

# A Field of My Own

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*Securing land rights for women equal to that of men not only gave women financial and livelihoods security but also helped them find their rightful place as farmers capable of making life-altering and life-enriching decisions, and gave them dignity and recognition in society that had been hitherto denied them*

I would like to share my reflections with you. I have been questioning myself and trying to listen to my inner calling. I am passionate about securing land rights for women. This is not a stand-alone issue but a vital missing link in the entire schema of engagement with women. Securing land rights for women is very relevant in my struggle for women's agency. Where do I begin my sharing? Should I start from my own field? Is my fight for these rights limited to my work life? Will it always be an intrinsic part of my professional life? I may need to start with myself and my family, understanding the patriarchal norms and barriers preventing women—daughters, sisters, mothers, wives—to own, access, control and utilize land and property. Women accessing land rights may not be the only way to build a just and equal society but it is a crucial dimension in our endeavour for development.

## Revisiting those days

I am an agriculture engineer and I joined PRADAN in 2003. My first assignment was in Khunti, Jharkhand, and I worked there till 2010 when I was transferred to Rayagada in Odisha. In the last decade, I have had the opportunity to work closely with tribal women, mobilizing them to form and join Self Help Groups (SHGs), nurturing and strengthening SHGs to secondary and tertiary level collectives such as Clusters and Federations/Co-operatives.

My core focus was on enhancing women's livelihoods and helping them work towards food security in a sustainable manner. Along the way, the women identified various livelihood options such as off-farm, on-farm micro-enterprises such as poultry rearing, goat rearing or forest-based activities such as lac rearing, to bring about positive change in their lives. The facilitative role that I played as part of the PRADAN team encouraged the women to articulate their aspirations in life and move towards this vision. I feel grateful for getting the opportunity to be a catalyst in their journey from being restricted to the four walls of their homes to becoming women of confidence, contributing to the economic well-being of their families.

Earlier, when I thought about livelihoods, the phrases that came immediately to mind were: the best livelihood portfolios, managing the land and recharging the land, the best use of land to get a better return, input-output linkage, the best technology, capacity building systems, food security and the women's stake in the entire process. Many of the women I engaged with have emerged as good farmers, who have sound technical know-how and greater bargaining power with stakeholders such as input suppliers, the bank and the market. I considered this as success.

In Rayagada, I became involved with the UN Women-supported Gender Equality Project (GEP), which opened up the scope for me to interact with women through a gender perspective. During in-house training programmes with the leaders, I heard many painful stories and became more aware of the discrimination that women face from birth to death.

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I learned that in 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 also not accepted in her maternal home. In this context, her being a good SHG member or SRI grower, with sound technical knowledge about farming 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/rights can work for women. When the household breaks down (abandonment, death, divorce, physical violence, alcoholism, in-laws who are against her), however, the women stand to lose the most. They lose their rights to land and serious consequences follow. In this context, suddenly my earlier work of engaging women in livelihood creation did not seem like a success because I realized that many issues of insecurity prevail beneath those success stories.

## LAND RIGHTS A VITAL NECESSITY

### *Amit Huika's uncertainty*

During the course of a study of cotton farmers in Rayagada, I met a farmer, Amit Huika, of Boriguda village, growing cotton successfully for seven to eight years. He earned a reasonably good profit every year, irrespective of the high fluctuation in the Minimum Support Price (MSP) from Rs 3,900 to 7,000 per quintal. One year, he earned a profit of more than one lakh. I was with Jitesh (an independent consultant hired by Tradecraft) and my colleague Sibabrata when I realized that Amit was skeptical about his land use. Amit was a landless farmer, growing cotton on government-encroached land (nearly three acres). I was disturbed by the uncertainty behind his story of success.

Amit told us that the encroached plot was the only land he had to support himself with and the wages he earned were his only means of sustenance. Amit was one among many landless farmers in his village and the adjacent Clusters; all of them struggled with uncertainty about earning their daily livelihood from the government land they encroached.

