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**SECURING LAND RIGHTS FOR WOMEN THROUGH INSTITUTIONAL
AND POLICY REFORMS**

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Abstract

Rural women suffer double discrimination because they are female and poor. Though women are the biggest food producers, they earn only one-tenth of the world's income and own less than 1% of the world's land. The Government of India has tried to provide land to women, but with limited results. The Government of Odisha, with the support of Landesa, developed a pilot program to identify vulnerable landless women and provide them with secure rights to land. The government and Landesa designed a pilot operating from the sub-district land administration office to implement a village household inventory identifying single women such as widows and abandoned women. The pilot also developed the capacities of government officials involved in implementation. As a result of the pilot, the government identified several legal and procedural hurdles to ensuring single women could access land of their own. The pilot has now been scaled to the entire district where out of 300,000 households, close to 15% will be eligible to get land from the government. Considering how this innovative pilot is shaping, the government is keen to scale it further to the entire state, which would mean close to 500,000 single women would get land.

Keywords: Community Resource Persons, India, Land Access for the Poor, Land Legislation, Pilot Project, Women's Land Rights, Women's Support Centers.

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The paper analyses various facets and issues around women's rights over homestead land used for habitation and gardening, and agricultural land used for farming. Sections I – IV discuss the legal and administrative procedures and implementation bottlenecks, and Section V presents a proactive government response to provide land to poor marginalized single women in rural Odisha. This government response is a unique institutional mechanism established within the existing land administration structure with technical support from Landesa. The new structure includes specific enumeration methods that use current village and sub-district institutions to provide land to single women. Section VI concludes with distinct policy recommendations to improve the implementation of government's homestead land distribution but also create a framework to make inheritance effective and real.

I. Background

No research is needed to prove that land is crucial to human living. Some of the most complicated and complex socio-economic and political conflicts in India have emerged from rural indebtedness and dispossessed peasantry, especially in the context of negligible or almost non-existent access to land. As

in other countries, the causes of rural poverty in India are intimately tied to the control and use of land. A study conducted by FAO in 2005 reveals that a majority of the world's hungry – 508 million out of 800 million people – live in Asia, where hunger is synonymous with small and marginal farmers and the landless

The socio-economic disparity in India is reflected in the skewed nature of land distribution where approximately 53% of agricultural land is held by just 7% of all landowners, whereas 28% of landowners with sub-marginal and marginal holdings own about 6% of all land (Planning Commission, 2006). A number of land reform laws were promulgated after Indian independence to bridge the gap between the landless poor and the landed rich. These progressive laws focused on redistribution of available land through introduction of land ceiling provisions with the ultimate goal of providing "land to the tiller." The laws also sought to achieve the more pragmatic objective of promoting proper and effective utilization of land in an effort to increase agricultural production.

II. Criticality of land for women

In India a rape occurs every 22 minutes, a dowry killing almost every 90 minutes and a female foeticide every 20 seconds, and with this, the country loses 10 million female births annually (Thomas, 2012). Despite its fast economic growth, women in India are vulnerable, often regarded as disposable commodities who can be raped and left to die or burnt for dowry money, whose education is not a family priority and who, given a chance, would not be allowed a birth. In a primarily patriarchal culture in which the earning potential of a man makes him an asset to the family, families reject women as liabilities. The Indian Constitution proclaims women are equal to men, and India's laws give women rights over property, but is it really so?

Wide disparities in property rights are deeply rooted in tradition, and weak implementation of progressive laws are primarily responsible for multiple threats to the security of women's lives and living. A 2011 FAO report highlights the issue of existing gender asset gap. The report states that rural women in most developing countries are less likely to own land and control its produce. If women do have access to land, it is often of poorer quality and in smaller plots (Food and Agriculture Organization [FAO], 2011).

Research confirms that putting more income in the control of women yields beneficial results for health, education, child nutrition and overall household income. If women farmers across the developing world had the same access to labour, fertiliser, extension services and seeds as male farmers, yields would increase as much as 20-30% per household and reduce hunger for about 100-150 million people (FAO, 2011).

Around 86% of women in rural India are dependent on agriculture, yet less than 10% own land, which is the most important household asset to support their families and provide food, nutrition and income security (Giovarelli, 2009). Women do two-third of the world's work and produce 60-80% of Africa's and Asia's food, and 40% of Latin America's. Yet they earn only one tenth of the world's income and own less than 1% of the world's property. They are amongst the poorest of world's poor (Barber Conable, President of World Bank, Inaugural Address at Washington, World Bank, 1986).

