

## **Comments from Working Group for Women and Land Ownership<sup>1</sup>, Gujarat, on draft Land reform policy**

Following are the comments on land reform policy from gender perspective, based on the experience of members of Working Group for Women and Land Ownership, Gujarat: a network- which works to promote collective actions in rural areas to promote mass awareness, understanding and action on the issue of women's land ownership and undertakes lobbying and advocacy on the issue with the state government. While overall comments for the policy have been mentioned in separate forum, following is an effort to look at the policy from a gender perspective

### **Overall comments:**

Overall, the policy is pro poor and pro women. There is a special section on "land rights to women", which is an appreciative step. However, women's rights are cross cutting, and should be incorporated in all the sections, apart from having a special section on the same. Else, the general experience has been that they remain as standalone points; at times in contrast with other parts of the document.

### **. Areas where specifically a gender perspective is required are:**

- Just as in tribal land, land transfer regulations are required for land owned by women: as daughters or as widows. While legal rights exist, socially they are forced to give away their rights. Hence, a section needs to be added on those lines.
- Single women are one of the most vulnerable categories for land alienation as also during land grabbing. At the same time, at times, it is difficult for them to invest human resources as also monetary resources for land development. Hence, giving priority to single women in: protection from land alienation; restoration of alienated land; prevention of land sale out of distress as also in land development is a must.
- The section on CPRs needs to bring in gender perspective: Even among the landless and the poor 'people', women are the most affected.
- Section on land acquisition needs a gender perspective: Along the coasts and in the fast developing industrial zones, several kinds of land acquisition is taking place, whereby individual

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<sup>1</sup> Started in 2002, the Working Group for Women and Land Ownership (WGWLO) is a Gujarat-based network of 36 members including 14 CBOs, development professionals and 17 CSOs engaged in addressing the issue of rural women's land ownership in the state. WGWLO is an unregistered, membership based network. It promotes collective actions in rural areas to promote mass awareness, understanding and action on the issue and also undertakes lobbying and advocacy on the issue with the state government. These comments are based on experiences of members of WGWLO, with specific inputs from Nafisaben(Utthan), Prasad(HDRC), Vijaybhai (Janvikas), Preeti (Independent member), Jahnvi(Anandi), Nupur(Centre for Social Justice), Apoorva Oza(AKRSP-I), Rajeshbhai (Cohesion), Varsha (Independent member) and Shilpa (Independent member)

households are being forced to give up land and some are often lured by false promises of hefty compensation. Procedures are not women friendly for women to go to public hearings and present their protests and concerns. Single women, daughters with no male siblings are more prone to land grabbing and land frauds in areas where land acquisition happens on a large scale. Women do not have access to information on land being acquired and even if land is acquired with consent, all negotiations take place only with men. Compensation for the land is only to the 'land owner' – mostly the man; not recognizing women's role in agriculture; although the impact of loss of livelihood is much more on them. Poor widows and single women are the first target for land grabbing; they are disempowered without their knowledge.

- Land records are age-old and need updation in such a way that it can control arbitrariness, malpractice and corruption. Mutations are not done for two-three generations. Varsai camps are held by the government, but most of the times people, especially women, don't even come to know that such camps are being held. This affects women most negatively, as even if they want to claim their right as daughters or as widows, they can't, since it turns out to be very expensive for them to call all other members of the family if they initiate the mutation exercise. Lot of times in-laws refuse to go in for mutation with the fear that widow would seek her claim. This section hence, needs more emphasis in the policy document, before computerization is done. In Gujarat, computerizing is done, but updation is not.
- Gender segregated data for the tenure of all types of land is required when computerization of land records is done. In Gujarat, this has been missed out while computerizing the land records. So there is no data of how many actual women land owners exist.
- The training and capacity building section needs to include women's land rights in its content for training. Patriarchal perspective of those associated with land administration in a larger sense, including Elected Panchayat representatives, affect women negatively.
- Women's (daughters', widow's) names are removed from the family tree, sometimes with the support of village revenue officials, sometimes without their knowledge. Role of Panchayat could be strengthened to prevent cases of land disputes especially those affecting women, if these types of entries are read out in Gram Sabha in public.
- Reserving land for urban poor and its impact on poor women: Discussion on land and livelihood is generally focused on rural poor. However, the urban poor, especially women, also face severe hardships, sometimes face greater difficulties. The rate of urbanization and migration from rural to urban areas is about 35% in Gujarat while the reservation of land is about 10% for urban poor. There is a wide gap between the two. Shortage of land results in lack of entitlements and infrastructure facilities for the urban poor. In such situation, women suffer the most.
- There is no explicit policy of the state which considers women as a major player in the market in the form of producer (agriculture, salt), trader (forest produce) or vendor (retail market) and hence, gives priority in allocation of land to women's collectives in market places in Block head quarters. In fact, experience shows that when demanded, they are denied of such places at Block head quarters.

