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Assessment of Land Governance in Bihar

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Abstract

Land governance can be briefly described as how property rights to land, for groups or individuals, are defined, enforced, can be exchanged, and transformed. Land governance is argued to be a key to sustainable development and poverty reduction. In India, as well as in Bihar, land has enormous economic, social, and symbolic relevance. The present paper is an attempt to understand the issue of land governance from different perspective. The present study explores the historical background of development of land tenure typology and provides a detail account of land tenure system in the context of Bihar. As there are incidents of concentration in the ownership of the land and large number of disputes related to it, the paper analyse the available legal framework for dispute resolution. The present study also analyse some critical issues related to land governance and provide recommendation to bridge the gap for better land governance in the context of Bihar.

Key Words: Bihar, Land Governance, Legal Framework, Tenure Typology

1. Introduction

Land has become a significant resource in the context of economic development, rapid urbanization and industrialization, increase in food demand, climate change. In developing countries, the effect of weak management of land is harmful, especially to poor, to whom the land is primary means for livelihood. The need for good land governance, argued by Deininger, Selod & Burns (2012) reinforced by the global trends of (i) the volatile commodity price and population growth, (ii) the climate change; and (iii) to receive external assistance. In addition, to reduce opportunity for corruption and bribery, the good land governance identified as critical as a precondition for sustainable economic development and social justice (Deininger K. , 2003). Land governance is argued to be a key to sustainable development and poverty reduction. In rural as well as urban area land is the key source of income and livelihood. It, as argued, provides foundation for economic activities and functioning of market and non-market institutions (Deininger K. , 2003). In India, as well as in Bihar, land has enormous economic, social, and symbolic relevance. Land governance can be briefly described as how property rights to land (for groups or individuals) are defined, enforced, can be exchanged, and transformed. It also talks about the way land is managed, planned and regulations are prepared and implemented and also how land is taxed. It also focuses on acquisition and disposal of land and the way disputes related to land are resolved and conflicts are managed. Given this imperative the present paper attempts to review the status of land governance issues in Bihar based on existing laws, report from related government departments and discussion with key officials of departments. Accordingly the paper is divided in following sections. Section 2 presents a brief historical background of evolution of land governance in Bihar. Section 3 explores Land tenure typology in Bihar. Section 4 assesses critical land governance issues in Bihar. Section 5 Draw the implication, make recommendation and concludes the study.

2. Historical background

The historical background of land governance in Bihar can be traced back in the year of 1757. Just after the victory in battle of Plassey in 1757 and the battle of Buxar in 1764, British obtained political control of the modern states of Bengal and Bihar (formerly Bengal Presidency). The British were formally granted revenue-collection rights in these areas in 1765. The present study shall analyse the historical background in two phases, pre-British and pre-independence period and post independence period.

2.1 Pre-independence Period

Land revenue was the main source of revenue traditionally to *Mughal* as well as to British. During the period of *Mughal* rule in the sixteenth and seventeenth centuries, land revenue was collected by non-hereditary, transferable state officials (the *Mansabdari* system introduced by Emperor Akbar). Land revenue, or land tax, was the major source of government revenue during British times as well. In 1841, it constituted 60 percent of total British government revenue, although this proportion decreased over time as the British developed additional tax resources. Not surprisingly, land revenue and its collection were the most important issues in policy debates during this period. Different arrangements of land revenue system or land tenure system were made by British to facilitate their collection of land revenue. These systems defined who had the liability to pay the land tax to the British. Up to a first approximation, all cultivable land in British India fell under one of three alternative systems: (a) a landlord-based system (also known as *zamindari* or *malguzari*), (b) an individual cultivator-based system (*raiyyatwari*), and (c) a village-based system (*mahalwari*). The revenue rates used to determine on fairly ad hoc grounds, based on a diverse set of factors, primarily based on soils and secondarily on consideration of the caste of the tenant, capabilities of irrigation, command of manure etc.

Legally the *zamindars* were considered to be the owners of the land. But in reality their role was that of government-appointed middlemen who collected revenue from the title-holders. Revenue used to be paid in cash to the government and it used to be major part of the revenue paid by the title-holders to the *zamindars*. But *zamindars* had the right to collect any amount of revenue as they wished from the title-holders. And then there were the title-holders at the second level who had obtained the right from the owners of the land or from other title-holders to collect revenue. At the third level there were the occupancy *raiyyats* who used to pay revenue for the land they had occupied and cultivate the lands by themselves or with the help of the members of their family or by hired labourers or with the help of their partners. They could transfer their rights to someone else. Below them were the non-occupancy *raiyyats* who had to pay revenue for occupying the land on a temporary basis. Then there were sub-tenants who had to pay revenue for getting land on a temporary basis from the *raiyyats*. In the 30s and 40s, in Bihar, a flood of peasant movement was gushing forth. The main role in these movements for *zamindari* abolition during the British raj was of occupancy and non-occupancy *raiyyats*. And tenants-at-will and labourers also participated. This is the reason why the biggest benefit of *zamindari* abolition went to the occupancy and non-occupancy *raiyyats*. (Jha, 1997).

Towards the end of 1938, the Govt. of Bengal appointed a land revenue commission to examine the existing land revenue system with reference to the Permanent Settlement. The commission submitted its report in 1940. Some serious defects of the *zamindari* system were pointed out. It was recommended by the commission that *zamindari* system should be abolished to improve the economic condition of the cultivators of lands and the Government should be brought into the direct relationship with the actual cultivators.

2.2 Post-Independence Developments in Land Policy

With assumption of office by the congress ministry in 1946 highest priority was given to the abolition of *zamindari* system of the state of Bihar. In this context, the Bihar State Acquisition of *zamindaries* Bill 1947 was drafted and introduced. The nomenclature of the bill was subsequently changed in the Bihar Abolition of *zamindaries* Bill and was passed in 1948.

