

# Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market

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*The question of women's land rights has a relatively young history in India. This paper briefly traces that history before examining why gendering the land question remains critical, and what the new possibilities are for enhancing women's land access. Potentially, women can obtain land through the State, the family and the market. The paper explores the prospects and constraints linked to each, arguing that access through the family and the market deserve particular attention, since most arable land in India is privatized. On market access, the paper makes several departures from existing discussions by focusing on the advantages, especially for poor women, of working in groups to lease in or purchase land; using government credit for land rather than merely for micro-enterprises; and collectively managing purchased or leased in land, the collectivity being constituted with other women, rather than with family members. Such group functioning is shown to have several advantages over individual or family-based farming. This approach could also help revive land reform, community cooperation and joint farming in a radically new form, one centred on poor women.*

*Keywords:* women's land rights, inheritance, land reform, land market access, group farming, India

## INTRODUCTION

In recent years there has been a resurgence of interest in land reform and the agrarian question, among both academics and policymakers.<sup>1</sup> However, on the question of land rights for *women*, two features are striking. On the one hand, the question remains peripheral to the mainstream academic debate,<sup>2</sup> despite

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<sup>1</sup> See among others, Agarwal (1994), Banerjee (2000), Besley and Burgess (2000), Byres (1991), Cousins (1997), de Janvry and Sadoulet (1989), Deere and Leon (2001), Deninger (1999), El-Ghonemy (1990), Government of India (1989, 2000), Herring (1999), IFAD (2001a), Kandiyoti (2001), Lipton and Lipton (1995), Reidinger (1995), Sobhan (1993) and Swinnen (1997).

<sup>2</sup> Among the few within the mainstream who touch on it is Herring (1999).

growth in feminist writings on the subject.<sup>3</sup> On the other hand, in contrast to the agrarian reform debates of the 1950s and 1960s when the gender question was largely ignored, today there is noteworthy, albeit limited, recognition of its importance among grassroots groups and policymakers. This paper begins by briefly tracing the history of this shift in the Indian context and the issue of women's voiced and unvoiced needs, as a prelude to examining why gendering the land question remains critical, and what the new experiments and prospects are for enhancing women's land access.

More generally, the paper revisits the issue of gender and land rights in India and outlines the possibilities and constraints to land access through the State, the family and the market. In particular, it examines the new institutional forms of cultivation being tried out by some NGOs, especially through collective investment and farming by groups of women.

In developing this argument the gendered path of agrarian transition in India is also briefly described, and the reasons why independent land rights continue to be important for women's welfare, efficiency and empowerment are reiterated. The male bias in land transfers from the State, and possible reasons for the bias are then traced, followed by a section focusing on land transfers from the family and constraints thereof. The penultimate section examines the possibilities of obtaining land from the market and analyses some of the forms in which women are practising group cultivation. The last section contains concluding comments.

## HOW HAS THE QUESTION BEEN RAISED?

### *A Brief History*

The question of women's land rights in India, and more generally in South Asia, has a relatively young history. In the mid-1980s, when I first began writing on this issue,<sup>4</sup> there was very little policy and grassroots focus on it, and even less academic work (with a few notable exceptions).<sup>5</sup> At best, the question had surfaced in scattered ways, both in research<sup>6</sup> and direct intervention. Among the best-known grassroots interventions were two peasant movements: the Bodhgaya movement in Bihar, catalysed by the Chatra Yuva Sangharsh Vahini in 1978, and the Shetkari Sangathana's movement for farmer's rights launched in Maharashtra in 1980. In both instances, the question of women's claims to land was raised, with some success in transferring land to women (Agarwal 1994).<sup>7</sup>

Alongside, and articulated more quietly, were occasional grassroots demands by women, including the 1979 demand by a group of poor peasant women in

<sup>3</sup> See, for example, Agarwal (1988, 1994, 1995, 1998, 2002a); Deere and Leon (2001); Meer (1997); Davidson (1988); Hirschon (1984) and Kandiyoti (2001).

<sup>4</sup> See, for example, Agarwal (1988), also presented at several conferences during 1986–7.

<sup>5</sup> Of course, discussions on women's legal rights in property go further back, especially to the early twentieth century, but the debate then was confined largely to inheritance laws, and land was subsumed under property in general.

<sup>6</sup> For example, Sharma (1980).

<sup>7</sup> See also Manimala (1993) and Omvedt (1990).

West Bengal to their women *panchayat* representatives: 'Please go and ask the *sarkar* [government] why when it distributes land we don't get a title? Are we not peasants? If my husband throws me out, what is my security?'<sup>8</sup> Such demands were subsequently included in the recommendations (placed before the Indian Planning Commission) of a 1980 pre-plan symposium organized by eight women's groups in Delhi.

Meanwhile, the 1979 FAO report of the World Conference on Agrarian Reform and Rural Development (WCAARD) held in Rome recommended that gender discriminatory laws in respect to 'rights in inheritance, ownership and control of property' be repealed and measures adopted to ensure women's equitable access to land and other productive resources (FAO 1979). These recommendations (in diluted form) were adopted in the country review follow-up to WCARRD by the Indian Ministry of Agriculture and Rural Development (CWDS 1985, 89–94). This also led to a policy statement in the Sixth Five Year Plan (1980–5) that the Government would 'endeavour' to give joint titles to spouses when distributing agricultural land and home sites. Subsequent Plan documents, as outlined later, have had a chequered history, with either passing or no reference to the issue, until the Ninth Plan which (through my involvement) provided detailed recommendations. Alongside, the *National Perspective Plan for Women: 1988–2000 AD*, drawn up at the initiative of the Indian Ministry of Human Resource Development, made several substantive recommendations for closing the gender gap in access to land (Government of India 1988). And the Report of a national seminar on land reform, held by the Planning Commission in 1989, at which I presented the case for women's land rights, incorporated most of my recommendations on this count (Government of India 1989).

But all this did not amount to a sustained or widespread focus on the question of women and land. As traced in Agarwal (1994), several factors constrained this: first there was (and still is) an ambiguity among groups and individuals who have otherwise been strong advocates of redistributive land reform, namely Marxist political parties and left-wing non-party organizations, most of whom see class issues as primary and gender concerns as divisive and distracting. At the same time, most gender-progressive groups, including women's organizations, not only had quite divergent concerns and approaches, but they focused on issues other than land. [The Deccan Development Society (DDS) in Andhra Pradesh – whose work is discussed later – was a rare exception.] Among urban groups, violence against women was the main unifying issue, and women's economic situation took secondary place. Moreover, barring some notable exceptions, those concerned with women's economic position, including rural-based groups, were preoccupied with wage employment, non-land related income-generating schemes, and micro-credit for small enterprises, as *the means*

<sup>8</sup> Personal communication, Vina Mazumdar, Center for Women's Development Studies, Delhi, 1992.

of improving women's economic welfare.<sup>9</sup> They paid little attention to land and property access, and took inadequate account of the stage of India's agrarian transition, wherein agriculture was still the main source of livelihood, but in much greater degree for women than men. And working on land without rights in it meant a high vulnerability to poverty. This broader picture, which warranted prioritizing land access for women, even while other employment avenues and micro-credit schemes were worth pursuing as supplementary measures, was somehow missed. Also, while inheritance laws were made more gender equal in a few states, most amendments did not touch agricultural land and, except in Maharashtra, appear not to have been pushed by civil society (Agarwal 1995, 2002a).

Indeed, some left-oriented women's organizations I spoke with in the mid-1980s even felt that advocating individual property rights for women went against their understanding of a socialist society. Yet, to my knowledge, they did not raise similar objections to redistributive land reform or peasant struggles through which (typically male) heads of landless households gained rights in land. Another factor that appears to have influenced South Asia's left-wing (including women's) groups are Engels' writings, which emphasized women's entry into the labour force as a necessary condition for their emancipation.<sup>10</sup> Such groups too gave centrality to women's employment, but the necessary accompaniments emphasized by Engels, namely the abolition of private property in male hands and the socialization of housework and childcare, remained largely neglected.

Yet there was clearly an unfulfilled need for a gender perspective on the land question, not just academically but in policy and grassroots action, as indicated, for example, by the catalytic effect of *A Field of One's Own* (Agarwal 1994). Some illustrative examples of governmental and grassroots responses in South Asia and beyond are given below.

Within the central government, for instance, the book prepared the ground for the incorporation of fairly radical recommendations in the Ninth Five Year Plan.<sup>11</sup> It also led the Ministry of Rural Areas and Employment in November 1997 to set up a three-member Committee for Gender Equality in Land Devolution in Tenurial Laws,<sup>12</sup> to reform the rules governing the inheritance of agricultural land. Since agriculture is a State subject, changes in tenurial laws are undertaken by State legislators. The Committee's Report (Agarwal et al. 1998) recommended full gender equality in the devolution rules and outlined in detail the changes needed. Most state governments have yet to respond to the

<sup>9</sup> Among individuals, notable exceptions include Chetna Gala and Manimala (active in the Bodhgaya movement); Gail Omvedt (who, along with Gala, played a lead role in the Shetkari Sangathan's Mahila Agadi); Madhu Kishwar, who filed a petition in India's Supreme Court challenging the denial of land rights to Ho tribal women in Bihar (Kishwar 1987) and P.V. Sathesh and Rukmani Rao of the DDS, who began promoting land acquisition and collective farming by women.

<sup>10</sup> Engels had a similar influence in the former Socialist countries (Molyneux 1981).

<sup>11</sup> See the section 'Land Transfers and the State' for details.

<sup>12</sup> The Committee was constituted under my chairpersonship, the other two members being law professors Lotika Sarkar and the late B. Sivaramayya.

recommendations, but I understand that one state, Uttar Pradesh (UP), has gone some way toward reform by seeking to amend the UP Land Reform Act of 1950, by bringing the widow on a par with sons in the inheritance of agricultural land.

