

THE POLICY RESPONSE TO WOMEN’S ENTITLEMENT TO LAND:

WOMEN TESTING THE LIMITS OF SOCIAL NORMS

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Abstract

An analysis of land reforms policies in India shows that the state agencies speak simultaneously to two groups: the political elite nurtured with gendered forms of power who exercise power through access to political and economic institutions, and the political constituency of organized rural women and men who wield influence through the voting right. The contradictory power base of these two groups tends to result in implementation gradualism wrapped in the limits of social norms. The objective of this study is to locate the process of gender-responsive land reform policies in India. Secondary sources provide a background and explanation of observations in the fieldwork conducted in states Karnataka, Telangana, and Uttar Pradesh.

The research findings suggest that, as a consequence of the continued demand for women's entitlement to land, there have been some partial and fitful changes in policies and enactment of laws in India. Those women who had acquired entitlement to land had gained greater social status, increased bargaining power over household assets, experienced a reduction in gender-based violence. A broad conclusion is that the power of gendered norms diminishes in response to women's claims for an independent access to ownership rights to land and productive assets.

Key Words: Women's landownership rights; Key drivers of policy change; social norms and attitudes; civil society engagement; policy implementation gradualism

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Executive Summary

This study was conceptualized to ascertain the policy response to women's claim-making to land through collective and individual protests, demonstrations, and women farmers' conclaves for building public opinion in favor of equality-based arrangements in Land Tenure and agrarian production systems in India. Important related questions include: once the policies are formulated, why is their implementation put aside? Is it for fear of a transformational change in gendered social norms in the political economy of the country? If so, why are they introduced and adopted to begin with? What is the way forward in identifying a multi-stream approach to advance women's rights to land and productive assets?

The paper is structured into 7 sections. The Introduction outlines the conceptual framework of the study. Section 2 discusses discriminatory social norms and attitudes. Section 3 describes the policy change in response to women's historical struggles for equality against the gender regimes in India, followed by women's right to land and inheritance in Section 4. Section 5 discusses major drivers of policy change, which include global concern for women's land and property rights; civil society's engagement with the state; relevance of feminist research and advocacy; media's role against masculine ideology; women organizing for land and productive assets. Section 6 discusses the meaning of land rights in women's lives. The concluding section suggests some desirable policies and actions towards strengthening women's agency and land rights. A broad conclusion is that the power of gendered norms diminishes in response to women's claims for an independent access to ownership rights to land and productive assets.

1. Introduction

Women's organizations and feminist analyses have shown that the structural causes of gender-based discrimination result in high inequalities for women in social, political and economic spheres (UN, 2013; UNICEF and UN Women, 2013; Kelkar and Krishnaraj, 2013; Perrons, 2015). These gender-based inequalities are maintained and reinforced through socio-cultural norms and are stated to be slow-moving institutions as compared with legal and technological changes (World Bank, 2015; UN Women, 2015; Sproule et al., 2015). An analysis of land reform policies in India shows that the state agencies speak simultaneously to two groups: the political elite nurtured with gendered forms of power who exercise power through access to political and economic institutions, and the political constituency of organized rural women and men who wield influence through the voting right (necessary for keeping the regime in power). The contradictory power base of these two groups tends to result in a policy rhetoric-implementation gap or implementation gradualism (the phenomenon of ad hoc and slow-moving implementation) wrapped in the limits of social norms. This study explores policy changes for women's entitlement to agricultural land in the diverse socio-political context of India since the 1940s.

Understandably power is both a restrictive and productive force. Power structures not only function at the level of ownership and control of material resources (i.e., land, house, technology) but is also manifested in systems of social norms and cultural representations (Foucault, 1977). The political economy of gender difference has resulted in the creation of an entire category of human beings who are seen as secondary and devalued others.

In this analysis I conceptualize social norms as the values, beliefs and attitudes that result in shaping practices, behaviour, symbols and institutions governing social, economic relationships between women and men in a society (Harrison and Huntington, 2000; Boyd and Richerson, 1985). Institutions are socially determined rules that "specify certain behavior to be proper and legal, but they also specify the penalties for breaking them and the rewards for meeting them" (Mokyr 2017:10). In a given social context, conformity to the institutional rules can be a general response to avoid punishment. The extent to which the forces of social norms produce and shape economic and political development is evident by two major factors: i) women's marginal representation in politics of decision making organizations and the state institutional structures; and ii) women's lack of rights to unmediated ownership and control of land and other productive assets. A man is considered the head of household and in turn, all decision making power lies with him. Until very recently, the state and development agencies have made no efforts to treat women as citizens with their individual rights and agencies. Nor have they questioned that the cultural social norms are unambiguously made by a patriarchal order which has used women as symbols of beliefs and upholders of values. These social norms and values provide power within which changes in

women's empowerment are interpreted and determine the path of achieving gender equality. We understand that some political actions and policy enactments, for example the 33 percent representation of women in the local administration (Panchayat Raj institutions) as required under the constitutional amendment for the women's quota in 1993, the Hindu Succession Amendment Act of 2005 and the Sexual Harassment of Women at the Workplace Act 2013 have been enacted, appearing to defy social norms around women's right to inherit land and property and to represent themselves in decision making bodies and in workplaces. The question we raise here is: how is it that such political measures that resist social norms are introduced, but do not succeed in changing cultural obstacles to women's secondary position in terms of political, social and economic assets?

The objective of this study is to understand the process of gender-responsive land reform policies. The questions are: What has drawn attention to the necessity to bring women's right to land and productive assets into the policy domain? And, the related questions are: once the policies are formulated, why their implementation is put aside? Is it for fear of a transformational change in gendered social norms in the political economy of the country? If so, why are they introduced and adopted to begin with? What is the way forward in terms of identifying policy measures to effectively advance women's right to land and productive assets?

I have tried to situate discussion on women and land in the broader context of women's emerging agential power against the patriarchal forces of the state, market fundamentalism and social cultural norms that influence both formal and informal institutions at various levels. The research draws upon multiple research methods consisting of analytical reviews of published and unpublished material as well as fieldwork conducted in three states of India (Karnataka, Telangana, and Uttar Pradesh) during 2013-2015. An analysis of the policy-influencing factors from secondary sources provides a background and explanation of observations in the field.