After independence, several states passed legislation in the early 1950s, formally abolishing landlords and other intermediaries between the government and the cultivator. Other laws have also been passed by different states at different times regarding tenancy reform, ceiling on land holdings, and land consolidation measures (Banerjee & Iyer, 2005). Bihar was the state where land reforms legislations were first brought in. In 1950s, just before the *zamindari* abolition, there were 2,05,977 regularly revenue-paying, permanently settled, holdings. They accounted for 90% of the land area. Bihar Land Reforms Act 1950 was amended and passed as the Bihar Land Reforms (Amendment) act 1953, making all intermediaries interests vested in the state with publication of the notification absolutely free from all encumbrances.

The process of abolition of *zamindari* completed in 1956, but before the abolition, proprietary interest in land was vested in the proprietors of the estate in which the land was comprised. The estates were of three classes as follows

- a) Permanently settled estates.
- b) Temporarily settled estates
- c) Government estates

The permanently settled estates used to belong to those estates, the proprietors of which took engagement with the East India Company to pay the land revenue demand assessed in accordance with regulation 1 of 1793 (generally known as Permanent Settlement

Regulation). Temporarily settled estates were of two categories, firstly, these estates were the estates of those persons who for one reason or the other failed to take out engagement with the East India Company for payment of land-revenue demand assessed at the time, and secondly the estates which were held revenue-free on invalid or unjustifiable titles. The lands fall under category of government lands were (a) waste land, (b) *thanadari* land for police station, (c) lands escheated to Government in default of legal heirs or claimants, and (d) lands forfeited for any State offence.

Zamindari abolition and Land Reform: Bihar government passed the *Zamindari Abolition Act* in 1947. In 1948, this was amended and published as Bihar *Zamindari Abolition Act* (1948). Bihar Land Reforms Act was passed in 1950. This act was also challenged and Patna High Court, declared the act contravening the article 14 of the constitution. Then a Bill called the Constitution Bill, 1951 (First Amendment) was introduced in the Parliament which *inter alia* provided for certain amendment to article 31 of the constitution (Government of Bihar, 1956). With this act the rights of *zamindars* and title-holders on land and at the same time trees, forests, fish-breeding ponds, markets, mines and minerals, were legally terminated. And these rights were directly vested with the state government. To break concentration of land holding in the hands of few, in 1955 the ceiling bill which is called Bihar Agricultural Land (Ceiling and Management) Bill was prepared, but could not be presented due to strong resistance from prosperous landowners. In 1961 a revised version of the earlier bill - Bihar Land Reforms (Ceiling, Land Allocation and Surplus Land Acquisition) Act - was brought in. In this act any 'person' (not the family) cannot keep more than certain specified amount of land, depending upon the category of the land.

3. Land Tenure Typology in Bihar

Land Tenure system, as defined by Food And Agriculture Organisation (2002) as the relationship, whether legally or customarily, among people, as individuals or groups, with respect to land. It argues the land tenure system as an institution i.e., rules invented by societies to regulate behaviour. These rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions (Food And Agriculture Organisation, 2002). The concept of 'tenure' is a social construct that defines the relationships between individuals and groups of individuals by which rights and obligations are defined with respect to control and use of land (Economic Commission for

Africa, 2004). In this line, section 5(1) of the Bihar Tenancy Act, 1885 (Government of Bihar, 1885), defined tenure holder as primarily a person who has acquired from a proprietor or from another tenure-holder a right to hold for the purpose of collecting rents or bringing it under cultivation by establishing tenants on it, and includes also the successors in interest of person who have acquired such a right. Here the tenure means the interest of a tenure holder or under tenure holder. The tenure may be classified as follows:

- a. Tenures derived from ancient rights;
- b. Tenures which arose from the desire of the *zamindar* to improve his estate by extending his income and at the same time, to divest himself of the trouble and responsibility of direct management.

There is no reliable record as to its origin. Some of these might have been distinctly created by the *zamindar* after the Permanent Settlement; others existed from before that date.

For the purpose establishing and ensuring rights over land and between landlords and tenants as well to resolve disputes, the Bihar Tenancy Act, 1885 has defined tenants in following three categories.

- i. Occupancy *raiyats*
- ii. Non-occupancy *raiyats*
- iii. Under *raiyats*

Occupancy *raiyat* is a person having a right or occupancy in the land held by him and who holds any land suitable in a village for twelve years either himself or through inheritance, becomes a settled *raiyat* of that village, such a *raiyat* gets rights of occupancy in all lands for the time being held by him as *raiyat* in that village. Non Occupancy *raiyat*, on the other hand, does not have such right of occupancy over land. The under *raiyats* are those who holds tenancy immediately or mediately under a *raiyat*.

4. Critical Issues of Land Governance in Bihar

The present section attempts to assess various important land governance issues critically and with current status.

4.1 Recognition and Record of Right of Land

Recognition of right on land is a concern in Bihar. The basic reason behind the recognition of right on land is that an entry of name in the record of rights is not a conclusive proof of title and it does not confer a guarantee to its title, which is applicable to rural as well urban lands.