In another state – Madhya Pradesh – the Government's *Policy on Women* drafted in 1995 drew from the book to bring in the land question as a central issue, and recommended that land distributed by the Government would, in future, be in women's names, with preference given to groups of poor rural women. Also, unmarried adult daughters, who until then had been ignored in land distributed under resettlement schemes, would be placed on a par with adult sons (Government of Madhya Pradesh 1996). Some of these recommendations have since been implemented, although mainly in terms of giving women joint titles with husbands.<sup>13</sup>

Grassroots responses have similarly taken different forms: workshops, action plans and, most importantly, pilot projects. Some workshops have been conducted by NGOs themselves, others by me at their request. Either way, they reveal an emerging need and have led to plans for concrete action. For instance, a Bangladesh workshop that I conducted in 2000, under the aegis of the Association for Land Reform and Development (ALRD), aimed at evolving strategies for promoting gender equality in land rights. Attended by about 30 (mostly male) NGO representatives as well as academics, the participants' action plan included advocacy for gender equality in inheritance law and practice on a secular and uniform basis for all communities; promoting legal literacy; registering women's inheritance shares; and changing gendered attitudes (ALRD 2000). ALRD is a network of 220 NGOs that has undertaken land reform advocacy for empowering the landless since inception, but its interest in gender is recent. At a similar workshop I conducted in June 2002, the participating NGOs from rural Gujarat enthusiastically outlined plans to enhance women's land access within their respective concerns, be it livelihood enhancement, women's empowerment or watershed development. The issue has also been carried forward by NGOs in other Indian states, such as in Delhi and UP by Action India (Bharti 2000; Roy Chowdhury 2001), as well as in Nepal,<sup>14</sup> and outside South Asia.<sup>15</sup>

These emerging initiatives highlight a slow but encouraging recognition by policymakers and many grassroots groups (who had hitherto focused on land in an ungendered way) of the need to enhance women's land rights, for both livelihood security and gender justice.<sup>16</sup> In this context, the pioneering but under-recognized efforts of a few grassroots groups, such as the Deccan Development

<sup>13</sup> Personal communication, the Chief Minister of Madhya Pradesh, August 2001.

<sup>14</sup> Here elements within international agencies such as ICIMOD and UNDP have also become active, and an UNDP event I spoke at included Parliamentarians.

<sup>15</sup> For instance, I was privileged to be invited to facilitate a 1997 conference in South Africa, attended by NGOs and officials from the Department of Land Affairs from across the country (see Friedman and Sunde 1998 for the conference report).

<sup>16</sup> Alongside, and independently of, discussions on the land question, there have been some noteworthy proposals by gender-aware individuals in India to reform gender-unequal inheritance laws (see, for example, Working Group on Women's Rights 1996; also Agarwal 2002a, 2002b).

Society, which began work on this aspect around 1989–90, also provide the much needed ground experience from which other NGOs can learn (for details, see the penultimate section).

*Women's Voices and Unvoiced Needs*

What about women's own voices? Are rural women themselves demanding land rights? Yes, in many cases, especially since the mid-1970s,<sup>17</sup> but there are also examples where women have not identified this as a priority. The question is: does the absence of a widespread demand indicate the absence of a need? Some feminist academics have disquietingly argued that women's land rights do not deserve policy attention, since rural women themselves are not demanding this. One UK-based South Asian academic, for instance, commented at the 1997 UNRISD workshop on women, poverty and well-being, held at the Center for Development Studies, Kerala, that: '[Land rights] is not the issue that people are raising most. So I am not sure it is something that is shared by grassroots women.'<sup>18</sup> Likewise, another UK-based scholar, Cecile Jackson, noted at the same workshop: 'I have also worked in Zimbabwe, where I was surprised at how few women expressed a demand for land and were in fact much more interested in employment . . .'.<sup>19</sup> This line of argument is disquieting because it assumes that voiced demand (or its lack) is a sufficient indicator of needs and preferences, and an adequate basis for social policy.

This echoes a growing populist emphasis in some quarters on identifying priorities for the poor solely or largely on the basis of their expressed wants, assuming as unimportant that which goes unmentioned. Documents such as the World Bank's three volume *Voices of the Poor* (Narayan et al. 2000a, 2000b, 2002), although written with a different objective, can also lend themselves to this use.

This is not to deny the critical importance of asking the deprived their priorities. But it is equally critical to recognize that the deprived may have incomplete information about all options, and thus fail to mention those that seem out-of-reach. Or they might shape what they reveal about their priorities according to how an interview is conducted. Or they might adapt their preferences and felt needs to what they see as attainable.<sup>20</sup>

Take the issue of adapted needs and preferences. Sen (1984, 309) gives a striking example from a 1945 survey conducted a year after the Great Bengal

<sup>17</sup> See, for example, the many quotations in Agarwal (1994), Hall (1999) and Bharti (2000); see also Narayan et al. (2000).

<sup>18</sup> UNRISD's transcripts of the seminar. The participant did not say which geographic context she had in mind. But even in Bangladesh (her region of research focus), major NGOs such as ALRD, Nijera Kori, and the Bangladesh Rural Advancement Committee are now seeking to enhance women's land rights; and my field visits to some of Nijera Kori's fieldsites in Noakhali revealed immense land hunger.

<sup>19</sup> UNRISD's transcripts.

<sup>20</sup> See also Nussbaum's (2000) excellent discussion on adapted preferences, and Sunstein (1993) on how people's preferences are shaped by existing endowments.

Famine. The survey found that only 2.5 per cent of the widows compared with 48.5 per cent of widowers reported themselves 'ill' or in 'indifferent' health, even though the former were widely recognized to be the more deprived. As he notes, 'The deprived people tend to come to terms with their deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible.' (Sen 2000, 63).<sup>21</sup> I would add that this could happen not only if the deprived adapt their needs and preferences (as Sen and some others rightly emphasize), but equally if the deprived adapt what they reveal of their needs and preferences according to who asks the question and how, and what the respondent thinks the researcher wants to hear. As I have argued at length elsewhere, drawing on a variety of evidence, women may not reveal their real preferences overtly, but may do so through their covert actions (Agarwal 1994, 1997).

That women under deprivation often limit their stated needs was also strikingly revealed during my November 1997 visit to a land occupation and resettlement site in the Cramond area near Pietermaritzburg, South Africa. I went there at the invitation of the Association for Rural Advancement (AFRA, an NGO working with rural communities to redress the country's legacy of an unjust land dispensation), accompanied by Suzani Ngubane, a committed woman activist from AFRA with long years of grassroots experience. At the site, occupied by a large number of families, mostly women and children had carved out small plots for vegetable and poultry farming, while most men were away in other jobs. During my discussion with a group of 25–30 women, I asked: in whose names will these plots be registered? They said, their husbands, after which their oldest sons would inherit the land, under the customary practice of primogeniture. My further query – wouldn't it be better if the land was in your names or in joint titles, since you are the ones farming it – was greeted with silence. I repeated the question. This caused a buzz. Finally, one of the younger women answered: 'We are taking so long in answering because no one had ever asked us this before! It seems like a dream that we might have land of our own.' I asked: what advantages might that give you? She and some others said that this would reduce their risk of being evicted by their sons; enhance their freedom to take independent decisions on land use without waiting for migrant husbands; enable them to obtain production credit; give them greater control over the farm's income for home use; allow them to offer security to daughters (and daughters' children) abandoned by husbands; and so on. Their only fears were male resistance to joint titles and administrative bottlenecks. They felt, however, that AFRA should help them, now that 'you have opened our eyes to the possibility'.

<sup>21</sup> Lest it be misread, I'd like to clearly distinguish between Sen's argument here (with which I agree) that the deprived may adapt their preferences according to what appears feasible, and another argument by Sen elsewhere (which I have disputed) that the deprived may suffer from a form of false consciousness and may thus become complicit in their own oppression (Sen 1990; Agarwal 1997).

These women had not considered having land in their own names as an option, since even AFRA had not discussed this possibility with them. The women's response also surprised Suzani, who subsequently took up women's land claims on a pilot basis in some other AFRA fieldsites and found that men's resistance was neither that strong, nor insurmountable. In January 1998, two months after my visit, she emailed me:

At the end of the year I convened a provincial women's workshop and shared the knowledge I gained both from your presentation at AFRA and the presentation you did at the Cape Town conference. Women are very excited. There is a community just near Pietermaritzburg which has just got a huge piece of land. This means that your ideas came at the right time for this community, because together with the community I am looking at how the titling could include women's names – it seems like it is not going to be a problem. I have introduced the subject to the men and they are taking it in a good spirit although they have questions like: what is going to happen now to the male heirs? . . . But . . . they are [not] trying to resist the initiative. We are planning to help the community to build a women's movement which is going to see to it that these ideas are implemented.

Indeed, Suzani has since sought to make women's land claims integral to AFRA's approach. In February 1998, she wrote:

I am pushing for the issue of joint titles to be put on top of AFRA's agenda. . . . We are having a week long annual [meeting for] strategic planning. It is going to be one of the hot issues. I have introduced it to another restitution community and it is taken seriously, but men are asking questions like: 'are we saying that African culture should do away with the system it has been using, which is that of a male heir?' Women are able to argue that one, because according to our culture . . . that heir provided for the deceased man's family. This is not happening any more – the heir collects whatever he inherits and takes it to his own family, forgetting the family of the deceased. I am sure we are going to win this one.

This example strikingly illustrates that rural women's failure to raise the land demand did not imply its lack of importance to them. More generally, identifying priorities for women's enhancement based purely on their expressed need could prove unduly self-limiting, and even misleading, in some contexts.

#### THE CONTINUED IMPORTANCE OF LAND RIGHTS FOR WOMEN

The issue of women's land rights is not only important today, it is likely to become increasingly so over time. In particular, India's agrarian transition has been slow, uneven and highly gendered. There are also serious gender inequalities in intra-household allocations from resources controlled by men, and a notable potential for production inefficiencies with gender unequal land distribution.

*A Gendered Agrarian Transition*

Agrarian transitions, among other things, typically involve a shift of labour from agriculture to non-agriculture. But there need be no uniformity by gender. In India, the percentage of all rural workers in agriculture declined from 84 in 1972–3 to 76 in 1999–2000. However, this decline was due largely to male workers moving to non-agriculture, while women remained substantially in agriculture; indeed their dependence has increased in recent years, and the gender gap is growing. Today, 53 per cent of all male workers, 75 per cent of all female workers, and 85 per cent of all *rural* female workers, are in agriculture. And, for women, this percentage has declined less than four points since 1972–3 (Government of India 2001).

Although the absorption of both sexes in the non-farm sector has slowed down since 1987–8, for women the slowing down has been dramatic: the compound growth rate of female non-agricultural employment fell from 5.2 per cent over 1978–88 to 0.2 per cent during 1988–94 (Chadha 1999). Over this latter period, while 29 per cent of rural male additions to the labour force in the over-14 age group were absorbed into non-agriculture, less than 1 per cent of the additional female workers were so absorbed (Government of India 1990, 1996a). Women's low absorption has been compounded by the general stagnation of rural non-farm employment in the post-reform period.

