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**United Nations Research Institute for
Social Development
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**GENDER AND LAND RIGHTS REVISITED: EXPLORING NEW
PROSPECTS VIA THE STATE, FAMILY AND MARKET**

Paper Prepared for the UNRISD Project on Agrarian Change,
Gender and Land Rights

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GENDER AND LAND RIGHTS REVISITED: EXPLORING NEW PROSPECTS VIA THE STATE, FAMILY AND MARKET¹

I. INTRODUCTION: CONTEXT AND RECAPITULATION

In recent years, there has been a resurgence of interest in land reform and the agrarian question, among both academics and policy makers.² Several factors might account for this, some notable ones being: a concern with the development paths of the transition economies of central and Eastern Europe and South Africa, many of which still have a significant rural base; an active, ongoing land titling process in Latin America, although with shifting agendas prior to and under neo-liberal reform; the continued importance of agriculture in South Asia, Africa and many parts of Latin America, both as a livelihood source for millions and as a sector whose performance has a significant impact on the economy's overall growth rates; the emerging land struggles of indigenous people in many regions, including Canada and Australia; the link between land reform and decentralized political participation; and the conceptual and empirical pursuit of the land question as an issue of both equity and efficiency, by a number of academics.

If one examines the question of land rights for *women*, however, two features are striking. On the one hand, the question remains peripheral to the mainstream academic debate,³ even as feminist writing on the issue has grown.⁴ On the other hand, given that the issue was largely ignored in the agrarian reform debates of the 1950s and 1960s, there has been notable, albeit limited, progress toward its recognition among grassroots groups and policy makers. A brief attempt is made below to describe this history in the Indian context, as a prelude to examining why gendering the land question remains critical, and what the new experiments and prospects are for enhancing women's land access.

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The question of land rights for women in India, and more generally in South Asia, has a relatively young history.⁵ In the mid-1980s when I first began writing on this issue,⁶ there was rather little policy and grassroots focus on it, and even less academic work (with some notable exceptions)⁷. At best, the question had surfaced in scattered ways both in research and direct interventions. Among the most notable examples at the grassroots level were two major peasant movements: the Bodhgaya movement in Bihar – a Gandhian Socialist Youth Movement initiated in 1978 and continuing to the early 1980s – and the Shetkari Sangathana's movement for farmer's rights launched in Maharashtra

¹ I am grateful to Janet Seiz, Patricia Uberoi and S.M. Agarwal for useful comments on an earlier draft.

² See among others, Cousins (1997), Lipton and Lipton (1995), Deninger (1999) on South Africa; Swinnen (1997) and Kandiyoti (2001) on Central Europe and Eastern Europe; Deninger (1999); Deere and Leon (1997, forthcoming); and de Janvry and Sadoulet (1989) on Latin America; Reidinger (1995) and Deninger *et al* (2000) on the Philippines; Agarwal (1994), Banerjee (2000), Besley and Burgess (1998), GOI (1989, 2000), Herring (2001), Patnaik (1985), and Sobhan (1993) on South Asia. See also, Lipton (1995), El-Ghonemy (1990), and Byres (1991).

³ Among the few within the mainstream who have sought to incorporate it is Herring (2001).

⁴ See e.g. Agarwal (1994, 1995, 1998); Deere and Leon (1997, forthcoming); Meer (1997); Davidson (ed. 1988); and Kandiyoti (2001).

⁵ Of course discussion of women's legal rights in landed property via inheritance goes much further back to the early part of the 20th century in undivided India, but at that time it was subsumed within the debate for reforming inheritance laws relating to all forms of property.

⁶ See e.g. Agarwal (1988), also presented at several conferences during 1986-87.

⁷ For instance, Sharma (1980). Even outside the South Asian context, women's land rights received quite limited attention; and the exceptions were mostly in the domain of African studies (see e.g. Davidson, ed. 1988). See also Hirschon (1984).

in 1980.⁸ In both instances, the question of women's claims to land were raised, with some success toward land transfers to women (for details, see Agarwal, 1994).

Alongside, and articulated more quietly, were occasional grassroots demands for land by poor women, among the early ones being those made by a group of poor Muslim women in West Bengal, through their women panchayat representatives, at a 1979 government conference in Calcutta: 'Please go and ask the *sarkar* [government] why when they distribute land we don't get a title? Are we not peasants? If our husbands throw us out, what is our security?'⁹ Such demands were subsequently included in the recommendations (placed before the Indian Planning Commission) of a pre-plan symposium organized by eight women's groups in Delhi in 1980.

