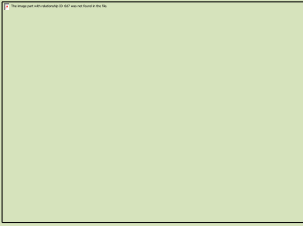


LAND GOVERNANCE ASSESSMENT FRAMEWORK FOR BIHAR

FINAL STATE REPORT



CHANDRAGUPT INSTITUTE OF MANAGEMENT PATNA

SEPTEMBER, 2014

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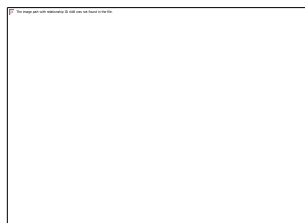
STATE COORDINATING TEAM:

DR. V. MUKUNDA DAS

B.L. MISHRA

DR. DEBABRATA SAMANTA

BIDHANESH MISRA



CHANDRAGUPT INSTITUTE OF MANAGEMENT PATNA

SEPTEMBER, 2014

The Land Governance Assessment Framework is an instrument developed by the World Bank and partners, and used in Bihar with a view to assess the current status of land governance in the State and to identify areas and issues which require urgent policy intervention. The LGAF framework consisted of 27 land governance indicators (LGI) that covered a set of 9 themes listed below.

- Land Rights Recognition
- Forest and Common Land Management
- Urban Land Use Planning and Development
- Public Land Management
- Transfer of Large Tracts of Land to Investors
- Public Provision of Land Information
- Land Valuation and Taxation
- Dispute Resolution
- Review of Institutional Arrangements and Policies

‘Dimensions’ with pre-coded statements (on a scale from A to D) were made from each indicator. Accordingly there were 116 dimensions in the LGAF, which were ranked based on actual condition / situation prevailing in the state. The state reports on LGAF contain the following: status of present land governance, strengths and weaknesses. Best practices measures were also suggested to make land governance transparent and effective in Bihar.

With these components it is hoped that the state report will help understand the present status as it has followed a widely applicable score which is accepted worldwide. The implications for policy makers, emanating from this are that they should take efforts in improving the situation / factors which received the ranks C and D. It is expected that this effort by policy makers could bring effectiveness and transparency in land governance in Bihar. Similarly the suggested policy prescriptions in the report highlighting short term, medium term and long term measures need to be considered in the context of the set goals. It is hoped that the concerned department will initiate steps to implement all policy prescriptions and monitor the implementation regularly.

Dr. V. Mukunda Das

Director

Chandragupt Institute of Management Patna

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Dr. V. Mukunda Das

Director

Chandragupt Institute of Management Patna

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ABBREVIATION

ACF	Assistant Conservator of Forest
ADM	Additional District Magistrate
ADM LR	Additional District Magistrate Land Reforms
ADR	Alternative Dispute Resolution
AOA	Article of Association
ARV	Annual Rental Value
BELTRON	Bihar State Electronics Development Corporation Ltd
BIADA	Bihar Industrial Area Development Agency
BIPARD	Bihar Institute of Public Administration and Rural Development
BLDR Act	Bihar Land Dispute Resolution Act
BLJR	Bihar Law Journal Report
BLR Act	Bihar Land Reforms Act
BLT	Bihar Land Tribunal
BPL	Below Poverty Line
BPPHT Act	Bihar Privilege Person Homestead Tenancy Act
BSHB	Bihar State Housing Board
BSUP	Basic Services to Urban Poor
BT Act	Bihar Tenancy Act
BUDA	Bihar Urban Development Agency
BUIDCo	Bihar Urban Infrastructure Development Corporation
CAA	Constitutional Amendment Act
CBO	Community-based organizations
CCF	Chief Conservator of Forest
CDP	City Development Plan
CEPTU	Centre for Environmental Planning and Technology University
CF	Conservator of Forest
CFR	Community Forest Resource
CGRC	Centralized Grievance Redressal Cell
CGRC	Centralized Grievance and Redressal Cell
CLR	Computerized Land Record
CPC	Civil Procedure Court
CPRs	Common Property Resources
CSMC	Central Sanctioning & Monitoring Committee
DCLR	Deputy Collector Land Reforms
DFID	Department for International Development
DFO	Divisional Forest Officer
DGPS	Digital Global Positioning System
DLC	District Level Committee
DM	District Magistrate
DUDA	District Urban Development Agency
DUDA	District Urban Development Agency
EDCs	Eco Development Committees
EIA	Environmental Impact Assessment
EM	Entrepreneurship Memorandum

ESQR	European Society for Quality Research
ETS	Electronic Total Station
EWSs	Economically Weaker Sections
FAR	Floor Area Ratio
FRA	Forest Right Act
FRC	Forest Right Committee
GCA	Gross Cropped Area
GDP	Gross Domestic Product
GIS	Geographic Information System
Govt.	Government
HIG	High Income Group
HPL	Hindustan Prefab Ltd.
HQ	Head Quarter
HUDCO	Housing And Urban Development Corporation Ltd.
HUNNY	HUDCO Nav Nagar Yojana
IAY	Indira Awas Yojana
IHSDP	Integrated Housing for Slum Development Programme
IOC	Indian Oil Corporation
ISHUP	Interest Subsidy Scheme for Housing the Urban Poor
IT	Information Technology
ITC	Industrial Training Centre
ITES	Information Technology Enabled Service
ITI	Industrial Training Institute
JFMC	Joint Forest Management Committee
JNNURM	Jawaharlal Nehru National Urban Renewal Mission
LSG.	Local Self Government
LIG	Low Income Group
LIS	Land Information System
LPC	Land Possession Certificate
MGNREGA	Mahatama Gandhi National Rural Employment Guarantee Act
MIG	Middle Income Group
MIS	Management Information System
MOA	Memorandum of Association
MVRs	Minimum Market value registers
NABARD	National Bank for Agriculture and Rural Development
NAC	Notified Area Committee
NBC	National Building Code
NGOs	Non-Governmental Organizations
NGRBA	National Ganga River Basin Authority
NLRMP	National Land Record Modernisation Program
NOC	No Objection Certificate
NSA	Net Sown Area
NSSO	National Sample Survey Organisation
OBC	Other Backward Caste
OGs	Out growths
OTFD	Other Traditional Forest Dwellers
PCC	Project Clearance Committee

PCCF	Principal Chief Conservator of Forest
PESU	Patna Electricity Supply Unit
PHED	Public Health and Engineering Department
PMC	Patna Municipal Corporation
PPP	Public Private Partnership
PRDA	Patna Regional Development Authority
PVTGs	Particularly Vulnerable Tribal Groups
PWD	Public Works Department
R&R	Rehabilitation and Resettlement
RA	Requisitioning Authorities
RCC	Reinforced Cement Concrete
RCD	Road Construction Department
RoRs	Record of Rights
SC	Scheduled Caste
SDO	Sub Divisional Officer
SEWA	Self Employed Women's Association
SHGs	Self Help Groups
SIA	Social Impact Assessment
SIA	Social Impact Assessment
SLNA	State Level Nodal Agency
SPV	Special Purpose Vehicle
ST	Scheduled Tribe
TDR	Transferable Development Right
U/S	Under Section
UA	Urban Agglomeration
UD&HD	Urban Development & Housing Department
UIDSSMT	Urban Infrastructure Development Scheme for Small and Medium Town
UIDSSMT	Urban Infrastructure Development Scheme for Small and Medium Town
UIG	Urban Infrastructure and Governance
UK	United Kingdom
ULBs	Urban Local Bodies
VAT	Value Added Tax
WC	Water Closet

EXECUTIVE SUMMARY

Land is a valuable but scarce and sometimes contested resource in Bihar. The State Government plays a critical role in guiding land policy in ways that improve tenure security and leads to inclusive growth. The basis for efficient, transparent, and equitable land governance systems are updated and reliable records and maps, while regular analysis of the information that these incorporate can guide decision making. Urban development is of immense importance in view of the significant contribution it makes towards the overall growth and development of the economy of states. The balance between industrial and agriculture land use is critical for the state's development and optimal allocation of land requires routine access to up-to-date data such as on actual land use.

1. Land governance Assessment framework

The Land Governance Assessment Framework is a participatory, evidence driven instrument to assess the current status of land governance in state, to identify areas and issues which require urgent policy intervention was assessed across nine distinct focus areas: (i) Land Rights Recognition (ii) Rights to Forest and Common Lands & Rural Land Use Regulations (iii) Urban Land Use Planning and Development (iv) Public Land Management (v) Transfer of Public Land to Private Use (vi) Public Provision of Land Information: Registry and Cadastre (vii) Land Valuation and Taxation (viii) Dispute Resolution and (ix) Review of Institutional Arrangements and Policies. Each of these focus areas has been assessed using a set of land governance indicators which have been further divided into various dimensions. The LGAF framework consists of 27 land governance indicators (LGI), each broken down into "dimensions" with pre-coded statements (on a scale from A to D – total of 116 dimensions). Dimensions were ranked based on actual conditions prevailing in the state.

The LGAF implementation started in the state of Bihar in October 2013 and was carried out by CIMP, involved 9 experts and 50 panellists; the report is validated in June 2014.

2. Findings

Bihar has a total population of 103.811 million people of whom 89% live in rural areas with agriculture being a key economic activity. The state accounts for 2.88 per cent of India's land mass but supports 8.58 per cent of the country's population. Bihar has set important steps with respect to Policies, Acts and Rules to improve land governance. Land mark initiatives are the enactment of Bihar Land Dispute Resolution Act, 2009, Bihar Land Tribunal Act, 2009, Bihar Agricultural Land (Conversion for Non-Agriculture purpose) Act, 2010, Bihar Land Mutation Act, 2010 Bihar Special Survey and Settlement Act, 2011 and the Bihar Khasmahal Policy, 2011 for urban areas.

2.1 Land Right Recognition

The law recognizes individuals' rural land tenure rights as well as urban land rights held by individuals, households, for apartments and group housing, for commercial complexes, and also in slums. A considerable amount of land is held also by religious trusts.

The law regularizes also the status of *raiyyats* in rural areas. There is a clear, practical process for the formal recognition of possession, but this process has not been implemented effectively. The process includes document and physical verification based on formal or informal evidences.

¹Census of India,2011

Record of rights is generally prepared through Survey. In this regard, it may be noted that, record of rights, whether first time or second time, is done only when people approach for registration and mortgage and, accordingly applicable registration fee and stamp duty are charged. Record of rights can be corrected and created by decree of Civil Court. Completion of record of rights requires mutation. On demand recording of rights should include proper safeguard to prevent abuse, but is limited in practice.

In legal parlance, the long term unchallenged possession is termed as adverse possession. In private land such adverse possession does not create or extinguish the title over the land but in public land adverse possession makes a difference as to decide the factum of the title. Continuous possession for 12 years gives the people the right on land subject to satisfactory documentary proof. Circulars have been issued from time to time by the State Government to regularize, or not to regularize those long term unchallenged possession. Non-documentary form of evidence can be used for obtaining recognition of a claim to land or property along with other documents i.e. tax payment receipt, land rent payment receipt, *patta* allotted by the government in case if other form of evidences are not available. But non documentary proof does not have conclusive evidence. People have to go through a quasi-judicial / judicial mechanism. In Bihar although legislation exists to formally recognize long-term, unchallenged possession in Bihar, formal recognition is granted to very few applicants due to difficulties.

The enactment of the Bihar Tenancy Act, 1885, provided 'record of rights' (RoR - vide sections 101-115), lays out the respective rights and obligations of the state and tenants, and makes provisions for survey of the land. A number of laws protect and enforce the group rights on the common lands as well. Group rights are mostly recognized under the statute or the customary laws having the same force as enacted law and especially in the context of forest land where group and individual right are recorded and enforceable.

In practice, individuals and some groups in rural and urban areas can experience a lack of protection of tenural rights and have their rights contested. This is mainly the result of gaps in the implementation of the Acts. Moreover, maps and many records are almost one century old and no longer reflect ground reality. Following the enactment of the Bengal Survey Act, 1875, cadastral Survey was taken up district-wise and completed in 1922, but subsequent resurveying was either incomplete or not undertaken at all (see section 3.6).

Since independence, the State Government has made efforts to create land rights for vulnerable and disadvantaged sections of the population. A positive result is the issuing of *Basgit Purcha* (grant) by circle officers to 580,214 families in Bihar under the Bihar Privileged Person Home Stead Tenancy Act, 1947. Eligible persons were attached with the household of a land holder doing domestic and agriculture chores to which the land lord allotted a portion of private land for homestead land thus formalising a customary system. This act was dormant in Bihar but operationalised in a campaign mode, under the Mahadalit Vikas Mission (2009).

Sharecroppers are another vulnerable but important category in Bihar with an estimated 15-20 percent of all cultivators working on farm land as oral *bataidar* (sharecropper). Land owners tend to rotate sharecroppers every two to three years, reason why *bataidars* will not undertake a long term investment in the land. Despite legal provisions towards protecting sharecroppers from (the threat of) eviction, few obtained any occupancy rights and the position of sharecroppers continues to be a matter of concern.

In Bihar, only 12.8% of land parcels are recorded in the name of women. Following succession, the record of rights in Bihar mostly carries the name of the male coparceners. There is only an obligation for widows and spinsters to record a *raiya* in her name. The

State government introduced legislation to increase women's land ownership, such as by amending section 27 of the Bihar Land Ceiling Act in 2009, that now indicates for District Collectors to allocate 50% of surplus "ceiling" to women from eligible categories (Mahadalit). Also, the *parcha and pawna* for allottees of land and house sites are now being issued in the name of wife and husband jointly, with the wife's name being mentioned first.

It is also observed that in Bihar, many flats and houses were not registered due to disputes between builders and purchasers, death of builders or their disappearance. To assist harassed purchasers, the government through the Bihar Apartment Act, 2006, notified in 2006-07 that such aggrieved people can apply to Patna Municipal Authority for registration by giving a copy of the agreement and proof of making the entire payment for purchase. On receipt of such applications, the municipal authority has given permission, after verification, to the owner for unilateral registration of the flat and house with a copy to registration office. This unique approach has helped many people in the state. Also in 2006, the Registration Department in Patna started a unique practice of registration at door step, for which a camp was organized by the registry office in various localities of Patna town after giving proper publicity.

2.2 Forest and Common Land Management

In Bihar, the area of notified forest area is 6492.9 km² of which 10% is reserved forest and 90% protected forest. In addition, there are national parks which cover 3339.458 sq. km. Local forest dwellers are entitled to some usufructuary rights and privileges (including fisheries) as mentioned in the *Khatiyani* of land of protected forest. These rights formally ceased to exist when the 13 national parks and wildlife sanctuaries in Bihar were converted into reserve or protected forest, even although customarily such rights are recognized.

Forest and common land are clearly identified in Bihar and are recorded as such. Common lands with natural resources on them mostly recorded as *jungle/jhari/jhar /jhankar* etc. in the revenue records and hence fall under the Supreme Court judgment declaring all such areas as forest lands thus attracting the provision of the Forest Conservation Act, 1980. In all such cases, non-forest use of common lands is not permissible. In practice, conversion is taking place for public interest schemes by State nodal officers from the forestry department. The requisitioning party has to compensate for environmental losses by depositing net asset value of fallen trees and replant trees elsewhere.

In as much as, the boundary demarcation of communal land is concerned, there is no indigenous land anymore in Bihar, since Jharkhand became a separate State. The common land in Bihar is categorized as *Gairmazruha Aam*, which is basically community land, owned by the village community. These include village pathways, village waste land, play grounds, orchards, and cremation and burial places. They further include the village water bodies and *bandhs, ahar, pynes*, reservoirs, tanks etc (see also 2.4). Even if the nature of these lands have changed, the consent of the *Gram Sabha* is mandatory for Government to change land use or promote settlement through *pattas*. In course of the revisional survey and in day to day operations of the lower level revenue bureaucracy, numerous *Gairmazruha Aam* plots have been recorded in private names; rent receipts issued and rent being collected. No systematic attempt has been made to enquire into the privatization of common land, whether the settlements made in favour of private individuals were made by competent authority or encroachers / grabbers have illegally been recorded.

People's rights accrue by virtue of adverse possessions, while the records are in the name of government of Bihar. Despite revenue land being recorded as *Jungle / Jhari* (bush), the forest department has not extended its control over such land, consequently, non-forest activities continue without seeking the permission from the forest authorities. There are settlements

inside forest area which fall outside the Forest Right Act and should be evacuated, but which is not being implemented. Forest villages were not mapped and demarcated in the first Cadastral survey and still do not have a recognised status because the Department of Environment and Forest has not undertaken a resurvey. No conversion of forest villages into revenue villages is required as no forest village exists in Bihar.

While ownership remains with the government, certain individual rights accrue through the legal provisions of the Forest Rights Act. However, much remains to be done in Bihar with regard to the application of the Forest Right Act in letter and spirit. Reportedly, 20 sub divisional level committees, 13 district level committees and 1299 Forest Right Committee (FRC) have been constituted. Functions of various committees at various levels are matter of further enquiry. Out of the 2930 claims filed, 585 claims are under process and 31 titled deeds were disbursed up to the year 2013. About 350 *Gram Sabhas* are yet to claim individual rights.

It is not evident that, whether *Gram Sabha* members have visited every hamlet to interact with tribal and Other Traditional Forest Dwellers (OTFD), collected information and oriented them about their rights and provided them with training. There is a hiatus between law and practice and orienting the target groups to their rights and obligations under FRA. Existence of vested interests and collusion with local bureaucracy impede the target groups to take advantage of their legal entitlements.

There are certain restrictions on rural land use, like conversion of agricultural land for non-agricultural use. To promote farm consolidation, restrictions exist for land transferability to others than the direct neighbor of the plot (if willing to buy) (see para 16(3) of the Bihar Ceiling Law). The absence of Rural Land Use Board in Bihar is a constraint for proper planning, zoning and to develop long-term perspective on land use by developing Land Use Plans. However, there is an Urban Land Use Planning Board in the state.

2.3 Urban Land Use Planning and Development

Though there are a number of Acts and Rules to guide and govern urban development, urban land ownership and transfer and disaster preparedness such as earth quacks, urban development has been left to the whims and fancies of people, builders and contractors. Urban expansion is unplanned. As a result there is inadequate infrastructure, inadequate width of road, absence of proper drainage system, and inadequate parking space evident in urban areas of the state..

After introduction of The Bihar Municipal Act, 2007 all activities of urban development are guided by this Act and the unified draft building bye-laws developed in 2013. Other Acts and Rules to guide urban governance in Bihar are ‘The Bihar Planning and Development Act, 2012’, ‘The Bihar Apartment Ownership Act, 2006’ and ‘Bihar State Slum Policy, 2010’. The promulgation of Urban Land Planning Act, 2012, may lead to better planning of urban land and identification and removal of encroachment from public lands in urban areas.

Urban Local Bodies (ULBs)² have responsibilities in the fields of administration, legislation, town planning, environment and architecture. There are 11 Municipal Corporations, 42 *Nagar Parishads* and 86 *Nagar Panchayats*, but which are confronted with shortage of technical personnel, particularly in town planning and architecture. Urban Land Use, Planning, and Development suffers from want of statutory Master Plan or City Development Plan (CDP) in which urban land uses are generally shown and notified. For effective use of urban land there are 7 zones namely; residential, commercial (retail), commercial (wholesale), industrial, public and semi-public uses and agricultural.

²The 74th Constitutional Amendment Act (74th CAA), schedule 12th.

Various types of land use permitted and restricted in different zones is further clearly demarcated and these restrictions serve public purpose and safeguard people from disaster. The restrictions in the Act and Rules serve public purpose and would contribute to clear and transparent processes of urban expansion through Master Plans. However, no Master Plan for urban development has yet been approved for any city in the state.

Building bye-laws are not respected due to poor monitoring of provision of various acts. Acquiring a building permit for a residential dwelling is a cumbersome and time-taking process. Development control is almost absent. It is estimated that about 60 per cent people are living in house without obtaining a completion certificate; about 70 to 80 per cent of those living in houses and apartments have no occupancy certificate and around 55 per cent of multi-storied buildings in Patna are facing vigilance cases for violation of Floor Area Ratio, height, map and approved building plans.

The State Slum Policy of 2010 is developed within the framework of the National Slum Policy, and has important and foresighted provisions to provide tenure security to slum dwellers, basic services and construct 22,372 dwelling units for Lower Income Groups and Economically Weaker Sections and to marginalised slum dwellers. The government has identified 1838 slums in 28 cities but lacks a data base to guide development. The National Slum Policy mandates states to allocate clear land ownership or long term lease to slum dwellers wherever possible. Slums eligible for in-situ up-gradation have to participate in sharing the costs. The ULBs in Bihar plan to transfer government or municipal land through negotiated settlement with the slum dwellers at a price not exceeding 33 percent of the market value, based on the stamp duty records. Slum dwellers will be required to pay the amount up front and could take loan from micro-finance institutions for this purpose. Those who paid the land lease will have the right to sell their dwelling unit with the lease on the land to any other low-income group person, but with prior approval of association or society. This policy is not implemented yet and even in *Rajiv Awas Yojana* people have only leases for the houses, and not for the land.

In 2006 the Bihar Government has commenced on a fast track implementation of the reform agenda including a revision of laws and more decentralization of governance. Urban development is supported by programs like Jawaharlal Nehru National Urban Renewal Mission (JNNURM) and Support Programme for Urban Reforms (SPUR) to support policy and institutional development, revenue generation, management of urban infrastructure and services delivery, municipal capacity to attract private investment and empowered poor communities and socially excluded groups. The master Plan finalization for Patna is in process and City Development Plans are prepared for 28 urban bodies under the JNNURM³. The process of GIS-based mapping of urban area has started and base maps of 17 towns are ready. Work is in progress for preparation of base map of other towns.

2.4 Public Land Management

The types of Public land in Bihar are (i) *Gairmazruha-Khas/Malik* (17,96,229.59 acres), (ii) *Gairmazruha Aam* (9,07,809.99 acres), (iii) *Khas Mahal* (5036.03 – urban land), (iv) *Kaisera-hind* (Central Govt. Land) (v) Ceiling Surplus land (3,63,415.71 acres) and (vi) *Bhoodan* Land (6,48,593.14 acres of which 3,45,349.02 acres are confirmed). Each category (except for *Bhoodan* and ceiling surplus) was clearly identified, recorded and demarcated during the Cadastral Survey (1892 to 1922). All these almost one century old records are

³However, a revival of Town Planning Organization under Urban Development & Housing Department could be considered instead of depending solely on private consultants.

maintained and assigned to eligible private individuals and institutions, but many records are in dilapidated condition and no longer reflecting ground reality due to lack of resurveying. The information related to public lands are available to people, who can collect it from concerned government offices.

Public lands are managed through Bihar Government Estates (*Khas Mahal*) Manual, 1953, and Bihar Public Land Encroachment Act, 1950. The criteria for public land ownership are clearly defined and assigned to right level of Government from *Halka Karamchhari* at the grass root level to State Level Officials. The *Gairmazruha Aam* land is regarded as village common (see 2.2) and State government can only distribute these lands only if there is change land use with consent from the *gram sabha*. The state government has not yet come up with a policy for *Gairmazruha Aam* land in urban areas with respect to the competent authority for issuing no objection.

The *Gairmazruha Khas/Malik* land, land donated under *Bhoodan Yagna* and private land vested by government under Bihar Land reforms (Fixation of Ceiling Area), Act 1956 are all under direct control of State Government and can be distributed and settled in favour of landless/housesiteless eligible beneficiaries. The public lands such as *Anabad Bihar Sarkar*, *Anabad Surva-Sadharan*, Roads, Railway lines, irrigational channels, embankment, graveyards etc. have been recorded in *Khatiyan* and kept under direct ownership of the Government.

However, various public offices are suffering from shortage of manpower, infrastructure and capacity gap. Most of the departments are running at 50-60% of sanctioned strength. There is also data gap related to public land. Most of the Departments are not having the details of the land they possess and its condition, particularly encroachment.

Encroachment of public land is a wide-spread problem in the State. In an effort to better manage public lands, State Government issues from time to time notifications. Responsibility for the removal of encroacher is vested with Circle Officer under the Bihar Land Encroachment Act, 1956, which was done for 24% of encroached urban land and 36% in rural areas by March 2013. In district headquarters, special efforts through a drive are now undertaken to identify urban public land within municipal area by conducting special Survey and subsequently remove encroachers followed by the protection of the public land by constructing boundary wall after removal.

Protecting public land is ignored at the grass root level in rural areas, where there is steady depreciation of the CPR since independence and their privatization in connivance with local bureaucracy, particularly during revisional surveys. Circle officers have not opposed claims made during survey operations or consolidation proceedings, even when on frivolous or concocted grounds. Cases are not filed despite legal provisions to that effect. There is no material on record to suggest how many cases of public land privatization have been filed in the Deputy Collector Land Reforms Court, as per the Bihar Land Dispute Resolution Act, 2009.

Bihar has an active policy with respect to distribution and settlement of public land by eligible, vulnerable groups and a significant portion of public land have been distributed. However, large chunks of public lands were found unsuitable for distribution and the State will have to launch special survey for assessing the reasons and what strategies can be used for making them suitable for distribution (see also 2.5).

The decision to distribute *bhoodan* land, ceiling surplus land, *gairmazarhua aam* land and *gairmazarhua khas* land to weaker sections of the society is a welcome effort in the state for meeting equity concern. Most of the beneficiaries of total 23,11,944 beneficiaries are women. Till December, 2013, a total 505808 numbers of homeless families have been provided land

to build their house. House-sites have been allotted to *Mahadalit* (extreme backward class) families from the land taken from *Gairmazruha Aam*, *Gairmazruha Khas*, and land purchased from *raiyyat* to enable them to construct houses.

Since the allotment of land is being made from the public land (government land), the allotment/ issue of *parcha* and mutation should go simultaneously. However, out of the total land allottees of 23,11,944 as on 31st March, 2013 possession has been given to 90.6% of them, mutation for 80.8% and rent fixation for only 59.3% of the total allottees. Although the land is allotted to landless people of the state, the major problem is giving them the possession and legal entitlement. Dispossession has been reported in number of cases. Nearly 1 lakh dispossession is reported in case of *Bhoodan* land. Tackling the issue of giving possession and restoring disposed land to the actual beneficiaries should be tackled through effective implementation of policy.

2.5 Transfer of Large Tracts of Land to Investor

Land plays crucial role in the development strategy and investment process in Bihar. The Government of Bihar has promulgated a series of regulations and policies to attract investment and invite more long-term, capital-intensive, high-tech projects. Every five year the State Government adopts a new industrial policy to incorporate changes in the investment dynamics. The State Government devised a new method under the 'Aao Bihar' (Come to Bihar) call for investors.

Land is acquired by the government through Department of Revenue and Land Reforms by the District Land Acquisition Officer and District Collector and District Magistrate. In Bihar, most of the lands acquired in last seven years are for public purposes only. The Revenue and Land Reforms Department acquired 2683.62 acres of land in 2012-13 only for public purposes. After delivery of possession under the Land Acquisition Act, requisitioning bodies put the same in destined use. The Director of Land Acquisition Bihar maintains information regarding the process of land acquisition.

The government decided to pay the same value for the same class of land in the same project irrespective of number of villages and differences in the MVRs, with the class being determined by a high level committee at the district level. This procedure has facilitated land acquisition process. Although manipulated sale deeds may be used to hike land price on the eve of land acquisition process and the sole safe guard for the State is that the governing rate should be what prevails on the date of notification. However, problem with the identification of the real title holder for acquisition and compensation can cause delays.

According to the Land Acquisition Act, 1894, only people who have a recorded status of ownership get compensated, not the people whose livelihood depend upon the land. The Bihar Resettlement and Rehabilitation Policy, 2007 makes provision for displaced agricultural laborers and have been rendered unemployed. They will be given lump sum minimum wages for 200 days and job cards under prevalent national / state rural employment guarantee scheme. Compensation for non-land owners will become available under the new Land Acquisition Act, 1894 has been replaced by the Central Land Acquisition, Rehabilitation and Resettlement Act, 2013 with effect from 1st January, 2014. It is a response to protest by landowners over acquisition of land in different parts of the country in general, including in Bihar.

In Bihar, it has been observed that most land acquisitions for public purposes were made under the urgency clause, which shortens the land acquisition process and expedites payment of compensation. Soon after the notification, 80 percent of the compensation is paid, while the remaining 20 percent is to be paid when the entire estimate is sanctioned by the competent authority. Although data of delay in payment is not available, a sample survey

found that only 50-70% of the land owners received compensation within one year. Delay also incurs in interest payment. Hence speedy disposal from the point of cost effectiveness has been emphasized in various government circulars issued to District Collectors. There are independent and accessible avenues for judicial review against land acquisition and compensation. However, cost and time in the process of judicial review affects the accessibility.

The Industry Department transfers the acquired land to Bihar Industrial Area Development Authority (BIADA) to allocate land for construction of Industrial estates/Industrial Park. Land to private investors is being allotted by BIADA based on the clear and transparent criteria and process, irrespective of investor's status. Less than 10% of the total land acquired by the government since 2011 has been transferred to the private sector. The total plots available in an industrial area are demarcated to various categories and for their allocation BIADA follows a clear and transparent evaluation process with many pre-fixed criteria, but using information provided by the investors. A project Clearing Committee (PCC) evaluates investment proposals and gives approval. BIADA coordinates investment policy within the State Government. However, comprehensive and consolidated information on spatial extent and duration of concessions/leases is not readily available in one place and different departments rely on different sources of information. Moreover, the process is cumbersome and a large number of investors are waiting for allotment of land.

BIADA allot the industrial plot at the cost for the government of land acquired, plus 10% administrative charges and land development cost. In Bihar there is no system of sharing benefits arising from changes in permitted land use with the people. There is a system for advance payment of leases, which is implemented strictly with a threat of cancellation in case of non-payment. Lease payment collected is more than 90% of the estimated amount. BIADA, as the nodal agency, monitors the clauses in the lease agreement, collects rent, monitors the status of functioning of the industry and in case of failure cancels the contract and auctions the plot. Still, 422 industries in industrial areas are reported to be closed, but no action has been taken to rehabilitate them or seize their plot as mentioned in their letter of allotment. Also, no third party monitoring has been conducted as yet and only part of the results are accessible to the public.

Under new land acquisition policy of Government of Bihar, The State Government devised a new method under the 'Aao Bihar' (Come to Bihar) call for investors. Farmers willing to sell land would submit the details to the District Magistrate (DM) concerned, who, in turn, checks that the rights are not disputed. The DM, then forward the verified details of the land to Bihar Industrial Area Development Authority (BIADA), which would put the details on its website showing the price quoted by the farmers concerned. The investors would then have a reference pool of chunks of land to acquire for their ventures.

However, the non-availability of updated land records emerged as a challenge for land transfer as the rights under-*raiyats* and share croppers are not recognised and surveyed properly. Those wanting to sell have incentives to properly negotiate with investors, but their rights are unclear due to obsolete record of rights. Therefore, in new policy government is acting as facilitator. This approach seems to be working well and is found attractive by investors. The State Government is also planning to survey the barren and uncultivable land, waste land, undulating land, land not fit for agriculture for acquisition purpose, to encourage productive use of waste land and identify land for resettlement.

2.6 Public Provision of Land Information

Registration of land has been made mandatory since 1864 in Bihar and which is done in 38 District Registration Offices in all the District Head Quarter and 83 sub-registry offices.

Registration fee⁴, Stamp duty, landlord fee, process fee and service charge are payable at the Registry/Sub-Registry Offices for the transfer of land. Based on the Bihar Tenancy Act, 1885, the Cadastral *Khatiyas*, provided the right of the records of a *raiyat* and establish right and possession of a person on the occupant land.

The exact number of record of rights is not available. The total number of villages in Bihar is 45,769 out of which computer data entry is done for 32,616 villages and available on-line. Verification of computerized data was done for 28,140 villages. Updating of data has been done in case of 3256 villages and Khesra panjis have been prepared for 3445 villages. The number of Khesra was 2,98,50,807 in 32 districts of Bihar (urban and rural). There is no bifurcation of the rural and urban RoR. As the revenue records are not updated, there are many cases of overlaps of right. There are large numbers of cases of civil disputes pending in the competent courts of Bihar. Since the cases are not being disposed of on priority basis, many persons stake claim over the same piece of land. Most of the land records are neither fully computerized nor updated in circle offices and not interlinked with the registry offices, reason why it is difficult to ensure legitimacy, which is only, performed ex-post. However, it has been observed that the fraudulent cases are minimal.

About 60-70% of public restrictions are recorded. Certain classes of documents are not compulsorily registrable such as Partition deed approved by the court or revenue offices, inheritance, will, and oral gift by Mohamedans and are not included in the non-encumbrance certificate. Encumbrances are recorded only when people who transfer or offer land as security come for registry. Recording of encumbrances is not done in a consistent and reliable manner.

There are 1,06,000 maps in Bihar (Cadastral Survey Maps – 62,000 and Revisional Survey maps – 44,000) of which 4,374 numbers of maps are either damaged or no longer available to the concerned Circle Office/Sub-divisional office. For the remaining maps, 72,716 maps have been scanned and digitized. The aim is to complete this work in December 2014 and make all maps available on-line.

A revisional survey was started in the state in 1956 but fully completed in only 12 districts, partly completed in 14 districts and could not be taken up in 12 districts. Even where it completed, it took a long time and the data are now obsolete. The Special Survey and Settlement Act, 2011 was passed followed by Rules, 2012 to conduct survey in whole of the state, in a time-bound manner (completion by 2015) by using technologies like aerial survey technique, Digital Global Positioning System (DGPS), and Electronic Total Station (ETS). The work has started in 13 districts. Aerial photography has been completed in 7,696 villages. Data processing has started for 20,333 revenue villages. *Khanapuri* has been completed in 237 villages and the map has been published for one village. Progress of special survey is slow and shortage of staff is more prominent reason.

In Bihar more than 90% of the records of privately held land in the registry are readily identifiable on maps, but the information held in records is not linked to maps yet. However, there is no system to mention the name of land holders on the map. *Khesra* (Plot) numbers are provided on the map, on basis of which the record in registry is identifiable on the map. Mutation is required to mention the name of current owner in the land record,

⁴Registration fee for registry of the land has been prescribed by the Registration Act, 1908, the stamp duty has been determined by the Indian Stamp Act, 1899, landlord and process fee are levied under The Bihar Tenancy Act, 1885, and the service charge by the Registration Department.

Since 2006 with support of the Government of India all the registry offices have been computerized, and linked with main server of the Registry Department. All registry records of 2006 onwards can be seen on bhujankari.com and registry information is up-to-date and reflects ground reality. The registry records prior to 2006 can be accessed manually. Digitization of registry records from 1995 to 2005 is in an advanced stage and is likely to be completed soon. Bihar has developed a self-sustaining system of computerization. The registry office charges Rs. 25/- per page on documents of transfer and Rs. 20/- per page for scanning of other deeds, which generate sufficient funds to maintain computerization and infrastructure in the department. Due to this unique self-sustaining model the Registration Department of Bihar got Prime Minister's Award for excellence in public administration for the year 2007-08.

Although registry offices have been computerized, but due to lack of infrastructure and non-linking of computer of registry office with Circle Offices, automatic mutation and updating of records are not facilitated. Since the computerization of Registration offices, it has become very easy to obtain sale deeds on the day of registration itself. Registration offices have not been linked yet with Circle Offices. This linking can reduce the mutation process of current 15-30 days to 1-2 days.

Computerization of land records has not followed a uniform approach, producing non-synchronization of data. The lack of staff is another reason, which also affects updating of records. The main concerns are thus non-linking of registration office computer with the circle office to facilitate automatic mutation, as well as difficulties in searching registration records prior to 2006 i.e. prior to computerization of registration.

The BLDR Act and Mutation Act together have helped the raiyat/under-raiyat in getting land record corrected in cost effective and time effective manner. Before 2009, any wrong entry in survey records was challengeable only in Civil Court and used to be a long drawn process. With the passing of Bihar Land Dispute Resolution Act, 2009, a revenue functionary, 'Deputy Collector Land Reforms' can adjudicate cases pertaining to record of rights. Similarly, section 9 of the Mutation Act empowers the additional collector of a district to cancel illegal *zamabandi*.

In Bihar, the registry fee has a clear rationale, their schedule is public and all payments are accounted for. The Registry Department charges 2 percent registry charge and 8/6 percent stamp duty to make the system financially sustainable⁵, but is higher than what is stipulated by the Government of India (5 per cent of the stamp duty). The total fee collected from registration fee and stamp duty exceeds registry department expenditure (39.27 times higher than administrative expenditure in the year 2012-13). Investment in human resources and physical infrastructure is sufficient to maintain high service standards but does not allow for proactively responding to future needs and new developments in the sector.

Registry office is following the prescribed service standard scrupulously. In Bihar, an initiative has been taken to provide prompt service to people in a transparent way without harassment. Under the Right to Public Services Act, 2011 citizen charter of Registration Department has been prepared and is displayed in all Registry Offices. Two Registry Officers (Bhagalpur, Muzaffarpur) have been fined for non-compliance of the Act. In all the District Registration offices, 'May I help you' booths have been established which provides

⁵The government has provided several exemptions to promote agriculture, communication technology and industry in the state. All dwelling units located in the slums and having a plinth area of less than 250 square feet have been exempted from the payment of holding tax.

information regarding the enclosures required to be attached with a document, amount of stamp duty, registration and other miscellaneous fees chargeable on different kinds of documents, standard format for sale or mortgage contracts.

2.7 Land Valuation and Taxation

Valuation of land is determined for the purpose of registration of land transfers and compensation. Registration fees and stamp fees are major sources of revenue for the state government (see 2.6). There is clear process of land valuation in Bihar. Minimum Market Value Registers (MVR) for various types of land, buildings and flats are based on their location and use, and have been prepared and regularly revised and updated at district level by a committee headed by District Magistrate⁶. Valuation of land based on MVR is also applicable for land acquisition for calculating compensation. The land value in MVR gets inflated every year, which is a procedure that needs to be revisited.

The assessment of value of land and property for tax or compensation purposes reflects market prices, although differences between recorded values and market prices across different uses and types of users were observed.

The process of property valuation based on Annual Rental Value (ARV) located on different types of roads and different uses are clear. The holding tax in urban area is 2.5 percent of the ARV. Valuation roll is publicly accessible at every registration office, municipality and on their website. Exemptions on the payment of land/property taxes are limited, based on equity or efficiency grounds and applied in a transparent and consistent manner.

The collection of property tax in urban areas has improved gradually and is estimated at around 50 per cent for Patna town. Similar conditions are assumed to be prevailing in other towns and there is a need to bring unregistered holdings into tax fold to increase the revenue for providing better services. Holding tax is only collected in urban areas and around 80-90% of the holding tax payers mentioned in tax-roll pay regularly. Land rent is collected in both rural and urban areas both and around 90% of land holders or their parents are listed in the tax roll. In 2012, 47.18% of the land rent was paid, and 100% stamp duty and registration fees had been collected. The holding tax has not been revised after 1993 and efforts for introduction of new tax structure are rejected by people. Though collection of holding tax is 80 per cent of the assessment, the collection of land rent is also very poor. Individually, the revenue from the land rent and holding tax are not sufficient to meet the cost of tax collection, but when considering also the revenue collected from other tax related to land and property (including stamp duty) the total revenue is between 1 to 3 times of the cost of collection.

Service delivery and a proper rapport between the residents of a town and Municipal authority are most essential for improving payment, if people realize that the tax and fees paid by are being utilized properly for their benefits. The role of municipal authority in this regard is very important.

2.8 Dispute Resolution and Conflict Management

In Bihar, responsibilities, regarding conflict resolution, are clearly assigned unambiguously in various land related Acts. There is distinct hierarchy in all the districts in Bihar. Disputes are first resolved at the grass root level by the concerned *Anchal Adhikari* (Circle Officer). Appellate and Revisional authority also belong to revenue hierarchy. However, Bihar Land Tribunal is independent appellate authorities.

⁶The minimum market value of land and other immovable properties are determined following Indian Stamp Act, 1899 (Act II of 1899) and notification by Registration Department, Government of Bihar.

Until 2010, land disputes constituted 70-80% (20866 cases 2010) of total civil cases instituted in different courts of Bihar and it was estimated that 70 per cent of the criminal cases were rooted in land dispute. Land disputes constituted a large case load in the Civil Courts and Honourable High Court. Cases remain pending in the Courts for long periods, while many settled cases were again referred to another Higher Court for appeal or revision of the decision. Disputes and litigation can be over the record of rights, boundaries, entries in revenue records, unlawful or wrong registration and unlawful mutation, unlawful occupation of *raiya* land, forcible dispossession of allottees and settlees of public land, etc. They may cause unnecessary harassment to bona fide allottees, settlees, *raiya*s and other types of occupants. Corruption, bribery, fraud, nepotism, favouritism and clientalism in land administration and land management are widespread problems that also lead to land disputes. The BLDR Act, 2009, has proven to be a landmark legislation that is widely appreciated, also outside Bihar⁷. It was designed to improve the effectiveness of dispute resolution mechanisms and establishing new forums for the adjudication of land disputes has great impact. In 2011, the percentage of land related cases had dropped to only 21 percent (833 cases in 2011). More than 90% of the cases are resolved within 1 year. However, in the formal system (Civil Court) 90% of land related disputes take two years or more to get resolved.

The Bihar Land Dispute Resolution (BLDR) Act, 2009, is unique in nature which provides a uniform and common forum, procedure and mechanism to achieve the objective of effective, efficacious and speedy resolution of land related disputes. The Act is omnibus, cost and time effective and has a clear time frame for disposal and procedure. The first instance is to be done at the court of the Deputy Collector, Land Reforms (DCLR), while the Divisional Commissioner has become the appellate authority. Under this Act 29649 cases were filed till 31st March, 2013. Out of these cases 20296 cases i.e. 68.45% have been disposed off. The system is proving beneficial to the people of the state especially poor and economic weaker section of the society in getting justice in a cost effective way. However, the jurisdiction of Deputy Collector Land Reforms (DCLR) under BLDR Act 2009 is limited to determination of rights only, not title. In complicated cases, involving question of title, party concerned is advised to move Civil Court.

Another landmark initiative is the Bihar Land Tribunal, which since its inception in January 2013 has resolved a large number of the backlog of land related cases within a very small span of time. The Bihar Land Tribunal was constituted in January 2013 to provide additional platform for dispute resolution. Till June, 2014, 488 cases were disposed off out of the 1480 cases and appeal filed. This pace of disposal of cases with limited staff is remarkable.

People are encouraged also to try to settle land disputes first in Lok Adalat which is cost effective and time effective. There are various types of Lok Adalats (Lok Adalat, Special Lok Adalat, Mega Lok Adalat, Pension Lok Adalat, Labour Lok Adalat) and awareness Programme is organized in the state on their use. Disputes resolved through Lok Adalats are recognized in the formal judicial dispute resolution system⁸ and awards are deemed to be a decree of a civil court. The Lok Adalat is becoming an effective alternative dispute resolution forum in Bihar and on 23rd November 2013 over 1.5 Lakh cases including 9,120 in the state capital were settled (but which are not all land disputes)⁹.

⁷http://dolr.nic.in/dolr/downloads/pdfs/Draft_National_Land_Reforms_Policy_July_2013.pdf

⁸Under Section 19 read with section 21 of the Legal Services Authority Act, 1987

⁹Report of the Bihar State Legal Service Authority.

To ensure quick, transparent and effective justice by the Gram Kachahari, the State Government has provided services of Nyaya Mitra (Law Graduates) to every Gram Kachahari. This has facilitated the *Sarpanch* in getting legal advice deciding the cases expeditiously as well as judiciously.

Finally, there are special types of disputes that need special attention. A number of cases under section 45B of the Ceiling Act are pending since long time in Bihar, making the determination of surplus land becomes very complex. Also the process of disposal of cases involving sharecroppers for dispute resolution machinery found very slow. As on 31st March, 2013, 15.39 percent cases relating to sharecroppers were only disposed off, leaving the pending cases to 84.61 percent. There is also a large number of pending cases for dispossession in the state.

2.9 Review of Institutional Arrangements and Policies

The Department of Revenues and Land Reforms is the principal department for land administration and headed by the Minister. This department has separate wings for Land Administration, Survey and Settlement and Land Consolidation known as directorates. These are the (1) Directorate of Land Records and Survey; (2) Directorate of Land Acquisition and (3) Directorate of Consolidation. Other matters pertaining to land administration, such as management of land ceiling, *bhoodan* land and other related matter are being looked after by the different sections of the Revenue and Land Reforms Department. Rural and local bodies also have a role in land administration and *gram panchayats* are also managing the *Gairmazarhua aam* land. The Urban Development and Housing Department which controls ULBs are responsible for urban land management through ULBs. The Forest and Environment Department manages the forest land and their control.

Policies are formulated at the government level and programmes emanating there from are implemented and supervised at the *anchal* (circle), sub-divisional, district and divisional level. There is a clear separation in the roles of policy formulation, implementation and arbitration. Original, Appellate and Revisional Authorities have been clearly defined under respective Revenue Acts. There is also no overlap in the responsibilities of Ministries and agencies dealing with land.

The roles and responsibility of functionaries dealing with the land administration, regulation and management are clearly defined. However, almost all the departments in the state have huge shortage of staff and some of the key departments are being managed through dual charge by the official head. Shortage of manpower is evident in all layers of the department and shortage is highest at the grass root level offices. Moreover, officials from Revenue and Land Reforms Department at field level have a range of other general administrative responsibilities, including magisterial and executive functions, in addition to land administration functions and which is one reason why records are poorly maintained. Apart from manpower shortage, lack of skill to effectively perform duties was also observed.

Under Special Survey and Settlement Operation, modern technology is being used for preparation of record of rights and generation of revenue maps, but most of the officials/staff engaged with this work are not conversant with the modern systems, knowledge of ETS/DGPS etc. Circle Officers drawn from various departments may lack specialized expertise to discharge duties with regard to land revenue administration.

The State Government has started taking steps to strengthen structure of Revenue and Land Reforms Department through reviewing and streamlining of procedures, setting out service standards, regular monitoring, massive capacity building all over Bihar, introduce new

technologies, recruitments to fill the sanctioned posts and the creation of Revenue cadre¹⁰. The sanctioned post for various revenue officials have been created vide this notification right from Circle Inspector to Additional Collector / Dy. Director under various sections of Revenue Department. Since these officials will remain in the Revenue Department throughout their career, their training, grooming and experience in course of time will help them to discharge their duties efficiently and effectively. This newly created separate revenue cadre is expected to address the problem of manpower, skill gaps and specialized expertise.

There is no unified system for collection and maintenance of data for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. Therefore, these data are not available. Hence, information regarding the management of such land is lacking. Presently, the state has no Land Use Policy and Land Use Plan for rural areas. There is an urgent need to frame rural Land Use Policy based on the existing Act/Rules/Policies.

3. Key policy recommendations:

1. Completion of Special Survey. Computerization and Digitization of record of rights and maps based on the Special Survey.
2. A State Land Use Policy for rural land, based on existing laws and policies, should be developed. Setting up a Land Use Board in Bihar for making 10-15 years Perspective land use plan and monitoring the implementation of land use plan is another requirement.
3. Set up a unified system for collection and collation of data for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. This will help in developing data base for efficient management of land in future.
4. A vigorous special / massive, time bound programme should be started, focusing on giving possession to dispossessed persons, with proper co-ordination between revenue and police officials. A need based system of summary trial may help in solving the dispossession cases in rural areas of Bihar.
5. Set up effective Grievance Redressal machinery for Land disputes.
6. Enumeration of Common Property Resources and Common Land in each National Sample Survey.
7. E-linking of registry office computer with circle office for automatic mutation and updating of land record.
8. Bringing down stamp duty on registration of sale deed at par with other states i.e. 5 per cent.
9. Strengthening of land related departments with adequate trained manpower and infrastructure.

¹⁰vide notification number 4020 dated 15th January, 2010

CHAPTER 1

INTRODUCTION

Bihar is an agricultural state with about 76% of its population engaged in agricultural pursuits. Though endowed with good soil, adequate rainfall and good ground water availability, Bihar has not realized its full agricultural potential. Its agricultural productivity is one of the lowest in the country leading to rural poverty, low nutrition and migration of labour.

Agriculture is the mainstay of the state economy. The contribution of agriculture in state gross domestic product has increased in the last five years. At current prices, agriculture, animal husbandry and fisheries contributed Rs.24791 crore in 2005-06, which shot up to Rs.54864 crore in 2011-12. As the state economy is rapidly growing in all sectors, the overall contribution of agriculture, animal husbandry and fisheries in the state's gross domestic product has declined from 29.63 percent to 20.92 percent during this period.

Bihar remained bereft of the first green revolution. Now the State is at the threshold of piloting 'Rainbow Revolution' in the country. As the Hon'ble Chief Minister of Bihar opines, "the ingredients of much desired Rainbow Revolution won't essentially be the same as it was for the first green revolution in the country." The Rainbow revolution would be system based, sustainable and evergreen. A new era in agriculture development has already been started in 2006. The state took a major step forward for the holistic development of agriculture through the Agriculture Road Map.

Considering the progress of first Agriculture Road Map, aiming to trigger the processes of development in agriculture and allied sectors, Government of Bihar launched the second Agriculture Road Map for the years 2012-17. Its main objective is to increase productivity of major crops so as to bring it closer to highest yield of crops in the country. Bihar is the only state to have an agriculture

cabinet for focused policy guidelines, effective coordination and monitoring of the implementation of the schemes.

The state has a geographical area of 94,163 sq km with population of 103.81 million. Administratively the state is divided into 9 divisions, 38 districts, 101 subdivisions, 534 blocks, 8463 panchayats, and 45103 revenue villages. The land use utilisation statistics of Bihar is as set forth in the table below.

Table 1.1: Land Utilisation as on 30/6/2010

Geographical Area	94163 Km ²
Forest Land	6845 km ²
Area Not Available for Cultivation	
Land Area	1332514 hectare
Perennial Water Area	207392 hectare
Temporary Water Area	149818 hectare
Total Area put to non agriculture use	1689724 hectare
Barren and uncultivable land	431715 hectare
Permanent Pasture and Grazing Land	15782 hectare
Land under Miscellaneous Tree Crops	243979 hectare
Cultivable Wasteland	45375 hectare
Current Fallow	857627 hectare
Other Fallow	121998 hectare
Net Sown Area	5331733 hectare
Total or Gross Cropped Area	7295805 hectare
Area Cultivated More than Once	1964072 hectare
Cropping Intensity (GCA/NSA)	137%

Agriculture remains the primary activity and main livelihood for rural population in the state. In such a context, land becomes the most important resource, which the state must use in ways that leads to inclusive growth as well as ensure a balance between land used for industrial purpose and land for agriculture. This balance is critical for the state's development. The other constraint to land as a resource is its limited supply. Therefore, it is critical that the state develops a fair estimate of its available land resources, maintains a highly detailed record of it and governs the resources such that efficient and optimal allocation of land is achieved. All this requires an efficient, transparent, accountable and equitable land governance system. In this context, the Land Governance Assessment Framework of the World Bank is being implemented in Bihar with a view to assess the current status of land governance in Bihar, to identify areas and issues which require urgent policy intervention. The LGAF implementation started in the state in October 2013 and the land governance in Bihar was assessed in nine focus themes as envisaged in the framework. The nine focus themes are: (i) Land Rights Recognition (ii) Rights to Forest and Common Lands & Rural Land Use Regulations (iii) Urban Land Use Planning and Development (iv) Public Land Management (v) Transfer of Public Land to Private Use (vi) Public Provision of Land Information: Registry and Cadastre (vii) Land Valuation and Taxation (viii) Dispute Resolution and (ix) Review of Institutional Arrangements and Policies.

The LGAF framework consists of 27 land governance indicators (LGI) that covers a set of 9 panel topics. Each indicator is further broken down into a number of "dimensions" with pre-coded statements (on a scale from A to D). In total, there are 116 dimensions in the LGAF, which are to be ranked based on situation prevailing in the state. The study will help

in assessing the status of present land governance, strengths, weaknesses and suggest the measures to make the land governance transparent and effective.

CHAPTER 2

METHODOLOGY

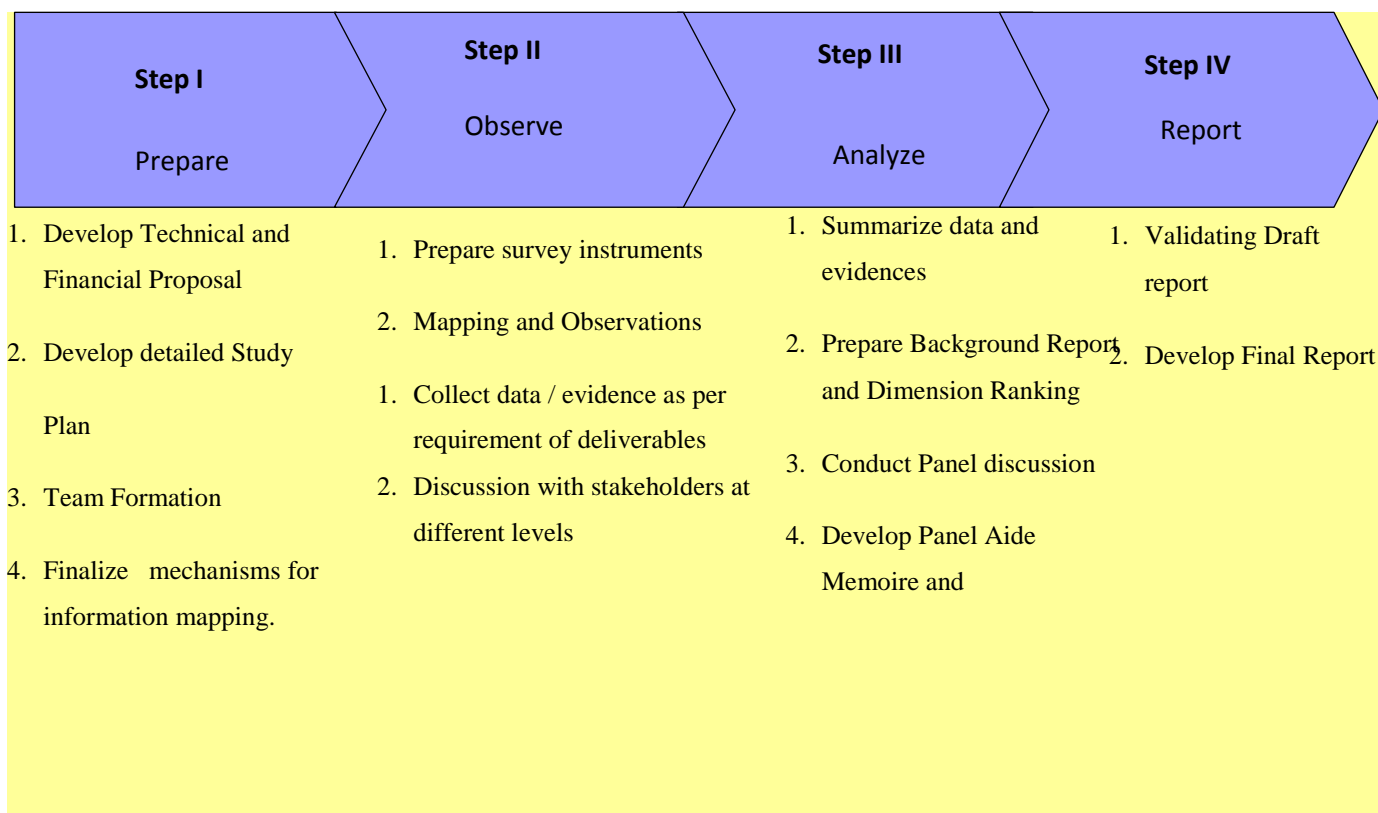
The Land Governance Assessment Framework (LGAF) is a diagnostic tool to help evaluate the legal framework, policies, and practices regarding land governance and to monitor improvement over time. It emerged from a collaborative process between the World Bank and its partners that was based on the recognition of the increasingly important role of land governance to help countries deal with the challenges of the 21st century in terms of climate change, urbanization, disaster prevention, and management of increased demand for land in an integrated way that provides a basis for demonstrating progress over time.

The LGAF is a diagnostic tool to assess the current land governance system under 27 land governance indicators (LGI) that cover a set of following 9 panel topics:

10. Land Rights Recognition
11. Forest and Common Land Management
12. Urban Land Use Planning and Development
13. Public Land Management
14. Transfer of Large Tracts of Land to Investors
15. Public Provision of Land Information
16. Land Valuation and Taxation
17. Dispute Resolution
18. Review of Institutional Arrangements and Policies

Each indicator is further broken down into a number of “dimensions” with pre-coded statements (on a scale from A to D). In total, there are 116 dimensions in the LGAF, which are to be ranked based on actual condition / situation prevailing in the state.

A four-step methodology followed to conduct the study, as shown below.



To conduct the study following steps were followed.

Step I : A team of Expert Investigators (EI) formed at the state level with expertise in land governance, land tenure and land reform system, land revenue and urban governance.

Step II : This team of EI developed survey instruments, collected qualitative and quantitative data, background information, evidence, case studies to prepare background report and assess each dimension with legal provisions along with its policy implications.

Step III : Under each Panel theme a panel of experts formed with local experts, subject expert, academicians, grass root level workers, activists etc.

Step IV: Each panel discussed and assessed each of the dimensions under the ambit of the panel and ranked each dimension in a scale from A to D, based on pre coded data, evidences, legal provisions, case studies, good practices etc through a participatory process.

The panel also identified gaps in legal provisions, administrative and institutional set up, implementation mechanism and policy implications and provided inputs for improvement.

The methodology of this study involves identification and engagement of State Coordinator for the study and Expert Investigator for each Panel. The expert investigator and the state co-ordinating team members contacted the various departments and had detailed discussion on each issue and collected data.

Database

For collecting data / case study / background information / evidence and discussing various issues on each theme, following Government Departments were contacted;

1. Department of Revenue and Land reforms
2. Department Of Forests & Environment
3. Department of Welfare
4. Department of Registration
5. Wakf Board
6. Religious Trust Board
7. Department of Urban Development
8. Municipal Corporations
9. Departments of Mines and Geology
10. Department of Panchayati raj
11. Department of Rural Development
12. Department of Agriculture
13. Department of Statistics
14. Bihar Industrial Area Development Authority
15. HUDCO
16. Department of Industries
17. Department of Fisheries
18. Bihar Land Tribunal
19. Patna High Court
20. Patna District Court
21. Bihar Judicial Academy
22. Bihar State Legal Service Authority

Reports

The outputs of the study has been divided into four stages:

23. Preparation of Context Analysis
24. Preparation of Background report and Dimension Analysis
25. Conduct Panel discussion for each nine panel and Preparation of Panel Aide Memoire
26. Preparation of State Report

Context Analysis

Based on the available literature, different land related act and rules and discussion with various departments Context Analysis was prepared under coordination of LGAF State Coordinating Team. The context analysis was vetted by TAG members and discussed in a specially convened workshop at Hyderabad from 6th to 9th January, 2014.

Background Report and Dimension Analysis

In second steps various data were collected by contacting the concerned department, viewing their website and through publically published data in District Statistical Handbook and Annual report of various departments. After collecting data each theme was discussed in a small group consisting of Expert Investigators, State Co-ordinating team members and some senior officials of the concerned department and the background report and dimension analysis was attempted.

Background report and dimension analysis were vetted by concerned TAG members. State anchor visited Bihar and had detailed discussion of Background Report and Dimension Ranking. The Background Report and Dimension Ranking were revised based on these discussions. Again, the same was discussed in a specially convened workshop at Delhi on 14th February, 2014. The suggestions made in the workshop and views of TAG members were incorporated in the Background Report and Dimension Analysis. A copy of the Background Report and Dimension Analysis was sent to the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar and Secretary, Revenue Department, Govt. of

Bihar for their perusal and comments. The concerned chapter of the background and dimension ranking were also forwarded to the Urban Development Department, Registration Department, Industries Department, Forest Department and Bihar Industrial Area Development Authority (BIADA) for perusal and comments. Discussion with several senior officials of the concerned department took place and their viewpoints also incorporated in the Background Report.

Panel Discussion and Panel Aide Memoir

Nine panels consisting of experts of each theme, such as faculty members from CIMP, Central University, Chanakaya National Law University, A.N. Sinha Institute of Social Studies, Asian Development Research Institute (ADRI), NGOs, farmers' club representative, Social Activists, senior officials from Industries Association, Chamber of Commerce and Institute of Charter Accountant participated. Each of the panel reports prepared by the expert groups were reviewed in respective panel discussion. Power point presentations were made on background, key findings, strength, weakness, best practices, policy recommendation and dimension ranking. Each dimension of particulars theme was reviewed and discussed in detail before coming to a consensus for ranking. In many a case earlier scores proposed by EIs were changed based on the deliberation by the panellists. Issues pointed out in the discussion and deliberation in the panel discussion were also incorporated in Revised Background Note and dimension ranking. The Aide Memoire of all nine panel discussion prepared to document discussion made in the panel.

Draft State Report

The State Report is based on Revised Background Report, Panel Aide Memoire and Dimension Ranking.

CHAPTER 3

STATE GENERAL CONTEXT

3.1.1. Bihar is an agricultural state with a total population of 103.81 millions of which approximately 88.70 per cent live in rural areas and the remaining 11.30 per cent live in urban areas. With a total area of 94,163 sq kilometres, the state accounts for about 2.88 per cent of India's land mass and supports 8.58 per cent of the country's population. Demographically, the state has 47.8 per cent of the female population as per 2011 census. Scheduled Castes and Scheduled Tribes constitute 15.72 per cent and 0.91 per cent of the population in the state (as per 2001 census). The literacy percentage as per 2011 census is 63.82 per cent (male 73.39 per cent and female 53.33 per cent). Density of population of the state is 1102 as per 2011 census, highest density of population was reported in Sheohar district which is 1882 and the lowest density of population was reported in Kaimur which is 488 per sq km. Male / Female ratio is 916 female per thousand of male.

3.1.2. The economy of the state is predominantly agrarian in character. Agriculture is the mainstay of the state economy. The contribution of agriculture in the state gross domestic product has increased in the last five years. At current prices, agriculture, animal husbandry and fisheries contributed Rs.24791 crores in 2005-06, which shot up to Rs.54864 crores in 2011-12. As the state economy is rapidly growing in all sectors, the overall contribution of agriculture, animal husbandry and fisheries in the state's gross domestic product has declined from 29.63 percent to 20.92 percent in this

period. The net state domestic product from secondary sector is 37893 crores as on 2011-12 and 155163 crores in tertiary sector. The total net domestic product at current price during 2011-12 was 247920 crores. Thus the share of primary, secondary and tertiary sector in net domestic product at current price during 2011-12 was 15.28%, 62.59% and 22.13% respectively. Despite 15.28% share from the primary sector in the state net GDP, the size of workforce dependent on agriculture continues to be high, which underlines direct dependence on land of a large proportion of the state's population.

3.1.3. Distribution of land holding pattern in the state indicates that majority of the farmers is small and marginal in the state which can be seen from the following table.

Table 3.1: Distribution of land holding pattern as per agriculture census 2010-11

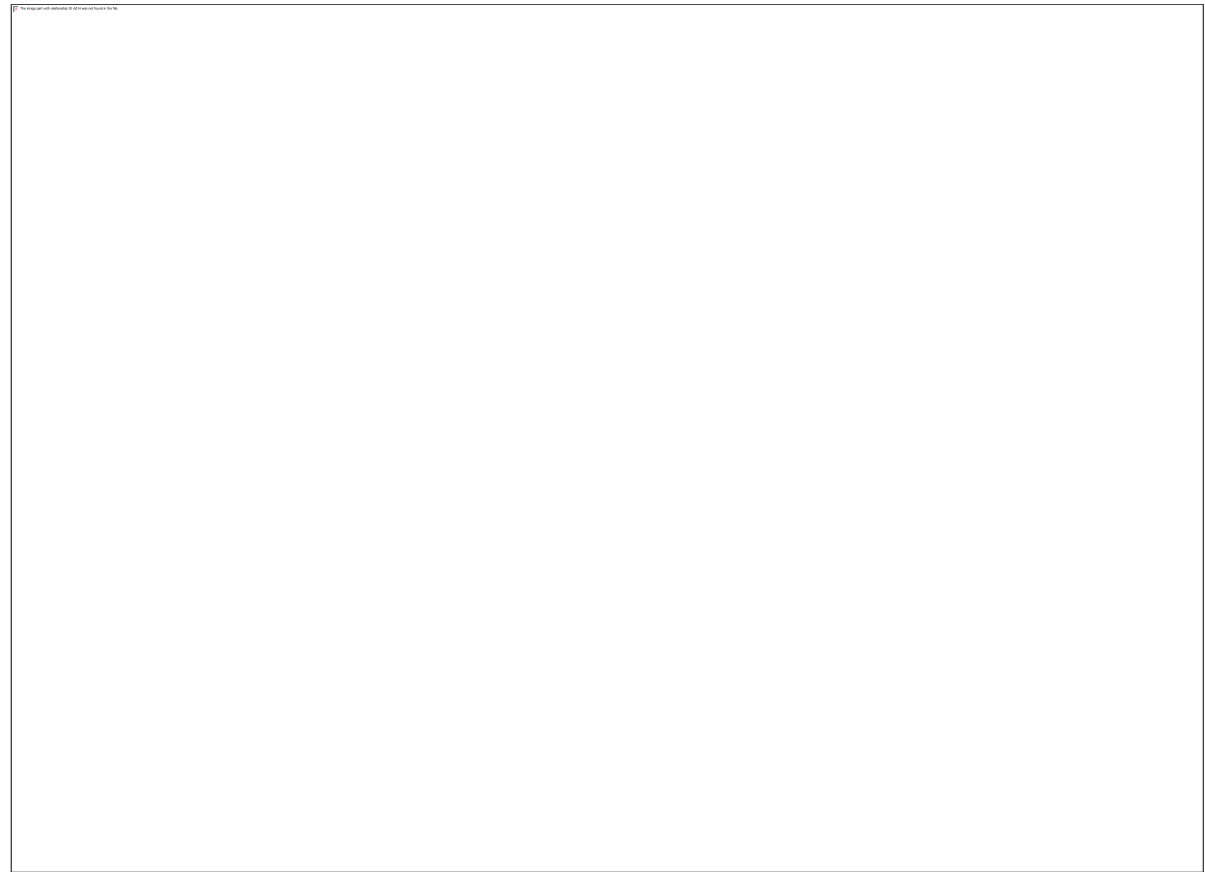
SI. No.	Size Class (in ha)	No. of Operational Holdings	% Holding	Area operated (in ha.)	% Area
		Total			
1.	Marginal	14744098	91.06	3668727.64	57.44
2.	Small	948016	5.86	1185695.24	18.56
3.	Semi Medium	414664	2.56	1072969.00	16.80
4.	Medium	81484	0.50	414941.12	6.50
5.	Large	3129	0.02	45227.71	0.71
6.	All Classes	16191391	100.00	6387560.71	100.00

(Source: Agriculture Census 2010-11)

It appears from the above table that 96.92 per cent small and marginal farmer which controls 76 per cent of the land area. The number of landless people in the state is alarming which gives equity concern. 11.28 million people are working as agricultural labourer and most of them are landless.

3.1.4 Economic development, in general, has increased the demand for land across the state. Rising investments in infrastructure and roads have added to the pressure on land resource and also led to an increase in value. While this has happened, a commensurate improvement in well-functioning mechanism for use, transfer, acquisition and taxation has not followed suit. In this context, there is a need for improvement of land governance in the state to drive development.

3.1.5. Administratively, the state is divided into 9 divisions, 38 districts, 101 sub divisions, 534 community development blocks and 44874 revenue villages. Map of state indicating districts is appended below.



3.1.6. The exact number of record of rights is not available in the state. However, the number of *Kheshra* was 2,98,50,807 in 32 districts of Bihar (urban and rural). There is no bifurcation of the rural and urban RoR. The total number of *Kheshra* for Arwal, Sheohar, Muzaffarpur, Nawada, Kaimur and Supaul is not readily available.

3.1.7. The Bihar Tenancy Act, 1885, deals with respective rights and obligations of the state and tenants. In the pre-*zamindari* abolition period, there were many nomenclatures related to tenancy including estate, proprietor, landlord, tenure and tenure holders. After the enactment of the Bihar Land Reforms Act, 1950, which led to the abolition of the *zamindari*, many such nomenclatures died out and they are no longer in current usage. Tenancy law primarily concerns with agricultural land, falling in rural areas. In pre- independence period, the *zamindars* or intermediaries used to collect rent from the *raiyyats* and deposit the same in the treasury. They were also called landlords. After the abolition of the *zamindari*, the *raiyyats* came into direct contact with the government.

3.1.8. The current post-independence scenario has been duly reflected at appropriate places in the Bihar Tenancy Act, and in Acts which came into effect in the post-independence era. Explicit provisions with regard to the rights and obligations of the *raiyyats* vis-à-vis the state, has been made a formal part in all these enactments. It will be pertinent to point out that while recognition of individual land rights is essential, no less essential is the stipulation of laws regarding the obligations of the individual *raiyyats* towards the state.

3.1.9. Now the tenure system in the state is *ryotwari* system under which individual cultivators are recognized as proprietors of their land with rights to sub-let, mortgage and transfer land through sale or gift. Tenure of land was secure as revenue payment was made directly to the government. As revenue return from the land was low, indebtedness grew and this in turn led to the sale / dispossession of land.

3.1.10. A *raiyat* is supposed to cultivate the land personally and not to engage another person on a crop share basis. If somebody else is attached to agricultural operation under a *raiyat* on crop share basis, he will be called an under-*raiyat*. Chapter VIII of the Bihar Tenancy Act, 1885 is devoted fully to under-raiyats. Section 48 C of the Act provides that if an under-raiyat has held land continuously for a period of 12 years under a lease or otherwise, he / she shall acquire the right of occupancy in that land. Nonetheless, there is major shortcoming in this section. Its proviso says that no such occupancy rights shall accrue if the land held by the raiyat is less than 5 acres of irrigated or 10 acres of other land. By implication, the provision with regard to benefits accruing to under-raiyats including protection against ejection are not available to vast majority of under-raiyats who work under small and marginal farmers.

3.2. Land Administration in Bihar

In Bihar, the Department of Land Reforms and Revenue headed by the Minister is primarily responsible for land administration. The Revenue Department has following three directorates:

1. Directorate of Land Records and Survey
2. Directorate of Land Acquisition and
3. Directorate of Consolidation

The work relating to land records and survey, land acquisition and land consolidation are being looked after by the respective directorate under the Land Reforms and Revenue Department. Other matters pertaining to land administration such as land ceiling, bhoodan land and other related matter are being looked after by the different sections of the Revenue and Land Reforms Department.

The organizational structure of Revenue and Land Reforms Department and their three directorates are enclosed herewith as annexure 4.9.1A, 4.9.1B and 4.9.1C.

The Revenue Department officials at field level in Bihar, as in the case of several states, have a range of general administrative responsibilities along with land governance. This includes magisterial and executive functions. Specific land governance related function such as land registration and valuation are being looked after by a separate department known as Registration Department. In addition to the revenue department, the rural and local bodies also have a role in land administration. The village level rural local bodies, called gram panchayat, manage the Gairmazarua aam land, while the urban local bodies are responsible for the maintenance of the urban land under their jurisdiction. Moreover, Forest and Environment Department manages the forest land and their control. The Urban Development and Housing Department which controls ULBs are responsible for urban land management through ULBs. The Principal Secretary of the respective departments (Revenue and Land Reforms, Forest and Environment, Registration, Urban Development and Housing and Industries) is the Principal Executive Head for the overall land administration / management in their respective areas. The organizational structure of the related department has been enclosed as annexure 4.9.1D, 4.9.1E, 4.9.1F, 4.9.1G and 4.9.1H.

Almost all the departments in the state have huge shortage of staff. Some of the key departments / directorates / sections are being managed in dual / multiple charges.

3.3. Land record in Bihar

After completion of cadastral survey, the revisional survey could only be completed fully in 12 districts and partly in 14 districts. Revisional survey could not be started in 12 districts. Now the special survey has been started but the progress of the same is not so good. The

progress of special survey is also poor. Till November 2013 the progress of the special survey is as under.

Aerial photography done	-	7696 villages of 5 districts
Formation of ground control points	-	15594 villages
Processing of data received from aerial photography	-	2033 villages
Khanapuri done	-	237 villages
Publication of map	-	1 village

Due to non-completion of revisional survey, the land records are not up-to-date. Under the National Land Records Modernization Project (NLRMP) of the Ministry of Rural Development, digitization of Record of Rights (RoRs) and maps has been started.

The Cadastral *Khatiyas* finally indicates the right of the records of a *raiyat* and establish right and possession of a person on the occupant land. There are 1,06,000 maps in Bihar (Cadastral Survey Map-62000, Revisional Survey map-44000), out of which 72,716 nos. of maps have been scanned and digitized. The detail of progress of digitisation has been given in following table:

Table 3.2: Details of digitization of maps as on 30th June, 2014

Particulars	Total	Available	Digitisation done
Cadastral Survey	62,000	61,731 (99.57)	61,006 (98.83)
Revisional Survey	44,000	39,895 (90.67)	11,710 (29.35)
Total	1,06,000	1,01,626 (95.87)	72,716 (71.55)

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

Figure in bracket indicate percentage.

About 4374 numbers of maps are either damaged or not available. Department is making arrangement to procure a copy of these maps from the concerned Circle Office/Sub-divisional office. Maps of five districts viz. Bhahua, Buxar, Bhojpur, Patna, Nalanda have put on website for public use.

71.55% of maps have already been digitized. Government is making effort to complete 100% digitization of maps by December, 2014 and placing them on website.

3.4. Computerization of Land Records

So far as the computerization of land records in Bihar is concerned, data entry work has been completed in 13 districts namely Darbhanga, Madhubani, Kishanganj, Araria, Sheikhpura, Bhagalpur, Bhojpur, Vaishali, Muzaffarpur, Rohtas, Jamui, Madhepura & Buxar. Availability of data on website: - Land records data of nine districts namely Darbhanga, Madhubani, Kishanganj, Bhagalpur, Bhojpur, Buxar, Muzaffarpur, Rohtas and Katihar are available on website. Rest of the districts will follow in phase wise manner.

3.5. Equity concern in Land Administration

For meeting the equity concern, the government has allotted land to landless people from ceiling surplus land and *bhoodan* land. Similarly, the government has taken a big initiative of allotting land to houseless persons for construction of house. Land from various pools has been allotted to the economically weaker sections of society not having house site for construction of houses. Even lands have been purchased for allocation to weaker sections of the society for construction of house. But the major problem is giving possession of the land and dispossession of the allotted land.

3.6. Recent Initiatives

The government has taken many initiatives to improve land administration in the state; some of them are as under.

4. Bihar Land Dispute Resolution Act, 2009 which is omnibus, cost effective and time effective.
5. Bihar Land Conversion Act 2010
6. Bihar Special Survey and Settlement Act, 2011
7. Bihar Urban Planning and Development Act, 2012
8. Establishing of Land Tribunal in the State
9. Self sustainable model of 100 per cent computerisation of registry office
10. Creation of revenue cadre
11. Started the process of filling vacant posts in various land related departments

3.7. Overall, in Bihar, there are a number of initiatives to improve aspects of land administration system. It is encouraging that the need to invest in improved system is well recognised. However, these initiatives seem to be working in isolation and there seems to be an absence of an overall strategy to improve the land administration system.

CHAPTER 4

THEME WISE ANALYSIS

4.1. LAND RIGHT RECOGNITION

4.1.1 INTRODUCTION

For last few decades, the growth of urbanisation, industrialisation and infrastructure development has increased the importance of land significantly. In Bihar there are instances of encroachment, dispossession, displacement and alienation of land. Since independence the State Government of Bihar has made enormous efforts to secure land rights and tenurial rights of people. Several Acts and rules have been promulgated to recognise land right and ensure equity on land resources.

4.1.1.1 Recognition of Land Rights and Enforcement

The Bihar Tenancy Act, 1885, deals mainly with respective rights and obligations of the state and tenants. Tenancy law is primarily concerned with agricultural land falling in rural areas. In the pre-independence period, the zamindars or intermediaries used to collect rent from the raiyats and deposit the same in the treasury. They were also called landlords. After the abolition of the zamindari, the raiyat came into direct contact with the government. The government, being the ultimate owner of the land, is the landlord.

The current post-independence scenario has been duly reflected at appropriate places in the Bihar Tenancy Act, 1885 and in acts which came into effect in the post-independence era. Explicit provisions, with regard to the rights and obligations of the raiyats, vis-à-vis, the state, have been made a formal part in all these enactment. It will be pertinent to point out that while recognition of individual land right is essential, no less essential is stipulation of laws regarding the obligations of the individual raiyat towards the state.

The Bihar Tenancy Act 1885 under section 20, defines a settled-raiyat, as a person who has continuously held land situated in any village, whether under a lease or otherwise, whether wholly or partly, for a period of twelve years, shall be deemed to have become a settled raiyat of the village, even if the particular land held by him has been different, at different times, he will be deemed to have held the land in a village continuously. Raiyat includes his or her heirs as well. Land held by several co-sharers shall be deemed to have been held by each co-sharer. If a raiyat abandons land and recovers possession u/s 87, his continuity will be deemed on the first plot of land he used to cultivate.

Section 23 of the Bihar Tenancy Act provides for the rights of raiyat in respect to the use of land. This also carries obligations. He may use the land in any manner which does not materially impair the value of the land or render it unfit for the purposes of the tenancy. However, the manufacture of bricks and tiles for the domestic or agriculture purposes of the raiyat or his family or for any educational purpose, excavation of tanks or digging of wells for drinking or other domestic purposes and the construction of building for the same purpose, will not be supposed to impair the value of land materially or to render it unfit for the purpose of tenancy.

