

Land of One's Own: From Dream to Reality....

Shilpa Vasavada¹



¹ Convener, Working Group for Women and Land Ownership, Gujarat

Introduction

This is an account of the efforts of a group of community-based organizations (CBOs) and non-governmental organizations (NGOs) in the state of Gujarat to enable women to gain access to land, the most productive natural capital. Realizing that the law may remain on paper in the absence of a concerted drive for its implementation at the grassroots level, the group made strategic efforts to facilitate the ownership of agricultural land by over 2470 women in Gujarat. The group's journey and learnings are described below. Hopefully, these will help others to make similar efforts and inspire a nationwide movement to enable women to own agricultural land for livelihood security.

Context

The Working Group for Women and Land Ownership (WGWLO), a network of NGOs and CBOs, has been advocating women's right to land, primarily agricultural land, in Gujarat. Formed in January 2003, this collective has been serving as a platform for sustained action at the grassroots level and in policy advocacy.

Despite the fact that about 1.7 million² women in India are employed in agricultural and allied activities, and are primarily responsible for producing almost

two-thirds of all agricultural produce and about three-fourths of dairy products, their share of agricultural land continues to be extremely meagre. Seen from another perspective, although families headed by women account for over 32% of all rural households, women own less than 13%³ of all agricultural land. All this despite the fact that the Hindu Succession Act of 1956 prescribes the equal distribution of property among all inheritors, irrespective of gender.⁴

In India, traditionally, male heirs or sons have a much higher chance of inheriting the family land/property than their female counterparts or daughters. In such a scenario, promoting women's access to and control over land is an extremely contentious issue, with individuals and groups raising a veritable storm about the very notion. This attitude is all-pervasive and is reflected even in tribal societies, which are often regarded as being more egalitarian than non-tribal societies.

National policies and plans have attempted to address and correct the gender imbalance in agricultural land rights. The National Policy for the Empowerment of Women (2001), which adopted the Beijing Declaration, underlined the existing gap between the goals enunciated and related mechanisms, on the one

² Oxfam fact sheet : www.oxfamindia.org/sites/default/files/land.pdf

³ Oxfam fact sheet : www.oxfamindia.org/sites/default/files/land.pdf

⁴ Oxfam fact sheet: www.oxfamindia.org/sites/default/files/land.pdf

hand, and the reality of women's status, on the other. The Tenth Plan included a section which focused on increasing women's access to land by regularizing leasing and sharecropping of uncultivated agricultural land by women's groups.⁵ The Eleventh Plan, too, emphasized the need to strengthen the focus on women in agriculture. Provisions were made for the direct transfer of land to women through land reforms, anti-poverty programmes and resettlement schemes. The Twelfth Plan pursued the objective of making this goal a reality.

Gujarat has adopted a Gender Equity Policy (*Nari Gaurav Niti*). The policy reiterates that women's lack of opportunities, and lack of access and entitlements to economic resources act as barriers to equitable and sustainable development. The policy provides an impetus to efforts aimed at increasing women's control and ownership of land, property and other common property resources.⁶

⁵ Sujaya, C.P. (2006): Climbing a Long Road, MSS Research Foundation, Chennai

⁶ Nari Gaurav Niti: Progress / Action Taken Report, January 2007-November 2008, available at http://www.grcgujarat.org/pdf/1Nari_gaurav_Niti_Nov_08_Eng.22-8.pdf, accessed on 10 August 014

The Intervention

Through the years, the GWLO noted that well-meaning laws and policies do not make much difference in the absence of well-intended and focused implementation. Proponents⁷ of the view have argued that there

A woman may have the legal right to inherit property, but this may remain on paper if the claim is not recognized as socially legitimate or if the law is not enforced.

is a difference between the legal recognition of a claim and its social recognition, and between any recognition and its enforcement. A woman may have the legal right to inherit property, but this

may remain on paper if the claim is not recognized as socially legitimate or if the law is not enforced.⁸ When it started its work, GWLO was aware of this dimension of the problem and, therefore, evolved its strategies accordingly.

