

**“Homestead Landlessness”:
A Case of Rural Unfreedom in Two Villages in Bihar**

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This note examines landlessness and inequality with respect to homestead land in two villages in Bihar, surveyed by the Foundation for Agrarian Studies (FAS) under its Project on Agrarian Relations in India (PARI) in 2012 and 2018.

“Homestead landlessness” refers to the anomaly of a family owning the house that it occupies yet lacking legal rights over the house-site, the land on which the house is built. The land belongs to someone else, rendering the residents of the house vulnerable and at the mercy of the owner, who can evict them at will. The FAS data point to the existence of homestead landlessness in villages in different parts of India. It is a form of rural deprivation that is widely prevalent but inadequately studied.

The injustice of this particular form of rural inequality was highlighted in a struggle organised in early 2019 by the All India Kisan Sabha (AIKS) and the All India Agricultural Workers’ Union (AIAWU) in Sitamarhi, Bihar (see AIKS 2019 for details of the struggle). The main demand put forth by the two organisations was to acquire legal rights of ownership over the homestead land of landless households. The protest was among the first in recent times to draw attention to this particular phenomenon.

The struggle, which received some media coverage, drew the attention of researchers in the FAS, the authors of this note included, who had conducted village surveys in Bihar. We revisited our data with a view to analysing the information on home ownership.

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There is an important body of scholarship on rural housing in India that deals with different forms of inequality, including the quality of houses, the availability of living spaces, and access to amenities (Singh 2015; Thorat 2009, pp. 122–8). These studies underline the segregation of Scheduled Caste (SC) settlements in rural areas, and their deprivation in terms of access to housing and basic amenities. The FAS has discussed this issue in some of its village reports (Ramachandran et. al 2010, Singh 2014, Swaminathan and Singh, 2014). In a recent study, Singh (2022) discusses the relationship between housing and labour relations.

Sukhadeo Thorat’s work also discusses some important features of house tenure among SC households. He writes, “most Scheduled Caste households, for economic and social reasons, have owned houses as they have little access to rental housing.” The high proportion of house ownership among people belonging to the Scheduled Castes, he argues, indicates the lack of affordability of rented housing, as well as “caste-based discrimination or exclusion, particularly when it comes to renting out room-space or a part of the house” (Thorat 2009, pp. 124–5).

This note adds another dimension to the conclusions of these studies, that manual workers in rural Bihar, a majority of them Dalits, while owning their houses, often do not own the land on which the houses are built. It focuses on the tenurial status of the land on which a house stands, an area of study that has drawn comparatively less attention.

The literature on the agrarian question in India examines forms of ownership of agricultural land, but not so much the ownership of homestead land across different socio-economic classes. This is a surprising lacuna in rural studies. The phenomenon of homestead landlessness in the State of Bihar has been highlighted in a report by Kumar and Singh (2010), titled *Right to Housing and Homestead Land in Rural Bihar*. More recently, a report by Kumar and Somanathan (2016) evaluates the transfer of homestead land titles to Mahadalits in Bihar – a subcategory officially created by the Bihar government in 2007 to demarcate the most deprived social groups among Dalits in the State – as part of a larger project to study the programme of land transfers to landless Mahadalit farmers.

CONCENTRATION OF LAND OWNERSHIP

The PARI surveys of the two Bihar villages of Katkuian in West Champaran district and Nayanagar in Samastipur district are described in other papers in this issue (by Dhar *et al.*, Kumar, and Swaminathan and Nagbhushan). As these papers show, although the social demographics of the two villages were different, steep inequality in household ownership holdings was a characteristic feature of both. The ownership of agricultural land in both the villages was distributed very unequally as

between households belonging to different socio-economic classes and castes.¹ The other axis of inequality in this regard is gender. The extent of inequality in both villages is explored in depth in the papers in this issue.

The incidence of landlessness, in terms of ownership of agricultural land, was very high in both the villages. This is not surprising, given the extreme levels of land concentration prevalent in the State.² In Katkuian, more than half the households were landless; in Nayanagar, more than 70 per cent of households were landless, and almost 90 per cent of Scheduled Caste (SC), Extremely Backward Class (EBC), and Backward Class (BC) households did not own any agricultural land.

