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# Unmediated Land Rights: Well-being for Women

GOVIND KELKAR

*Besides the standing and dignity in the family that owning land in their own names gives them, women also acknowledge the voice it gives them in household and community decision-making, and the financial security it affords them against eviction from the marital home.*

## WOMEN'S VOICE

"When the land is in my husband's name, I am only a worker. When it is in my name, I have some position in society and my children and my husband respect me. So my responsibility is much greater to own my land and I take care of my fields like I would my children," said a woman farmer of Banskhera village, Solapur district, Maharashtra, in August 2010 in a collective meeting of 50 women and 20 men. A number of women nodded in agreement and the men did not protest or question her.

In the early 1970s, the Committee on the Status of Women in India received many representations from women of different states regarding the discriminatory features of the new land reform acts of the 1950s. In a meeting of women agricultural workers in May 1980 in Bankura, West Bengal, similar home truths were pointed out by a number of poor farming women. During my field work in 1984–85 in a village in Etawah district in Uttar Pradesh, Devi, a dalit woman, remarked sharply, "No, women never control any assets, not even the children they bear. Children are known as their father's children. This has been going on for generations." Raj Kumari, another dalit woman, added, "Land is passed on from father to son. Even the jewellery that is a gift to a woman on her marriage is not given to her but is kept by her parents-in-law. If a man dies or remarries, the woman is completely dependent on others for her survival. A man can gamble or drink away his land but a woman is always concerned about her children. She cannot see them starve. She will do everything in her power to raise them to the best of her ability. Land should, therefore, be owned jointly by husband and wife."

During a 1991 discussion on 'Women as autonomous citizens with independent, unmediated economic rights' in Basuhari village in Bihar, the local leaders of the Bihar Kisan Samiti stated, "If a household is entitled to two acres of land, one of the two acres should be marked in the independent name of the woman of the household. The joint *pattas* (titles), as provided in the Sixth Five Year Plan (1986), will be nullified and invalidated in effect because of the overall male dominance and the general support for patriarchal norms in our rural society. We should, therefore, strive for separate, independent *pattas* for women." These are not anecdotal statements. In a recent structural analysis of women's Self Help Groups in PRADAN areas in Odisha, a significant majority of women stated that land ownership would provide them recognition and dignity as individuals in the family, and financial security against eviction from the marital home and would empower them to have a voice in the household and community decision-making. Similar opinions were voiced in a three-state (Karnataka, Telangana, Meghalaya) study on Women's Asset Ownership and Reduction in Gender-based Violence.

Furthermore, in a series of assessments in 2013–14 on the impact of land distribution schemes on women's lives and recognition, it was noted that land transfers in unmediated names (not through the household or its head) of women resulted in: i) increased economic agency and decision-making by women in land and its produce; ii) increased respect of women within their family and community; iii) heightened awareness of women about land and related policies and legal rights; iv) increased mobility of women and access to markets (women were acknowledged as street smart with capabilities to carry out transactions in the local markets); and v) reduced violence substantially against women within the home and in public spaces (fields and streets) and,

thereby, introduced a gender transformative social change.

## **POLICIES IN RESPONSE TO WOMEN'S DEMAND FOR LAND RIGHTS**

Women's demand for equal rights to land and other productive assets dates back to 1938 when a sub-committee on 'Women's Role in Planned Economy' of the National Committee of India began working on the legal rights of women to hold property in their independent names. These demands, as well as the demands from women's movements worldwide found expression in CEDAW (Convention on Elimination of all forms of Discrimination against Women) 1979. The state parties of CEDAW saw land as key to a life with dignity and economic independence for women. In the following years in India, the Sixth Five Year Plan (1980–86) promised that the "Government would endeavour to give joint titles to husband and wife...in transfer of assets and within programmes such as the distribution of land and house sites." This was followed by an enactment for gender-equal basis of inheritance rights to land. Further, the 2005 Hindu Succession Amendment Act legalized the status of daughters as coparceners; they have a right, at birth, to a share of agricultural land and property equal to that of sons.

In recent years, there have been serious questions on the effectiveness of women's joint titles to land. A series of consultations with civil society networks and women's organizations, including the Feminist Economist Group, in preparation for the 12th Five Year Plan, came up with a general conclusion that the policy for joint titles has remained inconsequential for any improvement in the socio-economic position of women. Significantly, as a result of these consultations, both the 12th Five Year Plan and the 2013 Draft National Land Reform

Policy explicitly mandated for regularization and distribution of land in the individual names of women. The 12<sup>th</sup> Five Year Plan (paras 23–25) further advised, “States may also want to consider group titles to women’s groups and recognize such groups as a valued category of land owners.” In case of joint titles issued in the past, these “would be made partition-able so that the wives, if they so desire, can have half the share of the land in their single names. (ibid)”

Importantly, such national efforts are further reflected in the proposal for poverty reduction as a priority concern in the Sustainable Development Goals. Target 1.4 of Goal 1—End poverty in all its forms everywhere—says that in the next 15 years, by 2030, all state parties as signatories of the Sustainable Development Goals would “ensure that all men and women, in particular the poor and the vulnerable, have equal right to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including micro-finance.” (The Open Working Group for Sustainable Development Goals, July 9, 2014)

### **POLICY WITHOUT PRACTICE: AN ANALYSIS OF THE BARRIERS**

Despite the policies for women’s ownership of land and the research-based analysis of the beneficial effects of such unmediated ownership by women, some questions remain: Why do a significant majority of women (an estimated 90 per cent) not have effective rights to land? What are the institutional barriers to a woman’s rights to own and manage land?

*Why do a significant majority of women (an estimated 90 per cent) not have effective rights to land? What are the institutional barriers to a woman’s rights to own and manage land?*

The last 10 years are marked by two contradictory trends: the enactment of a series of progressive laws according women joint or sole titles to land and inheritance rights, and the patriarchal resistance embedded in social, cultural norms and in policy implementation agencies.

The latter became the impeding factor in realizing measures for women’s rights to land and productive assets. A study by Landesa and the UN Women on ‘Challenges and Barriers to Women’s Entitlement to Land in India’ conducted in 2011 in the states of Andhra Pradesh and Bihar, noted the following constraints:

- ◆ **Lack of legal knowledge:** Rural women are unaware about their inheritance rights as provided in the Hindu Succession Amendment Act of 2005.
- ◆ **Social norms:** The ideological system of traditional Hindu and Muslim family maintains that women’s dependency on men is natural and is closely linked with sustaining the structural cohesion and harmony of the family.
- ◆ **Perceived lack of recognition of women’s right to land:** Based on what they see around them, women generally perceive that the state, religious leaders and community leaders do not recognize women’s right to own and manage agricultural land.
- ◆ **Inheritance practices disfavour women:** Despite the fact that 79 per cent of the rural women are engaged in agricultural production, they are not entitled to inheritance of land.
- ◆ **Lack of formal documentation:** The absence of title deeds adversely affects

the poor, in general, and women, in particular. The system of male dominance in the villages and revenue administration makes it nearly impossible for women to claim their right to land. Even when their households have secure tenure, women may end up losing access to their plots of land in the case of divorce, death of the husband or if they fall out with the in-laws.

- ♦ **Women's inadequate knowledge of land records and related paper work:** The continued practice of ownership in men's names has resulted in women's limited knowledge of land records and related paperwork.
- ♦ **Limited interaction with government:** Given the social norms and the predominance of men in land and revenue administration in the country, rural women generally lack the opportunity and as a result the confidence to discuss land management issues with government officials.

#### 4. PROBLEM ANALYSIS: WOMEN'S AGENCY WITH LAND RIGHTS

In recent years, a large number of studies noted that India has experienced rapid economic growth since the 1990s and that this is reflected in poverty reduction trends. The 2013 World Development Indicators (pp 28–29), noted that poverty in 2009–10 was 11.8 per cent for China, 18.1 per cent for Indonesia and 32.7 per cent for India, with \$1.25 per day per capita as the international poverty line. However, the overall gain in gender outcomes shows a different picture. Women's experience

*Less than 10 per cent of the women in agricultural production have any kind of ownership and control rights to land and its produce in India.*

*Women are largely asset-less, dependent and frequently subjected to violence within the home and outside*

of economic growth and macro-economic reforms is mediated through their position within the household and outside; and more so with regard to the realization (or the lack of it) of their entitlement to land and property.

The country shows some progress in the schooling of girls and a higher percentage of women are going to work outside the

home. Surprisingly, an overwhelming number of women are engaged in the informal sector work, with close to 80 per cent in agricultural work (Ministry of Rural Development, 2011). This is often termed the 'feminization of agricultural work'. However, less than 10 per cent of these women in agricultural production have any kind of ownership and control rights to land and its produce in India. Women are largely asset-less, dependent and frequently subjected to violence within the home and outside.

How to account for this economic and extra-economic institutionalized coercion of women? Is there a clash between the pervasive, patriarchal forces and the women's claims-making processes, unfolded by a dramatic increase in rural women's agency through autonomous command over land, labour and struggle for freedom from violence? There are a number of feminist analysts, who have tried to prove that women's inequality is embedded in social and economic institutions and enmeshed in the political economy of culture and ideology (Sen, 1990; Agarwal, 2003; Rao, 2013; Kelkar, 2014).

Recent policy discussions on building the economic power of rural communities have drawn attention to two facts. First, access, control and ownership of certain assets such

as land, housing, livestock, common property resources, business, health and finances are leveraging factors in pursuing women's empowerment and gender equality and for bringing a more equitable change to institutions and society at large. Second, women constitute a significant majority of small-scale farmers and food producers. Hence, strengthening women's rights to land and related productive assets and developing their capacity are central to overcoming poverty and inequality. As rightly suggested in the FAO report of 2011, closing the gender gap in agriculture with women's access to control and ownership of land will increase yields in women-run farms by 20 to 30 per cent in the developing countries of Asia and Africa. This could raise agricultural output by 2.5 per cent to 4 per cent, "which could reduce the number of hungry people in the world by 12 to 17 per cent." Many feminist analyses have further demonstrated that household and individual well-being are not necessarily the same; that women and girls may have lower levels of access to education and medical services and that these differences may be related to the differential control of household assets. Lack of control over land and productive assets also results in lower wages for women and cripples their economic agency and decision-making capabilities.

Women's effective entitlement to land and productive assets is one of the main forms of addressing gender inequality. Women in the rural areas of Andhra Pradesh, Haryana, Maharashtra and Uttar Pradesh reported the following benefits from plots titled solely in the women's names.

- ♦ She is recognized as a farmer and is more likely to access institutional credit for increasing production and productivity of

*Women's effective entitlement to land and productive assets is one of the main forms of addressing gender inequality.*

the land thereby enhancing her self-esteem.

- ♦ She receives more respect from her husband, children and the community.
- ♦ She is in a position to escape violence and avoid marital conflict.
- ♦ Reduction in the risk of her eviction from the marital household.
- ♦ She is in a position to decide on land-use priorities and disallow any sale of land without her knowledge and approval.

Land distribution is superior to income distribution or cash transfers because there is an incentive effect in the former case. Land distribution provides a basis for overcoming distortions in the functioning of markets and for restructuring gender relations in the fields of property rights, access to technology, healthcare and governance. Women's ownership and control rights to land are likely to bring in changes in public opinion about gender roles and in the socio-cultural norms that perpetuate deep-seated social inequalities of women such as the household division of labour, restraints on women speaking in public, constraints on women's mobility, and pervasive gender-based violence within and outside the home.

At a fundamental level, the security provided by land is more certain because it is not subject to fluctuations of the labour market. Whereas income only maintains consumption, land titles allow individuals to engage in long-term planning. Land distribution facilitates a restructuring of gender relations in the area of property rights, access to technology and health care and autonomy in the governance of resources, including women's own bodies and labour.

Why is attention given to single women or female-headed households? Are women in their own right, irrespective of the marital status, not entitled to land and property? Why should we continue to view women engulfed in patriarchal norms which define them 'happy dependents' within the household and on its head? It is a known fact that women's lack of command on land and house leads to their silence and muted voice in decision-making within the household and outside.

A better position in our development effort would be to work for women's entitlement to land and property with distinct control and ownership rights, which is likely to result in according them an economic power and a life with dignity. During a women farmers' conclave in January 2014, a former High Court Justice stated this problem in the following words: "Access to justice is incomplete when it is available only after the *pranpati* (the husband, the controller of wife's life) is no more. Justice is effective and complete when available in his presence and on equal terms."

There is an unquestioned situation of single women being more vulnerable and having limited access to productive assets such as land and house. However, an attempt here is to shift the development attention from the so-called female-headed households as the object of a charitable act to the distribution of land and property as a matter of the individual right

*Access to justice is incomplete when it is available only after the pranpati (the husband, the controller of wife's life) is no more. Justice is effective and complete when available in his presence and on equal terms*

of every woman. Research has shown that women's ownership of land has a powerful influence on their self-confidence, agency and capability to manage resources, and allows them a life free of violence and subjugation.

### **CONCLUSION: INCREASING EFFORTS AT GENDER TRANSFORMATIVE CHANGE**

I have argued elsewhere about a four-pillar strategy for gender transformative change in rural India (Kelkar and Jha, 2014). A change from women's inequality and gender discrimination to a justice-based egalitarian society requires our enhanced and concerted efforts at: 1) advocacy for gender-equal land distribution policies, laws and an effective monitoring of implementation; 2) setting up community-based land literacy centres with an implicit campaign for women's land rights; 3) research and analysis of digitized surveys on gender-specific land ownership patterns and women's claims-making to their unmediated (not through household and its head) right to land and productive assets; and 4) strengthening gender sensitivity in the informal (social norms) and formal (markets, credit, revenue administration) institutions with women's presence and examples of their articulation of rights, management and ownership of land. These measures are likely to pave the way for a just and inclusive society, including inclusive governance, markets and new technology.

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The references for this article are available on request from [newsreach@pradan.net](mailto:newsreach@pradan.net)



# Secure Land Rights for Women: Indispensable for Sustainable Development

SABITA PARIDA

*Assuring and securing land rights for women requires transformation at various levels—individual, familial and societal; only then will development goals become a sustainable reality in the foreseeable future*

Worldwide, the concept of secure land rights for women is increasingly getting acceptance as key to sustainable and equitable development. The implementation period of Millennium Development Goals (MDGs) gets over in 2015; the United Nations, with the support of government and civil society organizations all over the world, has initiated a process of formulating 'Sustainable Development Goals' (SDGs) to replace MDGs. This is being done in a bottom-up approach. SDGs are based on the experience of MDGs and aim at making them more explicit and elaborate. Instead of capturing only growth and development, the new framework tries to capture people's aspirations, rights and concerns for ecological sustainability. The issue of secure rights for women over land is discussed three times in the proposed SDG document—in the sections on gender equality, ecological sustainability and indigenous people's right over land. This shows how crucial women's secure land rights are for gender equality and for community development.

However, worldwide, women are largely regarded as the responsibility or property of men—be it in Africa or in South Asia, where the countries perform poorly in the Gender Development Index (GDI), or in Latin America, where in most countries, on an average, they perform somewhat better in GDI. A women farmer from Guatemala said, "Society is not comfortable with land rights for women because how can a property own a property." Through history, irrespective of religion, both land and women have been considered man's property and this defines his social value. In pre-Islamic Arabia, the number of wives a man had was the measure of a man's value in society; and, like property, after the death of the father, the older son used to inherit all the wives, except his biological mother.

Policy reforms or social change are not always stirred by the rights-based arguments only, justifications based on ‘benefits’ as defined by economics also are critical for bringing that change. What is the economic gain of the initiative? What will be the spillover effect of benefitting a single individual or a particular community on the wider society and community? These questions are often asked—even more so when women’s

rights are involved. Some of the arguments given by society and family disfavoring land rights for women are land fragmentation, land being left fallow, low productivity due to bad management. At the same time, these questions are not being asked when a brother wants his share or when a son wants his share—land fragmentation happens then also, and the probability of fallow land and low productivity are there in those scenarios as well. When it comes to a man’s land ownership in a patriarchal world, it is a given. Hence, for wider acceptability of land rights for women, sometimes it is crucial to explore its impact on the larger community and the wider issues of well-being.