A *raiyat* means primarily 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 or with the aid of partners on a crop share basis. If somebody else is attached to agricultural operation under a raiyat on crop share basis, he will be called an under-*raiyat*. Section 48 C of the Bihar Tenancy Act, 1885 provides that if an under-raiyat has held land continuously for a period of 12 years under a lease or otherwise, shall acquire the right of occupancy on that land. Nonetheless, there is major short coming in this section. Its proviso says that no such occupancy rights shall accrue if the land held by the raiyat is less than 5 acres of irrigated or 10 acres of other land. By implication, the provision with regard to benefits accruing to

under-raiyats including protection against ejection are not available to vast majority of under-raiyats, who work under small and marginal farmers.

As per agricultural census of 2010-11, 96.92 percent of the state aggregate of operational holdings were held by marginal and small farmers. By implementation of the provisions in regard to the empowerment of the under-raiyat working 96.92 percent marginal and small farmers are out of their pale. Area involved in operational holdings of marginal and small farmers comes to 76 percent. By implementation, under-raiyats substituting if any, 76 percent of the operational holdings in Bihar will be deprived of the benefit given by law especially with regard to security of land and tenure.

Section 48 (D) of the Bihar Tenancy Act, 1885 provides that on payment of 24 times of amount of rent to the land owners, under-raiyat can become a raiyat.

Section 48 E of the Bihar Tenancy Act provides a *quasi-judicial* mechanism for the resolution of disputes between the landholders and under-raiyats. The *quasi-judicial* procedures involve local inquiry which may lead to the recognition of under-raiyati rights and prevention of ejection even though; there is no formal recording of the under-raiyat. Social evidence is potent enough to tilt the balance in his favour. Such safeguards need to have a place in all such state laws where concealed tenancy is rampant and where with the efflux of time since independence, it is no longer feasible to go in for recording the aforesaid concealed tenancy.

Though there exists some loopholes, it has been stated under section 21 of the Bihar Land Ceiling Act, 1961 that an under-raiyat situated in the ceiling area of the landholder will be deemed to have acquired the status of an occupancy raiyat upon payment of compensation to the landholder again. Section 22 provides for the acquisition of the raiyati status to an under-raiyat upon all surplus land.

By a recent amendment it has been provided that 50 percent of the beneficiaries of ceiling surplus land would be women.

4.1.1.2 Customary Rights

Customary rights prevail, by and large, in tribal communities which have a long unbroken tradition of ethnic distinction. Even within a tribal community, rights vary from clan to clan, group to group. Prior to 2000 when present Jharkhand state formed a part of Bihar, the state was placed in the 5th schedule of the constitution. Tribal population in post bifurcated Bihar is meagre and geographically sparse. The non-tribal people have their customary rights embedded in their personal laws. Hindu families are governed by the Mitakshara School Hindu Law while the Muslim population is governed by Mohammedan Law. Land related laws in the state are secular with a slight exception in the ceiling law, when the concept of a raiyat is taken to the respective sources of coparcenary rights as per the Hindu or the Mohammedan Law.

4.1.1.3 Cadastral Survey / Revisional Survey / Special Survey in Bihar

After the enactment of the Bengal Survey Act, 1875, the Cadastral Survey was taken up district-wise in Bihar in 1885 and it was completed in 1922. Almost all the districts of the then Bihar was cadastrally surveyed for the first time and revenue village-wise plots of land on maps were drawn and accordingly record of rights were also prepared. It is noteworthy that the cadastral survey was completely based on Traverse Survey.

Revisional Survey

After vesting of zamindari, the government took up the *Bujharat* operation in 1950-60 for proper verification and identification of public land including *raiya* land, but that operation miserably failed. To have an up to date land records, revisional survey operations were taken up in 1960s. In some of the districts it was completed in a very long period, though the final product became obsolete due to slow pace of the work. Revisional survey could not be taken up in some districts. These surveys provide, in turn, a presumptive set of titles instead of conclusive titles.

The following table will clarify more the progress of revisional survey operations in Bihar.

Table 4.1.1: Progress of revisional survey as on 31st March, 2013

Revisional survey completed	Revisional survey partly completed	Revisional survey not taken up
Purnea, Katihar, Kishanganj, Araria, Muzaffarpur, Vaishali, Sitamarhi, Sheohar, Bhojpur, Buxar, Kaimur, Rohtash (12 districts)	Saharsha, Supaul, Madhepura, Darbhanga, Madhubani, Samastipur, Bhagalpur, Banka, Gaya, Nawada, Jehanabad, Arwal, Aurangabad, Patna (14 districts)	Nalanda, Munger, Jamui, Lakhisarai, Sheikhpura, Khagaria, Begusarai, Chapra, Siwan, Gopalganj, East-Champaran, West Champaran (12 districts)

Special Survey

The state government has introduced Bihar Special Survey and Settlement Act, 2011, followed by Rules, 2012 to conduct survey in whole of the state, in a time-bound manner by using modern technology, 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. For this survey several new initiatives like setting up of base station, creation of additional positions, wide publication etc. have been taken up.

The Special survey has been started in 13 out of 38 districts in 2012-13. In 2013-14, survey works going on in thirteen districts and for 2014-15, twelve districts have been identified for survey and re-survey. The detailed plan for special survey has been given in the table below:

Table 4.1.2: Selected Districts for Special Survey in Bihar

Districts selected for survey and resurvey in 2012-13	Districts also have been selected for survey and resurvey in 2013-14	Districts selected for survey and resurvey in 2014-15
Nalanda, Saran, Bhagalpur, Munger, Sheikhpura, Begusarai, Lakhisarai, Khagaria, Jamui, Siwan, Purnea, Katihar and Motihari	Bettiah, Gopalganj, Patna, Bhojpur, Buxar, Rohtas, Kaimur, Gaya, Jehanabad, Arwal, Aurangabad, Nawada and Muzaffarpur	Sitamarhi, Vaishali, Sheohar, Banka, Darbhanga, Madhubani, Samastipur, Saharsa, Madhepura, Supaul, Kishanganj and Araria

(Source: Director, Land Records and Survey)

The progress of special survey is also poor. Till November 2013 the progress of the special survey is as under.

Aerial photography done	-	7696 villages of 5 districts
Formation of ground control points	-	15594 villages
Processing of data received from aerial photography	-	2033 villages
Khanapuri done	-	237 villages
Publication of map	-	1 village

The Bihar Special Survey and Settlement Act, 2011 (Rules 2012) preceded the launch of survey and re-survey in Bihar. These surveys provide, in turn, a presumptive set of titles instead of conclusive titles. However, record of rights certainly has relevance in the matters of land rights recognition. But even in this limited and consistent view of things, much remains to be desired to arrive at final figures. This act focuses on a time-bound survey with abridged procedures inbuilt. Care has been taken to ensure quality, transparency and grievance redressal in the special survey.

The following steps have already been taken in this regard:

1. Aerial Photography completed in 5 districts namely Nalanda, Saran, Bhagalpur, Munger & Sheikhpura.
2. Creation of Secondary Control Points at 46 locations completed in above mentioned 5 districts.
3. Documentation of Secondary Control Points completed in above mentioned 5 districts.
4. Creation of Base station work completed in above mentioned 5 districts.
5. Wide publicity has been conducted.
6. Data captured through Aerial Photography has been received by the Assistant Director-Cum-Security Officer, Bihar Survey Officer, Gulzarbagh, Patna.
7. Digital map of Katrisarai Anchal under Nalanda district received for verification. Khanapuri work completed in 2 revenue villages.

4.1.1.4 Computerization of Land Records

Data entry work completed in 13 districts and Land records data of nine districts available on website. 14672 Map sheets have been digitized. In 70 Anchal (Circle) Offices Modern Record Rooms have been created and in 16 Anchals Installation of computer Hardware and Modern equipments have been completed.

Regarding the computerization of land record in Bihar, it reflects that the land records data is being captured on website, updating of Record of Right (RoR) is in progress but it is very much relevant to point out here that RoR which are available in the Anchal Office do not match with the ground realities because of transfer, sale, fragmentation of the parcel of the land. The Bihar Special Survey and Settlement Act, 2011 (Rules, 2012) has come into operation. Modern technologies are being used for demarcation of land parcel and preparation of record of rights. After completion of this survey E-interlinkage with Registries will be feasible and fruitful too.

4.1.1.5 Maintenance of Record and Access of Information related to Land

In Bihar there are clear and transparent processes of keeping records, which are properly maintained in all cases of public land, assigned to eligible private individuals and institution. The *halka* office keeps continuous *khatiyani* (Register 1B), which shows description of land and their areas and boundaries. The *Khesra* Register (Plot Register) and Public Land Register are also maintained in *halkas*. Circle officers maintain the records & registers of public land in such a way that every person of the concerned area can access it.

To access any information related to record of rights and maps related to public land, one has to apply to the Officer-in-charge of District Record Room. The information may be collected from any circle office if the information is available there. For getting information related to land or have land map the applicant has to pay fees as prescribed. For maps, Government Press at Gulzarbagh, Patna has been authorised to supply the required maps against the stipulated payment. The record of rights / maps are not fully digitised and kept online. Making the whole record of rights and maps online shall solve the problem of accessibility.

Due to non-completion of revisional survey in various districts and poor maintenance of records, the condition of record of rights and maps are in poor condition and a large portion of these records and maps have already got damaged. The record of rights and maps of some districts are nearly 90-100 years old. In absence of up to date land records the transfer of land, on account of transfer through a sale deed, succession, inheritance and subsequently mutations and other revenue works, are suffering. To some extent, this has also become the reason for growing number of land related disputes in the state.

4.1.1.6 Women’s Right to Property

As far as the women’s right to property is concerned, there is an overall salutary effect of the Hindu Succession (Amendment Act 2005), which states that any property to which a female Hindu becomes entitled by virtue of sub section (1) of the act, shall be held by her with the incidents of coparcenary ownership and shall be regarded, notwithstanding anything contained in this act, or any other law for the time being in force, as property capable of being disposed of by her under testamentary disposition.

The daughter is allotted the same share as is allotted to a son. The Hindu Succession (Amendment Act 2005) gives equal rights to daughters to succession. The need of the hour is to propagate this amendment and create awareness among women.

The record of rights prepared in Bihar, by and large, carries the name of the male coparceners as there is an exclusive incumbent to raiyati status belonging to the female sex who is either a widow or a spinster. Perhaps it will be voluminous to add the names of female along with the males. Nevertheless, by implication, the female’s share right and title with male coparceners by way of inclusion and there is no explicit exclusion.

The state government is well advised to recognize and guarantee women’s community rights and ownership over common property land in villages. There is also a need to create a firm database in respect of the land ownership of the women and women held household. All new homestead land distributed to landless families should be only in women’s name where more than one adult woman (widows, elderly women etc.) is part of the household. The names of all females adults should be registered.

When regularising the homesteads of families occupying irregular and insecure homestead, the homestead so regularized should be in the names of both spouse and single women.

Government should make provisions for equal availability of agricultural inputs to women farmers.

There should be representation for women, especially for Scheduled Caste / Scheduled Tribes women in agencies setup to monitor land reforms.

4.1.2. ASSESSMENT OF DIMENSION

Indicator 1.1 Recognition of a continuum of rights: the law recognizes a range of rights held by individuals (incl. Secondary rights of tenants. Sharecroppers, women etc.)

Dimension					
1	1	1a	Individuals' rural land tenure rights are legally recognized.	A	Existing legal framework recognizes rights held by more than 90% of the rural population
1	1	1b	Individuals' rural land tenure rights are protected in practice	B	Existing legal framework protects rights held by 70% - 90% of the rural population
1	1	2	Customary tenure rights are legally recognized and protected in practice.	D	Customary rights are not legally recognized and not protected in practice
1	1	3	Indigenous rights to land and forest are legally recognized and protected in practice..	C	Partly Recognition of indigenous rights, which are protected
1	1	4	Urban land tenure rights are legally recognized and protected in practice.	C	Existing legal framework recognizes rights held by 50% -70% of the urban population

Analysis of Dimension: 1.1.1 (a): Legal Recognition of Individual's Right on Rural Land

In Bihar there are laws and acts to ensure rights, and the language of law is quite clear to protect rights of individuals. At present, records of rights have been prepared mainly for collection of rent on the basis of classification of lands, as such, the tenant is presumed to be proprietor of the land unless it is proved otherwise. Section 102 of the Bihar Tenancy Act, 1885 prescribes the particulars to be recorded in the record of rights under which the name of tenant or occupant has to be recorded. According to section 103 B (3), every entry in the record of rights so published shall be conclusive evidence of matter referred to such entry and shall be presumed to be correct, unless it is proved by evidence to be incorrect. However, the record of rights has relevance in the matter of land rights recognition.

There is no explicit difference in the informal and legal system in the rights of the vulnerable families and community members. Rather, concerted efforts in post independence era have been made to allot Bhoodan, Ceiling Surplus, Gairmazarhua Malik and Gairmazarhua Aam (Where the nature of lands have changed and the gram sabha has endorsed) lands to the eligible categories of vulnerable families. Moreover, by a recent amendment in the Ceiling Law, 50% of the Ceiling Surplus land has to be settled with women from eligible categories under section 27 of that Act. In a nutshell, it has been ensured that there is no gap in principle and practice in 'creating' land rights for vulnerable sections of our disadvantaged population.

Analysis of Dimension 1.1.1 (b): Protection of Rights of Individual's Land Tenure

Individuals' rural land tenure rights are legally protected but there is gap in implementation. There is no systematic survey of share croppers who are deprived off land rights as per law, so there is no data and number of tenants available. Reference here is made to Section 48(C) of the Bihar Tenancy Act, 1885, whereby occupancy under-raiyati accrues to a share cropper if he has worked for 12 years as such. A further reference is made to Section 48(D) of the Bihar Tenancy Act, 1885 whereby an occupancy under-raiyat can become an occupancy-raiyat of the plot held by him upon payment of 24 times of annual rent as compensation to the land holder. Here, the word 'rent' refers to the value of the produced share not the revenue rent that is payable to the government.

When all said, the fact remains that even though occupancy rights have hardly accrued to the share croppers, section 48(E) of the Bihar Tenancy Act, 1885 provides for protection to the share cropper against ejectment or threatened ejectment by the land holder. The share cropper in such cases can approach a conciliation board. Even though sharecropper rights are not formally recorded anywhere the board can visit the spot and collect local evidence to reach at a conclusion. This is a silver lining, in an otherwise cloudy scenario.

Under section 48 (C) of the Bihar Tenancy Act, 1885, rights have been ensured to the under-raiyat who holds a piece of land for 12 years or more. But, if a share cropper is in the field of land holder holding less than 5 acres of irrigated or 10 acres of un-irrigated land, the right of the share cropper shall not be legally recognized, whereas, in Bihar, around 90% of the land comes between 5-10 acres. This implies that, the Bihar tenancy Act, 1885 cannot protect right of sharecropper on around 90% of the land. There are around 25-30% of farmers who are sharecroppers, whose rights are under stake. So it is concluded that law is protecting right of 70-75% of share croppers. Though legal protections are there, there are gaps in implementation.

Analysis of Dimension 1.1.2: Legal Recognition of Customary Tenure Rights

There are some indigenous practices in the district of West Champaran of Bihar, known as "*Jharta Parta*" "*Harsandha or Gharsandha*" under which there are privileges to nearby

villagers of the forest to procure the fallen trees or woods up to a specific size, but these rights are not legally recognized.

So far as the recognition of indigenous and related rights are concerned the Forest Right Act (FRA), 2006 is a central law applicable to all the states. Basically, it is question of carrying out survey as per the provision of the act to reach out to the target groups. Survey proceeds enforcement of rights. The progress so far in the implementation of FRA in Bihar leaves much to be desired.

In the first instance, survey of the areas concerned has to take place in the right spirit, petitions have to be collected and examined judiciously. Reasons have to be assigned for rejection. Appellate provisions have to be explained to the applicants, for that training and awareness drives have to be launched on a regular basis and monitoring at various levels is ensured.

Analysis of Dimension 1.1.3: Legal Recognition and Protection of Urban Land Tenure Rights

Though legal framework is applicable and protecting 90% of the population as discussed in 2.1, but implementation is deficient. There is lack of data in urban area, regarding deprivation of legal rights.

There is recognition of land rights in urban areas against lands held by individuals, households, apartments, group housing, commercial complexes, slums and the like, and forums for redressal of disputes and grievances exist.

Analysis of Dimension 1.1.4: Recognition of Urban Land Tenure Rights

In general, the provisions of Bihar Tenancy Act, 1885 do not exclude urban areas in application, since there is no notification of the State Government regarding such exclusion. Apartment Act and Slum Policy of the government cover apartment and slums. Also the latest version Bihar *Khasmahal* Policy lays down the underlying principles of leasing out lands under the direct management of the government to the lessees.

Assessment of Indicator 1.2: Respect for and Enforcement of Rights

Dimension					
1	2	1	Accessible opportunities for tenure individualization exist.	D	Although there is demand, the law provides no opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights.
1	2	2	Individual land in rural areas is recorded and mapped	A	More than 90% of individual land in rural areas is formally recorded and mapped.
1	2	3a	Individual land in urban areas is recorded.	A	More than 90% of individual land in urban areas is formally recorded
1	2	3b	Individual land in urban areas is mapped.	B	Between 70% and 90% of individual land in urban areas is formally mapped.
1	2	4	The number of illegal land sales is low.	B	The number of illegal land transactions is low and some are unambiguously identified on a routine basis.
1	2	5	The number of illegal lease transactions is low.	B	Existing legal restrictions on land leases, if any, are clearly identified, justified and accepted by all parts of society, but not fully understood by land users, so that compliance is partial.
1	2	6	Women's property rights are recorded.	D	Less than 15% of land recorded to physical persons is recorded in the name of women either individually or jointly.
1	2	7	Women's property rights to land are equal to those by men both in law and in practice.	C	Equality of women's property rights to those by men is established by law, but there are considerable limitations to exercising such rights in

					practice.
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Analysis of Dimension 1.2.1: Scope for Individualization of Land Rights

There are no customary rights and there is no concept of collective tenure in Bihar. The panelists found this dimension inapplicable and irrelevant in the context of Bihar. This dimension seeks to explore the scope for individualization of rights held by a raiyat as a member of any customary group. There is no occasion of such scope for individualization of rights held by a raiyat as a member of any customary group in Bihar. There is neither any customary nor any group nor any collective tenures in the state of Bihar.

Analysis of Dimension 1.2.2: Recording and Mapping of Individual Land in Rural Areas

The survey operation in Bihar was conducted in three phases. The cadastral Survey completed in 1922-25. The Revisional Survey started in the decade of 1960s but did not cover all the districts. It completed in 12 districts but took long time to complete. In 14 districts it started but partially covered. In 12 districts the revisional survey could not be started. The new Special Survey has just started, and map of only one village has published so far.

During survey and settlement operations each and every plot of the village was surveyed, recorded and accordingly maps on certain scale were prepared for identification and measurement of each and every plot. But as the revisional survey could not be completed in 14 districts the land records are not up to date and accordingly maps also do not reflect the current ground reality. Although due to non-completion of revisional survey the land record have become outdated, but all the individual land in rural areas had been formally recorded and mapped.

Analysis of Dimension 1.2.3 (a): Recording of Individual Land in Urban Areas

As discussed above, during survey operations every plot was recorded. Recording of urban land also has been done but not the superstructure / building. GIS based mapping of individual property including apartment, group housing schemes have been completed in 17 towns of the state. GIS based mapping for purpose of collection of property tax has been completed in 7 towns of the state.

Analysis of Dimension 1.2.3 (b): Mapping of Individual Land in Urban Areas

Though lands in urban areas are recorded, but maps for all are not available. Generally maps on larger scale are prepared to facilitate the identification of small plots. The land in the urban area is mapped but not the super structure. The process of GIS-based mapping of urban area has been started; base maps of 17 towns are ready and work is in progress for preparation of base map of other 12 towns. GIS based mapping for purposes property tax has been completed in 7 towns of the state.

Analysis of Dimension 1.2.4: Magnitude of Illegal Land Sales

Under section 26 A (1) and (2) of Bihar Tenancy Act every occupancy right can be transferred by way of sale, exchange , gift but some illegal land sales/leases occur as the registration officer need not be concerned with the validity of documents presented before him for registration. There are provisions where the aggrieved party may approach to appropriate court for redressal of disputes. These conditions are applicable for property transfer in both urban and rural areas. As there is no data on this issue, it is difficult to conclude a quantitative result for this issue, but even though illegal sales occur, there is mechanism available to counter it and magnitude of illegal sales are not much.

Analysis of Dimension 1.2.5: Magnitude of Illegal Lease Transaction

There are provisions under the Bihar Khasmahal Policy, 2011 for regulation of leases including cancellation of the leases in urban areas. The Bihar Tenancy Act, 1885 does not disallow leases altogether.

The word 'Under raiyat' is duly and legally recognized form of tenancy. The Bihar Tenancy Act, 1885 highlights personal cultivation. Section 48C of the Bihar Tenancy Act, 1885 provides for accrual of occupancy rights for under raiyat, if he has cultivated the land holder's land for more than 12 years. Under section 48(D) of the Bihar Tenancy Act, 1885, the 'under-raiyat' may become a raiyat on payment of 24 times of the rent to the land holder. Similarly, an under-raiyat can become raiyat under section 21 and 22 of the Ceiling Act also.

Agricultural leases may be oral and no survey has been conducted to record on the raiyati rights in the state. Any person cannot take lease land beyond the limit prescribed under the Ceiling Act.

Analysis of Dimension 1.2.6 & 7: Women's Property Rights

In law Women's property rights are equal to those of men's rights but in practice the recording of the name of women in a formal record found are very few. Though Hindu Succession Act has been amended in 2005 in favour of women right over property, but its application is not very prominent. Record of rights is prepared during the survey operation. In some of the cases the name of female member as tenant is recorded only in case of death or absence of male member of the family. It is found that in Bihar 12.8% lands are recorded in the name of women.

4.1.3. CONCLUSION

In Bihar there are numbers of Act and Rules enacted and developed to protect rights of the tenure holder. The language of law is quite clear to protect rights as well it is applicability to everyone. The record of rights, so prepared, has relevance in the matter of land rights recognition. At present, records of rights have been prepared mainly for collection of rent on the basis of classification of lands, as such, the tenant is presumed to be proprietor of the land unless it is proved otherwise. Since independence, concerted efforts have also been made to create land rights for vulnerable and disadvantaged sections of the population. But it is a matter of concern that occupancy rights have hardly accrued to the share croppers. Though there are legal provisions for protection to the share cropper against ejection or threatened ejection by the land holder, recognition of the right of the share cropper and their protection are needs of the hour. In Bihar, due to absence of correct and updated data related to record of rights is one of the most problematic areas, which sometimes paves the ways for conflicts and disputes related to land. The cadastral Survey was completed in 1922-25. The Revisional Survey started in the decade of 1960s but did not cover all the districts. It completed in 12 districts but took long time to complete. In 14 districts it was started but partially covered. In 12 districts the revisional survey could not be started. The new Special Survey has just started, and map of only one village has been published so far. There is an initiative for GIS based mapping for urban areas which was completed in 17 towns of the state. The status of women right over land in Bihar is also poor. Though the amendment of Hindu Succession Act in 2005 provides female members of the household coparcenary ownership, but there is gap in proper implementation. The record of rights prepared in Bihar, by and large, carries the name of the male coparceners and as there is an exclusive incumbent to raiyati status belonging to the female sex who is either a widow or a spinster. In Bihar, only 12.8% land is recorded in the name of women. But there are some positive initiatives by government as by a recent amendment, in section 27 of the Bihar Land Ceiling Act, 50% of the allottees of surplus land coming under ceiling have to be women belonging to eligible categories. The decision of distribution of bhoodan land, ceiling land, gairmazarhua aam and gairmazarhua

khass land to weaker section of the society is a welcome effort. But land allottee under these distributions also suffers from dispossession encroachment. Due to weak enforcement, the rights of land in Bihar have been distorted due to encroachment and dispossession. Recognising right of share croppers and the constraints associated with ensuring their rights remain a matter of concern.

4.1.4 STRENGTH

The strength of this sector is the recent legislative enactments. The enactments started below are regarded as landmarks in the field of Land Reform measures in Bihar.

1. Bihar Land Disputes Resolution Act, 2009 (Rules, 2010)
2. Bihar Land Tribunal Act, 2009 (Rules, 2010)
3. Bihar Agricultural Land (Conversion for Non-Agriculture Purposes) Act, 2010 (Rules, 2011)
4. Bihar Land Mutation Act, 2010 (Rules, 2012)
5. Bihar Special Survey and Settlement Act, 2011 (Rules, 2012)
 1. The Bihar Khasmahal Policy, 2011 related to land in urban areas and under the direct management of the Government is transparent, self explaining and, thus, has clearly removed the complications in terms of its renewal, transfer, assignment, subletting etc.
 2. The Government efforts to give land for house sites, through various land streams, to mahadalit families have been appreciated and address the equity concern. The table below highlights the number of beneficiaries to whom house sites has been allotted, as on December, 2013.

Table 4.1.3: Details of house sites allotted under various schemes

Schemes	Number of Beneficiaries/Families
Basgit Parcha under BPPHT Act	580214
Bhoodan land	292616
Mahadalit Vikash Mission (First Phase)	185201
Mahadalit Vikash Mission (Second Phase)	27271

(Source: Figures are based on report dated December, 2013, by the Department of Revenue and Land reforms, Government of Bihar)

3. A silver lining lies ahead in the fact that Basgit Purcha has been issued to 580214 families in Bihar under the Bihar Privileged Person Home Stead Tenancy Act, 1947. This act was the very first act in post-independence era to address the equity concern. A privileged person was a person attached with the household of a land holder doing domestic and agriculture chores. The land holder allotted a portion of his home stead land to such person for habitation. The aforesaid act formalised this age-old system. Circle Officers were delegated the right to issue Basgit Purcha to such a person on private land. This act was lying dormant in Bihar for several years. In last 3-4 years, this act was operationalised, in a campaign mode, under the Mahadalit Vikas Mission.
4. Section 4 of the recently enacted Bihar Land Dispute Resolution Act, 2009, provides jurisdiction and authority to the competent authority (Deputy Collector Land Reforms) to adjudicate land related cases. He has jurisdiction and authority to hear and adjudicate, on an application or complaint, or on any application referred to by a Prescribed Authority or officer, on any issue arising out of following types of disputes: -
 - (a) Unauthorised and unlawful dispossession of any settlee or allottee from any land or part thereof, settled with or allotted to him under any Act contained in Schedule-1

to this Act by issuance of any settlement document / parcha by a Competent Authority;

(b) Restoration of possession of settled/allotted land, in favour of legally entitled settlee/allottee or his successors/heirs, upon adjudication of unauthorized and unlawful dispossession;

(c) Threatened dispossession of a legally entitled settlee/ allottee

4.1.5. BEST PRACTICES

5. Bihar Special Survey and Settlement Act, 2011

The state government has introduced Bihar Special Survey and Settlement Act, 2011, followed by Rules, 2012 to conduct survey in whole of the state, in a time-bound manner by using modern technology, 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. For this survey several new initiatives like setting up of base station, creation of additional position, wide publication etc. have been taken up. The work is under progress. The Special Survey and Settlement Act, 2011 paves way for large scale recognitions of poor people's rights over the land. The Act is comprehensive in nature. One major output of the ongoing special survey will be a clear cut up-to-date textual data of all categories of land including public land. It has huge potential for adoption by other states.

1. Initiatives for Land Rights to women

To ensure right to the women beneficiaries, the State Government of Bihar has amended section 27 of the Bihar Land Ceiling Act (Act 11 of 2009). According to the revisions, 50% of the allottees of surplus land coming under ceiling have to be women belonging to eligible categories. Since then the State Government is following this principle of allotting at least 50% of the ceiling surplus land to women in letter and spirit. This is a welcome decision of the state for giving land rights to the women.

Further by a consensus decision taken in the land purchase policy for Mahadalit Vikash Mission, all private homestead land purchased from vendors has been distributed to Mahadalit female beneficiaries only.

The purcha / pawna of the other categories of land allotted for equity purpose or homestead land are being issued in the joint name of wife and husband. Wife's name is mentioned first, followed by husband's name, in order to give land rights to the women.

4.1.6. WEAKNESS

2. There are gaping holes in the existing record of rights, which continue to remain truncated over the last 100 years at a stretch. Patch-work-solutions are not at all effective.

3. Revisional survey could be completed in only 12 districts. In 14 districts, revisional survey was started but could not be completed. In 12 districts revisional survey could not be started.

1. Revisional survey operations in Purnea, Katihar, Kishanganj and Araria were carried out from 1952 to 1986; in Muzaffarpur, Sitamarhi, Sheohar and Vaishali from 1959 to 1988; in Saharsa, Madhepura and Supaul from 1962 to 2002 and these operations are still on in Darbhanga, Madhubani and Samastipur since 1965; in Bhojpur, Buxar, Rohtas and Kaimur since 1959; in

Gaya, Jahanabad, Arwal, Aurangabad and Nawada since 1965; Bhagalpur and Banka since 1965 and in Patna since 1986.

2. No revisional survey and settlement since cadastral survey could be carried out in 12 districts in Bihar, namely; Begusarai, Khagaria, Lakhisarai, Sheikhpura, Jamui and Munger in Munger Division; Saran, Siwan and Gopalganj in the Saran Division; East Champaran and West Champaran in the Tirhut Division and Nalanda in Patna Division;
 3. The very purpose of a revisional survey and settlement is defeated if the time span on which it is undertaken is long as reflected in the foregoing facts;
 4. That revisional survey and settlement operations, following conventional methods, in some parts of the State, have been long drawn out, cumbersome and exorbitantly expensive, as the past experience shows.
1. Continuous Khatiyani (Register-1B), Khesra Register and Register-II (Tenants' Ledger) supposed to be maintained in the Circle Offices in an up-to-date manner, have not been maintained as such, and consequently, transfers, successions, mutations, etc., taking place from time to time, are not reflected therein;
 2. Computerization of land records, as sponsored by the Government of India some years ago, has not followed a uniform approach; In the event of non-synchronization of data put into the computer with existing ground realities, resulted in a gap between successive claims of title and a reflection of the same through land records;
 3. There is marked deficit / shortage of working staff, against sanctioned posts at grass-root level in regular revenue offices headed by the circle officers. Measurement and demarcation of land suffers for want of 'Amin'. Boundary disputes and disputes regarding right and title need measurement. Similarly, normal record keeping, including mutation, suffers in the absence of Halka Karamchari and Circle Inspectors. In the recently launched special survey operations the special survey has been started in limited areas due to shortage of officers and staff.
 4. Technical rules to conduct special survey are yet to be formulated.
 5. Training modules for all categories officers / staff in regular revenue offices and in survey and settlement are yet to be adopted finally, and implemented.
 6. Register II (Tenant's Ledger) entries are mostly unauthorized, unauthenticated and undated.
 7. Rights of the individuals and the community towards CPRs and uses of the same, including conversion, are not clearly defined. Such blurring leads to complications and adhocism in this sphere.
 8. Large tracts of land remain sub-judice in various revenue courts under ceiling law for decades together. Many records are stuck up at some stage. Either the authority is ignorant about the technicalities of the law or unwilling to pursue the cases to a logical conclusion.
 9. Even though special survey has been launched, whereafter consolidation against updated records has been smooth. In the old Sahabad district, consolidation operation is concurrently going on. Necessary steps have not been taken, as yet, to conclude or windup consolidation operations. It may lead to duplication of efforts.
 10. The policy of giving 3 decimal of land to mahadalit families has shown success. However, the same policy for annexure I and II, SC / ST is not a resounding success over the years.

11. In every district collectorate of all the 38 districts, much remains to be desired in the up keep of Record Rooms, where old maps and land records are kept in shabby conditions.
12. Dispossession from Government allotted land including (ceiling surplus / Bhoodan land) is a chronic problem. Unfortunately, the extent of dispossession is yet to be surveyed, diagnosed and sorted out.
13. A *sine-quo-non* for redistributive justice should have backward and forward linkage. This can become effective only if allotted lands are distributed and other inputs provided. Otherwise overall economic change will not come through. No survey of post settlement situation has been made with regard to public land allottees.

4.1.7. POLICY RECOMMENDATION

4.1.7.1. Short Term

1. Comprehensive circulars/ guidelines of allotment of homestead land covering BPPHT Act 1947, Gairmazarua Aam land, Gairmazarua Malik land and allotment of 3 Decimal of Rayati land along with check list should be developed and made available to Circle Office for ready reference.
2. Survey/Resurvey work has been taken up in Bihar on priority basis, under the Bihar Special Survey and Settlement Act, 2011. District collectors have been made in charge as settlement officers of the respective districts in the Act. Since the survey operation is technical in nature, it requires day to day monitoring, and disposal of cases in the camps by junior officials. The collector of the district has hardly any time to monitor the day-to-day operations of the Survey/Resurvey, organization of camps, disposal of cases, grievance redressal etc. It is advisable to have a full time settlement officer to look after all these activities.
3. Since ‘continuous khatiyani’ is being prepared in the districts before the Survey/Resurvey operation, the Continuous Khatiyani, so prepared, should be verified and authenticated by senior revenue officials. They should be asked to put their signatures after verification so that the entries made in the ‘continuous khatiyani’ match with the ground realities.

4.1.7.2. Medium Term

4. Special survey should be completed within the prescribed time frame. Computerization of record of rights and digitization of maps based on special survey should be completed by 31st March, 2016.
5. Formulate Land Leasing Policies to ensure land rights in favour of share croppers and economically weaker sections. This will facilitate availability of bank credit to them and motivate them in investing for long term infrastructure in farming.
6. Around 279 land ceiling cases, involving about 26000 acres of land, are pending in the High Court of Bihar. The State Govt. has started reviewing the cases and chalking out strategy such as empanelment of competent advocates and request to Chief Justice to constitute separate bench to hear all the pending cases expeditiously.
7. All the government land, such as ceiling surplus land, bhoodan land, homestead land, gairmazarua aam and gairmazarua khas land which is stated to have been distributed to the landless poor should be physically verified to see whether the assignees are in possession of these lands. There is a need to physically verify all the land given SCs and STs by involving landless poor, local youth and SHGs of Women, under the overall supervision of Revenue Authorities. Effective steps should be taken to give possession of land to such persons.

8. State should prepare and maintain an inventory of all ceiling surplus land, bhoodan land, gairmazarua aam, gairmazarua malik and khasmahal land and make it available for public scrutiny.
9. All cases of alienation or transfer or unauthorized occupation of land, in violation of existing laws, should be identified and necessary steps should be taken to restore the land back to the poor. All the restored land should be recorded in the name of women family member to increase women's stake in land. The Registration Department should strictly be instructed not to entertain any transaction of these land allotted to poor by government.
10. Exemptions to religious, educational, charitable, research and industrial organizations as well as plantations and aqua farms under the Land Ceiling Act should be discontinued. These institutions should not be allowed to use more than one unit of 15 acres.

4.1.7.3. Long Term

1. State should revise its ceiling limits. The proposed limit should be around 10 acres in the case of irrigated land and 15 acres for non-irrigated land.
2. **Recommendations on Amendment of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.**

The following modifications are required in some section of the above Act:

1. Section 45B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, empowers the state government (Minister in the instant case) to reopen the cases disposed off by the collector. Keeping in view the timely disposal of the cases, it is advisable that this power should be exercised by the Divisional Commissioners. There are many issues in land ceiling. Various issues which might have been raised and adjudicated at various forums. Any authority or land holders, at any point of time, may inform that some points have not been raised earlier and that may change the decision in the case. Hence, power of reopening cases may be given to Divisional Commissioner based on left over points/issues.
2. In Section 21 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, the land holders have been given facility to resume land cultivated by an under raiyat within the ceiling area. These facilities are retrograde and should be withdrawn.
3. Under section 21 of the Act, the under raiyat, after the acquisition of raiyati status, should have transferrable rights. This provision is fraught with the risk of sale under duress rendering the under raiyat landless. This provision should be removed/ deleted.
4. Section 22 of the Bihar Land Ceiling Act deals with the provision for an under-raiyat. To prevent *benami* transaction by the land holder, or to prevent entry of fake name in the relevant record, it would be relevant to make provisions by recording non-transferable rights to under-raiyat so that the actual under raiyats, who are the tillers of the soil, may get benefit.
5. The State should impose ceiling not only on 'Ownership' of land holdings but also on 'Operational' land holdings to prevent concentration of large tracts of land through lease-in. A person/ institution/organization should not be allowed to own more land than the ceiling limit.

1. **Enactment of Right to Homestead Land:** Right to Homestead Land Act, just on the lines of Right to Service Act 2011, should be promulgated. Definition of homeless, procedure for survey to identify homeless and ways and means to provide house sites in the Act from various types of land, should be made clear.
2. **Land Development:** Land allotted to landless generally have problems such as salinity, alkalinity, water logging and soil degradation etc. Lot of opportunities are available for developing the land belonging to the poor by accessing various Central and State Government schemes existing now such as MGNREGA, Watershed Management Program and NABARD supported Rural Infrastructure Development Fund etc. The govt. should prepare an inventory of land for the poor who require development, and should also systematically take up land development work on those lands. Priority should be given to all land belonging to Scheduled Cates and Scheduled Tribes, first. As far as possible, land development work should also include provision of irrigation facility with priority to SCs and STs land. Along with land development, all other sustainable agriculture programmes available for increasing productivity of land should be linked to this land so that the poor can earn better income from the land.

4.2. FOREST AND COMMON LAND MANAGEMENT

4.2.1 INTRODUCTION

In Bihar notified forest area is 6473km². Other estimates mention it as 6492.9km². Out of this forest area 692.89km² is categorised as reserved forest and 5798.89 km² is classified as protected forest. Here it is to be noted that the total forest coverage does not include areas of national park and sanctuaries, as, in Bihar these are dealt separately. The forest coverage includes forest over *raiya* land also. The statistical details of existing forest position in Bihar are given in following table.

Table 4.2.1: General information regarding forests in Bihar

SI. No.	Particulars	Area in Km ²
1.	Total geographical area	94163 Km ²
2.	Notified forest area	6473 Km ² (6492.9 Km ² as per directorate of economics and statistics)
	a. Reserved forest	692.89 Km ² (10.67% of forest area)
	b. Protected forest	5798.89 Km ² (89.31% of forest area)
	c. Unclassified forest	1.12 Km ²
3.	Total forest area	6845km ² (7.27%)
4.	Plantation outside forest area	2369 Km ² (2.52%)
5.	Total plantation	9214 Km ² (9.79%)
6.	Total population	103.80 million
7.	Forest and plantation per person	0.0088 hectare

(Source: Department of Environment and Forest, Govt. of Bihar)

4.2.1.1 Identification of Forest and Common Land

Forest and common land are clearly identified in Bihar and the same are recorded as such. However, there is no demarcation of forest villages as such as the Department of Environment and Forest has adopted the conventional revenue Survey and Settlement maps and records and has not conducted any special survey for this purpose. In early 1950s, out of the revenue survey, the forest settlement officer earmarked chunks of forest land. They conducted *Bujharat*, invited and disposed of objections and even excluded some land in favour of *raiya*s residing in forest land.

The local dwellers were entitled to rights and privileges as mentioned in the *Khatiyani* of land of protected forest. *Khatiyans* of all the villages of Bihar prepared during Cadastral Survey, almost 100 years ago have not been updated as yet. The state Government has started the survey but the same is very slow paced due to man power constraints, commitment and dispute coming in claiming the land by others. In case of reserved forest there is no right but the local dwellers are entitled to certain privileges as mentioned in the notification notifying the area as reserved forest.

As far as protected forests are concerned, the banned activities continued to ban while activities not banned and are kept open to the public providing an opportunity to the *raiya*t to exercise their rights to that limited extent. Users rights, too, key natural resources on land (including fisheries) are legally recognized and put up in practice in the protected forest area. The situation is quiet different; as there is no users' right in 13 national parks / wildlife sanctuaries in Bihar. These parks / wildlife sanctuaries come under the broader category of reserve or protected forest as the case may be. They have been classified based on concept of

management of forest. The national parks / wildlife sanctuary are governed by the Wildlife Protection Act, 1972. In Bihar, its spread over in an area of 3339.458 sq km. The details of which has been given in the table below:

Table 4.2.2: National park and world life sanctuary in Bihar

Sl. No.	Name	District	Date of Allotment	Area (Km ²)
1.	Valmiki National Park	West Champaran	02.08.1989	335.6
2.	Valmiki Wildlife Sanctuary	West Champaran	04.05.1976	545.18
3.	Bhimbandh Sanctuary	Munger	27.05.1976	681.99
4.	Rajgir Wildlife Sanctuary, Rajgir	Nalanda	20.05.1978	35.84
5.	Kaimur Sanctuary, Kaimur	Rohtas & Kaimur	25.07.1979	1486.89
6.	Gautam Buddha Bird Sanctuary, Gaya	Gaya	14.09.1971	137.22
7.	Udaipur Wildlife Sanctuary, Bettiah	West Champaran	29.04.1978	8.87
8.	Naagibandh Bird Sanctuary	Jamui	14.07.1987	1.91
9.	Naktibandh Bird Sanctuary	Jamui	15.07.1987	3.32
10.	Vikramshila Gangetic Dolphin Sanctuary	Bhagalpur	28.08.1990	50 km height
11.	Kanwar Lake Bird Sanctuary	Begusarai	20.06.1989	63.11
12.	Salim Ali Jubba Sahni BAeriala Bird Sanctuary	Vaishali	28.01.1997	0.198
13.	Kusheshwar Asthan Bird Sanctuary	Darbhanga	05.07.1994	29.23
Total:				3339.458

(Source: Environment and Forest Department, Govt. of Bihar)

4.2.1.2 Rights to Forest and Common Land

There are settlements inside forest area which are outside the pale of Forest Right Act. Theoretically, the aforesaid settlees have to be evacuated. Still evacuation remains a far cry and dwellers inside the aforesaid area are (illegally) exercising certain rights. The sordid picture of land, recorded in the name of the Government of Bihar needs to be highlighted at this stage. It is also found that, in many pockets multiple rights over common land and natural resources of government land persist. People's rights accrue by virtue of adverse possessions, while the records are in the name of government of Bihar. In the context of forest, the pertinent point to be noted is that despite revenue land recorded as Jungle / *Jhari* (bush), the forest department has not extended its control over such land, consequently, non-forest activities go on unabated without seeking the permission from the forest authorities. As far as multiple rights over forest land in protected forest areas are concerned, Forest Rights Acts has been made applicable. While ownership remains with the government, certain individual rights accrue through the legal provisions of the Forest Rights Act. However, much remains to be done in Bihar with regard to the application of the Forest Right Act in letter and spirit.

Reportedly in Bihar, 20 sub divisional level committees, 13 district level committees and 1299 Forest Right Committee (FRC) have been constituted. It is also found that out of 2930 claims filed, 585 claims are under process and 31 titled deeds disbursed upto the year

2013. Functions of various committees at various levels are matter of further enquiry. The effectiveness of training provided and distribution of training modules amongst *Gram Sabha* members on quality output is matter of further research. The same can be true too on various training organized at block level for FRC members in West Champaran, Kaimur and Rohtas districts. About 350 *Gram Sabhas* are yet to claim individual rights. It is not evident that, whether Gram Sabha members have visited every hamlet to interact with tribal and Other Traditional Forest Dwellers (OTFD), collected information and oriented them about their rights. Proper mobilization and training of tribals and OTFD would be effective to enhance the figures of claims and acceptance. There is a hiatus between law and practice and orienting the target groups to their rights and obligations under FRA until and unless this schism is filled. Existence of vested interests and collusion with local bureaucracy are matter of concern for the target groups to take advantage of their legal entitlements.

The grievance redressal committees at various levels are still to be constituted / made effectively functional. Much remains to be desired on documentation of rights / registration of community claims and similar other fronts. The only silver lining through historical fluke is that, no conversion of forest villages into revenue villages is required as no forest village exists in Bihar. However, the state government should take ample care of conservation of wildlife, forest and biodiversity as well as providing benefits of the FR Act to those tribal and OTFD settlement / hamlets which have been left out altogether.

In as much as, the boundary demarcation of communal land is concerned, there is no communal or indigenous land as such in Bihar. Such types of land used to exist when this state was in the fifth schedule and Jharkhand was not a separate entity.

Nevertheless, Bihar has common land in the state. The *Gairmazruha Aam* common land is basically community land, owned by the village community. These include village pathways, village waste land, play grounds, orchards, cremation and burial places. They further include the village water bodies and *bandhs, ahar, pynes*, reservoirs, tanks etc. Even if the nature of these lands have changed over a period of time (if a tank is filled up), the consent of the Gram Sabha will be mandatory for the Government to put that land into some other use or settled through *pattas*. Common land further includes *Gairmazruha Malik / Khas* land which were duly recorded as *Gairabad Malik* land in the cadastral survey and continued to be owned and held by the state of Bihar. In course of the revisional survey and in day to day operations of the lower level revenue bureaucracy, numerous *Gairmazruha* plots have been recorded in private names; rent receipts issued and rent being collected. No systematic attempt has been made to enquire into the privatization of common land, whether the settlements made in favour of private individuals were made by competent authority or encroachers / grabbers have illegally been recorded. These will be known only when a thorough enquiry will be made. Field bureaucracy at various levels drawn in routine humdrum and nobody wants to touch the hornet nest since the grabbers have powers and influence.

It is fact that in public interest certain schemes of non forestry have to be taken up on forest land. Forest department in government of Bihar scrupulously adheres to the norms set by Government of India in this regard. The state nodal officer exercises power to give concurrence to non-forest uses upto 5 acres of forest land with regard to schools, hospitals (illustratively) and roads falling in extremist areas. He has been empowered to permit upto 1 acre diversion of forest land for any scheme; such permission is accorded by Additional Chief Conservation of forest, Eastern Region, Bhubhaneswar upto 40 acres of forest land. Beyond 40 acres the Government of India is alone competent to allow non-forest use. The requisitioning body is required to make good environmental losses by depositing net asset value of fallen trees. The net asset value is as per density of existing trees. The requisitioning

body is also required to provide compensatory land, costs of fresh plantation as also making over fallen trees to forest department.

The Bihar Hariyali Mission tends to motivate farmers who are desirous to grow species of their choices under agro-forestry scheme. The forest department provides land as well as technical know-how free of cost. Some incentive money is also given towards plants' care and protection. Preference is given to one or more farmers who are desirous for agro-forestry on 2 hectares or more land. Altogether 7347 beneficiaries have taken advantage of agro-forestry in 2013-2014, so far. The total number of plants shown is 7066986 and area involved is 47111.59 acres.

4.2.1.3 Implementation of Forest Right Act

It is evident from a closer glance at implementation of the FRA in Bihar, that the beneficiaries at various levels want an appreciation for the spirit of the FRA. The introduction of the FRA represents a seminal moment in India's highly contested forest politics, recognising for the first time the 'historical injustice' perpetrated by the state on a significant segment of its population. The Act states: "the forest rights on ancestral land and their habitat were not adequately recognized in the consolidation of state forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling, Scheduled Tribes and other traditional forest dwellers" (FRA 2006) which calls for initiative to recognize right of the forest dwelling Scheduled Tribes and other traditional forest dwellers.

The Act, which inherently recognises that a healthy ecosystem is compatible with social justice technically, holds precedence over all other forest and wildlife-related laws. Although its provisions for restoring the rights of forest-dependent households may not cover all rights deprivations they hold the promise of improving the lives and livelihoods of more than 100 million of India's poorest citizens.

However, it is important to remember that the FRA is only an enabling legislation and the 'prize' – the actual allocation of user rights at the local level – crucially depends on its implementation. This is where it faces serious challenges, as do several other recent legislative reforms that await full implementation. All, this needs a thorough change in the mindset of bureaucracy in Bihar.

Schedule Caste / Schedule Tribe Welfare Department have issued a checklist of community rights and specified therein that *Halka Karamchari* of each village should prepare a list of claims for the village, based on revenue and forest records. This list is to be made available to the Gram Sabha to enable claims to the user rights to be stick at the community level. In addition, since many community rights may not have been documented earlier but fall within the ambit of the FRA, the government specified that the revenue official or forest conservator should inform the Gram Panchayat or Gram Sabha about these community rights and assist the community in filling applications and presenting claim documents to avail of these rights.

In Madhya Pradesh, to ensure compliance, necessary instructions signed by the sub-divisional officers, have been sent to all the concerned and the process and progress is reviewed every month. The word 'primarily' has been classified by Ministry of Tribal Affairs. Whether this clarification has percolated in Bihar in village levels is yet to be seen.

The following community rights may be ascertained and maintained at the earliest.

3. Usage of approach road to places of worship;
4. Usage of cremation grounds or burial places;
5. Right to conduct meetings and / or choupals (community gatherings);
6. Access to areas with medicinal plants, mahua flowers;

7. Access to rivers and / or canals in forest areas to bathe, wash clothes, allow cattle and other domestic animals to drink water, etc.

Almost no action has been taken under section 3 (1) (B to M) of FRA, which pertains to community rights. It is highly possible that several deserving claimants could not file their claims on time under erroneous impression that the last date was over. Due to hasty inquiry and inadequate vetting by senior officials there have been erroneous rejections also. It is also evident that, claimants have not been given reasonable opportunity to prove their claims as provided in rule 4 (C). No cross checks were done at the village level by the revenue and forest officials. No outside agency has been engaged to conduct an independent assessment. Applicants also faced problems in filling the form. Cases of claims even in national parks have to be dealt with as per law. Consequently, the blank rejection in such cases would be illegal. Applicants were not informed in writing when their claims were rejected so they could not exercise their rights to appeal. The vigilance committee of elected officials is either not setup or is inactive.

In view of the above, it is to be expected that the SC / ST welfare department has to be made nodal department in the real sense of the term as there are gaps in providing leadership to the programme. The constraints result in low profile implementation campaign and low level of awareness regarding the Act. The department's role is to develop qualitative indicators, call public meetings, hold public consultations, put pressure on the revenue and forest departments at the district level to do justice to the forest dwellers, and improve communication between officials and the people. These activities need to be performed with care.

4.2.2. ASSESSMENT OF DIMENSIONS

Assessment of Indicator 2.1: Rights to Forest and Common Lands

Dimension				
2	1	1	Forests and common lands are clearly identified in law and responsibility for use is clearly assigned.	B Forests and common land are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous.
2	1	2	Rural group rights are formally recognized and can be enforced.	A The tenure of most groups in rural areas is formally recognized and clear regulations regarding groups' internal organization and legal representation exist and can be enforced.
2	1	3	Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.	B Users' rights to key natural resources are legally recognized but only some are effectively protected in practice or enforcement is difficult and takes a long time.
2	1	4	Multiple rights over common land and natural resources on these lands can legally coexist.	C Co-existence is possible by law but rarely respected in practice.
2	1	5	Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist.	C Co-existence is legally possible but rarely respected in practice.
2	1	6	Multiple rights over land and mining/ other sub-soil resources located on the same plot can legally coexist.	D Co-existence is not possible by law; mining rights override land rights.
2	1	7	Accessible opportunities exist for mapping and recording of group rights.	D Although there is demand, the law provides no opportunities for that holding group land under customary, group, or collective tenures to record and map land rights.
2	1	8	Boundary demarcation of communal land.	D Less than 10% of the area under communal and/or indigenous land has boundaries demarcated and surveyed and associated claims recorded.

Analysis of Dimension 2.1.1: Identification of Forest and Common Land and Assignment of responsibility related to Use

In Bihar, forest and common lands are clearly identified and responsibilities for use are clearly assigned. However, the sad tales of common lands lie in the fact that, ever since the Cadastral Survey, common lands have been privatized in connivance with revenue functionaries and revisional survey authorities. So much so that, *Khas mahal* lands which are not assigned permanently, rather are leased out on periodic lease, have been privatized in revisional survey.

Forest lands are clearly identified and demarcated on the ground but evidence shows that claims as per the FRA are not coming forth in most of the cases for want of proper education and awareness amongst the stakeholders. This leads to inequitable disposal of the claims whatever are put forth and many a time the claims are not supported by any evidence, which creates a problem before the authorities as to how to take a decision thereon. In all such cases it should be incumbent on the adjudicating authority to hold local enquiries before coming to any conclusion.

Analysis of Dimension 2.1.2: Recognition of Rural Group Rights

In Bihar group rights are mostly recognized under the statute or the customary laws having the same force as enacted law and especially in the context of forest land the group and individual right are recorded and enforceable. There are a number of laws which protect and enforce the group rights on the common lands as well.

Analysis of Dimension 2.1.3: Users' Rights to key Natural Resources

The users' usufructuary right on the natural resources are recognized. For example, in the state of Bihar, after reorganization the right of collection and marketing of minor forest produce (kendu leaves etc.) have been passed on to Gram Panchayat. Along with the management and development of forest in partnership with the local communities/JFMC/EDCs the usufructuary rights /stakes are also being managed in the forest areas. As the FRA is yet to be implemented in letter and spirit, the enforcement of users' right becomes difficult and takes a long time.

Analysis of Dimension 2.1.4: Co-existence of Multiple Rights

The common lands having natural resources on them or not are most of the cases recorded as jungle/jhari/jhar jhankar etc in the revenue records and hence come under the teeth of the Supreme Court judgment declaring all such areas as forest lands thus attracting the provision of the Forest Conservation Act, 1980. In all such cases non-forest use of common lands even is not permissible.

As far as the user rights on common land is concerned, that too with regard to pastures, cremation, burial place, village ponds, village pathways and the like, an area of concern is the steady erosion of village commons/Common Property Resources. Either such lands are encroached or no rejuvenation plan exists after change in nature. Paradoxically, as soon as there is a change of nature like a village pond is filled up some or the other, government structure comes over instead of rejuvenating the pond.

Analysis of Dimension 2.1.5: Multiple Rights over the same plot

Multiple rights over the government owned plots like *Gairmazruha Khas* plots do not exist. *Gairmazruha Aam* plots are with the village community, and even the government has to pay compensation if an acquisition of such land is necessitated. In the case of a change of nature of the village commons the government has to take NOC from the *Gram Sabha* before changing land use.

In so far as coexistence of multiple rights on forest resources is concerned, there is no dichotomy in theory and practice. The government owned common lands which have been brought under the plantation and growth of tree resources, have now been put under a novel scheme of Tree-Patta Scheme according individual rights on community resources. However, the tree resources on notified forest lands are also brought under community ownership through Joint Forest Management (JFM) mechanism.

Analysis of Dimension 2.1.6: Multiple Rights over Land and Mining/ other sub-soil resources

Co-existence of multiple rights over land and mining and other sub-soil resource is not possible by law. Mining rights override land rights. Mining rights are vested with the government exclusively.

Multiple rights over the protected forest may exist to the extent they are sanctioned but subject to condition that they do not involve non-forestry use.

Analysis of Dimension 2.1.7: Existence of Group Rights

After separation of Jharkhand from Bihar, there is no concept of group rights. Similarly, no communal or indigenous land rights exist in Bihar. Mapping and recording of rights are conducted universally for whole of the state.

Analysis of Dimension 2.1.8 Boundary demarcation of communal land

In Bihar there is hardly any instance of demarcation of boundaries of communal and/or indigenous land. Updated land records of these lands with boundary demarcation are not available.

Assessment of Indicator 2.2: Effectiveness and equity of rural land use regulations

Dimension					
2	2	1	Restrictions regarding rural land use are justified and enforced	B	Regulations regarding restrictions on rural land use effectively serve public purpose but enforcement is weak.
2	2	2	Restrictions on rural land transferability effectively serve public policy objectives.	B	There are a series of regulations that are for the most part serve public purpose but that are not enforced.
2	2	3	Rural land use plans are elaborated/ changed via public process and resulting burdens are shared.	C	Public input is required and sought in preparing and amending land use plans but comments are not reflected in the finalization of land use plans.
2	2	4	Rural lands, the use of which is changed, are swiftly transferred to the destined use.	D	Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use (e.g. forest, pastures, wetland, national parks etc.)
2	2	5	Rezoning of rural land use follows a public process that safeguards existing rights.	D	Rezoning processes are not public process and rights are ignored or not properly or promptly compensated in the majority of cases.
2	2	6	For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.	A	The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is less than 10%.

Analysis of Dimension 2.2.1: Restrictions regarding Rural Land Use are justified and enforced.

In Bihar there are restrictions over rural land use. Section 23 of the Bihar Tenancy Act, 1885 prohibits the use of agricultural land for non-agricultural purposes with certain exceptions. Manufacture of bricks and tiles, excavation of wells and tanks for domestic, agricultural and charitable purposes are not banned.

Though a rule was made with regard to the conversion of agricultural land for non-agricultural purposes, however, it was declared void by the Patna High Court. Subsequently the government enacted the Bihar Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2010 to regulate land use conversions. Nevertheless certain modifications are called for in this Act to address environmental and ecological concerns, especially in the light of specific provisions under the Environmental Protection Act 1986 and orders and circulars issued there under. Regulations regarding restrictions on rural land use effectively serve public purpose but enforcement is weak.

Analysis of Dimension 2.2.2: Restrictions on Rural Land Transferability

In the Bihar Ceiling Law, para 16(3) prohibits the sale of a given piece of land to a person other than a neighbour of the plot, so long as the neighbour is willing to buy. This is with a view to ensure consolidation of land as mostly the neighbours are coparceners and remote buyers may not have any direct proximity with the lands earlier held by them.

Analysis of Dimension 2.2.3: Public Consultation and Rural Land Use Plan

In Bihar there is no Land Use Board for rural areas to prepare land use plan. There is no specific Land Use Plan with special reference to agricultural land/ holdings in Bihar. However, law has been enacted with provision of zoning of land in the urban areas and urban land use board is in place.

The Bihar Urban Planning and Development Act, 2012 makes provision for promotion of planned growth and development of urban areas and such rural areas having potential of urbanization and regulation thereof, including land use. This Act extends to the whole state of Bihar or part thereof as may be notified by the government. The government may declare Planning Area and may constitute Planning Authority. Land Use Map and Land Use Register are to be prepared. After the declaration of a Planning Area, the Planning Authority within two years of such declaration or time limit specified by the government required to submit a Plan for the planning area or part of the planning area. The Plan should be of 20 years or so extended period specified by the government and the Plan should be submitted through a Planning Board.

Urban land Use Planning Board has been constituted under the chairmanship of Development Commissioner under Bihar Urban Planning and Development Act, 2012. It may take some time to reflect on the efficacy and effectiveness of the implementation aspect of the Bihar Urban and Development Planning Act, 2012, which encompasses rural area also.

Analysis of Dimension 2.2.4: Transfer of Lands for destined use

After the promulgation of the Bihar Agricultural Land (Conversion for Non Agricultural purposes) Act, 2010 raiyats approach the competent authority (SDO) for obtaining permission for land use change under the provisions of the Act. The data on transfer of lands for destined use after changing of its use pattern is neither maintained nor readily available.

The transfer of lands for destined use after changing of its use pattern is very limited.

Analysis of Dimension 2.2.5: Rezoning of Rural Land Use

The processes of zoning/re-zoning of land use are not prevalent in rural areas of Bihar.

Analysis of Dimension 2.2.6: Protected Rural Land Use

In so far as forest wetlands and national parks etc. under the provision of Forest and Wildlife laws are concerned, there are specific forest working plans and wildlife management plans which correspond to actual use. However, there is no specific law corresponding to pasture lands and their management. The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is less than even 4%.

4.2.3 CONCLUSION

In Bihar coverage for notified forest area is 6473km² and the total forest area is divided into different categories like reserved forest, protected forest, national park, sanctuary etc.

Regarding the common land, in Bihar, the common lands are categorised into *Gairmazarhua Aam*, *Gairmazarhua Khas*, *Khas Mahal* etc. The forest and common land are clearly identified in Bihar and the same are recorded as such. However, as there has not been any survey conducted by the Department of Environment and Forest the demarcation of forest villages is difficult. The Environment and Forest Department adopted the there is hardly any instance of demarcation of boundaries of communal and/or indigenous land. One of the matters for concern is that common lands have been privatized in connivance with revenue functionaries and other related officials. In the context of rural group rights over forest and common land there are laws to protect the right. The usufructuary rights of users on natural resources and forest produce also recognized in Bihar. The Joint Forest Management Committees also instrumental for ensuring these rights. However, the proper implementation of FRA in Bihar is much behind the expected level, causing constraint for ensuring rights to forest and other traditional forest dwellers. Effective implementation and monitoring of FRA is important to protect, conserve and manage forest resources and ensuring rights. An effective awareness programme is need of the hour now. Another area of concern is the steady erosion of village commons/Common Property Resources. These lands are encroached or no rejuvenation plan exists after change in nature. One praiseworthy effort in this context is that, the *Gairmazahua Aam* land can be transferred and settled only if its nature has changed and gram sabha consented for it. Consorted effort may be made to free the common land from encroachment and in this regard the Gram Panchayat also may be empowered to alleviate encroachment. The multiple rights over common resources hardly exist in Bihar and the right to the sub-soil resources is vested with the government. As there is no Land Use Board in Bihar, there is no such typical Land Use Planning held in Bihar for rural areas. An efficient Land Use Board may be effective to develop long-term perspective on land through developing Land Use Plans.

4.2.4 STRENGTH

8. Special care and inbuilt mechanism for safeguarding common land is in vogue. Powers, responsibilities and the role of the Gram Sabha has clearly been laid down.
9. Common land, along with other public land, is transferred to the Forest Department for compensatory afforestation.
10. In major urban areas, common land has been identified through concerted efforts and funds provided to construct boundary walls around isolated patches of common land to prevent encroachment.
11. Following the recent legal enactment have put safety of common land on a much better footing than ever before, as stated below.
 1. Law of Mutation: Section 9 of the Act empowers the Additional Collector to adjudicate cases relating to open *jamabandi*. This adjudication stands to illegal *jamabandi* and opens against common land also. Earlier, Collectors used to send the records for annulment of illegal *jamabandi* against public land, including common land, to the government under section 4 (h) of the Bihar Land Reform Act, 1950. The present arrangement enables faster action.
 2. Bihar Land Dispute Resolution Act, 2009: This Act too enables the Deputy Collector, land reforms, to hear and adjudicate disputes of various sorts, including dispossession or threatened dispossession of public land assignees including allottees of other common land.
 3. The Bihar Consolidation Act also provides for earmarking of the village pasturage and similar type of common land while finalising the Chak Scheme of the village.

4. The Settlement Manual, 1959: Rule 467 empowers the Settlement Officer to cancel illegal *khata* of common/public land even after final publication of Record of Right.
5. Bihar *Khas Mahal* Policy: This policy provides punitive measures against violation of lease deed conditions. For evicting a trespasser or violator, the government need not go to Civil Court. After this policy, the Collector can file eviction suit in the Court of Divisional Commissioner.
6. The Bihar Char-Diara Temporary Settlement Policy 2013: This policy deals with alluvial and delluvial land and makes certain provisions for temporary settlement of such land which constitute public/common land.

4.2.5 BEST PRACTICES

12. Tree Protection Day:

Bihar Government has started celebrating Tree Protection Day on the eve of *Rakshabandhan* every year since 2011. People take pledge/oath to protect a tree like sister/brother on Tree Protection Day. This has created awareness amongst the forest dwellers and common people for protection of forest trees. Tree Protection Day celebration is having great replicability in the entire country without any additional cost. This will be a step forward for other states in the direction of protecting our forest wealth.

13. Women Vigilance Squad in Banka Forest Division:

Banka district of Bihar has 14% of geographical area under forest. The Forest of the district has depleted due to illegal cutting/felling of trees and cutting of shrubs for firewood purpose, mostly by women. Joint Forest Management Committees were not effective in protecting the forest and checking forest encroachment. In 2010, a forest guard interacted with women engaged in cutting shrubs/forest trees and narrated the adverse effects of such depletion. He started forming women squad by identifying women involved in cutting and felling of forest plants, for checking illegal felling and conservation of forests under four JFM Committees, viz. Leela Gora, Mohanpur, Pirola and Kusha JFMC, where the forest area is 2675 acres. At present, four women squads with 100 women are engaged in protecting and preserving forest. These four women squad members are looking after the forest area and keeping vigil. Even when they have slight doubt, they move to the forest and take measures to stop cutting/illegal felling, in all the seasons. Women now act as an extended wing of Forest Protection Force. Due to these four squads of women, the forest areas of 2675 acres are now completely protected. Regeneration of sal and other trees in the area are testimony to their work. As a token of appreciation, the women participants have been provided Saree, blouse, footwear, umbrella and cap from Forest Division, Banka. Since most of the members of the women squad are poor and from SC/ST/OBC categories, Forest Department is trying to relate them with various state/central government schemes such as IAY, Health Card, BPL Card etc with the help of district administration. This has created a sense of belongingness/ownership and has proved a novel idea in protecting forest, which deserves replication.

14. Involvement of Gram Sabha in allotment of common land

Gairmazruha Aam Land is one of the most prominent under the category of common land. Settlement or transfer for even one decimal of *Gairmazruha Aam* land, to a needy family/person department needs to have the prior approval of the government. The power of settlement and transfer of such land is being exercised only if the nature and use of the said land has changed over a period of time with the prior approval of the Gram Sabha.

1. Rejuvenation of water bodies

About 3-4 years ago the government, through Revenue and Land Reforms Department, has issued a circular which made it obligatory for the collector to set up a committee, which will include an Executive Engineer to hold a spot enquiry of such common land viz. ahar/water channels, tanks, pynes etc. The enquiry looks into the question whether rejuvenation is possible or not. If potential exists for rejuvenation, transfer/settlement of such land is not allowed.

4.2.6 WEAKNESS

2. Despite provisions made in different laws, much remains to be done with regard to protection of public and common land in Bihar. Common land related cases are not diligently pursued. Hardly any case is filed against illegal *jamabandi* of common land.
3. Implementation of FRA in the state is poor.
4. Depletion of forest cover has been observed due to illegal felling of trees.

4.2.7 POLICY RECOMMENDATION

4.2.7.1 Short Term

5. Building Public Awareness regarding Common Property Resources (CPR), FRA, forest and environment.
6. The implementation of Forest Right Act should be geared up. The following actions should be initiated with regards to Forest Right Act:
 1. Primary importance is to be given to Community Forest Resource Rights (Sec.3(1) i) of FRA. All villages/hamlets should claim and obtain Community Forest Resource (CFR) Rights and in case there are villages/hamlets which don't claim or obtain CFR rights, it should be incumbent on the District Level Committee to record, in writing, the reasons thereof (see iv. Community Forest Resource Right's 'Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006; No.23011/32/2010-FRA (Vol. ii(pt.)), Ministry of Tribal Affairs dated 12 Jul 2012. Further, the Gram Sabha should constitute a Forest Management Committee, as envisaged under Rule 4(e), to protect, conserve and manage the CFR area, including its resource use.
 2. State Level Monitoring Committee should also monitor effectively the process of determining and approval of all the rights under Sec. 3(1) and (2) category wise ranging from:
 1. Individual rights
 2. Community rights
 3. Rights of ownership, use and disposal of Minor Forest Produce
 4. Rights to community tenures and habitat rights particularly to vulnerable tribal groups
 5. Rights in and over disputed land
 6. Rights of conversion of pattas or leases or grants
 7. Rights of settlement and conversion of all forest villages, unsurveyed villages and other villages in forest, whether recorded, notified or not, in to revenue villages
 8. Traditional rights
 9. Right to *in-situ* rehabilitation including alternate land for displaced persons
 10. Development rights under Section 3(2)
 3. Patta Distribution in the name of women, as specified under the FRA, should be implemented, in letter and spirit, with greater vigour and efficiency.

4. Vulnerable Tribal Groups should be given exemptions with regard to filing of claims. A definite time frame should also be specified for settling their claims. Furthermore, there should be a provision for withdrawal of cases against PVTGs for minor forest offences filed by the State.
5. The state level committee should review and ensure that all cases of large scale rejection of claims (and modifications to what is claimed) are referred back to the DLC for their reconsideration and/ or rectification, following due process. Further, the process of acceptance of claims and implementation of FRA should not be subjected to arbitrary deadlines. The Gram Sabha is empowered to continue the process till the complete implementation of FRA. The committees at the higher level should not insist on any specific evidences for approval of rights decided upon by the Gram Sabha. Further, all safeguards under Section 4 of the Act, in respect of recognition of rights and resettlement, should be adhered to in case of critical wild life habitats, national parks and sanctuaries.
6. The Ministry of Social Welfare should ensure that the State Level Monitoring Committee send their reports on a monthly basis and take cognizance of the recommendations. The Ministry should follow up and take proactive steps at the State level through issue of advisories and / or directives under Para 5 of Fifth Schedule applicable not only for Scheduled Area but also to all Scheduled Tribes. Wherever necessary, the Ministry should not desist from taking legal and other appropriate action against offenders.

4.2.7.2 Medium Term

7. Enumerating Common Property Resources (CPR) in every National Sample Survey (NSS) should be made mandatory.
8. Minimum area of Common Property Resources (CPR) in a village should be determined, keeping in view the growing trend in population / live stock.
9. Joint Forest Management (JFM) model could be followed as the development model for Common Property Resources (CPR).
 1. Developing fresh land records (update the existing one) using modern Information Technology support.
 2. State government, through its State Level Monitoring Committee constituted under FRA, should review all diversion of forests for non-forestry purpose since January 1st, 2008 and particularly from 30 July 2009. Whether consent for diversion is obtained from the concerned Gram Sabhas. Further, the committee should monitor and ensure that this guideline is complied with, in all future proposals of the State, for such diversion to ensure that the rights of forest dwellers are protected.
 3. Ban should be imposed on diversion of Common Property Resources (CPR) for other purposes.
 4. Steps should be initiated for removal of encroachment on common land / public land / forest land. The Gram Sabha should have the power to evict all encroachers from public land.
 5. Rights of management of common land should be vested in the Gram Sabha of the Gram Panchayat, which will include the village wasteland, common land, land under public utility, government land, community land, dedicated land, etc. The right of settlement of land should rest with the Gram Sabha of the Panchayat. No settlement of Gram Sabha land should be made on a permanent basis.
 6. The State government should ensure allocation of funds to the concerned Gram Sabhas for (a) protection and conservation of forests within the CFRs of the villages

and (b) follow up counselling and guidance sessions post-FRA rights recognition to achieve the intended objects of FRA.

1. The processes of identification, of hamlets or settlements, for the purpose of the Forest Right Act (FRA), 2006 have been specified under Rule 2A of the FRA. The State should complete the identification process within a period of one year and ensure that the Gram Sabha of these hamlets constitute the Forest Right Committee.
1. In the Bihar Land Ceiling Act, section 27 deals with the allotment of surplus land to eligible categories. It also deals with earmarking a portion of surplus land for public purposes. In the consolidation law, community land also has to be set apart in the scheme.
2. Initiating fast track, time bound, process for resolving disputes on Common Property Resources (CPR).

4.2.7.3 Long Term

1. Institutional arrangements to govern Common Property Resources (CPR) with increased role for user groups, community based organizations, should be delineated with regard to ownership access, rights and other benefits.
2. There should be a Standing Committee at state level to deal with land issues, including the management of waste land, common land etc.

4.3. URBAN LAND USE PLANNING AND DEVELOPMENT

4.3.1 INTRODUCTION

Urban development is of immense importance in view of the significant contribution it makes towards the overall growth and development of the economy of states. According to the Census, 2011 the total population of Bihar is 103.80 million, of which 11.72 million (11.29 per cent) constitute the urban population. The percentage of urban population has increased from 10.47% in 2001 to 11.29% in 2011. The density of population in urban area has increased from 4809 in 2001 to 6495 in 2011. Though Bihar is less urbanized compared to the major states in the country, the pace of urbanisation in the state has accelerated rapidly in the recent years. Apart from Patna, the other promising cities in Bihar are Gaya, Nalanda, Bhagalpur, Muzaffarpur, Darbhanga, Begusarai and Purnea. The general profile of Bihar is given in the annexure 4.3.1.

Bihar is one of the least urbanized states in India with only 2% of its total geographical area being urban (1804.60 km²). Skewed urbanization pattern, high migration, high share of unemployed youth in population, lack of adequate technical education and job opportunities and poor business climate have contributed to the lowest urbanization. The employment rate in the state is only 42 per cent as compared to 52 per cent at the national level and the female employment rate is abysmally low at 6.9 per cent as compared to 25.7 per cent at the national level.

Urban planning (urban, city, and town planning or Patna metropolitan planning region) is a technical and political process concerned with the use of land and design of the urban environment, including transportation networks, to guide and ensure the orderly development of settlements and communities. It concerns itself with research and analysis, strategic thinking, architecture, urban design, public consultation, policy recommendations, implementation and management. The urban development plan can take a variety of forms including strategic plans, comprehensive plans, neighbourhood, regulatory and incentive strategies, or historic and heritage building preservation plans. Planners are often also responsible for enforcing the policies. But implementing agencies are exclusively responsible for enforcing the policies and statutory plans.

The Ministry of Urban Development and Poverty Alleviation, Government of India, allocates resources to the state governments through various Centrally-Sponsored Schemes, provides finances through national financial institutions and supports various external assistance programmes for housing and urban development in the country as a whole. Policies and programme contents are decided at the time of formulation of Five Year Plans. The indirect effect of the fiscal, economic and industrial location decisions of the Government of India exercise a far more dominant influence on the pattern of urbanization and real estate investment in the country. The state government also allocates fund for urban development in various form i.e. for sewerage, drainage channel, water supply, transportation network, electricity, solid waste management, cleanness etc.

A recent family survey carried out in 122 urban local bodies (ULBs) by the Department of Urban Development and Housing, Government of Bihar, has estimated that Bihar has an urban poverty of 41.2 percent. It is estimated that, an average, 13 percent of the urban population are either extremely vulnerable or extremely dependent. Approximately 10 percent of the total urban populations are schedule caste and 0.1 percent of the urban populations are schedule tribe.

4.3.1.1 The Dawn of Planned Urban Development in Bihar

4.3.1.2 Inception Stage

Town planning office under erstwhile L.S.G. Department (now nomenclature as Urban Development & Housing Department), was set up in December 1946 and was headed by an Architect Planner.

4.3.1.3 Formalization Stage of Urban Development

After this inception stage, a formalization stage of town planning activities started with a number of enactments assured to be in place:

3. The first enactment, The Bihar Restriction of Uses of Land Act, 1948
4. Then, the Bihar Town Planning and Improvement Trust Act, 1951
5. The third enactment was The Bihar Town Planning and Improvement Trust Act, 1951.

These enactments laid the foundation for setting up of the Improvement Trust and Town Planning Authority for various types of urban areas in the State.

After this enactment, namely; The Bihar Town Planning and Improvement Trust Act, 1951 the following Improvement Trust and Town Planning Authority were set up:

4.3.1.4 Consolidation Stage

6. Patna Improvement Trust in June, 1951
7. Gaya Improvement Trust in May, 1957
8. Ranchi Improvement Trust in November, 1959*
9. Muzaffarpur Improvement Trust in September, 1960
10. Rajgir Town Planning Authority in February, 1964
11. Bodh Gaya Town Planning Authority in March, 1966
and

12. Bokaro-Chas Town Planning Authority in March, 1966*

Thus, in the light of above statutory setups, Draft Mater Plans for the Patna, Ranchi, Gaya, Muzaffarpur, Bodh Gaya, Rajgir, Bhagalpur, Hazaribagh, Patratu and Netarhat were prepared and in some cases published either directly by the Town Planning office or through the agency of the Improvement Trusts / Town Planning Authorities:

The planning activities in the State got a real impetus only during the **Third Five-Year Plan (1961-66)** when the Government of India introduced a programme for the preparation of Comprehensive Development Plans for the rapidly growing and industrially important towns in the country. With this increased workload, the man-power in the State Town Planning Organization under L.S.G. Department was inadequate also to be augmented, but in a much smaller ratio than it was needed.

4.3.1.5 Maturation Stage

During this golden period of town planning in the State of Bihar the **Ford Foundation** placed the services of a Regional Planner at the disposal of the Bihar State Town Planning Organization in December, 1965.

The Chief Town Planner, Bihar, had prepared a brief account of the activities and achievements in the field of Town Planning in Bihar during the past two decades for the **“Exhibition Bihar Through Plans, 1966.”**

After the retirement of the last Chief Town Planner, the period of no-importance was set in and the Town Planning organization became more-or less a defunct. Naturally, Department of Urban Development and Housing, Government of Bihar had to take the services of private consulting firms for the preparation of Master Plan for Patna.

Somehow or the other, the Master Plan and City Development Plan (CDP) respectively could not become statutory documents. Under the circumstances, most recently, the Government of Bihar, Urban Development & Housing Department, has commissioned CEPT University, Ahmedabad for the preparation of a Comprehensive Development for Patna. Quite recently this consultant, namely, Centre for Environmental Planning and

Technology (CEPT) University is likely to undergo some major structural changes. Urban Development & Housing Department has advised the consultants at CEPTU to exclude the areas north of the river Ganga in the final plan, as the area is flood prone. As the changes suggested by the Government happen to be of a fundamental nature it might take some months to re-draft the alternative development strategy.

Presently in Bihar, urban development is the responsibility of Urban Development Department at the state level. In Bihar there are 11 Nagar Nigams with 545 Wards, 42 Nagar Parishads with 1276 Wards, 86 Nagar Panchayats with 1351 wards. The ULBs are governed by Bihar and Orissa Municipal Act, 1922. The details of ULBs are given in the annexure 4.3.2.

4.3.1.6 Constitutional Amendment Act

The 74th Constitutional Amendment Act (74th CAA) empowering Urban Local Bodies (ULBs) in the fields of administration, legislation, town planning, environment and architecture, etc as embodied in schedule 12th with some 19 fields, call upon 11 Municipal Corporations, 44 Nagar Parishads and 86 Nagar Panchayats, now confronted with shortage of technical personnel, particularly, town planning and architectural fields. Even, the Urban Development & Housing Department, once thriving with bee-like activities, known as Town Planning Organization under L.S.G. Department now has been reduced to the town planning section is manned by one Assistant Architect and that too on deputation from PWD. Similarly in Patna Municipal Corporation has a sanctioned post of the “Municipal Architect and Town Planner, but it is vacant. In the light of such situations, what the picture would be of other ULBs or the remaining 10 Municipal Corporations, 44 Nagar Parishads and 86 Nagar Panchayats is left to the imagination of the readers. Besides, empowering the ULBs by bringing about the 74th CAA, does not auger well in the field of orderly physico-spatial development at the grass root level. Why at the grass-root level; at the upper crust also, it is not very encouraging picture.