OWNERSHIP OF HOMESTEAD LAND

The survey data showed clearly that almost all the households in Katkuian and Nayanagar, cutting across class and caste, owned their places of residence or the physical structure of their houses. Indeed, the literature suggests that ownership of a house is common in rural India (Singh 2014, p. 124; Thorat 2009, pp. 124–5). However, the land on which the house stands, in a significant number of cases, is not legally owned by those who reside in them. They may not pay any direct rent for occupying the land, but they do not maintain ownership rights over it either. The absence of legal ownership rights over the land on which the house is constructed implies an ever-present threat of eviction.

Data from the PARI survey of the two Bihar villages show that 17 per cent of households in Katkuian and 29 per cent of households in Nayanagar did not own the land on which their houses are located. These may be termed “homestead landless” households.

The class-wise socio-economic data for Katkuian village (Table 1) show that the largest proportion of “homestead landless” households were among manual workers, who constituted more than 60 per cent of the total households in the village. A little less than a quarter of all manual worker households lived on land that was not legally owned by them. This proportion goes up to almost 30 per cent among manual workers who did not operate any agricultural land.

The caste-wise data for Katkuian village (Table 2) show that more than 30 per cent of Scheduled Caste (SC) households did not own the land on which their homes are built. The corresponding proportion was about 15 per cent among the Backward Classes (BC), and a little less than that among the others.

¹ Agricultural land includes crop land and orchard land.

² Based on NSS data, Rawal (2013, Table 5, p. 80) shows that about one-third of the population in rural Bihar did not operate any agricultural land in 1987–88. There has been an increasing trend of landlessness, with about 50 per cent of the rural population of the State not operating any agricultural land in 2009–10.

Table 1 *Distribution of households with no ownership of homestead land by socio-economic class, Katkuian, 2012, in numbers and per cent*

Socio-economic class	Total number of households	Number of households with no homestead land	Share in total households (%)
Landlords/capitalist farmers	5	0	0
Peasant 1	4	1	25
Peasant 2	17	0	0
Peasant 3	45	5	11.1
Manual workers: with operational holding	89	13	14.6
Manual workers: without operational holding	129	35	27.1
Business activity/Self-employed	33	4	12.1
Others	28	1	3.6
All	350	59	16.9

Source: PARI survey, 2012.

The class-wise data for Nayanagar village (Table 3) show that in this village, too, the largest proportion of “homestead landless” households was among manual workers. More than 80 per cent of households in the village that do not have ownership rights over their house-sites were manual worker households. About 43 per cent of the manual worker households without any operational holding resided in houses that stand on land that is legally not owned by them.

The caste-wise data for Nayanagar village (Table 4) show that a little less than half of all Scheduled Caste (SC) and Backward Class (BC) households in the village did not own the land on which their homes are built. About 28 per cent of Extremely Backward Class (EBC) households did not have ownership rights over the land that they reside on.

Table 2 *Distribution of households with no ownership of homestead land by caste, Katkuian, 2012 in numbers and per cent*

Caste category	Total number of households	Number of households with no homestead land	Share in total households (%)
SC	42	13	31
ST	9	0	0
EBC	163	25	15.3
BC	121	19	15.7
Other	15	2	13.3
All	350	59	16.9

Source: PARI survey, 2012.

Table 3 *Distribution of households with no ownership of homestead land by socio-economic class, Nayanagar, 2012, in numbers and per cent*

Socio-economic class	Total number of households	Number of households with no homestead land	Share in total households (%)
Big landlords	7	0	0
Cultivator 1	14	0	0
Cultivator 2	27	0	0
Cultivator 3	23	0	0
Cultivator 4	113	6	5.3
Manual workers: with operational holding	149	38	25.5
Manual workers: without operational holding	590	254	43.1
Remittances/Pensions	117	18	15.4
Others	165	31	18.8
All	1205	347	28.8

Source: PARI survey, 2012.