Further, I make an attempt to understand fragmented voices of women and men on land rights. There are many women who would view their rights within existing gendered systems, such as a preference for joint land titles without any partitionable rights with the husbands, or the transfer of inheritance in son's name. Against a minority of opinion expressing a preference for joint titles to land, many rural women in the states of Karnataka, Telangana and Uttar Pradesh hold the opinion that women's independent right to land is one of the ways by which discriminatory social norms which have an embedded disadvantage for married women could be transformed. Most often, such responses are automatic¹ rather than deliberative

¹ In automatic thinking, the influence of social norms lead to a narrow framing of options, generally the responses and decisions are the default options. What Bourdieu (1978) conceptualises as doxa, where the attitudes are taken for granted and norms and customs are handed down and taken as the way of seeing persons and their entitlements.

(Kelkar, Gaikwad and Mandal, 2015). These default options are, of course, gendered, even when women themselves follow them in making decisions. However, these accepted norms are changing such as in case of a number of rural women who prefer to have their unmediated right to land and for an equal share of inheritance for the daughter.

The paper is divided into 7 sections. The Introduction outlines the conceptual framework of the study. Section 2 discusses discriminatory social norms and attitudes. Section 3 describes the policy change in response to women's historical struggles for equality against the gender regimes in India, followed by women's right to land and inheritance in Section 4. Section 5 discusses major drivers of policy change with attention to women organizing for ownership of agricultural land. Section 6 discusses the meaning of land rights in women's lives. The concluding Section suggests some desirable policy and action towards mitigating gendered negative outcomes of past agricultural development policies.

2. Social Norms and Attitudes

Social norms and attitudes have powerful influences that are reflected in formal structures of society and in its informal rules related to day-to-day practices. Policy makers, the state officials and development professionals are themselves subject to gender-specific biases and neglects that arise from thinking embedded in discriminatory social norms and harmful customary practices (World Bank, 2015; UN Women, 2015). Further, social norms shape policy-making actions and influence the implementation of laws, resulting in gradual implementation. Both the state and society define what is seen as appropriate and desirable for women with regard to women's actions and legal rights. This culture of social norms thus affects women's ability to participate in formal institutions, such as land administration, and leadership positions in finance, business and other associations. Such constraints on women create an important barrier to the realization of women's right to land (Mokyr, 2017; Bourdieu, 2001; Kelkar and Jha, 2016). Notwithstanding, when women with their individual or collective efforts are successful in securing their ownership rights to land and productive assets, the social norms barrier diminishes its hold on the culture of 'what is appropriate and desirable for women to have', including the ownership and management of land and assets.

There is a troublesome issue that has come to the fore, a general reluctance of the state to recognize women's unmediated authority (that is, authority that can be exercised independently from any male within the household) to ownership and management of property, land and other factors of production. It is often argued that women who have land documents in their names are likely to be in a stronger bargaining position vis-à-vis their husbands than women who do not formally or informally own land.

This gender gap in ownership is not due to women's disinterest, as there are research-based results that show that women have demanded their right to land in the past several decades and have actively participated in the land distribution movements (MAKAAM, 2016; Kelkar and Krishnaraj, 2013).

Women's significant work in agricultural production is increasingly accepted among state agencies. This acceptance, however, does not translate into women being recognized as legitimate farmers, with an entitlement to own land and manage production. Such a denial of the right to productive assets is likely to have adverse economic implications for agricultural productivity and food security (FAO, 2011; Kelkar and Krishnaraj, 2013).

Within the given patriarchal norms, women often lack the confidence to discuss property and land management issues with government officials (Kelkar, 2014), and in some cases have preferred to transfer land to the sons rather than to the daughters. Further, women have had limited support for their rights to own and manage land from community institutions. Two possible explanations could be: (i) women's internalization of patriarchal systems of power whereby they view that the ownership of land should not make them transgress gender norms and challenge the authority of the male as the household head and, (ii) social norms that have systematically instilled in them "what you cannot do" (argue with the man in power, within the home and outside) and thus risks the consequences of male violence or displeasure in dealing with revenue officials (who are mostly men) or accessing legal system for establishing sole possession of land by a woman (Khan, 2013).

A hierarchical social order (based on gender, caste/ethnicity and class) produces different perspectives and experiences. These result in fragmented answers to social practices related to lack of voice, authority and the representation of women in institutional structures of landownership and land governance institutions. The challenge lies in fashioning a holistic understanding of the fragmented voices from the field, and dismantling of gradualism of the policy implementation.

3. Gender Regimes: Women's Agency and Resistance

Despite variations in legal traditions and cultural norms among regions in Asia, there is a common feature of gender disparity in land rights. Women generally have a secondary position in political and economic spheres. Social norms throughout the South Asian region (with some exceptions in Sri Lanka and Bhutan) prevent women from exercising their right to own and manage land and other productive assets. An examination of gender relations in the structure of land and property shows that social norms tend to work as barriers against women's economic agency and legal entitlements (FAO, 2011; Kelkar, 2014; Perrons,

2015). Gender relations are not only embedded in peoples' cultures, but they also make their mark on the economic domains of formal and informal sectors (Gutierrez 2003).

Recent studies of rural India have shown: i) slow breakdown of caste hierarchies and associated occupations; ii) the declining importance of agriculture in its association with power and prestige linked to land ownership; iii) the large-scale involvement of women in agricultural work and farm management, though in most cases the ownership of land has continued with men; and iv) women's organizing in Self Help Groups and thereby acquiring more visible roles and increased access to markets and financial institutions (IDFC Rural Development Network, 2013; Shah et.al., 2009; Rodgers and Rodgers, 2011).

Nevertheless, social norms and formal institutional structures tend to deny women both the identity of a farmer and of ownership rights to land. Women's poverty is not only a deficit in ownership of land and other productive assets but also in the context of political identity of a farmer. The institutional structures of agrarian political economy make it especially difficult for women to be recognized as farmers and make decisions on resource use, drudgery-reduction infrastructure and good institutions that have the potential to be responsive to their strategic needs.