Thus, Urban Land Use, Planning, and Development suffers from want of statutory Master Plan or City Development Plan (CDP) in which urban land uses are generally shown and notified. It could have been far better that efforts were directed for the revival of Town Planning Organization under Urban Development & Housing Department instead of depending solely on private consultants.

4.3.1.7 The Bihar Planning and Development Act, 2012 (Bihar Act 20, 2012)

“To make provision for promotion of planned growth and development of urban areas and such rural areas having potential of urbanization and regulation thereof including land use in these areas of State of Bihar. Be it enacted by the legislature of the State of Bihar in the sixty-third year of the Republic of India as follows:”

Now, to begin with, it deals with various definitions such as, to name a few of them, ‘Area’, “Area Development Scheme”, “Land use”, “Layout”, “Local Authority”, “Zonal Plan or Zonal Development Plan”, “Zoning Regulations”, etc., have been clarified from legal point of view.

Under one of such provisions, registered private architects have been short listed and given power for vetting of all the buildings plans, etc submitted by private individuals to fetch approval of the Patna Municipal Corporation (Directorate of Urban Planning) for constructing their houses, buildings, etc. This seems to be a stop gap provision. Some of the registered private architects due to their lapses have been asked to submit a detailed report in cases.

4.3.1.8 The Bihar Municipal Act, 2007

Earlier the municipalities in Bihar were governed by the Bihar and Orissa Municipal Act, 1922: This was an Act to consolidate and amend the law relating to municipalities in the

[States of Bihar and Orissa], the previous sanction of the Governor- General under sub-section (3) of Section 80A of the Government of India Act has been obtained to the passing of the Act. Number of amendments has been made in this Act. Finally after incorporating all the clauses and all required amendments Bihar Municipal Act, 2007 was enacted this is the exclusive Act in Bihar for guiding municipalities. Municipal Act 2007 was again amended in 2011 to make it more effective and people's friendly.

Municipalities are created when the State Government is satisfied that three-fourths of the adult population of any town is engaged in pursuits other than agricultural, and that such town contains not less than forty thousand inhabitants and an average number of not less than four hundred inhabitants to the per square kilometre of the area, or such town the State Government may declare its intention to constitute such town together with or exclusive of any railway station, village, land or building in the vicinity of such town as Municipal Council and to extend to it all or any of the provisions of the Act.

Further, the State Government is satisfied that three- fourths of the adult population of any town is engaged on pursuits other than agricultural and that such town contains not less than twelve thousand inhabitants and an average number of not less than four hundred inhabitants to the per square kilometre of such town, the State Government may declare its intention to constitute such town together with or exclusive of any railway station, land or building in the vicinity of such town as Nagar Panchayat and to extend to it all or any of the provisions of the Act. Every declaration under this section shall be published in the [Official Gazette] and in such other manner as the State Government may direct.

If any part of a town or local area affected by any declaration under this section is a cantonment or part of a cantonment, no declaration under this section shall be made.

4.3.1.9 The Bihar Apartment Ownership Act, 2006 (Act No. 28 of 2006)

An Act to provide for the ownership of an individual Apartment in a multi-storeyed building and of an undivided interest in the common areas and facilities appurtenant to such Apartment and to make such payment and interest heritable and transferable and for matters connected therewith or incidental thereto.

It is expedient to provide for giving ownership of an individual Apartment in a building and to make such Apartment heritable and transferable property and to provide for the matters connected with the aforesaid purposes. The provisions of this Act shall apply to every Apartment in a multi- storied building which was constructed for residential or commercial or such other purposes such as office, practice of any profession, occupation, trade or business for any other type of independent uses before or after the commencement of this Act and on a free hold land, or lease hold and, if the lease for such land is for a period of thirty years or more. The sole owner or all the owners of the land may submit such land to the provisions of this Act with the condition that he or they shall grant a lease of such land to the Apartment owners, terms and conditions of the lease being disclosed in the declaration to be made in this regard either by annexing a copy of the instrument of lease to be executed to the declaration or otherwise.

4.3.1.10 Slum Policy

Bihar Slum Policy has been developed within the framework of the National Slum Policy and is to guide the state and local governments in addressing slum specific issues. The key objectives of this policy are:

13. To integrate slum settlements and the communities residing within them,
14. To strengthen the legal and policy framework for sustainable development
15. To establish a framework for involving all stakeholders

The policy indicates the way to tackle the problem of slums, identification and listing of slums in systematic and regular basis to take care for future need for land and resources,

mainstreaming of urban poor, provide livelihood security, justice and equity, gender equality, community participation in the planning, design and implementation etc. as per policy a continuous area of at least 20 'slum like households' satisfying the set criteria exist in unhygienic environment usually with inadequate infrastructure and lacking proper sanitation and drinking water facilities. The slum policy of the state is very clear and transparent.

1838 slums have been identified in 28 cities / towns. The slum identified in Patna, Bhagalpur, Darbhanga, Muzaffarpur and Gaya is given in annexure 4.3.3.

Under this scheme, integrated development of slum pockets / sites numbering 60 in Patna and 7 in Bodh Gaya has been taken up and Rs. 149 crore has been sanctioned for constructing 22,372 dwelling units for the urban poor. One of the most important, revolutionary and foresighted provisions so far which other previous slum policies have not been able to see, is embodied in the State Slum Policy of (2010) and i.e the “**Tenure Security**” for slum dwellers and highly marginalized EWSs of the society who are living in slum pockets. And the provision of basic services to such shelterless slum dwellers. National Slum Policy mandates states to allocate clear land ownership or long term lease to slum dwellers wherever possible. Slums eligible for in-situ up-gradation will have to participate in sharing costs to be incurred for this up-gradation. The ULBs in Bihar endeavour to facilitate transfer of government or municipal land through negotiated settlement with the slum dwellers at a price not exceeding 33 percent of the market value; as may be ascertained from the stamp duty records. Representative of all the stakeholders will be invited to participate in the negotiations to promote transparency. Slum dwellers will be required to pay the amount up front and could take loan from micro-finance institutions for this purpose. The slum dwellers, which have paid the cost of leasing the land, shall have a right to sell their dwelling unit with the lease on the land to any other low-income group person anytime with prior approval of association or society.

4.3.1.11 Problems in Urban Development

The Urban Local bodies look after the urban development programme in their respective areas of operation. There is no planned development of urban area in the state. Urban Development in State is suffering from the following facts:

16. Unplanned development of township in absence of statutory Master Plan. An attempt has been made to finalise the Master Plan for Patna but, the draft Master Plan could not be placed on the website for public opinion due to declaration of general election. Since there was no Master Plan/Development Plan in the past, the question of its periodical revision of master Plan/Development Plan is not structured.
17. Systematic land use planning was missing to some extent in the urban areas for quite long time until the Bihar Planning and Development Act passed in 2012.
18. Lack of adequate width of road resulting into frequently congestion and traffic Jam for hours together.
19. Encroachment of land of housing board by individual co-operative societies / builders due to poor implementation of the encroachment act.
20. Encroachment of road by the owner of building on both sides of road / footpath vendors / petty footpath trades, godmen, muscle power, etc. Encroachments by so called religious men, land mafia, petty footpath sellers, traffic police, telecommunication agency, Sudha Milk Projects, hawker and handcartwalla, private dealers in construction materials (sand, concrete, bricks, and bamboos) are common.
21. Lack of proper drainage facilities resulting water logging even after scanty rain due to absence of proper land use planning
22. Lack of adequate and proper sewerage plant resulting drainage of polluted water in river and thereby polluting water in river.

23. Lack of adequate solid waste management resulting heap of dirt at various places and affecting cleanness
24. Lack of adequate and assured power supply resulting large scale use of generators, creating environmental pollution,
25. Virtual disappearance of Development Control resulting into development precedes, unchecked planning
26. Lack of supply of treated piped water in urban area which is 8 per cent only as per 2011 census
27. Construction of Jhuggi / Jhophari in different localities through encroachment
28. Location of hazardous industries / dairy activities etc. in residential colony.
29. Rampant violation of building bye-laws due to poor monitoring of provision of various acts. About 55 per cent of multi-storied building in Patna is facing vigilance cases for violation of FAR, height, map and approved building plans. About 60 per cent people are living in house without obtaining completion certificate. And about 70 to 80 per cent people are living in houses / flats without obtaining occupancy certificate. Adequate manpower is being planned to look after the cases of building bye-laws violation. In January, 2014 the State Government has constituted two Municipal Building Tribunals at Patna. Separate Directorate of Municipal Administration has been set up in Urban Development Department in January, 2014.
30. Although the state falls under seismic zone number four Earth quake proof houses are not given due importance in the state.
31. A number of Apartments is not equipped or even partly equipped with provisions of fire fighting apparatus.

4.3.1.12 Reform Agenda

The Bihar Government has commenced on a fast track implementation of the reform agenda. Following are the achievements so far:

32. Effective implementation of decentralization initiatives as envisaged in 74th CAA.
33. Urban Land (Ceiling and Regulation) Act has been repealed in August 2006.
34. The Apartment Ownership Act, which had severe shortcomings, restricting investment in the sector, has been amended in August 2006.
35. Reform of Rent Control / Municipal Law has been finalized. To be placed before the Assembly in the winter session.
36. Rationalization of stamp duty - brought down from the existing 18 per cent to 6 percent plus + 2 percent ULBs charges in May 2006, with a target to reach 5 per cent.
37. Building bye-laws, 1993, revised in May 2006 to streamline the approval process for construction of buildings. Again the attempt has been made to revise building bye-laws to make it more clear and transparent and to check violation of building bye-laws. The proposed building bye-laws 2013 have been floated on the website of urban department for public opinion.
38. In order to attract investment in multiplexes and malls, building bye-laws, 1993 cinema rules have been amended in the year 2006.
39. Building bye-laws, 1993 have been amended in April 2006 to incorporate structural safety norms, rainwater harvesting and provision for disabled persons, etc.
40. State Government has computerized registration of land and property, and property title certification.
41. In many ULBs, Public Private Participation has been experimented starting with garbage disposal, street lighting, construction of bus stands, etc.
42. Introduction of a system of e-governance using IT application for various urban services and reform of property tax.

43. The Master Plan for Patna Metropolitan Region 2032 is under preparation and will be ready within two to three months.
44. Master Plan for Gaya, Bhagalpur, Muzaffarpur, Darbhanga, Biharsharif, Arrah, Rajgir and Chapra are under process and will be ready within 6 month.
45. City Development Plans (CDPs) for 28 cities under JNNURM have already been prepared and approved by the Municipal Board. In City Development Plans land use planning effectively guides urban spatial expansion. In the major cities urban development is guided effectively by a hierarchy of regional/detailed land use plans that are regularly updated, with land use intensity being matched with carrying capacity of infrastructure.
46. The process of GIS-based mapping of urban area has been started. Base maps of 17 towns are ready. Work is in progress for preparation of base map of other towns.
47. One of the most important, revolutionary and foresighted provisions so far other previous slum policies have not been able to see, is embodied in the State Slum Policy of (2010) and i.e the “**Tenure Security**” for slum dwellers and highly marginalized EWSs of the society who are living in slum pockets and the provision of basic services to such shelterless slum dwellers.
48. 1838 slums have been identified in 28 cities / towns. The slum identified in Patna, Bhagalpur, Darbhanga, Muzaffarpur and Gaya has already been given annexure 4.3.3.
49. Policy to ensure delivery of low cost building does exist and is in place. Bihar Housing Board (BHB) and Housing and Urban Development Corporation (HUDCO), Government of India, have been constructing and providing for housing for EWS, LIG, MIG and HIG in majority of housing units are meant for EWS and LIG groups.
50. Several agencies now working in urban areas, especially for low cost EWS housing, slum improvement and provision of services. The Urban Development Department is coordinating amongst them to prevent any overlaps and gaps.
51. A 15 per cent reservation has been proposed in Draft Building bye-laws (2013) for EWS (Economically Weaker Sections) of the population.
52. Under Rajiv Aawas Yojana, the state has started a modest beginning by approving the projects of construction of 40,746 houses for EWS under 27 ULBs of the states with a cost of 16.66 crores. The in principal approval has been given by the state level sanctioning and monitoring committee. Now the proposal will be send to Government of India for approval.
53. Training of women councillors is going on through the RCUES, Lucknow. About 25 per cent women councillors in the State have already been trained.
54. Emphasis has been given on creating and augmenting basic infrastructure facilities in water supply, sewerage, storm water drainage, solid waste management, roads and bridges in all the 139 ULBs in the State.
55. Municipal Corporation Act 2007 was amended in 2011 to make it more effective and peoples friendly.
56. Communication tower and related structure rule 2012 were formulated and approved.
57. Details guidelines for sitting of sanitary landfill were issued in 2012.
58. Details guidelines for generic environment management plan were issued in 2012.
59. Details guidelines for sewerage treatment plan were issued in 2012.
60. Citizen charter for municipality in Bihar has been formulated and widely published for the use of urban citizens.
61. Centralized grievance and redressal cell (CGRC) and MIS cell have been installed in Patna for all the municipalities of Bihar.

4.3.1.13 Agencies Involved in Urban Planning and Development

62. Urban Development & Housing Department, Government of Bihar
63. Nagar Nigam, Nagar Parishad and Nagar Panchayat
64. Jawaharlal Nehru National Urban Renewal Mission (JNNURM) (operationalised in Patna and Gaya)
65. Samvardhan
66. Bihar Urban Infrastructure Development Corporation Limited (BUIDCO)
- 67. Bihar State Housing Board (BSHB)**
68. Supporting department like Bihar State Electricity Board, PWD (Road), PHED, Bihar State Pollution Board, Health Department, Education Department etc.
69. Funding agencies like HUIDCO, Banks, Private Investments by contractors
70. Private agencies like Builders, Contractors etc.
71. Civil Societies

4.3.1.14 Support Programme for Urban Reform in Bihar

Support Programme for Urban Reforms (SPUR) is a partnership programme between the Government of Bihar and the UK Department for International Development (DFID), SPUR's goal is "economic growth and poverty reduction significantly accelerated in Bihar by 2014". Its purpose is "identified Urban Local Bodies (ULBs)' ability to provide urban services and attract private investment significantly enhanced". The project has covered 28 urban centres, expected to become economic hubs, benefiting the wider state. It has directly improved the quality of services received by 6.36 million urban citizens, of which nearly half are poor. It has also benefited large numbers of people from nearby rural areas who depend on urban centres for services and economic opportunity.

SPUR has achieved its purpose by delivering five mutually reinforcing outputs: (i) Effective policies and stronger institutions to promote and manage urban development in place; (ii) State and ULBs mobilize significantly increased resources for urban development and manage them more effectively; (iii) Identified ULBs plan, implement and manage urban infrastructure and services more effectively; (iv) Increased municipal capacity to attract private investment in urban areas; (v) Empowered poor communities and socially excluded groups access increased urban resources and livelihood opportunities.

4.3.1.15 Jawaharlal Nehru National Urban Renewal Mission (JNNURM)

JNNURM is a huge mission which relates primarily to development in the context of urban conglomerates focusing to the Indian cities. JNNURM aims at creating 'economically productive, efficient, equitable and responsive Cities' by a strategy of upgrading the social and economic infrastructure in cities, provision of Basic Services to Urban Poor (BSUP) and wide-ranging urban sector reforms to strengthen municipal governance in accordance with the 74th Constitutional Amendment Act, 1992.

National Ganga River Basin Authority (NGRBA), Urban Infrastructure Development Scheme for Small and Medium Town (UIDSSMT), Urban Infrastructure and Governance (UIG), Integrated Housing for Slum Development Programme (IHSDP), Progress of Basic Services for Urban Poor (BSUP), and Basic Services for Urban Poor (BSUP Scheme) are the schemes being implemented in the state from the fund received under JNNURM.

4.3.1.15.1 National Ganga River Basin Authority (NGRBA)

Under this programme sewerage plants are being constructed at Begusarai, Hajipur, Buxar and Munger by BUIDCO with a total project cost of 441.86 crore. The expenditure till 30th November, 2013 was 72.656 crores. The details regarding this project are given in the annexure 4.3.4. The progress of implementation of the project is poor.

4.3.1.15.2 Urban Infrastructure Development Scheme for Small and Medium Town (UIDSSMT)

The expenditure of the Urban Infrastructure Development Scheme for Small and Medium Town (UIDSSMT) scheme as on 30th November, 2013 is 95.56 crores against the total project outlay of 261.14 crores. The details of the progress of the Urban Infrastructure Development Scheme for Small and Medium Town (UIDSSMT) scheme as on 30th November, 2013 is enclosed in annexure 4.3.5.

4.3.1.15.3 Urban Infrastructure and Governance (UIG)

The expenditure under the Urban Infrastructure and Governance (UIG) scheme as on 30th November, 2013 is 177.72 crores against the sanctioned project outlay of Rs. 758.47 crores in the various towns of Bihar. The detailed progress of the Urban Infrastructure and Governance (UIG) scheme as on 30th November, 2013 in the various towns in the state of Bihar has been enclosed as annexure 4.3.6.

4.3.1.15.4 Basic Service for Urban Poor

HUDCO is implementing the programme to provide basic services to the urban poor. The progress achieved as on 31st November, 2013 has been given below in the table:

Table 4.3.1: Progress achieved as on 31st November, 2013

Particulars	Total Project cost (Rs. in lakh)	No. of Dwelling Units Sanctioned	Completed No. of Dwelling Units	Financial achievement / Expenditure (Rs. in lakh)
Scheme where there is some progress	7788.79	3328	432	1321.09
Scheme with nil progress	63209.65	19044	0	414.35
Total	70998.44	22372	432	1735.44

The detailed progress of the basic services for urban poor as on 30th November, 2013 has been given in annexure 4.3.7. The rate of completion of projects is poor and needs to be accelerated.

4.3.1.15.5 Housing Development Programme for Slum Development / Economically Weaker Section of Society

Policy to ensure delivery of low cost building does exist and is in place. Bihar Housing Board (BHB) and Housing and Urban Development Corporation (HUDCO), Government of India, have been constructing and providing for housing for EWS, LIG, MIG and HIG in majority of housing units are meant for EWS and LIG groups. A 15 per cent reservation has been proposed in Draft Building bye-laws (2013) for EWS (Economically Weaker Sections) of the population. Besides, currently HUDCO is allocating its loan disbursement in the following proportions, which is given in table below.

Table 4.3.2: Allocation of loan by HUDCO

(a) Economically Weaker Section	30 per cent
(b) Low Income Group	25 per cent
(c) Middle Income Group	25 per cent
(d) High Income Group	20 per cent

(Source: HUDCO Office, Patna)

The Implementing Agency for integrated house for slum development programme is BUIDCO and Hindustan Prefab Ltd. (HPL). The progress achieved so far is as under.

Table 4.3.3: Progress under integrated house for slum development programme as on 30th November, 2013

Total Project cost	No. of Dwelling Units Sanctioned	Completed No. of Dwelling Units	No. of Dwelling Units in Progress	Financial Achievement / Expenditure

75788.09	28255	2835	5144	8362.08
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The detailed progress under the integrated house for slum development programme is given in annexure 4.3.8.

4.3.1.16 Samvardhan

Samvardhan is a six-year partnership programme (2010-2016) between the Government of Bihar and the United Kingdom's Department for International Development (DFID). The programme envisages that effective urban centers in Bihar would play a significant role in economic growth and poverty reduction. They would serve as nuclei for greater economic activity and services to enable contribution to pro-poor development. The programme goal is to promote economic growth and significantly accelerate poverty reduction in Bihar by 2016. In spite of an increasing awareness among local functionaries for improved urban services, a number of institutional and management aspects impede urban economic growth and quality of life. The felt-need to strengthen institutional and technical capacities of the State for urban development, guides the design of the Samvardhan.

The programme aims at catalyzing identified Urban Local Bodies (ULBs) to significantly enhance their capability to provide urban services and attract private investment thereby breaking the cycle of low urban revenues, weak capacity and inadequate services. Samvardhan will provide financial, technical and managerial support to enhance efficacy of ULBs and related departments of the State.

Samvardhan aims or enabling the increased private investments in urban areas, better services on a sustainable basis to all urban citizens and create positive development impacts on urban poor.

Key programme deliverables of Samvardhan these are:

72. Development of effective policies and stronger institutions to promote and manage urban development
73. State and ULBs mobilize significantly increased resources for urban development and manage them more effectively
74. Identified ULBs plan, implement and manage urban infrastructure and services more effectively.
75. Increased municipal capacity to attract private investment in urban areas for inclusive growth
76. Empowered poor communities and socially-excluded groups access urban resources and livelihood

4.3.1.17 Bihar Urban Infrastructure Development Corporation Limited (BUIDCO)

77. Government of Bihar established BUIDCO on 16th of June, 2009 with a view to accelerating infrastructure development activities across all cities. Government of Bihar is 100 per cent shareholder in BUIDCO, which makes it a flagship company to execute infrastructure projects in the State.
78. The vision of BUIDCO is to become an organization of excellence resembling the revolutionary development of Bihar in such a manner the urban landscape of Bihar can become a role model for generation to come.
79. BUIDCO is mandated to work on assignments pertaining to all departments of Government of Bihar or any other department, agency, organization or body through Urban Development & Housing Department or directly. These activities of BUIDCO include but not limited to: All types of buildings, Roads, Parks, Highways, Express Ways, Paths, Streets, Bridges, Sideways, Tunnels, Infrastructure for transport, Drinking water, Sanitation, Sewage system, Electricity, Gas distribution, Education,

Health services, Environmental regulation and other infrastructure, Temporary dwelling huts in case of calamity or any emergency.

80. As on March, 2013, BUIDCO had been implementing 26 projects of construction of park, water supply projects, waste management, drainage, Sewerage etc. in various towns of the state with a project cost of Rs. 1549.9 Crores. Out of this fund 451.18 crores has been released to BUIDCO. BUDICO has incurred an expenditure of Rs. 264.37 crores as on 31st March, 2013. Out of these 26 projects, 5 have already been completed.

4.3.1.18 Bihar State Housing Board (BSHB)

Bihar State Housing Board has been established under Bihar State Housing Board Act, 1982 to cater to the need of the people of Bihar State in terms of better housing facilities and amenities relating thereto. In lieu of the housing services provided through different schemes as illustrated above, the BSHB charges subsidized value for the allotment of housing units and plots. Construction of 1,00,000 housing units with world-class sustainable facilities in the State by 2015 is the goal of BSHB. Recently BUIDCO is implementing 26 projects of construction of park, water supply projects, waste management, drainage, Sewerage etc. in various towns of the state with a project cost of Rs. 1549.9 Crores. Out of this fund 451.18 crores has been released to BUIDCO. BUDICO has incurred an expenditure of Rs. 264.37 crores as on 31st March, 2013. Out of these 26 projects, 5 have already been completed.

Bihar State Housing Board is governed by Bihar State Housing Board Act, 1982, Bihar Township Policy, State Slum Policy, National Urban Housing and Habitat Policy, 2007 and Interest Subsidy Scheme for Housing the Urban Poor (ISHUP) Guidelines.

Modus Operandi of BSHB is to develop projects in PPP mode. Projects will be developed on Cross Subsidization Theory. Private Developer(s) will deploy capital, manpower and resources to develop the EWS/LIG/MIG townships and will get some commercial space to develop and sell to recover the cost of township with profit.

The project completed by the BSHB as on 31st October, 2013 has been given in the Annexure 4.3.9.

4.3.1.19 Housing and Urban Development Corporation (HUDCO) Limited

HUDCO is a unique institution with its motto of "Profitability with Social Justice". A Public Sector Company, under the Ministry of Urban Development and Poverty Alleviation, HUDCO has been a key partner with the Government in building assets for the Nation. In its operations, HUDCO lays a considerable emphasis on the housing need of the 'deprived' i.e Economically Weaker Sections (EWS) and Low-Income Groups (LIG). In times of crisis like Earthquakes, Cyclone, Floods, tsunami, etc. HUDCO has extensively contributed in the rehabilitation of the calamity affected households, through its technical and financial help for housing reconstruction.

Various schemes of HUDCO are (1) rent to own (2) HUDCO Nav Nagar Yojana (3) micro-finance for housing, (4) targeted implementation of community toilets and sanitation programme.

4.3.1.20 Building Bye-Laws

Modified building bye-laws 1993 (effective since 15th November, 1993) guides the building construction and land use in urban areas.

Rampant violation of building norms especially in respect of FAR, road, height, setback etc. were observed in the state. Status of implementation and enforcement of the provision under the Building Bye laws is far from satisfactory. Enforcement of the provision is not done during the construction stage resulting in many vigilance cases of violation of provision of bye-laws on the houses/flats/apartments. Considering these violations, the government has amended some provision of municipal act that empowered empanelled architects the rights to

approve building plan. The amended provision envisages that building plan would be approved by the competent authority. The department has also mulled formation of regional authorities at the divisional headquarters levels, which will be vested with the responsibility of approving the building plan as per the revised bye laws. The amendments are waiting for gubernatorial nod.

The urban development department has also drafted new building bylaws which came into force since 1st January, 2014 after approval. The important provisions of new building bye-laws are being given in annexure 4.3.10 to 4.3.17.

4.3.1.21 Land Use Classification and Permissible Uses

Provision regarding uses in land use zones has been made in modified building bye-laws 1993. According to this, there are 7 zones namely; residential, commercial (retail), commercial (wholesale), industrial, public and semi public uses and agricultural. In each zone use permitted and uses permissible if allowed by the authority after special appeal has been mentioned in detailed, which is given in annexure 4.3.18

Various types of land use permitted and restricted in different zones are further clearly demarcated in 13 zones on the draft building bye-laws 2013. Activities generally permitted activities permissible on approval of authority and activities prohibited in various land use zone is given in annexure 4.3.19. All the restrictions in the bye-laws serve public purposes and save people from disaster.

4.3.2 ASSESSMENT OF DIMENSIONS

Assessment of Indicator 3.1: Restrictions on rights: land rights are not conditional on adherence to unrealistic standards

Dimension				
3	1	1	Restrictions on urban land ownership/transfer effectively serve public policy objectives	B There is a series of regulations that are for the most part serve public purpose but enforcement is deficient.
3	1	2	Restrictions on urban land ownership/transfer effectively serve public policy objectives. .	B There are a series of regulations that are for the most part serve public purpose but that are not enforced.

Analysis of Dimension 3.1.1: Restrictions on Urban Land Ownership/ Transfer

In Bihar after introduction of The Bihar Municipal Act, 2007 all activities of urban development are guided by this Act and the unified draft bye-law developed in 2013. However, there is lack of Master Plan for municipalities to guide urban development. Another important act in this regard is Bihar Planning and Development Act 2012. Most part of restrictions on urban land ownership / transfer mentioned in Bihar Planning and Development Act 2012 effectively serves public purpose. Tenable land restrictions for constructing house in airport zones, national parks, near electrical lines and hazardous dumping yards exist in the modified building bye-laws 1993 (effective since 15th November, 1993) and proposed building bye-laws 2013. These restrictions have been imposed to protect public from any disaster and serve the public purpose. The slum dwellers, which have paid the cost of leasing the land, have a right to sell their dwelling unit, not the land to any other low-income group person anytime with prior approval of association or society. Due to non-existence of development control, enforcement agency at the tail-end of implementation and poor monitoring, these restrictions are not being enforced. Thus, the enforcement of restrictions is deficient.

Analysis of Dimension 3.1.2: Restrictions on Urban Land Use (Disaster Risk)

There is clear restriction on urban land use. Provisions regarding uses of land in land use zones have been made in modified building bye-laws, 1993. According to this, there are 7 zones namely; residential, commercial (retail), commercial (wholesale), industrial, public and

semi public uses and agricultural. Various type of land use permitted and restricted in different zones is further clearly demarcated in the draft building bye-laws 2013. Most parts of restrictions serve public purpose and avoid disaster.

Land use permitted or prohibited in different use zone has been clearly mentioned in the modified building bye-laws, 1993. In modified building bye-laws, activity permitted and activity permissible on approval by authority has been clearly mentioned.

In the proposed building bye-laws, 2013, zoning of urban land has been done and in each zone, activity permitted and activity permissible on approval by authority and activity prohibited has been clearly mentioned. Master plan is under process of finalization. However, 28 City Development Plans have been prepared wherein plan provision for public/semi public open spaces, parks, plays grounds, and roads have been clearly demarcated. Height restrictions in the airport zone, distance from electric pole, distance from dumping yard and stipulation regarding width of road has been made in modified building bye-laws 1993 and proposed building bye-laws, 2013, for disaster preventions which serves public purposes. Minimum distance of building from electric lines and minimum distance from hazardous storage sheds are given below in table.

Table 4.3.4: Minimum Distance from Electric Line

	Vertical distance in Meters	Horizontal distance in meters
Low and medium voltage lines and service lines	2.5	1.2
High voltage lines up to and including 11, 000 Volt	3.7	1.2
High voltage lines above 11,000 volt and up to and including 33,000 Volt	3.7	2.0
Extra high voltage line beyond 33,000 Volt	3.7 (Plus 0.3 meters for every additional 33,000 volts or part thereof)	2.0 (Plus 0.3 meters for every additional 33,000 volts or part thereof)

Source: Draft Building Bye-laws, 2013

Table 4.3.5: Minimum Distances Required for Storage Shed of Liquefied Petroleum Gas Cylinders

Quantity of Compressed Gas in Cylinders (Kg.)	Minimum Clear Distance to be Kept (metres.)
0-100	1
101-1000	3
1001-4000	5
4001-8000	7
8001-12000	9
12001-30,000	12
Over 30,000	15

(Source: Draft Building Bye-laws, 2013)

These restrictions are deficient in meaningful implementation. Effective monitoring on violation of restrictions is virtually absent. In Bihar there is no SEZ Act in the state.

Assessment of Indicator 3.2: Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups

Dimension					
3	2	1	Process of urban expansion/ infrastructure development process is transparent and respects existing rights.	D	Information on planned urban expansion and infrastructure development is not publicly available.
3	2	2	Changes in urban land use plans are based on a clear public process and input by all stakeholders	C	Public input is sought while preparing and amending land use plans but the public comments are largely ignored in the finalization of land use plans.
3	2	3	Changes in assigned urban land use are swiftly followed by actual land use change	D	Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use.

Analysis of Dimension 3.2.1: Process of Urban Expansion/Infrastructure Development

The processes for urban expansion are clear and transparent. Municipalities are created as and when the State Government is satisfied regarding the fulfillment of criteria for forming Nagar Palika/Nagar Parishad/Municipalities.

Municipalities are created as and when the State Government is satisfied that three-fourth of the adult population of any town is engaged in pursuits other than agricultural and that such town contains not less than forty thousand inhabitants and an average number not less than four hundred inhabitants per square kilometre of the area or such town, the State Government may declare its intention to constitute such town together with or exclusive of any railway station, village, land or building in the vicinity within a municipal are and to extend to it all or any of the provisions of the Act.

Further, if the State Government is satisfied that three- fourths of the adult population of any town is engaged on pursuits other than agricultural and that such town contains not less than twelve thousand inhabitants and an average number of not less than four hundred inhabitants per square kilometre of such town, the State Government may declare its intention to constitute such town together with or exclusive of any railway station, land or building in the vicinity a Nagar Panchayat and to extend to it all or any of the provisions of the Act. Every declaration under this section shall be published in the [Official Gazette] and in such other manner as the State Government may deem fit. The same is also uploaded on the website of the Urban Development and Housing Department / Municipal Corporation and opinions are invited. Such declaration made under Bihar Municipal Act 2007 shall not be applicable to any part of a town or local area constituting cantonment or its part.

60 new census towns (non-statutory) have developed during the last ten years as per 2011 Census, but they have not been given the statutory status of Nagar Palika/Nagar Parishad.

Development precedes planning and as such provisions of roads, sewerage and drainage, maintenance of right-of-ways or building lines are made much later. As a result of such lapses, water logging even in case of scanty rainfall is common. Garbages are allowed to remain for weeks and weeks together. It is not quite common sight in outgrowth (OG) or Urban Agglomeration (AG) areas, but on the main arteries and sub-arteries, where herds of stray dogs, cows and pigs are often seen fighting over a morsel of left over foods on the one hand, and rag-pickers on the other. Sufficient notification for large project has been given on the website of the department and public opinion is sought.

Infrastructure plan has also been prepared in the 28 city development plan. Information related to urban expansion is not publicly available. The process respects the

existing right. The existing right continues under Bihar Tenancy Act, 1885, under section 3 (b). In section 3 (b) it is mentioned that BT Act shall extend to the whole of the state of Bihar. Therefore, unless the whole or portion of an area comprised within a municipality is notified to have been exempted from the operation of the Act, the provision of the Act will apply to lands within a municipality also. The municipality has not yet notified the exemption of the BT Act in municipal area in Bihar.

Analysis of Dimension 3.2.2: Public inputs in Urban Land Use Plan

Public inputs are sought rarely in the process of urban land use plan preparation. More or less it has become as planning rituals, while finalizing or amending land uses in which creative suggestions by public at large are seldom incorporated.

Quite recently, the proposed building bye-laws (2013) and Draft Master Plan for Patna were placed on website and opinion / suggestions have been invited. But, this method of inviting public opinions or suggestions is not a perfect substitute and infallible procedure wherein face-to-face discussions are seldom allowed to be held.

A clear policy is in place for bringing about changes in urban land use plan. The proposed conversion of land is being notified and the objections / public opinion are invited regarding the conversion of land use.

Analysis of Dimension 3.2.3: Changes in Assigned Urban Land Use

A very few changes in land use assignment in the past 3 years have been brought about in desired or destined uses. Getting permission for changes in assigned urban land use area is a very cumbersome process laced with a time – consuming process and that too can be given only for activity permissible on approval. Moreover, changes in assigned urban land use are not followed by actual land use change. Example is the agriculture land of Digha allotted to housing board. The housing board delayed the implementation. In the mean time, the land owner registered the land to various society and thousands of houses were constructed. The cases went upto Supreme Court but still it is unresolved.

Assessment of Indicator 3.3: Efficiency in the urban land use planning process: land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth.

Dimension					
3	3	1	Policy to ensure delivery of low-cost housing and services exists and is progressively implemented	C	There is a policy for low cost housing and services but implementation has major gaps so that the number of those with inadequate shelter actually increases.
3	3	2	Land use planning effectively guides urban spatial expansion in the largest city.	C	In the largest city, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with infrastructure provided some time after urbanization.
3	3	3	Land use planning effectively guides urban development in the four next largest cities.	C	In the four major cities in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development occurs in an ad hoc manner with infrastructure provided some time after urbanization.
3	3	4	Planning processes are able to cope with urban growth.	C	In the largest city, the urban planning process/authority is struggling to cope with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are informal.

Analysis of Dimension 3.3.1: Policy to Ensure Low Cost Housing and Services

There is huge shortage of urban dwellings in India as well as in Bihar. The shortages of urban housing at the end of 31st March 2009 were 24.71 million dwelling units in India, in Bihar the shortage was 0.59 million dwelling units.

In the context of Bihar, policy to ensure delivery of low cost building does exist and is in place. Bihar Housing Board (BHB) and Housing and Urban Development Corporation (HUDCO), Government of India, have been constructing and providing for houses for EWS, LIG, and MIG. Majority of housing units are meant for EWS and LIG groups. A 15 per cent reservation has been proposed in Draft Building bye-laws (2013) for EWS (Economically Weaker Sections) of the population.

Under Rajiv Aawas Yojana, the state has started a modest beginning by approving the projects of construction of 40,746 houses for EWS under 27 ULBs of the states with a cost of 16.66 crores. The principal approval has been given by the state level sanctioning and monitoring committee. Now the proposal will be send to Government of India for approval. Besides, currently HUDCO has been allocating its loan disbursement in the following proportions:

Table 4.3.6: Allocation of loan by HUDCO

(a) Economically Weaker Section	30 per cent
(b) Low Income Group	25 per cent
(c) Middle Income Group	25 per cent
(d) High Income Group	20 per cent

(Source: HUDCO Office, Patna)

In Bihar 1838 slums have been identified in 28 cities / towns for their development. The slum identified in Patna, Bhagalpur, Darbhanga, Muzaffarpur and Gaya is as under.

Table 4.3.7: Slums identified in five big cities

City / Town	Number
Patna	110
Bhagalpur	165
Darbhanga	138
Muzaffarpur	105
Gaya	40

(Source: Urban Development & Housing Department, Govt. of Bihar)

Under this scheme, integrated development of slum pockets / sites numbering 60 in Patna and 7 in Bodh Gaya has been taken up and Rs. 149 crore has been sanctioned for constructing 22,372 dwelling units for the urban poor.

In Bihar, there is another scheme called affordable housing is also in operation for Economically Weaker Section (EWS), Low Income Group (LIG) / middle income group with atleast 25 percent for EWS.

An interest subsidy scheme for housing the urban poor has also been launched for providing interest subsidy on housing urban poor to make the housing affordable and within repaying capacity of economically weaker sections / low income group. This scheme encourages poor sections to avail loan facilities through commercial banks / housing financial companies for the purpose of construction / acquisition of houses and avail 5 percent subsidy in interest payment for loan upto Rs. 1 lakh.

Analysis of Dimension 3.3.2: Guidance of Urban Spatial Expansion in the Largest City by Land Use Planning

In Bihar Patna is the largest city. No discussion on land use plan has been made in the existing City Development Plan. As the concept was introduced in 2002 and the City Development Plan approved before that, the land use plan was not included. However, the

Master Plan for Patna Metropolitan Region 2031 is under preparation and now the draft Master Plan is ready for presentation.

City Development Plan under JNNURM for Patna has already been prepared and approved by the Municipal Board. In city development plan, land use planning effectively guides urban spatial expansion. The Patna City urban development is guided effectively by a hierarchy of regional/detailed land use plans that are regularly updated, with land use intensity being matched with carrying capacity of infrastructure. Office of Town Planner has become redundant which should be made functional to have proper planning, monitoring, co-ordination and control.

Analysis of Dimension 3.3.3: Guidance of Urban Spatial Expansion in the four next Largest City by Land Use Planning

Master Plan for Gaya, Bhagalpur, Muzaffarpur, Darbhanga, Biharsharif, Arrah, Rajgir and Chapra are under process and will be ready within 6 months. These are the next large cities after Patna. City Development Plans (CDPs) under JNNURM for 28 cities have already been prepared and approved by the Municipal Board.

In the major cities urban development is guided effectively by a hierarchy of regional/detailed land use plans that are regularly updated, with land use intensity being matched with carrying capacity of infrastructure.

Analysis of Dimension 3.3.4: Planning Processes and Urban Growth

In Bihar the Urban Planning Authority is struggling to cope up with the increasing demand for service units / plots as evident by the fact that large numbers of new dwellings are informal. It has been observed that the planning process or development control in urban areas is almost absent and the urban growth has been left on the whims and fancies of people at large and builders and contractors. This has resulted in rampant violation of building bye-laws and approved maps.

The coverage ratio of assessment of property tax in Bihar is poor, which is evident from the coverage ratio of one municipal corporation i.e. Patna Municipal Corporation as on 30th October, 2012.

Patna Municipal Corporation estimates of total number of holdings in Patna	-	5 lacs
Electric connection in Patna Municipal Area	-	4 lacs
Number of registered holdings in Patna Municipal Corporation	-	2.5 lacs
Coverage ratio	-	50.0%

More or less, similar is the situation in other municipal bodies. Hence there is a need to bring unregistered holdings into tax fold to increase the revenue for providing better services.

So far as the collection of this tax is concerned, the collection of tax has improved gradually which can be observed from the following tables of one municipality i.e. Patna Municipal Corporation.

Table 4.3.8: Property tax collected by Patna Municipal Corporation

Year	Receipt from Property Tax (Rs. in Crores)
2004-05	13.87
2005-06	21.12
2006-07	15.38
2010-11	17.00
2011-12	28.00
2012-13	22.00

(Source: Website of Municipality)

The average holding tax per person per year in Bihar worked out to Rs. 126 against the national average of Rs. 486 per person per year, in 2012. This gives clear indications to

restructure the holding tax structure. The ULBs have already revised the tax structure few months ago. On wider protest, the implementation of revised structure has been stayed by the Government. There is an urgent need to revise the tax structure in order to provide better civic amenities in the urban area.

The process of GIS-based mapping of urban area has been started. Base maps of 17 towns are ready. Work is in progress for preparation of base map on the basis of GIS mapping of other towns. GIS Mapping for property tax purpose has been completed in 7 towns.

It is shocking that about 55 per cent of multi-storied buildings in Patna are facing vigilance cases for violation of FAR, height, map and approved building plans.

Assessment of Indicator 3.4: Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and predictably

Dimension					
3	4	1	Provisions for residential building permits are appropriate, affordable and complied with	C	Requirements to obtain a building permit are technically justified but not affordable for (and not complied by) the majority of those affected.
3	4	2	A building permit for a residential dwelling can be obtained quickly and at a low cost.	C	All applications for building permits receive a decision within 12 months.

Analysis of Dimension 3.4.1: Provisions for Residential Building Permits

It has been found that, in Bihar requirement to obtain building permit is technically justified, affordable but only partly complied with. There is invariably delay in issuing the permit observed. There is no online mechanism for building plan approval.

Generally the provisions of permits are not being complied with by individuals and builders. No proper and foolproof system has been evolved for monitoring of violation of approved building plans. Monitoring of violation is poor and inadequate.

Analysis of Dimension 3.4.2: Timeliness of obtaining a Building Permit for a Residential Dwelling

It is found that in Bihar, obtaining building permit for a residential dwelling is a cumbersome and time-taking process. About 60 per cent people are living in house without obtaining completion certificate. About 70 to 80 per cent people are living in houses / flats without obtaining occupancy certificate.

Assessment of Indicator 3.5: Tenure regularization schemes in urban area

Dimension					
3	5	1	Formalization of urban residential housing is feasible and affordable.	C	The requirements for formalizing housing in urban areas are neither clear, straight-forward, or affordable but many applicants from informal areas are managing to satisfy the requirements.
3	5	2	In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing.	C	Strategies to deal with urban informality exist but focus only on either land or services but not both.
3	5	3	A condominium regime allows effective management and recording of urban property.	D	Common property under condominiums is recognized and the law has clear provisions for management and publicity of relevant records that are followed in practice.

Analysis of Dimension 3.5.1 Formalization of Urban Residential Housing

The requirement for formalising housing in urban areas is clear and affordable but is seldom implemented consistently and effectively. In the context of urban Bihar, formalization of

urban residential housing is feasible. Cost of urban housing varies from locality to locality and people can choose housing as per their affordability.

There are some informal colonies like Rajiv Nagar, Jayprakash Nagar, Ashiana Colony etc. in Patna. However basic services like road, electricity, water are being provided there also. A large number of buildings, especially in Patna, are being constructed without maintaining minimum standard.

Analysis of Dimension 3.5.2: Strategy for Tenure Security, Infrastructure and Housing

Strategy exists to regularise land rights and provide services to existing informal occupants. Formalisation of land right to informal occupants is lengthy process and is seldom implemented. Many cases of *Jhugi* and *Jhoparpatti* shelters in Digha area of Patna is an example where land rights were not formalised as yet. Slum dwellers have not been provided right over their land.

One of the most important, revolutionary and foresighted provisions so far other previous slum policies have not been able to see, is embodied in the State Slum Policy of (2010) and i.e the “**Tenure Security**” for slum dwellers and highly marginalized EWSs of the society who are living in slum pockets and the provision of basic services to such shelterless slum dwellers. Even in Rajiv Awas Yojana, no one has been provided tenure security. It is just a lease of dwelling unit. There is no database with the government regarding slum areas in Bihar. However, the government has identified 1838 slums in 28 cities for development.

Analysis of Dimension 3.5.3: Management and Recording of urban property under Condominium Regime

In Bihar for apartment complex there is a legislation known as Bihar Apartment Ownership Act, 2006. The apartment construction and management is guided by this Act. There is provision for FAR for various types of building to keep some open space. These open spaces are managed by the Apartment owners’ society. Common property under condominiums has been recognized and recorded. Plot / houses/holdings are being established by ULBs effectively to facilitate the collection of holding taxes.

4.3.3 CONCLUSION

Urban development is of immense importance in view of the significant contribution it makes towards the overall growth and development of the economy of states. Though there has been a significant increase in urban population in last 10 years in Bihar, yet Bihar is one of the least urbanized states in India with only 2% of its total geographical area. There is incidence of urban poverty in Bihar. Regarding the planning process related to Urban Development, though initiative started years ago, but is one of the most neglected areas. Even today there is no approved Master Plan available for Patna Municipal Corporation to guide development. However, Master Plan for Gaya, Bhagalpur, Muzaffarpur, Darbhanga, Biharsharif, Arrah, Rajgir and Chapra are under process and will be ready shortly. However, there are City Development Plans under JNNURM for 28 cities. The 74th Constitutional Amendment Act (74th CAA) empowering Urban Local Bodies (ULBs) in the fields of administration, legislation, town planning, environment and architecture, etc as embodied in schedule 12th with some 19 fields, call upon 11 Municipal Corporations, 44 Nagar Parishads and 86 Nagar Panchayats, now confronted with shortage of technical personnel, particularly, town planning and architectural fields. After introduction of The Bihar Municipal Act, 2007 all activities of urban development are guided by this Act and the unified draft bye-law developed in 2013. Other Acts and Rules to guide urban governance in Bihar are ‘The Bihar Planning and Development Act, 2012’, ‘The Bihar Apartment Ownership Act, 2006’ and ‘Bihar Slum Policy’. For effective use of urban land there are 7 zones namely; residential, commercial (retail), commercial (wholesale), industrial, public and semi public uses and agricultural.

Various type of land use permitted and restricted in different zones is further clearly demarcated and these restrictions serve public purpose and safeguard people from disaster. Though the process of urban expansion and creation of municipalities are clearly mentioned but the information related to urban expansion hardly available publicly. Though it is argued that public inputs are sought rarely, more or less as planning rituals, while finalizing or amending land uses in which creative suggestions by public at large are seldom incorporated however, the new draft Building Bye-Law and Draft Master Plan for Patna posted in the website for people's opinion. There are certain limitations also in the context of urban housing in the context of Bihar. The shortage of urban dwelling as on 2009 is 0.59 million, yet the draft Housing Policy in Bihar, 2009 has not yet finalized and implementation of Rajiv Awas Yojana has not yet started. But the silver lining in this regard is that there are policies to ensure delivery of low cost building and Bihar Housing Board (BHB) and Housing and Urban Development Corporation (HUDCO), Government of India, have been constructing and providing for houses for EWS, LIG, and MIG. Majority of housing units are meant for EWS and LIG groups. Another positive thing is that the Slum Policy provides tenure security to slum dwellers. Though the requirement for formalising housing in urban areas is clear and affordable but is seldom implemented consistently and effectively. One area of concern is that the planning process or development control in urban areas is almost absent and the urban growth has been left on the whims and fancies of people at large and builders and contractors. The coverage ratio and collection of property tax is also less, which calls for a revision of tax structure in order to provide better civic amenities in the urban area.

4.3.4 STRENGTH

81. Giving permission for self registration of flats, on satisfactory payment of entire amount, as per agreement. Flat owner can apply to municipality with a copy of the agreement and a copy of the receipt showing full payment for ex-parte registration.
82. Holding is created expeditiously by municipality and regularly updated in order to collect holding tax.
83. Adoption of service standards for each activity by setting time – line, authority, appellate authority and reviewing authority, is a land mark achievement in the field of getting services in time.
84. Promulgation of Urban Land Planning Act, 2012 is a step forward for better planning of urban land.
85. Identification of public land within municipal area is done by conducting special Survey. Initiatives have already been taken to remove encroachment of public land in municipal area. Public land is being protected by constructing boundary wall in district headquarters after removal of encroachment.
86. City Development Plans (CDPs) for 28 cities under JNNURM have already been prepared and approved by the Municipal Board. Land use planning effectively guides urban spatial expansion in City Development Plans. Urban development is guided, in the major cities, effectively by a hierarchy of regional/detailed land use plans. These are regularly updated and land use intensity is matched with carrying capacity of infrastructure.
87. The process of GIS-based mapping of urban area has started. Base maps of 17 towns are ready. Work is in progress for preparation of base maps of other towns. GIS-based mapping for property purpose has been completed in 7 towns. GIS-based mapping has already been completed for Patna, Bhagalpur, Darbhanga, Muzaffarpur, Purnea, Katihar and Munger for property tax purpose.
88. Comprehensive draft building bye-laws 2013 are prepared and uploaded on the website for public opinion.

89. Draft Master Plan for Patna has been prepared and uploaded for public opinion

4.3.5 BEST PRACTICES

90. One of the most important, revolutionary and foresighted, provisions so far compared to previous slum policies is embodied in the State Slum Policy of 2010 is the “**Tenure Security**” for slum dwellers and highly marginalized economically weaker sections of the society who are living in slum pockets. This Policy has created provision of basic services to such shelterless slum dwellers. 1838 slums have been identified in 28 cities / towns in Bihar for implementation of the policy. The slums identified in Patna, Bhagalpur, Darbhanga, Muzaffarpur and Gaya is as under.

Table 4.3.9: Slums identified in five cities

City / Town	Number
Patna	110
Bhagalpur	165
Darbhangha	138
Muzaffarpur	105
Gaya	40

(Source: Urban Development & Housing Department, Govt. of Bihar)

Under this scheme, integrated development of slum pockets / sites, numbering 60 in Patna and 7 in Bodh Gaya has been taken up and Rs. 149 crore has been sanctioned for constructing 22,372 dwelling units for the urban poor.

91. Adoption of service standards for each activity by setting time – line, authority, appellate authority and reviewing authority is revolutionary step in providing quick service to the people within a definite time frame.

4.3.6 WEAKNESS

92. Lack of Master Plan for development of urban areas with statutory backing

93. Office of Town Planner has almost become dysfunctional

94. No plan to guide spatial expansion of urban area except some provision in City Development Plan

95. Encroachment of road, public places, drainage, urban land etc. has been observed. Out of total Public Urban Land measuring 29902.38 acres, 1065.79 acres of land has been encroached. The government has removed encroachment from 153.86 acres only.

96. Poor civic amenities in the cities

97. Frequent traffic jam due to encroachment of road on both the sides, non availability of separate parking space etc.

98. Water logging in the town due to poor drainage / clogging of sewerage

99. Dearth of trained manpower in the Urban Development Department, ULBs and other related departments.

100. About 55 per cent of multi-storied building in Patna are facing vigilance cases for violation of FAR, height, map and approved building plans.

101. About 60 per cent people are living in houses without obtaining completion certificate.

102. About 70 to 80 per cent people are living in houses / flats without obtaining occupancy certificates.

4.3.7 POLICY RECOMMENDATION

4.3.7.1 Short Term

1. Municipal survey (Urban Cadastral) of urban land should be started on priority basis.
2. Strict enforcement of anti-encroachment law, to remove encroachment on priority basis, particularly from road side vendors should be initiated to save people from traffic jam.

4.3.7.2 Medium Term

3. The office of the town planner is of vital importance and, hence, should be made functional by appointing Chief Town Planner and provide sufficient staff and infrastructure.
4. The sanctioned posts for Urban Development & Housing Department of urban local bodies should be filled with qualified and trained staff by launching special recruitment drive.
5. Municipal Services Guarantee Act, along the lines of the Right to Public Service Act, 2011 to be put in place.
6. Construction / provision of parking space at different places for vehicles in urban areas should be given topmost priority.
7. Strict enforcement of building completion certificate / occupancy certificate to be done.
8. Development of proper drainage system and solid waste management system in the cities should be ensured. A time bound action plan may be drawn for each city.
9. Green area and children parks should be demarcated in each town. An action plan with definite timeframe work should be chalked out for every city.

4.3.7.3 Long Term

10. Formulation of master plans for development of urban areas, with statutory backup on urgent basis, should be ensured. Its proper implementation will solve the problems of water logging, traffic jam and poor civic amenities.
11. Settlement policy of street vendors should be developed for each ULB.
12. Inclusion of Modernisation Plan of old areas of the city in Master Plan of each ULB.

4.4. PUBLIC LAND MANAGEMENT

4.4.1 INTRODUCTION

In Bihar the public lands have been categorised as (i) *Gairmazruha-Khas/Malik*, (ii) *Gairmazruha Aam*, (iii) *Khas Mahal*, (iv) *Kaisera-hind* (Central Govt. Land), along with (v) Ceiling Surplus land and (vi) Bhoodan Land. Since the age of Cadastral Survey, conducted during 1892 to 1922, the public lands were clearly identified as the mentioned categories. The record of rights prepared by Cadastral Survey during above mentioned period clearly indicates *raiya*, Govt. Land and Public Land by publishing final *Khatiyani*, which is an abstract of land records of private and public land.

The public land such as *Anabad Bihar Sarkar*, *Anabad Surva-Sadharan*, Roads, Railway lines, irrigational channels, embankment, grave-yards etc. have been recorded in *Khatiyani* and they are kept under direct ownership of the Government. In Bihar, after abolition of *Zamindari* System through the introduction of Bihar Land Reforms Act, 1950, all the public land and previous estates came under the direct control of State Government. The previous estates which were kept in the town areas were brought directly under *Khas Mahal* Management; whereas the rural estates were brought under the direct control of Collectors of the concerned districts. The primary administrative unit in the districts is *Anchal* or Circle where Circle Officers are responsible to look after the Public Land such as *Gairmazruha Khas*, *Gairmazruha Aam*, general public roads in rural areas, grave yards, grazing grounds etc. *Khas Mahal* lands in urban areas are managed by *Khas Mahal* section of the concerned District Collector, who maintains the record of *Khas Mahal* land. Their management is clearly indicated in Bihar Government Estates (*Khas Mahal*) Manual, 1953.

4.4.1.1 Status of Public Land in Bihar

In Bihar, the *Gairmazruha Aam* land is regarded as village common. Playground, pond, grazing land, graveyard etc comes under this category of land. Government can distribute and settle this type of land to landless people only when the nature of the land changed and *gram sabha* consented for that. In Bihar a total 9,07,809.99 acres of land have been identified as *Gairmazruha Aam*. Out of the total, 8,29,306.79 acres, which is 91.3% of the total *Gairmazruha Aam* land is unsuitable for distribution. Out of total *Gairmazruha Aam* land only 3.4% of the *Gairmazruha Aam* land has been distributed to the landless and eligible beneficiaries. Still 5.2% of the suitable lands are available for distribution. The reasons for unsuitability have not yet been assessed in details. The strategy to identify the reasons of the unsuitable *Gairmazruha Aam* land may be developed.

The *Gairmazruha Khas/Malik* lands are under direct control of State Government and regarded as government lands. Government can distribute and settle these lands in favour of landless/housesiteless eligible beneficiaries. In Bihar, a total 17,96,229.59 acres of land have been identified as *Gairmazruha Khas/Malik* land. 9,21,909.40 acres of land, which is more than half (51%) of the *Gairmazruha Malik* land, found unsuitable for distribution. Though 43.6% of the *Gairmazruha Malik* land has already been distributed to the landless beneficiaries, still 5% of the suitable lands are available for distributions. The strategy to identify the reasons of the unsuitable *Gairmazruha Malik* land, which is 51.3% of the total and amounting to 9,21,909.40 acres, should be developed.

In Bihar the *Khas Mahal* lands are mainly located in urban areas. A total 5036.03 acres of land identified as *Khas Mahal* land, out of this 1437.78 acres have been leased out to 6308 beneficiaries. This implies only 28.5% land has been leased out to leasehold in the state. 3598 acres, which is 71.5% of the total *khas mahal* land is lying under the control of the government. Due to poor management, some of these lands have been encroached.

Government has vested private land under Bihar Land reforms (Fixation of Ceiling Area), Act 1956. These lands are regarded as public lands and also get distributed or settled in favour of landless farmers and housesiteless eligible families. A total 3,63,415.71 acres of land has been acquired under the Ceiling Law and regarded as ceiling surplus land. 48564.77 acres of ceiling surplus land, which is 13.3% of total ceiling surplus land, are still available for distribution.

Bhoo dan Movement was started by Vinova Bhabhe after independence by persuading larger land owners to donate at least one sixth of their land for distribution among the landless. Various donors have donated their land under *Bhoo dan Yagna* in the state. The donated land required to be confirmed by a formal process. But in Bihar it is found that out of total 6,48,593.14 acres of *Bhoo dan* Land, only 3,45,349.02 acres of land, which is 53.2% of total *Bhoo dan* Land has been confirmed as yet. It is also found that 59.5% *Bhoo dan* land is unsuitable for distribution.

The situation of public land demands that the government should launch special survey for assessing reasons of unsuitability of each category of land and develop the strategy for making them suitable for distribution. These large chunks of land when distributed to landless beneficiaries will serve as livelihood for the poor besides self dignity and prestige of the landless.

The summary of balance available public land in the state as on 31st March, 2013 is given below in table.

Table 4.4.1: Summary of Balance Available Public Land in Bihar as on 31st March, 2013

Particulars	Area in acre
Water Area	875164.5
Permanent pasture and Grazing land	38665.9
Balance <i>Gairmazruha Khas /Malik</i>	10,12,638.35
Balance <i>Gairmazruha Aam</i>	8,76,841.06
Balance of Khas Mahal Land	3598
Balance of Undistributed Land Received from Ceiling	48654.77
Balance Bhoo dan Land Available (Confirmed + Unconfirmed)	392500.5

(Source: Computed from data collected from District Statistical Hand Book, Department of Revenue and Land Reform, Govt. of Bihar)

Out of these public lands, 29902.38 acres of land is located in various towns of Bihar. The Agriculture Department has 243 farms with 2890 hectares of land. Out of these lands of Agriculture Department, 2100 hectares are cultivable land.

4.4.1.2 Land under Dams, River and Common Land

There are 28 dams in the state viz. Kharagpur Lake, Nagi, Kohira, Amrity, Badua, Srikhandi, Kolmahadeo, Chandan, Jalkund, Morway, Satgharwa (N.F.), Job, Kailash Ghati, Nakti, Tarakol (N.F.), Baskund, Upper Badua (N.F.) Belharna, Phulwaria, Anjan, Batane, Orhani, Bilasi, Barnar, Durgawati, North Koel, Sindhwarni, Upper Kiul which are also regarded as common property resources under water bodies.

The length and catchment of various rivers in Bihar is as under.

There are many perennial and seasonal rivers in the state. Perennial rivers are Ganga (Length - 445 km in Bihar, catchment area 19322 sq. km.), Ghaghara (length - 83 km, catchment area 2995 sq km), Kosi (Length-260 km, catchment area-11410 sq km.), Gandak (Length-260 km., catchment area-4188 sq km.), Mahananda (Length-376 km, catchment area -6150 sq km.), Burhigandak (Length-320 km, catchment area-9601 sq km.), Punpun (Length-235 km, catchment area-9026 sq km.), Bagmati (Length-394 km, catchment area -6500 sq km.) and Sone (Length-202 km, catchment area-15820 sq km.). The seasonal rivers in the state are Badua (Length 130 km, catchment area 2215 sq km), Chandan (Length 118 km, catchment area 4093 sq km), Kiul Harohar (Catchment area 17225 sq km), Kamla Balan (120 km, catchment area 4488 sq km) etc.

Besides there is huge chunk of land of Railways, Defence, National Highway, Tourism Department, Agriculture Department, Irrigation Department, Panchayati Raj, PWD, PHED, Industry Department, Minerals & Mining Department etc., which are managed by the respective department. The detailed statistics in this regard is not available. There is no unified system to have statistics of the land of these various departments, their status and encroachment of land. There is an urgent need to develop a unified system under Department of Revenue and Land Reforms to collect the statistics from each department and update the same on regular basis.

4.4.1.3 Institutional Structure for Management of Public Land

All public lands are being managed through Bihar Government Estates (*Khas Mahal*) Manual, 1953, and Bihar Public Land Encroachment Act, 1950. Circulars are issued from State Government; time to time for proper use of government land. These are the safeguards of public land.

In Bihar, there are competent authorities, with clearly assigned roles and responsibilities to manage public land. The record keepers of public land are *halka* karmchari in *halka* (sub-circle) level, which is the primary unit of land revenue administration, at the grass root level. Above the *halka* karmchari, there is supervisory officer called Circle Inspector on *anchal*/circle level. The Circle Inspectors monitor and supervise *halka* offices by visiting at least once in a fortnight. *Anchal* offices are headed by Circle Officers. In Bihar, under each Circle/*Anchal* office there are around 10-12 *halkas*. Under each *halka* there are nearly 6-10 villages. One Revenue *Karmchari* is posted in each *halka*. In Bihar there are 8463 *halkas*, among these, 4463 *halka* karmchari positions are vacant. It means that 52% post of *halka karmchari* is vacant. There are 534 Circles in Bihar to run revenue works. There is also a huge shortage of Circle Inspectors in these circles, as 65 positions are vacant. The circles come under the control of office of Deputy Collector Land Reforms (DCLR) which is located at sub-division level. ADM Land Reform/DM is the controlling authority of Deputy Collector Land Reforms (DCLR) at the district level. District Collector, as per requirement, can make a mini survey regarding Government land in its jurisdiction. The Major Operational Survey can only be conducted by government notification.

Major problems associated with the institutional structure are shortage of staff and 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 the safety of the records, *khatiyayan* and other registers. For better management, staff and infrastructure like office etc should be provided at *halka* level. Government has taken decisions to construct one additional room in each *Gram Panchayat* for the use of *halka karmchari*.

4.4.1.4 Transfer and Settlement of Public Land

There is provision for transfer of public land and settlement of public land to the weaker sections and homeless persons of the state. The state Govt. has power to settle Public Land

such as *Khas Mahal*, *Gairmazruha Khas/Malik*, *Gairmazruha Aam* to the weaker sections of society like SC, ST, Backward, ex military persons etc. The *Gram Sabha* has been empowered for recommending and providing no objection in regards to the settlement of that land in its Jurisdiction. *Gairmazruha Aam* land can only be settled by Government on the recommendation of the concerned *Gram-Panchayats*. Thus *Gairmazruha Aam* is settled only by the State Government on recommendation of concerned Circle Officer/DCLR/SDO/DM/Divisional Commissioner, with the consent of Gram Sabha, whereas, the *Gairmazruha Khas* land is transferred and settled by SDO through recommendation of concerned Circle Officer.

In this regard, it is to be noted that, Common property resources cannot be settled or transferred unless there is a change in the nature / uses of land and a formal assent by the gram sabha. The State Government has also taken a decision of not to settle public land within 8 kms radius of the urban area.

4.4.1.5 Distribution of Public Land to Landless

The public land and land acquired under various schemes have been distributed to landless people of the state for meeting their livelihood and shelter requirement. The allotment of land to landless people has given them a sense of belonging and dignity as well as a source for livelihood. The land allotted to landless people as on 31st march, 2013 from various schemes are given in table.

Table 4.4.2: Public land distributed to landless beneficiaries till 31st March, 2013

Type of land	No. of Beneficiaries	% of beneficiaries
Bhoodan	2,92,616	
Ceiling surplus	3,50,374	
<i>Gairmazruha Aam</i>	43,710	
<i>Gairmazruha Khas/Malik</i>	10,45,030	
Basigat Parcha	5,80,214	
Total no. of beneficiaries	23,11,944	
Possession given	20,94,439	90.6
Mutation done	18,68,304	80.8
Rent fixation done	13,71,196	59.3
Enter in Jamabandi	19,13,561	82.8

(Source: Department of Revenue and Land Reforms, Govt. of Bihar)

It appears from the above table that possession of the land has been given to 90.6% of the allottees. Mutation has been done in case of 80.8% of the total allottees, similarly rent fixation has been done only in case of 59.3% of the total allottees. Since the allotment of land is being made from the public land (government land), the allotment/ issue of *parcha* and mutation should go simultaneously. At the time of issue of *parcha* a copy should be sent to the Circle Officer/*Karmchari* concern for automatic mutation of the land. Similarly, steps should be initiated to give possession of the land to rest of the more than 2 lacs allottees.

Out of these allotments of land the Department of Revenue and Land reforms, transfer and settle land to build houses to homeless families. Till December, 2013 505808 numbers of homeless families have been provided land to build their house. Detail is given below in table.

Table 4.4.3: Transfer of Public Land for Homestead till December, 2013

Schemes	Number of Beneficiaries/Families
Bhoodan land	292616
Mahadalit Vikash Mission (First Phase)	185201
Mahadalit Vikash Mission (Second Phase)	27271

(Source: Department of Revenue and Land Reform, Government of Bihar)

Although the land is allotted to landless people of the state, the major problem is giving them the possession and legal entitlement. Dispossession has been reported in number of cases. Nearly 1 lakh dispossession is reported in case of *Bhoodan* land. Tackling the issue of giving possession and restoring disposed land to the actual beneficiaries should be tackled through effective implementation of policy.

4.4.1.6 Encroachment of Public Land

One of the very common problems of public land is that it gets encroached. It was observed that, the encroachers are locally influential and strong persons. To remove encroachment from the public land, Circle Officer issue notices to the concerned encroachers under Bihar Land Encroachment Act, 1956. A proceeding is initiated by the Circle Officer under the provision of Bihar Public Land Encroachment Act. After hearing, order is passed to remove the encroachment within stipulated time. In case of disobedience of order the encroachment is forcibly removed and cost of removal is charged and recovered from the encroacher. It is to be mentioned here that the Bihar Public Land Encroachment Act, 1956, has empowered Circle Officer and Collector to deal with these types of situations.

In Bihar, initiative has already been taken to identify public land in urban areas and remove encroachment. The status of encroachment of public land in the state is given below in table.

Table 4.4.4: Status of Encroachment of Public Land in the state as on 31st March, 2013

Area in Acres

	Urban Area	Rural Area
Total Encroached Land	1065	1398
Encroachment Removed	251.7	497.46

(Source: Department of Revenue and Land Reforms)

To safeguard the public land proper vigil and co-ordination at the level of *halka* karmchari and local police station is required.

4.4.1.7 Acquisition of Private Land for Public Purpose

The Bihar Government acquires land mainly for public purposes and establishment of industries. The private land after acquisition vested under government and is treated as public land. The Revenue and Land Reforms Department, Government of Bihar acquired 2683.62 acres of land in 2012-13 only for public purpose. In 2010-11 and 2011-12 also the acquisition of land has been made for public purposes. The acquired land for any public purpose gets transferred to the concerned agency for its use in a timely manner. After delivery of possession under the Land Acquisition Act, requisitioning bodies put the same in destined use. The Director of land acquisition, Bihar maintains information regarding the process of land acquisition. Under section 4 / 6 and 7 / 17 of the Land Acquisition Act, it has been advised to keep track district wise and requisitioning body wise, whether acquired land was put to destined use or not with a given time limit.

4.4.2 ASSESSMENT OF DIMENSIONS

Assessment of Indicator 4.1: Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible

Dimension				
4	1	1	Criteria for public land ownership are clearly defined and assigned to the right level of government.	A Public land ownership is justified by provision of public goods and effectively and transparently managed at the appropriate level of government.

4	1	2	There is a complete recording of public land.	C	Between 30% and 60% of public land is clearly identified on the ground and on maps.
4	1	3	Information on public land is publicly accessible.	C	All the information in the public land inventory is only available for a limited set of public property and there is little or no justification why records are not accessible.
4	1	4	The management responsibility for different types of public land is unambiguously assigned.	B	The management responsibility for different types of public land is unambiguously assigned but this is not always consistent with objectives of equity and efficiency or institutions are not always properly equipped so that sometimes these are not achieved.
4	1	5	Responsible public institutions have sufficient resources for their land management responsibilities.	C	There are significant constraints in the financial and/or human resource capacity but the system makes effective use of limited available resources, with limited impact on managing public land.
4	1	6	All essential information on public land allocations to private interests is publicly accessible.	C	Key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is recorded or partially recorded but is not publicly accessible.

Analysis of Dimension 4.1.1: Assignment of Responsibility of Public Land Management

In Bihar, the criteria for public land ownership are clearly defined and assigned to right level of Government. There is no scope for discretionary management. For example, *Gairmazruha Aam* land cannot be transferred to a Government department or settled with a private person or institution unless the nature of the land has changed (for example, the filling up of tank or a water channel in course of time) and unless the Gram Sabha records its concurrence to the aforesaid transfer. Approval is given by the Government itself except in the case of Mahadalit families to whom the power of allotting house-sites has been delegated to Divisional Commissioner. For the intradepartmental transfer of public lands including *Gairmazruha Malik* or *Gairmazruha Khas* lands the concurrence of the competent authority is a condition precedent. For the settlement of *Gairmazruha Malik/Khas* lands for residential purposes with eligible categories of raiyats, the Sub-Divisional Officer (SDO) is the competent authority. Public lands falling in the direct management of the Government, are governed as per the government policy of Khas Mahal land.

The state government has not yet came up with any policy related to *Gairmazruha Aam* land in urban areas. For *Gairmazruha Aam* lands, falling in urban areas the government may identify a competent authority for issuing no objection, parallel to the *gram sabha*, that too where the nature of land has changed.

Analysis of Dimension 4.1.2: Recording of Public Land

There is complete recording of public land and demarcation on the spot, but due to absence of Revisional Survey and non-computerization of records, many records are in dilapidated condition. The complete record is based on Cadastral Survey, which is about 100 years old, and the Revisional Survey could not complete in all districts.

Analysis of Dimension 4.1.3: Accessibility of Information on Public Land

In Bihar information of public land is to some extent publicly accessible. The Director of Land Records and Survey, Government of Bihar has already placed land information pertaining to 9 districts in the website. It is already on the job to cover whole state in next couple of years. Data centers have been setup at a number of *anchal* levels where *raiayats* can access land information. Even otherwise, where data has not been placed on websites,

computerization of existing un-updated land records has been made with a wide ranging information base.

All the *anchal* offices have got revenue record of villages falling in their respective jurisdiction. The same is maintained by *halka karamachari*. People can have access to land information through the *halka karamchari* in anchal offices. Due to lack of proper storage and record keeping facilities many records are in poor condition.

Analysis of Dimension 4.1.4: Assignment of Responsibility of Public Land management

In Bihar, there is no ambiguity in the management responsibility in different types of public lands. The primary unit of state revenue land management comes under circle office. The Circle Officer is mainly responsible for public land management in his jurisdiction, whereas, the *Khas Mahal* lands management comes under direct management of Collector. In this regard, it is to be noted that, Common property resources cannot be settled or transferred unless there is a change in the nature / uses of land and a formal assent by the *gram sabha*. The State Government has also taken a decision of not to settle public lands within 8 kms radius of the urban area.

There is provision for transfer of public land and settlement of public land to the weaker sections and homeless persons of the state. *Gairmazruha Aam* is settled only by the State Government on recommendation of concerned Circle Officer/DCLR/SDO/DM/Divisional Commissioner, with the consent of *Gram Sabha*; whereas, the *Gairmazruha khas* lands are transferred and settled by SDO through recommendation of concerned Circle Officer. *Bhoodan* land is transferred through allotment of *parcha* by *Bhoodan Yagna* Committee.

Though management responsibilities are unambiguously assigned, the institutes are suffering from huge manpower crunch, poor infrastructure and capacity gap.

Analysis of Dimension 4.1.5: Resources for Management of Public Land

In Bihar, though the responsibilities of management of public land are unambiguously assigned to the right level of government, but there are gaps in infrastructure, manpower and skill. Public offices at various levels are not suffering from financial resources. However, various public offices are suffering from shortage of manpower, infrastructure and capacity gap. Most of the departments are running at 50-60% of sanctioned strength.

There is also data gap related to public land. Most of the Departments are not having the details of the land they possess and its condition, particularly encroachment. The need of the hour is for every department having public lands, to have a well staffed estate section with estate officer and an inventory of public lands owned and possessed by it. The estate officer shall be responsible for safeguarding property, prevent and remove encroachment, if any, as per law.

Analysis of Dimension 4.1.6: Availability of Information related to Allocation of Public land

Records are properly maintained in all cases of public lands assigned to eligible private individuals and institutions. The whole process is transparent. However, whole information of transfer of public land assigned to eligible private individual has not been placed on website.

Assessment of Indicator 4.2: Justification and time-efficiency of acquisition processes: the state expropriates land only for overall public interest and this is done efficiently

Dimension				
4	2	1	There is minimal transfer of acquired land to private interests.	A Less than 10% of land acquired in the past 3 years is used for private

					purposes.
4	2	2	Acquired land is transferred to destined use in a timely manner.	B	Between 50% and 70% of the land that has been acquired in the past 3 years has been transferred to its destined use.
4	2	3	The threat of land acquisition does not lead to pre-emptive action by private parties.	B	Some cases.

Analysis of Dimension 4.2.1: Transfer of acquired land to Investor

In Bihar, the lands are acquired mainly for public purposes. The lands are acquired mainly through Department of Revenue and Land Reforms and by Land Acquisition Officer and District Collector.

The Revenue and Land Reforms Department, Government of Bihar acquired 2683.62 acres of land in 2012-13 only for public purposes. In 2010-11 and 2011-12 also the acquisition of land has been made for public purposes only. Land to private investors is being allotted by BIADA based on the clear and transparent criteria and process evolved by BIADA. The Industry Department transfer the acquired land to BIADA for construction of Industrial estates/Industrial Park. The percentage of land acquired for this purpose during last three years is less than 10% of the total land acquired. Under new land acquisition policy of Government of Bihar, the investors would have a reference pool of chunk of land to acquire them for ventures.

Analysis of Dimension 4.2.2: Timeliness of Transferring Acquired Land for Destined Use

After delivery of possession under the land acquisition act, requisitioning bodies put the same in destined use. The Director of land acquisition Bihar maintains information regarding the process of land acquisition. He is well advised to keep track of post delivery of possession, position of acquired lands vis-a-vis requisitioning bodies' district wise. For instance, approval under section 4 / 6 and 7 / 17 of the Land Acquisition Act, they are well advised to keep track of acquired land district wise and requisitioning body wise.

Analysis of Dimension 4.2.3: Pre-emptive action by private parties before Land Acquisition

There is no denying the fact that manipulated sale deed tends to hike land price on the eve of land acquisition process. The sole safe guard is that the governing rate should be what prevails on the date of notification under section 4 of the Act. In cases where a project is executed phase wise and land is required at different point of time, the compensation paid in the first phase is lesser than the amount to be paid in subsequent phases. Consequently, there might be resentment from the people whose land was acquired in the first phase. They may resist execution and demand comparable compensation.

The government has decided to pay the same value for the same class of land in the same project irrespective of number of villages and differences in the MVRs. The highest rate will be given to the same class of land in another village which has lesser rate in that class of land. A high level committee at the district level is empowered to determine class / rate of land as per actual situation on the ground or the potential use in future. This has facilitated land acquisition process.

Assessment of Indicator 4.3: *Transparency and fairness of expropriation procedures: expropriation procedures are clear and transparent and fair compensation is paid expeditiously*

Dimension		
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4	3	1	Compensation is provided for the acquisition of all rights regardless of their recording status.	D	No compensation is paid to those with unrecorded rights of use, occupancy or otherwise.
4	3	2	Land use change resulting in selective loss of rights there is compensated for.	D	Where people lose rights as a result of land use change outside the acquisition process, compensation is not paid.
4	3	3	Acquired owners are compensated promptly.	C	Between 50% and 70% of acquired land owners receive compensation within one year.
4	3	4	There are independent and accessible avenues for appeal against acquisition.	B	Independent avenues to lodge a complaint against acquisition exist but there are access restrictions (i.e. only accessible by mid-income and wealthy).
4	3	5	Timely decisions are made regarding complaints about acquisition.	B	A first instance decision has been reached for between 50% and 80% of the complaints about acquisition lodged during the last 3 years.

Analysis of Dimension 4.3.1: Providing Compensation to Land Losers

At the time of land acquisition, compensation is provided as per the recorded status of the *raiyyat* only. So the people who have recorded ownership get compensated, not the people whose livelihood depend upon the land.

Hopefully unrecorded interests of the persons whose livelihood is affected in the acquired area will be taken care of in the new legislation on land acquisition.

It is a fact that the Land Acquisition Act, 1894 provided for compensation only to the actual land losers. Affected people outside the land acquisition process were not compensated.

The Bihar Resettlement and Rehabilitation Policy, 2007 makes provision for displaced agricultural labourers. All such labourers who earn livelihood on acquired land for 1 to 3 years and have been rendered unemployed, will be given lumpsum minimum wages for 200 days and also be given job cards under prevalent national / state rural employment guarantee scheme.

Analysis of Dimensions 4.3.2 & 4.3.3: Timeliness of Providing Compensation

It is a fact that most of the land acquisitions for public purposes were made under the urgency clause, where not only the land acquisition process is shortened, and the payment of compensation is also expedited. Soon after the notification in section 7 / 17 of the Land Acquisition Act, 80 percent of the compensation is paid to the land losers. There is some bureaucratic dormancy that delays the balance payment of rest 20 percent. The same is paid only when entire estimate including structures, trees etc., is sanctioned by the competent authority. District Collector is competent to sanction estimates upto Rs. 50 lakhs, Divisional Commissioner upto Rs. 1.50 Crores and beyond that amount the Government comes into the picture.

Although the actual data of delay in payment is not available, a sample survey with some authorities, it reveals that 50-70% of the land owners receive compensation within one year. Delay also incurs in interest payment. Hence speedy disposal from the point of cost effectiveness has been emphasized in various government circulars issued to District Collectors.

The Revenue and Land Reforms Department circular no. 423 dated 21/02/2007 laid down time limit for various stages of land acquisition which are given below in table.

Table 4.4.5: Time limit for various stages of land acquisition

SI. No.	Stage	Period
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1.	Collection of data with regard to checking of proposal with map / RoR etc.	45 days
2.	Publication of notification / award	15 days
3.	Invitation of objections after publication of notification / award	30 days
4.	Collection of objections	10 days
5.	Disposal of objection	60 days
6.	Preparation / approval and publication of award	15 days
7.	Notice under section 9	15 days
8.	Collection of objection and its disposal	30 days
9.	Preparation of estimate / determination of value after local inspection under section 11	30 days
10.	Approval of estimate	15 days
11.	Preparation and publication of award	15 days
Total		280 days

The above mentioned instructions have been reiterated and web based monitoring has recently been started. District Land Acquisition Officer's performances are reviewed every month and delays are accounted for. Further fine tuning has been done in circular no. 64 dated 14/01/2011 and 2025 dated 20/08/2013.

