

RECOMMENDATIONS

I. Housing right and provision of house plots

- 1 The Workshop observed that the right to housing has been incorporated as a basic human right in different International Human Rights Instruments such as the Universal Declaration of Human Rights (1948), the International Covenant On Economic, Social and Cultural Rights (1976), the Istanbul Declaration and Habitat Agenda (Year?), as well as in the Constitution of India, as interpreted by the Supreme Court in many of its judgments.
- 2 Further, the right to housing has been viewed in relation to other human rights and is considered as an essential aspect of the Right to Adequate Standard of Living.
- 3 It noted that the concept of adequate housing refers not only to a physical dwelling unit, but also includes provisions for basic services like safe drinking water, sanitation, drainage, clean and healthy surroundings and environment.

II. Imperatives for providing Homestead Rights to the vulnerable sections

1. The Workshop observed that ownership of even a small plot of homestead land has demonstrated enhancement in status and self image of rural households, and, that it has the potential for providing freedom of choice even to the poorest households. Further, ownership of homestead land also confers other important associated benefits like income, food, economic security, kitchen garden and space of rearing livestock etc.
2. The vulnerable sections include bonded labourers, Scheduled castes, Scheduled tribes, nomads, destitute /deprived women, including widows and female headed households, minorities, physically handicapped, the aged, PTGs (?-full form) etc. The Workshop noted with concern the increasing incidents of atrocities and violence perpetrated against the vulnerable sections due to the weak/faulty implementation of the Bonded Labour Abolition Act, 1976, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 etc. Allotment of homestead lands to vulnerable sections who are victims of atrocities/crimes has, therefore, become imperative.
3. It was also noted that nomads everywhere are one of the most excluded categories and are invariably denied homestead right.
4. The participants observed that the Land Reforms Commission of Bihar, 2009 headed by Shri D Bandopadhyay, IAS had recorded that landlessness in Bihar was on the increase- while only 67 percent of the rural poor were landless or near landless in 1993-94, by 1999-2000 nearly 75 percent of rural poor were landless, an increase of 8 percent. This trend is also noticed in other states of India. Further, he had also pointed out that there is a degree of co-relationship between landlessness and naxalism. The violence perpetrated against dalits by self-styled armies of the landlords, displacement of Adivasis from their land due to left extremist militancy and displacements due to communal troubles also aggravate the problems of landlessness/ homelessness.

III. Provision for Homestead Land as part of Land Reforms

1. The Workshop noted that providing homestead lands has been a part of land reforms legislations enacted right after Independence and that the present proposal for allotting homestead lands to the needy should also be seen as a part of the process of land reforms

initiated earlier. The Kerala Land Reforms Act, 1963 and the Bihar Privileged Persons Homestead Tenancy Act, 1947 (BPHT Act, 1947) etc. are cited as case points.

2. It was also noted that several State Governments in the past have allotted homestead land to poor rural households, but the size of house plot has been too small (Ref: Article by Dr. T. Haque in EPW, November 29, 2003). It was further observed that the approaches of the State Governments of Karnataka and West Bengal to purchase land parcels cum kitchen garden plots of approximately 0.10 acre or more and providing basic infrastructure like road, drinking water, electricity and basic have conferred multiple benefits in terms of food, income, status, fuel wood and economic security to poor households and in particular has benefitted the family's nutrition, health and education.
3. The Workshop feels that the stress given to vulnerable groups which includes the Scheduled Castes, Scheduled Tribes, landless and houseless, including the socially excluded groups like nomads, widows, female-headed households, families of rural suicide victims and those afflicted by bondage, social atrocities, violence, criminal offence (rape, kidnapping, sexual exploitation) and disaster (inclusive of natural, social and ecological) in the Draft National Land Reforms policy is adequate.
4. It was suggested that a broad framework of Land Reforms + Homestead + Livelihood and felt that it needs to be linked to broad livelihood issues which would include several rural development schemes like MNREGA, NRLM, Micro- finance and various other poverty alleviation programs

