry is illegal. *Rajeshwari Prasad Vs. State of Bihar*, 1990(1)BLJ 112: 1990 (1) PLJR 35 : 1989 (1) BLJR 448.

Restoration order cannot be validly passed without following the mandatory procedure laid down under Rule 5 of Bihar P.P.H.T. Rules 1948. A bare perusal of Rules 5(2) makes it clear that notice in “Form F” has to be mandatorily issued to all the parties intimating them the date on which the proposed Enquiry is going to be made and further directing them to produce all their evidence in support of or against the application. *Rajeshwar Prasad Vs. State of Bihar*, AIR 1990 Pat 140.

Order for restoration of possession of homestead cannot be validly passed in the absence of any finding of fact in the order to the effect that the Applicants in whose favour the order of restoration was being passed were “privileged tenants” within the meaning of Section 2 (j) of the Act. *ibid.*]

5. Privileged tenant ejected from homestead within one year before the date of commencement of the Bihar Privileged Persons Homestead Tenancy (Amdt.) Act, 1952 to be deemed to have held it on such date continuously for a period of one year—(1) if any privileged tenant has been ejected by his landlord from his homestead or any part thereof, within one year before the date of the <sup>26</sup>[commencement of the Bihar Privileged Persons Homestead Tenancy (Amendment) Act, 1952 (Bihar Act XXIII of 1952)] otherwise than in due course of law, such tenant shall, for the purposes of Section 4, be deemed to have held such homestead or part thereof, as the case may be, continuously for a period of one year before the [commencement of the Bihar Privileged Persons Homestead Tenancy (Amdt.) Act, 1952] and he may apply to the Collector for the restoration of his possession over the homestead or part thereof from which he has been so ejected.

<sup>27</sup>[(2) The Collector may, on receipt of an application under sub-section (1) or on his own motion, after making such enquiry as he deems fit, order that the Privileged tenant shall be put in possession of the homestead or part thereof, from which he has been so ejected.

*Comments and Case-law*

[The section applies only in cases where a privileged tenant has been ejected by his landlord from his homestead or any part thereof within one year before the commencement of the Act—Section 5(1)/will, therefore, be applicable only in a case where the ejection was one year prior to 7-12-1952—application u/s 5 (1) cannot be entertained in cases of ejection after 7-12-1952. *Thakur Girja Nandan Sinha Vs. State of Bihar*, 1985 PLJR 415.

Order passed under Section 6 by the Circle Officer (Collector under the Act) is final and not subject to appeal—order of Addl. Collector acting as appellate authority in this case is without jurisdiction. *Adarsh Rajkiya Madhya Vidyalay Vs. State of Bihar*, 1992(2) PLJR 242.]

6. <sup>28</sup>[X X X]

7. <sup>29</sup>[X X X]

8. Grounds on which a privileged tenant may be ejected—(1) A privileged tenant shall be liable to ejection on the following grounds and not otherwise, namely—

(a) on the ground that he has used the holding or any part thereof in a manner which renders the holding unit for the purposes of the tenancy.

(b) on the ground that he has failed to pay the rent of the holding for two years: Provided

*firstly*, that no privileged tenant shall be so ejected except in execution of an order for ejection passed by the Collector <sup>30</sup>[X X X]

*secondly*, that no such order passed on the ground referred to in clause (b) shall be executed, if the full amount of the arrears of rent together with interest, if any; or where there has been a decree for such arrears, the amount payable under such decree is deposited with the Collector within three months from the date on which the order was signed;

*thirdly*, that before executing an order for ejectment, the Collector shall grant such time as he may consider reasonable to the privileged tenant for removing the materials of the building, if any, erected by the Privileged tenant on such holding or any part thereof;

<sup>31</sup>*fourthly*, that no privileged tenant shall be ejected unless he holds at least one-tenth of an acre, being land in the village in which his homestead is situated, which is, in the opinion of the Collector suitable for erecting a building for residential purposes.

(2) The following shall not be deemed to render any holding unfit for the purposes of the tenancy, namely—

- (a) the planting of trees and bamboos and growing of crops on a portion of the holding;
- (b) the manufacture of bricks and tiles for domestic purposes of the privileged tenant and his family; and
- (c) the digging of wells intended to provide supply of water for drinking or for domestic purposes of the privileged tenant and his family.

(3)&(4) <sup>32</sup>[X XXX]

(5) If a privileged tenant has been ejected by his landlord <sup>33</sup>[or any other person] from his homestead or any part thereof, otherwise than in accordance with the provision contained in sub-section (1), then the tenant may apply to the Collector for restoration of his possession over the homestead or part thereof from which he has been so ejected.

<sup>34</sup>(6) The Collector may on receipt of an application under sub-section (5), or on his own motion, after making such enquiry as he deems fit, order that privileged tenant shall be put in possession of the homestead or part thereof from which he has been so ejected.

<sup>35</sup>(7) If a privileged tenant is threatened with unlawful ejectment from his tenancy or any portion thereof by his landlord, the collector, of his own motion or on application made in this behalf by the privileged tenant initiate a proceeding for preventing the landlord from ejecting the privileged tenant, and may, after hearing the parties, for which due notice shall have been given to them or even after ex-parte hearing in cases of emergency, by an order, giving reasons therefore in writing, restrain the landlord from ejecting the privileged tenant.

Provided that where an *ex-parte* order has been made, the Collector shall, as soon thereafter as possible, hear, the parties after giving due notice To them and may, for reasons to be recorded in writing confirm the order but, if after such hearing he finds that there is no reasonable grounds for such an order he will set aside the same and reject the prayer.

(8) If the person against whom an order has been made under sub-section (6) fails to carry out the order of the Collector within such time, if any, as may be specified in the order: or if the person against whom an order has been made under sub-section (7) disobeys that order, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(9) An offence under sub-section (8) shall be cognizable for which any Police office may arrest without warrant.

(10) No court shall take cognizance of an offence punishable under subsection (8) except with the previous sanction of the Collector.

Explanation—For the purpose of sub-sections (5) and (7) ‘landlord’ includes the person under whom the privileged tenant held his homestead prior to its acquisition by the State Government under sub-section (2) of Section 17A.

*Comments and Case-law*

Once a person has been adjudged a privileged tenant, his dispossession by the landlord or any one is illegal—on dispossession the Collector can make an enquiry suo motu or on application—rules do not provide for an enquiry. *Sone Lal Sahni Vs. State of Bihar*, 1985 BBCJ Pat. 488.

Procedures laid down under the Act and the 1948 Rules framed thereunder, particularly that of Rules 5 are required to be followed, before a “Basgit *Parcha*” is granted to the applicant *Deoraj Thakur Vs. State of Bihar* 1993 (2) PLJR 598 : 1993 (2) BLJR 976 : 1993 (2) BLJ 298.

*Basgit Parcha*—The conditions precedent prescribed for grant of “*Basgit Parcha*” have to be fulfilled before any *Basgit Parcha* is granted. The grant takes away a valuable right of the concerned landlord. The procedure laid down under the Act and the 1948 Rules, framed there under are required to be followed. Order of Collector granting “*Basgit Parcha*” to a lady claimant without notice to concerned landlord or conducting an inquiry cannot be sustained. *Deoraj Thakur Vs. State of Bihar*, 1993 (2) PLJR 596 : 1993 (2) BLJR 976:1993 (2) BLJ 298.

Section 8 read with Rules 3 and 5 of Bihar Privileged Persons Homestead Tenancy Rules 1948—*Basgit Parcha*—prayer for issuance of “*Basgit Parcha*” allowed by Circle Officer without considering objections of landowner merely on basis of local inspection held without issuing proper notice to parties—facts alleged in writ petition challenging impugned order not controverted by Respondents—Circle Officer also not recording any finding in regard to claim of being a “Privileged Person”—order of Circle Officer not sustainable. *Deo Nandan Kishore Vs. State of Bihar*, 1994(2) PLJR 631.

Section 8 read with Rule 5 of Bihar Privileged Persons Homestead Tenancy Rules 1948—grant of “*Basgit Parcha*” made without Collector either conducting an enquiry or calling for any recommendation—notice also not served upon concerned landlord—by reason of grant of “*Basgit Parcha*” valuable right of landlord is lost—not only the condition precedent prescribed for grant of “*Basgit Parcha*” have to be fulfilled but procedures laid down under the Act and the Rules framed thereunder have to be followed—grant of “*Basgit Parcha*” not being in terms of Rule 5 of the 1948 Rules is set aside. *Deoraj Thakur Vs. State of Bihar*, 1993(2) PLJR 598.

Section 8 read with rules 3 and 5 of Bihar Privileged Persons Homestead Tenancy Rules, 1948—District Magistrate’s direction to subordinate officer for giving vaoant possession of homestead plot to persons to whom “*Parchas*”, under this Act had been issued earlier—validity—since “*parcha*” is granted under the Act after due enquiry and notice to the parties concerned, no further enquiry is mandatory after a privileged tenant has been dispossessed by someone— the Rules laid down regarding enquiry and notices make no mention of applications made under Sections 8(5) and 8(6). *Sonelal Sahni Vs. State of Bihar*, 1986 PLJR 46.

Section 8—impugned order passed on 28-5-2001—writ filed against the order on 11-7-2002—writ petition suffers from unexplained delay. *Md. Sabir Hussain Vs. State of Bihar*, 2002(4) PLJR 309.

Section 8—*Basgit parcha* issued after due notice to landlord in the year 1991—order never challenged and it became final—vendees (petitioners) purchased the land in 1999 and the present dispute arose—vendees have stepped into the shoes of their vendor and have purchased the property with all rights, liabilities and encumbrances—the vendor cannot pass on a higher title than what he himself had—the vendees have acquired title to the property along with encumbrances created by the effect and force of the order in the year 1991—alienation in favour of the vendees is a malafide act to nullify the effect of the order passed in the year 1991. *M. Sabir Hussain Vs. State of Bihar*, 2002 (4) PLJR 309.



9. Restriction on transfer of privileged tenant's right—No transfer made by a privileged tenant of his right in his holding or in any portion thereof, by private sale, gift, will, mortgage, lease or any contract or agreement shall be valid to any extent except as provided in Sections 10 to 17.

10. Subletting by privileged tenant—A privileged tenant may sublet his holding or any portion thereof to any privileged person to use it for residential purposes.

*Comments and Case-law*

[Subletting of the holding or any part of it can not be permitted for the purpose of business.]

11. Usufructuary mortgage by privileged tenant—(1) A privileged tenant may enter with any privileged person into a complete usufructuary mortgage in respect of his holding or any part thereof for any period not exceeding seven years;

Provided that the mortgage so entered into shall be registered under the Indian Registration Act, 1908 (XVI of 1908).

(2) A privileged tenant's power to mortgage, his holding or any part thereof shall be restricted only to one form of mortgage, namely, a complete usufructuary mortgage.

(3) In this section the expression complete usufructuary mortgage means a transfer by a privileged tenant of the right of possession in his holding or any part thereof and in any building erected by him thereon, for the purpose of securing the payment of money or the return of gains advanced or to be advanced by way of loan upon the condition that the loan, with all interest thereon, shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage.

12. Transfer by way of private sale, gift or will to be made with permission of Collector—A privileged tenant may with the written permission of the Collector transfer his holding or any portion thereof by way of private sale, gift or will to any privileged person to use it for residential purposes.

13. Power of Collector to eject mortgagee for wilful neglect to pay rent of mortgaged land—(1) If the mortgagee of a holding or any part thereof under Section 11 is legally liable to pay the rent of mortgaged property to the landlord and fails to do so, the mortgagor may deposit it with the Collector the arrears of rent together with the costs necessary for the transmission of the same to the landlord and may apply to the Collector for the ejectment of the mortgagee and the restoration of the mortgaged property to the mortgagor.

(2) On receipt of such an application the Collector, after making such enquiry as he thinks fit, may, if he is of the opinion that the mortgagee has wilfully neglected to pay the amount of rent in arrears, eject the mortgagee and restore the mortgaged property to the mortgagor, and the mortgage shall thereupon be deemed to have terminated.

(3) The Collector shall cause to be transmitted to the landlord any sum deposited under sub-section (1).

*Comments and Case-law*

[Limitation has not been prescribed under this section to apply for ejectment.]

14. Transfer in contravention of Section 9 not to be recognised by Courts—No transfer by a privileged tenant in contravention of the provisions of Section 9 shall be registered or in any way recognised as valid by any Court, Civil, Criminal or Revenue.

15. Powers of Collector to set aside improper transfers—(1) If a transfer of his holding or any portion thereof is made by a privileged tenant in contravention of the provisions of Sec. 9 and if a transferee takes possession of the holding or any portion thereof in pursuance of such transfer, the Collector may, of his own motion or on an application made in that behalf, after recording an order in writing, eject the transferee from the transferred property.

Provided that the transferee whom it is proposed to eject is given an opportunity of showing cause against the order of ejectment.

(2) (a) When the Collector has passed an order under sub-section (1), he shall pass a further order restoring the transferred property to the transferor or to his heir or legal representative.

(b) If the transferor or his heir or legal representative cannot be found within six months from the date of the order of restoration passed under clause (a) or is unwilling to take possession of the transferred property, the Collector may declare, the right of settlement of such property to be vested in the landlord.

Provided that before making such a declaration, the Collector shall grant such time as he considers reasonable to such transferor or his/her legal representative, as the case may be for removing the materials of the building, if any, erected by him on such property.

*Comments and Case-law*

[The Collector can on his own motion or on a petition call for the records and can re-open the matter and cancel a *parcha* obtained through fraudulent means and material suppression. The Act is intended to improve the lot of weaker sections of the society and provide them land so that they can have their own dwellings— instantly, the original *parcha* holder was not a landless person and the *parcha* standing in his name was rightly cancelled by the Collector, after hearing his heirs who had appeared before him as a rightful owner. Mosst. *Shila Devi Vs. State of Bihar*, 2002(1) PLJR 638.]

16. Restrictions on the sale of privileged tenant's right in his holding under order of Court— Notwithstanding anything contained in this Act, no decree or order shall be passed by any Court for the: sale of the right of a privileged tenant in his holding or in any portion thereof shall any such right be sold in execution of any decree or order except a decree for an arrear of rent which has accrued in respect of the holding.

*Comments and Case-law*

[Privileged tenant u/s. (2) (j) means a privileged person, who holds homestead land under another person, and is or but for a special contract would be liable to pay rent to that person and a privileged person as contemplated by the Act is one who is not a proprietor tenure-holder, under tenure-holder or a mahajan. Where any of these two ingredients are missing the judgement-debtor claimant would not be entitled to the benefit of Sec. 16. *Kumar Choudhary Vs Jiut Kandou*, 1963 BLJR 168.

The first prohibition is a direction to the Court not to pass a decree or order for sale of a particular right of a particular class of people and this prohibition has got to be given effect to by the Court if the provisions are in force on the date, when such a decree or order is going to be passed. There is no question of applying the prohibitory provisions with retrospective effect. It was held, that the right of the mortgagee to get such a decree on the basis of his mortgage is expressly curtailed to this effect. *Shrimati Ram Peyari Devi Vs. Most. Parekha Kuer*, 1963 BLJR 40.

In *Smt. Ram Peyari Devi Vs. Most Parekha Kuer*, 1963 BLJR 40, it has been held that the right of the privileged tenant in homestead land cannot be sold in execution of decree based on mortgage executed before coming into force of this Act on a plea that the party was not a privileged tenant on the date of suit and as such bar of Section 16 was not available.]

17. Stay of execution of decree—If an application for the sale of privileged tenant's right in his holding is made in execution of a decree against such a privileged tenant in respect of the rent of such holding, the Court executing the decree shall allow the privileged tenant reasonable time in which to pay the amount due, and if an application is made to the Collector under sub-section (1) of Section 13 before the execution of the decree, the Collector shall inform the Court that such an

application has been made, and the decree shall not be executed until the Collector has disposed of the application.

<sup>36</sup>[17 (A). Privileged tenant having permanent tenancy in his homestead to hold it under the State Government—(1) Subject to the other provisions contained in this Act, a privileged tenant having permanent tenancy in homestead under Section 4 shall hold the homestead under the State Government and the amount of rent payable to the landlord by the privileged tenant in respect of the homestead shall be payable by the privileged tenant to the State Government.

(2) The homestead which a privileged tenant holds under the State Government under sub-section (1) shall, for the purpose of payment of compensation to the landlord under whom he held it, be deemed to have been acquired by the State Government under this Act.

(3) The amount of compensation payable to the landlord by the State Government under sub-section (2) shall be ten times of the rent payable to the landlord by the privileged tenant in respect of the homestead which shall be paid to the landlord by the State Government in cash in one installment.

Provided that where there is no contract or no valid contract between the landlord and his privileged tenant as to the rent payable for the homestead or where the rent contracted is, in the opinion of the Collector unfair or inequitable, the Collector shall settle fair and equitable rent of the homestead after making such enquiry as he may deem fit and after taking into consideration the importance of the area where such a homestead is situated and the rent, if any, prevailing in that area for other similar homesteads, before the amount of compensation payable to the landlord by the State Government is assessed.

<sup>37</sup>(4) The rent settled by the Collector under the proviso to sub-section (3) shall always be in cash and take effect from such date as the Collector may fix.

(5) The rent which was payable to the State Government by the privileged tenant under sub-section (1) or the rent settled by the Collector under the proviso to sub-section (3) shall be the rent fixed in perpetuity.

(6) The Collector on his own motion, or on any information received by him that the rent fixed by the Circle Officer is not proper, may review the orders passed by the Circle Officer regarding the fixation of such rent and may pass such orders redetermining the rent, as he deems fit.

<sup>38</sup>18. Orders under this Act to be final—The orders passed under this Act shall be final. Subject to the provisions of Section 21, all orders passed by the Collector in any proceeding under this Act shall be final, and no suit shall lie in any Civil Court to vary or set aside any such order except on the ground of fraud or want of jurisdiction.

#### *Comments and Case-law*

[Section 18 read with Rule 3 of the Board's Miscellaneous Rules—Deputy Commissioner, has no jurisdiction either to review or to revise the order passed by a Circle Officer while exercising the powers of a Collector. *Ganga Ram Bhagat Vs. Deputy Commissioner*, 1977 PLJR 246.

Sections 18 and 19—cancellation of *parcha* of petitioner without notice at the instance of respondent—not valid. *Rajendra Prasad Choudhary Vs. State of Bihar*, 1985 PLJR 163.

Section 18 r/w Section 34 of the Specific Relief Act, 1963—Plaintiff claiming possession of the suit land and denying allegations of the defendant regarding his forcible ouster—plaintiff simply seeking relief that the *parcha* issued in the name of the defendant was fraudulent and inoperative—if a declaratory suit involves any consequential relief, the plaintiff must seek this consequential relief, otherwise the suit would be barred—the declaration that the *parcha* was fraudulent and issued without jurisdiction by the State authority amounted to its cancellation—neither the *parcha* was filed before the lower court nor was it proved by any documentary/oral evidence that the *parcha* was ever issued

after proper enquiry regarding possession of the suit house by the defendant—appellate court justified in its opinion that suit not barred. *Ramswaroop Tanti Vs. Sadanand*, 2001(3)PLJR 713.

The order passed by the Collector under the Act under Section 6 is final and as laid down under Section 18, not subject to appeal. Any order passed in respect of that proceeding by the Additional Collector in purported exercise of power as Appellate Authority will be without jurisdiction and void. *Adarsha Rajkiya Madhya Vidyalaya Vs. State of Bihar*, 1992 (2) PLJR 242.]

19. Provisions to have effect notwithstanding any other law—The provisions of this Act shall have effect notwithstanding anything contained in any other law or anything having the force of law; and anything in any such law or anything having the force of law which is inconsistent with any of the provisions of this Act, shall, to the extent of inconsistency, be deemed to have been repealed.

20. Power of the State Government to make rules—(1) The State Government may make rules not inconsistent with this Act for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules with respect to the following matters—

- (a) the form of applications under sub-section (1) of Section 5, sub-Section (1) of Section 6, first proviso to sub-section (1) of Section 8, sub-section (1) of Section 13 and sub-section (1) of section 15, and the particulars to be contained in such applications; .
- (b) the procedure to be followed in dealing with applications referred to in clause (a) and in inquiries about matters arising out of such applications.

*Comments and Case-law*

[Being piece of delegated legislation is valid. *Hamdard Dawakhana vs. Union of India*, AIR 1960 SC 554.]

<sup>39</sup>[21. Power of the Collector of the District to call for and examine records—Notwithstanding anything to the contrary contained in any judgement, decree or order of any Court or authority; the Collector of the district may on his own motion or on the application of any party, or on reference being made by any subordinate authority, call for and examine record of any case decided or proceeding taken by the Collector under the Act for satisfying himself as to the regularity of the proceeding or to the correctness, legality or propriety of an order passed by the Collector under the Act in the case or proceeding, and may after, allowing the parties concerned the opportunity of being heard, direct that the case or the proceeding be reopened and disposed of afresh in accordance with the provisions of this Act.

22. Power of the State Government to give directions—The State Government may, from time to time, give to the Collector of the district such directions of general or special nature as the State Government may deem fit.

*Comments and Case-law*

[The Board of Revenue is vested with powers of superintendence over all Revenue Courts. This power is invocable as to both judicial and administrative functions of subordinate Revenue Courts. *Surendra Pal Singh Vs. Board to Revenue*, AIR 1994 SC 1439.)

Source: *Bihar Privileged Persons Homestead Tenancy Manual*, Eastern Book Agency, 305, Budha Plaza, Budh Marg, Patna, 2006.