The reasons for delay in payment of compensation lie in the following facts.

1. Reference to Civil Courts in multiple title cases under section 30 of the Land Acquisition Act
2. Existence of multiple jamabandis against the same plot number.
3. Absentee landholders who do not turn up.
4. Resistance to land acquisition

Analysis of Dimension 4.3.4: Availability of accessible avenues for appeal against acquisition

In Bihar there are independent and accessible avenues for appeal against land acquisition exist. References can be made by the Collector to a Civil Court under section 18 of the Act whenever amount of compensation is disputed. References can also be made to the Civil Court under section 30 in case of multiplicity of title. Similarly, the land loser can also appeal against the acquisition and compensation. But involvement of cost and time in the process of appeal affects the accessibility.

Analysis of Dimension 4.3.5: Timeliness of decisions regarding complaints about acquisition

In connection with the land acquisition in Bihar decisions are taken promptly regarding claims and objections etc. received with regard to land acquisition at the ground level itself, i.e, District Land Acquisition Officer. But no data is available in this regard to evaluate the situation exactly.

4.4.3 CONCLUSION

Ever since the Cadastral Survey the public land has been identified and recorded. The records of rights prepared by Cadastral Survey clearly indicated *raiyati*, Govt. Land and Public Land by publishing final *Khatiyani*. In Bihar public lands have been categorised as (i) *Gairmazruha-Khas/Malik*, (ii) *Gairmazruha Aam*, (iii) *Khas Mahal*, (iv) *Kaisera-hind* (Central Govt. Land) along with (v) Ceiling Surplus land and (vi) Bhoodan Land. But one of the basic problems in Bihar is gap in implementation of revisional survey which could be completed fully in 12 districts, partially in 14 districts and could not be started in 12 districts resulting non updation of record. A significant portion of available records are quite old and

does not reflect ground reality. The basic uses for public land is providing basic amenities, used as village commons, leasing out for eligible families in the urban areas and transfer and settlement in favour of landless and housesiteless families for enhancement of livelihood opportunities and residential purpose. Though there is huge chunk of public land, under each category available in Bihar for these purposes, but it is found that a significant portion of these lands are not suitable for distribution. The reason behind the unsuitability and their scope for making them suitable are unknown as no specific survey in this regard is available. It is noteworthy that a large amount of public land has been transferred and settled by the state government in favour of weaker sections of society like SC, ST, Backward, ex military persons, etc. But this novel effort got hindered due to several problems like dispossession or threatened dispossession of the allottees. In addition to this a huge chunk of public land got encroached. Though there is state authority with clearly assigned responsibilities related to recording and management of public land, but all the layer of the administration suffer from lack of adequate infrastructure, manpower and skill gap. The government acquires land for public purposes. Though it has clear cut mechanism and machinery for land acquisition and transfer for its destined use as well as grievance redressal mechanism related to land acquisition and compensation, there are grievances that the government provides compensation to recorded raiyat only. The affected people, whose livelihood gets affected due to the acquisition process, remain outside the compensation process.

4.4.4 STRENGTHS

13. With the promulgation of the Bihar Special Survey and Settlement Act 2011, a legal platform has been created to conduct abridged survey and settlement, adopting modern technology. Government has adopted the policy to conduct aerial survey of land with modern technology to update land records in the state. One major output of the ongoing special survey will be a clear cut up-to-date textual data on public land.
14. Consolidation operation will be taken up afresh soon after the conclusion of the Special Survey in a given district as per the consolidation law itself. CPR is to be clearly delineated to which general public will have clear access for utilizing the same as per convention and for other purposes such as irrigation.
15. Bihar Khas Mahal Policy 2011 provides for stringent punitive measures against violators of lease deed conditions. It substitutes civil court by Divisional Commissioner for eviction of aforesaid violators, encroachers and other illegal occupant of violable public land in direct management of the Government.
16. 71.55% maps have already been digitized and maps of five districts have been placed on website for public use.
17. Government has recently decided to build Gram Panchayat Bhawan which will have the office of Halka Karamcharis also.

4.4.5 BEST PRACTICES

18. Khas Mahal Policy

Khas Mahal land is a special category of public land located mainly in urban areas under the direct control of government. The government can lease out these lands for a period upto 30 years for residential, business and other purposes. Comprehensive Khas Mahal Policy and Manual have been developed for the administration of Khas Mahal Land in the state. The Bihar Khas Mahal Policy, 2011 provides for stringent punitive measures against violator of lease deed conditions. It also substitutes civil court by Divisional Commissioner for eviction of aforesaid violators, encroachers and other illegal occupant of violable public land in direct management of the Government. This has helped in initiating immediate punitive measures against the

violators and has ensured compliance of lease condition and controlled the encroachment.

19. Distribution of Homestead Land to Housesiteless

To ensure equity in the society by provision of homestead land, about 5.05 lakh (Dec, 13) house-sites have been allotted to Mahadalit families from the land taken from *Gairmazruha Aam, Gairmazruha Khas*, and land purchased from raiyat to enable them to construct houses. Most of these lands are public land. Here also to empower the women and give them land rights majority of beneficiaries are women.

20. Restriction in Transfer of Common Property Resources

The State is having a policy/ rules under which Common property resources cannot be settled or transferred unless there is a change in the nature / uses of land and a formal assent from the gram sabha. This policy has helped in protecting the common property resources.

21. Simplification in correcting RoR

Earlier any wrong entry in survey records was challengeable only in Civil Court. This used to be long drawn process. With the passing of Bihar Land Dispute Resolution Act, 2009, a revenue functionary, 'Deputy Collector Land Reforms' can adjudicate cases pertaining to record of rights. Similarly, section 9 of the Mutation Act empowers the additional collector of a district to cancel illegal *zamabandi*. Thus, the BLDR Act and Mutation Act together have helped the raiyat/under-raiyat in getting land record corrected in cost effective and time effective manner.

22. Survey of Public Land in Urban Areas

Public lands falling in municipal areas in district headquarters are extensively surveyed through a drive. Budgetary provision has been made to erect boundary walls to save these public lands from encroachment.

4.4.6 WEAKNESS

23. Public land security has been ignored at the grass root level. The public lands, falling in urban areas, have recently got a protective code, but in rural areas, there is steady depreciation of the CPR since independence. Public lands have been privatized in connivance with local bureaucracy. Cases are not filed despite legal provisions to that effect. Recourse is made hardly to section 9 of the Bihar Mutation Act for the cancellation of illegal Jamabandi. No recourse is made under rule 467 of the Bihar Settlement Manual 1959 for the cancellation of Khata fraudulently. There is no material on record to suggest how many cases of public land privatization have been filed in the Deputy Collector Land Reforms Court, as per the Bihar Land Dispute Resolution Act, 2009.
24. In the post- independence era, there is no denying the fact that a large quantum of public land were siphoned off by vested interests in collusion with the revisional survey authorities. No systematic probe was made into such privatization. Hardly any reports to revenue officer court under the Bihar Tenancy Act or Civil Courts in suitable cases was made by the authority to rectify the Act detrimental to public interest. Even Khasmahal land (land under the direct management of the government), especially in urban areas, were privatized during revisional surveys.
25. Though Special Survey and Settlement Act, 2011, have come into operation, there is no provision to safeguard the interest of under-raiyat for making entry, as such, in the record of rights.
26. Survey records / anchal records are not up to date, affecting the quality of Computerized Land Record (CLR) and Land Information System (LIS).

27. The records available with the Circle Officers are not in consonance with the field realities
28. It is very interesting to note that even pucca buildings have been constructed on public land on the river Falgu in Gaya.
29. Circle Officers are bound to safeguard / protect the public land, but in most of the cases, they do not take interest. It has been observed that, during survey operations or consolidation proceedings, they do not protest the claim made by claimants on the public land on frivolous or concocted grounds.
30. There is no office building for *halka* karmcharis in Bihar. The *halka* karmcharis have to run their office in private buildings, due to which, they have to compromise on safety of the record, *khatiyana* and other registers.
31. Large chunk of the *Gairmazruha Malik, Gairmazruha Aam and Bhoodan Land* is found unsuitable for distribution.
32. Large number of cases related to land ceiling are pending at various levels.

4.4.7. POLICY PRESCRIPTION

4.4.7.1 Short Term

1. Steps should be initiated to give possession of the land to more than 0.2 million beneficiaries who have already been allotted land under housesite policy for mahadalit family and other schemes.
2. All the public land, which has been distributed to the landless poor, should be physically verified to see whether the assignees are in possession of this land. If not, steps should be taken to give possession of those lands to the real assignees.
3. Evict encroachers from public land and bring the land back for public use by following due process of law. Resettlement / rehabilitation for genuine persons viz. Economically Weaker Section of the Society (EWS) may also be taken up simultaneously.
4. Get an inventory of all public land prepared and make it available for public scrutiny. There should be a unified system, under revenue department, to collect data from each department / district regarding the land under the concerned department and update the same on regular basis for its effective management. The need of the hour for every department having public land is to have an estate section with sufficient staff, estate officer and an inventory of public lands owned and possessed by it. The estate officer shall be responsible for safeguarding property, prevent and remove encroachment, if any, as per law.
5. Gairmazruha Aam land should be used for public purpose only except for group housing purpose for EWS/Mahadalit.

4.4.7.2 Medium Term

1. Complete the ongoing special survey in all parts of the State by 31st March, 2016. Digitise record of rights and maps prepared on the basis of special survey.
2. Efforts should be made to bridge the gap between allotment of land and mutation. Since the allotment of land is made from the public land (government land), the allotment/ issue of 'parcha' and mutation should happen simultaneously. At the time of issue of 'parcha', its copy should be sent to the Circle Officer/Karmchari concern for automatic mutation of the land, creation of Jamabandi, and fixation of rent. After creation of jamabandi, the settlee should be informed.
3. There is a need to ascertain the reasons regarding the unsuitability of ceiling surplus land, *Gairmazruha Malik, Gairmazruha Aam* and bhoodan land, by launching special

survey. Strategy for developing these lands for making them suitable for distribution, wherever applicable, should also be planned.

4. New Khasmahal Policy has already been promulgated with respect to land in direct possession of government. Same is to be enforced in letter and spirit.
5. Process of confirmation of Bhoodan land should be expedited. 'Dan Patra' must be confirmed without any further delay.
6. Dan Patra (Gift letter) of some Boodan land is not available with LRDC or even in Bhoodan office. Records of 13 districts for Bhoodan land have been digitized. Digitization of records of the rest 25 districts should be taken up expeditiously.
7. In the course of the ongoing special survey, lower level revenue functionaries should be instructed to ensure recording of public land in the records of rights. As soon as the textual data on public land is generated, all out efforts should be made to trace public land which is privatized officially, prior to special survey. Following due process of law, public land settled, unauthorizedly, must come back to the public domain. It is noteworthy to point out that even during special survey operation the state has to be impleaded as a party in cases pertaining to public land.

4.4.7.3 Long Term

1. The state government has not yet come up with any policy related to Gairmazruha Aam land in urban areas. For Gairmazruha Aam land, falling in urban areas the government may identify a competent authority for issuing no objection, parallel to the gram sabha, that too wherever the nature of land has changed.
2. Enumerating public land in every National Sample Survey (NSS) should be made mandatory.

4.5. TRANSFER OF LARGE TRACTS OF LAND TO INVESTORS

4.5.1 INTRODUCTION

The post-liberalisation era has ushered in new investment challenges and opportunities for various Indian states. The Government of Bihar has promulgated a series of regulations and policies to attract investment and invite more long-term, capital-intensive, high-tech projects in more sectors of the economy and hence reap the maximum benefit from pullovers of skills and expertise from corporate presence.

4.5.1.1 Changes in Policy Paradigm

Every five year after the State Government adopts a new industrial policy, which is based upon the survey conducted in this regard as well as the consultations made with the different organizations and Industry Associations of Bihar. In view of the rapid changes in the Global Industrial Scenario, Bihar Industrial Incentive Policy, 2006 has been reviewed with an objective to attract domestic and foreign investment as well as revival and expansion of business operations of the existing industrial units by providing the right industrial ambience. Review of the policy and current scenario found that it is imperative that a new industrial incentive policy be prepared so as to promote balanced industrial development and enable industries to contribute towards the social and economic development of the State. The State Government has launched Bihar Industrial Incentive Policy in the year 2011 to accelerate the industrial development. The new Industrial Incentive Policy, 2011 has been prepared based on the suggestions and consultations with the main Industry Associations such as Bihar Industries Association, Bihar Chamber of Commerce, Confederation of Indian Industry, Bihar, Laghu Udyog Bharti, Hajipur Udyog Sangh etc. and other related organizations and concerned Government Departments. The industrial policies of different neighbouring States have also been considered in formulation of this policy. Under this policy, there are provisions for granting incentives such as 100% Exemption from Stamp Duty and Registration Fees during the pre-production phase, Capital Subsidy for industrial units, inclusion of Entry- Tax in the re-imburement of 80% of VAT, incentive also to existing units for Captive Power Generation, Diesel Generating sets and subsidy on non-conventional sources of energy production, re-imburement of expenses incurred on project reports, technical know-how fees, quality certification, electricity duty etc.

4.5.1.2 Land Acquisition in Bihar

Land plays extremely critical role in the industrial development of a state. Government needs to acquire land and transfer it to public or private requisitioning body for industrial development. Land acquired by government for various Central / State Government's Projects since the year 2005-2006 has been given in annexure 4.5.1

In regard to land acquisition and transfer to investor in the context of Bihar, the situation is typical because its land is arable, and land holdings of farmers are small. Given the ground situation, acquisition of land in Bihar is very difficult. The State Government devised a new method under the 'Aao Bihar' (Come to Bihar) call for investors. Under this policy, farmers either individually or in group, willing to sell their individual or collective chunk of land would have to submit the details to the District Magistrate (DM) concerned, who, in turn, would check the legal papers to ascertain that they are not disputed. The DM, , would then forward the verified details of the chunk of land to Bihar Industrial Area Development Authority (BIADA), which would put the details on its website showing the price quoted by the farmers concerned. The investors would then have a reference pool of chunks of land to acquire for their ventures.

4.5.1.3 Land Acquisition: Policy, Process and Compensation

Compulsory land acquisition by the State for developmental purposes used to be conducted under the Land Acquisition Act of 1894. There were two types of land acquisition processes, namely ordinary process and emergent process.

The Land Acquisition Act, 1894 has been replaced by the centre's Land Acquisition, Rehabilitation and Resettlement Act, 2013 with effect from 1st January, 2014. The Bihar government has adopted this new land acquisition policy to prevent any confrontation with landowners and agriculturists in the state. The change in the land acquisition policy assumes significance in the wake of wide protest by landowners over acquisition of land in different parts of the country in general and Bihar in particular. Now the Government will not directly acquire land, instead will work as a facilitator between investors and landowners. This policy seeks to provide fair compensation to farmers around four times more than the market price, to be precise - while ensuring that no land can be acquired forcibly, has given a fillip to the Bihar's farmers demand for uniform and better compensation for plots of land acquired by the government.

Government's view is that "one project one-rate" policy could not be implemented every time because government has to acquire land for the project sometimes at different times, by different notifications, over a period of time. Compensation was paid to the farmers on the basis of the location of their plots of land. Problems arise when compensation of land acquired in 2005 being paid as per the prices prevailing in 2013.

The strategy of the State Government is to create a Land Bank which will play a vital role in the establishment of industry. Actions have been taken for establishment of Land Bank in view of the requirement of land for industries and for other development projects. As per the requirements of different industries and development scheme, land would be made available from the land bank in order to establish industries in the state, development of international level of basic infrastructure is necessary so as to attract more and more domestic and foreign investment.

4.5.1.4 Transfer of Land to Investors and Bihar Industrial Area Development Authority (BIADA)

BIADA was constituted under the statutory provision of the Bihar Industrial Area Development Act 1974 to promote balanced industrial growth and ensure fruitful contribution of industry in social and economic development of the State. BIADA plays crucial role in transferring land to investor. As land after acquisition is transferred to BIADA, then BIADA allots land to eligible investors based on several criteria like economic, socio-cultural and environmental impacts. BIADA earmarks plots for various types of investments. The details of Land Allotted / Land Rates & Position of Vacant Land Details in Industrial Area as on 30.11.2013 have been given in the annexure 4.5.2. Details of Industrial Plots allotted to private investor till 31.03.2014 is given in annexure 4.5.3. Number of industrial plot allotted during last three years in Bihar is given in annexure 4.5.4. Application Status for allotment of land on 31.10.2013 with Bihar Industrial Area Development Authority is given in annexure 4.5.5.

There is clear system of transferring land by the Bihar Industrial Area Development Authority (BIADA) to the private investors and the process is clearly identified. The process of land allotment is available on the Government website as well as in BIADA office. The institutions involved in this have the powers to allot the land in prescribed manner and they have capacity, including resources, for field verification and strong incentives in ensuring socially beneficial outcome but processes are complex and exhaustive for the investors.

The State Government is now planning to survey the barren and uncultivable land, waste land, undulating land, land not fit for agriculture through GIS mapping for acquisition purpose. This will help in increasing the productive use of waste land and give gain to land losers. State Government is hopeful that by this process, the public protests will be minimal and the land losers will be happy as well.

4.5.2 ASSESSMENT OF DIMENSION

Assessment of Indicator 5.1: Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing).

Dimension				
5	1	1	Public land transactions are conducted in an open transparent manner	B The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is between 70% and 90%. (Except for equity transfers).
5	1	2	Payments for public leases are collected	A More than 90% of the total agreed payments are collected from private parties on the lease of public land.
5	1	3	Public land is transacted at market prices unless guided by equity objectives	A All types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign).
5	1	4	The public captures benefits arising from changes in permitted land use.	D Mechanisms to allow the public to capture significant share of the gains from changing land use are not used.
5	1	5	Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored	D No policy in place to improve access to and productive use of assets by poor and marginalized groups.

Analysis of Dimension 5.1.1: Transaction of Public Land

The public land is mainly transferred for equity considerations. Except for equity transfers, no public lands have been transferred during the past three years by lease or through public auctions. Only renewal of leases of *khas mahal* land has been made for limited private use during last three years.

BIADA transfers the industrial plot (which can be considered as public land) for private use, and is transacted at market price, i.e the cost of land acquired, plus 10% administrative charges and land development cost, irrespective of investor's status. The transfer is done in a transparent process irrespective of investor's status.

There is provision for transfer of public land and settlement of public land to the weaker sections and homeless persons of the state. The state Govt. has power to settle public lands such as *Gairmazruha Khas/Malik*, *Gairmazruha Aam* to the weaker sections of society like SC, ST, Backward, ex military persons etc. The *Gram Sabha* has been empowered for recommending and providing no objection with regard to the settlement of that land in its jurisdiction. *Gairmazruha Aam* land can only be settled by Government on the recommendation of the concerned *Gram-Panchayats*, provided its nature has changed. The lone exception in this regard is the power of the Divisional Commissioner concerned to settle *Gairmazruha Aam* lands with house-siteless mahadalit families. This power has recently been delegated to the Divisional Commissioners by the State Government. Thus *Gairmazruha Aam* lands are settled only by the State Government on recommendation of concerned Circle Officers/DCLR/SDO/DM/Divisional Commissioner, with the consent of Gram Sabha. The *Gairmazruha khas* lands are transferred and settled by SDO for residential purposes for weaker sections through recommendation of concerned Circle Officer. The State Government has also taken a decision not to settle public lands within 8 kms radius of the urban area.

Private land is acquired by government, for transferring them to various government departments/requisitioning authorities for public purposes including for industrial estates/industrial areas. BIADA transfers the land to private investors for private use/public purpose. The details of land acquisition is publicised in local newspapers and the information about the land sought by competent authority. Process and procedure for transfer of land to private investors, by BIADA has been uploaded in the website of BIADA. The process and procedure of transfer of land by BIADA is fair, clear and transparent. All lands are transferred by BIADA in an open process. But the transfer of *khas mahal* land is cumbersome.

Analysis of Dimension 5.1.2: Collection of Payment from Public Land Leases

There is a system of advance payment in all Government transactions and is implemented strictly. In case of transfer of industrial plot by BIADA, if the allottee desires, it can pay the cost of land in one instalment or in 8 instalments. The initial payment (1st instalment) shall be 30% of the total cost + maintenance charges + one time service charges + demarcation charge of Rs. 1000/- within 15 days of issuance of the allotment letter along with bond. Balance instalments with 5% interest are to be paid in seven (7) equal annual instalments. Balance instalments will be due on the same date in subsequent years. In case of default, penal interest, at the rate of 2% is also charged. Threat of cancellation of lease exists in case of non-payment / undue delay in payment. Due to this, the lease payment collected is more than 90% of the estimated amount. Schedule of activity and time framework for payment of money is given in annexure 4.5.6.

Analysis of Dimension 5.1.3: Equity objectives and Transaction of Public Land at Market Prices

In Bihar the public land is mainly transferred for equity considerations. BIADA, based on application, transfers the industrial plot (which can be considered as public land) for private use, and is transacted at market price, i.e the cost of land acquired, plus 10% administrative charges and land development cost, irrespective of investor's status.

The transfer is done in a transparent process irrespective of investor's status.

Analysis of Dimension 5.1.4: Capturing benefits arising from changes in permitted land use by people

In Bihar there is no system of sharing benefits arising from changes in permitted land use with the people. However, the people around derive benefits by way of labour employment due to increase in demand of labour by the industries. The value of the land in and around the industrial set up also increases. Demand for more houses as shelter for the employees and other workers has increased. Development in business activities particularly in non-farm sector and improvement of civil amenities like road, transport, electricity and water supply were also observed due to change in land use which benefitted the local people. There is lack of third party monitoring in this regard.

Analysis of Dimension 5.1.5: Policy to improve equity in asset access and use by the poor

There is no provision in the policy to improve equity in asset in Bihar, though they are being taken care of by other means. There is no such provision in policy to improve equity in asset access and use by the poor in industrial area. However, Project Clearance Committee (PCC) of BIADA takes care of the interest of marginalised community and small size plots are being allotted to them. For equity purpose, the government has different types of schemes viz. Provision of homestead land, slum policy, distribution of ceiling surplus land, distribution of *bhoodan* land, *Gaurmazarhua Aam* and *Gairmazarhua Khas* land to the economically weaker sections of society for equity purpose.

The State Government is planning to earmark 10% of the industrial plot to the weaker sections of the society.

Assessment of Indicator 5.2: Private investment strategy

Dimension				
5	2	1	Land to be made available to investors is identified transparently and publicly, in agreement with right holders available to investors, in agreement with land rights holders.	B A policy to identify land that can be made available to investors exists, based on ad hoc assessment of land potential but with community consultation and agreement, and is applied in more than 90% of identified cases.
5	2	2	Investments are selected based on economic, socio-cultural and environmental impacts in an open process	B Process is in place that considers only national benefits, but that is adhered to. No local benefit sharing in place
5	2	3	Public institutions transferring land to investors are clearly identified and regularly audited	B Institutions to make decisions are clearly identified and have the necessary capacity (incl. resources for field verification) and strong incentives in ensuring socially beneficial outcomes but processes may be complex and difficult for investors.
5	2	4	Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil).	A A policy is in place for effective inter-ministerial and coordination to ensure that decisions on land use and land rights are well coordinated across sectors, and is applied effectively.
5	2	5	Compliance with contractual obligations is regularly monitored and remedial action taken if needed.	C Monitoring of compliance is limited or only part of the results accessible to the public
5	2	6	Safeguards effectively reduce the risk of negative effects from large scale land-related investments..	B Substantive application of safeguards (EIA, SIA, etc.) is in line with global best practice but only part of the information is disclosed.
5	2	7	The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice.	C Resettlement policy exists, but is only in part of the cases applied.

Analysis of Dimension 5.2.1: Transparent Process of Identification and Transfer of Land to Investor

Land for Industrial Area / Estate has been identified transparently and publicly in agreement with right holders. At the time of acquisition of land, the state government issues public notice mentioning details of land through local newspaper. Objections are also invited from the land owners and affected people under Land Acquisition Act and there is clear and transparent system of hearing objections. As per new policy in the state, the government is working as facilitator between the land owners and investors.

The details of land and price quoted by willing owners are uploaded on website of the district after due verification which acts as resource pool for investors to choose. There is a new initiative by the government named as “Ayo Bihar” to promote new industries, where state government works as facilitator for industrialisation.

Analysis of Dimension 5.2.2: Criteria for Selecting Investment

In Bihar the system of selection of investments is based on economic, socio-cultural and environmental impact of the industry but it is but not conducted in open process. However, BIADA earmarks plots for various types of investments. The process considers mainly national benefits. No local benefit sharing system is available. This system requires further strengthening and regular monitoring.

The total plots available to BIADA in an industrial area are demarcated in various categories, which are as under:

Size upto 0.25 Acres

Size larger than 0.25 acres upto 0.50 acres

Size larger than 0.50 acres upto 1.00 acre

Size larger than 1.00 acres upto 2.00 acres

Size larger than 2.00 acres upto 5.00 acres

Size larger than 5.00 acres

The plots are demarcated so that at least,

1. 20% of the available land will be divided in plots measuring an area of 0.25 acre or less than that, and
2. 20% of the available land would be divided in plots having area of more than 2 acres.
3. Balance 60% of the available land may be divided in different sizes of plots as per demand / requirement of the entrepreneurs as may be decided by the Board of Directors from time to time.

But the plots are earmarked for various types of investments in an open process. At present the following activities are eligible for allotment of industrial plot:

1. Manufacturing / Processing (including data processing)
2. IT Park including ITES / Industrial Park
3. Common Logistical Facility
4. Industry related training centers, viz. ITI/ ITC / Skill development centers.

Analysis of Dimension 5.2.3: Institute for Transferring Land to Investor

In Bihar, BIADA is the main authority for transferring land to private investors. Other government departments do not transfer land to private investors. Industry Department acquires land through department of Revenue and land Reforms and then transfer to BIADA. Again, transfer of *khas mahal* lands are being done through District Collector. So BIADA, as the institution to make decisions regarding transfer of land, is clearly identified and has the necessary capacity (incl. resources for field verification). The institution has strong incentives to ensure socially beneficial outcomes. The processes of measurement of socially beneficial outcomes may be complex and difficult. There is an effective system of transferring land to investors by BIADA and it is clearly identified. In BIADA, audit is conducted on regular basis.

Analysis of Dimension 5.2.4: Sharing of Information related to Land Transfer

In Bihar there is a policy in place for effective inter-departmental coordination to ensure that decisions on land use and related issues are well coordinated across sectors. The State Investment Promotion Board has been constituted under the chairmanship of Development Commissioner to ensure such coordination.

Analysis of Dimension 5.2.5: Monitoring of Contractual Obligations

BIADA, as the nodal agency, monitors the clauses mentioned in the agreement and collect the rent, monitor the status of functioning of the industry. If the firm becomes sick and does not revive after repeated follow ups then BIADA cancels the contract and auctions the plot.

Though the system of compliance with the contractual obligations exists, no third party monitoring has been conducted as yet and only part of the results are accessible to the public. Remedial actions are not being taken in timely manner.

Analysis of Dimension 5.2.6: Safeguards related to large scale land-related investments

Safeguards, such as Environmental Impact Assessment and Social Impact Assessment, are in place related to large scale land related investment to rule out negative effects of the industry. Environmental Impact Assessment is mandatory for an industry after reaching certain stage of development. But it is to be noted that the implementation of social impact assessment is deficient.

Under new Land Acquisition Act, 2013, the State Government has set up social Impact Assessment Unit in which professional institutions have been made the team members. Safeguard to investors, in order to reduce the risk of negative effects from large scale land-related investments, is difficult to implement due to varieties of problems like court cases/public protest etc. However there is an incentive policy for the investors under industrial promotion schemes to attract investors in the state.

Analysis of Dimension 5.2.7: Scope for Resettlement

The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice but it is not implemented in pious manner. In other words, it can be said that the process of resettlement is lengthy and exhaustive. Undue delay in resettlement was also observed in this regard.

Assessment of Indicator 5.3: Policy implementation is effective consistent and transparent and involves local stakeholders

Dimension					
5	3	1	Investors provide sufficient information to allow rigorous evaluation of proposed investments.	B	Investors' business plans (application materials) require some evidence of technical viability, community consultation, and availability of resources but this is only sufficient to identify project risk ex ante.
5	3	2	Approval of investment plans follows a clear process with reasonable timelines.	B	All investment application related documents are reviewed according to a uniform process and receive a response within 6 months of date of submission
5	3	3	Right holders and investors negotiate freely and directly with full access to relevant information.	C	Those holding rights to land with potential for investment have incentives to properly negotiate but their rights are unclear or opportunities to obtain relevant information or assistance do not exist.
5	3	4	Contractual provisions regarding benefit sharing are publicly disclosed.	D	The majority of contractual arrangements do not include information on benefit sharing

Analysis of Dimension 5.3.1: Evaluation of Investment Proposal based on Information Provided by Investor

The Managing Director, BIADA, conducts pre-screening of the applications received for allotment of industrial land in accordance with the guidelines.

A preliminary scrutiny is made on the following criteria and weightage for each category: -

Pre-qualifying criteria

Net worth of investor – should be at least 20% of the proposed investment.

Ranking criteria

Investment size – 30%

Investment labour ratio – 30%

Thrust area – 10%

Experience of the investor – 10% & to be raised to 20% as per below

Use of eco-friendly technology – 10%

Date of application of the investor – 10%

The Board of Directors of BIADA decides on the weightage to be given for a particular range to each of the ranking criteria as defined above.

Uniformity on minimum cut off marks may be decided by Project Clearing Committee (PCC) and the same is communicated to the applications before preparation of a ranking list. If the number of eligible applications is more than number of available plots in that category, the PCC decides the allotments by draw of lots amongst maximum of five times of the

number of plots, in that category. The draw of lottery is being held by PCC, on a pre-announced date on which the applicants are requested to be present.

Analysis of Dimension 5.3.2: Process of Approval of Investment Plan

PCC scrutinizes applications by face-to-face interactions with the applicants on the criteria of experience of the investors, source of financing, viability of project, employment potential etc. PCC decides on allotment of land or rejection of application(s) on the basis of satisfaction reached during personal interaction at PCC meeting in presence of all the members. After the decision of land allotment, the applicant has to submit Affidavit. Allotment Letter in prescribed format is finally issued after this. On payment of cost, the entrepreneur is handed over possession of land and unit should have to start production in accordance with the conditions of land allotment and subsequently, lease deed shall be executed.

In case of non-allotment the security money is refundable by account payee Cheque. In this regard, the appellate authority for dispute resolution is Industrial Development Commissioner, Bihar, and Patna.

So there is a system of approving of investment plans. This follows a clear process with reasonable timelines. All investment application related documents are reviewed according to a uniform process and receive a response within 6 months of date of submission

Analysis of Dimension 5.3.3: Process of Negotiation between Right Holders and Investors

The non-availability of updated land records emerged as challenges for transfer of lands in Bihar. There was no system to negotiate freely and directly among the right holders and investors with full access to relevant information earlier. Sliding scale for deciding minimum compensation of land is given in annexure 4.5.7

In new policy government is acting as facilitator. The land owners and investors have started negotiation freely and directly but without much relevant information. Those holding rights to land with potential for investment have incentives to properly negotiate but their rights are unclear due to obsolete record of rights. As the right of under raiyats and share croppers are not recognised and surveyed properly, these act as obstacles.

Analysis of Dimension 5.3.4: Contractual provisions regarding benefit sharing

There is no system of disclosing the contractual provisions regarding benefit sharing. Contractual provisions are also not publicly displayed.

Assessment of Indicator 5.4: Contracts are made public, easily accessible and agreements are monitored and enforced

Dimension				
5	4	1	Information on spatial extent and duration of approved concessions is publicly available.	C Spatial information and temporal information is available to relevant government institutions but not accessible on a routine basis by private parties.
5	4	2	Compliance with safeguards on concessions is monitored and enforced effectively and consistently.	C There is little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are difficult to access for affected communities.
5	4	3	Avenues to deal with non-compliance exist and obtain timely and fair decisions.	D There is little third-party monitoring of investors' compliance with contractual provisions and mechanisms to quickly and effectively reach arbitration are virtually non-existent.

Analysis of Dimension 5.4.1: Availability of Information on spatial extent and duration of approved concessions

It is to be noted in this regard that, comprehensive and consolidated information on spatial extent and duration of concessions/leases is not readily available at one place. Different departments rely on different sources of information. The information on spatial extent and duration of approved concessions are not publicly available.

Analysis of Dimension 5.4.2: Monitoring of Compliance with safeguards on concession

There is little third-party monitoring of investors' compliance with safeguards and mechanisms for quickly and effectively ensure adherence. Under new Land Acquisition Act, 2013 the state government has set up a Social Impact Assessment unit which can monitor the investor compliance with safeguards and ensure its adherence.

Analysis of Dimension 5.4.3: Avenues to deal with non-compliance

There are avenues available to deal with non-compliance and obtain timely and fair decisions. However, it is not being implemented in an effective manner rather it is a difficult task for the authority / investors to implement it in time. Many cases for noncompliance are pending in courts. Currently 371 industries have been closed.

There is little third party monitoring till now. Under the new Land Acquisition Act, the state government has set up a Social Impact Assessment unit which can monitor the investor compliance with safeguards and ensure its adherence. Mechanism to quickly reach arbitration, are virtually non-existent. But an Authority has been provided under the new Land Acquisition Act.

4.5.3 CONCLUSION

In Bihar there is change in policy related to industrialisation to attract more and more industrial investment in the state by providing a number of benefits and exemptions. The land issue is always a crucial for large scale investment in Bihar as in the state the lands are arable, and land holdings of farmers are small. The State Government has to go for land acquisition for large scale investments. Land acquisition, now, being conducted under guidance of new Land Acquisition, Rehabilitation and Resettlement Act, 2013, which came into effect from 1st January, 2014. The change in the land acquisition policy assumes significance in the wake of wide protest by landowners over acquisition of land in different parts of the country in general and Bihar in particular. The land acquisition is mainly implemented through the District Land Acquisition Officer and District Magistrate. In Bihar, most of the lands acquired in last seven years are for public purposes only. BIADA plays a crucial role regarding transfer of land to investor. For transferring land to private investor and requisitioning body, BIADA follows a clear and identified process which is transparent and based on pre-fixed criteria. Each investor's application is evaluated through predetermined criteria and based on the information provided by the investors. This transfer is transacted at the market prices, which is paid by the investor through one or multiple instalments. BIADA also monitors the process of maintaining contractual obligation and non-performing and default firms are penalised or their plot is auctioned. The main concern over the current scenario is that there is no formal procedure to share with local people, the benefits arising from change in land use pattern as well as there is no provision in the policy to improve equity in asset. There is also no system of disclosing the contractual provisions regarding benefit sharing.

1. STRENGTH

1. Adopting services standard with time line, authority and appellate authority in BIADA for allotment of land. The time line in providing services is strictly adhered to. The mechanism is widely publicised which is transparent and clear for all concerned.
2. Clear and transparent process and procedure to transfer land for industrial development by BIADA has been developed and put in practice. The process and

procedures have been uploaded on the website of BIADA. The terms and conditions of transfers, availability of plots, market rates etc., in various industrial areas, are also available on website.

3. Creating pool of landowners willing to sell their lands for public purposes at their own desired rate in each district and uploading them after verifications by DM, on the website for the information of investors.

1. BEST PRACTICES

4. To ensure equity in the society by provision of homestead land, about 5.05 lakh (Dec, 13) house-sites have been allotted to Mahadalit families from the land taken from *Gairmazruha Aam, Gairmazruha Khas*, and land purchased from raiyat to enable them to construct houses. Most of these lands are public land. Here also to empower the women and give them land rights majority of beneficiaries are women.
5. The State has policy/ rules under which Common property resources cannot be settled or transferred unless there is a change in the nature / uses of land and a formal assent from the gram sabha. This policy has helped in protecting the common property resources.
6. Earlier any wrong entry in survey records was challengeable only in Civil Court. This used to be long drawn process. With the passing of Bihar Land Dispute Resolution Act, 2009, a revenue functionary, 'Deputy Collector Land Reforms' can adjudicate cases pertaining to record of rights. Similarly, section 9 of the Mutation Act empowers the additional collector of a district to cancel illegal *zamabandi*. Thus, the BLDR Act and Mutation Act together have helped the raiyat/under-raiyat in getting land record corrected in cost effective and time effective manner.
1. Public lands falling in municipal areas in district headquarters are extensively surveyed through a drive. Budgetary provision has been made to erect boundary walls to save these public lands from encroachment.

4.5.5 WEAKNESS

2. Cumbersome process of general land acquisition.
3. A large number of Investors are waiting for land allotment to start industry.
4. Difficulty in identifying the actual title holder obstructs the process of land acquisition and compensation.
5. 422 industries in industrial areas are reported to be closed. No action has been taken to rehabilitate them or seize their plot as mentioned in their letter of allotment.
6. Payment of compensation for land acquired under the Land Acquisition Act and National Highways Authority Act are delayed, leading to litigation and delay in completion of projects.

4.5.6 POLICY RECOMMENDATION

4.5.6.1 Short Term

1. Institutionalize a coordination mechanism among all departments to expedite approvals. Inter – institutional coordination system with all related departments, such as land records, land acquisition. Industries Deptt, BIADA, District Collector, Land Acquisition Committee and MVR committee may be constituted at district level to strengthen and avoid any problems and monitor the activity as a team.
2. Ensure stakeholder participation in the process of large scale transfers of public land.
3. Provide for third party monitoring to ensure compliance of contractual obligations by investor. Third party Evaluation of the benefits gained by the society due to land use change and compliance of the contractual obligations, by the large scale investors, should be planned and conducted.

4.5.6.2 Medium Term

1. Waste land / barren and uncultivable land / hill lock may be utilized for mining, quarrying and industrial uses. Only such land should be acquired for industrial purpose.
2. Develop a system of public interface between the investor and the administration to sort out problems coming in the way of allotment of plots for undertaking industrial activities. Problem resolving system need to be put in place in each district as well as at the state level.
3. Developing infrastructure in the industrial area / growth centre to enable the investor to start the project quickly.
4. Finalize and enforce a rehabilitation and resettlement policy to mitigate hardships.

4.5.6.3 Long term

1. Actual implementation of the rehabilitation policy for closed / sick industries in the industrial area.
2. Strategy should be developed for standardization of MVR based on objective criteria. The objection received with regard to fixation of MVR should be considered. Average minimum and maximum sale value of a particular *mauza* should be taken up to determine MVR, instead of taking the highest sale value of mauza.

4.6. PUBLIC PROVISION OF LAND INFORMATION – REGISTRY AND CADASTRE

4.6.1 INTRODUCTION

The land record is an important instrument to ensure right of the tenure holder. In Bihar the record of right first created through Cadastral Survey conducted more than 100 years ago. After that though revisional survey operation started in the decade of 1960s, it was not successful in creation of record of rights as it covers only a portion of the state, in a large number of districts it could not be started, even in some of the district it started but did not complete. The present chapter shall delineate public provision of land information and the status of registration in Bihar.

4.6.1.1 Records of Rights

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 Bihar during 1892-1922 in the whole state and finally the Cadastral *Khatiyani* was published then. The scale of map was 16” = 1 mile and in certain cases the scale was 32”= 1 mile also. The Cadastral *Khatiyani* finally provided the right of the records of a *raiyat* and establish right and possession of a person on the occupant land. There are 1,06,000 maps in Bihar (Cadastral Survey Map-62000, Revisional Survey map-44000), out of which 72,716 nos. of maps have been scanned and digitized. The detail of progress of digitisation has been given in following table:

Table 4.6.1: Details of digitization of cadastral survey maps as on 30th June, 2014

	Total	Available	Digitisation done
Cadastral Survey	62,000	61,731 (99.57)	61,006 (98.83)
Revisional Survey	44,000	39,895 (90.67)	11,710 (29.35)
Total	1,06,000	1,01,626 (95.87)	72,716 (71.55)

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

Figure in bracket indicate percentage.

About 4374 numbers of maps are either damaged or not available. Department is making arrangement to procure a copy of these maps from the concerned Circle Office/Sub-divisional office. Maps of five districts viz. Bhabua, Buxar, Bhojpur, Patna, Nalanda have put on website for public use.

71.55% of maps have already been digitized. Government is making effort to complete 100% digitization of maps by December, 2014 and placing them on website.

Cadastral maps and records presently account for all the parcels, areas and tenancy details. Up to date records of right is essential for *raiyats* as well as government for necessary policy decision and dispute resolution. Revisional survey was started in the state in 1956. The following table will amply clarify the progress of revisional survey operation in Bihar –

Table 4.6.2: Progress of revisional survey

Revisional survey completed (12 districts)	Revisional survey partly completed (14 districts)	Revisional survey not taken up (12 districts)

Purnea, Katihar, Kishanganj, Araria, Muzaffarpur, Vaishali, Sitamarhi, Sheohar, Bhojpur, Buxar, Kaimur, Rohtash	Saharsha, Supaul, Madhepura, Darbhanga, Madhubani, Samastipur, Bhagalpur, Banka, Gaya, Nawada, Jehanabad, Arwal, Aurangabad, Patna	Nalanda, Munger, Jamui, Lakhisarai, Sheikhpura, Khagaria, Begusarai, Chapra, Siwan, Gopalganj, East-Champaran, West Champaran
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Revisional survey in the above districts could not be completed due to shortage of adequate trained man power, lack of technology, lack of resources, and non updating of land records. Old records and old maps in these districts are the basis of ensuring right on land. This has become a major reason for disputes over land.

Modern surveys have also been started through aerial photography in 13 districts namely Nalanda, Saran, Bhagalpur, Munger, Sheikhpura, Begusarai, Lakhisarai, Khagaria, Siwan, Motihari, Purnea and Katihar. Aerial photography has been completed in 7696 villages. Data processing has been started for 2033 revenue villages. Khanapuri has been completed in 237 villages and the map has been published for one village.

The exact number of record of rights is not available in the states. However, the number of Khesra was 2,98,50,807 in 32 districts of Bihar (urban and rural). There is no bifurcation of the rural and urban RoR. The total number of Khesra for Arwal, Sheohar, Muzaffarpur, Nawada, Kaimur and Supaul are not readily available. The total number of villages in Bihar is 45,769 out of which computer data entry has been made for 32616 villages. Verification of computerized data has been done in case of 28,140 villages. Updating of data has been done in case of 3256 villages and Khesra panjis have been prepared for 3445 villages. The record of rights was prepared in a number of stages i.e.

3. Khanapuri Bujharat,
4. Attestation,
5. Draft Publication
6. Hearing of objections
7. Collection of record of rights on the basis of decision of hearing of objections,
8. Final publication of record of rights
9. Inviting application for correction of mistakes, if any, in the final published record of rights.

At each step, there is a need for active participation of people and government officials to make the record error free. The computerized data for these villages are accessible on the website. Due to absence of electronic linkage, the updated data becomes outdated again. Presently there is no system to ensure that updated data are not outdated again.

4.6.1.2 Recognition of Rights

Bihar Tenancy Act, 1885 provides the occupant of the land possession holder as an Occupancy Right on that land and he is declared a *raiyyat* of this land. The Bihar Privileged Person Homestead Tenancy Act, 1947, which came into force on 18th February 1948, provides right to homeless privileged persons occupying a piece of land for homestead. Privileged person means, a person who is not proprietor or tenure holder and who holds no other land other than homestead land occupied by him and which does not exceed one acre. But, it is applicable only in rural areas. Circle Officers of the Department of Revenue and Land Reforms are Collectors under this Act and they issue *Basgit Parcha* to privileged persons for homestead land. In Bihar, Government land such as *gaurmazarwa malik*, *gaurmazarwa aam* are also settled to the weaker section of the society such as Mahadalit, Backward class, etc. After settlement of such land, the beneficiary gets tenancy right on such land. But some restrictions were made for the transfer of the land.

Transfer of land from one person to another by sale deed acquires a title in the land. The right of the land is decided by sale deed, occupancy, inheritance, settlement, transfer and *khatiyani*. When a person does not possess any documentary evidence of his possession on a piece of land then his occupancy right is determined by the local revenue officer on the basis of findings of spot verification. As a matter of fact, peaceful possession on land, its validation by spot verification creates occupancy right on it. By means of Bihar Tenancy Act, 1885 under section 49(C), Chapter VIIA some restrictions over the tenants' right have been created, protecting their land in the case of scheduled tribes, scheduled castes and backward classes. There is some restriction on transfer of tenant's right. No transfer of right on tenure, holding, tenancy by private sale, gift, will, mortgage, lease or any contract or agreement shall be valid to any extent. But the Patna High Court in Bhager in Thakur Vs Kewal Singh reported in BLJR 1969 page 134, rules that the restrictions imposed by section 49 (c) is only applicable to the members of scheduled tribes.

4.6.1.3 Land Registration

Registration of land has been made mandatory since 1864. To facilitate the process of registration in the state of Bihar there are District Registration Offices in all the District Head Quarter and also sub-registry offices. There are 38 District Registration offices and 83 sub-registry offices in Bihar. Registration fee, Stamp duty, landlord fee, process fee and service charge are payable at the Registry/Sub-Registry Offices for the transfer of land. Registration fee for registry of the land has been prescribed by the Registration Act, 1908, the stamp duty has been determined by the Indian Stamp Act, 1899, landlord and process fee are levied under The Bihar Tenancy Act, 1885, and the service charge by the Registration Department. The Stamp Act has been amended several times, and the last on 15.02.2013. Registration of land, house, flat and other immovable property by Registry Officer requires registration fees and stamp fees which are determined by Registration Department. Landlord and process fee is determined by the Revenue Department. Three important Acts in this regard are Registration Act, 1908, the Indian Stamp Act, 1899 and Bihar Tenancy Act, 1885 with their subsequent amendments. Recently, Indian Stamp Act 1899 was amended on 15th February, 2013 and Bihar Stamp (Prevention of under Valuation of Instruments) Amendment Rules, 2013 on 26th March 2013.

4.6.1.4 Process of Determining Market Value of Land

Registration Department vide notification on March, 2013 made amendment in Indian Stamp Act, 1899 (Act II of 1899) providing process for fixation of estimated minimum market value of land and other immovable properties.

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 obtained from spot verification. People have been provided the privilege of lodging their objections 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 functions 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, scrutinizes & supervises 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.

4.6.1.5 Unilateral Registration

In Bihar, many flats / houses, constructed by the builders, were not registered for years together due to disputes amongst the builders and purchasers / death of builders / disappearance of builders or due to certain reasons. With a view to give relief to such harassed purchasers, the government through the Bihar Apartment Act, 2006, notified in 2006-07 that such aggrieved people can apply to Patna Municipal Authority giving a copy of the agreement and proof of making the entire payment for purchase. On receipt of such applications, the municipal authority has given permission, after verification, to the owner for unilateral registration of the flat / house with a copy to registry office, to make unilateral registry. This unique approach has helped many people in the state.

4.6.1.6 Registration at the door steps

The Registration Department in Patna started a unique practice of registration at door step, in 2006. A camp was organized by the registry office in various localities of Patna town after giving proper publicity and registration was done in the camp.

4.6.1.7 Service Standard

In Bihar, initiative has been taken to provide prompt service to people in a transparent way without harassment. Under the Right to Public Services Act, 2011 citizen charter of Registration Department has been prepared and it gets displayed in all Registry Offices. Here it is to be noted that non-compliance of the standards attracts fine and that should be deducted from the person responsible. Till now, in Bihar, two Registry Officers (Bhagalpur, Muzaffarpur) have been fined for non-compliance of the Act.

4.6.2 ASSESSMENT of DIMENSION

Assessment of Indicator 6.1: Mechanisms for recognition of rights

Dimension				
6	1	1	Land possession by the poor can be formalized in line with local norms in an efficient and transparent process.	C There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently.
6	1	2	Non-documentary evidence is effectively used to help establish rights.	C Non-documentary forms of evidence are used to obtain recognition of a claim to property along with other documents (e.g. tax receipts or informal purchase notes) when other forms of evidence are not available. They have less strength than the documents provided.
6	1	3	Long-term unchallenged possession is formally recognized.	C Legislation exists to formally recognize long-term, unchallenged possession but due to the way this legislation is implemented, formal recognition is granted to very few or no applicants for recognition on either public or private land.
6	1	4	First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.	C On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 5% of the property value.

Analysis of Dimension 6.1.1: Formalization of Land Possession by the Poor

There is a clear, practical process for the formal recognition of possession, but this process has not been implemented effectively. The process includes document and physical verification based on formal or informal evidences. It can be formalized through the Acts i.e. Bihar Tenancy Act and Bihar Privileged Person Homestead Tenancy Act. Land allotted to the poor people under Bihar Privileged Persons Homestead Tenancy Act, Ceiling Act and Bhoodan Yagya Samitties Act is non-transferable. Giving possession is difficult, even dispossession takes place. Though provision exists, but there are lots of gaps in implementation.

Analysis of Dimension 6.1.2: Non-Documentary Evidence to Establish Rights.

Non-documentary form of evidence is used for obtaining recognition of a claim to land or property along with other documents i.e. tax payment receipt, land rent payment receipt, *patta* allotted by the government in case if other form of evidences are not available. But non documentary proof does not have conclusive evidence. They have less strength than the documents and hence it takes lots of time in recognition of claim. Persons have to go through quasi-judicial / judicial process which is time consuming and costly. These evidences are regarded as collateral evidences

In legal parlance, the long term unchallenged possession is termed as adverse possession. In private land such adverse possession does not create or extinguish the title over the land but in public land adverse possession makes a difference as to decide the factum of the title. Circulars have been issued from time to time by the State Government to regularise, or not to regularise those long term unchallenged possession.

Analysis of Dimension 6.1.3: Formal Recognition of Long-term Unchallenged Possession

In Bihar legislation exists to formally recognize long-term, unchallenged possession. But due to the way this legislation is implemented, formal recognition is granted to very few or no applicants for recognition on either public or private land.

Continuous possession for 12 years gives the people the right on land subject to satisfactory documentary proof to establish 12 years or more possession. This is known as the principle of adverse possession and well recognized under the civil law. But for this purpose also people have to go through quasi judicial / judicial mechanism.

Analysis of Dimension 6.1.4: First-Time Recording of Rights on Demand

Record of rights is generally prepared through Survey. In this regard, it may be noted that, record of rights, whether first time or second time, is done only when people approach for registry / mortgage and, accordingly applicable registration fee and stamp duty are charged. Record of rights can be corrected and created by decree of Civil Court. Completion of record of rights requires mutation. On demand, recording of rights includes proper safeguard to prevent abuse in limited case i.e. under section 6 (1) of Bihar Agriculture Credit and Miscellaneous Act. In other cases, although there is a general lien of banks on the property, but that does not include safeguard to prevent abuse. On-demand recording of rights does not include proper safeguards to prevent abuse. Average cost does not exceed 5% of the property value.

Assessment of Indicator 6.2: Completeness of the land registry

Dimension					
6	2	1	Total cost of recording a property transfer is low.	D	The total cost for recording a property transfer is equal to or greater than 5% of the property value.
6	2	2	Information held in records is linked to maps that reflect current reality	A	More than 90% of records for privately held land recorded in the registry are readily identifiable in maps (spatial records).
6	2	3	All relevant private encumbrances are	C	Relevant private encumbrances are recorded but this is not done in a consistent and reliable

			recorded		manner.
6	2	4	All relevant public restrictions or charges are recorded.	C	Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner.
6	2	5	There is a timely response to requests for accessing registry records	B	Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.
6	2	6	The registry is searchable.	A	The records in the registry can be searched by both right holder name and parcel.
6	2	7	Land information records are easily accessed.	B	Copies or extracts of documents recording rights in property can only be obtained by intermediaries and those who can demonstrate an interest in the property upon payment of the necessary formal fee, if any.

Analysis of Dimension 6.2.1: Cost of Recording of Property Transfer

In Bihar the cost of recording property transfer is greater than 5% of the value of property. In urban areas – Registry fee, 2% + stamp duty 6% + 2% additional stamp duty for ULBs. In Rural areas – Registry fee – 2% + stamp duty 6%. Besides, Rs. 150-500/- is charged per deed as landlord and process fee and Rs.25/- per page is charged for scanning of documents. So the cost of property transfer is not low in Bihar.

The registration fee / stamp duty / other fees and charges applicable on various types of deed are given in the annexure 4.7.1

As per the Govt. of India directives, the stamp duty should not be more than 5% but Bihar is still charging 6 percent. The total cost for recording the property transfer is greater than 8% of the property value. There are certain exemptions towards stamp duty to revive weak industry and promote IT and Communication Industry and provide relief to poor people. There is waiver of registration fees and stamp duty for agriculture loan up to Rs. 5 lakhs under industrial policy incentive and communication and technology policy initiative and waiver of stamp duty and registration fees on the transfer of three decimal lands to Mahadalits of the state.

Analysis of Dimension 6.2.2: Linking of Land Records

In Bihar more than 90% of the records of privately held land recorded in the registry are readily identifiable in the maps. However, the information held in records has not been linked to maps in Bihar as yet. Registration offices have not been linked with Circle Offices. Registration offices should be also linked with Circle Offices so as the mutation of transferred land can be done by Circle Offices in a short period. Computerization of Registry offices has been made a very easy system to obtain sale deeds on the day of registration itself. Presently, mutation process is being conducted by circle offices, which takes minimum 15 to 30 days. When Circle offices are linked with registry offices, it will take one to two days in such process.

Information of privately held land is recorded in the registry are identifiable in the map. However, there is no system to mention the name of land holder in the map. Khesra (Plot) numbers are provided on the map, on basis of which the record in registry is identifiable on the map. To mention the name of current owner, in the land record, mutation is required.

After computerization of Anchal records, the transfer of land vide registry offices may become up-to-date & the records like *Jamabandi*, Rent Roll etc becomes visible in general. Computerization of Circle Office shall facilitate the linking of database of registration office and Circle office. This will enable the Circle Office to take data of transfer on daily basis and update the mutation records. So government should take immediate steps to streamline the computerization of Circle Offices and connect it with Registry Offices.

Analysis of Dimension 6.2.3: Status of Recording of Private Encumbrances

Certain classes of documents are not compulsorily registrable such as Partition deed approved by the court or revenue offices, inheritance, will, oral gift by Mohamedans. Hence they do not become the part of registration office data base. Thus the non encumbrance certificate does not reflect the above transfer. If people transfer/offer land as security and comes for registry, encumbrances are recorded. Otherwise encumbrances are not recorded. Some private encumbrances are recorded but this is not done in a consistent and reliable manner.

Analysis of Dimension 6.2.4: Recording of Public Restrictions or Charges

All Public restrictions are not recorded. About 60-70% of public restrictions are recorded. Although the state has been authorized to prohibit the registration of such documents which are against the public policy under Section 22 (A) of the Registration Act but the provision made under this section by Rajasthan, Karnataka and Madras has been struck down by the apex court in the state of Rajasthan Vs Basnath Mahto case reported in AIR 2005. The charges are recorded in deed. Relevant public restriction or charges was not recorded in Registry deed earlier. The government has started sending information regarding the land under acquisition/government land to registry office/DCLR Office. The same can be verified at Registry/DCLR office at very nominal cost by interested party. All the charges /fees are recorded in the deed itself.

Analysis of Dimension 6.2.5: Accessing Registry Records

Since 2006 all the registry offices had been computerized and the server was linked with main server of the Registry Department. All registry records of 2006 onwards can be seen on bhumijankari.com.

The registry records prior to 2006 can be accessed manually. However, the digitization of registry records from 1995 to 2005 is in an advanced stage and is likely to be completed soon. There is timely response to requests for accessing registry records as per service standard prescribed by government. Time limit for various services prescribed by the government is as under: -

Non – encumbrance certificate – 3-14 working days

Search and copy work - 7 working days

Search fee – Rs. 40/- for first year for every name and Rs. 20/- for subsequent year per year.

Rs. 20/- for Inspection of document per year.

Analysis of Dimension 6.2.6: Searching of Registry

Registry is searchable in Bihar. All the registry offices have been computerized and the server was linked with the main server of the registry department since 2006. All registry records of 2006 onwards can be seen on bhumijankari.com. The registry records prior to 2006 and 1995 onwards may also be seen on bhumijankari.com soon as the digitization of records from 1995 to 2005 is in its final stage of completion. The record of rights maintained and publically known as Book-1 categorically shows the details of land parcels and the land holder's name

Analysis of Dimension 6.2.7: Accessibility of Land Information Records

Copies or extracts of documents recording rights in property can only be obtained by concerned party and intermediaries and by those who are interested in the property upon payment of the necessary formal fee.

Assessment of Indicator 6.3: Reliability: registry information is updated and sufficient to make meaningful inferences on ownership

Dimension			
6	3	1	Information in public registries is B Links are in place for all types of public land

			synchronized to ensure integrity of rights and reduce transaction cost.		information registries but checks on the legitimacy of transactions that affects certain parties' land rights are only performed ex post.
6	3	2	Registry information is up-to-date and reflects ground reality.	B	Between 70% and 90% of the ownership information in registry/cadastre is up-to-date and reflects ground reality..

Analysis of Dimensions 6.3.1: Synchronisation of Information in Public Registries

After 100% computerization of registry office in 2006, the links are in place for all types of public land / private land registries done after 2006 onwards. Since 2006 onward registry information is up-to-date and reflects ground reality. From 1995 to 2005 registry information is likely to be up-to-dated soon. The records are being scanned and put up on the network. Before 1995 the registry information had to be searched manually. Mandatory checks are performed to ensure legitimacy of any transaction that affects certain party land right before they can be finalized. However, since land records are neither fully computerized nor updated in circle offices and not interlinked with the registry offices; it is difficult to ensure legitimacy. Thus legitimacy of transactions that affects certain parties' land rights is only performed ex-post. It has been observed that the fraudulent cases are minimal.

Analysis of Dimension 6.3.2: Updating Registry Information

It has been observed that the registry information is up to date and to some extent it reflects ground reality.

Indicator 6.4: Cost-effectiveness and sustainability: land administration services are provided in a cost-effective manner

Dimension					
6	4	1	The registry is financially sustainable through fee collection to finance its operations.	A	The total fees collected by the registry exceed the total registry operating costs. (Total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operating costs.)
6	4	2	Investment in land administration is sufficient to cope with demand for high quality services.	B	Investment in human and physical is sufficient to maintain high service standards but does not allow for proactively responding to future needs and new developments in the sector.

Analysis of Dimension 6.4.1: Financially Viability and Sustainability of Registry

In Bihar, the Registry Department charges 2 percent registry charge and 8/6 percent stamp duty to make the system financially sustainable. The total fee collected by registry from registration fee and stamp duty exceeds operating costs of registration (registry department expenditure). Collection of revenue was 39.27 times higher than the revenue spent on administrative expenditure in the year 2012-13. The details for revenue earned and expenditure of the Registration Department in Bihar during eight years have been given below in table.

Table 4.6.3: Revenue and Expenditure of Registration Department, Government of Bihar

SI. No.	Financial year	No. of deed registered	Revenue Receipt (in crore)			Annual expenditure of registration department (Rs. in crore)	Proportion of expenditure in respect of revenue
			Registration fee	Stamp fee	Total		
1	2004-05	989859	88.04	387.26	475.3	NA	-
2	2005-06	1004264	93.82	459.75	553.57	NA	-

Sl. No.	Financial year	No. of deed registered	Revenue Receipt (in crore)			Annual expenditure of registration department (Rs. in crore)	Proportion of expenditure in respect of revenue
			Registration fee	Stamp fee	Total		
3	2006-07	883491	114.17	410.63	524.8	NA	-
4	2007-08	909283	158.75	536	694.75	28.59	24.30
5	2008-09	889798	169.77	600.88	770.65	33.39	23.08
6	2009-10	1000847	241.12	906.83	1147.95	40.81	28.13
7	2010-11	992540	228.3	1018.14	1246.44	36.68	33.98
8	2011-12	1018655	308.13	1301.87	1610	45.69	35.24
9	2012-13	925695	-	-	1619.3	41.24	39.27

(Source: Department of Registration, Govt. of Bihar)

The table clearly indicates that the total fees collected by the registry exceeded the total registry operating costs. [Total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operating costs.]

The registry office also charges Rs. 25/- per page on documents of transfer and Rs. 20/- per page for scanning of other deeds. The department gets sufficient fund from this scanning operation and to maintain computerization and infrastructure in the department. Due to this unique self sustaining model the Registration Department of Bihar got Prime Minister's Award for excellence in public administration for the year 2007-08.

The table clearly indicates that the total fees collected by the registry exceed the total registry operating costs. [Total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operating costs.]

In all the District Registration offices, 'May I help you' Booths have been established which provides to the registrant people the necessary information regarding the enclosures required to be attached with a document and also amount of stamp duty as well as registration and other miscellaneous fees chargeable on different kinds of documents. One may also obtain the standard format of sale / mortgage / etc. and after the filling of the format with required data, attaching all enclosures and paying the stamp duty and registration fees even the seller may himself be able to get his sale deed registered without the help of scribe.

One may also obtain the standard format of sale / mortgage / etc. and after the filling of the format with required data, attaching all enclosures and paying the stamp duty and registration fees. Even the seller himself may be able to get his sale deed registered without the help of scribe.

Analysis of Dimension 6.4.2: Investment in Land Administration

Investment in human resources and physical infrastructure is sufficient to maintain high service standards but does not allow for proactively responding to future needs and new developments in the sector. The department has evolved a novel way of charging Rs. 25/- per page for the deed of transfers and Rs. 20/- per page for other deeds scanning and investing them in land administration to cope-up with demand for high quality service.

Assessment of Indicator: 6.5: Fees are determined transparently to cover the cost of service provision

Dimension		
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6	5	1	Fees have a clear rationale, their schedule is public, and all payments are accounted for.	A	A clear rationale and schedule of fees for different services is publicly accessible and receipts are issued for all transactions.
6	5	2	Informal payments are discouraged.	B	Mechanisms to detect and deal with illegal staff behavior exist in all registry offices but cases are not systematically or promptly dealt with.
6	5	3	Service standards are published and regularly monitored.	A	There are published service standards (including dealing with illegal staff behavior), the registry actively monitors its performance against these standards and results are public.

Analysis of Dimension 6.5.1: Rationale for the Fee

In Bihar, the registry fee has a clear rationale, their schedule is public and all payments are accounted for. The fee schedule has been made public by way of notification in the gazette. Even in determination of circle rates of different kinds of land & structures, people have been given facility to 10 days to make observation and complaint on the draft publication. All payments are accounted for and mentioned on front of deed. The stamp duty in the state is higher. Government of India has fixed maximum limited of 5% of stamp duty. In Bihar it is 6%.

The rationale behind determining fees and other charges is to make the registry office self sustained. Affordability, providing high class services and revenue generation are other components for rationality of present fee structure.

Exemption has been provided for the following priority area.

1. 100% waiver of stamp duty and registration fee for agriculture loan upto 5 lakhs, for easy access of affordable credit to farmers.
2. 100% exemption of registration fees and stamp duty under Bihar Industrial Incentive Policy 2001 and Information and Communication Technology Policy 2011, with a view to promote industrialization and IT Sector in the state.

The schedule of registry fee and stamp duty has been made public by notification in gazette and uploading them on website.

Analysis of Dimension 6.5.2: Informal Payments

Though there is mechanism to detect and deal with staff behaviour exists in all registry offices, but the cases are not systematically dealt with. Model deeds for generally resettable documents have been prepared by the department and it is available at all registry offices to avoid intermediaries. Mechanism to detect and deal with illegal staff behavior exists in all registry offices.

Fee schedule has been made public. Notices have been displayed in notice board to not to make any illegal payment. Contact details of competent authority made public to contact in case of need. Vigilance cases are being registered.

Analysis of Dimension 6.5.3: Service Standard

Service standard has been framed under Right to Public Service Act 2011. Designated public servant, appellate authority and reviewing authority have been identified for each service and publicly displayed on website. Maximum time limit for delivery of identified services varies from 1 to 15 working days depending upon the kind of services. The maximum time for appellate authority is 15 working days. Maximum time limit for reviewing authority is 21 working days. Regular monitoring is being done by the competent authority. Disposal rate is very high under the service standard. Within short span, two Registry Officers (Bhagalpur and Muzaffarpur) have been punished with Rs. 5000/- each for not fulfilling service standard

4.6.3 CONCLUSION

In Bihar the record of right is a matter of concern. A significant section of RoR is outdated, as after the Cadastral Survey, which concluded almost 100 years ago, there is gap in updating land record with survey and settlement operations. Though the Revisional Survey started in the decade of 1960s but it had been completed in only 12 districts, started but not completed in 14 districts and in 12 districts it was not initiated. Even where it was completed it took long time so the data became obsolete. Though the computerisation of land data has been initiated in the state but they are digitising the old data which has little relevance with the ground reality. However, the process and procedure of Land registration in Bihar is quite praiseworthy. There are 100 percent self sustaining models of computerization of registry under Registry Department and the department follows strict service standards. In Bihar the Bihar Tenancy Act, 1885 provides the occupant of the land possession holder as an Occupancy Right on that land and he is declared a *raiyyat* of this land and the Bihar Privileged Person Homestead Tenancy Act, 1947 provides right to homeless privileged persons occupying a piece of land for homestead. There is a clear, practical process for the formal recognition of possession in Bihar, but it gets criticized for gap in implementation. There are efforts to establish right to the persons having no formal documents. Though the non documentary proof does not have conclusive evidence and they have less strength than the documents and takes lot of time in recognition of claim yet non-documentary form of evidence is used to obtain recognition of a claim to land or property through quasi-judicial / judicial process. In Bihar, legislation exists to formally recognize long-term, unchallenged possession. But due to the way this legislation is implemented, formal recognition is granted to very few or no applicants for recognition on either public or private land. The cost of registry is higher in Bihar compared to other states. But government provides several exemptions towards weaker section and to promote industry in the state. Though the Registry Offices have been computerized, yet lack of infrastructure and absence of updated data in Circle Offices appear as constraint to linking up the data of local Registry Offices with Circle Office. However, the data related to registry can be accessed in the internet, even if providing hard copy of documents from Registry Offices, the service standard is followed. In Bihar, the registry fee has a clear rationale, their schedule is public and all payments are accounted for. The fee schedule has been made public by way of notification in the gazette. However, the stamp duty in the state is higher, as Government of India has fixed maximum limited of 5% of stamp duty, which is 5% in Bihar. The main concerns are non-linking of registration computerization with circle office to facilitate automatic mutation and difficulties in searching registration record prior to 2006 i.e. prior to computerization of registry.

4.6.4 STRENGTH

3. The state has 100 percent self sustaining model of computerization of registration. This initiative received Prime Minister's Award. Rs. 25 per page on the deed of transfer and Rs. 20 on all other deed for scanning of documents is being charged and invested to meet operational cost of computerization of registry office.
4. Prescription and strict implementation of service standards have been ensured in the state. Two Officers at Bhagalpur, Muzaffarpur have been penalised with Rs. 5000/- each for non fulfilment of the service standards requirement.
5. One time arrangement of camp for registry at the door step in different ward / area was organized by giving prior information.
6. Waiver of registration fees and stamp duty for agriculture loan up to Rs. 5 lakhs, under Industrial Policy Incentive, Communication and Technology Policy Incentive for promoting agriculture, industry and information technology.
7. Waiver of stamp duty and registration fees on the transfer of three decimal lands to Mahadalits of the state.

4.6.5 BEST PRACTICES

8. Model for 100% computerization of the registry office

100% of the offices of the Registration Department of the state have been computerised through a process of self sustaining model. The registration office is charging fee for scanning all documents/deeds. The department gets sufficient fund from this scanning operation to maintain computerization and infrastructure in the department. The Registration Department received Prime Minister's Award for this innovative model.

9. Unilateral Registration

In Bihar, many flats / houses, constructed by the builders, were not registered for years together due to disputes amongst the builders and purchasers / death of builders / disappearance of builders or due to certain other reasons. With a view to give relief to such harassed purchasers, the government through the Bihar Apartment Act, 2006, notified in 2006-07 that such aggrieved people can apply to Patna Municipal Authority for permission for unilateral registration by giving a copy of the agreement and proof of making the entire payment for purchase. On receipt of such applications, the municipal authority has given permission, after verification, to the owner for unilateral registration of the flat / house with a copy to registration office, to make unilateral registration. This unique approach has helped many aggrieved people in the state. Simultaneously state has received good revenue from stamp duty and registration fees. Municipalities were also benefitted by getting taxes from the flat owners.

10. Registration at the door steps

The registration department in Patna started a unique practice of registration at door step, in 2006. Camp was organized by the registration office in various localities in Patna town after giving proper publicity and registration was done in the camp. A lot of people were benefitted by this innovative approach of the department.

11. Implementation of service standard

The state government has prescribed the service standard for each of the activities of the Registration Department. Service standards are clear, effective and transparent. The Designated Public Servant provides the service notified to the person, eligible to obtain the service, within the stipulated time limit or reject the application. In case of rejection of application, they will record the reason in writing and intimate the applicant. Any person, whose application is neither rejected nor provided with the service within the stipulated time limit, may file an appeal to the Appellate Authority within thirty days from the date of rejection of application or the expiry of the stipulated time limit. The Designated Public Servant or the aggrieved Applicant, after the order of the Appellate Authority, may make a second appeal within 60 (sixty) days from the date of that order to the Reviewing Authority. If the Appellate Authority is of the opinion that the Designated Public Servant has failed to provide service within the time limit without sufficient and reasonable cause, he / she may be imposed a lump sum penalty, at the rate specified from time to time, as prescribed in the rules. Within a short span, two registration officers (Bhagalpur, Muzaffarpur) have already been punished @Rs. 5000/- each for not fulfilling the service standards. This has created a sense of accountability amongst the officials of Registration Department and people are getting services quickly from the department.

12. Alternate Payment Mechanism for various Fees

Special provision for depositing the amount of stamp duty, by special Challan, in designated branch of the Bank near the registration office has been introduced in the

state. Under Challan system people have been provided options either to pay full stamp duty through Challan or through printed stamp or partly through Challan and partly through printed stamp. The registration and miscellaneous fees is being paid by the parties through Challan only. This has provided registrant an additional mode of payment for stamp duty which can prevent them from being cheated from fake stamps. The Registration Department mentions the stamp duty and registration fees paid on the deeds.

4.6.6 WEAKNESSS

13. Charging stamp duty of 6 percent against the maximum prescribed limit of 5 percent by Government of India.
14. Non-linking of registration computerization with circle office to facilitate automatic mutation.
15. Difficulties in searching registration record prior to 2006 i.e. prior to computerization of registry.
16. Land value in MVR is being inflated every year due to adoption of average of 5 highest registry deeds. This makes many economic activities unviable.

4.6.7 POLICY RECOMMENDATION

4.6.7.1 Short Term

1. E-Linking of registration data on computer with the circle office, to be initiated to facilitate automatic mutations and updation of records on transfer of land.
2. Scanning of old records prior to 2006 and placing them on the computer network, to be completed expeditiously.

4.6.7.2 Medium Term

1. The State Government should reduce the stamp duty to make land registration affordable and bring it at par with other states. The stamp duty should not be more than 5 percent.
2. Cases of inheritance, partition, sale certificate, mortgage by deposit of title deeds, oral gift etc. should be brought within the ambit of compulsorily registrable document so as to reflect their impact in the encumbrance certificate issued by the registry office.
3. The Government should gradually do away with the use of stamp paper altogether and adopt the system of depositing stamp duty by Challan, in designated banks.

4.6.7.3 Long Term

4. In registration, the transfer of title is presumptive, not exclusive. Steps should be initiated to transfer the exclusive /absolute title on the lines of Karnataka state. Accordingly, Registration Act should be amended and strategy should be developed to verify title before registration, by an expert appointed/empanelled, for this purpose. Thereafter, Electronic data base on transfer of land would help in updating the land record even after sale/transfer.
1. Model Land Titling Bill framed by the DOLR / MORD may be considered for adoption with suitable modification.

4.7. LAND VALUATION AND TAXATION

4.7.1 INTRODUCTION

Land has emerged as a crucial element in all kinds of developmental activities. Proper valuation of land has significant impact upon socio-economic development of concerned economy. Proper valuation of land is important in the context of making a transfer, exchange, gift, sale and mortgage etc of the concerned piece of land. Rent of the land also gets fixed on the valuation of land.

4.7.1.1 Land Rent

Before the abolition of *zamindari*, land revenue was the chief source of income for the State. According to tenancy law, rent is the first charge on the land. Under section 3(5) of the Bihar Tenancy Act, 1885 rent means whatever is lawfully payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation on the land held by the tenant. The rent on land is chargeable from very ancient period in India and in Bihar as well.

4.7.1.2 Valuation and Taxation of Land

Minimum Market Value Registers (MVR) for various types of land / building / flats based on their location and use have been prepared and regularly revised and updated at district level by a committee headed by District Magistrate. There are gaps in awareness among rural people on the methodology of computing MVR. Valuation of land based on MVR is also applicable for land acquisition for calculating compensation. The multiple of rate mentioned in MVR is paid as compensation. There is no separate method for computing value of land for land acquisition purpose. Registration fees are also determined based on MVR.

The process of property valuation based on Annual Rental Value (ARV) located on different types of roads and different uses are very clear. The holding tax in urban area is 2.5 percent of the ARV.

The assessment of value of land/property for tax or compensation purposes reflects market prices, but differences between recorded values and market prices across different uses and types of users were also reported / observed.

Valuation roll is publically accessible at every registry office / municipality / website of municipality at Patna and Muzaffarpur / website of Registration Department. There is clear process of property valuation, but the practical implementation is deficient.

Valuation of land is determined for the purpose of registration of land. Transfer of land through registration started in second half of the 18th Century. At present registration fees and stamp fees are major sources of revenue of the state government. Keeping in view the importance of this department in Bihar, Registration department became a separate department in 1991. Before this date it was a part of the Department of Revenue and Land Reforms.

The registration of land is executed in accordance with the provision of the Indian Registration Act, 1908. Transaction of any part of land or immovable property or non-testamentary instruments, which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest, except the state government may by notification exempt, have been made compulsory under section 17 of the Indian Registration Act, 1908.

4.7.1.3 Property Tax by Municipal Bodies

In order to provide civic services to the citizens of the city, the Patna Municipal Corporation (PMC) came into existence on 15th August, 1952 but earlier it was called as Patna City Municipality, which was constituted by a resolution of Governor of Bengal in Council under “District Municipal Act, 1864. (Bengal Act, III of 1864) on 1st November, 1864.

The Bihar and Orissa Act, 1922, previously governed Patna. Later on it came under the PMC Act, 1951. New rules were framed in 1993, under the Patna Municipal Corporation Act 1951 wherein area linked systems of taxation were introduced. Again the Bihar Municipal Act, 2007, promulgated which governs all the municipal bodies.

In the Bihar and Orissa Municipal Act, 1922, the power to review the Municipal tax was vested with “Review Committee”, consisting of two Ward Commissioners and two tax payers of the municipality nominated or elected in the prescribed manner by the Commissioners at a meeting, and one Deputy Magistrate nominated by the District Magistrate on this behalf, provided that no Commissioner or tax payers shall be a member of the Committee appointed to hear applications of review from the Ward was elected and that three members shall form the quorum of the Review Committee meeting. But in the PMC Act, 1951, the power to review the tax was vested in the Chief Executive Officer. The same provision has been replicated in the Bihar Municipal Act, 2007 in which Power of Review has been vested in the Chief Executive Officer of the PMC.

The government has made amendment in the property tax provision and the new rules known as Bihar Municipal Property Tax (Assessment, Collection and Recovery rules 2013) has been promulgated by Governor on 8th May, 2013. So far as the collection of this tax is concerned, the collection of tax has improved gradually which can be observed from the following tables of one municipality i.e. Patna Municipal Corporation.

4.7.2 ASSESSMENT OF DIMENSION

Assessment of Indicator 7.1: Transparency of valuations: valuations for tax and compensation purposes are based on clear principles, applied uniformly, updated regularly, and publicly accessible

Dimension				
7	1	1	There is a clear process of property valuation.	B The assessment of land/property for tax or compensation purposes reflects market prices, but there are significant differences between recorded values and market prices across different uses and types of users; valuation rolls are updated regularly
7	1	2	Valuation rolls are publicly accessible	B There is a policy that valuation rolls be publicly accessible and this policy is effective for most of the properties that are considered for taxation.

Analysis of Dimension 7.1.1: Process of Property Valuation

The process of property valuation is done by the district level concerned committee. Minimum Market value registers for various types of land / building / flats based on their location and use have been prepared and regularly revised and updated at district level by the committee headed by District Magistrate.

The process of property valuation based on Annual Rental Value (ARV) located on different types of roads and different uses are very clear. The holding tax in urban area is 2.5 percent of the ARV. The assessment of value of land/property for tax or compensation purposes reflects market prices, but differences between recorded values and market prices across different uses and types of users were also reported / observed.

Valuation roll is publically accessible at every registry office / municipality / website of municipality at Patna and Muzaffarpur / website of Registration Department. Though there is clear process of property valuation, but the practical implementation is deficient.

4.7.2.2 Accessibility of Valuation Roll

There is policy for preparation of valuation rolls and are being displayed in the office of the District Registrar and Sub-Registrar for most of the property. Holding Tax for each fiscal year becomes due on 1st April of each Fiscal year.

Generally Municipality publishes, in local newspapers, the applicable rates and the method of computation of Holding Tax, which shall be payable in advance before 30th June of each fiscal year. Five percent rebate on total Property Tax is given to such holdings / property that adopts the technology and structure for rain water harvesting.

Assessment of Indicator 7.2: Collection efficiency: land and property taxes are collected and the yield from doing so exceeds collection cost

Dimension					
7	2	1	Exemptions from property taxes payment are justified and transparent.	A	There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner.
7	2	2	All property holders liable to pay property tax are listed on the tax roll.	C	Between 50% and 70% of property holder liable for land/property tax are listed on the tax roll.
7	2	3	Assessed property taxes are collected.	B	Between 70% and 80% of assessed land/property taxes are collected.
7	2	4	Receipts from property tax exceed the cost of collection	C	The amount of property taxes collected is between 1 and 3 times cost of staff in charge of collection.

