

**A South Asian workshop  
on women's rights to land and  
other land-based resources**

**21 July, 2008  
Colombo, Sri Lanka**

**Organized by**

**SANGAT  
Women's Media Collective, Colombo and  
Action Aid International**

## **Introduction to the workshop**

Sangat, Women and Media Collective and Action Aid International collectively organised a South Asian Workshop on the very important theme of women's rights and control over land and other land-based resources in South Asia. This workshop was held immediately after the People's SAARC Assembly in Colombo, so as to economise on travel time and expenses.

The workshop was attended by 32 women and men activists working at the grass roots levels, feminist researchers, legal experts from Bangladesh, India, Pakistan, Nepal and Sri Lanka as also people from regional networks and organisations like Sangat, SANSAD, SAAPE, Action Aid International and so on. The group which came together had a lot of experience and insights in to the issue of women's land rights and are all committed to working on this issue.

Every one who gathered at the meeting believed that land rights are extremely important for women to give them an identity, a sense of dignity, to ensure food security and to provide livelihoods. That property and land ownership help women deal with violence and oppression more effectively was the general consensus.

Since the workshop was only day long, it was decided to not spend much time on describing the concerns in South Asia. Meera Velayudhan presented a broad South Asian picture on women's land rights before the following:

1. Sharing experiences and information on women's struggles for control over land and other resources in different countries of South Asia;
2. Sharing experiences and information on sustainable use of land and other natural resources to ensure food security, poverty alleviation and sustainable livelihoods;
3. Discussion on what needs to be done at the local, national and South Asian levels to improve legal provisions and their implementation, policies related to women's land rights, research and advocacy; and
4. Discussion on the possibilities of forming a South Asian network to work on issues related to women's land rights.

Participants shared their experiences and exchanged information in all the sessions. Every one was keen to listen to the on-going struggles in the neighbouring countries. There was a lot of engagement and energy in all the presentations and the rich discussions which followed.

It was clear to all that much more work needs to be done at all levels and for our struggles to succeed much more collaboration and networking is essential at the national and South Asian levels. The participants decided to form an informal South Asian Network on Women's Land Rights and Meera Velayudhan took the responsibility of coordinating it.

The following pages provide a glimpse of the experiences and information shared from five countries of South Asia and the plans for moving forward together.

## **Chapter I**

### **Women's land rights**

Historical explorations have shown that women are the initiators of productive activity. Rural women are experienced and expert cultivators. They manage natural resources to sustain their livelihood. There are innumerable examples of women developing their own methods of managing natural resources. They work in agriculture and allied fields (livestock rearing, tree planting, sericulture and so on). They collect water, fuelwood, fodder, minor forest produce for household consumption. In the coastal areas, women are involved in net-making, sale of fish, and in the production of dry and salt fish. Their outlook is multi-functional and multidimensional.

About 82 per cent of South Asian women are employed in agriculture, in contrast to the world average of 39 per cent.
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Land distribution is skewed in majority of the South Asian countries. Although concentration of large land holdings in the region has declined over time, inequalities in ownership continue. The majority of poor rural households in South Asia own only a small piece of land. The landless are also the poorest households. Women – in particular single, female headed households – are the poorest of poor.

**Bangladesh:** 65per cent of households (59per cent of rural poor) own less than 0.02 hectare of land, while 22per cent (5per cent of rural household) own more than one hectare.

**India:** 60per cent people living below the poverty line own less than 0.8 hectare of land.

**Pakistan:** an estimated 66 per cent of poorest households are landless; large and very large farm households own 66per cent of all agricultural land.

**Nepal:** 47per cent of poor, land owning households own only 15per cent of total agricultural land, with an average size of less than 0.5 hectare. 5 per cent of big land owners own 37 per cent of the land, while 29 per cent rural households do not hold any land.

**Sri Lanka:** agriculture is dominated by small holders as 64per cent of farming households cultivate holdings of less than 0.8 hectare; 90per cent of the poor are small farmers and landless and 27per cent of peasants are landless.

## **Legal rights**

Inheritance patterns of landed property vary within and between countries across South Asia and by religion, community and region. These variations can be traced back to the colonial heritage when inheritance and marriage laws were viewed as “personal laws” of specific communities. Laws enacted later have only attempted to accommodate pluralistic, religious and customary traditions. Variations also exist, as in India, in relation to inheritance of agricultural land in the tenurial enactments of different states. In 1937, the Muslim Personal Law (Shariat) Application Act was passed in the Central Legislature, but changes were made after independence. In Pakistan, for example, the West Punjab Muslim Personal Law (Application Act, 1948) and an amendment by Sind province in 1950 brought agricultural land under its purview, enabling Muslim women to inherit such land. In 1962, the West Pakistan Muslim Personal Law (Shariat) Application Act made Shariat the basis of personal law in West Pakistan, except in tribal areas. In Bangladesh (undivided Bengal), since customs at variance with Islamic law were not required to be enforced, the Shariat Act of 1937 was applied to agricultural land as well. This system continues in Bangladesh. Some states in India such as Tamil Nadu, Andhra Pradesh (1949) and Kerala (1963) made amendments to the Shariat Act to include agricultural land, although in Kerala, matrilineal Muslim women lost out to men even in ancestral property. In north west India (Uttar Pradesh, Punjab, Himachal and Haryana), this Act was not

amended; customs prevailing prior to the Act continue, along with land reforms. So for agricultural land, priority is given to male lineal heirs. In Bangladesh, Muslim women get half the share of their male counterparts but still do not get access to it, while Hindu women are not entitled to anything at all as per their inheritance laws. This is also true for a majority of indigenous women, except the Garos and Khasis. In Sri Lanka, customary practices gave women (from all major communities) rights in landed property. Varied laws prevail in terms of property and inheritance rights—the Kandyan law, Thesawalamai (Tamil customary law), and the Muslim Law. Women have legal right to land under these laws, while under the General Law, women have equal rights. Nepal was under the rule of Hindu monarchs and only indirectly under the British rule. Its ethnically diverse population followed varied customary practices of marriage and inheritance. In 1857, the legal code of Maluki Ain was enacted, drawing on the Hindu Shastras or religious scriptures. It sought to modify these customs in order to bring about some uniformity. This code was also structured around the caste system, giving each caste/ethnic group, including Tibeto-Burman communities (which did not follow Hindu caste system) a caste category. However, legal changes since 1951 have led to a Code where the individual has replaced caste as the basis of legal difference. Despite several progressive legislations in favor of women in the region, few women inherit landed property and even fewer exercise control. The gap between law and its effective implementation persists.

Women	
<b>Do</b>	67per cent of the world's work
<b>Earn</b>	5per cent of world's income
<b>Own</b>	1per cent of world's property

### **Policy: opening up “the household”**

While most countries in South Asia have accepted women's right to property, including land, in the laws governing inheritance of personal property, public policy in land reforms programmes in India, Pakistan, Sri Lanka (1950s-1960s) and Bangladesh (1970s) were based on the concept of household as a homogenous unit, male-headed, with titles being granted only to men. It was a period when the women's movement lacked its current visibility. It was the women's movement, the feminist movement in particular and trends within

gender studies in early 1980s that pressed on the need to “open up” the household for investigation and debate. Land reform programmes continue to be premised on the assumption of the household as homogenous or the ‘community’ as a united collection of households. The household is perceived as the unit of allocation of resources. Studies on the household have demonstrated significant inequalities within and between households in the distribution of resources and decision-making and the fallacy of the notion of the unified household with its income pooling and sharing assumptions.

Referring to the Indian experience, Amartya Sen pointed to the conflicts of interest that exist within households. He held that the household is most usefully represented as a case of ‘cooperative conflict.’ The solution that is finally adopted is the result of the bargaining ability of the couple. However, couples do not come to the bargaining table with equal power. In addition to self-worth, there are two important factors that determine a person’s bargaining power—(1) the actual ability of each member to earn an income or bring valued resources into the household and (2) the value given to that contribution by other household members.<sup>1</sup> Agarwal extended this bargaining approach to gender relations outside the household by placing more emphasis on the external constraints to women acting on their self-interest, thus moving beyond intra-household relations to other arenas of power relations within which women are located.<sup>2</sup> Studies thereafter identified a large number of institutions beyond the household which are gendered. These include communities, labor markets, property institutions, judicial systems, land administration and local governance.<sup>3</sup> Other studies spoke of cross-cutting identities of ethnicity, kinship, education, marital status that motivate women to both stake their claim to land as well as oppose the claims of other women and men. Men too adopt different subject-positions, depending on their own experiences and context.<sup>4</sup> Land was linked with family and kinship relations and structures of social relations in South Asia. It defined identity, hierarchy and status.<sup>5</sup>

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<sup>1</sup> Sen, Amartya (1990) “Gender and Co-operative Conflicts” in Tinker, I (ed): *Persistent Inequalities: Women And World Development*, Oxford University Press, New York, pp.123-49

<sup>2</sup> Agarwal, Bina (1994) : *A Field Of One’s Own: Gender and Land Rights in South Asia*, Cambridge University Press.