In rural India, the standard cultural response to a widow or a deserted woman is for her parents or in-laws to deny her access to land. This denial skilfully camouflages a very strong economic motive, which is to maintain control over property. The patriarchal forces on respective sides may allow her stay with them as long as there is no demand for her share in her husband's property, especially land. On the natal side, it is rather an easy argument for her brother to say that she should wait to get her husband's share and not claim his. The story is more or less the same for divorced women and other types of single women.

Land becomes particularly critical when a woman becomes head of the household when her husband migrates for work, abandons her, divorces her or dies. In India, studies reveal that between 20% and 35% of households are headed by women (UN Department of Economic and Social Affairs, 1999). The traditional system of land rights still followed in rural India gives women sustenance but hardly any ownership. This is because women have been conditioned to prefer "security of the family" rather than independence. Generally the daughters waive their land rights in favour of their brothers, to avoid being denounced as "selfish" and for the risk of being alienated from their natal families (Pallavi, 2007).

India prides itself with a list of gender-sensitive legislation that empowers women. Increased political representation and economic independence are oft quoted examples of such empowerment. However, most of these progressive laws have yielded limited results in ensuring ownership rights over land to women. Women's rights over land in India have not gone beyond joint titling, which is limited to government land allocation schemes; inheritance rights predominantly continue to be male centric. Moreover, when women gain access to land through male relatives, as they oftentimes do, their rights are vulnerable to breakdowns in relationships and divorce. Furthermore, women have little say over how their male relatives use or wish to use the land.

The greatest vulnerability is that women in general lack awareness of existing laws and regulations and their legal rights to own and inherit land. This lack of awareness especially in the rural areas can be attributed primarily to limited literacy. Women's restricted access to assets and a societal tradition that promotes men's control of economic resources renders rural Indian women among the poorest in the country. Without land in their names, women are not entitled to get a residence certificate that makes

them eligible to access institutional credit and without this crucial residential and caste certificate, their children are denied enrolment in school.

III. Women's Land Rights Within the Broad Spectrum of Land Reform Legislation

Land legislation in post-independence India aimed to reform the exploitative and iniquitous system of land revenue assessment established under the colonial regime. The primary focus of Indian government at the time was agricultural development through improving the status of rural peasantry – the class that suffered most during colonial regime. To confer ownership rights on the tenants, the state realised the need to abolish intermediaries and ensure tenure security for tenants and enacted the Estates Abolition Act (1951) to eliminate the Zamindari¹ system. The government also introduced other reform measures, such as creation of a uniform system for all Hindus for inheriting land and other property through the Hindu Succession Act (1956),² regulation of rent and de-concentration of land holding through fixation of land ceilings. Though land tenure reforms was a national mandate, the Constitution (1950) classified land matters as the jurisdiction of the Indian states, which meant that it fell to states to legislate on land rights issues in line with local requirements and contextual specificities (Hanstad & Nielsen, 2009).

The south-eastern state of Odisha enacted a number of progressive land reform laws post-independence. The state government prioritized providing land to the landless to achieve economic development along with social justice for the weaker sections of the society. The Odisha Land Reforms Act (1960) is regarded as watershed legislation in giving secure land tenure the landless. The Odisha Government Land Settlement Act (1962) emphasised land allocations to the landless, while the Odisha Prevention of Land Encroachment Act (1972) "regularised" the status of landless families occupying government land by granting them title to that land. Similarly, the Land Ceiling Act (1974) aimed at acquiring surplus land from the landed peasantry and redistributing it to the landless. The sequence of events of early 1970s in Odisha indicates that both the political orientation and will was directed towards bringing in socio-economic justice through equitable distribution of land and more specifically, by providing land tenure security.

However, amidst this wide range of progressive land reform laws, significant biases prevented women from acquiring land rights. Scholars believe that during the initial days of land reforms, secure tenure to *ryot* (farmer) was given importance over land rights for women, although Hindu Succession Act (1956),

¹ Zamindars were feudal intermediaries appointed by the British to collect rent from the tenant.