*Women’s land rights are part of her human rights. If a son has right over his father’s property so does the daughter; if a wife spends 3,300 hours every year on the family land to maintain it and to get produce from it, it will be a travesty to call it the husband’s land only. She should indeed have equal right over that land*

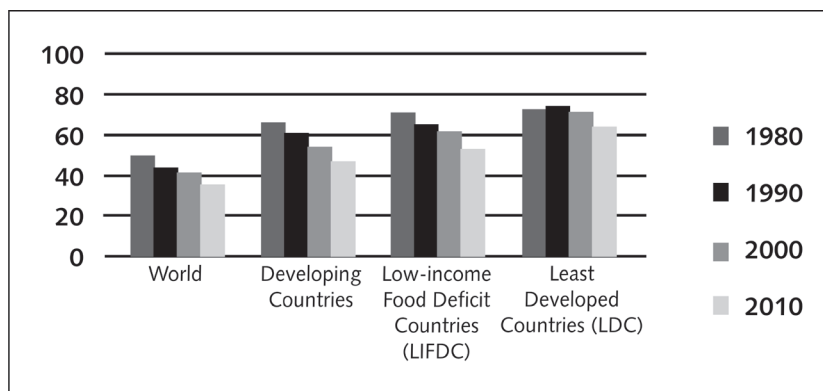
## LAND RIGHTS FOR WOMEN—HOW RELEVANT?

Women’s land rights are part of her human rights. If a son has right over his father’s property so does the daughter; if a wife spends 3,300 hours every year in the family land to maintain it and to get produce from it, it will be a travesty to call it the husband’s land only. She should indeed have equal right over that land.

Secure land rights are found to be crucial for women’s economic empowerment, for their bargaining capacity, both in the private and public spheres, for reducing violence against women; for increasing agricultural productivity and for enhancing their well-being through varied ways such as children’s health and education.

In 2012, the Food and Agriculture Organization (FAO) stated that if women farmers had equal access to resources and assets as men, productivity in developing countries will increase by 20–30 per cent; and the increased crop produce will be sufficient to reduce the world malnutrition rate by 12 to 17 per cent.

**Fig. 1: Percentage of Economically Active Women Engaged in Agriculture, 1980–2010 (Projected)**



Women farmers, worldwide, contribute significantly to food production. FAO did an analysis on the percentage of economically active women in agriculture for the period of 1980–2010 (projected) and found a decreasing rate of women's engagement in agriculture (Fig 1); however, the projection has found that even in 2010 in least developed and low income food deficit countries, more than 60 percent economically active women will be engaged in agriculture. Most of them lack equal access to resources like credit, seed, fertilizer, technology and information; and hence are not able to attain their full potential as farmers. Often, they have to face both social and institutional barriers that restrict their productivity.

Many anthropological studies conducted in South Asia and Latin America suggest that if the income comes from the mother rather than the father, there is higher probability that the money will be spent for children's health, nutrition and education. A study conducted in Nepal, specifically on women's land rights, found that it has a significant positive impact on the children's education. Studies conducted by Dr. Bina Agrawal in Kerala found that there is a lower probability that women with land rights will face domestic violence from their intimate partners in comparison to women who do not own any land. Women's income

*Many anthropological studies conducted in South Asia and Latin America suggest that if the income comes from the mother rather than the father, there is higher probability that the money will be spent for children's health, nutrition and education*

from employment in the formal sector is found to have an impact on the reduction of violence against women; however, secure land rights has a higher positive impact.

### **LAND RIGHTS FOR WOMEN IN INDIA: ITS RELEVANCE**

In India, according to the Hunger and Malnutrition (HUNGaMA) Report 2011, with the high levels

of acute malnutrition, almost three children die every minute. Despite the increasing economic growth, India's malnutrition rate is way higher than its southern counterparts—Sri Lanka, Bangladesh and Pakistan. Second, women farmers comprise around 37 per cent of the agriculture workforce in India and that percentage is increasing, with the increased migration of men, and resulting in, what is now known as, the 'feminization of agriculture'.

In India, as in many other countries, land title is the prime requisite for recognition as a farmer. According to the government, a farmer is one who has land. Without it, one is unable to access government subsidies, training or institutional credit. According to the Agriculture Census 2010–11, rural India has 38 per cent women-headed households and only 12.69 per cent of the rural women have operational land ownership. So, a large number of women farmers are engaged in agriculture without having access to any government benefits

"Women farmers are recognized more as home-makers and less as farmers. They should, however, get recognition for their labour outside the home also. It is very important for women farmers to have land, property and house in their name or own it jointly with their husbands so that husbands are not able to sell anything without the wife's consent. There have been many cases where a drunkard or gambler husband has sold his property, leaving his family in the lurch. So there must be some legal document ensuring the wife's financial security." Kamlesh, Saharanpur, Uttar Pradesh

and training. Everyone engaged in agriculture understands very well the significance of on-time credit (especially before the monsoon season), quality inputs (seed with good viability) and technical knowledge (how to prepare raised nursery beds, SRI, etc.) on crop productivity. However, most women farmers do not have access to all these benefits because they do not have land titles in their name. Banks need collateral, usually land and house documents, to finance any credit. As a result, women farmers are not able to access institutional credit, and are often left out of government subsidies and loan-waiver programmes.

Oxfam conducted a study in 2006 in Uttar Pradesh on the status of women farmers. The findings suggest that only 6 per cent of the women own land, only 2 per cent of them have access to institutional credit and only 1 per cent of them have access to agricultural training programmes. Women farmers in Uttar Pradesh, during a campaign on women's land rights, shared that they do not feel comfortable about entering the mainstream agriculture system whether it is Agriculture Technology Management Agency (ATMA) or any other agriculture training programme, because "it is not customized for them."

*Most agriculture planning, training and implementation are not geared for and do not consider women farmers because they are not considered to be farmers—they are just helping hands in the field and own no land in their name*

Why gender mainstreaming and incorporation of women's concerns are important in agriculture planning is evident from this example. Women farmers of Saharanpur and Pilibhit lobbied and advocated for the creation of a gender-sensitive market space in *mandis*; most often the *mandis* don't have separate toilets for women, a basic gender-sensitive infrastructure.

Most agriculture planning, training and implementation are not geared for and do not consider women farmers because they are not considered to be farmers—they are just helping hands in the field and own no land in their name.

Farmers' suicides have recently grabbed the attention of the public and the policy makers. This is a severe crisis that Indian agriculture has been grappling with for the last two decades. Earlier the suicides were restricted to two states—undivided Andhra Pradesh and Maharashtra; now, the number of suicides is rising several states across the country. Women are left to fend for their families after their husbands' suicides despite not having secure land rights nor having any access to resources. As Ranjana Padhy's book on farmers' suicides suggests no one had any concern for '*Those Who do not Die*'.

"Women work in the fields but do not have land in their names. If the land were to be in the wife's name, the husband would not be able to intimidate her or throw her out of the house or indulge in domestic violence. Land ownership is a big weapon in a woman's hand. It acts as a deterrent to men beating their wives, selling their farmland or wasting money on alcohol." Lilawati Devi, Shahjahanpur, Uttar Pradesh

"I have 2 *bighas* of land in my name; this has given me some sense of security." Savitri Devi Shahjahanpur, Uttar Pradesh

Violence against women in India, both in private and public sphere, has increasingly become a social concern with more number of cases being reported. An assessment of various court cases of domestic violence suggests that women are compelled to stay in a violent relationship because they do not have any other place to go. Patriarchal mindsets and societal norms do not allow a married women in India to return to their parental homes; if they do so, in most cases, they have to face rejection and ill-treatment from their brothers and sisters-in-law. Land and house always work as a fall-back option. Islawati Devi, a woman farmer from Uttar Pradesh and a member of the Aaroh campaign, says, "Land rights for women work as a security, in case of a divorce or the death of the husband."

#### **SECURE LAND RIGHTS FOR WOMEN: DECISIVE FOR DEVELOPMENT YET NEGLECTED**

The demand for women's land rights is not a new phenomenon. In India, women activists have demanded land rights for women as far back as 1936. In the Bodhgaya movement (a peasant movement in Bihar), women peasants participated in large numbers and demanded land rights. There are several reasons for the concept of 'secure land rights for women' not yet being given enough importance in policy making, civil society and public discussions. Land is a very crucial asset, not only for cultivation but also for industrial purposes. With the increasing population and the industrialization, the value of land has skyrocketed in the last few decades. In rural India, even today, land determines the social status whereas, in urban India, it is both the land and the house. On any scale, be it economic or social, land is a high-value asset.

*Many women in Odisha, Bihar and Uttar Pradesh say that often Land Revenue Officers and the police discourage women from claiming their inheritance rights*

Social values and cultural norms have an enormous impact on public policies and practices. Land reforms in West Bengal, otherwise regarded as one of the most progressive initiatives to bridge inequality, totally missed out on the gender perspective.

Around 86 per cent of land in India is private land and the ownership is inherited. The Hindu Succession Act, which determines the rules of inheritance for Hindus, Jains, Buddhists and Parsis in India (who together represent around 82 per cent of the Indian population), did not acknowledge women's right to property until 2005. The prime reason for not giving a woman any inheritance rights on land is because the family wants to keep the property intact and within the family.

Patriarchal mindsets not only govern policy formation but also obstruct the implementation of progressive laws. Forty-nine years of unwavering struggle was required to bring amendments in the gender discriminatory Hindu personal law of 1956, which did not recognize women's share in inherited property. In 2005, the efforts of activists and academicians such as Justice Leila Seth and Dr. Bina Agarwal brought about an amendment to the Hindu Succession Act of 1956, and eventually recognized that daughters and sons have equal right to their father's land, including agricultural land. Although agriculture and land are state subjects in India, inheritance rules override state laws. However, after 10 years of enactment of the Amendment, women's land ownership statistics do not show any major changes; and perhaps may require many more years to actualize on the ground.

Many women in Odisha, Bihar and Uttar Pradesh say that often Land Revenue Officers and the police discourage women from claiming their inheritance rights. Under the

Succession Act, if women are not interested in claiming their share, it can be written off. Often, this rule is used by the women, either by choice or by force. Women prefer to write-off their share in their brother's name due to social obligations. Most often, a daughter's consent on giving up her share to her brothers has been taken either within the four walls of her home or in social forums. This is a clear indication of how seriously women's rights are taken. Property sharing between brothers has never been so simple. In the social construct, the owner of a property is the man; it will take years for progressive laws such as the Hindu Succession Amendment Act to change that norm. The value of land too is a determinant of the willingness of the family to give the daughter her share.

The land system in India is quite complex. In matters of succession, there were many different schools, such as the Dayabhaga in Bengal and the adjoining areas; the Mayukha in Bombay, Konkan and Gujarat; and the Marumakkattayam of the Nambudiris in Kerala and the Mitakshara in other parts of

India, with slight variations. The Mayukha (Bombay) is more gender-sensitive and recognizes women as heirs; but in the Mitakshara, the co-parceners (joint property holders) include only man-son, grandson and great-grandson. In the joint family system in India, in most cases, land is still in the name of the forefathers; it has not been transferred to the next generations. For generations, families divide the land among each other without any legal process and transfer only the cultivation rights. In most of these cases, it is impossible to actualize women's land rights.

Women's inheritance is difficult to ensure because they themselves prefer not to claim their parental land. Landesa and the UN Women's study in Andhra Pradesh, Karnataka and Bihar found that most Indian women prefer to take a share or ownership in their husband's land rather than in that of their parents.

In Uttar Pradesh, during an interaction with the Aaroh campaign members, one woman said, "I have spent most part of my active life

Savitri was married at the young age of 16 into a farmer's family. Her husband, the eldest of three sons, was a farmer. Although Savitri did not know much about farming, she happily helped him in the fields. Her happy married life came to an abrupt end with her husband's sudden death. Until her husband was alive, all was well. There was poverty but no mental stress. There was never any disagreement between the two. But within 15 days of his death, life turned bitter for her.

Her in-laws threw her out of the house. They wanted to keep her son but wanted her to leave the house with her five daughters. She was brutally beaten, threatened and abused by her father-in-law and her husband's younger brothers. They even threatened to kill her. She sent her three children to her parents' house for some time. But even the three who were with her in their father's house were not given enough food to eat. Savitri had no other option but to start working as a farm labourer to make ends meet. At last, she approached the Courts and managed to get some monetary compensation and 2 bighas of land from the 22 bighas owned by her father-in-law.

Source: This story is a part of the Oxfam India Publication, *Leader Lies in You*, a CNS (Citizen News Service) publication.

“The 12 bighas of land which we own is in the name of my father-in-law. But this does not bother me. I have never felt the need to have legal rights over the land that I plough. The family acknowledges my contribution and I am happy with that. In my case, it does not matter in whose name the land is. But this does become an issue for many women where the husband does not see eye to eye with the wife. Women are only recognized as someone’s wife.” Islawati Devi, Chachikpur, Ambedkar Nagar district, Uttar Pradesh.

“If the husband is an alcoholic, the land should belong to both husband and wife, and even the bank account should be in their joint names. An irresponsible husband is quite likely to sell his land, house or property, putting the wife and children in grave trouble. So, in such circumstances, joint ownership and property rights for the women must be there.” Leela Devi, Pilibhit, Uttar Pradesh

working on my husband’s land—contributing to building it; so, I feel more confident to claim a right over my spouse’s land.” Hence, the Aaroh campaign started demanding an amendment in the Uttar Pradesh Zamindar Bill Abolition Act (UP State Land Laws) in favour of a joint land title. Currently, if any husband wants to share his land with his wife, he has to pay mutation charges, which are equivalent to the land registration charges and involves a long administrative process. As part of the Aaroh campaign, about 7,000 men in Uttar Pradesh agreed to share their land with their spouses; however, the mutation charge and the cumbersome administrative process stopped them from doing so.

The imagery of patriarchy obstructing the securing of land rights for women is that of man against woman. Patriarchy is, indeed, about power. Often, women are found to be more patriarchal than men; sometimes knowingly, if it suits them, and sometimes unknowingly they accept the dominance. Often, women themselves believe that land is solely a man’s prerogative and will be best managed by a man. A baseline study done by Oxfam India in 2012 found that around 53 per cent women respondents believed that men should be the

owners of the land. Women’s ownership of the land or house is discussed only when there are problems in the marital relationship.

### HOPE FOR CHANGE

Ensuring secure land rights for women in India is a herculean task. It needs action such as bringing changes in the social norms as well as in personal and land policies, to create an enabling atmosphere for policy implementations. However, it does not mean that initiatives are not being taken to increase women’s access to, and control over, land. In the last few years, a consensus has been built, worldwide, that access and control over the assets by women farmers are the key to increasing agricultural productivity. FAO, ADB and World Bank have all presented reports to support this argument.

The UN special rapporteur for food, Hilal Elver, claimed that land rights for women and women farmers’ access to other productive resources are crucial to ensure the right to food in productive countries. During the entire SDG discussion, many countries and various stakeholders emphasized the importance of land rights for women and tried to keep it as a development indicator for at least three goals.

Back in India, since the Eighth Five Year Plan period, secure women's land rights have been brought up as a development concern. The group working on the disadvantaged community for the Twelfth Five Year Plan came out with a strong and detailed recommendation for securing land rights for women. Recently, some states, under their women and girl-child policies, have started acknowledging land rights for women and are trying to bring some changes in their state policies such as in Odisha and Uttar Pradesh.

Odisha's Women and Girl Child Policy 2014 comes with an incentive plan for land registration in the name of women. Many states including Delhi and Uttar Pradesh have incentivized land registration processes in place. In Delhi, the registration of land in a man's name requires a payment of 8 per cent of the value of land as registration fee whereas for a woman, the requirement is 6 per cent. For joint registration, the fee is 7 per cent. Oxfam India's study with Landesa in Uttar Pradesh on joint land title found that the incentive policy works in favour of women because the number of land registrations in the name of women due to the lower registration fee has increased. Studies in other states, after controlling other influential factors, will be required to prove this. Recently, the Uttar Pradesh government constituted a committee to assess the revenue loss that the state would incur if they were to not take the mutation charges during land transfers, specifically among blood relations and spouses. There is, therefore, an enabling policy atmosphere being created, to ensure secure land rights for women.