Studying the grassroots reality

In order to understand the gravity of the problem, GWLO initiated a broad-based study. A cross-sectional study was carried out in 23 villages across 15 randomly selected tehsils of 10 districts. It was found that while 4188 men owned land, only 561 women did. The study also revealed that this situation could be explained by several reasons. The socialization

⁷ Bina Agarwal (2002), 'Are We Not Peasants Too? Land Rights & Women's Claims in India', *SEEDS*, No.21 at p.3

⁸ *ibid*

processes in families deter women from asserting their right over immovable property. Daughters, wives, sisters and daughters-in-law are emotionally coaxed by the family and community elders to give up their rights to patrilineal or conjugal property. Since women are not involved in the decision-making process during the division or transfer of land, and the final decision comes upon them rather suddenly, they are often left with no choice but to decide to give up their entitlements. This state of affairs enhances the vulnerability of women, particularly single and widowed women, or women deserted by their husbands. Without any economic asset to fall back upon, they are often pushed into a life of misery.

Awareness campaigns on women's control and ownership

On the basis of the findings of the study, the members of the WGWLO launched a campaign to spread awareness across the villages of Gujarat in 2004–05. The process of interacting with women took place at multiple fora. It started at the district and multi district levels in Saurashtra-Kutchh region and tribal eastern belt region, and eventually, campaigns to

The WGWLO members soon realized that socialization had had such a deep-rooted effect on the women that many refused to claim their rights, although they knew that the law was with them.

spread awareness were carried out at the meetings of federations of SHGs. The WGWLO members soon realized that socialization had had such a

deep-rooted effect on the women that many refused to claim their rights, although they knew that the law was with them. It was also seen that it was only widows who were, to some extent, willing to assert themselves

due to the desperate situation in which they found themselves.

Audio-visuals, comic strips, posters and similar tools for information dissemination and awareness generation were developed and employed to reach out to women. Community radio was also used. Skits and role plays were used extensively since these tools are a non-threatening means of creating mass awareness. Another practice adopted by the members of the WGWLO was to launch campaigns to create awareness of ownership of land by women on the occasion of special days, such as International Human Rights Day and Women's Day.

The tools and materials used became the basis for starting discussions in women's collectives. The content of the tools had a direct bearing on land-based livelihood for women. Women in these collectives were encouraged to narrate their stories

so that other women might realize that many like them had struggled and succeeded in getting ownership of land. The interaction between the CBOs and these women armed others with the courage and determination to claim their rights. Thus, many women embarked on the struggle to claim their rightful entitlements.

Bringing men into the fold

As work progressed, some organizations opened channels of communication with men on the issue. Sensitizing men on the issue of ownership of land by women was considered to be as important as the task of educating women. This would help to enlist their support rather than provoke opposition to the movement for ensuring land-based livelihoods for women. It was found that there were men who were not averse to the idea of women having ownership of land. The group then made efforts to identify such men and to use them as motivators to influence other men. This strategy worked well and helped the movement gain wider acceptance in the community.

As a strategy, the network felicitated these men in public. This gave the men a sense of confidence and

also boosted their morale. Many members of the network, including the Sanand and Bawla Mahila Sangathans, Cohesion, Kutch, and Gram Vikas Trust, Dwarka, felicitated husbands and male relatives during conferences on issues related to women and land.

The awareness campaigns also helped to identify couples who either had no children or had only daughters and were apprehensive that the husband's land could be taken over by relatives in the absence of a male heir. Such couples were motivated to transfer the land to the wife or daughters to ensure that this source of livelihood security was not snatched away from them in the future and the land remained within the family.

The awareness campaigns initiated by the network identified couples without a male heir and motivated them to transfer their land in the name of their daughters to ensure security of their source of livelihood.

Building cadre of para-legal workers

As the WGWLO proceeded with its efforts, it came across certain stumbling blocks. The women were inspired, as were their men, but “the

language of the land” – the legal revenue language was as alien to them as it was to the facilitators, i.e. the member organizations. Further, while several women were willing to fight to claim their land as a result of the awareness programmes, the staff

of the member organizations was not equipped to deal with the legal processes.

