

Interim Report on Some Issues
Relating to Bhoodan in Bihar

The Bihar Land Reforms Commission

June 04,2007
The Secretariat
Patna.

Excerpts from the Resolution Constituting the Bihar Land Reforms Commission

"2(iii) Enquire into the reasons behind the failure to achieve the intended objectives and contemplated targets under the aegis of Bihar Bhoodan Act,1954."

The Interim Report

1.1 Our country witnessed serious agrarian unrest immediately after the Independence. Acharya Binoba Bhave started Bhoodan movement requesting the large land owners to donate land so that poor landless workers would get some land to make a living. The main point of the movement was "to provide for the settlement of such land with landless persons". That would satisfy the land hunger of the poor and bring about peace in the countryside. Unfortunately much could not be achieved due to inefficiency both on the part of the Bhoodan Yagna Committee and the Revenue Department of the Government.

1.2 The Chairman of the Bihar Bhoodan Yagna Committee (here in after to be referred to as the Committee) was kind enough to be present throughout the meeting of the Commission on June 03,2007. There was a general agreement regarding the time schedule for the completion of various unattended to and incomplete stages of activities of the Committee. The time schedule agreed upon was as follows:

- (a) 1st Oct '07 to 31st March '08 - to complete all initial formalities including logistical support system.
- to verify the Bhoodan land through survey, based upon outsourcing.
- (b) 1st April '08 to 31st March '09 - to complete all the subsequent items of work i.e. Distribution, Mutation and Possession

of Bhoodan land, and all other related matters and activities incidental there to.

(C) 1st April'09 to 31st Dec'09

- to wrap up all the activities of Bhoodan Yagna Committee and other coordinating agencies as to declare completion of all the pending items of work.

2.1 The basic problem that engaged both the Commission and the Committee was reconciliation of area of land so far donated and recorded in the books of the Committee. The figure according to the Committee was 6, 48,476 acres, out of which 2,55,347 acres had been distributed to 3,15,454 families. According to the Committee about 2,78,320 acres of land were found to be not suitable for distribution because of alleged improper physical characteristics of the land. That apart the Committee still had in its books an area of 1,14,708 acres suitable for distribution but not yet distributed.

2.2. The first point arose before the Commission was that who had verified the physical characteristics of little over 2.78 lac acres of land which had been declared unfit for distribution. Excepting hills, forests, rivers, and structures in public domain like roads, hospitals, waterways, schools, etc., the rest of the land should be available for utilization for farming/ horticulture/ grassland farming/tree farming or as wastelands to be developed

under the various schemes of the government. To declare such a huge area of land as unfit for distribution and then carry the whole area in the books was the potent source of local disputes and social tension. It is also a source of corruption and misuse of public property. Therefore, a two pronged joint action was called for on the part of the Committee and the Revenue Department to verify the actual physical characteristics of this large area for further action.