The Bihar Tenancy Act, 1885 gives the occupant of the land possession holder as an Occupancy Right on that land and he is declared as a *raiyat* of this land. Bihar Privileged Person Homestead Tenancy Act, 1947 provides right to homeless privileged persons occupying a piece of land for homestead. So far as the customary tenure rights are concerned, in Bihar Tenancy Act, 1885 under section 179, 180 and 181 there are provisions with respect to custom due to permanent *mukarrari* leases (formal contract), *char* (inundated with water), *diara* lands and right of occupancy in service tenure as specified above. But in Bihar, there is no provision as such regarding indigenous right to land in Bihar. Regarding rights of rural people around the forest, the rural group rights are now ensured through Joint Forest Management guidelines and Bihar Panchayat Raj Act, 2006. In 1995-96 Supreme Court intervened to protect National Park and Sanctuary. Through the order of the Supreme Court, all legal rights and customary practices of the communities around the National Park and Sanctuary stopped.

4.1.1 Record of Right

To regularize the status of *raiyats*, Bihar Tenancy Act, 1885 provides ‘record of rights’ vide sections 101-115 and made provisions for survey of the land. On behalf of this act, Cadastral Survey was conducted in between 1892-1922 in the whole state of Bihar and finally the Cadastral *Khatiyani* was published then. *Khatiyani* is abstract of land records of private and public land. The Cadastral *Khatiyani* finally provided the right of the records of a *raiyat* and established their right and possession on the occupant land. To up to date the land related records the revisional survey was initiated by the State Government. At present in Bihar, the Revisional survey has not fully been completed in any district. In some districts, though it has started but not yet completed, and in some districts the Revisional Survey has not yet been started. The table 1 gives detail status of the revisional survey in districts. **(Panel 4)**

Table 1: Status of Revisional Survey in District

Revisional Survey started but Not Completed	Revisional Survey not yet started
(1) Bhagalpur, (2) Saharsha and (3) Patna (4) Gaya	(1) Siwan, (2) Saran, (3) East Champaran, (4) Gopalganj, (5) West Champaran, (6) Munghyer, (7) Begusarai, (8) Lakhisarai, (9) Jamui, (10) Sekhpura, (11) Nalanda, (12) Khagaria

Source: Department of Revenue and Land Reforms, Government of Bihar

Given this situation, another initiative as Special Survey and Settlement Act, 2011, was enacted to conduct survey in whole of the state on the basis of modern technology using aerial survey technique with ground verification by means of Digital Global Positioning

System (DGPS), and Electronic Total Station (ETS). The state government proposed to complete the survey of entire state within three years. Though almost one year has already passed but no final *Khatiyan* of any district has been published yet and progress of this initiative is very unsatisfactory. For instance, Patna district has completed Cadastral Survey in 1911 and till now revisional survey has not completed, so far. So all the land revenue works are going on the basis of the records of cadastral survey of 1911. Though revisional survey of Patna has started in 1986 and it has been completed only in 208 villages of this district out of 1440 villages, 89 urban areas.

The record keepers of public land are *halka* karmchari in *halka* (sub-circle), which is the primary unit of land revenue administration, at the grass root level. In Bihar there are 534 Circles to run revenue works. Among these circles there are great crisis of Circle Inspector as a large portion of these positions are vacant. Another problems associated with the institutional structure is that; there is no office building for *halka* karmcharis in Bihar. The *halka* karmcharis have to run their office in private building due to which, they have to compromise in safeguard of the report, *khatiyan* and other registers. For better management the infrastructure of offices need to be developed.

4.2 Women Right over Land in Bihar

Though women make crucial contribution towards agriculture and rural enterprises, the right of women over land is often found not ensured, even by legally. Women comprise an average of 43 percent of the agricultural labour force of developing countries. The female share of the agricultural labour force ranges from about 20 percent in Latin America to almost 50 percent in Eastern and South Eastern Asia and sub-Saharan Africa (Food and Agriculture Organisation, 2011). It also found that compared to men, women comprise on average between less than 5 percent to less than 20 percent of agricultural landholders in the main developing regions (Food and Agriculture Organisation, 2011). The right over land makes women not only vocal in domestic decision making, it also make them confident to participate in the development spaces. The Ministry of Rural Development, (Ministry of Rural Development, 2011) found that 10% of rural land is actually titled to women, whereas 83% of rural women provide agricultural labor. Women with right over land are less vulnerable from domestic violence. The study of Panda & Agarwal (2005) in the context of Kerala found that the women who have right over land are less likely to be tortured domestically compared to women have no ownership over land. In Bihar, the women are very

much socially vulnerable and neglected. It is also found that no due importance in giving them the right to land. The *Zamindari* Abolition, Land Ceiling and Tenancy Reform though have tried to ensure legal compulsion for more equitable distribution of land, but the gap in implementation has made them ineffective. The review of the legal proviso gives that the very objective of Tenancy Act in Bihar was not to safeguard the interest of the women; rather the very purpose of the Bihar Tenancy Act, 1885 was to enact the laws for better relationship between the landlord and the tenants. Although chapter VI-A of the Bihar Tenancy Act, 1885 deals with the provision for the protection which has been extended to the members of schedule caste, schedule tribes and backward classes, but under this chapter no protection to women has been extended in any way. After abolition of *zamindari* system some of the major land reforms were taken up by the state government but unfortunately no specific steps were taken to recognise women right over land. The Bihar Privileged Persons Homestead Tenancy Act, 1947 was passed in 1948 to make provisions relating to the laws between the land lord and tenants in respect of homestead land held by certain classes of person in rural areas. This act was just enforced to improve the condition of the weaker section of the society but under this act no provision was made especially for the betterment of women in particular. Even the *purcha* (written entitlement) or *patta* (legal document of land) of homestead lands are given in the name of the male family members. Different direction, especially in 1990s, state government's direction to revenue officials to issue the settlement *patta/parwana* mentioning also the name of women member of the family was not followed strictly, resulting therein only the name of the male members of the family are indicated or mentioned in revenue record. It is evident that, individually women hold 12.8% of total land in Bihar (table 2). Though, women have rights to inherit her ancestral property as well women have equal rights in comparison to men, no special provision as to women's rights has been incorporated in Bihar Tenancy Act, 1885 for protection of their rights over land.