Thus began the second phase, which focused on familiarising member organizations with the legal and procedural aspects of revenue governance. With assistance from the Centre for Social Justice, a legal support organization, the GWLO started building a cadre of para-legal workers (PLWs). Quarterly training programmes were designed for the PLWs and this training enabled them to take up the women's cases. Regular reflection workshops were held to help both the training team and PLWs understand the nature and intricacies of the difficulties encountered. The legal dimensions were often intricately linked with social dynamics and hence, it was necessary for PLWs to gain an understanding of social dimensions as well. PLWs who understood social dynamics could act as guides, sometimes as mediators and sometimes as well-wishers. The PLWs were instrumental in resolving complex cases related to the ownership of land by women.

Orienting the grassroots revenue officers (patwaris)

In addition there arose the need to work with the administrative wing responsible for land and revenue matters. It was necessary to engage the *patwaris* (a *patwari* is a village-level

revenue officer-cum-secretary). The GWLO realized that since a women seeking an entitlement would have to approach these officers first, sensiting them was of the utmost importance. However, it was not easy to access them. With support of the Office of the Development Commissioner, a training programme was organized at the regional Panchayati Raj Institute (PRI). Under this programme the village revenue officers received foundation as well as refresher



Patwari training at Panchayati Raj Talim Kendra, Sadara.

training. Since 2005, GWLO has conducted over 32 such training programmes at various centers across 5 regions in the state, and more than 1200 *patwaris* have received training. The training focuses on sensitizing them towards the issue of women and land ownership, associated revenue procedures, and the decisive role they can play in cases of inheritance involving women.

Working with village Panchayati Raj Institutions

The other stumbling block identified related to the attitude of the village panchayats, particularly that of the *sarpanch* (village headman). The GWLO member organizations adopted a collaborative strategy

and tackled the matter together with representatives of PRIs and Mahila Swara Abhiyan, a network in Gujarat that focuses on women and governance. Wherever possible, the GWLO used the idea of ‘sympathy’ for women as the basis for motivating the *sarpanchs* to understand the real issues relating to the ownership of land by women. Those who gained an understanding of the matter did not hesitate to take immediate action when required. For example, they explained the law to the women’s in-laws or pushed the village revenue officers to resolve pending cases expeditiously. GWLO collaborated with another organization Unnati to reach out to a large number of village leaders, with the help of satellite communication (SATCOM)-based training programmes.



Swabhoomi Kendra Bawla Mahila Vikas Sangathan,
at Bawla Taluka, Ahmedabad District

Working closely with the block revenue offices

The focus of the ongoing phase is to work closely with the revenue department at the block level and establish 'Swabhoomi Kendras' (where the network's members have a presence). Each Swabhoomi Kendra, supported by UNDP, is managed by two trained PLWs (associated with the grassroots women's CBOs), who provide information, guidance and hand-holding support to women in the matters of land inheritance. There are 15 such Kendras operating today and all of them work closely with the block revenue officials, *e-dhara* Kendras⁹ and village revenue officers. Most Swabhoomi Kendras have been receiving support from local revenue officers who think it is important to support the cause of the women's ownership of land. Recently, Swabhoomi Kendras played a major role in ensuring that the name of no woman was left out when the government launched the 'varsai' (inheritance) campaign to set the land records straight. During the last eight months, Swabhoomi Kendras, together with local officials, have organized 70 such camps in various locations, and identified more than 3500 cases of claims to land by women.

⁹ e-Dhara Kendra is a government office at Gujarat. Each e-Dhara Kendra is situated at Taluka Mamlatdar (Block revenue officials') Office. The Gujarat government's e-Dhara project aimed to modernise land administration and to enable farmers to manage this crucial resource better. e-Dhara is the name of the taluka centre, where farmers can access their land records, obtain copies of ownership documents and even apply for ration cards.

The collective efforts of the WGWLO member organizations have brought the network a long way since its beginnings as a small entity in 2003. The network has been able to make a considerable difference and the journey shall continue. The work done so far has had several positive outcomes, some of which are described in the next section.

Outcomes

Women who once accepted penury and 'landlessness' as their fate now view ownership of land as their right.

Stories of women who resigned themselves to their fate and gave up on their right to land abound. However, there are many who have become aware of their rights, and have come forward to claim their land from their maternal home or their in-laws. Though the process may have cost them a lot, with the support and guidance of members of WGWLO, these rural women, who number more than 2000 across Gujarat, now have the solace of owning land that they can use for their livelihood as well as for their children's upbringing.