**Circular issued by the Government of Bihar**  
**Letter No. 5LR-232/ 71— 5805—R, dated 16-8-1971**

**Subject—Providing a minimum area of 2 decimals of homestead to privileged persons.**

I am directed to refer to this Department letter no. 6561 -LR, dated the 24th July, 1970 in which it was clarified that the provisions of the Bihar Privileged Persons Homestead Tenancy Act, 1947 did not apply to either Gairmazrua *Khas* or Gairmazrua *Aam* lands. It was explained that where a privileged person had his homestead on Gairmazrua *Khas* land, his possession should be recognised and normal settlement made by the competent authority. In case of Gairmazrua *Aam* land, if such land has lost its *Aam* character and it is not used for community purposes, it had been explained that proposals for settlement of land with the privileged persons should be forwarded to Government.

2. In this Department letter no. 6780-LR, dated the 29th July 1970, attention was drawn to the definition of “Homestead” given in clause (d) of Section 2 of the B.P.P.H.T. Act, 1947. The direction given in that letter was that in all cases where *Sahan* and *Bari* have been left out, these should be re-opened suo moto by the *Anchal Adhikari*, on application, and that steps should be taken for recording *San* and *Sahan*, in addition to the house and to distribute revised *parchas* to the privileged tenants.

3. Government regret to say that neither proposals for settlement of Gairmazrua *Khas* land for homestead purposes with privileged persons who do not belong to Scheduled Castes, Scheduled Tribes and the Backward Classes (Annexure I) nor for settling Gairmazrua *Aam* land with privileged persons have been received for their orders. Though action has been taken by s to record *Bari* and *Sahan* yet the progress made in this direction is also inadequate.

4. Government are of the view that no privileged persons should have a homestead which is less in area than 2 decimals. Where the area at present shown on the *parcha* given to the privileged tenant is less than 2 decimals, Government desire that the following steps should be taken—

- (a) Inclusion of the areas of *Bari* and *Sahan* in the *parcha* where such area had been left out;
- (b) If Gairmazrua *Khas* land is available immediately adjacent to the homestead, settlement of requisite additional area with the privileged tenant. In case of Scheduled Castes, Scheduled Tribes, Backward Classes (Annexure I) and other entitled categories, such settlement will be made by the competent authority. In the case of others proposals will have to be forwarded with necessary details to Government for sanctioning the settlement.
- (c) Where Gairmazrua *Aam* land is available immediately adjacent to the homestead for which the *parcha* had already been given, settlement of requisite additional area with the privileged tenant.

It is, however, emphasised that such settlement will be made only if the land has lost its *Aam* character and is no more used for community purposes and that proposals for settlement will have to be sent to Government for approval;

- (d) Where neither Gairmazrua *Khas* nor Gairmazrua *Aam* land is available immediately adjacent to the homestead of the privileged tenant, action will be necessary to acquire the additional area. It may, however, be emphasised that the minimum area to be settled or acquired under (b), (c) or (d) above will be one decimal. Similarly action under (b), (c) or (d) will be taken if even after action under (a), the privileged tenants still continues to have an area of less than 2 decimals for his homestead.

5. In order to enable the *Anchal Adhikaris* to ascertain the cases in which action under the previous paragraph will be necessary, they will have to scrutinise all the records relating to the distribution of *parchas* to privileged tenants in their office and sort out those cases in which the area shown in the *parcha* is less than 2 decimals. Thereafter local inspection will have to be made and action under (a) of the previous paragraph should be completed. Details of proposals for action under (b), (c) or (d) of the previous paragraph will then be submitted to the Additional Collectors through the Subdivisional Officers.

6. Action may be initiated immediately for the scrutiny of the records to ascertain the cases where the homesteads at present recorded have an area less than 2 decimals. The services of the Halka *Karamcharis* could be utilised for this purpose. It is anticipated that the average number of privileged tenants in a Halka will be around hundred and hence it should be possible for the *Karamcharis* to scrutinise the records and pick out the names of the privileged tenants with homesteads less than 2 decimals in area, within two days. *Anchal Adhikaris* should chalk out a programme for field inquiries by the *Karamcharis* taking into account the number of villages to be visited by the *Karamcharis* in their Halkas.

Circle Inspectors should frame four programmes, to synchronise with those of the Halka *Karamcharis* and should collect from them particulars of cases where *Bari* or *Sahan* has not been recorded. These should be verified by the circle inspectors who should cover every halka under their charge in a cycle of 7 to 10 days and bring all these cases to the headquarters, where the *Anchal Adhikaris* will record orders for inclusion of the area of *Bari* or *Sahan* in the *parchas* already issued to the homestead tenants.

7. Where settlement of either Gairmazrua *Khas* or Gairmazrua *Aam* land has to be made, the procedure for inquiry and further action will be as communicated by the Revenue Department in their circulars issued on the subject from time to time Cases requiring Government sanction should not, however, be sent piecemeal but should be forwarded to the Revenue Department so as to cover, in one proposal, all the privileged tenants in an *Anchal*.

8. Cases where acquisition of land is necessary will have to be personally inquired into by the *Anchal Adhikaris* who may get necessary maps prepared for acquisition, with the help of the *Anchal Amin*. Proposals for land acquisition will have to be sent to this Department with an estimate regarding the likely cost of acquisition. The proposals should not involve the acquisition of land of the categories, the acquisition of which is not permitted normally by the Government.

9. Copies of this letter are being forwarded to Subdivisional Officers, *Anchal Adhikaris*, etc. The receipt of this letter may kindly be acknowledged and a copy of the instructions issued by you on this subject to your subordinate officers may also kindly be sent to Government for information. [‘Letter No. 5LR-232/ 71— 5805—R, dated 16-8-1971]

Source: *Bihar Privileged Persons Homestead Tenancy Manual*, Eastern Book Agency, 305, Budha Plaza, Budh Marg, Patna, 2006

**List of Scheduled Castes identified as Mahadalits by the Department of Personnel & Administrative Reforms, Government of Bihar vide Notification No. 3267 dated 03.06.2008.**

1. Bantar
2. Bauri
3. Bhogta
4. Bhuiyan or Bhumjjj
5. Chaupal
6. Dhobi
7. Dom or Dhangar
8. Ghasi
9. Halalkhor
10. Hari, Mehtar or Bhangi
11. Kanjar
12. Kurjar
13. Lalbegi
14. Dabgar,
15. Musahar
16. Nat
17. Pan or Sawasi
18. Pasi
19. Rajwar
20. Turi.

Source: Ashokvardhan, Dr. C., 2009, House-site scheme for Mahadalit Families in Bihar, paper presented at a National Seminar on *Shelterlessness and Homestead Right* organized by Council for Social Development, New Delhi, November 5-6, 2009.



**Circular issued by the Government of Bihar  
Letter No. 11- LRD- 6/99- 749- R dated 20.9.1999**

**Subject: Distribution of Land for Homestead Purposes**

As per instructions, your attention is being attracted to the above subject. Previously, the privileged Persons Homestead Tenancy Act had the provision of giving “*Parcha*” of homestead land to the persons or families settled on the Rayyati land, so that the homestead could have a home of their own. Power is vested in the S.D.O. for settling persons and families of suitable background on government land (gair majrua land) for building homes free of cost. The S.D.O. can settle 12.5 decimal land maximum to each person/family.

(2) The government feels now that most of the village poor and persons of suitable families are still without homes and are homeless. The Condition of the homeless worries the government. Government firmly believes that if the land reform programmes are implemented by subordinate officers with proper dedication and within a stipulated time than the task of providing poor and suitable persons, homes can progress with unimaginable speed.

(3) Therefore government in the public interest has taken the following decision for providing homestead facilities to the poor and suitable, which may be immediately implemented.

1) If in the village area, a homeless person has already erected a home then “Bihar Visheshadhikar Prashray Prapt Vaasbhumi Kashtkari Adhimiyam’s” provisions may be brought into force and immediately, the next step be taken.

2) The Gair Majrua lands in the village (including Gair Majrua *Aam*) may immediately be identified and at least four decimals of land be distributed in favour of all homeless families. If the nature of the Gair Majruah land has changed, then a settlement proposal may properly be forwarded to the government through “Pramandaliya Ayukt.”

3) If the Gair Majrua land available does not suffice for all the suitable and homeless families, then kindly get a survey done by the subordinate officer to ascertain how many homeless families live in the village. For their homestead purposes, at least 4 decimals of Rayyati land may be proposed to be acquired and the expected cost of such an acquisition may be sent with a formal proposal, so that funds may be arranged, land may be acquired and the poor and suitable families may be provided with homestead land.

4) Please give the top priority. The government may be made aware of the action takne in the shape of a complete proposal at your earliest.

Source: *Bihar Ke Bhumiheenon evam Begharon Ke Hak Ke Kanunee Mudde*, Deshkal Society, Delhi, 2006.

**District-wise Number of Villages Surveyed by the Government of Bihar for Identification of Mahadalit Families without House-sites**

Sl.No.	Name of the District	No. of Surveyed Villages	Caste-Wise Status of the Surveyed Families
1.	Patna	648	Musahar, Dhobi, Pasi, Mehtar, Nat, Dom, Halkhor
2.	Nalanda	952	Dom, Musahar, Nat, Tudi, Pasi, Dhobi, Halkhar, Rajwar, Dhadhi, Bakho
3.	Bhojpur	414	Mushar, Dom, Dhobi, Mehtar, Pasi, Rajwar, Davgar, Nat, Netaji
4.	Buxar	328	Dhobi, Dom, Mehtar, Pasi, Nat, Lathor, VanshKhor, Musahar, Bhuiyan, Davgar, Kanjar
5.	Rohtas	946	Pasi, Dhobi, Rajwar, Musahar, Nat, Dom, Bhuiyan, Mehtar, Ghasi, Dowgar
6.	Kaimur (Bhabhua)	162	Musahar, Dom, Dhobi, Pasi, Turiya, Nat
7.	Gaya	23	Bhuiyan, Davgar, Pasi, Bhokta, Dhobi, Dom, Nat, Musahar, Mehtar, Halkhor, Rajwar, Vanskor
8.	Jehanabad	88	Musahar, Dom, Pasi
9.	Arwal	208	Rajwar, Dhobi, Pasi, Musahar, Halalkhor, Dom, Naat, Mehtar
10.	Aurangabad	856	Musahar, Bhuiyan, Dom, Mehtar, Nat, Rajwar, Bhokta, Halalkhor, Davgar, Pasi, Dhobi
11.	Nawada	496	Musahar, Rajwar, Pasi, Bhuiyan, Halkhor, Dhobi, Turi, Dom, Bhokta, Nut, Devgar
12.	Muzaffarpur	90	Musahar, Pasi, Dom, Mehtar, Dhobi, Nat, Halkhor, Kanjar, Dhanuki
13.	Sitamarhi	146	Dom, Musahar, Mehtar, Dhobi, Pasi, Halkhor, Dhamsar, Kanjar
14.	Vaishali	46	Bantar, Bhokta, Bhuiyan, Dom, Mangar, Halkhor, Hadi, Mehtar, Bhangi, Kureri, Musahar, Nat, Pan-Swasi, Juni, Dhabi, Pasi
15.	East Champaran	393	Dhobi, Musahar, Dom, Mehtar, Dhagar, Pasi, Nat, Halkhor, Bardo
16.	West Champaran	66	Musahar, Dhobi, Mestar, Dhangar, Mehtar, Pasi
17.	Shiuhar	38	Dhobi, Pasi Mushar, Dom, Halkhor, Mehtar, Bhuiyan
18.	Saran	23	Dom, Musahar, Nat, Pasi, Mehtar, Kanjar, Halkhor

19.	Siwan	63	Nat, Dom, Dhobi, Halkhor, Mehtar, Pasi, Musahar.
20.	Gopalganj	88	Musahar, Dom, Pasi, Halkhor, Mehtar
21.	Bhagalpur	285	Musahar, Dom, Pasi, Dhobi, Mehtar, Dhangar. Hari, Turi, Kejar, Nat, Rajwar
22.	Banka	499	Dom, Mehtar, Musahar, Dhobi, Pasi, Nat, Mahauli, Bhuiyan
23.	Monghyr	259	Musahar, Dom, Dhobi, Pasi, Nat, Turi, Mehtar
24.	Begusarai	84	Musahar, Dom, Dhobi, Pasi, Nat, Mehtar, Rajwar, Dom
25.	Khagadia	209	Musahar, Dhobi, Pasi, Nat, Mehtar, Rajwar, Dom
26.	Lakhisarai	253	Musahar, Dom, Dhobi, Pasi, Mehtar, Nat, Turi
27.	Sheikhpura	240	Musahar, Pasi, Dhobi, Dom, Nat, Halkhor
28.	Jamui	123	Musahar, Mehtar, Dhobi, Turi, Pasi, Dom, Banskhor
29.	Darbhanga	100	Musahar, Dom, Karori, Pasi
30.	Madhubani	366	Musahar, Dom, Dhobi, Pasi, Nat, Bator, Halakhor, Mehtar, Karouri.
31.	Samastipur	497	Musahar, Dom, Mehtar, Bhangi, Halkhor, Tureri, Nat, Turi, Batar, Dhobi, Pasi
32.	Saharsa	210	Dom, Mehtar, Dhobi, Pasi, Musahar, Handi
33.	Madhepura	240	Musahar, Dom, Dhobi, Mehtar, Pasi, Sardar
34.	Supaul	556	Musahar, Dom, Mehtar, Bantar, Sardar, Rishi Deo. Pasi, Dhobi
35.	Purnea	215	Dharkar, Rajwar, Musahar, Nat, Hadi, Dom, Chaupal, Dhaugar, Dhobi, Turi, Pasi
36.	Kishenganj	40	Hari, Dom, Musahar, Dhobi
37.	Katihar	319	Dom, Dhobi, Pasi, Musahar, Hari, Tori, Bhuiyan, Chaupal
38.	Araria	607	Musahar, Dhobi, Dom, Dhaskar, Hari, Mehtar, Nat, Pasi
Total : 11176			

Source: Ashokvardhan, Dr. C., 2009, House-site scheme for Mahadalit Families in Bihar, paper presented at a National Seminar on *Shelterlessness and Homestead Right* organized by Council for Social Development, New Delhi, November 5-6, 2009.

**Principles and Modalities of Land Purchase Formulated by the Government of Bihar for  
Allotment of House-sites to Mahadalit Families**

**Objectives**

1. The beneficiary or group of beneficiaries would select land as per their choice, convenience, interest and requirements and the willingness and consent of both the vendor and the vendee will be ensured.
2. Land transfer from the vendor to the vendee will be expedited.
3. Cluster formation and cluster development will be facilitated in case 30 and more Mahadalit families combine and identify such land bloc for purchase.
4. Delivery of possession to the vendee will be rather smooth in case the sale-purchase are done by mutual consent.

Legally speaking as per Rule 2 (2) of the Bihar *Khas Mahal Manual* 1953, estates may be acquired by the Government by purchase or by contract.

**Principles Underlying Land Purchase**

1. The minimum estimated market value of the land as determined by the Registration Department will be the base value to which its 50% will be added, to arrive at the Market Value of the land concerned.
2. The funds will be placed at the disposal of the District Collector who will keep it in his Personal Deposit Account. After the completion of all land purchase preliminary work, he will take requisitions from Circle Officer (Anchal Adhikari) and sub-allot the required amount to the Circle Officer (Anchal Adhikari) by cheque.
3. The amount so sub-allotted will be kept by the Anchal Adhikari in his Account in a Nationalised Bank or Gramin Bank.
4. The Circle Officer (Anchal Adhikari) will make available the Market Value of the land to the vendors by Bank Cheques.
5. The following expenses shall be borne on the funds made available to the Department of Revenue and Land Reforms-
  - (i) Payment of market value determined as above.
  - (ii) Payment of sale deed writers' fees as determined from time to time by the Registration Department;
  - (iii) Payment of *Amin's* charges deployed by the Anchal Adhikari.
  - (iv) Payment of Land Lord's fees as per the Bihar Tenancy Act.
6. Exemptions may be made in the payment of stamp duties etc. as per the relevant provisions in the Bihar Stamp Rules, 1954 and service charge payable to district SCORE under computerised Registration System.

7. The average land size per Mahadalit family will be 3 decimals.
8. The land must fall in a rural area.
9. Standard sale deed will be evolved for this purpose involving the Circle Officer on behalf of the Government, the vendor and the vendee.
10. The beneficiary must be living in the Mauza (or adjacent Mauza) where the land concerned is located.
11. Cent per cent of the land purchased under this scheme will be settled with women in the Mahadalit families concerned. It may be settled with a male member only when there is no female member in the family.
12. The land purchased will be inalienable but heritable.
13. The land purchased will be used only for residential purposes.
14. The Circle Officer will maintain records/informations/accounts in this regard in his office.

### **Circle Officer as Facilitator**

The Anchal Adhikari (Circle Officer) will act as a facilitator in the identification of land for the Mahadalit families in the following manner:

1. The Circle Officer will facilitate the identification of 3 decimals of land for the beneficiary.
2. The Circle Officer will intimate the surveyed beneficiaries that they would be getting *raiya* land @ 3 decimals of land for residential purposes per family at Government's expense and the value of the land will be 150% of the stamp rate prescribed in the Registration office. Hence they will be advised to contact prospective sellers, finalize the sellers and the land and also advise them to furnish land and sellers' details to a special cell constituted for this purpose in the Anchal Office.
3. The Circle Officer will also facilitate the purchase of land in a cluster bloc so that common facilities could be created therein. After a cluster is finalised, the cluster details will be furnished to the concerned Government Departments so that common facilities could be brought on the ground.
4. In land purchase, the *raiya* lands identified earlier in the village survey will be kept in mind. If the beneficiary or the landowner are not agreeable on the same, alternative land as agreed upon by the beneficiary and vendor will be purchased.
5. On getting a petition from the beneficiary the Circle Officer will verify the right and title of the vendor from the revenue records maintained in his office as also the fact of the vendor's possession over the land. After due verification, all transactions will be registered in the campus of the sub-registration/registration office in a camp. The intimation regarding the camp will be communicated by the Circle Officer to all concerned including registration office and banks concerned.
6. The Circle Officer will issue a certificate indicating the revenue records in the light of which the vendor's right to sell has been established. There will be a possession column as well indicating the vendor's possession, if found. The Circle Officer will also state that the certificate is being

issued under the Mahadalit Development Scheme. The certificate will be issued without prejudice.

7. The Circle Officer, Circle Inspector and Halka *Karmachari* will remain present with necessary documents in the aforementioned camp organised for sale and purchase.
8. The Circle Officer will locally engage and deploy *Amins* for the measurement, demarcation of boundary and preparation of sketch map of the land (which will be annexed to the sale deed). Every *Amin* will get an honorarium of Rs. 200/- per plot.
9. The Circle Officer will obtain an affidavit from the vendor concerned to the effect that the latter has a right to sell and that the land concerned is encumbrance free.
10. The Circle Officer will also obtain a non-encumbrance certificate from the registration office.
11. On the day the registration camp is organised, the ward members of the Panchayat and Panches of the Gram Pachayat concerned will remain present to identify the vendor and the vendee. If none is present, any other resident of the village will do the identification. The fact of identification will be entered in the concerning records.
12. The Circle Officer will make over the market value of the land as determined a prescribed manner through a post-dated cheque to the vendor in the camp itself and in the interregnum, mutation and delivery of possession will be effected.

### **Monitoring, Supervision and Evaluation**

Since the land purchase policy will be implemented on a vast scale, it will be essential to put a mechanism in place for effective monitoring, supervision and concurrent and post-work evaluation. Committees will be formed for this purpose and necessary instructions will be issued in this regard. The Committees will be set up at the following levels-

#### **Responsibility to form the Committee and Chairperson**

1	Division	Divisional Commissioner
2	District	District Collector Sub-
3	Sub-division	divisional Officer

The Committees as above, will also examine problems and bottlenecks, if any, at the grass-root level, and endeavour to remove the same.

In addition, reputed and registered NGOs will be engaged in social audit, concurrent evaluation and facilitation in the processes of land purchase. The District Collectors will receive representations from the NGOs and select and engage them.

Source: Ashokvardhan, Dr. C., 2009, House-site scheme for Mahadalit Families in Bihar, paper presented at a National Seminar on *Shelterlessness and Homestead Right* organized by Council for Social Development, New Delhi, November 5-6, 2009.