Table 2: Ownership of Land in Bihar

Particulars	Number of Holding	Area in Hectare
Individual- Male	11948188 (86.33%)	4526324.93 (87.12%)
	1891472 (13.67%)	669055.73 (12.88%)
	13839660 (85.48%)	5195380.66 (81.34%)
Joint - Male	1940631 (83.44%)	985013.86 (84.52%)
	385252 (16.56%)	180390.31 (15.48%)
	2325883 (14.36%)	1165404.17 (18.24%)

Institutional	25848 (0.16%)	26775.88 (0.42%)
Total	16191391	6387560.71

Source: Department of Revenue and Land Reforms, Government of Bihar

4.3 Management of Public Land

After abolition of *Zamindari* System in Bihar (Bihar Land Reforms Act, 1950) all the Public lands & previous estates came directly under the direct control of State Government of Bihar. In Bihar the total land is divided in to two parts, privately owned land and public land. The public land are categorised in to, *gairmazruha khas*, *gairmazuha aam*, and *Khas Mahal*. Among these, the *khas mahal* lands are located in urban area only. During Survey & Settlement operation between 1892 to 1922 (Cadastral Survey) public lands were recorded as *gairmazruha-khas*, *gairmazruha aam*, *kaisera-hind* (Central Govt. Land).

Khas Mahal lands in urban areas are managed by *Khas Mahal* section of concerned collector who maintains the record of *Khas Mahal* lands. Their management is brought under Bihar Government Estates (*Khas Mahal*) Manual, 1953 and Circle Officers are made responsible to manage the Public Lands such as *Gairmazruha Khas*, *Gairmazuha Aam*, general public roads in rural areas, grave yards, Grazing grounds etc.

There is a provision for settlement of public land to the weaker sections and homeless persons of the state. *Gairmazruha aam* land can be settled only by the State Government; through wide recommendation of concerned Circle Officers/DCLR/SDO/DM/Divisional Commissioner, whereas, the *gairmazruha khas* lands are settled by SDO through recommendation of concerned Circle Officer. The Annual Report 2012-13 (Government of Bihar, 2013) of Department of Revenue and Land Reform shows that in the year 2012-13; the department has provided land to build houses to homeless families. Under *Mahadalit Vikash Yojana*, 64544 nos of homeless *mahadalit* families have been provided land to build their house.

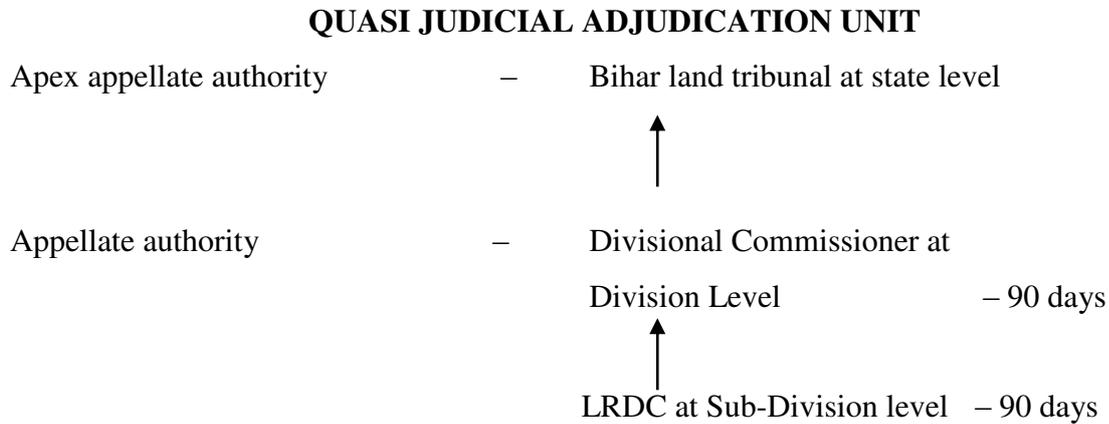
4.4 Land Dispute Resolution (Panel 8)

Land disputes are responsible for backwardness and economic plight of the people in substantial portion of rural population. As perceived by the member (Judicial), Bihar Land Tribunal, 70% of the criminal activities are due to land disputes. The present study found that a large number of cases are filed regard to land disputes on different issues, like right over share cropper, land encroachment, land ceiling, mutation. Table 3, 4 5 and 6 shows detail

number of cases and their resolution status. It is found that a substantial number of cases under each category pending to get resolved and the progress of resolution are very slow.

4.4.1 Dispute Resolution Mechanism

To resolve cases the quasi judicial and judicial adjudication units of state of Bihar for different types of land disputes is given below



There is large number of acts and rules related to resolve conflicts of lands in Bihar. Among them two most important Acts related to dispute resolution are Bihar Land Dispute Resolution Act, 2009 and Bihar Land Tribunal Act, 2009. Considering the need to provide a uniform and common forum, procedure and mechanism to achieve the objective of effective, efficacious and speedy resolution of disputes, “Bihar Land Disputes Resolution Act 2009” (Bihar Act 4, 2010) has been promulgated. This act has jurisdiction and authority to hear and adjudicate, on an application or complaint or on any application referred by a prescribed authority or officer, related to matter mainly related to land related disputes.