Surprisingly enough, in our collective and individual discussions in Karnataka and Telangana, a significant number of women and men explicitly voiced their opinions in favor of girls and women receiving their share of ancestral land. There was some difference between the genders in terms of the reasons given. Women maintained that they should get land as 'women are equal to men' and because land ownership results in greater strength, enhanced confidence and an increased ability to make decisions. Further, a woman village officer in Somaram said in an interview, "land ownership by women substantially reduces violence against women". However, a number of women simultaneously acknowledged that in the given system of male dominance and women's inadequate knowledge of land and revenue affairs, many women find it difficult to manage land on their own and to protect their fields from the land-grabbers who could be both within their families or individuals in their communities. On a somewhat different track, a number of male village leaders affirmed that women should get their share of land because such entitlement would enable women to more efficiently and effectively manage household resources and the well-being and education of children; unlike men, women would not risk their land and household assets by drinking and gambling. A male ward member of Gurthur village explained, "If land and assets are in women's names, their voices will matter as it may bring equality within the household and increase nutrition and well-being of all family members". In a focus group discussion in Karnataka, men reflected in agreement with each other that when women own land, they can manage it better and the income from land also increases. Surprisingly, some men also said that women's land ownership also

reduces domestic violence, so it would be a good practice to give land to women (for details, see Kelkar, Gaikwad and Mandal (2015)).

The earlier practice of giving a portion of land to girls as part of their dowries in Telangana has declined over the years as cash is now preferred. In Somaram village, several women said in a focus group discussion “We do not ask for our share of land. What’s the point? Even if we ask, they will not give us any land whatsoever”. Such opinions were echoed by women of other villages in both states: they maintained that it is the son who inherits land since social norms and traditions do not allow for a girl to inherit land. Nonetheless, some women have reportedly claimed their right to inherit land. The Sarpanch (the head of the village council) of Gurthur village in Telangana narrated a recent case in which five daughters joined forces against one brother to claim their individual shares of land. In the court case, the six siblings (5 daughters and 1 brother) were each awarded an equal share from the total land area of 3.2 acres.

However, we also heard from several men in the same villages that women should not get a share in land, because their dowry forms their share of parental property. These men opined that if women were given land, they were “likely to become selfish and create problems in the marital household”. These responses represent both the men’s opposition to women’s increased economic agency as well as their perception of this as a threat or potential threat to patriarchal norms which emphasize male control on land and property. However there seemed to be some agreement between men and women on the quantum of women’s work in agricultural production, which is reported to be over 70 percent in Telangana and 80-85 percent in Karnataka. It was further acknowledged that while women have gained an ‘equitable voice’ in decision-making regarding land use, sowing and planting of crops and the sale of the produce, and are now able to influence decisions, the final decision in the case of a difference of opinion would be taken by men, particularly where the sale or purchase of land and expensive agricultural equipment was involved. However, if a husband was noticed to be alcoholic, the village elders (all men) would force the husband to transfer his land to his wife’s name (based on interview with the ward member of Gurthur village).

Historically, there is a range of ways in which women have voiced their resistance to male appropriation of power and control of resources. A review of the peasant movements in India in the 1940s showed that women have repeatedly asserted their right and entitlement to land. The Nari Bahini (Women’s Brigade) of the Tebhaga Movement in West Bengal in India established a separate women’s militia to protect their rights and interests in general, on the basis of the “sad fate of women in peasant homes” (Custers, 1987:120). In a similar vein, women who were part of the Telangana People’s Struggle in the state of Hyderabad (1948-1951) noted that “women did not get land in the land distribution program except when they were widows, [which] indicates that they were not counted as individuals” (Stree Shakti

Sanghatana, 1989:15). In the early 1970s, the Committee on the Status of Women in India received many representations from women in different states demanding to correct the discriminatory features of the land reform acts of the 1950s.

These are not to be seen as anecdotal statements. In a recent structural analysis of women's Self-Help-Groups in PRADAN areas in Odisha, it was noted that a significant majority of rural women clearly stated that landownership would provide them recognition and dignity as individuals in the family, financial security against eviction from the marital home and empower them to have a voice in the household and community decision-making (PRADAN and Landesa 2015).

Gender-based dominance is complex. In the case of women, relations of domination have typically been both personal and community-based. The joint production in home without any ownership and control over productive assets has meant imagining an entirely separate existence for women as a subordinated group which requires a more radical step than has been the case for poor peasants, the working class or slaves who have separate existence from the masters and thus would be able to gather support in claiming their entitlement (Scott 1990). Like any other subordinated group, women may be socialized into accepting a view of their secondary position as prescribed by the social norms and maintained by formal and informal institutions. Nonetheless, women and poor rural women in particular have been engaged in advancing their claim to land rights and in turn have influenced both public concern and social institutions. In Awadhpur village in Uttar Pradesh, a middle-aged woman farmer described "Now we are *saksham* (capable) we have freedom of movement, self-confidence and independence. We can manage our own assets and our life".

4. The Policy Change for Women's Right to Land

In India, women's demand for equality within the family and for equal rights to land dates back to 1938, when a Sub-Committee on Women's Role in Planned Economy of the National Committees of India began working on the legal rights of women to hold property in their independent names (Sub-Committee on Women's Role in Planned Economy, 1938). These demands and other voices from the women's movement in the 1970s found expression in India's Sixth Five-Year Plan (1985-1990) with a policy for joint titles to husband and wife in the transfer of assets (para 27, 19). Later in 1991-1994, many states in India distributed small pieces of public and 'waste land' in the joint names of husband and wife, mostly from landless Dalit social groups.

In 2005, the Government of India amended the Hindu Succession Act of 1956. The Hindu Succession Amendment Act (2005), a revolutionary legal reform measure for women's inheritance rights, retained the concept of the joint family and introduced daughters as coparceners (those who have the right at birth to an inheritance share of agricultural land and property) equal to that of sons. The 2005 Act thereby established a gender-equal basis for inheritance of land and agricultural property. Further, unlike the earlier law on land acquisition which has ignored the daughter's right to provide for the household members, the new Land Acquisition Act of 2013 removed male bias in the entitlement of girls for separate units for rehabilitation of the household members displaced due governmental acquisition of land (Trivedi, 2016).