**Socio-Economic Profile of Households which have been allotted homestead land under the Scheme of Purchased Homestead plots for Mahadalits**

**Table 1: Average Size of Households**

District	Block	Total number of members in the household			
		1 to 2	3 to 4	5 to 6	More than 6
Gaya	Paraiya	20	32	32	16
	Mohra	14	42	18	26
	Total	17	37	25	21
Nawada	Nawada	16	32	26	26
	Rajauli	18	24	36	22
	Total	17	28	31	24
Aurangabad	Rafiganj	20	30	34	16
	Haspura	6	40	38	16
	Total	13	35	36	16
Madhubani	Rajnagar	10	30	46	14
	Ladania	16	38	40	6
	Total	13	34	43	10
Sheohar	Tariyani	14	30	38	18
	DumariKatsari	20	42	22	16
	Total	17	36	30	17
Sitamarhi	Dumra	8	62	20	10
	Bajpatti	4	26	48	22
	Total	6	44	34	16
Araria	Raniganj	2	28	46	24
	Kursahat	20	28	40	12
	Total	11	28	43	18
Supaul	Pipara	18	30	32	20
	Raghopur	18	36	32	14
	Total	18	33	32	17
Purnia	K. Nagar	8	40	34	18
	Sri Nagar	20	22	46	12
	Total	14	31	40	15
Total		14	34	34.89	17.11

**Table 2: Marital Status of Households Heads**

District	Block	Marital status of household heads		
		Married	Unmarried	Divorced/Widowed
		Per cent	Per cent	Per cent
Gaya	Paraiya	92.00	0.00	8.00
	Mohra	94.00	0.00	6.00
	Total	93.00	0.00	7.00
Nawada	Nawada	88.00	0.00	12.00
	Rajauli	88.00	2.00	10.00
	Total	88.00	1.00	11.00
Aurangabad	Rafiganj	76.00	2.00	22.00
	Haspura	96.00	0.00	4.00
	Total	86.00	1.00	13.00

Madhubani	Rajnagar	98.00	2.00	0.00
	Ladania	94.00	2.00	4.00
	Total	96.00	2.00	2.00
Sheohar	Tariyani	92.00	0.00	8.00
	DumariKatsari	90.00	0.00	10.00
	Total	91.00	0.00	9.00
Sitamarhi	Dumra	100.00	0.00	0.00
	Bajpatti	96.00	0.00	4.00
	Total	98.00	0.00	2.00
Araria	Raniganj	94.00	0.00	6.00
	Kursahat	78.00	0.00	22.00
	Total	86.00	0.00	14.00
Supaul	Pipara	94.00	0.00	6.00
	Raghopur	92.00	0.00	8.00
	Total	93.00	0.00	7.00
Purnia	K. Nagar	84.00	0.00	16.00
	Sri Nagar	88.00	0.00	12.00
	Total	86.00	0.00	14.00
Total		90.78	0.44	8.78

**Table 3: Educational Profile of Household Heads**

District	Block	Illiterate	Up to Primary	Up to Higher secondary	Graduate and above
Gaya	Paraiya	92	8	0	0
	Mohra	90	8	2	0
	Total	91	8	1	0
Nawada	Nawada	90	8	2	0
	Rajauli	94	6	0	0
	Total	92	7	1	0
Aurangabad	Rafiganj	86	10	4	0
	Haspura	70	24	4	2
	Total	78	17	4	1
Madhubani	Rajnagar	88	10	2	0
	Ladania	72	18	10	0
	Total	80	14	6	0
Sheohar	Tariyani	78	8	14	0
	DumariKatsari	86	10	2	2
	Total	82	9	8	1
Sitamarhi	Dumra	90	10	0	0
	Bajpatti	94	2	4	0
	Total	92	6	2	0
Araria	Raniganj	94	4	2	0
	Kursahat	92	8	0	0
	Total	93	6	1	0
Supaul	Pipara	88	12	0	0
	Raghopur	100	0	0	0
	Total	94	6	0	0
Purnia	K. Nagar	98	2	0	0
	Sri Nagar	98	2	0	0
	Total	98	2	0	0
Total		88.89	8.33	2.56	0.22



**Table 4: Distribution of households according to type of house**

District	Block	Pucca	Kuchcha	Semi-pucca	Jhopari
Gaya	Paraiya	2	48	0	50
	Mohra	0	72	12	16
	Total	1	60	6	33
Nawada	Nawada	6	62	26	6
	Rajauli	26	70	2	2
	Total	16	66	14	4
Aurangabad	Rafiganj	6	56	0	38
	Haspura	8	66	14	12
	Total	7	61	7	25
Madhubani	Rajnagar	4	14	28	54
	Ladania	12	24	32	32
	Total	8	19	30	43
Sheohar	Tariyani	30	36	20	14
	DumariKatsari	12	40	18	30
	Total	21	38	19	22
Sitamarhi	Dumra	16	14	0	70
	Bajpatti	54	10	32	4
	Total	35	12	16	37
Araria	Raniganj	4	62	2	32
	Kursahat	4	92	2	2
	Total	4	77	2	17
Supaul	Pipara	4	34	26	36
	Raghapur	28	28	38	6
	Total	16	31	32	21
Purnia	K. Nagar	2	36	4	58
	Sri Nagar	0	2	0	98
	Total	1	19	2	78
Total		12.11	42.56	14.22	31.11

**Table 5: Main occupation of household heads**

District	Block	Main occupation of household heads					Others
		Cultivator	Agricultural labour	Non-agricultural labour	Service	Skilled labour	
Gaya	Paraiya	0	86	4	0	6	4
	Mohra	0	58	38	2	0	2
	Total	0	72	21	1	3	3
Nawada	Nawada	0	2	70	4	0	24
	Rajauli	0	22	38	0	36	4
	Total	0	12	54	2	18	14
Aurangabad	Rafiganj	0	34	58	2	0	6
	Haspura	0	68	28	0	0	4
	Total	0	51	43	1	0	5
Madhubani	Rajnagar	6	80	10	0	0	4
	Ladania	0	72	28	0	0	0
	Total	3	76	19	0	0	2
Sheohar	Tariyani	0	62	24	0	2	12

	DumariKatsari	0	52	40	4	0	4
	Total	0	57	32	2	1	8
Sitamarhi	Dumra	0	62	36	0	0	2
	Bajpatti	0	82	14	0	0	4
	Total	0	72	25	0	0	3
Araria	Raniganj	0	66	30	0	0	4
	Kursahat	0	72	18	0	0	10
	Total	0	69	24	0	0	7
Supaul	Pipara	0	16	76	0	0	8
	Raghopur	0	30	68	0	0	2
	Total	0	23	72	0	0	5
Purnia	K. Nagar	0	14	70	0	0	16
	Sri Nagar	10	74	14	0	0	2
	Total	5	44	42	0	0	9
Total		0.89	52.89	36.89	0.67	2.44	6.22

**Table 5a: Type of ration card availed by the households**

District	Block	Type of Ration Card			No Ration Card
		BPL Card	APL Card	Antyodaya Card	
Gaya	Paraiya	44	4	38	14
	Mohra	58	0	24	18
	Total	51	2	31	16
Nawada	Nawada	62	4	24	10
	Rajauli	56	0	24	20
	Total	59	2	24	15
Aurangabad	Rafiganj	54	20	18	8
	Haspura	68	14	14	4
	Total	61	17	16	6
Madhubani	Rajnagar	36	0	64	0
	Ladania	92	2	4	2
	Total	64	1	34	1
Sheohar	Tariyani	64	0	28	8
	DumariKatsari	54	0	24	22
	Total	59	0	26	15
Sitamarhi	Dumra	60	0	10	30
	Bajpatti	94	0	2	4
	Total	77	0	6	17
Araria	Raniganj	58	2	20	20
	Kursahat	38	0	44	18
	Total	48	1	32	19
Supaul	Pipara	52	0	16	32
	Raghopur	58	0	30	12
	Total	55	0	23	22
Purnia	K. Nagar	40	6	12	42
	Sri Nagar	32	2	4	62
	Total	36	4	8	52
Total		56.67	3	22.22	18.11

**Table 6: Livestock Ownership**

District	Block	Owning livestock	Not owning livestock
Gaya	Paraiya	62	38
	Mohra	32	68
	Total	47	53
Nawada	Nawada	36	64
	Rajauli	24	76
	Total	30	70
Aurangabad	Rafiganj	46	54
	Haspura	36	64
	Total	41	59
Madhubani	Rajnagar	30	70
	Ladania	42	58
	Total	36	64
Sheohar	Tariyani	20	80
	DumariKatsari	16	84
	Total	18	82
Sitamarhi	Dumra	8	92
	Bajpatti	32	68
	Total	20	80
Araria	Raniganj	30	70
	Kursahat	38	62
	Total	34	66
Supaul	Pipara	20	80
	Raghapur	20	80
	Total	20	80
Purnia	K. Nagar	32	68
	Sri Nagar	12	88
	Total	22	78
Total		29.78	70.22

## Socio-Economic Profile of Households which need to be regularised homestead plot

Table 1: Average size of household

District	Block	Total number of members in the household			
		1 to 2	3 to 4	5 to 6	More than 6
Gaya	Paraiya	30	44	16	10
	Mohra	14	24	32	30
	Total	22	34	24	20
Nawada	Nawada	14	30	44	12
	Rajauli	2	30	40	28
	Total	8	30	42	20
Aurangabad	Rafiganj	16	34	20	30
	Haspura	18	44	24	14
	Total	17	39	22	22
Madhubani	Rajnagar	14	30	40	16
	Ladania	16	30	40	14
	Total	15	30	40	15
Sheohar	Tariyani	16	30	36	18
	DumariKatsari	20	38	32	10
	Total	18	34	34	14
Sitamarhi	Dumra	20	30	34	16
	Bajpatti	18	28	46	8
	Total	19	29	40	12
Araria	Raniganj	12	54	22	12
	Kursahat	24	42	24	10
	Total	18	48	23	11
Supaul	Pipara	22	30	30	18
	Raghapur	26	24	32	18
	Total	24	27	31	18
Purnia	K. Nagar	22	24	44	10
	Sri Nagar	16	22	44	18
	Total	19	23	44	14
Total		17.78	32.67	33.33	16.22

Table 2: Distribution of households by marital status of household heads

District	Block	Marital status of household heads		
		Married	Unmarried	Separated/ Divorced/ Widowed
Gaya	Paraiya	76	0	24
	Mohra	88	0	12
	Total	82	0	18
Nawada	Nawada	90	0	10
	Rajauli	80	0	20

	Total	85	0	15
Aurangabad	Rafiganj	88	2	10
	Haspura	88	0	12
	Total	88	1	11
Madhubani	Rajnagar	90	0	10
	Ladania	96	0	4
	Total	93	0	7
Sheohar	Tariyani	92	2	6
	DumariKatsari	92	0	8
	Total	92	1	7
Sitamarhi	Dumra	84	10	6
	Bajpatti	92	0	8
	Total	88	5	7
Araria	Raniganj	92	0	8
	Kursahat	92	2	6
	Total	92	1	7
Supaul	Pipara	90	0	10
	Raghopur	94	0	6
	Total	92	0	8
Purnia	K. Nagar	94	0	6
	Sri Nagar	88	0	12
	Total	91	0	9
Total		89.22	0.89	9.89

**Table 3: Educational status of household heads**

District	Block	Educational status of household heads		
		Illiterate	Up to Primary	Up to Higher secondary and above
Gaya	Paraiya	92	4	4
	Mohra	82	8	10
	Total	87	6	7
Nawada	Nawada	76	24	0
	Rajauli	88	4	8
	Total	82	14	4
Aurangabad	Rafiganj	52	32	16
	Haspura	70	22	8
	Total	61	27	12
Madhubani	Rajnagar	70	30	0
	Ladania	88	8	4
	Total	79	19	2
Sheohar	Tariyani	88	12	0
	DumariKatsari	86	10	4
	Total	87	11	2
Sitamarhi	Dumra	88	8	4
	Bajpatti	82	16	2
	Total	85	12	3
Araria	Raniganj	98	2	0
	Kursahat	84	14	2

	Total	91	8	1
Supaul	Pipara	92	6	2
	Raghopur	90	10	0
	Total	91	8	1
Purnia	K. Nagar	94	6	0
	Sri Nagar	84	12	4
	Total	89	9	2
Total		83.55	12.67	3.77

**Table 4: Distribution of households according to type of house**

District	Block	Type of House			
		Pucca	Kuchcha	Semi-pucca	Jhopari
Gaya	Paraiya	4	34	12	50
	Mohra	0	16	10	74
	Total	2	25	11	62
Nawada	Nawada	10	52	18	20
	Rajauli	10	68	16	6
	Total	10	60	17	13
Aurangabad	Rafiganj	2	70	6	22
	Haspura	4	48	32	16
	Total	3	59	19	19
Madhubani	Rajnagar	6	68	6	20
	Ladania	10	50	16	24
	Total	8	59	11	22
Sheohar	Tariyani	24	26	48	2
	DumariKatsari	4	34	42	20
	Total	14	30	45	11
Sitamarhi	Dumra	22	24	26	28
	Bajpatti	34	46	18	2
	Total	28	35	22	15
Araria	Raniganj	6	80	4	10
	Kursahat	0	60	28	12
	Total	3	70	16	11
Supaul	Pipara	16	60	12	12
	Raghopur	12	40	30	18
	Total	14	50	21	15
Purnia	K. Nagar	4	58	28	10
	Sri Nagar	2	54	20	24
	Total	3	56	24	17
Total		9.44	49.33	20.67	20.56

**Table 5: Main Occupation of Household heads**

District	Block	Main occupation of household heads				
		Cultivator	Agricultural labour	Non- agricultural labour	Service	Others

Gaya	Paraiya	0	44	20	14	22
	Mohra	4	68	12	4	12
	Total	2	56	16	9	17
Nawada	Nawada	0	8	72	8	12
	Rajauli	0	66	28	2	4
	Total	0	37	50	5	8
Aurangabad	Rafiganj	0	16	68	6	10
	Haspura	0	46	50	0	4
	Total	0	31	59	3	7
Madhubani	Rajnagar	0	88	8	0	4
	Ladania	2	74	20	0	4
	Total	1	81	14	0	4
Sheohar	Tariyani	0	86	10	2	2
	DumariKatsari	0	66	34	0	0
	Total	0	76	22	1	1
Sitamarhi	Dumra	2	58	34	0	6
	Bajpatti	0	80	20	0	0
	Total	1	69	27	0	3
Araria	Raniganj	0	80	20	0	0
	Kursahat	0	66	24	2	8
	Total	0	73	22	1	4
Supaul	Pipara	2	42	46	0	10
	Raghopur	0	30	70	0	0
	Total	1	36	58	0	5
Purnia	K. Nagar	0	86	14	0	0
	Sri Nagar	2	52	44	0	2
	Total	1	69	29	0	1
Total		0.67	58.67	33	2.11	5.56

**Table 6: Type of ration card availed by the households**

District	Block	Type of Ration Card			No Ration Card
		BPL Card	APL Card	Antyodaya Card	
Gaya	Paraiya	32	0	22	46
	Mohra	62	4	20	14
	Total	47	2	21	30
Nawada	Nawada	34	8	2	56
	Rajauli	50	4	8	38
	Total	42	6	5	47
Aurangabad	Rafiganj	50	6	14	30
	Haspura	52	6	20	22
	Total	51	6	17	26
Madhubani	Rajnagar	54	0	30	16
	Ladania	76	2	14	8
	Total	65	1	22	12
Sheohar	Tariyani	70	0	26	4
	DumariKatsari	28	0	56	16
	Total	49	0	41	10
Sitamarhi	Dumra	58	0	18	24
	Bajpatti	60	0	14	26

	Total	59	0	16	25
Araria	Raniganj	50	2	18	30
	Kursahat	24	0	36	40
	Total	37	1	27	35
Supaul	Pipara	62	4	8	26
	Raghapur	44	8	10	38
	Total	53	6	9	32
Purnia	K. Nagar	50	4	10	36
	Sri Nagar	58	10	4	28
	Total	54	7	7	32
Total		50.78	3.22	18.33	27.67

**Table 7: Livestock ownership by households**

District	Block	Owning livestock	Not owning livestock
Gaya	Paraiya	44	56
	Mohra	54	46
	Total	49	51
Nawada	Nawada	14	86
	Rajauli	30	70
	Total	22	78
Aurangabad	Rafiganj	54	46
	Haspura	34	66
	Total	44	56
Madhubani	Rajnagar	30	70
	Ladania	28	72
	Total	29	71
Sheohar	Tariyani	12	88
	DumariKatsari	8	92
	Total	10	90
Sitamarhi	Dumra	16	84
	Bajpatti	38	62
	Total	27	73
Araria	Raniganj	16	84
	Kursahat	18	82
	Total	17	83
Supaul	Pipara	14	86
	Raghapur	22	78
	Total	18	82
Purnia	K. Nagar	18	82
	Sri Nagar	20	80
	Total	19	81
Total		26.11	73.89



### Data Tables: Access to and Ownership Rights Over Various Types of Homestead Land

**Table 1: Distribution of households by the size of homestead plot allotted by the government**

District	Block	Size of homestead plot allotted by the government			
		3 Decimals	Less than 3 Decimals	More than 3 decimals	Do not know/ can't say
Gaya	Paraiya	96	0	0	4
	Mohra	92	2	6	0
	Total	94	1	3	2
Nawada	Nawada	84	0	0	16
	Rajauli	96	0	2	2
	Total	90	0	1	9
Aurangabad	Rafiganj	92	0	0	8
	Haspura	96	0	0	4
	Total	94	0	0	6
Madhubani	Rajnagar	92	0	6	2
	Ladania	98	0	0	2
	Total	95	0	3	2
Sheohar	Tariyani	96	2	0	2
	DumariKatsari	98	0	0	2
	Total	97	1	0	2
Sitamarhi	Dumra	94	0	0	6
	Bajpatti	98	2	0	0
	Total	96	1	0	3
Araria	Raniganj	98	0	0	2
	Kursahat	98	0	2	0
	Total	98	0	1	1
Supaul	Pipara	96	0	0	4
	Raghopur	98	0	0	2
	Total	97	0	0	3
Purnia	K. Nagar	98	0	0	2
	Sri Nagar	96	0	2	2
	Total	97	0	1	2
<b>Total</b>		<b>95.33</b>	<b>0.33</b>	<b>1</b>	<b>3.33</b>

**Table 2: Distribution of households by the status of homestead plot allotted by the govt.**

District	Block	Status of homestead plot allotted by the govt.			
		Yes registration (Kevala) and No possession	No registration (Kevala) and Yes possession	Yes registration (Kevala) and Yes possession	No registration (Kevala) and No possession
Gaya	Paraiya	16	0	0	84
	Mohra	50	0	0	50
	Total	33	0	0	67
Nawada	Nawada	52	0	0	48
	Rajauli	92	6	2	0
	Total	72	3	1	24
Aurangabad	Rafiganj	28	2	70	0
	Haspura	80	0	8	12
	Total	54	1	39	6
Madhubani	Rajnagar	50	50	0	0
	Ladania	50	0	0	50
	Total	50	25	0	25
Sheohar	Tariyani	14	68	18	0
	DumariKatsari	54	0	12	34
	Total	34	34	15	17
Sitamarhi	Dumra	84	2	0	14
	Bajpatti	48	0	0	52
	Total	66	1	0	33
Araria	Raniganj	48	0	52	0
	Kursahat	0	2	98	0
	Total	24	1	75	0
Supaul	Pipara	8	0	42	50
	Raghopur	100	0	0	0
	Total	54	0	21	25
Purnia	K. Nagar	2	2	68	28
	Sri Nagar	0	0	100	0
	Total	1	1	84	14
<b>Total</b>		<b>43.11</b>	<b>7.33</b>	<b>26.11</b>	<b>23.44</b>

**Table 3: Distribution of households by year of allotment and status of the homestead plot**

Year of allotment	Yes registration (Kevala) and No possession	No registration (Kevala) and Yes possession	Yes registration (Kevala) and Yes possession	No registration (Kevala) and No possession
2010	46.51	4.57	37.9	11.02
2011	50.9	1.28	15.86	31.97
2012	9.68	35.48	21.77	33.06
No Idea	30.77	0	38.46	30.77
<b>Total</b>	<b>43.11</b>	<b>7.33</b>	<b>26.11</b>	<b>23.44</b>

**Table 4: Construction of house by the households on the allotted homestead plot**

<b>District</b>	<b>Block</b>	<b>Yes</b>	<b>No</b>
Gaya	Paraiya	0	100
	Mohra	0	100
	Total	0	100
Nawada	Nawada	0	100
	Rajauli	2	98
	Total	1	99
Aurangabad	Rafiganj	0	100
	Haspura	0	100
	Total	0	100
Madhubani	Rajnagar	4	96
	Ladania	0	100
	Total	2	98
Sheohar	Tariyani	6	94
	DumariKatsari	10	90
	Total	8	92
Sitamarhi	Dumra	2	98
	Bajpatti	2	98
	Total	2	98
Araria	Raniganj	50	50
	Kursahat	30	70
	Total	40	60
Supaul	Pipara	10	90
	Raghopur	2	98
	Total	6	94
Purnia	K. Nagar	30	70
	Sri Nagar	96	4
	Total	63	37
<b>Total</b>		<b>13.56</b>	<b>86.44</b>

**Table 5: Distribution of households by whether they have started residing on the allotted plots**

<b>District</b>	<b>Block</b>	<b>Yes</b>	<b>No</b>
Gaya	Paraiya	0	100
	Mohra	4	96
	Total	2	98
Nawada	Nawada	0	100
	Rajauli	2	98
	Total	1	99
Aurangabad	Rafiganj	0	100
	Haspura	0	100
	Total	0	100
Madhubani	Rajnagar	0	100
	Ladania	0	100
	Total	0	100
Sheohar	Tariyani	6	94
	DumariKatsari	10	90

	Total	8	92
Sitamarhi	Dumra	2	98
	Bajpatti	2	98
	Total	2	98
Araria	Raniganj	50	50
	Kursahat	30	70
	Total	40	60
Supaul	Pipara	6	94
	Raghopur	0	100
	Total	3	97
Purnia	K. Nagar	8	92
	Sri Nagar	52	48
	Total	30	70
<b>Total</b>		<b>9.56</b>	<b>90.44</b>

**Table 6: Households which have received assistance in the past for house construction/ renovation under Indira Awas Yojna (IAY)**

District	Block	Yes	No
Gaya	Paraiya	20	80
	Mohra	6	94
	Total	13	87
Nawada	Nawada	24	76
	Rajauli	4	96
	Total	14	86
Aurangabad	Rafiganj	16	84
	Haspura	28	72
	Total	22	78
Madhubani	Rajnagar	22	78
	Ladania	56	44
	Total	39	61
Sheohar	Tariyani	70	30
	DumariKatsari	72	28
	Total	71	29
Sitamarhi	Dumra	46	54
	Bajpatti	88	12
	Total	67	33
Araria	Raniganj	6	94
	Kursahat	10	90
	Total	8	92
Supaul	Pipara	46	54
	Raghopur	80	20
	Total	63	37
Purnia	K. Nagar	4	96
	Sri Nagar	2	98
	Total	3	97
<b>Total</b>		<b>33.33</b>	<b>66.67</b>