With the mandate under Chapter XIII of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, and in larger public interest and in the interest of the people of the State and with a view to provide a common and uniform forum for adjudication of disputes, Govt. of Bihar created a Tribunal at the highest level in the hierarchy known as “Bihar Land Tribunal” under Bihar Land Tribunal Act 2009 and Bihar Land Tribunal Rules 2010. The Bihar Land Tribunal is constituted to address the land related issues of *raiyyats* of state. In addition, the Tribunal shall decide any case transferred to it by the Government of Bihar or by the Honourable High Court of Judicature at Patna with regard to any other revenue or land reforms Law / Manual for the time being in force.

4.4.2 Informal Channels of Dispute Resolution

In the state land disputes are also resolved by *Gram Panchayat* (Panch constitutes reputed village elders and *Sarpanch* mutually agreed by both the party). Minor disputes like boundary, share of land of the family members etc. are resolved in the information channels. This is based on the principle of mutually accepted agreement by village level informal *panchayat* of the elders of the village / community. Here, it is to be noted that, resolution of dispute through *Gram Panchayat* is not encouraged. The people who supposed to resolve disputes are not trained to settle disputes through arbitration, conciliation mediation. The argument against the informal arrangements is that government interest may not be kept in view while deciding the disputes through informal channel. The Bihar Land Dispute Resolution Act, 2009 also does not mention settlement of disputes through informal channels. However, the same are being practice in the villages.

4.5 Land Valuation (Panel 7) mechanism of land valuation

Estimated minimum value of urban and its peripheral areas and the commercial / residential nature of land of rural areas shall be fixed every year, and after every three years of agricultural land in rural areas on the recommendation of the District Valuation Committee has been established for this purpose. Estimated minimum value of different categories of rural, urban and peripheral areas is determined on the basis of average value of conveyances of five highest values registered in the preceding financial year plus feedback optioned from spot verification. People have been provided the privilege of lodging their objection regarding value of any property at the time of Draft publication and such objections have to be looked into judicially and disposed of by the District Valuation Committee. The committee function under the overall guidance and supervision of Central Valuation Committee constituted at the state level. The Central Valuation Committee includes Principal Secretary /Secretary, Registration, Excise and Prohibition and Inspector General of the same department as Chairman and Vice-Chairman, respectively. The District Collectors have been made Chairman of District Valuation Committee. Central Committee, time to time, scrutinize & supervise estimate of minimum value.

Inspector General determines the classification of land of rural areas for fixation of minimum market value of land. The chairman of the Central Valuation Committee may, under the recommendation of the Committee, order the District Valuation Committee for specific revision of Estimated Minimum Value in any specific area for (i) Setting up of Industrial

Estate (ii) large scale housing project (ii) any other specific circumstances having impact on value of immovable property.

4.6 Land Acquisition (Panel 5)

In Bihar, the state government acquires lands mainly for public purposes and establishment of industries. The acquired land for any public purpose gets transferred to the concerned agency for its use in a timely manner. To acquire land, the project report of the project to be implemented in the acquired land need to be submitted in the concerned department. Then, a notice is issued by concerned Land Acquisition Officers to land owner/*raiyots*. After checking documents, record of rights, title in such land the compensation is decided and payment is made to the title owner of the land. The compensation is decided based on the stipulated rate for that area by the state government. Payments to *raiyots* are made within 1-2 months of acquisition. If the raiyot is against the acquisition and do not collect compensation the concerned office can deposit this compensation to court or district treasury office. From these, he can collect compensation later on.

Land is generally acquired by Government for its own use or for constructing public utility system and industrial purpose. Government also acquires land with the ultimate purpose to transfer it for the use of private companies for stated public purpose. The government also acquires land for public partnership projects. The rate for compensation is as per prevailing market price or the highest of last three years registry in the locality whichever is higher. The market price is fixed for each area of different locality depending upon the location of land on main road, secondary road or tertiary road by a committee in each district. The Government in 2007 had approved a new compensation policy related to land acquisition in which land owner would get 50 per cent more compensation than earlier if their land was acquired by the Government. The sufferers would get fifty per cent solatium for the land acquired. In the event of the residential plots, it would be mandatory for the state government to provide plot of five decimals of land to those displaced due to acquisition.

The government is acquiring land for various central, state government projects and industrial areas and transferring the same to the concerned department¹. During last 7 years the

¹ The state government had acquired about 1,700 acres in the past few years through the Bihar Industrial Area Development Authority (BIADA) to set up a mega industrial park in Bihta. It had allotted 536 acres for IIT Patna to set up a permanent campus. At present, the institute, set up in 2008, functions from a makeshift campus in Patna.

government has acquired 27370.2 acre of land. The details of land acquired during the last seven years are given below.

Table 5.1: Land Acquired by Govt. for Various Central / State Govt. Project during various year.