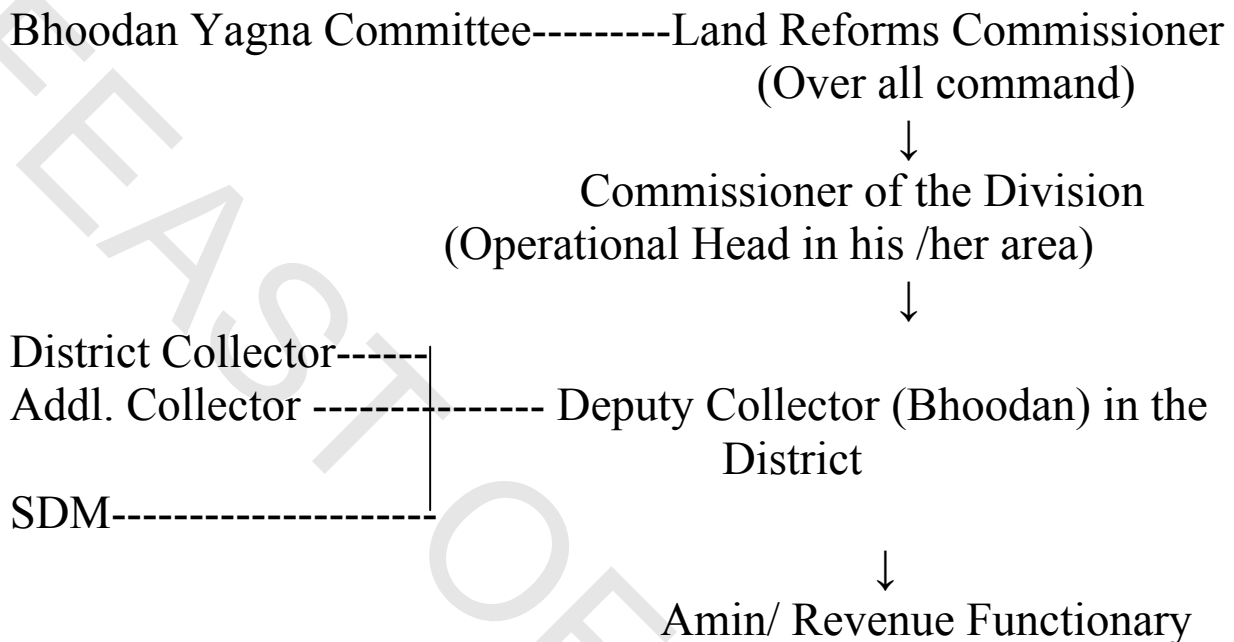
3.1. The Committee obviously does not have adequate resources financially, materially and/or manpower-wise to undertake this huge task on its own. Hence, the Revenue Department has to provide appropriate financial resources and technical manpower for supervision of the survey of these lands to be done through outsourced surveyors, under the direction of Revenue Officers.

3.2 A detailed financial, material and manpower budgeting has to be done by the Committee in consultation with the Revenue department so that the action could be started and completed by 31.03.2009 as agreed upon.

4.1 The administrative structure of this new arrangement would be that the Commissioners of Divisions should be made directly responsible for completion of the remaining tasks of the Committee to whom adequate number of Revenue Officers/Deputy Collectors should be placed for each district for control, guidance and supervision of field survey to be completed by the Amins/Surveyors/Karamcharies of the Committee to be recruited by the Committee from outside. The Land Reforms Commissioner should be in over all charge of this

task and he should be in constant consultation with the Committee to ensure proper implementation of these tasks.

Structure proposed will be largely as follows:



While it will be a single line administrative set up indicated by firm lines, the Deputy Collectors at the district level should maintain close liaison with the Collector, Addl. Collector (LR), S.D.M. and other officers shown by broken lines.

4.2 Efficient and honest administrative structure is the need of the hour to reach successes to the land poor and landless rural folk. "It has been correctly held that merely enacting progressive land reform will not be enough and that there should be a proper and efficient administration for implementing the land laws so that the difficulties and harassment to those who are the beneficiaries are reduced to minimum. There has to be clean and honest administration at the village level. The basic idea is that the Bhoodan Movement as well as general legislation should be able to solve the complicated land problems of the country."

(District Gazetteer-Muzzaffarpur-1958 p- 197). That is why this one line administrative structure is being recommended.

4.3 The Committee has already some staff in different districts. These office staff should be redeployed to complete the task in a campaign mode. The Chairman of the Committee may kindly, in consultation with the Land Reforms Commissioner, decide on the redeployment of his staff for this purpose. The Commissioners of the Division will have authority to engage or deputize any Revenue officer/ functionary working within his Division to assist this program to ensure its correctness, fairness and timely completion. Necessary orders may be issued to authorize the Commissioners of the Divisions accordingly.