² There were no uniform rules for succession in old Hindu law. In addition, to the introducing a uniform system for succession, the Hindu Succession Act (1956) removed inequalities between men and women with respect to the right to property. The later Hindu Succession Amendment Act (2005) further expanded property rights for women by entitling daughters inheritance rights equal to that of sons.

which granted Hindu women full ownership rights, had been introduced by then. While the above-mentioned legal framework do contain any provisions ensuring land for women, the Odisha Land Reforms Act defined single women as people with a disability, indicating that women without protection of their husbands or those who do not come within the marital boundary are to be considered disabled.

Since women's land rights have often been subsumed within the rights of her husband, she is not counted as an owner in her own right, making her disproportionately vulnerable to losing her entitlement over land (*Kunjalata Purohit v. Tahasildar, Sambalpur and others*, 1985). Under the law that prevents registration of land in the name of fictitious owners, if land is registered in the name of the wife or daughter, it is assumed to belong to her husband or father (*The Benami Transaction Prohibition Act*, 1988).

It was only during the late 1980s that women's land rights were considered worthy of policy attention. The national Eighth Five-Year Plan (1990-1995) called for a change in inheritance laws to accommodate women's rights, but gave few specifics and advised state governments to allot 40% of ceiling-surplus or state-redistributed land in the names of women alone, with the remainder to be jointly titled in the names of husband and wife. In October 2002, the Government of Odisha, in order to give preference to widows, unmarried women, and women living below poverty line, decided that at least 40% of ceiling surplus land earmarked for distribution to be allotted to women. During such distribution, the government also stressed that at least 40% land should be allotted to women belonging to the Scheduled Tribes and Scheduled Castes, disadvantaged groups that comprise large sections of the poor in India.

Indian land reform laws have not adequately addressed the issue of unequal ownership of land between men and women. The Land Ceiling Act (1974) classified the family unit as comprising husband, wife and up to three minor children. While adult sons are considered separate family units, the law ignores unmarried adult daughters, regarding them neither as members of the parents' household or as constituting a separate family unit in their own right. Even the Odisha Tenancy Act (1913) gave priority to males (from the father's side) in inheritance and allowed widows to inherit only in the absence of male heirs. However, the Hindu Succession Amendment Act (2005) makes the daughter an heir in her own right by birth in the same manner as the son (*Asian NGO Coalition for Agrarian Reform and Rural Development [ANGOC]*, 2009).

The Odisha Land Reforms (OLR) Act (1960) raises some issues concerning gender inequality. The OLR Act defines family as the individual and his or her spouse and children. However, a childless widow is still not considered to be a member of her deceased husband's family. Similarly, under the definition of family in the OLR Act, a mother is not a member of her son's family, although a son is a member of his

mother's family. Since the family in relation to the mother would include the married daughter, it must also include widowed daughter (*Maharani Bewa v. State of Orissa*, 1985).

Moreover, although the state government has from time to time introduced progressive policies and programmes to allocate land to the landless, none has specifically targeted women, especially single women.³ For example, the Vasundhara programme, introduced in 2005 to allocate government land to rural families without title to a homestead plot, did not specifically recognize single women, even when they otherwise satisfied the programme's eligibility criteria.⁴ A family is eligible to receive land whether the head of the household is a man or a woman.⁵ But a single woman staying with her father or brother is not considered a head of household, therefore not a separate family eligible to get land.

If a woman never marries or if she loses her husband, she is almost always left dependent on family structures that do not feel obligated to sustain her. Whether she lives with her in-laws, her father or her brother, a single woman always remains under the apprehension and fear of being thrown out. The current land distribution schemes do not identify such single women as families, therefore, do not make them eligible as beneficiaries for land allocation. The implicit presumption in the law is that if a single woman is living within a joint household then she is taken care of and enjoys a share of the family's resources. However, in India, single women are typically viewed as not having a right to family resources and may not be fully cared for by the family. Only when the family throws her out does she become a separate family and therefore eligible to get land.

IV. Challenges to Secure Land Tenure for Women

It is not socially acceptable for women to talk about or assert their property rights. In a typically dominant joint family in which several related nuclear families live together, it is "not gentlewomanly" for a woman to discuss independent property rights. In a patrilocal system, in which the woman moves to her husband's village when she marries, it is not legally difficult for a woman to assert rights over land, but is considered a taboo – not conforming to traditional norms. That is why in a joint family even the son barely discusses his share of property with his father or brothers, and if he does so the family will assume that he has been ill advised by his wife. Therefore, the entire discourse on women's land rights is

³ For the purpose of this paper, single women are defined as women without marital protection, therefore, deserted and abandoned women, widows, divorcees and unmarried women over the age of 30 may be considered as single women.

