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Between protest and policy: Women claim their right to agricultural land in rural China and India

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Working Paper 2016-10

Between Protest and Policy

*Women Claim their Right to Agricultural Land
in Rural China and India*

Govind Kelkar

prepared for the UNRISD project on
When and Why Do States Respond to Women's Claims?
Understanding Gender-Egalitarian Policy Change in Asia

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Acronyms

ACWF	All China Women's Federation
AMKM	Aroh Mahila Kisan Manch
IFAD	International Fund for Agricultural Development
MAKAAM	Mahila Kisan Adhikar Manch (Women Farmers' Rights Forum)
MGNREGA	Mahatma Gandhi National Rural Guarantee Act
NITI	National Institution for Transformation of India
PRADAN	Profession Assistance for Development Action
UP	Uttar Pradesh
WGWLO	Working Group of Women on Land Ownership

Summary

This research was conceptualized to ascertain the state response to women's extra-procedural claims making to land through collective and individual protests, demonstrations, public performances and women farmers' conclaves for building public opinion against the gender differential arrangements in land tenure and agrarian production system in India. An attempt was also made to understand China's policy on women's legal and equal rights to land since the 1950s. The author situates the discussion on women and land in the broader context of women's emerging agential power against the patriarchal forces of the state, market fundamentalism and social cultural norms that influence both formal and informal institutions at various levels. Women's claims are thus framed against two major related factors: an insidious state-backed development policy that keeps women dependent on the male as the head of the household; and a combination of institutional structures with social norms and legal rules that shut most rural women out of land and property ownership.

An analysis of land reform policies in China and India show that the state agencies speak simultaneously to two groups: the political elite raised with notions of gender-discriminatory forms of power who exercise influence through access to political and economic institutions; and the political constituency of organized rural women and men who wield influence through the right to vote, and therefore exercise power over the regime through the ballot box. The contradictory power bases of these two groups lead to a gap between policy rhetoric and implementation or gradualism constrained by social norms.

The research findings suggest that, as a consequence of the continued demand for women's entitlement to land, there have been some partial and fitful changes in policies and enactment of laws in the two countries. The women who acquired an entitlement to land gained greater social status and increased bargaining power over household assets, experienced a reduction in gender-based violence, and had more of a voice in land governance as well as decision making in socio-political affairs. However, these changes are punctuated with patriarchal disorders and reversals.

The author further notes in the study that the state, in most cases, has responded to women's protests and claims to justice and rights, in terms of formulation of policies and legal frameworks. However, these legal frameworks and policies have remained largely ineffective in changing institutions trapped in gendered norms and women's economic dependency. There has been no significant withdrawal of male power over land and productive assets despite the fact that women and civil society groups, in large numbers, have continued with the claim that the intrinsic value of justice and right to equality lies in ensuring women's autonomy and their freedom from violence and dependency relationships.

This study is divided into eight sections. The introduction outlines the conceptual framework and raises the major questions of the study. Section 2 discusses discriminatory social norms and attitudes. Section 3 describes the policy change in response to women's historical struggles for equality against the gender regimes in Asia, followed by women's right to land and inheritance in the two countries in section 4. Major drivers of policy change are discussed in section 5. Section 6 assesses change in the practice of women's lives. Some continued challenges related to the state's institutional structures and the market are discussed in section 7. The concluding section 8 suggests some desirable

policy and action towards mitigating gendered negative outcomes of past agricultural development.

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1. Introduction

A largely missing factor of women's claims to agricultural land in analyses of mechanisms and social processes of claims making has drawn attention to the necessity of this study.¹ This research was conceptualized to ascertain the state response to women's extra-procedural claims making to land through collective and individual protests, demonstrations, public performances and women farmers' conclaves for building public opinion against the gender differential arrangements in land tenure and agrarian production system in India. In the case of China, the research attempts to understand China's policy on women's legal and equal rights to land since the 1950s.

China and India experienced rapid economic growth since the 1990s, which has resulted in poverty reduction, as shown in several studies.² The 2013 World Development Indicators noted that in 2009–2010, the percentage of poor in China was 11.8 percent and 32.7 percent for India, with USD 1.25/day per capita as the international poverty line (World Bank 2013:28–29). However, the picture of this economic performance in terms of gender outcomes is different, with both countries ranking low in gender gap indicators: 0.65 for India and 0.68 for China (World Economic Forum 2015). Discussing the inter-country inequalities in the rising powers in Asia, a recent study noted that Gini coefficient increased by 24 percent in China and by 16 percent in India during the decade 1990 to 2000 (Nathan and Sarkar 2014: 280).

Women's organizations and feminist analyses have shown that the structural causes of gender-based discrimination result in women experiencing inequalities in the social, political and economic spheres.³ The growing inequality, high incidence of violence against women and girls, and gender discriminatory practices in formal and informal institutions have stirred extensive scholarly interest in social norms, attitudes and patriarchal institutions in recent years.⁴ An analysis of land reform policies in China and India show that the state agencies speak simultaneously to two groups: the political elite raised with notions of gender-discriminatory forms of power who exercise influence through access to political and economic institutions; and the political constituency of organized rural women and men who wield influence through the right to vote, and therefore exercise power over the regime through the ballot box. The contradictory power bases of these two groups lead to a gap between policy rhetoric and implementation or gradualism constrained by social norms.

This study explores policy changes and women's mobilization in making claims to agricultural land in the diverse socio-political contexts of China and India since the 1950s. The major questions are: how did women enable themselves and/or were enabled by the emergent states in the post-liberation societies of China and India? What were the processes that helped or hindered women's claims making? What is the way forward in terms of identifying policy measures and roles of civil society, including women's organizations, to advance their claims making to land and productive assets?

My concern in this study is not to identify similarities of structures and processes in the two countries; instead I attempt to explain the recurrent causes of women's claims to land, often followed by the state's responses to right a wrong suffered by women farmers. This comparative analysis of India and China, in the given variability of related structures and processes, combines specification of women's claims making with an

¹ Koopmans et al. 2005; Tarrow and Tilly, 2006; Tilly, 2008.

² Gittings 2005; Kelkar et al., 2003 ; Song and Chen 2006; Thorat and Fan 2007; Nathan and Sarkar 2014.

³ UN, 2013; UNICEF and UN Women, 2013; Kelkar and Krishnaraj, 2013; Perrons, 2015.

⁴ Eklund, 2015; Htun and Weldon, 2010; World Bank, 2015 UN Women, 2015; Sproule et al., 2015.

enumeration of practices, and recognizes the fact that the dominant ideologies and state interventions have been fundamentally different in the two countries. In his analysis of collective popular action, Charles Tilly (2008:74) categorically stated that every instance of a claims making “differs from every other one; the test of a good theory is therefore not so much to identify similarities among instances as to account systematically and parsimoniously for their variations”. He also emphasized that in different circumstances, the same causes that produce an event of claims making “also produce a number of other adjacent phenomena...Time, place, and sequence strongly influence how the relative processes unfold” (Tilly, 2008:74).

Since women are not a homogenous category, I framed the issue of rural, land-poor women’s claims making as a long-standing concern in the women’s movement for the right to own and manage land and other productive assets. I have tried to situate the discussion on women and land in the broader context of women’s emerging agential power against the patriarchal forces of the state, market fundamentalism and social cultural norms that influence both formal and informal institutions at various levels. Women’s claims are thus framed against two major related factors: an insidious state-backed development policy that keeps women dependent on the male as the head of the household; and a combination of institutional structures with social norms and legal rules that shut most rural women out of land and property ownership.

