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Women at the Last Periphery: Women Farm Land Owners in India

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Abstract

Land acts as an agency to gain bargaining strength. Land ownership brings courage, negotiating power, and risk bearing along with ownership. There has been little up-to-date data on gendered land control. While Indian legal system has strong laws placed to ensure land transfer and rights, but social and cultural forces deny women ownership of land. There has also been discrepancy in the ground level fact and available data that shows the land ownership by women. With women farm workers, this situation is gruesome. In the present chapter we would attempt to throw a light on the issues women agriculturalists are subjected to when they own land and what situation they face when they are deprived of same.

Keywords: *Land Ownership, Women Agriculturalists, Women's Agency, Government Schemes*

Introduction

During any discourse about agriculture, the first thing that lights our mind is man sweating and toiling sand/ farm land. The cognitive image does not relate to women putting up hard labor in agricultural fields. However, they do. For rural men and women, land is the most important asset for agricultural production and providing food security and nutrition. It has also been observed that many farm workers irrespective of gender invest significant amount of their earnings in securing and owning land. The women's property especially agricultural land is a significant determinant of their economic and social status, physical security, greater bargaining power at household, lower levels of violence and overall socio-psychological well-being of their family (Oxfam, 2018).

It has been widely researched and established that women who own land have had far better social and economic conditions. It also improves their bargaining conditions at home and public sphere. Holding land and asset or as means of earning has given boost to women's participation in labor force. It is well documented that any asset holding give women the agency to put forth their rights and also demand justice as well as step up in the process of risk bearing procedures for cultivating a successful life. With respect to Indian women, it has been found by various researches that women in general and women farm workers in particular have a very low share in owning land. While agricultural work is already subject to various social, governmental, economic and climatic conditions, not having a hold on land as capital make women farm workers very vulnerable.

Current scenario

According to 2011 population of India, women comprised 24.8 percent of all rural workers. If we analyze, it is conspicuous that 84.04 percent of rural women are engaged in agricultural sector

(40.64 million as cultivation and 48.37 million as Agricultural labor) as Indian economy is based on Agricultural system.

We need to bring forth to light the need to study farm land ownership by females covered by different survey agencies and current situation of land holding and ownership by female agricultural workers portrayed by them while suggesting remedial measures.

- Agriculture sector employs 80% of all economically active women in India; they comprise 33% of the agriculture labor force and 48% of the self-employed farmers.
- In India, 85% of rural women are engaged in agriculture, yet only about 13% own land.
- Economic Survey 2017-18 projects that with growing rural to urban migration by men, there is 'feminization of agriculture sector with increasing number of women in multiple roles as cultivators, entrepreneurs and laborers.
- 70% of all women engaged in cultivation are from households witnessing migration (IHD, 2014).
- The National Policy for Farmers (2007) define a farmer including labour, tenant and other workers but the government's definition is based on ownership of land.

Key Issues

There are multiple factors that influence the land ownership of female agricultural workers in India. The legal- institutional framework, socio-cultural factors, innovative interventions by government and NGOs and challenges thereof. Post-2015 Sustainable Development Goals (SDGs) including 5.a.1 indicates proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and share of women among owners or rights-bearers of agricultural land, by type of tenure. It is believed by UN that securing land rights for women would directly lead to enhancing agricultural productivity and encourage resilience among small and marginal farmers, who constitute 75% of farming society.

- Regardless of the type of indicator used, evidence shows that women are significantly disadvantaged relative to men with regard to their land rights. This is true for all dimensions of land rights associated with agricultural land; ownership, management, transfer and economic rights.
- Women owners are less likely than men to have a legal document providing ownership of their plots or to have their names on the land ownership deeds.
- Women own smaller share of all agricultural land than men. (FAO, 2018).
- The issue has not been recognized and categorized separately by Government machinery as tribal, rural, plantation, organic and island farmers.
- The land entitlement is carried on through different departments where upholding, formalizing and updating land records is a lengthy, slow and extensive job and women agriculturalists find themselves illiterate about the procedures.

Existing Reforms

Several institutional reforms have already been initiated by the central and state governments to farmers in general and women farmers in particular.

The Constitution of India ensures equal rights to both men and women. The property rights, itself has various regimes and acts which also covers different religious criteria's too to determine women's right to property and inheritance. First of them is Hindu Succession Act, 1956 which is the ground fundamental law governing inheritance rights of four religions Hindus, Buddhists, Jains and Sikhs. Muslim and Christians have their own property laws. There was a catch with the law though. While women could equally acquire property directly inherited from their fathers, ancestral property only could be inherited by sons. The 2005 Amendment in Hindu Succession Act changed this rule and allowed women to have equal share in ancestral property too.4 While the gender bias significantly continued to prevail

in the sharing and transferring of properties to women, some of the studies have found that girl's educational attainment have prominently shot up post the reform (Roy, 2015),(Deininger, Goyal and Nagarajan, 2013). However, there have been limited shine on the land inheritance of women and the subsequent positive change in their decision making at home and on farm.

Various Farmer's organizations and cooperatives have been encouraged so that constraints can be reduced and women agriculturalists can enjoy the economies of their labour.

The present paper necessarily does not meditate upon inheritance only. It is very pertinent to look into various data-sets and categories while studying the landownership of women farmers. Women can acquire land by inheritance, gift, purchase or government transfers. At the same time nature of holding is also needed to be looked at; whether the land ownership is joint or co-owner or single ownership. Another factor that plays major role in studying female farm land ownership is the age. The fact that how women came to hold the property again raises eyebrows whether they acquired it from their own homes or as widows.