Moreover, the non-farm sector is very heterogeneous, containing both high return/high wage activities and low return/low wage ones. These variations are apparent both regionally and by gender. A 1997 countrywide survey by the National Commission on Self-Employed Women and Women in the Informal Sector (*Shramshakti* 1988), and micro-studies of women workers in individual occupations,<sup>22</sup> suggest that women are largely concentrated in the low-and-insecure-earnings end of the non-farm sector. Women's domestic work burden, lower mobility, lesser education and fewer investable assets limit not only their entry into non-agriculture in relation to men, but also their range of non-farm options. Today, even though male workers still constitute some 60 per cent of the total agricultural workforce, this percentage has declined and that of female workers has increased in recent years.

All said, we appear to be observing early signs of a feminization of agriculture. Several Southeast Asian countries underwent a somewhat similar process in the early 1970s. In Malaysia, for instance, as more men moved to non-agriculture, women began to undertake traditional male tasks such as land preparation (Stivens et al. 1994).<sup>23</sup> But, subsequently, while women in Malaysia and some other parts of Southeast Asia were largely absorbed into non-farm jobs, in India and many other parts of Asia they remain largely confined to

<sup>22</sup> See, for example, Singh and Kelles-Vitanen (1987).

<sup>23</sup> Also noted among some tribal communities in India (Fernandes and Menon 1987).

agriculture.<sup>24</sup> Indeed, existing figures provide little justification for the sweeping arguments some scholars have used to set aside the land question, for instance that 'everywhere that you look in the world, land is becoming less and less important as the critical resource for employment' (The earlier-quoted South Asian Scholar, transcripts of the 1997 UNRISD workshop).<sup>25</sup>

Moreover, a large percentage of India's rural households are *de facto* female-headed, due to widowhood, marital breakdown or male outmigration, estimates ranging from 20 per cent (Buvinic and Youssef 1978) to 35 per cent (Government of India 1988). And we can expect female-headed households to increase in number. Marriages are less stable today, kinship support systems less reliable, and rural to urban migrants are still largely men.

At the same time, the nature of agricultural work that women do is to a greater extent than for men casual in nature. And while casualization has grown for both sexes, the increase since 1987–8 has been more for women. Moreover, the rise in real agricultural wage rates for both sexes and the decline in the gender wage gap, apparent between the mid-1970s and mid-1980s, has not been sustained into the 1990s. Compared with men, women still have lower real wage rates in most states, and lower average real wage earnings in both agriculture and non-agriculture in all states (Unni 1996).

In other words, we can expect a growing gender divergence in dependence on agriculture. As more men shift to non-farm livelihoods, an increasing number of households will become dependent on women bearing the larger burden of farm management. But women in agriculture operate as disadvantaged workers, whether as casual labourers or as self-employed workers. Unlike self-employed men, self-employed rural women are mostly unwaged workers on male-owned family farms. They seldom own or control the land they cultivate.

This, in turn, has implications for welfare and efficiency, apart from equality and empowerment (as elaborated in Agarwal (1994) and briefly outlined and updated here).

### *Welfare*

The negative relationship between the risk of rural poverty and land access is well established.<sup>26</sup> Land can provide both direct and indirect benefits. Direct

<sup>24</sup> Although today in Malaysia and the Republic of Korea less than 15 per cent of total female workers are in agriculture and related occupations, the percentages are substantial elsewhere: 75 per cent in India, 77 per cent in Bangladesh, 66 per cent in Pakistan, 93 per cent in Nepal, and between 40 and 50 per cent in Indonesia and Thailand (see Government of India 2001, for India; Acharya 2000, for Nepal; and ILO 2000, for the other countries).

<sup>25</sup> Of course, there have been shifts over time, but for many regions these have been marginal and gender-unequal. Hence, for both sexes but especially for women, agriculture remains a critical source of employment in large parts of the developing world. Moreover, leaving agriculture for better prospects is quite different from being pushed out by poverty and landlessness.

<sup>26</sup> See especially Ali et al. (1981), Lipton (1985), Besley and Burgess (1998) and IFAD (2001a, 2001b).

advantages can stem from growing crops or fodder or trees. Indirect advantages can take various forms: owned land can serve as collateral for credit or as a mortgageable or saleable asset during a crisis. Land (whether owned or controlled) increases the probability of finding supplementary wage employment, enhances bargaining power with employers, pushes up aggregate real wage rates, and is an important asset base for rural non-farm enterprises (Agarwal 1994). But land access by men alone cannot be assumed to benefit women and children equitably. The significant body of evidence that has emerged over the last 25 years or so shows systematic gender inequalities in access to basic necessities within households.<sup>27</sup> There are also notable gender differences in income-spending patterns (Dwyer and Bruce 1988). Women and children's risk of poverty can thus depend crucially on women's direct access to income and resources, and not just access mediated through husbands or male relatives. In addition, owning land would enhance women's self-confidence and ability to demand their due in government programmes, such as for health care and education.

The links with poverty apart, there is growing evidence of links between assets in women's hands and child welfare. In urban Brazil, the effect on child survival probabilities was found to be almost twenty times greater for unearned income (from rent, physical and financial assets, etc.) that accrued to the mother, compared with that which accrued to the father (Thomas 1990); and assets owned by the mother had a bigger positive impact on the anthropometric outcomes of daughters relative to sons, while the same was not true for fathers (Thomas 1994, cited in Strauss and Beegle 1996). Kumar (1978) found that among marginal farmer households in Kerala, the mother's cultivation of a home garden (the output of which she controlled) had a consistently high positive effect on child nutrition. Moreover, children in rural India are found more likely to attend school and receive medical care if the mother has assets (Strauss and Beegle 1996).<sup>28</sup> In other words, secure land rights for rural women today could enhance their children's, especially daughters', prospects for education and non-farm employment in the future.

For widows and the elderly, owning land could improve welfare not just directly, but also by enhancing their entitlement to family welfare (Caldwell et al. 1988). Relatives, including sons, often do not provide the expected economic security. Many widows and the elderly thus end up living on their own, and in poverty.<sup>29</sup> As some argue, if they had property children would look after them better (Caldwell et al. 1988).

It needs emphasis that access to land is important, even where it cannot serve as the sole basis of livelihood. Indeed, a large proportion of rural households do not own enough land for all family members to subsist on that basis alone. *But even a small plot can be a critical element in a diversified livelihood system and can*

<sup>27</sup> Reviewed in Agarwal (1994).

<sup>28</sup> See also Quisumbing and Maluccio (2000) for Bangladesh.

<sup>29</sup> See, for example Chen (1998), and Panda (1997).

*significantly reduce the risk of poverty and food insecurity.* Some land is usually necessary even for viable rural non-farm activity. It expands the range of non-farm options, and increases the potential for non-farm earnings several fold: small farmer households are found to earn many times more from rural off-farm self-employment than landless labour households (Chadha 1993). Hence, for ensuring rural women's entry into the higher-earning segments of the non-farm sector, an initial strengthening of their land rights might prove essential in many regions.

### *Efficiency*

As agriculture gets feminized, an increasing number of women will be faced with the prime responsibility for farming, but without rights to the land they cultivate. Production inefficiency associated with tenure insecurity continues to be one of the important rationales for land reform. But the rationale has not been extended to cover family members. In fact, in many contexts, enhancing women's land rights could increase overall production. While systematic evidence on all the aspects noted below is not available for India, evidence from other regions provides pointers and underlines the need for similar studies in India.

First, there is an incentive effect, namely the effect of secure rights in land and control over its produce on the farmer's motivation to put in greater effort and investment in the land. This important effect, extensively emphasized in land reform literature, especially under tenancy reform, has received little attention in relation to family members. This is presumably because the latter are assumed to put in their best effort, even if the land is owned by the male household head, due to family loyalty and/or because the benefits would be distributed equitably. Recent evidence from Africa, however, suggests that disincentives can exist equally within the family. In Kenya, for instance, in a context where men and women cultivated both separate and joint plots, the introduction of weeding technology in maize production raised yields on women's plots by 56 per cent where women controlled the output, and only by 15 per cent on the men's plots where women also weeded but men got the proceeds (Elson 1995).

Second, if land access is through titles, it would enhance women's ability to raise production by improving their access to credit, as well as their independent access to cash flows for reinvestment.<sup>30</sup>

Third, evidence suggests that women might use resources more efficiently than men in given contexts. This has been noted not only for credit (as in the Grameen Bank experience in Bangladesh), but also land. For example, a study in Burkina Faso found that because of women's choice of cropping patterns, women's plots produced much higher values of output per hectare than their husbands' plots (Udry et al. 1995). And although women had lower yields for given crops, Udry et al. attribute this to women's lesser access to inputs, which were

<sup>30</sup> For links between land titles and credit access, see, for example, Feder et al. (1986).

concentrated on the men's plots. The study estimated that output could be increased by 10–20 per cent, if factors of production (such as manure and fertilizers) were reallocated from men's plots to women's plots in the same household. While some other studies caution against simple policy prescriptions based on Udry et al.'s single crop results which, they argue, would be tempered if account were taken of the social complexity of households and the livelihood system as a whole (see, for example, Whitehead 2001), for our purposes the important point is the need to be alert to the neglected links between allocative efficiency and the gender distribution of land and inputs (see also, Quisumbing 1996). Other efficiency links arise from differential access to extension services – improving women's access could enhance productivity: in Kenya, maize yields were found to be almost 7 per cent more on female-managed farms than on male-managed ones, when they had the same access to extension (Dey 1992). Systematic research on the efficiency implications of more gender-equal access to land, production inputs and technical information is also warranted in the Indian context. More generally, existing findings underline the importance of linking land transfers to women with infrastructural support.

Fourth, including women as farm managers would make for a more talented and better-informed pool than one consisting solely of men. In many South Asian communities, for example, women are often better informed than men are about traditional crop varieties (Acharya and Bennett 1981). A more diverse system of cultivation could also result from gender differences in crop preferences, as found in the Burkina Faso study (Udry et al. 1995), and among women's farming groups in Andhra Pradesh (India).<sup>31</sup>

Fifth, possessing land (especially titles) empowers women and places them in a stronger position to demand their due in government schemes, and in infrastructure and services. It also helps them be more assertive with agencies that provide inputs and extension information.<sup>32</sup>

Some oppose women inheriting land on the grounds that it will reduce output by reducing farm size and increasing fragmentation. However, as elaborated in Agarwal (1994) and Banerjee (2000), evidence from South Asia gives no reason to fear an adverse size effect: the negative relationship between size and productivity is found to still hold after the green revolution. And fragmentation can arise equally with male inheritance. Moreover, land leasing arrangements help consolidate cultivation units, even where the ownership units are fragmented. There has also been a spurt in farmer-initiated consolidation in India in the post-green-revolution period (Ray 1996). Probably due both to this and to government consolidation efforts, the number of fragments per holding at the all-India level has declined from 5.7 in 1960–1 to 2.7 in 1991–2 (Government of India 1997a, 17). In addition, as discussed in the penultimate section, the unit of

<sup>31</sup> Author's field visits to DDS sites in 1998.