**Table 7: Number of years since when the household has been residing on its present homestead land**

Number of years since when residing on present homestead land					
District	Block	Up to 10 Years	11-30 Years	31-50 Years	51 and above
Gaya	Paraiya	10	34	38	18
	Mohra	24	18	48	10
	Total	17	26	43	14
Nawada	Nawada	26	52	18	4
	Rajauli	10	36	40	14
	Total	18	44	29	9
Aurangabad	Rafiganj	6	6	20	68
	Haspura	4	10	32	54
	Total	5	8	26	61
Madhubani	Rajnagar	2	2	4	92
	Ladania	2	2	12	84
	Total	2	2	8	88
Sheohar	Tariyani	0	0	0	100
	DumariKatsari	0	0	0	100
	Total	0	0	0	100
Sitamarhi	Dumra	0	0	0	100
	Bajpatti	4	2	20	74
	Total	2	1	10	87
Araria	Raniganj	22	6	4	68
	Kursahat	4	14	4	78
	Total	13	10	4	73
Supaul	Pipara	0	0	12	88
	Raghopur	0	2	6	92
	Total	0	1	9	90
Purnia	K. Nagar	0	8	16	76
	Sri Nagar	0	4	14	82
	Total	0	6	15	79
<b>Total</b>		<b>6.33</b>	<b>10.89</b>	<b>16</b>	<b>66.78</b>

**Table 8: Threat of eviction from the homestead land faced by households**

District	Block	Has faced threat of eviction	Has not faced any threat of eviction
Gaya	Paraiya	2	98
	Mohra	6	94
	Total	4	96
Nawada	Nawada	16	84
	Rajauli	4	96
	Total	10	90
Aurangabad	Rafiganj	2	98
	Haspura	4	96
	Total	3	97
Madhubani	Rajnagar	10	90
	Ladania	0	100
	Total	5	95
Sheohar	Tariyani	8	92
	DumariKatsari	2	98
	Total	5	95
Sitamarhi	Dumra	0	100

	Bajpatti	0	100
	Total	0	100
Araria	Raniganj	2	98
	Kursahat	0	100
	Total	1	99
Supaul	Pipara	10	90
	Raghopur	4	96
	Total	7	93
Purnia	K. Nagar	14	86
	Sri Nagar	22	78
	Total	18	82
<b>Total</b>		<b>5.88</b>	<b>94.11</b>

**Table 9: Size of the present homestead plot to be regularised**

District	Block	Size of homestead plot		
		Below 1 Decimals	1 to 3 Decimals	More than 3 Decimals
Gaya	Paraiya	84	12	4
	Mohra	58	40	2
	Total	71	26	3
Nawada	Nawada	24	68	8
	Rajauli	24	56	20
	Total	24	62	14
Aurangabad	Rafiganj	38	40	22
	Haspura	48	46	6
	Total	43	43	14
Madhubani	Rajnagar	52	48	0
	Ladania	52	46	2
	Total	52	47	1
Sheohar	Tariyani	62	32	6
	DumariKatsari	88	12	0
	Total	75	22	3
Sitamarhi	Dumra	50	46	4
	Bajpatti	36	58	6
	Total	43	52	5
Araria	Raniganj	40	56	4
	Kursahat	54	42	4
	Total	47	49	4
Supaul	Pipara	58	36	6
	Raghopur	42	54	4
	Total	50	45	5
Purnia	K. Nagar	24	60	16
	Sri Nagar	30	52	18
	Total	27	56	17
<b>Total</b>		<b>48</b>	<b>44.67</b>	<b>7.33</b>

**Table 10: Distribution of households by category of homestead land**

District	Block	Category of homestead land								
		Raiyati land	Gairmazaru Malik/Khas land	Gairmazarua Aam land	Forest department land	Railways land	PWD land	Bhoodan land	Self-purchased land	Do not know/Can't say
Gaya	Paraiya	2	18	78	0	0	0	0	0	2
	Mohra	8	14	44	4	0	10	4	0	16
	Total	5	16	61	2	0	5	2	0	9
Nawada	Nawada	0	48	0	0	50	0	0	0	2
	Rajauli	68	12	2	0	4	0	0	4	10
	Total	34	30	1	0	27	0	0	2	6
Aurangabad	Rafiganj	40	12	28	2	0	0	0	0	18
	Haspura	18	0	0	0	0	0	0	32	50
	Total	29	6	14	1	0	0	0	16	34
Madhubani	Rajnagar	28	0	8	0	0	0	0	0	64
	Ladania	22	0	26	0	0	0	0	0	52
	Total	25	0	17	0	0	0	0	0	58
Sheohar	Tariyani	98	2	0	0	0	0	0	0	0
	DumariKatsari	62	24	14	0	0	0	0	0	0
	Total	80	13	7	0	0	0	0	0	0
Sitamarhi	Dumra	70	16	0	0	0	0	0	2	12
	Bajpatti	58	14	4	0	0	0	0	4	20
	Total	64	15	2	0	0	0	0	3	16
Araria	Raniganj	48	22	14	0	0	4	0	0	12
	Kursahat	66	14	20	0	0	0	0	0	0
	Total	57	18	17	0	0	2	0	0	6
Supaul	Pipara	92	4	2	0	0	2	0	0	0
	Raghapur	72	14	14	0	0	0	0	0	0
	Total	82	9	8	0	0	1	0	0	0
Purnia	K. Nagar	28	38	30	0	0	0	0	2	2
	Sri Nagar	58	28	6	0	0	2	0	2	4
	Total	43	33	18	0	0	1	0	2	3
Total		46.56	15.56	16.11	0.33	3	1	0.22	2.56	14.67

**Table 11a: Distribution of households by status of legal entitlement (parcha/parwana) of homestead land**

District	Block	Has legal entitlement	Does not have legal entitlement	Do not know/Can't say
Gaya	Paraiya	6	88	6
	Mohra	58	26	16
	Total	32	57	11
Nawada	Nawada	0	64	36
	Rajauli	38	54	8
	Total	19	59	22
Aurangabad	Rafiganj	24	72	4
	Haspura	80	18	2
	Total	52	45	3
Madhubani	Rajnagar	32	64	4
	Ladania	22	48	30

	Total	27	56	17
Sheohar	Tariyani	18	82	0
	DumariKatsari	0	100	0
	Total	9	91	0
Sitamarhi	Dumra	28	72	0
	Bajpatti	44	56	0
	Total	36	64	0
Araria	Raniganj	28	70	2
	Kursahat	28	72	0
	Total	28	71	1
Supaul	Pipara	24	72	4
	Raghopur	26	70	4
	Total	25	71	4
Purnia	K. Nagar	12	86	2
	Sri Nagar	26	66	8
	Total	19	76	5
<b>Total</b>		<b>27.44</b>	<b>65.56</b>	<b>7</b>

**Table 11b: Distribution of households by category of homestead land and legal entitlement of homestead land**

District	Category of homestead land	Has legal entitlement	Does not have legal entitlement	Do not know/ Can't say
Gaya	Raiyati land	60	40	0
	Gairmazarua Malik/ Khas land	37.5	62.5	0
	Gairmazarua Aam land	24.59	62.3	13.11
	Forest department land	50	50	0
	PWD land	20	60	20
	Bhoodan land	50	50	0
	Do not know/Can't say	55.56	22.22	22.22
	Total	32	57	11
Nawada	Raiyati land	38.24	58.82	2.94
	Gairmazarua Malik/ Khas land	3.33	90	6.67
	Gairmazarua Aam land	0	0	100
	Forest department land	0	37.04	62.96
	PWD land	100	0	0
	Bhoodan land	50	33.33	16.67
	Do not know/Can't say	19	59	22
Aurangabad	Total	0	100	0
	Gairmazarua Malik/ Khas land	0	100	0
	Gairmazarua Aam land	42.86	57.14	0
	Forest department land	0	100	0
	Self purchased land	100	0	0
	Do not know/Can't say	88.24	2.94	8.82
	Total	52	45	3
Madhubani	Raiyati land	16	68	16
	Gairmazarua Aam land	0	41.18	58.82
	Do not know/Can't say	39.66	55.17	5.17
	Total	27	56	17
Sheohar	Raiyati land	11.25	88.75	0



	Gairmazarua Malik/ Khas land	0	100	0
	Gairmazarua Aam land	0	100	0
	Total	9	91	0
Sitamarhi	Raiyati land	23.44	76.56	0
	Gairmazarua Malik/ Khas land	46.67	53.33	0
	Gairmazarua Aam land	0	100	0
	Self purchased land	100	0	0
	Do not know/Can't say	68.75	31.25	0
	Total	36	64	0
Araria	Raiyati land	40.35	57.89	1.75
	Gairmazarua Malik/ Khas land	5.56	94.44	0
	Gairmazarua Aam land	5.88	94.12	0
	PWD land	0	100	0
	Do not know/Can't say	50	50	0
	Total	28	71	1
Supaul	Raiyati land	30.49	64.63	4.88
	Gairmazarua Malik/ Khas land	0	100	0
	Gairmazarua Aam land	0	100	0
	PWD land	0	100	0
	Total	25	71	4
Purnia	Raiyati land	34.88	60.47	4.65
	Gairmazarua Malik/ Khas land	6.06	90.91	3.03
	Gairmazarua Aam land	0	100	0
	PWD land	0	100	0
	Self purchased land	100	0	0
	Do not know/Can't say	0	33.33	66.67
	Total	19	76	5
Total	Raiyati land	25.54	71.6	2.86
	Gairmazarua Malik/ Khas land	12.14	85.71	2.14
	Gairmazarua Aam land	15.17	71.72	13.1
	Forest department land	33.33	66.67	0
	Railways land	0	37.04	62.96
	PWD land	11.11	77.78	11.11
	Bhoodan land	50	50	0
	Self purchased land	100	0	0
	Do not know/Can't say	56.82	34.85	8.33
	Total	27.44	65.56	7

**Table 11c: Claims made for legal entitlement of homestead land by households that do not have parcha/parwana**

District	Has made claim for legal entitlement	Has not made claim for legal entitlement
Gaya	0	100
Nawada	20.34	79.66
Aurangabad	0	100
Madhubani	1.79	98.21
Sheohar	5.49	94.51
Sitamarhi	6.25	93.75
Araria	5.63	94.37
Supaul	4.23	95.77

Purnia	13.16	86.84
Total	6.61	93.39

**Table 11 d: The official levels at which claims for legal entitlement of homestead land are pending**

District	Official level at which claim is pending			
	Karmachari	Circle Inspector	Circle Officer	Do not know/Can't say
Nawada	16.67	16.67	58.33	8.33
Madhubani	100	0	0	0
Sheohar	60	40	0	0
Sitamarhi	50	0	50	0
Araria	50	25	25	0
Supaul	33.33	33.33	33.33	0
Purnia	30	70	0	0
Total	35.9	33.33	28.21	2.56

**Table 12: Assistance received for house construction/ renovation under Indira Awas Yojna**

District	Block	Received assistance for house construction/ renovation	Has not received assistance for house construction/ renovation
Gaya	Paraiya	16	84
	Mohra	10	90
	Total	13	87
Nawada	Nawada	16	84
	Rajauli	0	100
	Total	8	92
Aurangabad	Rafiganj	0	100
	Haspura	0	100
	Total	0	100
Madhubani	Rajnagar	0	100
	Ladania	0	100
	Total	0	100
Sheohar	Tariyani	0	100
	DumariKatsari	0	100
	Total	0	100
Sitamarhi	Dumra	0	100
	Bajpatti	0	100
	Total	0	100
Araria	Raniganj	0	100
	Kursahat	0	100
	Total	0	100
Supaul	Pipara	0	100
	Raghopur	0	100
	Total	0	100
Purnia	K. Nagar	2	98

	Sri Nagar	36	64
	Total	19	81
Total		4.44	95.56

**Table 13: Threat of eviction from the homestead land faced by households**

District	Block	Has faced threat of eviction	Has not faced any threat of eviction
Gaya	Paraiya	2	98
	Mohra	6	94
	Total	4	96
Nawada	Nawada	16	84
	Rajauli	4	96
	Total	10	90
Aurangabad	Rafiganj	2	98
	Haspura	4	96
	Total	3	97
Madhubani	Rajnagar	10	90
	Ladania	0	100
	Total	5	95
Sheohar	Tariyani	8	92
	DumariKatsari	2	98
	Total	5	95
Sitamarhi	Dumra	0	100
	Bajpatti	0	100
	Total	0	100
Araria	Raniganj	2	98
	Kursahat	0	100
	Total	1	99
Supaul	Pipara	10	90
	Raghopur	4	96
	Total	7	93
Purnia	K. Nagar	14	86
	Sri Nagar	22	78
	Total	18	82
Total		5.88	94.11

**Table 13b: Threat of eviction from homestead land faced by households by category of homestead land**

District	Category of homestead land	Has faced threat of eviction	Has not faced threat of eviction
Gaya	Raiyati land	0	100
	Gairmazarua Malik/ Khas land	0	100
	Gairmazarua Aam land	6.56	93.44
	Forest department land	0	100
	PWD land	0	100

	Bhoodan land	0	100
	Do not know/Can't say	0	100
	Total	4	96
Nawada	Raiyati land	0	100
	Gairmazarua Malik/ Khas land	3.33	96.67
	Gairmazarua Aam land	0	100
	Railways land	33.33	66.67
	Self purchased land	0	100
	Do not know/Can't say	0	100
	Total	10	90
Aurangabad	Raiyati land	10.34	89.66
	Gairmazarua Malik/ Khas land	0	100
	Gairmazarua Aam land	0	100
	Forest department land	0	100
	Self purchased land	0	100
	Do not know/Can't say	0	100
	Total	3	97
Madhubani	Raiyati land	16	84
	Gairmazarua Aam land	5.88	94.12
	Do not know/Can't say	0	100
	Total	5	95
Sheohar	Raiyati land	6.25	93.75
	Gairmazarua Malik/ Khas land	0	100
	Gairmazarua Aam land	0	100
	Total	5	95
Sitamarhi	Raiyati land	0	100
	Gairmazarua Malik/ Khas land	0	100
	Gairmazarua Aam land	0	100
	Self purchased land	0	100
	Do not know/Can't say	0	100
	Total	0	100
Araria	Raiyati land	0	100
	Gairmazarua Malik/ Khas land	5.56	94.44
	Gairmazarua Aam land	0	100
	PWD land	0	100
	Do not know/Can't say	0	100
	Total	1	99
Supaul	Raiyati land	7.32	92.68
	Gairmazarua Malik/ Khas land	11.11	88.89
	Gairmazarua Aam land	0	100
	PWD land	0	100
	Total	7	93
Purnia	Raiyati land	16.28	83.72
	Gairmazarua Malik/ Khas land	24.24	75.76
	Gairmazarua Aam land	0	100
	PWD land	0	100
	Self purchased land	0	100
	Do not know/Can't say	100	0
	Total	18	82
Total	Raiyati land	5.97	94.03
	Gairmazarua Malik/ Khas land	7.86	92.14
	Gairmazarua Aam land	3.45	96.55
	Forest department land	0	100

	Railways land	33.33	66.67
	PWD land	0	100
	Bhoodan land	0	100
	Self purchased land	0	100
	Do not know/Can't say	2.27	97.73
	Total	5.89	94.11

**Additional Data Tables****A. Data Tables for households which have been allotted homestead land under the Scheme of purchased land for Mahadalits****Table 1: Distribution of households by number of rooms in the house**

District	Block	Number of rooms in the house		
		One Room	Two Rooms	Three and above rooms
Gaya	Paraiya	52.00	28.00	20.00
	Mohra	18.00	62.00	20.00
	Total	35.00	45.00	20.00
Nawada	Nawada	44.00	38.00	18.00
	Rajauli	64.00	28.00	8.00
	Total	54.00	33.00	13.00
Aurangabad	Rafiganj	52.00	28.00	20.00
	Haspura	60.00	28.00	12.00
	Total	56.00	28.00	16.00
Madhubani	Rajnagar	76.00	22.00	2.00
	Ladania	82.00	16.00	2.00
	Total	79.00	19.00	2.00
Sheohar	Tariyani	80.00	20.00	0.00
	DumariKatsari	94.00	6.00	0.00
	Total	87.00	13.00	0.00
Sitamarhi	Dumra	96.00	4.00	0.00
	Bajpatti	96.00	4.00	0.00
	Total	96.00	4.00	0.00
Araria	Raniganj	80.00	16.00	4.00
	Kursahat	90.00	4.00	6.00
	Total	85.00	10.00	5.00

Supaul	Pipara	94.00	6.00	0.00
	Raghopur	98.00	2.00	0.00
	Total	96.00	4.00	0.00
Purnia	K. Nagar	80.00	20.00	0.00
	Sri Nagar	84.00	16.00	0.00
	Total	82.00	18.00	0.00
Total		74.44	19.33	6.22

**Table 2: Distribution of households by number of married couple**

District	Block	Number of married couple in the household			
		Single	One couple	2 to 3 couples	4 and above couples
Gaya	Paraiya	4.00	92.00	4.00	0.00
	Mohra	2.00	86.00	12.00	0.00
	Total	3.00	89.00	8.00	0.00
Nawada	Nawada	4.00	84.00	12.00	0.00
	Rajauli	6.00	82.00	12.00	0.00
	Total	5.00	83.00	12.00	0.00
Aurangabad	Rafiganj	6.00	78.00	14.00	2.00
	Haspura	0.00	90.00	10.00	0.00
	Total	3.00	84.00	12.00	1.00
Madhubani	Rajnagar	2.00	76.00	20.00	2.00
	Ladania	0.00	92.00	8.00	0.00
	Total	1.00	84.00	14.00	1.00
Sheohar	Tariyani	2.00	94.00	4.00	0.00
	DumariKatsari	6.00	90.00	2.00	2.00
	Total	4.00	92.00	3.00	1.00
Sitamarhi	Dumra	0.00	98.00	2.00	0.00
	Bajpatti	0.00	88.00	12.00	0.00
	Total	0.00	93.00	7.00	0.00
Araria	Raniganj	0.00	90.00	10.00	0.00

	Kursahat	6.00	86.00	6.00	2.00
	Total	3.00	88.00	8.00	1.00
Supaul	Pipara	4.00	88.00	8.00	0.00
	Raghopur	8.00	92.00	0.00	0.00
	Total	6.00	90.00	4.00	0.00
Purnia	K. Nagar	8.00	76.00	14.00	2.00
	Sri Nagar	2.00	90.00	8.00	0.00
	Total	5.00	83.00	11.00	1.00
Total		3.33	87.33	8.78	0.56

**Table 3: Distribution of households by number of rooms in the house and total number of household members**

District	Total number of household members	Number of rooms in the house		
		One room	Two rooms	Three and above rooms
		Per cent	Per cent	Per cent
Gaya	1 to 2	47.06	41.18	11.76
	3 to 4	37.84	48.65	13.51
	5 to 6	32.00	44.00	24.00
	More than 6	23.81	42.86	33.33
	Total	35.00	45.00	20.00
Nawada	1 to 2	52.94	41.18	5.88
	3 to 4	57.14	32.14	10.71
	5 to 6	67.74	22.58	9.68
	More than 6	33.33	41.67	25.00
	Total	54.00	33.00	13.00
Aurangabad	1 to 2	61.54	30.77	7.69
	3 to 4	57.14	31.43	11.43
	5 to 6	50.00	33.33	16.67
	More than 6	62.50	6.25	31.25
	Total	56.00	28.00	16.00
Madhubani	1 to 2	92.31	7.69	0.00
	3 to 4	82.35	14.71	2.94



	5 to 6	79.07	20.93	0.00
	More than 6	50.00	40.00	10.00
	Total	79.00	19.00	2.00
Sheohar	1 to 2	88.24	11.76	0.00
	3 to 4	97.22	2.78	0.00
	5 to 6	86.67	13.33	0.00
	More than 6	64.71	35.29	0.00
	Total	87.00	13.00	0.00
Sitamarhi	1 to 2	100.00	0.00	0.00
	3 to 4	95.45	4.55	0.00
	5 to 6	97.06	2.94	0.00
	More than 6	93.75	6.25	0.00
	Total	96.00	4.00	0.00
Araria	1 to 2	90.91	0.00	9.09
	3 to 4	89.29	3.57	7.14
	5 to 6	86.05	11.63	2.33
	More than 6	72.22	22.22	5.56
	Total	85.00	10.00	5.00
Supaul	1 to 2	88.89	11.11	0.00
	3 to 4	93.94	6.06	0.00
	5 to 6	100.00	0.00	0.00
	More than 6	100.00	0.00	0.00
	Total	96.00	4.00	0.00
Purnia	1 to 2	85.71	14.29	0.00
	3 to 4	96.77	3.23	0.00
	5 to 6	77.50	22.50	0.00
	More than 6	60.00	40.00	0.00
	Total	82.00	18.00	0.00
Total	1 to 2	76.19	19.84	3.97
	3 to 4	78.76	16.34	4.90
	5 to 6	76.43	18.47	5.10
	More than 6	60.39	26.62	12.99
	Total	74.44	19.33	6.22

**Table 4: Distribution of households by number of rooms in the house and number of married couple**

District	Numbers of married couple	No. of Rooms		
		One Room	Two Rooms	Three and above Rooms
Gaya	Single	66.67	33.33	0
	One Couple	37.08	43.82	19.1
	2 to 3 Couple	0	62.5	37.5
	Total	35	45	20
Nawada	Single	60	20	20
	One Couple	60.24	32.53	7.23
	2 to 3 Couple	8.33	41.67	50
	Total	54	33	13
Aurangabad	Single	66.67	33.33	0
	One Couple	57.14	28.57	14.29
	2 to 3 Couple	50	25	25
	4 to 5 Couple	0	0	100
	Total	56	28	16
Madhubani	Single	100	0	0
	One Couple	82.14	16.67	1.19
	2 to 3 Couple	64.29	35.71	0
	4 to 5 Couple	0	0	100
	Total	79	19	2
Sheohar	Single	100	0	0
	One Couple	90.22	9.78	0
	2 to 3 Couple	0	100	0
	4 to 5 Couple	0	100	0
	Total	87	13	0
Sitamarhi	One Couple	95.7	4.3	0
	2 to 3 Couple	100	0	0
	Total	96	4	0
Araria	Single	66.67	0	33.33
	One Couple	87.5	9.09	3.41
	2 to 3 Couple	75	25	0
	4 to 5 Couple	0	0	100