According to an index created by Centre for land governance, Bhubaneswar, 12.9% of Indian women hold land. At the same time, women who contribute 55-66% to farm production hold only 12.8% of operational holdings in India (Phadnis, 2020).

Three studies- Lahoti, Suchitra and Swaminathan (2016), Government of India (GOI, 2019) and IHDS-II (2011-12) give vast and divergent results. Lahoti et.al estimate the percentage of women who are landowners and find that 6.5% women in the less or equal to 18 age group own agricultural land in landowning rural households. State wise Andhra Pradesh does best at 12.1%.

The GoI (2019) NHFS-5 rural estimates cover only percentage of women owning land. They provide data on women between 15-49 years owning both agricultural and other rural land jointly or individually. They project that 30.1% women and 39.8% men own land in rural households.

The IHDS-II more or less has the same issues in its collection of data and addressing the issues to assess the magnitude of gender inequality in farm area owned.

When we compare the data provided by these institutes we find pertinent limitations. IDHS-II only recognizes to three household members who own agricultural land. Again survey missed asking whether the owners owned the land individually or jointly. The similar discrepancy has been found with NHFS-5 figures as they cover only women between ages of 15-49 years. Therefore owners above 50 years have been missed. Another issue that the author came across was that the data does not differentiate between farm land and non-farm land. They say 51% of Bihar women and only 23% in Kerala own land which appears to be regional reversal. NHFS-5 also accounts women who are not adults (age group 15-49 constitute women of age 15, 16 & 17 years who are not adults constitutionally) hence the data importantly does not distinguish between adult and non-adult female farm land owners.

While assessing the data on land rights thus the exercise of survey proves futile if the type of land and the age of the owner as well as the nature of ownership has not been discussed. To shed more light, the surveys have also not aptly signified how the farm land has been owned by the owner. Since a vast gender gap exists in farm land ownership, it would have been helpful if the survey had categorized the way the property came into the hold of female owners. As it has been previously emphasized majority of times the transfer of land to women has been when she was a widow and less when it was transferred from father. To quote while the direction of reform in post-independence India has consistently strengthened the rights of daughters at the cost of the deceased man's widow, social acceptance and practice in India have historically favored widows over daughters (Agarwal, 1998).

Due to socio-cultural constructs in the patriarchal mind-set prevalent in Asian societies, women's agricultural land rights is still an issue on the margin of the mainstream development agenda.

Consequently, policy and laws are not gender-sensitive and failed to take differentiated impact on women and men into consideration (Asia; ALRD, 2022). A cocktail of several measures and indicators are needed to assess the present status of women who own farm lands in rural India. These different dimensions should also help in weighing the gender gap and also suggesting the need to rectify the same. It is essential to ponder that while counting the landowning households we also shed light on number of women owners. Ownership of agricultural land by women suggest the shift from the traditional social norms that male are the sole owners of agricultural rural land.

Another measure should have been to include the hindrance from government and market in course of owning farm land by women. It is traditional bias that access to land should first come from male of the household which creates hindrances in the procedures of purchase and gift of land to women farmers. The surveys further needs to ponder the land size of the holding. There is huge gender gap into the variation of farm land size holding by women and men in rural areas. This issue also leads to the fact that the quality of land and amount of farm land held by female and male owners differ to a great extent. This needs immediate intervention by the Government to bridge gap between the two types of farm land holdings.

While stating facts from the surveys, a striking fact came to light that was how many women who own land are actually aware of their holding the farm land. There has been lack of legal awareness regarding holding, execution, legal change and even taking decisions regarding the disposal of farm land by women.

Recommendations

- Prioritize women's farm land rights as human rights issue and proactively address patriarchal and discriminatory mind-set and practices against rural women and girls.
- Survey agencies need to take account of multidimensional issues that rural women and girls face in the rural community and centralize it around the farm land ownership and the issues thereof.
- State mechanisms and parties should ensure that rural women and girls have equal tenure rights and access to land and other natural resources independent of their civil and marital status.
- Provisions need to be in place to repeal or amend laws that discriminate against rural women in their access to and control over land. The laws should be in place to check issues related to change in tenure rights resulting from change in marital status, lack of legal capacity and lack of access to economic resources.
- Intervention also be needed for women from particular groups especially tribal, SC. ST and OBC females and also those who use common pool resources or holding periodic or overlapping rights over land.
- Adequate legal framework, structure and people required to ensure that rural farm working women have identity documents, can access institutions, and participate in land buying and disposal procedures easily. One of the major barrier comes from local language so legal documentation and awareness generation needs to be imparted in local languages.
- From time to time awareness programs need to be conducted for imparting education on legal processes, documentation, rights over farm land and changes in law to keep discrepancies in check.
- Proper and active enforcement and police network should be available to reduce and protect women against farm land based violence.
- The National policy for Farmers (2007) also suggests issuance of Kisan Credit Cards to women speedily with joint pattas for homestead/agricultural land.

Conclusion

For capacity building, agency and livelihood, women working on farms need appropriate ser-

vices to help them accrue assets and hold the assets as well. For the benefit of the same, improvement in the rural banking system, adequate reach of financial services, financial literacy, and ease of interest rates for women farmers is the need of the hour. Since Women farmers lack land title, they need special attention. There is need for credit and insurance literacy in villages. Women farmers' awareness on land entitlement, process, and laws regarding the ownership of land should be promoted.

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