The research draws upon multiple research methods consisting of analytical reviews of published and unpublished material, field surveys, focus group discussions, semi-structured interviews and case studies to understand and generate experiences of women (and men) in claims making to their legal entitlements. The fieldwork was conducted in northwest China and in northern India with the assistance of Chinese scholars⁵ and local civil society organizations in the state of Uttar Pradesh (UP) in India.⁶ In China, field visits were made to three villages (La Shih, Tian Xi, Yi Hu) in Lijiang country in March 2011. I had discussions with 52 women and 10 men (with women in groups of three to four). The questions focused on the position of rural women, their work in production and social reproduction, and their share in household-based entitlement to agricultural land and its produce. In India, the field visits were conducted in 19 villages in the districts of Banda, Jalaun, Sant Kabir Nagar and Gorakhpur in the state of Uttar Pradesh in April 2013. The fieldwork reach included a total of 118 women, using a mix of quantitative and qualitative approaches.

The research findings suggest that, as a consequence of the continued demand for women’s entitlement to land, there have been some partial and fitful changes in policies and enactment of laws in the two countries. The women who acquired an entitlement to land gained greater social status and increased bargaining power over household assets, experienced a reduction in gender-based violence, and had more of a voice in land governance as well as decision making in socio-political affairs. However, these changes are punctuated with patriarchal disorders and reversals.

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⁵ Young Fuquan, Yu Xiaogang, Yiyi and Wang Yuxian.

⁶ Aroh, Samarpan, and Gorakhpur Environmental Action Group

in the practice of women's lives. Some continued challenges related to the state's institutional structures and the market are discussed in section 7. The concluding section 8 suggests some desirable policy and action towards mitigating gendered negative outcomes of past agricultural development.

2. Discriminatory Social Norms and Attitudes

Discriminatory social norms and attitudes have powerful influences that are reflected in formal structures of society and in its informal rules and day-to-day practices. Policy makers, the state officials and development professionals are themselves subject to gender-specific biases that arise from thinking embedded in discriminatory social norms and practices (World Bank, 2015; UN Women, 2015). Further, social norms shape agency and influence the implementation of laws or the lack of laws. Hence, both the state and society define what is seen as appropriate and desirable for women with regard to claims making and taking legal or social actions for securing rights to land. Norms thus affect women's ability to participate in formal institutions, such as land administration, and leadership positions in finance, business and other associations.

The troublesome issues that have come to the fore in civil society discourse include: (i) the patriarchal system of landownership in most of Asia: women are not seen as farmers even when they do more farm work than men; (ii) the continuing tradition of the men being the heads of the households with a veto power on the governance of assets and resources; (iii) women's reluctance to assert their right to productive assets; (iv) women's lack of economic power which leads to their silence and lack of bargaining power within the home and outside; and (v) lack of policy attention to women's claims for regularization and reclassification of land and titling (MAKAAM, 2016).⁷

In a study of 2013, I noted two areas resistant to transformative change in gender regimes in Asia (Kelkar, 2013). The first is the gender division of housework and domestic care. Public policies, social norms and familial grooming nurture men to be "breadwinners" and heads of households. This position within the household and outside in social and economic institutions as well as in development planning gives men the power to disregard women's household work, and its long working hours, and not accord any public recognition to the strategic need of women to own resources.

The second is a general reluctance to recognize women's unmediated (that is, without the household or its head) authority to ownership and management of property, land and other factors of production. It is often argued that women who have land or housing documents in their names are likely to be in a stronger bargaining position vis-à-vis their husbands than those who do not formally own land or houses. Women face many disadvantages, even if they belong to a household that has land documents. This gender gap in ownership is not due to the lack of interest on the part of women, as there are research-based results that show that women have demanded their right to land in the past 60 years in both China and India.⁸

Gender relations are not only embedded in peoples' cultures, but they also make their mark on the economic domains of formal and informal sectors (Gutierrez, 2003). Despite variations in legal traditions and cultural norms among regions in Asia, gender disparity in land rights is common throughout. Women generally have a secondary role

⁷ See also Vada Na Todo Abhiyan. "A meeting of network of civil society organisations", in Delhi in December 2011.

⁸ Kelkar, 1985; Kelkar, 1990; Johnson, 1983; Croll, 1978.

and limited rights to productive assets.⁹ Social norms throughout the South Asian region (with some exceptions in Sri Lanka and Bhutan) prevent women from exercising their right in political and economic spheres. An examination of gender relations in the Asian region shows that social norms tend to work as barriers to women's economic agency and legal entitlements.¹⁰ Social and cultural norms that sanction and reinforce women's unequal access and control of land and property also work to influence institutions of the state and market that lead to gender discrimination and other social inequalities in policy outcomes.

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

Within the given patriarchal norms, women lack the confidence to discuss property and land management issues with government officials (Kelkar 2014), and in some cases prefer to transfer land to sons rather than to their daughters. Women also have had limited support from community institutions for their rights to own and manage land. The two possible explanations are: women's internalization of (i) patriarchal systems of power by which they feel that claiming their right to ownership of land will mean that they will be transgressing gender norms and challenging the authority of the male as the head of household; and (ii) social norms that systematically instil in them ideas of "what you cannot do", preferring to risk the consequences of any mismanagement when dealing with revenue officials (who are mostly men) or accessing the legal system for establishing sole possession of land by a woman (Khan 2013).

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

3. Gender Regimes in Asia: Agency, Claims and Resistance

Drawing from a recent analysis, I have used the concept "gender regimes" to understand gender relations, with different forms of power and hierarchy between women and men in the institutional domains of household, market and the state (Walby, 2011; Kelkar, 2013). These domains are interconnected in a social system and tend to reinforce the superiority of men over women. This interconnection is also seen in any change in gender regimes, for example, a change in women's position in one of the domains (such as ownership of land or technology) is likely to bring change in the agential power of women or men in other domains (such as governance, market, gender-based violence in the home or public sphere).

Nevertheless, there are a range of ways in which women have voiced their resistance to male appropriation of power and control of resources. In the pre-liberation years of

⁹ Song et. al. 2009; Wang, 2013; FAO, 2010–2011; Kelkar, 2014.

¹⁰ Kelkar 2013; Chang et al. 2011; Perrons, 2015.

China, women's participation in the land struggle worked to integrate the "woman question" (that is, sexual equality and political recognition of women's rights within the family) with the larger question of land reform and social change. China's land reform in the 1950s promised women equal rights to land, but its implementation was challenged in village communities. When the time came for peasant associations to redistribute village land, the basic principle followed in practice was the patriarchal family-based economy with men as the household heads. These norms prevented women from realizing direct benefits from land reform. Widowed and divorced women who headed households were almost the only women who got land in their own names.¹¹ However, the policy of *de jure* rights to land—although easily circumvented by patriarchal family morality—coupled with women's public participation in land redistribution enabled many women to ask for their legal claims to land and thus enhanced their status within the newly democratized political economy of rural China (Beijing Review, 1973, 1978).

A review of the peasant movements in India in the 1940s showed that women have repeatedly asserted their right and entitlement to land. Acknowledging the "sad fate of women in peasant homes" the Nari Bahini (Women's Brigade) of the Tebhaga Movement in West Bengal in India established a separate women's militia to protect their rights and interests (Custers, 1987:120). In a similar vein, women who were part of the Telangana People's Struggle in the state of Hyderabad in 1948–1951 noted that "women did not get land in the land distribution programme except when they were widows, [which] indicates that they were not counted as individuals" (Stree Shakti Sanghatana, 1989:15).