5.1 The figures of land given in donation, area confirmed, area distributed, area unfit for distribution, and number of beneficiaries in different categories maintained by the Committee and that maintained by the Revenue Department do not tally in respect of various categories. (Appendices I and II) Such discrepancies have to be reconciled in the books maintained by both the offices failing which they have to be reconciled by actual field verification. Without such verification the possibility of lands being utilized by unauthorized persons including land mafia cannot be ruled out. The primary objective of this campaign would be to reconcile the figures maintained by both the offices. This is essential because when the Commission visited Rohtas district on 02.06.2007 a proforma was submitted to it by Additional Collector, which showed huge incongruities (Appendix- III).

5.2 An analysis of the figures would show that the individual beneficiaries were given 7.7542 acres per household. Tribal

households were given a little over 6 acres per household, OBC households were given roughly 2 acres per family. The most astounding feature of this report was that 11,130.9375 acres were distributed among 59 institutions. The categorization of " सार्वजनिक एवं अन्य " is totally vague and confusing. From the analysis it is apparent that someone is utilizing the Bhoodan land as his or her private zamindari. The report also shows that about 15000 acres have not yet been distributed formally. No one knows whether some person or a body of persons is/are utilizing such huge area for their private gain. This one illustration shows the immediate need for physical verification of land donated to the Committee.

5.3 There is another problem regarding the figures maintained by the Committee and that maintained by the Revenue Department. According to Revenue Department figures land not so far confirmed is around 1,11,000 acres. According to the figures maintained by the Committee there is no reliable figure of land not so far confirmed. This anomaly is a major source of local disputes and trouble.

5.4 The point to be noted here is that Committee's books do not show the land yet to be confirmed. Therefore, it raises serious doubts about the veracity of statistics and data that are being supplied by it. It does not make any reflection on the integrity of the present Chairman of Bhoodan Yagna Committee. He has received all these figures maintained by his office for the last 50 years and he is at his wits end to make any sense of the figures that had been handed over to him by his office. The possibility and the nature of fraud that could be involved could be illustrated by the notorious case of donation of 1 lac acres of land by the Hathua Raj to Acharya Binoba

Bhave by a simple letter. That it was not a folklore was confirmed by District Gazetteer of Saran published in 1959-60 which reported this incident. In stated, inter alia," Reports available from the said office (Bhoodan Yagna Committee) indicate that till the end of April 1959-1,03,902 acres of land have been donated in the district." The land data given by the Collector of Gopalganj to the Commission on 23.03.2007 indicate that an area of 21,237.48 acres were given in donation to the Committee of which only 10,263.26 acres could be confirmed by the Revenue Officers. Thus, a trick of colossal proportion was committed by the Hathua Raj to Acharya Binoba Bhave, the State of Bihar and the people of Saran district. A question arises as to what is to be done about such unconfirmed lands.

6.1 First point would be to mount a survey operation to locate such lands on the ground. In case the lands could not be located it would indicate that the donor deliberately played mischief on the people of the State. Therefore, there could be two options to deal with these issues. One, after due diligence, if the land could not be found, then appropriate action has to be initiated against the donor under the appropriate sections of Indian Penal Code. Secondly, since the donor himself declared on his own volition an area of 1 lac acres for donation to the Committee, action under the Ceiling Law should be initiated to vest the surplus area to the State for redistribution for landless and land poor persons of the area. Such trick on the public should not go unnoticed and unattended to.

6.2 In a couple of Jan Sunwais a point was raised regarding the repeal of Subsection (3) of Section 15 of the Bihar Bhoodan Yagna Act 1954. It was contended that this Subsection

empowered the Committee to allot Bhoodan land to any person and not necessarily to the landless and poor house holds. It went against the basic objective of Act which was " to provide for the settlement of such lands (Bhoodan Lands) with landless person or with a village community, Gram Panchayat or with a cooperative society organized by the Bhoodan Yagna Committee." (Preamble of the Act). Subsection (3) of Section 15 seems to go against the main objective. It was however felt that instead of going straight ahead with the amendment of the Act as suggested the special Deputy Collectors may exercise powers under Section 21 of the Act to eject such ineligible persons. In case they come up against any insuperable legal hurdle, the issue of repeal of Subsection (3) of Sec15 may be examined in the light of the experience for taking appropriate action.

