

Role of Civil Society Organizations towards Homestead Land Entitlement to Scheduled Castes of Gaya District, Bihar

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Abstract — It is a fact that along with food and clothes, housing is one of the three most important requirements of a human being. We cannot imagine a better and healthy society without shelter right. Housing is in primary order of needs. No doubt, it is a global issue and persists in India as well. Since Independence, We have crossed a long journey of land reforms in India. In particular, regarding the homestead land entitlement, the State is unable to provide safe housing to each and every citizen of India. It is familiar with the challenging situation of housing conditions in rural India, particularly Bihar. Substandard implementation of the BPPHT Act 1947 (Bihar Privileged Persons Homestead Tenancy Act 1947) at the grassroots level demonstrates the governance failure of the concerned state and also helps to understand how ultimately state has been sluggish to deliver this act on the ground since the independence. In the context of Bihar, There is separate law i.e. Bihar Privileged Persons Homestead Tenancy Act 1947. According to the provisions of this act (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 a permanent right over his homestead land. The Act defines a homestead as any land which is held by a privileged person for residential purposes. The respective household should belong to be SC/ST/OBC category. For nearly a decade, there are networks such as Deshkal Society Gram Nirman Kendra, and Lok Shakti Sikshan Kendra that have worked towards the community mobilization program aimed at facilitating entitlement. Their work has been based in Gaya, the district with the highest proportion of SCs and lowest rates of homestead land entitlement in Bihar. Their initiatives center on the formation of community-based organizations (CBOs) which assist households in obtaining entitlement while acting as pressure groups advocating higher quality land rights governance. This article illustrates understanding the process and struggles of Scheduled Castes people of the Gaya district of Bihar to get homestead land entitlements from the concerned administration with the support of a network of Civil Society.

Keywords: Scheduled Caste, Homestead Land, Entitlement, Mobilisation, Civil Society, Governance

I. INTRODUCTION

According to Dr. B. R. Ambedkar “Equality may be a fiction but nonetheless one must accept it as a governing principle.” Ambedkar clearly understood that India is a diverse country that has various castes, religions, languages, and cultures so it is more important to tie a bond in diversity and to develop equality. On this concept, he wrote the Indian Constitution and apparent his vision and philosophy in the preamble which is not only the beauty of our constitution but also a comprehensible pathway for further. Globally, the idea of a welfare state has been adopted by almost countries followed

by India. Generally, the welfare state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life.

Indian constitution emphasizes the notion of a welfare state that can be observed in the line of the preamble (Soul of the Constitution) “We the people of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic and to secure to all its citizens: Justice, Social, Economic, and Political”. But alas, a different illustration is visible in the present society that forces us to think critically and raise our voices on those particular issues. Along with food and clothes, housing is one of the three most important requirements of human being survival. We cannot imagine a better and healthy society without shelter. Housing is in primary order of needs. In rural India, land is associated with social status. Holding a land title, even if only to a small house could be seen as more empowered as legitimate members of their communities. In addition, it provides life with dignity and identity. In fact, these are legitimized rights and the State is accountable for providing a safe and secure environment to every citizen of India. The right to residence and settlement was seen as a fundamental right under Article 19(1) (e) and as a facet of the inseparable meaningful right to life as available under Article 21. India’s Eleventh Five Year Plan rightly explained that the right to a roof over one’s head needs to be seen as a basic human right. From the perspective of Human rights and the importance of Homestead land for the overall development of individuals, the “right to housing” has been considered as a fundamental human right in the International Human Rights Organisation and treaties. The right to adequate housing or Homestead land was a basic element of the right to an adequate standard of living in 1948 the Universal Declaration of Human Rights, Article 25.1 of the Universal Declaration of Human Rights defined Homestead as “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” (UDHR 1948).

After seven decades of Independence, The nation is unable to implement completely these rights at the grassroots level. This is a gigantic question mark on the concept of the welfare state that we adopted as well as on the governance system. The World Bank defines governance as the institutional capacity of public organisations to provide the public and other goods demanded by a country’s citizens in an effective, transparent, impartial and accountable manner, subject to resource constraints (Mathur, 2008).