<sup>32</sup> See the penultimate section; see also Herring (1999) for links between land ownership and participation in local institutions.

ownership need not define the unit of cultivation, if collective investment and cultivation is undertaken by groups of women.

These potential efficiency implications are important not just in some aggregate sense for increasing agricultural productivity, but especially for improving the food security of women's own households.

### *Equality and Empowerment*

While the welfare and efficiency arguments are concerned with women having some land in absolute terms, the empowerment and equality arguments are concerned with women's position *relative* to men, and particularly with women's ability to challenge unequal gender relations within and outside the home.

The equality issue can of course be argued in various ways, but here its link with empowerment needs emphasis. The parameters of empowerment are complex and multi-dimensional. As outlined in Agarwal (1994), land rights can make a notable difference to women's bargaining power within the home and community, enhance their confidence and sense of self-worth, enable them to negotiate better deals in the wage labour market, increase the respect they command within the community, facilitate their participation in village decision-making bodies, and so on. Empowerment in one or more of these forms has emerged wherever social movements or NGOs have helped women gain access to land. Consider too, women's own perceptions: in the Bodhgaya movement in Bihar, when women received land in two villages, they graphically contrasted their earlier voicelessness to their situation now, 'now that we have the land we have the strength to speak and walk' (Manimala 1983). Similarly, after purchasing land with the help of DDS, poor *dalit* women in Andhra Pradesh could say:

Now even the government is following us. Not because they love women [but because] they know that loans for land are safer with women. Having land in women's name has made an enormous difference – learning to take on land means taking on more power and wisdom. Once we got land, our eyes opened. (Narsamma, Kalbaman village, cited in Hall 1999)

What then are the prospects for enhancing women's land access?

### LAND TRANSFERS FROM THE STATE

Potentially, there are three main sources of arable land: the State, the family and the market. Consider first, State transfers. The State distributes land in various ways: as part of traditional land reform measures, typically taking away land from those owning more than a specified ceiling and endowing the landless with the ceiling surplus land; in resettlement schemes as compensation for land lost due to displacement, say, by a large dam; and as a poverty alleviation measure. All three forms of distribution are, however, gender biased. Typically, the Government allots land to male household heads. In addition, adult sons often get special consideration, but adult daughters seldom do.

*Land Reform*

For a start, the land reform programmes of all political parties in India have been strongly male biased. As noted, the male household head is the typical recipient. In addition, in fixing ceilings, and often also in land distribution, virtually all states give adult sons special consideration. Typically, a family is defined as constituted of a cultivator, a spouse and minor children. An adult son is usually counted as a separate unit. This means that households with adult sons can hold additional land, or each adult son can hold land in his own right. By contrast, unmarried adult daughters get totally excluded in most states, since they are not counted as members of their natal families, and being unmarried have no marital families from which to claim. Only Kerala counts both unmarried adult sons and daughters as separate units, likely due to the state's matrilineal tradition.

Underlying the ceiling specifications is the understanding that those recognized either as part of the family unit or separate (as with adult sons) will be maintained by the land allowed within the ceiling. Here we have a curious situation where the subsistence needs of unmarried adult daughters are ignored in many states, even while the legal age of marriage for girls is 18. Moreover, giving adult sons additional land while ignoring adult daughters assumes that only men take responsibility for family provisioning.

These male biases would have been less surprising in the 1950s and 1960s, when the gender question was somewhat dormant, than in the 1970s, when it had entered the public domain. The 1970s brought some State recognition of women's claims, but only on paper. For instance, West Bengal's *Operation Barga* programme, an important land reform initiative undertaken in the late-1970s for the registration of tenants, essentially registered men. Although an exception was made, in principle, for single women households (those divorced, deserted etc., and without adults sons), few, even among them, received land in practice. A village in Midnapur district studied by Gupta (1993) is indicative: 98 per cent of the 107 *khas* holdings distributed there went to men. In nine out of the ten female-headed households, the land went to the women's sons; and only eight of the 18 single women received land. None of the married women received joint titles. It is notable that in its 1991 election manifesto, the CPI (M), under whose aegis *Operation Barga* was undertaken, was the only political party that had promised to ensure women's equal rights in landed property. The promise remains unfulfilled.

*Resettlement Schemes*

Privileged male entitlement also characterizes land allotment in resettlement schemes. Consider four major projects: Sardar Sarovar Project (across Gujarat, Madhya Pradesh and Maharashtra); the Tehri Project (Uttarakhand); the Upper Krishna Project (Karnataka); and the Upper Iravati Project (Orissa). In each of these, the resettlement packages for landed families are male biased. In male-headed households, all land transfers are to men alone. In five of the six states

(the exception being Karnataka), there is no provision for widows. Another five of the six have special provisions for adult sons, but only two have such provisions for adult unmarried daughters, in one of which the daughter has to be above 35 years in age (Agarwal 2002b).

As some of the tribals displaced by the Sardar Sarovar Project asked me during my field visit there in 1992: 'What about those of us who have only adult daughters?' Also, in the scheme, a widow (with an adult son) is counted not as a household head but as a dependent, and is therefore not entitled to land or house ownership (Bhatia 1998).

### *Poverty-alleviation Programmes*

These have had a mixed history. The first five Plans paid little attention to women's land claims. In India's Sixth Five Year Plan (1980–5), however, a separate chapter on 'Women and Development' mentioned that the Government would give joint titles to spouses in the distribution of land and home sites. But this directive was not reiterated in the Seventh Plan (1985–90). The Eighth Five Year Plan (1992–7) took up the thread again, but in a limited way. It recognized that sons and daughters should get equal shares in parental property; and directed state governments to give 40 per cent of ceiling surplus land to women alone, and the rest jointly to both spouses.

The Ninth Plan (1997–2002), however, made a distinct departure. During its formulation, as a member of the steering committee on poverty-alleviation, I was able to negotiate that 'ensuring women's effective command over land will be one of the new priorities of the Ninth Plan'. An entire section on 'Gender and Land Rights' was included, incorporating part of my justification on why land is important for poor women and many of my recommendations, including distributing titles mainly to women; the promotion of collective rights and group farming among women's groups; and providing women farmers with information, inputs, credit and marketing support. It also emphasizes the need to collect gender-disaggregated data on land ownership and use, in the Agricultural Censuses and National Sample Surveys. Another section recommends amending the tenurial laws to ensure equality of inheritance in agricultural land.<sup>33</sup> This Plan is also somewhat unusual in the importance it gives to land reforms in general as a significant part of the poverty reduction strategy. However, as the Plan's term draws to a close, the gap between stated policy and its implementation remains wide.

Regionally, some states, such as Andhra Pradesh and Madhya Pradesh, have taken small steps to improve women's land access. For instance, the former gives subsidized loans for land purchase to poor women and the latter has been promoting joint titles. Most other states, however, have made little such progress.

<sup>33</sup> Government of India (2000: sections 2.1.130 to 2.1.134, 2.1.81 and 2.1.90).

*Factors Underlying the Gender Bias*

What underlies the gender bias in public land distribution? To begin with, in classic land reform terms, the claimant is the one who tills the land. As Thorner (1956, 79) elaborated: 'We may begin [land reform] . . . by putting forward one fundamental principle: lands and the fruits thereof are to belong to those who do the tilling, the tillers being defined as those who plough, harrow, sow, weed, and harvest.'

While this definition works fairly well if applied to the household, it is less applicable to individuals, given the gender division of labour. Women would get excluded as they typically do not plough (indeed, are socially barred from doing so). But clearly the definition alone cannot explain women's exclusion, since if applied literally it would also exclude many men, as most male farmers neither sow nor weed. I believe at least four other factors underlie the gender bias.

One, men are perceived as the breadwinners and women as the dependents. The male household head is thus seen as the legitimate claimant. Even under *Operation Barga*, the claims of poor widows who were leasing out their land and could thus lose control over it, were set aside with the argument: '[T]he number of such widows left alone without any adult male relatives looking after them cannot be very large' (Dasgupta 1984, A90). This view unquestioningly endorses women's dependency on male relatives, and assumes that the latter will look after them well. Evidence, quoted earlier, on the situation of widows without their own assets, indicates otherwise.

The second factor is the social perception about women's lesser capabilities and their appropriate roles. Here, patrilineal biases have permeated even matrilineal communities. For instance, in Meghalaya, when I asked officials why even in this traditionally matrilineal society they did not allot plots to women, I was told: 'Women cannot come to our office to fill out papers.' Yet in nearby streets there were numerous women traders selling their wares.

The third factor is the assumption of the household as a unitary entity in mainstream economic theory, most public policy, as well as the popular imagination. The unitary household model assumes that family members pool all resources and incomes, and share common interests and preferences (Samuelson 1956), or an altruistic head ensures equitable allocations of goods and tasks (Becker 1981). In recent years, virtually every assumption of this model has been challenged effectively on the basis of empirical evidence, including assumptions of shared preferences and interests, pooled incomes and altruism as the guiding principle of intra-household allocations.<sup>34</sup> Gender, in particular, is noted to be an important signifier of differences in interests and preferences, incomes are not necessarily pooled and self-interest resides as much within the home as in the marketplace, with bargaining power affecting the allocation of who gets what and who does what. Among other things, therefore, the household's property status and associated well-being cannot be taken as automatically defining the

<sup>34</sup> On the problems associated with the unitary household model see, for example, Haddad et al. (1997), Doss (1996), Hart (1993), Agarwal (1994, 1997), Seiz (2000) and Sen (1990).

property status and well-being of all household members, irrespective of gender or age. Nevertheless, the hold of the unitary household model remains ideologically strong.

The fourth factor is the notion of the household as a space of harmony ('the heart of a heartless world') that property considerations would shatter. In 1989, for instance, following my invited presentation on gender and land, at a Planning Commission seminar on land reform attended by two Cabinet ministers, the then Minister of Agriculture exclaimed: 'Are you suggesting that women should be given rights in land? What do women want? To break up the family?' Ironically, what this statement effectively implied was that family stability rests on gender inequity, which women, once they have property, may be unwilling to tolerate.

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Bias apart, there is little public land left for distribution. A stricter implementation of ceilings could increase the amount, but not dramatically. According to mid-1996 figures (Government of India 1996b), the area declared surplus (above the ceiling) to date, for all-India, came to only 3 million ha or 1.6 per cent of arable land, and just 0.2 per cent of arable land was still available for distribution. In addition, there is some limited common land – about 13 per cent of India's arable land. Even in West Bengal, which had the largest area declared surplus to date, total ceiling surplus land came to only 8.7 per cent of the state's arable land, and today almost none is left for distribution.