ANOTHER DIMENSION OF UNFREEDOM

The PARI surveys show the different tenurial categories of house-sites in the two villages (see Tables 5 and 6). They are as follows:

- i. Owned/jointly-owned land: land over which a household has full legal ownership rights.
- ii. *Malikana zameen*: land that belongs to another landowner, who has allowed the household to construct a house on the land and live in it. The contract is oral, and states that members of the household that lives on the land must provide free labour to the landowner in exchange for the right to construct and live in the house.
- iii. Occupied or *gair majarua* land is the property of the state. Occupancy of such land is deemed illegal unless an agreement (*bandobast*) is reached with the State government. It includes common lands, or *gair majarua aam*, such as water

Table 4 *Distribution of households with no ownership of homestead land by caste, Nayanagar, 2012, in numbers and per cent*

Caste category	Total number of households	Number of households with no homestead land	Share in total households (%)
SC	412	189	45.9
EBC	376	106	28.2
BC	116	52	44.8
Other	301	0	0
All	1205	347	28.8

Source: PARI survey, 2012.

Table 5 *Distribution of households by type of homestead land, Katkuian, 2012*

Type of ownership of homestead land		Households	
		Number	Share in total (%)
1	Owned/jointly owned	289	82.6
2	<i>Parchadhari</i>	1	0.3
3	<i>Malikana zameen</i>	14	4.0
4	Occupied/ <i>gair majarua</i>	39	11.1
5	Owned by relatives	5	1.4
6	Temple	1	0.3
7	Unspecified	1	0.3
	Sum of rows 3 to 6	59	16.9
	All	350	100.0

bodies, grazing land, and cemeteries. It also includes *gair majarua khas*, land that was cultivated by long-term or occupancy tenants as part of an arrangement with erstwhile zamindars. With the passing of the Bihar Land Reforms Act (1950), many long-term tenants got ownership rights over the land they cultivated, while others did not.

- iv. *Parchadhari* land, literally translated as land belonging to those who possess the legal papers/documents, constitutes a special case. Here, the household occupying *gair majarua* land has been paying the required revenue and is in possession of the land revenue receipts. Such land can be inherited but is non-transferable.³
- v. The final category includes temple lands and lands owned by relatives.

In Katkuian, two-thirds of households not owning homestead land live on occupied land. About a quarter of these homestead-landless households in the village live on *malikana zameen*, that is, land provided by landlords or capitalist farmers. It is striking that all such households belong to the manual worker category. In fact, if we look at manual worker households that do not cultivate any land, the proportion of households living on *malikana zameen* rises to more than 30 per cent. A majority of these households are settled on land owned by two of the richest Yadav capitalist farmers.

In Nayanagar almost 90 per cent of households without legal ownership of their homestead land live on *malikana zameen*. This is a source of insecurity for such households, particularly for manual worker households. The owner of the homestead land is often also the landowner on whose farmland the worker is employed, thus rendering the worker almost totally dependent on the employer. Extra-economic forms of oppression of this type are examples of the remnants of

³ The authors are grateful to Awanish Kumar for explaining these categories, particularly *gair majarua* and *parchadhari*.

Table 6 *Distribution of households by type of homestead land, Nayanagar, 2012*

Type of ownership of homestead land		Households	
		Number	Share in total (%)
1	Owned/jointly owned	757	62.8
2	<i>Parchadhari</i>	101	8.4
3	<i>Malikana zameen</i>	311	25.8
4	Occupied <i>gair majarua</i>	5	0.4
5	Owned by relatives	5	0.4
6	Temple	26	2.2
	Sum of rows 3 to 6	347	28.8
	All	1205	100.0

feudal forms of bondage. The allotment of house-sites as remuneration as well as a source of attachment is, of course, not a new phenomenon. Neither is such unfreedom unique to these two villages in Bihar. Anand Chakravarti's (2001) study of a village in Purnea district in Bihar demonstrates that residing on the landlord's land was one factor in unfreedom; he further concludes that this factor, in combination with debt, is one of the formidable bases of unfreedom. Ramachandran (1990, pp. 180–1) has highlighted the prevalence of this phenomenon in a village in Cumbum Valley in Tamil Nadu. Singh (2022) discusses the lack of ownership of housing and homestead land among a section of Dalit labouring households in a village in Sri Ganganagar district, Rajasthan, as one of the factors leading to their dependence on dominant Jat Sikh landed employers.

DISTRIBUTION OF HOMESTEAD LAND

Given these circumstances, it comes as no surprise that the distribution of homestead land across households in our two study villages is very unequal. In Katkuian, the five landlord/capitalist farmers constituted 1.4 per cent of the total number of households and owned more than 9 per cent of the total homestead land of 27.9 acres (Table 7). Manual workers without any operational land, at the other extreme, constituted 37 per cent of the total number of households but owned less than 20 per cent of total homestead land. The inequality is further highlighted by the fact that on an average, the area of homestead land owned by a landlord/capitalist farmer household in the village was large enough to contain the homesteads of nine manual worker households.