⁴ The criteria require that the household must be nuclear, must share one kitchen, must have an annual income less than Rs. 24,000 per annum, and must own less than one standard acre of agricultural land.

⁵ In a joint family situation as long as the married sons are staying with the father, they will not be considered as separate families. Therefore, those married sons are not eligible to get a house site under Vasundhara. Similarly, a woman-headed household may be considered as a Vasundhara beneficiary.

very strongly linked with the construction of ideal Indian woman – one who suffers, who is submissive and not assertive, and who sacrifices and does not talk about land rights. Therefore, "good women" cannot and will not wish to inherit land.

To enhance understanding about critical barriers to women's land rights in India, it is important to analyse the socio-cultural context in which such rights are advocated. In other words, we must examine the social condition that generates (or does not generate) the demand for such rights and the supply framework that determines whether such rights legally available. A woman's demand for land rights is invariably adversity based – such demands are only in the absence of her husband. The transfer of property rights from the husband to wife, especially land, is automatic and straightforward in case of a nuclear family, but rather complicated in a joint family situation⁶.

In rural India, it is not normal to partition family property if the head of the family is alive. This means that while a man's father is still alive, it is uncommon for a son to own land in his own name. This has important implications for the son's wife since it means that if the son dies or abandons her, she will not be able to claim title to the son's share of the family land since all the land remains documented in her father-in-law's name, not in her husband's (the son's) name. In such cases, land administration officials find it difficult to ascertain what share of land the woman is entitled to from her in-laws, and this uncertainty very often delays indefinitely the official's handling of her claim, effectively denying her the rights that she has been legally provided.

As per the Hindu Succession Act 1956 (Amended in 2005), these single women are entitled to receive a share of land from their paternal or in-law's families but negotiating such rights in an overtly patriarchal set up such as exists in rural India becomes extremely difficult. Moreover, the laws do not require property partition (and changing the records) to occur in a time bound manner, and inheritance cases can drag on for quite some time, during which the woman will likely not be allowed to share possession of the property.

The government intends to "empower" women by allowing them co-ownership over homestead land through a joint title⁷ (joint *patta*) system. But the social matrix continues to be tilted in favour of men to singularly make decisions about land transfers. In some places, women cite examples of increased domestic violence in a joint *patta* framework, as women may refuse to sign land transfer documents that

⁶ If the husband is absent from a nuclear family, it is not difficult for the wife (or widow) to assert rights to the family land, but that if the couple live with the husband's parents (a joint family), then it is hard for his wife (or widow) to assert rights.

⁷ The state government in 1989 made joint application both in the name of husband and wife mandatory failing which land *patta* cannot be given.

are mandatory under the joint system. When there was individual ownership by men, women were hardly consulted before land transfers were considered, as it was not legally required. Therefore, domestic violence concerning land was relatively low. Although the joint patta has altered the legal relationships in favour of women, the societal perception of women's rights has remained almost completely unchanged, with the result that the Hindu Succession Act and other progressive laws have not actually improved women's access to land.

Women have complained that the same process of land transfer continues, and that husbands coerce their agreements to transfers through increased violence towards them. The law intends to give women the right to share equally in decisions over transfer of land, but the law is not effective since it does not protect them from violence at the hands of their husbands. Women continue to pay a heavy premium for progressive laws that intend to empower them as these laws invariably challenge the traditional social order that requires the woman to voluntarily sacrifice her rights to preserve harmony within the family. This perception was collected from selected villages in Surada tehsil, Ganjam district of Odisha in 2009 that need not be generalized, but should be considered as a critical issue needing attention. The information was collected by one of the authors during a focused group discussion with selected women on the issue of joint titling. While describing whether joint titling was helpful, the women believed that unless women get protection against domestic violence, such equal rights are not very helpful.

Joint titling has thus far not yielded the desired result of empowering women. Although the concept was probably progressive three decades ago, the time has come to re-examine the effectiveness of joint titling and consider exclusive land ownership as a means to ensure women's land rights.