In the early 1970s, the Committee on the Status of Women in India received many representations from women from several states demanding that the land reform acts of the 1950s be amended to remove discriminatory features. In the 1980s, the Committee met with women agricultural workers from Bankura in West Bengal and Etawah in Uttar Pradesh, during which similar demands were made by a number of women farm workers. During a 1991 discussion on "Women as Autonomous Citizens, with Independent, Unmediated Economic Rights", in Basuhari village, Bihar, the local leaders of the Bihar Kisan Samiti (Bihar Farmers Association) said:

If a household is entitled to two acres of land, one of the two acres should be marked in the independent name of the woman of the household. The joint pattas [titles], as provided in the Sixth Five Year Plan (1986), will be nullified and invalidated in effect because of the overall male dominance and the general support for patriarchal norms in our rural society. We should, therefore, strive for separate, independent pattas for women (Kelkar 1993:135).

These are not to be seen as anecdotal statements. In a recent structural analysis of women's Self-Help Groups in PRADAN¹² areas in the eastern Indian state of Odisha, it was noted that a significant majority of rural women clearly stated that landownership would provide them recognition and dignity as individuals in the family, financial security against eviction from the marital home and empower them to have a voice in the household and community decision making (PRADAN and Landesa 2015).

¹¹ Andors 1983; Stacey 1983; Johnson 1983.

¹² PRADAN (Profession Assistance for Development Action) is a non-governmental organization, and has been working on sustainable livelihoods and formation of self-help groups in indigenous and rural regions in India since 1987.

Gender-based dominance is complex. In the case of women, relations of domination have typically been both personal and community-based. The joint production in home without any ownership and control over productive assets has meant an existence for women as subordinated beings tied into dependent relationships. Ensuring women's unmediated right to land and property requires a more radical step than has been the case for poor peasants, the working class or slaves who (unlike women) have separate existence from the masters and thus would be able to gather support in claiming their entitlements (Scott 1990). Like any other subordinated group, women may be socialized into accepting a view of their secondary position as prescribed by the social norms and maintained by formal and informal institutions. Nonetheless, women and poor rural women in particular have been engaged in advancing their claims to land and related capabilities and in turn have influenced both public concern and social institutions.

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

The Chinese Party Central Committee considered women to be the main force (70 to 80 percent) in the socialist construction of the country. In 1948, the committee decided to legislate that women and men have an equal right to agricultural land. However, in the 1980s, the Chinese government and Party leadership were confronted with serious criticism over the still prevailing patriarchal norms in land redistribution programmes. Women's organizations in rural China raised issues concerning the continued discrimination against women, patriarchal development planning and familial violence against women, largely related to the household-based distribution of land.¹³

Party documents show that there was much division and conflict over the implementation of land reforms. For example, many poor peasant men felt that through recently established land regulations they might lose control, not only over their wives, but also over their newly acquired land. Nevertheless, the leadership persisted in what it perceived to be "a struggle against all feudal power", and declared that it was not stirring up women against men for a "struggle between sexes" (1939 Order number 10 or Gan Country Soviet Government, which were set up in building revolutionary bases in China). Interestingly, in the 1950s, when women from poor rural families brought divorce cases, cadres often interpreted them as a means through which poor peasants "lost both their wives and property" (Li Cheng quoted in Johnson, 1983:105). Meijer estimated that the courts granted an average of 80,000 divorces every year during this period, a rate of 1.3 per 1,000, which was unusually high for an agrarian society like China (Meijer, 1971:114). These cases unleashed increased violence against women with high rates of familial murders and women's suicides. According to a 1953 government report, in the three-year period between 1950 and 1953, some 70,000 to 80,000 women were killed or had committed suicide (der Valk, 1956). In the land distribution programme, husbands were still regarded as financial managers with the authority to manage and control all the land received by a household under the land redistribution rules. The socialist measures of the People's Republic of China meant to strike a blow at patriarchy were met with peasant resistance. Women's claims making largely resulted in nullifying their individual rights to land with the introduction of collectivization and later in the Household Responsibility System.

Economic growth and higher productivity became the dominant theme of China's economy and society during the years of the New Economic Policy (1961–1965). Attention to women's shares in agricultural land declined sharply; once again the emphasis was on the role of the housewife and her activities in social reproduction.

¹³ For detailed analysis, see Kelkar, 1990; Andors, 1983; Stacey, 1983.

However, the housewife-oriented campaigns were criticized during the Cultural Revolution. In the late 1960s, the role of women during the Great Leap Forward was revived, with emphasis placed on reducing inequalities and breaking family shackles (Tsui, 1974; China Reconstructs, 1974).

In the mid-1970s, a nationwide campaign criticizing Confucius and Lin Biao (an important revisionist leader) attempted to combine women-specific interests with class interests. Questioning the feudal patriarchal ideology, the campaign raised a number of women-specific issues such as (i) more equitable work point ratings, including redefining “equal work” as “work of comparable value” rather than the “same work”; (ii) not regarding household work and childcare as the sole responsibility of women, but stressing that men should be willing to share work at home; and (iii) promotion of matrilocal marriage practices (Soong, 1975 *Renmin Ribao*, 1975). A major contribution in this campaign was the generation of ideological forces legitimizing new claims made by women.

However, in the following years, the campaign lost official legitimacy and sustained organizational effort and, therefore failed to achieve any concrete results. Although the Party leadership in the 1980s repeatedly criticized any lingering ideas of patriarchal clan/family and hierarchy in social relations, the Household Responsibility System placed women’s labour under the control of the head of the household (male), thus reinforcing familial authority and a general preference for the male in land relations.

However, Chinese women in the last few decades have increasingly challenged male dominance and demanded their right to equality in political and economic processes. Various piecemeal surveys conducted by All China Women’s Federation and the Institute of Agricultural Economics in the mid-1980s and 1990s revealed the widespread existence of male chauvinism and dispossession of women from land and productive assets.

As a consequence, the state responded by righting the wrongs through new laws. For example, the 1998 Law of Land Administration of China (Government of China 1998) categorically stated that: (i) land in rural areas “shall be collectively owned by peasants”; (ii) the right of operation of land contracted by peasants would be protected by law; and (iii) individual contractors of land should get consent from over two-thirds majority vote of the villagers’ congress or their representatives for any adjustment in change of names or about the operation of land, and then submit to land administration department at the township or county level for approval (China.org.cn).

Nevertheless, the village leaders (mostly men), who were in charge of land allocation, acted in favour of allocating land to men and took back the land when a woman was divorced. The 2005 Law on Protecting Women’s Rights and Interests also stipulated the protection of rural women’s right to land, emphasizing that women have equal rights in the Household Responsibility System of land, and that women’s access and control over land must be guaranteed, irrespective of their civil status.

In India, women’s demand for equality within the family and for equal rights to land dates back to 1938, when a Sub-Committee on Women’s Role in Planned Economy of the National Committees of India began working on the legal rights of women to hold property in their independent names (WRPE, 1947). These demands and other voices from the women’s movement in the 1970s found expression in India’s Sixth Five Year Plan (1985–1990) with a policy for joint titles to husband and wife in the transfer of

assets (para 27, 19). Later in 1991–1994, many states in India distributed small pieces of public and “waste land” in the joint names of husband and wife, mostly from landless Dalit social groups.

In 2005, the government of India amended the Hindu Succession Act of 1956. The Hindu Succession Amendment Act (2005), a revolutionary legal reform measure for women’s inheritance rights, retained the concept of the joint family and introduced daughters as coparceners who have a right at birth to a share of agricultural land and property equal to that of sons. Although the 2005 Act established a gender-equal basis for land and agricultural property inheritance, the implementation has been limited (Kelkar, 2014).