Similar inequality shows up in the distribution of homesteads by caste. The Scheduled Caste (SC) population of Katkuian, which constituted 12 per cent of all households, owned less than 6 per cent of the total homestead land in the village. Similarly, the Extremely Backward Class (EBC) category constituted almost 47 per cent of the population of the village, but its ownership of homestead land was limited to 32 per cent of the total homestead land (see Table 8).

Table 7 *Distribution of households, and total, average, and maximum area of homestead land, by socio-economic class, Katkuian, 2011–12*

Socio-economic class	Total area of homestead land (acres)	Share in total homestead land (%)	Number of households	Share in total households (%)	Average area of homestead land (sq. ft)	Maximum area of homestead land (sq. ft)
Landlords/capitalist farmers	2.6	9.4	5	1.4	22,926	65,340
Peasant 1	1.1	4	4	1.1	12,131	19,602
Peasant 2	3.8	13.5	17	4.9	9,670	26,964
Peasant 3	4.3	15.3	45	12.9	4,114	18,949
Manual workers: with operational holding	6.2	22.3	89	25.4	3,070	11,456
Manual workers: without operational holding	5.5	19.8	129	36.9	1,952	11,456
Business activity/Self-employed	2.3	8.4	33	9.4	3,178	11,456
Others	2.0	7.3	28	8	3,542	9,801
All	27.9	100	350	100	3,579	65,340

Source: PARI survey data, 2012.

Table 8 *Distribution of households, and total, average, and maximum area of homestead land, by caste category, Katkuian, 2011–12*

Caste category	Total area of homestead land (acres)	Share in total homestead land (%)	Number of households	Share in total households (%)	Average area of homestead land (sq. ft)	Maximum area of homestead land (sq. ft)
SC	1.6	5.7	42	12	2,101	6,534
ST	0.5	1.8	9	2.6	2,432	4,084
EBC	9	32.4	163	46.6	2,395	8,189
BC	15.4	55.1	121	34.6	6,289	65,340
Other	1.4	4.9	15	4.3	4,253	16,335
Total	27.9	100	350	100	3,579	65,340

Source: PARI survey data, 2012.

A basic analysis of the extent of homestead land owned across different caste groups shows that the Backward Class (BC) households, which dominate the village economy in Katkuian, owned homesteads of an average extent of 6,289 sq. ft. The corresponding figure was less than 2,500 sq. ft for SC and ST households. The largest homestead owned by BC households was 10 times larger than the largest SC homestead, and more than 16 times the largest ST homestead.

The situation in Nayanagar was even more unequal. The total homestead land in the village was 64.2 acres, of which the seven big landlords, who constituted 0.6 per cent of all households, owned 14 per cent. The socio-economic category of manual workers without operational holdings, comprising more than half of all village households, owned just 17 per cent of homestead land (see Table 9). The homestead land owned by the seven big landlords could accommodate the homesteads of almost 60 manual worker households. The largest homestead belonging to a manual worker household in the village was less than 9,000 sq. ft. This extent goes down to about 5,500 sq. ft if we look at manual workers who did not cultivate any land. The biggest landlord, on the other hand, lived in a house spread over 87,000 sq. ft of land.

Bhumihar households in the village comprised 25 per cent of all households and owned about 70 per cent of the total homestead land. The proportion of homestead land owned by all other caste categories – Scheduled Caste (SC), Extremely Backward Class (EBC), and Backward Class (BC) – was much smaller than their share in the population (see Table 10). SC households constituted 34 per cent of all households, but owned just 10 per cent of all homestead land.