In India, land reforms are a state subject whereas forest land is a central subject. The central government has demarcated large tracts of forest land as Reserve Forests, which means that the people who have always lived in these forests have no rights over this land and will never have. The tribes and the local forest dwellers suddenly find themselves to be encroachers, who can be evicted from their homes and can no longer use the land to earn a living.

So what is the future of farmers like Amit Huika?

- Struggle of tenant farmers

Tenant farmers do not have their own land and rent out land on which they farm. During a study of cotton farmers in Rayagada, my colleague Jagat and I interacted with Chilika and Subha Rao in Burjuguda village. Both of them are tenant farmers. It is a struggle for them to get land on rent to grow crops. One of the reasons for landlords not wanting to give their land on rent is that the farmers use chemicals.

The rent varies, depending on the crop the farmers want to grow. Most of these tenancy agreements are oral/non-written; so the tenants are not sure whether they will get a plot on rent until it is sowing time. Sometimes, they get land away from their habitation, increasing their difficulty in cultivating these, or they are given a plot near the forest, and which needs to be cleared of the trees and prepared for cultivation; often, after they clear the land, it is used by the landlord. This discourages the tenants from investing in the land.

To see hectares of fallow land when Chilika and Subha Rao struggled to get land on rent to grow their crops was disturbing. There are so many such cases in our operating areas. Land distribution is skewed—the non-growers have more land and the real farmers struggle to get a plot to cultivate for their survival. My engagement thus far had been largely with landed women (ownership with the men, however) and excluded the struggle of these needy tenants.

- Worries and fears during the agriculture planning process

Often, during the agriculture planning exercise in SHGs, women were worried because they want to grow several crops but they did not have any land to cultivate these crops. Sometimes, the SHGs offered to identify some land on rent for landless members—a plan which did not always materialize.

How did the people become landless? Did they not inherit land? Was their land grabbed by powerful people? Had they mortgaged their land and were not able to recover it? What happened to those successful SRI growers? If they were absolutely landless, were they eligible for land through the government allocation process? These questions rarely found any space in my daily engagement because my work was more focused on landed women.

## Discrimination Begins at Home

I have observed the lives of the women of the Munda and the Kandha tribes closely. They are discriminated against from the time they are little girls. 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 movable 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' house; often, they don't get a share of the land that they cultivate as they are considered outsiders to the blood line. The issue of a woman inheriting the land in her name is brought up only after the death of her husband.

In many tribes such as the Munda and the Kandha (as I have observed in Khunti in Jharkhand and Rayagada in Odisha), it is a customary practice that the subject of women's right to the land arises only if there is no male person in three generations in the male line of descent. For example, a woman would get 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 the child she has given birth to. If she only has girl children, she cannot inherit the land and the land is taken by the male relatives of her husband. If she has a

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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.

Women cultivate the land and work hard in the sun and the rain, and yet the Indian agriculture policy denies them

the 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.

## MEANING OF FEMINIZATION

My focus has always been on women during all my implementation efforts; from the outside, it looks like a 'feminization' of interventions. However, 'feminization' is more than women's involvement and increasing their technical know-how. For me, it is about giving the women a stake in their work, by making pro-women activities to enhance their sense of agency. As of now, all we have are the feminizing of risks such as taking credit and repaying, and the feminizing of all the drudgery of work. In fact, all our interventions add to their drudgery and do not give them the right to the land that they cultivate.

If we were to ask an SHG member producing the highest yield in SRI or an SHG member with a good mango orchard, "Didi, who is the owner of this plot?" the answer would most often be, "My husband, my father-in-law, my brother-in-law or my son." We have not feminized the assets that they use or given them control over the produce that they grow. Women rarely have control over the money they earn. They have always been a means/worker whereas the land owner/the male

head always has been the beneficiary of the earnings from her work. What then should my focus be? What can be done to bring about the shift to their becoming the owners of their earnings, instead of just a means of earning?