<sup>3</sup> Kabeer, Naila ( 1994): *Reversed realities: Gender Hierarchies in Development Thought*, Verso ,pp 95-135

<sup>4</sup> Rao, Nitya ( 2005): “ Questioning Women’s Solidarity: the case of land rights, Santhal Parganas(Jharkhand)” in *Journal of Development Studies*, No.41, Vol.3, April 2005, pp 353-75, Routledge.

<sup>5</sup> Dube, Leela (1997): *Women and Kinship- Comparative perspectives on Gender in South & South East Asia*, UN University Press.

Although throughout South Asia (to a lesser extent in Sri Lanka), women's land ownership remains very low, certain broad, cross-region indicators have been noted for their conduciveness or resistance to women being able to exercise their rights to land. Studies suggest that the more conducive areas include north east and south India, Sri Lanka and Nepal, areas where women marry either in their natal villages or nearby villages, where close kin marriages prevail, where purdah system does not exist and where women's labor force participation is high or medium. Except for Nepal, these areas contain traditionally matrilineal and bilateral communities. The regions where women face the most resistance to their claims are north west India, Bangladesh, Pakistan. In north west India, (Punjab, Haryana, Uttar Pradesh and Rajasthan) where marriages are far from natal villages, close kin marriages are forbidden, and purdah and stricter controls over female sexuality prevails. In these areas, women's labor force participation rates are low, inequalities in private land ownership are high and common lands are limited and disappearing. While in Pakistan and Bangladesh, marriages within the village and close kin marriages are permitted and women's inheritance rights are affirmed by Islam, strong control over sexuality through practices of female seclusion negate much of these advantages. Higher levels of landlessness and land inequality in Bangladesh are sources of high levels of conflict over land.

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However, land ownership remains crucial to the large majority of rural poor women and men from South Asia who dependent on agriculture. Experiences from the field and studies have shown that a key factor linked with rural poverty is access to land. Arable land is the most valued form of property for its economic, political and symbolic significance. It is a wealth-creating and livelihood-sustaining asset. It has also been termed as a metaphor for power, wealth and status. In regions where agriculture dominates livelihoods, land helps women fight the risk of poverty and enhance food security. Land also increases aggregate wage rates and access to credit. Studies show that property and asset ownership by mothers leads to better outcomes for the survival, education and health of children, than assets owned only by fathers. Independent land access could create an enabling environment for women's agency, thereby setting in motion a process for social and political empowerment

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<sup>6</sup> Agarwal Bina (1994): *A Field Of Ones Own: Gender and Land Rights in South Asia*, pp. 368-378, Cambridge University Press.

## **CHAPTER 2**

### **Women's struggles for land**

Since the 1990s, women's engagement with issues of land rights have led to varied land alliances and coalitions in post-colonial, developing countries in particular. In several African countries, these have emerged in the context of new legislations or constitutional changes in land tenures. A large number of women have played leadership roles in platforms such as the Uganda Land Alliance, the National Land Forum in Tanzania, the Zambia National Land Alliance, National Land Committee in South Africa, Kenya Land Alliance, Rwanda Land Alliance, and the Namibian NGO Federation (NANGOF) for land rights of women, pastoral communities and landless. Regional networks have been formed across countries as Land Net in East Africa. In countries such as Mali, Senegal and Madagascar, women's organizations have been formed so that women's rights and entitlements to land are incorporated when changes are made in land laws.

In South Asia since the 1970s and 1980s, previously marginalized organizations of the rural poor have started to emerge through movements of peasant organisations, tribal/indigenous, women, dalits, landless, environment and so on. In recent years, most struggles and movements have been directed at development projects such as big dams and mining. Agricultural land is being sold to corporates, with privatization of forest, coastal and pastoral land. In all these, women have participated intensely, widely and even in leadership roles. While many of these movements have been documented, there is very little known of women claiming their own rights within these movements.

Struggles against mainstream development and its impact on indigenous groups claims to land is an example. In the notorious ECOPARK project in Bangladesh which the ADB was forced to disavow earlier this year after years of protest, the focus has been on state harassment of male community activists and of displacement without compensation. There has been less questioning of the logic behind such kind of developmental model and its impact on indigenous women's resource rights, security and cultural identity.

In the struggles against militarization of Chittagong Hill Tracts (CHT) and the military-enabled settler occupation of Pahari land, its impact on Pahari women's rights to land and community resources has been overlooked. That the CHT have

had, from colonial times, a separate legal system for inheritance, has made this issue more complex. Customary rights have been recognized in the CHT District Council and CHT Regional Councils Act. The issue of women's land rights in the context of conflict and natural disasters, a reality for countries in the region, also lead to questions of displacement, relocation, rights of *de facto* and *de jure* female heads of household, personal laws. These concerns call for a re-look at ongoing struggles in the region and the context in which they are located.

It is only a few decades since countries in South Asia gained independence from colonial rule. This new era gave hope for justice, equality, security and livelihood, principles that underlie the constitutions of many of the countries in the region. Also promised was the opportunity, particularly for the marginalized – women, rural poor, dalits, ethnic and religious minorities – to have a say in the direction that the nations would move towards and a share in its benefits. However, it was not long before, from the 1970-1980s, that most of these countries began to adopt neo-liberal economic models of development, with several nations assuming varied forms of political authoritarianism. For the vast majority of the people in these countries, this shift led to erosion of livelihood avenues, food insecurity, poverty, assetless-ness, owing largely to loss of their traditional access and control over natural resources—the forests, pasture land, agricultural land, the coasts, water and water bodies.

Food security is threatened by loss of biodiversity and loss of knowledge, and the dumping of agricultural surplus from northern countries. The appropriation of land and water resources by large multinational corporations and the elite has led to displacement and marginalization of large numbers of rural and indigenous communities. Women are forced to enter exploitative working conditions in industries, domestic work, migrant work and sex work. Women suffer the most from liberalization in Asia where the economic crisis has brought with it massive unemployment and displacement.

South Asia is the site of extreme human rights violations, discrimination. Retrograde cultural norms, son preference, violence against women and girls persist. Being poor, differently abled, belonging to a minority, including sexual minority, of a disadvantaged group, make women even more vulnerable.

South Asia is also the site of intense struggles and peoples' movements which has witnessed wide participation of women, often in leadership roles, of women from

the marginalized sections, rural poor, dalits, tribal /indigenous communities, pastoral and coastal communities, religious minorities. Such struggles have, more often than not, been carried out in isolation, with little knowledge of the efforts of other groups elsewhere in the country or region. There has also been little opportunity for these women to come together and share their experiences and insights. However, these struggles have pointed to the following:

(a) the need to develop an understanding of the loss and transition in women's access and control over productive resources which are also located within varied contexts. Also lost are women's traditional skills, crucial in sustaining the livelihood of their households. Hence, the links between poor women's occupational specialization, the knowledge and skills that come from that specialization and the distinct attitudes and concerns that women display regarding the destruction, degradation or disappearance of their forest, land and water resources, needs to be recognized;

(b) the need to recognize women's predominant role in agriculture, in food production, and in the food chain;

(c) to understand the challenges posed by political restructuring, in particular, religious fundamentalisms that reinforce the denial, often violently, of women's rights and entitlements to land and other resources and also leading to newer conflicts;

(d) need to understand how women, through struggles, are building alternatives. People's struggles, in particular where women are in the forefront, have demonstrated how the state can be made accountable to bring in pro-people and gender-sensitive legislation, how *de facto* control over resources can be established by women.

## **Chapter 3**

### **Women's struggles, diverse contexts**

#### **Pakistan**

The 8 March, 2008 rallies at Murdan, Lahore and Karachi by Women Workers Line and Labour Education Foundation attracted over 5000. This was the largest mobilization of women across Pakistan by any other group on this day.

The Labor Education Foundation held a 2,400 people strong rally in Karachi which raised slogans against military dictatorship, discriminatory laws against women, for democracy. It saw one of the largest mobilizations of working women.

Earlier, over 2,500 women attended a seminar at Mehfil Theater, which was over packed to capacity with many standing outside the hall. They heard the representatives of advocate movement, missing persons, Labour Party Pakistan and WWHL. Special awards were given to outstanding women in struggle included Nazli Javed who is the Secretary, Women of Labour Party, Pakistan and a leader of the Labor Education Foundation ( Anjuman Muzahreen Punjab), a front of tenant farmers.

About 68,000 acres of state owned land in Punjab are the site of the most significant popular struggle in Pakistan in recent times and led by Anjuman Muzahreen Punjab.<sup>7</sup>

Traditionally, the farmers were sharecroppers who handed over part of their produce as rent to the military which acts as the landlord in these military run

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<sup>7</sup> The British colonial administration had first leased what were then known as 'Crown lands' in 1908, setting up military farms to produce subsidized grain and dairy products for the British Indian Army. After Partition, management of the farms – scattered around Lahore, Okara, Sahiwal, Khanewal, Sargodha and Multan, mainly in the Southern Punjab – passed to the Ministry of Defence and the provincial government. The tenant households are the direct descendants of those first taken there in 1908. Male tenants and their direct descendants who had cultivated the land for more than two generations had the right of permanent occupancy.

farms.<sup>8</sup> In 2000, under Musharaf's military rule, an attempt was made to unilaterally change the rules—farmers being told to sign new rental contracts which required them to pay rent in cash. This contract system would replace the harvest shares or *battai* system<sup>9</sup> under which individual farmers did not have contracts with land owners. The farmers refused, fearing that this was the first step towards evicting them from the land on which they lived and worked for generations and turned it into one of the most fertile land in the country. The centre of the struggle of tenants was in Okara district where the military claimed to own 17,000 acres of land. This move by the military contradicted Musharaff's own policy announcement in August 20, 2000: "all state land would be allotted to landless farmers" and he had directed that "all four provinces to give ownership rights to all such people who had been living on state land for a long time".