*Mainly landless women farmers and some small and marginal farmers come together, to lease land and cultivate the land. Like Self-Help Groups, all the decisions including crop selection and the use of agriculture produce are being taken by the women*

In India, a woman can own land in three ways: (i) through inheritance, (ii) by purchasing from the market, (iii) through state programmes. Many state governments have programmes to provide land for the landless for homestead purposes. Under the 'Vasundhara' programme, the Odisha government gives four decimals of land and the Bihar government three decimals of

land to landless families. The Bihar government, on demand, is also contemplating increasing this amount to five decimals. The land given by the state governments under various land programmes are in joint names. The Twelfth Five Year Plan has advised giving land, either in the name of a woman only as a single title or to provide two land titles to the husband and wife, with a separable landholding. Homestead land ensures both security and livelihood to a woman. Although a kitchen garden is not enough to provide a secure livelihood, it can ensure some income for a woman. Besides the state programmes, the Forest Rights Act (FRA) 2006, which grants rights to community over forest land, has also issued titles in joint names. Women's participation has also been ensured in community forest rights and other *gram panchayat* processes.

The group working on the disadvantaged community for the Twelfth Five Year Plan under the leadership of Dr. Bina Agarwal suggested the promotion of Collective Women Farmers' Groups as a way ahead to resolve the landless women farmers' access to land. It is prevalent in many states, including Andhra Pradesh and Kerala. The Collective Women Farmers' Group is increasingly being promoted in Bihar, the state with the highest number of



landless farmers and tenants, and in parts of Nepal. Mainly landless women farmers and some small and marginal farmers come together, to lease land<sup>1</sup> and cultivate the land. Like Self-Help Groups, all the decisions including crop selection and the use of agriculture produce are being taken by the women.

From Oxfam India's work in Bihar, with its partner organization Pragati Gramin Vikas Sansthan (PGVS), in promoting Collective Women Farmers' Groups with landless dalit and mahadalit communities, the social benefits of this initiative are quite evident. In the agricultural ladder, an agriculture labourer is below the small and marginal farmers. Women Farmers' Groups bring recognition to women as farmers and elevate them from being agricultural labourers to being farmers.

During a focus group discussion on Collective Farming Groups, Seema Devi of Devnarayan Nagar, Bhojpur district, said, "We can lease the land with our husbands but that will not give us our identity as farmers. It doesn't improve our status. Leasing land, cultivating it together, going to government offices and exposure visits to various places has certainly elevated our status in society." Another member quickly added, "They have stopped addressing us in derogatory words such as, 'Hey, you!'" . The group has tremendous potential to challenge social norms and the existing power structure, and to empower women farmers economically.

*The Land application process is difficult for illiterate women farmers and is even worse for single, divorced, separated or widowed women. Land Revenue Officers often discourage women from claiming their rights and do not have the skill to address them properly*

Seema Devi is one such example. She belongs to the Musahar community. With a population of 1.1 million, in Bihar, the Musahars are considered the 'dalits among dalits' and form the most socio-economically marginalized class in Bihar. Her journey from a landless agriculture labourer to a *panchayat* representative is exemplary. Writing her own story in *Women's Travel Journal*, she mentions some of the guiding posts of her life—being

a part of Collective Women Farmers' Group and taking decisions on everything about her plot and its produce are two of them.

Talking about land in India will not be complete without mentioning the Land Revenue Department, which controls and maintains all land data. The Land Revenue Department, like other government departments, has a poor representation of women staff. The Land application process is difficult for illiterate women farmers and is even worse for single, divorced, separated or widowed women. Land Revenue Officers often discourage women from claiming their rights and do not have the skill to address them properly.

Civil society organizations in different parts of the country such as Landesa in Odisha and Working Group for Women and Land Ownership (WGWLO) in Gujarat are working on supporting the land application process and sensitizing revenue officials and the *patwaris* on the needs and concerns of women farmers.

<sup>1</sup>Land-leasing and share-cropping has also been a prevalent practice in India for many centuries. All the states in India passed the Tenancy Reform Act during 1960–70, to provide safety and security to tenants, to eliminate intermediaries and to reduce the power of landlords. Whereas the Act, based upon the belief of 'land for tillers', was able to bring land ownership of tenants over four per cent of agricultural land, many more tenants lost their tenant rights and means of livelihood. A detailed discussion is required on this issue to understand its multi-faceted impact on farmers. The point of discussion here is that despite being termed as illegal, tenancy is prevalent in many states.

"I try to empower other women too and train them in any new technique that I learn, and collectively we fight for our rights. Rural women are more ready to fight for their rights out of economic necessity. Urban women are more complacent because their husbands have jobs and perhaps this financial safety makes them unresponsive." Preeti Devi, a women farmer from Gorakhpur.

### RURAL-URBAN DIVIDE IN WOMEN'S LAND RIGHTS

Oxfam India with Women Power Connect organized street plays and other public engagement activities in Delhi for youth engagement as part of a women's property rights campaign in 2013. One apparently upper-middle class couple joined the play and began discussing their own property. The wife looked quite surprised to know that she is the actual owner of their house. She knew she had signed several documents for a bank loan but she had assumed that the house was in joint ownership. The lower registration fee for women works as an incentive to register the house in the wife's name. This is an example and may be a rare one. However, discussions about urban women's property rights are rare, barring a few studies and the work of some organizations. Perhaps urban women are not as unresponsive as Preeti Devi thinks; however, urban women's property rights certainly do not fit in the productivity narrative usually used for rural women.

### TRANSFORMATIVE WOMEN LEADERSHIP

"Earlier I had only 5 *bighas* of land; gradually, I managed to buy more. I educated my children and increased my landed property as well. Today, I have 40 *bighas* of land. The initial 5 *bighas* are in my husband's name and the rest are in my name. I have registered 2 *bighas* in the name of my widowed daughter-in-law. I am in the process of getting land registered in the names of other daughters-in-law too." Lilawati Devi, Shahjahanpur, Uttar Pradesh.

"Our men-folk do not even lift a glass of water and expect us to do all household chores besides doing hard labour in the fields. Now there is a slight change in their attitude because we have started demanding some care from them." Kalawati Devi, Kaccha, Ambedkar Nagar, Uttar Pradesh.

"I am an independent woman farmer. I do not depend upon my husband to help me. I do all the sowing of crops myself. I grow paddy, wheat, mustard, maize, millets, *til* (sesame) and vegetables on the two-and-a-half *bighas* of agricultural land, which my husband inherited. I sell my agricultural produce in the nearby market that is 1 km away and also in the *mandi* in Gorakhpur." Teeja Devi, Lakshmipur, Gorakhpur, Uttar Pradesh.

There was a *chak* road (a public thoroughfare on government land that cannot be sold or used for any construction) of the *gram samaj* in her village. The *gram pradhan* of the village was getting some construction done on this land for the *pradhan* of a nearby village, to whom he had probably sold that government land. When Teeja heard about this illegal construction, she

confronted the *pradhan* and threatened to go to the police station, if the construction were not stopped. She was told that the area was not marked as a *chak* road. She with other women farmers collectively pursued the case with revenue department and block office; in the end, *gram pradhan* was compelled to stop the construction process.

The land that Teeja tills is in the name of her husband; yet, he dare not sell it against her wishes. "If I want, I can get it in my name today. Once he wanted to sell some land. I told him to give half of it to me and then do whatever he wanted with his portion," she says.

With training and sensitization, revenue officials and *patwaris* can become change-makers and transform the cumbersome process into an empowering one.

### **AWARENESS BUILDING AND CHALLENGING THE SOCIAL NORMS IS THE KEY**

The existing inequity in accessing and controlling resources by women is rooted in the patriarchal social norms. Progressive policy reforms and programmatic efforts will not be sufficient to transform the power equation. Many women, who received land from the government, expressed their preference to transfer the land in the name of their sons rather than their daughters. Women, who received joint land titles under state land programmes, under the FRA, were found to be unaware about the land title, their entitlements and the significance of this in their lives.

Grass-roots mobilization for sensitizing women about their rights and entitlements is imperative. Experiences in Bihar and the Aaroh campaign of Uttar Pradesh show that sensitized women not only fight for their claims but also know how to use their entitlements. And secure land rights, with access to information, not only benefit women economically but also

help them achieve other well-being issues, both for themselves and the community.

### **CONCLUSION**

Land rights are a complex, multi-faceted subject and each aspect needs deeper understanding and exploration for ensuring secure land rights for women. Cases from various countries, including India, prove that a single policy or programmatic initiative will not bring the desired change. A holistic approach is required to address the vulnerability and the differential needs of different women groups—single, divorced, widowed, married, etc. Ensuring secure land rights for women is not a simple task; What is needed is a continuous and collective effort at various levels. The realization of women about the need for land rights and their awareness of various land laws are essential steps in securing land rights for them. To bring about change in socio-cultural norms, engagement and contribution of the entire society will be required. In addition, policy reforms such as recognizing women as farmers by changing the definition of farmers, specific allocation for women farmers on agriculture schemes and agriculture gender budgeting can be significant steps towards ensuring women's rights and access to other agriculture resources.

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The references for this article are available on request from [newsreach@pradan.net](mailto:newsreach@pradan.net).

# Do Tribals Have Land Rights? A Study of Land Rights for Women

ASHOK SIRCAR AND SOHINI PAUL

*Sensitizing community, building capacity and awareness, advocating for better laws and systems, influencing formulation of laws and implementing HSAA are some of the concrete ways forward in helping tribal women access their right to land and, subsequently, other entitlements*

## BACKGROUND

Built over 12 years by PRADAN, Narmada Mahila Sangh (NMS) is an umbrella organization of nearly 10,700 rural women belonging to mainly the Gond and the Korku tribes. Its women members very successfully run a number of entrepreneurial activities in agriculture, horticulture and poultry. Most of them are bread-earners for their families, and some of their earnings are equal to what their menfolk bring home. They also act collectively against many social evils, the most prevalent of which is violence against women.

In the course of their efforts to generate livelihoods and their struggles against social evils, the leaders of NMS have fought many battles that have taken them to the district administration, police, civil authorities and other stakeholders. The realization about the clear causal connect between their deprivations and the denial of land rights came slowly to them when working on issues related to violence against women. During the annual general convention of 2013, the women decided to take up the issue of equal land rights for tribal women. Subsequent to the convention, the issue of land rights for women was discussed in the monthly meetings of NMS. The members spoke about the status of women's ownership of land and the significance of women having access to land rights. At that time, they did not have a clear idea of the legal perspective or other details. There was a mixed response from the women, and some of them were excited about the prospect of access to land rights.

Despite land in the rural context being the most important asset available to a family, women are systematically excluded from asset ownership both in their maternal and marital homes. They, therefore, remain vulnerable and without any back-up support in case of emergencies and unfavourable situations. However, the law is now more supportive than before, with amendments in the Hindu Succession Act (HSA). The problem arises in the form of strong resistance to the idea of asset ownership by women, stemming from societal norms and traditions of a very patriarchal nature.

This awareness was based on cursory impressions formed in the course of PRADAN's work with communities. The traditional systems require to be studied in much more detail to understand them. One thing was clear, however, there were very few women landowners, and the systematic exclusion of women from land ownership, seen in mainstream Hindu societies, also seemed to be mirrored in tribal societies. Based on this, an Action Research was instigated to understand the status of tribal women's land rights, especially in the context of Madhya Pradesh. The Action Research was conducted jointly by PRADAN, NMS and Landesa (an organization working on issues of land rights) in Shahpur, a tribal block in Betul district.

Before drafting the Action Research, PRADAN, Landesa and NMS explored in depth the areas that need to be focussed on, keeping in mind those aspects that need detailing and their linkages with the action—the objective of the study.

The team not only thought of what information was required but also from whom and why. The study of land rights of women in tribal communities would be a major area of the study as also the need to understand

the importance of land in the lives of different categories of women. In order to get a macro perspective, a review of all the literature on the subject was undertaken. Interviews with stakeholders such as the *patwari*, the *tehsildar* and lawyers, and a questionnaire-based survey were the other ways to elicit information and foster deeper understanding of the situation at the ground level.

### **CASE STUDY: ANITA BAI OF TEKRI PURA**

Anita Bai of Tekripura, a young widow with a one-year-old child, said that after the death of her husband, she was all alone and her living conditions were pathetic, worse than she had ever imagined. There was very little land in the marital family and her in-laws were old and unable to help her in managing the household; rather, they were dependent on her. She didn't ask for her share in her parental land because she feared that her relations with her brothers would spoil and what would others think of her and how would they respond to her if she asked for her share. Yet, because of her plight, she wanted to ask for her share. She said that if she got the land in her name, she would be able to sell it and support herself and be in a better condition to support her child. Until then, she had never thought of how she would take care of herself and her dependents, and whether she would need any property or land. However, after she became a widow, she realized how important land is. She does not have enough land in her marital or her parental family. She is at a juncture where she is not sure about asking for her share of her parental land from her brothers although it is very important for her.

Why is Anita Bai not sure of asking for land which is her right by law? Such a situation can happen to any woman at any time; does she need to claim her share of property only when she is in a situation of vulnerability?

Anita's case and many other cases revealed that the importance of land was subjective because it has a different meaning for different people. However, its importance increases when women are in a vulnerable situation. Other related questions that arise are: Is the right to own land important for women only when she faces such conditions? Does having no property rights itself create and increase vulnerability? How are land rights different for different categories of women? These aspects became an important part of the study.

The primary agenda of the Action Research was 'exploring the relationship between land and women', its importance in the life of a woman and what is the present status at the ground level. The study questionnaires were divided into sections, namely, a woman's perceptions about her land rights; her knowledge of the processes and the documents related to land; and her attitude to land rights in her marital and parental homes. The right to property both in the marital and parental homes were focussed upon because focussed group discussions (FGDs) in the past revealed that there is a vast difference in all aspects in marital and parental property. A total of 500 women from NMS and 125 men, husbands or other

family members of these women were asked to respond to the questionnaire. Table 1 shows the planned coverage of the respondents.

### THE STUDY OBJECTIVE

The objectives of the study were discussed with the community through FGDs, which were organized in two villages, one a forest village and the other a revenue village, and also with the leaders of NMS. With an understanding of women in their local context, their attitude, awareness and perceptions, the Action Research and its objectives were designed as under:

- ◆ To understand land insecurity/security of the constituent tribal population from a legal perspective
- ◆ To understand the customary practices of land-holding and inheritance of the constituent population
- ◆ To understand, in particular, land inheritance and holding-related practices of women, including single women or daughters only families
- ◆ To understand the awareness and document land awareness issues of members and the leadership of the women's SHG federation

**Table 1: Planned Coverage of Respondents**

Survey Resource Samples	Respondents
Women from land-owning families of the Gond tribe	330
Women from land-owning families of the Korcu tribe	50
Men from land-owning families	100
Women from forest villages	50
Men from forest villages	25
Single women	40
Women from landless families	30
Total	625

## KEY FINDINGS

### Legal Framework

In Madhya Pradesh, three types of legislation have been enforced to protect tribals in their land. These are a) Central Provinces Land Regulation Act 1960 (still prevalent in old Mahakaushal region); b) The Madhya Bharat Scheduled Areas (Allotment of Transfer of Land) Regulation 1954 (still enforced in scheduled areas of old Madhya Bharat region); and c) The Madhya Pradesh Land Revenue Code 1959, which is applicable for all scheduled areas. Of these, the Madhya Pradesh Land Revenue Code has been enacted to provide single uniform land legislation for the whole state. It gave the state a revenue law in consonance with the ideas of land reform. In Betul, the MP Land Revenue Code 1959 is applicable, and after the Hindu Succession Amendment Act (HSAA), most of the officers follow the rules accordingly. The stakeholders' interview and field experiences showed that the trend was to follow HSAA among revenue officers. They also encourage people to follow the same.

The legal framework is quite supportive as far as land rights of daughters and sisters are concerned. Madhya Pradesh is one of the few states in India that has framed a state policy for women, in which a section is devoted to the issue of women's land rights. The policy acknowledges the importance of ownership of land by women as a means to livelihoods and economic empowerment; it commits that the government will seek actively to promote women's control over land, property and other common resources. In particular, the policy recognizes the fact that the single most important economic factor affecting women's position is the lack of control over property.

*The policy acknowledges the importance of ownership of land by women as a means to livelihoods and economic empowerment; it commits that the government will seek actively to promote women's control over land, property and other common resources*

However, few women own land in their names and fewer still control it. The ground reality, therefore, is not very different from many other states; of the 380 families that own land in the sample, only 5 per cent women have land records in their name and only 7 per cent of these have possession of that land in their marital families, which is lower than the national figures. The statistics of women inheriting land from their parental families

is worse because only 5.6 per cent of them have land in their names and only 5 per cent of these have possession of their land. Many of them got access to land because there were only daughters in the family or got it as gifts from their parents, who had more than enough land.

