

Attaining Entitlement: Women Farmers and Land Rights

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Summary

From 29-30 November 2018, at the peak of the Rabi cropping season, tens of thousands of farmers from across India forewent their daily wages to take part in the Dilli Challo (On to Delhi) or Kisan Mukti (Farmer's Liberation) march. This march, organised by the All India Kisan Sangharsh Coordination Committee (umbrella body of farmers and agricultural workers) saw farmers pushing for two main bills to be passed – the Farmers' Freedom from Indebtedness Bill 2018 and The Farmers' Right to Guaranteed Remunerative Minimum Support Prices for Agricultural Commodities Bill 2018.¹ Within the march, largely unnoticed by the media, was a sizeable contingent of women farmers demanding the passing of a separate bill: the Women Farmers' Entitlement Bill. Whilst they did not receive as much coverage as the men, this paper argues that the women's fight warrants just as much attention as the men's.

Introduction

The Women Farmers' Entitlement Bill was originally introduced into the Rajya Sabha as a Private Member's Bill on 11 May 2012 by the well-known agricultural scientist, Professor M.S. Swaminathan. The basis for this bill was the increasing feminisation of agriculture, stemming from rural men migrating out to the non-farm sector or to urban areas.² He argued that this male out-migration caused significant problems to many women as they were unable to access land titles, credit, input, insurance, technology, and the market.³ His proposed bill sought to recognise women as farmers, give them access to land and water rights, thereby allowing them legal access to credit, loans, and financial support.⁴ He advocated the creation of a 'Woman Farmer Certificate' that would be given to women farmers and accepted as evidence for a woman's status as a farmer.⁵ This official document acknowledging the woman as a farmer would then allow her to receive financial support

¹ *The Hindu* (29 November 2018) "'Dilli Chalo' Farmers Rally Live Updates | Thousands Arrive At Ramlila Maidan". <https://www.thehindu.com/news/national/dilli-chalo-farmers-rally-live-updates-farmers-from-various-states-converge-at-delhi/article25621300.ece>. Accessed on 8 March 2019.

² "The Women Farmers' Entitlements Bill, 2011", (11 May 2012) *People's Archive Of Rural India*. <https://ruralindiaonline.org/resources/the-women-farmers-entitlements-bill-2011/>. Accessed on 8 March 2019.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

from the state for agricultural purposes. By extension, the certificate was also intended to entitle women to Kisan credit cards, which would allow them access to institutional credit, a more sustainable and stable strategy than reliance on non-institutional sources of credit, such as moneylenders with high interest rates, trapping them in a cycle of loan repayment and debt.

Problems that the Bill aims to solve

The Indian agricultural sector, inclusive of all its sub-sectors, employs roughly 80 per cent of all economically active women.⁶ These women make up 33 per cent of the agricultural labour force and 48 per cent of all self-employed farmers.⁷ In terms of complete reliance, the 2011 Census revealed that 65.1 per cent of female workers were entirely reliant on agriculture, while only 49.8 per cent of male workers were reliant on agriculture.⁸ This means that women make up a large section of agricultural workers and also rely on the industry more.

At present, more than 87 per cent of women in agriculture do not own the land that they operate on and are therefore classified under terms such as 'cultivators' or 'agricultural labourers' in government records.⁹ According to the 2004 government order, GO 421, only those who own agricultural land are defined as 'farmers'.¹⁰ By not recognising these women as farmers, the government prevents them from availing the benefits of government schemes, including Kisan credit cards, institutional credit for farming, subsidies, loans for cultivation, loan waivers, crop insurance, water rights, land rights, help with inputs, and compensation to their families if they commit suicide. They are also excluded from the recently launched Pradhan Mantri Kisan Samman Nidhi (PM Kisan) scheme as they do not own the land. This government initiative was launched in February 2019 and seeks to provide an annual income of ₹6,000 (S\$117) to small and marginal farmers who own up to 2 hectares of land. This eligibility criteria of land ownership prevents the landless and tenant farmers, as well as women, from gaining access to the scheme.

At a macro level, domestically recognised irrevocable land rights are said to improve productivity and increase output by allowing women access to benefits.¹¹ Having the

⁶ Sunita Kushwah, Shailwala Dei, and Srishti Kushwaha, "Feminization Of Indian Agriculture, Key Of Doubling The Agricultural Income", (*Ijcmas.Com*, 2018)

<https://www.ijcmas.com/special/7/Sunita%20Kushwah,%20et%20al.pdf>. Accessed on 4 March 2019.