"Initially, the movement sought help from the Jammāt –I- Islami who opined that it was is God's decision, to be accepted as fate, and thus to live peacefully and follow orders. The Pakistan Peoples Party was also approached since their slogan was for *Roti, Kapda, Aur Makan* (food, clothes and shelter). However, nothing happened. Then the help of Labor Party of Pakistan was sought which received favourable response", according to Nazli Javed. The first public protest took place on 7 October 2000, with a *dharna* (sit in) in front of the Deputy Commissioner's office in Okara. Two days later, the police arrived at some villages. As the menfolk were being roughed up, women and children poured out of their homes, hurling stones at the police. Many tenant activists were arrested. The resistance also drew severe repression by the Rangers who resorted to killings, arbitrary arrests and detention. Women and children were not spared either. Farmers were also subjected to "forced divorces".<sup>10</sup> The struggles led to a flashpoint in May-

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<sup>8</sup> The Pakistan Army is one of the largest landholder in the country. Urban land is also used publicly by the military to dispense patronage to civilians and perks to its own officers. Similarly, agricultural land symbolizes the powerful status of the military

<sup>9</sup> This system was part of the Punjab Tenancy Act of 1887

## PAKISTAN: Peasant women lead land struggle

26 June 2002

### By Eva Cheng

In the latest attack on a growing struggle by peasants for land rights in Punjab, police raided seven villages in the Khanewal district on June 8. Eight people were arrested. Many more would have been detained had it not been for the militant defence offered by hundreds of peasant women, who held a senior police officer captive for hours.

The authorities' attacks increased after a June 2 gathering of 6000 peasants defied a government crackdown that has resulted in three deaths and hundreds of arrests. A similar gathering in November attracted 10,000 participants with an impressive representation of more than 1000 women.

June 2003 in the Okara Military farms<sup>11</sup> when the Rangers<sup>12</sup> surrounded them, restricting movements, cutting off water and electricity supplies.

It was in this context that women joined the struggle as it was a struggle for survival. This led to the formation of the *thapa*<sup>13</sup> force of women. As Nazli put it, "It was meant to wash the brains of the Rangers. Whenever the harvest was ready and when the rangers approach, the women would run to the *haveli* where the thapas were kept and stop their vehicles. Once a senior officer was surrounded, he pleaded that he had only one daughter and wanted to settle the issue. Women, along with their children were also part of many *dharna* and now eight years on since the struggle; no crops are being given as payment to the military who control the land."

Today, the struggle led by Anjuman Muzahreen Punjab (AMP) has developed into a popular movement, with some of its members also winning seats in the local elections.

Women's active and visible participation inspired many. In April, 2008, at an AMP rally, hundreds of women were seen with their *Thapas*. Addressing the rally, Nazli Javed stated, "This is not surprising. Women have been harassed and beaten by the Rangers, but they have always remained in the front lines of this

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<sup>10</sup> Pakistani security forces have targeted the sons-in-law of tenants who refused to consent to the new contracts, torturing them until they agreed to divorce their wives. Its aim was to publicly shame the fathers-in-law since divorce is looked down upon in rural Pakistan society and perceived to bring dishonour to the bride's father and his family..

<sup>11</sup> Pakistani military does not hold legal title to land at the heart of the dispute—the Okara Military Farms. It has had long-term leases to the land and the formal title to the land continues to rest with the government of Punjab province

<sup>12</sup> Pakistan Rangers, a paramilitary force is used for border security. Although the Rangers are nominally under the jurisdiction of Pakistan's federal interior ministry, they draw their cadres from military personnel and work in close conjunction with, and often at the behest of, the Pakistan Army.

<sup>13</sup> A wooden bat traditionally used by women to clean clothes at river or canal banks

battle. No movement can succeed without active participation of women. History will remember the sacrifices that women have made during this movement.”

## **BANGLADESH**

A 27 July 2008 newspaper report from Dhaka (titled “Women’s policy sneakily changed”) reported that women activists had stumbled upon the fact that the present government had quietly changed, over a year ago, the national Policy for Advancement of Women (NPAW), negating several equality principles. The NPAW had been formulated as part of post Beijing Conference process in 1997. When women activists approached Moudud Ahmed, the Law Justice and Parliamentary Affairs Minister who was said to be part of the cabinet committee that revised the policy, the minister expressed surprise that the Awami League headed government in 1997 had provided for equal inheritance rights. He said, “No government in Bangladesh can commit equal shares in inheritance. It’s a very nice deal but will go against Quranic principles”. The new policy drops the provisions of equal opportunity or equal share in property and assets, strikes out inheritance, property, assets, and land rights from a list of prerequisites for women’s economic empowerment. Of the special provisions mandatory for institutions employing large numbers of women, housing has been dropped. Earlier on 8 March, the government had announced a National Women Development Policy 2008 which had led to protests from Islamic fundamentalists groups and clerics. The caretaker government formed a 20 member committee “to identify inconsistencies in the policies as per Islamic rules and suggest steps”. The changes in policy followed. Women’s groups have for long been struggling for policy and concrete action plans for gender equality in 1997, 2004 and 2008 in particular. <sup>14</sup>

However, these policy changes that have recently come into force “go against the main spirit of the Bangladesh liberation was ( 1971) which was the establishment of peasants rights over land as well”, asserted *Sultana Akter Rubi*, the supreme court lawyer, women’s and rights activist.

The Constitution of Bangladesh guarantees equality and in the articles 13, 14, 15, 16 and 19 which contain the basic principles of state, the rights of people over

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<sup>14</sup> Chowdhary, Naima: Situation Analysis of Women’s land Rights in Bangladesh, Action Aid presented at this workshop.

land and agriculture is stated. There is approximately 4.6 million acres of *khas*<sup>15</sup> land and despite a specific government declaration on distribution of *khas* land to landless and rural poor, the poor are becoming poorer and the percentage of landless increased from 33per cent to 57per cent of rural poor.<sup>16</sup>

Through the past three decades, rural poor women in Bangladesh have continuously struggled for their land rights and access to land for empowerment since land is a key productive resource. A recent survey by SAMATA, a rights-based organization working among landless and for land rights showed that a piece of land, an acre, can ensure food for a household of five members. It helps a poor peasant household sustain its livelihood on its own. Without dependence, the family gets dignity and social status.<sup>17</sup> A few years ago, three mass meetings were organized in Rajbari district (south east Bangladesh) by the Land and Agrarian Network for Development (LAND) demanding *khas* land for landless and water bodies for fisherfolk. Slogans such as “We want khas land” and “Khas land for cultivators” rent the air. What stood out was the large presence of women; they constituted about 75per cent of the gathering. What drew so many women in this meeting? “We are all involved in this struggle for khas land. It is a hard struggle. We have to fight the *jotedar* (land grabbers) and *mahajans* (traders/money lenders). We also have to fight the police who always side with the rich and influential. Look at Ameena, so many false cases have been filed against her and others too who are in this struggle. We have come to show the police and land grabbers that they are not alone. The law and the people of this are with us.”<sup>18</sup>

Women also pointed to problems they faced within their family. The only way out was to seek support from other women. One burst into tears while narrating her experience of being driven out of their home, with only one cloth and a baby in her arm. She lives with a neighbour. When she approached an organization, they stressed the need for her to stand on her own feet. Ownership of land will enable her to resist harassment as well as negotiate. If women own land even, men cannot torture them. She said, “Now I have changed and will change society”.<sup>19</sup>

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<sup>15</sup> Public land and includes water bodies

<sup>16</sup> Rubi, Sultana Akter (2008); *Land ownership & access to land: grassroots level experience perspective of Bangladesh*, paper presented at this workshop..

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Ibid

The women present there also saw common interest of the husband and wife acquiring *khas* land and some were already living on such land which was not leased to them despite many petitions. A woman participant said, “Both of us, husband and wife, were supposed to come but I have come alone. My child’s father has gone to work. We both want *khas* land, then we can send our children to school and live like human beings.”<sup>20</sup> The willingness to change, the mental attitude to fight and helping others in their times of trouble, these were the reasons why so many women were present at this mass meeting.