IV. Provision of Homestead plots in Bihar

1. Legal provisions/policy already exist in Bihar for granting legal rights over Raiyati, Gair Mazarua Khas, Gair Mazarua Aam lands as well as for purchase of lands for providing homestead lands to Mahadalits. The latest data provided by Government of Bihar indicates that the land purchase schemes for Mahadalits has benefitted the homeless in Bihar only partially that is, one fourth of the total beneficiaries, and the rest three fourths have benefitted from other schemes like allotment of Gair Mazarua Khas, Gair Mazarua Aam and Khas Mahal lands, Bihar Privileged persons Homestead Tenancy Act etc. Hence, the Workshop felt that it would be desirable for Bihar Government to conduct an exhaustive survey of existing lands available from the above categories which can be distributed to the homeless.
2. As providing for homesteads has been a part of overall land reforms, it is suggested that the Bihar Government distribute homestead land to the houseless from the Bhoodan and surplus lands procured under land ceiling laws.
3. The Workshop recommended that to make the implementation of Mahadalit homestead land program in Bihar more effective (i a three-member Block Level Consultation Committee with key stake holders, for identification as well as purchase of land may be set up; a high level committee for the revision of the existing level of funding approved for the purchase of land for house sites also needs to be set up; to take steps for the effective implementation of the Bihar Right to Services Act 2011 to expedite the processes of registry, demarcation and handing over possession to the beneficiary households; it needs to ensure coordination between the Circle and Block Development Officers so that the assistance available for

house construction under Indira Awas Yojana (IAY) scheme is provided to those rural poor households who, have already received the benefits under the land purchase schemes.

4. It was also recommends that Bihar government needs to undertake a survey of thousands of people who have been displaced due to regular floods and erosion caused by rivers such as Kosi, Gandak and Baghmata, and, living on river embankments and on road sides for last three to four decades. Such people displaced due to natural calamities deserve immediate attention for grant of homestead land to ensure their overall social security.

V. Denial of Housing and Cultivation Rights to the Vulnerable Sections in Punjab and Haryana

1. The Workshop noted that Rule X of the Shamlat Land Act, 1961 provides that the panchayats may allow the use of Shamlat land free of charge for residential purposes to members of Schedule Caste/Backward Classes/landless labour or tenants (landless and houseless) on grounds of poverty. Rule VI of the Act also stipulates that all leases of land in Shamlat deh shall be auctioned every year, and, one third of the cultivable land shall be reserved for auctioning it to members of the Schedule Caste only. The Shamlat Act has also the provision of evicting the illegal encroachers
2. The empirical studies both in Punjab and Haryana have substantiated that the weaker sections are not able to avail the residential plots and cultivable Shamlat land due to the dominance of upper castes/class as also owing to their poor economic condition.
3. It was also observed that in the State of Punjab cultivable Shamlat Land leased out is 144388 acres: the share of SC/ST works out to be 48129.33 acres; the number of cases filed in courts is 4913. In the state of Haryana the area of land under encroachment is stated to be 26303 acres; area under illegal possession is reported as 16998 acres; the number of cases filed in courts 4913. The workshop, therefore, recommended that the Ministry of Rural Development may issue necessary directions to the Governments of Punjab and Haryana to create an enabling environment for making available homestead and cultivable lands to the Schedule Castes as per provisions of the Shamlat Act.
4. Due to the exorbitant increase in the land value in Punjab and Haryana, providing homestead lands by purchasing land has become very difficult. The Workshop was of view that the access to homestead land can be enhanced by distributing one third Shamlat land to the Scheduled castes and other weaker sections, instead of auctioning it every year. Besides, by treating it to be part of the overall program of land reforms, homestead lands could be allotted from surplus lands procured under land ceiling, Nazdool land, government land, Custodial(?) land etc
5. It was also noted with concern the increasing number of atrocities and social boycotts against the Schedule Castes in Punjab and Haryana. Therefore it is recommends that the families of victims of such atrocities be provided homestead lands in eligible cases to ensure their sense of security.
6. Most of the Panchami in lands in Tamil Nadu and other states belonging to the depressed classes are under encroachment of the non- Dalit communities in as much as they are deprived of homestead land. There is enough scope for allotment of 10 cents of homestead land to them from panchami lands.