How can this scenario be changed? Can policies and laws based on the moral ground of equality change the picture? Or does proper implementation and desired results require much more thought? Is there need to look into customary practices and make laws accordingly or to intervene in societal norms and practices to change the picture?

Despite having laws for equal distribution of land and also having the political will to change the scenario, there is no clear policy of the Government of Madhya Pradesh, as in West Bengal or Kerala, on landless families. Of all the landless women, around 55 per cent were absolutely landless and 45 per cent had less than an acre of land. None of these had got land from the government; rather, 38 per cent were living on government land that they had encroached.

In order to ensure equal inheritance rights for women in India, the central government

**Table 2: Reasons for Daughter Inheriting Parental Property\***

	Women from Landed Families (%) (n=386)	Women from Landless Families (%) (n=29)	Single Women (%) (n=40)	Men (%) (n=100)	Forest Dwellers (%) (n=73)
Daughters have legal rights	15.7	27.6	25.0	31.0	32.9
Both daughters and sons have equal inheritance rights	46.7	69.0	57.5	47.0	78.1
Daughters can inherit if there are no brothers	13.4	17.2	7.5	9.0	13.7
Daughters should inherit only if they are not financially well-off	7.1	10.3	10.0	2.0	6.8

\*Only the pre-dominant responses are shown, so the sum would not make it 100%. Multiple choice questions; hence, each option has complete n as denominator.

has enacted HSA and its amendment. HSA 1956 covers inheritance and succession of the property of Hindus, Sikhs, Buddhists and Jains, and the rights of women to inherit the agricultural land of their parents and husbands. Despite these legal provisions, social practices and cultural norms have remained the same with no significant changes favouring women's access to land and property. The right of a daughter to her parents' property is yet to be considered a norm in Indian society. With regard to a daughter's right to parental land, both women (67 per cent) and men (61 per cent) said, "Yes"; it was significantly higher among single women and women of landless families, at 83 and 83 per cent, respectively. Although the reasons for this varied, the most important was, "Daughters and sons have equal rights on parental land," followed by, "Daughters have legal rights." It is clear from this analysis that although a majority of women and men did respond positively about the rights of a daughter, they had a long way to go in making this perception a norm. Worth noticing too is fact that the equality of sons and daughters was mentioned as a primary

reason for daughters to inherit land whereas the legal right was a secondary reason for inheritance.

### Customary Practices

In order to capture the customary practices related to rights to land, FGDs were conducted in addition to posing specific questions during surveys that would indicate the perceptions of the people. Although, these revealed that men were very clear that daughters do not have any rights to parental property, the women responded very differently in the FGDs. They were inclined to be more positive about the law and the equal land distribution policy. During the discussions, many of the women focussed on the merits of having access to land rights by relating it to the vulnerability of women whereas the men were more focussed on concerns such as societal practices and about land use when a woman gets married and moves away because then she would 'belong' to the other family.

All the men in the group were against HSAA and were very disappointed with the revenue



department because it was not distributing any land without giving it to daughters. In case a woman wants to give up her share of land by signing a *Haq-Tyag-Nama*, or gift land to her brothers, a stamp duty of 4 per cent has to be paid. This 4 per cent is usually paid by the brothers. The men stated that this was one of the reasons that prevented them from distributing land to daughters or sisters in spite of the fact that they know that if land is in a woman's name, they can avail of and benefit from certain government subsidy schemes. The same question when put to the women's group threw up mixed responses. Some believed asking their brothers for their share was against tradition and would sour their relationship whereas some believed that they were entitled to it because women are equal to men. The latter seemed to be a result of the work done on awareness about gender discrimination and equality by PRADAN through training programmes over the years. Most of the women were in favour of the law and wanted to change the picture.

By and large, a woman's right to her husband's land is a more acceptable phenomenon as compared to her right on parental land. Questions related to a wife's right to her husband's land were asked to all the respondents, which yielded the following results. Ninety-four per cent of the women and 99 per cent of the men replied in the affirmative, that is, a wife does have right over her husband's land. However, their reasons were varied. Whereas 80 per cent of the men said it was the social norm, 35–55 per cent of them believed, "It's her legal right" whereas 43–72 per cent said, "It gives her security." Interestingly, women considered land not as a right but as a security for their future. There was significant difference of opinion among the various categories of women.

The right of widows in the specific contexts of 'young childless', 'young widow with child', and 'young widow, who does not remarry' threw up very different responses. The likelihood of a childless young widow getting a share of her husband's land was fairly small—14 to 30 per cent women said "yes" whereas only 9 per cent men concurred. If a widow does not remarry, the percentage goes up—25 to 51 per cent of women and 61 per cent of men. The highest likelihood of a young widow getting a share in her husband's land was if she had a child—71 to 79 per cent of women and 98 per cent of the men concurred. Clearly, a widow with a child has more chances of getting her right to land, indicating that tribal society is open to providing the woman with land rights in order to protect the interests of her offspring but not to the widow as an individual.

This was the same for destitute and abandoned women, and is true for other categories of single women too. Questions related to unmarried women's right to parental land yielded a unanimous affirmative response to the extent of 87 to 90 per cent by both men and women. Similarly, for daughters-only families, the right of daughters to parental property was found to be universally accepted. When a daughter is unmarried and there are little chances of her getting married, tribal society sees her as belonging to the family of parents. However, during the course of documenting individual case studies, unmarried women in parental homes were found to be living in vulnerable and pathetic conditions and were totally at the mercy of the male members.

Clearly, customary practices are different for married women and for daughters and sisters. The research revealed an unspoken, basic principle of land succession, transfer and distribution of keeping land inside the family,

which itself restricted formal access to land in a woman's name. During FGDs, men voiced their concern of land going outside their families if they were to give it to daughters. In many cases, when there is no son in a family, it adopts a boy from a brother's family, who inherits the land just so that it remains within the family. This is a very common practice in the tribal society here. As is evident,

*Customary practices do not recognize the need for formal entitlement of land in a woman's name as an individual. Men, and even many women, regarded women as either related to the father, then the husband and finally the son; as an individual she had no identity*

patriarchy plays an important role in keeping women away from the land. Although 51 per cent of the women and 57 per cent of the men said that they would give share of the land to their daughters in response to a direct 'yes/no' question, this may be a compulsion to be politically correct because reality indicates otherwise. Customary practices do not recognize the need for formal entitlement of land in a woman's name as an individual. Men, and even many women, regarded women as either related to the father, then the husband and finally the son; as an individual she had no identity; this is evident by people's responses that a woman needed land only if she were alone and had no one to take care of her; otherwise there was no need. This reveals gender discrimination and practices that make women 'pathetic' figures.

Another viewpoint that emerged in FGDs was that land is linked to agriculture and giving land to women, who stay usually with their in-laws, could affect agriculture. Some opined that gifts and dowry are the rights of women in their parental homes but not the right to a share of the property. A daughter is perceived as belonging to another family whereas the land belonged to 'us'; the responsibility of parents is to give their daughter in marriage with suitable gifts and dowry, and not to consider her right to parental land because

she would, in any case, be part of someone else's home. Such a view springs from the patriarchal societal structure and the norms related to it. Also, this view is reinforced when the request for a share in the land of parents is perceived as bad practice and against societal norms. Many of them think that it is against their values, thereby approving of the patriarchal mind-set. Thus, customary practice, stimulated

by patriarchy, plays a key role in keeping women distant from the land and her legal right.

### Single Women Status

Whereas many of the landless families had homestead lands, single women may be absolutely landless because they may not even have their own homesteads and may be dependent on relatives for shelter too. When asked about the ownership of homestead land, 46 per cent of the single women and 55 per cent of the women of landless families reported not owning homestead land—not themselves and not their families. Those with homesteads that belonged to them or their families were asked if they had the land title or land records for the homestead land. Thirty-seven per cent of the single women and 54 per cent of the women of landless families said they had no titles for that land. Of the 19 single women interviewed, six lived on encroached land, two had land donated by someone, and eight had inherited the land. These are cases in which it is likely that the land is not titled to their names. Also, looking at the data of women of landless families, of the eight women reporting, six had inherited land and two had land donated to them. For those who had inherited the land from their families and who did not have the title in their names, the most probable reason

**Table 3: Why Women Do Not Want Land/Do Not Get Land\***

	Women from Landed Families (%) (n=386)	Women from Landless Families (%) (n=29)	Single Women (%) (n=40)
I do not want to sour my relationship with my brothers	33.7	37.9	37.1
I am doing well, I do not need it	10.1	3.4	0.0
My father's land is very small	25.4	6.9	5.7
If I ask, my other sisters may/will ask too	14.5	10.3	25.7
I did not claim it.	36.3	48.3	22.9

\*Only the pre-dominant responses are shown, so the sum would not make it 100%. Multiple choice questions; hence each option has complete n as denominator.

is that the mutation had not been done. For those who got land by donation, it is quite likely that there is no title for these lands.

To understand their opinion about their right to inheritance of land, the women (of all categories—landed families, landless families, and single) wanted a share of their parental land. Surprisingly, 73 per cent of the women of landless families and 68 per cent of single women did not want a share of their parental land. Table 3 points out the reasons that emerged from the discussion.

### **AWARENESS OF LAND RIGHTS AND SUCCESSION PROCESSES**

Awareness is the first step to empowerment. Awareness about land-related documents does not indicate ownership but is definitely a big leap towards the claiming of one's rights. It equips women with the information required to realize their rights. Four most-often used land documents, namely, *patta*, *naksha*, *hasra* and *khatauni*, were used to test the awareness of the respondents. There was a striking difference in the awareness of women and of men, that is, 18 per cent difference about *patta*, 30–38 per cent about *hasra*, 18–31

per cent about *naksha*, and about 2.7 per cent only about *khatauni*.

Awareness of the process of succession is crucial to the inheritance of family land. In order to ensure that women are treated as equal beneficiaries of inheritance, they need to have basic knowledge about the processes involved. This, besides being necessary to claim their rights, is an important step towards attaining equity for women. Men performed much better when it came to awareness about land-related documents; essentially, because land is considered a subject for men, it is seldom discussed with women. Women had not even heard about the documents and had no idea about how land is divided in the family. Neither as wife nor as daughter does a woman know how land is transferred to the following generations. First, the percentage of women and men who did not know appeared quite significant—35 to 52 per cent of women, and 29 per cent of men.

Of these, the awareness of single women and women of landless families was relatively high at 52 and 48 per cent, respectively. The possible explanation for this can be that these women may have seen or experienced the

partition or division of land in the family as a result of succession. Second, the knowledge of the process is clearly limited to three key steps: a) The *patwari/kotwar* prepares a legal heir list after talking to the members of the family of the deceased person. This is known to about 27 to 40 per cent of the women, and about 38 per cent of the men; b) The *patwari* sends the legal heirs list to the *tehsildar*—known to 14 to 20 per cent of the women, and about 20 per cent of the men; and c) the *tehsildar* gives notices to all claimants—known to about 7 to 13 per cent of the women, and 11 per cent of the men. Other key processes are known to even lesser percentage of women and men. A possible reason for greater awareness of the first two steps may be the fact that the involvement of the beneficiary is more in the initial steps whereas the latter steps are carried out by revenue officials.

### WOMEN OF FOREST-DWELLING FAMILIES

The survey was conducted with 50 women and 23 men from forest-dwelling households, who were interviewed for the study. Only those men whose wives had been selected for study were interviewed. Information was collected about land and related aspects, to understand land ownership and access, and their perceptions on this. All the families of these women and men had some cultivable land. The questions attempted to understand the nature of these holdings and the rights of women on it. Forty-four per cent respondents reported reduction in the size of cultivable land holding. Of those who reported a reduction, four-fifths said that they even possessed land documents for the land that they no longer have access to. For the current land holdings that this group of 73 forest dwellers has been cultivating, 89 per cent have the documents for the land. The land records are, largely, in their own names (61.5 per cent) or in the names of their spouses (52

per cent). Interestingly, a forest *patta* is usually given only as a joint *patta*, that is, it has the names of two people, the husband and the wife. Nevertheless, the survey revealed that the people are unaware of this fact.

### SOCIAL CONTEXT IN WHICH WOMEN GET ACCESS TO LAND

There is no doubt that the tribal society of Gonds and Korkus follows a set of social norms that are somewhat close to Hindu cultural norms. Land being a prime immovable property passes down over generations through sons and grandsons. The land rights of women are recognized by the community only in specific social contexts. From FGDs as well as from in-depth interviews of women, the social contexts when a woman is likely to receive land were identified. These social contexts are irrespective of whether it is revenue land or forest land, and are culturally determined among tribal traditions. The dominant social norms are:

- ◆ When there is no son in the family, the daughters are likely to inherit land from their parents. The proportion of land share among daughters is a function of various conditions such as the economic condition of a particular daughter, *ghar-jamai*, the daughter who looks after the ailing parents, etc. There is no universal social norm on the quantum of the land share.
- ◆ When there are sons and daughters in a family, the default condition is that the sons will get their share of the parental land and the daughters would not. In case the parents decide to have a *ghar-jamai*, that daughter is likely to get a share of the land, however unequal that might be.
- ◆ Even when there are sons and daughters in the family, if one of the daughters takes up the responsibility of looking after her

parents in their old age, the daughter is likely to get a share of the land. It could even be an equal share of land to her brothers.

- ♦ In case land is purchased by the husband or the father-in-law, it is likely that they buy the land in the name of their married daughter or the daughter-in-law, to avoid crossing the land ceiling or to access more government benefits.
- ♦ A widow, who loses her husband in her old age, is likely to get a share of the land, along with her sons. The quantum of land is likely to be less than that of the sons.
- ♦ A young childless widow, who loses her husband at her young age, usually would not get any share in the land. In case she does not remarry and continues to stay at her in-law's house, she is likely to get a small share of land.
- ♦ A young widow with a child, who loses her husband at a young age, is likely to get a small share of land from her father-in-law.
- ♦ In certain cases, a daughter may get a share of land from her father or mother if she has a step brother, born out of an earlier marriage of one of her parents having land.

Another important characteristic in the context of land rights is the distinction between what is socially legitimate and what is legitimate under law. The cases described above are situations when a woman would legitimately say that I have got a land share, and others would recognize it. In contrast, it does not

*Should social interventions be planned in the framework of context neutral equality or should the intervention be planned to enhance equity in land in more contextual way? In practice, this would mean should NMS think of a blanket intervention to demand equal land rights for women under any circumstances, or should NMS be working on demanding land rights for women in a more incremental way, examining the local context of each woman in question?*

necessarily reflect that the woman in question has land documents in her name, and the land is in her possession—the two requirements of legitimacy by the state.

This distinction appeared in individual conversations and during FGDs. When asked specifically about documents and possession, it was clear in a number of cases that the woman did not have the documents in her name and/or that she was not in possession of the land. The respondents were clearly speaking of the social legitimacy of their land rights whereas it might often fail the test of the state's legitimacy.

The list of specific situations in which a woman is likely get land, as mentioned earlier, is very contextual, and is determined mostly by patriarchal practices. These patriarchal practices have become the social norms within the tribal communities. In contrast, the state's norms are context neutral: in all situations, no matter what the situation is for a particular family, the state norm dictates equal division of land share among men and women. Placing this contrast on the table actually poses a very important practical question. Should social interventions be planned in the framework of context neutral equality or should the intervention be planned to enhance equity in land in more contextual way? In practice, this would mean should NMS think of a blanket intervention to demand equal land rights for women under any circumstances, or should NMS be working on demanding land rights for women in a more incremental way, examining the local context of each woman in question?

## STATE'S INTERFACE WITH COMMUNITY

The Code, as amended from time to time, has recognized women's equal right to agricultural land at par with men. The Indian state also has recognized a Hindu woman's equal rights to land under succession, in the absence of a will. Our research showed that the land administration's process of determining legal heirs has not changed, but a significant development is that the daughters' and wife's names as legal heirs, irrespective of their context, are now included in the land records and in the village register. This was corroborated by women, men and the land administration officials almost without any exception.

The contrast, however, is with women, who know much less about changes that actually are beneficial for them. This is because land officials continue to interface only with sons or brothers of the late husband of the woman concerned; on a positive note, however, land officials do talk to widows in a good number of cases when they are collecting the names of the legal heirs.