There are three ways that a woman can acquire rights over land: from government allocation, through inheritance and by purchase. With regard to government land allocation and purchase, a single woman will acquire the land in her individual name while a married woman will acquire the land jointly in her name and the name of her husband. Inheriting either paternal or husband's property includes a process of property division that is invariably cumbersome and complicated because family members have multiple claims. A woman who claims property by way of inheritance must fight for division of the property as it is rather uncommon for either the natal family or in-laws to initiate such property partition.

Although inheritance laws provide for daughters and daughters-in-law to receive rights over property, the state does not initiate legal action on behalf of these disadvantaged women. The land administration institutions at the local level are weak and have not been empowered to take up partition cases to ensure such women's due share of inherited property. Whenever a widow or a deserted woman dares to file a partition suit, the powerful patriarchy on both sides ensure that the case finally lands up in the civil court

since the sub-district land administration officials do not have the authority to decide these cases. Partition cases in civil courts take decades to resolve and by the time justice is rendered, the long delay has effectively denied the petitioner justice.

V. Innovative Pilot to Provide Land to Single Women

In 2009 Landesa (then the Rural Development Institute) began working with the state government of Odisha to improve implementation of the state's Vasundhara homestead allocation programme by providing additional capacity to the Revenue Department (responsible for land administration) by piloting a system to train local youth, known as Community Resource Persons (CRP) to assist land administrators in implementing the state programme. While implementing the CRP pilot in Ganjam district,⁸ in April 2010 district officials invited Landesa to discuss a parallel intervention to strengthen women's land rights in the district. The officials invited Landesa to design and establish an exclusive cell at the sub-district level to address women's land issues, and to undertake an assessment of women's access to land in selected villages in the district.

Landesa undertook a qualitative study in nine villages in three sub-districts to gain a deeper understanding on women's access to land in order to be able to design the centre. Key findings of the study included the following:

- A woman's land rights are highly dependent on her marital status.
- Land rights of single women were neglected.
- Women whose husbands were away are *de facto* household heads.
- Eligible women-headed households were left out of the Vasundhara homestead scheme.

Piloting the Women's Land Rights Facilitation Centre in One Sub-District

Landesa designed this exclusive cell having a unique institutional mechanism to operate within the existing land administration structure to help ensure that rural single women can obtain homestead land. The district administration named the cell as Women's Land Rights Facilitation Centre (WLRFC) and

⁸ Ganjam, a southern district of Odisha, is primarily an agrarian district with maximum homeless as well as Vasundhara beneficiaries. Though Ganjam has a fairly good network of micro-irrigation systems, a sizeable chunk of its rural populace migrates for about 6-8 months a year for search of work in states like Gujarat. The district is also marred by high rate of liquor consumption and gambling that is invariably sustaining a land mortgage market and a vibrant rural credit operation through local *sahukars* (moneylenders). It is understandable that when Vasundhara patta was being distributed, in the absence of migrating men, the joint patta was given in the name of women.

opened it on a pilot basis at Khallikote sub-district in March 2011. The head of the sub-district supervised the centre, and a female land administration officer served as centre facilitator or nodal officer assumed primary responsibility for its operation.

The WLRFC had two broad objectives: (1) allocating land to women; and (2) building capacity and generating awareness of officials. Although a third objective – redressing land related grievances of women relating land – was originally planned, the WLRFC decided to defer this work until the team knew more about how sensitive the issues were, under the first objective, the WLRFC identified eligible women for homestead plot allocation under the Vasundhara scheme, prioritizing those women, assisting with applications for land and providing other related assistance (e.g., helping women secure assistance building a home). During the study, it was clear that to ensure land rights for women, field-level land administration officials had to be trained to the fact that women required land because the officials did not initially appreciate the idea of land rights for women. Therefore, one significant intervention was developing the capacities of the land administration officials, along with members of local self-government, field level officials of Women and Child Development Department.