	Total	85	10	5
Supaul	Single	100	0	0
	One Couple	95.56	4.44	0
	2 to 3 Couple	100	0	0
	Total	96	4	0
Purnia	Single	100	0	0
	One Couple	83.13	16.87	0
	2 to 3 Couple	63.64	36.36	0
	4 to 5 Couple	100	0	0
	Total	82	18	0
Total	Single	83.33	10	6.67
	One Couple	76.84	18.19	4.96
	2 to 3 Couple	50.63	34.18	15.19
	4 to 5 Couple	20	20	60
	Total	74.44	19.33	6.22

**Table 5: Ownership of poultry**

District	Block	Ownership of Poultry		
		Yes	No	Not Applicable
Gaya	Paraiya	22	40	38
	Mohra	20	12	68
	Total	21	26	53
Nawada	Nawada	16	20	64
	Rajauli	10	14	76
	Total	13	17	70
Aurangabad	Rafiganj	12	34	54
	Haspura	2	34	64
	Total	7	34	59
Madhubani	Rajnagar	2	28	70
	Ladania	2	40	58

	Total	2	34	64
Sheohar	Tariyani	6	14	80
	DumariKatsari	2	14	84
	Total	4	14	82
Sitamarhi	Dumra	0	8	92
	Bajpatti	2	30	68
	Total	1	19	80
Araria	Raniganj	2	28	70
	Kursahat	4	34	62
	Total	3	31	66
Supaul	Pipara	2	18	80
	Raghopur	2	18	80
	Total	2	18	80
Purnia	K. Nagar	2	30	68
	Sri Nagar	2	10	88
	Total	2	20	78
Total		6.11	23.67	70.22

**Table 6: Ownership of goats**

District	Block	Ownership of goats		
		Yes	No	Not Applicable
Gaya	Paraiya	30	32	38
	Mohra	10	22	68
	Total	20	27	53
Nawada	Nawada	24	12	64
	Rajauli	0	24	76
	Total	12	18	70
Aurangabad	Rafiganj	10	36	54
	Haspura	10	26	64
	Total	10	31	59
Madhubani	Rajnagar	8	22	70
	Ladania	2	40	58
	Total	5	31	64

Sheohar	Tariyani	8	12	80
	DumariKatsari	12	4	84
	Total	10	8	82
Sitamarhi	Dumra	6	2	92
	Bajpatti	22	10	68
	Total	14	6	80
Araria	Raniganj	12	18	70
	Kursahat	0	38	62
	Total	6	28	66
Supaul	Pipara	8	12	80
	Raghopur	8	12	80
	Total	8	12	80
Purnia	K. Nagar	0	32	68
	Sri Nagar	2	10	88
	Total	1	21	78
Total		9.56	20.22	70.22

**Table 7: Ownership of pigs**

District	Block	Ownership of pigs		Not Applicable
		Yes	No	
Gaya	Paraiya	10	52	38
	Mohra	6	26	68
	Total	8	39	53
Nawada	Nawada	0	36	64
	Rajauli	0	24	76
	Total	0	30	70
Aurangabad	Rafiganj	12	34	54
	Haspura	0	36	64
	Total	6	35	59
Madhubani	Rajnagar	0	30	70
	Ladania	0	42	58
	Total	0	36	64
Sheohar	Tariyani	0	20	80

	DumariKatsari	0	16	84
	Total	0	18	82
Sitamarhi	Dumra	0	8	92
	Bajpatti	0	32	68
	Total	0	20	80
Araria	Raniganj	0	30	70
	Kursahat	2	36	62
	Total	1	33	66
Supaul	Pipara	8	12	80
	Raghopur	0	20	80
	Total	4	16	80
Purnia	K. Nagar	0	32	68
	Sri Nagar	0	12	88
	Total	0	22	78
Total		2.11	27.67	70.22

**Table 8: Ownership of Milch cattle**

District	Block	Ownership of milch cattle		
		Yes	No	Not Applicable
Gaya	Paraiya	32	30	38
	Mohra	6	26	68
	Total	19	28	53
Nawada	Nawada	12	24	64
	Rajauli	6	18	76
	Total	9	21	70
Aurangabad	Rafiganj	34	12	54
	Haspura	20	16	64
	Total	27	14	59
Madhubani	Rajnagar	14	16	70
	Ladania	28	14	58
	Total	21	15	64

Sheohar	Tariyani	10	10	80
	DumariKatsari	8	8	84
	Total	9	9	82
Sitamarhi	Dumra	2	6	92
	Bajpatti	8	24	68
	Total	5	15	80
Araria	Raniganj	18	12	70
	Kursahat	30	8	62
	Total	24	10	66
Supaul	Pipara	2	18	80
	Raghopur	12	8	80
	Total	7	13	80
Purnia	K. Nagar	26	6	68
	Sri Nagar	8	4	88
	Total	17	5	78
Total		15.33	14.44	70.22

**Table 9: Ownership of non-milch cattle**

District	Block	Ownership of non-milch cattle		
		Yes	No	Not Applicable
Gaya	Paraiya	18	44	38
	Mohra	8	24	68
	Total	13	34	53
Nawada	Nawada	6	30	64
	Rajauli	8	16	76
	Total	7	23	70
Aurangabad	Rafiganj	6	40	54
	Haspura	6	30	64
	Total	6	35	59
Madhubani	Rajnagar	18	12	70
	Ladania	10	32	58
	Total	14	22	64
Sheohar	Tariyani	0	20	80

	DumariKatsari	0	16	84
	Total	0	18	82
Sitamarhi	Dumra	0	8	92
	Bajpatti	4	28	68
	Total	2	18	80
Araria	Raniganj	10	20	70
	Kursahat	4	34	62
	Total	7	27	66
Supaul	Pipara	2	18	80
	Raghopur	2	18	80
	Total	2	18	80
Purnia	K. Nagar	6	26	68
	Sri Nagar	0	12	88
	Total	3	19	78
Total		6	23.78	70.22

## B. Data Collection and Tables for households whose homestead plot needs to be regularised

**Table 1: Distribution of households by number of rooms in the house**

District	Block	Number of rooms in the house					
		One Room		Two Room		Three and above	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	27	54.00	14	28.00	9	18.00
	Mohra	8	16.00	28	56.00	14	28.00
	Total	35	35.00	42	42.00	23	23.00
Nawada	Nawada	31	62.00	15	30.00	4	8.00
	Rajauli	13	26.00	16	32.00	21	42.00
	Total	44	44.00	31	31.00	25	25.00
Aurangabad	Rafiganj	25	50.00	13	26.00	12	24.00
	Haspura	32	64.00	9	18.00	9	18.00



	Total	57	57.00	22	22.00	21	21.00
Madhubani	Rajnagar	41	82.00	8	16.00	1	2.00
	Ladania	41	82.00	8	16.00	1	2.00
	Total	82	82.00	16	16.00	2	2.00
Sheohar	Tariyani	36	72.00	12	24.00	2	4.00
	DumariKatsari	45	90.00	5	10.00	0	0.00
	Total	81	81.00	17	17.00	2	2.00
Sitamarhi	Dumra	46	92.00	4	8.00	0	0.00
	Bajpatti	46	92.00	3	6.00	1	2.00
	Total	92	92.00	7	7.00	1	1.00
Araria	Raniganj	45	90.00	5	10.00	0	0.00
	Kursahat	44	88.00	6	12.00		0.00
	Total	89	89.00	11	11.00	0	0.00
Supaul	Pipara	35	70.00	10	20.00	5	10.00
	Raghopur	39	78.00	10	20.00	1	2.00
	Total	74	74.00	20	20.00	6	6.00
Purnia	K. Nagar	36	72.00	14	28.00	0	0.00
	Sri Nagar	33	66.00	11	22.00	6	12.00
	Total	69	69.00	25	25.00	6	6.00
Total		623	69.22	191	21.22	86	9.56

**Table 2: Distribution of households by number of married couple**

District	Block	Number of married couple in the household					
		Single		One Couple		2 to 3 Couple	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	6	12.00	42	84.00	2	4.00
	Mohra	2	4.00	38	76.00	10	20.00
	Total	8	8.00	80	80.00	12	12.00
Nawada	Nawada	5	10.00	41	82.00	4	8.00
	Rajauli	1	2.00	39	78.00	10	20.00
	Total	6	6.00	80	80.00	14	14.00

Aurangabad	Rafiganj	3	6.00	40	80.00	7	14.00
	Haspura	4	8.00	46	92.00	0	0.00
	Total	7	7.00	86	86.00	7	7.00
Madhubani	Rajnagar	4	8.00	46	92.00	0	0.00
	Ladania	2	4.00	43	86.00	5	10.00
	Total	6	6.00	89	89.00	5	5.00
Sheohar	Tariyani	2	4.00	46	92.00	2	4.00
	DumariKatsari	3	6.00	45	90.00	2	4.00
	Total	5	5.00	91	91.00	4	4.00
Sitamarhi	Dumra	7	14.00	43	86.00	0	0.00
	Bajpatti	2	4.00	47	94.00	1	2.00
	Total	9	9.00	90	90.00	1	1.00
Araria	Raniganj	3	6.00	45	90.00	2	4.00
	Kursahat	4	8.00	45	90.00	1	2.00
	Total	7	7.00	90	90.00	3	3.00
Supaul	Pipara	4	8.00	43	86.00	3	6.00
	Raghapur	3	6.00	46	92.00	1	2.00
	Total	7	7.00	89	89.00	4	4.00
Purnia	K. Nagar	3	6.00	45	90.00	2	4.00
	Sri Nagar	5	10.00	41	82.00	4	8.00
	Total	8	8.00	86	86.00	6	6.00
Total		63	7.00	781	86.78	56	6.22

**Table 3: Distribution of households by number of rooms in the house and total number of household members**

District	Total number of household members	Number of rooms in the house					
		One Room		Two Rooms		Three and above Rooms	
		No.	Percent	No.	Percent	No.	Percent
Gaya	1 to 2	17	77.27	2	9.09	3	13.64
	3 to 4	11	32.35	16	47.06	7	20.59

	5 to 6	5	20.83	13	54.17	6	25.00
	More than 6	2	10.00	11	55.00	7	35.00
	Total	35	35.00	42	42.00	23	23.00
Nawada	1 to 2	6	75.00	2	25.00	0	0.00
	3 to 4	19	63.33	7	23.33	4	13.33
	5 to 6	14	33.33	16	38.10	12	28.57
	More than 6	5	25.00	6	30.00	9	45.00
	Total	44	44.00	31	31.00	25	25.00
	Aurangabad	1 to 2	12	70.59	2	11.76	3
3 to 4		23	58.97	8	20.51	8	20.51
5 to 6		15	68.18	2	9.09	5	22.73
More than 6		7	31.82	10	45.45	5	22.73
Total		57	57.00	22	22.00	21	21.00
Madhubani	1 to 2	13	86.67	2	13.33	0	0.00
	3 to 4	27	90.00	3	10.00	0	0.00
	5 to 6	29	72.50	9	22.50	2	5.00
	More than 6	13	86.67	2	13.33	0	0.00
	Total	82	82.00	16	16.00	2	2.00
Sheohar	1 to 2	17	94.44	1	5.56	0	0.00
	3 to 4	27	79.41	7	20.59	0	0.00
	5 to 6	25	73.53	8	23.53	1	2.94
	More than 6	12	85.71	1	7.14	1	7.14
	Total	81	81.00	17	17.00	2	2.00
Sitamarhi	1 to 2	18	94.74	1	5.26	0	0.00
	3 to 4	25	86.21	4	13.79	0	0.00
	5 to 6	39	97.50	0	0.00	1	2.50
	More than 6	10	83.33	2	16.67	0	0.00
	Total	92	92.00	7	7.00	1	1.00
Araria	1 to 2	16	88.89	2	11.11	0	0.00
	3 to 4	46	95.83	2	4.17	0	0.00

	5 to 6	18	78.26	5	21.74	0	0.00
	More than 6	9	81.82	2	18.18	0	0.00
	Total	89	89.00	11	11.00	0	0.00
Supaul	1 to 2	21	87.50	3	12.50	0	0.00
	3 to 4	22	81.48	4	14.81	1	3.70
	5 to 6	24	77.42	6	19.35	1	3.23
	More than 6	7	38.89	7	38.89	4	22.22
	Total	74	74.00	20	20.00	6	6.00
Purnia	1 to 2	16	84.21	3	15.79	0	0.00
	3 to 4	19	82.61	3	13.04	1	4.35
	5 to 6	29	65.91	14	31.82	1	2.27
	More than 6	5	35.71	5	35.71	4	28.57
	Total	69	69.00	25	25.00	6	6.00
Total	1 to 2	136	85.00	18	11.25	6	3.75
	3 to 4	219	74.49	54	18.37	21	7.14
	5 to 6	198	66.00	73	24.33	29	9.67
	More than 6	70	47.95	46	31.51	30	20.55
	Total	623	69.22	191	21.22	86	9.56

**Table 4: Distribution of households by number of rooms in the house and number of married couple**

District	Numbers of married couple	No. of Rooms					
		One Room		Two Rooms		Three and above Rooms	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Single	7	87.50	0	0.00	1	12.50
	One Couple	27	33.75	37	46.25	16	20.00
	2 to 3 Couple	1	8.33	5	41.67	6	50.00
	Total	35	35.00	42	42.00	23	23.00
Nawada	Single	5	83.33	1	16.67	0	0.00

	One Couple	38	47.50	24	30.00	18	22.50
	2 to 3 Couple	1	7.14	6	42.86	7	50.00
	Total	44	44.00	31	31.00	25	25.00
Aurangabad	Single	6	85.71	0	0.00	1	14.29
	One Couple	50	58.14	20	23.26	16	18.60
	2 to 3 Couple	1	14.29	2	28.57	4	57.14
	Total	57	57.00	22	22.00	21	21.00
Madhubani	Single	6	100.00	0	0.00	0	0.00
	One Couple	72	80.90	15	16.85	2	2.25
	2 to 3 Couple	4	80.00	1	20.00	0	0.00
	Total	82	82.00	16	16.00	2	2.00
Sheohar	Single	5	100.00	0	0.00	0	0.00
	One Couple	72	79.12	17	18.68	2	2.20
	2 to 3 Couple	4	100.00	0	0.00	0	0.00
	Total	81	81.00	17	17.00	2	2.00
Sitamarhi	Single	8	88.89	1	11.11	0	0.00
	One Couple	84	93.33	5	5.56	1	1.11
	2 to 3 Couple	0	0.00	1	100.00	0	0.00
	Total	92	92.00	7	7.00	1	1.00
Araria	Single	6	85.71	1	14.29	0	0.00
	One Couple	82	91.11	8	8.89	0	0.00
	2 to 3 Couple	1	33.33	2	66.67	0	0.00
	Total	89	89.00	11	11.00	0	0.00
Supaul	Single	6	85.71	1	14.29	0	0.00
	One Couple	66	74.16	18	20.22	5	5.62
	2 to 3 Couple	2	50.00	1	25.00	1	25.00
	Total	74	74.00	20	20.00	6	6.00
Purnia	Single	5	62.50	3	37.50	0	0.00
	One Couple	62	72.09	19	22.09	5	5.81
	2 to 3 Couple	2	33.33	3	50.00	1	16.67

	Total	69	69.00	25	25.00	6	6.00
Total	Single	54	85.71	7	11.11	2	3.17
	One Couple	553	70.81	163	20.87	65	8.32
	2 to 3 Couple	16	28.57	21	37.50	19	33.93
	Total	623	69.22	191	21.22	86	9.56

**Table 5: Ownership of poultry**

District	Block	Ownership of Poultry					
		Yes		No		Not Applicable	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	6	12.00	16	32.00	28	56.00
	Mohra	11	22.00	16	32.00	23	46.00
	Total	17	17.00	32	32.00	51	51.00
Nawada	Nawada	3	6.00	4	8.00	43	86.00
	Rajauli	3	6.00	12	24.00	35	70.00
	Total	6	6.00	16	16.00	78	78.00
Aurangabad	Rafiganj	7	14.00	20	40.00	23	46.00
	Haspura	4	8.00	13	26.00	33	66.00
	Total	11	11.00	33	33.00	56	56.00
Madhubani	Rajnagar	3	6.00	12	24.00	35	70.00
	Ladania	0	0.00	14	28.00	36	72.00
	Total	3	3.00	26	26.00	71	71.00
Sheohar	Tariyani	0	0.00	6	12.00	44	88.00
	DumariKatsari	0	0.00	4	8.00	46	92.00
	Total	0	0.00	10	10.00	90	90.00
Sitamarhi	Dumra	2	4.00	6	12.00	42	84.00
	Bajpatti	2	4.00	17	34.00	31	62.00
	Total	4	4.00	23	23.00	73	73.00

Araria	Raniganj	1	2.00	7	14.00	42	84.00
	Kursahat	0	0.00	9	18.00	41	82.00
	Total	1	1.00	16	16.00	83	83.00
Supaul	Pipara	3	6.00	4	8.00	43	86.00
	Raghopur	1	2.00	10	20.00	39	78.00
	Total	4	4.00	14	14.00	82	82.00
Purnia	K. Nagar	0	0.00	9	18.00	41	82.00
	Sri Nagar	1	2.00	9	18.00	40	80.00
	Total	1	1.00	18	18.00	81	81.00
Total		47	5.22	188	20.89	665	73.89

**Table 6: Ownership of goats**

District	Block	Ownership of goats					
		Yes		No		Not Applicable	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	13	26.00	9	18.00	28	56.00
	Mohra	8	16.00	19	38.00	23	46.00
	Total	21	21.00	28	28.00	51	51.00
Nawada	Nawada	4	8.00	3	6.00	43	86.00
	Rajauli	8	16.00	7	14.00	35	70.00
	Total	12	12.00	10	10.00	78	78.00
Aurangabad	Rafiganj	5	10.00	22	44.00	23	46.00
	Haspura	5	10.00	12	24.00	33	66.00
	Total	10	10.00	34	34.00	56	56.00
Madhubani	Rajnagar	7	14.00	8	16.00	35	70.00

	Ladania	6	12.00	8	16.00	36	72.00
	Total	13	13.00	16	16.00	71	71.00
Sheohar	Tariyani	3	6.00	3	6.00	44	88.00
	DumariKatsari	3	6.00	1	2.00	46	92.00
	Total	6	6.00	4	4.00	90	90.00
Sitamarhi	Dumra	4	8.00	4	8.00	42	84.00
	Bajpatti	7	14.00	12	24.00	31	62.00
	Total	11	11.00	16	16.00	73	73.00
Araria	Raniganj	2	4.00	6	12.00	42	84.00
	Kursahat	3	6.00	6	12.00	41	82.00
	Total	5	5.00	12	12.00	83	83.00
Supaul	Pipara	0	0.00	7	14.00	43	86.00
	Raghopur	2	4.00	9	18.00	39	78.00
	Total	2	2.00	16	16.00	82	82.00
Purnia	K. Nagar	1	2.00	8	16.00	41	82.00
	Sri Nagar	2	4.00	8	16.00	40	80.00
	Total	3	3.00	16	16.00	81	81.00
Total		83	9.22	152	16.89	665	73.89

**Table 7: Ownership of pigs**

District	Block	Ownership of pigs					
		Yes		No		Not Applicable	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	3	6.00	19	38.00	28	56.00
	Mohra	4	8.00	23	46.00	23	46.00
	Total	7	7.00	42	42.00	51	51.00
Nawada	Nawada	0	0.00	7	14.00	43	86.00
	Rajauli	0	0.00	15	30.00	35	70.00



	Total	0	0.00	22	22.00	78	78.00
Aurangabad	Rafiganj	2	4.00	25	50.00	23	46.00
	Haspura	1	2.00	16	32.00	33	66.00
	Total	3	3.00	41	41.00	56	56.00
Madhubani	Rajnagar	0	0.00	15	30.00	35	70.00
	Ladania	0	0.00	14	28.00	36	72.00
	Total	0	0.00	29	29.00	71	71.00
Sheohar	Tariyani	0	0.00	6	12.00	44	88.00
	DumariKatsari	0	0.00	4	8.00	46	92.00
	Total	0	0.00	10	10.00	90	90.00
Sitamarhi	Dumra	1	2.00	7	14.00	42	84.00
	Bajpatti	0	0.00	19	38.00	31	62.00
	Total	1	1.00	26	26.00	73	73.00
Araria	Raniganj	0	0.00	8	16.00	42	84.00
	Kursahat	2	4.00	7	14.00	41	82.00
	Total	2	2.00	15	15.00	83	83.00
Supaul	Pipara	0	0.00	7	14.00	43	86.00
	Raghopur	0	0.00	11	22.00	39	78.00
	Total	0	0.00	18	18.00	82	82.00
Purnia	K. Nagar	0	0.00	9	18.00	41	82.00
	Sri Nagar	0	0.00	10	20.00	40	80.00
	Total	0	0.00	19	19.00	81	81.00
Total		13	1.44	222	24.67	665	73.89

**Table 8: Ownership of milch cattle**

District	Block	Ownership of milch cattle					
		Yes		No		Not Applicable	
		No.	Percent	No.	Percent	No.	Percent