Of course, despite the limited arable land in government hands, it is essential to eliminate gender bias in its distribution, since State policy can influence social norms and attitudes toward women's claims in private land. A related issue is whether women should receive titles jointly with husbands or individually.

#### *Joint or Individual Titles?*

The emphasis thus far has been on joint titles, and less on individual titles. The Eighth Five Year Plan, as noted, recommended that 60 per cent of all land distributed to the landless should be as joint titles.

While having some land is better than having none at all, joint titles with husbands also present problems for women. For instance, women often find it difficult to gain control over the produce, or to bequeath the land as they want, or to claim their shares in case of marital conflict. As some Bihari rural women told me: 'For retaining the land we would be tied to the man, even if he beat us'. Wives may also have different land use priorities from husbands, which they would be less in a position to exercise with joint titles. Most of all, joint titles constrain women from exploring alternative farming arrangements collectively with other women.

Individual titles, in contrast, can provide more flexibility. At the same time, individual women often lack enough investable funds, and with small holdings

individual investment in capital equipment can prove uneconomical. For instance, although the Bodhgaya movement in Bihar enabled many women to receive an acre each in their own names, several of them had to mortgage their holdings later because they lacked funds for profitable cultivation. To bypass this problem, a possible solution could be to encourage collective investment and cultivation, as discussed in the penultimate section.

Consider now the possibilities of women getting land through their families.

#### LAND FROM THE FAMILY

In India today, about 86 per cent of arable land is private,<sup>35</sup> and 89 per cent of rural households own some (Government of India 1995), even though most hold very small plots. These figures belie the popular perception that access to privatized land is important to only a small percentage of rural women. Even by the most conservative assessment, about 78 per cent of rural households own some land.<sup>36</sup> Hence a very large percentage of rural women have a stake in family land, access to which is mainly through inheritance (and limitedly through the market).

How do women fare in terms of land inheritance? Unfortunately, no large-scale rural surveys collect gender-disaggregated data on land ownership and use. But gleaning from numerous village studies, and a 1991 survey on widows by development sociologist Marty Chen, it is clear that few women inherit land; even fewer effectively control any. In Chen's sample of rural widows across seven states, only 13 per cent of the 470 women with land-owning fathers inherited any land as daughters (the figure being 18 per cent for South India and 8 per cent for North India: Agarwal 1998). This means that 87 per cent of the surveyed women did not receive their due as daughters. Among widows, of the 280 whose deceased husbands owned land, 51 per cent inherited some, but this still means that almost half the widows with claims did not inherit anything. And of those that did, typically their shares were not entered formally in the village land records. Other studies show that where the land is so recorded, the widow's name is invariably entered jointly with adult sons, who effectively control the land.<sup>37</sup> The popular perception is that the widow's share is for her maintenance and not for her direct control. Widows without sons rarely inherit. Moreover, widows constitute only about 11 per cent of rural women, 75 per cent of whom are over 50 years old, many of them too old to work the land effectively. Recognizing widows' rights alone is thus inadequate for women to

<sup>35</sup> Computed from the latest available land use statistics. See Agarwal (1994, 24, note 52) for the method of calculation.

<sup>36</sup> The figure of 89 per cent includes households owning agricultural land as well as those owning only homestead land (Government of India 1995). There is no direct information on households owning only agricultural land. An indirect indicator is that 21.8 per cent of rural households cultivated no land in 1992 (Government of India 1997b, 17), but this includes both households owning no agricultural land and those leasing out all such land. The actual percentage owning no agricultural land would thus be under 21.8 per cent; conversely, those owning some would be at least 78.2 per cent.

<sup>37</sup> Nandwana and Nandwana (1998), Agarwal (1998).

reap the efficiency or welfare benefits that would accrue if they also inherited as daughters.

What obstructs women from realizing their claims in family land? The obstacles are partly legal and in large part social and administrative.

*Unequal Laws*<sup>38</sup>

Legally, although women enjoy much greater inheritance rights today than they did, say, at the turn of the century, substantial inequalities remain. To begin with, the inheritance laws of both Hindus and Muslims treat agricultural land differently from other property. For instance, the Hindu Succession Act (HSA) of 1956 exempted tenancy rights in agricultural land from its purview. Women's inheritance rights in tenancy land thus depend on state-level tenurial laws. In the southern, western and eastern states, since the tenurial laws are silent on devolution it can be presumed that for Hindus the HSA will also apply to tenancy land. In most north-western states, however, tenurial laws do specify an order of devolution, and one that strongly favours male agnatic heirs, with women coming very low in the order of heirs, as was the case under centuries-old customs. Moreover, in Uttar Pradesh (UP) and Delhi, the definition of tenants in the land reform laws is so broad as to include under that category interests arising from *all* agricultural land. Hence in these two states, of which UP contains one-sixth of India's population, women's inheritance rights in most agricultural land stand severely curtailed.

A second source of inequality in Hindu law lies in the continued recognition in the HSA of *Mitakshara* joint family property in which sons but not daughters have rights by birth. Again, while three of the southern states (Andhra Pradesh, Tamil Nadu, Karnataka) and Maharashtra have amended this by including daughters as coparceners, and Kerala has abolished joint family property altogether, all other states remain highly unequal (Agarwal 1995).

Likewise, the Muslim Personal Law (Shariat) Application Act of 1937, which still defines Muslim inheritance rules in India, excluded all agricultural land (both tenanted and owned) from its purview. Subsequently, some of the southern states extended the Act's provisions to also cover agricultural land. In other regions, however, the treatment of agricultural land, unlike other property, continues to devolve variously on customs, tenurial laws, or other pre-existing laws. Such laws and customs give very low priority to Muslim women's property rights in most of Northwest India. In addition there is the inherent inequality of daughters being allowed only half the share of sons under Islamic law.

The regional contrast is striking in both Hindu and Muslim law. If we map Hindu law, for instance, gender inequality increases as we move from south India northwards. In the four southern states, women can inherit agricultural land, whether owned or under tenancy, and with amendments in the HSA

<sup>38</sup> For details, see Agarwal (1994, 1995).

daughters have shares on a par with sons in joint family property, including land. In the north-western states, however, women are still seriously disadvantaged in relation both to agricultural land and joint family property. Middle India comes in-between. Women's legal rights under Muslim law show a similar contrast between Northwest India and the rest of the country.

Unequal laws, however, cannot explain the enormity of women's *de facto* disinheritance. Rather, among the critical factors underlying both unequal laws and the vast gap between law and practice are social and administrative biases.

#### *Social and Administrative Bias*<sup>39</sup>

To begin with, there is the gap between legal rights and actual ownership. In most communities which were traditionally patrilineal (i.e. where inheritance was through the male line), there is strong male resistance to endowing daughters with land. Quite apart from the reluctance to admit more contenders to the most valuable form of rural property, resistance also arises if traditional marriage systems forbid marriages within the village and with close kin, as is the case among upper-caste Hindus of northern India. Here social taboos against parents seeking any help from married daughters during economic crises also largely persist. Under these conditions, endowing a daughter with land is seen by the natal family as bringing little reciprocal benefit, and any land inherited by her as lost to the family. Daughters face the greatest opposition to their claims among such communities. Opposition is somewhat less in South and Northeast India where, even among Hindus, in-village and close-kin marriages are allowed,<sup>40</sup> and parents can seek economic support from married daughters during crises.

Many women also forego their shares in parental land in favour of brothers. In the absence of an effective state social security system, brothers are seen as an important source of security, especially in case of marital break-up. Cultural constructions of gender, including how a 'good sister' should behave, also discourage women from asserting their rights, as does the emphasis on female seclusion in many areas.

Where women do not 'voluntarily' forgo their claims, male relatives have been known to file court cases, forge wills or resort to threats and even physical violence. In eastern India, most of the witch murders among tribal groups in recent decades are found to be of widows who typically have customary claims (mostly usufruct rights) to land.

These constraints are compounded by the unhelpful approach of many government functionaries who typically share the prevalent social biases and often obstruct the implementation of laws in women's favour. The bias is especially prevalent in the recording of daughters' inheritance shares by the *patwari* (the village land records official) in northern India.

<sup>39</sup> For a detailed discussion and mapping across five South Asian countries, see Agarwal (1994).

<sup>40</sup> Among Muslims, such marriages are allowed everywhere in principle, although geographically variable in practice (Agarwal 1994).

*The Gap between Ownership and Control*

The gap between legal rights and ownership is matched by that between ownership and effective control. Marriages in distant villages make direct cultivation by women difficult. This is compounded in many areas by social restrictions on women's mobility and public interaction. In particular, the ideology of female seclusion (which operates in complex ways and is more widespread than the practice of veiling) restricts women's contact with men by gendering behaviour and public and private space. Indeed, in many north Indian villages, women are expected to avoid spaces where men congregate, such as the market place. This territorial gendering of space reduces women's mobility and participation in activities outside the home (especially in the market place), and disadvantages her in seeking information on new technologies and practices, purchasing inputs and selling the product. Purdah practice is strongest in Northwest India and virtually absent in the South and Northeast. Of course, the cultural construction of gender, which defines appropriate female behaviour and roles, is not confined to the north; it also restricts women in southern India. But the strong purdah ideology in the Northwest circumscribes women in particular ways.

Other difficulties facing women farmers include their limited control over cash and credit for purchasing inputs, gender biases in extension services, ritual taboos against women ploughing and demands of advance cash payments by tractor or bullock owners for ploughing women's fields. (No such demand is usually made of male farmers, who, even if they are small owners, are assumed to be creditworthy.) Taboos against ploughing increase women's dependence on male help, and can reduce yields if timely help is not forthcoming.

However, the factors that constrain women in either claiming or cultivating land are not uniformly strong. South India has the least obstacles. Here legal rights are relatively more equal, in-village and close-kin marriage are allowed, there is virtually no purdah and female labour force participation is medium to high. Northwest India is the area of most difficulty on all these fronts. Northeast and central India come in-between (Agarwal 1994). It would thus be opportune for both grassroots and Government interventions to make a beginning in southern India, by systematically recording women's inheritance shares, supporting women's farming efforts through infrastructural provisioning, and overall improving women's prospects for gaining land rights. This would also have an important demonstration effect in other regions.

## LAND THROUGH THE MARKET AND GROUP CULTIVATION

The third source of land is through the market. There has been much discussion recently of market-negotiated land reform. For instance, it is a central component in South Africa's land reform programme.

In India, purchasing agricultural land is a limited option, since little is usually available for sale. An all-India study of land sales among a sample of land-owning households in the early 1970s found that only 1.75 per cent had sold any

during the survey year (Rosenzweig and Wolpin 1985). Another study in Uttar Pradesh found that over a 30-year period (1950s to the 1980s), only 4.1 per cent of owned agricultural land had been sold (Shankar 1990). Apart from restricted land markets, which affect both sexes, women also face more financial constraints.