SI. No.	Name of Project	(Area in Acre)							Total
		2005-06	2006-07	2007-08	Year 2008-09	2009-10	2011-12	2012-13	
1.	Railway Projects.	973.00	2421.93	1067.14	464.93	448.53	514.13	140.89	6030.55
2.	Kanti Thermal Power Station, Muzaffarpur.						369.3	31.24	400.54
3.	Pirpaiti Thermal Power Station, Bhagalpur.						988.33	11.75	1000.08
4.	Barauni Thermal Power Station, Begusarai.							3.75	3.75
5.	Chausa Thermal Power, Bauxar.						1078.98	14.72	1093.70
6.	Kajra Thermal Power, Lakhisarai.						1102.66	36.35	1139.01
7.	N.P.G.C. Aurangabad.						922.51	319.56	1242.07
8.	Power Grid Corporation of India.	7	11.5	4.50	9.43	39.06	33.37	40.52	145.38
9.	Sashastra Seema Bal (SSB)		571.55	83.15	99.98	59.80	208.12	190.94	1213.54
10.	Bihta- Sarmera National Highway, Patna.						490.24	136.84	627.08
11.	Chandi-Sarmera National Highway, Nalanda.						389.72	76.12	465.84
12.	National Highway No. - 28,88, & 83							128.51	128.51
13.	National Highway No.- 87 (Runnisaidpur – Vishawa) Sitamarhi.						4.5	74.77	79.27
14.	National Highway No. - 86 (Saraiya – Motipur) Muzaffarpur.						15.5	16.81	32.31
15.	Mega Industrial Park, Bihta, Patna.							2.42	2.42
16.	National Highway (Mohammadpur – Chapra), Saran.							53.7	53.70
17.	National Highway (Sakaddi – Nasariganj), Bhojpur.						110.54	87.14	197.68
18.	Kanwariya Path, Munger / Banka.						8.45	23.3	31.75
19.	Infrastructure Development, Nalanda.						463.99	262.26	726.25
20.	For bridges and approach roads (Ganga and other rivers).						1037.41	804.31	1841.72
21.	Bhagmati Tatband						103.8	81.19	184.99
22.	B.R.B.C.L, Aurangabad						23.33	126.59	149.92
23.	National Highway (Sakaddi – Nasariganj), Rohtas.						10.22		10.22
24.	N.T.P.C. Barh	353.62	962.3	22.73	18.28				1356.93
25.	Super Thermal Power, Nabinagar	10.51	45.04	393.70	695.48	68.53			1213.26
26.	Joint Coordination Checkpoint		10.71	333.9					344.61
27.	Industrial Development Centre		2207.18	899.7	256.02	209.38			3572.28
28.	High level bridge on Punpun river		0.1						0.10
29.	Punpun barrage Aurangabad		125.27	138.03					263.30
30.	Western Parallel canal, Rohtas		11.69						11.69
31.	Bhim Dam Tourist Place, Munger		13.4						13.40
32.	Thana Bhawan, Sitamarhi		4.31						4.31
33.	Nalanda University, Nalanda		26.09						26.09
34.	Approach road for HL bridge on tenth mile at Sitamarhi		14.67						14.67
35.	Communication Centre at Bagaha Police District		0.6						0.60
36.	Approach road on Barkha River Bridge, Araria		8.87						8.87
37.	Superintendent of Police Office, Bagaha		1.1						1.10

38.	Control room at Bagaha District Police	0.72		0.72
39.	Tourist Complex, Vaishali	10.05		10.05
40.	Construction of police line in Bagaha District Police	45.05		45.05
41.	ROB at ward No. 7 in Municipal Corporation Muzaffarpur	0.24	0.34	0.58
42.	Jail Building Construction at Jamui	40		40.00
43.	Balthar Thana Building	1.5		1.50
44.	Construction of Gopalganj Police Line	19.86		19.86
45.	Approach Road Construction in Samatipur Borage		3.05	3.05
46.	Drinking Water Supply Scheme Aara		20.70	20.70
47.	Approach Road construction on Dubbaghat		5.08	5.08
48.	Samastipur Tatbandh		2.15	2.15
49.	Aamgola Railway Over Bridge, Muzaffarpur		0.22	0.22
50.	Construction of Jhugi-Jhopri Fatehpur, Patna		12.73	12.73
51.	B.N. Mandal University, Madhepura		99.9	99.90
52.	Reserve Centre, Araria		30	30.00
53.	Thana Bhawan, Bhagwanpur		0.9	0.90
54.	Maanpur Thana Bhawan (West Champaran)		1.49	1.49
55.	Kangali Thana Bhawan		1.5	1.50
56.	Angotha Hathauji Drainage Scheme Siwan		3.86	5.36
57.	Nalanda Medical College		50.01	50.01
58.	Connecting Road for Jharhi Pul Gopalganj		0.12	0.12
59.	Approach Road Samastipur Mauza – Sahbajpur		0.18	0.18
60.	O.P. Construction, Madhubani Mauza – Rudrapur		1	1.00
61.	Bhagmati Embankment construction, Muzaffarpur	158.84	37.76	196.60
62.	Road Bridge Patna, Moharrampur		0.004	0.00
63.	Solid Waste Material, Patna		46.86	46.86
64.	Rehabilitation in Muzaffarpur District		17.06	17.06
65.	Nala construction in Rajwara diara in Samastipur			0.00
66.	Construction of high level bridge on Riga River at Sitamarhi District		0.48	0.48
67.	Industrial Training Institute, Kalyan Bigha, Nalanda		9.66	9.66
68.	Reverse Middle School, Kalyan Bigha, Nalanda		0.3	0.30
69.	High School, Kalyan Bigha, Nalanda		4.85	4.85
70.	Police Training Centre, Nalanda		133.28	133.28
71.	Approach path river bridge, Nalanda		6.25	6.25
72.	Kalyan Bigha Path Widening, Mauza-Bamochak, Nalanda		1.70	1.70
73.	Guide dam on Bagmati River, Sitamarhi		2.86	2.86
74.	Construction of high level bridge, Mauza – Ghat Kusumbha, Sheikhpura		3.02	3.02
75.	Railway over bridge, Bariyarpur, Munger		0.39	0.39
76.	Construction of BIPARD building, Gaya		15.92	15.92
77.	High level bridge on Bagmati River in Sitamarhi District		15.8	15.80
78.	Bharthua Ringhband Muzaffarpur		18.8	18.80
79.	Rehabilitation in Vishanpur Umapar in Muzaffarpur District		17.26	17.26
80.	Rehabilitation of Rahimpur Md. Gautam of Begusarai District		3.57	3.57
81.	Rehabilitation scheme in Kumarchakki in Khagaria District		5.9	5.90
82.	Scape Regulator Construction at Araria		0.18	0.18
83.	Homeless and home base		1.28	1.28
84.	Mohania subdivision office, Kaimur		15	15.00
85.	Maner Tourist Place, Patna		0.96	0.96
86.	Bus Terminal Patna		25.02	25.02
87.	Gaya Airport		88.54	88.54
88.	CRPF Kobara Batalian, Barwadi, Gaya		107.48	107.48
89.	Transforming lane for tourists		1.25	1.25
90.	Construction of Bridge at Kaimur		0.15	0.15