Analysis of Dimension 7.2.1: Justification of Exemption

There are limited exemptions on the payment of land/property taxes and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner. The examples are, stamp duty and registration fee waiver for agriculture loans upto 5 lakhs, under Industrial Policy incentive and under Communication and IT policy.

All dwelling units located in the slums and having a plinth area of less than 250 square feet have been exempted from the payment of holding tax.

State and Central Government offices, other than the commercial establishments and undertakings are exempted from payment of holding tax, but are liable for payment of a service charge which will be 75 percent of the normal holding tax under which such offices / establishments are liable to pay under the rules.

Places, centres and institutions of spiritual/religious nature are fully exempted from payment of holding tax.

In rural areas, remission of land rent is done in cases of natural calamities where the crop damaged is more than stipulated as per crop cutting experiment and declaration of Anawari by Government.

Analysis of Dimension 7.2.2: Enlisting of Property Holder for Payment of Property Tax

The coverage ratio of assessment of property tax in Bihar has been poor which can be evident from the coverage ratio of one municipal corporation i.e. Patna Municipal Corporation as on 30th October, 2012.

PMC estimates of total number of holdings in Patna	-	5 lacs
Electric connection in Patna Municipal Area	-	4 lacs
Number of registered holdings in Patna Municipal Corporation	-	2.5 lacs
Coverage ratio	-	50.0%

More or less similar is the situation in other municipal bodies. Hence there is a need to bring unregistered holdings into tax fold to increase the revenue for providing better services.

Holding tax is only collected in urban areas. Around 90% of the holding tax payers mentioned in tax roll are regular in paying the holding tax.

Land rent is collected in rural and urban areas both. Around 90% of land holders or their parents are listed in the tax roll. Property tax collected by Patna Municipal Corporation during the various years is given below in table.

Table 4.7.1: Property tax collected by Patna Municipal Corporation during the various years

Year	Receipt from Property Tax
2004-05	13.87
2005-06	21.12
2006-07	15.38
2010-11	17.00
2011-12	28.00
2012-13	22.00

(Source: Patna Municipal Corporation)

Analysis of Dimension 7.2.3: Collection of Assessed Property Tax

It is found that 47.18% of the land rent, 80% of the holding tax and 100% stamp duty and registration fees are being collected. The collection made during the last five years for land rent in rural and urban area is given below in table.

Table 4.7.2: Land rent collected during various years.

Financial Year	Demand (in Rs. Crore)	Collection (in Rs. Crore)	Percentage of collection
2007-08	100	27.46	27.46
2008-09	100	45.37	45.37
2009-10	110	39.16	35.60
2010-11	112	19.62	17.49
2011-12	140	28.03	20.02
2012-13	185	87.29	47.18

The receipt of holding tax of Patna Municipal Corporation has been mentioned above. Revenue from Sale of Stamp Duty and Registration Fee for Registration Purpose for last six years in the state is given below in table.

Table 4.7.3: Number of deed registered and revenue receipt in various years.

Sl. No.	Financial year	No. of deed registered	Revenue Receipt (in crore)
1	2007-08	909283	694.75
2	2008-09	889798	770.65
3	2009-10	1000847	1147.95
4	2010-11	992540	1246.44
5	2011-12	1018655	1610.00
6	2012-13	925695	1619.30

Analysis of Dimension 7.2.4: Cost Effectiveness of Property Tax Collection

It is found that the amount of property taxes collected from all the sources is between 1 to 3 times the cost of staff in-charge of collection, if the land rent / holding tax and stamp duty are considered. Individually, the revenue from the land rent and holding tax are not sufficient to

meet the cost of tax collection. It is a fact that major portions of salary of municipal employees, as well as other establishment costs are being met from the revenue collected by the ULBs, out of which substantial portion comes from property tax.

The State Government, being the developmental agency, sometimes provides major services on nominal price. Hence meeting the cost of collection of taxes should be viewed distinctly, considering the development of the state.

4.7.3 CONCLUSION

Land valuation and taxation are very important in the context of making a transfer, exchange, gift, sale and mortgage etc. of land. For facilitating the valuation and taxation of land, minimum market value registers for various types of land, buildings and flats based on their location and use have been prepared by a committee headed by District Magistrate in each district and updated regularly. In addition, property valuation is also done on the basis of Annual Rental Value for assessing the holding tax of the property in urban area which also takes into consideration location and use for fixation purposes. Registration of land is governed by the Indian Registration Act, 1908. But the property tax in urban area is governed by Bihar Municipal Act, 2007 and the amendments made in 2013. It is pertinent to point out that the valuation rolls are publicly accessible. The rates of holding tax are published in the newspaper every year before 30th June of each financial year. Incentive for water harvesting is given in collection of tax. There is equity considerations in property taxes as slums having a plinth area of 250 sq ft or less have been exempted from payment of holding tax. So far as the enlisting of property holder for payment of property tax is concerned, the coverage ratio is 50 per cent for Patna Municipal Corporation and the situation is similar for other municipal bodies. With respect to land rent, it is collected in urban as well as rural areas. The rational for fixation of land rent is not clear and transparent. Stamp duty and registration fees are being collected in full. Stamp duty in Bihar is 6 per cent (2 per cent additional for ULBs in urban area) against the maximum stipulation of 5 per cent by Government of India. The amount of property taxes collected from all the sources is between 1 to 3 times the cost of staff in-charge of collection, if the land rent / holding tax and stamp duty are considered. Individually, the revenue from the land rent and holding tax are not sufficient to meet the cost of tax collection.

4.7.4 STRENGTH

2. Clear and transparent policy for calculation of annual rent for different types of building / vacant land situated on different types of road and for different types of uses.

1. Self – assessment of holding tax and paying it to the Municipality without waiting for a demand notice shall be the responsibility of the tax payer or owner of the holding. Every assessee / tax payer and owner of holding shall follow the scheme of self-declaration and self – assessment for the purpose of calculation and payment of holding tax. If any owner of the holding or assessee wilfully suppresses material information essential for assessment of holding tax or under assesses the holding tax, such persons shall be liable for payment of the difference between the amount actually payable and the self-assessed tax. In addition a fine of one hundred percent of such differential amount will also be charged.

2. **BEST PRACTICES**

3. The state government has exempted the payment of holding tax to the slum dwellers up to a particular size of dwelling units. All dwelling units located in the slums, and having a plinth area of less than 250 square feet, has been exempted from the payment of holding tax. This has benefitted the economically weaker sections of the society living in slums.
4. Holding Tax for each fiscal year will be due on 1st April of each Fiscal year. Each Municipality publishes, in local newspapers, the applicable rates and the method of computation of Holding Tax which is payable in advance before 30th June of each fiscal year. If the entire Holding Tax due for the year is paid on or before 30th June of each fiscal year, five percent rebate is given, as incentive to the tax payer. No penal rate of interest shall be levied if the entire tax due is paid by 30th September of the fiscal year. After 30th September of a fiscal year penal interest at the rate of 1.5 (one point five) percent per month shall be levied.
5. For promoting water harvest technology, the state government has decided to give rebate. 5 percent rebate on total Property Tax is given to such holdings / property that adopt the technology for rain water harvesting.

4.7.6 WEAKNESS

6. The coverage ratio of assessment of property tax in Bihar has been poor (about 50 per cent) which is evident from the coverage ratio of one municipal corporation i.e. Patna Municipal Corporation as on 30th October, 2012.

PMC estimates of total number of holdings in Patna	-	5 lacs
Electric connection in Patna Municipal Area	-	4 lacs
Number of registered holdings in Patna Municipal Corporation	-	2.5 lacs
Coverage ratio	-	50.0%

(Source: Data collected from Patna Municipal Corporation and PESU)

More or less similar is the situation in other municipal bodies. There is an urgent need to bring unregistered holdings into tax fold to increase the revenue and for providing better services.
7. There is paucity of trained and qualified man power for tax administration.
8. Even now, issue of holding tax / land tax collection receipt is done manually.
9. Stamp duty is still more than 5 percent (urban area = 6+2 percent, rural area = 6 percent)
10. Inadequate civic amenities like cleaning of the city, parking space, water supply, drainage system etc., are repellent factors, as seen by tax payers, for paying holding tax.
11. Holding tax has not been revised after 1993 in Bihar. Recently the holding tax was revised but withdrawn on public protest.
12. Grant of full exemption to religious institutions from holding tax is not justified as these institutions are using it various types of services.
13. Fixation of land rent has not been done based on objective criteria viz. classes of land, according to land capability criteria, type of land and productivity etc.

4.7.7 POLICY RECOMMENDATIONS

4.7.7.1 Short Term

1. Religious trusts, just like government offices, should at least pay 50 to 75 percent of the normal holding tax as service charges to provide better civic amenities.
2. In order to avoid complications, or disputes for assessment of annual rental value, a self assessment format should be made available to the public to file the details of holding for assessment of annual rental value and holding taxes. Regular checking and verification of the same should be taken up on priority basis so that its

genuineness can be established. Strict penal action should also be taken in case of any discrepancy, after verification.

3. No attempt has been made in the past to assess the cost of exemption of taxes to the government. Assessment of the cost of exemption of taxes to various institutions needs to be initiated.

4.7.7.2 Medium Term

1. A Municipal Services Guarantee Act, along the lines of the Right to Public Service Act, 2011, is put in place.
2. As the value of landed property in municipal areas has increased manifold, there is a need to enhance the holding tax for providing better civic amenities.
3. Economic land rent should be decided / fixed, based on land use classification, type of land and productivity of the land.
4. Tax Coverage ratio in Patna Municipal Corporation is 50 percent. More or less similar is the situation in other municipal bodies. There is a need to bring in unregistered holdings into tax fold to increase the revenue for providing better services. This work should be taken up in camp mode.
5. The imposition and collection machinery of taxes in the Municipalities should be made more efficient. As this work is technical in nature, a thorough knowledge of the system with all its technicalities must be made known to the officers and staff engaged in municipal tax administration. Comprehensive administrative capacity enhancement is the need in ULBs.
6. Proper administrative set up with well trained, qualified staff is necessary for efficient running of the tax administration department of ULBs.
7. Community expects better civic amenities from the municipal authority. It cannot be provided without monetary resources. Even the sincere and dedicated Municipal personnel cannot serve the society according to society's expectations without proper equipment and facilities. If the urban residents do not pay the taxes in time, they cannot expect proper civic facilities to be provided to them. The State Government used to give grant and loan to Municipality for infrastructure development or for employment generation schemes, but not for meeting the day-to-day expenses of the Municipality for providing different civic services. As such, proper rapport between the residents of town and Municipal authority is most essential. This will make the people realize that the money which is being collected from them, in the shape of various taxes and fees, are being utilized properly for their benefits. The role of municipal authority in this regard is very important.

4.7.7.3 Long Term

1. The urban local bodies in Bihar are not using modern technology for better tax collection in urban areas, such as facility for online payment; GIS for better tracking of properties, electronic inter linkages with registries to track acquisition of properties etc. These varieties of modern technology should be adopted by ULBs.

4.8. DISPUTE RESOLUTION AND CONFLICT MANAGEMENT

4.8.1 INTRODUCTION

Dispute / conflict are an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions. Conflict can be prevented on some occasions and managed on others, but resolved only if the term is taken to mean the satisfaction of apparent demands rather than the total eradication of underlying sentiments, memories, and interests. Only time really resolves conflicts, and even the wounds it heals leave their scars for future reference. But short of such ultimate healing, much can be done to reduce conflict and thereby release needed energies for more productive tasks” (Zartman, 1991: 299).

Disputes relating to record of rights, boundaries, entries in revenue records, unlawful occupation of *raiya* land, forcible dispossession of allottees and settlees of public land, unlawful / wrong registry and unlawful mutation etc. generate problems / dispute / litigations and cause unnecessary harassment to bona fide allottees / settlees / *raiya*s / occupants. Corruption, bribery, fraud, nepotism, favouritism and clientalism in land administration and land management is a widespread problem, and lead to a high number of land disputes. Interdependency of land conflict causes is given in annexure 4.8.1.

Disputes, unnecessarily, are occupying major space of Civil Courts and Hon’ble High Court. Cases remain pending in the Courts for long periods and many settled cases are again referred to another (Higher Court) for appeal / revision of decision. As perceived by the Bihar Land Tribunal, 70% of the criminal activities are due to land disputes. Land disputes are responsible for backwardness and economic plight of the people in substantial portion of rural population. Although the Revenue Authorities were better equipped to deal with such disputes due to their continued presence in the field offices and their expertise in Revenue Administration, were not a major part of dispute resolution machineries till recently.

4.8.1.1 The Indian Adjudicatory System and the system in Bihar

India has a well structured Constitutional and statutory framework for dispute resolution. All the decisions are subject to correction by higher courts through revision or appeal. The Judges / Presiding Officers have sufficient competence to decide issues. There is a Constitutional right under Article 300-A that “No person shall be deprived of his property save by authority of Law”. Property includes land also.

4.8.1.2 Dispute resolution mechanisms in Bihar

The procedures prevailing for dispute resolution in respect to land may be classified as judicial procedure, quasi-judicial procedure and alternative dispute resolution such as Conciliation and Arbitration. Under conciliation, Lok Adalats have been set up under Legal Services Authority Act 1987. Under Arbitration and Conciliation Act 1996, disputes are resolved through settlement / agreement.

The different forums under different land laws have been provided for adjudication of disputes. Disputes related to land pending before different forums in the State of Bihar are

huge in number and the present machinery including Civil Courts / High Court is overburdened because of pendency of huge number of disputes relating to land. State was facing with complexities arising out of the multiplicity of adjudicating machinery and delay in the settlement of disputes. There is a large number of Act and Rules enacted to ensure right and disposal of disputes especially related to land in the context of Bihar. A detail of these acts and process and procedure of dispute resolution mechanism are given in the annexure 4.8.2

4.8.1.3 Land Related Case in the Revenue Court

The BLDR Act, 2009 is omnibus and cost effective. It has overriding effect over the procedure laid down in 6 Acts viz., The Bihar Land Reforms Act, 1950, The Bihar Tenancy Act, 1885, The Bihar Privileged Persons Homestead Tenancy Act, 1947, The Bihar Bhoodan Yagna Act, 1954, The Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) Act, 1961 and the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

Under this Act, 29649 cases, excluding mutation, were filled till 31st March, 2013. Out of these cases 20296 cases, i.e., 68.45% have been disposed off. The details of cases under various revenues court for different type of disputes is given in annexure 4.8.4.

4.8.1.4 Land Related Case in Bihar Land Tribunal

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 raiyats of state.

The Tribunal has the power to entertain any application against the final order passed by the Appropriate Authorities under the various land Act / Manuals within 90.

In addition, the Tribunal shall decide any case transferred / referred to it by the Government of Bihar or by the Hon’ble High Court of Judicature at Patna with regard to any other revenue or land reforms law / manual for the time being in force.

The Bihar Land Tribunal was constituted in January 2013. The Tribunal presently has one Chairman and one member. Till June, 2014 1480 cases / appeal have been filed, out of which 488 have been resolved. In a short span, the pace of disposal of cases with limited staff is remarkable. There is need to strengthen the tribunal by filling up the post (s) of the members lying vacant and providing adequate regular staff along with infrastructure.

4.8.2 ASSESSMENT OF DIMENSIONS

Assessment of Indicator 8.1: Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against

Dimension					
8	1	1	There is clear assignment of responsibility for conflict resolution.	A	There are no parallel avenues for conflict resolution or, if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimize the scope for forum shopping.
8	1	2	Conflict resolution mechanisms are accessible to the public.	A	Institutions for providing a first instance of conflict resolution are accessible at the local level in the majority of communities.
8	1	3	Mutually accepted agreements reached through informal dispute resolution systems are encouraged	A	There is a local, informal dispute resolution system that resolves a significant number of conflicts in an effective and equitable manner and which is recognized in the formal judicial or administrative dispute resolution system.
8	1	4	There is an accessible, affordable	C	A process exists to appeal rulings on land cases at

		and timely process for appealing disputed rulings.		high cost and the process takes a long time/ the costs are low but the process takes a long time.
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Analysis of Dimension 8.1.1: Assignment of Responsibility for Conflict Resolution

In Bihar, responsibilities regarding conflict resolution are clearly assigned unambiguously. The Bihar Land Dispute Resolution Act, 2009 provides clear assignment of responsibility for dispute resolution. Under BLDR Act, 2009, the authority is looking after the cases relating to section 13 of the Act. Disputes under 6 Acts provided in schedule –I in the Act can only be looked into. However, there is provision that government can add or remove any law/manual from the list. Under BLDR Act, 2009, title is not being decided. The cases relating to titles and other complicated cases are left to be decided by civil courts of competent jurisdictions. In the year 2012-13, a total 29649 cases were filed under BLDR Act, 2009 till 31st March, 2013. Out of this 20296 i.e. 68.45% of the cases have been disposed of till 31st March, 2013

Analysis of Dimension 8.1.2: Accessibility of Conflict management

It is accessible to the public but due to unawareness of the various land related laws promulgated in the state and the high costs in court cases, public in general are reluctant to avail them.

Analysis of Dimension 8.1.3: Informal Dispute Resolution Mechanism

Various types of Lok Adalat viz. Lok Adalat, Special Lok Adalat, Mega Lok Adalat, Pension Lok Adalat, Labour Lok Adalat, Awareness Programme, are being organized in the state. Under Section 19 read with section 21 of the Legal Services Authority Act, 1987, the disputes resolved through Lok Adalats are recognized in the formal judicial dispute resolution system. It is so because every award given by the Lok Adalat shall be deemed to be a decree of a civil court. During last few years, the Lok Adalat has proved to be a most effective alternative dispute resolution forum in the state of Bihar.

Its success can be seen in the recently held National Lok Adalats on 23rd November 2013 in the state of Bihar whereby over 1.5 Lakh cases including 9,120 in the state capital were settled (as per report of the Bihar State Legal Service Authority). Apart from that the following data would evidently manifest the important role of Lok Adalat in this state.

Table 4.8.1: Disposal of cases by various type of Lok Adalat in Bihar.

Year	Lok Adalat (I)	Special Lok Adalat (II)	Mega Lok Adalat (III)	Pension Lok Adalat (IV)	Labour Lok Adalat (V)	Awareness Programme (VI)	MANRE GA (VII)	Persons Benefited by Legal Aid Awareness (VIII)	Legal Aid Provided (IX)
1998 to 2008	4,53,077	-	-	-	-	4963		64,798	-
2009	45,964	-	-	-	-	495		54,929	-
2010-	11,365	34,707	1,02,335	163	7,330	381		22,135	142
2011	10,136	16,379	49,435	34	-	794		51,083	261
2012	6,911	49,425	18,309	15	1237	828		68,533	337
2013 (Till Dec.)	6,962	5,0963	32,733	18	-	819	8256	66,470	207
Total	5,34,415	1,51,474	2,02,812	230	8,567	8,280	8256	2,63,150	947
National Lok Adalat (X)	2,23,306	Grand Total- (I (534415) + (II (151474) + (III (202812) + (IV (230) + (V (8567) + (VII (8256) + (X (223306) = 11,29,060							

(Source: Bihar State Legal Services Authority)

It appears from the above that 1129060 persons have been benefited by various types of Lok Adalat. The National Lok Adalat held on 23.11.2013, in which 628 cases relating to land have also been disposed off. This implies that Lok Adalat has also started settling the land related disputes. The details of Disposal & Legal Awareness Programme by Mobile Lok Adalat are given below in table.

Table 4.8.2: Details of Disposal & Legal Awareness Programme by Mobile Lok Adalat

Year	Number of Cases Disposed	No. of Legal Awareness Conducted by Mobile Lok Adalat	No. of Persons benefited during Mobile Lok Adalat work
Year,2005	38	01	1,003
Year 2006	75,780	82	3,312
Year 2007	83,669	93	4302
Year 2008	82,331	107	5,301
Year 2009	48,628	95	4,312
Year 2010	37,432	108	12,153
Year 2011	28,043	117	5,698
Year 2012	32,927	115	8,131
Year 2013 (Till Dec,13)	18332	73	6014
Grand Total	4,07,180	792	50,226

(Source: Bihar State Legal Service Authority)

The table above shows that 4,07,180 persons have been benefited by the Mobile Lok Adalat as yet. Legal aid has been provided to 50,226 beneficiaries. There is a need to encourage the people to settle the land dispute in Lok Adalat which is cost effective and time effective.

There is a need to encourage the people to settle the land dispute in Lok Adalat which is cost effective and time effective.

The Government of Bihar exercising its power under section 146 of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006) has framed its rules called the “Bihar Gram Kachahari Conduct Rules 2007”. It is to be mentioned here that under sections 106, 107, 108, 109 and 110 of the Bihar Panchayat Raj Act a Sarpanch of the Gram Panchayat has been provided with the jurisdiction to dispose of suits of which valuation does not exceed Rs. 10,000/-. In order to assist the Sarpanch, “Nyay Mitra” with a law degree has been provided to each Gram Kachahari.

Gram Katchahary is of the view that where in a suit for partition, complicated question of law or title is involved; Gram Katchahri shall transfer such suit to the court of competent jurisdiction. It should be noted that the system of Gram Kachahari is included in the 73rd Amendment but not in operation. However, effective steps are underway for effective functioning of Gram Kachahary by the State Government.

In the state land disputes are also resolved by Panchayat (Panch constitutes of reputed village elders and Sarpanch mutually agreed by both the parties). 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.

Resolution of disputes through Panchayat is not encouraged by the authorities who decide land disputes as they are not trained to settle disputes through arbitration / conciliation/ mediation. They are required to be trained to encourage informal channel. Recently enacted BLDR Act, 2009 also does not mention settlement of disputes through informal channels. However, the same are being practiced in the villages. One of the arguments given against the informal channels is not hearing all the interested parties. Second argument is government interests are also not kept in view while deciding the disputes through informal channels.

Analysis of Dimension 8.1.4: Process of Appealing

There is an accessible, affordable and timely process for appealing disputed ruling under BLDR Act, 2009. Under this new enactment an attempt has been made to reduce the time and

the cost and make legal remedies affordable to the poor people of the state for securing the ends of justice. Though Divisional Commissioner has been made the appellate authority, time limit for the disposal of appeal has not been provided in the BLDR Act, 2009.

Assessment of Indicator 8.2: The share of land affected by pending conflicts is low and decreasing

Dimension				
8	2	1	Land disputes constitute a small proportion of cases in the formal legal system.	B Land disputes in the formal court system are between 10% and 30% of the total court cases.
8	2	2	Conflicts in the formal system are resolved in a timely manner.	B A decision in a land-related conflict is reached in the first instance court within 1 year for 90% of cases.
8	2	3	There are few long-standing (> 5 years) land conflicts..	D The share of long-standing land conflicts is greater than 20% of the total pending land dispute court cases.

Analysis of Dimension 8.2.1: Magnitude of Land Dispute Cases in total cases

The number and description of the civil cases instituted in various district and subordinate courts in Bihar are given below in table.

Table 4.8.3.: Number and description of civil suits instituted in various year in the state.

Year	Total civil cases	Classification of civil cases						Total land related cases (5+6+7+8)	Percentage of land related cases
		Suit for money or movable property	Other suits not falling under any of the preceding heads	Suit under the rent land	Suit for immovable property	Suit for specific relief	Mortgage suit		
1	2	3	4	5	6	7	8	9	10
2005	21848	813	3216	289	15181	1426	923	17819	81.56
2006	21989	694	3050	249	15622	1900	474	18245	82.97
2007	24862	692	6956	263	15344	1113	494	17214	69.24
2008	24653	681	6380	276	15432	1315	569	17592	71.36
2009	27646	626	7838	252	17072	1270	588	19182	69.38
2010	29911	592	8503	264	18540	1481	531	20816	69.59
2011	18097	1212	13052	406	1773	1263	391	3833	21.18

(Source: Bihar Statistical Hand Book 2012 – Information received from the Registrar, Patna High Court).

The percentage of land related case with respect to civil cases varied from 70-82 percent till 2010. In 2011 the percentage of land related case was only 21.18 percent. It could be clearly seen from the above table that the institution of land related cases has reduced after the Bihar Land Dispute Resolution Act, 2009. The cases instituted in the district / subordinate court in Patna district during various years is given below in table.

Table 4.8.4: Cases instituted in Patna District / Subordinate Courts

	2007	2008	2009	2010	2012	2013
1. Suit for money or movable property	152	147	142	138		
2. Other suits	252	240	242	212		
3. Suit under the rent land	149	132	129	121		
4. Title and other suit for immovable property	1627	1432	1383	1228		
5. Title and other suit for	72	68	67	64		

specific relief						
6. Mortgage suit	42	40	38	36		
Total	2294	2059	2001	1799	2012	2015
Out of which land related cases (3+4+5+6)	1890	1672	1617	1449	830	823
% of land related case	82.39	81.20	80.81	80.54	41.25	40.84

(Source: Bihar Statistical Hand Book, 2012)

The land related cases in Patna district also varied from 80-82 percent till 2010. After that the share came down to approximately to 40 percent, probably, due to Bihar Land Dispute Resolution Act, 2009. As on 31st December, 2013 there are 27494 civil cases pending in the district court of Patna out of which 10647 relate to land dispute. Percentage wise land related cases constitute 38.72 percent of the civil cases in Patna district.

The number of civil cases decided during the various years in the subordinate courts of Bihar is given below in table.

Table 4.8.5: Number of cases decided in the Sub-ordinate courts of Bihar

Year	Civil	
	Original	Appellate
1	2	3
2005	26305	3482
2006	32875	3017
2007	30131	3478
2008	31386	5370
2009	32817	5651
2010	38405	6847
2011	37030	7479

(Source: Bihar Statistical Hand Book 2012)

The cases decided in the district / subordinate court of Patna district during various years are given below in table.

Table 4.8.6: Civil cases decided in District / Subordinate Court Patna

Civil		
	Original	Appellate
2007	2171	198
2008	1794	183
2009	2001	186
2010	1799	244
2011	NA	NA

(Source: Bihar Statistical Hand Book 2012)

The bifurcated data for disposal of land related cases were not available.

Substantial numbers of disputes are pending for more than 5 years. They are especially related to

- i) Revisional Record Survey
- ii) Consolidation matter and
- iii) Mutation matter

50% of the civil cases in the legal system are for land disputes. Approximately 70% of the criminal cases also emanate from land disputes.

About 90% cases go upto High Court and about 20% cases goes upto Supreme Court. The courts are made to adjourn / postpone decision/proceedings by the reason of providing false information / argument about other court proceedings by the habitual offenders /

litigants and / or at their instance by their advocate. Hence Dispute resolution mechanism is time taking and costly process. Many families are ruined during these processes as they sell all property and even resort to heavy indebtedness in meeting the cost of getting justice.

Appeals are not processed timely. After issuance of notice (s) to the parties concerned the delay in its service or not properly issued notices leads to delay in disposal. Time taken in disposing appeal is too long. Cost for appeal is also not affordable to poor.

The percentage of land related cases out of total number of cases varied from 70 to 82 percent till 2010. In 2011 the percentage of land related case was only 21.18 percent. The institution of land related cases has reduced in 2011, mostly due to the implementation of Bihar Land Dispute Resolution Act, 2009.

The land related cases in Patna district also varied from 80-82 percent till 2010. After that the share came down to approximately to 40 percent, probably, due to introduction of Bihar Land Dispute Resolution Act, 2009. As on 31st December, 2013 there are 27494 civil cases pending in the district court of Patna, out of which 10647 relate to land dispute. Percentage wise land related cases constitute 38.72 percent of the civil cases in Patna district. Apart from the civil cases, 70 percent of the criminal cases also emanate from land dispute.

Analysis of Dimension 8.2.2: Timeliness of Resolving Conflict

Time frame is clearly mentioned in BLDR Act, 2009 for disposal in the first instance court of the DCLR, who is the competent authority under the Act. Disputes under BLDR Act, 2009, for more than 90% of the cases, are resolved within 1 year. Quasi judicial authorities assigned with several other administrative jobs/ functions are unable to decide dispute in a timely manner.

In the formal system (Civil Court) land related disputes are resolved within two years or more in about 90% of cases.

Analysis of Dimension 8.2.3: Long Standing Conflicts

Normally Title Suits/ Revisions/ Appeal cases take more than 5 years for its final disposal before the court of law. Nevertheless, all out efforts are made, so far as Revenue Courts are concerned, to dispose of cases as expeditiously as possible.

4.8.3 CONCLUSIONS

In Bihar, responsibilities regarding conflict resolution are clearly assigned unambiguously. The Bihar Land Dispute Resolution Act, 2009 provides clear assignment of responsibility for dispute resolution. Though the conflict resolution mechanism is accessible to the public but due to unawareness of the various land related laws promulgated in the state and the high costs in court cases, public in general are reluctant to avail them. However, there is a surge for resolving disputes through alternative dispute resolution mechanism. It is also being encouraged among people to settle the land disputes in Lok Adalat which is cost effective and time effective. The strengthening of village level court is also a positive step. The land disputes in Bihar constitute around 70-80% of total cases. However, there is significant drop after 2010 in this regard. The introduction of Bihar Land Dispute Resolution Act may be the reason for this. The pace of the adjudication system need to be augmented as a large number of cases is long pending cases in Bihar.

4.8.4 STRENGTH

1. The Bihar Land Dispute Resolution Act, 2009 / Rules 2010 are omnibus, cost effective and time effective to take care of land disputes arising out of dispossession or threatened dispossession of public land allottees / private land disputes. Under Bihar Land Dispute Resolution Act, 2009, the disposal of cases has improved significantly. Even the cost in getting justice is less (compared to situation before) under this process, because of speedy disposal of cases

1. Establishment of Bihar Land Tribunal under Bihar Land Tribunal Act 2009 and rules 2010 has significant impact on disposal of land related disputes.
2. Alternative dispute resolution mechanism such as Lok Adalat has gained momentum during the last five years in Bihar for resolving various types of disputes.
3. *Sarpanch* of the *Gram Panchayat* has been provided with the legal powers to dispose of suits where valuation does not exceed Rs. 10,000/-. In order to assist the *Sarpanch*, “*Nyay Mitra*” with a law degree has been provided to each Gram Kachahari. In cases where suit for partition involving complicated questions of law or title, Gram Kachahari shall transfer such suit to the court of competent jurisdiction.

1. BEST PRACTICES

4. Bihar Land Tribunal:

Creation of a Land 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 by Government of Bihar is a welcome step in larger public interest and in the interest of the people of the State with a view to provide a common and uniform forum for adjudication of disputes related to land. The Bihar Land Tribunal is an appellate authority which addresses the land related issues of raiyats/under raiyats/parcha holders etc. of the state. The Tribunal has the power to entertain any application against the final order passed by the Appropriate Authorities under the various land Acts / Manuals within 90 days. In addition, the Tribunal shall decide any case transferred / referred to it by the Government of Bihar or by the Hon’ble High Court.

The Bihar Land Tribunal was constituted in January 2013. The Tribunal presently is having one Chairman and two members. A retired Judge of Patna High Court is the Chairman of the Bihar Land Tribunal. While meeting the constitutional obligations, the Land Tribunal has substantially reduced the work load of Patna High Court with respect to land related disputes. Till June, 2014, 488 cases were disposed off out of the 1480 cases / appeal filed. Out of these disposed cases, 315 cases have been disposed off by the Chairman of the Tribunal itself. In short span, the pace of disposal of cases with limited staff is remarkable and praiseworthy. After the constitution of Land Tribunal, the number of revenue cases filed before the High Court has come down. This system of setting up of land tribunal deserves to be replicated.

1. **The Bihar Land Dispute Resolution (BLDR) Act, 2009**

Bihar Land Dispute Resolution Act, 2009 is unique in nature which provides a uniform and common forum, procedure and mechanism to achieve the objective of effective, efficacious and speedy resolution of land related disputes. The BLDR Act, 2009 is omnibus, cost effective and time effective. It has overriding effect over the procedure laid down in 6 Acts viz. Bihar Land Reforms Act, 1950, The Bihar Tenancy Act, 1885, The Bihar Privileged Persons Homestead Tenancy Act, 1947, The Bihar Bhoodan Yagna Act, 1954, The Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) Act, 1961 and the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.

A revenue functionary, Deputy Collector Land Reforms, at the level of sub-division, is the competent authority to entertain and adjudicate cases under BLDR Act. He has been vested with all the powers of Civil Court, including execution. He is required to dispose of the cases within a period of 90 days. He decides disputes relating to different revenue acts. His jurisdiction includes: making entry in RoR / maps / boundary disputes, family partition, determination of rights, restoration of disposed public land assignees and preventive dispossession. However, this Act bars the competent authority to decide disputes relating to

complicated questions of title. The state becomes a necessary party in all cases in which one of the parties in dispute is a public land allottee. Under this Act, the Appellate Authority is the Divisional Commissioner.

Under this Act 29649 cases were filled till 31st March, 2013. Out of these cases 20296 cases i.e. 68.45% have been disposed off. The system is proving beneficial to the people of the state especially poor and economic weaker section of the society in getting justice in a cost effective way. Adoption of similar act by other states will be beneficial for better land governance.

2. Providing of services of legal experts to Gram Kachahari (Village Court):

To ensure quick, transparent and effective justice by the Gram Kachahari, the State Government has provided services of Nyaya Mitra (Law Graduates) to every Gram Kachahari. This has facilitated the Sarpanch in getting legal advice deciding the cases expeditiously as well as judiciously.

4.8.6 WEAKNESS

1. The jurisdiction of Deputy Collector Land Reforms (DCLR) under BLDR Act 2009 is limited to determination of rights only, not title. In complicated cases, involving question of title, party concerned is advised to move Civil Court.
2. The Collector, under the BLDR Act, has been vested with the powers of supervision of the work of Deputy Collector Land Reforms (DCLR). The same is not done on regular basis.
3. There is no time limit for disposal of appeal by the Divisional Commissioner under BLDR Act 2009.
4. Most of the Deputy Collectors, Land Reforms (DCLR) are not conversant with revenue laws / personal laws and thus face difficulties in adjudication of disputes.
5. Non-updating of *Khatiyani* and land records is creating hindrance in deciding the title of land.
6. Court cases are costly and time consuming for aggrieved parties.
7. A number of cases under section 45B of the Ceiling Act in particular and under another section of the said act in general, are pending since long time in Bihar. Due to this delay of disposal of cases, the determination of surplus land becomes very complex.
8. The process of disposal of cases involving sharecroppers for dispute resolution machinery is very slow. As on 31st March, 2013, 15.39 percent cases relating to sharecroppers were only disposed off, leaving the pending cases to 84.61 percent.
9. Large number of pending cases for dispossession has been observed in the state.

4.8.7 POLICY RECOMMENDATION

4.8.7.1 Short Term

1. Case flow Management Principles should be immediately implemented.
2. Information and Communication Technology (ICT) implementation should be more meaningful with defined objectives.
3. There is an urgent need to tackle cases pertaining to dispossession of land allottees. A time bound strategy should be developed to restore possession of land to these persons.

4.8.7.2 Medium Term

4. Necessary changes should be made in the relevant laws for dealing with management aspects relating to progression of cases and their flow for enhancing reduction rates and timely disposal with quality.
5. Responsibility to carry out judicial reforms should be assigned to a single identifiable body.

6. No time limit has been prescribed for disposal of appeal by Divisional Commissioner in Bihar Land Dispute Resolution Act, 2009. Specific time limit (60days) for disposal of appeals by Divisional Commissioner should be spelt out in BLDR Act 2009.
1. Efforts should be made to create more and more permanent Lok Adalat in all the districts and sub-divisions. Litigant should be made aware and be encouraged to pre-litigation settlement through such permanent Lok Adalat.
2. Adequate training to Deputy Collector Land Reforms (DCLR) and Circle Officers on different Acts and mechanisms of dispute resolution is a prelude for speedy disposal of disputes relating to land.
3. The Court of Deputy Collector Land Reforms (DCLR) should be provided sufficient staff with adequate infrastructure.
4. The Collector should ensure effective supervision of the work of Deputy Collector Land Reforms (DCLR) regarding dispute resolution, on regular basis. The same is not done on regular basis now.
5. There is a need to strengthen the tribunal by filling up the post (s) of members lying vacant and by providing adequate, regular staff along with infrastructure.

4.8.7.3 Long Term

1. Dispute related to land/holding falling within the municipal area should also be brought under the jurisdiction of BLDR Act, 2009. Similarly, Public land Encroachment Act, 1961, alluvium and delluvium land dispute should also be brought with the ambit of BLDR Act, 2009.
2. Taking into the consideration the large number of cases of dispossession in Bihar, fresh punitive laws are required to punish those persons who are not having the title over land but involved in dispossessing the legal owner of land. Actually, these persons are resourceful and dispossess the legal owner of land on concocted or forged or false papers, by force. The state Government should frame punitive laws to prevent cases of dispossession. It is advisable that dispossession should be made a cognizable offence.

Section 4(B) of Bihar Land Disputes Resolution Act, 2009 pertains to the cases related to restoration of possession of settled/allotted land in favour of legally entitled settled /allottee or his successors/heirs, upon adjudication of unauthorized and unlawful dispossession. Section 7 pertains to summary disposal of proceeding. There is no need to follow the procedure for adjudication of cases of dispossessed persons. LRDC can issue notice to the offender. On hearing from the offender, summary disposal of cases should be done. Besides restoring possession, penalty/ punishment may be imposed. For a first time offender, penalty up to Rupees Two Thousand or one year of imprisonment or both can be imposed. For the second time, the penalty upto Rupees Ten Thousand or Two to Five years of imprisonment or both may be imposed on the offender.

3. There is a need to set up a Green Tribunal, with a bench in Patna, to resolve disputes related to forest and environment.
4. Required amendments may be brought in to the BLDR Act, 2009 as well as Bihar Land Tribunal Act, to include alternative dispute redressal provision by way of arbitration, conciliation and mediation.
5. Effective steps should be initiated for strengthening and smooth functioning of Gram Kachchahary by the State Government. The local Panchayati Raj institutions can help curb land disputes/ problems to a great extent. The Gram Kutchcharies of each Gram Panchayat may be empowered to decide on these cases at Panchayat level. However, adequate safety systems must be kept in place to curb the malpractices that occurred in this new concept of resolving land disputes at Panchayat levels.

4.9. REVIEW OF INSTITUTIONAL ARRANGEMENTS AND POLICIES

4.9.1 INTRODUCTION

Land governance is a state subject and the department of Revenue and Land Reforms is the principle department in the context of Bihar. The present chapter shall review the institutional arrangement and policies in force related to land governance in Bihar.

4.9.1.1 Institutional Structure

The institutional framework in Bihar for the last decades includes the halka karamchari at the grassroots level who report to the Circle Inspector. Circle Inspector in turn reports to the Circle Officer who reports to DCLR, who is accountable to the Additional Collector. The Collector of the district is the head of revenue department in the district in various Acts including the Act in land ceiling. There could also be the Collector under the Act duly notified by the Government in this behalf. A detail organizational structure of Department of Revenue and Land Reforms, Government of Bihar is given in the annexure 4.9.1A.

The Government of Bihar has a well structured Survey and Settlement Department to conduct survey of land. The Survey and Settlement Department include the Director of Land Survey who is assisted by the Assistant Director. As and when a district is notified for survey and settlement, there is a Settlement Officer and Charge Office as also the Assistant Settlement Officer Headquarter at the district level. When a camp is taken out, it comprises an Assistant Settlement Officer, one or more kanungo, one or more Muharrirs, amins, surveyors, Munstrion etc. The organizational structure of office of the Director, Land Records Survey and Settlements is given in the annexure 4.9.1B. The organizational structure of office of the Director of the land consolidation is given in the annexure 4.9.1C.

The Revenue Department officials at field level in Bihar as in the case of several states has a range of general administrative responsibilities along with land governance. This includes magisterial and executive functions. Specific land governance related function such as land registration and valuation are being looked after by separate department known as Registration Department. In addition to the revenue department the rural and local bodies also have a role in land administration. The village level rural local bodies called gram panchayat manage the Gairmazarua aam land while the urban local bodies are responsible for the maintenance of the urban land under their jurisdiction. Moreover, Forest and Environment Department manages the forest land and their control. The Urban Development and Housing Department which controls ULBs are responsible for urban land management through ULBs. The Principal Secretary of the respective departments (Revenue and Land Reforms, Forest and Environment, Registration, Urban Development and Housing and Industries) is the Principal Executive Head for the overall land administration / management in their respective area. The organizational structure of the related department is enclosed as annexure 4.9.1D, 4.9.1E, 4.9.1F, 4.9.1G and 4.9.1H.

As regards land acquisition, there is Director Land Acquisition at the state level and District Land Acquisition Officers / Additional District Land Acquisition Officers at district level.

The roles and responsibility of functionaries dealing with the regulation and management of land sector are clearly defined. However, supervision and monitoring of implementation is suffering due to shortage of manpower and some key posts being managed in dual charge / capacity.

It would be pertinent to point out that restructuring & rationalizing land administration in Bihar is the need of the hour. The jurisdiction of some functionaries is widespread. It is necessary to bring the workload within manageable limits. The Government of Bihar has already taken a decision to make territorial jurisdiction of a revenue halka to coincide with Gram Panchayat. However, there is acute shortage of halka karamcharis and amin. Government decision to appoint halka karamchari and amin is yet to materialize.

The halka karamcharis should have an office of his own. He can be accommodated in the proposed Gram Panchayat Bhawan.

It is also necessary to rationalize the jurisdiction of Circle Officer. An inspector cannot super wise effectively the work more than 8-10 halka karamcharis. Depending upon the same, additional post may be created.

The position regarding both office and residential accommodation for the staff of revenue department at various levels is unsatisfactory. The Government may take necessary steps in this regard.

The existing training facilities are inadequate. With the wide spread use of modern technology, there will be greater need for the training of the staff at various levels. The existing training institution should be suitably upgraded and whenever necessary, new institutions should be set up at the divisional level, or for groups of district. The training syllable should be such that, besides upgrading the skills of trainees to enable them to discharge their duties more competently, they also get an exposure to the technological and human relations dimension of modern land administration. In order to attract better professional qualified trainers in the training institutions, adequate financial and other incentives should be provided for.

Supervision, inspections and monitoring constitute the backbone of institutional arrangements. Detailed norms have been laid down by the state government / Board of Revenue, Bihar. These instructions are either ignored or carried out in a rather perfunctory manner. The need for close supervision will be all the more felt with the introduction of modern technology. The state government should review this carefully, revise these instructions where ever necessary and ensure that the instruction is followed.

The administrative and organizational structure pertaining to issues dealt with by the department of Revenue and Land Reforms has been delineated in the foregoing. As per rules of Executive Business, all land related matters including public land management and common property resource fall in the exclusive domain of the department of revenue. As time rolled on, certain other land related issues, like conversion of agriculture land and resolution of land disputes were addressed by the revenue department.

As far as Roles of Divisional Commissioner and Collector vis-à-vis Revenue Department is concerned, these functionaries do not fall directly in revenue hierarchy. They are controlled by the General Administration Department. Functionally, these offices exercise power and authority given to them under various laws including law relating to revenue, registration, motor vehicles, excise, food and civil supplies and the like. Hence, technically speaking, these offices cannot be placed directly in the heretical tree of Revenue Department. The revenue department ensures that these functionaries discharge their responsibilities as per provision of the revenue law involving them. Besides Divisional Commissioner and Collector, in every district, there is also post of Additional Collector who although falling in the General Administration Department line of control is responsible

exclusively to Revenue Department. Only DCLR, Circle Officer, Circle Inspector and Halka Karamcharis are exclusively in the line of revenue hierarchy. Even here, DCLR belongs to the Senior Deputy Collector grade whose services are placed by the General Administration Department with Revenue Department.

The administrative and organizational structure pertaining to issues dealt with by the department of Revenue and Land Reforms has been delineated in the foregoing. As per rules of Executive Business, all land related matters including public land management and common property resource fall in the exclusive domain of the department of revenue. As time rolled on, certain other land related issues, like conversion of agriculture land and resolution of land disputes were addressed by the revenue department.

4.9.1.2 Institutional Activity Related to Land

Department of Revenue and Land Reforms is the key department in land governance. Other departments in the government also manage their land under the guidance of Department of Revenue and Land Reforms. It is to be noted that there is no such overlap in the responsibilities of Ministries and agencies dealing with land. As well there is very limited scope of overlapping in land administration hierarchy as well as interdepartmental transactions. Even if overlaps exist, they are technical in nature and exist for a short period.

4.9.1.3 Availability of Manpower in Department Of Revenue and Land Reforms, Govt of Bihar

Creation of a Revenue cadre for the purpose to get knowledgeable persons dealing with the land management has been made by the state government vide notification number 4020 dated 15th January, 2010. The sanctioned post for various revenue officials were created vide this notification right from Circle Inspector to Additional Collectors / Dy. Directors under the various section of Revenue Department.

All the offices of under the department of Revenue and Land Reforms Department suffer from huge crunch of manpower. The crisis is highest at the Circle Inspector Offices, where 63% positions are vacant. At the level of Revenue Karamchari Also, there are 53% positions are vacant. Due to the shortage of staff in all the relevant departments, officers are working on dual/triple charges, which affect productivity and quality of work. The municipalities also found running with 64% vacant positions.

4.9.1.4 Other Issues in Institutional Arrangements

Following major issues in institutional arrangements were observed.

6. Dearth of trained manpower in land related department is still prevalent.
7. Lack of use of technology for survey and land records.
8. Prevalence of oral sharecroppers in the state.
9. Poor management of land records. The exact number of record of right is not available in the states.
10. Lack of capacity building initiative to improve efficiency of land revenue officials.
11. Lack of conviction in government machinery to get the revenue records updated.
12. Lack of monitoring of updating of revenue records.
13. Pending cases of civil disputes in different courts of Bihar is very high.

4.9.1.5 Recent Steps

The following steps have been taken by the State Government to strengthen structure of Revenue and Land Reforms Department

14. Prescribed service rules / standards for each department with time limit, authority responsible, appellate authority and reviewing authority.
15. Have started massive capacity building, procedure and technology use.
16. Have started appointment in various departments to fill the sanctioned posts.

17. Creation of Revenue cadre in the state wide notification number 4020 dated 15th January, 2010. The sanctioned post for various revenue officials have been created vide this notification right from Circle Inspector to Additional Collector / Dy. Director under various sections of Revenue Department.
18. Transparent policy initiative for each land related department and uploaded them in the website.
19. System of regular monitoring of policy initiatives has been introduced and is now being followed.

4.9.2 ASSESSMENT OF DIMENSIONS

Assessment of Indicator 9.1: Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed.

Dimension				
9	1	1	Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.	B In situations that can entail conflicts of interest or are sensitive to abuse (e.g. transfers of land rights) there is some separation in the roles of policy formulation, implementation and arbitration.
9	1	2	Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).	B The mandated responsibilities of the various authorities dealing with land administration issues are defined with a limited amount of overlap with those of other land sector agencies but there are few problems.
9	1	3	Administrative (vertical) overlap is avoided.	A Assignment of land-related responsibilities between the different levels of administration and government is clear and non-overlapping.
9	1	4	Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.	C Information related to rights in land is available to interested institutions but this information is not readily accessible or not available at a reasonable cost.
9	1	5	Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.	C The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) deal with land-related matters very differently but have functioning mechanisms for redressing overlap in place.
9	1	6	Ambiguity in institutional mandates (based on institutional map) does not cause problems.	B With minor exceptions, the processes applied by public institutions dealing with land are fully integrated and consistent.

Analysis of Dimension 9.1.1: Land Policy Formulation, Implementation and Arbitration

There is a clear separation in the roles of policy formulation, implementation and arbitration in situations which can entail conflict of interest or are sensitive to abuse, for example, transfer of land rights. The roles and responsibility of functionaries dealing with the regulation and management of land sector are clearly defined. The major policy initiative lies with the state government including enactment of laws relating to land rights. The implementation lies with field functionaries, which is clearly delineated. Even in situations, where, implementation and arbitration are not strictly separated, to avoid over staffing and Parkinson's law, the officers sitting in quasi-judicial capacity act as a court as per law. In that capacity, their other roles are over shadowed. This arrangement is made as the Collector of

the district / Collector under the Act are clearly defined. There would not be more than one Collector in a district to take care of implementation and arbitration separately. Supervision and monitoring of implementation is suffering due to shortage of manpower and some key posts being managed in dual charge / capacity.

There is distinct hierarchy in all the districts in Bihar. Disputes are first resolved at the grass root level by the concerned Anchal Adhikari (Circle Officer). Appellate and Revisional authority also belong to revenue hierarchy. However, Bihar Land Tribunal and Municipal Building Tribunal are independent appellate authorities. Policies are formulated at the government level in the department of Revenue and Land Reform. Policies are also modified through field experiences and feedbacks, as in many cases suggestions emanate from below, pointing out constraints and difficulties. Adjudication of disputes is done by machinery inclusive of administrative officers at various levels endowed with quasi-judicial powers and authorities under various revenue laws, and this system is beneficial to the common mass of people as the dispute resolution mechanism is omnibus, simple, cost effective and time effective. If the general administration is isolated from implementing agencies, a whole parallel pyramid of hierarchy has to be created which will be expensive and unnecessary and the benefits accruing out of experience would go remiss.

Analysis of Dimension 9.1.2: Responsibilities of the Ministries and Agencies Dealing With Land

There is no overlap in the responsibilities of Ministries and agencies dealing with land.

At the state level, as per the Rules of Executive Business, the Department of Revenue and Land Reforms is in exclusive charge of all issues pertaining to land administration. Any interdepartmental government land transfer / settlement and private land acquisition has to be routed through the Revenue and Land Reforms department.

There is no overlapping in land administration hierarchy as well as interdepartmental transactions. The land question cropping up in various departments are eventually addressed by the Department of Revenue and Land Reforms. Files go to the cabinet through the Revenue and Land Reforms Department only. In case of land acquisition, for example, there could be a plethora of requisitioning bodies and yet the Collector of the district / District Land Acquisition Officer is the competent authority for the disposal of all such requisitions as per the Land Acquisition Act for the time being in force.

Various departments of government need land for pursuing their respective departmental responsibilities and need. The Collector of a district has the final say in the choice of a piece of land. Records are prepared at the grass root level which through a proper channel reaches the Collector of a district who after taking the approval of the government finalizes the proposal of land acquisition. The revenue department issues notification regarding the land being required for public purpose.

The Land Acquisition Officer of a District disposes of claims and objections in a transparent manner. He prepares award and disburses compensation and takes over the delivery of possession of the land on behalf of the government. Therefore, it can be safely said that there is a common thread for the land acquisition process irrespective of the fact of the existence of a plethora of requisitioning body.

Analysis of Dimension 9.1.3: Assignment of land-related responsibilities between the different levels of administration and overlap

There is no question of administrative (vertical) overlap, as in the field administration there is a clear cut hierarchy of Collector, Additional Collectors, Sub Divisional Officer, Deputy Collector Land Reforms, Circle Officer, Circle Inspector and halka karamchari. Some delegation is made in accordance with the provision of some or the other prevalent Revenue Law. There is no overlap at all or else the entire system will go haywire.

Administrative (Vertical) overlapping has been avoided in land administration and management. There is a clear cut division and assignment and roles and responsibilities / jurisdiction and authorities in matter of land administration and dispensation of justice in contested cases.

Analysis of Dimension 9.1.4: Reporting, Sharing and Accessibility of Information by Public Bodies related to Land Right and Use

In Bihar, all land related information is not available on the website. However, information related to land rights is available in the following offices in Bihar –

1. Anchal Office-- Computerisation of land records / existing Khatiyani / Jamabandi register (Register II) is available and accessible.
2. Survey & Settlement offices at the district level prepare record of rights and the same is maintained at Circle Office.
3. Land Acquisition offices at the district level maintain records of land acquired.
4. Khas Mahal offices at the district level maintain records of leases granted against Khas Mahal lands.
5. Land particulars pertaining to government / community lands are available in Anchal Offices.
6. The Directorate of Land Records & Survey has placed land related data of 8 districts on the website.

Since computerization of land records has not been completed, all land records are not in public domain. Efforts are being made to computerize the land records as available on date and put the same on the website to enable the common citizen to have easy & inexpensive access to information. But it has not taken a shape due to the fact that much of the land records in the offices are out dated ever since the last survey / revisional survey was conducted.

At the time of land acquisition, the Land Acquisition notifications are published with full particulars of land in question in public domain.

Survey / settlement have been such a long drawn process running into quite a few decades. By the time final ROR (Record of Rights) is prepared, it becomes obsolete, hence survey and settlements have, of late, become a misnomer. In Bihar, in 12 districts no Revisional Survey could take place after the Cadastral Survey conducted about 100 years ago. There are 12 districts where revisional survey was taken up, but was concluded after a time span of quite a few decades. There are 14 districts where revisional surveys were taken up several years ago but are yet to be concluded. All this builds up the rationale for a quick focused, snap, abridged survey and settlement encompassing the entire state in one go. The Bihar Special Survey and Settlement Act / Rules have recently been passed and maps are being prepared through application of modern technology. Government of Bihar has adopted this Act / Rules in the interest of a focused survey and settlement without sacrificing quality, transparency and grievances redressal procedures. The survey was started in 13 districts and the progress as on 30th November, 2013 is as under.

7. Revenue map preparations – Aerial photography has been done for 7696 revenue villages.
8. Construction of ground control points – 15594 revenue villages.
9. Processing of data received from Aerial photographs – 2033 revenue villages.
10. Resurvey mapping verification – 53 revenue villages.
11. Khanapuri done – 237 revenue villages.
12. Publication of maps – 1 revenue village

But for the above, land information system will continue to be replete with redundant, irrelevant and obsolete records of rights and data. There will be no use computerising this

data which can hardly relate to current reality. As the revenue records are not updated and these are not upto the mark, huge cases of land disputes amongst raiyats are pending before the court. Pending cases of civil disputes in different courts of Bihar is very high. The number and description of the civil cases instituted in various district and subordinate courts in Bihar during various years are given below in table.

Table 4.9.1: Number and description of civil suits instituted in various year in the state

Year	Total civil cases	Classification of civil cases						Total land related cases (5+6+7+8)	Percentage of land related cases
		Suit for money or movable property	Other suits not falling under any of the preceding heads	Suit under the rent land	Suit for immovable property	Suit for specific relief	Mortgage suit		
1	2	3	4	5	6	7	8	9	10
2005	21848	813	3216	289	15181	1426	923	17819	81.56
2006	21989	694	3050	249	15622	1900	474	18245	82.97
2007	24862	692	6956	263	15344	1113	494	17214	69.24
2008	24653	681	6380	276	15432	1315	569	17592	71.36
2009	27646	626	7838	252	17072	1270	588	19182	69.38
2010	29911	592	8503	264	18540	1481	531	20816	69.59
2011	18097	1212	13052	406	1773	1263	391	3833	21.18

(Source: Bihar Statistical Hand Book 2012)

The percentage of land related cases with respect to civil cases varied from 70-82 percent till 2010. In 2011, the percentage of land related case was only 21.18 percent. It could be clearly seen from the above table that the institution of land related cases has reduced after the promulgation of the Bihar Land Dispute Resolution Act, 2009.

The land related cases in Civil Court in Patna district also varied from 80-82 percent till 2010. After that the share came down to approximately to 40 percent, probably, due to Bihar Land Dispute Resolution Act, 2009. As on 31st December, 2013 there are 27494 civil cases pending in the district court of Patna out of which 10647 relate to land dispute.

The pending cases in the revenue court for land ceiling in the state are 650. The pending cases of sharecroppers in the state as on 31st March, 2013 are 995 the details of which are given below in table.

Table 4.9.2: Details of cases with respect to sharecroppers as on 31st March, 2013 in Bihar

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 acres	5005.7	271.30 (5.42%)	4734 (94.57%)
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(Source: Department of Revenue and Land Reform, Govt. of Bihar)

The encroachment cases pending in the state with the various courts are 5219, the details of which is given below in table.

Table 4.9.3: Encroachment of public land as on 31st March, 2013 in Bihar

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 (64.52%)	1713.81 (69.58%)

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

Supervision and monitoring of dispute resolution is not adequate / up to the mark, due to shortage of manpower and absence of clear framework of monitoring.

Analysis of Dimension 9.1.5: Consistency of Overlap of Rights Based on Tenure Typology

In Bihar sub-tenancy is not on record. However, the Bihar Tenancy Act, 1885 provides for u/s 48 (e) safeguards against threatened or actual ejection of sub-tenants. Conflicts over land rights go to Civil Courts / DCLR courts under the BLDR Act, 2009 and Bihar Land Tribunal.

The word 'tenure typology' relates to occupancy raiyats, non-occupancy / occupancy under raiyats and non occupancy under raiyat. The aforesaid term has been dealt in the concern Tenancy Acts. The rights / status of landowner (Raiyat) have been duly defined in the Bihar Tenancy Act 1885, and by and large, they are also reflected in their records of rights except when such land has been recorded in the names of the non-deserving raiyats illegally. However, it will not be possible to enumerate such cases of fraudulent or collusive entry, until and unless, one embarks upon time bound focused survey and settlement in the entire state in one go. Such a survey requires three things: -

1. Availability of adequate funds, Massive funds would have to be applied not only to meet establishment cost but also to get modern equipment and modern technology.
2. Massive deployment of efficient and dedicated officers and staff to man different positions in the field and discharging responsibility in a systematic and scientific manner.
3. Proper training of staff and officers involved in survey work with respect to new technologies and new enactments.

As the revenue records are not updated, there are many cases of overlaps of right (based on tenure typology). There are large numbers of cases of civil disputes pending in the competent courts of Bihar (already mentioned above). Since the cases are not being disposed of on priority basis, many persons stake claim over the same piece of land.

As per section 4 of Bihar Land Reforms Act, 1950, after the vesting of Zamindari in the State, all sub-soil rights, including mines and minerals, whether discovered or not and whether worked or not, have vested in the State. Forest wealth, which comes under the category of renewable common property assets is governed by relevant Forest Laws and policies in place and are fully consistent in provision and application.

Analysis of Dimension 9.1.6: Existence of Ambiguity in Institutional Mandates

There is hardly any incidence of ambiguity in institutional mandates (based on institutional map). As per executive instructions, approved by the Cabinet Secretariat, the Department of Revenue and Land Reforms carries exclusive mandate for land administration. It includes land transfers, land settlement, land leases, land acquisition and lands falling under the direct management of the government (especially in urban areas). Land policies, as formulated at the state or central level are in place and there is no occasion for any deviation at any level either in the Revenue and Land Reforms Department or any other department. For implementation, Officials are duly identified responsibilities fixed at various levels through legislation or executive instructions.

The various land related laws e.g., the Bihar Privileged Person Homestead Tenancy Act, 1947; the Bihar Land Reforms Act, 1950, Bihar Bhoodan Yogina Act, 1954, the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, the Bihar Ceiling Act, 1961, the Bihar Public Land Encroachment Act, 1969, the Bihar Public Demand Recovery Act, 1914 the Bihar Land Dispute Resolution Act, 2009, the Bihar Land Mutation Act, the Bihar Conversion of Agriculture Land for non-agricultural purposes Act, the Bihar Special Survey & Settlement Act, 2011 and Bihar Khas Mahal Policy, clearly & unequivocally determine and define the respective jurisdiction of original, appellate and revisional authorities and there is no scope of any ambiguity. Any scope for ambiguity is removed by the collector seeking clarifications and the government issuing clarifications.

After the promulgation of the New Bihar Khas Mahal Policy, quite a few collectors wanted clarifications on certain issues which were promptly attended to. So much so, necessary amendments were also carried out in the aforesaid policy by the government. Ambiguity, if any, on conceptual or theoretical matter, is brought to surface on two occasions: (a) Implementation stage, vertical by implementing officers and staff. Here ambiguity can, as well, take shape due to some lurking misunderstanding or misinterpretation, lacunae, loopholes, objectives unfulfilled, lack of clarity on roles and responsibilities and the likes. Such doubts and clarifications are sent to head quarter by collectors, settlement officers or Deputy Director of Consolidation. (b) A second platform of discussing ambiguity, if any, is provided by monthly review meetings at various levels and training camps organized at various levels.

In Bihar, it is gratifying to note that innumerable revenue training and workshops all over Bihar (in all the 38 district HQ conference halls) and in BIPARD, Patna were conducted in the last six to eight years. On the basis of feedback in some district level training camps / workshops, power of execution to competent authority under the Bihar Land Dispute Resolution Act was vested in them by amendment in the Act. Clarifications with regard to land regulations concerning Forest, Industrial and Urban sectors, if any, are addressed promptly and any ambiguity with regard to policy and implementation is removed. Ambiguity not only creates conflict of interest and jurisdictions, but also creates a roadblock and one may also land up in a state of drift. A special care has been taken to ensure the absence of ambiguity.

Assessment of Dimension 9.2: Equity and non-discrimination in the decision-making process: policies are formulated through a decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all

Dimension				
9	2	1	Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.	B A comprehensive land policy exists or can be inferred by the existing legislation, and sections of the community affected by these decisions are informed, but feedback is usually not sought or not used in making

					decisions
9	2	2	Land policies address equity and poverty reduction goals; progress towards these are publicly monitored.	B	Land policies incorporate clearly formulated equity and poverty objectives that are regularly and meaningfully monitored but their impact on equity and poverty issues is not compared to that of other policy instruments.
9	2	3	Land policies address ecological and environmental goals; progress towards these are publicly monitored.	B	Land policies incorporate clearly formulated ecology and environmental sustainability objectives that are regularly and meaningfully monitored but their impact is not compared to that of other policy instruments.
9	2	4	The implementation of land policy is costed, matched with benefits and adequately resourced.	D	The implementation of land policy is not costed and there is inadequate budget, resources and capacity to implement the land policy.
9	2	5	There is regular and public reporting indicating progress in policy implementation.		Formal land institutions report on land policy implementation in a regular and meaningful way but reports are not made public.
9	2	6	Land policies help to improve land use by low-income groups and those who experienced injustice.		Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective
9	2	7	Land policies proactively and effectively reduce future disaster risk.		Policy is in place to prevent settlement in high risks areas but which is not enforced.

Analysis of Dimension 9.2.1: Involvement of all Relevant Stakeholders in Developing Land Policies and Regulations

A comprehensive land policy can be inferred by the existing legislation and circulars. There are old classical laws, like the Bihar Tenancy Act, 1885, the Chhotongpur Tenancy Act, 1908, the Santhal Paraganas, Tenancy (Supplementary Provisions) Act, 1949, Bihar Land Reforms Act, 1950 and the like in yesteryears, regarding which it is not possible as of now to say whether beneficiaries or affected interest groups / people had been consulted or not or feedback taken or not. However, it can be said that, the above tenancy laws were born to meet special contingency in determining the relationship between landlord and the tenant.

Successive revenue laws after Independence were enacted with a special demand on the political system. People were reeling under the atrocious zamindari system and its abolition was the product of a social and agrarian demand. Ceiling law came in the wake of focus on distributive justice to break the concentration of landed assets and distribution of surplus land among the landless. The law of consolidation, Bhoodan, Public Land Encroachment etc. reflected the need of the hour. Recent enactments were based on the following factors.

1. To meet a special contingencies as presented by changing times
2. Discussion and deliberation at field and head quarters level regarding the deficiencies in existing laws or absence of an appropriate and relevant law.
3. The felt needs of the weaker section of the society as perceived by the authorities at head quarter & field levels and as demand as ventilated by the target groups.

A striking example of felt need as mentioned above is the Bihar Mahadalit Land Purchase Policy. The government had set an ambitious target of providing house sites to nearly 2.25 lakh, house-siteless mahadalit families in Bihar. Apart from three land streams, viz. Gairmazarua Aam, Malik and BPPHT lands, a fourth land stream was evolved on the basis of feedback from local officials & beneficiary, that is, purchase of land, where land

from the other three land streams was not available. Similarly, power for the grant of Gairmazarua Aam land was earlier vested in the cabinet. In the light of feedback and to cut down procedural delays, the power of sanction was delegated to Divisional Commissioner by a cabinet decision.

Summary of Bihar Land Dispute Resolution Act was published in newspapers for general information to enable and encourage people taking recourse to this act. All the laws and policies promulgated during the recent years are available on web site of the revenue and land reforms department and accessible to all including target groups. The proposed Building Bye Law, 2013 has been placed on the website of Urban and Housing Department for seeking public opinion.

Regarding land acquisition, certain policies, beneficial to land-losers were formulated in last six years in light of representation and grievances ventilated by interest groups in many districts of Bihar at district level. For example, the highest rate of land of a given class in a given mouza will apply to the same class in another mouza provided both the mouza are covered by the same scheme/project. Further, the classification of lands may be re-determined overriding entries in land records from agriculture to residential to commercial, in case there is a potential of such conversion in near future in the land acquisition area. This has helped the administration elicit prompt and proactive response and cooperation from the land losers.

Analysis of Dimension 9.2.2: The Goal of Equity and Poverty Reduction through Land Policy and its Monitoring

In Bihar, concerted efforts have been made during the decades following Independence to address land policies to equity & poverty reduction goals. Close monitoring of the progress is done at monthly interval at the State Level.

Land is the crux of most of development activities, including educational, industrial and infrastructural development activities. Many projects remain a non-starter if land is not made available in time whether it is public land or private land. Many projects for which land was partly arranged remain hanging in balance, till the requirement of additional lands is met. The policies programmes and laws in state government especially formulated recently have been people centric, equitable and inclusive. They aim at poverty reduction with equity, with the ultimate objective of covering the utterly landless and resource less segments of the population. Through policy statements of the state government land acquisition processes were tilted in favour of land losers. Special care was taken to provide land to the housesiteless Mahadalit families in Bihar. The survey of such families was conducted in two phases. In the 2nd phase care was taken of families left out in the 1st phase. Addressing policies to equity concerns, gender equity was ensured in two ways (a) by ensuring that sale deed were executed in favour of female beneficiaries exclusively in land purchase policy of the Mahadalit. Similarly, an amendment was made in the ceiling law of the state to ensure that 50% of the surplus land beneficiaries were women exclusively. The parcha/pawna of lands issued to land allottees is also being made in the joint name of wife and husband. The wife's name is written first followed by husband's name.

The State Government also provides the land for link roads in Bihar under the belief that there would be economic growth of far flung tolas inhabited by the poor by extending road connectivity to them. The schemes of many other departments revolve around land. What purpose a bi-cycle for school going residence is served, if the tola is not connected with main road?

One major roadblock in rural development is the identification and registration of share croppers. It does not seem to be a working proposition now. What was true to Kerala in 1971, the same thing could not materialize in West Bengal (1974). All over India, tenancy reforms

have been forgotten for want of political will and things have been left to take care of themselves. If pushed through, under pressure, the existing tenants will be evicted by land owners, afraid of losing lands. Hence the idea gaining ground now is to allow forces of social equilibrium and inter-personal accord to let share cropping be pursued in mutual interest of both the parties. It is almost impossible to launch and come out survey of share croppers on mass scale. Nonetheless, in Bihar Tenancy Act, section 48(E) is usually invoked by the share croppers who have got anything to say against the land owners. The matter goes to a Revenue Arbitration Board, which is free to collect local evidence on a case to case basis. This element in law takes care of equity concern vis-à-vis the sharecropper. There are NABARD / RBI guidelines stating that no collaterals need to be furnished for agricultural credit upto Rs. 50,000/, ensure agriculture credit to sharecropper. Ensuring security of tenure under section 48(E), coupled with facilities for institutional credit leads one to the goal of economic growth with social justice. The land policies of the State Government address equity and poverty reduction goal.

As mentioned above, surplus land has been allotted to economically weaker section people for the purpose of equity, livelihood and dignity. Dispossession issues have not been properly addressed in Bihar, resulting in equity concerns unattended. It is one thing to assign public land to disadvantaged group and another to ensure their continuous possession over the same. Figures of dispossession of SC/ST and other deserving people are compiled on a regular basis in a fixed format in Bihar where dispossession or threatened dispossession is taken care of by the Bihar Land Dispute Resolution Act (through revenue court of D.C.L.R. in a time bound manner). Out of the land allotment made to 23,11,944 beneficiaries, the cases of dispossession was reported in case of 3126 beneficiaries (0.13%) involving an area of 2070.5 acres till 31st March, 2013. Possession was restored in case of 604 beneficiaries (19.32%) covering 481.35 acres. 2522 (80.68%) cases of dispossession is pending as on 31st March, 2013 involving an area of 1588.70 acre. It may be possible that certain instances of dispossession may not be reported by the poor people to the government for threat of harassment.

Analysis of Dimension 9.2.3: Ecological and Environmental Goals through Land Policy and its Monitoring

In Bihar, The Bihar Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2010 and Rules 2010 have already been passed. Certain riders have been provided in the Act and rules so that ecological/environmental concerns are not jeopardised. Bihar is one of the few states in the country to have passed the Bihar Agricultural Land (Conversion for Non Agricultural Purposes) Act which gives certain powers to competent authority in this regard in extremely limited way. Pollution and related issues, often interdisciplinary in nature, are duly taken care of by the Bihar Pollution Control Board, Department of Environment & Forest, Department of Industries and Department of Urban Development.

With the new Land Acquisition, Rehabilitation & Resettlement Act, ecological & environmental concerns are addressed more stringently. Even in the previous land acquisition act these concerns were not altogether left in the lurch.

There is a State Industrial Promotional Board, under the chairmanship of Development Commissioner, which enquires into pollution & other factors, besides the availability of land & water for upcoming industries.

The Second Agriculture Roadmap prepared by the Government of Bihar, the sustainability and environmental concern were given prime importance. Progress under Agriculture Roadmap is being monitored regularly by the committee under the chairmanship of Chief Secretary. Watershed Development Schemes are being implemented in the state through Agriculture Department of the State Government and NABARD, wherein

sustainability and ecological concern has been addressed. These schemes are being monitored regularly by the implementing agencies and high power committee constituted under the Chairmanship of Development Commissioner.

Analysis of Dimension 9.2.4: Cost and Benefit Analysis of the implementation of land policy

The benefit-cost ratio cannot be worked out in a scenario where lands are to be distributed or settled free of cost to eligible categories of raiyats. The whole edifice of distributive justice rests on the government concern for the poor & resourceless. Government lands are settled with eligible raiyats belonging to poor landless and resourceless families without charging any price.

Lands are settled by the Industries Department though the instrumentality of BIADA to entrepreneurs on lease basis with certain conditions. The market rate is being charged from the allottees along with developmental/administrative cost. However, the annual appreciation costs are not charged. Here also the main concern is development of industry and entailing job avenues for unemployed.

The sole revenue earning policy of the Government of Bihar is the New Khas Mahal policies. The government settles the khas Mahal land on a periodic lease basis after taking current market value of land as initial salami. Subsequently, 2% of that amount is taken for residential leases and 5 percent for commercial leases on an annual basis. At the time of renewal, at the end of 30 years, renewal salami worth 10 per cent of current market value is charged for all types of leases. Similarly, in violation cases there are punitive measures including financial ones and evictions. This exercise of leases hardly calls for any budget resources for sustenance. Land acquisition costs, in lump sum, are deposited in advance by the requisitioning body. In such cases benefit cost ratio are worked out well in advance. However, hardly any requisitioning bodies ultimately concerned with financial profit enter into a land deal through private purchase or land acquisition, where cost are higher than benefits.

When a government takes resort to land acquisition for many public purposes, those may not be and need not be guided by profit motive, like educational institution, hospitals, old age homes and similar welfare philanthropic institutions and activities.

All lands in Bihar including urban and rural, owned and possessed by private individuals are subject to appropriate rents, payable annually.

Table 4.9.4: Collection of Land Rent during various years in Bihar

Year	Total Demand (in Rs. Crore)	Total Collection (in Rs. Crore)
2007-08	100	27.46
2008-09	100	45.37
2009-10	110	39.16
2010-11	112	19.62
2011-12	140	28.03
2012-13	185	47.18

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

Land transfers, under the Transfer of Property Act, as are subject to registration, entail payment of registration charges, stamp duty and other miscellaneous charges. However, Registries, all over Bihar are fully computerized and self-sustained.

Analysis of Dimension 9.2.5: Report on Land Policy Implementation

Public reporting indicating progress in policy implementation is monitored regularly by the concerned department at various levels.

In the website of the Revenue and Land Reforms Department, Urban Development Department, Registration Department, Forest Department, Municipal Corporation, Organization Chart, Acts, Rules, Circulars, Proceedings, Land Acquisition Notices, Allotment Orders, Guidelines for various schemes, best practices, annual reports, notices, Draft Rules / Acts for seeking public opinion etc., are loaded. Public can easily see the above parameters of the department. Different formats have been designed for reporting progress on each parameter on monthly basis and are being reviewed at state level on a monthly basis. However, the progress report is not uploaded on the website.

For land acquisition, detailed notification is made in local newspapers for the purpose of public reporting.

Policies, which are in place in Bihar, are regularly monitored at various levels as regards their implementation. The Circle Officers hold weekly staff meetings with grass root level functionaries and review progress of implementation. The Collector holds regular review meetings at district level with all concerned officials including officials dealing with land. The Divisional Commissioner holds frequent reviews with Collectors. It is also a fact with administrative life that Circle Officers & DCLRs are in regular and constant touch with each other. Because of the small area of a DCLR's, sub-division, the DCLR & Circle Officers are part of a close knit family. State Government review the progress of implementation on monthly basis from the ADM, Land Revenue. Regular meeting is conducted at the state headquarter on last Monday of every month, where in Principal Secretary, Revenue and Land Reforms review the progress on each and every aspects of land governance.

Informal channels of review & instructions on policy implementation are also in practice, which in no way is less important than formal reviews and instruction, because this indeed create a sense of urgency by them.

For land acquisition, detailed notification is made in local papers for the purpose of public reporting.

Analysis of Dimension 9.2.6: Land Policy to Improve Access to and Productive Use of Assets by Poor and Marginalized Groups

Successive policies of the State Government have pursued the goal of improving access to and productive use of assets by poor and marginalized groups. These policies applied in practice and effective.

Land policies for allotment of surplus land to the landless people for livelihood /production, helps in improving the use of land by low income group. A total number of 23,11,944 landless families has been allotted land till 31st March, 2013. Policy of construction of Apna Ghar, Ranbasera, etc., is meant for low income groups and those who experience injustice due to poverty. Similarly allotment of homestead site to 212472 numbers of mahadalit families helps low income group who have experience injustice in having their own home sites.

Category wise distribution of surplus ceiling lands also indicates the preference given to Schedule Caste, Schedule Tribe and Other Backward Caste community people, which constitutes 81.23% of the land allottees. The details can be seen from the following table.

Table 4.9.5: Category wise distribution of surplus ceiling land in Bihar as on 31st March, 2013

Category	No. of Beneficiaries	Area in acre
SC	228700 (64.16%)	170793.63 (62.50%)
ST	29140 (8.18%)	25350.33 (9.28%)
OBC	31681	24844.95

	(8.89%)	(9.09%)
General	66910 (18.77%)	52262.73 (19.13%)
Total	356431	273251.6

Figures in bracket shows percentage

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

Although Bataidari / sharecropping in Bihar is mostly oral, policy framework has been developed for giving agriculture loan to bataidar upto Rs. 50,000/- on their simple declaration that they cultivate so much of land as sharecropper. These self declarations are to be certified by the Mukhiya of the local Gram Panchayat / President of the farmers club. There is no need for any collateral security for obtaining agricultural loan upto Rs. 50,000/-.

In Bihar, the Urban Planning and Development Act 2012 has been passed which helps to improve low income groups. The proposed building bye-laws 2013 provide for zoning restrictions on land uses as well as accessibilities of the economically weaker section to land use. But it is not implemented meticulously in Bihar resulting into haphazard construction of houses in urban areas of Bihar.

Provision of Basigat Purcha to the houseless poor is being provided in the rural areas of Bihar.

Slums have been identified for provision of shelters to slum dwellers. A clear and transparent slum policy has been prepared and approved. However the goal of these mechanisms is still far away.

The State Government has decided to make available 3 decimals of land for the construction of households of their own to the Mahadalits at the government level. The progress of provide lands to mahadalits is much satisfactory. A large number of mahadalits families have been benefited by this policy of the government. It can be said that the policy of the government in this regard is very useful to poor people of rural areas of Bihar and it was implemented successfully in the state due to commitment of the state Government.

The house sites allotted to mahadalit families from various types of government land in Bihar is given below in table.

Table 4.9.6: House sites allotted to mahadalit families from various types of government land as on 31st December, 2013

Particulars	Gairmazruha Malik	Gairmazruha Aam	BPPHT Act	Raiyat land purchase (Grihsthali Yojna)	Total
Phase I	67343	33792	46839	37227	185201
Phase II	11754	3943	8368	3206	27271
Total	79097	37735	55207	40433	212472

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

Policy to ensure delivery of low cost building does exist and is in place. Bihar Housing Board (BHB) and Housing and Urban Development Corporation (HUDCO), Government of India, have been constructing and providing for housing for EWS, LIG, MIG and HIG. Majority of housing units are meant for EWS and LIG groups. Under Indira Aawas Yojana, house construction is being done in the rural area for the weaker section of the society. Under Rajiv Aawas Yojana (for urban area), the state has started a modest beginning by approving the projects of construction of 40,746 houses for EWS under 27 ULBs of the states with a cost of 16.66 crores. In principle, approval has been given by the state level sanctioning and monitoring committee. The proposal is being sent to Government of India for

approval. A 15 per cent reservation has been proposed in Draft Building bye-laws (2013) for EWS (Economically Weaker Sections) of the population.

Currently HUDCO has been allocating its loan disbursement which is illustrated in the following table.

Table 4.9.7: Allocation of loan disbursement for house construction

(a) Economically Weaker Section	30 per cent
(b) Low Income Group	25 per cent
(c) Middle Income Group	25 per cent
(d) High Income Group	20 per cent

(Source: HUDCO Office, Patna)

The government is providing housing to economically weaker section under Integrated Housing for Slum Development Programme (IHSDP) and under Basic Services for Urban Poor (BSUP). Similarly, the provision of link road in remote and far flung areas inhabitants, mostly poor, will go a long way in improving access and connectivity to the poor people.