Hence market purchase is not an option that can compensate women for the inequalities in inheritance or Government transfers. But it can supplement those means. To do so effectively, however, will require tackling the constraints to land purchase and cultivation that women face. For instance, market access could improve if women dealt with land markets not as individuals but as a group, pooling their resources and their negotiating power. Financial support would also help. Leasing arrangements are another important way of obtaining land through the market, but here again a group approach would work better in overcoming resource constraints.

Equally, women seeking to invest in land and cultivate individual plots face resource constraints for buying inputs, and scale diseconomies if they invest in capital equipment on small plots. Individual women landowners also face considerable pressure from male relatives who want to control the land themselves (Agarwal 1994). In addition, there remains the question of who would inherit the land from the women. If women end up bequeathing it to sons, the land would revert to male hands in the next generation.

There are, however, institutional solutions to these problems if we abandon the long-standing assumption in public policy that farms should be cultivated (or owned) only on a family basis. Today, the assumption of family-based farming underlines all forms of land distribution to the landless. The alternative could be various forms of collective investment and cultivation by women, wherein units of investment and cultivation would be larger than the unit of ownership.

Indeed, the advantages of a group approach are well brought out by the experience of several NGOs in South Asia, who have helped landless women use subsidized credit to lease in or purchase land in groups, and cultivate it jointly. Among the most prominent of these NGOs, with sustained experience on this count, is the Deccan Development Society in Andhra Pradesh. It is therefore useful to examine its experience in detail.

#### *The Deccan Development Society (DDS)*

The DDS, which works in Medak district – a drought-prone tract of Andhra Pradesh (AP) – has enabled women belonging to poor families to lease in or purchase land through a variety of government schemes.<sup>41</sup>

Established in 1983, DDS initially worked only with male farmers until (says P.V. Satheesh, founder member and Director, DDS) the village women challenged DDS, asking: ‘Why don’t you work with women?’ Subsequently, DDS set up

<sup>41</sup> The discussion below is based on Satheesh (1997a, 1997b, 2001); Hall (1999); Menon (1996); DDS (1994–5); my field visits to DDS in 1998 and conversations with several women’s *sangams* and key women informants; and my discussions with P.V. Satheesh and Rukmini Rao over 1998–2002. I also give individual attributions when using quotations or specific information from a key person.

both men's and women's groups (*sangams*), initially as credit and thrift groups. As problems of corruption and cooperation undermined the men's groups, DDS shifted almost entirely to all-women *sangams* (like the Grameen Bank in Bangladesh, which also began with men's savings groups and then moved almost entirely to women's groups). In addition, taking serious note of women's perceptions that what they needed was land for subsistence farming, DDS began to focus more centrally on improving women's land access. Today, DDS is working in 75 villages. Its essential focus is on poor, low-caste women. The central plank of its approach is to ensure food security in an environmentally friendly fashion, through organic farming, multiple cropping and wasteland development. The institutional basis is collective farming.

*Land leasing.* With the help of DDS, poor women, organized into groups, lease in and cultivate land collectively. Initiated in 1989, the programme now involves 629 women cultivating 623 acres across 52 villages. Initially, they leased on a sharecropping basis but are now moving to cash rents. Some 25 per cent of the rent is paid by *sangam* members themselves and the rest through interest-free loans from DDS, which they repay over time.<sup>42</sup> Very poor women can substitute their labour for cash, or borrow individually from DDS. Today, most lease groups consist of 5–15 women, but in the past many had 30–40 and one even had 60 women leasing 40 acres. Sometimes women lease land from two or three landlords.<sup>43</sup>

Women collectively undertake all tasks, except ploughing. For this operation the *sangams* hire the services of a bullock-owner. I understand from P.V. Sathesh that the groups are financially viable. After paying the rent and other costs, as well as DDS's loan (in instalments) and keeping aside grain for seed, the remaining harvest is shared equally among the lease group members.

In some instances, high-caste landlords wanting to lease out their land have themselves approached women's *sangams*, confident that the women's group, unlike individual leasers, would not default, and that DDS would provide backup support for inputs, etc. Where possible, women seek a lease of at least 3–5 years. Typically, after a lease ends the group negotiates a new one, but sometimes the members reconfigure into new groups.

DDS also successfully lobbied the state government to allow women's groups to use the loan money available via the Government's poverty alleviation scheme, DWACRA (Development of Women and Children in Rural Areas), for leasing-in land, rather than for conventional uses such as tailoring, milch cattle, handicrafts, etc. Women's Committees examine the lease proposals put forward by the women's groups, assess the land's quality, keep records of each woman's work input, and ensure equitable distribution of wages and produce. Fifteen women's groups have used the revolving fund provided under this scheme to collectively lease in and cultivate land. In 1995, each woman participant received enough cereal and pulses to feed the whole family for a month, in addition to harvest wages.

<sup>42</sup> DDS has a rotating fund for this purpose, to which the *sangams* can apply.

<sup>43</sup> Personal communication from P.V. Sathesh, August 2001.

*Land purchase.* Since 1994, DDS is also supporting land purchase by groups of women, taking advantage of a scheme initiated by the Scheduled Caste Development Corporation (SCDC) of AP. The SCDC provides financial support to landless scheduled caste women to buy agricultural land. Half the money is given as a subsidized loan repayable within 20 years and the rest as a grant. Catalysed by DDS, women form a group and apply for the loan after identifying the land they want to buy. Land records are scrutinized to ensure that the title is litigation-free, and an endorsement is obtained from the *patwari* and the Mandal Revenue officer that the women applicants are indeed landless. The purchased land is then divided among the group members. Each woman is registered as a plot owner. Today, 24 women's groups in 14 villages are cultivating 474 acres of purchased land, each woman owning about one acre but cultivating it jointly.

Usually, leasing serves as a precursor to purchase. This enables women to judge the land's quality and potential productivity, and also gives them experience in functioning as a group. In some cases, good harvests have enabled women to accumulate enough funds for buying additional land.

Both on leased-in and purchased land, DDS encourages women to practise organic farming and intercropping (the simultaneous cultivation of several crops). They grow a combination of millets, pulses, green vegetables and oil-producing plants. Some grow up to 24 crop varieties a year. This reduces the risk of total crop failure, provides a balanced diet, etc. Some women also use innovative cropping patterns for 'crop fencing', by planting crops on field boundaries that cattle won't eat.

*Purchasing vs leasing.* How does land leasing compare with land purchase? According to Ratnamma (Humnapur village, cited in Hall 1999), it is useful to lease the land before purchase, for several reasons:

We get to understand the land, its quality, which crops to grow on it. We learn whether we want to buy, which land to buy, how much to buy. We make a more knowledgeable purchase. Also, we can see if there will be problems in the group or if the group will work well together.

As a lease group, the women thus learn to tackle any problematic group dynamics before taking the important step of purchase. Working first as a lease group also builds trust and solidarity among members. In addition, lease groups are better able to tackle free riding. As Satheesh (personal communication to author, 1998), put it:

Leasing is not a lifetime commitment. When groups form they eliminate the slow workers. In land purchase, those entitled remain entitled. Also in lease, since they invest they make rules of the game straightaway. If they renege they are warned and if they continue defaulting, they are thrown out of the group.

According to DDS, only 5 per cent of the lease groups have failed thus far.

At the same time, leasing also has disadvantages. If the crop fails the landlord not the tenant receives the state's compensation, as happened to the women's *sangam* in Indoor village when they lost their pigeonpea crop (Hall 1999). Also, compared with purchased land, women feel less secure, and less motivated to invest in the land. According to Chilkamma (Krishnapur village, cited in Hall 1999), women had been leasing land for 10–12 years, but still had no security. With purchase, 'even with less than an acre, we can invest in inputs, put in our labour, do whatever we want . . . this is a great feeling'.

However, finding land to purchase is difficult, since the land market is underdeveloped and the desirable plots have often been bought by others. Some groups also face problems repaying the SCDC loan. And, in certain conditions, groups working with purchased land are more vulnerable to splitting up, as discussed below.

*Prioritizing single women.* An important aspect of DDS' approach is to reach the especially disadvantaged. In this spirit they have prioritized single women (the widowed, deserted and, occasionally, the unmarried) for their support in acquiring land. In Pastapur village, for instance, the single women's *sangam* has 12 deserted women with children and no economic support from husbands or parents (although some parents give moral support). They were agricultural labourers or construction workers earlier. Under the SCDC land purchase scheme, the women collectively bought 11 acres and registered equal amounts in each woman's name in 1995. But they cultivated the whole plot collectively. DDS served as an intermediary between the women and the SCDC. In some villages, women have supplemented the SCDC loan with loans from moneylenders, adult children and even errant husbands.<sup>44</sup>

However, single women's *sangams* have been a bone of contention in some villages. Villagers argue that these will encourage women to become single and break up families. In Metlakunta village, Hall (1999) reports, some men also argued: 'you are giving land to women from other villages and denying land to women from this village' (although 9 out of the 10 single women were originally from Metlakunta and had returned to it due to marital break-up). In this village, the conflict led DDS to withdraw entirely for a while, and return only after the villagers agreed to run their *sangams* on their own for some months, and to allow priority to the single women.

*Alternative public distribution system.* Another type of institutional arrangement catalysed by DDS is to have women jointly oversee the cultivation of undercultivated or fallow land held by private owners. They have also set up a Community Grain Fund (CGF) in the process.<sup>45</sup> Most of the land is ceiling surplus land distributed by the Government to landless men. The land was of very poor quality and remained mostly uncultivated, while the families depended heavily

<sup>44</sup> Hall (1999), and my conversations with P.V. Satheesh in 1998.

<sup>45</sup> For details, see Menon (1996), Satheesh (2001).

on a public distribution system (PDS) which was woefully inadequate for providing food security. Supported by the Ministry of Rural Development, DDS initiated this programme to bring fallow land under cultivation, by extending loans to the owners. Each participating farmer can enter two acres, and get Rs. 2600 in instalments over three years. In return, over five years, the farmer gives for the CGF a specified amount of the grain he harvests. Committees of women manage the whole programme, identifying the land to be used, ensuring that the farmers use the loans for cultivation, supervising the operations, ensuring the use of organic manure and mixed cropping, and collecting the harvest share for the CGF. Each village under this scheme typically has a committee of five women, and each woman personally oversees about 20 acres. The women's committee identifies the poor and ranks them from the most needy to the less than poor. The poorest are eligible for the most grain. The grain is sold (to offset costs) but at a low price. The CGF thus serves as an alternative PDS.