Recommendation

7.0 In view of the above it is recommended :-

7.1 The time frame for the completion of the remaining task should be :

(a) 1st October 2007 to 31st March 2008-

(i) -to complete all initial formalities including logistical support system.

(ii) -to verify the Bhoodan land through survey, based upon outsourcing of Survey personnel and appointment of Deputy Collectors on Contract basis on yearly term, extendable till the operation is over.

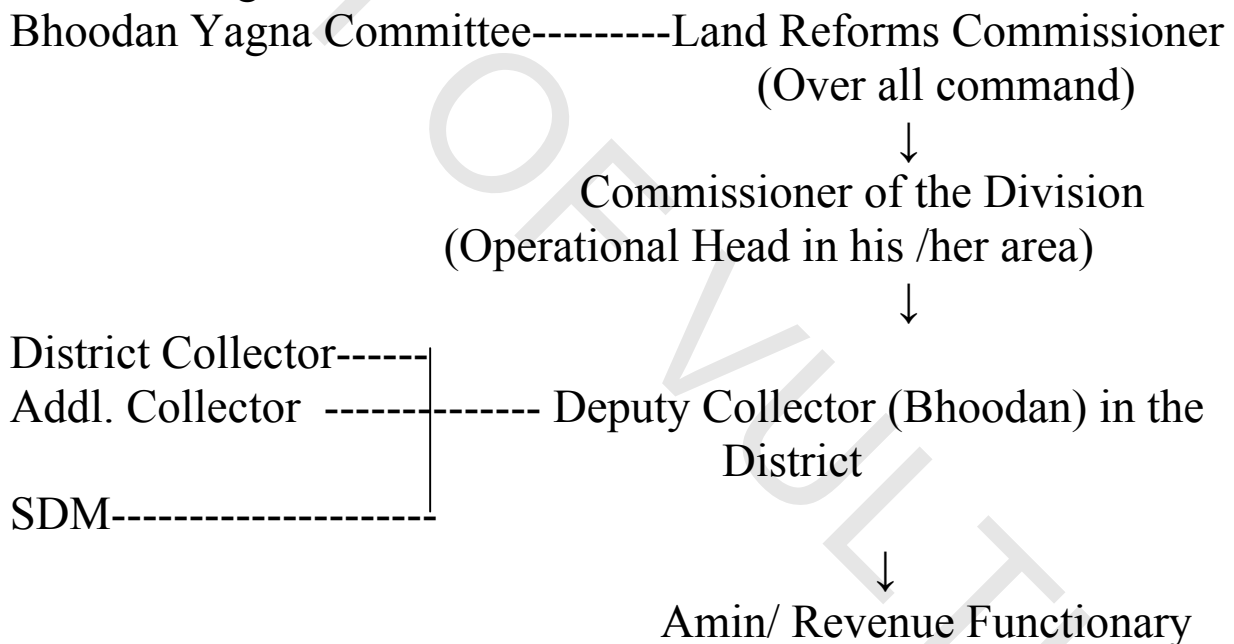
(b) 1st April 2008 to 31st March 2009-

(iii) -to complete all the subsequent items of work, i.e., distribution, mutation, creation of titles and all other related matters and activities incidental there to.

(c) 1st April 2009 to 31 December 2009-

(iv)- to wrap up all activities of Bhoodan Yagna Committee and other coordinating agencies and to declare completion of all pending items of work.

7.2 A one time operational and administrative structure to complete the work in the campaign mode should be created on the following lines:



Firm lines indicate direct command and control and broken lines show coordination among and between the agencies.