The average area of a plot of homestead land occupied by SC households in Nayanagar was about 750 sq. ft, and less than 1,500 sq. ft for EBC and BC households. By contrast, the average homestead of Bhumihar households in the village was spread across an area almost seven times that of homestead land occupied by SC households. The

Table 9 *Distribution of households, and total, average, and maximum area of homestead land, by socio-economic class, Nayanagar, 2011–12*

Socio-economic class	Total area of homestead land (acres)	Share in total homestead land (%)	Number of households	Share in total households (%)	Average area of homestead land (sq. ft)	Maximum area of homestead land (sq. ft)
Big landlords	8.9	13.9	7	0.6	56,628	87,120
Cultivator 1	4.1	6.4	14	1.2	12,663	36,035
Cultivator 2	7.9	12.3	27	2.2	12,973	48,352
Cultivator 3	3.3	5.2	23	1.9	6,347	13,504
Cultivator 4	7.4	11.5	113	9.4	2,847	19,166
Manual workers: with operational holding	4.2	6.6	149	12.4	1,320	8,930
Manual workers: without operational holding	10.9	17	590	49.0	859	6,534
Remittances/Pensions	5.7	8.8	117	9.7	2,104	11,892
Others	11.7	18.2	165	13.7	3,172	28,750
All	64.2	100	1205	100.0	2,423	87,120

Source: PARI survey data, 2012.

largest plot of homestead land of Bhumihaar households was more than 20 times the size of house-sites occupied by households belonging to any other caste group in the village.

POTENTIAL SOURCE OF SURPLUS LAND

There is no shortage of land for housing in the study villages, for those who do not own homestead land. It is evident from our analysis that a vast majority own a very small

Table 10 *Distribution of households, and total, average, and maximum area of homestead land, by caste category, Nayanagar, 2011–12*

Caste category	Total area of homestead land (acres)	Share in total homestead land (%)	Number of households	Share in total households (%)	Average area of homestead land (sq. ft)	Maximum area of homestead land (sq. ft)
SC	6.6	10.2	412	34.2	728	4,008
EBC	9.3	14.5	376	31.2	1,113	4,356
BC	3.5	5.4	116	9.6	1,249	3,790
Other	44.9	69.9	301	25	6,486	87,120
All	64.2	100	1205	100	3,715	87,120

Source: PARI survey data, 2012.

proportion of the total homestead land in the two villages, and that there are large homesteads owned by a few households – some of which may even be considered for redistribution, or use for other productive purposes. For example, a “ceiling” of 0.2 acre of homestead land per household would release some 78,000 sq. ft of land from only the top nine households in Katkuian. A similar exercise in the case of Nayanagar would free up even more potential surplus homestead land: here, a “ceiling” of 0.3 acre imposed on seven big farmers would free up about 71 acres.

CONCLUDING REMARKS

This note discusses the phenomenon of households who build houses on land over which they have no legal rights, which we have termed “homestead landlessness.” The case studies are from two villages in Bihar, Katkuian in West Champaran district and Nayanagar in Samastipur district. Households that do not own the land on which their houses stand constitute 17 per cent of all households in Katkuian, and 29 per cent of all households in Nayanagar. Most of these households are Dalit manual worker households that also own no agricultural land.

Remarkably, Bihar was one of the first States to promulgate a law, the Bihar Privileged Persons Homestead Tenancy Act 1947, that aimed to provide permanent tenure rights to landless rural households over their homestead lands. A series of rules and regulations towards this objective were subsequently brought about in the State (Kumar and Singh 2010). However, data from the two study villages indicate that homestead landlessness continues to persist.

The land on which homestead-landless households have built their houses is largely owned by landlords and employers. To be given permission to build a house by a landlord on his own land is an old feudal practice that imposes varying kinds of unfreedom on the worker. The risk of eviction by the landowner is a source of extra-economic coercion that greatly increases the vulnerability of the worker in the labour market. It limits the right of workers to work for employers of their choice, and limits their bargaining power with respect to wages and working conditions. Such unfreedom in social and economic relations is clearly not in tune with the basic tenets of democracy. Legal security of tenure of the house-site and freedom from fear of dispossession are essential components of the right to adequate housing, a basic human right.

Providing homestead-landless households the legal right to their house-sites is an essential step towards eliminating an important basis for extra-economic coercion. The importance of the security of homestead rights was recognised by the Eleventh Five Year Plan of India (2007–12), which discussed the need to regularise the homesteads of families occupying irregular and insecure homesteads (Kumar and Singh 2010).

Independent research shows the inequality in the quality of housing, and the lack of adequate, safe, and healthy housing spaces for the poor. This note emphasises the need to ensure that the rural poor have ownership rights over their homesteads.

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