There are many other social barriers to women moving towards development—hundreds die owing to early marriage and dowry. Violence – beating, throwing acid, rape, murder – is rampant. It was in such an environment that SAMATA formed the Women’s Action Committee (WAC) to fight for rural poor women’s land rights. A significant role that WAC plays is in building the capacity of women, training them on procedures, how to approach land administration and so on. Regular household level meetings are held, the most needy women headed households<sup>21</sup> are identified and they all gather and discuss land issues. WAC helps such families apply for *khas* land or water bodies. If any of the families get land, it inspires other women to join the struggle. Through such efforts by WAC, the landless have received 33381 acres of *khas* land (1 acre for each family, with joint titles) and 80 acres of water bodies on lease.

There is no legal concept of co-ownership of marital property in the country. Unless a woman's name is actually on the land document, she has no ownership interest in that family land, even if she contributes to the land by working on it or processing the crops from it.

With the help of SAMATA, thousands of poor families have moved to Milon Char. Milon Char is an island in the turbulent Gomani River in mid-west Bangladesh. It is an inhospitable area which until recently was uninhabited. Yet, for the neglected people at the margins of Bangladeshi society, it provides an opportunity to own land and build a future

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<sup>20</sup> Ibid

<sup>21</sup> Female headed households are 12per cent of all rural households but they rarely get a chance to acquire *khas* land, according to Dr. Abul Barkat’s study *Political Economy of Khas Land in Bangladesh* (2001):

Speaking of her experience in Pabna Zilla, *Akter Bano*, a grassroots activist, pointed to the increasing violence against women and the need for equal rights within the family to reduce violence.

The Association for Land Reform and Development (ALRD) has also held round table dialogues on women's land rights and the need to end patron-client relationships in the socio-economic spheres. Such initiatives will help initiate social change. It was noted that the culture of fundamentalism was being used for usurping land and other properties, and thus marginalizing indigenous and religious minorities and women. Recently, the government tried to place Bengali settlers in areas inhabited by indigenous people. Customary and community land ownership of the hill people needs to be recognized.<sup>22</sup>

Just like in other countries of South Asia, there have been intense struggles in the Chittagong Hill Tracts (CHT) in Bangladesh where ethnic/indigenous communities have been marginalized. The state has subjugated communities through force, military and enforcement of demographic changes. A movement for the protection of forests and land rights in CHT has been active for long. The indigenous communities have been denigrated as *upajati* (tribe) by the government although as per the 1900 CHT Regulation and Act 12 of 1995, the people of this region have been referred to as indigenous.<sup>23</sup> The Garos and Khasis are matrilineal groups where property is inherited by the youngest daughter. However, it is the men who decide how the land is to be inherited. In other communities such as Chakmas, women do not inherit property. Though a Land Commission exists in the CHT area, it needs to be effective. A separate land commission for indigenous communities living in the plains is the demand by the Chakmas. With liberalization of the economy, eco-parks have been set up, thus depriving indigenous women their traditional access to the hills. As it is, indigenous women face the brunt of state violence, sexual violence and so on during military operations.

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<sup>22</sup> Seminar on "Women's Right to Land in Bangladesh" organized by ALRD, Action Aid Bangladesh, Nijera kori, 31 march, 2008, ALRD Newsletter, Issue01, June , 2008, Dhaka.

<sup>23</sup> Indigenous people of the low lying lands are identified as aborigines by Section 97 of East Bengal State Acquisition and Tenancy Act of 1950

The right to land, property or adequate housing is not expressly guaranteed as a fundamental right in the Sri Lankan Constitution although “adequate housing” and “adequate standard of living” are part of Directive Principles of State Policy that are not legally enforceable. Right to life which could open the way to other rights is also not included. While the Constitution gives freedom of movement and choosing one’s residence within the country (Article 14-I-h), this is subject to considerations of “national security, protection of public order, public health or morality and meeting just requirements of general welfare of a democratic society”

ALRD has also highlighted the plight of Hindu communities who have lost 26 lakh acres of land from 1965–2006, with about a crore Hindus fleeing from Bangladesh from 1961 to 2001 owing to cultural/religious oppression and deprivation caused by the Vested (Enemy) Property Act. Calling for the repeal of the law, ALRD expressed concern that it was not clear whether women successors will get their share of property if the Act was repealed as the Personal Law is not clear about this.<sup>24</sup>

## **Sri Lanka**

The ethnic conflict in Sri Lanka displaced 800,000 people in the north and east while the more recent (2004) natural disaster, the Tsunami displaced another 800,000 including those displaced by conflict, some more than once. These gave a new dimension to the issue of property and land rights.<sup>25</sup> In Sri Lanka, as in

almost all countries affected by the Tsunami, construction of large -scale tourist hotels and tourism zones has become a major development strategy in the post Tsunami development process and planning by governments.<sup>26</sup> These issues have also brought the gender dimension to land and property rights to the forefront. This includes a re-look at the Constitution, the systems of customary and personal laws, in particular what prevails on the ground and women’s livelihood in the context of both conflict<sup>27</sup> and the Tsunami.

In 2007, CENWOR called a meeting of groups to discuss women’s right to land and property. The objective was to learn and share from any research conducted by groups and to discuss how to move ahead together.

<sup>24</sup> ALRD Newsletter, Issue 01, June, 2008, Dhaka

<sup>25</sup> Centre For Policy Alternatives (2005): Landlessness and Land Rights in Post- Tsunami Sri Lanka, Commissioned by IFRC.

<sup>26</sup> Peoples Report: Fisheries Based Livelihoods in post Tsunami context- India, Maldives, Sri Lanka, Thailand

<sup>27</sup> Wanasundera, Leelangi (2005): Rural Women in Sri Lanka’s Post Conflict Rural Economy, CENWOR, Colombo

According to Cyrene Sriwardena from CENWOR, there was a mismatch between the legal rights and ground realities. Where legal sanction was lacking, it was more difficult to address the issues. In the Land Development Ordinance itself, the heir in the male line – such as eldest son or a male cousin – is recognized by the state. The household is viewed as a homogenous unit and land is distributed to the male heir as the head of the household. Even in cases that come before the land *kucheri*, this practice is followed. Discrimination also prevails in housing, housing loans and in transferring houses. While institutions such as NHDA offer joint ownership in land, there was an urgent need for a one-window approach.

Shyamala Gomes from the Women's Housing Rights Program <sup>28</sup> held that COHRE began to engage with the government on issue of joint titles to land. The 1940 State Land Ordinance gave land title only in the name of one person. Nothing was found in the present law that denied joint ownership. Grants of state lands to those affected by Tsunami were being allocated under the State Land ordinance. There was a common perception that this ordinance did not permit joint ownership in allocations of state lands. Discussions with the Land Commissioner's department revealed that there was no express prohibition in the law on conferring joint ownership titles. It had emerged as a practice only for the sake of administrative convenience. When COHRE approached the Land Commissioner, he initially said that joint titles were part of the law, but in practice the single title was more convenient since couples fought over land. He held that he could not take any action and suggested that COHRE approach the Attorney General to get authority to act on this issue. Approaching the Attorney general through the Ministry of Land, a list of questions were submitted. About four months ago, a positive reply came in favour of joint title and with this authorization, COHRE again approached the Land Commissioner. There was, in fact, reluctance from the state to change. A government circular is expected to be sent on joint titles, particularly to local levels.

At the heart of the issue of joint titles was the concept of the head of household in Sri Lanka. It was reflected not just in popular perception but also in the thinking of government officials and hence in official accounting systems and programmes/schemes.<sup>29</sup> The department of Census and Statistics, for example,

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<sup>28</sup> Centre For Housing Rights and Eviction ( Geneva) , Colombo unit or COHRE

<sup>29</sup> COHRE Briefing Paper, Issue 1, January, 2007, Sri Lanka.

defined the head of household as “the person who usually resides in the household and is acknowledged by other members of the household as head”. This definition matches with prevalent social perceptions that see the husband or eldest son as the head of household. These perceptions are part of public life in Sri Lanka. According to the Department of Census and Statistics, 70 per cent households in Sri Lanka are male-headed while 30 per cent are headed by females. As revealed by a study of Batticaloa (2005), many households are headed by women because of conflicts, death threats to men during the war, natural disasters, migration and so on.<sup>30</sup>

Concluding Observations of CEDAW (2002) urged governments to develop policies and programmes to improve the condition of female-headed households and to recognize female-headed households “as equal recipients and beneficiaries of development programmes”.

The head of household concept prevailed at many levels of civic life. It is part of the day-to-day dealings of state administration. It can be seen in various forms—the ones used by *Grama Niladhari* for the voters list, the birth and marriage certificates and so on. In the Poverty Report of Sri Lanka, this concept becomes the standard for measuring poverty. Income, educational level and criteria for the poorest in the district are assessed through use of this concept. Such use not only reinforces the idea of head of household but also ignores realities such as the economic contribution of the wife to the household, contribution of other members of family in decision-making, and the different types of families that exist.

Prior to the Tsunami, a survey<sup>31</sup> among women land owners (5 per cent women who owned land in Ampara, 20 per cent who owned land in Hambantota, 8 per cent in Batticaloa, 26 per cent in Galle and 41 per cent in Matara) showed that 70 per cent was owned by women while 26 per cent had been encroached upon. 44 per cent of women had inherited property, 8 per cent received it as gift, 20 per cent purchased it and 28 per cent acquired it by other means. Of all the women,

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<sup>30</sup> Study conducted by Suriya Women’s Development Centre, 2005

<sup>31</sup> COHRE Report: Post Tsunami: Women & Their Right to Own Property: Report of 100 Case Studies from Southern and Eastern Provinces in Sri Lanka. COHRE has also prepared a Gender Guideline to Tsunami.