In the first phase, the project started in 32 villages. This has now increased to 43, covering about 3200 acres and some 2200 marginal and small farmers (Satheesh, personal communication, 2001). Apart from bringing a substantial area of marginal fallow land under cultivation, the scheme has increased employment, and helped produce an extra 800,000 kg of sorghum in the first phase villages, thus providing nearly 3 million extra meals. The fodder obtained has also helped sustain 6000 cattle (Satheesh 2001). The programme's benefits extend well beyond the *sangams*: up to 70 per cent of PDS entitlements have gone to non-*sangam* members.

*Benefits and problems of group cultivation.* Women report substantial benefits from collective cultivation, as well as some problems. On the positive side, while working together they have learnt to survey and measure land, hire tractors or bullocks, travel to distant towns to meet government officials, obtain inputs and market the produce. Many women also find it useful to have the flexibility in labour input that collective cultivation allows. In addition, they can pool their differential skills to best effect, and share the cost of tractor or bullock hire.

Based on her experience, Chinanarsamma (Pastapur village, cited in Hall 1999) provides some insightful arguments in favour of collective farming:

Women can share the profit and the responsibility. In individual cultivation, different women have different levels of agricultural knowledge and resources for inputs. [So] in collective cultivation they may make unequal contributions. Those with less can compensate the others through taking a reduced share of the harvest, or by repaying them in instalments. Different levels of contribution are fine, because the women all know what each other's resources are. Knowledge of each other's family needs also leads to tolerance of women not appearing for work in the fields – to some extent. The levels of sharing are agreed on and fixed before the season: each woman should get an equal share unless her contribution falls below that of the other women. There are no disputes about shares: all the women are

involved in dividing the crop, so none can be accused of taking more than her fair share.

Many other women share this perception: 'Collective cultivation is better; both the labour and the produce is shared. It builds a better feeling.'

At the same time, the *sangams* have to be vigilant about several potential problems. One is to ensure that each group member puts in the expected labour. Especially during peak seasons, when wage labour demand is high, absenteeism can occur and negatively affect productivity. The *sangams* impose penalties for default (as agreed by the group collectively), and also call defaulters to account in their weekly meetings. These meetings are a crucial monitoring mechanism. The fact that women are all from the same village, know each other and are co-dependent in other ways, also creates peer pressure against default. The penalty varies by circumstance. Reproduced below is an excerpt from my interview with a Krishnapur village *sangam*:

Q: How do you deal with differences in work effort?

A: We supervise and see if anyone is slackening intentionally or due to compulsion. For example, if it is an old woman we sometimes take care of her labour share. If a woman is ill she can send other family members to substitute. If a young woman does not turn up, she has to send two persons the next day or give two person's wages. This rule is followed strictly, especially if she goes to work on another farmer's field or on her own land.

Q: Have you had to penalize women often?

A: Not really. In general people work hard, and we were able to increase the leased in amount to 40 acres from four landlords. This is in four different patches. Weeding and harvesting is done collectively. Our *sangam* also does not maintain caste divides. We have women from all castes, including the *dalits*.

Nevertheless, groups do occasionally split over work-shirking, especially where the land is purchased. This happened in Humnapur village, although, interestingly, the women later reconstituted new groups, which were smaller and more cohesive, and restarted collective cultivation. Even those who chose to remain separate worked out labour-sharing arrangements for weeding, harvesting etc. on each other's land (Hall 1999). Similarly, when a *sangam* split in Pastapur village, the women continued with labour-sharing arrangements (personal communication, Sathesh 2001). In other words, having worked together demonstrates the advantages of collective farming and builds a habit of cooperation.<sup>46</sup> In some cases, their prior experience of labour exchange also strengthens cooperation.

A second type of problem can arise from a conflict of priorities, especially in peak seasons, if *sangam* women also own some family land. In practice, however, the women I spoke with felt this was not a major problem. Chilkamma

<sup>46</sup> See Seabright (1997), on how cooperation can be 'habit forming'.

(Krinshnapur village), for instance, told me: 'We all know that the [*sangam*] land will yield well, men too know this. Also the number of days that anyone has to put in on the communal land is not excessive, since the whole *sangam* works together. After that women can work on their family's land. So there is no serious conflict.' This may also be because most *sangam* women belong to families owning very small unirrigated plots, or none.

A third type of problem can stem from a breach of trust by a group member. Within the single women's *sangam* in Pastapur village, for instance, Hall (1999) reports that 'bitter quarrels' ensued because at the end of their first season of cultivating together, the woman leader who had been entrusted with a portion of the produce to repay an instalment of the group's loan from DDS, failed to do so. Finally, the *sangam* sought DDS's intervention to get the woman to repay. The same happened with another woman leader the following year. It is notable, though, that the women are still cultivating collectively, because they feel that until the loan is repaid 'in spite of our conflicts, it is better for us to work collectively than separately', 'then we will re-evaluate'. This was women's preferred option, since the collective loan was a joint responsibility and could only be repaid by everyone through collective cultivation.

A fourth type of difficulty that *sangams* face is motivating people to stay together when individual cultivation becomes more profitable. In Krishnapur village (see Hall 1999), for instance, 13 women bought 13 acres, which they cultivated collectively till they got lift irrigation wells in 1995. There were four or five women per well, on receiving which they decided to divide the land and cultivate individually, while sharing the wells. They also began to grow crops for sale, rather than only for subsistence. They justified the move to individual cultivation saying that it was simpler to work separately, since water-sharing involved greater responsibility. They felt they risked losing water if women did not cooperate when electricity was available. But clearly an important factor was also that an assured supply of irrigation water reduced cultivation risk and enhanced the prospects of profit, while in dryland farming group cultivation was especially important for risk sharing.

Potentially, groups cultivating purchased land would be more prone to such splitting, since women have an exit option here which lease groups do not. In practice, though, cases like Krishnapur's are uncommon even among purchase groups. Almost all the others continue cultivating collectively.

Some of these problems also decline as trust builds. If needed, the groups reconstitute into new, more workable units, after evicting defaulters, as noted in Humnapur and Pastapur villages. In other cases, as in Krishnapur, although jointness in cultivation has broken down, there is still jointness in investments such as irrigation wells; and those sharing the wells are now veering toward other forms of cooperation. Moreover, there are additional positive externalities of group functioning, which are both economic and social in nature, as discussed below.

*Effect on gender relations.* Collective functioning improves gender relations. In the beginning, the men resented women setting up the *sangams* and holding weekly

meetings (usually held at night). Sateesh (cited by Hall 1999) provides insights on how this resentment was overcome:

The empowerment of *sangams* was gradual, and 'almost subversive'. The precursor to the *sangams* was the tradition of women getting together in chit-funds which were never formalized. Therefore, *sangams* were seen as the formalization of these structures. Men were irritated that women were staying out at meetings late into the night. Some asked their wives to stop going, but the women would go to recalcitrant husbands and convince them that there was no harm. The men were curious at first; they would come and sit in *sangam* meetings, would talk, even interfere sometimes. . . . Women used the presence of DDS to say to men that this needed to be the space for women to talk to each other . . . [Men's] interventions dwindled as they got bored, and also some men silenced others. The men gradually stopped coming. . . . Anyway, [they] knew that they would benefit indirectly, through their wives. . . .

After several years of working in *sangams*, the women report a decline in social ills, such as male drunkenness, domestic violence, bonded labour and caste indignities, and an increase in their self confidence, and the respect they now receive within the village.

In economic terms, two indirect benefits are especially notable. One, they are now able to bargain for higher wages when they need supplementary work and, two, many now exercise greater control over household income. For instance, Narsamma (Kalbaman village) reported to Hall (1999) that the daily wage-rate for casual labour had increased in the village due to *sangam* formation. For weeding (a peak labour operation) women bargained for and received two and a half times the previous daily wage-rate. They were able to exert this leverage over employers because they worked as a group and had other options, such as reverting to working on their *sangam's* 16 acres, and also taking up wage work on a DDS wasteland development project. 'So we had a choice . . . We could refuse all jobs [which would pay] less than Rs. 10 a day.' Other *sangams* I spoke with also reported an increase in their bargaining power in the rural labour market.

Again, within the household, women now exercise greater control over earnings. For instance, Chilkamma (Krishnapur village) told Hall that about half the women now control the produce and income from their land. This is an improvement, even though for the remaining half spouses continue to control the produce and any cash generated. In this village, among the *sangam* households, the husbands work on their wives' land since none have their own.

Women identify the gains from several years of *sangam* activity in various ways:

Initially the men said: If women go to meetings, what should we men do – wash the dishes? We said, men and women should work equally . . . Are we the only persons born to work? Earlier we ate half a *roti*, now we eat one. (Sharifabi to author, 1998)

It is [now] better. If a man beats his wife she will now ask: why are you beating me? Earlier she would not confront him. Also other women challenge him: why are you beating her? Earlier we would have left the family alone . . . There is also less drunkenness. (Chilkamma to author, Krishnapur village, 1998)

Our husbands used to drink and beat us. Now the buffaloes are ours, the land is ours and they are working too. Nobody is taking advantage of us women. (Ratnamma, Algole village, cited in Hall 1999)

Now [with land] we have the courage and confidence to come out and deal with people and property by ourselves. (Chilkamma, Krishnapur village, cited in Hall 1999)

They [the high caste people] used to call us with the caste name which was very derogatory. They would also call us in the singular form. Now they put the motherly (respectful) suffix and give us equal seats. . . . It is only because we have an organization that they [the landlords] won't touch us – that they are scared to cross us. (Ratnamma, Algole village, cited in Hall 1999)

The fact that we sit down and talk together has made the men listen. The younger generation is [no longer] an obstructive force. They used to make a noise during our meetings to disrupt it, but don't anymore. (Narsamma, Kalbaman village, cited in Hall 1999)

For single women too, the *sangams* have brought some obvious gains:

Initially, when we came together, 10 of us went to meetings and our families would say: why are you going to meetings at night? But we found that during the course of these meetings, we became a kind of mutual support group. If any woman fell ill or had a problem, the others would try and help. So it became a habit to meet, and we were not afraid of family disapproval. Gradually the family realized the importance of our meetings to us and fell silent. (Women to author, 1998)

There have also been improvements in well-being. In Algole village, the women reported to me that bonded labour had now disappeared, health care was better and their diet was more varied due to multiple cropping. Similarly, the single women of Pastapur reported to Hall (1999) that: '. . . now we are self-sufficient. [We are] able to get food and clothing'. 'Previously we had nothing and had to say yes to everything; now we have status because we have the land'. Their children are being educated. And although the community disapproves, these women are willing to help other deserted women to form a *sangam*. Many of the *sangam* women are now also active in other village activities. Moreover, Hall notes that in Metlakunta village some husbands returned to their wives after the latter purchased land, and most women said that spouses were now more willing to listen to them. Also, '*sangam* woman' is a special designation of respect in the village; and according to some women (corroborated by DDS senior staff) they are given priority over individual men by local government officials.