91.	NSTPP Nabinagar, Aurangabad									1871.5	1871.5
										6	6
92.	ROB Bridge, Karimganj, Delha									0.35	0.35
93.	Approach road to Tuniyahi Scrup pipe bridge									0.86	0.86
94.	High Level Bridge, Manjhaulia Bhanaspatti, Sitamarhi									0.38	0.38
95.	Reserve Centre, Sheohar									20.5	20.50
96.	Reserve Centre, Lakhisarai									25.06	25.06
97.	Kawaria Path, Banka									10.32	10.32
98.	High Level Bridge and Connecting path, Samastipur									0.79	0.79
99.	Chirayatand Over Bridge, Patna									0.18	0.18
100.	Approach Patna, Bhojpur									0.09	0.09
101.	Bridge Construction, Nalanda									4.34	4.34
102.	Path widening, Nalanda									6.07	6.07
103.	Connecting Road Nalanda									0.16	0.16
104.	Connecting Road Darbhanga									3.56	3.56
105.	Bihta Sarmera and Chandi Sarmera State Highway									12.18	12.18
106.	Connect Road									0.32	0.32
107.	Other Projects.									0.22	0.22
	Total: -	1344.1	6553.7	3334.9	1826.0	3083.4	540.25	148.95	689.42		
		3	3	2	1	3	5	3	2		

5. Conclusion

The history of registration in Bihar dates back to later part of the 18th Century. Revenue from land was main source of resource of both Mughal and British. The British made different arrangements for land governance to facilitate the collection. A most of them continued till independence. After independence major breakthrough came through passage of *Zamindari Abolition Act, 1947* and *Bihar Land Reforms Act, 1950*. Though passage of these two acts faced strict resistance, but it changed the erstwhile relation between land lord and tenant. Right of the tenants have been ensured through *Bihar Tenancy Act, 1885* and its subsequent amendments along with other acts like *The Bihar Privileged Persons Homestead Tenancy Act, 1947*.

One of the basic problems in Bihar regarding the effective land governance is the age old land record. The available land record is more than 100 years old. Though several attempts have been made to revise the land record through Revisional Survey and through Special Survey, but their progress is also not found satisfactory. There is also an ever widening gap in infrastructure and manpower related to land administration. In Bihar, merely 12.8% of total lands are held by women. Though women have rights to inherit her ancestral property, but there is no such special provision to ensure women right over land. The lack of up to date record of right and gap in proper infrastructure might have contributed to several land disputes in the state. Among the total cases recorded in court, a significant percentage is of cases related to land disputes like encroachment, mutation land ceiling etc. There are

around 15 acts and rules directly related to dispute resolution related to land but still the progress of dispute resolution is very slow. A large number of cases are pending and among them significant proportion are pending for more than five years. Bihar government has set up Bihar Land Tribunal for speedy and effective disposal of disputes related to land.

An up to date record of right which will ensure and recognize individual tenure right is call of the day. Completion of land survey with map and record of right along with its access to people shall reduce the conflict over land and land related disputes. The present study also argues for special provision to ensure women right over land both in law and in practise.

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Note:

Brief Description of Different Terms used

Term	Brief Description
Estate	Land included under one entry in any of the general registers of revenue-paying and revenue-free lands prepared and maintained by the collector of a district and includes government <i>khas mahals</i> and revenue-free lands not entered in any register
Tenant	A person who holds land under another person and is or but for a special contract would be liable to pay rent for that land to that person.
Tenure	The interest of a tenure holder or an under tenure holder.
Permanently Settled Estates	Estates belonging to those proprietors which took engagement with the East India Company to pay land-revenue, in accordance with regulation made under Permanent Settlement Act, 1793

Temporary Settled Estates	The estates of the persons who failed to take out engagement with the East India Company for payment of land revenue and the estates which was held revenue free on invalid unjustifiable titles or alluvial accretions to temporarily or even permanently-settled estates.
Government Estates	The Government Estates included waste lands not assessed to get revenue at the time of Permanent Settlement. Estates or part thereof sold for arrears of revenue and purchased by Government, along with <i>Thanadari Lands</i> , for keeping up <i>thanas</i> or police stations and lands escheated to government in default of legal heir or claimants and lands forfeited by state.
<i>Raiyot</i>	A person who has acquired a right to hold land for the purpose of cultivating it by himself or by members of his family or by hired servants and includes also the successors- in-interest.
Landlord's Private Land (<i>Zirat/sir/nij-jote/kamat</i>)	These are those parts of land which were proved to have been cultivated by the landlords themselves with their own servants or hired labour for twelve continuous years immediately before passing of the Behar Tenancy Act, 1885.
<i>Raiyati</i> land in temporary possession of landlord (<i>Bakast land</i>)	Lands belonged originally to <i>raiya</i> s which came into possession of landlords by sale to the <i>raiya</i> s for arrears of rent, surrender, abandonment etc.
Village waste Land	Almost in every village there are some lands earmarked for common use for village community as a whole. Such lands may be termed as <i>garmazarwa aam</i> (Common land), <i>gochar</i> (grazing field), <i>rasta</i> (pathways), cremation ground etc.
<i>Gairmazruha Khas</i> ,	<i>Gairmazruha Khas</i> remained at the disposal of the land lord who could cultivate it himself or settled it with others.
<i>Gairmazuha Aam</i>	In every village there are some land for the use of the village community on the whole, such land are called <i>Gairmazruha Aam</i> or common land.
	Technically, these lands belong to the land lord of the village but he can not settle these with tenants for cultivating purpose,

	nor can he cultivate himself.
Occupancy Raiyat	Raiyats having right of occupancy in the land held by them.
Non occupancy Raiyat	Raiyats not having the right of occupancy
Under Raiyat	Tenants holding land under a raiyat
Khas Mahal	The land which is under the direct management of the government.