Gaya	Paraiya	14	28.00	8	16.00	28	56.00
	Mohra	9	18.00	18	36.00	23	46.00
	Total	23	23.00	26	26.00	51	51.00
Nawada	Nawada	0	0.00	7	14.00	43	86.00
	Rajauli	5	10.00	10	20.00	35	70.00
	Total	5	5.00	17	17.00	78	78.00
Aurangabad	Rafiganj	11	22.00	16	32.00	23	46.00
	Haspura	8	16.00	9	18.00	33	66.00
	Total	19	19.00	25	25.00	56	56.00
Madhubani	Rajnagar	6	12.00	9	18.00	35	70.00
	Ladania	13	26.00	1	2.00	36	72.00
	Total	19	19.00	10	10.00	71	71.00
Sheohar	Tariyani	3	6.00	3	6.00	44	88.00
	DumariKatsari	1	2.00	3	6.00	46	92.00
	Total	4	4.00	6	6.00	90	90.00
Sitamarhi	Dumra	1	2.00	7	14.00	42	84.00
	Bajpatti	9	18.00	10	20.00	31	62.00
	Total	10	10.00	17	17.00	73	73.00
Araria	Raniganj	4	8.00	4	8.00	42	84.00
	Kursahat	2	4.00	7	14.00	41	82.00
	Total	6	6.00	11	11.00	83	83.00
Supaul	Pipara	4	8.00	3	6.00	43	86.00
	Raghopur	8	16.00	3	6.00	39	78.00
	Total	12	12.00	6	6.00	82	82.00
Purnia	K. Nagar	8	16.00	1	2.00	41	82.00
	Sri Nagar	7	14.00	3	6.00	40	80.00
	Total	15	15.00	4	4.00	81	81.00
Total		113	12.56	122	13.56	665	73.89

**Table 9: Ownership of non-milch cattle**

District	Block	Ownership of non-milch cattle					
		Yes		No		Not Applicable	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	0	0.00	22	44.00	28	56.00
	Mohra	2	4.00	25	50.00	23	46.00
	Total	2	2.00	47	47.00	51	51.00
Nawada	Nawada	3	6.00	4	8.00	43	86.00
	Rajauli	3	6.00	12	24.00	35	70.00
	Total	6	6.00	16	16.00	78	78.00
Aurangabad	Rafiganj	11	22.00	16	32.00	23	46.00
	Haspura	3	6.00	14	28.00	33	66.00
	Total	14	14.00	30	30.00	56	56.00
Madhubani	Rajnagar	1	2.00	14	28.00	35	70.00
	Ladania	1	2.00	13	26.00	36	72.00
	Total	2	2.00	27	27.00	71	71.00
Sheohar	Tariyani	1	2.00	5	10.00	44	88.00
	DumariKatsari	0	0.00	4	8.00	46	92.00
	Total	1	1.00	9	9.00	90	90.00
Sitamarhi	Dumra	0	0.00	8	16.00	42	84.00
	Bajpatti	3	6.00	16	32.00	31	62.00
	Total	3	3.00	24	24.00	73	73.00
Araria	Raniganj	1	2.00	7	14.00	42	84.00
	Kursahat	2	4.00	7	14.00	41	82.00
	Total	3	3.00	14	14.00	83	83.00
Supaul	Pipara	1	2.00	6	12.00	43	86.00
	Raghopur	1	2.00	10	20.00	39	78.00

	Total	2	2.00	16	16.00	82	82.00
Purnia	K. Nagar	0	0.00	9	18.00	41	82.00
	Sri Nagar	2	4.00	8	16.00	40	80.00
	Total	2	2.00	17	17.00	81	81.00
Total		35	3.89	200	22.22	665	73.89

**Table 10: Awareness of laws and govt. policies on legal entitlement to homestead land at district level**

District	Fully Aware		Partially Aware		Not Aware	
	No.	Percent	No.	Percent	No.	Percent
Gaya	0	0.00	14	24.56	43	75.44
Nawada	12	20.34	15	25.42	32	54.24
Aurangabad	1	2.22	5	11.11	39	86.67
Madhubani	8	14.29	21	37.50	27	48.21
Sheohar	45	49.45	34	37.36	12	13.19
Sitamarhi	25	39.06	19	29.69	20	31.25
Araria	22	30.99	40	56.34	9	12.68
Supaul	18	25.35	33	46.48	20	28.17
Purnia	25	32.89	37	48.68	14	18.42
Total	156	26.44	218	36.95	216	36.61

**Table 11: Awareness of laws and govt. policies on legal entitlement to homestead land**

District	Block	Fully Aware		Partially Aware		Not Aware	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Paraiya	0	0.00	13	26.00	37	74.00

	Mohra	1	2.00	15	30.00	34	68.00
	Total	1	1.00	28	28.00	71	71.00
Nawada	Nawada	4	8.00	14	28.00	32	64.00
	Rajauli	17	34.00	5	10.00	28	56.00
	Total	21	21.00	19	19.00	60	60.00
Aurangabad	Rafiganj	1	2.00	8	16.00	41	82.00
	Haspura	4	8.00	10	20.00	36	72.00
	Total	5	5.00	18	18.00	77	77.00
Madhubani	Rajnagar	7	14.00	22	44.00	21	42.00
	Ladania	9	18.00	18	36.00	23	46.00
	Total	16	16.00	40	40.00	44	44.00
Sheohar	Tariyani	28	56.00	12	24.00	10	20.00
	DumariKatsari	25	50.00	23	46.00	2	4.00
	Total	53	53.00	35	35.00	12	12.00
Sitamarhi	Dumra	12	24.00	23	46.00	15	30.00
	Bajpatti	29	58.00	12	24.00	9	18.00
	Total	41	41.00	35	35.00	24	24.00
Araria	Raniganj	25	50.00	23	46.00	2	4.00
	Kursahat	21	42.00	22	44.00	7	14.00
	Total	46	46.00	45	45.00	9	9.00
Supaul	Pipara	13	26.00	24	48.00	13	26.00
	Raghopur	20	40.00	21	42.00	9	18.00
	Total	33	33.00	45	45.00	22	22.00
Purnia	K. Nagar	16	32.00	29	58.00	5	10.00
	Sri Nagar	25	50.00	13	26.00	12	24.00
	Total	41	41.00	42	42.00	17	17.00
Total		257	28.56	307	34.11	336	37.33

**Table 12: Awareness of laws and govt. policies on legal entitlement to homestead land according to educational status of household heads**

District	Education of household heads	Fully Aware		Partially Aware		Not Aware	
		No.	Percent	No.	Percent	No.	Percent
Gaya	Illiterate	0	0.00	24	27.59	63.00	72.41
	Up to Primary Pass	0	0.00	2	33.33	4.00	66.67
	Up to Higher secondary and above	1	14.29	2	28.57	4.00	57.14
	Total	1	1.00	28	28.00	71.00	71.00
Nawada	Illiterate	17	20.73	13	15.85	52.00	63.41
	Up to Primary Pass	2	14.29	5	35.71	7.00	50.00
	Up to Higher secondary and above	2	50.00	1	25.00	1.00	25.00
	Total	21	21.00	19	19.00	60.00	60.00
Aurangabad	Illiterate	4	6.56	12	19.67	45.00	73.77
	Up to Primary Pass	1	3.70	5	18.52	21.00	77.78
	Up to Higher secondary and above	0	0.00	1	8.33	11.00	91.67
	Total	5	5.00	18	18.00	77.00	77.00
Madhubani	Illiterate	12	15.19	36	45.57	31.00	39.24
	Up to Primary Pass	4	21.05	4	21.05	11.00	57.89
	Up to Higher secondary and above	0	0.00	0	0.00	2.00	100.00
	Total	16	16.00	40	40.00	44.00	44.00
Sheohar	Illiterate	45	51.72	31	35.63	11.00	12.64
	Up to Primary Pass	6	54.55	4	36.36	1.00	9.09
	Up to Higher secondary and above	2	100.00	0	0.00	0.00	0.00
	Total	53	53.00	35	35.00	12.00	12.00
Sitamarhi	Illiterate	34	40.00	30	35.29	21.00	24.71
	Up to Primary Pass	5	41.67	4	33.33	3.00	25.00
	Up to Higher secondary and above	2	66.67	1	33.33	0.00	0.00
	Total	41	41.00	35	35.00	24.00	24.00
Araria	Illiterate	40	43.96	44	48.35	7.00	7.69
	Up to Primary Pass	5	62.50	1	12.50	2.00	25.00
	Up to Higher secondary and above	1	100.00	0	0.00	0.00	0.00

	Total	46	46.00	45	45.00	9.00	9.00
Supaul	Illiterate	31	34.07	40	43.96	20.00	21.98
	Up to Primary Pass	2	25.00	5	62.50	1.00	12.50
	Up to Higher secondary and above	0	0.00	0	0.00	1.00	100.00
	Total	33	33.00	45	45.00	22.00	22.00
Purnia	Illiterate	31	34.83	42	47.19	16.00	17.98
	Up to Primary Pass	9	100.00	0	0.00	0.00	0.00
	Up to Higher secondary and above	1	50.00	0	0.00	1.00	50.00
	Total	41	41.00	42	42.00	17.00	17.00
Total	Illiterate	214	28.46	272	36.17	266.00	35.37
	Up to Primary Pass	34	29.82	30	26.32	50.00	43.86
	Up to Higher secondary and above	9	26.47	5	14.71	20.00	58.82
	Total	257	28.56	307	34.11	336.00	37.33

Circulars

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izlax % & v¼Zljdkjh i=k Kkikad & 1097 (8) jk- @ fnukad & 19-12-2011 ,oa foHkkxh; Kkikad & 13 (8) jk- @ fnukad & 03-01-2012A

egk'k;]  
mi;qZDr fo"k; dh vksj vkidk è;ku vkÑ"V djrs gq, dguk gS fd fnukad 15-01-2012 rd IHkh fpfÉr okljfgr egknfyr ifjokjksa dks y{; ds vuq:i 'kr&izfr'kr xSjet#vk ekfyd@ [kk] xSjet#vk vke] ch- ih- ih- ,p- Vh- ,DV ds rgr ipkZ }kjk oklHkwfe miyC/ djkus ,oa jS;rh Hkwfe ds Ø; uhfr ds varxZr miyC/ djkbZ xbZ jkf'k dk 'kr&izfr'kr mi;ksx djrs gq, oklHkwfe gsrq y{; ds vuq:i jS;rh Hkwfe ds Ø; djus dk funsZ'k fn;k x;k FkKA lFk gh bl vof/ esa o;Ld gksus ds iQyLo:i u;k ifjokj cu tkus vFkok vU; fdlh dkj.ko'k losZ{k.k ds Øe esa vlosZf{kr jg x, oklHkwfe jfgr egknfyr ifjokjksa dk fnukad 31-01-2012 rd iqu% losZ{k.k djus dk funs'k Hkh fn;k x;k FkKA

2- ftyksa }kjk miyC/ dj, x, izxfr izfrosnu ls Li"V gksrk gS fd tgka ,d vksj dqN ftyksa }kjk egknfyr fodkl ;kstuk ds varxZr fpfÉr okljfgr egknfyr ifjokjksa dks oklHkwfe

miyC/ djkus ds fu/kZfjr y{; ds vuq:i 'kr&izfr'kr miyfC/ gkfly dh xbZ gS] ogha nwljh vksj dqN ftyksa }kjk miyfC/ y{; ls vR;ar de gSA vuqjks/ gS fd vius



v/huLFk oSls ftyksa ftuds }kjk fpfÉr okljfgr egknfyr ifjokjksa dks xSjet#vk ekfyd] xSjet#vk vke] ch-ih-ih- ,p- Vh- ,DV ds rgr ipkZ }kjk oklHkwfe miyC/ djkus esa y{; ds vuq:i miyfC/ gkfly ugha dh xbZ gS] mUgsa fnukad 15-02-2012 rd 'kr&izfr'kr canksclrh lqfuf'pr djus gsrq funsf'kr fd;k tk,A lkFk gh oSls ftyksa ftuds }kjk jS;rh Hkwfe ds Ø; gsrq miyC/ djkbZ xbZ jkf'k dk 'kr&izfr'kr mi;ksx ughas fd;k x;k gS] dks funsf'kr djus dh Ñik dh tk, fd jS;rh Hkwfe dh Ø; uhfr ds varxZr jS;rh Hkwfe ds Ø; ds fy, foÙkh; o"kZ 2011&2012 gsrq miyC/ djkbZ xbZ jkf'k dk 'kr&izfr'kr mi;ksx djrs gq, fnukad 15-02-2012 rd y{; ds vuq:i jS;rh Hkwfe dk Ø; lqfuf'pr djsaA

3- fdlh Hkh ftyk }kjk okljfgr egknfyr ifjokjksa ds losZ{k.k ds mijkar u, ifjokj vFkok losZ{k.k ds Øe esa NwV x, ifjokjksa dk iqu% losZ{k.k dj losZ{k.k izfrosnu foHkkx dks miyC/ ugha dj;k x;k gSA vuqjks/ gS fd vius v/huLFk ftyksa dks fnukad 15-02-2012 rd fuf'pr :i ls iqu% losZ{k.k dk;Z laiUu dj foHkkx dks izfrosnu miyC/ djkus gsrq funsf'kr djus dh Ñik dh tk,A

fo'oklHkktu]  
g-@&  
(lh- v'kksdo/Zu)  
iz/ku lfo

Kkikad&-----178 (8) jk-----fnukad% 2-2-2012

izfrfyi & lHkh lekgÙkkZ] fcgkj dks lwpukFkZ ,oa vuqikyukFkZ izsf"krA

(lh- v'kksdo/Zu)  
iz/ku lfo

### **ldqZyj & nks (19.12.2011)**


i=kkad----- fnukad-----


v- l- i=kkad iVuk fnukad % -----


fiz;


fo"k;% egknfyr Js.kh ds oklHkwfe jfgr ifjokjksa dks 3 Mh- oklHkwfe miyC/ djkus ds laca/ esaA

mi;qZDr fo"k; dh vksj vkidk è;ku vkÑ"V djrs gq, dguk gS fd vius v/huLFk ftyksa esa egknfyr fodkl ;kstukarxZr ds egknfyr Js.kh ds oklHkwfe jfgr ifjokjksa dks ljdkjh Hkwfe dh canksclrh }kjk 3 Mh- oklHkwfe miyC/ dj;k tkuk gSA tgka ljdkjh Hkwfe miyC/ ugha gS ogka egknfyr ;kstukarxZr jS;rh Hkwfe dh Ø; uhfr] 2010 ds varxZr jS;rh Hkwfe dk Ø; dj 3 Mh- oklHkwfe miyC/ dj;k tkuk gSA

 **xSj et#vk ekfyd@ [kkl Hkwfe dh canksclrh μ** egknfyr Js.kh ds okl&jfgr ifjokjksa ds fy, 3 Mh- xSjet#vk ekfyd@ [kkl Hkwfe dh canksclrh dh 'kfDr vuqeaMy ds vuqeaMy inkf/dkjh dks iznÙk gSA Ñi;k vius Lrj ls bldh leh{kk djus dh Ñik dh tk, rFkk mUgsa funsf'kr fd;k tk, fd egknfyr Js.kh ds okl Hkwfe jfgr ifjokjksa dks 15 tuojh] 2012 rd 3 Mh- xSj et#vk ekfyd@ [kkl dh canksclrh lqfuf'pr fd;k tk,A

 **xSj et#vk vke Hkwfe dh canksclrh μ** egknfyr Js.kh ds okl Hkwfe jfgr ifjokjksa dks 3 Mh- xSj&et#vk vke Hkwfe dh canksclrh dh 'kfDr izeaMyh; vk;qDr dks gSA vr% vius Lrj ls vius v/huLFk ftyksa dks oklHkwfe jfgr fpfÉr egknfyr Js.kh ds ifjokjksa dks xSj&et#vk vke Hkwfe dh canksclrh dk izLrko vfoyac miyC/ djkus gsrq funsf'kr djus dh Ñik dh tk, rFkk 15 tuojh] 2012 rd 3 Mh- xSj&et#vk vke Hkwfe IHkh fpfÉr oklHkwfe jfgr egknfyr Js.kh ds ifjokjksa dks canksclrh djus dh Ñik dh tk,A

 **ch-ih-ih-,p-Vh- ,DV ds rgr dk;Z μ** ch-ih-ih-,p-Vh- ,DV] 1947 ds rgr ipkZ nsus dh 'kfDr lacaf/r vapy vf/dkjh esa fufgr gSA vr% vius v/huLFk IHkh ftyksa dks funsf'kr djus dh Ñik dh tk, fd oklHkwfe jfgr egknfyr Js.kh ds fpfÉr ifjokjksa dks 15 tuojh] 2012 rd mi;qZDr vf/fu;e ds rgr ipkZ nsuk lqfuf'pr djsaA

 **egknfyr fodkl ;kstukarxZr Ø; uhfr μ** egknfyr Js.kh ds oSls oklHkwfe jfgr ifjokj ftUgsa ljdkjh Hkwfe dh canksclrh vFkok ch- ih- ih- ,p- Vh- ,DV ds rgr ipkZ }kjk oklHkwfe miyC/ djuk laHko ugha gS] mUgsa egknfyr fodkl ;kstukarxZr jS;rh Hkwfe dh Ø; uhfr] 2011 ds varxZr 20]000@& #- izfr 3 Mh- dh foÙkh; vf/lhek ds v/hu f=ki{kh; Ø; }kjk 3 Mh- izfr ifjokj oklHkwfe miyC/ djkus dh uhfr o"kZ 2010 ls jkT; esa ykxw gSA blds varxZr Hkwfe dk ewY; fuca/u foHkkx }kjk fu/kZfjr U;wure izkDdfyr ewY; esa 50 izfr'kr tksM+dj (20]000@& #- izfr 3 Mh- ds v/hu) Hkwfe dk cktkj ewY; fu/kZfjr fd;k tkuk gSA bl gsrq lacaf/r vapy vf/dkjh dks lgk;rk&nkrk ?kksf"kr fd;k x;k gSA egknfyr Js.kh ds oklHkwfe jfgr ifjokjksa ds fy, jS;rh Hkwfe ds Ø; gsrq IHkh ftyksa dks jkf'k miyC/ dj nh xbZ gSA vr% vius v/huLFk ftyksa dks funsf'kr djus dh Ñik dh tk, fd bl gsrq miyC/ djkbZ xbZ jkf'k }kjk 15 tuojh] 2012 rd jS;rh Hkwfe dk Ø; fpfÉr oklHkwfe jfgr egknfyr Js.kh ds ifjokjksa dks 3 Mh- okl Hkwfe miyC/ dj nh tk,A tgka fu/kZfjr foÙkh; vf/lhek esa jS;rh Hkwfe miyC/ ugha gS] ogka eq[; IM+d ls nwj Ñf"k Hkwfe] xîôk bR;kfn vis{kkÑr lLrh Hkwfe tks fu/kZfjr foÙkh; vf/lhek esa miyC/ gS] dk Ø; dj okl Hkwfe miyC/ djkus gsrq funsf'kr djus dh Ñik dh tk,A

'kqHkdkeuk lfgr

IHkh izeaMyh; vk;qDr Hkonh;  
fcgkj (lh- v'kksdo/Zu)

Kkikad% 1097 (8) jk- iVuk] fnukad 19&12@2011

izfrfyfi% IHkh ftyk inkf/dkjh] fcgkj dks lwpukFkZ ,oa vuqikyukFkZ iszf"krA  
vuqjks/ gS fd egknfyr ds oklHkwfe jfgr ifjokjksa dks IHkh lzksrksa ls 15  
tuojh] 2012 rd 3 Mh- oklHkwfe miyC/ djkus dh Ñik dh tk,A

(lh- v'kksdo/Zu)

### **ldqZyj & rhu (5.1.2010)**

i=kkad 6@[kk- e- uhfr 02@2009&03 (6) jk-

#### **fcgkj ljdkj jktLo ,oa Hkwfe lq/kj foHkkx**

izs"kd]

MkW- lh- v'kksdo/Zu

iz/ku lfpoA

lsok esa]

IHkh izeaMyh; vk;qDr] fcgkjA

iVuk] fnukad% -----

fo"k; % egknfyr fodkl ;kstukarxZr okl&Hkwfe jfgr egknfyr ifjokjksa ds lkFk  
vkoklh; iz;kstu gsrq xSj&et#vk vke Hkwfe dh canksclrh dh 'kfDr izeaMyh;  
vk;qDrksa dks izR;k;ksftr djus ds laca/ esaA

izlax % 1- jktLo foHkkxh; ifji=k la;k A/M-48/693-44R fnukad 14&15 tuojh] 1969

2- jktLo foHkkxh; ifji=k la;k & 8@[kk-e- uhfr 1010@82&1857@lk-  
fnukad&18-05-1982

egk'k;]

mi;qZDr fo"k; ds laca/ esa lwfpr djuk gS fd ljdkj us xzkeh.k {ks=k esa oklHkwfe  
jfgr

egknfyr ifjokjksa ds lkFk vkoklh; iz;kstu gsrq xSj&et#vk vke Hkwfe dh  
cankscLrh dh izfØ;k dk lpyhdj.k djus dk fu.kZ; fy;k gSA ,rnFkZ izlaxk/hu iUuksa  
esa vkaf'kd :i ls la'kks/u vko';d izrhr gksrk gSA rnuqlkj bl ifji=k ds fuxZr fd, tkus  
okys vuqns'kksa ds vkyksd esa izlaxk/hu i=kksa dks la'kksf/r le>k tk,A

jkT; ds IHkh izeaMhy; vk;qDrksa dks fuEufyf[kr 'krks± ds v/hu oklHkwfe jfgr  
egknfyr ifjokjksa ds lkFk vkoklh; iz;kstu gsrq xSj&et#vk vke Hkwfe dh  
cankscLrh dh 'kfDr izR;k;ksftr djus dk fu.kZ; fy;k x;k gS %