In recent years, there have been serious questions about women's joint titles to land (commonly called 'joint pattas'). A series of policy consultation meetings with civil society groups, including the Feminist Economist Group organized by the Planning Commission in preparation for the 12th Five-Year Plan came up with a general conclusion that the measures for joint titles have not worked and remained inconsequential for the social and economic empowerment of women. Further, the Plan emphasized increasing women's access to land from three sources: direct government transfers; purchase or lease from the market; and inheritance. Importantly, as a consequence of the policy consultation meetings, the 12th Five-Year Plan (2012) stated that in the regularization and distribution of new land, "individual titles in women's names only rather than joint titles with husband's" would be considered. The joint titles that were issued in the past were "to be made partitionable" so that women would be able to claim their individual share of land (para 23.25). These policy measures were further stated in the Draft National Policy for Women, 2016 of the Ministry of Women and Child Development, Government of India, which explicitly states:

Regarding resource rights of women, efforts will be made to prioritize women in all government land redistribution, land purchase and land lease schemes to enable women to own and control land through issue of individual or joint land pattas. In the case of private land, joint registration of land with spouses or registration solely in the name of women will be encouraged along with measures such as concessions in registration fee and stamp duty etc. to incentivize land transfers to women (para 5 of subsection 'Agriculture', section 3)

Seemingly, the Draft National Policy for Women (2016) is not viewed as part of the mainstream development of the country. The National Institution for Transformation of India (NITI Aayog) does not appear to acknowledge women's roles and rights in land and agriculture, as reflected in the recently released policy paper on "Raising Agricultural Productivity" by Government of India/NITI Aayog (December, 2015), which is silent on women's right to land and the related capabilities for increasing agricultural productivity.

Individuals and institutions, as the makers and implementers of political and legal arrangements, are driven by social norms and beliefs and seldom make efforts to change until the political legitimacy of these norms and institutions is itself eroded. The major question is: what drives changes in political legitimacy, and therefore policy change?

5. Drivers of Political Legitimacy and Policy Change²

Global Concern for Women's Land and Property Rights: Globally, gender inequality in the ownership and control of land and other productive assets is increasingly related to women's poverty, inequality and exclusion from political and economic governance. Worldwide, 43 percent of rural women are engaged in agricultural production, and their ownership of land is found to be extremely unequal, in the range of 3 to 9 percent (SOFA Team and DOSS 2011).

Various international human rights and policy instruments urge state parties' commitments to guarantee women equal rights to access, ownership and control over land and other productive resources. Some of these include: the Universal Declaration of Human Rights (1948); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979); the Committee on Economic, Social and Cultural Rights; the Beijing Platform for Action (1995); the Committee of Food Security initiated Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests (United Nations Human Rights Office of the High Commissioner and UN Women, 2013). The UN Conference on Sustainable Development (Rio+20) in June 2013 further raised the importance of women's rights to land and property.

² This section of the paper is largely based on a study for UNRISD:

Kelkar, G. 2016. "Between Protest and Policy: Women Claim their Right to Agricultural Land in Rural China and India". UNRISD. Geneva.

[http://www.unrisd.org/unrisd/website/document.nsf/\(httpPapersForProgrammeArea\)/222B7313533B75D7C125801E005E58E0?OpenDocument](http://www.unrisd.org/unrisd/website/document.nsf/(httpPapersForProgrammeArea)/222B7313533B75D7C125801E005E58E0?OpenDocument)

In India 76 percent of women are engaged in farm work, but only 12.8 percent of them have operational (management) rights to land, covering 10.34 percent of the total area of land holdings (Agricultural Census, 2011). Generally, southern states show a better picture, while eastern states are poor with regard to women's rights to land.

Importantly, in the 2030 agenda, Sustainable Development Goal 1, "End Poverty in All its Forms Everywhere" aims to ensure that by 2030 all poor and vulnerable women and men will "have equal rights to economic resources"; and Goal 2: End Hunger and Achieve Food Security aims to double the agricultural productivity with indigenous peoples' and women's "secure and equal access to land" (2.3). More importantly, target 5(a) of Goal 5, "Achieve Gender Equality and Empower All Women and Girls", promises to "undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws" (United Nations, 2016).

Civil society's engagement with the state: The post-2015 process is being seen as a critical juncture in the process of ensuring that women's rights to land and property receive due attention as an integral part of poverty reduction measures in international and national development agendas. In this regard, some known efforts have been made by international, regional and national networks of women, non-governmental organizations and networks of civil society organizations such as Huairou Commission (New York), International Land Coalition (Rome), Landesa/ Rural Development Institute in Seattle, Beijing and Delhi, Asia Pacific Forum on Women, Law and Development, Thailand; Shirkat Gah, Pakistan; ActionAid; Ekta Parishad, M.S. Swaminathan Research Foundation, Working Group of Women on Land Ownership (WGWLO), Vada Na Todo Abhiyan and more recently a national network of 121 organizations and individuals known as Women Farmers' Rights Forum (Mahila Kisan Adhikar Manch (MAKAAM) in India.

With some differentiated attention in their work for women's land rights, there is a broad agreement among these civil society organizations and networks on the policy imperative for instituting women's land ownership rights. Such a policy would have a number of positive effects: i) increased pool of talent in the management of agriculture; ii) enhanced investment in land and its improvement; iii) increased capacities of women to access institutional credit and agricultural equipment; and iv) the ownership of land and other productive assets would contribute to eliminating violence against women, by enhancing the options available to them and thus enable women to lead lives with freedom and dignity (Vada Na Todo Abhiyan, 2011; Girls Count and Landesa India, 2016; UN Women, 2015; MAKAAM, 2016).

Relevance of Feminist Research and Advocacy: Feminist researchers and women’s organizations have been voicing concerns about the persistence of gender differential arrangements in the production process. The landlessness of women is seen as a result of the policy focus on male centered tenure rights for households and patrilineal inheritance rights. Some recent studies directly focusing on the property rights of women have questioned the policy silence on gender-based disadvantage of women in ownership and control rights to land and productive resources; these severely limit women’s ability to address vulnerability and manage economic options, and thereby prevent women from exiting violent relationships within the home and outside (Agarwal, 1994; Lawyer’s Collective Women’s Rights Initiative, 2011; ICRW, 2006; Rao, 2011; Kelkar, 2014).