⁷ Ibid.

⁸ Ibid.

⁹ Bani Bedi, "The Centre Is Barely Serious About Recognising Women As Farmers", (*The Wire*, 2018).

<https://thewire.in/women/women-farmers-agriculture-rights>. Accessed on 8 March 2019.

¹⁰ Ibid.

¹¹ Bina Agarwal, "Are We Not Peasants Too? Land Rights And Women's Claims In India", (*Seeds*, 2002).

https://docs.escri-net.org/usr_doc/Are_We_Not_Peasants_Too.pdf. Accessed on 8 March 2019.

security of land tenure also gives women the incentive, security and opportunity to invest in the land that they work on.¹² Land security is also said to embolden women to assert themselves with input providers such as fertiliser or pesticide companies and within their family and community.¹³ There have also been studies to show that when women have ownership of their land, they spend more of their earnings on children's education and nutrition than men.¹⁴ This, coupled with access to credit and government services, would help families climb out of poverty in the long-term.

Giving women land rights is especially crucial for widows, as many of their husbands were in serious debt – a factor which frequently contributes to farmer suicides. This debt burden is then taken on by the widow, who needs to pay off the debt, as well as earn enough to support her family. However, the existing process to transfer the rights is a long one. A recent survey by the Mahila Kisan Adhikar Manch (MKAM) in 2018 revealed that out of 505 female farmers whose husbands committed suicide, 40 percent were yet to obtain rights to the farm they operated.¹⁵ In order to transfer the land to her name, a widow requires the title deed and his bank passbook. If the husband had taken a loan from a non-institutional source of credit, the widow faces a huge struggle to gain back the title deed of the land from the moneylender due to the outstanding loan. Even if her husband had taken the loan from a bank, she is still unable to transfer ownership of the land because of the widespread bank policy of holding onto the passbook until the outstanding loan is repaid. Moreover, there is a widespread lack of awareness among these women about their rights. According to the MKAM survey, of the 40 per cent of widows who did not obtain rights to the land, 33 per cent did not know that they were also entitled to a pension.¹⁶

Existing Laws

The quest for women farmers' recognition and women's land rights has been a long-drawn struggle, with persistently unsatisfactory results. Under the 9th five-year plan (1997-2002), land redistribution was directed to be transferred from the landowner to the actual tiller of the land.¹⁷ This implied that 40 per cent of arable land would be transferred to women and the rest as joint ownership between a married couple.¹⁸ In the 10th five-year plan (2002-07),

¹² Tarini Mohan, "A Field Of Her Own", (*The Indian Express*, 2017).

<https://indianexpress.com/article/opinion/columns/indian-women-farmers-agriculture-sector-patriarchy-land-ownership-4781311/>. Accessed on 8 March 2019.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Swasti Pachauri, "The Invisibility Of Gender In Indian Agriculture". (*Downtoearth.Org.In.*, 2019)

<https://www.downtoearth.org.in/blog/agriculture/the-invisibility-of-gender-in-indian-agriculture-63290>.

Accessed on 8 March 2019.

¹⁶ Ibid.

¹⁷ Bani Bedi, 'The Centre Is Barely Serious About Recognising Women As Farmers' op cit.

¹⁸ Ibid.

concessions to female property buyers were recommended by the Planning Commission. This sought to incentivise women to purchase land. In 2005, the Hindu Succession Act was amended to make women coparceners at par with men: daughters would have an equal right to their parents' property as sons, a woman could inherit the agricultural land of her deceased husband and a remarrying widow could inherit the land of her deceased husband.¹⁹ The Union Ministry of Women and Child Development also drafted a National Women's Policy in 2016 that sought to recognise the salience of land rights for women.

Gap between Laws and Practice

Despite these laws that were targeted at giving women more rights, there has been a large gap between the legal recognition of women's rights to land and the societal acceptance of women's land ownership. In a joint survey conducted in Bihar and Andhra Pradesh by Landesa and UN Women, it was found that only 22 per cent of families knew about the 2005 amendment.²⁰ This reveals that while the proposed legislations might be codified, they have yet to permeate in society or become social norms.