Hansaben is just one of the countless women who struggle to own their share of land, but who do not have the faintest idea of how to go about it. They accept the denial of their right as their fate. The collective efforts of the WGWLO have given many of these women the strength to challenge this injustice and assert themselves.

The network and number of beneficiaries has grown.

The network has grown from the initial 13 members organizations to include 36 members (18 NGOs and 18 CBOs). It has trained more than 84 PLWs to give women the right advice and support. Over 1200 village land revenue officials have received inputs, and many of them have maintained contact with the member

organizations and shared their stories of change. Several *sarpanchs* and other men have willingly come forward to include the names of their legal (female) heirs in land deeds or to transfer ownership. All this has been possible because the network joined hands with stakeholders from the community and the administration. The number of women who own land will surely increase in the years to come.

Hansaben gets support and guidance in her lonely struggle to own land

Hansaben, who lives in a village in Dhrangadhra tehsil in the district of Surendranagar, lost her husband in 2009. Incidentally, her mother-in-law was also widowed at a very young age. For her livelihood, Hansaben cultivated land given to her by her brother-in-law.

When Hansaben became a widow, she learnt that a part of the jointly owned 16 acres of family land had been sold off by her uncle-in-law without her mother-in-law's knowledge. She asked for their rightful share of the remaining land, but was threatened. Though she was determined to reclaim her rightful share of land, she was at a complete loss as to the proper legal procedure to be followed. When a member organization of the WGWLO (Mahila Vikas Sangh, Dhrangadrha) conducted an awareness campaign, Hansaben saw a ray of hope.

The PLWs of the Swabhoomi Kendra in her vicinity, accessed the relevant land records from the e-dhara Kendra. It was found that the name of Hansaben's father-in-law was still on the records related to the remaining land, and they just needed to enter their- Hansaben's and her mother in law's - names in the records to ensure that the rest of the land was not sold off.

At present, the case is being pursued with the support of the Swabhoomi Kendra. The knowledge that the law is on her side, as well as the support extended by the PLWs of the Swabhoomi Kendra, have made Hansaben feel far more confident about fighting for her right. "In the beginning, I used to feel helpless...being a woman and a widow...I was at a loss...I did not know how to deal with the legal issues...but now I know I am not alone. I will get my rightful share at any cost!" she asserts.

The multiplier effects

Bharubha represented the Kutch Mahila Vikas Sangathan when he joined the first batch of PLWs trained in 2005–06. He became so interested in the legal aspects of ownership of land by women that he eventually left his full-time job at the Sangathan and took to providing women with legal guidance in cases related to land ownership. What is remarkable is that he provides free services to women who consult him about land-related cases. He has made it clear to all member organizations of the WGWLO that they should feel free to contact him whenever they require his guidance in a case pertaining to a woman's entitlement to land.

The village revenue officer of the Selamba group gram panchayat¹ in the tribal district of Narmada gained a thorough understanding on women's land rights following discussions with the local Navijivan Adivasi Mahila Sangathan. He also attended a refresher course at the Panchayati Raj Talim Kendra of the Government of Gujarat, where the network members had taken a session.

This revenue officer has been quite conscientious about ensuring that women get their share of land since the Swabhoomi Kendra was started in Sagbara, the tehsil headquarters. While preparing a family tree, he first asks women about the names of their family members. He then confirms these, not just with village leaders, but also with representatives of the women's Sangathan in the village. It is only after this double verification that he finalizes the family tree, ensuring that no woman is deprived of her right by the family.

During the awareness campaign, he accompanied the PLWs who went to villages to screen films on the subject. After the films, he participated in discussions on the importance of a woman's right to land. During the government's varsai campaign, he kept the PLWs in the loop about all the Government Resolutions he received.

Jasubhai, the sarpanch of a village in the Devgad Baria taluka, realized the value of women's ownership of land when he interacted with representatives of the Devgad Mahila Sangathan. He took the initiative to conduct the Varsai camp in his village for a period of one week, during which all the pending entries were taken up. Within seven days, 13 women, whose cases had been pending for the last few years, had been given land titles! His primary role was to push the patwari to furnish the women with the necessary documents and convince their in-laws, when necessary.

Now that the women own land, they have a semblance of livelihood security.

¹ In smaller villages a group gram panchayat for two or three villages is established.