S.No	State	Number of Houseless Population
1	West Bengal	35,07,836
2	Bihar	34,02,635
3	Madhya Pradesh	32,34,778
4	Uttar Pradesh	25,36,909
5	Odisha	24,90,706
6	Rajasthan	21,13,319
7	Tamil Nadu	14,52,537
8	Chhattisgarh	14,41,604
9	Maharashtra	12,12,798
10	Gujarat	8,10,467

Source: Socio-Economic Caste Census, 2013

Table 1: Status of Houseless population in the states

According to the table, Bihar is the second largest houseless population state in the country. Roy (1999) rightly pointed out that the concern for housing is quite understandable in as much as a large number of the persons belonging to the Scheduled Castes may have a small hut and do not have ownership rights in Bihar. It is unexpected to see that after seventy years of law enactment in Bihar i.e. Bihar Privileged Persons Homestead Tenancy Act 1947, homestead land entitlement is still a fragmentary journey in Bihar. Positively, In the previous decade, Government and Civil Society organizations have invested in attempts to clarify and protect homestead rights and taken place affirmative action between the beneficiary and the concerned administration. Specifically in the Gaya district of Bihar which has the largest proportion of the SCs population in the state.

II. SCHEDULED CASTES

Historically they were called Shudras, or Atishudras in Indian society. Apart from this Untouchable or outcaste words were popular in the public domain. After the enactment of the Government of India Act of 1935, the British Government consistently referred to them as "Scheduled Caste" later on it was also incorporated into the constitution of India. The criteria for inclusion in the Schedule were those who were socially educationally and economically backward due to the traditional customs related to the practice of untouchability. Indian constitution's welfare measures such as reservation in political, educational, and service institutions of India, and the prevention act on caste-based atrocity were the result of Dr. Ambedkar's consistent fight for the Scheduled Caste's social justice. Post-independence the affirmative action policy of the Government of India stepped toward social mobility in the caste system of India.

Year	Total Population	Total Scheduled Caste Population	Percentage of Scheduled caste Population to total population
1961	439,23,4771	644,49,275	14.67%
1971	548,15,9652	800,05,398	14.60%
1981	685,184,692	106,02,707	15.47%
1991	846,30,2688	138,86,4477	16.41%
2001	102,86,10328	166,63,5700	16.20%
2011	121,05,69573	201,37,8086	16.60%

Source GOI Census-1961, 1971,1991,2001,2011

Table 2: Scheduled Caste Population in India: -

The Scheduled Castes (SC) population of Bihar State is 1,65,67325 as per the 2011 census constituting 15.9 percent of the total population (103,804,637) of the State. Prominent SCs in the descending order of population size are Bhuiya, Musahar, Chamar, Dusadh, Pasi, and Dhobi. The six most populous SCs constitute 93.2 percent of the total SC population of the State. Among the 38 districts of Bihar, Gaya has the highest proportion of SCs 13,34,351 (29.6 percent) population in the district.

III. HOMESTEAD LAND ENTITLEMENT & BPPHT ACT 1947

Homestead land entitlement represents a right-based approach for the poor and poorest section of society. Arjun Sen Gupta (Economist) developed the coin of the right-based approach in India. He always advocated that development be seen from a human rights perspective and also argued that the enforceability of collective rights and implementation of programmes was possible even without their being converted into legal rights. Thus a rights-based approach involves not charity or simple economic development, but a process of enabling and empowering those not enjoying their Economic, Social, and cultural rights to claim their rights (Srivastava, 2010). We can consider the Right to Food, Right to Information, Right to Education, MNREGA, and BPPHT Act 1947 as examples of the right-based approach in India.

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 a permanent right over his homestead land. The Act defines homestead as any land which is held by a privileged person 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 a settlement of raiyati land under the Act. This act will also be applicable on Gairmazarua Malik/Khasor Gairmazarua Aamlands if such land had lost its Aamcharacter and is no longer used for community purposes, such land should also be settled with the privileged persons. His/her possession would be recognized and a normal settlement made with him (letter no. 5LR-232/71-5805- R, dated 16 August 1971) (Annexure-II). The policy also states that in the settlement of these lands for homestead purposes, preference should be given to the following category of households:

- 1) Scheduled Castes
- 2) Scheduled Tribes
- 3) Backward Classes

After the Gram Sabhas resolved to that effect, a case record is prepared which goes to the government through the Circle Officer, SDO, District Collector, and Divisional

Commissioner. The settlement can be permitted only after it has 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/Khasland, the Sub-divisional Officer is competent to settle the same for residential purposes with eligible persons (Bihar Privileged Persons Homestead Tenancy Manual, 2006).