64 per cent had clear titles. Only 44 per cent had received land from government after the Tsunami, and others received land from private institutions.

85 per cent of land given by the government or the private sector after Tsunami was in the name of husbands, where the original title holders were women. 85 per cent held that the form for grant of such land contained the category of "head of household". It is notable that 30 per cent of women had taken legal action to claim property held in their name, while 31 per cent had lodged complaints and 10 per cent had initiated other action.

Among the women interviewed, 85 per cent firmly held the view that women should have right to own property. Such rights gave women the opportunity to take decisions regarding property, and were seen as useful for marriage (emphasized by Muslim women), and as security for children's future as well as one's own security in case the husband remarried. This protects women from the threat of the husband trying to sell property due to alcoholism. It ensures women a roof over their head during their lives.

In the coastal areas affected by Tsunami, Muslim women owned 95 per cent of land. Traditional land ownership patterns are being studied, in that how much control women had over the land they owned. Data from the south suggests that 60 to 70 per cent of land is owned by women, and that both men and women inherit. The conflict in Sri Lanka goes back to 1980s, hence protracted and long term displacement has been taking place. Muslim communities have been evicted from the north to the west and continue to live as displaced. Attempts are being made to sensitize women who go to *kucheris* so that they ask for land titles in their names.

[Even as struggles for women land rights are ongoing, efforts are on also to build alternatives, particularly in the sphere of food security. Ranjit De Silva shared how Gami Seva Sevanan works among different communities and women in particular , promoting organic farming: among Tamils in Urani, Muslims in Pothuni and Tamil/Muslims in Paana.. The responses are varied. For example among Muslims, it was more difficult since women look on while men work. However, among poor Muslim women, there was more keenness to work on kitchen gardens, particularly post Tsunami. Men were not interested in homestead land. A team of two men and two women helped in promoting home gardens. In Paana village, tamil women were trained in organic farming. A 1,500 square feet of garden can provide vegetables for a whole month for the family. About 10](#)

varieties of herbs grow with water, rain. In Paana, malnutrition ended. A food festival was held where 80 women brought food cooked from vegetables from their own gardens. People found the food tasty and good. Women earn Rs 200 to 3000 per month from their home gardens. Where earlier women used to buy vegetables, now they save upto Rs.1000 per month. Even the army camp buys vegetables from these women. A barter system has also developed- for example, with coconuts from army camps.

Exchange of experiences have taken place with Deccan Development Society ( Andhra). It was not enough to give seeds alone to nursery holders. Plants can be given. Women can label them and in turn sell them. Field experience showed that women did not like spraying plants with herbal juices, they hired people for the same. The approach was to give women seeds free for a year and women in return give back 10% of the seeds. In Sri Lanka, seeds are not available anywhere. The alternative was to create own seed banks, collect it, give it back to the people.

## **Nepal**

The struggles of poor farmers and tenants go back to the 1950s and earlier. After restoration of democracy in 1990, political parties raised the slogan of land reforms but had little concrete plans. However, democratic governments failed to address land issues, fuelling armed struggles from 1996. Mass organizations of some of these parties were activated and civil society groups such as CSRC also began to focus on issue of land rights for the rural poor on tenancy rights. Gradually, the movement gained momentum with more civil society organizations joining the support for land rights issues since 2004. However, broader civil society alliance was needed and thus emerged the National Land Rights Concern Group (NLRCG). It has groups with diverse expertise and involvement in a range of activities.<sup>32</sup> However, realizing that this movement should soon be led by the rural poor, the land less and tenants, the National Land Rights Forum (NLRFF) was established in 2004. It is popularly known as the Peoples Organization (PO) involving 0.8 million poor farmers and 996 activists. It has 28 district level and 1,223 village level organizations along with 48,133 members (one per family), including 19,098 women and 25,531 Dalits. Mass

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<sup>32</sup> Basner, Jagat: Land and Livelihood Rights Movement in Nepal, , CSRC, 2008, paper presented at this workshop

*In Nepal, women constitute 51 per cent of the population. Women's contribution on agriculture is 60 per cent. But of the total land holdings women own only 8.1 per cent. And the average size of their land is just two third of that an average male-holdings. Only 4 per cent of the households have female ownership of both land and house.*

*Existing unequal gender power relation is a product of existing land ownership patterns. Men are enjoying greater power as a result of 92 per cent land holdings belong to male population in the country. Because land is a major source of political, economic and social power - access and control over it determines one's status in the society.*

awareness programmes and conventions have been conducted in villages to mobilize thousands of people.

A two pronged strategy has been adopted. Firstly, awareness raising and enhancing their capacity to demand land through peaceful means and second, to advocate with political parties to translate their words into action, practice advocacy with the government to improve land policy and governance. Civil society alliances have conducted many activities including policy debates, dialogues with political actors and high-level government officials. They have also conducted research studies suggesting concrete alternatives. This has been combined with mass actions such as rallies, demonstrations, disruption at government offices to draw the attention of state mechanism and political actors. While several agreements have been signed with the People's Organization, they are yet to be implemented since Nepal is passing through a period of political transition.<sup>33</sup> However, these struggles have led to significant achievements such as land rights receiving national recognition at the level of political parties as well as in the peace process. It has also found a place in the interim constitution.

The state shall pursue a policy of uplifting economically and socially backward indigenous ethnic groups, Madhesis, Dalits, including marginalized communities, labourers and farmers living below the poverty line by making provisions for reservation for certain period on education, health, housing, adequate food and livelihoods

Interim Constitution 2006, Article 35 (10)

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<sup>33</sup> Ibid

Land reform has been the slogan of popular movements since the 1940s in Nepal. However, even the slogan “land to tiller” did not perceive women as independent tillers. Academic discourse has also ignored the issue of women’s land rights.<sup>34</sup> This needs to be put in the broader question of why women are controlled by men, discriminated against, subjected to domestic violence, face more food deficit, and are not regarded as farmers, a concern that extends to South Asia. Nepali women are major producers and providers of food but they are looked down upon whereas men’s role always highlighted as “superior”. In fact, the term used for husband is master, lord or owner. Concerns expressed about women’s access and ownership of land includes the following:

**1. Lack of knowledge:** There is no information on the percentage of adult women owning land, the male-female share in land ownership, the proportion of female-headed households with ownership of land, male-female share in *private* land, percentage of female-headed households among all recipients of *government* land, percentage of women with land ownership who also have command/control over the same land and so on?

Women’s share in privately owned agricultural land is less than 4 per cent.

**2. Recognition of women as human beings:** the need to recognize the monetary value of economic and household activities of women and its incorporation in national accounting systems is urgent. Women also should be recognized as farmers.

**3. Lack of responsiveness**

Most of us are non-responsive; some are superficial. Why? In establishing women’s rights to land, why are the State and governing institutions one-eyed? Why is civil society not that active? Why is NGO community and those related to land rights not that vibrant? To the contrary, why are the religious fundamentalist political parties and their allies so active against women’s equal rights?

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<sup>34</sup> Basnet, Jagat: “Women’s right to Land: A neglected issue” , Community Self Reliance Centre (CSRC) Nepal, presented at this workshop.

4. Since corruption in land administration and legal complexity in land laws prevails, the challenge is to work out ways to transform land-bureaucracy to be poor-friendly and women-friendly. What can be done to re-design land laws which can be easily understood by the common people?

5. Lack of seriousness about land reform. There is no policy or programme to promote women's land rights.

*An unjust picture of women's landholding in Nepal*

Women constitute 51.1 per cent of the total population (23 million) in Nepal (Census 2001). According to the Human Development Report, women's contribution to agriculture is 60.5 per cent, but these women hold only 8.1 per cent of agriculture land. The average size of their landholding is just two thirds of that an average landholding by men. Likewise, only 4 per cent of the women own both house and agriculture land.

6. Poor people themselves are dormant. Poor people (men and women) themselves are not organized to realize their Constitutional and *justiciable* rights on land. It is forgotten that in all land-struggle women always played front-running role. What are the problems of organizing women- these were issues that need to be addressed.

7. Need for political will and commitment: "Land to poor men and women" is, ultimately, an issue of political will and commitment. How this political will and commitment will come to the forefront remains as the key question.<sup>35</sup>

Organizations such as CSRC have been advocating for women's property and land rights through review of property laws and state policies, launching advocacy campaigns, holding consultations and dialogues with political actors and government. These have led to women's land rights surfacing in debates at community, political party and government levels. Such efforts have also led to the government bringing in a policy to waive 25 per cent revenue if land ownership is registered in the name of women. Advocacy campaigns for inclusion of women in the Land Reform Commission and among elected members to the

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<sup>35</sup> Ibid.