(i) izLrkfor xSj&et#vk vke Hkwfe dk Lo:i ifjofrZr gks pqdk gks rFkk og  
lkoZtfud mi;ksx esa ugha jg xbZ gks ijarq Hkw&vfHkys[k esa ty fudk;]  
mRltZu ;k izokg ls lacaf/r izfof"V ntZ gksus ij fdlh vU; iz;kstu ls canksclrh  
ds iwoZ tkap dj laHkkoukvksas dk irk yxk;k tk,xk fd ty fudk;] mRltZu ;k  
izokg ds fy, mldk fodkl ;k iqu#¼kj laHko gS ;k ughaA ;fn izeaMyh; vk;qDr

- dk viuk ;g fu"d"kZ gks fd ;g drbZ laHko ugha gS] rHkh bl izdkj dh xSj&et#vk vke Hkwfe dh canksclRh os dj ldsaxsA
- (ii) Hkw&vfHkys[k esa ty fudk;] mRltZu ;k izokg ds :i esa izfo"V izR;sd ekeys dh LFkkuh; tkap gsrq lacaf/r lekgrkZ ,d lfevr dk xBu djsaxs ftlesa fuEufyf[kr lnL; gksaxs μ
- (d) vij lekgrkZ μ vè;{k
- ([k) lacaf/r vuqeaMy inkf/dkjh μ lnL;
- (x) lacaf/r dk;ZikyvfHk;ark] ty lalk/uμlnL;
- (?k) lacaf/r vapy vf/dkjh μ lnL;
- (iii) vapy vf/dkjh ds Lrj ls bl izdkj ds ekeys dh lwpuk fn, tkus ij vij lekgÙkkZ lfevr dh cSBd vkgwr djsaxsA lfevr LFkyh; tkap ds mijkar viuk izfrosnu lekgÙkkZ dks lefiZr djsxhA rñqijkar lekgÙkkZ lfevr ds izfrosnu ds vkyksd esa vapy inkf/dkjh dks mfpr ekè;e ls izLrko @ vfHkys[k miLFkkfir djus dk vkns'k nsaxsA lfevr dk izfrosnu fopkjxr vfHkys[k dk vax gksxk tks lekgÙkkZ ds ekè;e ls izeaMyh; vk;qDr dks miLFkkfir fd;k tk,xkA lfevr ds lnL;ksa ds chp erkarj dh fLFkfr esa mDr ekeys esa lacaf/r] ftyk ds lekgÙkkZ tkapksijkar vafre fu.kZ; ysaxs ,oa izeaMyh; vk;qDr dks izfrosnu lefiZr djsaxs ftlds lkFk lfevr dk izfrosnu Hkh layXu jgsxkA
- (iv) vki voxr gSa fd foHkkxh; ifji=k la[;k & 8@Hkw-lq- & iapk;r & 22@2001&732@ la- fnukad & 26-09-2001 ds }kjk ;g iwoZ esa funsf'kr gS fd xSj&et#vk vke Hkwfe dh izÑfr esa ifjorZu ,oa Hkwfe canksclRh ls lacaf/r lHkh ekeyksa eas xzke lHkk dh vuq'kalk izklr dh tk,xhA ;g vuqns'k iwoZor tkjh jgsxkA rnuqlkj lekgÙkkZ bl ifji=k ds rgr eaMyh; vk;qDr dks izLrko Hkustus ds iwoZ larq"V gks ysaxs fd izLrkfor xSj&et#vk vke Hkwfe dh canksclRh ds fy, vke lwpuk dk rkfey gksus ds mijkar fof/or lacaf/r iapk;r dh xzke lHkk dh vukifÙk izklr dj yh xbZ gS ,oa xzke lHkk dh dk;Zokgh vfHkys[k esa layXu gSA
- (v) canksclRh de ls de 50» efgykvsaxa ds lkFk dh tk,xh rFkk 'ks"k canksclRh efgyk ,oa iq#"k ykHkqdksa ds lkFk la;qDr :i ls dh tk,xhA lkFk gh ,dy ifjokj ;Fkk dqavkjs ;k fo/qj rFkk ifjR;Drk dks Hkh blesa 'kkfey fd;k tk,xkA
- (vi) vf/dre 3 (rhu) fMlfey izfr ifjokj ds vuqlkj xSj&et#vk vke Hkwfe dh canksclRh dh tk,xhA

(vii) lekgÙkkZ] izeaMyh; vk;qDr dks ;Fkk&laHko ,d gh LFkku ij ladqy ds :i esa canksclrh djus dk izLrko Hkustus ij è;ku nsaxs rkfd vkoklh; ifjij dk leqfpr fodkl gks lds ,oa fofHkUu foHkkxksa dh vuqekU; xfrfof/;ksa dk ladsanz.k gks ldsA

(viii) Hkwfeghu egknfyr ifjokjksa ds vfrfjDr vU; JsF.k;ksa ds lkFk xSj&et#vk vke Hkwfe dh canksclrh iwoZ dh Hkkafr ljdkj ds Lrj ls gh dh tk,xhA

izeaMyh; vk;qDr lekgÙkkZ ls izLrko izklr gksus ij canksclrh ds iwoZ iw.kZ :i ls larq"V gksus ds i'pkr gh LohÑR;kns'k fuxZr djsaxs rFkk mldh izfr ljdkj dks nsaxsA

izlaxk/hu foHkkxh; ifji=kksa dh izfrfyfi lqyHk funs'kkFkZ layXu dh tk jgh gSA  
fo'oklHkktu  
(lh- v'kksdo/Zu)  
iz/ku lfpoA

Kkikad&6@[kk-e- uhfr&02@2009 & 03 (6) jk- iVuk]

fnukad % 5@1@2010

izfrfyfi % egkys[kkdkj] fcgkj] ohjpan iêšđy iFk] iVuk dks lwpukFkZ izsf"krA  
(lh- v'kksdo/Zu)  
iz/ku lfpoA

Kkikad&6@[kk-e- uhfr&02@2009 & 03 (6) jk- iVuk]

fnukad% 5@1@2010

izfrfyfi % IHkh lekgÙkkZ] fcgkj dks lwpukFkZ ,oa vko';d dk;kZFkZ izsf"krA Ñi;k vius Lrj ls vius v/huLFk IHkh inkf/dkfj;ksa dks foHkkxh; vuqns'k ls voxr dj;k tk,A

(lh- v'kksdo/Zu)  
iz/ku lfpoA

Kkikad&6@[kk-e- uhfr&02@2009 & 03 (6) jk- iVuk]

fnukad % 5@11@2010

izfrfyfi % IHkh foHkkxkè;{k] fcgkj dks lwpukFkZ izsf"krA  
(lh- v'kksdo/Zu)  
iz/ku lfpoA

Kkikad&6@[kk-e- uhfr&02@2009 & 03 (6) jk- iVuk]

fnukad % 5@1@2010

izfrfyfi % ekuuh; eq[;ea=kh] fcgkj ds iz/ku lfpo@ ekuuh; ea=kh] jktLo ,oa Hkwfe lq/kj foHkkx ds vklr lfpo @ eq[; lfpo] fcgkj ds iz/ku vklr lfpo dks lwpukFkZ izsf"krA

## IdqZyj ikap (1989)

fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe vfHk/^ fr (la'kks/u) vf/fu;e] 1989

(fcgkj vf/fu;e la[;k & II] 1989)

fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe vfHk/^ fr vf/fu;e 1947 dks la'kksf/r djus ds fy, vf/fu;eA

Hkkjr x.kjkT; ds pkyhlosa o"kZ esa fcgkj jkT; fo/ku eaMy }kjk fuEufyf[kr :i vf/fu;fer gks %

1- laf{klr uke % ;g vf/fu;e fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe vfHk/^ fr (la'kks/u) vf/fu;e 1989 dgk tk ldsxkA

2- fcgkj vf/fu;e 4] 1948 dh /kjk 2 dk la'kks/u & fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe vfHk/^ fr vf/fu;e] 1947 (fcgkj vf/fu;e 4] 1948) (blesa vkxs mDr vf/fu;e ds :i esa fufnZ"V) dh /kjk 2 ds [kaM (1) ds LFkku ij fuEufyf[kr [kaM izfrLFkkfir fd;k tk,xk vkSj Ink ls izfrLFkkfir fd;k x;k le>k tk,xk ;Fkk µ

(1) fo'ks"kkf/Ñr O;fDr ls vfHkizsr gS og O;fDr µ

(,) tks LoRo/kjh] Hkw/^ r/kjh nj Hkw/^ r/kjh ;k egktu ugha gks

(ch) tks viuh oklHkwfe ds vfrfjDr dksbZ vU; Hkwfe /kj.k ugha djrk gks ;k ,d ,dM+ ls vukf/d ,slh Hkwfe /kj.k djrk gks %

ysfdu blesa og O;fDr 'kkfey ugha gS tks laFkky ijxuk vfHk/^ fr (vuqiwjd mica/)

vf/fu;e 1949 (fcgkj vf/fu;e 14] 1949) dh /kjk 20 ;k NksVkukxiqj vfHk/^ fr vf/fu;e] 1908 (caxky vf/fu;e 6] 1908) dh /kjk 46 ;k fcgkj vfHk/^ fr vf/fu;e 1885 (vf/fu;e 8] 1885) dh /kjk 49&x ds mica/kssa dk mYya?ku djds viuh oklHkwfe dk dCtk/kjh cuk gksA

3. fcgkj vf/fu;e 4] 1948 dh /kjk 4 dk la'kks/u % mDr vf/fu;e dh /kjk 4 esa 'kCn vkSj vad ^/kjk 7 ds mica/\* ds LFkku ij 'kCn] vad vkSj dks"Bd ^/kjk 17&d dh mi/kjk (3) dk ijarqd\* izfrLFkkfir fd, tk,axsA

4. fcgkj vf/fu;e 4] 1948 dh /kjk 6 dk fujluA mDr vf/fu;e dh /kjk 6 foyksfir dh tk,xhA

5. fcgkj vf/fu;e 4] 1948 dh /kjk 7 dk fujluA mDr vf/fu;e dh /kjk 7 foyksfir dh tk,xhA

6. fcgkj vf/fu;e 4] 1948 dh /kjk 8 dk la'kks/uA mDr vf/fu;e dh /kjk 8 esa µ

(1) mi/kjk (1) ds izFke ijarqd esa 'kCn ;k bl fufeÙk HkwLokeh }kjk fd, x, vkosnu ij ^foyksfir\* fd, tk,axsA

(2) mi/kjk (3) vkSj (4) foyksfir dh tk,axh vkSj

(3) mi/kjk (5) esa 'kCn ^Hkw&Lokeh\* ds ckn 'kCn ;k dksbZ vU; O;fDr var%LFkkfir fd, tk,axsA

7. fcgkj vf/fu;e 4] 1948 dh /kjk 17&d dk la'kks/uA mDr vf/fu;e /kjk 17&d esa mi/kjk (3) ds ckn] fuEufyf[kr mi&/kjk,a var%LFkkfir dh tk,axh ;Fkk %

(4) mi/kjk (3) ds ijarqd ds v/hu lekgrkZ }kjk r; dh xbZ ykxr ges'kk udn gksxh vkSj ,slh rkjh[k ls izHkkfor gksxh tks lekgrkZ fu;r djsaA

(5) mi/kjk (1) ds v/hu fo'ks"kkf/Ñr vfHk/kjh }kjk jkT; ljdkj dks ns; yxku ;k mi/kjk (3) dk ijarqd ds v/hu lekgrkZ }kjk r; dh xbZ ubZ yxku 'kk'or :i ls r; dh xbZ ubZ yxku gksxhA

8. fcgkj vf/fu;e 4] 1948 dh /kjk 18 dk izfrLFkkuA mDr vf/fu;e /kjk 18 ds LFkku ij fuEufyf[kr izfrLFkkfir fd;k tk,xk vkSj ges'kk ls izfrLFkkfir fd;k x;k le>k tk,xk] ;Fkk µ

^18 bl vf/fu;e ds v/hu fn, x, vkns'k vafre gksaxsA /kjk 21 ds mica/ksa ds vè;/hu] bl vf/fu;e ds v/hu fdlh dk;Zokgh esa lekgrkZ }kjk vkns'k vafre gksaxs vkSj diV vkSj vf/dkfjrk ds vHkko ds vk/kj ds fdlh Hkh vkns'k dks ifjofrZr ;k vikLr djus ds fy, fdlh filfof U;k;ky; esa dksbZ okn ugha pyk;k tk,xkA

9. fcgkj vf/fu;e 4] 1948 esa ubZ /kjkvksa 21 vkSj 22 dk var%LFkku % vf/fu;e dh

/kjk 20 ds ckn fuEufyf[kr ubZ /kjk,a var%LFkkfir vkSj ges'kk ls var%LFkkfir dh xbZ le>h tk,axh ;Fkk µ

^21 ftyk lekgrkZ dks vfHkys[k eaxkus vkSj tkap djus dh 'kfDr fdlh U;k; izkf/dkj ds fu.kZ;] fMxzh ;k vkns'k esa varfoZ"V fdlh izfrdwy ckr ds gksrs Hkh ftyk lekgrkZ] Loizsj.kk ls vFkok fdlh i{kdkj }kjk vkosnu fd, tkus ;k fdlh v/huLFk izkf/dkj }kjk funsZf'kr fd, tkus ij vf/fu;e vfHkys[k eaxkdj] dk;Zokgh dh fu;ferrk ds ckjs esa vFkok vf/fu;e ds v/hu }kjk ekeys ;k dk;Zokgh esa ikfjr vkns'k dh 'kq¼rk] oS/rk ;k vkSfpR; ds viuk lek/ku djus ds fy, mldh tkap dj ldsxkA

vkSj mlds ckn] laca/ i{kdkjksa dks lquokbZ dk volj iznku djus ds ckn ;g funs'k ns ldsxk fd ekj ;k dk;Zokgh iqu% vkjaHk djds bl vf/fu;e ds mica/ksa ds vuqlkj u, fljs ls fuiV;k;k tk,A

22- jkT; ljdkj dh funs'k nsus dh 'kfDr µ jkT; ljdkj] le;&le; ij lekgrkZ dks lkekU; ;k fo'ks"k Lo:i ds ,sls funs'k ns ldsxh tSlk fd jkT; ljdkj mi;qDr le>sA\*\*

### IdqZyj & N% (3.5.1971)

fo"K; % fo'ks"kkf/dkj izklr O;fDr;ksa ds lKfk xSjet#vk ekfyd ,oa xSjet#vk vke tehu dh canksclrh djus ds fufer vuqeaMy inkf/dkfj;ksa dks 'kfDr iznku djuka jktLo foHkkxh; i=kkad 5&,y- vkj- & , - & 211@70 & 6561 ,y- vkj- fnukad 24-10-70 ds Øe esa funsZ'kkuqlkj eq>s dguk gS fd tehankjh mUewyu ds iQyLo:i nsgkrh {ks=kksa esa Ñf"k ;ksX; catj Hkwfe ,oa vU; Hkwfe tks ljdkj esa fufgr gks xbZ gS] mldh canksclrh esa fuEukafdr oxZ ds yksxksa dks izkFkfedrk nh tkrh gS µ

(d) vuqlwfr tkfr

([k) vuqlwfr tutkfr

(x) fiNM+k oxZ (lwph & 1)

(?k) dk;Zjr ISfud rFkk oSls ISfud ds ifjokj tks ;q¼ esa ohjxfr dks izklr fd, gksa rFkk

(Ä) iwohZ ikfdLrku ,oa cekZ ls vk, gq, os 'kj.kkFkhZ tks 2 tuojh 1964 dks ;k mlds ckn Hkkjr esa vk, gksaA

mi;qZDr (?k) dks NksM+dj 'ks"K oks± ds lKfk tehu canksclrh djus dh 'kfDr izR;sd vuqeaMy inkf/dkj dh dks iznÜk gSA (?k) ij of.kZr yksxksa ds lKfk tehu canksclrh djus esa ftyk ds lekgÜkkZ l{ke gSaA

2- fcgkj fizohysTM ijla gkseLVhM Vsusalh ,DV ds varxZr fo'ks"kkf/dkj O;fDr;ksa dks okl dk ipkZ nsus ds nkSjku ;g ik;k x;k fd cgqr&ls ,sls O;fDr gS ftu yksxksa us xSjet#vk [kkI] ekfyd ;k xSjet#vk vke tehu ij Hkh edku cuk fy;k gSA mUgSa fcgkj fizohysTM ijla gkseLVhM Vsusalh ,DV ds varxZr canksclrh dk ipkZ nsuk laHko ugha gS] D;ksafd mDr vf/fu;e ljdkj esa fufgr tehu ij ykxw gh ugha gsrk gSA bls fufeÜk ,d gh mik; gS fd ml tehu dh canksclrh oSls yksxksa ds lKfk dj nh tk,A vuqlwfr tkfr@ vuqlwfr tu&tkfr] fiNM+s oxZ lwph&1 bR;kfn ds varxZr vkusokys fo'ks"kkf/dkj izklr O;fDr;ksa ds lKfk canksclrh laizfr iznÜk 'kfDr;ksa ds varxZr LFkkuh; inkf/dkj (vuqeaMy vf/dkj@ lekgrkZ) dj ldrs gSaA ijarq vU; Js.kh ds fo'ks"kkf/dkj izklr O;fDr ds lKfk ljdkj }kjk gh canksclrh dh tk ldrh gSA ijarq bl izfØ;k esa dkiQh Je@le; yxsxA vr% ljdkj us iw.kZ fopkj&foe'kZ ds ckn fo'ks"kkf/dkj izklr O;fDr;ksa ds lKfk tehu canksclrh ds fy, fuEu izdkj 'kfDr;ka iznÜk djus dk fu.kZ; fy;k gS %

(d) ftu xSjet#vk [kkI] ,oa ekfyd tehu ij fo'ks"kkf/dkj izklr O;fDr dk edku cuk gqvK gS mldh canksclrh mDr O;fDr ds lKfk dj fn;k tk,A ,slh canksclrh djus dh 'kfDr lHkh vuqeaMy inkf/dkfj;ksa dks iznÜk dh tkrh gSA

([k) canksclrh ds nkSjku ?kj ,oa lgu dh tehu vxj 12-5 fMlfey ls iQkfty gks rks mldh canksclrh esa ljdkj ds vkns'k dh vko';drk gksxA

(x) ,slh canksclrh esa fo'ks"kkf/dkj izklr O;fDr;ksa ls 12-5 fMlfey rd tehu ds fy, dksbZ lykeh ugha yh tk,xhA



(?k) fo'ks"kkf/dkj izklr O;fDr;ksa ds lKfK xSjet#vk vke tehu dh canksclRh mlh gkyr esa dh tk,xh] tcfD tehu dh izÑfr cny xbZ gks vkSj vke turk ds mi;ksx esa ugha gksA ijarq vke tehu dh canksclRh djus ds igys vke b'rsGkj }kjk turk dks lwfpr djuk gksxk rkfd dksbZ Hkh bl izLrko ds fo#¼ vkifÜk ns ldsaxsA vxj og tehu vkifÜk jfgr gksxh] rc gh mldh canksclRh dh tk,xhA bl rjg fo'ks"kkf/dkj izklr O;fDr;ksa ds lKfK xSjet#vk@ vke tehu dh canksclRh (edku ds fy,) djus dk vf/dkj izeaMyh; vk;qDrksa dks gh jgsxkA i=k izsf"kr gksus dh frfFk ls gh ;g vkns'k ykxw le>k tk,xkA (i=k la-4@[kk- e- uhfr 109@71&2034 jk- fnukad 3-5-1971)

### ldqZyj & vkB (23.9.65)

fo"K; % fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe dk'rdkjH vf/fu;e] 1947 ds rgr cus fu;eksa esa la'kks/u mfo'ks"kkf/Ñr dk'rdkj ds vf/dkj dh fjdkfM±xA

eq>s ;g crkus dk funsZ'k fn;k x;k gS fd fcgkj ljdkj dh 23 iQjoh 1948 vf/lwpuk la;k 1642& vkbvkbVh 11@48 & vkj- ds lKfK izdkf'kr fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe dk'rdkjH fu;e] 1948 ds fu;e 5 dks 6 flrEcj 1965 dh ljdkjH vf/lwpuk la;k , -@Vh- & 1024 vkj- ds tfj, la'kksf/r fd;k x;k gSA bl vf/lwpuk dh ,d izfr fcgkj xtV ds ,d vlk/kj.k vad esa 9 flracj 1965 dks izdkf'kr dh xbZ gSA bldh 5 vfrfjDr izfr;ka vkidh lwpuk vkSj mi;ksx ds fy, layXu gSaA