Based on the broad issues above, the specific suggestions are as follows:

**Specific suggestions for land reform policy seen from gender perspective:**

Page.	Section No.	Topic	Comments
4	II	Land use plan	<p>In the context of rapidly changing land relations in the country, land mapping should be carried out every 10 years and should be tabled before planning commission.</p> <p>The current status of land use, land redistribution and land management should be compiled based on the existing data from all sources and put in the public domain as a white paper, so that the more comprehensive mapping can be done later on in a better way. The availability of land to be redistributed should be established through hard data / information – village-wise, based on excess land under Ceiling Act and available wasteland and so on.</p> <p><i>This mapping should be as disaggregated as possible – gender, caste, various marginalized communities, various categories of land use – agricultural / wasteland / marshlands / coastal land (review along CRZ norms) / commercial crops / food crops / industrial / residential (give all categories) / institutional / and so on. The mapping will be meaningful only if it gives a clear road map as to locating land for redistribution through hard data and operational details.</i></p>
4	II	Land use plan	Ensure gender sensitive land tenure context mapping at all levels to get the base line figures for land rights with emphasis on Dalit, and tribal women.
4	II	Land use plan	When land use change is effected, survey, data and provisions must include and benefit women particularly.
5	III-(c)	Time bound assignment of land	Give priority in distributing land to women, especially widows, during land allotment
5	III-(c)	Time bound assignment of land	Give priority to land in the name of women groups / SHGs for revenue land redistributed for income generation purpose.
5	III-(c)	Time bound assignment of land	Lot of women's SHGs who take up common activities need space of their own either at village level or at Tehsil level. Such women's groups face tremendous problems in accessing land and end up purchasing land from their own savings while land is being constantly allotted for industries and

			SEZs, depriving the local community, especially women's collectives, of their commons and right to livelihood.  Priority must be to give land on long term lease to women's collectives to have their own space.
5	III-(c)	Time bound assignment of land	Land Kacheris must be held at regular, stipulated intervals, for redistribution of land based on land use plan that specifies a time bound redistribution plan and procedure.
5	III-(c)	Time bound assignment of land	Include a woman social worker (with expertise on land issues) in the land kacheris held for land redistribution.
5	III-(d)	Ceiling surplus lands	Settlement of records of land distributed under saathni, or ceiling Act have not been updated in certain areas, leading to conflicts as well as deprivation of the benefits of land based schemes that require proof of land ownership. This needs to be updated.
8	IV	Protection of lands belonging to SCs, STs....	Add SC and ST women, <b>single women</b> <sup>2</sup> and women from other marginalized communities in the title : single women are one of the most vulnerable categories that fall prey to land alienation, distress sale of land; as also land grabbing.
8	IV-(b)	Restoration of alienated lands	This entire section should add how single women of all classes and castes will be protected from land alienation,, particularly SCs and STs
8	IV-(c)	Prevention of distress sale	The introductory para should also emphasis on difficulties faced by single women without access to other productive resources, including credit, leading to distress sale.
8	IV-(c)-iii	Prevention of distress sale	<b>Add:</b> single women, along with 'any poor family'
9	III-(d)	Land development	Priority shall be saturation of all lands belonging to SCs and STs; <b>add:</b> and single women
9	III-(d)	Land development	<b>Add:</b> Initiate government schemes to lease land to women's groups for collective economic activity on a long term lease period. This will enable women to create assets enhance skills, knowledge, bargaining power, and access to new technologies.
9	III-(d)	Land development	<b>Add:</b> Ensure greater developmental incentives or differential incentives exclusively favouring women landowners or joint landowners, in the