In recent years, there have been serious questions about women’s joint titles to land (commonly called joint *pattas*). A series of policy consultation meetings with civil society groups, including the Feminist Economist Group organized by the Planning Commission in preparation for the 12th Five Year Plan came up with a general conclusion that the measures for joint titles have not worked and remained inconsequential for the social and economic empowerment of women. Further, the Plan emphasized increasing women’s access to land from three sources: direct government transfers; purchase or lease from the market; and inheritance. Importantly, as a consequence of the policy consultation meetings, the 12th Five Year Plan (2012) stated: “Where new land is being distributed or regularized, individual titles in women’s name only, rather than joint titles with husbands could be considered. States may also want to consider group titles to women’s groups...and recognize such groups as a valid category of land owners”.

In cases where joint pattas were issued in the past to occupants of government land, “such pattas would be made partition-able so that wives if they so desire, can have half the share of land in their single names” (para 23.25).

These policy measures were further stated in the Draft National Policy for Women, 2016 of the Ministry of Women and Child Development, Government of India, which explicitly states:

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

Unsurprisingly, the National Institution for Transformation of India (NITI Ayog) does not take into consideration women’s roles and rights in land and agriculture, and the recently released policy paper on *Raising Agricultural Productivity* by Government of India/NITI Aayog (December 2015) is silent on women’s right to land and the related capabilities for increasing agricultural productivity.

A question that arises is: what drives policy change? Once the policies are formulated, why are they put aside? Is it for fear of a transformational change in gendered social norms of the political economy of a country?

5. Drivers of Policy Change

5.1. Global concern for women's land and property rights

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

In India 76 percent of women are engaged in farm work, but only 12.8 percent of them have operational (management) rights to land, covering 10.34 percent of the total area of land holdings (Agricultural Census, Government of India, 2011). Generally, southern states present a better picture, while eastern states have a poor record with regard to women's rights to land. A Gender Assessment Report of China for the International Fund for Agricultural Development (IFAD) indicated that women constituted 70 percent of agricultural workforce and performed more than 70 percent of farm labour, though it varied from place to place (IFAD, 2005). Later studies on the subject by a number of Chinese scholars reported deepening of gender inequalities in provisioning of extension, credit and technology support services in the countryside (Song et. al. 2009). The new gender division of labour in agricultural production is reported to be 83.3 percent "left-behind women" (whose men have left the village to look for work) undertaking agricultural work. Earlier the gender division of farming work was described "men farming, women weaving" (*Nangengnuzhi*); now it is "men workers, women farmers" (*Nangongnugeng*) (Wu and Ye, 2014: 11).

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

In the 2030 Agenda, Sustainable Development Goal 1, "End Poverty in All Its Forms Everywhere" aims to ensure that by 2030 all poor and vulnerable women and men will "have equal rights to economic resources"; and Goal 2, "End Hunger and Achieve Food Security", aims to double the agricultural productivity with indigenous peoples' and women's "secure and equal access to land" (2.3). More importantly, target 5(a) of Goal 5, "Achieve Gender Equality and Empower All Women and Girls", promises to "undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources, in accordance with national laws" (United Nations, 2015).

5.2. Civil society's engagement with the state

The post-2015 process is being seen as a critical juncture in the process of ensuring that women's rights to land and property receive due attention as an integral part of poverty reduction measures in international and national development agendas. In this regard, some known efforts have been made by international, regional and national networks of women, non-governmental organizations and networks of civil society organizations such as Huairou Commission (New York), International Land Coalition (Rome), Landesa/Rural Development Institute (Seattle, Beijing and Delhi); Asia Pacific Forum on Women, Law and Development, Chiang Mai, Thailand; All China Women's Federation, Beijing, China; China Women's News, Beijing, China; Shirkat Gah, Lahore, Pakistan; ActionAid, New Delhi, India; Ekta Parishad, Bhopal, India; M.S. Swaminathan Research Foundation, Chennai, India Working Group of Women on Land Ownership (WGWLO), Ahmedabad, India; Vada Na Todo Abhiyan (a network of over 4,000 civil society organizations in India) and more recently, the Forum of Women Farmers' Rights (Mahila Kisan Adhikar Manch/MAKAAM) an alliance of over 200 women's organizations in India.

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

5.3. Relevance of feminist research and advocacy

Feminist researchers and women's organizations have been voicing concerns about the persistence of gender differential arrangements in the production process. The landlessness of women is seen as a result of the policy focus on male-centred tenure rights for households and patrilineal inheritance rights. Recent studies on the property rights of women have questioned the policy silence on gender-based disadvantages of women in ownership and control rights to land and productive resources; these severely limit women's ability to address vulnerability and manage economic options, thereby preventing them from leaving violent relationships within the home and outside.¹⁴

This research has led to providing policy inputs, as is evident from the recent examples in India. In preparation of the 11th Five Year Plan (2007–2012), the Planning Commission of India had invited a number of feminist policy analysts (this later came to be known as the Feminist Economists Group) to critically review the Plan document through a gender-specific lens. A similar exercise was performed with regard to the 12th Five Year Plan (2013–2017), and in both cases, the views of the Feminist Economists Group were taken into account in revising the documents. More recently, in 2013, India's Rural Development Ministry requested various gender experts (called the Gender Community) for their responses to the Draft National Land Reform Policy. There were 37 responses (including my own). A large number appreciated the Draft Policy, and several pointed out major gaps that needed to be addressed for effective implementation to take place: (i) the need for gender disaggregated data on land

¹⁴ Agarwal, 1994; Lawyer's Collective Women's Rights Initiative, 2011; ICRW, 2006; Rao, 2011; Kelkar and Wang, 2007; Kelkar, 2014; Wang, 2013; Zhang et al., 2015.

ownership; (ii) creating an enabling environment for women through training in new technologies, marketing skills, and distribution of Kisan [Farmer] Credit Cards to women; and (iii) effective implementation of the Hindu Succession Amendment Act, 2005 giving women and girls inheritance rights to agricultural land (Solution Exchange, 2013). The results of the consolidated responses, however, were lost in the process of the 2014 general election and the subsequent change in the government.

While the state has been silent on the Draft National Land Reform Policy, the women's movement, consisting of both organizations and individuals, has taken significant steps in making claims to the state. For example, in 2014–2015, MAKAAAM: (i) expanded women's claims making activities and membership base throughout the country; (ii) demanded that the state affirm its commitment to inalienable, independent and effective rights of women farmers over livelihood resources such as land, seeds, water, forest and clean energy; and (iii) is engaged in drafting a Bill on Women Farmers' Rights and Entitlements to be submitted to the Parliament. The claims-making process is designed to have a secular, peaceful and autonomous approach towards achieving a fundamental change in gendered social norms and institutions. In a recent National Convention of Women Farmers held in Andhra Pradesh on 16–18 March 2016, women farmers from 18 states demanded that the state *Recognize, Empower and Support* women farmers. Some major points of the MAKAAAM declaration (www.makaam.in) for restructuring state policies around basic livelihood resources included the following.

- The state should prioritize land rights for Dalit landless, single, tribal, and differently abled women in the distribution of public lands.
- Recognizing that joint titles do not necessarily empower women, the state should promote independent land rights for women.
- Recognizing that fragmentation of land is cited as an excuse to deny independent rights to women, they should be given fair share in the income from such land to secure their rights.
- Recognizing that women are the primary users and protectors of the common lands, their rights and entitlements should be protected.
- Agriculture officers, extension personnel and revenue officials should receive training on women's land rights.
- Administration officials and functionaries should be sensitized to promote ecological agriculture and women's land and livelihood rights.
- Land literacy, marketing and value addition training for women farmers should be strengthened.

