

Women and Land Issues
Notes Prepared For Kanti Singh
Minister of Women and Child Development
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Central Government Policies/Plans Related to Women and Land

The status of women in all societies is directly linked to their right to access, own and control land resources. During the periods where the government implemented the Land Reform Acts (1950s and 1970s), there was less consideration to gender equality owing to the fear at that time that this would lead to the fragmentation of land plots. Also property rights in terms of inheritance are generally defined as Joint Family Holdings. This was an added constraint to women gaining access to entitlement.

In the various Land Reform Acts and their amendments passed within the State of Bihar (1958, 1964 and 1972), none of them have stipulated that joint title should be used. Land reform only refers to the order of succession in terms of inheritance. In Bihar one has a high degree of landlessness and the extreme gender inequality. This is coupled with the violence that exists in terms of land ownership.

Since 1980 however the Government of India through the 6th Five Year Plan promoted the implementation of joint title. Although this has been generally accepted by all States in India including Bihar, there still remain some administrative biases. Different awareness generation programs along with monitoring are required by both state civil administrators and Indian administrative services. It has been found in number of studies that the revenue officials (including patwari) along with tehsildar and sarpanches are not aware of joint title (Mazumdar 1997, Kerr 2002) and this means that women are often left out of land entitlement schemes.

In the Draft National Women's Policy of 2001, there is emphasis given to the key role of women in agriculture and other allied farm sectors (i.e. horticulture and livestock), and generally as primary producers. However the Policy does not mention the importance of a gender equality of land ownership. If women are critical for the sustenance of the small farm, then they need to be recognized as farmers. Women are not considered farmers as farmers per se because they do not have the land title.

Increasingly at the international level, land ownership for women is recognized as a significant component in Women's Advancement and this is being raised in the current 'Beijing plus Ten' processes that will culminate next spring at the United Nations.

Poverty alleviation is the most urgent agenda in the UN Millennium Goals, and without basic land resources in the hands of the small and marginal farmers (women) poverty alleviation in the rural areas cannot be achieved.

Issues Related to Women and Land

Some of the issues that are to be related to Women and Land are:

- ☞ Violence and Land
- ☞ Lack of Awareness
- ☞ Dowry and Inheritance
- ☞ Women as Farmers
- ☞ Agricultural Labourers
- ☞ Tribal Women and Land
- ☞ Widows
- ☞ Violence and Land Relations: Impact on Women

Lack of Awareness of Joint Title

One of the biggest problems in women achieving their land rights is their lack of awareness.

There needs to be considerable social awareness generated on joint title so that women understand that land entitlement gives them a kind of security in case she is left either as a young widow or in terms of separation. It also gives greater control over decision-making. The widow does not need to worry about transferring property in an estate if she has joint title.

Recently in a poll in Bihar of 800 people, about half the population knew nothing about land rights of women (374) and about half had nothing to say about the issue (392). Only about 34 persons had land entitlement. This is less than 5 percent. This is not uncommon in other parts of the country. (See Appendix 2 for more elaborate information.)

Even the Bhudan Board in Bihar has recently agreed to allot land with women's name as part of a joint title. Increasingly acceptance is there of the importance of women in land allotment schemes.

Dowry and Inheritance

Dowry has deteriorated into a method of extortion of wealth from bride's to groom's parents, leaving many parents of daughters in debt and encouraging the practice of female feticide - an increasing social evil in India. This practice occurs as a result of great social pressure on parents to arrange socially acceptable marriages for their daughters without having the economic means to do so. In southern Bihar many of the girls have arranged marriages with boys outside of the State given the fear of staying in violent areas, but then their options are limited in case of family problems.

If the son and the daughter inherit equal shares in the properties (movable or immovable) of their parents, there is a pervading belief that by putting the daughter's name on the patta it would lead to more fragmentation of the land. This is not the case because fragmentation need only occur if the land is managed separately. There are many cases where brothers will maintain the land resources conjointly even if the brothers are not cohabitating on the same property. This can also happen with the daughter.

But distributing equal shares would contribute to overcoming the practice of dowry-giving, while at the same time appeasing those people that claim that if dowry-giving is necessary given the inheritance structure.

Women as Farmers

Men want to have exclusive decision making control over farming operations. Men-folk generally do the ploughing, and even though women generally do twelve out of the fourteen farming operations in the cultivation of paddy, they are not considered "the farmers". By adding women's name to the land patta, she potentially can have greater control over the household economy. This in turn allows her to have a greater say in selling of the land or mortgaging it to the bank. There is little need to reiterate that the women's say in the land management is essential for family well-being. This is especially true in a society which has such high male out-migration.