Analysis of Dimension 9.2.7: Land Policies to Reduce Future Disaster Risk

As mentioned in land policy, the settlement in high risk area is prevented. Appropriate zoning has been done for risk mitigations. Land utilization policies of the government also address the core issues of disaster management. Special care is being taken in construction of houses in seismic zone. Construction of houses in riverbed or riverbed site has been restricted. The height of the building near airport is restricted, minimum distance has been prescribed for the house from high-tension electric wire, dumping yard and petroleum depot. All above policies and restrictions have been made to proactively and effectively reduce future disaster risk. However, the implementation of this policy is deficient.

4.9.3 CONCLUSION

Land governance is a state subject and the department of Revenue and Land Reforms is the principle department in the context of Bihar. Regarding institutional structure, the said department is well organised and duties and responsibilities are clearly delineated for effective land governance. However, the department is suffering from huge crunch of manpower. Shortage of manpower is evident in all layers of the department and shortage is very at the grass root level layer of the department. Condition related to manpower is almost same in the other relevant department. Apart from manpower there is lack of skill to effectively perform duties also evident. The non-availability of adequate infrastructure especially at the grass root level became the reason for gap maintenance of record related to land. There is a clear separation in the roles of policy formulation, implementation and arbitration and there are hardly any overlap exists in assignment of responsibilities. Even if any technical overlap crop in it does not last longer. However, though there are gaps in implementation of rights. There are large numbers of cases of civil disputes pending in the different courts of Bihar. The percentage of land related cases with respect to civil cases varied from 70-82 percent till 2010. The silver lining in this regard is the enactment of Bihar Land Dispute Resolution Act, 2009. It has been observed that the land related pending cases dropped significantly after passage of this Act. There are large numbers of disputes cropped up due to non-availability of updated land record. There is limited scope of ambiguity in the institutional mandate as different Acts and Laws related to land clearly & unequivocally determine and define the respective jurisdiction of original, appellate and revisional authorities and scope of any ambiguity eliminated. The policies are developed and amendment introduced to ensure equity and social justice as well to incorporate demand by the target group the experience gained through implementation and feedback from grass root level officials. The land policies of the government address equity and poverty reduction goal. Though there are some safeguard provided for safeguard to under raiyat but their right

has not recognised properly. Though there are policies to ensure ecological and environmental balance, it also needs to be strengthened. The implementation of policies is monitored effectively formally and informally on regular basis; however there are also cases of dispossession, encroachment etc in the context of Bihar.

4.9.4 STRENGTH

20. There is clarity of mandate and practices in regulation and management of land sector in Bihar.
21. Original, Appellate and Revisional Authorities have been clearly defined under respective Revenue Acts.
22. Bihar Land Tribunal hears the appeal cases which have been decided at the revisional/final level of the revenue quasi-judicial hierarchy.
23. Policies are formulated at the government level and programmes emanating there from are implemented/ supervised at the anchal/sub-divisional/district/divisional level.
24. Conflicts/disputes resolutions with regard to dispossession of public land allottees, as well as private land disputes, are the priority on the part of anchals and police station concerned.
25. Setting up of separate revenue cadre in state will strengthen institutional arrangement in due course.

4.9.5 BEST PRACTICES

26. Creation of Separate Revenue Cadre

The State Government has created a separate revenue cadre in the state vide notification number 4020 dated 15th January, 2010. Creation of separate Revenue Cadre is a step forward in the direction of improved and efficient land governance. The sanctioned posts for various revenue officials have been created vide this notification, right from Circle Inspector to Additional Collector / Dy. Director, under various sections of Revenue Department. Since these officials will remain in the Revenue Department throughout their career, their training, grooming and experience in course of time will help them to discharge their duties efficiently and effectively.

4.9.6 WEAKNESS

27. There is no rural land use policy and land use board in the state.
28. E-linking of computer of registry office with circle office has not yet been done.
29. All land related departments are suffering from large shortage of staff.
30. 15-20 percent of cultivators are oral bataidars. Land owners used to rotate the oral bataidar on every two to three years. Due to this reason, the bataidars do not make long term investment in land.
31. Circle Officers drawn from various departments may lack specialized expertise to discharge duties with regard to land revenue administration. However this problem has been taken into consideration by creating separate revenue cadre.
32. Under the BLDR Act, Deputy Collector Land Reforms (DCLR) is the competent authority, but their functions as presiding officers, are not regularly supervised by respective District Collectors.
33. Many Directors under Land Reforms and Revenue Department are running under dual charge resulting in inadequate attention.
34. There is a wide gap in capacity building initiatives for revenue officials and officials of all other land related department to upgrade and sharpen their skills. Even under Special Survey and Settlement Operation, modern technology is being used for preparation of record of rights and generation of revenue maps, but most of the

officials/staff engaged with this work are not conversant with the modern systems, knowledge of ETS/DGPS etc.

35. Sub-divisional Officer is the controlling officer in the sub division. Sometimes the Deputy Collector Land Reforms (DCLR) is senior to their Sub-division Officers. It creates ego problems. The sub divisional officer is not the controlling officer of DCLR. DCLR is responsible to the Collector through Additional Collector. SDO's responsibility in revenue is confined only to Bihar Agriculture Land (Conversion for Non-Agricultural Purpose) Act where in SDO is the competent authority for permitting conversion. Secondly, SDO has the power to settle *Gairmazarhua Malik* land with eligible categories of *raiyat*.
36. There is no unified system for collection and maintenance of data for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. These data are not available. Hence, information regarding the management of these lands is lacking.
37. People are facing problem in getting maps, land possession certificate, copy of *khatiyani* and record of rights due to non updating of the land record, its computerization and digitisations.

4.9.7 POLICY RECOMMENDATION

4.9.7.1 Short Term

1. A State Land use Policy based on existing laws and policies should be developed. A Land Use Board in Bihar should be set up for formulating the Land Use Policy, making 10-15 years perspective land use plan and monitoring the implementation of land use plan.
2. Government should devise a unified system in Revenue Department for collection of data for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. Each department should maintain and update the status of the land they possess. This will help in efficient management of land in future.
3. Set up an effective Grievance Redressal machinery for the people of the state.
4. A vigorous special / massive time bound programme should be started, focusing on giving possession to dispossessed persons, with proper co-ordination between revenue and police officials. A need based system of summary trial may help in solving the dispossession cases in rural areas of Bihar.

4.9.7.2 Medium Term

1. Enumerating Common Property Resources (CPR), Common land and public land in every National Sample Survey (NSS) should be made mandatory. An inventory of common property resources, common land and public land should be prepared and make it available on public domain for public scrutiny.
2. Special survey should be completed within the prescribed time framework. Computerization of record of rights and digitization of maps based on special survey should be completed by 31st March, 2016. Special drive should be launched to update land record jointly by all concerned department.
3. E-Interlinking of Land Records with Registry in entire state.
4. Capacity Building need to be greatly enhanced as the existing training facilities is inadequate. With wide spread use of modern technology, there is a greater need for the training of the staff at various levels. The existing training institutions should be suitably upgraded. The training syllabi should be such that, besides upgrading the skills of trainees to enable them to discharge their duties more competently, they also get an exposure to the technological and human relations dimension of modern land

administration. Capacity building programmes on process, procedure and technology use should be designed and implemented, sooner. In order to attract better professionally qualified trainers in training institutions, adequate financial and other incentives should be provided for.

5. The halka karamcharis should have an office of their own. They can be accommodated in the proposed Gram Panchayat Bhawan.
6. It is also necessary to rationalize the jurisdiction of Circle Officer. An inspector cannot supervise effectively the work of more than 8-10 halka karamcharis. Depending upon the same, additional posts may be created.
1. Provision for sufficiently trained and qualified manpower in the survey and settlement departments should be made. Latest tools / machines and adequate budget should be provided to complete the special survey by 31st March, 2016.
2. Filling of the vacant, sanctioned posts in all land related departments need to be undertaken, on urgent basis, to improve revenue administration and strengthen related institutional arrangements.
3. Awareness creation programme should be launched on a massive scale. In Bihar, a comprehensive set of measures should be undertaken involving legislative, administrative and public awareness building to ensure the rights of the tribals over land, forest, water, minor forest produce, and mineral resources.

4.9.7.3 Long Term

4. The status regarding office and residential accommodation for the staff of revenue department, at various levels is unsatisfactory. The Government may take necessary steps in this regard.
1. Supervision, Inspection and Monitoring constitutes the backbone of institutional arrangements. Detailed norms have been laid down by the state government / Board of Revenue, Bihar on this. These norms are either ignored or carried out in a rather perfunctory manner. The need for close supervision is felt more with the introduction of modern technology. The state government should review these aspects thoroughly and revise these norms, and ensure adherence of norms. Supervision / Monitoring mechanisms need to be strengthened at every stage starting from state head quarter to the circle office level.
2. Amendment of various acts (Bihar Agriculture Land Act, 2010, Bihar Land Reforms Act, 1961, Bihar Special Survey and Settlement Act, 2011, Bihar Land Dispute Resolution Act, 2010, Bihar Land Tribunal Act, Registration Act etc.) as suggested in panel 1, panel 2 and panel 8 can be attempted on priority basis.

CHAPTER – 5

SUMMARY & RECOMMENDATION

5.1 SUMMARY

Land is one of the most critical and important resources for inclusive growth in the state as 2.88% of India's land mass support 8.58% of the population of the country. A balance in land use for industrial purpose and agriculture is essential for this predominantly agrarian economy. Given this background the situation calls for an efficient, transparent, accountable and equitable land governance system. The present study is an attempt to assess the status of land governance in the state of Bihar by using the Land Governance Assessment Framework of the World Bank in 9 LGAF theme consisting of 27 land governance indicators (LGI) and 116 dimensions.

Since independence Bihar has taken proactive measures to ensure legal land rights over land of individuals in rural and urban areas through legal provisions and enactment of a large number of Acts and Rules. There is recognition of land rights in urban areas against lands held by individuals, households, apartments, group housing, commercial complexes, slums and the like. For equity purpose, house sites and land for production were allotted from various land streams in favour of economically weaker sections of society. In recent years several initiatives have been taken to give land rights to women. Still the proportion of land in the name of women is very less. Steps were initiated for checking encroachment, dispossession or threatened dispossession and land dispute resolution by enacting Acts and Rules. There is no dearth of legal provisions. However, the areas of concern are deficient implementation of Acts / rules, non-completion of revisional survey, slow progress in special survey, poor availability of Record of Rights (RoR), un-updated record of rights, lack of Land Use Policy and Plan for rural areas in Bihar. Perspective land use plan and their integration in the state plans and the national perspective development plan are required. A significant section of RoR is outdated. The Cadastral Survey concluded almost 100 years ago. There is a gap in updating land record with proper survey and settlement operations after cadastral survey. Though the Revisional Survey started in the decade of 1960s but it had been completed in only 12 districts. The revisional Survey started but not completed in 14 districts and in 12 districts it was not at all started. Even where it was completed it took long time, so the data became obsolete. Though the computerisation of land data is initiated in the state but they are digitising the old data which have little relevance with the ground reality.

The forest and common land are clearly identified in Bihar and the same are recorded as such. Due to absence of proper survey, the demarcation of forest land is a matter of concern. In major urban areas, common land has been identified and arrangements have been made to construct boundary walls to protect them from encroachment. There is no user's right as such in 13 national parks / wildlife sanctuaries in Bihar. Though there is hardly any group right over forest produce, but the usufructuary rights of users on natural resources and forest produce is recognized and the Joint Forest Management Committee is instrumental for ensuring this. The implementation of Forest Right Act (FRA) in the context of Bihar is very tardy. Another area of concern is the steady erosion of village commons/common property resources. These lands are encroached on or no rejuvenation plan exists after change in nature. It is found that common land related cases are not diligently pursued and hardly any case is filed against illegal *jamabandi* of common land. Removal of encroachment from common lands and implementation of FRA with right spirit are the need of the hour.

There is a significant increase in the urban population in Bihar. The Municipalities and Urban local bodies suffer from unplanned spatial expansion of urban area. There is no

approved Master Plan except 28 City Development Plans prepared under JNNURM. Activities of urban development are primarily guided by the Bihar Municipal Act. To enhance quality of service delivery, the service standard has been adopted for each activity by setting time – line, authority, appellate authority and reviewing authority. The GIS-based mapping also has been started in different towns. The state government has adopted policies to ensure low cost housing in urban areas and the tenural security for slum dwellers also provided through the recent Slum Policy. The coverage ratio and collection of property tax is also less. Formulation of Master Plan for guided urban development, removal of encroachments, construction of proper drainage and sewerage system are the most important concerns.

Since the Cadastral Survey the public lands under different categories have been identified and recorded. The authority and criteria for management of public land are also clearly defined and the information related to public land, though not updated, available at various offices under Department of Revenue and Land Reforms. Government can distribute and settle common land to landless people only when the nature of the land changes and with prior approval of *Gram Sabha*. The state government has not yet come up with any policy related to *Gairmazruha Aam* land in urban areas. A large amount of public lands under different categories like *Gairmazruha-Khas/Malik*, *Gairmazruha Aam*, Ceiling Surplus land and *Bhoodan* Land have been distributed amongst weaker sections for livelihood support and for providing housesites. Reasons of unsuitability of each category of public land should be identified and strategy for making them suitable for distribution should be developed. Ensuring possession of the beneficiary on distributed land is a matter of concern. Regarding record of rights, a large section of the record of Public Land are based on Cadastral Survey, conducted almost 100 years ago and due to in-completion of Revisional Survey and non-computerization of records, some records are in dilapidated condition. However, a legal platform has been created through special survey to conduct abridged survey and settlement adopting modern technology.

The lands are acquired mainly for public purpose through Department of Revenue and Land Reforms and by District Land Acquisition Officer and District Collector. Land to private investors is being allotted by BIADA based on the clear and transparent criteria and process. However, providing compensation to the land loser is an area of concern as the record of rights are not updated and there is no system of providing compensation to the share cropper and other people affected by the land acquisition who do not have legal rights over land. Provision has been made in the Bihar Resettlement and Rehabilitation Policy, 2007 to provide relief to the people who earn livelihood on acquired land and have been rendered unemployed for 1 to 3 years. Independent and accessible avenues for appeal against land acquisition and compensation exist in Bihar.

In Bihar, most of the lands acquired in last seven years are for public purposes only. For transferring land to private investors, requisitioning body BIADA follows a clear and identified process which is transparent and based on pre-fixed criteria. It has adopted service standards for effective service delivery. The total plots available to BIADA in an industrial area are demarcated in various categories and for allocation of these plots to investors BIADA follows a clear and transparent evaluation process which is based on the information provided by the investors depending on many pre-fixed criteria. Project Clearing Committee (PCC) evaluates investment proposals and gives approval. BIADA also monitors compliance of contractual obligations by the investor. Difficulty in identifying the actual title holder obstructs the process of land acquisition and compensation. There is no system of sharing benefits arising from changes in permitted land use with the people as well as no provision in the policy to improve equity in asset access. The state government has set up Social Impact

Assessment Unit under new Land Acquisition Act, 2013. The inter-institutional coordination system with all related departments needs to be strengthened.

The Registration Offices have been fully computerised in the state. Since 2006 all the data / documents have been digitised and are available in digital form. The computerization model of registration office is self sustaining and has received Prime Minister's Award for its self sustaining nature of management. There is a clear, practical process for the formal recognition of possession in Bihar. Though the non documentary proof does not have conclusive evidence and they have less strength than the formal documents and takes lot of time in recognition of claim, yet the non-documentary form of evidence is used to establish recognition of a claim to land or property through quasi-judicial / judicial process. In Bihar, legislation exists to formally recognize long-term, unchallenged possession. However, formal recognition is granted to very few or no applicants for recognition on either public or private land. The cost of stamp duty is 8 per cent in Bihar which is higher in comparison to other states and government of India norm of 5 per cent. Some exemption in stamp duty has been provided to promote agriculture, industries, IT and communication sector in the state. Due to non-linking of computer of registry office with Circle Offices, automatic mutation and automatic updation of records are not facilitated. The data related to registry are available from the year 2006 in digital form. Hard copies of registered documents from Registry Offices are being provided on the same date. Registry office is following the prescribed service standard scrupulously. The registry fee has a clear rationale, their schedule is public and all payments are accounted for.

There is clear process of land valuation in Bihar. The minimum market value of land and other immovable properties are determined following Indian Stamp Act, 1899 (Act II of 1899) and notification by Registration Department, Government of Bihar. Minimum Market Value Registers (MVR) for various types of land / building / flats based on their location and use have been prepared and regularly revised and updated at district level by a committee headed by District Magistrate. Valuation of land based on MVR is also applicable for land acquisition for calculating compensation. The process of property valuation based on Annual Rental Value (ARV) located on different types of roads and different uses are very clear. Valuation roll is publically accessible at every registry office / municipality / website of municipality at Patna and Muzaffarpur / website of Registration Department. Though individually, the revenue from the land rent and holding tax are not sufficient to meet the cost of tax collection, but considering amount of collection from all the sources including stamp duty and registration fee, the total collection is between 1 to 3 times the costs of collection. The collection of land rent is poor, compared to the collection of registration and property tax. The coverage ratio is very low in the state. The adoption of self-assessment of holding tax and penalty for wilful suppression will help in better collection of property tax.

In dispute resolution and conflict management with respect to land, responsibilities are clearly assigned unambiguously. The enactment of Bihar Land Dispute Resolution Act, 2009, and establishment of Bihar Land Tribunal is a milestone in respect of land dispute resolution. The disposal of cases has significantly improved after this Act and establishment of tribunal has lessened the burden of civil courts and high court. Even the cost in getting justice is less (compared to situation before) under this process because of speedy disposal of cases. The Bihar Land Dispute Resolution Act is omnibus, cost effective and time effective. Alternate dispute resolution mechanism such as lok adalat is also gaining momentum in the state. *Gram Panchayat* has also been empowered and strengthened with 'Nyaya Mitra' to dispose of suits of lower valuation.

Land governance is a state subject and in Bihar there is well structured set up for effective land governance with the Department of Revenue and Land Reforms as the

principle department for land administration. The work relating to land records and survey, land acquisition and land consolidation are being looked after by the respective directorate under the Revenue and Land Reforms Department. Other matters pertaining to land administration such as land ceiling, bhoodan land and other related matter are being looked after by the different sections of the Revenue and Land Reforms Department. Besides, Urban Development Department, Forest Department, Registration Department and Industries Department are also involved in land administration in some way or the other. The role and responsibility of functionaries dealing with the land administration, regulation and management are clearly defined and there is a clear separation in the roles of policy formulation, implementation and arbitration in the context of Bihar. The major concern in the land administration in the state is lack of proper land use policy, land use plan, poor infrastructure with the concerned department, lack of trained manpower in the concerned department, obsolete land records. The major initiative in the revenue department is the creation of revenue cadre in the state. The equity concern for the economically weaker section of the society and land rights to women are the driving force of the state policy of land governance.

5.2 KEY POLICY RECOMMENDATIONS

The following theme wise recommendations have been made based on the findings of the study. The recommendations are classified in to three timeframes viz. short term, medium term and long term, to facilitate implementation.

5.2.1 Land Right Recognition

Short Term

3. Comprehensive circulars/ guidelines of allotment of homestead land covering BPPHT Act 1947, Gairmazarua Aam land, Gairmazarua Malik land and allotment of 3 Decimal of Rayati land along with check list should be developed and made available to Circle Office for ready reference.
4. Survey/Resurvey work has been taken up in Bihar on priority basis, under the Bihar Special Survey and Settlement Act, 2011. District collectors have been made in charge as settlement officers of the respective districts in the Act. Since the survey operation is technical in nature, it requires day to day monitoring, and disposal of cases in the camps by junior officials. The collector of the district has hardly any time to monitor the day-to-day operations of the Survey/Resurvey, organization of camps, disposal of cases, grievance redressal etc. It is advisable to have a full time settlement officer to look after all these activities.
5. Since 'continuous khatiyani' is being prepared in the districts before the Survey/Resurvey operation, the Continuous Khatiyani, so prepared, should be verified and authenticated by senior revenue officials. They should be asked to put their signatures after verification so that the entries made in the 'continuous khatiyani' match with the ground realities.

Medium Term

6. Special survey should be completed within the prescribed time frame. Computerization of record of rights and digitization of maps based on special survey should be completed by 31st March, 2016.
7. Formulate Land Leasing Policies to ensure land rights in favour of share croppers and economically weaker sections. This will facilitate availability of bank credit to them and motivate them in investing for long term infrastructure in farming.
8. Around 279 land ceiling cases, involving about 26000 acres of land, are pending in the High Court of Bihar. The State Govt. has started reviewing the cases and chalking

out strategy such as empanelment of competent advocates and request to Chief Justice to constitute separate bench to hear all the pending cases expeditiously.

9. All the government land, such as ceiling surplus land, bhoodan land, homestead land, gairmazarua aam and gairmazarua khas land which is stated to have been distributed to the landless poor should be physically verified to see whether the assignees are in possession of these lands. There is a need to physically verify all the land given SCs and STs by involving landless poor, local youth and SHGs of Women, under the overall supervision of Revenue Authorities. Effective steps should be taken to give possession of land to such persons.
10. State should prepare and maintain an inventory of all ceiling surplus land, bhoodan land, gairmazarua aam, gairmazarua malik and khasmahal land and make it available for public scrutiny.
11. All cases of alienation or transfer or unauthorized occupation of land, in violation of existing laws, should be identified and necessary steps should be taken to restore the land back to the poor. All the restored land should be recorded in the name of women family member to increase women's stake in land. The Registration Department should strictly be instructed not to entertain any transaction of these land allotted to poor by government.
12. Exemptions to religious, educational, charitable, research and industrial organizations as well as plantations and aqua farms under the Land Ceiling Act should be discontinued. These institutions should not be allowed to use more than one unit of 15 acres.

Long Term

13. State should revise its ceiling limits. The proposed limit should be around 10 acres in the case of irrigated land and 15 acres for non-irrigated land.
14. **Recommendations on Amendment of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.**

The following modifications are required in some section of the above Act:

1. Section 45B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, empowers the state government (Minister in the instant case) to reopen the cases disposed off by the collector. Keeping in view the timely disposal of the cases, it is advisable that this power should be exercised by the Divisional Commissioners. There are many issues in land ceiling. Various issues which might have been raised and adjudicated at various forums. Any authority or land holders, at any point of time, may inform that some points have not been raised earlier and that may change the decision in the case. Hence, power of reopening cases may be given to Divisional Commissioner based on left over points/issues.
2. In Section 21 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, the land holders have been given facility to resume land cultivated by an under raiyat within the ceiling area. These facilities are retrograde and should be withdrawn.
3. Under section 21 of the Act, the under raiyat, after the acquisition of raiyati status, should have transferrable rights. This provision is fraught with the risk of sale under duress rendering the under raiyat landless. This provision should be removed/ deleted.
4. Section 22 of the Bihar Land Ceiling Act deals with the provision for an under-raiyat. To prevent *benami* transaction by the land holder, or to prevent entry of fake name in the relevant record, it would be relevant to make provisions by

recording non-transferable rights to under-raiyat so that the actual under raiyats, who are the tillers of the soil, may get benefit.

5. The State should impose ceiling not only on 'Ownership' of land holdings but also on 'Operational' land holdings to prevent concentration of large tracts of land through lease-in. A person/ institution/organization should not be allowed to own more land than the ceiling limit.

15. Enactment of Right to Homestead Land: Right to Homestead Land Act, just on the lines of Right to Service Act 2011, should be promulgated. Definition of homeless, procedure for survey to identify homeless and ways and means to provide house sites in the Act from various types of land, should be made clear.

16. Land Development: Land allotted to landless generally have problems such as salinity, alkalinity, water logging and soil degradation etc. Lot of opportunities are available for developing the land belonging to the poor by accessing various Central and State Government schemes existing now such as MGNREGA, Watershed Management Program and NABARD supported Rural Infrastructure Development Fund etc. The govt. should prepare an inventory of land for the poor who require development, and should also systematically take up land development work on those lands. Priority should be given to all land belonging to Scheduled Castes and Scheduled Tribes, first. As far as possible, land development work should also include provision of irrigation facility with priority to SCs and STs land. Along with land development, all other sustainable agriculture programmes available for increasing productivity of land should be linked to this land so that the poor can earn better income from the land

5.2.2 Forest and Common Land Management

Short Term

17. Building Public Awareness regarding Common Property Resources (CPR), FRA, forest and environment.
18. The implementation of Forest Right Act should be geared up. The following actions should be initiated with regards to Forest Right Act:
19. Primary importance is to be given to Community Forest Resource Rights (Sec.3(1) i) of FRA. All villages/hamlets should claim and obtain Community Forest Resource (CFR) Rights and in case there are villages/hamlets which don't claim or obtain CFR rights, it should be incumbent on the District Level Committee to record, in writing, the reasons thereof (see iv. Community Forest Resource Right's 'Guidelines on the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006; No.23011/32/2010-FRA (Vol. ii(pt.)), Ministry of Tribal Affairs dated 12 Jul 2012. Further, the Gram Sabha should constitute a Forest Management Committee, as envisaged under Rule 4(e), to protect, conserve and manage the CFR area, including its resource use.
20. State Level Monitoring Committee should also monitor effectively the process of determining and approval of all the rights under Sec. 3(1) and (2) category wise ranging from:
 1. Individual rights
 2. Community rights
 3. Rights of ownership, use and disposal of Minor Forest Produce
 4. Rights to community tenures and habitat rights particularly to vulnerable tribal groups
 5. Rights in and over disputed land
 6. Rights of conversion of pattas or leases or grants

7. Rights of settlement and conversion of all forest villages, unsurveyed villages and other villages in forest, whether recorded, notified or not, in to revenue villages
8. Traditional rights
9. Right to *in-situ* rehabilitation including alternate land for displaced persons
10. Development rights under Section 3(2)
21. Patta Distribution in the name of women, as specified under the FRA, should be implemented, in letter and spirit, with greater vigour and efficiency.
22. Vulnerable Tribal Groups should be given exemptions with regard to filing of claims. A definite time frame should also be specified for settling their claims. Furthermore, there should be a provision for withdrawal of cases against PVTGs for minor forest offences filed by the State.
23. The state level committee should review and ensure that all cases of large scale rejection of claims (and modifications to what is claimed) are referred back to the DLC for their reconsideration and/ or rectification, following due process. Further, the process of acceptance of claims and implementation of FRA should not be subjected to arbitrary deadlines. The Gram Sabha is empowered to continue the process till the complete implementation of FRA. The committees at the higher level should not insist on any specific evidences for approval of rights decided upon by the Gram Sabha. Further, all safeguards under Section 4 of the Act, in respect of recognition of rights and resettlement, should be adhered to in case of critical wild life habitats, national parks and sanctuaries.
24. The Ministry of Social Welfare should ensure that the State Level Monitoring Committee send their reports on a monthly basis and take cognizance of the recommendations. The Ministry should follow up and take proactive steps at the State level through issue of advisories and / or directives under Para 5 of Fifth Schedule applicable not only for Scheduled Area but also to all Scheduled Tribes. Wherever necessary, the Ministry should not desist from taking legal and other appropriate action against offenders.

Medium Term

25. Enumerating Common Property Resources (CPR) in every National Sample Survey (NSS) should be made mandatory.
26. Minimum area of Common Property Resources (CPR) in a village should be determined, keeping in view the growing trend in population / live stock.
27. Joint Forest Management (JFM) model could be followed as the development model for Common Property Resources (CPR).
28. Developing fresh land records (update the existing one) using modern Information Technology support.
29. State government, through its State Level Monitoring Committee constituted under FRA, should review all diversion of forests for non-forestry purpose since January 1st, 2008 and particularly from 30 July 2009. Whether consent for diversion is obtained from the concerned Gram Sabhas. Further, the committee should monitor and ensure that this guideline is complied with, in all future proposals of the State, for such diversion to ensure that the rights of forest dwellers are protected.
30. Ban should be imposed on diversion of Common Property Resources (CPR) for other purposes.
31. Steps should be initiated for removal of encroachment on common land / public land / forest land. The Gram Sabha should have the power to evict all encroachers from public land.

32. Rights of management of common land should be vested in the Gram Sabha of the Gram Panchayat, which will include the village wasteland, common land, land under public utility, government land, community land, dedicated land, etc. The right of settlement of land should rest with the Gram Sabha of the Panchayat. No settlement of Gram Sabha land should be made on a permanent basis.
33. The State government should ensure allocation of funds to the concerned Gram Sabhas for (a) protection and conservation of forests within the CFRs of the villages and (b) follow up counselling and guidance sessions post-FRA rights recognition to achieve the intended objects of FRA.
34. The processes of identification, of hamlets or settlements, for the purpose of the Forest Right Act (FRA), 2006 have been specified under Rule 2A of the FRA. The State should complete the identification process within a period of one year and ensure that the Gram Sabha of these hamlets constitute the Forest Right Committee.
35. In the Bihar Land Ceiling Act, section 27 deals with the allotment of surplus land to eligible categories. It also deals with earmarking a portion of surplus land for public purposes. In the consolidation law, community land also has to be set apart in the scheme.
36. Initiating fast track, time bound, process for resolving disputes on Common Property Resources (CPR)

Long Term

37. Institutional arrangements to govern Common Property Resources (CPR) with increased role for user groups, community based organizations, should be delineated with regard to ownership access, rights and other benefits.
38. There should be a Standing Committee at state level to deal with land issues, including the management of waste land, common land etc.

5.2.3 Urban Land Use Planning and Development

Short Term

39. Municipal survey (Urban Cadastral) of urban land should be started on priority basis.
40. Strict enforcement of anti-encroachment law, to remove encroachment on priority basis, particularly from road side vendors should be initiated to save people from traffic jam.

Medium Term

41. The office of the town planner is of vital importance and, hence, should be made functional by appointing Chief Town Planner and provide sufficient staff and infrastructure.
42. The sanctioned posts for Urban Development & Housing Department of urban local bodies should be filled with qualified and trained staff by launching special recruitment drive.
43. Municipal Services Guarantee Act, along the lines of the Right to Public Service Act, 2011 to be put in place.
44. Construction / provision of parking space at different places for vehicles in urban areas should be given topmost priority.
45. Strict enforcement of building completion certificate / occupancy certificate to be done.
46. Development of proper drainage system and solid waste management system in the cities should be ensured. A time bond action plan may be drawn for each city.
47. Green area and children parks should be demarcated in each town. An action plan with definite timeframe work should be chalked out for every city.

Long Term

48. Formulation of master plans for development of urban areas, with statutory backup on urgent basis, should be ensured. Its proper implementation will solve the problems of water logging, traffic jam and poor civic amenities.
49. Settlement policy of street vendors should be developed for each ULB.
50. Inclusion of Modernisation Plan of old areas of the city in Master Plan of each ULB.

5.2.4 Public Land Management

Short Term

51. Steps should be initiated to give possession of the land to more than 0.2 million beneficiaries who have already been allotted land under housesite policy for mahadalit family and other schemes.
52. All the public land, which has been distributed to the landless poor, should be physically verified to see whether the assignees are in possession of this land. If not, steps should be taken to give possession of those lands to the real assignees.
53. Evict encroachers from public land and bring the land back for public use by following due process of law. Resettlement / rehabilitation for genuine persons viz. Economically Weaker Section of the Society (EWS) may also be taken up simultaneously.
54. Get an inventory of all public land prepared and make it available for public scrutiny. There should be a unified system, under revenue department, to collect data from each department / district regarding the land under the concerned department and update the same on regular basis for its effective management. The need of the hour for every department having public land is to have an estate section with sufficient staff, estate officer and an inventory of public lands owned and possessed by it. The estate officer shall be responsible for safeguarding property, prevent and remove encroachment, if any, as per law.
55. Gairmazarhua Aam land should be used for public purpose only except for group housing purpose for EWS/Mahadalit.

Medium Term

56. Complete the ongoing special survey in all parts of the State by 31st March, 2016. Digitise record of rights and maps prepared on the basis of special survey.
57. Efforts should be made to bridge the gap between allotment of land and mutation. Since the allotment of land is made from the public land (government land), the allotment/ issue of 'parcha' and mutation should happen simultaneously. At the time of issue of 'parcha', its copy should be sent to the Circle Officer/Karmchari concern for automatic mutation of the land, creation of Jamabandi, and fixation of rent. After creation of jamabandi, the settlee should be informed.
58. There is a need to ascertain the reasons regarding the unsuitability of ceiling surplus land, *Gairmazruha Malik*, *Gairmazruha Aam* and bhoodan land, by launching special survey. Strategy for developing these lands for making them suitable for distribution, wherever applicable, should also be planned.
59. New Khasmahal Policy has already been promulgated with respect to land in direct possession of government. Same is to be enforced in letter and spirit.
60. Process of confirmation of Bhoodan land should be expedited. 'Dan Patra' must be confirmed without any further delay.
61. Dan Patra (Gift letter) of some Boodan land is not available with LRDC or even in Bhoodan office. Records of 13 districts for Bhoodan land have been digitized. Digitization of records of the rest 25 districts should be taken up expeditiously.
62. In the course of the ongoing special survey, lower level revenue functionaries should be instructed to ensure recording of public land in the records of rights. As soon as the

textual data on public land is generated, all out efforts should be made to trace public land which is privatized officially, prior to special survey. Following due process of law, public land settled, unauthorizedly, must come back to the public domain. It is noteworthy to point out that even during special survey operation the state has to be implemented as a party in cases pertaining to public land.

Long Term

63. The state government has not yet come up with any policy related to Gairmazruha Aam land in urban areas. For Gairmazruha Aam land, falling in urban areas the government may identify a competent authority for issuing no objection, parallel to the gram sabha, that too wherever the nature of land has changed.
64. Enumerating public land in every National Sample Survey (NSS) should be made mandatory.

5.2.5 Transfer of Large Tracts of Land to Investor

Short Term

65. Institutionalize a coordination mechanism among all departments to expedite approvals. Inter – institutional coordination system with all related departments, such as land records, land acquisition. Industries Deptt, BIADA, District Collector, Land Acquisition Committee and MVR committee may be constituted at district level to strengthen and avoid any problems and monitor the activity as a team.
66. Ensure stakeholder participation in the process of large scale transfers of public land.
67. Provide for third party monitoring to ensure compliance of contractual obligations by investor. Third party Evaluation of the benefits gained by the society due to land use change and compliance of the contractual obligations, by the large scale investors, should be planned and conducted.

Medium Term

68. Waste land / barren and uncultivable land / hill lock may be utilized for mining, quarrying and industrial uses. Only such land should be acquired for industrial purpose.
69. Develop a system of public interface between the investor and the administration to sort out problems coming in the way of allotment of plots for undertaking industrial activities. Problem resolving system need to be put in place in each district as well as at the state level.
70. Developing infrastructure in the industrial area / growth centre to enable the investor to start the project quickly.
71. Finalize and enforce a rehabilitation and resettlement policy to mitigate hardships.

Long term

72. Actual implementation of the rehabilitation policy for closed / sick industries in the industrial area.
73. Strategy should be developed for standardization of MVR based on objective criteria. The objection received with regard to fixation of MVR should be considered. Average minimum and maximum sale value of a particular *mauza* should be taken up to determine MVR, instead of taking the highest sale value of mauza.

5.2.6 Public Provision for Land Information: Registry and Cadastre

Short Term

74. E-Linking of registration data on computer with the circle office, to be initiated to facilitate automatic mutations and updation of records on transfer of land.
75. Scanning of old records prior to 2006 and placing them on the computer network, to be completed expeditiously.

Medium Term

76. The State Government should reduce the stamp duty to make land registration affordable and bring it at par with other states. The stamp duty should not be more than 5 percent.
77. Cases of inheritance, partition, sale certificate, mortgage by deposit of title deeds, oral gift etc. should be brought within the ambit of compulsorily registrable document so as to reflect their impact in the encumbrance certificate issued by the registry office.
78. The Government should gradually do away with the use of stamp paper altogether and adopt the system of depositing stamp duty by Challan, in designated banks.

Long Term

79. In registration, the transfer of title is presumptive, not exclusive. Steps should be initiated to transfer the exclusive /absolute title on the lines of Karnataka state. Accordingly, Registration Act should be amended and strategy should be developed to verify title before registration, by an expert appointed/empanelled, for this purpose. Thereafter, Electronic data base on transfer of land would help in updating the land record even after sale/transfer.
80. Model Land Titling Bill framed by the DOLR / MORD may be considered for adoption with suitable modification.

5.2.7 Land Valuation and Taxation

Short Term

81. Religious trusts, just like government offices, should at least pay 50 to 75 percent of the normal holding tax as service charges to provide better civic amenities.
82. In order to avoid complications, or disputes for assessment of annual rental value, a self assessment format should be made available to the public to file the details of holding for assessment of annual rental value and holding taxes. Regular checking and verification of the same should be taken up on priority basis so that its genuineness can be established. Strict penal action should also be taken in case of any discrepancy, after verification.
83. No attempt has been made in the past to assess the cost of exemption of taxes to the government. Assessment of the cost of exemption of taxes to various institutions needs to be initiated.

Medium Term

84. A Municipal Services Guarantee Act, along the lines of the Right to Public Service Act, 2011, is put in place.
85. As the value of landed property in municipal areas has increased manifold, there is a need to enhance the holding tax for providing better civic amenities.
86. Economic land rent should be decided / fixed, based on land use classification, type of land and productivity of the land.
87. Tax Coverage ratio in Patna Municipal Corporation is 50 percent. More or less similar is the situation in other municipal bodies. There is a need to bring in unregistered holdings into tax fold to increase the revenue for providing better services. This work should be taken up in camp mode.
88. The imposition and collection machinery of taxes in the Municipalities should be made more efficient. As this work is technical in nature, a thorough knowledge of the system with all its technicalities must be made known to the officers and staff engaged in municipal tax administration. Comprehensive administrative capacity enhancement is the need in ULBs.
89. Proper administrative set up with well trained, qualified staff is necessary for efficient running of the tax administration department of ULBs.

90. Community expects better civic amenities from the municipal authority. It cannot be provided without monetary resources. Even the sincere and dedicated Municipal personnel cannot serve the society according to society's expectations without proper equipment and facilities. If the urban residents do not pay the taxes in time, they cannot expect proper civic facilities to be provided to them. The State Government used to give grant and loan to Municipality for infrastructure development or for employment generation schemes, but not for meeting the day-to-day expenses of the Municipality for providing different civic services. As such, proper rapport between the residents of town and Municipal authority is most essential. This will make the people realize that the money which is being collected from them, in the shape of various taxes and fees, are being utilized properly for their benefits. The role of municipal authority in this regard is very important.

Long Term

91. The urban local bodies in Bihar are not using modern technology for better tax collection in urban areas, such as facility for online payment; GIS for better tracking of properties, electronic inter linkages with registries to track acquisition of properties etc. These varieties of modern technology should be adopted by ULBs.

5.2.8 Dispute Resolution and Conflict Management

Short Term

92. Case flow Management Principles should be immediately implemented.
93. Information and Communication Technology (ICT) implementation should be more meaningful with defined objectives.
94. There is an urgent need to tackle cases pertaining to dispossession of land allottees. A time bound strategy should be developed to restore possession of land to these persons.

Medium Term

95. Necessary changes should be made in the relevant laws for dealing with management aspects relating to progression of cases and their flow for enhancing reduction rates and timely disposal with quality.
96. Responsibility to carry out judicial reforms should be assigned to a single identifiable body.
97. No time limit has been prescribed for disposal of appeal by Divisional Commissioner in Bihar Land Dispute Resolution Act, 2009. Specific time limit (60days) for disposal of appeals by Divisional Commissioner should be spelt out in BLDR Act 2009.
98. Efforts should be made to create more and more permanent Lok Adalat in all the districts and sub-divisions. Litigant should be made aware and be encouraged to pre-litigation settlement through such permanent Lok Adalat.
99. Adequate training to Deputy Collector Land Reforms (DCLR) and Circle Officers on different Acts and mechanisms of dispute resolution is a prelude for speedy disposal of disputes relating to land.
100. The Court of Deputy Collector Land Reforms (DCLR) should be provided sufficient staff with adequate infrastructure.
101. The Collector should ensure effective supervision of the work of Deputy Collector Land Reforms (DCLR) regarding dispute resolution, on regular basis. The same is not done on regular basis now.
102. There is a need to strengthen the tribunal by filling up the post (s) of members lying vacant and by providing adequate, regular staff along with infrastructure.

Long Term

103. Dispute related to land/holding falling within the municipal area should also be brought under the jurisdiction of BLDR Act, 2009. Similarly, Public land Encroachment Act, 1961, alluvium and delluvium land dispute should also be brought with the ambit of BLDR Act, 2009.

104. Taking into the consideration the large number of cases of dispossession in Bihar, fresh punitive laws are required to punish those persons who are not having the title over land but involved in dispossessing the legal owner of land. Actually, these persons are resourceful and dispossess the legal owner of land on concocted or forged or false papers, by force. The state Government should frame punitive laws to prevent cases of dispossession. It is advisable that dispossession should be made a cognizable offence.

Section 4(B) of Bihar Land Disputes Resolution Act, 2009 pertains to the cases related to restoration of possession of settled/allotted land in favour of legally entitled settled /allottee or his successors/heirs, upon adjudication of unauthorized and unlawful dispossession. Section 7 pertains to summary disposal of proceeding. There is no need to follow the procedure for adjudication of cases of dispossessed persons. LRDC can issue notice to the offender. On hearing from the offender, summary disposal of cases should be done. Besides restoring possession, penalty/ punishment may be imposed. For a first time offender, penalty up to Rupees Two Thousand or one year of imprisonment or both can be imposed. For the second time, the penalty upto Rupees Ten Thousand or Two to Five years of imprisonment or both may be imposed on the offender.

105. There is a need to set up a Green Tribunal, with a bench in Patna, to resolve disputes related to forest and environment.

106. Required amendments may be brought in to the BLDR Act, 2009 as well as Bihar Land Tribunal Act, to include alternative dispute redressal provision by way of arbitration, conciliation and mediation.

107. Effective steps should be initiated for strengthening and smooth functioning of Gram Kachchahary by the State Government. The local Panchayati Raj institutions can help curb land disputes/ problems to a great extent. The Gram Kutchcharies of each Gram Panchayat may be empowered to decide on these cases at Panchayat level. However, adequate safety systems must be kept in place to curb the malpractices that occurred in this new concept of resolving land disputes at Panchayat levels.

5.2.9 Review of Institutional Arrangements and Policies

Short Term

108. A State Land use Policy based on existing laws and policies should be developed. A Land Use Board in Bihar should be set up for formulating the Land Use Policy, making 10-15 years perspective land use plan and monitoring the implementation of land use plan.

109. Government should devise a unified system in Revenue Department for collection of data for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. Each department should maintain and update the status of the land they possess. This will help in efficient management of land in future.

110. Set up an effective Grievance Redressal machinery for the people of the state.

111. A vigorous special / massive time bound programme should be started, focusing on giving possession to dispossessed persons, with proper co-ordination between revenue and police officials. A need based system of summary trial may help in solving the dispossession cases in rural areas of Bihar.

Medium Term

112. Enumerating Common Property Resources (CPR), Common land and public land in every National Sample Survey (NSS) should be made mandatory. An inventory of common property resources, common land and public land should be prepared and make it available on public domain for public scrutiny.
113. Special survey should be completed within the prescribed time framework. Computerization of record of rights and digitization of maps based on special survey should be completed by 31st March, 2016. Special drive should be launched to update land record jointly by all concerned department.
114. E-Interlinking of Land Records with Registry in entire state.
115. Capacity Building need to be greatly enhanced as the existing training facilities is inadequate. With wide spread use of modern technology, there is a greater need for the training of the staff at various levels. The existing training institutions should be suitably upgraded. The training syllabi should be such that, besides upgrading the skills of trainees to enable them to discharge their duties more competently, they also get an exposure to the technological and human relations dimension of modern land administration. Capacity building programmes on process, procedure and technology use should be designed and implemented, sooner. In order to attract better professionally qualified trainers in training institutions, adequate financial and other incentives should be provided for.
116. The halka karamcharis should have an office of their own. They can be accommodated in the proposed Gram Panchayat Bhawan.
117. It is also necessary to rationalize the jurisdiction of Circle Officer. An inspector cannot supervise effectively the work of more than 8-10 halka karamcharis. Depending upon the same, additional posts may be created.
 1. Provision for sufficiently trained and qualified manpower in the survey and settlement departments should be made. Latest tools / machines and adequate budget should be provided to complete the special survey by 31st March, 2016.
 2. Filling of the vacant, sanctioned posts in all land related departments need to be undertaken, on urgent basis, to improve revenue administration and strengthen related institutional arrangements.
 3. Awareness creation programme should be launched on a massive scale. In Bihar, a comprehensive set of measures should be undertaken involving legislative, administrative and public awareness building to ensure the rights of the tribals over land, forest, water, minor forest produce, and mineral resources.

Long Term

4. The status regarding office and residential accommodation for the staff of revenue department, at various levels is unsatisfactory. The Government may take necessary steps in this regard.
118. Supervision, Inspection and Monitoring constitutes the backbone of institutional arrangements. Detailed norms have been laid down by the state government / Board of Revenue, Bihar on this. These norms are either ignored or carried out in a rather perfunctory manner. The need for close supervision is felt more with the introduction of modern technology. The state government should review these aspects thoroughly and revise these norms, and ensure adherence of norms. Supervision / Monitoring mechanisms need to be strengthened at every stage starting from state head quarter to the circle office level.
 1. Amendment of various acts (Bihar Agriculture Land Act, 2010, Bihar Land Reforms Act, 1961, Bihar Special Survey and Settlement Act, 2011, Bihar Land Dispute

Resolution Act, 2010, Bihar Land Tribunal Act, Registration Act etc.) as suggested in panel 1, panel 2 and panel 8 can be attempted on priority basis.

5.3 POLICY MATRIX

Issues	Recommendations	Responsible	Monitoring indicator
<p>1. Rural land records are not updated regularly, presumptive and lack spatial reference; legal framework</p> <p>Records are not updated and weak capacity for maintenance, records not verified before digitalization; records not geo-referenced; most maps not updated after 1922; slow progress resurvey (Out of 45,769 villages, 71% have computerized records; verification was done for 62%; special drive produced aerial photos 17% villages, Updating for 7% villages; Kheshra panjis prepared for 7.5%).</p>	<ol style="list-style-type: none"> 1. Identify & implement on a priority basis, cost-effective ways of verification & updating textual records based on ground reality. 2. Complete the recently enacted Special Survey within the stipulated time period 3. Develop, pilot and implement mechanism for continued updating of textual and spatial records to overcome need for special drives 4. Assess the resource requirements for digitized record maintenance, verification and resurvey in different situations 5. Develop a program that would allow to accomplish record maintenance and resurvey in a specified and realistic time frame 	DoLR/Revenue and Land Reforms Department, GoB	<p>% of records verified and updated</p> <p>% of records identified on maps</p> <p>% of area mapped with land holder identified</p> <p>% of area mapped with land holder identified having documentation of tenure (gender disaggregated)</p>
<p>2. Urban land records are incomplete, presumptive and not spatially referenced; High level of housing is in violation with urban regulations</p> <p>RoR system not adjusted to urban areas and overlapping responsibilities; lack of base maps Many urban land holdings and houses lack records of ownership in urban areas, although no exact data are available; Tax records are now used as evidence of tenure. High level of housing is in violation with urban regulations</p> <p>(60 % house lack completion certificate; 70- 80% no occupancy certificate; 55 % multi-storied buildings not conform</p>	<ol style="list-style-type: none"> 1. Define workflows involved in urban land management, records maintenance, building permits and enforcements re-engineer where possible; effectively and sustainably 2. Assess resource requirements and clearly assign institutional responsibilities. 3. Establish a base map for all cities, using existing information as much as possible; establish a common spatial data infrastructure focusing on maintenance and updating of records rather than repeated one-off re-surveys. 	Revenue and Land Reforms Department , Department for Urban and Housing Development, ULB	% of area mapped with land holder identified having documentation of tenure (gender disaggregated)

Issues	Recommendations	Responsible	Monitoring indicator
Floor Area Ratio, height, map and approved building plans)	4. Review strategy tenure upgrading in informal settlements and increase effectiveness and efficiency		
<p>3 Records are not updated automatically and not all transactions registered</p> <p>Records are still not updated automatically following registration of transfers.Registration offices have not been linked yet with Circle Offices that conduct the mutation. Encumbrances are recorded for 60-70%; It is estimated that about 30% of transactions are not registered due to high costs</p>	<ol style="list-style-type: none"> 1. Reduce stamp duty/ bring it at par with other states. 2. E-Linking of registration data on computer with the circle office to facilitate automatic mutations and updating of records on transfer of land. 3. Scanning of old records prior to 2006 and placing them on the computer network. 4. Simultaneous allotment of land and mutation for public land (government land), 5. Compulsory registration of cases of inheritance, partition, sale certificate, mortgage by deposit of title deeds, oral gift etc. 	Department of Registration/ Revenue and Land Reforms Department	<p>Ratio of textual to spatial records</p> <p>Ration Registered vs. mutated transactions</p>
<p>4. Revision of Legislative framework required to eliminate outdated and ineffective sections, and update specific sections; develop new legislation to make e-governance possible</p>	<ol style="list-style-type: none"> 1. Identify sections that need amendment in the Bihar Land reforms Act,1961, (areas already identified relate to fixation ceiling area, acquisition surplus land; regularization of leaseholds; 2. Prepare enabling legal environment for e-governance and facilitate transition towards a system of conclusive title 3. Discuss option of a Model Land Titling Bill framed by the DOLR / MORD for adoption by State Government with suitable modification. 		
<p>5 . Effectiveness of public land redistribution for eligible poor and the actual possession for granted public land needs strengthening</p> <p>50-90% public lands is declared unsuitable for distribution , while some surplus land is still not available; Incomplete possession grantees state land for 200.000 grantees; received possession in 90.6% all cases, mutation</p>	<ol style="list-style-type: none"> 1. Identify available land for redistribution as well as the number of land- or homeless who could benefit from land distribution 2. Identify measures to make land that is currently inapt available for distribution to poor or acquisition by private sector 3. Develop effective steps to 	Revenue and Land Reforms Department Panchayati Raj Institution,	% of area mapped with land holder identified having documentation of tenure (gender disaggregated)

Issues	Recommendations	Responsible	Monitoring indicator
for 80.8%, rent fixation for 59.3%; In slums, most only received leases for dwelling, not for the land; 1 lakh of people is dispossessed	<p>ensure continued possession and effective use of land that has been redistributed to marginal groups (incl. comprehensive circulars, guidelines and checklists on BPPHT Act 1947 for circle officers and standard verification on the ground)</p> <p>4. Identify number of people that have been dispossessed and develop effective mechanisms to restore such land so as to improve the affected population's livelihoods.</p>		
<p>6. Lack of clarity in assignment of institutional responsibility for forestland that prevents assigning ownership</p> <p>Overlapping responsibilities (forest, tribal revenues, GP etc.); forest lands assigned to revenues and vice versa. Limited results yet FRA: Out of the 2930 claims filed under FRA, 585 claims are under process and 31 titled deeds were disbursed up to 2013. About 350 Gram Sabhas are yet to claim individual rights. Continuation loss of tribal land by ST.</p>	<p>1. Define responsibilities and workflows involved in forest land management and assignment of ownership/CPR rights and re-engineer where possible</p> <p>2. Accelerate implementation of Forest Right Act (Sec.3(1) i) by review progress and identify best practice to improve results and overcome bottlenecks</p> <p>1. Review by DLC of cases of massive rejection/modification of claims FRA for reconsideration and/ or rectification, following due process;</p> <p>2. Empower Gram Sabha to continue till complete implementation of FRA</p> <p>3. Establish State Level Monitoring Committee to monitor effectively the process of determining and approval of all the rights under Sec. 3(1) and (2)</p>	<p>Department of Environment and Forest, Department of Tribal and Social Welfare, DLC</p> <p>Gram Panchayat</p>	<p>No. of FRA claims...</p> <p>% of land mapped identified as CPR/public land + management responsibilities clearly identified (CPR or not)</p>
<p>7. legal and administrative opportunities to enhance women's access to land are not used sufficiently</p> <p>Estimated that only 12.8% land is recorded in the name of women even although RoR cannot be used to identify women's ownership of land; Women seem not to inheriting more land. Existing programs to enhance women's ownership have to be used effectively</p>	<p>1. Promote Patta Distribution in the name of women in context FRA</p> <p>2. Promote title on name of women for public land/housing distribution</p> <p>3. Add field on gender to data base records of rightsto help tracking of progress with respect to women land rights.</p>	<p>Revenue and Land Reforms Department</p>	<p>Share of ROR held by women</p> <p>Share of allottees issued to women</p> <p>(share of women holding land?)</p>

Issues	Recommendations	Responsible	Monitoring indicator
(FRA, land redistribution surplus land under ceiling act, house sites allottees)			
<p>8. Urban development and expansion is unplanned and reactive</p> <p>Urban expansion is unplanned; inadequate infrastructure, width of road, proper drainage system parking space; housing; Only 17 towns have base map;</p>	<ol style="list-style-type: none"> 1. Review the justification for urban land use restrictions and eliminate those that do not serve any useful purpose. 2. Maintain databases that allow for routine and effective implementation of land use restrictions. 3. Assess the resource requirements for town planning; urban development and design strategy to address capacity constraints 	Department for Urban and Housing Development	% of urban land with claimant identified/ documented evidence.
<p>9. Public lands not protected nor managed effectively; Transfer of public land to private investors does not always serve growth and contribute to inequity and conflict</p> <p>No up-to-date knowledge public lands; public land is appropriated during revisional surveys due to lack of control; much encroachment of public land while removal is not very effective (Removal encroachers for 24% of encroached urban land and 36% in rural areas by March 2013); transfer of public land to private investor is not transparent, not following auction and contract conditions are not enforced .</p>	<ol style="list-style-type: none"> 1. Identification and recording remaining public lands, and establish unified system for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. 2. Develop State Land Use perspectives and policy for rural land, protect remaining public land and assign responsibilities for implementation and monitoring 3. Inventory of land that has been privatized following encroachment in violation of the law and design strategy to recover 4. Enumeration of Common Property Resources and Common Land in each National Sample Survey. <ol style="list-style-type: none"> 1. Enhance effectiveness of protection rural Gairmazarhua Aam land (village commons) and decide on strategy for urban Gairmazarhua Aam land 2. Review and streamline responsibilities and procedures and assess resource requirements for every department having public land and legal responsibility for 	Revenue and Land Reforma Department, Department for Industry Development, IDA, BIADA	Share of land in different categories mapped with ownership and use rights clearly assigned No. disputes filed over land acquisition ?

Issues	Recommendations	Responsible	Monitoring indicator
	<p>safeguarding public property, prevent and remove encroachment, involved in land acquisition approval and monitoring and institutionalize coordination mechanisms (departments land records, land acquisition. Industries Dept, BIADA, Land Acquisition Committee and MVR)</p> <p>3. Standardization of MVR based on objective criteria.</p> <p>4. Regular publication of transfers and lease/rent payment, which also allows follow-up; consider third party monitoring to ensure compliance of contractual obligations by investor.</p> <p>5. Finalize and enforce a rehabilitation and resettlement policy to mitigate hardships</p>		
<p>10. Improve tax collection and rationalize exemptions</p> <p>Tax revenues are an important for improving service delivery but cities are not maximizing revenue potential and have not rationalized collection mechanisms. Tax Coverage ratio in Patna Municipal Corporation is 50 percent and not better in other cities; tax exemptions, such as for religious lands may be misused and holding tax has become undervalued</p>	<p>1. Identify and publicize revenue potential vs. actual collection for all major cities.</p> <p>2. Improve recording of holdings and updating of records and bring into tax fold to increase the revenue for providing better services (see also 2)</p> <p>3. Increase holdingtax and bring this in line with the increase in value of landed property in municipal areas</p> <p>4. Review cost to government of exemption of taxes to various institutions and religious trusts and explore option for increasing their contribution to service charges through holding taxes</p> <p>5. Review and streamline procedures for tax collection and assess resource requirements to improve the administrative capacity of ULB</p>	<p>Revenue and Land Reforms Department , Department for Urban and Housing Development, ULB</p>	<p>Ratio Property tax collected/potential by municipalities</p>
<p>11. Build monitoring capacity and</p>	<p>1. Develop scheme for</p>	<p>Department of</p>	<p>For various courts/ instances</p>

Issues	Recommendations	Responsible	Monitoring indicator
<p>pursue initiative to enhance the effectiveness of dispute resolution mechanisms</p> <p>Bihar has undertaken legal and institutional reforms to improve the effectiveness and efficiency of dispute resolution mechanisms and by establishing new forums for the adjudication of land disputes (e.g.Lokadalat, land tribunal, capacity Gram Kachahari) with good results (civil courts drop land disputes from 70 to 21%, 90 cases within one year; tribunal dealt already with 68% cases), but which requires regular monitoring to identify problems timely, if any. In addition, a number of special cases are still pending (Ceiling Act, sharecroppers (85% not disposed), dispossession).</p>	<p>categorization/recording of disputes for all courts/instances so as to allow identification of legislative/regulatory bottlenecks.</p> <ol style="list-style-type: none"> 2. Review and streamline procedures and apply Case flow Management Principles and more use of ICT 3. Design strategy for disposal of specific cases (land ceiling, sharecropping, dispossession in rural areas) 4. Set up effective Grievance Redressal machinery for Land disputes. 5. Dissemination of information about Legal and Institutional Reform 6. Bridging gap in manpower in land related department and and capacity building of Officials 	<p>Law, Bihar Judicial Academy, Revenue and Land Reforms Department</p>	<p>& categories of disputes</p> <ol style="list-style-type: none"> 1. Level of pending land related disputes 2. No. of cases treated; 3. Length

CHAPTER – 6 DIMENSION RANKING

The overall dimension scores have been compiled and presented below:

PANEL I: LAND RIGHT RECOGNITION				A	B	C	D	
1	1	0	Recognition of a continuum of rights: the law recognizes a range of rights held by individuals (incl. Secondary rights of tenants. Sharecroppers, women etc.)					
1	1	1a	Individuals' rural land tenure rights are legally recognized.					Existing legal framework recognizes rights held by more than 90% of the rural population
1	1	1b	Individuals' rural land tenure rights are protected in practice					Existing legal framework protects rights held by 70% - 90% of the rural population
1	1	2	Customary tenure rights are legally recognized and protected in practice.					Customary rights are not legally recognized and not protected in practice
1	1	3	Indigenous rights to land and forest are legally recognized and protected in practice..					Partly Recognition of indigenous rights, which are protected
1	1	4	Urban land tenure rights are legally recognized and protected in practice.					Existing legal framework recognizes rights held by 50% -70% of the urban population
1	2	0	Respect for and enforcement of rights					
1	2	1	Accessible opportunities for tenure individualization exist.					Although there is demand, the law provides no opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land rights.
1	2	2	Individual land in rural areas is recorded and mapped					More than 90% of individual land in rural areas is formally recorded and mapped.
1	2	3a	Individual land in urban areas is recorded.					More than 90% of individual land in urban areas is formally recorded
1	2	3b	Individual land in urban areas is mapped.					Between 70% and 90% of individual land in urban areas is formally mapped.
1	2	4	The number of illegal land sales is low.					The number of illegal land transactions is low and some are unambiguously identified on a routine basis.
1	2	5	The number of illegal lease transactions is low.					Existing legal restrictions on land leases, if any, are clearly identified, justified and accepted by all parts of society, but not fully understood by land users, so that compliance is partial.
1	2	6	Women's property rights are recorded.					Less than 15% of land recorded to physical persons is recorded in the name of women either individually or jointly.

1	2	7	Women's property rights to land are equal to those by men both in law and in practice.					Equality of women's property rights to those by men is established by law, but there are considerable limitations to exercising such rights in practice.
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2			PANEL II: RIGHTS TO FOREST AND COMMON LANDS & RURAL LAND USE REGULATIONS					
2	1	0	<i>Rights to forest and common lands</i>	A	B	C	D	
2	1	1	Forests and common lands are clearly identified in law and responsibility for use is clearly assigned.					Forests and common land are clearly identified, responsibility for land use is clearly identified but implementation is ambiguous.
2	1	2	Rural group rights are formally recognized and can be enforced.					The tenure of most groups in rural areas is formally recognized and clear regulations regarding groups' internal organization and legal representation exist and can be enforced.
2	1	3	Users' rights to key natural resources on land (incl. fisheries) are legally recognized and protected in practice.					Users' rights to key natural resources are legally recognized but only some are effectively protected in practice or enforcement is difficult and takes a long time.
2	1	4	Multiple rights over common land and natural resources on these lands can legally coexist.					Co-existence is possible by law but rarely respected in practice.
2	1	5	Multiple rights over the same plot of land and its resources (e.g. trees) can legally coexist.					Co-existence is legally possible but rarely respected in practice.
2	1	6	Multiple rights over land and mining/ other sub-soil resources located on the same plot can legally coexist.					Co-existence is not possible by law; mining rights override land rights.
2	1	7	Accessible opportunities exist for mapping and recording of group rights.					Although there is demand, the law provides no opportunities for those holding group land under customary, group, or collective tenures to record and map land rights.
2	1	8	Boundary demarcation of communal land.					Less than 10% of the area under communal and/or indigenous land has boundaries demarcated and surveyed and associated claims recorded.
2	2	0	<i>Effectiveness and equity of rural land use regulations</i>					
2	2	1	Restrictions regarding rural land use are justified					Regulations regarding restrictions on rural land use effectively serve public purpose

			and enforced					but enforcement is weak.
2	2	2	Restrictions on rural land transferability effectively serve public policy objectives.					There are a series of regulations that are for the most part serve public purpose but that are not enforced.
2	2	3	Rural land use plans are elaborated/ changed via public process and resulting burdens are shared.					Public input is required and sought in preparing and amending land use plans but comments are not reflected in the finalization of land use plans.
2	2	4	Rural lands, the use of which is changed, are swiftly transferred to the destined use.					Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use (e.g. forest, pastures, wetland, national parks etc.)
2	2	5	Rezoning of rural land use follows a public process that safeguards existing rights.					Rezoning processes are not public process and rights are ignored or not properly or promptly compensated in the majority of cases.
2	2	6	For protected rural land use (forest, pastures, wetlands, national parks etc.) plans correspond to actual use.					The share of land set aside for specific use that is used for a non-specified purpose in contravention of existing regulations is less than 10%.
			PANEL III: URBAN LAND USE, PLANNING, AND DEVELOPMENT					
3	1	0	Restrictions on rights: land rights are not conditional on adherence to unrealistic standards.	A	B	C	D	
3	1	1	Restrictions on urban land ownership/ transfer effectively serve public policy objectives					There is a series of regulations that are for the most part serve public purpose but enforcement is deficient.
3	1	2	Restrictions on urban land ownership/ transfer effectively serve public policy objectives. .					There are a series of regulations that are for the most part serve public purpose but that are not enforced.
3	2	0	Transparency of land use restrictions: changes in land use and management regulations are made in a transparent fashion and provide significant benefits for society in general rather than just for specific groups.					
3	2	1	Process of urban expansion/ infrastructure development process is transparent and respects existing rights.					Information on planned urban expansion and infrastructure development is not publicly available.

3	2	2	Changes in urban land use plans are based on a clear public process and input by all stakeholders					Public input is sought while preparing and amending land use plans but the public comments are largely ignored in the finalization of land use plans.
3	2	3	Changes in assigned urban land use are swiftly followed by actual land use change					Less than 30% of the land that has had a change in land use assignment in the past 3 years has changed to the destined use.
3	3	0	Efficiency in the urban land use planning process: land use plans and regulations are justified, effectively implemented, do not drive large parts of the population into informality, and are able to cope with population growth.					
3	3	1	Policy to ensure delivery of low-cost housing and services exists and is progressively implemented					There is a policy for low cost housing and services but implementation has major gaps so that the number of those with inadequate shelter actually increases.
3	3	2	Land use planning effectively guides urban spatial expansion in the largest city.					In the largest city, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban spatial expansion occurs in an ad hoc manner with infrastructure provided some time after urbanization.
3	3	3	Land use planning effectively guides urban development in the four next largest cities.					In the four major cities in the country, while a hierarchy of regional/detailed land use plans is specified by law, in practice urban development occurs in an ad hoc manner with infrastructure provided some time after urbanization.
3	3	4	Planning processes are able to cope with urban growth.					In the largest city, the urban planning process/authority is struggling to cope with the increasing demand for serviced units/land as evidenced by the fact that most new dwellings are informal.
3	4	0	Speed and predictability of enforcement of restricted land uses: development permits are granted promptly and predictably.					
3	4	1	Provisions for residential building permits are appropriate, affordable and complied with					Requirements to obtain a building permit are technically justified but not affordable for (and not complied by) the majority of those affected.
3	4	2	A building permit for a residential dwelling can be obtained quickly and at a low cost.					All applications for building permits receive a decision within 12 months.
3	5	0	Tenure regularization schemes in urban areas					
3	5	1	Formalization of urban residential housing is					The requirements for formalizing housing in urban areas are neither clear, straight-

			feasible and affordable.					forward, or affordable but many applicants from informal areas are managing to satisfy the requirements.
3	5	2	In cities with informal tenure, a viable strategy exists for tenure security, infrastructure, and housing.					Strategies to deal with urban informality exist but focus only on either land or services but not both.
3	5	3	A condominium regime allows effective management and recording of urban property.					Common property under condominiums is recognized and the law has clear provisions for management and publicity of relevant records that are followed in practice.

4			PANEL IV: PUBLIC LAND MANAGEMENT					
4	1	0	<i>Identification of public land and clear management: public land ownership is clearly defined, effectively serves the public purpose, is inventoried, under clear management responsibilities, and relevant information is publicly accessible</i>	A	B	C	D	
4	1	1	Criteria for public land ownership are clearly defined and assigned to the right level of government.					Public land ownership is justified by provision of public goods and effectively and transparently managed at the appropriate level of government.
4	1	2	There is a complete recording of public land.					Between 30% and 60% of public land is clearly identified on the ground and on maps.
4	1	3	Information on public land is publicly accessible.					All the information in the public land inventory is only available for a limited set of public property and there is little or no justification why records are not accessible.
4	1	4	The management responsibility for different types of public land is unambiguously assigned..					The management responsibility for different types of public land is unambiguously assigned but this is not always consistent with objectives of equity and efficiency or institutions are not always properly equipped so that sometimes these are not achieved.
4	1	5	Responsible public institutions have sufficient resources for their land management responsibilities.					There are significant constraints in the financial and/or human resource capacity but the system makes effective use of limited available resources, with limited impact on managing public land.
4	1	6	All essential information on public land allocations to private interests is publicly accessible.					Key information for public land allocations (the locality and area of the land allocations, the parties involved and the financial terms of the allocation) is recorded or partially recorded but is not publicly accessible.
4	2	0	<i>Justification and time-efficiency of acquisition processes: the state expropriates land only for</i>					

			<i>overall public interest and this is done efficiently</i>					
4	2	1	There is minimal transfer of acquired land to private interests.					Less than 10% of land acquired in the past 3 years is used for private purposes.
4	2	2	Acquired land is transferred to destined use in a timely manner.					Between 50% and 70% of the land that has been acquired in the past 3 years has been transferred to its destined use.
4	2	3	The threat of land acquisition does not lead to pre-emptive action by private parties.					Some.
4	3	0	<i>Transparency and fairness of expropriation procedures: expropriation procedures are clear and transparent and fair compensation is paid expeditiously</i>					
4	3	1	Compensation is provided for the acquisition of all rights regardless of their recording status.					No compensation is paid to those with unrecorded rights of use, occupancy or otherwise.
4	3	2	Land use change resulting in selective loss of rights there is compensated for.					Where people lose rights as a result of land use change outside the acquisition process, compensation is not paid.
4	3	3	Acquired owners are compensated promptly.					Between 50% and 70% of acquired land owners receive compensation within one year.
4	3	4	There are independent and accessible avenues for appeal against acquisition.					Independent avenues to lodge a complaint against acquisition exist but there are access restrictions (i.e. only accessible by mid-income and wealthy).
4	3	5	Timely decisions are made regarding complaints about acquisition.					A first instance decision has been reached for between 50% and 80% of the complaints about acquisition lodged during the last 3 years.

5			PANEL V: TRANSPARENT PROCESS AND ECONOMIC BENEFIT OF TRANSFER OF PUBLIC LAND TO PRIVATE USE					
5	1	0	Transfer of public land to private use follows a clear, transparent, and competitive process and payments are collected and audited (with the exception of transfers to improve equity such as land distribution and land for social housing).					
5	1	1	Public land transactions are conducted in an open transparent manner					The share of public land disposed of in the past 3 years through sale or lease through public auction or open tender process is between 70% and 90%. (Except for equity transfers).
5	1	2	Payments for public leases are collected					More than 90% of the total agreed payments are collected from private parties on the lease of public land.

5	1	3	Public land is transacted at market prices unless guided by equity objectives					All types of public land are generally divested at market prices in a transparent process irrespective of the investor's status (e.g. domestic or foreign).
5	1	4	The public captures benefits arising from changes in permitted land use.					Mechanisms to allow the public to capture significant share of the gains from changing land use are not used.
5	1	5	Policy to improve equity in asset access and use by the poor exists, is implemented effectively and monitored					No policy in place to improve access to and productive use of assets by poor and marginalized groups.
5	2	0	Private investment strategy					
5	2	1	Land to be made available to investors is identified transparently and publicly, in agreement with right holders.available to investors, in agreement with land rights holders.					A policy to identify land that can be made available to investors exists, based on ad hoc assessment of land potential but with community consultation and agreement, and is applied in more than 90% of identified cases.
5	2	2	Investments are selected based on economic, socio-cultural and environmental impacts in an open process					Process is in place that considers only national benefits, but that is adhered to. No local benefit sharing in place
5	2	3	Public institutions transferring land to investors are clearly identified and regularly audited					Institutions to make decisions are clearly identified and have the necessary capacity (incl. resources for field verification) and strong incentives in ensuring socially beneficial outcomes but processes may be complex and difficult for investors.
5	2	4	Public bodies transferring land to investors share information and coordinate to minimize and resolve overlaps (including sub-soil).					A policy is in place for effective inter-ministerial and coordination to ensure that decisions on land use and land rights are well coordinated across sectors, and is applied effectively.
5	2	5	Compliance with contractual obligations is regularly monitored and remedial action taken if needed.					Monitoring of compliance is limited or only part of the results accessible to the public
5	2	6	Safeguards effectively reduce the risk of negative effects from large scale land-related investments..					Substantive application of safeguards (EIA, SIA, etc.) is in line with global best practice but only part of the information is disclosed.
5	2	7	The scope for resettlement is clearly circumscribed and procedures exist to deal with it in line with best practice.					Resettlement policy exists, but is only in part of the cases applied.
5	3	0	Policy implementation is effective consistent and transparent and involves local stakeholders					
5	3	1	Investors provide sufficient information to allow rigorous evaluation of proposed investments.					Investors' business plans (application materials) require some evidence of technical viability, community consultation, and availability of resources but this is only sufficient to identify project risk ex ante.
5	3	2	Approval of investment plans follows a clear process with reasonable timelines.					All investment application related documents are reviewed according to a uniform process and receive a response within 6 months of date of submission
5	3	3	Right holders and investors negotiate freely and directly with full access to relevant information.					Those holding rights to land with potential for investment have incentives to properly negotiate but their rights are unclear or

								opportunities to obtain relevant information or assistance do not exist.
5	3	4	Contractual provisions regarding benefit sharing are publicly disclosed.					The majority of contractual arrangements do not include information on benefit sharing
5	4	0	Contracts are made public, easily accessible and agreements are monitored and enforced					
5	4	1	Information on spatial extent and duration of approved concessions is publicly available.					Spatial information and temporal information is available to relevant government institutions but not accessible on a routine basis by private parties.
5	4	2	Compliance with safeguards on concessions is monitored and enforced effectively and consistently.					There is little third-party monitoring of investors' compliance with safeguards and mechanisms to quickly and effectively ensure adherence are difficult to access for affected communities.
5	4	3	Avenues to deal with non-compliance exist and obtain timely and fair decisions.					There is little third-party monitoring of investors' compliance with contractual provisions and mechanisms to quickly and effectively reach arbitration are virtually non-existent.

6			Panel 6: Public provision of land information: registry and cadastre					
6	1	0	<i>Mechanisms for recognition of rights</i>	A	B	C	D	
6	1	1	Land possession by the poor can be formalized in line with local norms in an efficient and transparent process.					There is a clear, practical process for the formal recognition of possession but this process is not implemented effectively, consistently or transparently.
6	1	2	Non-documentary evidence is effectively used to help establish rights.					Non-documentary forms of evidence are used to obtain recognition of a claim to property along with other documents (e.g. tax receipts or informal purchase notes) when other forms of evidence are not available. They have less strength than the documents provided.
6	1	3	Long-term unchallenged possession is formally recognized.					Legislation exists to formally recognize long-term, unchallenged possession but due to the way this legislation is implemented, formal recognition is granted to very few or no applicants for recognition on either public or private land.
6	1	4	First-time recording of rights on demand includes proper safeguards and access is not restricted by high fees.					On-demand recording of rights includes proper safeguards to prevent abuse and costs do not exceed 5% of the property value.
6	2	0	<i>Completeness of the land registry</i>					
6	2	1	Total cost of recording a property transfer is low.					The total cost for recording a property transfer is equal to or greater than 5% of the property value.
6	2	2	Information held in records is linked to maps that reflect					More than 90% of records for privately held land recorded in the

			current reality					registry are readily identifiable in maps (spatial records).
6	2	3	All relevant private encumbrances are recorded					Relevant private encumbrances are recorded but this is not done in a consistent and reliable manner.
6	2	4	All relevant public restrictions or charges are recorded.					Relevant public restrictions or charges are recorded but this is not done in a consistent and reliable manner.
6	2	5	There is a timely response to requests for accessing registry records					Copies or extracts of documents recording rights in property can generally be obtained within 1 week of request.
6	2	6	The registry is searchable.					The records in the registry can be searched by both right holder name and parcel.
6	2	7	Land information records are easily accessed.					Copies or extracts of documents recording rights in property can only be obtained by intermediaries and those who can demonstrate an interest in the property upon payment of the necessary formal fee, if any.
6	3	0	<i>Reliability: registry information is updated and sufficient to make meaningful inferences on ownership</i>					
6	3	1	Information in public registries is synchronized to ensure integrity of rights and reduce transaction cost.					Links are in place for all types of public land information registries but checks on the legitimacy of transactions that affects certain parties' land rights are only performed ex post.
6	3	2	Registry information is up-to-date and reflects ground reality.					Between 70% and 90% of the ownership information in registry/cadastre is up-to-date and reflects ground reality..
6	3	0	<i>Cost-effectiveness and sustainability: land administration services are provided in a cost-effective manner.</i>					
6	4	1	The registry is financially sustainable through fee collection to finance its operations.					The total fees collected by the registry exceed the total registry operating costs. (Total operating costs include all non-capital investment costs (i.e. salaries and wages, materials, transportation, etc.) associated with registry operating costs.)
6	4	2	Investment in land admin. is sufficient to cope with demand for high quality services.					Investment in human and physical is sufficient to maintain high service standards but does not allow for proactively responding to future needs and new developments in the sector.
6	5	0	<i>Fees are determined transparently to cover the cost of service provision</i>					
6	5	1	Fees have a clear rationale, their schedule is public, and all payments are accounted for.					A clear rationale and schedule of fees for different services is publicly accessible and receipts are issued for all transactions.
6	5	2	Informal payments are discouraged.					Mechanisms to detect and deal with illegal staff behavior exist in all registry offices but cases are not systematically or promptly dealt with.

6	5	3	Service standards are published and regularly monitored.					There are published service standards (including dealing with illegal staff behavior), the registry actively monitors its performance against these standards and results are public.
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7			PANEL VII: LAND VALUATION AND TAXATION					
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7	1	0	Transparency of valuations: valuations for tax and compensation purposes are based on clear principles, applied uniformly, updated regularly, and publicly accessible	A	B	C	D	
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7	1	1	There is a clear process of property valuation.					The assessment of land/property for tax or compensation purposes reflects market prices, but there are significant differences between recorded values and market prices across different uses and types of users; valuation rolls are updated regularly
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7	1	2	Valuation rolls are publicly accessible					There is a policy that valuation rolls be publicly accessible and this policy is effective for most of the properties that are considered for taxation.
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7	2	1	Exemptions from property taxes payment are justified and transparent.					There are limited exemptions to the payment of land/property taxes, and the exemptions that exist are clearly based on equity or efficiency grounds and applied in a transparent and consistent manner.
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7	2	2	All property holders liable to pay property tax are listed on the tax roll.					Between 50% and 70% of property holder liable for land/property tax are listed on the tax roll.
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7	2	3	Assessed property taxes are collected.					Between 70% and 80% of assessed land/ property taxes are collected.
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7	2	4	Receipts from property tax exceed the cost of collection					The amount of property taxes collected is between 1 and 3 times cost of staff in charge of collection.
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8			PANEL VIII: DISPUTE RESOLUTION					
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8	1	0	<i>Assignment of responsibility: responsibility for conflict management at different levels is clearly assigned, in line with actual practice, relevant bodies are competent in applicable legal matters, and decisions can be appealed against</i>	A	B	C	D	
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8	1	1	There is clear assignment of responsibility for conflict resolution.					There are no parallel avenues for conflict resolution or, if parallel avenues exist, responsibilities are clearly assigned and widely known and explicit rules for shifting from one to the other are in place to minimize the scope for forum shopping.
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8	1	2	Conflict resolution mechanisms are accessible to the					Institutions for providing a first instance of conflict resolution are
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			public.					accessible at the local level in the majority of communities.
8	1	3	Mutually accepted agreements reached through informal dispute resolution systems are encouraged					There is a local, informal dispute resolution system that resolves a significant number of conflicts in an effective and equitable manner and which is recognized in the formal judicial or administrative dispute resolution system.
8	1	4	There is an accessible, affordable and timely process for appealing disputed rulings.					A process exists to appeal rulings on land cases at high cost and the process takes a long time/ the costs are low but the process takes a long time.
8	2	0	<i>The share of land affected by pending conflicts is low and decreasing</i>					
8	2	1	Land disputes constitute a small proportion of cases in the formal legal system.					Land disputes in the formal court system are between 10% and 30% of the total court cases.
8	2	2	Conflicts in the formal system are resolved in a timely manner.					A decision in a land-related conflict is reached in the first instance court within 1 year for 90% of cases.
8	2	3	There are few long-standing (> 5 years) land conflicts..					The share of long-standing land conflicts is greater than 20% of the total pending land dispute court cases.