Given that 86 per cent of agricultural land is privately owned, inheritance has been the most common way of women receiving land.²¹ However, there has been an exclusive transfer of land to men, even in communities who traditionally practice matrilineal inheritance.²² When a woman gets married, her assets are transferred to her husband's family and her brothers inherit their parents' property.²³ Therefore, passing down land to a woman is seen as being a loss to the family, with little returns.²⁴ This has resulted in many families pressuring their daughters to present in writing, the relinquishing of their right to inheritance, in favour of their brothers.²⁵ In cases where women do not do so, male relatives have known to be violent, threaten them with court cases or forge documents.²⁶

In many cases, there has also been an internalisation of this norm, where women themselves prefer not to inherit land or to fight for their rights because they fear the

¹⁹ Ashok K Sircar, and Sohini Pal. "What Is Preventing Women From Inheriting Land?", *World Bank Conference On Land And Poverty*, (India, Landesa Rural Development Institute, 2014).

²⁰ "Gender and Land Tenure Security" (2011) <https://s24756.pcdn.co/wp-content/uploads/UN-Women-Barriers-to-and-Impact-of-Womens-Entitlement-to-Land.pdf>. Accessed on 8 March 2019.

²¹ Bina Agarwal, 'Are We Not Peasants Too? Land Rights And Women's Claims In India' op cit.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

²⁵ "Women's Right To Inherit Land In India" (2013) <https://www.devex.com/news/sponsored/women-s-right-to-inherit-land-in-india-81203>. Accessed on 8 March 2019.

²⁶ Bina Agarwal, 'Are We Not Peasants Too? Land Rights And Women's Claims In India' op cit.

negative repercussions that it might cause within the family.²⁷ Women also often see their brothers as sources of security in the event of marital breakup.²⁸ The internalisation of social norms by women could stem from low literacy levels and awareness, as well as male domination of administrative, judicial and local government structures including village councils, or any other decision-making body.²⁹

There have also been legal loopholes which serve as formal barriers, preventing women from inheriting land. For instance, when a father renounces his right in a joint property, his sons still retain independent rights to the property, but his daughters, widow or mother do not stand to inherit it.³⁰ Moreover, if after a joint property has been partitioned, the father decides to gift or will his share to his sons, the rights of his daughters, widow or mother are immediately nullified.³¹

Similarly, statistics show that existing laws are seldom enforced, allowing for the persistence of societal norms. For example, had the 2005 Hindu Succession Act Amendment been fully implemented, women should have received an average of 11.88 decimals of land.³² However, only 0.93 decimals of land have been received by women.³³ Government officials frequently share the patriarchal societal norms of their communities and therefore hinder the implementation of laws that give women rights.³⁴ This is especially the case with village officials who have been ingrained with the widespread perception that men should be the primary farmers and women should be helpers.³⁵ As a result, the idea of a unitary household, with a male-head, has translated into policies being formulated where resources are transferred directly to the male, even if the woman does more work on the field.

There have also been variations in statistics and definitions that have misled the general public. For instance, the term 'operational holdings' merely refers to land used by anyone for agricultural production, regardless of whether the person owns it. However, many journalists assumed 'operational holdings' to be the same as 'land-holding ownership'.³⁶ This incorrect assumption gives a false perception that female land ownership has been increasing at a steady rate over the years. In terms of statistics, there is a stark contrast between government published statistics of 30 per cent of outlays going to women farmers

²⁷ "Women's Right To Inherit Land In India" (2013) <https://www.devex.com/news/sponsored/women-s-right-to-inherit-land-in-india-81203>.

²⁸ Bina Agarwal, 'Are We Not Peasants Too? Land Rights And Women's Claims In India' op cit.

²⁹ Ibid.

³⁰ Ashok K Sircar, and Sohini Pal, op cit.

³¹ Ibid.

³² Ibid.

³³ Ashok K Sircar and Sohini Pal, op cit.

³⁴ Bina Agarwal, 'Are We Not Peasants Too? Land Rights And Women's Claims In India' op cit.

³⁵ Ibid.

³⁶ TV Jayan, "Need Special Schemes For Women Farmers". (29 January 2018)

<https://www.thehindubusinessline.com/economy/agri-business/need-special-schemes-for-women-farmers/article22569808.ece>. Accessed on 8 March 2019.

vis-à-vis the Mahila Kisan Adhikaar Manch research reflecting only 10 per cent of outlays to women.³⁷ Again, these misleading definitions and statistics do not give the public a clear sense of the current situation and the disproportionate issues that women face vis-à-vis male farmers. When the public does not comprehend the seriousness of the issue, there is a slim chance that the authorities will take up the case and petition for female farmers' rights.