7.3 Adequate resources to be given to the Committee as Grant-in-Aid for recruiting Amins/Surveyors from the open market on the contract for 2 years. The number of Amin/Surveyor to be recruited will be worked out jointly by the Chairman of the Committee and the Land Reforms Commissioner. The figures

should not ordinarily exceed equivalent to the number of Sub-divisions *i.e.*, 101 (± 10 per cent). For the payment of remuneration to be paid to the Deputy Collectors to be appointed on contract, the money to be placed on the disposal of Divisional Commissioners. The number of Deputy Collectors to be recruited would be around 38 (number of districts ± 10 percent).

7.4 The Land Reforms Commissioner should be directly responsible for completing this campaign within the time frame indicated above. He should be in constant consultation with the Chairman of the Committee to ensure smooth and proper implementation of the scheme.

7.5 The Divisional Commissioner should be operational head of this campaign within their Division. They should be directly responsible for their accurate and prompt execution of the scheme.

7.6 The Commission noted with concern the wide gap between the unconfirmed Bhoodan land maintained by the Revenue Department and that by the Committee. During this campaign attempt should be made to reconcile this discrepancy and to arrive at a confirmed figure. If after due diligence some areas remain unconfirmed the department of Revenue and Land Reforms should take appropriate action.

7.7 During the Jan Sunwai (जन सुनवाई) organized by the Commission in different parts of the State a constant complaint was that a number of grantees of Bhoodan Land who had parchas did not have possession. It came out in almost all the 13

Jan Sunwais held in different parts of the State. It is one of the major causes of social tension, which might aggravate itself into

social unrest. The Chairman of the Committee was fully aware of this problem but he felt helpless to resolve it because of shortage of manpower. Now, that the program of total verification of all the problematic issues related to Bhoodan would be undertaken, this point of ensuring possession to the grantees should be given appropriate priority, thereby, eliminating one of the causes of rural friction and possible unrest. Section 21 gives the Revenue officers enough authority to eject any unauthorized person from the donated land, after such enquiry as he deems fit and restore the possession of the land to the Committee after ejecting such person or any person in possession there from. Section 22 A gives the detailed procedure for ejection. During this campaign specially designated Revenue Officers should be authorized to ensure possession of donated land to the rightful grantee through the process of law. It is recommended that during the reconciliation campaign the specially designated Revenue Officers should take appropriate steps under the law to give possession of land to the grantees who have the lawful parchas and do not have possession.

7.8 The Chairman of the Committee was of the opinion that the rightful grantees did not get their mutation done in time. It is a fact that there is a very large amount of pendency regarding mutation in almost all the districts. While the Revenue Department is devising some special procedure for quick disposal of mutation cases in general, the Commission felt that this aspect of pendency of mutation in respect of Bhoodan land should also be tackled during the campaign for straightening out various infirmities and deficiencies relating to mutation of Bhoodan land. A consolidated list of grantees should be handed over to the Circle Officers by the officials of the Committee periodically preferably on a fortnightly basis so that the regular Revenue Officials could ensure quick mutation of Bhoodan grantees.

7.9 Specially appointed Deputy Collectors should initiate ejectment proceedings against ineligible persons under Section 21 of the B.B.Y. Act 1954. In case they come up against any insuperable legal hurdle, the matter of repeal of Subsection (3) of Sec 15 may jointly examined by the Committee and the Revenue Department for appropriate remedial action.

Acknowledgment

8. The Commission places on record its deep appreciation of help and cooperation received from Shri Kumar Shubhamurty, Chairman, Bihar Bhoodan Yagna Committee. The Chairman was always available to give the Commission all the data and information he had in his possession. In addition he helped organizing one Jan Sunwai and actively participated in it. The Commission also acknowledges with thanks help and co-operation received from the Collectors of twelve districts it had visited so far. District wise data they provided gave the Commission an insight into the manner in which revenue administration was being carried out in practice. Finally the Commission gratefully appreciates the efforts made by all the participants of Jan Sunwais in explaining and narrating their raw experience in daily life which enriched the knowledge of the Commission about the objective realities of agrarian relations in rural Bihar.

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