The stakeholders, on being asked specifically what norms the state followed with tribal women and men when they dealt with property rights in connection with inheritance and partition, said that *patwaris* and *tehsildars* uniformly follow HSA and the Code, and do not, in normal circumstances, recognize traditional customs and social norms of the tribals. Tribal society knows this well and does not expect state officials to follow their societal norms. In case tribal families seek mutation, they accept state rules. However, one reason tribal families are reluctant to partition a mutated land is that they have to agree to give a share of the land to their sisters because the sisters' names are typically included in land records, after the parent owning the land dies. In case the sisters are willing to forfeit their rights to their share

of land in favour of their brothers, the law requires that the sisters sign a *Haq-Tyag-Nama* (Rights forfeiting affidavit) and register that document by paying 4 per cent stamp duty. This works as a disincentive for partitioning the land; therefore, brothers are often found to be in possession of far more land than they have the documents for. Widows too do not have land partitioned for this reason.

## RECOMMENDATIONS AND ACTION IDEAS

The findings of the study were examined in two levels of discussions, to arrive at some broad recommendations for working on women's land right issues and also to articulate some concrete actions steps for NMS to engage with women in its operational areas.

The concrete action steps, as deliberated by NMS, can be summarized here.

- ◆ Initiating a mass awareness generation programme for NMS members, using various tools such as theatre groups and FGDs
- ◆ Initiating work with single women, who are in the most vulnerable position, for their land rights; NMS representatives decided to identify such families in their respective villages
- ◆ Identifying families willing for land distribution, and facilitating the process by helping them access the services of the revenue department
- ◆ Engaging with officials of the revenue department and the forest department, and hastening the process of land distribution after understanding the legal provisions
- ◆ Working closely with similar CSOs and CBOs by creating a network. More importantly, NMS representatives felt the need for more deliberations on this issue

across its tiers, at various public forums and also at the household level

## **CONSULTATION WITH OTHER STAKEHOLDERS**

At the second level, the findings of the research programme were taken up with various CSOs, leaders of tribal communities, PRI representatives and CBOs, especially women federations of nearby districts. The basic objective of the event was to facilitate the emergence of a network of like-minded individuals and organizations to work on the issue of women's land rights by triggering debates and deliberations on societal beliefs, individual stances and legal provisions toward women's land rights. The entire discussion was positioned within the larger perspective of 'issues of land rights of tribal communities'.

Some action steps as well as broad recommendation from the stakeholders are summarized as under:

### **A. Sensitizing community and duty bearers and influencing formulation of laws**

The foremost need is to sensitize society at large about women's right to land. All the four groups suggested this. Women, men and the government need to be sensitized. Men should also be included in this process of thinking about the future of their daughters and sisters. Officials in the revenue department need to have a gender-sensitive approach in their work. When the government formulates and passes laws, the process should follow a participatory approach, wherein local people, especially women, contribute to the law-making process. Group discussions highlighted that there has been serious lack of communication between the state and the people when formulating

laws. The group also realized that the space for dialogue needs to have the strong presence of women; without special focus, this will not happen. Women's organizations such as NMS were also considered important stakeholders in this process.

### **B. Capacity building and awareness**

The groups suggested that there should be legal awareness programmes for all, with special emphasis on the younger generation, so that awareness, understanding and sensitivity to the issue is built early and the young are in alignment with the changes. Next in importance is the transmission of knowledge about the law among women while simultaneously building the capacity of Federation leaders to take up the issue of land rights, based on them having accurate knowledge of these.

### **C. Advocacy for better laws and system**

One suggestion was that, after marriage, the properties of both are merged followed by ownership of the property as a couple—a system similar to that in western countries. Also, the groups suggested that there was great need for forming groups or collectives of women that will network with like-minded individuals and organizations, which, in turn, will act as pressure groups to pursue different agenda at various levels.

### **D. Implementation and support structure for implementation**

There are many loopholes in implementing HSAA although it is supportive of women. Also, there is lack of clarity in terms of responsibilities of different departments at the state level. For this, there is need to create a support structure.

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This article is an excerpt from the report of the Action Research Study, conducted by PRADAN, Narmada Mahila Sangh and Landesa in Shahpur block of Betul District, Madhya Pradesh in 2014.

# Women's Rights to Land: A Distant Dream

ILLORA RABHA AND JUBA PRATIM GOGOI

*Attempting to understand the ground situation of women's rights to access, own and control land, this narrative explores the discriminatory laws, policies, patriarchal customs, traditions and attitudes that have for generations remained obstacles that deprived women of their basic rights*

Globally and historically, land is known to be a source of food, employment and income. It is the key to a life of dignity, a basis for entitlements that can ensure economic independence, an adequate standard of living and, therefore, personal empowerment. Land also confers social prestige and offers an access to political power. It has long been recognized as a possible tool to advancing the socio-economic rights and well-being of women and their position in society. Yet, the access to and the control and ownership of land largely remains a male privilege, thereby reinforcing patriarchal structures of power and control over community resources, history, culture and tradition.

Granting women their right to land, therefore, is becoming a matter of increasing urgency. In most societies, women have fulfilled the responsibilities of domestic labour, family care and nutritional security. As the definitions of these gender roles, and the contexts surrounding them, become more tenuous (generating both a positive and negative impact on women), the need for women to be able to secure land and property has become even more critical.

The International Centre for Research on Women (ICRW) in an article, 'The issue: Women's assets and property', reported that just one per cent of the world's women actually own land. This documents and demonstrates the stark reality of the legal ownership of land by women.

A woman's right to access, own and control land, as well as have adequate housing and property are firmly recognized under international law. However, at the country level, the existence of discriminatory laws, policies, patriarchal customs, traditions and attitudes are depriving women of their basic rights.



In India, women's land rights remain one of the most important areas of social, political and economic contestation. The discourse on women's land rights is relatively new in India. In the mid-1980s there was some policy and grass-roots focus on the subject and a few academic works were carried out and the question was focussed upon in a minor way.

*Whereas housing and property rights are guaranteed to women through international documents, the Constitution and the laws in many states, often the implementation of these rights is overshadowed by existing local practices and discriminatory societal patterns*

However, all these actions did not amount to a sustained or widespread focus on the question of women and land. Whereas housing and property rights are guaranteed to women through international documents, the Constitution and the laws in many states, often the implementation of these rights is overshadowed by existing local practices and discriminatory societal patterns.

Among the best known grass-roots' interventions were two peasant movements: the Bodhgaya Movement in Bihar which was catalyzed by the Chhatra Yuva Sangharsh Vahini in 1978, and the Shetkari Sangathana's movement for farmer's rights in 1980. In both the instances, women's claims to land were raised with some success, resulting in the transfer of land to women. Similarly, occasional grass-roots demands by women include the 1979 demand by a group of poor peasant women in West Bengal to their women *panchayat* representatives: "Please go and ask the government about why we don't get a title when it distributes land? Are we not peasants? If my husband throws me out, what is my security?". This demand influenced a rethink and a bigger policy level change. The result was a list of recommendations that were placed before the Planning Commission in a pre-plan symposium organized by eight women's groups in Delhi in 1980.

More recently, a few of India's Five Year Plans have given some recognition to the women's land claims. For instance, the Eighth Five Year Plan (1992–97) directed state governments to allot 40 per cent of ceiling surplus land to women alone and the rest, jointly, to both spouses.

When activists and development practitioners call for women's land rights, however, they are referring to effective land rights, which Bina Agarwal in her research paper, 'Are we not peasants too?' defines as, "Claims that are legally and socially recognized and enforceable by an external legitimized authority, be it a village-level institution or some higher-level judicial or executive body of the State."

Women's economic empowerment is one of the essential elements to look at when promoting equality between women and men, and is a pre-condition for sustainable development and pro-poor growth. Equal access to, and control over, economic resources and opportunities are the key means to establish women as important economic actors in the realm of local area economy.

Significantly, the elimination of structural gender inequalities, arising out of patriarchal norms, is vital to the removal of all forms of discrimination. At the same time, that the usage, access and the control and ownership over resources are perpetuating discrimination is evident. Women's unequal access to land and property is one of the key obstacles to women's equal rights because the lack of resources makes them more vulnerable and susceptible to exploitation and oppression.

Whenever we talk about land or resources, the first thing that comes to mind is men and their property such as houses, agriculture fields, etc. Women, by and large, are perceived to have none or limited association with land. At the most, women seem to play the role of helping hands. Usually, we associate women with daily household chores—cleaning, cooking, nursing and taking care of the children and the elderly. Strikingly, the work which women do in the fields—the transplanting, the harvesting and the processing of the produce—by and large, goes unnoticed.

This becomes clear in the Government of India (GOI) Census data. As per the Census of 2011, in Kishanganj district of Bihar only 17 per cent of the women are shown to be participating in the work force. Moreover, only 17–20 per cent of the population are considered as cultivators engaged in agriculture activities for more than six months. In reality, the majority of the working population, almost 60 per cent, are engaged as agriculture labour. One of the factors that decides the access to land is ownership and 20 per cent of the households hold as much as 80 per cent of the land. In a majority of the cases, land is given on lease on traditional shared-cropping systems to enterprising marginal farmers.

In Kishanganj, almost 60–70 per cent of the people are either landless or have meagre land-holding. Pre-dominantly, women from Scheduled Castes (SC) and the Scheduled Tribes (ST) are seen working in paddy fields as wage labour. In Muslim families, women cannot go to the paddy fields because it is against their societal norms, but there are contrary examples as well.

*“I never work in the paddy fields because it is my husband’s duty to work and earn money. My job is to prepare food, give birth to children, take care of them and do any other work inside the house.”*

Recently, in a discussion in Muskan Mahila Mandal, an SHG from the Devnagar hamlet, Boaldah village, Dighalbank block, Kishanganj district, we heard Lukhi Murmu tell her tale. She is a single woman who had left her husband’s house. He had migrated to Mumbai six years ago and since then no one knows of his whereabouts.

She told us, “I can go anywhere, whenever I wish. I don’t have to take permission from anyone to go out.” She and her 14-year-old daughter live with her mother and her three younger brothers. “I have no land of my own; therefore, I have to go out to work on other people’s field for daily wages to make both ends meet.”

The newly wed Chameli Murmu lives with her husband and father-in-law. During the conversation she said, “I can work on my own field and for that I don’t have to ask anybody. If it comes to working in others’ field as wage labour, however, I need to take my husband’s permission. Also, if I have to go out of the village I ask him, otherwise he gets angry. There are some places such as the graveyard that women cannot visit during rituals; however, on other days, we are free to go to such places. This has been happening for generations and I am following the same customs.”

In January 2015, a new SHG named the Swachh Mahila Mandal was formed in the Muslim hamlet of Gargaon village, Bahadurganj block in Kishanganj district. One of the members, Jumatun Nisha, said during a discussion, “We never allow our daughters to carry food for her father in the fields because this is against our norms. Our daughters are the honour of our house (*Beti ghar ki izzat hoti hai*). So I go to

the paddy field just to give food to my husband who works in the field. I never work in the paddy fields because it is my husband's duty to work and earn money. My job is to prepare food, give birth to children, take care of them and do any other work inside the house."

*There are many other such perceptions and beliefs among the different communities and religions; remarkably, in most of the cases, only women are subjected to restrictive societal norms*

Interestingly, a Muslim man in the same village said, "There are two places, according to the Muslim religion, where women are not allowed to visit—the mosque and the burial ground. He said that according to the Hafiz (a Muslim who knows the Quran by heart), women can offer *salat/namaz* (Muslim prayer) either alone or in the company of other women, and the men go to the mosque with other men. *Namaz* is such a sacred act that it requires concentration. If both men and women are allowed to read the *namaz* together, some mistakes may occur because the men may be distracted by the presence of women.

There are many other such perceptions and beliefs among the different communities and religions; remarkably, in most of the cases, only women are subjected to restrictive societal norms. Even if she owns land in her name, a woman cannot escape these societal norms and rituals.

Of course, women rarely own the land they are working on or have tenure securities or control over the land. They often have very limited decision-making power about how to use the land or its output. It is, however, noteworthy that there is a difference observed in the accessibility and mobility between women under 'guardianship' (mostly of a man in the family or other elderly women) and a single woman.

A single woman seems to have a greater say in land matters than other women who have partial or conditional access over land. Why is this so? Is it because a single woman has no option and has to move out to sustain herself and her children? Is it because she does not have a guardian to restrict or control her?

Anyway, the freedom that a single woman seems to enjoy has other implications. She becomes more vulnerable in society in the absence of a male counterpart. Laws alone are not sufficient to secure a woman's access to land. The effectiveness of laws depends on the awareness about them, the ability to invoke them and the extent to which cultural norms and traditions are practised and followed.

In any cultural locale, the resources or, more importantly, the control over resources empowers a person. So, if one has control over land, a man or a woman may take part in discussions and the decision-making process courageously and confidently. Land is a very powerful resource in any setting, urban or rural. Control over land can also be defined as the ability to take decisions with regard to the land: to determine the size of the land used for farming activities and whether the land should be used for food or cash-crop production, and the ability to transfer land titles, whether by sale or by inheritance.

Narrating her story, Lukhi Murmu said, "Although I left my husband's house and am independently working as a single mother, I have no control over any of my parental properties. I have three younger brothers; in *adivasi* families, daughters do not have any inheritance rights." She said that she is allowed to stay with her mother and brothers

but has no control over any of the resources in the family and cannot decide or give views on any aspect related to property. Her brothers decide which crop to cultivate on the land and she usually just helps them in the cultivation.

*Discussions with women and men made one thing clear—men are, and should be, the prime decision-makers in all affairs of the home and of the society*

Discussions with women and men made one thing clear—men are, and should be, the prime decision-makers in all affairs of the home and of the society. Men are accepted as the head of the family and as such can decide whether to sell or purchase land.

Chameli Murmu also said that because she did not have any property in her name and because she is newly married, she cannot offer any opinions on any issues related to the property. If she were to speak up, the others in the family might take offence. She feared that if she were to offer any opinion, she would be called over-smart or, even worse, she may be branded as characterless.

Juhi Naz is a young Muslim woman of Mridhandangi hamlet, Samesar village. Recently, an SHG named Khuda Hasi Mahila Mandal was formed in her hamlet and she has become an active member. In one of the meetings she shared, "In our custom, brides are supposed to be given property by the in-laws. This is supposed to be documented on a bond paper prepared by the Maulvi Sahab (Muslim clergy man) during the marriage ceremony. This is known as the Den Meher. The Den Meher is a ritual in the Muslim community that is meant to ensure the right of a woman over some property in the event of a husband leaving the wife. It is an allocation of some property in the name of the bride as maintenance cost, in case of a divorce." However, Sikandar, a man from the same village said that, in practice, only cash and jewellery are mentioned and the people refrain from mentioning any property. He added that it is rare for a bride to claim her rights after divorce; even if she wanted to, the people would dissuade her.

And, it is also obvious, that the next head will be another man in the lineage by the virtue of inheritance. On the whole, there are more opportunities for men to have access to land, to get titles over land, to exercise control over land and to decide its utilization.

Md. Naseem, head-master of Harwadanga Middle School in Dighalbank block, lives in the Rasuldangi hamlet of Maltoli village. In mid-September 2014, he invited the PRADAN team over and said that there are many farmers in his hamlet, who are keenly interested in using new technology for cultivation in their fields. At that time, the team was promoting vegetable cultivation in the area.

On our earlier visits to the village, we had seen him having his breakfast or lunch in his neighbour's house. We were curious to know about him. We thought that he was an unmarried man and so he ate with the neighbours. And we also wondered why he couldn't cook for himself.

One day we got a chance to meet him one-on-one and we began discussing his life. His face was pale as he explained in a sad voice, "I am going to be separated from my wife." He went on to say that her father had been misleading her to get separated from him. He was exasperated and puzzled because his wife was demanding that a piece of land be registered solely in her name.

He said, "I told her that we could have joint titles over the land but she refused and insisted on transferring the title to her name." Continuing his story, Naseem expressed his fear, "There is no issue in transferring the land solely in her name, but what if she leaves me and elopes with another man; I will be in double loss; I will lose both, my wife and the land, and I would have no rights on them."

This instance made us think. Were women any different from a commodity? Not only do the countless social norms and pressures underpin the women's lack of access to, and control over, land but the various perceptions about her also reinforce the same.

How do people in society perceive women and land? This is the area that people need to focus on and think about. Needless to say, it is very challenging to understand the issue of women and land ownership conceptually. How does it differ from access to land? Does ownership only mean the formalization and documentation of land? This throws another task before us of looking deeply into the concept of women's land ownership.

It is clear that having land in the name of a woman identifies her as the owner. We also need to see whether she is using her ownership rights fully or partially or, at best, does she just have the right to put her signature on the deed. We came across many instances in which the woman, whether or not she is the owner of the property, could not utilize the land as per her choice. That brings up the question of whether she can sell it or not.