The Women Farmer's Entitlement Bill

After its introduction into the Lok Sabha, the 2012 Women Farmer's Entitlement Bill failed to gain any traction and eventually lapsed in 2013. Nevertheless, as commodity prices fall and indebtedness soars, discontent is rising and farmer's groups such as the AIKSCC have continued to agitate for its passing. On 15 November 2017, a group of women gathered in front of the Ministry of Agriculture and Farmers' welfare, carrying baskets of their commodities whose minimum support price (MSP) was less than the cost of production.³⁸ They intended to meet the Commissioner for Agricultural Costs and Prices (CACP) who was responsible for the recommendation of MSP.³⁹ In response, the commissioner said that he was still working on setting the MSP and that farmers should begin selling to traders with prices that start from the MSP rate.⁴⁰ However, this was deemed as being more concerned about importers rather than the farmers.⁴¹ On 20 July 2018, the AIKSCC organised a march in New Delhi, where 1500 farmers from across India gathered to show 'no confidence' in the Modi government.⁴² They felt betrayed over the minimum support price increase and the lack of agreement on the definition of cost of production.⁴³ Amongst the 1500 farmers, there were 15 women who were fighting for their rights – higher pay, recognition of them as farmers, land rights, etc.⁴⁴ The low turnout of women was blamed on the last minute nature of the march and does not discount the massive scale of the issue. These protests and marches eventually culminated in the participation of women in November's *Dilli Challo* march. Despite these agitations of women, there are little signs that the government is yet prepared to take the women's demands seriously and pass the bill. This is especially so since the male demands have also not met with much success, although the recent promotion of

³⁷ Ibid.

³⁸ "Women Farmers March To Delhi Demanding Fair Price For Their Produce", (*The Logical Indian*, 15 November 2017). <https://thelogicalindian.com/exclusive/women-farmers-march-to-delhi-to-draw-attention-to-their-plight/>. Accessed on 12 March 2019.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ "Women Farmers March To Delhi Demanding Fair Price For Their Produce", (*The Logical Indian*, 15 November 2017). <https://thelogicalindian.com/exclusive/women-farmers-march-to-delhi-to-draw-attention-to-their-plight/>. Accessed on 12 March 2019.

⁴² Bani Bedi, "The Missing Women Farmers At The 'No-Confidence March' In Delhi", (*The Wire*, 22 July 2018). <https://thewire.in/agriculture/farmers-protest-march-delhi-women>. Accessed on 12 March 2019.

⁴³ Ibid.

⁴⁴ Ibid.

minimum income schemes or investment support schemes at a centre or state-level, provides some hope for the farmers. Whilst these schemes have also faced implementation difficulties, they do aim to address some of the farmers' concerns.

Moreover, many commentators disagree that the passing of the bill would help the situation of women farmers, citing concerns over its feasibility and difficulties with implementation. Mumbai-based economist Ritu Dewan stated that giving women certificates or cards was just another futile exercise. She argued that there was no need for "the Aadhaar or different kinds of cards. India has a national register to recognise these land rights."⁴⁵ Without a change in the societal norm, the likelihood that village-level officials would recognise the certificates and grant the women land rights is limited.

What should be done

In order to change societal norms, the issue should be approached both from a bottom-up level where robust support systems are created to help women become aware of their rights and stand up for them, as well as from a top-down level where NGOs, such as Landesa, train officials to implement and enforce the acts and laws that have been passed. For instance, the Women's Group for Women's Land Ownership in Gujarat has been educating revenue officials about women's rights and training them to support women in their claims to land.⁴⁶ Training officials with decision-making power paves the way for structural reform and allows women to be supported by the state in the fight for their rights. Seeing as agriculture is a huge component of India's economy, the increasing feminisation of the agricultural industry will deeply influence food security in India in the short run. In the long run, the empowerment of women will improve education levels and nutrition levels for the next generation of Indian youth, lifting them out of poverty and reducing inequality levels. It is therefore in the interest of the nation's development that women farmers attain their full entitlement to the land on which they work, and gain recognition as 'farmers'.

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⁴⁵ Bani Bedi, 'The Centre Is Barely Serious About Recognising Women As Farmers' op cit.

⁴⁶ Ashok K Sircar and Sohini Pal, op cit.