During the study, the research team gave special attention to understanding how open women were in discussing land with family members and with their peer groups. It was important to be cautiously progressive to make the pilot a success. The WLRFC team decided to defer the handling of grievances to a later stage, after sensitization of a wide range of stakeholders had been achieved. Therefore, the district administration and Landesa designed a program to provide homestead land to single women before addressing complicated issues surrounding land literacy and handling of land related grievances. The pilot anticipated some potential backlash from the local patriarchal structure, especially if the centre did not handle women's land rights issues with care and prudence. The strategy, therefore, was to start with a non-controversial exercise: identifying of women-headed households to receive government land. This approach does not threaten men because no land is taken from men or their families; rather, the women will receive land from the state. In a later stage, the pilot programme called for the centre to slowly open up a broader discussion around rights and the distribution of power between men and women, and in the process pave the way for other practical interventions to strengthen women's land rights within all rural households.

This pilot was implemented in 112 villages in Khallikote sub-district with trained CRPs to identify single women and women-headed households to be able to get a homestead plot each with support from Anganwadi workers (field level workers of Women and Child Development Department). Trained CRPs with support from the Anganwadi workers began using a structured survey format to identify women who

were eligible to receive homestead land under the Vasundhara allocation program. The cases then were registered by the WLRFC facilitator and presented to the director of the sub-district, who then forwarded the cases to subordinate land administration officials for field verification and thereafter initiated land administration processes to ensure the women obtain land rights to homestead plots.

Pilot Findings and Learning

The pilot defined an eligible single woman as somebody who is poor, who does not have a piece of land in her name, who is single (that is, who is widowed, divorced, abandoned, unmarried, differentially abled or married to man who has migrated for work), who earns less than Rs. 24,000 per annum and who does not have a government job. In this process, the WLRFC identified more than 500 single women and woman-headed households in 54 villages out of 112 villages. Based on these identified numbers, the local land administration officials initiated field verifications and came to the conclusion that 352 households were eligible to receive title to a homestead plot.

Although these women were shortlisted, it was not clear whether they would receive land. The three major hurdles in the process were as follows:

- (1) The land administration officials hesitated to allocate land to single women (whether living alone or with their parents or in-laws) on the pretext that it was not clear what share of land they would later inherit from their parents or in-laws. The officials were concerned that if they allocated government land to a woman who later inherited some land from her parents or in-laws, that the officials could be the target of government proceedings.
- (2) Even if a widow or an abandoned woman was on her own and did not have a title (*patta*) for her current house site, land administration officials gave the same explanation that she might inherit land in the future.
- (3) The land administration officials refused to undertake field verification for the identified single women on the grounds that they had received no specific instruction or guideline from the district administration to do so.
- (4) There were instance of single women getting evicted from a brother's house after the women received a plot in their name. This is the flip side of empowerment where the brother no longer

has the pleasure of patronising her sister. Charity was acceptable to him, but not empowerment of his sister.⁹

However, some single women, mostly living on their own, did receive title to their current house sites. But even those widows, abandoned women and unmarried women above 30 years old whom a broad minded official identified as eligible, still faced several challenges. Three basic issues prevented women from enjoying land rights: (1) in the absence of a housing grant, women would not relocate to the vacant land; (2) it was a security threat (fear of staying alone) for such women when the land officials identified vacant government land to allocate outside the village; and (3) in many villages vacant government land (of a type that could be allocated into private ownership) was not available for allocation. These hurdles stalled the allocation process as close to 81% of the women identified faced this challenge.

But perhaps the biggest lesson of the pilot was the ease with which it was possible to allocate land to large numbers of women and the fact that there were no official justifications that would deny their eligibility to receive land. Therefore, the reasons that these women had not received land in the past may have included a lack of motivation, fear of any proceedings against them and, importantly, the fact that neither the state nor the district administration had given a specific mandate to officials to identify and provide land for this category of landless. Other key takeaways from the pilot were:

- Although land administration officials initially thought that it might not be worthwhile to identify such single women, during the process of field verification they realised the criticality of land (even a homestead parcel) for such women.
- It may not require legal amendments to include single women as Vasundhara beneficiaries. An example is provided by the law relating to resettlement of families displaced by development projects. While providing compensation the Resettlement and Rehabilitation Policy (2006) of Odisha included widows, abandoned women, destitute women and unmarried women above the age of 30 years as separate families without amending any specific land law. This precedence may be used to provide land to the single women without changing land laws.
- Considering the fact that some women were able to obtain land in the pilot process, the barriers to women receiving land was more about state policy rather than shortcomings in law. A separate

⁹ Raibari, an unmarried single woman, of Lakapada village of Khallikote tehsil of Ganjam district of Odisha, was staying with her brother and his family. After she got a homestead plot from the centre, her brother asked her to move out of his house as she has got her own land now. Raibari moved out from her brother's house and lived on her own, building a small thatched hut on her land. She is now a daily wage labour earning one dollar a day.

land allocation programme focused on single women could serve as a platform on which such women's land centres could thrive and succeed.