On a similar yet different level, Puja, who had just appeared for her 12th class examination, from Dubri village of Dighalbank block said,

*Not only do the countless social norms and pressures underpin the women's lack of access to, and control over, land but the various perceptions about her also reinforce the same*

"I am the owner of a bicycle but I cannot sell it without the permission of my family. My guardian will decide that." Can it be called pseudo-ownership or ineffective ownership? An owner is ideally a person, who makes decisions regarding the use and potential sale of the

property.

There is very little awareness and information about land and land rights. When it comes to secure land rights, we become more apprehensive because many legal procedures get added to the complexities of access, control and ownership. There are laws such as the Hindu Succession Amendment Act 2005, which call for equal rights of women over land by virtue of inheritance. Even in the Sharia laws of Islam, there is a provision of daughters inheriting their parental property. These laws seldom get enforced when it comes to securing and upholding the rights of women.

Neither the Constitutional law nor the religious law are followed when it comes to women. Many women are unaware of their land rights; increasing awareness can be a focus area of our engagement as workers at the grass roots. Awareness, however, cannot be the only response to the overarching systemic mind-set we are in. Some key issues of discrimination faced by women may be taken up, and women's responses noted; long-term, strategic interventions need to be chalked out to bring about change.

Although the Bahadurganj team has, through its interactive sessions at various points with members of SHGs, drawn inferences and analysis, it is not going to provide solutions. Nevertheless, the team members are concerned not only because women don't have a share in the land or property but also

because they see systemic attempts to curb the rights of women at every step. This needs to be addressed; however, there is apathy in the families as well as in society, who want to avoid any discussion on the issue of women having secure rights over land. There is need for dialogue at all levels—legislators, judiciary, administration, civil society, religious

bodies, local governance bodies and citizens. Interactions and the dialogue process needs to start to break this status quo, which everyone is happy to maintain at present. Enhancing women's collective strength by which they can advocate for gender-just laws and practices can go a long way in addressing the imbalance that exists.

# Understanding Women's Land Insecurities

SONALI MOHAPATRA AND SAILABALA PANDA

*Attempting to understand women's right to the land they cultivate and work on, this article shares the processes, methodologies and main findings of an intensive study so as to understand key land insecurity issues as well as perceptions about women's right to inheriting land*

Rayagada district was carved out in 1992 from the erstwhile Koraput district, a southern district of Odisha. The district is mostly inhabited by tribals (56 per cent). Of this, the Khond (71.09 per cent), the Saora (11.55 per cent) and the Shabar (7.17 per cent) are the largest tribal groups. Landlessness is a common feature in Rayagada. Nearly 39 per cent of the households are landless. Those who are landed live with issues of land insecurity.

The issues of land are multi-layered. Some have land in their possession but do not have the legal documents; some have the legal documents but the land is in the possession of and is being cultivated by others. Many families survive by encroaching on government-owned land, without the legal right to do so. Forest dwellers do not have legal rights to the land that they have been cultivating for generations. People are not aware of their land rights and there are no legal services available for the poor.

Landless women are largely wage labourers and are excluded from social mobilization activities. SHGs are not at all an interesting entry point for them. What could possibly be the future of these landless families? How can they rise from their cycle of poverty? How can their land insecurity issues be addressed?

## WHY WOMEN'S LAND RIGHTS?

Strengthening the land rights of vulnerable populations may not improve women's land rights unless there is specific focus on intra-household distribution of rights. Approximately, 35 per cent of SHG members in Rayagada are single women. As more men shift to urban or non-farm rural livelihoods, more and more households depend on women for managing farms and bearing the burden of family subsistence. According to the Agricultural Census (Government of India 2003), women own only seven per cent of the total agricultural land. In the absence of land rights, women are not able to cultivate the land efficiently because they lack the collateral needed to access to institutional credit facilities.

Among the Kandha tribe of Rayagada, polygamy is a common practice. Men bring home a second wife, abandoning the first. Often, the first wife is evicted from her in-laws' house and is not accepted in her maternal home. In this context, her being a good SHG member or an SRI grower, with sound technical knowledge about farming, both become irrelevant issues. When a woman is in a functioning household, it may not matter who has the rights to the family's land. Customs and roles and rights can work for women. When the household breaks down (abandonment, death, divorce, physical violence, alcoholism, in-laws who are against her), however, women stand to lose the most. They lose their rights to land and serious consequences follow.

Kondari Pedanti of Emaliguda village is 27 years old and is still unmarried. She is the only sister and has three brothers. Her father passed away when she was not even born. She

*In the absence of land rights, women are not able to cultivate the land efficiently because they lack the collateral needed to access to institutional credit facilities*

has never been to school and cannot read or write. After the brothers grew up, they started cultivating the land (7 acres) that their mother had under her possession. After the three brothers got married, they threw both their mother and sister out of the house.

The brothers also took away the BPL card so Kondari and her mother do not get any support from it. The mother went away to her parents' place and left Kondari with her youngest son, who lived separately from his two brothers. About five years ago, Kondari called her mother back and since then they have been living together in the village. Kondari primarily earns her living from daily wages and on the days she cannot work, they do not have any money or food to eat.

Kondari is unmarried because of her family circumstances. She had got a match from her maternal uncles' side when she was very young but that year the family lost their paddy crop in a fire. Since they could not afford the expenses of the marriage, it was postponed. A few years later, when she was again supposed to get married, her eldest brother re-married, which led to additional expenses. Her wedding was postponed again for lack of finances. With so many delays in the event, the family of the prospective groom decided not to wait any longer and got him married to someone else.

Her landless status and her hardships led Kondari to approach her brothers thrice for her share of land so that she could cultivate it and look after her mother. After seeing her being driven out twice, the village elders decided that she should be given a piece of land of her own to cultivate and support herself and her mother. They put pressure on the brothers to give Kondari a share of the land for use.



The brothers reluctantly agreed to give them a piece of land. They resorted to abusing the mother-daughter duo repeatedly every time they met them in the village. When they got drunk every day, they would abuse them, making their lives miserable. They made it so difficult for them that Kondari's mother told her to return the land so that they could live in peace.

The mother and daughter stayed with relatives (the younger brother of Kondari's father) and even they were abused by the brothers for giving shelter to the two women. Ten years ago, however, the relatives (her father's brothers) and the villagers made the brothers to give her a small piece of land tucked between the houses of two relatives for Rs 12,000.

Kondari worked very hard in the nearby mining area to collect metal for wages and saved Rs 5,000 to build a house on the land. She spent about Rs 5,500 for building the house that she and her mother now live in. She wants her share of land from her brothers so that she and her mother can have a secure future. But she insists that it can happen only when she has the land in her own name.

In yet another case, Male *didi* of Ghadesheel village is the only daughter and heir to landed property of 17 acres that legally belongs to her father. According to the customary laws in the community, this land has already been divided among the family members between her father's brothers. Based on an understanding between the families, they have been cultivating on their respective share of land for all these years without ensuring a legal *patta* over the family land.

*From birth to death, women are discriminated against with respect to land. They are treated differently from their boy siblings in many ways—they receive less or no education, they bear the burden of the household work, they are given low nutrition, etc.*

Male *didi* and her father were trying to get the land *patta* in Male's name through dividing the land equally among the family members so that after her father's death she could retain control over her share of land. Her father passed away before the legal division of the landed property. The SHG has been trying to get Male *didi's* right over that land ensured because

there is no guarantee that her father's brothers and their sons will let her cultivate the small piece of land she was cultivating when her father was alive.

Legally, this process will take no time because the property automatically gets transferred to her name after her father's death; however, given the customary laws this has been very difficult. The SHGs are told by the Revenue Inspector that unless all the family members agree to divide the land and get individual *pattas*, Male *didi* alone cannot file for the land to be transferred to her name—not even for her rightful share. There has been resistance from the extended family to getting the land divided legally; the SHG has been having discussions around how to convince them to agree to this and ensuring a *patta* for all.

Each village in Rayagada is flooded with cases like Kondari's and Male's. From birth to death, women are discriminated against with respect to land. They are treated differently from their boy siblings in many ways—they receive less or no education, they bear the burden of the household work, they are given low nutrition, etc. They move out from their maternal home when they are married, with some moveable property such as ornaments, furniture and livestock. Usually, this is considered their share of the property and they cannot ask for any more in the future. The women spend the rest

of their lives in their in-laws' homes and often they don't get a share of the land that they cultivate as they are considered outsiders to the bloodline. The issue of a woman inheriting the land in her name is brought up only after the death of her husband.

In the Kandha tribes, it is a customary practice that the subject of women's right to land arises only if there is no male person in three generations in the male line of descent. For example, a woman gets land ownership only if she does not have a father-in-law, a brother-in-law or a son of the brother-in-law. These practices override and close all possibilities of women inheriting any land.

If a woman becomes a widow, her right to land depends on the sex of her child. If she has girl children only, she cannot inherit the land and the land is taken by the male relatives of her husband. If she has a boy child, she can use the land to grow crops and produce yield but cannot mortgage or sell the land; after her death, the land reverts to the original paternal source.

The women cultivate the land and work hard in the sun and the rain; yet, the Indian agriculture policy denies them recognition as farmers because they have no land records in their name. This makes them ineligible for any credit schemes, government welfare benefits or agricultural extension schemes.

The Rayagada team, with support from Landesa, conducted a situational analysis on women's land rights, to identify policy and institutional constraints, on the one hand, and social and political challenges as well

*The women cultivate the land and work hard in the sun and the rain; yet, the Indian agriculture policy denies them recognition as farmers because they have no land records in their name. This makes them ineligible for any credit schemes, government welfare benefits or agricultural extension schemes*

as opportunities that can be effectively utilized, on the other.

Based on the research findings, joint pilots will be initiated in Rayagada, in which the institutional experience will be put into operation for enhancing land security and livelihoods. And, finally, based on the institutional experiences of PRADAN and Landesa as well as the research and pilots, joint advocacy will take place with the government mainstream

institutions and missions for the adoption and scaling of emerging solutions on land-related problems of the poor, including women.

## CONDUCTING THE SITUATIONAL ANALYSIS STUDY

The study was conducted as a cross-sectional analysis, adopting a concurrent approach, that is, both qualitative and quantitative studies were conducted simultaneously, and the data from the qualitative research were embedded in the data of the quantitative results. The criteria for the study was that the sample population surveyed should be members of SHGs (including single women, landed women, landless women, forest dwelling women). Multi-stage sampling was used for selecting the blocks, village and the households for the study, based on the Sampling Universe Stratification criteria.

Sampling was done from Kolanara and Ksinghpur blocks. PRADAN identified seven *panchayats* and 12 villages, representative of the land issues prevailing in the area and also representative of the population groups in the area, for the study. Households were randomly chosen from the selected villages. The total number of households in the villages was 809

and the total number of women in SHGs was 455. The sampling ratio was 0.55 and the sample size was 250 women.

During the study, six Focussed Group Discussions (FGDs) were conducted with tribal women, dalit women, tribal men, dalit men and single women; in-depth interviews (IDIs) were conducted with landed married women, landless married women, landless single women, women with inheritance rights, etc., and Key Informant Interviews (KIIs) were conducted with stakeholders such as the *tehsildar*, the Revenue Inspector, the BDO, the Social Extension Officer, the Forest Ranger, the tribal leaders, the *sarpanch*, the Village Forest Committee, the PA-ITDA (Project Administrator-Integrated Tribal Development Agency), the lawyer, other NGOs, and the bank staff.

Before the research, PRADAN and Landesa conducted an exploratory study in the area, covering Kolanara and Ksinghpur blocks. It was a three-day visit, to understand the type of land insecurity prevailing in the area. During the visit, we interacted with women from the SHGs, some men, the Village Forest Committee (VFC) and various stakeholders such as the

*tehsildar*, the Revenue Inspector, the BDO, the Forest Ranger, the *sarpanch* and the tribal leaders. Based on the understanding, the Landesa research team developed a research questionnaire. For carrying out the study, local youth were identified from SHG Clusters who were, then, trained as enumerators.

The demographic characteristic of the studied population is presented in Table 1 and it can be seen that there is a significant majority (84 per cent) belonging to the Schedule Tribes (STs), particularly from the Kondha sub-tribe. Most of those surveyed were in the productive age group of 35–55 years. Almost 98 per cent of them identified themselves as Hindus (religion) and most of them (97 per cent) were illiterate. Although, currently, married women constitute the highest category, it is quite interesting that the single women category constitutes 34 per cent of the total respondents. Among the single women, widows constitute the highest category with 19 per cent, followed by the never - married with 14 per cent. Agricultural labour and labour working in their own fields are found to be the occupations of 36 per cent of the population each whereas daily wage labour constitutes 21 per cent.

**Table 1: Demographic Profile of the Respondents**

Background Characteristics	Parameters	N	Percent
		250	
Age Group	20–35 (up to 35)	76	31
	36–55	89	36
	56–75	8	3
	Above 75	72	30
	No response	0	
Caste	Scheduled Castes (Dama)	35	14
	Scheduled Tribes (Kondha)	210	84
	Other Backward Castes	5	2
	General	0	

Background Characteristics	Parameters	N	Percent
		250	
Religion	Hindu	245	98
	Muslim	1	0.4
	Christian	2	0.4
	Others or No Response	1	0.4
Educational Qualifications	Illiterate	238	97
	Up to 5th Class	4	2
	Up to 10th Class	2	1

### Specific Objectives of the Situational Analysis

- ♦ Understanding land insecurity issues of the poor
- ♦ Understanding women's land rights from the gender equity and the reduction of violence perspectives
- ♦ Understanding forest land rights and its use

### Understanding Land Insecurity Issues

Nearly, 94 per cent of the households in the study area have homestead (*gharabadi*) land whereas 4 per cent have recorded cultivation land (*chasa jami*). The average recorded land-holding size of the surveyed households is 34 decimals, including homestead and agricultural land. Very few households have more than 5 acres of land.

Nearly 73 per cent of the households have received land from inheritance and 11 per

cent have acquired it through purchase. The percentage of households, who have got land through a government scheme, is a very low two per cent. The land acquired through lease is 5 per cent.

Table 2 shows family ownership of land and the related documents that people have. Although households possess land, only 58 per cent of these households have the documents for the land. Among the households that have land documents, 83 per cent have *pattas* and only 4.32 per cent of the households have the title deed of their land. The nearly 42 per cent of the households that do not have the land documents cannot say why they do not have the papers. As found from the quantitative data, nearly 44 per cent of the households lack awareness about why they do not have land documents. Approximately, 16 per cent of the households have applied for land documents whereas 7 per cent have no legal ownership of the land.

**Table 2: Family Ownership of Land and Documents**

Description	Family Ownership		Availability of Land Documents	Type of Document				
	Homestead	Agriculture		Patta	Slip of paper	Title/Deed	Will	Other
% of response	87	4	59	83	5	4	1	7

Only 15 per cent of the women have land in their names. Of this 15 per cent, married women, widowed and never-married women constitute 9 per cent, 3 per cent and 1 per cent, respectively. Nearly 2 per cent of the women, who have land in their name, did not disclose their marital status. Single women such as widows or unmarried women have negligible ownership rights. Whereas the never-married women constitute 14 per cent of the total respondents, only 1 per cent of them have land ownership. Similarly, widows constitute 19 per cent of the total respondents but only 3 per cent of them own land. Of the 66 per cent married women, only 9 per cent have land in their own name.

When asked, 76 per cent of the women wanted to include their name in the land document. They understand that land ownership would provide them status in the family (63 per cent), financial security (45.56 per cent), a place to live (27 per cent) and empowerment (21 per cent). On the other hand, when the women were asked why they would not like to include their names in their land documents, they

*Up to 90 per cent of the married women had the insecurity that they would lose access to marital land if they were to be abandoned. Considering the strong prevalence of polygamy in the studied villages, women feel quite uncertain about their marital status and economic security*

attributed structural reasons such as society and family would not accept it. Other reasons were that—brothers would disown them, dowry had already been given, brothers need more, and only men have the right to property.

Up to 90 per cent of the married women had the insecurity that they would lose access to marital land if they were to be abandoned. Considering the

strong prevalence of polygamy in the studied villages, women feel quite uncertain about their marital status and economic security. Many women in the FGDs preferred to have a joint title of the land with their husbands because they believed that both men and women work equally on land, so both should own the land.