VI. Housing Rights of Nomadic Communities

1. Nomads constitute around 7% of National Population and are amongst the most vulnerable among the marginalized communities. The communities which lack ownership right on cultivable and homestead land in whole of India are nomadic communities who are also known as De-Notified Tribes (DNT). They are thus denied citizenship rights. It is necessary that they should be conferred with right to land and housing.
2. There are about 70 DNT communities in Andhra Pradesh consisting of SC, ST, BC and minorities constituting as much as 12% of the total population of the state. A large section among them is houseless. The DNT constitute over 8% of total population of Gujarat that is about seventy lakhs. Their traditional occupations are becoming irrelevant and they are placed in vicious circle of poverty and migration. Women from this community are forced to work as sex workers. Nomads and DNT communities in Maharashtra are landless and houseless and facing identity crisis. The DNT communities are Banjara, Gori-Gossavi, Dhangar, Vadar, Tirmali etc. demand homestead lands.
3. Keeping in view the plight of the nomadic communities the participants recommend that on the lines of provisions made in Draft Land Reforms Policy framed by the Ministry of Rural Development (MoRD), a survey on DNT communities needs to be undertaken and homestead land of at least 10 cents allotted to them on priority.
4. The harassment of DNT continues in Karnataka. The passage of Karnataka Habitual Capital Offender Act, 1961 in practice has rendered the nomadic people vulnerable to harassment by the police. The Wild Life Protection Act 1972 prohibits collection of plants by the nomadic communities from forest lands. Hence, the Workshop suggests that there should be appropriate amendments to the Karnataka Habitual Offenders Act, 1961 and the Wild Life Protection Act, 1972 and that a policy need to be formulated to provide homestead plots of minimum 10 cents each to the nomadic communities in the state.

VII. Homestead Land and Livelihood Initiatives

1. In the workshop held on 14-15 July 2014 at LBSNAA few case studies were presented which demonstrated the effectiveness of linking allotment of homestead land with several rural development schemes. Dipti Paridhi Kindo in her case study demonstrated the effectiveness and convergence of IAY with different rural development Schemes in one district each of Jharkhand, Bihar and West Bengal. She concludes that the availability of the basic services like proper electricity, access to roads, drainage facility street lights, trees and drinking water as part of habitat development needs to be ensure through the convergence of scheme and joint effort of all the stakeholders.
2. Shri Animesh Ghosh made a presentation on an innovative livelihood program of Government of West Bengal known as Muktidhara, which was converged with the Homestead Scheme of "Nijo Griha Nijo Bhumi (NGNB)" by distributing 10 decimals of land to houseless families for construction of small cottage and to cultivate crops in the home garden for attaining self sustenance. The case study on sustainable livelihood and housing in Purulia district demonstrates the decline in the dependency of livelihood of rural people on selling firewood by generating an income of at least Rs. 3000 per month by providing sustainable livelihood options to the self help groups of women. . This scheme has helped

landless women and their families in rural West Bengal to obtain secured land tenure, improved productivity of micro plots with better nutrition, income wealth and social status. Another feature of this program is that more than 80% of the titles are either in joint names or exclusively in the name of women. This model demonstrates the close cooperation between the district administration, NABARD and the stakeholders, contributing to technological, economic, psychological and social empowerment of the SHG women.

3. A comparison of case studies from Jharkhand and Orissa has clearly demonstrated that the households with irrigation input have been able to increase their earning as much as they have crossed the poverty line, but the un-irrigated lands have only marginally benefitted. The Self Help Groups could improve their social and economic empowerment as it has provided self employment, food security and nutrition for women and children and enhanced their self esteem.
4. Shri. Sazzad Parwez demonstrated through empirical analysis the role of NABARD in promoting the social and economic status of SHGs by facilitating availability of credit.
5. Shri B.K. Swain advocated the effectiveness of home gardening contributing to household food security and nutrition by providing direct access to diverse foods. The garden may become a principal source of household for food and income during periods of stress. In this context he highlighted the livelihood initiatives through market gardening in urban areas which has been of a great success in countries like Bangladesh, Latin America, Africa, Europe etc. which has ensured the availability of seasonal vegetables, contributing to food security and family income, integrating nutrition education. It was suggested that Agriculture Department and Agriculture Universities in each state can establish lively linkage with the beneficiaries for promoting Urban Marketing Gardening.