5.4. Women's organizing for land and productive assets

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

1. At the *Chandwad meeting* in Maharashtra in 1986, organized by Shetkari Mahila Agadi (the women's front of the Farmers' Association in Maharashtra), 150,000 rural women participants raised two main demands: (i) women's equal rights to land and property; and (ii) an end to violence against women. The participants did acknowledge that Shetkari Sanghata (the Farmers' Association) had attempted to make male farmers transfer a part of their land to their wives, but this had happened only in few areas, making the process only of symbolic. In general, male farmers were reluctant for fear of

being abandoned by their wives (Omvedt, 1993). However, over 300 women from Satara and Sangli districts continued with their campaigns for women's rights to land, housing and separate ration cards (Kulkarni, 2013). These struggles, led by women farmers—in collaboration with civil society groups, feminists, and academics—pushed the state to change laws. For example, in June, 1994 the government of Maharashtra took a landmark decision in amending the Hindu Succession Act of 1956 and conferring equal coparcenary (joint ownership) to daughters in a Hindu family on par with sons.¹⁵

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

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

In the initial years, many men refused to let their wives join the Gulabi Gang. So the Gulabi Gang decided to interact more with men and discussed their goals and explained how violence against women also affected men (Khan 2013). As a result, men, especially lower caste men, began to trust the Gulabi Gang and understood that the movement for women's rights was beneficial for everyone. The Vice-President of the Congress Party sought the support of Sampat Pal, the leader of the Gulabi Gang, to mobilize women's votes for the Party as well as to gender-sensitize the election manifesto. Sampat Pal stood for a parliamentary seat but faced an electoral defeat due to vested interests (Author's interview with Sampat Pal, March 2014).

3. With the joint initiative of the Gorakhpur Environmental Action Group and Oxfam, India, the **Aroh campaign** for landownership rights of women was launched in October 2006.

¹⁵ http://www.hindunet.org/alt_hindu/1994/msg00516.html. Accessed on 3 June 2016.



A woman farmer drives the cart with slogans of her right to land on the back of the animals. Photo taken in February 2015.

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



Women, children and men participated in the march to the State Legislative Assembly with their banners and placards carrying messages of women's right to land. Photo taken in March 2015.

The Aroh campaign included the following slogans:

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

The AMKM position was that ownership of land and assets determined the social acceptance of women and their involvement in all decision-making processes (GEAG, 2014-2015:22). However, there was no general agreement among the participating organizations on women's claim for equality in landownership. The two Aroh slogans "*Mahila hi kisan hai*" (women are the farmers) as against "*Mahila bhi kisan hai*" (women too are farmers) indicated the different views of the basis for women's claims making with regard to land. Nevertheless, the campaign organizers presented themselves as a united group, with a coherent agenda in public claims making for women's right to agricultural land.

It is important to note that these women did not seek land or assets for profit. What they have been trying to deconstruct is the male supremacy that has become violent and exclusive in both domestic and public spheres. This dimension of women's claims making has brought issues of economic and cultural justice and social sustainability to the fore, with special emphasis on the human rights of marginalized and vulnerable women. The Aroh campaign led by women farmers, in collaboration with numerous civil society organizations in Uttar Pradesh has been instrumental in pushing the state administration to enact the Revenue Code Bill (which took six years to become a legal Act). In March 2016, the State Assembly passed the UP Revenue Code (Amendment) Bill (Government of Uttar Pradesh 2016). This Act, which ensures that a married women gets equal right to the Gram Samaj (village revenue) land given out on a lease,

has been promoted as a step towards the empowerment of rural women. However, the Code was seen as an insignificant step by the Aroh campaign, and its members have continued with protests and demands for recognition of women as farmers and their right to land.

4. *Women's associations in China* occupy a unique position in linking civil society with government programmes. In close cooperation with the government, they have been able to exert great influence in raising community awareness of the need for women's rights and drawing the government's attention to women's economic and political rights, including the male bulge in the country, with 18 million more boys than girls (Women's Watch-China, 2014). Further, at an inspection visit to a public programme for the registration and confirmation of land use rights in Sichuan Province in May 2014, the All China Women's Federation (ACWF) urged the government to ensure "the registration of contract and management rights of rural lands can better secure women's legal land use rights and help rural women solve land-related issues" (China Women's News 2014).

In the preoccupation with a high rate of economic growth, concern for gender equality and non-discrimination against women were not priorities in the prevailing order of the political economy of China. The Third Survey on Chinese Women's Status conducted in 2011 brought out many details of gender discrimination in the workplace in urban China (Fan 2014). Women's work participation declined in urban areas during this period, but there was an increase in the number of rural women workers, reportedly due to male migration. Strangely, while gender discrimination and violence against women persisted, and inequalities continued to rise, there were indications of women's growing awareness about their rights and claims to land. The ACWF demanded that the Party and government provide for women's land rights and for strict action against the sexual abuse of women (Zeng, 2014).

Chinese law stipulates that when a woman marries into another village, she gives up her share of land in the parental village, and in return receives a share in her husband's village. However, traditional gender practices and social norms of patrilocal residence and patrilineal inheritance have influenced the limited implementation of these laws. The village committee is the sole authority in the distribution of such land and is mandated to follow the 2003 Land Contracting Law, which stipulates that women and men would be entitled to equal rights in contracted land. The contract-issuing party (village committee) is not allowed to take away a woman's original contractual land unless she receives land in her marital village (Wang, 2013; Zhang et al., 2015). Following the 2003 land law, the Nanhai district government of Foshan in Guangdong Province set up a working group of local government officials to implement women's equal rights to land. The combination of administrative and judicial interventions resulted in equal land rights being granted to 95 percent of married women—a total of 18,000 women who had married outside their villages (Wang 2012). Subsequent to this success, some women's groups working with villagers held intensive discussions and workshops in order to combat traditional practices. This resulted in more of these women being given rights to land.

The All China Women's Federation played a significant role in initiating a countrywide survey on the social status of women. Starting in 1990, this survey is conducted every 10 years in collaboration with the national Bureau of Statistics. The 2010 Survey identified rural women's land rights as one of the major issues faced by women in the last decade. The ACWF therefore advocated for including the following six areas in the

survey: (i) including women's names in the land documents; (ii) legally defining the membership of the collectives; (iii) ensuring women's equal rights to compensation in cases of land-grabbing; (iv) strengthening reviews of the village rules by the local governments; (v) increasing women's participation in village-level decision making; and (vi) ensuring women's equal access to justice on land rights (Wang, 2012; UN Human Rights and UN Women, 2013).

More recently, feminist groups in China pointed out that marriage as an institution in China (this is also true in India) does not protect women's rights and offers limited protection against violence and risks faced by women. In an overall context of market uncertainties and the growing aspirations of unmarried young women, officially called as the "leftover women" (women who did not marry by the age of 25 years),¹⁶ there have been debates over women's right to equality. Women's organizations see this as a backlash against the educational gains that Chinese women have made over the past decades:

as women get more educated, they naturally want to delay marriage and they want to spend more time furthering their careers. And the government does not want that to happen; it wants them to be at home, get married by the age of 25 years and to focus on home and quality of raising children, rather than their own education and careers. (Fincher in an interview with Women's Watch-China, May 2014).

Despite the government-supported media campaign against the "leftover women", women's organizations in China have been fighting back, determined not to be re-subjugated. A number of young women have chosen to remain single, and have given a new meaning to the term "leftover women": the "triumphant" women.

5.5 Women's individual and collective voices from the field

In the existing patriarchal system, men of the dominant class (and caste) have long dictated the social rules governing virtues and morals for women. Women's individual and collective voices claiming their right to land and housing brought in new social and cultural discourses to overcome sexualized and materialized gender-based differences. Selected voices from my field notes over a period of 25 years in India and China represent women's aspirations and their claims to the state representatives and the leaders of mass movement.

