

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

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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.

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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*, *khasra* 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 *khasra*, 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.

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.