- While designing the plan to scale up the WLRFC pilot to other parts of the district, it might be possible for existing Anganwadi workers to identify eligible women, working in place of the CRPs to do the enumeration work in the field. This would be cost effective and effective use of existing village level institutions, and could help the work to scale more quickly.
- Availability of government land inside the village cropped up as a crucial issue during the pilot. It is important to find land inside the village since providing homestead land in a secluded area outside the village is as good as not giving land at all, as hardly any of the women would relocate on grounds of security and lack of access to a government housing grant. Therefore, when it comes to giving land to single women, the policy should be to settle them inside the village and government should send necessary and clear instructions.

Scaling the Pilot throughout the District

Considering the potential of the WLRFC to address the plight of single women, in April 2012 the district administration gave a new dimension to the centre by enhancing the scope of its operations and extending its objectives to include coordinating delivery of livelihoods services and social security to which women are entitled according to different government programmes. With the aim of providing land and other livelihoods and social security benefits to single women and women-headed households, the district administration scaled WLRFC from one sub-district to the entire district with 23 sub-districts and rebranded the centres as Women Support Centres (WSCs).

While land continues to be the major focus, the WSC has been developed as a single window delivery to enhance women's improved access to other livelihoods and social security schemes. The Anganwadi workers were trained to provide additional capacity to the local land administration officers to identify eligible single women and women-headed households. They used a pre-designed survey format to identify eligible single women within a very short period. The processed data then goes to respective sub-district land officials and rural development officials to initiate land allocation and link the women with relevant government programmes that help land owners build houses, install sanitation facilities, etc. In each of the WSCs, a nodal officer, who is necessarily a women land administration official, is placed to ensure that data that comes from the Anganwadi workers are entered in specific formats, compiled and provided to both the land officials and rural development officials for necessary action.

Special focus and attention is being given to data entry and developing a robust management information system (MIS). The MIS is undertaken in four steps: (1) collection of baseline information on the single women, (2) filtration of data as per the different categories of women, (3) updating the master database with the filed verification and camp court report, and (4) updating master database with information regarding the land title (*patta*). Thereafter, one copy of the data is sent to the sub-district land administration officer, identifying the women who do not have *patta* either in her name or her spouse's name for the land where she presently resides; and a second copy of the data is sent to the sub-district rural development officer, identifying whether all single women and women-headed have access to different government services.

Landesa oriented and built the capacities of all stakeholders at the district, block and sector levels. Landesa also oriented various land administration, child development and social welfare officers at the sub-district level on the programme and WSC design. After the district-level orientation, Landesa also organised block-level trainings to orient the local land administration officials, land surveyors and local child development officers on women and land rights along with the functioning of the WSCs. In order to collect data from the villages, Anganwadi workers were trained at the sector level. The district administration facilitated and spearheaded the entire process.

Programme monitoring takes place monthly at the sub-district and district level to ensure that specific deadlines are adhered to. Landesa continues to provide technical support, including support to build capacities of multiple stakeholders; to design the data management system, including monitoring of programme implementation; and to identify legal and institutional gaps for policy advocacy at the appropriate level.

In a span of three to four months the Women Support Centres have identified 57,422 single women out of 304,754 households in 1,238 villages of 11 sub-districts to avail numerous government schemes and services. A total of 46,087 women out of 57,422 will be verified for land allocation. Out of these 46,087 women, 19,731 are single women and 26,356 are heads of household. It is expected that 25% of the 46,087 women – a group comprised of more or less equal parts single women and women heads of households – will be eligible to receive government land.

Key Learning for Future Scaling

- A single woman living with her in-laws or parents is not defined as a family to be able to get land under current law. Therefore, there is no enumeration system that identifies single women who are not heads of households for land allocation.

