

# POLITICAL ECONOMY OF LAND GOVERNANCE AND WOMEN'S RIGHTS – THE CASE OF MEGHALAYA

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# Land Governance and Women's Rights

- Insecurity over land rights is directly linked to poverty and inequality
- This causal relation between land rights and development prospects is particularly pertinent for women.
- Land ownership empowers women by enhancing their agency in decision making, bargaining power, freedom of mobility and market access.
- In this context that we look at the particular case of the north-eastern state of Meghalaya, in India.

# Meghalaya

- Scheduled tribes constitute 86% of Meghalaya's population and there are three tribes – Khasi, Jyantia and Garo
- The state is unique in its long established matrilineal background where traditional customs defines property rights, particularly land
- Covering an area of only 3000 sq. ft., land has traditionally been treated as a common resource rather than a commodity in the tribal state of Meghalaya. Private land ownership is a new concept to the traditional tribes
- The system of inheritance is through a female member of the family – either through the youngest daughter or a female relation (in the absence of a daughter in the family).
- This female member is responsible for “management” of land for productive purpose. She, however, has no decision making rights to participate in land markets to sell and purchase the land.

# Objective

- Analyze the nature of land ownership and community control pattern in Meghalaya, both within the contexts of traditional and formal institutional arrangements.
- Inform the direction of policy dialogues that will help bring in symmetry between the formal and informal institutions on land governance in Meghalaya so as to support engagements on women's access to land rights.

# Systems and Institutions for Land in Meghalaya

<b>Traditional Systems</b>	<p>Traditionally, land ownership in the tribal societies of Meghalaya is governed in accordance with the customary laws and practices.</p> <p>Over the years, many changes have occurred with respect to the pattern of land holding. However, the principle of transmission of rights of ownership has not undergone much change and has largely remained the same – following principles of Matriliney</p>
<b>Traditional Institutions</b>	<p>Three tier structures – mainly headed by the Chieftain – under whom there is a group of villages (called Dorbars or Commune Council) followed by a Village Council as the lowest tier (typically headed by the Village Headmen)</p> <p>However, these traditional authorities have no constitutional power and therefore, any judgement passed by them on issues – related to land or otherwise – is technically not binding in a Court of law.</p>
<b>Formal Institutions</b>	<p>The Autonomous District Councils (ADCs) are a major stakeholder when it comes to formal land governance institution in Meghalaya.</p>

Notwithstanding the power and authority extended to the ADCs by the Constitution, if any law made by the ADC is repugnant to any provision of a law made by the State Legislature, then the formers' will be void and the State law will prevail.

# Interaction of Traditional and Formal Land Governance Systems and Implications on Women's Land Rights

- Though a matrilineal society with women being custodians of family land, they are traditionally excluded from any representation in local governance – such that village councils
- This absence of decision making power in the traditional societies of Meghalaya are increasingly being reinforced at the wake of the changing land dynamics. This is leading to increasing number of women not just not owning land any more, but also becoming completely bereft of any power to have control over the same.
- Also as per the latest Land Act of 2013, The Right to Fair Compensation and Transparent Land Acquisition and Resettlement and Rehabilitation, Act 2013 (RFCTLAR&R, Act) only individual titles are recognized

# Way Forward

- The Sixth Schedule provided for District and Regional Councils were expected to integrate traditional norms with the modern system of administration – a synergy that is yet to happen
- The push towards modernization of land governance that promotes modern techniques for demarcating and settling rights is a step towards institutionalizing systems for guaranteeing title to individual owners. But will the formal system recognize customary norms for securing rights of individuals?
- This is a question that requires policy level intervention based on good understanding of the traditional communal land tenure and its management system
- Also required is advocacy on formal recognition of women's rights over ancestral land along with codification of customary laws

**Thank You**