Homestead land entitlement in rural Bihar represents the cornerstone of the inclusive growth of the members of underprivileged communities. Due to a lack of ownership rights over their homestead land, these households are also not able to avail the benefits of housing assistance under the PMAY (Pradhan Mantri Awas Yojana) scheme. It is a fact that households with entitlements have stronger initiatives to invest in more secure homes and in pursuing income-generating activities on their homestead lands. Entitlement ensures eligibility to open bank accounts and collect funds from certain government welfare programmes. (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. It also represents the self-determination, co-existence, and community feeling of the privileged person.

IV. CIVIL SOCIETY ORGANISATION (CSO)

Civil society can be defined as a unit of Non-State actors. They stand for common goods and generally come from the background of Academics, Policy Makers, International organizations, NGOs, and Activists. It is a fact that NGOs and CBOs have taken an importance place in Indian society for the well-being of the masses. There are so many laws and welfare policies for marginalized sections of society but alas implementation part is poor on a grassroots level. Even, people are not aware of the welfare policies that relate to them directly. This issue developed a gap between state and civic dialogue. In other words, we can call it a governance failure.

The members of civil society initiated to fill this gap and raised the voice of voiceless people. They started to mobilize the people on their agenda and facilitate between state and civic matters. Mobilization may be seen in simple terms: To organize and encourage the people as cohesive groups to act as an effective pressure group in pursuit of a particular objective. Caste-based mobilization through "caste associations" is one of the finest examples. Kothari (1970) also admits that mobilisation under caste associations played a significant role for their socio-political changes.

The Gaya district has its own rich history regarding land rights movement and Dalit mobilization. It has also witnessed of the Scheduled Caste mobilization towards the homestead land entitlement.

A. CSOs Intervention towards Homestead Land Entitlement

Cooperation and solidarity between civil society organizations (CSOs) and the government in mainstreaming the issues of excluded groups into the development process are commendable in India. This has enabled Dalits to have

greater access to services, resources, and development opportunities. It is noticed that Voluntary agencies either Constituted by Scheduled Castes/Scheduled Tribes themselves or by others to work among them go a long way in not only providing socio-economic services of various types but also creating social awareness, training persons, and facilitating welfare schemes.

In the words of Rajalakshmi (2001), although the struggle for land reforms and land rights is not new in Bihar, the Left parties and their class and mass organizations have taken the lead. She kept the example of Ekta Parishad's padayatra (march) movement on the issue of land rights, including basic homestead land that was attended by a large number of Dalits and other landless people. One of the focal points of the Ekta Parishad's agitation for land rights has been the restoration of Bhoodan land to its rightful owners the landless people. The Bhoodan movement was started in the 1950s under the leadership of Acharya Vinoba Bhave.

Another example of Chhatra Yuva Sangharsh Vahini (CYSV), an organization of students and youths who emerged in the Gaya district of Bihar in the mid-seventies and carried a widespread struggle for social transformation through peaceful means. The Vahini (CYSV) mobilized the masses against the concentration of land in a few religious institutions and for the distribution of this land among the landless and the poor, and against the oppression of exploitation by the landlords. (Govind Kelkar, 1991)

It is a fact that the members of scheduled castes mostly reside in the countryside and derive their livelihood by working on the land; they are the most disadvantaged with respect to land. The incidence of landlessness is more pronounced among these groups. In recognition of the basic proposition that the poor land ownership position of the scheduled groups accounts largely for their perpetual poverty and makes them vulnerable to social injustice and exploitation. The government of India has made a systematic endeavour to protect and promote their rights with regard to control and use of land through land reforms and allied measures. Land reforms have been treated as one of the principal instruments for the creation of an egalitarian rural society. As a consequence, land reforms became a necessary part of the process of national planning for the emancipation of these deprived people. All states without exception started showing interest in land redistribution and formulated their own legislative measures to allot the land as well as to protect it from being transferred to non-scheduled groups. It is true that many states like Bihar give preference to scheduled groups in the distribution of surplus land or government wasteland (Mohanty, 2001).