The 2000-plus women who have now become 'landowners' live with pride and dignity. Having ownership over land enables them to access it for their livelihood. They can also access many of the government's land-based schemes for the enhancement of livelihoods. Last but not least, they do not have to live in the constant fear that they have no asset to fall back upon. Land has enormous value as an asset and having control over this asset has made these women feel a sense of empowerment as well as security.

Making men aware of their role in facilitating ownership of land by women can help to alter their attitude.

The patriarchal mindset that land should always be transferred to male heirs is gradually on its way out. Those men who understood the idea behind the network's initiative appreciated the fact that livelihood security is important for their wives and daughters. In many places, men voluntarily included the names of their wives and daughters in the title deed. There was a noticeable change in the mindset of revenue officials as well. Though the scale at which these changes have occurred is still small, there is reason to hope that men will change if approached the right way.

The efforts of the WGWLO paid off in December 2013, when the informal arrangement for training

"I live with pride and have no worries because I own some land..."

Antarba comes from a village in the Rapar taluka in district of Kutch. She belongs to the Darbar caste, members of which are extremely traditional, feudal and patriarchal. All manner of restrictions are imposed on women, who normally do not step out of the house and confine themselves to household chores. Antarba was widowed when she was 25. She has four daughters—all very young. Like other women, she faced problems from her in-laws. Antarba, however, asserted her right to her late husband's land. In spite of tremendous resistance from the villagers and her in-laws, she managed to get the land transferred in her name. It is no mean achievement that a woman who was totally shattered by her husband's death and was at a loss as to how to fend for herself and bring up her daughters has got her daughters married off with dignity. Not only that, she has also repaid their earlier debt of Rs 70,000 and got a borewell constructed on her field. As she puts it, this is all thanks to "having land in my own name!" She says, "I don't have a husband or son, but I still live with pride and without any worries because I own some land. I am independent and I will hand over my land to my daughters later on." Her nephews, who are eyeing the land covetously, do not know that she has already willed it to her daughters—just to be on the safe side!

patwaris on land ownership by women was given a formal shape by the office of the Development Commissioner. A government resolution was passed, making such training a part of their syllabus. Following this, the office invited the WGWLO to conduct an orientation workshop—a sort of training of

trainers—for the faculty of all nine government training centres of the government of Gujarat. Further, the State Institute of Rural Development has invited the WGWLO to hold one-day workshops for elected representatives and *patwaris* in the 15 tehsils where it has a presence.

The Gift of Land

The last few years have witnessed changes in the occupational pattern of the villages of Abdasa block in the district of Kutch. While agriculture remains the mainstay of the economy, rapid industrialization has triggered a trend of selling off land to earn money. The liquid cash is spent largely on luxuries like cars and bungalows.

Khetabai, an active member of the Abdasa Mahila Vikas Sangathan, says, “My husband purchased 8 bighas (3.2 acres) of land, out of which I own 5 bighas. My son and I decide what to grow on the land I own. Thanks to good monsoon in the last two years, our efforts to increase the productivity of the land have paid and the yield has gone up. I have grown 200 kg groundnuts on my soil!” Khetabai now plans to take a loan from the Sangathan to make the well deeper, so that two crops can be sown in a year.

Khetabai remembers the days when her husband was contemplating selling his land to a company and migrating to the city to work as a labourer. It had taken her a great deal of effort to convince him not to sell their land. “As we became members of the Sangathan, we learnt how important it is for a woman to own land,” says Khetabai. Afterwards, Khetabai, her two sisters-in-law and seven other women secured land titles.

It is to be noted that Khetabai’s husband, Mumubhai, has been taking a keen interest in facilitating ownership of land by women in this village. He encourages men to transfer some land in their wives’ names. When asked if a woman can manage the farming, Mumubhai responds, “Santan nu bij jo bahen sanchve to kheti nu bij nahi sanchve?(If a woman can manage the seed of mankind in her womb, can’t she manage the farm seeds?)”

The issue of ownership of land by women has been mainstreamed into the government training syllabus.

The GWLO's work has received recognition from others in the development sector.

The GWLO has been invited by other movements and development organizations, donors and implementing agencies, both within and outside Gujarat to share its knowledge of the tricky, sensitive and challenging issue of ownership of land by women. Such support was extended to partners of Oxfam in western Rajasthan

and those of ActionAid India in Bihar and Jharkhand, among others. A long-term association has been started with the M.S. Swaminathan Foundation in Wardha.