<sup>2</sup> Single women include widows, destitute and unmarried elderly women

			form of loan/ subsidy, inputs, market support. This must be done on priority basis for land owning BPL families.
9	III-(d)	Land development	Appropriate incentives must be given - to women for her to develop her land, for food security and income. But pre requisite must be capacity building of women not only in technical aspects but also from the context of empowerment and her right otherwise all her efforts/ income will go to men rather than its equitable distribution. Sensitising men must be an integral part of this capacity building process.
9	III-(d)	Land development	In many regions which are either water scarce or with surplus water - there must be special investment for women being able to build their resources as well as access the water for use in production. The land could be used both for agriculture and non agriculture (animal husbandry, fishing, setting up marts, production of manure ...).
16	VI	Land to the pastoralists/nomads	Their demands must be given priority over leasing land to industries. In Kutch pastoralists have been demanding homestead vadas (plots) for a very long time. a clear policy and program must be put in place.
17	VII	Land rights to women	Just like section V for STs and land access, make a new sub section for women's land rights: (a) Land transfer regulations (b) Protection of land belonging to women, especially single women (c) Monitoring of impact of existing laws
17	VII	Land rights to women	<b>Add: Land transfer regulations</b> are required for women's land rights as women are forced to give away their inheritance and legal rights against their wishes. Procedural Changes and Guidelines must be enforced so that daughters /sisters / widows do not give away their rights to the fathers/brothers/in-laws due to social pressure. Provisions as follows: ▪ When a daughter inherits land, any application for giving away this right should be considered only after one year of such application for gift transfer and after both the brother and sister have had a counseling session with the Patwari /LSA. In case the brother wishes to own land before

			<p>one year, he has to purchase this land at market rate from the sister and deposit money in her account, before any transfer can be made.</p> <p>He can enter into a registered lease deed for a stipulated period after appropriate payments are made and recorded, whereby a widow's land can't be transferred by force or will to others till she is alive. Any such transfer of a widow's land when she is alive should require the Collector's permission, as is required for transfer of tribal land.</p> <ul style="list-style-type: none"> <li>▪ The reason for land transfer and consent of the woman for the same should be recorded and available for scrutiny by anybody to ensure that the transfer has not been made under distress and family / community pressure. If the reason for such transfer is extreme economic crisis, efforts should be made by the authorities to assist her with priority credit lending against her landholding from banks / through soft loan schemes etc.</li> <li>▪ There must be cell with counselors, to ensure women are not forced to give up their rights over land. Without, this process of counseling no land transfer should take place (from women to others)</li> <li>▪ Women's inclusion in land of the family, should not be left to mercy of " other members giving no objection' - it must happen automatically.</li> </ul>
			<b>Add:</b> Waive registration fees for land transfer not only in the name of woman singly but also for collectives of women.
17	VII	Land rights to women	<b>Add:</b> Review and reform all land related data compilation and MIS procedures to incorporate gender-based data.
20	IX	CPRs	Clear policy for development of CPR must be made (already mentioned) and ( <b>add:</b> ) priority to women's registered SHGs / Collectives / groups must be given such that they reap the benefits of fodder-banks and grasslands directly.
21	IX - vi	CPRs	All CPR related survey should be gender sensitive: use of CPR not just by landless in general, but women in particular should be recorded
23	XI	Land acquisition	Even if the land belongs to the government /forest/ non-arable - bad lands, public hearing