### LAND RIGHTS AS A GAME CHANGER

In my years of helping women recognize their own power and contribution, there is no doubt that they have emerged as good managers of land, have become technical experts, are producers with access to banks and markets, and have contributed positively to the economic well-being of the family. With no legal rights on the land they cultivate and with less/no voice on the produce and income from the land, however, they rarely have the confidence to say 'no' to domestic violence that they face in their homes. They rarely protest

when their husbands bring home a second wife and exclude them from family matters. They rarely speak up when not valued or considered worthy of participating in the decision-making process. The deep-rooted patriarchal norm always devalues the women and considers them less than human. For generations, the women have been discriminated against with respect to land.

I question myself, "Are my actions pro-active enough in addressing these issues? How much am I disturbed by these matters?" I often think that had I spent my earlier years enabling women by impacting livelihoods on the secure land of women, it might have resulted in greater agency, and they might have been empowered enough to tackle many other land insecurity issues.

#### Land Rights in India

In India, land and land reform are state subjects. However forest land is a central subject. Land is governed by two departments, that is, Revenue and Forests. The Revenue administration deals with all the land issues in revenue villages and the Forest administration deals with forest land. Each state has its own laws, sometimes more than 100 laws governing land rights. Tribal and ethnic groups have their own customary laws.

Forest land, being a central subject, is governed by laws such as Forest Rights Act (FRA) 2006, Forest Conservation Act 1980, Wildlife Protection Act 1972 and Panchayat Extension to Schedule Areas Act (PESA).

There have been some progressive pro-poor attempts such as the Ceiling Surplus Operation and Bhoodan, and campaigns such as 'my land and my homestead land'. The gap between the laws and practice remains unchanged, and landlessness, illegal land transfer and unavailability of land records continue to plague the system.

After the Sixth Five Year Plan of the Government of India, some states modified their guidelines of land allocation programmes to include women's names in land titles, joint titling and exclusive titling in women's names. The Odisha government implements a land allocation programme called the Vasundhara, with a focus on women.

Women's biological right to inherit property, as per the Hindu Succession Amendment Act 2005, has led to a progressive and pro-women policy framework. But the implementation of these policies and laws has been slow.

## ACTS GOVERNING INHERITANCE

### Hindu: (Hindu Succession Act)

- ◆ Daughters and sons have equal rights.
- ◆ Women can transfer land.
- ◆ Women have residential rights over their parental house. They cannot sell the land but can claim their share in case of a sale.
- ◆ Widows will naturally inherit their husband's property unless they remarry.

### Muslim: (Property Right Act)

- ◆ The son gets double of what the daughter gets.
- ◆ The wife does not have any right over her husband's property as long as her husband is alive.
- ◆ Widows are entitled to one-fourth of their husband's property, and one-eighth in case of a joint family.

### Christian: (Property Right of Christian Women 1925)

- ◆ Daughters have equal rights as the son.
- ◆ The wife does not have any rights over her husband's property as long as her husband is alive.
- ◆ A widow gets one-third of her husband's property.

### Women need distinct land rights because:

- ◆ Strengthening the land rights of vulnerable populations may not improve the Women's Land Rights, without specific focus on intra-household distribution of rights.
  - ◆ Almost 35 per cent of the rural households in India, according to the Government of India data, are de-facto woman-headed, because of widowhood, marital breakdown or male migration.
  - ◆ As more men shift to urban or non-farm rural livelihoods, more and more households depend on women for managing the farms and bearing the burden of family subsistence.
  - ◆ According to the Agricultural Census (Govt. 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 their land efficiently because they lack access to institutional credit facilities for lack of collateral.
  - ◆ When the household breaks down (abandonment, death, divorce, physical violence, alcoholism, in-laws who are against her), women lose their rights to the land—and serious consequences follow.
- When a woman has legal rights on the land, it has implications beyond simply the possession

of land, or agricultural and economic benefit. For a woman it is a means of identity, recognition, power, equality, justice and social empowerment within her family and in society. A land title is not just a piece of paper awarding ownership to her, but a step for her to negotiate power, experience security and enjoy equality. According to Article 17 of the Universal Declaration of Human Rights (UDHR):

- ♦ Everyone has the right to own property alone as well as in association with others.
- ♦ No one shall be arbitrarily deprived of his property.