Learnings

At no point was the GWLO's job an easy one, and there were many ups and downs. In the face of challenges, the members of the network evolved new strategies, many of which worked. The following are some of the lessons which may prove useful to those contemplating similar efforts.

This issue cannot be tackled only by generation of awareness; one has to equip oneself to translate awareness into action.

Merely creating awareness on the fact that a woman has the right to own land will not help. The network's experience has shown that one needs to guide a woman through the process of claiming her land, not only because of the several legal procedures this entails, but also due to the social complications involved. Hence, one needs to have a good grasp of the legal and revenue procedures, and be equipped to deal with the social milieu.

The GWLO has been invited by other movements and development organizations, donors and implementing agencies, both within and outside Gujarat to share its knowledge of the tricky, sensitive and challenging issue of ownership of land by women.

The principal of ahimsa can work even in this case.

It is helpful not to adopt a confrontationist policy and to work with everybody, including the village men and *patwaris*. If one can involve men in the process by making them see the logic behind

helping women possess land, it will work to the women's advantage. The struggle should focus more on convincing men rather than fighting them in the family or in courts. Members of the network have chosen to concentrate more on this policy. It may take some time to bear fruit, but there are likely to be fewer chances of heartburn and animosity after the land transfer.

Changing the patriarchal mindset of those who implement policies may help the cause of women staking a claim over their land.

The network has found that women normally approach PLWs when their right has been denied, which is mostly after entries have been made in the official register. Hence, PLWs usually play a curative role and are instrumental in sorting the matter out. However, it is also important to remember that it is the village revenue officers who make these entries and if they can gain a good understanding of the issue, they can play a preventive role. In the span of his/her career, a village revenue officer will come across innumerable entries involving inheritance by women. If we make attempts to enlighten these officers and encourage them to play a positive role, it can make a big difference to women who want to stake a claim over their land.

Women who take the plunge to challenge patriarchy in the context of land ownership may require mentoring support to establish profitable land-based livelihoods in the long run.

The ownership of a resource does not automatically enhance the livelihoods of a family. Members of the network realized that there is a need to improve a woman's access to other resources as well. It is for this reason that the network started working on making other productive resources accessible to women farmers through the Swabhoomi

Kendras supported by UNDP since January 2014. Yet, a special focus is required for land ownership by women as the entire procedural and legal frameworks are different.

There is a need to connect the micro with the macro environment of land.

All government decisions related to land have a direct bearing on women's engagement with land and her livelihood, which may be different than men's. These may pertain to matters such as land reform policy, computerization of land records and the process of safeguarding land, or taking up cases relating to the disputed property of women on a priority basis. The WGWLO has learnt that in the rapidly changing scenario, one must keep pace with new developments and work on the basis of government resolutions rather than going by hearsay. If these resolutions are used to shape strategies, they can at times serve as effective tools to ensure land ownership rights for women.

Working as part of a network gives one a different identity, strength and a feeling of unity. The network has created its own identity. The feeling of being together, being united and being supported is a unique feeling members have. The network is known in the development sector as WGWLO, and has created its own identity, which has been accepted and internalized very positively by all member organizations as well as others in the sector.

The network derives strength from its diverse membership, which is able to churn out different ideas and work out different strategies. At its meetings and interactions, which are held almost every quarter, the member organizations reflect on the strategies which have worked and those which have not, and new ideas are generated. The efforts of each member become the basis for learning for the others. The member organizations have their independent space, yet, being part of a network working on the same issue, they are interdependent, which creates a larger ripple impact than would have been the case had they been working alone.

Conclusion

Much has been written and said about the significance of land ownership by rural women, and the strategic and systematic efforts of the WGWLO have shown that this dream can indeed be turned into a reality. The process is not just challenging, but also time-consuming. In the course of their slow but steady collective journey, the member organizations of the WGWLO have had a huge impact on the livelihood security of rural women. Their livelihood security has been enhanced due to the ownership of land, which has enabled them to access other assets.



State Consultation with Shri J.S.Rana, Principal Secretary, Women & Child and Dr. Saheeda Hamida, Member, Planning Commission.