The Workshop recommends that these useful models could be replicated in other states as well. The Workshop strongly felt that every houseless household should be assigned a minimum of 10 cents of homestead land, supplemented by another 10 cents for kitchen gardening, backyard farming e.g. livestock, poultry, as stated in the Draft National Land Reforms policy.

VIII. Small Holder Agriculture and Poverty Alleviation

1. Re-emphasizing Land Reforms + Homestead + Livelihood model, the Workshop felt that the same should be viewed in the broader framework of agriculture in the country, as marginal and small farmers constitute majority of the farmers. It is, therefore, imperative that a pro-active agriculture policy for the sustained agriculture of the marginalized categories be designed and executed by the Central and State Governments. It was felt that integrated farming system- by integrating livestock, trees etc. agro-economic innovations like high density plantation in cotton or in paddy, in-situ rainwater harvesting in dry agriculture districts, community managed sustainable agriculture, remunerative MSP for crops etc could be useful interventions in this regard. In this context the rising cost of cultivation, inflation and other factors contributing to farmer's suicides also need to be kept in view.
2. The Workshop recommended that learning from the experience of the green revolution benefitting only 40% of the irrigated area in the country, providing irrigation is very vital for homestead lands/kitchen gardens to improve their productivity. In order to increase the irrigation potentiality of the homestead lands it was suggested that it should be integrated

with watershed programs. The participants felt that popularization of water harvesting and use of solar power can increase efficiency and reduce the costs of irrigation in the long run. The State Governments may encourage the harnessing of such eco-friendly measures.

IX. Availability of Land for Allotment /Distribution

During the discussion the delegates in the workshop expressed their concern about the issue of availability of land for allotment as homesteads. The participants suggested several possible sources including:

- a) Surplus lands involved in cases relating to religious institutions, Mutts, Trusts, Deras, Gurudwaras, orchards etc.
- b) Large areas under litigation under land ceiling laws, Benami lands, residual lands lying with Railways, Irrigation Departments, Corporate/ Industrial houses, SEZ etc.
- c) Large areas of Government lands (variously called as Gaon Sabha land, Gair Mazarua land, Poramboke land, and brackish water lands by sea shore etc under encroachment.
- d) Large tracts of land distributed under the Bhoodan scheme, Custodian Land (Punjab), Provincial Government land (Punjab), Nazool land (Punjab & Haryana), Escheated land etc.
- e) Large areas available in the dry irrigated areas in the country (in the form of wasteland, unassessed waste) as in Maharashtra, Karnataka, Tamil Nadu, Rajasthan and other states.
- f) The participants also felt that land leasing to the landless/small holders should be made legal in all areas, subject to the provision that the size of operational holding of a farm should not be above the ceilings fixed in respect of various categories of land in each state. In states where ownership holding is the basis for ceiling, the law should be accordingly amended.
- g) The participants felt that the provisions under which adverse possession of land could be regularized in the land laws of various states (except for the homeless/landless) should be done away with, as it interferes with the availability of free public land for distribution to the landless/homeless.
- h) Leases could be for any duration, namely, seasonal, annual or for more than a year; the land owners ought to have the right of automatic resumption of land after the agreed lease period. The participants felt that all such cultivators who have leased in land even for a season or year should be entitled to access short-term bank credit.

The Workshop suggested that in order to identify the lands available for distribution both for cultivation and homestead purposes, a scientific methodology should be designed by an independent agency/or by an expert group/committee which should be entrusted with the task of identifying such land in all the states and Union Territories.

The Workshop appreciated the efforts made by the Kerala Government on the Kerala State Land Bank Project on surveying government/public lands in the state and computerizing the details towards making available the data in the public domain through the website www.kslb.kerala.gov.in to bring in transparency on usage of public lands. The participants recommended that this be replicated in other states.

X. Administrative Irregularities/lapses in Land Distribution

Allottees of land face many problems, including no/delayed allotment, non-receipt of *Parcha/Patta*, non-demarcation of allotted land, land under encroachment, and possession of land

not handed over etc. The participants noted that the revenue administration in the states is not in a position to cope up with the present day demands of land administration and suggested that the revenue administration in the states be revamped. The Boards of Revenue in the state governments which are moribund also need to be restructures to play a pro-active role in land related issues. In order to remove the administrative bottle-necks it is suggested that the monitoring system at the sub-Divisional and district level also needs to be strengthened. Sensitization and training programs for the officials at the grass root to the district levels should be undertaken by the respective Public Administration Institutes located in different states. The Workshop also noted that although computerization of land records have been taken up /completed by many states, the original land records are poorly maintained. In order to ensure efficiency in land administration this should be taken up on a priority basis by the state governments by strengthening the National Land Records Modernisation Programme [NLRMP].