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

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

When the land is in my husband's name, I am only a worker. When it is in my name, I have some position in society and my children and my husband respect me. So my responsibility is much greater to my own land in my name and I take care of my fields like my children (a villager in Sholapur, Maharashtra, India, a

¹⁶ In China, "the leftover women" campaign began in 2007, when the State Council issued an order on upgrading the population quality and family planning programme to address the sex ratio imbalance. This resulted in ridiculing women for delaying marriage and shaming them for the consequence of being single, divorced mothers.

statement made in the presence of 42 women and 12 men, from Kelkar, 2013, quoted in Kelkar and Krishnaraj, 2013).

Suhadra from Chakchatgan village in Banda district, Uttar Pradesh, India, explicitly stated the case for women's unmediated right to land:

Those women who do not have land in their names are vulnerable; they can be easily evicted from the marital homes and asked to return to their parental homes. This will not happen if women have land in their names...Now we can demand our rights; fear has left our body. Men are careful when land is in the women's name (Kelkar, Field notes, April 2013).

In the given political culture of China, rural women (and men) are not used to talking about their problems to others, even in the intra-household circles; "nor do they approach any government authorities" or organizations for help (Wu and Ye, 2014:15). I therefore found it difficult during the fieldwork in China to get women to speak about making claims to their entitlements. There were some women who spoke about the change in gender relations in the village Tian Xi, Lijiang county on 14 March 2011:

Women and men have traditionally different roles. Earlier women worked much harder, now both women and men work. There is a huge change in gender relations, for example, now a women can learn 'Dumba' (local religious rites of Naxi people), she can be a taxi driver, can be a tourist guide, can run a local tourist centre, and manage agri-businesses, agricultural farms and organic production of fruits and vegetables.

This and other voices indicated that women have been engaged in an active process of claims making with the institutions of state, community and family. As individuals existing within familial and extra familial settings, they demand, extract and enforce their entitlement to land and other productive assets.

The aspirations of women in the feminized and "left-behind" agriculture in China and India indicate four important factors about the rise of women's agency. First, in both China and India, land reform historically resulted in incremental reforms for women's sole or joint titles to agricultural land. The second factor was the exodus of able-bodied and skilled male labour from rural areas in search of non-agricultural jobs, which meant that women assumed the responsibility for agricultural production. Third, women had to support the household that included children and the elderly as the dependents in the "left-behind" agricultural population.¹⁷ The fourth factor was the dynamics of growth in commercial agriculture and land acquisition in rural areas, which in numerous cases resulted in increasing women's aspirations and claims to their inheritance rights to land (as reported by Chowdhry, 2011 in the case study of Haryana). These were supplemented by various mediating factors: the growth in land transfers, urbanization of rural space, changes in consumption patterns, and exposure to the outside world through television and mobile phone technologies. It would be naïve to assume that women who work in agricultural production would not be influenced by these changes in the agrarian political economy and would not make efforts to claim their rights and entitlements.

¹⁷ For left-behind agriculture, see Zhang et al., 2015.

6. An Assessment of Change with Land Ownership

Does such access to land rights represent an increase in the agential power of women, an increase in their capability, well-being and decision making? Has the movement of women from within the four walls of their homes to agriculture and the market brought them benefits in terms of their increased autonomy and enhanced economic agency? Has it weakened the grip of patriarchy? Or do women continue to function within the confines of the traditional systems of power and hierarchy between women and men?

I examined these questions keeping in mind two major roles for women: (i) as producers of agriculture and participants in the market economy; and (ii) as partial or full owners of land. In both cases, women were income earners, a role which is different from their former and traditional status as dependent, contributing family workers. There is growth in the economic identity of women as producers of agriculture, income earners and even as providers for the family. It is important to note, however, that a significant majority of women, both rural and urban, have a multidimensional employment deprivation in terms of wage disparity and lack of decent work conditions (UN Women, 2016).

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

6.1 Reduction in gender-based violence

Women's landownership or improvement in economic status does not by itself lessen the violence against women. But it does strengthen women's economic agency and position, enabling them to resist and thus bring about a reduction in violence. A recent study on Women's Asset Ownership and Reduction in Gender-Based Violence conducted in three states of Karnataka, Telangana and Meghalaya in India (Kelkar et al., 2015) noted that over 80 percent of women interviewees said that land and asset ownership had significantly reduced the incidents of physical abuse inflicted on them. A woman village officer in Somram village in Telangana said "land ownership by women substantially reduces violence against women". However, at the same time a number of women said that in a given system of male dominance and women's inadequate knowledge of land and revenue matters, many women found it difficult to protect their fields from land grabbers, who could be both within their families or individuals in their communities. On a different track, a number of male village leaders affirmed that women should get their share of land because such entitlement would enable women to more efficiently manage household resources and well-being of children; unlike men, women would not risk their land and household assets by drinking and gambling.

6.2 The meaning of land rights

Women's unmediated ownership of land could lead to higher and better quality production and, more importantly, it could enable them to control the use of household income for their own well-being and that of other household members. An increasing range of econometrically robust studies show that compared to the assets owned by men, land and asset ownership by women has significantly better outcomes for their

economic agency as well as for survival, education and health of children as I noted in a study of five districts of Uttar Pradesh.¹⁸

In a collective discussion with 15 women and three men in Awadhpur village, Gorakhpur district, Uttar Pradesh, I asked about the change in the women's position in the last 10 years. This change could be related to women's increased work in agriculture and land management as well as a result of their participation in Aroh campaign. Almost in unison, women responded with the following statements.

- Now women have savings and withdraw money from the banks.
- There is increased control of women over money through Self Help Groups.
- Women manage land and livestock and work on vermicomposting. In the presence of her husband, a woman added, "I work so much, he only talks".
- Women now go to the market to sell their vegetables.
- Women have constructed or repaired houses, despite the resistance from their husband in some cases.
- Women have successfully bargained for better education of children, as well as for their own employability.
- There has been a reduction in male violence against women, within home and outside. "Men listen to us because we control our land, cash and assets."
- Women have acquired some power now; land gives them power. In agreement with others, a middle-aged woman added: "Now we are *saksham* (capable). We have freedom of movement, self-confidence and independence. We can manage our own assets and our life".

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

6.2.1 Women's increased agency to influence decisions

In a study of five districts of Uttar Pradesh titled "Women's Agential Power in the Political Economy of Agricultural Land", women were asked about their ability to influence decisions of male members of the family, including their husbands (Kelkar and Jha, 2016).

Of the 118 rural women interviewed, 86.38 percent responded that they would be able to convince the male members of their families not to sell land in case the men wanted to sell. However, while a very high percentage (97.62 percent) of the respondents from Gorakhpur district seemed almost certain of their ability to do so, the women from the neighbouring district, Kushi Nagar, did not seem as confident: only 55.56 percent of them were certain that they would be able to influence decisions in the home. However, it is important to note that a large number of respondents in the Gorakhpur district were

¹⁸ Kelkar and Jha, 2014; also Kanbur and Spence, 2010; Kelkar, 2013; National Commission on Farmers, 2004; World Economic Forum, 2005.

active members of the Aroh campaign, unlike in Kushi Nagar, where the Aroh campaign has started only recently. When all the women respondents of the five districts were asked about their ability to influence the decision for renting out of land, 89.61 percent of them were confident that they could do so. From this analysis it can be safely concluded that as a result of their right to land, women did get decision-making powers with regard to day-to-day management of land, particularly in cases where men were away working on non-agricultural jobs. However, in some cases, decisions like selling or renting of land were generally taken by men, even when they were away at distant urban centres for work. Men instructed women about these matters on mobile phones.