Women also wished that daughters inherited land for a secure future and better economic stability. However, not all women wanted their daughters to inherit land. Social biases have conditioned women's perceptual notions of rights and entitlements as well. Women shared that land could be given to daughters in distress or those who really 'need' it.

**Table 3: Land Rights of Women on Maternal and Marital Property**

Maternal Property	% of Response	Marital Property	% of Response
Maternal family having land	53	Marital family having land	67
Claim by women on maternal land	13	Received share for use because they have children	18
Received share from maternal land	8	Received share in their own names because they have children	9
Transfer of land in the name of siblings	9	Received share for use for others	2
Land transferred willingly	8	Land willingly given by the in-laws as a right	2

### Understanding Women's Land Rights from the Gender Equity and the Reduction of Violence Perspectives

As far as land is concerned, the division of roles and responsibilities is skewed. Women undertake almost all the physical labour except for ploughing the land. The men have scope for leisure whereas women have no such scope because they have to work inside the home too.

*As far as land is concerned, the division of roles and responsibilities is skewed. Women undertake almost all the physical labour except for ploughing the land. The men have scope for leisure whereas women have no such scope because they have to work inside the home too*

Also, land has been passed to members of one patriarch only for generations. Daughters, by bringing fresh blood through the husband, her in-laws and her descendants, can distort this practice. "If we give land to our daughters, they will take it away to their in-laws' families," said a woman in an FGD in Rodangi village. This apprehension prevents parents and the community from passing on land to daughters. The idea of keeping the land rooted

within the household members is a strongly embedded notion.

Women, usually, do not own revenue land in the area; the land is owned in sole title by the men. Daughters and wives have negligible claims on land. Widows inherit land only on certain conditions such as chastity (she should be loyal to her husband for a substantial period of her life), she should not be remarried and if she has a child (if she has no child, she does not inherit the land; if she has a son, the son inherits the land but if she has daughter, she keeps the land to herself; the daughter can use the land as long as her mother is alive, after which the land goes to the nearest male agnate). Significantly, a widow inherits land only as a 'user' and not as an owner because she inherits the land with the implicit understanding that she will pass it on to her son.

The inheritance given to a daughter has many conditions and is contextual. If a daughter is never married, abandoned, deserted or divorced (single woman), there are chances her parents or brothers may be allow her to cultivate the land. However, this land is given to her for 'use' and not ownership because no case of mutation or transfer has come to notice.

The patriarchal system severely diminishes a daughter's claim to parental land because it is often argued that a daughter will not be able to work on the land once she gets married.

Polygamy is prevalent in the villages covered under this study. Inheritance and succession in case of co-wives varies from case to case. Whereas some community members and a traditional leader suggested that co-wives be given an equal share in the land for their children, others suggested that the first wife should get proportionately more than later wives on moral grounds. Some interesting insights emerged during the FGDs with the men

**Table 4: Perception about Why Daughters Should Not Get a Share in the Land**

Description	They will go to a different family	Daughters get dowry	Sons do not like it	I have no daughter	Sons will take care during old age
% of response	83	77	35	12	8

in the Badachampia village. One of them said that a discussion on co-wives' inheritance is futile because, in practice, women inherit nothing and after the death of the husband, the land is taken away by the nearest male agnates.

The above findings reveal that social and customary biases create structural constraints that prevent women from accessing their legal entitlements. The land rights of women are impacted by a socially biased inheritance regime, which favours sons over daughters, and a marital regime, wherein land is not owned jointly by husband and wife. The marital regime becomes all the more complex due to the practice of polygamy.

*The above findings reveal that social and customary biases create structural constraints that prevent women from accessing their legal entitlements. The land rights of women are impacted by a socially biased inheritance regime, which favours sons over daughters, and a marital regime, wherein land is not owned jointly by husband and wife. The marital regime becomes all the more complex due to the practice of polygamy*

allocation of land to the landless by the government but all the laws are not implemented. They also said that there are many *pattas* made without being endorsed in the *palli sabha*, and the *patta* holders do not know which land they possess.

Awareness about the conversion of forest land and Forest Rights Act (FRA) is very low—about 25 per cent and 45 per cent, respectively. Households also have low awareness about their claim on revenue land or forest land. As mentioned in the previous section, only 6 per cent of the applicants have attached proof of possession of their land

with their application. This creates a hindrance in receiving the *patta* under FRA. People are not aware that they have a right to the conversion of land, under FRA.

### Understanding Forest Land Rights and Its Use

Although most of the villages have FRCs (Forest Rights Committees), as seen in Table 5, the respondents have a lack of awareness about its role. Each village has a Committee comprising 10–15 members, in which one-third of the members are required to be women. They mentioned that there are many laws for the

There is a stark gap in the implementation of FRA and the Act is far from implemented in letter and spirit. First, other forest dwellers are completely left out in the implementation due to the lack of proof of continuous possession of land. Second, even tribals do not optimally gain by the Act because the allotment is always less than the submitted claims. Discussions

**Table 5: Perception of Respondents on Land Availability for Deserted Women**

	Yes	No	Yes, if in-laws take decision to do so	Yes, if she stays with the children	Do not know
If a woman is deserted by her husband, should she get share of her husband's land?	2.49	56.43	7.88	32.37	0.83
If a woman's husband re-marries, should she get share of her husband's land?	7.44	59.50	7.85	24.38	0.83

**Table 6: Awareness about Forest Land and FRA**

	Yes	No	Do not know
Awareness about conversion of forest land to revenue land	25	51	24
Has your forest land been converted to revenue land?	23	53	24
Have you applied for forest or revenue land?	29	49	22
Awareness about <i>patta</i> under FRA	45	55	0

with FRC members and male members of the tribal community in Rodangi village brought to light that claims are decided arbitrarily and discretionally, based on the social status, power and prestige of a person in the society.

Although FRCs have a critical role to play in the implementation of the Act, no awareness activity has been conducted by the authorities. The respondents are unaware of the structure of FRCs, membership, that women have a proactive role to play as FRC members, etc. This creates an urgent need for engagement on the issue with the community, in general, and women, in particular.

### Women's Interaction with Institutions

Considering the insecurity and vulnerability of women, an assessment of their awareness level on various government legislations on land as well as their interaction with the officials was carried out. In the project location, 35 per cent of the women applied for government land, of which 71 per cent have been assisted to follow the process of application. Most of them received assistance from NGOs or Village Committees.

Women's engagement with the government officials, especially the revenue department, is negligible. Although most of the women have seen the revenue inspector (RI) in their village, they are ambiguous about the role and functions of the revenue department. The *tehsildar's* office being away from the villages, most of

the women have not seen the *tehsildar* and do not know about the function of his office. Women also reported about paying bribes to government officials for getting benefits under the welfare schemes. Rayagada district being under the 5th Schedule, Integrated Tribal Development Agency (ITDA) and Orissa Tribal Empowerment and Livelihoods Programme OTELP have a major role to play in the implementation of development schemes. Women have very rarely interacted with these agencies.

Even the RI and the *tehsildars* admitted that very few women come to their office because: a) most of the revenue-related work is done by men, so women hardly engage with the officials; b) most of the women do not own land, so there is no need for them to visit the revenue office and they lack awareness about securing land rights; c) women are not aware of land rights and thus they do not engage with the revenue officials.

*Tehsildars* said that sisters are made to 'sign away' their share in parental land in favour of their brothers. The RI suggested that women be made aware about issues related to land by exposing them to various such rights-related issues in order to deepen the engagement between women and the revenue department. The attitude of the government officials has also been a big deterrent according to the women, who say that the officials do not treat them well.



Talking about the land ownership aspect with the women was unthinkable a few years back because land was a distant subject to them. Property belonged to the men and its flow was patrilineal and has been so for generations. Through PRADAN's gender equality engagement, however, things have changed. Women are becoming aware about their rights and entitlements. In SHGs, Clusters and Federations, women have started discussing their right to maternal and marital land. Some of them have also initiated the process of claiming their inheritance rights. They have started questioning the customary practices that do not allow women to inherit and use the land. There have been instances in which women have collectively raised their voice in the *palli sabha* for a widow's rights on her marital land.

The findings of the study show some interesting results:

- ◆ 80 per cent of the women say that boys and girls are co-parceners to the parents' land.
- ◆ 92.27 per cent of the women say that a wife has legal rights over her husband's property.
- ◆ 83.13 per cent of the women say that a widow has a right to her husband's property.
- ◆ 87 per cent of the women say that adult unmarried women are entitled to their parents' land.

These findings are exciting and provide a promising platform for new engagement and action towards women's rights on land, equal to that of men. This will not only provide women financial and livelihood security but will also help them find their rightful place as farmers, capable of making life-altering and life-enriching decisions. It will also give them the dignity and recognition that has been hitherto denied to them in society.

# Single Women: Stories of Despair and Survival

SOHINI PAUL

*One of the reasons for the economic, social and political subordination of women in India is their lack of effective rights in property, especially land. Having rights over land is necessary for more equal gender relations, both within and outside the household. The situation is worse for single women—those who are abandoned, deserted, separated, divorced, unmarried or widowed.*

Low-income, single women comprise the most vulnerable 10 per cent of the entire female population in the country. According to the 2001 Census, there are 36 million single women, and these are only the legally divorced or separated women and widows. Abandoned or unmarried women remain outside the government's policy and welfare schemes, and struggle to live life with dignity. They are not eligible for ration cards, job cards or BPL cards. More important, they face problems accessing property rights, including access to land. The five women—Ganga Bai, Bisaniya Bai, Gulia Bai, Shyama Bai and Kalavati Bai—of Betul district in Madhya Pradesh, whose stories are recounted here, have either been deserted by their husbands, are unmarried or are widows. Some have accepted their fate and do not dare to confront societal norms whereas others believe that owning and cultivating even a small patch of land has helped them live a life of dignity and respect.

## **GANGA BAI: CAN A DESERTED WOMAN ASK FOR HER RIGHT TO LAND?**

Ganga Bai, 35, lives in Dodramohar village, Bhoura *gram panchayat*, with her mother, daughter, younger brother Ram Das and his family, that is, her sister-in-law and their three children—two sons and a daughter. Her father died a year ago. Her elder brother lives in another house in the same village with his family. Ganga Bai has three other sisters, who live with their marital families in nearby villages. Her daughter, Preeti, is 11 years old.

Ganga Bai returned to her parents' house around 11 years ago with her two-and-a-half-year-old daughter when she was pregnant with her second child, Preeti. She was married to a man named Govind at a very young age. However, she was frequently abused and beaten by her husband and her parents-in-law. The violence increased after she gave birth to a baby girl.

The situation became worse after her husband brought another woman home one day and started living with her in the same house. Luckily for her, the *gram panchayat sarpanch* came to her rescue and asked Ganga to leave the village and return to her parents' village because he feared that if she continued to stay in her marital home, they would probably beat her to death. He gave her some money and helped her to return to Dodramohar.

Ganga Bai belongs to the Pradhan sub-tribe of the Gond tribe. Among several tribal practices, polygamy, domestic violence and denial of property rights to women form three cardinal societal behaviours of Gond and Korku men. Whereas several community practices of these tribes substantially differ from the mainstream Hindu and other communities, an uncanny similarity prevails about how communities deny women their property rights. Like in Hindu and other communities, these tribal women are systematically denied their right to inherit land in their natal and marital families. Ganga Bai's case is not merely one of abuse and domestic violence; her story assumes greater significance as her dignity and freedom as a human being were further compromised by her own acceptance of the belief that men had and enjoyed the right to property.

Her elder daughter did not live long because of lack of medication and healthcare facilities. In the meanwhile, Ganga gave birth to her second daughter, Preeti, at her brother's house. Govind, from whom she is not legally divorced, did not bother to keep in touch with her and visited her only once when her

*Like in Hindu and other communities, these tribal women are systematically denied their right to inherit land in their natal and marital families. Ganga Bai's case is not merely one of abuse and domestic violence; her story assumes greater significance as her dignity and freedom as a human being were further compromised by her own acceptance of the belief that men had and enjoyed the right to property*

daughter was eight years old. For all practical purposes, she is a single mother. Ganga ekes her living by working with her brother in his field, growing maize, lentils and other crops. Owing to PRADAN's efforts, Ganga, like many other women in the area, is the owner of a poultry shed where she has 400 chicks, from which she gets an annual income of about Rs 15,000. She built this poultry shed with the help of a local co-operative called Kesla Poultry Co-operative Society, the staff of which trained her in poultry farming. It also gave her a grant of Rs 30,000 to build a poultry

shed. She has now survived the shock and trauma of an abusive marriage.

Ganga Bai recognizes that her existence has two key determinants—successful poultry farming and the shelter given to her by her younger brother and his family. Her natal family has about 10 acres of land, which was not partitioned or divided among her father and his five brothers. Each family cultivates their portions of the land. Ganga Bai and her brother farm their patch of land, which is non-irrigated. She does this in exchange for the shelter provided to her by her younger brother, with whom she has a very good relationship.

She is aware of the fact that every woman has a right to her parents land and property: "*Baap ka haq milna chahiye* (Daughters should get a share of their father's land)." But in spite of knowing this, she would rather have her brothers get her share of parental land. She will never stake her claim because she does not want to spoil the good relationship that she has with her brothers, especially with Ram Das her younger brother, who has assured her that

he will build a separate house for her in the near future.

Ganga Bai also remembers that when she was married to Govind, they had together bought 50 decimals of land at Rs 5,000. She had mortgaged her jewellery in order to buy the land. Her husband was a furniture maker and she used to help him in his work. The land was registered in Govind's name, who had visited the *tehsil* office for registration and mutation. She could not go with Govind to the *tehsil* office because she had a small baby to look after at home. Luckily for her, she got her jewellery back. She said, "When we bought the land together, I had no idea that he would leave me one day...." implying that she regrets that she had not insisted that the land should have been in her name as well. She recognizes the importance of land rights as a basic means of a dignified and secure life.

She is a changed person today, earning her own living, taking all efforts to get her daughter educated, participating in activities of the co-operative and her Self-Help Group. She has stopped short, however, of acting on her rights enshrined in law; for her, the mutually agreed arrangement with her brother is enough for the rest of her life.

### **BISANIYA BAI: UNMARRIED ADULT WOMAN LACKS RECOGNITION IN HER VILLAGE**

Bisaniya Bai of Kundli village looks much older than her age. Her hair has turned white and her face is wrinkled before time. Unlike most other women of her age in her village, she was never married, which is rare in rural India.

She lives in a small mud hut behind her sister's house. She is the youngest of her siblings and has two brothers and a sister. Her elder brother, Inder Pal, has two children whereas

*She recognizes the importance of land rights as a basic means of a dignified and secure life*

the younger brother, Johari Lal, has four children. Her sister Savitri has three sons. After her elder brother's wife died of illness, Bisaniya Bai took up the responsibility of looking after his two children, a son and a daughter. Her parents did not get her married because they did not find a suitable match for her and they did not want her to get married to an alcoholic.

Bisaniya's family owns land in Kundi village. She and her sister are not aware of how much land they have. She knows that the land is in her elder brother's name and that the documents are with him. Here again, social customs and state norms are in conflict. Tribal society accepts partition of the land and recognizes the brothers as owners of two separate plots whereas the state recognizes only Inder Pal as the sole owner.

Bisaniya works on her brother's land, where she does the weeding, sowing, reaping, harvesting and all other farming-related work, usually done by women. During the off-season, she works for daily wages in road construction or any other manual labour that is available. She gets about Rs 150 per day whenever she works as agricultural labourer or in non-farm work. Her brother gives her a share of the produce for her sustenance from the land on which she works.

Bisaniya has never felt the need to own land because she was brought up with the idea that land is always owned by men. She has spent her life working on her brother's farm and believes that because her brother has children, the land will finally belong to them. In spite of toiling relentlessly on her family land, she has no control over the income generated from the land that she cultivates. She is totally dependent on her brother for her economic security.

Inder Pal has re-married and lives as a *ghar jamai* in his wife's house in Tawa Nagar along with his son from the first marriage. Inder Pal visits Kundi once in 15 days to enquire about Bisaniya as well as to look at his land. Her other brother, although in Kundi, has not bothered to keep in touch with his two sisters Savitri and Bisaniya. He owns and cultivates his own piece of land.