Constituent Assembly which includes 33 per cent women continues.<sup>36</sup> There is a need to influence policy and political discussion to include “land rights, in particular women’s land rights as a development issue and also in the poverty dialogues in Nepal. With 33 per cent women now in the Constituent Assembly, possibilities for women’s land rights finding a place in the Constitution are greater and an alternate draft is being discussed and prepared.<sup>37</sup>

## India

Varied land rights movements – some a few years old, some older – using different strategies, focusing on different constituencies of rural women and fishing communities are ongoing in different states of India.<sup>38</sup> While the struggles for recognition of women’s work in national accounting systems, policy, programmes go back to the early 1980s in India, the struggle for *recognition of women as farmers* is more recent, as the experience of DISHA indicates. This demand has also evolved from its work among rural poor and landless, in particular, women, in Saharanpur (Uttaranchal). The initial struggles were for minimum wages and equal wages for women who received one-third of male wages. There was also no facility for child care. Women were involved in planting, harvesting rice (the Basmati variety) and so on. Unionization followed and in

1989, women organized the first strike when they refused to harvest the crop. When the landlords tried to hire women from other villages, these women asked for equal wages and compensation since they came from far-off villages. A large procession of women was held and several cases filed against activists including its leader, *KN Tiwari*.<sup>39</sup> The ‘*Mahila Mazdoor Evam Laghu Kisaan Morcha*’ (the association of women farmers and small and marginal farmers) was formed. The

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<sup>36</sup> Presentation by Saraswati at the workshop. Women form 33.21 percent of the 575 elected representatives. In the present Constituent Assembly 74 women candidates are from the Community Party of Nepal (Maoist), 39 from the Nepali Congress (NC), 36 from the Communist Party of Nepal - United Marxist Leninist (CPN-UML) and 13 from the Tarai-based Madhesi Janadhikar Forum (MJF).

<sup>37</sup> Ibid

<sup>38</sup> Ekal Nari Sangathan ( Rajasthan), DISHA ( U.P), APVVU (Andhra), Deccan Development Society (Andhra), Working Group on Women & Landownership ( Gujarat), UDHAYAM (Kerala)

<sup>39</sup> Paper presented by KN Tiwari: “DISHA’s Work in the field of Land Rights: Securing equal and minimum wages for in agriculture for women”.

The survey revealed that 91.7 per cent of women in Uttar Pradesh were engaged in agriculture all through the year and of all the agricultural labourers, 70.4 per cent were women. 85.2 per cent of the surveyed women contributed 3-4 hours daily working in their fields. At 55.8 per cent, they contribute more than half of the total work in agriculture. The figures turn bleak when it comes to their rights. Only 6.5 per cent of the women in Uttar Pradesh, who work in agriculture, have rights on the land. Not a single woman who was included in the survey, had ownership on resources and important tools for agriculture. Only 7.6 per cent of the women had access to information and government schemes. A mere 4.2 per cent of them had any say in deciding sowing of crops and 28.4 per cent had a say in the decision of sales of the product.

movement gained enough momentum during 1989-90 to jolt the landlords. Minimum and equal wages were thus secured for agricultural labor. With this came the realization that women could also demand land. Under the law, the *gram panchayat* could give government land to landless. In most cases, the land was reverted to the landlord. A peaceful movement was launched to give land *pattas* back to the landless at *Tehsil* levels. Those given land did not have ownership and some in villages of Saharanpur who had been given ownership ten years back, their ownership was cancelled. DISHA approached the High Court at Allahabad and was able to secure “stay orders” for hundreds of farmers whose ownership had been cancelled. From June 2006, a campaign <sup>40</sup>called *Aaroh* was launched in 10 districts of U.P. along with other civil society groups for due recognition of women as farmers. Preceding the campaign, a survey was conducted in 10 districts of U.P., 10 villages, covering 2,500 women farmers which showed that *women were treated as labourers and not as farmers*.

At Disha’s Head Office in Saharanpur, a book carrying the survey results was released by Shri V.K Sisodia, GA, Saharanpur. He spoke on the Government’s programme on gender focus in agriculture for 2006 -07. As per this, spray machines would have to be distributed to women farmers on 50 per cent discount. Shri Sisodia sought Disha’s cooperation for this distribution of these machines to women farmers. The machines were then distributed to women farmers at the Head Office of Disha in October 2007.

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<sup>40</sup> The campaign is being coordinated by Gorakhpur Environmental Action Group (GEAG), a premier NGO of the state. The campaign covers 10 western districts of Uttar Pradesh namely, Muzaffarnagar, Meerut, Bijnaur, Bulandshahar, Muradabad, JP Nagar, Ghaziabad, Rampur, Aligarh and Saharanpur. Disha implemented the campaign in these districts through its partner organizations and directly in Saharanpur district.

The campaign for recognition of women as farmers raised the following demands:

- ownership and right on land, that is having land in the name of the woman;
- access to resources and information on government schemes/benefits;
- playing a role in the system as farmers, participating in training and other programmes; and
- equal say in decision- making.

The activities included orientation meetings at regional and later at district levels, visits to departments to gather information on women farmers. The Agricultural Sciences Department was approached for information on training available for farmers and status of participation of women in them, Banks were approached to gather data on the number of *Kisan Credit Cards* (KCC) in the name of women and *Tehsils* were approached for gathering information on the total number of farmers with land ownership and the number of women in them. *Mandi samitis* were visited in the districts to determine women's membership in them.

The campaign was inaugurated on 24 July, 2007 in Saharanpur. It was attended by 500 women farmers from various villages and members of civil society groups. Street plays, particularly a play titled "Mahila Kisan", was also staged. Village level meetings were held and self-help groups in villages also spread the message. A state-level workshop was held in Lucknow that was attended by organizations from 50 districts. The Aaroh campaign also put forward this issue at the India Social Forum in Delhi during December 2006.

Extending its links, Disha collaborated with a national-level land rights network- Consult on Women and land Rights – in organizing an exposure visit of 20 women farmers from its intervention areas to 'Krishi Vigyaan Mela' in January 2007 in Delhi. Women farmers got an opportunity to see innovative and new techniques and tools in agriculture. The women also participated in a seminar on agriculture and farmers. The mere presence of 20 women calling themselves 'farmers' was almost a surprise to the total male gathering of farmers in the mela and the seminar. A similar trip was organized for 20 women farmers to I.P.M Lab, Jalandhar in February 2007. The reason behind this training was to

disseminate knowledge to women farmers about disadvantages of chemical fertilizers, insecticides and pesticides on the land and farm and ways to prevent crops from being harmed by pests.

A procession titled *Mahila Kisaan Hit Adhikaar Yatra* was held in January, 2007 in five gram panchayats of Saharanpur district. Disha's representatives and women farmers from the villages of the respective gram panchayats participated in the procession. It passed through the villages of Khera Mewat, Bargaon, Bhojpur, Dasa Majra and Gathera before it was concluded. Women farmers from every gram panchayat handed a request letter to the *Pradhan* of that village requesting that the Government schemes for agriculture should be accessible to women farmers as well. The participants handed a letter to the District Magistrate of Saharanpur, which was addressed to the Governor of Uttar Pradesh, demanding that women farmers should be recognized, legally and constitutionally acknowledged and the provisions for women farmers in the present agricultural policy of Uttar Pradesh be implemented in letter and spirit. 1000 female and male farmers participated in this event and travelled a distance of 18 kilometers on foot and buffalo carts. Pradhans of all the villages where the procession was carried out participated in it.

Following the success of this programme, it was extended in 2008 to entire 70 districts of U.P. *Disha* continues to implement and promote the campaign in 14 districts of western Uttar Pradesh. Four new districts have been included this year—Mathura, Hathras, Baghpat and Gautambuddh Nagar. The *Aaroh campaign* has served as a strong medium to address the agenda of women's rights to resources, land being among the most important for rural women.

An article in Charkha Vikas Samvad in October 2004 reported the following:

***Widow wears red with pride***

By Usha Chaudhary

BAJAD VILLAGE, RAJASTHAN:

Kanchan Devi, a widow in Bajad village of Rajasthan, shocked everyone by donning red headgear in the marriage of her son despite objections and opposition of her family and villagers. They did not approve of her behavior and decided that she should be socially boycotted. But Kancha Devi had no regrets for what she had done. She argues that she has every right to attend her son's marriage, despite being a widow, for she is also a mother.

It was the strength of the organization *Ekal Nari Sangathan* (Rajasthan), formed in 1999, that gave courage to Kanchan Devi to face her family and village community. Ekal Nari extends over 24 of the 33 districts of Rajasthan.

The term 'Single Women', unlike its popular perception, not only comprises single, unmarried women but divorced, abandoned and widowed women as well. And, as you may know, their numbers are not small. In fact, at least 8 per cent of all females in India are widows. Besides, there is a fairly large group of women who are separated, abandoned, thrown-out, walked-out women and those who stay single by choice or circumstance. Even if 10-12 per cent of all females in India fall in the 'single women' category, the number is well over 55 million

According to Ginny Srivastava,<sup>41</sup> the strategy of approaching courts was slow, expensive and had loopholes in the legal process, although the Hindu Succession Act (HSA) gave clear rights to widows. Hence this strategy was abandoned. The strategy of direct action was adopted. When a widow approached Ekal Nari Sangathan, a committee is sent to the *patwari*<sup>42</sup> to look at the land records. A date was set by the organization for claiming the land and the Collector is approached who generally sends the revenue official. The superintendent of police is also called upon. An elected member of panchayat or the *sarpanch* is also invited. Women from Ekal Nari and other groups are also invited. The *patwari* reads out the title usually to the brother-in-law, who may not show up. In declaring title, the women's movement, police, administration and elected representatives are involved. As Ginny Srivastava put it, "*she farms her land, feeds her children and justice becomes a reality*". This approach has been successful, with lawyers only giving advise.