Essentially women do not have sufficient decision-making power in the household to decide on which crops, and how to manage the farm. Indebtedness, mortgaging of land, tribals selling their land to non-tribals have created enormous insecurities that have spurred migration. Cultivating a piece of land and creating sustainable livelihood is the focus of women farmers but they need the decision making power. This is where the entitlement issue becomes critical in the poverty equation.

With farms linked to the wider market economy, the condition of women's participation in farming has undergone a change, and not for the better. Traditionally, rural women have been responsible for half of the world's food production. They have been the main producers of the world's staple crops i.e. rice, wheat, and maize and this provides up to 90% of the rural poor people's food intake

Their contribution to secondary crop production, such as legumes and vegetables, is even greater. Grown mainly in home gardens, these crops provide essential nutrients and are often the only food available during the lean seasons. Women's specialized knowledge about genetic resources for food and agriculture makes them essential custodians of agrobiodiversity. In the livestock sector, women feed and milk the larger animals, while raising poultry and small animals such as sheep, goats, rabbits and guinea pigs. Also, once the harvest is in, rural women provide most of the labor for post-harvest activities, taking responsibility for storage, handling, stocking, processing and marketing.

Agricultural Labourers

As of recent statistics, in India, 78 percent of all female workers and 86 percent of all rural workers are in agriculture, while male agricultural worker account for 58 percent only. 60% of agricultural labourers are women, and this has been increasing with the present trends caused by globalization. Women's role in the agricultural sector has remained largely invisible. The majority of agricultural labourers have little or no land and seldom have proper housing.

Without land resources employment opportunities are few. Consequently the exploitation of agricultural labourers is high. Daily wages for women often range from Rs15 – 20 per day which is about one third of the average state-level minimum wage. In some cases agricultural labourers receive only two kilos of rice a day in exchange for their labour.

Although all landless labourers are a special focus for any land distribution program, it is suggested that women are particularly important within that group. In the current distribution of housing plots and land the government is putting it in women's name.

It is women's workforce, which contributes to the development of agricultural sector, wherein they find their livelihood and survival. Therefore a secure and effective land right for women is a seminal factor for women's welfare and development and consequently her survival. Yet policy makers have largely ignored this issue.

In Bihar the majority of agricultural labourers have little or no land and seldom have proper housing. In a study taken up by Ekta Parishad of 100 villages in six districts in middle Bihar in 2001, landlessness was often found to be a staggering 60%.

Tribal Women and Land

Indebtedness, mortgaging of land, tribals selling their land to non-tribals have created enormous insecurities that have spurred migration.

The concept of land as a commodity comes into conflict with traditional concepts of common property and with societies, such as those of the tribals, who generally do not have a documented system of land rights. At the same time, in an ironic twist of fate, tribals happen to live in resource rich regions that are highly attractive. Consequently, the government and/or the private sector have a keen interest in gaining access and control over their resources -- land or mineral wealth. In the process, land deprivation of the tribal has become a norm as they are routinely displaced and in most cases are not even able to claim compensation since they have no legal proof of ownership.

It is estimated that nearly 2.13 crore people have been displaced by large projects since independence. And a majority of these have been tribals. This has had a huge impact on women and children. Driven away from their homes and with none or little rehabilitation, they join the ranks of the landless.

Within the tribals women are the worst victims of this development. Constraints on her access to forests and its resources directly affect her traditional housework and in the formal economy, she loses her status and control over community resources

Widows

There is evidence to suggest that there is an increasing number of widows. (See Appendix 1 for two case studies.) Without having any land rights women are left bereft of land and income source. In a review of newspaper records on the number of deaths caused by gang warfare and intercaste violence in Bihar since 1971 to 2003 in the nine districts of mostly middle Bihar, there are as many as 61 villages that have been affected by group violence and as many as 1050 persons pronounced dead. These are the deaths that have been registered by the state; it is expected that the number is much higher if one includes the death toll of unregistered persons. This means that there is a high number of widows.

In a study carried out in 1991 of seven states in India, it was suggested that 51% of widows inherit land (Chen 1991). This does not seem to tally with the information in Bihar given the fact that widows are usually very young often in their 20s or 30s age group. Even if women do inherit land upon the husband's death, it is questionable whether they maintain any control on the decision-making about the land. In a study in Madhya Pradesh, it was found that the husband's brother or other family members often take over the control of the land resources even though it is in the widow's name. (Kerr 2002).

It is very important that women have land rights given the high social violence within the home and in the society at large. By ensuring that land distribution programs put land resources in the women's name whether bhudan land, housing plots, distribution of surplus land would be an important step towards giving women basic security and indirectly reducing violence.

Violence and Land Relations

In terms of domestic violence, women's groups in Bihar suggest that one out of every five women is a victim of constant physical abuse. In strengthening women to preempt such violence, women need to be given greater status within the home. As land endows power, women's greater control over land resources is one method to ensure lower levels of domestic violence. In Kerala a study on the relation of domestic violence and land was carried out which showed that women without land suffer about 49% incidence of domestic violence. Whereas women with a house in her name they suffer only 17% incidence of violence. And women with house and property only experienced about 8% incidence of violence (Aggarwal 1994).

Conclusion

The issue of women and land requires urgent attention at the education and policy level. It is a significant way of increasing gender equity in the community and in reducing poverty. The setting up a Task Force is one important step in creating more entitlement for women.

Appendices

Appendix 1

WOMEN'S RIGHTS SOME CASE STUDIES OF WIDOWS

Name : Chandravati Devi
Husband : Shyam Babu Prasad
Village : Bedauli, Via Naubatpur, Dist – Patna

Chandravit's husband was a truck driver who died nine years ago. After his death she went to her parent's home for one year with her two sons and a daughter. Her parents wanted to get her married again. This she did not want and so returned to her late husband's home with her children. But life here was not going to be kind to her as she now became a victim of regular harassment at the hands of her father and mother-in-law.

At this time she came into contact with PGVS and Ekta Parishad activities and started working at the PGVS sewing centre. Being a part of the organizational awareness building process she laid claims for ownership of her husband's share of the property. Many times workers and activists of the two organizations met with the in-laws to convince them about the legitimacy of her claims. But it was after two years of this struggle that they finally agreed to give her rights over the property. So after the share division she got ownership of two bighas cultivation land. Today she farms and cultivates on the land and continues to be involved in the organisation work and help many other women who are in the plight she once was in. The children go to school and the family is happy and self-sufficient.

Name : Lalmati Devi
Husband : Lt. Sachitanand Sharma
Village : Ajawan, Naubatpur, Dist – Patna

After her husband's death she went back to her parent's home at Dilawarpur with her three daughters. For a while she stayed for a while with cousins and through one of the brothers, Satyander, she submitted an application to the Ekta Parishad office for support in her struggle to acquire ownership of her late husband's property. Her case was taken up by the organisation of which she herself was now a part. After a year's back and forth dialogue, her father-in-law finally relented under the pressure of the organization, administration and media and had 12 katha of land registered in her name.

These are just two sample cases of how every widow has to struggle and fight for what should be hers as a natural succession process. The problem and issue is more social in nature rather than legal. Widows often become the victims of violence if and when they demand their rights to property in such a strongly gender biased patriarchal society. From the cases cited above it is clear that without support of organizations like Ekta Parishad it would be near impossible for these women to realize their rights.

Ekta Mahila Manch
Ekta Parishad - Bihar

Appendix 2

PUBLIC OPINION ABOUT WOMEN LAND RIGHTS

Village	Having Women Land Entitlement		Opinion about Women Land Right		No Comment	Total No. of Public
	Yes	No	No	Yes		
Khapura	-	20	20	-	20	40
Mahajpura	2	17	17	2	21	40
Shahpur	9	11	11	9	20	40
Bhelwara	3	17	17	3	20	40
Dharaut	1	19	19	1	20	40
Rostanganj	1	20	20	1	19	40
Noaima	-	19	21	-	19	40
Narayanpur	2	18	15	2	23	40
Shantinagar	-	20	20	-	20	40
Lutua	1	16	16	1	23	40
Bair-Bigaha	1	27	27	1	12	40
Daha	-	18	18	-	22	40
Bahidurpur	2	19	29	2	9	40
Dhamaul	5	29	15	5	20	40
Mahuliyatara	4	15	14	4	22	40
Mahurapur	1	15	17	1	22	40
Nawadih	2	17	19	2	19	40
Barimath	-	19	19	-	21	40
Lelin Nagar	-	22	22	-	18	40
Sunil Mukharjee Nagar	-	18	18	-	22	40
	34	373	374	34	392	800

Total Public Opinion = 800

No comments = 392

Opinion about Women Land Right (No) = 374

Opinion about Women Land Right (Yes) = 34

Total = 800

Having Women Land Entitlement (No)	=	373
Having Women Land Entitlement (Yes)	=	34