6.2.2. Changes in consumption patterns

Feminist analyses have indicated that women's land ownership may bring changes in command over the use of resources and in consumption patterns of the women as well as household members.

Figure 1: Women's ability to influence decisions

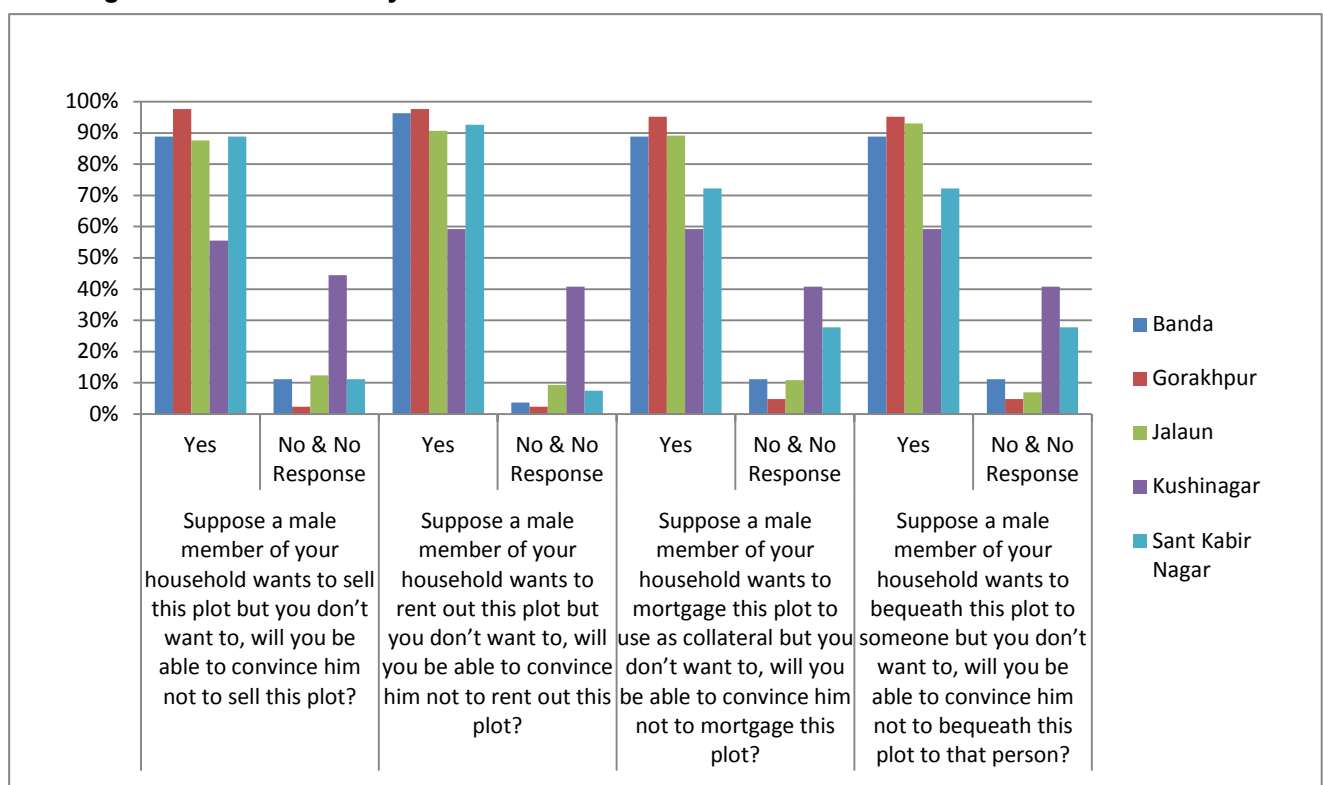
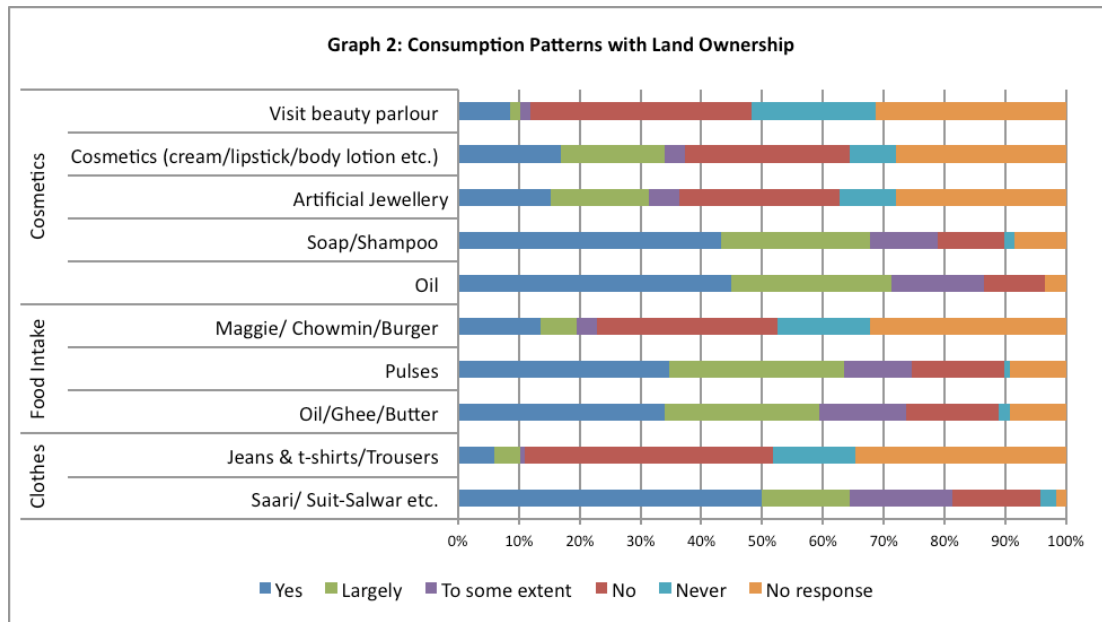


Figure 2: Consumption patterns with land ownership



Our field survey showed that a great majority of women (81.36 percent) said that they were able to buy more traditional clothes (saris and salwar kurtas) and of better quality. With regard to the freedom to wear westernized clothes (jeans/t-shirts/trousers), 40.68 percent said that they had seen no improvement, and another 34.75 percent decided not to answer. There was a noticeable increase in the regular use of items like oil (86.44 percent), soap and shampoo (78.82 percent). Semi-precious jewellery and cosmetic items were seen by women as part of “power dressing” for meetings with officials and outsiders.

7. Continuing Challenges

Notwithstanding successes in women’s claims making, social norms and institutional systems in China and India have created many obstacles for women. A great majority of rural women in China have continued to work as labourers on the farms owned by men; they “had to face predatory local states” and “endure hardships in family relations and physical and mental well-being” (Zhang et. al., 2015: 301). In spite of national and provincial laws of China that guaranteed women’s right to agricultural land, in numerous cases, customary practices embedded in village regulations did not allow women to have rights to land.¹⁹ In villages in Zhejiang province, for example, regulations included “Divorced returnees shall not benefit from the village welfare” and “Women over 20 are not to be allocated the village land” (Wang, 2013:113; also see Yuan et. al., 2010). Further, in the continual drive for achieving agricultural modernization through capitalist accumulation and commodification of rural production and reproduction, women’s rights and livelihood are adversely impacted (Ye, 2015; Bernstein, 2015). Family farming was organized like corporate farming along the lines of the market demand.