Women’s unmediated ownership of land could lead to higher and better quality production and, more importantly, it could enable them to control the use of household income for their own wellbeing and that of other household members. An increasing range of econometrically robust studies show that compared to the assets owned by men, land and asset ownership by women has significantly better outcomes for their economic agency as well as for survival, education and health of children as we noted in a study of 5 districts of Uttar Pradesh (Kelkar and Jha, 2016; also Kanbur and Spence, 2010; Kelkar, 2013; National Commission on Farmers Report, 2004; World Economic Forum, 2015). On a different track, a number of male village leaders affirmed that women should get their share of land because such entitlement would enable women to more efficiently manage household resources and well-being of children; unlike men, women would not risk their land and household assets by drinking and gambling.

These research efforts have led to policy inputs, as is evident from the recent examples in India. In preparation of the 11th Five Year Plan (2007-2012), the Planning Commission of India had invited a number of feminist policy analysts (this later came to be known as the ‘Feminist Economists Group’) to critically review the Plan document through a gender-specific lens. A similar exercise was performed with regard to the 12th Five Year Plan (2013-2017), and in both cases, the views of the Feminist Economists Group were taken into account in revising the Plan documents. More recently, in 2016, India’s Ministry of Women and Child Development requested various civil society organizations and gender experts to provide their inputs to the Draft National Policy for Women (Draft National Policy for Women, 2016). A large number of respondents appreciated the Draft Policy, and several of them pointed out some gaps that needed to be addressed³ for effective implementation to take place³.

³ Landesa’s inputs were aimed at strengthening “the policy mission to facilitate policies, programmes, and practices which will ensure equal rights and opportunities for women” for stronger land rights and land tenure security for women. Some important inputs included: i) expand land rights beyond ownership to increase women’s control over land, other property and productive resources; ii) prioritise women in land allocation schemes; iii) recognise landless women as farmers; iv) enforce and raise awareness about women’s inheritance and land rights, including land

While the state has been silent on the Draft National Policy for Women, the women's movement consisting of both organizations and individuals has taken significant steps in making claims to the state. For example, MAKAAAM in 2015-2016 has: i) expanded women's claim making activities and membership base throughout the country; ii) demanded from the state to affirm its commitment to inalienable, independent and effective rights of women farmers over livelihood resources such as land, seeds, water, forest and clean energy; and iii) is engaged in drafting a Bill on 'Women Farmers' Rights and Entitlements' (to be submitted to the Parliament). The process is designed to have a secular, peaceful and autonomous approach towards achieving a fundamental change in gendered social norms and institutions. *In a recent National Convention of Women Farmers held in Andhra Pradesh (16-18 March, 2016), women farmers from 18 states of India made a demand to **Recognize, Empower and Support** women farmers. Some major points of the MAKAAAM declaration (makaam.in) for restructuring State policies around basic livelihood resources included:*

- State should prioritize land rights for Dalit landless, single, tribal, and differently-abled women in the distribution of public lands.
- Recognizing that joint titles do not necessarily empower women, the state should promote independent land rights for women.
- Recognizing that fragmentation of land is cited as the official excuse to deny independent rights to women, the state should allocate women a just and fair share in the income from such land to secure their economic independence.
- Recognizing that women are the primary users and protectors of the common lands, and their rights and entitlements therein should be protected.
- The state should provide training to agriculture officers, extension personnel and revenue officials on women's land rights.
- The state should gender-sensitize its administrative functionaries to promote ecological agriculture and women's land and livelihood rights.
- The state should strengthen its efforts at land literacy, marketing and value addition training for women farmers.

Media's Role against the Masculine Ideology: The feminist reporters carried stories on the disclosures of truth about the functioning of masculine ideology in the home and workplaces. In general, the two most prominent fields of diagnosis and discussions since the early 1980s have been the accounts of gender-specific violence and the cultural failure in eliminating these practices (e.g. the widow sacrifice, rapes, and other forms of sexual attacks on women); and the state disinterest and its negation of women's

literacy; v) enhance women's participation in land administration and revenue bodies; and vi) generate gender-based evidence on land rights. Understandably, these inputs to the Draft Policy were appreciated and to a large extent were incorporated.

agency in disallowing women economic power through unmediated control rights to productive assets and employment (Morris, 2010); that the state and the modern institutions did not allow any enablement of women to get rid of the traditional constraints. The policies and laws that were enacted for women's development were mainly "interested in liberating women for labor, which is to say, surplus value extraction", and making it a duty for women to devote themselves for the welfare of children and husbands (Morris, 2010:7). As a consequence, the policy did not result in women's freedom from violence and in removing barriers that limit their access to rights to decision making and economic independence. The print media that played an important role in raising policy awareness on these concerns included: the Economic and Political Weekly (Mumbai), Seminar (Delhi), the English and Hindi daily newspapers such as The Hindu, The Times of India, the Indian Express and many regional newspapers.

The persistent critique of media did result in policy sensitivity to account for the specific rights of women. In its early interventions, a policy change was seen in a chapter on Women and Development in the 6th Five Year Plan (1980-1986) drawing attention to efforts to be made to enhance women's status in three areas: Education, Health and Employment. In the subsequent years, the Five Year Plans included empowerment of women and economic enablement of women with joint or sole rights to land and housing. With regard to violence against women, the wrongs were to be righted through changes in the Criminal Procedure Code. In the early 1980s the revised Criminal Procedure Code included provisions for 'in camera trial' of a rape survivor and the onus of proof to prove innocent/non-guilty was shifted to the alleged sexual attacker. This was followed by another major change in the property rights of women- The Hindu Succession (Amendment) Act, 2005 which legalized women's equality-based rights to inheritance of land and property. However, it is a social-norms-based profound irony that women have continued to confront the culture of violence and the implementation gradualism of their rights "in the interest of legally symmetrical subject-status of the male" (Spiavak, 2010: 276).