In general, Satheesh (cited in Hall 1999) notes:

The first sense of empowerment came to women and men in the community when the women started leasing in land. Men, and especially powerful men in the villages, had the perception that women were useless, as agricultural labourers they could only work under supervision. This perception was slightly internalized by the women. The land leases completely debunked this view.

When women acquire land, there is a win-win situation for everybody. The landlords who are not cultivating get money. Women improve the land and get produce.

However, one question remains contentious where the land is purchased: will the land remain with the women? Here the link with inheritance is critical. The women, when asked to whom they would bequeath the land, gave various answers to Hall and myself. Most wanted to endow their sons, if they had any. Only sonless women were usually open to endowing daughters. Some worried: 'If we give our land to our daughters, what will society say?' However, others responded: 'But what has society done for us? We must make some provision for our daughters' security'. A few want to leave their land to all the children but feel the plot is too small to be divided. Some remain undecided.<sup>47</sup>

#### *Other NGOs*

DDS' efforts have been pioneering in many different ways and provide a significant learning experience. The approach of joint leasing or joint purchase of land and collective cultivation could be tried out by NGOs in other states as well, on the basis of other Government schemes. For instance, since 1995–6, loans can be obtained by the poor for land purchase through the central Government's Integrated Rural Development Programme directed to alleviate poverty (Government of India 1996c).

Also, some other Indian NGOs have been encouraging land leasing by women, although on a smaller scale. Michael Tharakan (1997, and personal communication) describes a village in Kerala's Kunnur district, where three women's groups are leasing-in land from farmers in the off-season for vegetable cultivation. In Bangladesh, the Bangladesh Rural Advancement Committee (BRAC), an NGO which provides credit and technical support to poor rural men and women, also helps women to lease and cultivate land collectively. In a number of cases they have been able to do so successfully despite opposition from orthodox villagers (Chen 1983).

However, apart from land lease and purchase, it is worthwhile experimenting with two other types of institutional arrangements, one that involves less collective functioning than joint farming, and the other which involves much more.

<sup>47</sup> Interviews by me in 1998 and Ruth Hall in 1999.

Under the first category come cases where women who own individual holdings (whether obtained through inheritance, purchase or Government transfer) cultivate individually, but invest in capital equipment jointly with other women. There are also examples of the Government funding groups of farmers, including sometimes groups of women farmers, to invest jointly in irrigation wells.<sup>48</sup> Krishnapur village in the DDS area is also illustrative: here, as noted, although women stopped cultivating jointly they continued sharing the irrigation wells. Group investment, however, does not solve other problems facing individual women, such as family pressure to relinquish their land, or the issue of inheritance.

These problems could be solved, however, through another type of collective functioning, namely, if poor rural women, as a group, held usufruct rights over land distributed by the Government, but not the right to dispose of the land. The daughters-in-law and daughters of such households who are resident in the village would share these use rights. Daughters leaving the village on marriage would lose such rights, but could establish them in their marital village, if a similar arrangement were operating there. Also they could re-establish their rights in their parental village by rejoining the production efforts should they need to return on desertion or widowhood. In other words, land access would be linked formally with residence and working on the land (see also Agarwal 1994). I recently learnt that an NGO in Gujarat has initiated a pilot project, a short while ago, very much along these lines.

Also, several women elected to *panchayats* in Madhya Pradesh, whom I met in 1995 and asked about their perceptions of the advantages and disadvantages of individual titles, joint titles with husbands and group rights (as in this last alternative), strongly supported the idea of group rights for women.

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The institutional arrangements I have described have four important ingredients. Three of these – the presence of a gender-progressive NGO, a group approach and a focus on landless women – are found in many cases of poor women's economic betterment in India. But the fourth ingredient is rarer, namely their focus on land, linked with collective cultivation, in contrast to the typical and usually less viable or sustainable income-generating activities promoted under many Government and NGO programmes.

Also, functioning in groups helps resolve many of the difficulties women face in obtaining and cultivating land individually. It provides ways by which women can access land without depending only on inheritance, namely through the market or through the community – access that women operating as individuals rarely have. And where linked with joint investment and collective management, these arrangements can overcome any problems of small size and fragmentation. In fact, if collective farming were attempted by women even on the land they inherit, it could undercut the oft-stated resistance to women's claims

<sup>48</sup> This was done, for example, in Bihar, after the Bodhgaya struggle.

on the grounds that it will increase fragmentation and so reduce output. Indeed, given that some 72 per cent of land-owning households today own under one hectare (Government of India 1995, 22), it also appears important to examine men's prospects of undertaking collective investment/management on their holdings. It is notable that some of the landless beneficiaries of West Bengal's *Operation Barga* are now pooling their land and cultivating it collectively (Patnaik 2001). For women, a collective approach can also help them mobilize funds for capital investment, take advantage of economies of scale, and cooperate in labour sharing and product marketing. If, in addition, women have group rights in the land (as in the last type of arrangement), this would strengthen women's ability to withstand pressure from male relatives and retain control over the land; and it would by-pass the problem of inheritance, since the women's group would have use rights but not rights of alienation. It would also bypass the problem of outside-village marriages, since women's rights would be established only by residence.

#### *Linking Micro-Credit to Land*

Given the continued importance of land in rural livelihoods, it is important to reconsider the large-scale push being given by international aid agencies, most rural-development NGOs and the Government, to micro-credit for poor women, essentially for non-land-related activities. Undeniably, poor rural women often need credit. But what could be its best use? Often women take loans not for their own enterprises but for their sons or husbands, and the poorest of the poor usually get excluded (IFAD 2001b). Many women also face problems in retaining control over their loans (Goetz and Sengupta 1996), and the impact of micro-credit on female poverty remains uncertain. Most importantly, the privileging of this one form of support over all other livelihood options could prove counter-productive. As many NGOs are now arguing, a standardized spread of one type of scheme, namely micro-credit, is proving diversionary, and can exacerbate gender inequalities in major assets such as land. The title of the ALRD Bangladesh workshop (mentioned earlier) was telling: 'Land for men, only micro-credit for women?' However, one way forward, in contexts where women are dependent on agriculture, is to provide credit to women's groups for jointly leasing in or purchasing land, as done by DDS. But this would require a new orientation for the current micro-credit programmes. It would also need greater flexibility in terms of group size, according to the needs of viable farming.

#### *Infrastructural Support*

Finally, critically linked to the success of women's farming efforts, whether as individuals or groups, is infrastructural support. There are significant gender and class inequalities associated with access to credit, labour, other production inputs (including hired equipment), and information on new agricultural technologies. Poor women cultivating marginal plots are the most disadvantaged in this regard.

The cultural constructions of gender roles and behaviour also reduce women's ability to function effectively in factor and product markets, as well as more generally in the market place.

Here a systematic effort is needed to remove prevailing biases in the delivery mechanisms of Government infrastructure. A greater female presence in agricultural input and information delivery systems (women extension agents are often recommended for the latter) would no doubt help, but it appears equally necessary to reorient male functionaries toward recognizing the importance of assisting women farmers. Non-governmental initiatives would also be important here. Certainly in the delivery of credit to poor women, organizations such as the Grameen Bank in Bangladesh and the Self Employed Women's Association in India, have been markedly more successful than Government agencies. NGOs could similarly supplement Government efforts in providing technical information, production inputs and marketing facilities to groups of women farmers. More generally, a systematic promotion of women's cooperatives for production inputs and marketing could prove fruitful.

## IN CONCLUSION

Within the re-emerging debate on the land question, it appears imperative that the issue of women's access to land is given critical attention. A growing body of evidence indicates that this is likely to have positive effects on women's and their family's welfare, agricultural productivity, poverty reduction and women's empowerment. And while all channels for women's economic empowerment, including non-farm employment and various self-employment enterprises need pursuing, these latter channels alone cannot realistically help more than a small percentage of women, especially in countries such as India, where 85 per cent of rural women workers are still dependent on agriculture (and hence on land) as their main source of livelihood.

Potentially, women can obtain land through the State, the family and the market. This paper has explored the prospects and constraints to women's access to land from all three sources. But while it is important to make public land distribution more gender equal, access through the family and the market deserve particular attention, given that most arable land in India is privatized.

In relation to market access, this paper makes a number of departures from existing discussions by focusing on the new prospects that could open up (especially for poor women) through: (a) women working in groups rather than as individuals or as members of families, to lease in or purchase land; (b) the use of Government credit for land access rather than just for micro-enterprises; and (c) collective investment in and cultivation of purchased or leased-in land, the collectivity being constituted with other women rather than with family members. As noted, such group functioning offers many advantages to women, over individual or family-based farming. And the advantages could also extend to women inheriting small plots, should they seek to invest in them collectively with other women.

In itself, the idea of people cooperating in farming ventures is not new; several elements in the institutional arrangements described here were part of traditional agrarian institutions. But the traditional arrangements focused on households. For instance, in the reciprocal labour-sharing arrangements that were customary in agriculture, the terms of reciprocity were typically established between households, to support family-based farming. Similarly, in the 1950s and early 1960s, when land reform and cooperative farming were the buzzwords of rural development, the focus was on households and on male heads as representatives of households. At that time, not only was gender ignored, socio-economic inequalities between households also received inadequate attention. As a result, cooperatives often (albeit not uniformly) tended to be large-farmer dominated. Today, we need to recognize not only that households can be arenas of gender-based conflict of interests, but also that communities are spaces that are often both class/caste differentiated and highly gendered. This impinges on the kind of institutional forms that would be effective. In the forms discussed here, factors such as class and gender are centrally recognized, in that the groups described are constituted of women from poor rural households. Often the groups are also of the scheduled castes or tribes. This approach could open a window of opportunity to revive land reform, community cooperation and joint farming in a radically new form, by centring them on poor women.

Of course, the collective approach, in whatever form, cannot be assumed to work successfully everywhere, nor should it be pushed as a formula, but it does need to be a significant part of a potential package of approaches. And within the package there could be various levels of collectivity: while full collective ownership and management could work in some contexts, more limited joint investment could work well elsewhere.

Finally, both for improving the implementation of women's inheritance claims and for trying out some of the alternative arrangements for land management, the southern and western states of India could be starting points, since in these states both laws and the social context are relatively more favourable to women. Success in these contexts could have a notable demonstration effect in other geographic regions as well.

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