There are four political economy issues that were seen relevant for enabling a policy environment for enhancing women’s economic agency and gender equality:

¹⁹ Zhang et. al., 2015; Jacka, 2012; Ye et.al., 2013; Wang, 2013.

- i. building coalitions (political parties, trade unions, private sector and women's organizations) that mobilize around policy reforms and generate broad-based support;
- ii. facilitating business reasons for gender equality and drawing attention to the growing market power of women;
- iii. providing windows of opportunity for women's advancement and decision-making roles in social, political spheres or planning for programmes caused by natural disasters and climate change; and
- iv. government action for transformational reforms to overcome women's economic dependence and persistent institutional discriminatory norms about gender inequality and exclusion (World Bank, 2012).

Importantly, there is a growing realization in policy circles that incremental reforms, such as joint titles to land and property, have not worked, and social and cultural norms have impeded the process of policy reforms for women.

Recent studies of rural India have shown: (i) slow breakdown of caste hierarchies and associated occupations; (ii) the declining importance of agriculture in its association with power and prestige linked to land ownership; (iii) the large-scale involvement of women in agricultural work and farm management, though in most cases the ownership of land has continued with men; and (iv) women's organizing in self-help groups and thereby acquiring more visible roles and increased access to markets and financial institutions.²⁰

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

In the course of focus group discussions in Karnataka, Andhra Pradesh and Telangana, conducted in August 2014, it was noted that a number of women preferred to have their daughters inherit land but that their sons would not allow such transfers. Daughters were therefore systematically discouraged from any claims making to land. Moreover, the earlier practice of giving a portion of land to girls as part of their entitlement in certain communities in Telangana has declined over the years. In Somaram village, several women said in a focus group discussion, "We do not ask for our share of land. What's the point? Even if we ask, they will not give us any land whatsoever". Such opinions were echoed by women of other villages in all the three states. Women maintained that it is the son who would inherit land since social norms and traditions did not allow for a girl to inherit land. Nonetheless, in some cases women have successfully claimed their right to inherit land. The *sarpanch* (the head of the village council) of Gurthur village in Telangana narrated a recent case in which five daughters joined forces against one brother to claim their individual shares of land. In the court case, the six siblings (five daughters and one brother) were each awarded an equal share from the total land area of 3.2 acres (Kelkar et al., 2015).

²⁰ IDFC Rural Development Network, 2013; Shah et al., 2009; Rodgers and Rodgers, 2011,

8. Conclusion: Towards Strengthening Women's Land Rights

As discussed in the preceding pages, there is need for a greater understanding of the gendered norms and power relations that influence both formal and informal institutions, and impede women's efforts to advance their economic agency and productivity. Nevertheless, there are processes of collective and individual actions through which women have come together to claim their rights to land and use it for productive purposes.

It is also noted in the field-based studies that some women showed a preference for transferring land in the name of their sons. Most often, such responses are automatic rather than deliberative. In automatic thinking, the influence of social norms lead to a narrow framing of options, and responses and decisions are generally made by default. This is what Bourdieu (1978) conceptualizes as *doxa*: by which people and their entitlements are seen through age-old popular norms and customs. These options, of course are gendered, even when women follow them in making decisions. However, these accepted norms are changing; for example, a number of rural women prefer to have their unmediated right to land and an equal share of inheritance for their daughters. These responses show that women's independent right to land is one of the ways by which discriminatory social norms that have an embedded disadvantage for married women could be transformed.

Rural women define their dignity in terms of a social/familial existence with independent control over land and assets, and freedom from patriarchal social norms (Kelkar et al., 2015). They aspire to be economically independent through owning land in their own name and would not want their daughters to live a life of dependency and subjugation. Such aspirations on the part of women reflect their hope for the future and in turn lead to the creation of new needs for productive assets and the knowledge required to manage such assets. This is likely to bring forth change in the economic and social structures of power which govern existing resources and capabilities.

Recent development discourses suggest four components of policy change for an enabling environment for women's right to land:

- i. *Laws and policies*: enactments and effective implementation of gender-just land allocation/land distribution policies;
- ii. *Freedom from violence*: ensuring women's freedom from violence within the home, workplace and other public places;
- iii. *Community-based legal literacy on land rights of women*: setting up legal literacy centres and awareness campaigns on women's land rights; and
- iv. *Strengthening institutional capabilities*: increasing women's economic agency with resource rights and gender balance in land and revenue administration.

Admittedly, in considering women's conditions of inequality and marginality in ownership and control of land and property in China and India (in addition to malnutrition and poor health in India), there is need to determine a set of desirable policies and actions at overcoming the cost of inaction: "the net benefit foregone by not undertaking an action" (Anand et al., 2012: 20). Recently, at the 2015 United Nations Climate Change Conference in Paris, a high-level discussion organized by the Consortium of International Agricultural Research Centres identified three specific interventions that can mitigate "the cost of inaction" and avoid the gendered negative outcomes that resulted from past agricultural development policies (Meinzen-Dick,

2015). These include: (i) carrying out legal and policy changes for women's land and property rights; (ii) enhancing women's knowledge about property rights through community-based legal-aid programmes and mass media campaigns; and (iii) including and consulting with local women about their experiences and strategic needs in research and advocacy for policy change and actions. These should take into account the context-specific situation of women's rights or gender relations, such as women's traditional rights to commons in indigenous societies of India and village ownership of land in rural China.

Women's bargaining power within the household is seen as an important factor in addressing gender disparities. Women's lower bargaining power is partly determined by their miniscule share of assets in comparison with men, which is also influenced by social and cultural norms along with the lack of implementation of gender-responsive legal measures. All these, in turn, make women dependent on men and vulnerable, without control of household assets and a voice in land management and investments. When rural women have an independent right to land, they have substantial decision-making power and social norms change, favouring equality and freedom.

The culture hypothesis is seen as useful in understanding the role of beliefs, values and social norms in creating and reinforcing inequalities. Admittedly, social norms embedded in local cultures can be hard to change, and they support the institutionalized differences between women and men. It is therefore necessary to replace old with new knowledge, technology, skills and values in the political arena and in the economic institutions of governance of land and market agencies. Cultures are not static; they have a dynamic character and have been changing throughout history. The way to transform patriarchal systems of political and economic governance is to ensure that both traditional and modern institutions create pluralistic structures of governance with adequate representation of women in decision-making roles at various levels in land revenue and financial administration. Married women's access to justice as against the policy attention largely directed towards the female-headed households was well summed up by a High Court judge in addressing a 2014 Women Farmers' Conclave in Lucknow: "Access to justice is incomplete when available only after *pranpati* [husband, the controller of my life] is no more. Justice is effective and complete when available in his presence and on equal terms".

A broad conclusion is that the power of social norms diminish in response to women's collective and individual claims making for an independent access to ownership rights to land and productive assets. Negotiations and resistance by women to gender norms are evident throughout the study cases. In as much as they imply a challenge to gender norms of control and power, departure from these norms showed a change in women's ability to mobilize and have a voice for justice and power or agency; an enduring capacity to act and make strategic life decisions in a context where this capacity was previously denied to them. I further noted in the study that the state, in most cases, has responded to women's protests and claims to justice and rights, in terms of formulation of policies and legal frameworks. However, these legal frameworks and policies have remained largely ineffective in changing institutions trapped in gendered norms and women's economic dependency. There has been no significant withdrawal of male power over land and productive assets despite the fact that women and civil society groups, in large numbers, have continued with the claim that the intrinsic value of justice and right to equality lies in ensuring women's autonomy and their freedom from violence and dependency relationships.

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