Women's Organizing for Land and Productive Assets: Women's organizing and the strength of their collective action are the strongest predictors of gender inequality in laws and policies across a range of areas from land rights to violence against women (UN Women, 2015:17). The state is likely to respond with policy measures to women's protests against patriarchal institutions that perpetuate and reinforce male control over land and productive assets. Of the numerous examples of such protests, here are select examples:

- At the **Chandwad meeting** in Maharashtra in 1986, organized by Shetkari Mahila Agadi (the women's front of the Farmers' Association in Maharashtra), 150,000 rural women participants raised two main demands: (i) that women should have equal rights to land and property; and (ii) an end to

violence against women. The participants did acknowledge that Shetkari Sanghata (the Farmers' Association) had made attempts to make male farmers transfer a part of their land to their wives, but this had happened only in few areas, lending only a symbolic significance to the process. In general, male farmers showed reluctance to transfer landownership rights to women, for fear of being abandoned by their wives (Omvedt, 1993). However, over 300 women from Satara and Sangli districts continued with their campaigns for women's rights to land, housing and separate Ration Cards (Kulkarni, 2013). These struggles, led by women farmers, in collaboration with civil society groups, feminists, and academics pushed the State to change laws. For example, in June, 1994, the government of Maharashtra took a landmark decision in amending the Hindu Succession Act of 1956 and conferring equal coparcenary (joint ownership) to a daughter in a Hindu family on par with a son (http://www.hindunet.org/alt_hindu/1994/msg00516.html. Accessed on 3 June 2016).

The context of collective and individual protests by women for their rights to access justice and agricultural land can be seen against the backdrop of **Gulabi Gang** (Pink Sari Brigade), with 400,000 members in the Bundelkhand region of Uttar Pradesh. Reportedly, hundreds of men who had abused their wives were beaten up by the Gulabi Gang members (Sen 2012). The Gulabi Gang women formed their collective identities around the issue of zero tolerance of: (i) corruption in the local and state administration; (ii) abuse of women within home and outside; and (iii) discrimination against women and other marginalized social groups. One of the campaign slogans was: "the official who is a goon, we have a stick for him; the official who is just, is our brother. The one who does not listen to us, we will kick sense into him" (Kelkar's interview with the Gulabi Gang Leader, Sampat Pal, January, 2014).

In the initial years, many men refused to let their wives join the Gulabi Gang; later the Gulabi Gang decided to be more interactive with men in discussing their goals and in explaining how violence against women also affected men (Khan 2013). As a result, men in their communities, especially lower caste men, began to trust the Gulabi Gang and understood that the movement for women's rights was beneficial for everyone. Ms Sampat Pal, the leader of the Gulabi Gang, was invited by the Vice-President of the Congress Party at the national level, seeking her support, both to mobilize women's votes to the Party as well as to gender-sensitize the election manifesto. Sampat Pal contested for the parliament election but vested interest groups took over, and she faced an electoral defeat (Author's interview with Sampat Pal, March 2014).

- With the joint initiative of the Gorakhpur Environmental Action Group and Oxfam, India, the **Aroh campaign** for landownership rights of women was launched in October, 2006. Over time, a number of civil society organizations joined the Aroh campaign, starting numerous initiatives for sole and

joint land ownership of women, transfer of land in the name of women farmers, distribution of agricultural inputs, demand for work under Mahatma Gandhi National Rural Guarantee Act (MGNREGA) and access to ration cards and agricultural extension. Realizing the importance of multidimensional interventions, the **Aroh Mahila Kisan Manch** (AMKM) was formed in 345 villages in 71 districts of the state, with the association of 7,238 women farmers. The ripples caused by the politicization of women through participation in the Aroh campaign was seen in women's increased confidence, self-esteem and their rejection of gendered positions, which we noted during the course of conducting fieldwork in 2013-2014.

The Aroh campaign slogans included:

- 'We work on land 70 percent, therefore we claim 70 percent of our rights to land';
- 'If we have no money of our own, our intelligence, learning is useless; it has no meaning'
- 'Women have achieved miracles, we are no longer confined to the kitchen, now we are at *choupal*' (village decision making platform).

It is important to note that these women did not seek land or assets for profit. What they have been trying to deconstruct is the male supremacy that has become violent and exclusive in both domestic and public spheres. This dimension of women's claim making has brought issues of economic and cultural justice and social sustainability to the fore, with special emphasis on the human rights of marginalized and vulnerable women. The Aroh campaign led by women farmers, in collaboration with numerous civil society organizations in the State of Uttar Pradesh has been instrumental in sensitizing the State administration to enact the Revenue Code Bill (which had waited for the past 6 years for it to be a legal Act). In March, 2016 the State Assembly passed the UP Revenue Code (Amendment) Bill. This Act provides that a married women gets equal right to the Gram Samaj (village revenue) land given out on a lease, which has been promoted as a step towards empowerment of rural women. However, the Code was seen as an insignificant step by the women's organizations and women's rights activists have continued with protests and demands for recognition of women as farmers and their right to land.

Women's individual and collective voices from the fields: In the existing patriarchal system, men of the dominant class (and caste) have long defined the social grammar of virtues and morals for women. In opposition to these, women's individual and collective voices for their right to land and housing bring in new social and cultural discourses to overcome the social obscenities of sexualized and materialized gender-based differences. Some of the select voices from my field notes over a period of 25 years in India represent women's aspirations and claims to the state representatives as well as the mass movement leaders:

“We were there in harvesting the fields; we were there in carrying ploughs and in snatching arms from the zamindar’s goondas. We fought for our rights and actively participated in the land struggle. Why, when the land is distributed, do we not get our independent right to land?” - Dalit women’s meeting, Basuhari village of Bihar in India on 3 September, 1990 (Kelkar, 1993).

“If a woman has no land, she has no respect and dignity...we will fight to the end and claim what is legally and morally is ours”, says Bindheswari Devi, Banda district in Uttar Pradesh, India 28 January, 2013 (Kelkar, field notes. January 2013).

“When the land is in my husband’s name, I am only a worker. When it is in my name, I have some position in society and my children and my husband respect me. So my responsibility is much greater to my own land in my name and I take care of my fields like my children” — a village in Sholapur, Maharashtra, India, a statement made in the presence of 42 women and 12 men (Kelkar, 2013 quoted in Krishnaraj, 2013).

