

# Understanding Women's Land Insecurities

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*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

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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.

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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

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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

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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.

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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.

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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.

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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.