*The dominance of social norms ensures that she thinks and behaves exactly in the way that the norms are set. Modern institutions such as the state and civil society are struggling to penetrate these norms that are so deeply rooted in rural India*

For Bisaniya, life revolves around her labour in the field and searching for enough work at other times. Her major decisions in life are still in the hands of her elder brother. The dominance of social norms ensures that she thinks and behaves exactly in the way that the norms are set. Modern institutions such as the state and civil society are struggling to penetrate these norms that are so deeply rooted in rural India.

### **GULIA BAI: LAND-OWNING WIDOWS ARE TREATED WITH MUCH GREATER RESPECT**

Tribal societies have a complex pattern of land ownership, which has to be adjusted and defined within polygamous relationships. The Gond society in the villages of Shahpur Block has evolved its own ways, as is evident in Gulia Bai's land ownership and inheritance. It describes how within the existing social norms, adjustments are possible, and that there is, indeed, scope for social mediation at a local level, to make land rights for women more equal.

Gulia Bai is a resident of Raipur village, which is one of the larger villages with around 400–450 families. She is an elderly widow, who lives in a small two-room mud house at the centre of the village. She got married at a very young age to Bishram and had three daughters Saroj,

Sakun, and Sunita. She lost her husband about 14 years ago, when her daughters were still in school. As a widowed mother and as the sole supporter of her off-spring, Gulia Bai was forced to withdraw her children from school and press them into work, to earn a living for the family. Bishram had been married earlier and had two sons, Barelal and Dhanaram. Barelal lives in a hut

adjacent to hers and Dhanaram lives in another house slightly away. Gulia Bai's grandson, Rabi (Barelal's son from his first wife) lives with her.

However, unlike many widows from low-income rural families, who are either disowned by their relatives or are thrown out of their homes because of land and inheritance disputes, Gulia Bai did not face these problems. This was probably due to the fact that she has five acres of land (in three patches of 2.5, 1 and 1.5 acres) registered in her name by her husband when he was alive.

So not only is she operating as the household head but she is also the legal owner of the land. Of this, she has given one acre to her eldest daughter Saroj and the rest is being cultivated by her two step-sons. She has divided the land into four parts: in her name, Saroj's name and in the names of her two step sons—Barelal and Dhanaram. According to Gulia Bai who is unlettered, she gave the most fertile piece of land to Saroj because this is the only parcel of land which has a well.

Gulia Bai realizes that her ownership of land helped bring up her three young girls after her husband's demise. She said, "If I did not have land, I would have had to work as a labourer all my life to bring up my children." Land ownership helped her overcome two common challenges that widows in India generally face:

loss of social status and reduced economic circumstances.

Saroj, Gulia Bai's eldest daughter, is 23 years old and is the mother of a six-month-old baby boy. She was only 10 years old when her father died. At that time, her step-brothers did not help them much, leaving young Saroj to bring up her two sisters and to look after her grieving mother, who had become an alcoholic after her husband's death. She decided to give up her studies and work in their fields and on others' fields, and whenever possible go out to work in nearby towns and villages. She got her two sisters married and was the last to get married. Initially, she was reluctant to marry because she feared that there would be no one to look after her aging mother.

Today, Saroj is happily married to Mahendra Singh Uike, who is very supportive of her and helps her in cultivating her mother's and her share of land in her natal village. Her two sisters, Sunita and Sakun, also regularly send money and things to their mother. Saroj has realized the importance of land in a woman's life, especially widows who have only daughters and no sons. She says, "During difficult times after my father's death, having land gave me the courage to bear the responsibilities of looking after my mother and younger sisters. We need a little bit of land to live on and to earn a bit of money for household expenses."

Gulia Bai's case stresses the fact that land-owning widows, who live with their adult sons or step-sons, are treated with much greater respect and consideration than those who are landless and economically dependent.

*Owning land and having a secure title deed gives both tangible and intangible benefits. The tangible benefits include the use of land for farming, collateral for credit and an increased income and the intangible benefits is the sense of empowerment because women with a secure land titles experience economic and psychological security*

### **KALAVATI BAI: VAN ADHIKAR PATRA PROVIDES A SENSE OF SECURITY**

Owning land and having a secure title deed gives both tangible and intangible benefits. The tangible benefits include the use of land for farming, collateral for credit and increased incomes and the intangible benefit is the sense of empowerment because women with secure land titles experience economic and psychological security.

Kalavati Bai, 63, lives in Bara Dhana mohalla in Handipani village, one of the 92 forest villages in Betul district. The village has 360 households and is inhabited primarily by the Korku tribe. It is 10 km from Bhoura, the closest market on National Highway 69. The other Korku-dominated villages are more remote and farther away from the highway. Handipani is one of the three villages that makes up the *gram panchayat*, the others being Kuppa and Sonadai.

Kalavati Bai lives with her younger son Paras Ram, daughter-in-law Premvati and two grandsons. Kalavati's middle son's (he died a few years ago) widow, Malti, and her two daughters also live with her. Kalavati's husband died about five years ago. Her eldest son, Chait Ram, and his family live separately in the same village. Kalavati is the head of the household. Paras Ram, a daily wage earner, works with the forest department as a casual labourer and gets about 8–10 days of work every month. Malti cooks the mid-day meal in a nearby school and gets a salary of Rs 1,000 per month.

Before the implementation of the FRA, most households in this village cultivated about 15–20 acres of land each. As such, the forest dwellers (mainly tribal) had usufruct rights in forest villages, where a 15-year lease was granted to them by the state forest department because the ownership rights were held by the latter. It is only when forest villages are converted into revenue villages that the lessees acquire *bhumiswami rights*. Many areas, as per the Indian Forest Act 1927, were often declared as 'Government Forests', without any record of who lived there and what land they were using.

Forest dwellers, in such cases, have no legal rights, either to their homes or to the land. Owing to this, many were subjected to harassment, eviction, etc., and were considered encroachers in their own homes. FRA has granted legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws. One of the key features of FRA is that it provides title rights, in the form of *Van Adhikar Patra*, that is, ownership of land that is being cultivated by the tribals or the forest dwellers as on 13 December 2005, subject to a maximum of 4 ha. The ownership is for the lands being farmed and no new lands are given.

Kalavati Bai, today, is the legal owner of 3.345 ha of land in her village and she has a copy of the *Van Adhikar Patra* that was given to her in 2010. It is in her name first and then her husband Penchu's name. Although unlettered, she is aware of what is written on the title. With help from the others present, she tells us that the title also has the names of her two sons—Surat Ram (who died about 2–3 years earlier), her younger son Paras Ram and Malti her daughter-in-law, Surat Ram's widow.

Her elder son lives separately and his land is yet to be measured in order for him to get the *Van Adhikar Patra*. The certificate mentions that she has a total of 3.345 ha, which is in five plots. Of the five, she cultivates the *talab vala khet* and *bari vala khet*; the rest has been left fallow due to lack of water. In the former, wheat is cultivated and in the *bari zameen*, or homestead land, they grow lentils (*chana*), chillies and brinjals. The family of eight members consumes 4–5 quintals of wheat and vegetables. She also has 10 *mahua trees* and two *jamun trees* on her land and a well, the water from which is used to irrigate the land in winters when water is available (*thandi ka kua*). During the summer, the wells run dry. She sells approximately 405 quintals of mahua for about Rs 10,000.

The certificate of land ownership has given her a sense of security as well as access to several benefits. When asked how she got the certificate, Kalavati could not recall the formation of the FRC in her village. But she does remember that they had been informed by the *gaon kotwar* about a meeting being organized by the Forest Ranger (commonly referred to as 'Deputy Saab' by the villagers). At the meeting, each of them whose land had been measured was given a *Van Adhikar Patra*.

She says that the *Van Adhikar Patra* is very important because it is not only the proof of her land ownership but it helps her get entitlements such as fertilizers and seeds from the government. She says, "*Jab bhi zaroorat hain to patta jama karke khad lete hain. Patta hain to khad mila aur gehu boye. Patta aur zameen hume haq deta hain.* (Whenever we need it, we deposit the certificate and collect the fertilizer. Because we have the *patta*, we get the fertilizer and sow wheat. The *patta* and our land give us our rights.)" She informs

us that she has the photocopy of the document because the original certificate is with the co-operative society for procuring the fertilizer. She needs to pay Rs 4,000–5000 to the society for the fertilizer, after which she would get the certificate back.

On being asked if she would partition the land among her sons, she replies that the *Van Adhikar Patra* has given her a sense of confidence and she has decided she will not give the land to her children as long as she is alive because she knows that as she grows older, the land will provide her with food and shelter. She proudly tells us, “*Kaiko denge....hume kaun khilayega? Na beta na beti.* (Why should I give the land? Who will feed me then? Neither my son nor my daughter).”

#### **SHYAMA BAI: A SMALL FIELD OF HER OWN AS SECURITY AGAINST POVERTY**

The death of a husband can spell doom for a woman because it threatens her psychological and physical well-being. However, this can be overcome to a large extent if she has access to and control over land, which is crucial for a family’s well-being and food security. This is Shyama Bai’s story. Shyama Bai is a feisty woman in her early fifties, who lives in Polapatthar village in Salimet *gram panchayat*. She looks happy and content and is proud of her newly built brick home, one of the few pucca houses in the village.

Shyama Bai has two sons and three daughters. Her elder son is married with two children and her younger son, who is 18 years old, is still studying in school. All her three daughters are married. Though Shyama Bai is financially

*The death of a husband can spell doom for a woman because it threatens her psychological and physical well-being. However, this can be overcome to a large extent if she has access to and control over land, which is crucial for a family’s well-being and food security*

well-off today, she has seen hard days and has struggled to bring up her five children after she lost her husband, Ram Kishore, after a cerebral stroke and paralysis, 15 years ago. All her children had to leave school as she could no longer afford their studies. Ram Kishore used to work as a truck driver till he suffered a paralytic attack and was bed-ridden for 6-7 months before he died.

Luckily for her, her father had given her two acres of land in Polapatthar village when she had gotten married 25 years back because at that time her in-laws had no land. After her marriage, she continued staying with her parents along with her husband, who stayed as *ghar jamai*. Her other sisters, however, did not get any land. Her elder brother was unhappy about her being given land and did not speak with her for three years. The rest of the land was given to her brothers.

After her father’s death, her mother came to live with her and stayed for seven years until she died. The land was initially in Shyama’s husband’s name. After his death, her name was included in the *Bhu adhikar avam rin pustika*, along with the names of her two sons and three daughters.

This piece of land has helped to sustain her and her family during the difficult period after her husband’s demise, highlighting the fact that ownership and control of assets are the greatest protection against deprivation for widows. She says, “*Agar zameen nahin hoti to basne mein mushkil hoti* (If I did not have this land, life would have been very difficult),”



She cultivates it along with her son and grows maize, *tuvar* (split gram) and sesame on her land. She gets food for about four months of the year from this piece of land, which is 3 km away from her house. As a land owner, Shyama knows she can avail of a number of benefits and she did try and succeeded, to a large extent. She has piped irrigation facilities on her land and has also benefitted from many government schemes. When she is not working on her own land, she works as an agricultural labourer in villages close to Itarsi.

However, with the advent of combine harvesters in these parts, much of the farming has become mechanized. She also has a job card under MGNREGA. As an agricultural labourer, she gets paid Rs 146 per day. All this was possible because, she had land, which gave her a permanent address, a source of income, and most importantly for her, a clear sense of security.

The social norm and the understanding of that norm by the community fundamentally differ from that of the state. Although Shyama consistently said that she got the land from her father, on specific enquiry we learned that the title of the land was given to her husband and not to Shyama. Social norms dictate that, in case of a *ghar jamai*, he could get the land from the bride's father as dowry, with the understanding that after his death or in case of separation, the wife would have the sole ownership on the land. The condition is also that he would not sell this land.

The state practice on the other hand dictates that a widow will inherit her husband's land along with their sons and daughters at par; she does not have any sole right on her husband's land. And, upon divorce, the woman is entitled to her husband's property as decided by the Court.

Shyama Bai was lucky in more ways than one. Though she lives in her natal village, the land on which her house is built was bought by her father-in-law for Rs 400. He used to work as a gang-man with the Indian railways and was posted at Polapatthar. He purchased the land for his only son, thinking that his son would one day inherit that land. After her parents died, Shyama Bai shifted to her father-in-law's house along with her family.

In 2011, she re-built the old house that had been built by her in-laws, with the help of a grant of Rs 45,000 under the Indira Awas Yojana, a Rs 10,000 loan from her SHG and Rs 10,000 from relatives. Her son-in-law, a mason, helped to build the house for her and also made the bricks used in the construction. Her house is perhaps one of the few brick houses in the village with four rooms and a kitchen. It has a front and back yard and is situated opposite the *aanganwadi* centre and is quite close to the national highway. She is keen to start a poultry farm in the space next to her house (where her in-laws' old house used to be and which she had broken down when she built her new house). With a piece of homestead land, a *pucca* house and a two acre irrigated crop land, Shyama Bai has survived the shock of the death of her husband and overcome the challenges of raising her family of five children.

The role of other social institutions cannot be underestimated. For example, Shyama Bai has been a long-standing member of the Saraswati SHG, a leader of the SHG Cluster and an active member of the Narmada Mahila Sangh (NMS), an association of tribal women promoted and nurtured by PRADAN. These have certainly contributed to Shyama Bai's life in several ways—access to information, savings-credit, collective action, individual and collective courage and enhancing her agency.

The land provided her the economic and social base whereas the other social institutions provided her with the skills, access, courage and agency. As a result, Shyama Bai's life has definitely changed for the better. Shyama Bai's experiences emphasize the fact that the right to land, especially in poor households, reduces the household's risk of poverty and destitution.

## CONCLUSION

The two stories of Ganga Bai and Bisaniya Bai highlight the fact that, in rural India today, single women remain outside the government's policy and welfare schemes. Ganga Bai's story highlights the plight of the abandoned women who, unlike widows, are not even eligible for pensions and have no financial support whatsoever. Having been deserted by their husbands and in-laws, they usually do not ask for maintenance, with most of the marital property remaining in the name of the husband or the father-in-law. This is because in India there are no laws for the division of marital property when a separation or divorce takes place. Usually, the husband gets all the moveable and immoveable assets of the household, resulting in an unfair and discriminatory situation for the wife, who has no legal rights to any of the assets that she has also helped to acquire, as in the case of Ganga Bai. As a result, these women are left with no farm land, no property and usually no marital home.

In the case of Bisaniya, despite her performing all agricultural tasks except ploughing and marketing, she does not have any rights over her family land, even though she has not

*The two stories of Ganga Bai and Bisaniya Bai highlight the fact that, in rural India today, single women remain outside the government's policy and welfare schemes*

married. Her usufruct rights to land are limited and are subject to decisions of her elder brother. In effect, she has been reduced to the status of a mere worker on her family land and is being provided basic maintenance. Her case reflects the fact that

an unmarried adult woman belongs to no recognized social category and consequently lacks a definite status in her home village or in the wider local community.

In both the cases, Ganga and Bisaniya are dependent on their relationship with their brothers for their economic as well as social security. In spite of them working on the fields, they are considered merely the workers on the farms of their brothers, who are seen as the owners of the land.

The stories of Gulia Bai, Kalavati and Shyama Bai, on the other hand, highlight the fact that even a small patch of land has helped these women to stay independently and take care of their children and family, without being dependent on the male relatives. These women survived the shock of their husband's death, and with the land available, they are much more secure economically and socially. The women, being independent, take their own decisions and are also treated with respect.

These stories favour the argument that women should have independent access to economic resources such as land because it serves as a security against poverty—a means to meet basic needs. For households headed by women with no adult male support, the link between direct access to land and physical well-being needs no emphasis.



“We can lease the land with our husbands but that will not give us our identity as farmers. It doesn't improve our status. Leasing land, cultivating together, going to government offices and exposures visits to various places has certainly elevated our status in the society.” Seema Devi, Bhojpur district, Bihar.

Photo Courtesy: Sabita Parida, Oxfam India

# PRADAN



**PRADAN** is a voluntary organization registered in Delhi under the Societies Registration Act. PRADAN works through small teams of professionals in selected villages across eight states. The focus of PRADAN's work is to promote and strengthen livelihoods for the rural poor. It involves organizing the poor, enhancing their capabilities, introducing ways to improve their income and linking them to banks, markets and other economic services. The professionals work directly with the poor, using their knowledge and skills to help remove poverty. *NewsReach*, PRADAN's bimonthly journal, is a forum for sharing the thoughts and experiences of these professionals working in remote and far-flung areas in the field. *NewsReach* helps them to reach out and connect with each other, the development fraternity and the outside world.

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