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<sup>41</sup> Presentation by Ginny Srivastava on *Ekal Nari Sangathan* (Rajasthan) at this workshop

<sup>42</sup> Revenue clerk

Single women constitute a separate unit in their own right, a reality ignored by policy and the society at large. With few social security options, they are among the most vulnerable sections of society who are yet to find a place in mainstream development discourse and practice. Single women households are often not recognized as separate units for resource allocation. (In the recent evaluations of NREGA, single women were denied job cards. The recently enacted Forest Rights Act is also silent about single women). Even when close to a fifth of all rural households are headed by females, few women hold titles to land. Access to and ownership of land can offer single women escape from exploitation both within and outside the house, and thus give them dignity and greater independence

A small study on the percentage of women abandoned put it at 2 per cent, a conservative estimate. The survey showed that one-third of all widows who have land rights were facing problems. Women do not make claims to land rights in

Of the 5.4 million people in India who survive on fishing activities, 1.6 million are women. In Kerala, the fishing population is about a million strong and inhabits 222 fishing villages along the coastline.

their natal household. Many say, "I have to return to my home, so I do not make claims". In tribal households, land rights are denied to wives in the name of stability of the family. This denial of right prevents the wife from going to another man.

Commencing with pension rights, Ekal Nari moved to taking up issue of land and property rights, lobbying for policy level changes, availing benefits from government schemes, including income generating schemes and health schemes.. Now these women have come to know their rights and also raise their voice on social issues like water, employment, education and other social evils. Their activities have forced the government to change their policies.. Their proposals receive priority in Gram Sabhas and their sons are provided free education up to graduation level (education for girls is already free). Widow pension was enhanced. It was because of their active presence that in 2002-03, the Government gave priority to single women in drought relief works. During elections, they lobbied with various political parties on issues related to them so that issue of single women is accorded priority in their manifestoes.

Another constituency of women – the fishing community – has had a long history of struggle for land and livelihood. According to *Magline Peter*, fish workers are the first victims of globalization.<sup>43</sup> Tourist resorts are taking away prime coastal land in state. Land is crucial for women from the fishing community- women use the thin strips of coastal land for net making, drying fish, marketing, extended household work and socialization that extends from their houses to the crowded beaches. According to Magline, there are strict laws prevent building houses on the coast. Resorts take away space to build houses, dry fish, socialize, and spaces that men also use to mend and dry nets, park boats and relax. Backwater tourism brings people into “backyard- spaces where fisher women work, wash, bathe.”

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<sup>43</sup> Presentation by Magline Peter, UDHYAM Valiavedi, Trivandrum, Kerala.

## LABOUR-INDIA: Fisherwomen Question Tourism's 'Magic'

THIRUVANANTHAPURAM, Kerala, Oct 1 (IPS) - Beatles star Sir Paul McCartney described his 2002 Kerala tour in one word – 'magical'. For thousands who throng the state's green villages, picturesque backwaters and beaches, the experience is no less than a 'Magical Mystery Tour'. But local fisherwomen say it means new and harsh realities for them.

A group of fisherwomen chose a rather surreal way to mark the World Tourism day on Sep. 27. They gagged themselves, wore headbands sporting slogans and sat in protest in front of the state secretariat. "Tourism in the state is increasingly challenging our livelihoods, environment and culture," said Magline Peter, a leader of the Coastal Women's Front that led the protest.

The women's front and their associates, the Kerala Independent Fishworkers Federation, which has a history of successful trade unionism since the late 1970s, see the protest as part of their long-term campaign to save the coasts. They recently protested a government-appointed review of coastal environmental norms that would eventually allow more resorts and industries to come up along the coast.

The trade unionists had earlier burnt copies of the M.S. Swaminathan Committee report on coasts prepared by a review team, led by the scientist credited with being among the architects of India's 'Green Revolution' for food sufficiency in the 1960s.

Swaminathan's committee ran afoul of green groups for being liberal with exemptions in its review but the government has gone ahead and asked the World Bank for investments anyway.

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coast to private trawlers that harvest fish. Private companies facing, multi-pronged attacks. Women from the fishing community are fighting back as never before. Women's struggles go back to the 1980s when fisherwomen won the right of access to public transport. It is prolonged struggles by women in particular that led to the recapture of traditional fish markets which had been taken away by rich contractors through high taxes and violence. Today, women fish vendors struggle against eviction by contractor lobbies in most coastal areas. The struggle for land is a living struggle for fisher women.

That land reforms and justice for the rural poor, women in particular, is an active agenda, has been brought to the forefront by the *Andhra Pradesh Vyvasaya Vrithodaala Union* (APVV Union)<sup>44</sup> which was formed in 2001 as a federation of trade unions. Its roots go back to 1987 with 17 groups and its perspective looked at caste, class and gender oppression. Initially, the struggle was for equal wages. The organization then focused on release of bonded labor in Ibrahimpatnam and linked their release with employment guarantee and a *rehabilitation package that included land*. In 1991, a study was conducted on the government's program for distribution of ceiling surplus land. The study showed that 60 per cent of the

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<sup>44</sup> Presented by Rukmini Rao at the workshop and includes information given by Chenniah during a discussion a day before the workshop.

land distributed had reverted to the rich landlords. A non-violent struggle was launched by APVVU. Women in forefront of the struggle raised the slogan: “*Men have sold/lost the land, women will fight for the land and get it back.*”

In another struggle for 52 acres, 6 people were killed including a Dalit family – husband, wife, child – and against this a court case was filed by APVVU. The favourable court judgement, punishment to the guilty and rehabilitation package made a huge impact.

- APVVU
- 5, 48,000 members, 65 per cent women, in leadership also
- 424 mandal committees
- State level members: 40, of which 18 are women
- State secretaries- 5; 1 woman secretary
- Membership includes workers from forests, agricultural workers, adivasis, weavers, shepherds
- Membership is Rs. 12 to Rs 50 per person and each Mandal contribute towards to state/ district level work.

The union’s strategy is to identify land that is available and launch direct action. Women’s leadership, action research and direct action are the core of this strategy. In 1991, approximately 1, 82,000 acres of land have been taken from landlords who illegally occupy public land. It has been distributed among women ( 90 per cent)- 60 per cent Dalit, 30 per cent Adivasi and 10 per cent Backward Caste (in Anantpur and Kurnool). APVVU is collaborating with Deccan Development Society for ecological agriculture. In Andhra, women were in the forefront of the anti-feudal struggles - the Telangana movement - which also demanded land rights. However, land was distributed to men, and women did not receive any land. When women participated in the anti-alcohol struggles in the early, it 1990s gave them a public profile. Since then, there have been varied struggles in different parts of the state.<sup>45</sup> According to Rukmini Rao, when DDS started its activities in the semi-arid Deccan region, the initial work involved

digging of wells by men. These wells broke down. The wives approached DDS

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<sup>45</sup> Presentation at workshop on Deccan Development Society (DDS, Andhra) and dalit women’s struggles in building alternatives

*The Sangham was born 15 years ago in our village Metalkunta. In the beginning, we had 25 members. And we began our work taking up a number of projects like savings, roadside tree plantation, balwadi, wasteland development and land lease.*

Ten years ago, we had the first taste of problems in a land lease case. We had taken lease of 3 acres of land for 8000 rupees from a person belonging to the Banjolla caste on terms that we and the landholder would split the profit equally. The soil was 'Nalla Ragadi' (Black soil), and the land had borewell facility. Two acres of land were under sugarcane cultivation, and one under jowar (Sorghum). We worked very hard on the land, and happily shared the profits on a 50-50 basis. We used a part of the produce as seed for another piece of land that we bought the next year from a person from the 'Komati' caste. It was a four-acre piece, all 'erra bhoomi' (Red soil), and with borewell water facility. We cultivated sugarcane on two acres, jowar (Sorghum) on one, and mixed crops on the other one. Well, we were happy with ourselves. Then, we ran into a problem. In the second year, the first landholder started acting up. Like the previous year, we had worked hard the second year too, and raised a good crop. We transported the produce to the landholder's house, and went to him the next day for our part of the share. He wasn't at home. In fact, we couldn't find him for almost a week. And then finally when we found him, he refused to part with our share. He said that he would give us the money if we wanted, but would never give us the food grains. This came as a shock to us. We told him that he was going against the terms of agreement. But he wouldn't listen to us. So, the next day we took our bullock cart, and right under the nose of his son, carried away the bore motor with us. The son, as expected, reported the matter to his father, who huffed and puffed, and called us thieves. He threatened that he would complain to the Village Panchayat.