References:

- Banerjee, A., & Iyer, L. (2005). History, Institutions, and Economic Performance: The Legacy of Colonial Land Tenure Systems in India. *The American Economic Review* , 95 (4), 1190-12313.
- Deininger, K. (2003). *Land Policies for Growth and Poverty Reduction*. Washington DC: The World Bank.
- Deininger, K., Selod, H., & Burns, A. (2012). *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in Land Sector*. Washington DC: The World Bank.
- Economic Commission for Africa. (2004). *Land Tenure Systems and their Impacts on Food Security and Sustainable Development in Africa*. Ethiopia: Economic Commission for Africa.
- Food And Agriculture Organisation. (2002). *Land Tenure and Rural Development*. Food And Agriculture Organisation.
- Food and Agriculture Organisation. (2011). *The State of Food and Agriculture 2010-11*. Rome: Food and Agriculture Organisation of United Nations.
- Government of Bihar. (2013). *Annual Report 2012-13*. Patna: Revenue and Land Reforms Department, Government of Bihar.
- Government of Bihar. (1956). *Memorandum Issued by the Revenue Department*. Patna: Government of Bihar.
- Government of Bihar. (1885). *The Bihar Tenancy Act*. Government of Bihar.
- Jha, P. (1997, July). *Land Reforms in Bihar: Need for a far reaching approach*. Retrieved October 05, 2013, from cpiml.org: http://www.cpiml.org/liberation/year_1997/july/article3.htm
- Ministry of Rural Development. (2011). *Mahila Kisan Sashaktikaran Programme*. New Delhi: Government of India.

Panda, P., & Agarwal, B. (2005). Marital Violence, Human Development and Women's Property Status in India. *World Development*, 33 (5), 823-850.

Table 3: Cases related to Land Ceiling (As on 31st March, 2013)

Authority	No. of cases as on 31 st March, 2013	Area involved in acre	Cases disposed during 2012-13		Pending as on 31 st March, 2013	
			No. of cases	Area involved	No. of cases	Area involved
LRDC	313	4814.32	265	399.61	48	4414.71
SDO	749	11296.01	641	137.90	108	11158.11
ADM	247	28103.44	61	1222.03	186	26881.41
DM	316	17620.53	133	489.12	183	17131.41
Divisional Commissioner	22	1154.36	1	10.78	21	1143.58
Board of Revenue	104	9644.86	-	-	104	9644.86
High Court	422	27992.54	-	-	422	27992.54
Supreme Court	15	593.17	-	-	15	593.17
State Level	120	2924.05	-	-	120	2924.05
Total	2308	104143.28	1101	2259.44	1207	101883.84

Source: Department of Revenue and Land Reform, Govt. of Bihar

Table 4: Cases with respect to sharecroppers (as on 31st March, 2013)

Particulars	No. of Cases as on 31 st March, 2013	No. of cases disposed during 2012-13	No. of cases pending as on 31 st March, 2013
No. of cases as on 31 st March 2013	1176	181 (15.39%)	995 (84.61%)
Area involved in acre	5005.7	271.30 (5.42%)	4734 (94.57%)

Source: Department of Revenue and Land Reform, Govt. of Bihar

Table5: Progress of Mutation related Cases (as on 31st March, 2013)

Date	No. of cases pending / file	Percentage of disposal
As on 31 st March, 2012	81,462	

Cases filed during 2012-13	2042100	
As on 31st March, 2013	21,23,562	
Cases disposed as on during 2012-13	20,23,335	95.28%
Pending mutation cases as on 31 st March, 2013	1,00,227	4.72%

Source: Department of Revenue and Land Reform, Govt. of Bihar

Table 6: Cases on Encroachment of public land (as on 31st March, 2013)

Particulars	Number	Area in acre
Cases as on 31.03.2012	4587	1860.72
Cases filed during 2012-13	3502	602.25
Total cases as on 31 st March, 2013	8089	2462.97
Disposal of cases in 2012-13	2870	749.16
Pending cases as on 31 st March, 2013	5219	1713.81
	(64.52%)	(69.58%)

Source: Department of Revenue and Land Reform, Govt. of Bihar

Table 7: Acts and Rules Related to Conflict Resolution in Bihar

· The Bihar Tenancy Act, 1885
· The Bihar Privileged Persons Homestead Tenancy Act, 1947
· The Bihar Land Reforms Act, 1950
· The Bihar Public Land Encroachment Act, 1956
· The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956
· The Bihar Agricultural Land Ceiling Act, 1956
· The Bihar Land Acquisition Act, 1960
· The Bihar Land Disputes Resolution Act, 2009
· The Bihar Land Tribunal Act, 2009
· The Bihar Land Tribunal Rules, 2010
· The Bihar Agriculture Land (Conservation for Non-Agriculture Purpose) Act, 2010
· The Bihar Land Mutation Act, 2011
· The Bihar Land Mutation Rules, 2012
· The Bihar Special Survey and Settlement Act, 2011
· The Bihar Special Survey and Settlement Rules, 2012