Suhadra from Chakchatgan village in Banda district of Uttar Pradesh, India stated in explicit terms for women’s unmediated right to land: “Those women who do not have land in their names are vulnerable; they can be easily evicted from the marital homes and asked to return to their parental homes. This will not happen if women have land in their names...Now we can demand our rights; fear has left our body. Men are careful when land is in the women’s name” (Kelkar, Field notes, April, 2013).

While the aspirations of women for landownership rights in India is very real, women indicate several important factors about this change in the rise of their agency. Four key processes constitute the major features of the rise in women’s voice for land rights: First, land reform experience since the 1950s in India included ad hoc and piecemeal administrative measures for women’s joint and sole titles to agricultural land and housing and this has raised women’s aspirations for land rights. Second, due to the out-migration of able-bodied and skilled portions of male labor force from rural areas in search of non-agricultural jobs, women assumed the responsibility for agricultural production. Third, in the absence of men, women had to take the role of supporting the household with children and elderly. Fourth, commercial agriculture and land acquisition in rural areas have continued to grow, leading to women’s aspirations to obtain and safeguard the rights to their own land (Chowdhry, 2011). These are supplemented by various mediating factors namely, the growth in land transfers, urbanization of rural space, changes in consumption patterns, and exposure to the outside world through television and mobile-phone technologies. Understandably, women with all their work in agricultural production are likely to be influenced by these changes in the agrarian political economy and claim their entitlement to land.

6. The Meaning of Land Rights

In a collective discussion with 15 women and 3 men in the village Awadhpur of Gorakhpur district in north India, I queried about change in the women's position in the last 10 years. As a background to the question, we did explain if the change related to women's landownership rights has increased women's agency in land management, or it only increased the workload. Almost in unison women responded saying:

- Now women have savings and can withdraw money from the banks
- There is increased control of women over money through Self Help Groups.
- Women manage land and livestock and work on vermicomposting. In the presence of her husband, a woman added, "I work so much, he only talks".
- Women do marketing now and sell their vegetables in the market.
- Women have constructed or repaired houses, despite the resistance from their husband in some cases.
- Women successfully have bargained for better education of children, as well as for their employability.
- Male violence against women, within home and outside, has diminished. "Men listen to us because we control our land, cash and assets"

With the ownership of land and management of land and the produce from it, women seemed to have **gained greater prestige in the household** and have also gained control over how their income is spent, which is what Amartya Sen's (1990) theory of household bargaining as cooperative-conflict would predict. The advances in the capability of women, income earned, respect and dignity at home, greater control over the disposition of household income, increased well-being of women themselves and their children – these are all the advances associated with the change from women as subordinate household workers to becoming asset owners.

Some researchers find that an increase in women's income and/or property can increase household resources, improving women's status and bargaining power in the household and thereby lowering the risk of gender-based violence (Amaral, 2013; Bhattacharya et al., 2011; Kelkar 2014, Panda and Agarwal, 2005; Deninger et. al, 2013). Others show that this may not always be the case, as men can see women's ownership of land as a threat to their own power and sometimes retaliate by assaulting women in their households or in public spaces (Eswaran and Malhotra, 2011; Krishnan et. al, 2010). Women's landownership does not by itself result in a reduction of gender-based violence. However, it is likely to empower women to counter violence through the following processes: i) women's economic empowerment with ownership of land and related productive assets; ii) increase in knowledge and self-esteem of women and thereby increased freedom of mobility and market access; and iii) enhanced social position of women with recognition of their agency and claims-making to rights and freedoms. These

three factors make women stronger against patriarchal norms in the household and society and act as deterrents to violence against women.

Women's landownership or improvement in economic status has resulted in **substantial reduction of gender-based violence**. But it surely does strengthen women's economic agency and position, enabling them to resist and thus bring about a reduction in violence. In a recent study on Women's Asset Ownership and Reduction in Gender-based Violence conducted in three states of Karnataka, Telangana and Meghalaya in India, we noted that over 80 percent of women interviewees said that land and asset ownership had significantly reduced the incidents of physical abuse inflicted on them (Kelkar, Gaikwad and Mandal, 2015). During a meeting with a woman village officer in Somram village in Telangana, she said "land ownership by women substantially reduces violence against women", however a number of women at the same time said that in a given system of male dominance and women's inadequate knowledge of land and revenue matters, many women found it difficult to protect their fields from land grabbers, who could be both within their families or individuals in their communities.

The opinions about the effect of women's land ownership on the reduction of gender-based violence were divided. While a majority of the women interviewed categorically stated that owning land resulted in decreased violence against women, there were others who remarked that violence against women could actually increase if a woman had land in her name: her husband and in-laws could pressure her to transfer her land to her husband. However, we did not encounter any cases that were cited as an evidence of this phenomenon. Significantly, a very large number of men in their individual interviews explicitly stated that the transfer of land to women had reduced both domestic and social violence against the women in question. The importance of organizational support – from SHGs and other rural women's organizations such as Mahila Samakhya – in case of physical and sexual attacks on women was acknowledged by both women and men; these organizations seemed to play an important role in both counselling and countering violent husbands and others in society.

I have argued elsewhere that land distribution is superior to income transfers because there is an incentive effect in the former case (Kelkar, 2011). Land distribution provides a basis for overcoming distortions in the functioning of markets and for restructuring gender relations in the fields of property rights, access to technology, healthcare, and governance. Women's ownership and control rights to land are likely to usher in changes in public opinion about gender roles and in the socio-cultural norms that perpetuate deep-seated social inequalities of women, such as the household division of labor, restraints on women speaking in public, constraints on women's mobility, and pervasive gender-based violence within and outside the home. Land ownership enhances women's bargaining strength and decision-making power,

and allows them to challenge the social norms and rules that discriminate against them in the use and transformation of land and productive assets.