Role of LBSNAA

It was also suggested that LBSNAA could play a very effective role in sensitizing IAS probationers by including Land Reforms + Homestead + Livelihood issues as a mandatory field assignment in their training curriculum and as a part of their overall evaluation. It was also suggested that the Academy could organize orientation courses for the senior officials of the State Civil Service in the Academy to sensitize them on the broad framework of Land Reforms + Homestead + Livelihood. LBSNAA could hold state level workshops making use of the analysis of state level data being collected by the IAS Probationers.

The role of District Collectors/SDM's was considered crucial in the implementation of Land Reforms, including homestead land issues. Hence it was suggested that the District Collectors should be held accountable for any lapse in the implementation of land reforms at the District and sub-district levels. Academy ought to train IAS officials of those batches who are yet to be posted as District Collectors.

It was emphasized that since the framework of entitlement for having a homestead is a basically human rights issue, LBSNAA, therefore, could establish a liaison with various National/ State Human Rights Commissions like NHRC/SHRCs SC & ST Commission, Women's Commission etc. to have coordinated efforts.

XI. Role of the Banks

1. The participants of the Workshop raised skepticism relating to extension of credit to the rural beneficiaries by the nationalized banks. Many times lack of timely/non- advancement of the loan component of the state assistance act as a barrier/constraint in linking /converging poverty alleviation programs with homestead lands. In this context it was suggested that the Centre for Rural Studies, LBSNAA needs to organize a separate workshop with the bankers and experts from the Finance, Land Revenue, Rural Development and Panchayat Raj Departments of the State and Central Governments as well as NABARD.
2. It was suggested that the activities of the Self Help Groups (SHGs) can be effectively linked to micro- finance so that it could contribute significantly to building up of social capital amongst the members. NABARD can also help in enhancing rural livelihood options and social security. During the discussion it was also pointed out that the Nationalized Banks need to adopt pro-poor attitude in enhancing the status of the vulnerable sections.

XII. Convergence of Homestead with Rural Development Schemes

1. In West Bengal Landless and Homestead Rights Scheme has been implemented since 2007 and till May 2014 it has covered a total of 28840 families who received secured land rights. There has been convergence of this program with different government departments like land development, road development, sanitation etc. resulting in more than 80% of the titles conferred in joint names. Besides, this in more than 60% cases of micro-plots received by the poor productively used for income generation and agricultural activities for household nutrition and food security purpose.
2. Julie Tripathy & Dr. Damodar Tripathy examined 'Integrating Homestead Provision with other Development Schemes in Jharkhand and Orissa'. On the basis of the study they found that land distribution in the form of homesteads has itself helped the landless households to substantially augment their income when it was associated with irrigation and marketing of agriculture products. Although the size of the land allotted may be small, it has given the beneficiary households a new meaning to their life, besides social recognition.
3. Sri Rajpal presented a study initiated by PACS India in ninety poorest districts in seven states of India on Homestead Land and Livelihood Initiative under PACS. Under the Land and Livelihood Initiative convergence support was provided to 35717 families with secure title of micro plots, most of which were in the name of women. The Homestead plot had convergence support with different schemes like construction of house, sanitary support and land development through MNREGA work. There was very active collaboration with Civil Society Organizations for identification of genuine beneficiaries and mobilization. This study also re-enforces the other case studies of effective convergence of Homestead land with Livelihood Initiative.
4. The role of Kudumbashree, which is a Kerala state project on livelihood wherein largest number of women Self Help Groups are actively involved, was discussed. This model also demonstrates the advantage of convergence of various rural development schemes with house plots that has socially and economically empowered the members of the groups.
5. A Study conducted by Centre for Rural Studies on "Homestead Land & Livelihood Initiatives in five states (Andhra Pradesh, Bihar, Karnataka, Odisha and West Bengal) covered a sample of 2000. 46% of the homestead plot beneficiary believed that the provision of land has improved social standing in the village; 36% believed to have improved their household incomes; and 17% believed to have improved their food security (see Annexure 11 for details).
6. After considering the case studies presented on convergence of homestead lands with other schemes, the Workshop reiterated that allotment of homestead land to the homeless should not be a stand- alone scheme but should be integrated with other schemes which are locally found most useful. At the same time efforts should be made by the Central and State Governments to minimize/reduce multiplicity of schemes on rural development. The Workshop also suggested that formation of SHGs/Cooperatives/Primary Agriculture Cooperatives (PACs) by the beneficiaries can help the flow of benefits, and, thereby, enhance the quality of implementation of the programs integrated with homestead land development.