So, the Panchayat met to discuss the issue. Jayappa, Jagannath Reddy and Balaiah, professionals from the DDS office came to attend the meeting. We told the Panchayat that the rich and upper caste people can get away with anything, and if we stood our ground against blatant injustice, we would be punished. This is wrong, we said, and if the social system does not change its unfair practices, then we would be forced to take up cudgels against it. Our patience is not endless; the sooner the evil traditions ended, the better it would be for everybody. The Panchayat passed its verdict. It told the cussed landholder that he should immediately hand over the share that was due to us, and that we in return should give back the motor to him. *Faisla ho gaya!* Our fight for justice ended triumphantly for us. The so-called weak women showed their brave spirit on the strength of the unity they had achieved as members of the Sangham. The village 'worthies' would occasionally threaten that they would beat us up, and that they wouldn't even spare our Balaiah sir. We told them if they came any where near us, or did harm to Balaiah sir, then we would not keep quiet. We would make them rue their fate! The Sangham has truly transformed our lives. It has tempered the winds for us. We are no more like helpless straw! We are made aware that our unity is our strength.

asking for loans. This taught DDS a lesson—to keep ears open to what grassroots women are saying. The DDS strategy was to lay claim to common lands. First map the arable land, then organize Dalit women to gain control of the same. Very poor women worked, for example, they collected stones to be used for bunding during the rains. This fetched them Rs. 100 for 10 days work. Their survival was at stake. The formation of women's organizations – sangams - served as the base for developing survival strategies and building alternatives.

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*Our Sangham is 14 years old. Seven years ago, it set up the landlease programme, and since then our hands have been full with work. After the project began, the first time we took 5 acres of land on lease for 5 years; the second time, 2.5 acres for 2 years; and the third time, 3 acres for 5 years. The soil of our lands is 'Nalla Regadi' (Black soil), and we have been cultivating traditional and diverse crops such as: pachajonna (Sorghum, Yellow Variety), pesarlu (Greengram), minulmulu (Blackgram), thogarlu (Redgram), theega pesarlu (Greengram variety), bebbarlu (Cowpea), janumu (Sunhemp), pundlu (Hibiscus), anumulu (Field bean), sajjalu (Pearl millet), aargulu (Kodo millet), kodi sama (Proso millet), thaida (Fnger millet), shenigalu (Chickpea)*

Before the Sangham came into our life, we used to work on daily wages during the weeding and harvesting time. The wages were very, very low, while the working hours were painfully long. Those were hard times. But the Sangham has brought much cheer. It has stirred the whole village community. Now, we grow our own food, and can afford to share the produce. We are very happy now doing the work, which we have always loved, doing: helping our land to bless us with crops. The project has improved our financial situation; our children eat better food; and they are going to school. We are learning to stand on our own feet now, thus freeing our men folk to go out and find more work. We just cannot tell you how strong we feel now. There was a time when we were afraid even to speak, but now, with much help from the Sangham, we are discovering our own strengths, and also our own voice. We feel strong enough to handle any challenge.

Rajamma, Rangamma

Village: Mandapuram

Activity: land lease

Women's survival strategy was *multiple cropping*. They grew 89 traditional varieties. They preserved their *own seeds*. There were *no external inputs*, they used manure. Their traditional knowledge was getting lost owing to promotion of chemical agriculture. An analysis was conducted of the Public Distribution System (PDS) which pointed to a bias towards richer areas. Bajra, Ragi, millets grown by the poor not found in PDS. Women were organized in each village and 100 acres cultivated using government programmes such as the Jawahar Rozgar Yojna (JRY). A *grain bank system* was developed in 3,000 grain banks in 78 villages. The DDS moved towards building a *food security corridor* (Andhra, Orissa, West Bengal) by initiating the Andhra Pradesh Network in Defence of Biodiversity and linked with SANFEC<sup>46</sup>. Dalit women documented 132 varieties of uncultivated greens. *Jatras* were conducted to promote peoples knowledge. Food security at the household level was crucial. Control of seeds must be ensured as also have a variety of seed banks.

Lakshamma has knowledge of 81 varieties of seeds

Earlier, Dalit women depended on landlords for seeds and were victims of caste Oppression, if they defaulted in payment. Now landlords ask for seeds and have to show more respect to the women. *De jure control on land not sufficient, de facto control and what was grown on the land was more important*. On the issue of pesticide, DDS works with the Centre for Sustainable Agriculture to build institutional models. Ten lakh farmers are using NPM<sup>47</sup> methodology in private lands.

Public land and wastelands are used for growing trees, social fencing, fodder growing (which gives daily work), and fuelwood. DDS is being upscaled by other organizations. There is greater push by the US industry to control Indian agriculture, for example through institutions such as Indo-US Knowledge Commission, WALMART's representation in research bodies and through promotion of genetically modified vegetables (potato, brinjal and so on).

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<sup>46</sup> South Asia Network on Food, Ecology and Culture (SANFEC) development of ecological agriculture based livelihood strategies in Nepal, Bangladesh, India, Sri Lanka, Pakistan

<sup>47</sup> Nutrient and Pesticide Mangement, saves farmer from pesticide trap, farmer also saves money from having to purchase seeds

ICRISAT scientists worked with women farmers on seeds to know what took longer to cook, check its taste and so on. The debate centers on what kind of agriculture needs to be promoted, a debate involving experts, scientists and women. The State Plan is opposed as it will push 60 per cent of the people out of agriculture. The key strategies of globalization are: all inputs are externalized, markets out of control, seeds out of control. The fight is for land, low input agriculture, organic, own inputs, attack external market (sell/buy from each other). Seek state support to these alternatives. There is a need to believe that the poor do have the answers once the issues are understood.<sup>48</sup>

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<sup>48</sup> Presentation by Rukmini Rao at this workshop.

## **Chapter 4**

### **Moving forward on women's land rights in South Asia**

The last session was devoted to a discussion on networking at the South Asian level. Every one felt that we could all benefit by continuous sharing between groups working on this issue, since our situations, laws, cultures and so on are quite similar. It was decided to form an informal South Asian Network on Women's Land Rights to keep in touch with each other. The participants felt sharing was required in the following areas:

- legislations pertaining to women's land rights;
- policy guidelines, schemes related to women's land rights;
- process documentation of struggles;
- success stories, documentaries, films;
- strengthening peoples organizations;
- capacity building of organizations; and
- strategies for advocacy on women's land rights.

The participants suggested the the issues needs to be taken to other movements and organizations working on similar issues. The rights of single women also need to be emphasized.

Members of Sangat, SAAPE, SANSAD and AAI committed themselves to supporting the newly formed network. Meera Velayudhan took the responsibility of coordinating the network for the coming year. It was suggested that a website be created to facilitate more sharing.

Every one said they would inform other people and organizations who are working on women's land rights but were not able to come to this workshop, about this workshop and ask them to join the network.

The workshop concluded with every one agreeing that we were able to achieve a lot in one day and we should continue our collaboration.

## Annexure 1

Sr. No	Name	Organization
1	Ranjith De Sliva	Gami Seva Sevanan, Sri Lanka
2	Sultana Akter Rubi	Lawyer, land rights activist, Bangladesh
3	Nazli Javed	Labour Education Foundation, Pakistan
4	Saraswati Subba	Land Rights Movement, Nepal
5	Meera Velayudhan	WGWLO ( Gujarat, India) and Sangat
6	Ginny Srivastava	ASTHA, Rajasthan , India
7	Bhanwar Singh Chandana	ASTHA, Rajasthan, India
8	Magline Peter	UDHAYAM , Kerala, India
9	V Rukmini Rao	Gramya and Sangat, India
10	Jagat Basnet	CSRC, Nepal
11	Saama Rajakaruna	CIDA-prog support unit, Sri Lanka
12.	Nigar Sultana	Action Aid, Bangladesh
13	Vasuki Jeyashankar	Action Aid, Sri lanka
14.	Chulani Kodikara	MWRAF, Sri Lanka
15	Tharanga de Silva	Action Aid, Sri Lanka
16.	Akter Bano	Action Aid, Bangladesh
17.	Kamla Bhasin	Sangat, India
18	Naima Imam Chowdhury	Action Aid, Bangladesh
19	Cyrene Siriwardena	CPA, Sri Lanka
20	Niluka Gunawardena	Freelancer, Sri Lanka
21	Anil Singh	SANSAD, India
22.	KN Tiwari	DISHA, India
23	Kumi Samuel	WMC, Sri Lanbka
24.	Shyamala Gomez	COHRE, Sri Lanka
25	Kishali Perera	Sumeru Shakthi, Sri Lanka
26	Vijay Kumar	Action Aid, Sri Lanka
27	Sriyani Perera	Action Aid, Sri Lanka
28	Rashed Titmur	Action Aid Asia, Bangladesh
29	John Samuel	Action Aid Asia, India
30	Sepali Kottegoda	WMC, Sri Lanka
31	Sulakshana De Mel	Regional network on Women's Rights in Disaster, Sri Lanka
32	Shafqat Munir	Action Aid, Pakistan