9			PANEL IX: REVIEW OF INSTITUTIONAL ARRANGEMENTS AND POLICIES					
9	1	0	<i>Clarity of mandates and practice: institutional mandates concerning the regulation and management of the land sector are clearly defined, duplication of responsibilities is avoided and information is shared as needed.</i>	A	B	C	D	
9	1	1	Land policy formulation, implementation and arbitration are separated to avoid conflict of interest.					In situations that can entail conflicts of interest or are sensitive to abuse (e.g. transfers of land rights) there is some separation in the roles of policy formulation, implementation and arbitration.
9	1	2	Responsibilities of the ministries and agencies dealing with land do not overlap (horizontal overlap).					The mandated responsibilities of the various authorities dealing with land administration issues are defined with a limited amount of overlap with those of other land sector agencies but there are few problems.
9	1	3	Administrative (vertical) overlap is avoided.					Assignment of land-related responsibilities between the different levels of administration and government is clear and non-overlapping.
9	1	4	Land right and use information is shared by public bodies; key parts are regularly reported on and publicly accessible.					Information related to rights in land is available to interested institutions but this information is not readily accessible or not available at a reasonable cost.

9	1	5	Overlaps of rights (based on tenure typology) are minimal and do not cause friction or dispute.					The Legal framework and procedures for land-related matters (incl. renewable and subsoil resources) deal with land-related matters very differently but have functioning mechanisms for redressing overlap in place.
9	1	6	Ambiguity in institutional mandates (based on institutional map) does not cause problems.					With minor exceptions, the processes applied by public institutions dealing with land are fully integrated and consistent.
9	2	0	<i>Equity and non-discrimination in the decision-making process: policies are formulated through a decision-making process that draws on inputs from all concerned. The legal framework is non-discriminatory and institutions to enforce property rights are equally accessible to all</i>					
9	2	1	Land policies and regulations are developed in a participatory manner involving all relevant stakeholders.					A comprehensive land policy exists or can be inferred by the existing legislation, and sections of the community affected by these decisions are informed, but feedback is usually not sought or not used in making decisions
9	2	2	Land policies address equity and poverty reduction goals; progress towards these are publicly monitored.					Land policies incorporate clearly formulated equity and poverty objectives that are regularly and meaningfully monitored but their impact on equity and poverty issues is not compared to that of other policy instruments.
9	2	3	Land policies address ecological and environmental goals; progress towards these are publicly monitored.					Land policies incorporate clearly formulated ecology and environmental sustainability objectives that are regularly and meaningfully monitored but their impact is not compared to that of other policy instruments.
9	2	4	The implementation of land policy is costed, matched with benefits and adequately resourced.					The implementation of land policy is not costed and there is inadequate budget, resources and capacity to implement the land policy.
9	2	5	There is regular and public reporting indicating progress in policy implementation.					Formal land institutions report on land policy implementation in a regular and meaningful way but reports are not made public.
9	2	6	Land policies help to improve land use by low-income groups and those who experienced injustice.					Policy is in place to improve access to and productive use of assets by poor and marginalized groups, is applied in practice, but is not effective
9	2	7	Land policies proactively and effectively reduce future disaster risk.					Policy is in place to prevent settlement in high risks areas but which is not enforced.

BIBLIOGRAPHY

1. Bihar Industrial Area Development Authority (2013) Unit Details of Different allotment order of Land, Government of Bihar.
2. Business Today (2013) Land Acquisition Act to Come into force from Jan 1, 2014, Business Today, October 15, 2013
3. Gomez, M and Tran D. H (2012) Women's Land and Property Rights and The Post-2015 Development Agenda, Landesa Rural Development Institute
4. Government of Bihar (1885) The Bihar Tenancy Act, 1885, Government of Bihar
5. Government of Bihar (1908) The Registration Act, 1908, Government of Bihar
6. Government of Bihar (1947) The Bihar Privileged Persons Homestead tenancy Act, 1947, Government of Bihar
7. Government of Bihar (1950) The Bihar Land Reforms Act, 1950, Government of Bihar
8. Government of Bihar (1953) The Bihar Government Estates (Khas-Mahal) Manual, 1953.
9. Government of Bihar (1954) The Bihar Bhoodan Yagna Act, 1954, Government of Bihar
10. Government of Bihar (1956) The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, Government of Bihar
11. Government of Bihar (1956) The Bihar Public Land Encroachment Act, 1956, Government of Bihar
12. Government of Bihar (1959) The Bihar Survey and Settlement Manual, 1959, Government of Bihar
13. Government of Bihar (1961) Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, Government of Bihar
14. Government of Bihar (1973) The Bihar Tenant's Holding (Maintenance of Records) Act, 1973, Government of Bihar
15. Government of Bihar (2006) Bihar Apartment Ownership Act, 2006 (Amended in 2011), Government of Bihar

16. Government of Bihar (2006) City Development Plan for Patna under JNNURM, Bihar Urban Development Agency, Urban Development and Housing Department, Government of Bihar
17. Government of Bihar (2007) The Bihar Gram Kachhari Conduct Rules, 2007, The Bihar Gazette, Government of Bihar.
18. Government of Bihar (2007) The Bihar Municipal Act, 2007, Government of Bihar
19. Government of Bihar (2009) The Bihar Land Dispute Resolution Act, 2009, The Bihar Gazette, Government of Bihar.
20. Government of Bihar (2009) The Bihar Land Tribal Acquisition Act, 2009, Government of Bihar
21. Government of Bihar (2010) Draft Slum Policy, Urban Development and Housing Department, Government of Bihar
22. Government of Bihar (2010) The Bihar Fish Jalkar Management (Amendment) Act, 2010, Government of Bihar
23. Government of Bihar (2011) The Bihar Agriculture Land (Conversion for Non-Agriculture Purpose) Rules, 2011, Government of Bihar
24. Government of Bihar (2011) The Bihar Land Mutation Act, 2011, Government of Bihar
25. Government of Bihar (2011) The Bihar Right to Public Services Act, 2011, Government of Bihar
26. Government of Bihar (2011) The Bihar Special Survey and Settlement Act, 2011, Government of Bihar
27. Government of Bihar (2012) Aranyashri: Quarterly Magazine, December, 2012, Department of Environment and Forest, Government of Bihar
28. Government of Bihar (2013) Administrative Report 2012-13: Registration, Excise and Prohibition Department, Government of Bihar.
29. Government of Bihar (2013) Annual Report 2012-13: Department of Revenue and Land Reforms, Government of Bihar
30. Government of Bihar (2013) Annual Report: Hariyali Mission, 2013-14, Department of Environment and Forest, Government of Bihar
31. Government of Bihar (2013) Annual Report: Urban Development and Housing Department, Government of Bihar

32. Government of Bihar (2013) Basic Services for Urban Poor, Progress Report of Different Month, Urban Development and Housing Department, Government of Bihar
33. Government of Bihar (2013) Draft Building Bye-Laws, 2013, Urban Development and Housing Department, Government of Bihar
34. Government of Bihar (2013) National Ganga River Basin Authority Progress Report of Different Month, Urban Development and Housing Department, Government of Bihar
35. Government of Bihar (2013) Newsletter of October, 2013, Bihar State Building Construction Department, Government of Bihar
36. Government of Bihar (2013) Report of 2012-2013 on Land Acquisition for Press Release, Department of Revenue and Land Reform, Government of Bihar
37. Government of Bihar (2013) Annual Work Plan 2013-14, Department of Environment and Forest, Government of Bihar.
38. Government of Bihar (different year) Different Notification of Bihar Industrial Area Development Authority, Government of Bihar
39. Government of Bihar (Different Years) Different Reports, Bihar State Legal Service Authority, Government of Bihar
40. Government of Bihar (Year Unknown): Generic Environmental Management Plan: Support Programme for Urban reforms in Bihar, Urban Development and Housing Department, Government of Bihar
41. Government of India () The Report of the Committee on State Agrarian Relations and the Unfinished Task in Land Reforms, Department of Land Resource, Ministry of Rural Development, Government of India.
42. Government of India (1899) The Indian Stamp Act, 1899, Government of India
43. Government of India (1927) The Indian Forest Act, 1927, Government of India
44. Government of India (1956) The Hindu Succession Act, 1956, Government of India
45. Government of India (2006) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, Government of India
46. Government of India (2008) Notification of Ministry of Tribal Affairs on 1st January, 2008, The Gazette of India, Government of India
47. Government of India (2010) The Land Titling Bill, 2010, Department of Land Resource, Ministry of Rural Development, Government of India.

48. Government of India (2012) Agriculture Census 2010-11, National Informatics Centre, Government of India
49. Government of India (2013) Annual Progress Report of 2012-13, Department of Revenue and Land Reforms, Government of Bihar
50. Government of India (2013) Draft National Land Reforms Policy, Department of Land Resources, Ministry of Rural Development, Government of India.
51. Government of India (2013) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, Government of India
52. Haq, T (2013) Agricultural Land Leasing in India-Policy, Practice and Impact, Yojana, 2013.
53. Jha, G (2013) Land Acquisition Bill Spoils Nitish's Dream, casts a shadow on IIT Patna, Mail Today, September, 2013.
54. Kumar, S and Singh, P.D (2013) *Bihar me basbhumi aur abaas ka adhikaar: sthiti, mudde aur chunoutiyan* (Right to Homestead Land and Shelter in Bihar: Status, Issues and Challenges), Deshkaal Society, New Delhi
55. Rajagopal, P.V (2013) Implementing the National Land Reform Agenda: The Way Forward for Eradicating Poverty, Yojana, November 2013.
56. Raju, K.D (2007) Alternative Dispute Resolution System: Prudent Mechanism of Speedy Redress in India, Paper Presented at the Seminar organised by the USEFI, Law College Orissa, 15 December, 2007.
57. Shabnam, M (2011) Bihar Unfolds New Land Acquisition Policy, iGovernment,

ANNEXURE

Annexure – 4.1.1

Distribution of operational holding and area amongst various categories of farmer

SI. No.	Size Class (in ha)	No. of Operational Holdings	% Holding	Area operated (in ha.)	% Area
		Total			
1.	Marginal	14744098	91.06	3668727.64	57.44
2.	Small	948016	5.86	1185695.24	18.56
3.	Semi Medium	414664	2.56	1072969.00	16.80
4.	Medium	81484	0.50	414941.12	6.50
5.	Large	3129	0.02	45227.71	0.71
6.	All Classes	16191391	100.00	6387560.71	100.00

(Source: Agriculture Census 2010-11)

Annexure – 4.1.2

Distribution of ceiling surplus land as on 31st March, 2013

Total number of Beneficiaries to whom the surplus land acquired under Land Ceiling Act, has been distributed till date	Numbers 3,50,374
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(Sources: Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.1.3

Status of pending cases in different courts under Land Ceiling Act (2012-13) March, 2013

(Area in acres)

Land Reforms Deputy Collector		SDO		Additional Collector		Collector		Divisional Commissioner		Board of Revenue		High Court		Supreme Court		State Level		Total Pending	
No.	Area	No.	Area	No.	Area	No.	Area	No.	Area	No.	Area	No.	Area	No.	Area	No.	Area	No.	Area
48	4414.71	108	11158.11	186	26881.41	183	17131.41	21	1143.58	104	9644.86	422	27992.54	15	593.17	120	2924.05	1207	101883.84

(Source: Progress Report of the Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.1.4

Status of LPC issued from 16/08/2011 to 16/08/2013

SI. No.	District	Received	Service Given			Total Service Denial	Disposed	Not disposed till now		Percentage	
		Application	Within Stipulated Time	After Stipulated Time	Total		Application	Not expired stipulated time	Expired stipulated time	Service denial	Application expired
1	2	3	4	5	6	7	8	9	10	11	12
1.	38 districts	1099643	647074	397217	1044291	40798	1085089	9413	5141	3.71	0.47

(Source: Progress Report prepared by the Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure - 4.1.5

Sanctioned strength of the survey and settlement wing of revenue department

Posts	Sanctioned number
Settlement Officer	13
Charge Officer	13
Assistant Settlement Officer	547
Kanungo	547
Head Clerk/Clerk	70
Moharrir	294
Draftsman	560
Amin/Surveyor	600
Driver	16
Office Attendant	800
Computer Operator	26
Total:-	3486

(Source: Director, Land Records and Survey)

Annexure – 4.3.1

State Profile – Bihar as on 31st March, 2011

1. PHYSICAL FEATURE				
Total Geographical Area (km ²)	94163			
Total Population (in crore)	10.381			
Total Urban Population	1.172 (11.29%)			
2. ADMINISTRATIVE FEATURE				
No. of Districts	38			
No. of Sub Divisions	101			
No. of Blocks	534			
No. of Revenue Villages	45103			
No. of Panchayat	8463			
Nagar Nigam (Number)	11			
Nagar Parishad (Number)	42			
Nagar Panchayat (Number)	86			
3. LAND UTILISATION as on 30/6/2010 (area in hectare)				
Geographical Area	9359568			
Forest Land	621635			
Area Not Available for Cultivation				
Land Area	1332514			
Perennial Water Area	207392			
Temporary Water Area	149818			
Total Area put to non agriculture use	1689724			
Barren and un culturable land	431715			
Permanent Pasture and Grazing Land	15782			
Land under Miscellaneous Tree Crops	243979			
Cultivable Wasteland	45375			
Current Fallow	857627			
Other Fallow	121998			
Net Sown Area	5331733			
Total or Gross Cropped Area	7295805			
Area Cultivated More than Once	1964072			
Cropping Intensity (GCA/NSA)	137%			
4. RAINFALL & GROUND WATER				
<i>Rainfall (in mm)</i>		Actual		
	Normal	2009	2010	2011
		869	814	884
	Variation from Normal	-207	-362	-292
Availability of Ground Water (Ham) (31 st March 2009)	Net groundwater availability	gross draft		Balance
	2620576	1135604		1384877
5. POPULATION – As per census 2011 (in crore)				
Male	5.419			
Female	4.962			

Total population	10.381
Rural	9.208
Urban	1.172
Total population	10.381
Decadal growth (%)	25.1
Density of population	1102
Sex-Ratio	916
Literacy (%) total	63.9
Literacy (%) Male	73.4
Literacy (%) of female	53.3
6. WORKERS PROFILE (IN '000) As per Census 2001	
Total workers	27975
Cultivators	8194
Agricultural Labourers	13418
Workers engaged in Household Industries	1100
Other workers	5263
7. HOUSEHOLDS (in '000)	
Total Households (Census of India 2011)	18940
Rural Households (Census of India, 2011)	16927
Urban Households (Census of India, 2011)	2013
BPL Households (NSSO Survey, 2004-05)	7670

(Source: Economic Survey 2010-11, Govt. of Bihar; Census of India 2001 & 2011, District Statistical Hand Book)

Annexure – 4.3.2

Details of ULBs in Bihar

Particular	No. of ULBs in Bihar	Number of Ward	Total population covered as per 2001 census	Total population covered as per 2011 census
1	2	3	4	5
Nagar Nigam	11	545	3940019	4984256
Nagar Parishad	42	1276	3105424	3927157
Nagar Panchayat	86	1351	2228688	2815604
Total	139	3172	9274131	1,17,27,016

(Source: District Statistical Hand Book)

Annexure – 4.3.3

Details of slums identified in major towns as on 31st December, 2013

City / Town	Number
Patna	110
Bhagalpur	165
Darbhanga	138
Muzaffarpur	105
Gaya	40

(Source: Urban Development & Housing Department, Govt. of Bihar)

Annexure – 4.3.4

Progress Report on National Ganga River Basin Authority (NGRBA) as on 30th

November, 2013

Sl. No.	Name of Town	Project Name	Implementing Agency	Project Cost	Financial Progress (Expenditure) (Rs. in lakh)
1	2	3	4	5	6
1	Begusarai	Construction of Sewerage Treatment Plant	BUIDCO	6540.00	1114.00
2	Hajipur	Construction of Sewerage Treatment Plant	BUIDCO	11362.00	2117.25
3	Buxar	Construction of Sewerage Treatment Plant	BUIDCO	7495.00	929.00
4	Munger	Construction of Sewerage Treatment Plant	BUIDCO	18789.00	3105.38
			Total =	44186.00	7265.63

(Source: Urban Development & Housing Department, Government of Bihar)

Annexure – 4.3.5

**Progress on Urban Infrastructure Development Scheme for Small and Medium Town
(UIDSSMT) as 30th November, 2013**

Sr. No.	Name of Towns	Type of Scheme	Implementing Agency	Total Project cost	Financial Progress Expenditure (Rs. in lakh)
1	2	3	4	5	6
1	Fathuha	Road With Drains	DUDA	759.82	358.94
2	Murliganj	Road With Drains	BUIDCo	1143.99	716.00
3	Narkatiaganj	Road with Drains	BUIDCo	4712.54	2125.00
4	Rosera	Road with Drains	BUIDCo	2921.32	1786.00
5	Barbigaha	Road with Drains	DUDA	1573.00	786.50
6	Bhabua	Road with Drains	DUDA	1088.00	494.00
7	Bakhtiyarpur	Road With Drains	BUIDCo	511.00	313.00
8	Lalganj	Road with Drains	DUDA	1263.00	564.00
9	Chaklia	Road with Drains	DUDA	1285.00	612.28
10	Muzaffarpur	Water Supply	BUIDCo	9872.25	1369.00
11	Ara	Solid Waste Management	BUIDCo	983.99	431.00
	Total			26113.91	9555.72

(Source: Urban Development & Housing Department, Government of Bihar)

Annexure – 4.3.6

Progress on Urban Infrastructure and Governance (UIG) as on 30th November, 2013

Sr. No.	Name of Towns	Scheme	Total Project Cost	Implementing Agency	Financial Progress Expenditure (Rs. in lakh)
1	2	3	4	5	6
1	Patna	Municipal Solid Waste Management for Patna town	3695.70	Patna Municipal Corporation	
2	Patna	Integrated SWM in Patna UA	1155.81	#BUIDCo	337.00
3	Patna	Khagaul Water Supply Scheme	1315.43	#BUIDCo	770.00
4	Patna	Pulwarisharif Water Supply Scheme	2470.26	#BUIDCo	1101.00
5	Bodhgaya	Water Supply Scheme	3355.72	#BUIDCo	1373.00
6	Patna	Purchase of Buses for Urban Transport as Part of 2 nd Stimulus Package, approved by CSMC in its 69 th meeting	3990.00	#PPP Basis	-
7	Bodhgaya	Purchase of Buses for Urban Transport as Part of 2 nd Stimulus Package, approved by CSMC in its 69 th meeting	675.00	#PPP Basis	270.00
8	Patna	Augmentation for Water Supply Scheme for Danapur	6896.45	#BUIDCo	1763.00
9	Bodhgaya	Sewerage Scheme	9594.34	#BUIDCo	3788.00
10	Patna	Water Supply Scheme	42698.00	#BUIDCo	8370.00
		Total =	75846.71		17772.00

(Source: Urban Development & Housing Department, Government of Bihar)

Annexure – 4.3.7

Progress of Basic Services for Urban Poor (BSUP) as on 30th November, 2013

Sr. No	Name of Towns	Site Name	Total Project cost	No. of Dwelling Units Sanctioned	Site – wise DUs	Completed No. of Dwelling Units	Financial achievement / Expenditure (Rs. in lakh)
1	2	3	4	5	6	7	8
1	Phulwarisharif Phase-I	Isopur	1157.04	496	224	192	512.84
		Indira Nagar			96		
		Mehta Toli			48		
		Garib Nawaj Colony			48		
		Fedral Colony			80		
2	Khagaul Phase-I	Saidpura	228.65	96	64	64	170.32
		Adampur (Gari Khana)			32		
3	Patna City Phase -III	Sarifaganj, PMC Plot	6403.10	2736	208	144	637.93
		Bhitri Begumpur			48		
		Sadiqpur Gulzarbagh			160		
		Bahadarpur Housing Colony Road			256		
		Kumhrar			32		
		Murtujiganj			480		
		Bahari Begumpur			224		
		Sarifaganj Govt. Land			48		
		Math Laxmanpur			32		
		Mangal Talab			80	32	
		Sadiqpur Kurapur			608		
Chauharmil	560						
Total =			7788.79	3328	3328	432	1321.09

(Source: Urban Development & Housing Department, Government of Bihar)

Annexure – 4.3.8

Progress of Integrated Housing for Slum Development Programme (IHSDP) as on 30th November, 2013

SI. No.	Name of Towns	Total Project cost	No. of Dwelling Units Sanctioned	Completed No. of Dwelling Units	No. of Dwelling Units in Progress	Financial Achievement / Expenditure	Sanctioned in year (Rs. in lakh)
1	2	3	4	5	6	7	8
1	Kanti	319.71	143	137	138	191.44	2006-07
2	Aurangabad	307.94	247	51	175	184.42	
3	Motipur	543.89	520	445	450	630.15	
4	Sheikhpura	237.67	207	52	180	195.78	
5	Bhagalpur	1655.00	1188	817	1027	1620.00	
6	Kishanganj Ph-I	1202.40	552	522	522	771.75	
	Subtotal (A) =	4266.61	2857	2024	2492	3593.54	
7	Narkatiaganj	383.88	300	0	0	0.00	2006-07
8	Rosera	1432.34	1562	0	0	0.00	
	Subtotal (B)=	1816.22	1862	0	0	0.00	
9	Bahadurganj	499.57	294	170	171	195.55	2007-08
10	Purnea	1489.66	1487	242	342	438.39	
	Subtotal (C)=	1989.23	1781	412	513	633.94	
11	Biharsharif	2454.27	810	0	364	571.43	2008-09
12	Begusarai	2449.60	853	259	415	847.88	
13	Ara	3121.66	754	0	532	904.11	
14	Madhepura	1243.09	319	140	300	701.33	
15	Jogbani	1271.10	321	0	321	605.36	
16	Supaul	799.00	207	0	207	504.49	
	Subtotal (D)=	11338.72	3264	399	2139	4134.60	
17	Munger	2019.02	784	0	0	0.00	2009-10
18	Araria	2126.28	728	0	0	0.00	
19	Madhepura Phase –II	2032.44	776	0	0	0.00	
20	Saharsa	1932.58	820	0	0	0.00	
	Subtotal (E)=	8110.32	3108	0	0	0	
21	Barh Ph-I	3466.46	890	0	0	0	2010-11
22	Kishanganj-II	3055.16	1255	0	0	0	
23	Jamui	2530.18	960	0	0	0	
24	Farbesganj	2152.81	870	0	0	0	
25	Gaya	4458.79	1747	0	0	0	
	Subtotal (F)=	15663.40	5722	0	0	0.00	
26	Barh Ph-II	2029.64	500	0	0	0	2011-12
27	Belsand	5054.55	1487	0	0	0	
28	Mokama	6954.23	1950	0	0	0	
29	Nabinagar	4366.91	1277	0	0	0	
30	Purnia Ph-II	5086.74	1615	0	0	0	
31	Naubatpur	4907.37	1500	0	0	0	
32	Thakurganj	4204.15	1332	0	0	0	
	Subtotal (G)=	32603.59	9661	0.00	0	0.00	
	Grand Total (A+B+C+D+E+F+G)=	75788.09	28255	2835	5144	8362.08	

(Source: Urban Development & Housing Department, Government of Bihar)

Annexure – 4.3.9

Details of project completed by the BSHB as on 31st October, 2013

Name of Division	Scheme Completed
Patna Division 1	MIG Plot Bahadurpur, MIG Plot Lohia Nagar, LIG Plot Bahadurpur, 288 MIG at Bahadurpur, 480 EWS at Bahadurpur, 576 LIG at Bahadurpur, 288 EWS at Bahadurpur, 80+16 MIG Plan Scheme at Lohiya Nagar, 600 LIG Flat at Lohiya Nagar, 250 MIG House at Hanuman Nagar, 24 MIG Plan, Lohia Nagar, 100 MIG Plan, Lohia Nagar, 24+129 MIG Plan, Lohia Nagar and 144 HIG at Bahadurpur
Patna Division 2	MIG Plot Digha, LIG Plot Digha, HIG Plot Digha, 144 HIG at Bahadurpur, 384 MIG, 480 LIG, 192 MIG and 96+144 LIG
Patna Division 3	56-C- SFS, 64-A3- KFS, 48-A-SFS, 72-B- SFS, 48 MIG Plan and 192 MIG HUDCO
Patna Public Health Division	206 EWS Plot, Bahadurpur, 184 LIG Plot, 17 MIG House, 41 LIG House, SFS, MIG FLAT, 7 HIG FLAT, 126 LIG (HUDCO), 126 LIG, Dalpatpur, Arrah, 106 MIG , Dalpatpur, Arrah, 48 LH3 Type at Dalpatpur, Arrah, 184 LIG Plot Self at Bahadurpur and LH1 Type, Arrah,
Gaya Division	376 LIG House at M. Bad, 266 LIG Plot, Ashikpur, 84 HIG Plot at Ashikpur, Sasaram, 154 MIG Plot at Ashikpur, Sasaram, 44 HIG Plot at A.P. Colony, 100 MIG House at A.P. Colony, 50 LIG at A.P. Colony, 168 Janta Flat (EWS) at A.P. Colony, 95 MIG Plots at A.P. Colony and 166 MIG House at M.Bad, 50 LIG House (Plan) at M.Bad,
Darbhangha Division	96 LIG (Plan), 48 MIG (Plan), LIG Plot at Samastipur, 110 LIG (HUDCO), 96 MIG (HUDCO) and 48 EWS Plan
Bhagalpur Division	LIG Row House, Barari, 36 LIG Flat, 24+48 MIG House, HIG Plot, LIG House, Purnea, Janta House, 50 MIG House (Plan), Barari, IG Plots, R/C Plots, 30 MIG House and MIG Plots
Muzaffarpur Division	HIG Plot at Damodarpur, MIG Plot at Damodarpur, LIG Plot at Damodarpur, EWS at Damodarpur, 93 LIG at Damodarpur, 62 MIG at Damodarpur, 40 MIG at Damodarpur, Plot Scheme at Damodarpur, HIG Plots at Sada, LIG Plots at Sada, MIG Plots at Sada, Chhapra, EWS Plots at Sada, Chhapra, LIG and Plot at Prabhunath Nagar,

(Source: Website of BSHB)

Annexure – 4.3.10

Height of building and FAR as per present and proposed norms

Road Width	FAR	
	Present norms	Proposed norms in draft bye-laws
6 metre	2	0.75
6-9 metre	2.5	1.25
9-12 metre	2.5	1.50
12-15 metre	2.5	1.75
15-18 metre	2.5	2.00
18-30 metre	2.5	2.25
30 metre or more	2.5	3.00

(Source: Building Bye-laws)

Annexure – 4.3.11

Minimum size of plots for different categories of building as per proposed bye-laws

Category	Min. road width(m)	Min. size of plot in Sq. m.
Marriage Halls	12	1000
Cinema, game centers, Multiplex, convention centers	18	2000
Social clubs and amenities	12	1000
Multi storey car parking	12	1000
Office buildings	12	300
Primary/Upper Primary school	12	2000
High School , Residential school	12	6000
+2 College / Junior college	12	4000
Degree College	12	6000
Technical educational institution	12	10000
Petrol pumps / Filling stations	12	500
Restaurant	12	500
LPG storages	12	500
Places of congregation	12	500
Public libraries	12	300
Conference hall	15	1000
Community hall	12	500
Nursing homes/polyclinics	12	300
Hotel	18	2000
R and D Lab	15	1500

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.12

Plot Size wise Permissible Set Backs and Height of Buildings as per proposed bye-laws

Plot size (in Sq. Mts)	Maximum height of building permissible (in Mts)	Minimum Front setback (in Mts) Abutting road width					Minimum setbacks other sides(in Mts)	
		Less than 9 Mts	9 Mts and below 12 Mts	12 Mts and less than 18 Mts	18 Mts and less than 30 Mts.	Above 30 Mts.	Rear Side	Other side
1	2	3(a)	3(b)	3(c)	3(d)	3(e)	4	5
Less than 100	7	2.0	2.0	2.5	3.0	4.5	1.0	-
100 & upto 200	10						1.5	1.0
Above 200 & upto 300	10						2.0	1.0
Above 300 & upto 400	12	3.0	3.0	3.5	4.5	6.0	3.0	1.5
Above 400 & upto 500	12						3.0	3.0
Above 500 & upto 750	15	4.5	4.5	4.5	4.5	6.0	3.5	3.5
Above 750	15						3.5	3.5

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.13

Provision of exterior open spaces around the buildings as per proposed bye-laws

SI. No.	Height of the Building Upto (m.)	Exterior open spaces to be left out on all sides in m. (front rear and sides in each plot)
1	More than 15 and upto 18	6
2	More than 18 and upto 21	7
3	More than 21 and upto 24	8
4	More than 24 and upto 27	9
5	More than 27 and upto 30	10
6	More than 30 and upto 35	11
7	More than 35 and upto 40	12
8	More than 40 and upto 45	13
9	More than 45 and upto 50	14
10	More than 50	15

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.14

Far as per road width as per existing and proposed bye-laws

Road width in m.	Existing FAR	Proposed FAR as per draft building bye-laws
Up to 6	2	0.75
6 or more & less than 9	2.5	1.25
9 or more & less than 12	2.5	1.50
12 or more & less than 15	2.5	1.75
15 or more & less than 18	2.5	2.00
18 or more & less than 30	2.5	2.25
30 or more	2.5	3.00

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.15

Height restriction with respect to approach funnels as per proposed bye-laws

Distance from nearest runway end (in metres)	Maximum Permissible height above the elevation of the nearest runway end (in metres)
Up to 360	0
361 to 510	6
511 to 660	9
661 to 810	12
811 to 960	15
961 to 1110	18
1111 to 1260	21
1261 to 1410	24
1411 to 1560	27
More than 1560	30

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.16

Height restriction with respect to transitional area as per proposed bye-laws

Distance of the Inner Boundary of the Transitional Area (Outer Boundary of the Air Port) [Metres]	Maximum Permissible height above the elevation of the airport reference point [metres]
Up to 21	0
22 to 42	3
43 to 63	6
64 to 84	9
85 to 105	12
106 to 126	15
127 to 147	18
148 to 168	21
169 to 189	24
190 to 210	27
More than 210 M	30

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.17

Off Street Parking Space as per proposed bye-laws

Sl. No.	Category of building/ activity	Parking area to be provided as per centage of total built up area
(1)	(2)	(3)
1	Shopping malls, Shopping malls with Multiplexes/ Cineplex's, Cinemas, Retail shopping centre, IT / ITES complexes and hotels, marriage halls and banquet halls	50
2	Restaurants, Lodges, Other commercial, Assembly buildings, Offices and High-rise buildings/ complexes	40
3	Residential apartment buildings, Group Housing, Clinics, Nursing Homes, Hospitals, Institutional and Industrial buildings.	30

(Source: Draft Building Bye-laws, 2013)

Annexure – 4.3.18

Land Use Classification and Permissible Uses as per modified building bye-laws 1996

Zone	Uses permitted	Uses permissible if allowed by the Authority after special appeal
1	2	3
Residential	1. Residence, Hostels and Boarding Houses with density Limitations.	1. Places of worship
	2. Nursery, Kinder garden and High Schools,	2. Professional, Commercial and Government Offices,
	3. Clinics, Social and cultural institution with adequate parking facilities.	3. Service uses and retail shops of a neighbourhood character when located in local shopping centres or in concentrated locations or as shown in the Zonal Development plan of the areas when prepared.
	4. Retail shopping and community facilities with adequate parking facilities.	4. Hotels, hospitals and sanatoria not treating contagious diseases or mental patients, provided the set back and coverage of plots are such as not to constitute nuisance to the residential area.
	5. Neighbourhood recreational use including clubs and others such public recreational facilities with adequate parking facilities.	5. Non-commercial poultry and cattle farms provided that a part of such building is not such that 50 ft. away from a dwelling or property line.
		6. Institutions of higher learning.
		7. Bus depots, railway passenger and freight station.
		8. Petrol filling Stations on road of 90 ft. width and above.
		9. Service and storage Yard, taxi and scooter stands.
B. Commercial (Retail)	1. Retail shops and markets.	1. Social and welfare institutions
	2. Business and professional Offices.	2. Petrol filling stations and garages with adequate set back and coverage so that there is no nuisance created to the

		locality.
	3. Service uses shops like barbers, tailors, laundry cleaners etc.	3. Coal, Wood or Timber yard.
	4. Restaurants and places of entertainment with adequate parking places.	4. Light manufacturing units employing not more than 4 persons with or without power provided the goods manufactured are sold on the premises in retail and that does not create nuisance or hazard.
	5. Residences, Hostels and Boarding Houses and social and welfare institutions provided they are located in the first and higher floors.	5. Taxi and Scooter stand, Bus Terminal (Parking areas requirements for all the above uses must be approved.)
	6. Meat, Fish, Vegetables and fruit markets.	
	7. Roofed storage for legitimate retail business.	
	8. Public and semi-public recreational discos.	
	9. Public utilities and buildings (Parking area requirements for all these uses must be approved)	
C. Commercial (Wholesale)	1. Wholesale and retail shops.	1. Truck terminals and parking.
	2. Storage for wholesale uses except when specifically prohibited.	2. Market, Clinic, Social and Cultural institutions.
	3. Commercial and Government Offices.	3. Dwelling for watch-and-ward Parking, loading & unloading requirements must be approved for all the above uses).
	4. Restaurants, and residences provided they are located in first and higher floors.	
	5. Public utilities and buildings (Parking, loading and unloading requirements must be approved for all the above uses.)	
D. Industrial	1. Industries which do not cause excessive, injurious or obnoxious noise, vibration, smokes, gas, flames, odour,	1. Bus and Truck Terminal.

	dust, effluent or other objectionable conditions and do not employ more than 100 workers. (Parking, loading and unloading requirements must be approved for all uses.	
		2. Railway passenger and freight terminal.
		3. Petrol filling Station, Taxis and Scooter stands, junk yards.
		4. Dwellings for watch and ward staff, canteen and recreational facilities for the employees.
E. Public and semi-Public uses.	1. Local, State and Central Government Offices and use of land for defence purposes.	1. Residences and other uses incidental to main use in no way causing any nuisance or hazard.
	2. Social and cultural institutions.	2. Outdoor theatres and drive-in-cinemas.
	3. Radio Transmitters and Wireless Stations subject to height and density restrictions.	3. Restaurants and selling of eatables.
	4. Educational, Medical and research institution.	4. Uses clearly incidental to recreational use which will not create nuisance or hazard.
	5. Social and cultural institutions.	5. Dwelling for watch and ward staff. (Parking area requirements for all uses must be approved).
	6. Moments and religious institutions.	
	7. Public utilities and buildings.	
	8. Cremation grounds and cemeteries.	
	9. Bus and Railways passenger terminals.	
	10. Parks, play-grounds and special recreational areas. (Parking area requirements for all these uses must be approved).	
Agricultural	1. Agricultural and horticulture.	1. Places of worship.
	2. Dairy and Poultry farming.	2. Special educational and cultural buildings.
	3. Farm houses and accessory	3. Parks and non-commercial

	buildings of appropriate specification.	and semi-public, recreational uses.
	4. Brick Kilns. (Parking area requirement for all these uses must be approved).	4. Storage and processing & sale of farm product.
		5. Service and repair of farm implements.
		6. Public utility and building (Parking area requirement for all these uses must be approved).

(Source: Urban Development and Housing Department, Govt. of Bihar)

Annexure – 4.3.19

Land Uses Permitted / Prohibited in Different Use Zones in Proposed Building Bye-Laws 2013

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
1	2	3	4	5
1	Residential Use Zone	1. Residence plotted (detached, semi-detached and row housing), apartment, group housing, work-cum-residential	1. Places of worship	1. Heavy, large and extensive industries, noxious, obnoxious and hazardous
		2. Hostels, boarding and lodging houses	2. Shopping centres (only for medicines and associated goods)	2. Warehousing, storage godowns of perishables, hazardous, inflammable goods, wholesale mandis, junk yards
		3. Night shelters, dharamshalas, guest houses	3. Municipal, state and central government offices	3. Workshops for buses
		4. Educational buildings (nursery, primary, high school)	4. Colleges and research institutions	4. Slaughter houses
		5. Neighborhood level social, cultural and recreational facilities with adequate parking provisions	5. Petrol filling stations convenient shopping or tabagie	5. Hospitals treating contagious diseases
		6. Marriage and community halls	6. Places of entertainment, cinema halls, restaurants and hotels	6. Sewage treatment plants and disposal sites
		7. Convenience shopping, local	7. Markets for retail Goods	7. Water treatment plants, solid waste

11 But essentially not on main artery, such as Ashok Raj Path and on career building institutions.

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		(retail) shopping		dumping grounds
		8. Community centers, clubs, auditoriums	8. IT and IT enabled Services	8. Outdoor and indoor games stadiums, shooting range
		9. Exhibition and art galleries; Zoological garden, botanical garden,	9. Tourism related Services	9. Bird Sanctuary
		10. Libraries and gymnasiums	10. Motor vehicle repairing workshop, garages, storage of LPG cylinders	10. International conference centers
		11. Health clinics, yoga centers, dispensaries, nursing homes and health centers (20 beds)	11. Burial grounds	11. District battalion offices, forensic science laboratory
		12. Public utilities and buildings except service and storage yards, electrical distribution depots and water pumping stations	12. Printing presses employing not more than 10 persons	12. All uses not specifically permitted in column (2) and (3)
		13. Nursery and green houses	13. Godowns /warehousing of nonperishables	
		14. Services for households (salon, parlours, bakeries, sweet shops, dry cleaning, internet kiosks etc.)	14. Bus depots without Workshop	
		15. Banks and professional offices not exceeding one floor	15. Household industries if the area for such use does not exceed one floor and there shall be no public display of the goods	
		16. Bus stops, taxi stands, 3 wheeler/auto stands, rickshaw stands	16. Consulates	
		17. Police posts and post offices		
		18. Parks and tot-		

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		Lots		
2	Retail Commercial and Business Use Zone	1. Retail business, Mercantile	1. Associated residential uses	1. Polluting industries
		2. Commercial Centers	2. Wholesale storage Yards	2. Heavy, extensive, noxious, obnoxious, hazardous and extractive industrial units
		3. Banks, financial services and stock exchanges	3. Service garages provided they do not directly about the main road, Stock exchanges	3. Hospitals, research laboratories treating contagious diseases
		4. Perishable goods markets	4. Printing presses employing not more than 10 persons	4. Poultry farms, dairy farms, slaughter houses
		5. Business and professional offices	5. 20 bedded hospitals not treating contagious diseases and mental patients	5. Sewage treatment plants and disposal sites, solid waste treatment plants and dumping grounds
		6. Private institutional offices and semi government offices	6. Weigh bridges	6. Agricultural uses, storage of perishable and inflammable commodities
		7. Shops and shopping malls	7. Colleges, polytechnics and higher technical institutes	7. Quarrying of gravel, sand, clay and stone
		8. Commercial Services	8. Sports complex and stadiums. Zoological gardens, botanical gardens	8. Bird sanctuary
		9. Restaurants and Hotels	9. Transient visitor's Homes	9. Sports training centers
		10. Hostels, boarding houses, social and welfare institutions, guest houses	10. Places of entertainment, recreational uses and museums	10. District battalion offices
		11. Convenience and neighborhood shopping centers, local shopping centers, weekly and formal markets, bakeries and	11. Convention centers	11. Forensic science laboratory and all other related activities which may cause nuisance

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		confectionaries		
		12. Cinema halls, theaters, banquet halls, auditoriums	12. Religious places	12. Court
		13. Marriage and community halls, night shelters	13. Public utilities, telephone exchanges	13. All uses not specifically permitted in the column (2) and (3)
		14. Clinics and nursing homes	14. Police posts and post offices	
		15. Petrol Pumps	15. Residential, apartment, group housing	
		16. IT and IT enabled services	16. Picnic Hut	
		17. Commercial institutes, research and training institutes		
		18. Parking lots		
		19. Taxi stands, 3 wheeler/auto stands, rickshaw stands		
3	Wholesale Commercial Use Zone	1. Wholesale and retail business	1. Truck terminal, bus depots and parking	1. Polluting Industries
		2. Wholesale and storage buildings	2. Freight terminal	2. Large scale storage of hazardous and other inflammable materials except in areas, specifically earmarked for the purpose
		3. Commercial and business offices and work places	3. Warehousing, storage godowns of perishable, inflammable goods, coal, wood, timber yards	3. All uses not specifically permitted in columns (2) and (3)
		4. Petrol pumps and service stations on roads of 12 meter or more ROW	4. Service centers, garages, workshops	
		5. Godowns, covered storage and warehousing	5. Non- polluting, nonobnoxious light industries	
		6. Weigh bridges	6. Junk-yards	

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		7. Bus stops, taxi stands, 3 wheeler/auto stands, rickshaw stands	7. Gas installation and gas works	
		8. Parking spaces	8. Railway yards and stations, road freight stations	
		9. Restaurants	9. Banks and financial Services	
		10. Public utilities	10. Associated residential uses, residential, apartment, group housing	
		11. Police station/ posts, post offices	11. Government and Semi-government Offices	
			12. Water treatment Plants	
4	Industrial Use Zone	1. All kind of nonpolluting industries	1. Heavy, extensive and other obnoxious, hazardous industries subject to the approval of the Bihar Pollution Control Board	1. General business unless incidental to and on the same site with industry
		2. IT and ITES	2. Industrial Research Institute	2. Schools and Colleges
		3. SEZs notified by government of India	3. Technical Educational Institutions	3. Hotels, motels and caravan parks
		4. Loading, unloading spaces	4. Junkyards, sports/ stadiums/ playgrounds	4. Recreational spots or centers
		5. Warehousing, storage and depots of nonperishable and noninflammable commodities	5. Sewage disposal works, electric power plants, service stations	5. Other nonindustrial related activities
		6. Cold storage and ice factory	6. Govt. semi-govt., private business offices	6. Religious Buildings
		7. Gas godowns	7. Banks, financial institutions and other commercial offices	7. Irrigated and sewage farms
		8. Wholesale business establishments	8. Agro-based industries, dairy and farming	8. Major oil depot and LPG refilling plants
		9. Petrol filling station with garages and service stations	9. Gas installations and gas works	9. Social buildings
		10. Bus terminals	10. Workshops garages	10. All uses not

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		and bus depots and workshops		specifically permitted in columns (2) and (3)
		11. Parking, taxi stands, 3 wheeler/auto stands, rickshaw stands	11. Residential, apartment , group housing, hotels and guest houses	
		12. Residential buildings for essential staff and for watch and ward	12. Museum	
		13. Public utilities	13. Helipads	
			14. Hospitals and medical centers	
5	Public and Semi public Use Zone	1. Government offices, central , state, local and semi-government, public undertaking offices	1. Residential flats, residential plots for group housing and staff housing, Residential, apartment, group housing	1. Heavy, extensive and other obnoxious, hazardous industries
		2. Universities and specialized educational institutions, colleges, schools, research and development centers	2. IT services	2. Slaughterhouses
		3. Social and welfare centers	3. Defense quarters	3. Junkyard
		4. Libraries	4. Hostels, transit Accommodation	4. Wholesale mandies
		5. Hospitals, health centers, dispensaries and clinics	5. Entertainment and recreational complexes	5. Dairy and poultry farms, farmhouses
		6. Social and cultural institutes	6. Nursery and kindergarten, welfare center	6. Workshops for servicing and repairs
		7. Religious Buildings	7. Open air theater, Playground	7. Processing and sale of farm products
		8. Conference Halls	8. Residential club, guest house	8. All uses not specifically permitted in columns (2) and (3)
		9. Community halls, marriage halls,	9. Bus and Truck terminals, helipads	

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		dharamashala		
		10. Museums, art galleries, exhibition halls, auditoriums	10. Parking areas, taxi stands, 3 wheeler/auto stands, rickshaw stands	
		11. Police stations, police lines, jails		
		12. Local state and central govt. offices uses for defense purpose		
		13. Educational and research Institutions		
		14. Social and cultural and religious institutions		
		15. Local municipal facilities		
		16. Uses incidental to govt. offices and for their use		
		17. Monuments		
		18. Post offices, Telegraph offices, public – utilities and buildings		
		19. Radio and television station		
6	Utility and Services Use Zone	1. Post offices, Telegraph offices, public – utilities and building	1. Service industry	1. Any building or structure which is not required for uses related to public utilities and activities is not permitted therein.
		2. Water Treatment Plant, Sewage Treatment Plant, Solid waste Treatment Plant solid waste dumping grounds	2. Warehouse/storage Godowns	2. Heavy, extensive and other obnoxious, hazardous industries
		3. Radio transmitter and wireless stations, telecommunication centers, telephone	3. Health center for public and staff or any other use incidental to public utilities and services	3. All uses not specifically permitted in column (2) and (3)

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		exchange		
		4. Water supply Installations	4. Information/Payment Kiosk	
		5. Sewage disposal Works	5. Incidental/ancillary residential use	
		6. Service stations	6. Truck terminals, Helipads	
		7. Cremation grounds and cemeteries/burial ground	7. Commercial use Center	
		8. Power plants/ Electrical substation		
		9. Radio and television station		
		10. Fire stations		
7	Open Space Use Zone	1. Specialized parks/ maidans for multipurpose use	1. Building and structure ancillary to use permitted in open spaces and parks such as stands for vehicles on hire, taxis and scooters	1. Any building or structure, which is not required for open air recreation, dwelling unit except for watch and ward, and uses not specifically permitted therein.
		2. Regional parks, district parks, playgrounds, children's parks	2. Commercial use of transit nature like cinemas, circus and other shows	2. All uses not specifically permitted in column (2) and (3)
		3. Clubs	3. Public assembly Halls	
		4. Stadiums, picnic huts, holiday resorts	4. Restaurants	
		5. Shooting range, sports training center	5. Parking areas, Caravan parks	
		6. Swimming Pools	6. Open air cinemas/ Theatre	
		7. Botanical/ zoological garden, bird sanctuary	7. Entertainment and recreational complexes	
		8. Green belts	8. Community hall, Library	
		9. Bus and railway passenger terminals	9. Open air theater, theme parks, amphitheatres	
			10. Residential club, guest house	10. Public utilities and facilities such as police post, fire

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
				post, post and telegraph office, health center for players and staff
			11. Camping sites	11. Animal racing or riding stables
			12. Yoga and meditation centres	
			13. Commercial uses Center	
			14. Special education Areas	
			15. Incidental/ancillary residential use	
8	Transportation Use Zone	1. All types of Roads	1. Way side shops and Restaurants	1. Use/activity not specifically related to transport and communication permitted herein.
		2. Railway stations and yards	2. Authorised/Planned Vending areas	2. All uses not specifically permitted in column (2) and (3)
		3. Airport	3. Incidental/ancillary residential use	
		4. Bus stops and Bus and Truck Terminals	4. Emergency health care centre	
		5. Taxi stands, auto stands, rickshaw stands	5. Tourism related Activities	
		6. Ferry ghats	6. All ancillary (complimentary) uses for above categories (subject to decision of the Authority)	
		7. Parking areas		
		8. Multi level car Parking		
		9. Filling stations		
		10. Transport offices, booking offices		
		11. Night shelter, boarding houses		
		12. Banks		
		13. Restaurants		
		14. Workshops and garages		
		15. Automobile		

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		spares and services, Godowns		
		16. Loading and unloading platforms (with/without cold storage facility), weigh bridges		
		17. Ware houses, Storage depots		
		18. Utility networks (drainage, sewage, power, telecommunications)		
9	Agricultural and Forest Use Zone	1. Agriculture and Horticulture	1. Houses incidental to this use	1. Residential use except those ancillary uses permitted in agricultural use zone
		2. Dairy and poultry farming, milk chilling center	2. Parks and other recreational uses	2. Heavy, extensive, obnoxious, noxious and hazardous industries
		3. Storage, processing and sale of farm produce	3. Wayside shops and Restaurants	3. Any activity which is creating nuisance and is obnoxious in nature
		4. Dwelling for the people engaged in the farm (rural settlement)	4. Hospital for infectious and contagious diseases, mental hospital after clearance from the Authority	4. All uses not specifically permitted in column (2) and (3)
		5. Farm houses and accessory buildings	5. Agro serving, agro processing, agro business	
		6. Aforestation	6. Cottage industries	
			7. Burial and cremation grounds	
			8. Service industries accessory to obnoxious and hazardous industries	
			9. Ice factory, cold Storage	
			10. Godowns and ware Houses	

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
			11. Soil testing lab	
			12. Normal expansion of land uses only in the existing homestead land	
			13. Solid waste management sites, Sewage disposal works	
			14. Electric sub station	
			15. Quarrying of gravel, sand, clay or stone	
			16. Building construction over plots covered under town planning scheme and conforming uses	
			17. Brick kilns and extractive areas	
			18. Eco-tourism, camping sites, eco parks, eco-lodges	5. For notified forest land only afforestation is permitted and Item nos. 18 and 19 from column (3) are permissible by the competent authority
			19. Special outdoor Recreations	
10	Water Bodies Use Zone	1. Rivers, canals	1. Fisheries	1. Use/activity not specifically related to Water bodies Use not permitted herein.
		2. Streams, water Spring	2. Boating, water theme parks, water sports, lagoons	2. All uses not specifically permitted in column (2) and (3)
		3. Ponds, lakes	3. Water based resort with special bye-laws	
		4. Wetland, aqua culture pond	4. Any other use/activity incidental to Water bodies Use Zone is permitted.	
		5. Reservoir		
		6. Water logged/marshy area		
11	Special Heritage Zone	1. Heritage	1. Residential.	1. Use/activity not

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
		interpretation center, art galleries and sculpture complex		specifically related to Special Heritage Use Zone not permitted herein.
		2. Public –semi public.	2. Educational and research institutions	2. Multi-storeyed building
		3 Recreational.	3. Social and cultural Institutions	3. Multiplex, Shopping Mall
		4. Theme Parks, Archaeological Parks / Gardens.	4. Commercial.	4. Dumping ground
		5. Amphitheaters.	5. Commercial Activities	5. Sewerage Treatment
		6. Open Air Museums.	6. Craft based cottage Industries	6. All uses not specifically permitted in column (2) and (3)
		7. Restoration of protected and enlisted monuments and precincts by the concerned authority only (ASI / State Archaeology)	7. Hotels, guest houses, lodges , resorts	
		8. Recreational.	8. Auditorium	
		9. Theme Parks, Archaeological Parks / Gardens.	9. camping sites , special training camps	
			10. Hospitals and health Centers	
			11. Multi-storeyed Parking	
12	Environmentally Sensitive Zone	1. River front Developments	1. Apartment Buildings, corporate type housing adopting modern technology.	1. Plotted housing
		2. Scenic value areas. Theme parks, yoga parks, sports centres and community recreational areas, International convention centre	2. Hospitals and health Institutions	2. Small industries or small institutions
		3. River side green areas	3. Educational, technical, research institutes of higher order	3. Use/activity not specifically related to Environmentally Sensitive Use Zone

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
				not permitted herein
		4. Existing village Settlements	4. Water Treatment Plant, Sewage Treatment Plant, Solid waste Treatment Plant solid waste dumping grounds	4. No development of any kind is permitted between the River/Canal/Stream and the embankment
		5. Art academy, media centres, food courts, music pavilions		5. All uses not specifically permitted in column (2) and (3)
		6. Parking areas, visitor facilities		
		7. Boating , Picnic huts, Camping sites Special Training camps		
		8. Existing residential or other uses.		
		9. Resorts, sculpture complex, lagoons and lagoon resort, water sports.		
		10. Tourist and pilgrim related commercial activities, hotels and lodges		
		11. Non-polluting, agro-based and processing industries, Storage or Godowns for food grains		
13	Urban Agriculture use Zone	1. Independent residence, guest houses	1. Sewage treatment plants and disposal sites	1. Heavy, large and extensive industries, noxious, obnoxious and hazardous industries
		2. Educational buildings (nursery, primary, high school)	2. Water treatment plants, solid waste dumping grounds	2. Warehousing, storage godowns of perishables, hazardous, inflammable goods, wholesale mandis,

SN	Use Zone	Uses / Activities Permitted	Uses / Activities Permissible on approval by Authority	Uses/Activities Prohibited
				junk yards
		3. Neighborhood level social, cultural and recreational facilities with adequate parking provisions	3. Outdoor and indoor games stadiums, shooting range	3. Workshops for Buses
		4. Marriage and community halls	4. Zoological garden, botanical garden, bird sanctuary	4. Slaughter houses
		5. Community centers, clubs, auditoriums	5. Planned Township Development	5. Hospitals treating contagious diseases
		6. Exhibition and art galleries		6. International conference centers
		7. Public utilities and buildings except service and storage yards, electrical distribution depots and water pumping stations		7. District battalion offices, forensic science laboratory
		8. Nursery and green houses		8. All uses not specifically permitted in column (2) and (3)
		9. Parks and tot-Lots		
		10. All permitted activities in 'Agriculture Use Zone'		

(Source: Draft Building Bye-laws, 2013)

Annexure - 4.4.1

Details of *Khas Mahal* Land in the state as on 31st March, 2013

Particulars	Area in acre	Percentage
Total land	5036.03 acres	
Land given on lease	1437.78 acres to 6308 beneficiaries	28.5%
Balance land available	3598 acres	71.5%

(Source: Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.4.2

Details of *Gairmazruha* Malik land in the state as on 31st March, 2013

Particulars	Area in acre	Percentage
Total land	17,96,229.59	
Unsuitable land	9,21,909.40	51.3%
Suitable land for distribution	8,74,320.19	48.7%
Land distributed	7,83,591.25	43.6%
Balance Suitable land available for distribution	90,728.94	5.1%
Balance <i>Gairmazruha</i> land (suitable + unsuitable) available	10,12,638.35	56.3%

(Source: Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.4.3

Details of *Gairmazruha Aam* land in the state as on 31st March, 2013

Particulars	Area in acre	Percentage
Total land	9,07,809.99	
Suitable land for distribution	78503.20	8.6%
Unsuitable land	8,29,306.79	91.3%
Land distributed	30968.93	3.4%
Balance suitable land available for distribution	47534.27	5.2%
Total balance land available (suitable + unsuitable)	8,76,841.06 acres	96.5%

(Source: Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.4.4

Details of Ceiling surplus land in the state as on 31st March, 2013

Particulars	Area in acre	Percentage
Total surplus land acquired	3,63,415.71	
Land distributed	273251.64	75.1%
Balance land available	48654.77	13.3%

(Source: Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.4.5
Details of Bhoodan land in the state as on 31st March, 2013

Particulars	Area in acre	Percentage
Total land	6,48,593.14	
Confirmed land	3,45,349.02	53.2%
Unconfirmed land	3,03,244.12	46.8%
Unsuitable for distribution	3,85,793.79	59.5%
Confirmed land distributed	2,56,092.64	39.5%
Balance confirmed (suitable) land available	1264.22	0.2%
Balance Bhoodan Land Available (Confirmed + Unconfirmed)	392500.5	60.5%
Land distributed to beneficiaries	351284 beneficiaries	

(Source: Concept Paper of Chairman Bhoodan Yagna Committee, Bihar)

Annexure – 4.5.1

Land Acquired by Govt. for various Central / State Government's Projects since the year 2005-2006.

(Area in Acre)

SI. No.	Name of Project	Year							Total
		2005-06	2006-07	2007-08	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 (Runnisaipur – 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.	Angohta Hathauji Drainage Scheme Siwan			3.86	1.5				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 Ringband 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					1871.56			1871.56
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 Chandhi Sarmera State High way					12.18			12.18
106.	Connecting Roads					0.32			0.32
107.	Other Projects.					0.22	540.25	148.95	689.42
	Total: -	1344.13	6553.73	3334.92	1826.01	3083.43	8415.35	2812.63	27370.2

(Source: Directorate of Land Acquisition, Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.5.2

Land Allotted / Land Rates & Position of Vacant Land Details (Industrial Area as on 30.11.2013)

SI. No.	Name of the Industrial Area	No. of plot allotted	Area allotted (in sq. ft.)	No. of working unit	No. of closed unit	No. of unit under construction	Vacant Land (in Acres)*	Max. Largest Chunk (in Acres)	BIADA Land Rate Rs. (Lac/Acre) 2013-14
1	2	3	4	5	6	7	8	9	10
A. Patna Region									
1	PATLIPUTRA (I/E)	129	3543608	85	29	15	0.00	0.00	236.55
2	FATUHA	149	7966416	71	40	38	4.95	1.10	50.60
3	HAJIPUR	146	5069404	105	26	15	0.08	0.08	165.83
4	HAJIPUR (EPIP)	32	3114001	20	1	11	0.14	0.14	66.91
5	BIHARSHARIF	46	324255.40	22	19	5	0.03	0.03	165.91
6	NAWADA	34	247252	6	3	25	1.09	0.23	7.80
7	GAYA	34	973969	19	3	12	0.00	0.00	17.25
8	JEHANABAD	15	223620	3	5	7	0.46	0.06	10.13
9	AURANGABAD (IA)	24	613293	7	4	13	0.23	0.10	11.67
10	AURANGABAD (GC)	76	7506679	26	1	49	15.99	6.21	31.24
11	BARUN	11	332368	2	4	5	1.56	0.32	5.46
12	VIKRAMGANJ	10	107024	7		3	0.00	0.00	9.48
13	BUXAR	116	1842460	86	23	7	0.17	0.09	10.40
14	BIHIYA	52	2588072	5		47	0.00	0.00	8.05
15	GIDHA	99	8477341	44	1	54	0.00	0.00	11.95
16	BIHTA (IA)	3	4583383	1		2	0.00	0.00	51.83
17	BIHTA (MIP)	26	34949059				11.00	11.00	51.83
18	KOPAKALA	1	18,29,520			1	0.00	0.00	--
19	BARAUNI	167	5197887	70	74	23	0.00	0.00	11.50
20	DEHRI-ON-SON	48	1416145	22	12	14	8.90	7.00	7.31
B. Muzaffarpur Region									
1	MUZAFFARPUR	282	12607279.4	149	40	93	12.77	1.00	51.76
2	BETTIAH	101	2790312	66	16	19	0.22	0.22	5.56
3	KUMARBAGH	44	3428715	15		29	26.72	1.00	5.55
4	RAMNAGAR	21	193730	6		15	4.32	0.25	7.40
5	RAXAUL	28	479731.2	8	3	17	0.00	0.00	7.92
6	SITAMARHI	75	1413225	26	8	41	0.08	0.08	22.29
7	SIWAN	6	827860	2	4		0.00	0.00	8.52
C. Darbhanga Region									
1	BELA	63	492715.4	50	6	7	0.36	0.36	10.47
2	DHARAMPUR	43	226042.6	33	6	4	0.36	0.36	6.27
3	DONAR	121	2609606	57	12	52	10.82	1.50	5.36
4	PANDAUL	64	3314635	27	13	24	4.69	1.25	3.65
5	JHANJHARPUR	28	228459	15	5	8	0.83	0.45	5.80
6	SAMASTIPUR	47	1729630	32	3	12	0.33	0.13	8.90
7	SAHARSA	25	186540.2	18	2	5	0.00	0.00	5.02
8	MURLIGANJ	12	80682	8	1	3	1.08	1.00	2.60
9	UDAKISHANGANJ	5	114209	1		4	8.60	2.45	12.38
10	KHAGARIA	1	4281948			1	0.00	0.00	7.76
D. Bhagalpur Region									
1	BARARI	104	16,28,145	50	22	32	1.05	0.69	8.82
2	JAMALPUR	19	3,59,980	2	7	10	0.35	0.35	7.80
3	MUNGER	45	1,76,205	38	5	2	1.02	0.35	3.90
4	SITAKUND	4	7,71,580	1		3	0.00	0.00	10.25
5	LAKHISARAI	23	2,24,420	19	2	2	0.00	0.00	4.82

6	GC KAHALGAON	4	26353800			4	0.00	0.00	9.52
7	GC MARANGA, PURNEA	145	91,03,016	62	14	69	1.85	0.00	6.72
8	PURNEA CITY	24	4,89,779	16	1	7	0.24	0.24	4.86
9	FORBESGANJ	32	35,98,534	10	2	20	0.30	0.30	3.31
10	KATIHAR	38	6,28,817	20	5	13	0.05	0.05	4.71
11	KHAGARA (KISHANGANJ)	Nil	Nil	Nil	Nil	Nil	0.00	0.00	9.52
12	BHEDIADANGI (KISHANGANJ)	4	20,85,198	1		3	0.00	0.00	9.52
Total		2626	171330550 (3933.21 acre)	1333	422	845	120.64		

(Source: Data compiled from the information available on the website of BIADA)

Annexure – 4.5.3

Details of Industrial Plots allotted to private investor till 31.03.2014

Sl. No.	Name of the Regional office	Total number of plots allotted	No. of working unit	No. of units under construction	No. of units which have not started constructed	No. of closed units
1.	Patna	1208	607	241	123	237
2.	Bhagalpur	439	236	99	59	45
3.	Darbhanga	408	254	73	47	34
4.	Muzaffarpur	549	303	136	55	55
	Total	2604	1400	549	284	371

Annexure – 4.5.4

Number of industrial plot allotted during last three years in Bihar

Year	2011	2012	2013	Total
No. of Allotment	222	273	108	603

(Source: Website of BIADA)

Annexure – 4.5.5

**Application Status for allotment of land on 31.10.2013 with Bihar Industrial Area
Development Authority**

SI. No.	Regional Office	Deferred Application	New Application	Total No. of Application
1	Patna	167	264	431
2	Bhagalpur	36	47	83
3	Muzaffarpur	31	93	124
4	Darbhanga	25	190	215
Total No. of Application		259	594	853

(Source: Website of BIADA)

Annexure – 4.5.6

Schedule of activity and time framework for payment of money

Sl. No.	Activity	Time Frame
a.	Allotment of land	0
b.	Payment of 30% of land cost as 1 st installment & submission of bond.	Within 15 days of allotment
c.	Physical possession & issuance of provisional memorandum number	Within 15 days of payment of first installment and the evaluated cost as per para 5.
d.	Initiation of construction work	Specific to the project.
e.	Lease deed after 30% investment of promoter's contributions including land cost.	
f.	Start of trial production	
g.	Start of full commercial production	
h.	Issuance of permanent memorandum number	Between one month after commercial production.

(Source: Bihar Industrial Area Development Authority, Patna)

Annexure – 4.5.7

Sliding scale for deciding minimum compensation of land

Radial Distance from urban area (km)	Multiplier Factor
0-10	1.00
10-20	1.20
20-30	1.40
30-40	1.80
40-50	2.00

(Source: Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013)

Annexure – 4.6.1

Time limit for services under Right to Public Services Act 2011 for Registration

Department

Sl. No.	Name of Service	Designated Public Servant	Time Limit for Service	Appellate Authority	Time Limit for Appellate	Reviewing Authority	Time Limit for Reviewing
1	Non-Encumbrance Certificate	District Sub Registrar / Sub Registrar	From computerized records – 3 working days. Search in the bound volumes (up to 3 years) – 7 working days. Search in the bound volumes (more than 3 years) – 14 working days	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
2	Delivery of Registered Documents	District Sub Registrar / Sub Registrar	5 working days	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
3	Registration / disposal of documents presented	District Sub Registrar / Sub Registrar	Same day of presentation of documents	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
4	Search & Copy Work	District Sub Registrar / Sub Registrar	7 Working days	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
5	Search & Copy work related to Societies / Firm	Officer-In-charge	21 Working days	Inspector General, Registration	15 Working days	Secretary, Registration	21 Working days
6	Registration of Societies / Firm	Officer-In-charge	15 Working days	Inspector General, Registration	15 Working days	Secretary, Registration	21 Working days

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.6.2

**Disposal of applications under right to public service Act in Registration Department as
on 31th March, 2013**

Total number of application received	Application disposed of	Percentage of disposal
2094986	2090203	99.77%

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.6.3

Exemption of stamp duty under Information & Communication Technology Policy 2011

SI. No.	Type of documents & description	Exemption sanctioned in the Stamp duty
(i)	The stamp duty for registering deeds related to lease / purchase / transfer of land in the industrial area / shed / IT Park / Industries and outside the authority area for the purpose of establishing IT / ITES/ EHM Units	100% (Hundred percent) exemption on the effective rate.
(ii)	The Stamp duty for registering deeds related to lease / purchase / transfer of additional land for expansion or diversification of existing IT / ITES / EHM Units which are already established and make more than fifty percent (50%) growth in their production capacity	100% (Hundred percent) exemption on the effective rate.

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.6.4

Exemption of registration fee under Information & Communication Technology Policy 2011

SI. No.	Type of documents & description	Exemption sanctioned in the Registration Fee
(i)	The Registration fee for registering deeds related to lease / purchase / transfer of land in the industrial area / shed / IT Park/Industries and outside the authority area for the purpose of establishing IT/ITES/EHM Units	100% (Hundred percent) exemption on the effective rate.
(ii)	The Registration fee for registering deeds related to lease / purchase / transfer of additional land for expansion or diversification of existing IT/ITES/EHM units which are already established and make more than fifty percent (50%) growth in their production capacity	100% (Hundred percent) exemption on the effective rate.

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.6.5

Exemption of registration fee under Bihar Industrial Incentive Policy 2001

SI. No.	Type of documents & description	Exemption sanctioned in the Registration Fee
(i)	The Registration fee for registering deeds related to lease / purchase / transfer of industrial plots / shed of the State and land outside the authority area for the purpose of establishing industries by the private investors.	100% (Hundred percent) exemption on the effective rate.
(ii)	The Registration fee for registering deeds related to lease / purchase / transfer of additional land for expansion or diversification of working industrial units in which the growth of production capacity is 50%	100% (Hundred percent) exemption on the effective rate.

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.6.6

Services under Right to Public Services Act 2011 for Registration Department

Sl. No.	Name of Service	Designated Public Servant	Time Limit for Service	Appellate Authority	Time Limit for Appellate	Reviewing Authority	Time Limit for Reviewing
1	Non-Encumbrance Certificate	District Sub Registrar / Sub Registrar	From computerized records – 3 working days. Search in the bound volumes (up to 3 years) – 7 working days. Search in the bound volumes (more than 3 years) – 14 working days	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
2	Delivery of Registered Documents	District Sub Registrar / Sub Registrar	5 working days	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
3	Registration / disposal of documents presented	District Sub Registrar / Sub Registrar	Same day of presentation of documents	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
4	Search & Copy Work	District Sub Registrar / Sub Registrar	7 Working days	Inspector of Registration Office (IRO)	15 Working days	Inspector General, Registration	21 Working days
5	Search & Copy work related to Societies / Firm	Officer-In-charge	21 Working days	Inspector General, Registration	15 Working days	Secretary, Registration	21 Working days
6	Registration of Societies / Firm	Officer-In-charge	15 Working days	Inspector General, Registration	15 Working days	Secretary, Registration	21 Working days

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.7.1

Registration and Stamp Fee on various types of documents

Article No.	Types of Deed/Item	Rates of registration fee	Stamp duty
A(1)	Other deeds described in Article-A(1) except Sale & Mortgage	2%	6% of the cost + 2% additional stamp duty for ULBs (for urban area) 6% of the cost for rural area Besides Rs.150-500/- is charged per deed as landlord fee. Rs.20 / 25 per page is charged for scanning of document.
A(3) (a)	(i) Less than one year	as the rate under A(1) on 2% of the market value of the leased property	6% or 2% of the market value of the leased property
	(ii) One year & above but the period is not more than 10 years	as the rate under A(1) on 5% of the market value of the leased property.	6% or 5% of the market value of the leased property
	(iii) More than ten years but less than thirty years	as the rate under A(1) on 15% of the market value of the leased property.	6% or 15% of the market value of the learned property
	(iv) Thirty years or more or perpetual or for an infinite period	as the rate under A(1) on 50% of the market value of the leased property.	6% or 5% of the market value of the learned property
C(i)	Open will or cancellation of will or an authority to adopt	Rs.2000/- (Rupees two thousand)	NIL
DD	Partnership	Rs. 1000/- (Rupees one thousand)	10000 (Rupees ten thousand)
E	(i) Development Agreement: - When market value of property is upto five crores	Rs. 20,000/- (Rupees twenty thousand)	2% of the market value
	8. When market value of property is more than five crores but upto ten crores	Rs. 40,000/- (Rupees forty thousand)	2% of the market value

Article No.	Types of Deed/Item	Rates of registration fee	Stamp duty
9.	When market value of property is more than ten crores but upto twenty five crores	Rs. 60,000/- (Rupees sixty thousand)	2% of the market value
10.	When market value of property is more than twenty five crores	Rs. 1,00,000/- (Rupees One lakh)	2% of the market value
	(ii) If power of attorney is given for the purpose of selling land / property situated in the State of Bihar to the person other than family members (Family means Father, Mother, Wife or Husband, Son, Daughter, Brother / Sister (Children of executants parents), Daughter in law, Grandson, Granddaughter (Children of executants son/daughter).	Rs. 1000/- (Rupees one thousand)	6% of the market value of the property described in the document of power of attorney
	(iii) Other deeds coming under article-E & in case of other power of attorney except power of attorney and development agreement mentioned above in (ii) & (i)	Rs. 1000/- (Rupees one thousand)	Rs. 1000/- (Rupees one thousand)
F(1)	(i) Searching fee of first year for every name	Rs. 40/- (Rupees forty)	
	(ii) Searching fee for subsequent year per year	Rs. 20/- (Rupees twenty)	
	(iii) for inspection of copy of each document in register book 1, 3, 4 or for inspection of any other book or register or of a document or paper in a file relating to one year	Rs. 30/- (Rupees thirty)	
	(iv) for inspection of the document or paper Provided that no fee for the searching of the indexes of any one office in respect of any one name shall exceed Rupees 500/- (Rupees five hundred).	Rs. 40/- (Rupees forty)	
I	an extra fee for registering in delegated or original capacity by District-Sub-Registrar of any document of sub ordinate offices jurisdiction	Rs. 5,000/- (Rupees five thousand)	
J(1)	The fee for attendance under section-31 of an officer at private residence for acceptance for registration or for deposit of any will	Rs. 5,000/- (Rupees five thousand)	
K(1)	(a) for every pardanashin lady exempted by law from personal appearance	Rs. 200/- (Rupees two hundred)	
	(b) (1) for every person exempted on account of bodily infirmity	Rs. 400/- (Rupees for hundred)	
	(2) for every person confined in jail	Rs. 400/- (Rupees four hundred)	
	(c) for every person other than a paradanashin	Rs. 1,000/- (Rupees	

Article No.	Types of Deed/Item	Rates of registration fee	Stamp duty
	lady who is exempted by law from personal appearance in Court	one thousand)	
O	for the return of registered document after the period of more than one month from the date of registration	Rs. 100/- (Rupees one hundred) per month, Maximum Rs. 1000/- (Rupees one thousand)	
P	for the return of refused document for registration after the period of more than one month from the date of refusal	Rs. 100/- (Rupees one hundred) per month, Maximum Rs. 1000/- (Rupees one thousand)	

(Source: Department of Registration, Govt. of Bihar)

Annexure – 4.7.2

Multiplying factors for deciding holding tax

S.N.	Type of non-residential holdings	Multiplying Factor
I.	Hotels, bars, clubs, health club and marriage halls	3
II.	Shops (with less than 250 sq feet area)	1
III.	Shops (Other than II), show room, shopping malls, cinema houses, multiplexes, dispensaries, laboratories, restaurants, guest houses,	1.5
IV.	Commercial offices, financial institutions, banks, insurance offices, private hospitals and nursing homes	3
V.	Industries, workshops, storage, godowns, warehouses	2
VI.	Commercial establishments and undertakings of State and Central government	2
VII.	Coaching Classes, guidance and training centres and their hostels	1.5
VIII.	State and central government offices other than their commercial establishments and undertakings	1
IX.	Private Schools, Private colleges, Private research institutes, other Private educational institutions and their hostels	1.5
X.	Places, centres and institutions of spiritual and religious nature	0
XI.	Educational and social institutions run by charitable trusts on no-profit no-loss basis for benefit of poor, physically challenged, social security of women and children	1
XII.	Any other holdings not covered under (1) to (10)	Multiplying factor shall be 1.5

(Source: Bihar Municipal Property Tax Rules 2013)

Annexure – 4.7.3

Structure of ARV for Tax Calculation – Patna

Type of Construction	Holdings on the Principal Main Roads			Holding on the Main Roads			Holding on other Roads		
	Fully commercial or Industrial	Others	Fully Residential	Fully commercial or Industrial	Others	Fully Residential	Fully commercial or Industrial	Others	Fully Residential
Pucca Building with RCC Roof	@ Rs. 54/sqr foot	36/-	18/-	36/-	24/-	12/-	18/-	12/-	6/-
Pucca Building with Asbestos or corrugated sheet	@Rs. 36/- per sq. foot	24/-	12/-	24/-	16/-	8/-	12/-	8/-	4/-
Other Buildings which do not fall in the above two	@Rs. 18/- per sq. foot	12/-	6/-	12/-	8/-	4/-	6/-	4/-	2/-

(Source: Patna Municipal Corporation)

Annexure – 4.7.4

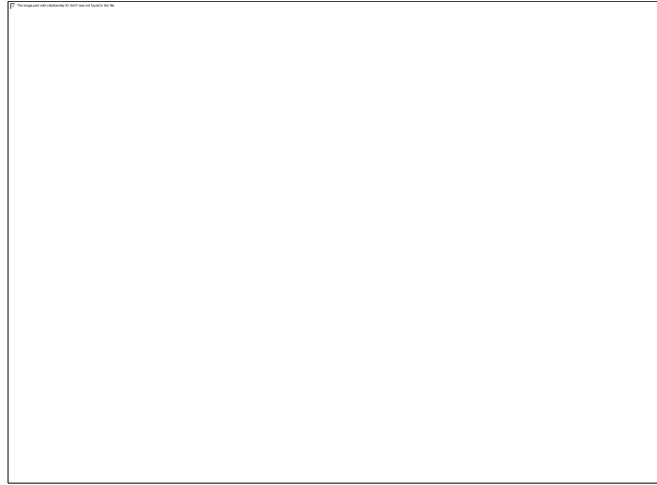
Tax Structure for Vacant Land in ULBs of Bihar

(Rate Rupees per square Meter)

S.N.	Type of Municipality	Principal Main Road	Main Road	Others
1.	Municipal Corporation	5	4	3
2.	Municipal Council	4	3	2
3.	Nagar Panchayat	3	2	1

(Source: Data collected from Urban Development & Housing Department, Govt. of Bihar)

Annexure - 4.8.1
Interdependency of land conflict causes



Annexure – 4.8.2

Dispute resolution mechanism under various acts

Sl. No.	Name of the Act	Type of Dispute	Authority at first instance	Appellate Authority	Revisional / Second Appellate Authority	Tribunal	High Court	Supreme Court
1.	Bihar Tenancy Act, 1885	61. Threatened ejection 62. Occupancy rights 63. Revision of rent 64. Record of rights dispute 65. Division of produce	Collector under the Act Collector under the Act Collector under the Act Revenue Officer Collector	Collector of the district Sub Divisional Officer Special Judges	- - - - -	BLT in all matters	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
2.	The Indian Forest Act, 1927	Offences related to forest / produce	Divisional Forest Officer	District Magistrate in first appeal	The Secretary Forest and Environment Department, Bihar	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
3.	The Bihar Privileged Persons Homestead Tenancy Act, 1947	Unlawful ejection etc.	Circle Officer	Collector of the District	-	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India

SI. No.	Name of the Act	Type of Dispute	Authority at first instance	Appellate Authority	Revisional / Second Appellate Authority	Tribunal	High Court	Supreme Court
4.	Bihar Land Reforms Act, 1950	66. Dispute relating to vesting of rights, estate, homestead intermediaries interest, lease, terms of holdings etc. 67. Claims 68. Interest of lease of mines or minerals	Collector of the district not below the rank of sub divisional collector under the Act. Claims Officer State Government	The Collector not below the rank of Additional Collector in appeal Board Mines Tribunal	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
5.	The Bihar Government Estates (Khas-Mahal) Manual 1953	69. Lease and sales of Government Estates 70. Payment of Salami etc.	Collector of the District	-	-	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
6.	Bihar Bhoodan Yagna Act, 1954	Unlawful ejectment	Revenue Officer	Collector	-	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
7.	Bihar Consolidation of	Land Consolidation	Consolidation Officer	Deputy Director, Consolidation	Director Consolidation	BLT	High Court under Article	Supreme Court under Article 136

SI. No.	Name of the Act	Type of Dispute	Authority at first instance	Appellate Authority	Revisional / Second Appellate Authority	Tribunal	High Court	Supreme Court
	Holdings and Prevention of fragmentation Act, 1956	Disputes					226 of the Constitution of India	of the Constitution of India
8.	Bihar Public Land Encroachment Act, 1956	Encroachment over public land	Circle Officer	District Magistrate	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
9.	National Highways Authority Act, 1956	Land Acquisition for highways	Land Acquisition Officer	-	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
10.	Mines & Minerals (Development & Regulation) Act, 1957	Termination of prospecting licences or mining leases	State Government or an authority authorised by the state government	Central Government	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
11.	Bihar Land Reforms (Fixation of ceiling area and acquisition of surplus land) Act, 1961	Ceiling surplus land disputes	Collector under the Act	Collector of the district	Board of Revenue	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
12.	Bihar Tenant's	Dispute regarding	Circle Officer	Deputy Collector	-	BLT	High Court	Supreme Court

SI. No.	Name of the Act	Type of Dispute	Authority at first instance	Appellate Authority	Revisional / Second Appellate Authority	Tribunal	High Court	Supreme Court
	Holdings (Maintenance of Records) Act, 1973	holdings of raiyats		Land Reforms			under Article 226 of the Constitution of India	under Article 136 of the Constitution of India
13.	Bihar Building (Lease, Rent and Eviction) Control Act, 1982	Rent fixation & eviction disputes	Rent controller i.e. the sub divisional officer	Collector	Commissioner	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
14.	Bihar Apartment Ownership Act, 2006	Disputes relating to construction of buildings / apartment	Chief Municipal Commissioner	Municipal Building Tribunal	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
15.	Bihar Municipal Act, 2007	71. Taxation 72. Assessment of property tax 73. Other taxes and tolls 74. Payment & recovery of taxes	Court of municipal commissioner	Municipal building tribunal at Municipal Corporation	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
16.	Bihar Land Dispute Resolution Act, 2009	Dispossession, partition of land, correction of wrong entries in the record of	Deputy Collector Land Reforms	Divisional Commissioner Land Reforms	-	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India

Sl. No.	Name of the Act	Type of Dispute	Authority at first instance	Appellate Authority	Revisional / Second Appellate Authority	Tribunal	High Court	Supreme Court
		rights, declaration of rights, boundary disputes etc.						
17.	Bihar Land Tribunal Act, 2009	All disputes arising under the enactments as defined under the Act		-	-	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
18.	Bihar Mutation Act, 2011	Mutation of land dispute	Circle Officer	Deputy Collector Land Reforms	Collector of the district	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
19.	Bihar Special Survey and Settlement Act, 2011	Dispute relating to survey and settlement	Competent Authority not below the rank of Deputy Collector Land Reforms	Notified Officer	-	BLT	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India
20.	Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013	Land Acquisition	Collector	Land Acquisition Rehabilitation & Resettlement Authority	-	-	High Court under Article 226 of the Constitution of India	Supreme Court under Article 136 of the Constitution of India

Annexure – 4.8.3

Institution and disposed of cases in Revenue Court in Bihar

Nature of dispute	Cases instituted till 31st March, 2013	Cases disposed off	Pending cases	% of cases disposed off
Dispossession	3126	604	2522	19.32
Mutation	21,23,562	20,23,335	1,00,227	95.28
Land ceiling cases	NA	NA	1207	
Public land encroachment	8089	2870	5219	35.48
Share croppers	1176	181	995	15.39
Land consolidation cases				

Annexure – 4.8.4

Number and description of civil suits instituted in various year in the state.