			must be undertaken as the right of the locals to use these public /commons lands should be paramount. Women who largely depend on the commons must be specially consulted through village wise hearings held for land acquisition.
23	XI	Land acquisition	Public hearings must be done village wise where women's quorum of 30-50% must be compulsory and where women's voices are heard first.
23	XI	Land acquisition	Any compensation package under rehabilitation done for land acquisition under development projects <i>must give entitlements exclusively to women. At least half of the compensation- whether cash or kind- must go in the name of woman- even if they may not be 'land owners'.</i>
24	XII	Land bank	Good idea. Land should be made available to SCs/STs and <b>(add): women's groups.</b>
27	XIII-VIII-(a)	Resolving land problems including litigations	Very good initiative of Land rights and legal assistance centre. Needs to have two more aspects: 1, Each centre must have a fixed day in a week where it takes land cases of only women 2, All the staff of the centre must be trained in gender sensitivity and should be gender sensitive.
27	XIII-VIII-(c)	Resolving land problems including litigations	<b>Add:</b> In the inventory, special focus ..land belonging to SCs, STs <b>and women</b> , especially single women
27	XIII-VIII-(c)	Resolving land problems including litigations	Include women's name separately in the record of land settlement surveys if they have been cultivators therein.
27	XIII-VIII-(e)	Resolving land problems including litigations	<b>Change:</b> Not just pro poor perspective, gender sensitive perspective too.
28	XIII-VIII-(h)	Resolving land problems including litigations	<b>Add:</b> Legal services authorities .....providing free legal assistance to the poor <b>and women.</b>
28	XIII-VIII-(j)	Resolving land problems including litigations	<b>Add:</b> ...with at least 33% representation of women in the committees.
28	XIV	Modernization of land records	<b>Change</b> the term of "common man" to "common people, especially women"
28	XIV	Modernization of land records	While computerization of the land records is a good effort, there is a need for developing and maintaining sex and age segregated data for the tenure of all types of land.
28	XIV	Modernization of land records	Updating land related data before computerization should be a must. A drive for this must be made before taking up computerization. Daughters and widows must be informed in advance for their rights and procedures for updating land records.

28	XIV	Modernization of land records	Have at least one-third women signing as Panchs as references /co-witnesses, required to completing the land documents. They could be heads of SHGs, formally elected women representatives or any woman representing committees promoted by Government at the village level.
28	XIV	Modernization of land records	Separate <i>Khedut Khatavahi</i> after mutation to widow should be a must before computerization of land records, even if the land comes under land fragmentation act, to give them security of land titles with them.
30	XVI	Land administration	Recruit more women in land related departments like agriculture, revenue, horticulture and forestry for developing gender sensitive land and forest policies and programs.
31	XVI (a)	Land management	Simplify the revenue administration in a women friendly way.
32	XVI-(b)-ii	Role of Panchayats in Land administration	<b>Add:</b> All mutations must be <i>read out</i> in Gram sabha: this will help prevent removing names of daughter and/or widows from the mutations illegally. Reading out records of deaths registration, varsai, transfers etc must be compulsory agenda for the Gram Panchayat meetings and also informed at the Gram Sabha meeting.
32	XVI-(b)-ii	Role of Panchayats in Land administration	<b>Add:</b> Women's access to land records to know the status of land( normally if you don't keep yourself updated about your ownership, manipulations do happen with regard to land ownership/ use of land) should be made easily available at Village Panchayat level.
34	XVII	Training and capacity building –(d)	Content of training and capacity building should also include topics mentioned on page 27-(e). Apart from pro poor laws, training MUST include gender sensitization and the issue fo women’s land rights in its content- both for the revenue officials as also the Elected representatives.
33	XVI-c	Conversion of agriculture land for non agricultural purposes	<b>Add:</b> The decision of GoG to transfer ‘new tenure’ land into ‘old tenure’ land has benefited only the powerful economic caste interests. The change of status of land (tenure) is possible with paying petty amount as revenue. This promotes changes in land use pattern. The agriculture land is turned into non-agricultural land and the construction lobby makes a kill with its rampant misuse.

			<p>Earlier, one was not able to sell new tenures and women had access to the land as major source of livelihood. Once the land is sold, women are deprived of food security, status and say in decision-making and further get marginalized in various spheres of life.</p> <p>The GR that allows transfer of land from new tenure to old tenure should be immediately withdrawn, as many lands have been sold and women have lost source of livelihood and witnessed deterioration in quality of life – food insecurity and conversion from farmer to labourer.</p>
<b>ADDITIONAL</b>		Reserving land for urban poor and its impact on poor women	Allotted land for basic infrastructure facilities (housing, sanitation, primary school) be transferred exclusively in women's names or to the existing collectives of women.
			There is no explicit policy of the state which considers women as a major player in the market in the form of producer (agriculture, salt), trader (forest produce) or vendor (retail market) and hence, gives priority in allocation of land to women's collectives in market places at the Block head quarters. In fact, experience shows that when such places are demanded by women's collectives, it has been denied in majority of cases.