It is, therefore, unjust to see women deprived of their rights to land and property.

My belief is that securing Women's Land Rights would empower them, help them discover their inner strength and voice to act and react as valued humans in their own life, family, community and society at large.

### **BARRIERS IN WOMEN'S LAND RIGHTS**

The typical attitude of women is that they prefer family security rather than independence. Gender-biased statutory laws, traditions and social norms lead them to believe that women cannot use, access, control, own, rent, lease or inherit property without the consent of men. These deep-rooted patriarchal norms and gender bias, the social construct of a secondary status of women do not allow women to own property. Despite being provided legal

### **'WOMEN'S IDENTITY AS FARMERS'**

'Women's Identity as Farmers' is a training programme that aims at encouraging women to acknowledge their contribution in agriculture and accept themselves as farmers. During the exercises, the women responded to questions of ownership by often saying, "Men are the farmers and women are the labourers/*muliani* /*kuli* in own farms." All the drudgery of work is done by the women whereas all the decision-making work was done by the men. The women work hard on the land and there is no rest for them—even if they are menstruating, or during advanced pregnancy, or when breast-feeding their babies. There is no respite and they work on. They contribute immensely to the cultivation and production of the crop; yet, they have little claim on the yield.

Through games such as 'Gender and work division in agriculture' and 'Gender and decision-making in agriculture', women realize the burden of the work that they are doing. They are sad when they understand that they are being discriminated against. They realized that it was unfair to recognize only the men as farmers. The women are farmers as well. The women do more work on the land than the men; it, therefore, made sense to them that women should be considered the first or primary farmers and men the secondary farmers. The women, however, lacked the confidence to acknowledge this because they did not have the land in their name.

I remember the outburst of an SHG member of the Jamulelibadi village in Rayagada. She said, "I will never, never be called a farmer. I'm a widow and my son is the head of the family. He takes the decisions. When my husband was alive, I was working in the field and everybody said it was his land, his crop. Nobody recognized me. It doesn't matter if I call myself a farmer because no man in the village will call me a farmer!"

inheritance rights/laws and policies, women and their families do not see it as an instrument they can use, making it difficult to implement. Women claiming a share of the marital property or natal property are seen as a sign of greed that will lead to the disruption of social relations.

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on them. Their struggles and experiences have inspired others and their circle of influence has crossed the boundaries of SHGs to include the whole village, the *panchayat* and also to non-SHG members. The awareness about equality and justice is spreading.

As I reflect on my journey in PRADAN, I realize that the

work done with the women on savings-credit, livelihoods and co-operatives helped the women and their families positively. It has been a long and, at times, difficult journey to connect with the women and to earn their trust but the GEP approach has been powerful and has offered a window of opportunity for making women the agents of change in its true sense.

Earlier, women believed that land is something the women should not own, that land ownership should flow from the male line, over generations. They thought that if they had land in their name, people would laugh at them, saying that they were trying to be men. When they are made aware of the insecurities in their own lives and how the ownership of

### Windows of Opportunity

PRADAN's introduction of the Gender Equality Project (GEP) funded by UN-Women is a new approach that will bring about the much-needed change. GEP is exactly what I was seeking for the last five to six years. It is an approach that I resonate with on a very personal level. This project provides women with a platform for equality, rights and justice. Self Help Groups (SHGs) are gradually becoming the forum for issues such as domestic violence, sexual harassment, property rights, polygamy and wife-beating being discussed openly. The role of SHGs is no longer restricted to the management of savings and credit. Women are increasingly being able to identify inequalities and expressing and taking action

### Positive Implications of Women Having Land Rights

- ◆ Women have control over household decisions, more likely to negotiate power towards experiencing equality and security.
- ◆ Women are more likely than men to spend income from family resources (including land) on children's nutrition and education.
- ◆ Increase in female land-holdings is associated with increase in household food expenditure.
- ◆ Women are less likely to be the victims of violence.
- ◆ Increased security for single or deserted women.
- ◆ Women will have better access to micro-credit.
- ◆ When mothers own the land, they will think about inheritance of the land to the girl child.



land would empower them, however, they realize the importance of legal rights on land.