- Land administration officials have revealed that if there is a specific mandate and space created at the sub-district level to target such disadvantaged single women, identifying such women would not be very difficult. However, the officials were not sensitised to the needs of these women and had never been asked to identify them.
- When it comes to land for single women, initiating partition of land held registered in the name of her father or her father-in-law is not a common practice.
- Allocation of fresh land creates three sets of problems:
 - 1) A homestead parcel without a corresponding housing grant is meaningless, as a single woman cannot relocate to the new plot unless she has a house.
 - 2) It is possible that provision for fresh land may make single women vulnerable to eviction from her current place of residence. Therefore, fresh land should be made available along with a housing grant.
 - 3) Fresh land, if not provided inside the hamlet village, may create security challenges for single women.
- In the absence of a land allocation guideline, land allocation occurs only at the discretion of the land administration official at the sub-district level.
- With no clear process established to identify this set of marginalised women, land administration officials are not sensitized to proactively ensure that single women receive land.
- With inheritance laws in place, disposing of property partition cases in a time bound manner has not been a priority.
- The hurdles in the process of providing land to such single women are not Herculean. It needs a mission mode approach, sensitive land administration bureaucracy and the issuance of effective government instructions.

VI. Suggested Policy and Institutional Changes

A. Definition and Identification of Single Women as a Separate Family

Since there is no clear definition of single women and they are not identified as a separate family under law to be eligible to get land, "*widows, deserted and abandoned women, differently abled and women*

over the age of 30 single women" independent of their natal and in-law family need to be defined as single women and then identified as separate families to be eligible for receiving land.¹⁰

B. Revise Land Laws and Allocation Guidelines to Prioritize Single Women

Relevant land laws need to be updated to incorporate the definition of single women and the process for identifying such households.

- Single woman should be defined as a nuclear family and accordingly the definition of family under all the relevant laws needs to be revisited and changed so as to include single woman as a family.
- Care should be taken to ensure that the definition is uniform in all revenue laws.
- "Family" should mean a married couple and their children, a widow or widower, a divorced or separated woman, an adult unmarried woman above the age of thirty years, differently abled and an unmarried parentless adult.

C. Exclusive Programme to Ensure Land for Single Women

A separate programme for land to single women would be most apt to address the issue of landlessness among single women. An exclusive programme for land to women would create a mandate for the Revenue Department to ensure land – both homestead and agricultural - to single women under existing land laws and schemes.

The programme should include clear definitions of single women and methods for identifying their eligibility. This mandate can be implemented by changing the definition of family and accordingly changing the land allocation guideline or through devising a separate programme for these women that

¹⁰ A widow, when alone, is normally considered an independent household but if in a joint or undivided family, she is part of that household and ineligible for land allocation under law. *Therefore, widows, irrespective of whether on their own or with natal or in husband's house, should be considered as an independent family to be eligible to get agricultural land or house site.*

A married but abandoned woman who is on her own or with her in-laws and parents should be defined as a family to be eligible as an independent household for allocation of homestead land.

A woman who has never married, and because she is over the age of 30, is considered unlikely to ever marry, staying alone or with her parents or brother should be defined as a family to be identified as an independent household.

A differently abled woman having speech, hearing and visual impairment should be identified as a single family for land allocation.

would provide homestead land, housing and access to livelihoods programmes as a single window scheme.

D. Scaling Women Support Centres as a Flagship Programme

Women Support Centres should be established in all the tehsils of the state to provide homestead land, housing and livelihoods support as a single window scheme. As per current estimates, if such a programme is scaled to the entire state, it is likely that more than half a million single women would get land, at least a homestead parcel of 10 decimals.

Capacities and scope of these women support centres should also be enhanced to expedite partition cases.

- The state (not the widow or abandoned/deserted) should *suo moto* initiate the disposal of partition cases.
- The Anganwadi centres should create provisions for widow registration. The tahasildars in such partition cases should be empowered to exercise quasi-judicial powers to dispose partition cases in a time bound manner.
- At each tehsil level, and in order to facilitate and ensure quick disposal of such cases, fast track revenue courts may be established at the tehsil level.
- Moreover, like tribal land alienation, usurping due land share of a widow and vulnerable women, should be made a criminal offence and tried accordingly. In a joint family, especially in a situation when a son dies when the father is alive, property partition should be made mandatory within a time frame in order to avoid inconveniences regarding inheritance to the widow.

“Without property rights, women would continue to be considered liabilities. Dignity, self-esteem and informed citizenship would elude them and mother's womb would continue to be a graveyard of equality and social justice.” (Patnaik, 2013).

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