The Planning Commission (Known as NITI Aayog) defined community development as an attempt to bring about a social and economic transformation of village life through the efforts of the people themselves in this way, the community development projects indicate those projects for social and economic reconstruction in the villages which are implemented with the co-operation of the public itself. The community development project is the method through which Five-Year Plans seek to initiate a process of transformation of the social and economic life of the villages. In this way, a community development project is a process controlled by

the community itself. This has focused on people's participation in the developmental process. (Sharma, 1997).

According to Bhattacharya (2002) community organization is a developing branch of modern Social Work and has a wide scope in economic upliftment, education, health, housing, social services and community life. As per the assumption of community organization it is understood that people can develop a capacity to deal with their own problems. They need help in organizing themselves.

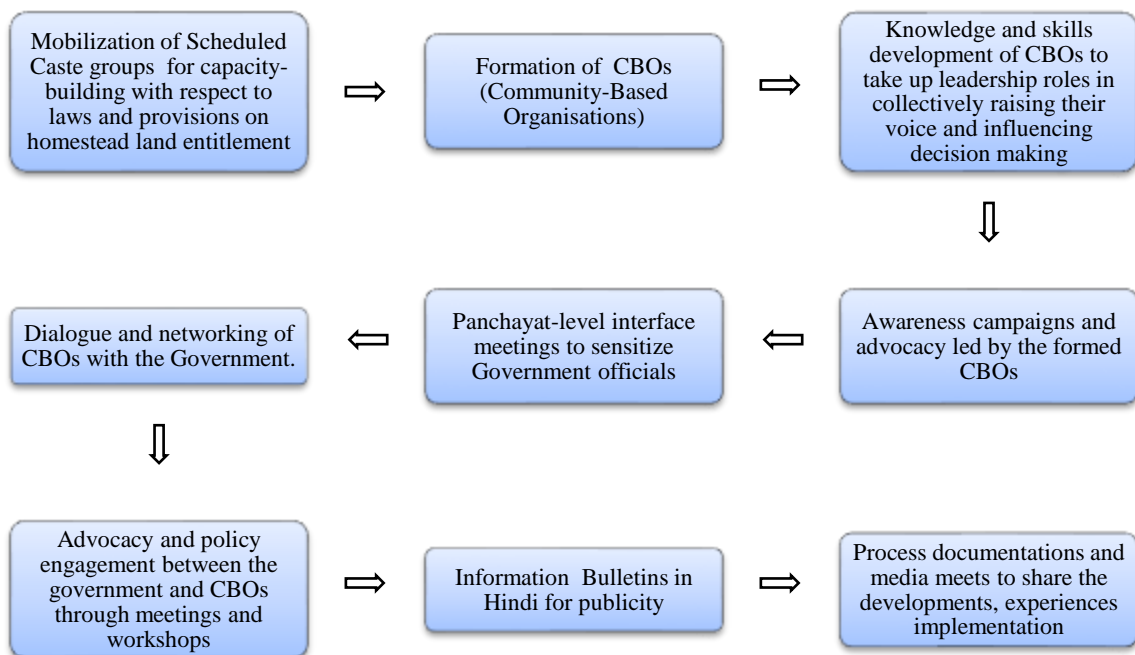
In recent years, it is noted that Civil Society organizations (CSOs) in India have been pressing for a national land reforms policy and a land use plan as expected from the National Land Reforms Council (NLRC). CSOs have recommended a land reform monitoring program involving all key stakeholders. It would be more pragmatic and manageable to start with monitoring Bihar state, as it works on the recommendations of the Bihar Land Reforms Commission. National indicators such as access to land, landlessness, national land reforms policies and legislations, process, and progress of computerization of land records. The CSO-led monitoring initiative would ascertain the status of land reforms and use it to strengthen dialogue and advocacy. Nalapat (1976) cited Kerala has set the example for the upliftment of poor sections such as Dalits under the "One Lakh Houses" Scheme (OLHS). It represented the first major attempt in India to provide adequate accommodation to the very poor that was implemented by the Government of Kerala form early 1972. It was designed to provide dwellings for landless agricultural labour families who had not received homesteads under the Kerala Land Reforms Act, 1963 as amended in 1969.