In a study of 5 districts of Uttar Pradesh, we asked women about their **ability to influence decisions of male members of the family, including their husbands** (Kelkar and Jha, 2016). Of the 118 rural women interviewed (who were married and independently held land in their control), 86.38% responded that they would be able to convince the male members of their families not to sell land in case men wanted to sell the land. However, while a very high percentage (97.62%) of the respondents from Gorakhpur district seemed almost certain of their ability to do so, the women from the neighboring district Kushi Nagar did not seem as confident, only 55.56% of them were certain of their decision making ability. It is important to note that a large number of respondents in the Gorakhpur District were active members of the Aroh campaign, unlike in Kushi Nagar, where the Aroh campaign has made a recent, initial presence. When the women were asked about their ability to influence the decision for renting out of land, 89.61% of them were confident of their ability and independence in doing so. From this analysis it can be safely concluded that as a result of their right to land, women did get decision making ability with regard to day-to-day management of land, particularly in cases where men were away working non-agricultural jobs. However, in some cases, decisions like selling or renting of land were generally taken by men, even when they were away at distant urban centers for work. Men used mobile phones to instruct women about these matters.

7. Conclusion: Towards a Multi Stream Approach

The research findings suggest that, as a consequence of the continued demand for women's entitlement to land, there have been some partial and fitful changes in policies and enactment of laws in India. Those women who had acquired land had gained greater social status, increased bargaining power over household assets, experienced a reduction in gender-based violence, and acquired an increased voice in household land management as well as decision making in community affairs. However, these changes are punctuated with patriarchal disorders and reversals, coupled with women's complicity in upholding gendered social norms about land rights of their daughters. The resilience of patriarchal social norms that create or reinforce unfavorable conditions for women to make use of legal measures to overcome their secondary status, is used as an instrument to keep women under control and dependent on men.

Women's bargaining power within the household is seen as an important factor in addressing gender disparities. Women's lower bargaining power is partly determined by their miniscule share of assets in comparison with men, which is also influenced by social and cultural norms along with the lack of implementation of gender-responsive legal measures. All these, in turn, make women dependent on men

and vulnerable, without control of household assets and a voice in land management and investments. When rural women have an independent right to land, they have substantial decision-making power and social norms change, favoring equality and freedom.

Rural women define their dignity in terms of a social/ familial existence with independent control over land and assets and freedom from patriarchal social norms. Many women aspire to be economically independent through owning land in their own name and would not want their daughters to live a life of dependency and subjugation. Such aspirations on the part of women reflect their hope for the future and in turn lead to the creation of new needs for productive assets and the knowledge required to manage such assets. This is likely to bring forth change in the economic and social structures of power which govern existing resources and capabilities. I would like to suggest a multi stream approach towards changing gendered social norms:

- **Strengthen policies for building countervailing power of women:** To change gender-asymmetrical relationships through: i) enact and monitor implementation of sole or partitionable rights of women to land, agricultural equipment, and other productive assets; ii) strengthen capabilities of women through trainings to access and use of information, energy, and information technology; and iii) employ adequate proportion of women in land and revenue administration.
- **Strengthen state and civil society efforts at popularizing norms of gender equality** with attention to engaging men and boys to the distributive dimensions of land and productive assets. Some mandatory measures are to be introduced in community centers and local-level organizations such as village panchayats to conduct trainings, discussions and film shows on individual women leaders, women CEOs and COOs, and successful women-led collectives in the agricultural sector such as Kutumbashree (in Kerala) and Deccan Development Society (in Telangana) and several others.
- **Create and strengthen women's networks of sociability:** both formal and informal, that bring individual women with regular contact with each other, not only for credit and savings, but also for increasing their awareness, aspirations, and agency for land and property ownership rights. The success of Self Help Groups in rural India has been noted in changing norms about women's domesticity and ignorance. However, these need to be directed towards transforming hegemonic patriarchal norms about land and property ownership and decision making. When women enter or increase their involvement in meetings and production work outside the home, not only as individuals but as part of SHGs, they gain strength in numbers. As a result, what is considered as a deviation from the way things are on the part of individual women, can become established as a new norm when this action is undertaken by a groups of women (Nathan et. al., forthcoming). A

transformation of gendered norms can be largely achieved through: i) provisioning of collective ownership of land titles (as stated in the Draft National Policy for Women 2016, as discussed earlier in section 4); and ii) capacity-building in numeracy and new technologies including agricultural equipment and computers.

- **Women's safety and freedom from violence:** gender-based violence is a familial and social response to women's vulnerability caused by women's lack of assets and their cultural and economic dependency on men. In India's patriarchal social norms, men have a role of dominance and are in charge of decision-making within the household and other political and economic institutions. Social norms related to agricultural land have generally defined land-related decisions as in the men's domain. Any attempt of transgression of social norms is likely to be interpreted as 'unwomanly', 'unwelcome act', and a potential threat to the institutions of power and hierarchy. Empirical studies on the effect of women's ownership of property on gender-based violence have found mixed results.

The culture hypothesis is seen as useful in understanding the role of beliefs, values and social norms in creating and reinforcing inequalities. Admittedly, social norms embedded in local cultures can be hard to change, and they support the institutionalized differences between women and men. It is therefore necessary to replace old with new knowledge, technology, skills and values in the political arena and in the economic institutions of governance of land and market agencies. Cultures are not static; they have a dynamic character and have been changing throughout history. The way to transform patriarchal systems of political and economic governance is to ensure that both traditional and modern institutions create pluralistic structures of governance with adequate representation of women in decision-making roles at various levels in land revenue and financial administration. A major cultural breakthrough is "the fundamental belief that [the] human lot can be continuously improved by bettering our understanding of natural phenomenon and regularities" and the use of this knowledge to understand change in human relations of inequality, power and economic development (Mokyr, 2017: Preface).

A broad conclusion is that the power of social norms diminishes in response to women's collective and individual claims for an independent access to ownership rights to land and productive assets. Negotiations and resistance by women to gender norms are evident throughout the study cases. In as much as they imply a challenge to gender norms of control and power, departure from these norms showed a change in women's ability to mobilize themselves and have a voice for justice and power or agency; an enduring capacity to act and make strategic life decisions in a context where this capacity was previously denied to them. I further noted in the study that the State, in most cases, has responded to

women's protests and claims to justice and rights, in terms of formulation of policies and legal frameworks. However, these legal frameworks and policies have remained largely ineffective in changing institutions trapped in gendered norms and women's economic dependency. There has been no significant withdrawal of male power over land and productive assets. This has been maintained despite the fact that women and civil society groups, in large numbers, have continued to argue for betterment of values of equal justice and rights; when gender relations of inequality and power change, social norms and behaviour change in response.

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