Year	Total civil cases	Classification of civil cases						Total land related cases (5+6+7+8)	Percentage of land related cases
		Suit for money or movable property	Other suits not falling under any of the preceding heads	Suit under the rent land	Suit for immovable property	Suit for specific relief	Mortgage suit		
1	2	3	4	5	6	7	8	9	10
2005	21848	813	3216	289	15181	1426	923	17819	81.56
2006	21989	694	3050	249	15622	1900	474	18245	82.97
2007	24862	692	6956	263	15344	1113	494	17214	69.24
2008	24653	681	6380	276	15432	1315	569	17592	71.36
2009	27646	626	7838	252	17072	1270	588	19182	69.38
2010	29911	592	8503	264	18540	1481	531	20816	69.59
2011	18097	1212	13052	406	1773	1263	391	3833	21.18

(Source: Bihar Statistical Hand Book 2012 – Information received from the Registrar, Patna High Court).

Annexure – 4.8.5

Cases instituted in Patna District / Subordinate Courts

	2007	2008	2009	2010	2012	2013
1. Suit for money or movable property	152	147	142	138		
2. Other suits	252	240	242	212		
3. Suit under the rent land	149	132	129	121		
4. Title and other suit for immovable property	1627	1432	1383	1228		
5. Title and other suit for specific relief	72	68	67	64		
6. Mortgage suit	42	40	38	36		
Total	2294	2059	2001	1799	2012	2015
Out of which land related cases (3+4+5+6)	1890	1672	1617	1449	830	823
% of land related case	82.39	81.20	80.81	80.54	41.25	40.84

(Source: Bihar Statistical Hand Book, 2012)

Annexure – 4.8.6

Number of cases decided in the Sub-ordinate courts of Bihar

Year	Civil	
	Original	Appellate
1	2	3
2005	26305	3482
2006	32875	3017
2007	30131	3478
2008	31386	5370
2009	32817	5651
2010	38405	6847
2011	37030	7479

(Source: Bihar Statistical Hand Book 2012)

Annexure - 4.8.7

Civil cases decided in District / Subordinate Court in Patna

Civil		
	Original	Appellate
2007	2171	198
2008	1794	183
2009	2001	186
2010	1799	244
2011	NA	NA

(Source: Bihar Statistical Hand Book 2012)

Annexure – 4.8.8

Disposal by various type of Lok Adalat during various year

Year	Lok Adalat (I)	Special Lok Adalat (II)	Mega Lok Adalat (III)	Pension Lok Adalat (IV)	Labour Lok Adalat (V)	Awareness Programme (VI)	MANRE GA (VII)	Persons Benefited by Legal Aid / Awareness (VIII)	Legal Aid Provided (IX)
1998 to 2008	4,53,077	-	-	-	-	4963		64,798	-
2009	45,964	-	-	-	-	495		54,929	-
2010-	11,365	34,707	1,02,335	163	7,330	381		22,135	142
2011	10,136	16,379	49,435	34	-	794		51,083	261
2012	6,911	49,425	18,309	15	1237	828		68,533	337
2013 (Till Dec.)	6,962	5,0963	32,733	18	-	819	8256	66,470	207
Total	5,34,415	1,51,474	2,02,812	230	8,567	8,280	8256	2,63,150	947
National Lok Adalat (X)	2,23,306	Grand Total- (I (534415) + (II + (151474) + (III (202812) + (IV (230) + (V (8567) + (VII (8256) + (X (223306) = 11,29,060							

(Source: Bihar State Legal Services Authority)

Annexure – 4.8.9

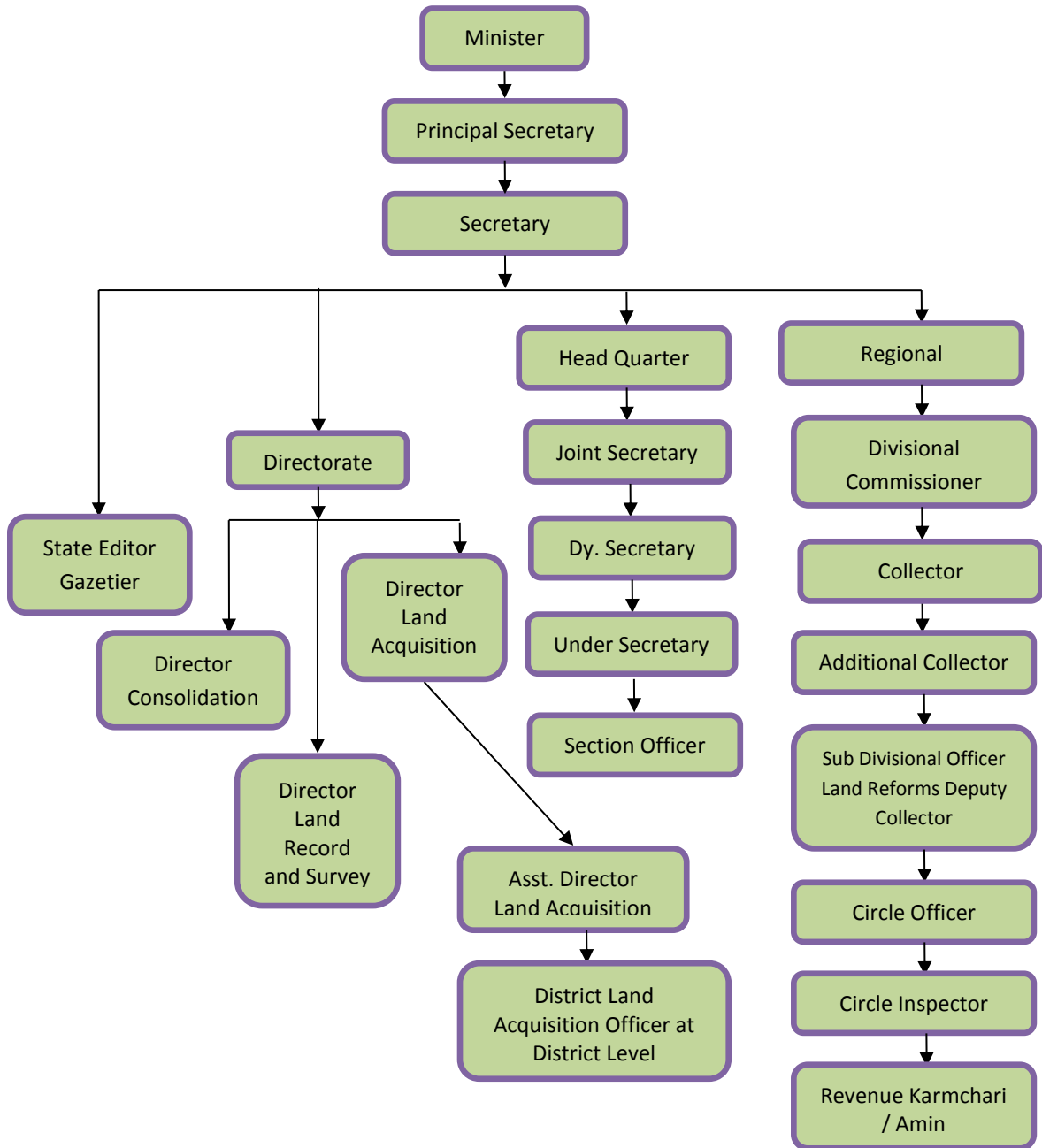
Details of Disposal & Legal Awareness Programme by Mobile Lok Adalat during various year

Year	Number of Cases Disposed	No. of Legal Awareness Conducted by Mobile Lok Adalat	No. of Persons benefited during Mobile Lok Adalat work
Year,2005	38	01	1,003
Year 2006	75,780	82	3,312
Year 2007	83,669	93	4302
Year 2008	82,331	107	5,301
Year 2009	48,628	95	4,312
Year 2010	37,432	108	12,153
Year 2011	28,043	117	5,698
Year 2012	32,927	115	8,131
Year 2013 (Till Dec,13)	18332	73	6014
Grand Total	4,07,180	792	50,226

(Source: Bihar State Legal Service Authority)

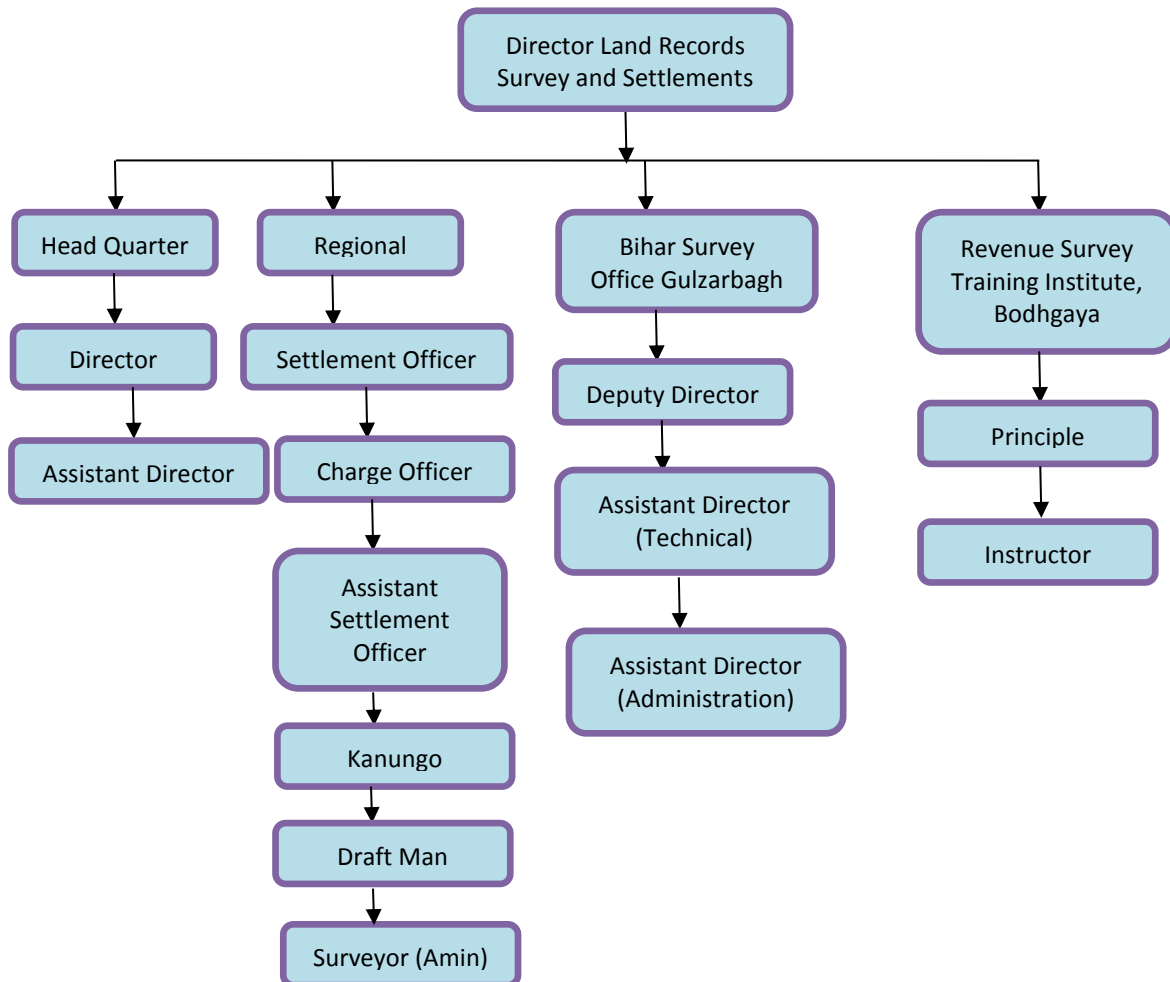
Annexure – 4.9.1A

Organizational Structure of Department of Revenue and Land Reforms



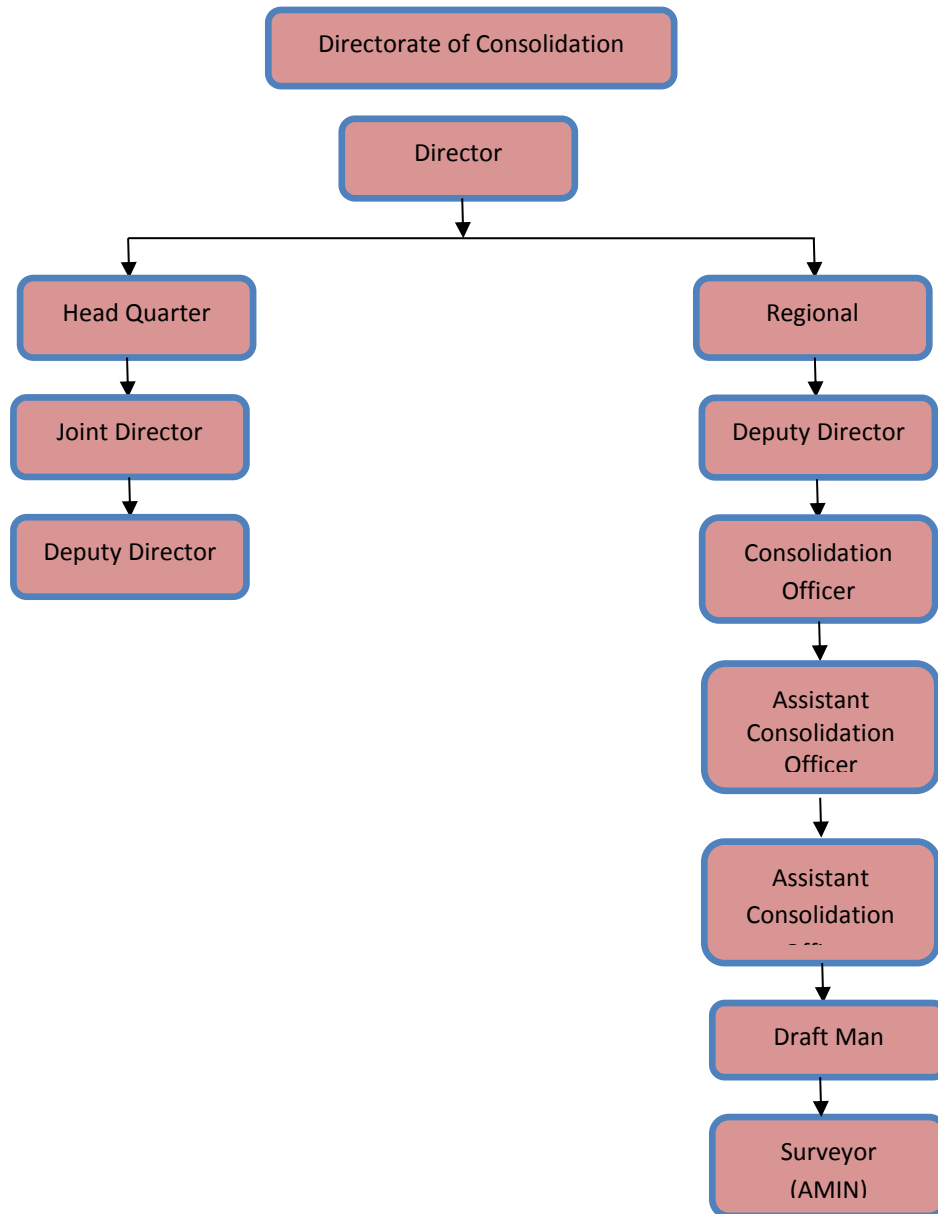
Annexure – 4.9.1B

Organizational structure of office of the Director, Land Records Survey and Settlements.

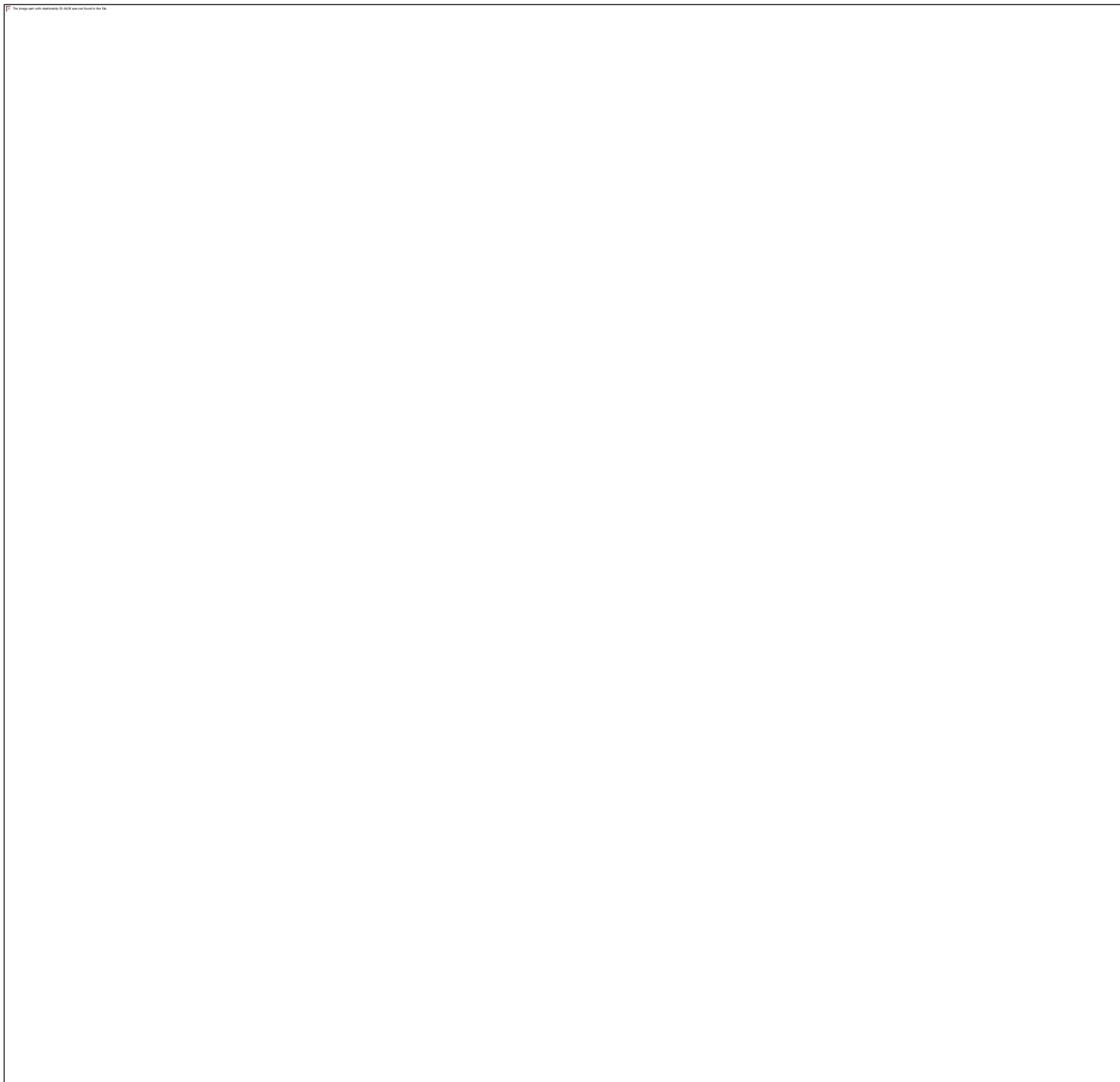


Annexure – 4.9.1C

Organizational structure of Directorate of Consolidation



Annexure – 4.9.1D
Organization Structure of Forest & Environment Department

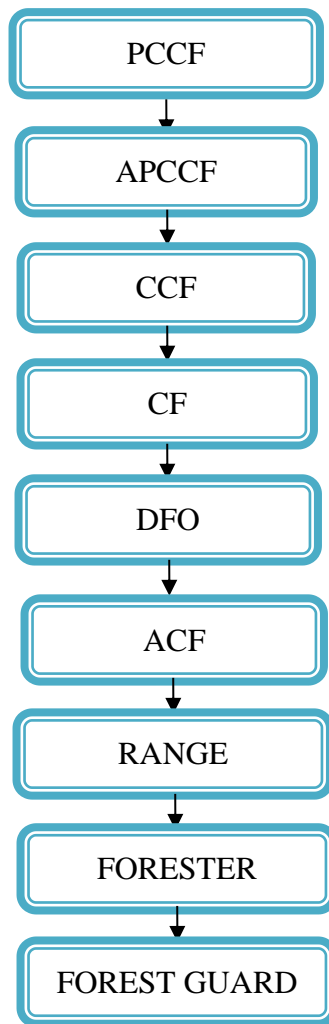


Annexure – 4.9.1E

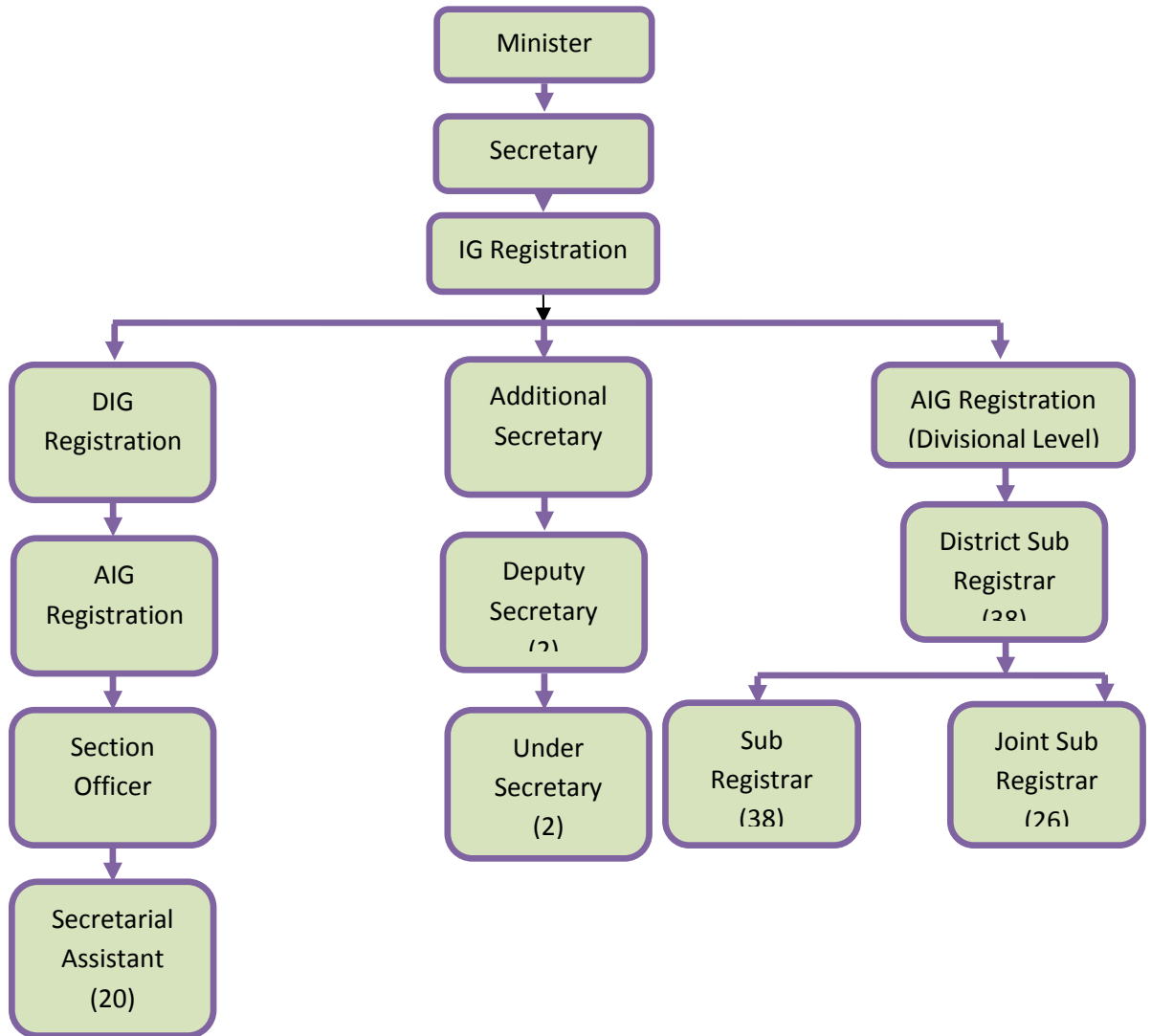
Organizational Structure of Principal Chief Conservator of Forest Level Setup



FIELD-LEVEL SETUP

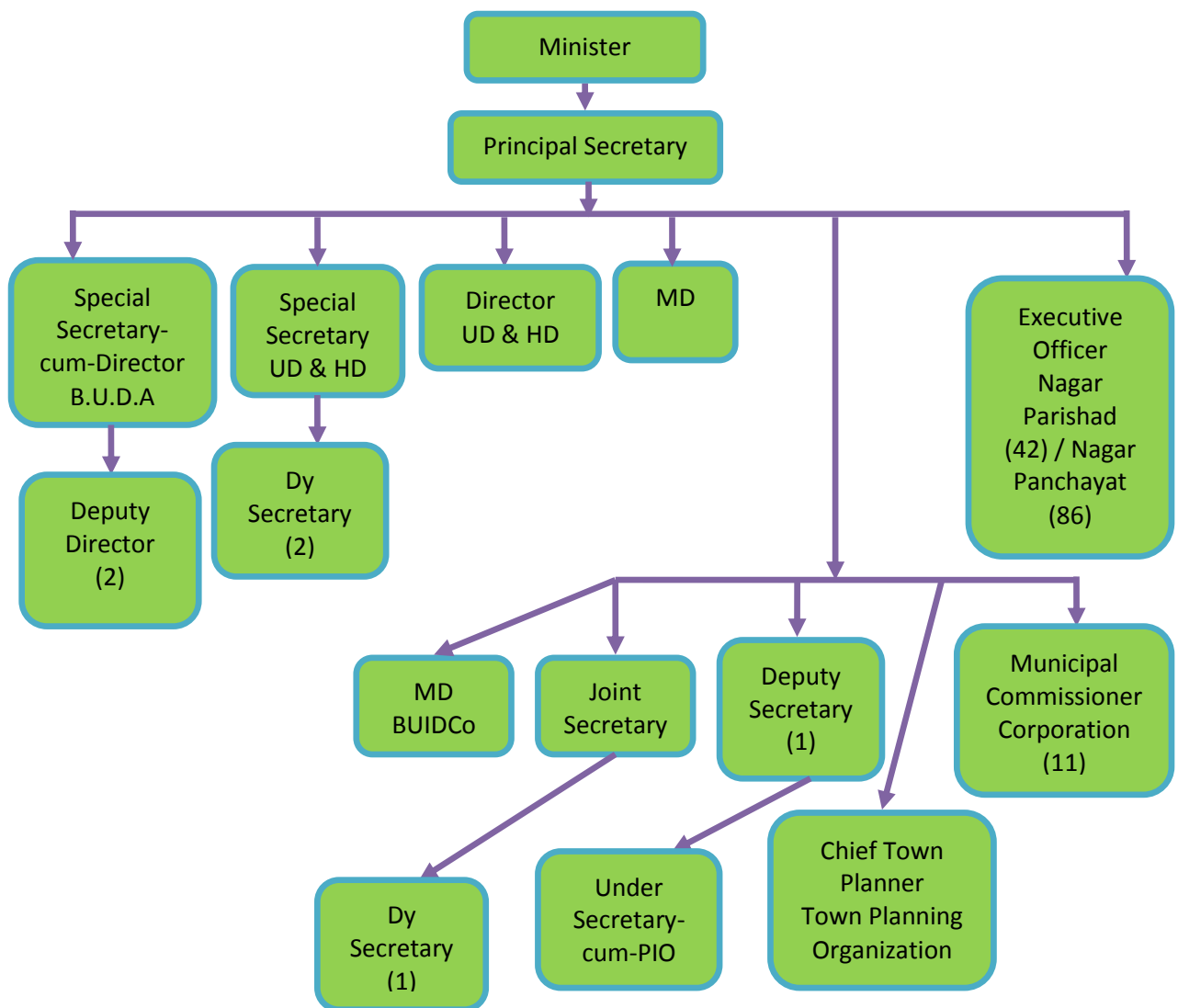


Annexure – 4.9.1F
Organizational Structure of Department of Registration

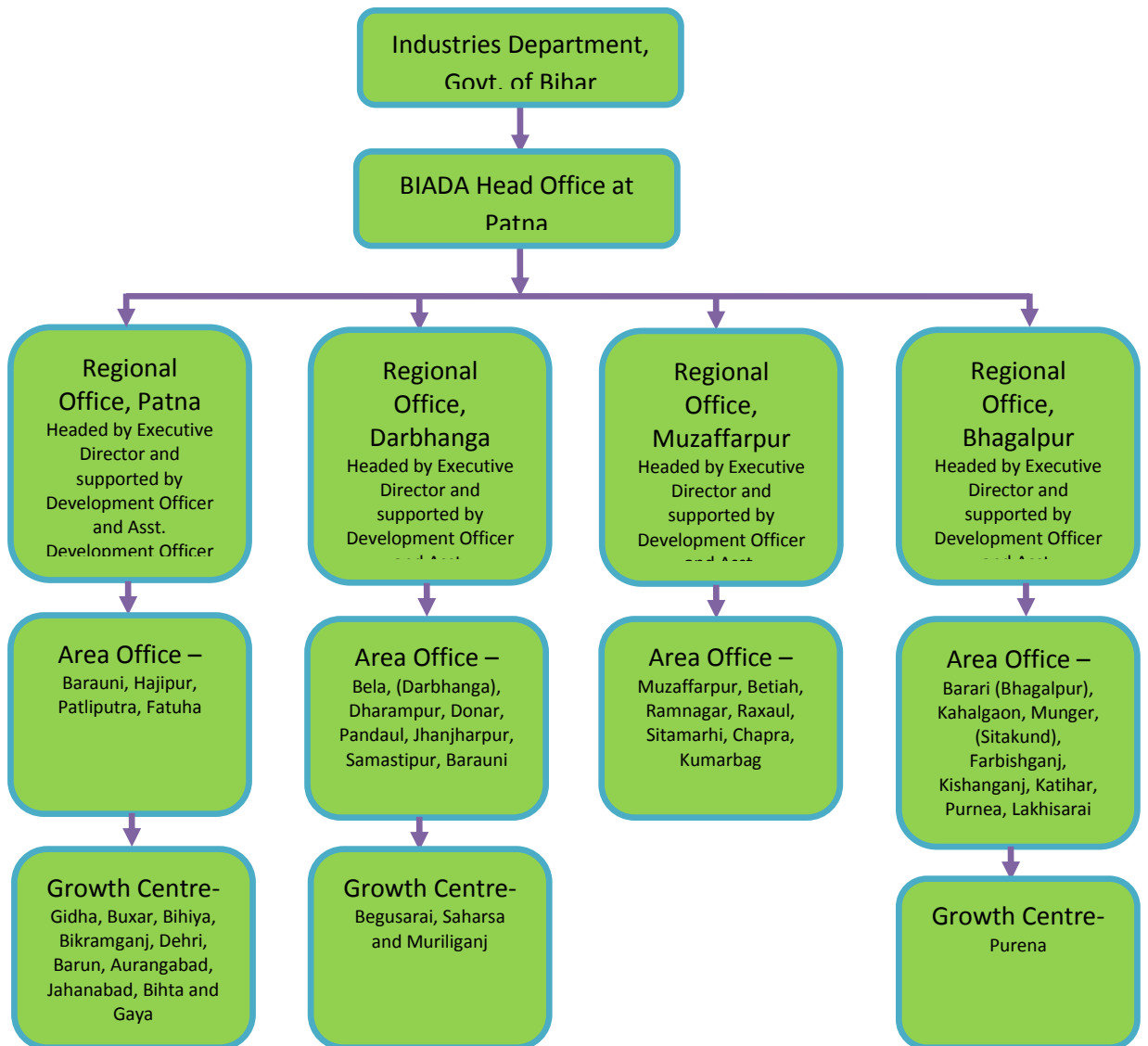


Annexure – 4.9.1G

Organizational Structure of Urban Development Department



Annexure – 4.9.1H
Organizational Structure of BIADA



Annexure – 4.9.2

Mapping of Institutional Activities related to Land in Bihar

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
1.	Department of Land Resources, Ministry of Rural Development Govt. of India	All rainfed / degraded land in rural areas	75. Increase productivity of rainfed / degraded land through the process of integrated watershed management. 76. Support the States / UTs for implementation of National Land Records Modernization Programme (NLRMP) 77. Develop an effective land use system based on efficient land information system (LIS). 78. Provides policy support and guides departments of Government of India and States and Government organizations for Rehabilitation and Resettlement Policy, Land Acquisition Act, and Land Registration Act.	In case of land acquisition; the overlaps are majorly complimentary as the majority of acts are concurrent in nature. Ministry of Environment and Forests. State Department of Panchayati Raj. Town and Country Planning Organization, Ministry of Urban Development.
2.	Ministry of Urban Development, Govt. of India	Urban Land	83. Implementing of security of title in urban areas of the country.	84. Local governance structure in urban areas. 85. The overlaps are complimentary in nature as the Centre can only provide guidelines to the local government structures.
3.	Central Public Works Department, Govt. of India	Urban Land	86. Responsible for planning designing, estimation, evaluation of bids, finalization of contracts, defending arbitration and court cases	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			for their road and building.	
4.	Ministry of Environment and Forests, Govt. of India	Forest land, ecologically sensitive land	<p>87. Advisory role in management of forest land, implementation of forest acts, rights for indigenous population.</p> <p>88. Providing guidelines for land use restriction – forests and other ecologically sensitive areas.</p> <p>89. Environment clearance like EIA clearances, CRZ clearances etc.</p>	<p>90. Ministry of commerce and industry.</p> <p>91. Overlaps usually lie in giving clearances and can be termed as conflicting in nature.</p> <p>92. Survey of India: the data is used by the ministry for mapping of the forests area and the data sharing is complimentary in nature.</p> <p>93. There is a conflict between department of environment and forest and SC, ST Welfare Department regarding implementation of FRA.</p>
5.	Ministry of Tribal Affairs, Govt. of India	Tribal land	<p>94. Protection of forest rights for indigenous population.</p> <p>95. Development of forest land through Integrated Tribal Development Agency.</p> <p>96. Advocacy of land rights for tribals.</p>	<p>97. National Environment Appellate Authority.</p> <p>98. Ministry of Environment and Forests.</p>
6.	Department of Electronics and IT, Govt. of India	Land resource information	<p>99. Computerization of all land records including mutations, digitization of maps and integration of textual and spatial data.</p> <p>100. Updation of all survey and settlement records</p>	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			101. Computerization of registration and its integration with the land records maintenance system. 102. Development of core Geospatial Information System (GIS) and capacity building.	
7.	National Informatics Centre, Govt. of India		103. E-Governance support to Central Government, State Government, UT Administrations, Districts and other Government bodies. 104. Developing a digital spatial database, using the data sets derived from precise navigation and imaging satellites, aircrafts, digitization of maps and transactional.	105. Survey of India. 106. National Remote Sensing Centre.
8.	Survey of India	All types of land for all uses	107. Mapping and Production of Geographical maps and Aeronautical Charts. 108. Surveys for Developmental Projects. 109. Scrutiny and Certification of external boundaries & coastline on maps published by the other agencies including private publishers.	
9.	Archeologically Survey of India	Acquiring those land which are of Archeologically character / importance	110. To preserve and develop the land of Archaeological importance. 111. Construction of Museums. 112. Preserving the monuments of Archaeological importance.	Ministry of Tourism
10.	National Remote	All types of land	113. Carrying out aerial	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
	Sensing Centre (NRSC), Govt. of India	for all uses (Topographical Surveys)	surveys and extending large scale mapping services cartographic mapping and digital data services to the civilian sector. 114. Providing geospatial solutions to various user agencies.	
11.	Town and Country Planning Organization, Ministry of Urban Development, Govt. of India	Urban Land	115. Provides consultancy works on urban development, urban design, spatial planning, etc. 116. Assists various govt. departments on the matters pertaining to urbanisation, town planning, urban transportation, metropolitan planning, human settlement policies, planning legislation.	117. Department of Urban Development.
12.	Ministry of Railways	Land acquired for construction of railway projects, rail track, railway stations, offices, damp yard, and different types of factories.	Management of railway land. Planning, designing and advisory road regarding the railway land. Providing guidelines for land use of railway land.	
13.	Ministry of Defence	Acquired land for Army Cantonment and firing points / suiting range / defence related factories	121. Management of the defence land. 122. Planning, designing and advisory road regarding the defence land. 123. Providing guidelines for land use of defence land.	
14.	Ministry of Tourism	Acquiring land to develop the tourism activities.	124. Construction of hotels and other infrastructures to attract tourists. 125. Promoting the tourism activities.	Archaeological survey and India.
15.	Ministry of Art	Acquiring land to	126. Construction of	Conflict amongst

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
	and Culture	develop the arts and preserving cultural heritage.	building for art colleges. 127. Construction of buildings for cultural activities.	urban development department, agrological survey of India regarding land acquisition as per protection to monument Act / Agrological Survey Act.
16.	Department of Revenue and Land Reforms, Govt. of Bihar	All land in the state except those recorded in the name of other departments of state government and the central government	129. Making laws and issue of guidelines from time to time pertaining to all types of land for the purpose of land reform and revenue administration. 130. Surveying and mapping of all land within the state and updating of record of rights and settlement of rent payable by tenants.	131. Urban Development and Panchayati Raj.
17.	Bihar Land Tribunal	All type of land	132. To curb the unlawful activity of grabbing of public land, local authority, religious or Charitable institution or Endowment including waqf or any other private property, either individually or in groups either by force or decrepit or otherwise. 133. To resolve land disputes with respect to various Acts. 134. Statutory appellate authority of all disputed land matters.	135. Charitable or religious institutions.
18.	Director Land Records, Survey and Settlements, Govt. of Bihar	All land	136. Land Survey. 137. Preparation of Map. 138. Monitoring preparation of land records.	
19.	Director Land Acquisition	All type of land	139. Acquisition of land for public purposes.	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
	Govt. of Bihar			
20.	IG Registration, Govt. of Bihar	All types of land	140. Fixation of stamp duty and registration fee for all type of mortgage / sale / gift etc.	
21.	Divisional Commissioners.	All type of land	141. Control and supervision of all the revenue officers working under him. 142. Review of all the activities related to land Governance. 143. Review of revenue collector. 144. Discharging the duties vested in various Acts / Rules related to land. 145. To make co-ordinator between the two or more District Collectors if it is required.	
22.	District Collector / Additional District Collector at District level		146. Land assessment, land acquisition, collection of land revenue. 147. Survey and mapping of all types of land within his jurisdiction and preparation of record of rights. 148. Collection of irrigation dues. 149. Safe guard the interest of all Government land (including the land of Central Government). 150. Collection of stamp duty administering the Indian Stamp Act. 151. Settlement of Government land to weaker section of backward classes. 152. Appropriation and validation of documents under the provisions of Indian Stamp Act.	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			<p>153. Distribution and sale of stamps through the treasuries under him.</p> <p>154. Provide and renew licenses to document writers and control their activities.</p> <p>155. Issue certified copies for the documents registered and also encumbrance certificates.</p> <p>156. Control and supervision of all revenue officers working under him.</p>	
23.	SDO / Dy. Collector Land Reforms (LRDC) at sub-divisional level		<p>157. Land Revenue.</p> <p>158. Land Disputes.</p> <p>159. Land Reforms works.</p> <p>160. Land Protection.</p> <p>161. Settlement of Government Land to weaker section of SC/ST classes.</p>	
24.	Circle Officer at Anchal level	All land	<p>162. Collection and furnishing basic data for Land Acquisitions.</p> <p>163. Collection of land revenue.</p> <p>164. Mutation of Land.</p> <p>165. Function under various revenue land reforms act and revenue laws.</p> <p>166. Maintenance of revenue records at anchal level.</p> <p>167. Measurement of all land including Government Land.</p>	
25.	Municipal Corporation and Urban Development Department	Urban / Rural land (to the extent of country planning)	<p>168. Planning and development in urban and rural areas through Master Plans.</p> <p>169. Assist the government in town and country planning matters.</p>	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			170. Coordinate with various departments. 171. Advise Government in the matters like change of land use proposals, alienation of land and relaxation of rules. 172. Suggest and implement layouts and regulate the development of industries and other buildings as per suggested norms. 173. Approval of building Maps. 174. Construction of roads, building schools, bus stands and other structures for the public utilities.	
26.	Chief Town Planner	Urban	175. Planning and development in urban and rural areas. 176. Master Plans prepared for the urban centers and rural areas. 177. Indicative Land use (Mandal Master Plans) Plans. 178. Approval of layouts. 179. Building rules and zoning regulations. 180. Approval of industrial institutions.	
27.	Welfare Department Govt. of Bihar	Scheduled Tribes Schedule Castes	181. Implementation of constitutional safeguards of all and to safeguard from exploitation and strive for overall development. 182. Ensuring the protection of tribal and Scheduled Castes.	
28.	Department of Tourism, Govt. of Bihar	To develop the tourist places	183. Making infrastructures at tourist places.	Revenue Department for transfer the government land and

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			184. Construction of hotels / motels etc for the use of tourists.	acquisition of fresh land for the development of tourist places.
29.	Department of Agriculture, Govt. of Bihar	Rural / Urban	185. Agricultural farms, agricultural colleges / universities / offices etc. 186. Development of waste land. 187. Conservation of soil	
30.	Department of Rural Development, Govt. of Bihar	Rural Government Land	188. Policy, monitoring and evaluation, planning. 189. Building of rural infrastructures, offices, roads etc.	
31.	Department of Panchayati Raj, Govt. of Bihar		190. Assisting revenue administration at the village level and identification of landless poor. 191. Construction of Panchayat Raj Bhawan. 192. The Gram Kutchery / Nyayalay has been authorised to decide the cases of civil suit of petty nature.	
32.	Panchayati Raj Institutions	Village land and site	193. Assisting administration. 194. Construction of infrastructure at Panchayat level.	To settle Gairmazauara Aam land in villages gram panchayat's consent is required. Under right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act, 2013 the panchayat's consent in acquisition of land is mandatory.
33.	Department of		197. Proposals relating to	Ministry of

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
	Environment and Forests, Govt. of Bihar		<p>forest land, encroachments on forest land, forest Conservation Act 1980, use of forest land for non-forest purposes.</p> <p>198. Forest settlement, forest survey and mapping.</p> <p>199. Protection of forests and related notifications.</p> <p>200. Issues relating to destruction of forests.</p> <p>201. Budget planning and Non-Plan schemes.</p> <p>202. Research and development / monitoring and evaluation.</p> <p>203. Social forestry programmes.</p> <p>204. Development of waste land.</p>	Environment, GoI; both have basically the same mandate.
34.	Principal Chief Conservator of Forests, Govt. of Bihar	Forest Land	<p>205. Protection, conservation and management of forests.</p> <p>206. Implementation Joint Forest Management, which involves the local villagers in managing and protecting forests.</p> <p>207. Forest rights act.</p>	
35.	Department of Industries, Govt. of Bihar		208. Developing infrastructure that facilitates the development of industries and industrial areas.	
36.	Department of Mines and Geology		<p>209. Promotional work which constitutes investigation of Mineral deposits.</p> <p>210. Mapping, exploration and assessment of mines and minerals.</p> <p>211. All regulatory work pertaining to mines.</p> <p>212. Advising the</p>	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			Government on the desirability of grant of Mineral Concessions.	
37.	Bihar Industrial Area Development Authority		213. Development of industrial estates, growth centres and industrial areas. 214. Transfer of land for industrial development. 215. Development of infrastructures in industrial areas.	
38.	Bihar State Infrastructure Development Corporation		216. Development of various type of infrastructure.	
39.	District Land Acquisition Officers	All land	217. Acquisition of land for the benefit of society.	
40.	District / sub registrars		218. Registration of property and collection of duties and fees for transactions in land.	
41.	Licensed Architects for building permission and approval of map	Urban Buildings	219. Building plans preparation. 220. Approval of building map.	
42.	Religious Trust	Temple Land	221. Management of the land belonging to religious trust.	
43.	Waqf Board	All type of Waqf land	222. To safe guard the interest of Waqf property and land.	
44.	District Boards	All type of District Board's Land	223. To manage the land which belong to District Boards of each District of Bihar.	RCD and Rural Development Department of Govt. of Bihar.
45.	Bhoodan Yagya Samittee	Land received on gifts from Ex-landlord	224. To distribute Bhoodan land amongst landless. 225. Coordinate the activities regarding planning, distribution etc. of Bhoodan Land.	Department of Revenue and Land Reforms, Govt. of Bihar.
46.	Kaisherl Hind Land	Central Government Land	It is managed by State Government, if it is not in	

S. No.	Department / Office	Type of Land / Resources	Responsibility / Mandate	Overlap Occurs with which other Department / Office
			the possession of Central Government.	

(Source: Primary Data)

Annexure – 4.9.3

Position of Sanctioned and Working Strength in Revenue and Land Reforms

Department as on 31.12.2013.

A. At Head Quarter Level

Sl. No	Post	Sanctioned Post	Working Strength	Vacant Post
1	Principal Secretary	1	1	0
2	Secretary	1	1	0
3	Additional / Special Secretary	1	1	0
4	Director Consolidation	1	1	0
5	Director Land Acquisition	1	1	0
6	Director Record and Survey	1	1	0
7	State editor gazette	1	0	1
8	Joint Secretary	2	0	2
9	Deputy Secretary	2	0	2
10	Under Secretary	5+1	3+1	2
11	Section Officers	20+1	14+1=15	6
12	Assistant	86+2	40	48
13	Principal Private Secretary	1	1	0
14	Private Secretary	2+3	0	2+3
15	Personal Assistant	7	3	4
16	Stenographer	10+6	1	9+6

B. At Filed Level

SI. No.	Designation	Sanctioned Post	Working Strength	Vacant post
(a) Circle Inspector level post				
1.	Circle Inspector	572	325	561
2.	Circle Inspector-Cum-Kanungo, Land record and survey	72		
3.	Kanungo, Land-Acquisition	38		
4.	Assistant Consolidation Officer	170		
5.	Leave and Training Reserve	34		
Sub Total		886	325	561
(b) Circle officer and equivalent grade				
1.	Circle Officer	534	469	65
2.	Executive Magistrate	147	133	14
3.	Assistant Settlement Officer	60	37	23
4.	Consolidation Officer	60	39	21
(c) Land Reforms Deputy Collector and Equivalent Post				
1.	LRDC	101	99	2

2.	Assistant Director (Agri Census)	03	01	02
3.	Assistant Director, Survey Officer, Gulzarbagh	02	02	-
4.	Instructor, Consolidation training Institute, Patna	03	01	02
5.	Instructor, Survey Training Institute, Gaya	07	03	04
6.	Research Officer, Consolidation Directorate	01	-	01
7.	Additional Sub Division Officer, Land Ceiling	03	-	03
8.	Additional District Land Acquisition Officer	14	06	08
(d) District Land Acquisition and Equivalent Post				
1.	District Land Acquisition Officer	38	8	30
2.	Special Land Acquisition Officer (Water Resource Department)	10	NA	NA
3.	Assistant Director, Consolidation	14	3	11
4.	Deputy Director (Agriculture Census)	01	01	-
5.	Assistant Director, Land Record and Survey Directorate	01	01	-
6.	Deputy Director, Survey Office, Gulzarbagh	01	01	-
(e) Additional Collector and Equivalent Post				
1.	Additional Collector	15	12	03
2.	Charge Officer, Settlement	09	NA	NA
3.	Deputy Director Consolidation	15	01	14
4.	Principal, Consolidation Training Institute, Patna	01	01	-
5.	Principal, Survey Training Institute, Gaya	01	-	01
6.	Joint Director (Agriculture Census)	01	01	-
(f) Revenue Karamchari				
1.	Revenue Karamchari	8463	4000	4463
2.	Amin			
	District Cadre	NA	NA	373
	Land Record and Survey	NA	NA	35
	Director Consolidation	810	36	774

(Source: Department of Revenue and Land Reforms, Govt. of Bihar)

Annexure – 4.9.4

Number and description of civil suits instituted in various year in the state

Year	Total civil cases	Classification of civil cases						Total land related cases (5+6+7+8)	Percentage of land related cases
		Suit for money or movable property	Other suits not falling under any of the preceding heads	Suit under the rent land	Suit for immovable property	Suit for specific relief	Mortgage suit		
1	2	3	4	5	6	7	8	9	10
2005	21848	813	3216	289	15181	1426	923	17819	81.56
2006	21989	694	3050	249	15622	1900	474	18245	82.97
2007	24862	692	6956	263	15344	1113	494	17214	69.24
2008	24653	681	6380	276	15432	1315	569	17592	71.36
2009	27646	626	7838	252	17072	1270	588	19182	69.38
2010	29911	592	8503	264	18540	1481	531	20816	69.59
2011	18097	1212	13052	406	1773	1263	391	3833	21.18

(Source: Bihar Statistical Hand Book 2012)

Annexure – 4.9.5

Details of cases with respect to sharecroppers as on 31st March, 2013 in Bihar.

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

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

Annexure – 4.9.6

Encroachment of public land as on 31st March, 2013 in Bihar.

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 (64.52%)	1713.81 (69.58%)

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

Annexure – 4.9.7

Category wise distribution of surplus ceiling land in Bihar as on 31st March, 2013.

Category	No. of Beneficiaries	Area in acre
SC	228700 (64.16%)	170793.63 (62.50%)
ST	29140 (8.18%)	25350.33 (9.28%)
OBC	31681 (8.89%)	24844.95 (9.09%)
General	66910 (18.77%)	52262.73 (19.13%)
Total	356431	273251.6

Figures in bracket shows percentage

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

Annexure – 5

Minutes of State Validation Workshop Bihar on 26th June, 2014

Chandragupt Institute of Management Patna organized one day workshop on *Land Governance Assessment Framework* –State Validation Workshop on 26th June, 2014 at Hotel Patliputra Ashok Patna. The officials from World Bank, Revenue Deptt., Forest Deptt., Registration Deptt., Industries Deptt., BIADA, Municipality, Urban Development Department, academicians, representative from the civil societies, Bihar Industries Association, Bihar Chamber of Commerce and NGOs and persons from Media participated in the workshop. The list of the participants is attached as annexure 5.1. The key findings and policy recommendations of the study were discussed in detail amongst the stakeholders.

The workshop was inaugurated by Shri Hukum Singh Meena, IAS, Secretary, Revenue and Land Reforms Department, Govt. of Bihar. Shri Meena narrated the various steps taken by the Government of Bihar in recent years for improving land administration in the state. He pointed out that creation of revenue cadre and Special Survey and Settlement Act 2011 introduced in the state will be a step forward in the direction of land administration. He appreciated the role of CIMP in conducting the study and assured to look into the recommendations for implementation. In his speech he raised his concern over the following issues.

1. Discrepancies in the spatial data and textual data related to land
2. Disputes arise from discrepancies of land data
3. Gaps in land transaction and mutations
4. Gaps in collection of tax and small amount of land rent
5. Pending cases related to land disputes
6. Recognition of women rights over land

Ms. Thea Hilhorst from the World Bank narrated the advantage of the study and requested the participants to validate the findings and recommendations. She further requested the government to implement the recommendations to ensure better land governance.

Dr. C. Ashok Vardhan, IAS and Ex-Chairman, Board of Revenue and Ex-Principal Secretary, Department of Revenue and Land Reforms pointed out the efforts done by the expert investigators and CIMP team in conducting the study. He further pointed out that the report is a good document which will help in taking policy decisions by the state government. He pointed out that the policy recommendations are relevant and will help in improving land governance in the state.

Dr. V. Mukunda Das, Director, CIMP while welcoming the guests and dignitaries pointed out the area of top priorities and major recommendations of the study. Dr. Das had given stress on the following recommendations:

7. Completion of Special Survey. Computerization and digitization of record of rights and maps based on the Special Survey.

8. A State Land use Policy based on existing laws and policies should be developed. Setting up a Land Use Board in Bihar for making 10-15 years Perspective land use plan and monitoring the implementation of land use plan.
9. A unified system for collection and collation of data for land possessed by different State Government Departments, Central Government Departments and Public Sector Corporations. This will help in developing data base for efficient management of land in future.
10. A vigorous special / massive time bound programme should be started, focusing on giving possession to dispossessed persons, with proper co-ordination between revenue and police officials. A need based system of summary trial may help in solving the dispossession cases in rural areas of Bihar.
11. Set up an effective Grievance Redressal machinery for Land disputes
12. Enumeration of Common Property Resources and Common Land in each National Sample Survey.
13. E-linking of registry office computer with circle office for automatic mutation and updating of land record.
14. Bringing down stamp duty on registration of sale deed at par with other states i.e. 5 per cent.
15. Strengthening of land related department with adequate trained manpower and infrastructure.

Dr. Das further appreciated the efforts put by Expert Investigators, State Co-ordinating members of CIMP, panel members and Dr. C. Ashok Vardhan in completing this study and producing a good report. He also thanked the land reforms and revenue department and other land related departments for providing various information / data for conducting this study.

Sri Bidhanesh Mishra presented the background of the study and methodology adopted for conducting the study. Theme wise presentations were made by the state LGAF Team comprising Mr. BL Mishra, Mr. Debabrata Samanta and Mr. Bidhanesh Misra. Recommendations were discussed in detail. Issues raised by the participants were replied by Dr. Ashokvardhan, BL Mishra, Mr. JK Jha and Shri S.N. Mishra. On the basis of consensus, some of the recommendations have been dropped and some recommendations have been added in some of the themes. The entire recommendations for each thematic area have been validated by the participants in the workshop. The panel wise recommendations deleted additional recommendations suggested are as under

Panel 1: Land Right Recognition

The participants discussed the recommendations regarding land right recognition and has given following suggestions.

1. The recommendation on “Develop Land Use Policy and Plan” has been proposed to sift to Panel 9.
2. The recommendation on acquisition of barren and uncultivable land proposed to bring to panel 5.

3. The recommendation on Social and Environment Impact Assessment was proposed to drop.
4. The recommendation on empowering Gram Panchayat for their role in restricting conversion was also dropped.

Panel 2: Forest and Common Land Management:

The participants agreed with the recommendations in toto for forest and common land management.

Panel 3: Urban Land Use Planning and Development

The following additional recommendations were proposed by the participants in Urban Land Use Planning and Development

1. Demarcation of area for solid waste management and Effective solid waste management system.
2. Quick survey of slums in all urban areas of Bihar and Effective Slum Area Development Plan
3. Demarcation of Green Areas in all urban areas
4. Arrangement for Parks and recreation ground along with cremation ground
5. Provision for street vendors
6. Redevelopment/renewal of old urban areas/pocket

Although these aspects have been covered under proposed urban land use plan in draft building byelaws, the above recommendations were accepted after detailed discussion.

Panel 4: Public Land Management

The participants suggested the following issues in Public Land Management

1. Some of the participants disagreed with the recommendation to delegate power of settlement of gairmazarhua land to District Magistrate, which was accepted.
2. It was proposed that, the Gairmazarhua Aam land should not be distributed rather may be utilised for public purposes only. This was accepted after detailed discussion.
3. Regarding the recommendation of removal of encroachment from public land it was proposed that, once the land is removed from encroachment government should ensure protection of the same plot of land from encroachment through fencing and public notification. This was accepted after deliberation.
4. It was also proposed that, government should ensure rehabilitation of needy people removed from encroachment. This was accepted after detailed discussion.

Panel 5: Transfer of Large Tract of Land to Investor:

The participants agreed with all the recommendations in Transfer of Large Tract of Land to Investor. However, they suggested the following recommendation regarding MVR.

1. It was pointed out by the participants that the Minimum Value Register rule needs to be revised. Due to existing rules the price of land is increasing every year which make new business venture non-viable and risky. The formula for calculation of

MVR needs to be revised. It was also proposed that the objection received in respect of MVR should be deliberated in detail and genuine observations should be considered.

After detailed discussion, above recommendation was accepted.

Panel 6: Public Provision for Land Information

All recommendations with respect to public provision of land information were accepted by the participants. The following additional recommendations were also proposed by the participants

1. The draft Land Titling Bill proposed by Government of India may be considered for adoption with required modification and fine tuning.
2. Regarding recommendation of compulsory registration of all registrable documents, it was proposed that the Gram panchayat may be engaged to register all registerable documents to make it reflect in encumbrance certificate. This recommendation was rejected by the majority of the participants.

Panel 7: Land Valuation and Taxation

The participants agreed with all the recommendations with respect to land valuation and taxation. However, the following additional recommendation was also suggested by participants

1. It was pointed out in the discussion that, there is a discrepancy in land rent in different places of Bihar. Discrepancies in land rent should be removed by adopting objective criteria for fixation of land rent viz. land use classification, irrigation status, productivity of land etc. This suggestion was accepted.

Panel 8: Dispute Resolution

Participants agreed with all the recommendations regarding dispute resolution and suggested the following additional recommendation.

1. As there are a large number of cases related to giving possession and dispossession, it was recommended that before allotment of land government should take physical possession of the land and then allot to the beneficiaries.

Panel 9: Institutional Arrangements.

All the recommendations regarding institutional arrangements was accepted by the participants.

Mr. S. N Mishra and Thea Hilhorst from the World Bank also discussed the Dimension Ranking of each thematic area. The participants pointed out that the ranking has already been discussed in detail in the Panel discussion and the ranking given in the report is the anonymous decision of the panel members. Participants again reviewed the Dimension ranking and validated the same. It was also pointed out that the Background Report and Dimension Ranking/Revised background Report and Dimension Ranking were twice sent to all the Government Department for perusal and comments. Hence most of the validation parts were taken care by sharing this report with the Government Department.

Prof. Debabrata Samanta made power point presentation of the Best Practices in all thematic areas. Detailed discussions were held on the Best practices. Best Practices were validated by the participants of the workshop. Participants appreciated the efforts made by team members in compiling the Best Practices of the state in the field of land governance.

Thea Hilhorst from World Bank presented the next steps ahead and discussed the same in the workshop. She suggested that some monitorable parameters should be identified for effective monitoring of the implementation of the policy prescriptions / recommendations.

The workshop was also attended by Media Persons and they helped us in disseminating the findings of the study to the wider mass and the stakeholders by publishing the gist of the recommendation/deliberation of the workshop in print and electronic media. Some of the media clips are enclosed as annexure 5.2. This was a step forward in disseminating the findings and policy prescriptions amongst stakeholders.

Lastly the meeting ended with vote of thanks proposed by Shri S.N Mishra from World Bank side and Shri Bidhanesh Mishra from CIMP side. While delivering vote of thanks Shri S.N. Mishra from World Bank expressed his happiness for the way / manner in which validation of findings and recommendations was done in the workshop. He further pointed out that validation has been done in true / real sense.

Annexure – 5.1

List of Participants of State Validation Workshop held on 26th June, 2014

Sl. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
1.	Hukum Singh Meena	Old Secretariat Patna, Bihar	Secretary Revenue and Land Reforms	Revenue and Land Reforms Department	9431038414	hukummeena@yahoo.co.in hukummeena65@gmail.com
2.	Thea Hilhorst	1818 M Sheet Washington	LGAF Global Coordinator	World Bank		thilhorest@worldbank.org
3.	Satya Narayan Mishra	Social Development Specialist World Bank New Delhi	Social Development Specialist	World Bank	9958200352	sanzhra2@worldbank.org
4.	V. Mukunda Das	Director CIMP	Director	CIMP	9334832745	director@cimp.ac.in
5.	Dr. C.A. Ashokvardhan	Member 5 th State Finance Commissioner, Bihar			9471003629	
6.	Suresh Paswan	SC / ST Welfare Department, Govt. of Bihar, Patna	Special Secretary	SC / ST Welfare	9431468605	
7.	Satya Prakash Sharma	AD (Tech)	AD (Tech) Cum OSD Revenue and Land Reforms	Bihar Survey Office Gulzarbagh	9431803899	

Sl. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
8.	Sushil Kumar	Old Secretariat Revenue Department	Department Assistant Director Land Reforms	Revenue	9431091417	
9.	Pankaj Kumar Singh	Consolidation Director Budhmarg Patna	Assistant Consolidation Officer	Department of Revenue & Land Reforms, Bihar	9430887542	
10.	Binod Kumar Jha	Additional Secretary Revenue and Land Reforms Department	Additional Secretary	Govt. of Bihar	9431633290	
11.	Umesh Singh	Dy Secretary Revenue Department	Deputy Secretary	Government	9431469329	
12.	A.K. Singh	Revenue & Land Reforms Department Patna Secretariat	OSD	Revenue and Land Reforms Department	8544412972	ad2vcb@gmail.com
13.	Neel Kamal	Additional Collector, Patna	Additional Collector, Patna	Govt. of Bihar	9473191199	acpatna1@gmail.com
14.	Abhimanyu Singh	Land Development Officer, Infrastructure	Land Development Officer	IDA	9431413168	

SI. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
		Development Authority, Patna				
15.	Sudhanshu Kumar Choubey	Patna Collectorate	Land Reforms Deputy Collector Patna Sadar	Department of Land Revenue, Govt. of Bihar	8544412369 9931268194	dclrpatnasadar@gmail.com
16.	Shrinarayan Tiwary	MIG 149 H. Nagar Patna – 20	ASO (Retd.)	Govt. of Bihar	9334044264	
17.	Jitendra Kumar Jha	Kankarbagh Patna	Dy Director (R) Bihar Survey	Govt. of Bihar	9430286376	
18.	Suman Kumar	Chief Administrative Officer, BIADA, Patna	CAO, BIADA	BIADA	9431615172	
19.	Nisherth Jamsd	V.P. Bihar Industries Association	VP	Bihar Industries Association	9334115441	
20.	Nanhay Kumar	Bihar Chamber of Commerce and Industries Patna	Chairman of Urban Sub Committee	Bihar Chamber of Commerce and Industries Patna	9431020886	kumar_kaushik@yahoo.com
21.	A.K.P Sinha	Bihar Chamber of Commerce and Industries Patna	Secretary General	Bihar Chamber of Commerce and Industries Patna	9431020163	bccpatna@gmail.com
22.	Awadhesh Kumar	A.N. Sinha Institute of Social Studies, Patna	Faculty	A.N. Sinha Institute of Social Studies, Patna	9835889013	awedheshkumar1973@gmail.com

Sl. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
23.	Chinmarg Kumar	IGC/Asian Development Research Institute, Bihar	Economist	IGC/Asian Development Research Institute, Bihar	8804418306	chinmarg.kumar@theigc.org.
24.	Bakshi Amit Kumar Sinha	Centre for Economic Policy and Public Finance (CEPPF) ADRI, Patna	Assistant Professor	CEPPF, ADRI, Patna	8252329272	Bakshi012@gmail.com
25.	Dr. Barna Ganguli	CEPPF, ADRI, Patna	Assistant Professor	ADRI, Patna	9973434702	aarnaganguli@gmail.com
26.	A.K. Mishra	Ex-Chairman, ICAI, Patna,	FCA	A.K. Mishra & Associates	9431033434	akmishra_1990@rediffmail.com
27.	Vidyarthi Vikas	A.N. Sinha Institute of Social Studies, Patna	Assistant Professor	A.N. Sinha Institute, Patna	7765957289	vidyarthiv@rediffmail.com
28.	Dr. S.C. Roy	Associate Professor, Chanakaya National Law University, Patna	Associate Professor (Law)	Chanakaya National Law University, Patna	9431619749	seroy2010@gmail.com
29.	Dr. B.N. Prasad	National Institute of Technology, Patna	Professor	National Institute of Technology, Patna	9835068906	
30.	B.L. Mishra	CIMP	Principal Research	CIMP	9431268510	

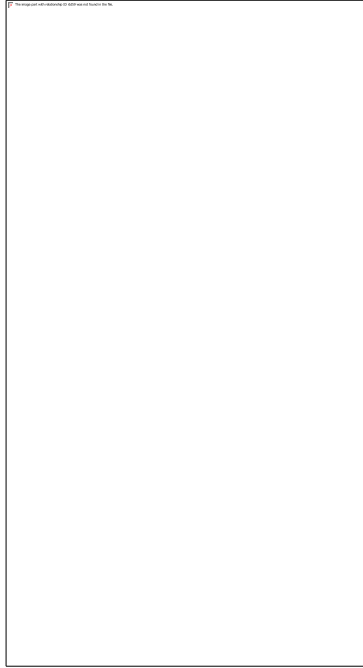
SI. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
			Coordinator			
31.	Bidhanesh Misra	CIMP	Visiting Professor	CIMP	9334116750	
32.	Dhruva Kumar	NABARD, 4 th Block, Maualok Complex, Patna	AGM	NABARD	9431443989	
33.	Anil Kumar	NABARD, Patna	AM	NABARD	9471906795	anilpato7@rediffmail.com
34.	Dr. Manoj Mishra	Admerit College	Vice Principal	Admerit College	9334692623	manojbashisr@gmail.com
35.	Vijaya Bandyopadhyaya	Chandragupt Institute of Management Patna (CIMP)	Associate Professor	CIMP	7870774523 9386896011	vijaya@cimp.ac.in
36.	Manoj Kumar Pandey	Patna Municipal Corporation	Social Development Officer	Patna Municipal Corporation	9608747680	Manojkp456@gmail.com
37.	Atish Kumar Dash	Central University of Bihar	Assistant Professor	CUB	9162870065	dashatish@gmail.com
38.	Birendra Kumar	Senior Manager (Rtd.) Union Bank of India, Patna	Senior Manager, Retd.	Union Bank	9334036333	
39.	Anup Raj	CIMP	Assistant Professor	CIMP	9546726514	anupraj019@gmail.com
40.	Shabbir Hasan	Chakbandi training Institute Patna	Instructor	Govt. of Bihar	9472059800	
41.	Bishnu Shanker	CIMP	Media-incharge-		9304897473	

SI. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
	Prasad		cum-Manager, SGC			
42.	Sibananda Senapati	CIMP	Professor	CIMP	9304803290	
43.	Sayan Banerjee	CIMP	Assistant Professor	CIMP	9386804818	
44.	Debabrata Samanta	CIMP	Assistant Professor	CIMP	9304440983	debabrata@cimp.ac.in
45.	Om Prakash	GPSVS	Project Manager	GPSVS	7631621695	omprakashnis@gmail.com
46.	Saroj Kumar	Madhubani Gafari Chak, Masaudi, Patna			9334746695	kumarsaroj86@gmail.com
47.	Sumit Kumar	D.N. College, Masaudi			9570718806	
48.	Sumita Jaiswal	Dainik Jagran, Kidwaipuri	Senior Reporter	Dainik Jagran	7783897344	pioneersumita30@gmail.com
49.	Ratnesh Anand	Rural Connect		Rural Connect	9905810064	
50.	Saqib Khan	Dainik Bhaskar	Reporter	Dainik Bhaskar	9708211701	saqibkhan366@gmail.com
51.	Bodhisattwa Kundan	The Telegraph Frazer Road, Patna	Manager	ABP	9771490247	Bodhisattwa.kundan@abp.in
52.	P. Kumar	Subzibagh, Patna	Reporter	Pindar	9835218851	pindan2010@gmail.com
53.	Awanish Kumar	Patna	Reporter	Darsh News	9771902877	awanishreporter@gamil.com
54.	Sanjay Kumar	Patna	Reporter	Naxatra News	9334083891	sk999775@gmail.com
55.	Vikash Kumar Singh	Hindustan News Paper	Reporter		9097331114	vikashsinghvaibhav1@gmail.com
56.	Vijay Kumar	Sandhya Times	Reporter		9204124383	
57.	M.A. Shaban	Qaumi Tanzeem Urdu Daily	Correspondent	Qaumi Tanzeem Urdu Daily	9470243046	sbnpatna@gmail.com

Sl. No.	Name of the Participants	Address	Designation	Organization	Mobile No.	Email-Id
58.	Anurag Pradhan	Sabzibagh, Patna Prabhat Khabar	Reporter	Prabhat Khabar	9472164204	anuragpradhan.ama@gmail.com

Annexure – 5.2

Press Clipping Regarding State Validation Workshop held on 26th June, 2014



CIMP presents study on effective land governance

Anish

anish@hindustantimes.com

PATNA: Developing an effective policy on use of state land and setting up of a grievance redressal mechanism pertaining to land disputes would help in making the governance more transparent. Vigorous and time-bound programmes with proper coordination between revenue and police officials would also aid in achieving the goal.

These suggestions were made here on Thursday at a workshop organised by the Chandragupt Institute of Management, Patna (CIMP) to deliberate on the reports of a study on 'Land governance assessment framework' (LGAF) commissioned by the World Bank. Secretary revenue and land reforms, Hukumdeo Singh Meena inaugurated the workshop in the presence of other dignitaries.

CIMP director V Mukunda



■ A CIMP workshop being inaugurated in Patna on Thursday. SANTOSH/HT PHOTO

Das presented the findings of the study, which also suggested setting up of a land use board and enumeration of common property resources and common land in each sample survey.

Meena also outlined the steps taken by the state government on land administration and lauded the CIMP for conduct-

ing the survey. Thea Hilhorst from World Bank and chairman of the board of revenue, C Ashok Vardhan, said that the study would prove beneficial for policymakers.

Officials from various state departments, Bihar Industrial Area Development Authority, Patna Municipal Corporation, representatives of the civil society also attended the workshop.

All about LGAF

The LGAF focuses on five key areas for policy intervention in the land sector. It assesses the current land governance system on 27 indicators.

It helps in assessing the status of present land governance, its strengths and weaknesses and suggests measures for making it transparent and effective.

World Bank has been conducting the study on LGAF in at least 44 countries and six states in India, including Bihar.

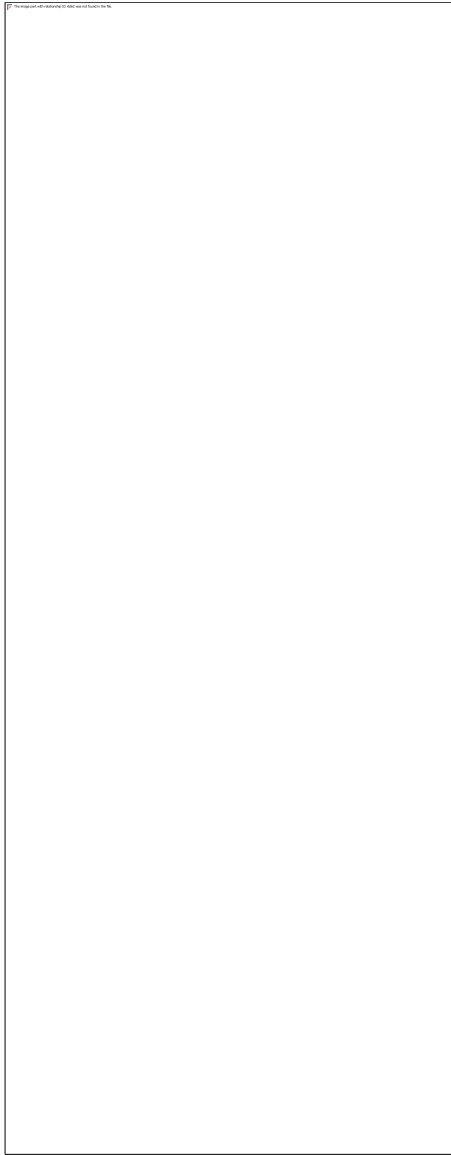
The Hindustan Times, Page.No: 05, Dated:27-06-2014

CIMP

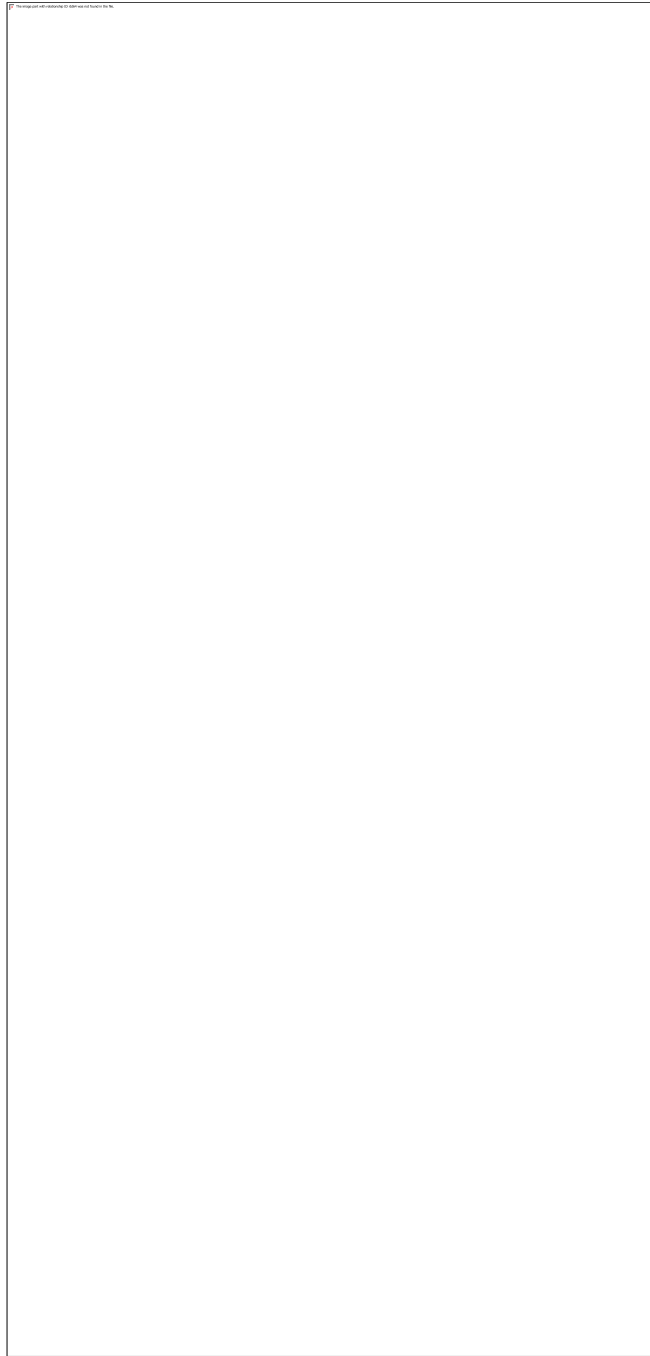


Chandragupt Institute of Management, Patna, organized one-day workshop on World Bank Land Governance Assessment Framework (LGAF) on Thursday. In the workshop, the key findings and policy recommendations of the LGAF study conducted by CIMP were discussed. Speaking on the occasion, Bihar's revenue and land reforms department secretary Hukum Singh Meena spoke about the various steps taken by the government of Bihar for improving land administration in the state. CIMP director Dr V Mukunda Das pointed out the area of top priorities and major recommendations of the study. Officials from World Bank, BIADA, municipality and various departments, academicians, representative from the civil societies, Bihar Industries Association, Bihar Chamber of Commerce and NGOs participated in the workshop.

**The Times Of India, Page.No-8
Dated:27-06-2014**







CIMP लैंड गवर्नेस की स्टडी के लिए सेलेक्ट

patna@inext.co.in

PATNA (26 June) ; लैंड गवर्नेस की सुदृढ़ता के लिए स्टेट लेवल पर होटल पाटिलीपुत्रा में वर्कशॉप आर्गनाइज किया गया. बिहार में चंद्रगुप्त मैनेजमेंट इंस्टीट्यूट को इस सब्जेक्ट के स्टडी के लिए वर्ल्ड बैंक ने चुना है. लैंड गवर्नेस की स्टडी इंडिया सहित 44 देशों में वर्ल्ड बैंक द्वारा कराया जा रहा है. भारत में यह स्टडी छह स्टेट बिहार, आन्ध्र प्रदेश, उड़ीसा, झारखंड, कर्नाटक तथा वेस्ट बंगाल में किया जा रहा है. इस अवसर पर रेवेन्यू एंड लैंड रिफार्म डिपार्टमेंट के



सेक्रेटरी हुकुम सिंह मीणा, सीआईएमपी के डायरेक्टर डॉ. मुकुंद दास और वर्ल्ड बैंक रिप्रजेंटेटिव सत्य नारायण मिश्रा सहित कई लोग उपस्थित थे.

I Next, Page.No-05, Dated-27-06-2014