The last couple of years has witnessed a rise in demand for strengthening civil society. The members of civil society initiated to fill governance system gaps and raised the voice of voiceless people. They started to mobilize the people on their agenda and facilitate between state and civic matters. For nearly a decade, there are networks that have consistently

worked towards the community mobilization program aimed at facilitating entitlement such as Deshkal Society, Gram Nirman Kendra, and Lok Shakti Sikshan Kendra. Their work has been based in Gaya. Deshkal Society led the agenda of homestead land entitlement with the collaboration of both grassroots-level NGOs. If the leading organization had a think tank and better liaison capacity other side local NGOs had a commendable rapport with beneficiaries and used to work in adverse conditions on the ground. It was an impressive and collective action program of the above organizations. This joint action programme aims to improve the uptake of entitlements pertaining to land rights among the Dalits, particularly women in order to enable them to live with dignity. Their initiatives center on the formation of community-based organizations (CBOs) which assist households in obtaining entitlement while acting as pressure groups advocating higher quality land rights governance. According to a study conducted in Gaya District, around 65% of SC households surveyed lacked entitlement which validates about this act was scarcely implemented (Deshkal Society and Planning Commission, Government of India, 2012).

Community-based organizations are focused on the local issues which are connected to their well-being, and also function by themselves. With reference to dealing with the issue of the homestead land entitlement, the above three collaborative registered Non-Government organizations pursued the approach of a community-based intervention. They formed CBOs at the Block, Panchayat, and village levels in the Gaya district of Bihar. The concerned CBOs committee from the community members themselves started to spread awareness about the legal rights of the act among the SCs household. The partner organizations trained local folk artists for spreading awareness in the community and also conducted State level Public hearing for sensitizing the issue among key government officials.

The adopted model of Community intervention by the partner organization with reference to Homestead Land Entitlement



Source: Report on Homestead Land in Gaya, Bihar (Deshkal Society, 2016)

Through baseline survey, the respective CBOs collected the data of Scheduled Castes those who did not have the legal entitlement of the homestead land and assisted in filling applications and their submission at the block level. As per the recorded data in the Deshkal Society report (2016) it was noted that the ten thousand one hundred twenty-five (10,125) Scheduled Caste households head women received ownership paper of the respective homestead land (parcha/parwana) through this joint action program in the 4 blocks of the Gaya district of Bihar. No doubt, this was a remarkable achievement for those who moved here and there for a roof and were not entitled to homestead land. It also developed a pathway for others. The joint action programme was supported by PACS (Poorest Areas Civil Society) for 4 years from 2012 to 2016. The Poorest Areas Civil Society (PACS) Programme was an initiative of the UK Government's Department for International Development (DFID) aimed at reducing the gap in well-being status between socially excluded groups in India.

In the words of Anish (2016), The Department of Revenue & Land Reforms Government of Bihar also acknowledged the taken initiative and his principal secretary said "this non-state collaboration has reached out to landless Scheduled castes and has helped them to secure their legitimate rights from the rights-based perspective".

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. Small plots of homestead land can increase the quantity and quality of food intake, and improve family nutrition and health by providing opportunities to grow fruits and vegetables. It can also be used to shelter and rear livestock which can in turn be an 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 especially 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 any family crisis like the death of a breadwinner. (Hanstad, Brown and Roy Prosterman, 2002).

V. CONCLUSION

While the analysis of the role of civil society organizations in the implementation of the above law at the ground level, it is clear that law-making is not the only solution to any problem, needs to be implemented honestly at the grassroots level. Mr. Kofi Annan (The Former UN Secretary-General) rightly said "good governance is the single most important factor in eradicating poverty and promoting development." Better governance is important for equitable development. Gaya

district is one of the highest proportions of the Scheduled Castes population in Bihar but still many are in line to receive the entitlement under this act. It was not even possible if civil society organisations did not endeavour. On the basis of the study undertaken, it has been raised a key question on the Bihar government stipulated that after seventy years of law enactment why its implementation is not as should be expected; because it is for the empowerment of those who are the poorest and most marginalized social category in the state-lives without title from the centuries. It fortifies the hidden practice of caste-based exclusion and discriminatory governance system which is more affectionate for the interests of the bourgeois not marginalizes section. In fact, homestead land entitlement does not only enable to have the benefits of other schemes but also would be helpful in the intellectual growth of beneficiaries. But they cannot be deprived for a long time because Dasrath Manjhi an icon of the Musahar community rightly said "Jaat hi Jaat ko Jagayaga" (only fellow members can awaken the community), and gradually consciousness of homestead land entitlement has been developed amongst the scheduled castes.

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