2- bl la'kks/u ds mís'; dh O;k[k;uhps nh xbZ gS %

- (i) mi&fu;e 5 (1) dh 'kfDr ds rgr LFkkuh; tkap dk ftEek lekgrkZ (dyDVj) ;k lekgrkZ }kjk bl mís'; ls izfrfu;qDr vf/dkjH] tks vksgns esa milekgrkZ ls de u gks] ij FkKA la'kks/u esa ^milekgrkZ\* (,l-Mh-lh-) 'kCn gVkdj mldh txg ^vapy fujh{kd\* lh-vkbZ ;k ^dY;k.k fujh{kd\* j[k fn;k x;k gSA vc tkap dh ftEesokjH vapy fujh{kd ;k dY;k.k fujh{kd dks lKsaih tk ldrh gS vkSj bls ekeys dk fuiVkj tYnh gks ik,xkA fiQj Hkh] dyDVj dh 'kfDr izklr bu vf/dkfj;ksa ls mEehn dh tkrh gS fd ;s vkns'k ikfjr djus ls igys vius fiQYM LVkWiQ dh tkap fjiksVZ dh lko/kuhiwoZd tkap djsaxsA
- (ii) fu;e 5 ds mifu;e (4) ds ckn ,d u;k mifu;e fn;k x;k gSA u;s mifu;e ds rgr dyDVj dks izi=k ^th\* (ijpk) esa fo'ks"kkf/Ñr dk'rdkj dh oklHkwfe dk fjdkMZ rS;kj djuk gSA izR;sd ekeys esa bl ijps dh rhu izfr;ka rS;kj dh tk,axhA bldh ewy izfr dyDVj ds nÝrj esa fjdkMZ ds lKfK j[kh tk,xhA dyDVj ds gLrk{kj vkSj eqgj&;qDr bldh ,d izfrfyfi Hkw&Lokeh dks lKsaih tk,xh vkSj bldh rhljH izfr fo'ks"kkf/Ñr dk'rdkj dks nh tk,xhA ;g ijpk fo'ks"kkf/Ñr dk'rdkj dks mRihM+u ;k >xM+s ls cpk,xkA izi=k ^th\* esa ;g ijpk nwljs fo'ks"K vfHk;ku] frfFk 3 tqykbZ 1965] dks bl foHkx ls tkjH i=k la;k 6064 ,y- vkj-

ds Nis funsZ'kksa ds vuqPNsn 11 (4) (2) esa fn, x, izi=k 35 ds mi;ksx  
esa yk;k tk,xkA

- 3- ckj&ckj funsZ'k ds cktwn fo'ks"kkf/Ñr dk'rdkjksa dh fjdkfM±x ds fodkl ls  
ljdkj vlarq"V gSA os pkgrs gSa fd fo'ks"kkf/Ñr dk'rdkjksa dks vius dk'rdkj  
fjdkMZ ikus ds vapyksa ;k f'kfojksa dk pDdj u yxkuk iM+sA pwafd nwljs  
fo'ks"k nkSj ds Nis ldqZyj esa igys gh  
O;k[k; dh xbZ gS] blfy, ;g t:jh ugha gS fd fo'ks"kkf/Ñr dk'rdkj dh fjdkfM±x ds  
fy, O;fDrxr ekeyksa ls 'kq: fd;k tk,A fiQYM LVkWiQ ({ks=kdehZ) dks  
xkaoksa esa tkuk pkfg, vkSj izi=k la;k 26 esa fo'ks"kkf/Ñr dk'rdkjksa dk  
fooj.k ntZ djuk pkfg,A {ks=k tkap ds njE;ku izi=k ^th\* dks Hkjus ds fy, vko';d  
fooj.k ikus gsrq izi=k 26 esa lq/kj dh vko';drk ij fopkj fd;k x;k gSA ,d la'kksf/r  
izi=k 26 ifjf"V esa fn;k x;k gS tks fo'ks"k vfHk;ku ds orZeku izi=k 26 dh txg  
ysxkA
- 4- laj{kdkksa lfgr fo'ks"kkf/Ñr dk'rdkjksa ds uke] iwjk irk vkSj mudk fgLlk dkWye  
2 esa ntZ djuk pkfg,A [kkrk la;k vkSj cêðk [kkrk la;k dkWye 3 esa fy[kuk  
pkfg,A [kslj la;k ;k cêðk [kslj la;k dkWye 4 esa fy[kk tkuk pkfg,A  
oklHkwfe dk laiw.kZ {ks=k} mlds ,d Hkkx ij fLFkr ^lgu\* lfgr Hkou vkSj ^ckjh\*  
dks dkWye 5 esa ntZ djuk pkfg,A dkWye 6 esa dk'rdkj dh igpku ds fy,  
lykVV ds mÙkj vkSj nf{k.k esa tehu okys fo'ks"kkf/Ñr jS;rksa ds uke fy[kuk  
pkfg,A vafre canksclrh dk;Z ds nkSjku LohÑr Hkwfe&oxhZdj.k dks dkWye  
7 esa gksuk pkfg,A dk'rdkj dh gSfl;r dks dkWye 9 esa j[kuk pkfg,A ;fn  
fo'ks"kkf/Ñr dk'rdkj dks xSj&dikuwuh rjhds ls csn[ky fd;k x;k gS rks mldk  
uke vU; foaj.kksa ds lkFk mfpr dkWye esa fn;k tkuk pkfg, vkSj xSj&dikuwuh  
:i esa dCtk djus okys dks fvli.kh ds dkWye (dkWye 12) esa j[kuk pkfg,  
ftlesa ;g Hkh lwpuks gks fd mlus fdl o"kZ ls dCtk dh 'kq#vkr dhA  
;s foaj.k vf/fu;e dh /kjk 5 ds rgr iquuZohdj.k ds ekeys esa dyDVj dks mfpr  
iQSlyk ysus esa leFkZ cuk,axsA
- 5- fo'ks"kkf/Ñr dk'rdkj dh Hkwfe dk fdjk;k lkFk gh fu/kZfjr gksuk pkfg,A ;g  
mYys[k fd;k tk ldrk gS fd fcgkj fo'ks"kkf/Ñr O;fDr oklHkwfe dk'rdkj vf/fu;e]  
1947 dh /kjk 4 ds rgr ,d fo'ks"kkf/Ñr dk'rdkj viuh oklHkwfe dk LFkk;h dk'rdkj  
gS] c'krsZ mlds vkSj Hkw&Loksh ds chp ,d le>kSrs }kjk r; fdjk;s dk Hkqxrku  
djs ;k vf/fu;e dh /kjk 6 ds izko/ku ds rgr dyDVj }kjk fuf'pr fdjk;k vnk djsA  
fdjk;s dk fu/kZj.k vkifÙk u dh xbZ gks rc Hkh] tYn ls tYn] vapy vf/dkj ;k  
jktLo vf/dkj }kjk fd;k tkuk pkfg, \_ ysfdu bls fdlh Hkh lwjr esa vapy fujh{k  
ls uhps ds vf/dkj }kjk ugha fd;k tkuk pkfg,A ;fn fdjk;k fookn dk fo'k; u gks rks  
mls izi=k la;k 26 ds dkWye 8 esa fy[kuk pkfg, vkSj ml ij vapy fujh{k ;k  
vapy vf/dkj dk frfFk lfgr laf{klr gLrk{kj djuk ysuk pkfg,A
- 6- ml ekeys esa tgka pqdk, tkus okys fdjk;s ds laca/ esa ekfyd vkSj  
fo'ks"kkf/Ñr dk'rdkj ds chp dksbZ le>kSrk ;k oS/ le>kSrk u gks ;k tgka fdjk;k

ds vuqfpr ;k vU;k;iw.kZ gksus dk vkjksi gks] ,slh fLFkfr esa dyDVj Lo;a dh igy ls ;k Hkw&Lokeh ;k fo'ks"kkf/Ñr dk'rdkj ds vkosnu ij mfpr vkSj i;kZlr fdjk;k r; dj ldrk gSA ;g mfpr vkSj U;k;laxr fdjk;k r; djus esa dyDVj ,slh tkap dj ldrk gS tks og mi;qDr ekusa fdjk;k r; djus esa og ml {ks=k ds egRo (tgka ;g Hkwfe gS) vkSj fdjk;k (;fn gS) tks ml bykds esa nwljh ,slh Hkwfe;ksa ds fy, ekStwn gS] ij fopkj djrk gSA vf/fu;e dh /kjk 6 ds rgr fdjk;k fuf'pr djus ds fy, O;fDrxr ekeyk fjdkMZ 'kq: djuk vko';d gksxkA vkns'k ikfjr djus ds igys dyDVj dks i{kksa dks lquuk gksxkA ekeyksa dks vapykf/dkjh }kjk O;fDrxr rkSj ij xkao esa ;k vklikl ds bykds esa fu;r f'kfojksa esa lquuk pkfg, rkfd dk'rdkjksa dks dfBukbZ u gksA /kjk 6 ds rgr fu/kZfjr mfpr vkSj U;k;laxr fdjk;k izi=k 26 ds dkWye 8 esa vapykf/dkjh ds gkFkksa [kqn fy[kk tkuk pkfg,A ;fn fdjk;k u pqdk;k x;k gks rks bl dkWye esa csyxku] dkfcy&yxku ;k csyxku gksuk pkfg,A ekeyk la;k ftlds rgr fdjk;k fuf'pr fd;k x;k gks] ;k vf/dkj fu/kZfjr fd;k x;k gks dkWye 10 esa ntZ fd;k tkuk pkfg,A

- 7- dCtk ds iquuZohdj.k ds ekeys izi=k 26 ls izklr csn[kyh laca/h lwpukvksa ds vk/kj ij dyDVj ds Lo&foosd ds }kjk vapy vkfiQl esa izkjaHk djuk pkfg,A vf/fu;e dh /kjk 5(2) ds vuqlkj dyDVj dks vf/dkj gS fd og ,slh tkap ds ckn] ftls og mi;qDr ekurk gks] fo'ks"kkf/Ñr dk'rdkj dks mldh oklHkwfe ;k bls Hkkx] ftlls og csn[ky dj fn;k x;k gS] ij dCtk fnyk,A okLro esa] vkns'k lkkfjr djus ds igys dyDVj nksuksa i{kksa dks lqusxkA bu ekeyksa dh Hkh lquokbZ O;kogkfjd rkSj ij ftruk laHko gks] f'kfoj vnkyrksa esa gksuh pkfg,A
- 8- izi=k 26 dks iwjk djus ds ckn vapy vf/dkjh ;k jktLo vf/dkjh dks mfpr f'kfoj esa fo'ks"kkf/Ñr O;fDr;ksa ;k izfof"V;ksa dh cq>kjr dks ys tkuk pkfg,A cq>kjr dh rkjh[k dh iwoZ lwpuk xzkeh.kksa vkSj lacaf/r iapk;rksa dks vfxze rkSj ij Hkst nh tkuh pkfg,A fo'ks"kkf/Ñr O;fDr rkjh[k ds fy, i;kZlr le; igys lwpuk ik tk,a] bls fy, dne mBk, tkus pkfg,A ukxfVI ij fo'ks"kkf/Ñr O;fDr ds ck,a vaxwBs dk fu'kku ;k gLrk{kj ysuk mi;ksxh gks ldrk gSA izi=k 26 esa ntZ ckrsa fo'ks"kkf/Ñr dk'rdkj vkSj Hkw&Lokeh ds izfrfuf/] ;fn gks] dks i<+dj lquk nsuh pkfg, vkSj mUgsa vPNh rjg le>k nsuh pkfg,A fy[kus esa gqbZ v'kqf¼;ka lq/kjh tk ldrh gSa vkSj mlij vapykf/dkjh dk frfFk lfgr laf{klr gLrk{kj fy;k tk ldrk gSA ;fn dksbZ fookn gks rks mls fookn lwph esa ntZ djuk pkfg, vkSj ml ij 'kh?kz fu.kZ; ysuk pkfg,A fu.kZ; ds vk/kj ij 'kq¼ dh xbZ ckrsa izi=k 26 esa fy[k ysuh pkfg,A
- 9- vapy vf/dkjh ;k jktLo inkf/dkjh dks vius gkFk ls ;g ckr ntZ djuh pkfg, fd fo'ks"kkf/Ñr dk'rdkj dks IHkh ckrsa le>k nh xbZ gSaA mlds ckn ijpk (izi=k ^th\* dh rhu izfr;ka) cukbZ tkuh pkfg,A izfof"V;ka vapy fujh{kd }kjk feyk yh tkuh pkfg, vkSj mudh 'kq¼rk ds fy, laf{klr gLrk{kj dj nsuk pkfg,A fdjk;k dk dkWye vapy vf/dkjh ;k jktLo inkf/dkjh }kjk vius gkFkksa ls Hkjk tkuk pkfg,A bls ckn vapy vf/dkjh izi=k ij gLrk{kj djsxk vkSj mlij eqgj yxk,xkA ijpk izi=k

dh ,d izfr fo'ks"kkf/Ñr dk'rdkj dks Fkek nsuh pkfg, vkSj mldh ,d izfr Hkw&Lokh ;k mlds izfrfuf/ dks ijpk dh viuh izfr izkflr ds fy, Hkw&Lokh ds izfrfuf/ vkSj fo'ks"kkf/Ñr dk'rdkj ds vaxwBs dk fu'kku ;k laf{klr gLrk{kj izi=k la;k 26 ds dkWye 11 esa ys ysuk pkfg,A

10- izi=k I;k 26 esa ntZ vko';d foj.k ds lkFk fo'ks"kkf/Ñr dk'rdkjksa dh ,d lwph lwpu vkSj fjdkMZ ds fy, LFkkuh; xzke iapk;rksa dks Hkh nh tkuh pkfg,A vki izi=k 26 dh igys ls vf/Ñr Nih ;k lkbDyksLVkby izfr izklr dj ldrs gSaA ijpk dk izi=k x;k esa Nik;k tk jgk gS vkSj 'kh?kz bldh Nih izfr;ka vkidks Hkst nh tk,axhA

11- fo'ks"kkf/Ñr O;fDr okIHkwfe dk'rdkj fu;e] 1948 dh uohure la'kks/u ls ;qDr ,d izfr Hkh layXu gSA

12- Ñi;k bl i=k dh izkflr dh lwpu nsaA (i=kkad , -@Vh-&1024@65&7558 vkj-frfFk 23-9-1965)

**RIGHT TO HOMESTEAD LAND IN RURAL BIHAR: A STUDY OF ITS STATUS, ISSUES, AND CHALLENGES IN IMPLEMENTATION OF POLICIES AND PROVISIONS**

Form Number →

**A. Identification**

Code ↓

- 1. Region Name: Q-1
- 2. District Name: Q-2
- 3. Block Name: Q-3
- 4. Village Panchayat Name: Q-4
- 5. Revenue village Name: Q-5
- 6. Hamlet/Tola Name: Q-6
- 7. Household category: Q-7

- i) Got homestead land (Purchased and given by Bihar Govt.)-----1
- ii) Didn't get homestead land (Purchased and given by Bihar Govt.)-----2

- 8. Social Category of the household: Q-8   
 (i) SC---1, (ii) ST---2, iii) EBC---3, iv) OBC---4  
 v) General---5, vi) Muslim---6

**B. Respondent's Information**

- 9. Name of the respondent: .....
- 10. Gender of the respondent: i) Male---1, ii) Female---2 Q-10
- 11. Name of the household head: .....
- 12. Gender of the household head: i) Male---1, ii) Female---2 Q-12

**C. Household Background Information** (See Codes of each category in the beginning of Page-2)

Sl. No	13. Name of HH members	14. Age (Below 1 year --00 Do not know--99)	15. Sex (Male--1 Female--2)	16. Relationship with head of HH	17. Marital Status	18. Main Occupation	19. Education

**Interview Schedule for Household Survey**

<b>Codes for Q. 16</b>		<b>Codes for Q. 17</b>		<b>Codes for Q. 18</b>		<b>Codes for Q. 19</b>	
<i>HH Head--1</i> <i>Spouse --2</i> <i>Father/Mother--3</i> <i>Son/Daughter--4</i> <i>Brother/Sister--5</i> <i>Uncle/ Aunt--6</i> <i>Nephew/ Niece--7</i> <i>Grandfather/mother--8</i> <i>Grandson/daughter--9</i> <i>Son/Daughter-in-law--10</i> <i>Father/ Mother-in-law--11</i> <i>Others (specify.....)--12</i>		<i>Married--1,</i> <i>Never married--2</i> <i>Separated/ Deserted--3</i> <i>Divorced--4</i> <i>Widow/ Widower--5</i>		<i>Owner cultivator-1</i> <i>Tenant cultivator--2</i> <i>Agricultural labour--3</i> <i>Non- agri. labour --4</i> <i>Service (govt./private)--5</i> <i>Business/trading--6</i> <i>Skilled labour--7</i> <i>Maid Servant--8</i> <i>Student--9</i> <i>Household chores--10</i> <i>Not doing anything--11</i> <i>Others (specify.....)--12</i>		<i>Illiterate--1</i> <i>Literate--2</i> <i>Primary Pass(5<sup>th</sup> )-3</i> <i>Middle Pass(8<sup>th</sup> )--4</i> <i>Secondary Pass (10<sup>th</sup>)--5</i> <i>Higher secondary (12<sup>th</sup>)--6</i> <i>Graduate and above-- 7</i> <i>Technical education-- 8</i> <i>Child(1-6 years)--9</i> <i>Others(Specify-----)--10</i>	

**20. Household size**

Total number of household members	Male	Female	Number of married couple	Number of unmarried members		
				Total	Below 18 years	18 years and above

**21.** What type of Ration Card does your household have? Q-21

- i) BPL card--1, ii) APL card--2, iii) Antyodaya card--3, iv) No Ration Card--4  
v) Others (Specify.....)--5

**22.** What is the type of your house? (Observe and note down the answer) Q-22

- i) Pucca--1, ii) Kuchcha--2, iii) Semi-pucca--3, Jhopari--4

**23.** How many rooms do you have in your house? (Write number)

.....

**24.** Do you have any kind of livestock in your house? Q-24

- i) Yes--1, ii) No--2

**25.** If yes, tell the kind of livestock? Q-25

- i) Poultry-1, ii) Goat-2, iii) Pig-3, iv) Milch cattle-4, v) Non-milch cattle-5  
vi) Others (specify.....)--6

**26.** If no livestock, explain the reason.....

**27.** Do you own agricultural land? Q-27

- i) Yes--1, ii) No--2

**Interview Schedule for Household Survey**

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28. If yes, how much agricultural land do you own? .....

**D. Questions for Households which have received homestead plot purchased and given by Bihar Govt. (For households, which have not received homestead plot, please go to Section E, Q. No. 39 and onwards)**

29. When did you receive the homestead plot from govt.? Please mention month and year.  
.....

30. How did you get selected for getting the homestead plot from govt.? Please explain.  
.....

31. What is the size of homestead land/plot received from government? Q-31

- i) 3 decimals--1, ii) Less than 3 decimals--2, iii) More than 3 decimals--3
- iv) Do not know/can't say--99

32. What is the status of the homestead land received? Q-32

- i) Yes registration papers (Kevala) and No possession-----1
- ii) No registration papers (Kevala) and Yes possession-----2
- iii) Yes registration papers (Kevala) and Yes possession-----3
- iv) No registration papers (Kevala) and No possession-----4

33. Have you constructed a house on the plot received from government? Q-33

- i) Yes--1, ii) No--2

34. If no, why? Please tell the main reason.  
.....

35. Have you started residing on the plot received from the government? Q-35

- i) Yes--1, ii) No--2

36. If no, why? Please tell the main reason/problem.  
.....

37. Have you got any assistance for house construction/ renovation under Indira Awas Yojna (IAY)?

- i) Yes--1, ii) No--2
- Q-37

38. If no, what is the main reason? Please explain  
.....

**E. Questions for Households which have not received homestead plot purchased and given by Bihar Govt.**

39. Since when has your family been residing on the present homestead land? (Write exact number of years) .....

40. What is the size of your homestead plot?  
.....

**Interview Schedule for Household Survey**

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**41.** What is the category of the land on which your house is constructed? Q-41   
i) Raiyati land--1, ii) Gairmazarua Malik/ Khas land—2, iii) Gairmazarua Aam land--3  
iv) Forest department land—4, v) Railways land—5, vi) PWD land--6, vii) Bhoodan land--7  
viii) Self purchased land--8, ix) Any other type, please specify.....)--9  
x) Do not know/Can't say--99

**42.** Do you have Parcha/ Parwana (legal entitlement) for your homestead land? Q-42   
(If answer to Q. 42 is Do not know/can't say, go to Q. 47)

i) Yes—1, ii) No—2, iii) Do not know/can't say —99

**43.** If yes to Q. 42, when did you get it? Please mention the year.

.....

**44.** If no to Q. 42, have you ever made any claim to the govt. for Parcha/ Parwana? Q-44   
(If answer to Q. 44 is No, go to Q. 47)

i) Yes--1, ii) No--2

**45.** If yes to Q. 44, since how long is your claim pending? (Please mention exact number of years)

.....

**46.** At what level is the claim pending? Q-46

i) Mukhiya/ Gram Sabha--1, ii) Karmachari—2, iii) Circle Inspector—3, iv) Circle Officer--4,  
v) LRDC—5, vi) Sub-Divisional Officer--6, vii) District Magistrate--7, viii) Commissioner--8  
ix) State Land Revenue Board--9, x) Any other (specify.....)--10,  
xi) Do not know/Can't say--99

**47.** Have you got any assistance for house construction/ renovation under Indira Awas Yojna (IAY)?

i) Yes--1, ii) No—2 Q-47

**48.** If no, what are the main reasons? Please explain.....

**49.** Was your family residing at some other place before settling on the present homestead land?

i) Yes--1, ii) No--2 Q-49

**50.** If yes, why did your family left it and settled at the present site? Q-50

i) Insufficient space due to increase in family size--1, ii) Eviction by dominant landowners--2  
iii) Eviction by govt. authorities—3, iv) Social conflict in the village—4, v) Displacement by  
floods—5, vi) Displacement due to govt. development project—6, vii) Others (specify....)--7

**51.** Have you faced any threat of eviction from your present homestead land? Q-51

i) Yes--1, ii) No--2

**52.** If yes, please describe any such incident of threat of eviction.

.....

**53.** Are you aware that there are govt. laws and policies for providing Parcha/ Parwana for allotment of homestead land to landless poor? Q-53

i) Fully aware—1, ii) Partially aware—2, iii) Not aware—3

**54.** What in your opinion are main hurdle faced by landless poor in obtaining Parcha/ Parwana of existing homestead land and in getting their allotment? Please explain.



**Interview Schedule for Household Survey**

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.....  
Name & Signature of the Interviewer:  
Place & Date: