



BIHAR LAND RIGHTS MANUAL

WITH STANDARD OPERATING PROCEDURES FOR BIHAR
JUSTICE VENTURES INTERNATIONAL 2024

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INTRODUCTION

ABOUT THE TOOLKIT

The agriculture sector is the biggest absorber of workers in India and provided employment to around 46.5% of total workers during 2020-21¹. Agriculture is the mainstay of economies such as Bihar, underpinning their rural employment and rural development. The sector accounts for one-fifth of the gross state value-added. Even though the share of agriculture in gross state domestic product (GSDP) has declined from 36% in 2000-01 to 20% in 2017-18, the sector continues to be an important source of employment for more than 70% of the population.²

However, Bihar is often characterized by high levels of landlessness and fragmentation, high dependency on agriculture, and high levels of seasonal migration. Right to land and tenure security have emerged as critical for the sustainable development of agriculture and livelihood. Recognition of property right to land, as well as tenure security towards land, has far-reaching and long-lasting socio-economic implications. This is critical for a region's sustainable economic development, social justice, and poverty reduction. Obsolete records on land and the ambiguous nature of land titling coupled with encroachment and grabbing have made the situation worse, especially for vulnerable groups of people

AIMS AND PURPOSE OF THE TOOLKIT

The Bihar Land Rights Manual aims to empower landless communities in Bihar by providing knowledge on land rights, legal procedures, and access to government schemes. It helps the landless to navigate bureaucratic processes and offers guidance on legal claims. The toolkit also supports community mobilization and provides templates for necessary documentation, enhancing the capacity of the landless to assert their rights and secure land ownership or tenure.

SUMMARY OF STANDARD OPERATING PROCEDURES

1. Standard Operating Procedures for Determining Land Ownership in Bihar
2. Standard Operating Procedures for Securing and Strengthening Land Tenure in Bihar
3. Standard Operating Procedures for Accessing Land Entitlements in Bihar.

¹ Labour and Employment Statistics 2022, Ministry of Labour and Employment, Government of India. Available at https://dge.gov.in/dge/sites/default/files/2022-08/Labour_and_Employment_Statistics_2022_2com.pdf

² Economic Survey 2019-20, Government of Bihar, Available at <https://state.bihar.gov.in/finance/cache/12/Reports/Economic-Survey-2020-EN.pdf>



GLOSSARY

Term	Meaning	Wheat
Khaitan	A record of rights which refer to Khata number or plot number	
Jamabandi	A number showing the page allotted to all tenants in Tenants Ledger Register where entries of details of their tenancies as well as demand and collection of rent and cess are made.	Section 2(26), Bihar Land Mutation Act, 2011
Khesra Register	A register being maintained in the prescribed form showing details of plots along with their tenants of a revenue village.	Section 2(21), Bihar Land Mutation Act, 2011
Raiyat	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, and includes also the successors in interest of persons who have acquired such a right.	Section 2 (15), Bihar Land Mutation Act, 2011 Section 5, Bihar Tenancy Act, 1885
Khatauni	This document has details about land holdings of cultivators.	Section 1(12), Bihar Land Mutation Act, 2011
Mauja	Refers to village	
Halka	The smallest administrative unit of the revenue administration under the administrative control of a Karmachari.	Section 1(12), Bihar Land Mutation Act, 2011

A photograph of a man in profile, walking from right to left. He is wearing a light-colored turban and a patterned shirt. He is carrying a large white sack over his right shoulder. The background is a field of tall, dry grass under a bright, hazy sky.

OVERVIEW AND CONTEXT OF LAND RIGHTS IN BIHAR

HISTORICAL BACKGROUND

Land revenue was the main source of revenue traditionally to the Mughals as well as to the British. Different arrangements of land revenue system or land tenure system were made by the British to facilitate their collection of land revenue. All cultivable land in British India fell under one of three alternative systems:

- a. a landlord-based system (also known as zamindari or malguzari);
- b. an individual cultivator-based system (raiyyatwari); and
- c. a village-based system (mahalwari).

The Zamindari system differentiated between ownership and title of land in the Bengal region. The injustice carried out by these Zamindaris resulted in revolts and peasant movements, calling for the abolition of the Zamindari system. The Zamindari system was officially abolished through the Bihar Zamindari Abolition Act in 1948.

However, the reforms also created confusion regarding land ownership and titles among the indigent population in Bihar. While a number of legislative measures, including the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, were taken by the government with regard to the agrarian sector, the implementation of the various laws remains far from satisfactory. Many illiterates were unaware of their rights and the process of securing their land rights. The lack of up-to-date records and gaps in proper infrastructure have contributed to several land disputes in the state. Today, among the total cases recorded in court, a significant percentage of cases are related to land disputes like encroachment, mutation of land ceiling, etc.

There are three major types of homestead land in Bihar—Raiyati, Gairmazarua Khas or Malik and Gairmazarua Aam—on which the landless poor in rural areas have built their houses. Before detailed discussions on the important laws/schemes related to the issue, here are some important definitions.

1. Important Definitions: -
 - a. **Raiyati** homestead land originally belonged to a landowner and was land upon which a person was allowed to reside and construct his house. Usually, small plots of land were provided to the laborers by the employer's landowners to settle down.
 - b. **Gairmazarua Khas or Malik Lands** are those that were under the possession of landowners under the Zamindari System, but after the abolition of Zamindari and enactment of land reforms have been vested with the government.
 - c. **Gairmazarua Aam Lands** are those that are reserved for common public uses, such as village pastureland. At present, this category of land is vested with the village Panchayats.
 - d. **Bandobasti**- The system of getting ownership right over gairmazarua khas/malik and gairmazarua aam land is called '**Bandobasti**'

CASTE AND LAND RIGHTS

Caste is a persistent determinant of power, economic inequality, and poverty in contemporary India. In Bihar, the relationship between caste and land rights is deeply entrenched. Members of the Scheduled Castes, who account for 18% of the country's households, own only 8.5% of the land in India. On the other hand, upper-caste Hindus who make up 22% of the households own 28% of the land.³ Historically, land ownership has been concentrated in the hands of upper castes, while lower castes, particularly Dalits and Adivasis, have been marginalized and landless. This power dynamic has perpetuated socio-economic inequalities, with land serving as a primary source of wealth, status, and political influence. In Bihar, Musahars, who make up 15% of the population, constitute only 1.5% of Scheduled Caste Based Survey after the Supreme Court ruling individuals in government jobs.⁴

In 2022, the Government of Bihar conducted a Caste-Based Survey in Bihar. The Constitutional Validity of the Survey was challenged in the Supreme Court of India by various NGOs for violating the right to privacy among other rights. However, the 2022 Bihar Caste-Based Survey Report, released on October 2, 2023 indicate that other Backward Caste (OBCs) and Extremely Backward Class (EBC) together account for 63% of the State's population. The Caste-based survey also provides valuable data on intra-category differences, landlessness and tenancy.

VULNERABLE POPULATION AND LAND RIGHTS

Tenurial security of land has far-reaching implications. It reduces disputes, conflicts, uncertainty, and vulnerability of the poor and promotes sustainable development. The importance of secure land tenure for development outcomes has been internationally recognized.⁵ Secure land tenure can have a transformational impact at multiple levels. This section will highlight the relationship between land rights and vulnerable groups.

1. Indigent People

Lack of secure land tenure exacerbates poverty and has contributed to social instability and conflict in many parts of the world. In 2016, an estimated 70% of land in developing countries was unregistered. This represents a fundamental barrier for the poor in overcoming poverty, hunger, conflict, violence, poor governance, and lack of economic opportunity.⁶ The indigents lack current income, but they also lack assets with which to generate income. Millions of rural

³ Tagade, N., & Thorat, S. (2020). Intergroup Inequality in Wealth Ownership in Rural India: Caste, Tribe and Religion. *Journal of Social Inclusion Studies*, 6(2), 117-132. <https://doi.org/10.1177/23944811211006501>

⁴ 'Mapping land ownership as part of the caste census could uncover key patterns about power, resources', *The Scroll* (February 29, 2024) <https://scroll.in/article/1064261/mapping-land-ownership-as-part-of-the-caste-census-could-uncover-key-patterns-about-power-resources>

⁵ FAO. 2022. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. First revision. Rome. <https://doi.org/10.4060/i2801e>

poor and the urban poor living in informal settlements lack access to land. Land right can also guarantee other rights such as dignity, shelter and means for accumulation.

Data from South Asia, home to a significant percentage of the world's poor, show that poverty is strongly associated with landlessness and insecure access to land.⁷ Like many developing nations, Bihar's lack of secure land rights is affected by an ongoing transition from traditional to modern market economies.

2. Women

Around the world, land is a critical asset and source of wealth, power, status, and livelihood. Secure rights to land create pathways to greater empowerment, dignity, and opportunity. But land rights are not equitably distributed, and women typically fare the worst because of entrenched patriarchal customs and practices, limited access to justice and dispute resolution, and a lack of legal awareness of their rights. Although women play an indispensable role in the rural economy, they face severe constraints in accessing the agricultural assets and services they need to maximize their production. It has become increasingly clear that there is a "gender gap" in resources such as land, technology, and extension services; that the gap imposes costs not only on women but also on the broader economy and society; and that closing the gap would improve agricultural productivity and reduce hunger and poverty.

Although the law confers equal rights to women in their paternal property, this is not common in practice in India, including Bihar. A large section of rural women in Bihar are resource-limited and voiceless. The majority of them neither hold any landed property nor possess adequate skills for gainful employment, and they are also affected due to their low social status.

Securing land rights is essential in fulfilling women's fundamental human rights and achieving an equitable world for women. Studies indicate that secure rights to land and other property can protect women from experiencing domestic violence by strengthening their position within their families or by providing women with a stronger ability to exit abusive relationships.⁸

In the late 1970s, following a movement to undo the control of the Hindu Bodhgaya Math's (BGM) religious feudal system and redistribute land to landless agricultural laborers, women in Bihar were given title to land. This movement was the first of its kind and paved the way to ensuring land ownership and title to women.

3. Human Trafficking Victims and Bonded Labour Victims

Thousands of families in countries like India and Nepal have been living on the same land for generations, but they are held in a form of debt bondage to local landlords. Without land rights, they are faced with the constant threat of eviction, making it easy for landowners to exploit them. Many bonded labourers choose to stay in slavery because they fear being evicted from their homes and having no means of survival. In Asia, bonded labour has been and remains particularly severe among the Scheduled Castes and Scheduled Tribes in India.⁹

⁶ Securing Land Tenure and Property Rights for Stability and Prosperity, USAID, available at <https://www.usaid.gov/land-tenure>

⁷ Property Rights For Poverty Reduction, Ruth Meinzen-Dick, Patricia Kameri-Mbote, and Helen Markelova, available at <https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/e8cb07d1-a5c6-42cb-a99d4c9ce373ddce/content>

⁸ Boudreaux, Karol. 2018. Intimate Partner Violence and Land Tenure: What Do We Know and What Can We Do? United States Agency for International Development.

⁹ Forced Labour and Indigenous Peoples, Fact Sheet, United Nations Permanent Forum on Indigenous People. Available at https://www.un.org/esa/socdev/unpfii/documents/10Session_factsheet_forced_labour_EN.pdf



STANDARD OPERATING PROCEDURES

I. STANDARD OPERATING PROCEDURES FOR DETERMINING LAND OWNERSHIP IN BIHAR

1. PROCEDURE FOR APPLYING FOR LAND SURVEY IN BIHAR

a. Search by Mauja/Khasra/Account No./Name to ascertain property

Online:

- Visit Bulekh Bihar at <http://lrc.bih.nic.in>
- Select your village's name in the zonal map provided
- View land records by searching them by any of the following categories:
 - View accounts of Mauja by 'Name'
 - View accounts of Mauja by 'Khasra Number'.
 - View by 'Khasra Number.'
 - View by 'Account Number.'
 - View by 'Account Holder's Name.'
- After selecting the preferred criteria, fill in the rest of the columns and click on the 'Search' tab
- Click on 'View Registered Document'

Documents Required:

- Land survey application form with an affixed stamp
- Affidavit or stamp paper of the property mentioning owners
- Current and previous registered deed
- Sale deed
- Aadhaar card
- Up-to-date receipt of property tax payment
- Address proof
- Identity proof
- Land documents containing attestation by the Gazetted officer
- Map of the proposed division (in sketch)
- RTC or Record of Right and Tenancy Certificate
- Zonal certificate by Urban Development Authority
- Certified copy of Land Tribunal order and rights of occupancy
- Other documents as required

b. Reverse search by property to ascertain owner/title holder

If one has access to the property number or any other relevant detail of the land, the NGO can determine the owner of the land. This is helpful in identifying the title owners, especially in situations where illegal activities are conducted on the said land. This can create accountability on the titleholder to prevent such activities on their land.

II. STANDARD OPERATING PROCEDURES FOR SECURING AND STRENGTHENING LAND TENURE IN BIHAR

While many entitlements provide land rights to the landless in Bihar, these SOPs focus on securing land rights to 'privileged persons' under the Bihar Privileged Persons Homestead Tenancy Act, 1947.

Summary

1. Data Collection of eligible beneficiaries
2. Demarcation of clusters of eligible beneficiaries
3. Land ownership/nature inquiry of the clusters
4. Filing application on behalf of eligible beneficiaries under various categories before the concern authority
5. Follow up on the application
6. Insuring distribution of homestead land to applicants
7. Insuring habitability of land
8. Application for mutation in the name of eligible beneficiaries
9. Applications for internal roads, connecting roads to main road, electricity, water, communitichabutra/hall, anganbari (if applicable)

1. DATA COLLECTION OF ELIGIBLE BENEFICIARIES

- a. The Social worker/organization shall conduct a survey in their work areas to determine various categories of beneficiaries eligible for land allocation.
- b. Data of such eligible beneficiaries shall be segregated according to their category.
- c. Most eligible beneficiaries in Bihar can be divided into the following categories:
 - Families settled on 'raiyat' land who do not have basgit parcha of said land.
 - Families settled on 'gairmazarua aam' land who do not have basgit parcha of said land.
 - Families settled on 'gairmazarua khas' land who do not have basgit parcha of said land.
 - Families settled on a private land other than Raiyat, gairmazarua aam, gairmazarua khas land.

2. DEMARCATION OF CLUSTERS OF ELIGIBLE BENEFICIARIES

- a. Different categories of eligible beneficiaries shall be further categorized as clusters of families.
- b. Families settled as a cluster shall be taken into a separate list.

3. LAND OWNERSHIP/NATURE INQUIRY OF CLUSTERS

- a. The data collection of families and clusters shall be sub-categorized as per the land ownership data.
- b. The inquiry on the ownership/nature of land of cluster settlements shall be done online or offline mode.
- c. For online mode, one may refer to the following method:

- Visit Bulekh Bihar at <http://lrc.bih.nic.in>
 - Select your village's name in the zonal map provided
 - View land records by searching them by any of the following categories:
 - View accounts of Mauja by 'Name' o View accounts of Mauja by 'Khasra Number'.
 - View by 'Khasra Number.'
 - View by 'Account Number.'
 - View by 'Account Holder's Name.'
 - After selecting the preferred criteria, fill in the rest of the columns and click on the 'Search' tab
 - Click on 'View Registered Document.'
- d. For offline data search related to ownership/nature of land, one can visit the local revenue office and contact Revenue Karmacharis.
- e. In instances where the land ownership/nature details cannot be determined, an application shall be made in reference to the provisions of BPPHT Act. As per Bihar Privileged Persons Homestead Tenancy Act 1947, the Circle Officer, upon receiving of any application, shall enquire about the ownership/nature.
- f. The clusters shall be sub-divided as per the settlement of the clusters in raiyat land, gairmazarua aam land, gairmazarua khas land, settlement of cluster on land other than the above categories.

4. FILING APPLICATION ON BEHALF OF ELIGIBLE BENEFICIARIES UNDER VARIOUS CATEGORIES BEFORE THE CONCERNED AUTHORITY

- a. Category I: Families settled on 'raiyaat' land who do not have basgit parcha of said land.
- This category of eligible beneficiaries/ cluster of beneficiaries are those who are eligible for the homestead land of 5 decimal under BPPHT Act.
 - Lands falling under the ambit of the BPPHT Act originally belonged to a landowner who had allowed a person to reside upon it. Such lands are known as Raiyati land. A landless person after completing a constant stay up to a period of one year becomes a privileged person under the BPPHT Act and thus becomes eligible to get a permanent entitlement Parcha issued by the revenue authorities.
 - The Circle Officer has been authorized as the competent authority to effect settlement of raiyati land under the Act.
 - In cases of eligible cluster of families under BPPHT Act, a common application shall be given to the Circle officer for issuance of Basgit Parcha of 'Raiyat' Land to all families of the cluster at five decimal each.
 - Local Amin shall be consulted for proper demarcation of five decimal land to each family.
 - The peaceful possession of the demarcated plot of 5 decimal to the privileged person shall be ensured.
 - In case of already settled household, the issue of reshuffling/demarcation of land already under possession by the privileged person shall be settled with mutual understanding of the beneficiaries under a cluster.

- b. Category II: Families settled on 'gairmazarua aam' land who do not have basgit parcha of said land.
- Gairmazarua Aam land is land reserved for public use.
 - The land cannot be allotted unless the nature of such land has changed and the Gram Sabha has passed a resolution warranting its settlement with eligible persons.
 - If Gairmazarua Aam land had lost its aam character and is no longer used for community purposes, such land should be settled with the landless eligible beneficiaries.
 - After the Gram Sabha has passed a resolution, a case record is prepared which goes through the Circle Officer, SDO, District Collector.
 - Before the settlement of Gairmazarua Aam land, the community has to be informed through a public notice, and if any objection is raised against the proposal, the settlement cannot be made.
 - In the settlement of Gairmazarua Aam land, preference should be given to Scheduled Castes Scheduled Tribes, Backward Classes.
 - Such Gairmazarua Aam can also be used to settle the cluster of landless poor in consultation and NOC from Gram Sabha
 - In case of cluster of beneficiaries already settled on Gairmazarua Aam land, a common application shall be given to the Circle officer for issuance of Basgit Parcha at five decimal each.
 - In case of landless beneficiaries to be proposed to be settled on a Gairmazarua Aam land, proposal should be given to Gram Sabha and Circle Officer in consultation with SubDivisional Officer.
 - Local Amin shall be consulted for proper demarcation of five decimal land to each family.
 - The peaceful possession of the demarcated plot of five decimal to the privileged person shall be ensured.
 - In case of already settled household, the issue of reshuffling/demarcation of land already under possession by the privileged person shall be settled with mutual understanding of the beneficiaries under a cluster.

Category III: Families settled on 'gairmazarua khas' land who do not have basgit parcha of said land.

- The Gairmazarua Malik or Khas land is are those that were under the possession of landowners under the Zamindari System, but after the abolition of Zamindari and enactment of land reforms have been vested with the government.
- The Sub-divisional Officer is competent to settle eligible persons in the Gairmazarua Malik or Khas for residential purposes.
- Where a privileged person has his homestead on Gairmazarua Khas land, his possession should be recognized and normal settlement must be made with the proposed beneficiary.
- In cases of eligible cluster of families under Gairmazarua Aam land, a common application shall be given to the Circle officer in consultation with the Sub-Divisional Officer for issuance of Basgit Parcha of Gairmazarua Aam land to all families of the cluster at five decimal each.
- Local Amin shall be consulted for proper demarcation of 5 decimal land to each family.
- The peaceful possession of the demarcated plot of 5 decimal to the privileged person shall be ensured.

- In case of already settled household, the issue of reshuffling/demarcation of land already under possession by the privileged person shall be settled with mutual understanding of the beneficiaries under a cluster.
- c. Category IV: Families settled on a private land other than Raiyat, Gairmazarua Aam or Gairmazarua Khas Land.
- A person settled on land which does not comes under the purview of being a raiyat, Gairmazarua Khas nor Gairmazarua Aam is occupying that land illegally and is subject to eviction.
 - In case, Gairmazarua Khas or Gairmazarua Aam land is not available immediately adjacent to the homestead of the privileged tenant made on a private land, necessary action is to be taken to acquire the nearby area for resettlement of the proposed beneficiaries.
 - If the Gairmazarua land available is insufficient to provide for all the suitable and homeless families, for their homestead purposes, at least 4 decimals of Rayyati land may be proposed to be acquired by the government and the expected cost of such an acquisition may be sent with a formal proposal, so that funds may be arranged, land may be acquired and the poor and suitable families may be provided with homestead land.
 - In such cases, separate application before the Circle Officer in consultation with SubDivision Officer shall be made and continuous advocacy shall be done with District Magistrate for acquisition of such land where a cluster of families is settled on a private land or for homeless poor.

5. FOLLOW UP ON THE APPLICATION

The Advocacy Team must follow up on the application made to the relevant authority.

	Step 1	Step 2	Step 3	Step 4	Step 5
New Entitlements	Application to District Magistrate and he will be marking to ADM for action.	ADM will look into records and then order Circle officer to initiate the process	Circle Officer will write to the Village Level Revenue Worker or Revenue Officer to identify the land and submit a report.	Acquisition process will be started by the Circle Officer who will send the file to the ADM and DM for the approval and once approval will come land will be allotted.	Basgit Parcha (Legal Deed) will be issued by the name of the beneficiary.
Demarcation	Application to District Magistrate and he will be marking to ADM for action.	ADM will pass order to Circle Officer to take action	Circle Officer will order Government Amin and revenue Officer to ensure demarcation and submit a copy of report.	Amin will measure the land in front of the beneficiary, ensure demarcation and submit a report with demarcation photos.	Circle Officer will send report to ADM, DCLR and DM

Mutation	Application will be submitted to Circle Officer through RTPS counter of the block office	Circle Officer will direct the Revenue Officer to verify all documents	Revenue Officer will verify the records and provide NOC to the Circle Officers	With support from the Technical team Circle Officer will complete the process and documents will be uploaded on RTPS website. A copy will go to the revenue officer to maintain the records	The beneficiary may download the status sheet and documents from RTPS site and part documents can be collected from the RTPS counter.
Dispute	Application to Circle Officer – If not satisfied	Appeal to DCLR – If not satisfied	Appeal to ADM – If not satisfied	Appeal to DM - If not satisfied	Free to go – - Civil Court - Land Tribunal

6. PLEASE REFER TO THE TABLE ABOVE FOR COMPREHENSIVE DETAILS ON THE DISTRIBUTION OF HOMESTEAD LAND TO APPLICANTS. REFER TO THE DISPUTE MECHANISM TO ENSURE THAT HOMESTEAD LAND ARE DISTRIBUTED TO THE APPLICANTS AND OTHER GRIEVANCES

7. PARA 3(IV) OF THE ABHIYAN BASERA SCHEME, 2014 OF THE GOVERNMENT OF BIHAR STATES: -

It will be important that whoever has been provided the homestead land through the Gair-Majrui owner / Gair-Majrui common land or by purchasing, that land should be habitable land i.e. ***there should not be a pit, drain etc.*** Also the said land should not be far away from the populated areas. Efforts should be made to provide land for many families in clusters. ***If there is no connecting road to reach the above land, the connecting road shall be constructed under the Connecting Road Scheme of the department.*** If possible, the provision of land shall also be made for Community Hall and Community Chabutra nearby so that there should be no difficulty in conducting community activities.

Therefore, appropriate application before the concerned District Magistrate shall be made for further habitability plan of the allotted land in clusters.

8. APPLICATION FOR MUTATION IN THE NAME OF ELIGIBLE BENEFICIARIES

Once the land is demarcated, an application for mutation must be filed in the name of the eligible beneficiaries. Mutation is the substitution of the name of a person by the name of another in relation to property in the record showing the right or title to the property. This involves alteration in the Khaitan, Tenant's Ledger, and Khesra Register. Any time a property changes hands, a mutation process must follow.

a. Property mutation is usually done in the following circumstances:

- When you buy a property
- When you inherit a property
- When you receive a property through a gift or a will
- When you purchase a property through a power of attorney

b. For filing for mutation online:

- The applicant can visit the official website of Bihar Bhumi.

- The applicant has to click on the “registration” button to register on the website for the first time or else they can click on the “Login” button.
- Once the applicant has logged in, select the district and circle. Then click on the “Apply New Mutation” option.
- Then, the applicant has to select the “On Application” under the ‘Mutation initiation type
- Now the applicant has to fill all the required details in the form and click on “Save as Draft and Next”.
- On the ‘Upload Document’ page, upload a scanned PDF file of the ‘Sale Deed’ and click the ‘Save’ button.

c. For filing for mutation offline:

The applicant can obtain the application form by visiting the nearest district office. The applicant may also download the application online or refer to Appendix A of this Manual.

d. The following documents required are for mutation of property:

In case of Sale of property:

- Stamped application for mutation
- Sale deed
- Current and previous registration deed
- Aadhar card and Ration Card
- Property Tax Payment Receipt
- Stamp paper of requisite value with an affidavit

In the case of inheritance of property:

- Death certificate
- Ration Card and Aadhaar Card
- Property tax payment receipt
- Stamp paper of requisite value with an affidavit
- Copy of power of attorney and succession certificate
- Stamped application for mutation
- Sales Deed
- Current and previous registration deed

e. The time limit for filing the mutation in Bihar is one to three months from the date of purchase. The application for property mutation should be submitted within this timeframe, and the mutation process typically occurs several months after property registration.

9. APPLICATIONS FOR INTERNAL ROADS, CONNECTING ROADS TO MAIN ROAD, ELECTRICITY, WATER, COMMUNITY CHABUTRA/HALL, ANGANBARI (IF APPLICABLE)

Abhiyan Basera Scheme, 2014 of the Government of Bihar provides for the basic amenities like internal roads, connecting roads to main road, electricity, water, community hall/chabutara etc. and the application and advocacy shall be made after the allotment of homestead land for such benefits to the community.



LAND ENTITLEMENTS IN BIHAR

LAND ENTITLEMENTS IN BIHAR

a. Homestead Land Rights for Scheduled Caste/Scheduled Tribe/OBC

The Bihar Privileged Persons Homestead Tenancy Act 1947 provides security of tenure to landless in Bihar. However, despite existence of laws, policies and provisions for granting homestead rights to the rural landless and marginalized households, a majority of rural landless and marginalized community households, particularly SC/ ST households do not have ownership rights to their home-stead land on which they have been long residing. A privileged person is defined as a person who besides his homestead holds no other land or holds any such land not exceeding one acre.

Section 2(i) of the BPPHT defines

privileged persons as: "long residing persons" means a person

(a) who is not a proprietor, tenure-holder, under tenure-holder or Mahajan; and

(b) who, besides his homestead, holds no other land or holds any such land not exceeding one acre;

A 'privileged person' who has built his house on private land given to him by a landowner for residential purposes and has been living on that land continuously for one year, has permanent right over his homestead land. The Act defines homestead as any land which is held by the privileged person for residential purposes including any building erected on the land together with bari, sahan and any vacant land used for residential purposes. Under the BPPHT, a privileged person is entitled to be categorized into 'privileged persons' through primary data collected through a sample survey of BPL households. The sample of the target beneficiaries is drawn by following the multi-stage random sampling method. Data is collected from the sample of BPL households by using interview schedules. Primary data and information is also collected from revenue officials at state, district, block and village Panchayat levels by making use of separate interview schedules. Village panchayat representatives, community leaders, and social workers will be conducted in order to collect qualitative data and information.

b. Pradhan Mantri Awas Yojana

The Pradhan Mantri Awas Yojana (PMAY) scheme is a government initiative that aims to provide affordable houses to the urban poor. The two major components of the Pradhan Mantri Awas Yojana (PMAY) scheme are:

Pradhan Mantri Awas Yojana- Urban (PMAY-U) looks into the housing requisites of poor urban people. The urban poor has been categorised into three sectors, which depend upon the annual household income: (i) Economically Weaker Section (EWS), (ii) Low-income Group (LIG) (iii) Middle Income Group (MIG). Additionally, the slum dwellers within the urban population can also apply to the scheme.

Pradhan Mantri Awas Yojana- Rural (PMAY-R) has been brought in to help economically weak families living in rural India become property owners. The residences in such rural areas will have all the required basic facilities such as electricity, clean water, a well developed sewage system, a sanitation facility, etc.

Pradhan Mantri Awas Yojana can be applied under two categories:

Under Other 3 Components - The Economically Weaker Sections (EWS), Middle Income Groups (MIGs) and Lower Income Groups (LIGs) are considered as beneficiaries under the Housing for All by 2022 Scheme. For EWS, the annual income cap stands at Rs.3 lakh. In case of LIG, the maximum annual income is between Rs.3 lakh and Rs.6 lakh. For MIG, the cap for annual income is between Rs.6 lakh and Rs.18 lakh. CLSS components can be availed by the MIG and LIG categories. EWS, on the other hand, is eligible under all verticals for assistance.

Slum Dwellers - A slum is an area where 60 to 70 households or approximately 300 people stay in poorly built residences. The environment of these areas are unhygienic and they lack proper infrastructure, drinking water and sanitation facilities. These people can apply for the Housing for All by 2024 under the Pradhan Mantri Awas Yojana scheme.

The following Groups are Eligible for PMAY for Pradhan Mantri Awas Yojana (PMAY):

- The people benefitting should not be more than 70 years of age.
- The income limit for various groups within the eligible is:
 - EWS (Economical Weaker Section) – ₹3 lakhs per annum
 - LIG (Lower Income Group) Family – ₹6 Lakhs per annum
 - Middle Income Group -(MIG-I) – ₹6 lakhs to ₹12 lakhs per annum
 - Middle Income Group – (MIG-II) ₹12 lakhs to ₹18 lakhs per annum
 - The people enrolled in the scheme should not have their own house in the name of any family member in any part of India.
- The person eligible for applying for a loan should not have taken benefit of any central/state government subsidy or help buy a home under the scheme being discussed.
- In the current period, the loan availer should not own any house or land under their name or conjoined with any family members.

The house rebuilding and self-construction loans would be granted only for Economically Weaker Sections and Lower Income Group categories.



LEGAL FRAMEWORK

LAWS

Constitution of India

Previously, the 'Right to Property' was a fundamental right under Article 19 (1) (f) and Article 31 of the Constitution of India. This Article guaranteed a right to acquire, hold and dispose of the property. Article 31 categorically said that no person should be deprived of his property by the authority of law. However, the 44th Amendment Act, 1978 to the Constitution abolished the said fundamental right and added a distinct provision altogether as Article 300A in the Constitution. Today, the 'Right to Property' is a constitutional right.

State Laws

- Bihar Tenancy Act -1885
- The Bihar Privileged Person Homestead Tenancy Act, 1947
- Bihar Land Reforms Act, 1950
- Bihar Bhoodan Yagna Act, 1954
- Bihar Consolidation of Holding and Prevention of Fragmentation Act, 1956
- Land Improvement Loan Act, 1958
- Bihar Land Reforms (Fixation of Ceiling & Acquisition of surplus land) Act , 1961
- Bihar Tenancy (Amendment) Act, 1970
- Urban Land Ceiling Act, 1976
- Bihar Land Dispute Resolution Act, 2009
- Bihar Land Tribunal Act, 2009
- Bihar Mutation Act, 2011
- Bihar Special Survey and Settlement Act, 2011
- Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013

COURT MECHANISM

The Bihar Land Tribunal

The Bihar Land Tribunal is constituted to address the land-related issues of raiyats of the state. Disputes relating to land pending before different forums in the State of Bihar are huge in number and the present machinery, including Civil Court is overburdened because of the pendency of huge number of disputes relating to land. Right, title and possession over land is regulated under various land laws operating in the State of Bihar. The different forums under different land laws have been

provided for the adjudication of disputes. The State government is faced with complexities arising out of the multiplicity of adjudicating machinery and delays in the settlement of disputes. The State government strives to ensure the speedy disposal of disputes under various land laws. In the absence of a common adjudicatory body, the people of the State are faced with undue hardship in getting their grievances redressed.

There is a mandate to constitute a tribunal under Chapter XIII of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, with such modification and with such enlargement of jurisdiction as may be deemed expedient. The Constitution of India has conferred jurisdiction under Article 323B on appropriate legislature, to provide for adjudication or trial by Tribunals, by law, of any dispute, complaints or offences with respect to all or any of the matters specified in clause (2) with respect to which such legislature has power to make laws. In larger public interest and in the interest of the people of the State, it is deemed expedient to create a consolidated forum for adjudication of all disputes pertaining to land in the State of Bihar. With a view to provide a common and uniform forum for adjudication of disputes, it is necessary to create a Tribunal at the highest level in the hierarchy.

Jurisdiction of the Bihar Land Tribunal : The Tribunal shall have the power to entertain any application against the final order passed by the Appropriate Authorities under the Acts/Manuals, mentioned below, within 90 days of such an order provided no other forum of appeal or revision against the order passed is provided in that Act/ Manuals:

The function of this department includes

- i. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961
- ii. The Bihar Land Reforms Act, 1950
- iii. The Bihar Tenancy Act, 1885
- iv. The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (v) The Bihar Tenants' Holdings (Maintenance of Records) Act, 1973
- v. The Bihar Bhoodan Yagna Act, 1954 The Bihar Privileged Persons Homestead Tenancy Act, 1947
- vi. The Bihar Government Estates Manual, 1953
- vii. The Bihar Settlement Manual



LANDMARK JUDGMENTS

1. CHAMELI SINGH V. STATE OF UTTAR PRADESH

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

2. STATE OF BIHAR V. MAHARAJADHIRAJA SIR KAMESHWAR SINGH OF DARGHANGA (1952) 1 SCC 528

The Supreme Court of India examined the constitutional validity of the Bihar Land Reforms Act, 1950, and similar legislations in Uttar Pradesh and Madhya Pradesh. The Bihar Land Reforms Act abolished zamindars and other proprietary estates and tenures and brought raiyats and other occupants of the land in direct relation to the government. The lower court declared the Act unconstitutional and violative of Article 14 of the Constitution of India. However, the Supreme Court declared the Act valid except as regards Section 4(b) and Section 23(f) which were declared to be unconstitutional and void.



APPENDIX

A. APPLICATION FORM FOR MUTATION OF LAND IN BIHAR

सेवा में

श्री मान् अंचल अधिकारी

अंचल कार्यालय

विषय :- दाखिल खारीज के सम्बन्ध में।

महोदय

निवेदन के साथ कहना है कि मैं

वल्द / जीजे

ग्राम पोस्ट थाना

जिला से जमीन खरीद कीया हूं जिसका ब्यौरा

निम्नलिखित है:-

मौजा	थाना नं०	खाता नं०	खेसरा नं०	जमाबंदी नं०	रकबा

अतः श्री मान् से अनुरोध है की अब हमारे नाम से दाखिल खारिज की अनुमती प्रदान कर यश के भागी बनें।

विश्वास भाजन

नाम —

पिता/पति का नाम —

ग्राम —

थाना—

जिला—

B. APPLICATION FORM FOR ENCUMBRANCE CERTIFICATE

FORM No.22

Application Form for Searches, Inspections and Grant of Copies

[Vide Rule 138 (i)]

<p>Twenty-five paise Court fee Stamps affixed when applicant wants copies.</p> <p>Stamps in lieu of deposit such as copying fee, etc., are not accepted.</p>	<p>To,</p> <p>The Sub-Registrar of.....</p>
<p>Name of the Applicant</p> <p>Address of the Applicant</p>	
<p>Please allow search of the books of your office for the undermentioned years of.</p>	<p>Please supply copy/copies of the undermentioned document.</p> <p>All documents affecting undermentioned property.</p>
<p>(1) Description of document.</p> <p>(2) Name and addition of the executant</p> <p>(3) Name and addition of the claimant</p> <p>(4) Description of property.</p> <p>(5) Village in which property is situated and name of the office in which the document is registered.</p> <p>(6) The year or years in which the entry is to be searched.</p>	<p>Particulars</p>
<p>I declare that the items in clause (4) above constitute a single property. Dated _____ years</p> <p>(Signature of the Applicant)</p> <p>This should be given in cases where search is required by party.</p> <p>Note:- Information required in the several columns may be given as far as known, name of executant, village in which property is situated, description of property and the years must be given in case of applications for copies.</p>	

C. APPLICATION FOR POSSESSION CERTIFICATE

भूमि स्वामीत्व प्रमाण पत्र के लिए आवेदन पत्र का प्रपत्र

1. आवेदक का नाम:-

2. पिता/पति का नाम:-

3. निवास स्थान का पूरा पता:-

(क) स्थायी पता		(ख) वर्तमान पता	
ग्राम/मुहल्ला	>	ग्राम/मुहल्ला	>
पंचायत	>	पंचायत	>
खाना/अंचल	>	खाना/अंचल	>
जिला	>	जिला	>

4. स्वामित्व की भूमि का विवरण:-

क्र०	जिला	अंचल	राजस्व मौजा	खाना सं०	तैजी सं०	खाता सं०	खेसरा सं०	रकबा	जमाबंदी संख्या	जमाबंदी रैयत का नाम	यदि संयुक्त भूमि है तो आवेदक के हिस्से की जमीन का रकबा	अभ्युक्ति (आवेदित भूमि खतर्यानी है या खरीदनी/बंदोबस्ती पर्चा द्वारा प्राप्त)

स्थान -

आवेदक का हस्ताक्षर

दिनांक-

अथवा अंगूठे का निशान



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