XIII. Homestead Land as Part of Other Land Reforms Programme

The trend of allotment of homestead since independence in different states has indicated that the maximum area has been provided from Government land followed by Land Ceiling, Bhoodan Land and Common Property Resources. Even in the All India context it was suggested that the access to homestead land can be considerably be increased if homestead is also made available through other Land Reforms programme like Land Ceiling, Bhoodan Land, Government Land etc. It was suggested that instead of focusing very much on purchase scheme for Homestead, it should be part of the broader Land Reforms framework. The negative effect of capital intensiveness and labour shortage resulting in fragmentation and conversion of homestead lands in to housing plots in Kerala has been stressed by Dr. D. Sajith Babu from National Centre for Land Governance. It was suggested that, while the new homesteads are developed elsewhere, these above factors may also be considered to ensure the sustainability of newly developed/developing homesteads.

XIV. Right to Homestead Bill 2013

1. The Central Government must take urgent steps in order to ensure homestead land to each homeless /shelterless poor in a time-bound manner in mission-mode by enactment of progressive legislations and also through advancing the existing institutional framework of land governance in India.
2. Declaration and enactment of The National Right to Homestead Bill (2013) with a clear focus to ensure land entitlement to the homeless/ shelter less rural poor through distribution of minimum 10 decimals to each family within a specified time period of 5 years. The Zero Landless[Citizens] Kerala, 2015 Programme though rated as an appreciable effort, the extent allotted [3 decimals] was observed as insufficient by some participants in the workshop.
3. Declaration and enactment of National Land Reforms Policy (2013) as a framework for states towards setting up of (a) State Land Reforms Commissions (b) State Land Tribunals (c) creation of land pool (d) Single window system to ensure registration/ grant of title and delivery of possession of homestead lands to beneficiaries.
4. Establish a National Homestead Rights Fund by merger of relevant plan schemes/financial allocation made under different heads so as to ensure 100% assistance for Union Territories, 90% for North Eastern States & 5th Schedule Area and 75% for other parts of India as a norm for Central Government's sharing of resources with State governments, or, norms for Central assistance should be revisited as per high concentration of homeless poor in the states.
5. Initiate and support a Mission for Enumeration of Homeless/Shelterless as well as for identification of Surplus/Government Land.
6. The Gram Sabha/Ward-Sabha should be involved in every allotment following the same inventory for allotment of homestead to the marginalized poor in the village.
7. Many participants had expressed the problems of proper identification of beneficiaries which was also associated with the present BPL list. It was suggested that in order to ensure the left out genuine cases of families below poverty line, it would be desirable to select the beneficiaries in the presence of gram sabha members.
8. Issue directives to State(s) for
 - a) Initiating a time-bound program in to regularize adverse possession of government land by the homeless poor as per the provisions in the state revenue legislations.
 - b) Regularization of adverse possession of Dalit community on designated land, like Panchami Land (Tamil Nadu), Assigned Land (Andhra Pradesh), Gomala Land

- (Karnataka), Gairan & Maharvatan Land (Maharashtra), Rajmahal Land (Chhattisgarh) etc. by adopting a time-bound mission approach.
- c) Paying urgent attention on communities who become homeless due to natural calamities and ecological degradation of land; like flood- affected people in Assam & Bihar etc. by providing homestead land on an urgent basis.
 - d) Also paying urgent attention to those communities who were displaced by development projects, forestry projects etc. and never been rehabilitated in a dignified manner. The Central Government should set priority for providing homestead entitlement to all those people within specified time limit of 5 years.



Land Patta beneficiaries under FRA in Odisha