Clusters are now handling women's land rights issues. For example, in Rayagada as per customary laws, widows who have only a girl child are not allowed to cultivate land; this is grabbed by the relatives of her husband. Issues such as these are now handled by

women leaders. They have been successful in getting the land back for a widow so that she can cultivate it. Other teams in Mayurbhanj, Hazaribagh, Kesla, Dindori, Balaghat and Koderma have also had success stories regarding women's rights and entitlements. The new stance encourages taking up issues across teams.

### **RUKUNA MUTUKA FIGHTS TO RETAIN HER OWN LAND**

Rukuna Mutuka, a tribal lady of 65, has been a member of the Maa Laxmi SHG for the last three years. She lives in Badachampia village, of the Bankili *gram panchayat* in Kolnara block with her younger daughter Jyoti; her two elder daughters, Sulachana and Bijaya, are married. She lost her husband Gindiri Mutuka three years ago.

The background of the case begins with Kari Mutuka, Rukuna's father-in-law. Kari Mutuka had four sons, namely, Damba, Gindiri, Saranga and Aparao. Damba had one daughter, Puspa; Gindiri had three daughters, Sulochana, Bijaya and Jyoti; Saranga had one daughter, Chandrabati, and a son, Dharmarao, and Aparao had two sons, Ashoka and Rabindra, and a daughter, Sailu. Except Saranga, all the other brothers have passed away.

Kari Mutuka had five acres of land (21 plots). After the demise of Kari Mutuka, the three brothers Gindiri, Saranga and Aparao distributed the land among themselves and Damba refused to take a share. He had been adopted by another family where he had inherited some property. The land was distributed among the brothers by mutual understanding and the legal document remained in the name of Kari Mutuka. The brothers cultivated the land individually.

Since Gindiri died three years earlier, Rukuna had been doing the farming on her own. Her agricultural land is about 1.5 acres. A dispute occurred in the kharif season when Dharmarao (Rukuna's brother-in-law's son) forcefully captured Rukuna's land, on the grounds that since Gindiri had no son, he becomes the legatee of the land. When Rukuna asked him to vacate the land, he threatened her. He told Rukuna that as she has no son and that he was the real heir of the land. Rukuna is very poor and illiterate, and she did not dare to take any legal action against him. She shared her problem with her SHG members. They decided to discuss the matter with four other SHGs of the village. All the members of the five SHGs then decided to talk with Dharmarao.

When he was approached, Dharmarao became very angry and declared that the women should be inside the four walls of their homes and shouldn't try to be leaders. He told them to stay out of his family business. He also threatened them, "I'll see Rukuna, if anyone dares to speak for her."

After this altercation with Dharmarao, the SHG members decided to put the matter before their SHG Cluster, Jagatjanani.

The matter was discussed at the Cluster meeting and the members decided that they would conduct another panchayat-level meeting, to discuss the issue. They planned to invite some elders from nearby villages, the PRI members and Dharmarao to that meeting. On the stipulated date, everyone gathered at the mango orchard in their village. The meeting was hosted by the SHG members and the invitees were also requested to put forward their points.

The SHG women quoted the law that every girl or woman has a right over her paternal property; that the boy and girl child are equal before the law; that no one can take the land of someone who has only daughters and no son. They concluded that Dharmarao was in the wrong. The SHG members discussed how the matter could be solved. Some women suggested that they go to the police to lodge a complaint whereas some others suggested that they go to Court.

The women decided to go to the the Women's Protection Cell at Rayagada. Dharmarao came to the meeting soon after, almost three hours late. The SHG members had another discussion with Dharmarao. At first, he was not willing to vacate the land. But when the SHG members and others villagers told him that he was capturing another person's land and that he was committing a crime, he withdrew.

Giving in to the pressure from the villagers, he agreed to vacate the land. The SHG members were successful in their fight against injustice in a peaceful and non-violent way. Rukuna had to go through much suffering because she was not a legal holder of the land on paper. There is, therefore, great need to work on women's land rights issues of women to reduce their vulnerability.