Meanwhile, the 1979 FAO report of the World Conference on Agrarian Reform and Rural Development (WCAARD) held in Rome recommended that gender discriminatory laws in respect to 'rights in inheritance, ownership and control of property' be repealed and measures adopted to ensure women's equitable access to land and other productive resources (FAO, 1979). A diluted version of these recommendations was adopted in the country review follow-up to WCARRD undertaken by the Indian Ministry of Agriculture and Rural Development (CWDS 1985: 89-94). The result of all this was a policy statement, finally incorporated in the Sixth Five Year Plan (1980-85) that the government would 'endeavor' to give joint titles to spouses in the distribution of land and home sites. Subsequent Plan documents, as outlined later, have had a chequered history, with either passing or no reference to the issue, until the Ninth Plan which (through my involvement) provided detailed recommendations.¹⁰ Alongside, the National Perspective Plan for Women:1988-2000 A.D., drawn up at the initiative of the Indian Ministry of Human Resource Development, made several substantive recommendations for closing the gender gap in access to land (GOI, 1988). And the Report of a National Seminar on Land Reform based on a Planning Commission seminar in 1989, at which I had presented the case for women's land rights, incorporated most of my recommendations on this count (GOI, 1989).

But all this did not amount to a sustained or widespread focus on the question of women and land. As traced in Agarwal (1994) several factors appear to have constrained this: first there was (and continues to be) an ambiguity among groups and individuals who have otherwise been strong advocates of redistributive land reform, namely Marxist political parties and left-wing non-party organizations, most of whom see class issues as primary and gender concerns as divisive and distracting. At the same time, most women's organizations and gender-progressive groups concerned with gender justice in India, apart from being vastly divergent in their concerns and approaches, focused on questions other than land. Among the urban groups violence against women was one unifying issue, and women's economic situation took a secondary place. Moreover, barring some notable exceptions, those concerned with women's economic position, including rural-based groups, were preoccupied with wage employment and non-land related income-generating schemes, including micro-credit for small enterprises, as *the* means of improving women's economic welfare, paying little attention to land and property access.¹¹ This focus took inadequate account of the stage of India's agrarian transition, wherein agriculture was still (and would continue to be for some time) the main source of employment and livelihood, but in much greater degree for women than men. And working on land without rights in it means a high degree of vulnerability to poverty (as elaborated in Section II). This broader picture which warranted prioritizing land access for women, even while non-land related

⁸ On both movements, but especially the Bodhgaya movement, see Agarwal (1994). See also Manimala (1993) and Omvedt (1990).

⁹ Personal communication, Vina Mazumdar, Center for Women's Development Studies, Delhi, 1992.

¹⁰ See Section III on some of the recommendations.

¹¹ Among the notable exceptions were Chetna Gala and Manimala (who played lead roles in the Bodhgaya movement); and Gail Omvedt (who along with Chetna Gala, subsequently played an important role in the Shetkari Sangathan's Mahila Agadi). Also, Madhu Kishwar had filed a petition in the Supreme Court of India challenging the denial of land rights to Ho tribal women in Bihar, in addition to writing about this at length (Kishwar, 1982, 1987).

employment and micro-credit schemes were worth pursuing as supplementary measures, was somehow missed.

Many left-oriented women's organizations I spoke with in the mid-1980s also felt that advocating individual property rights for women went against their understanding of a socialist society. Yet, to my knowledge, they did not use this latter argument against redistributive land reform or peasant struggles through which (typically male) heads of landless households gained rights in land. An additional factor that appears to have been quite influential in shaping the thinking of left-wing (including women's) groups in South Asia were the writings of Engels that emphasised women's entry into the labour force as a necessary condition for their emancipation.¹² Such groups too gave centrality to women's employment, but the necessary accompaniments emphasized by Engels, namely the abolition of private property in male hands and the socialization of housework and childcare, remained largely neglected, as did the question of women's property rights.

The substantial positive response to the publication of A Field of One's Own (Agarwal, 1994), was therefore somewhat unexpected, and suggested the presence of an unarticulated need for a gender perspective on the land question. The response came from several quarters: the central government and some state governments in India; grassroots activists in India, Bangladesh and Nepal, as well as outside South Asia, such as South Africa; international donor agencies; and academics. For example, drawing from the book, the government of Madhya Pradesh in its Policy on Women drafted in 1995, brought in the land question as a central issue, rather than subsuming it within a general category of access to resources. Some of my additional recommendations on the draft document were also incorporated in the final version, albeit in modified form; for instance: (a) that: 'All land distribution and redistribution undertaken by the government will be made in future in women's names. Wherever possible, preference will be given in such allotments to groups of poor rural women which will have full rights of use and control over the land'; and (b) that unmarried adult daughters would be placed on par with adult sons and treated as separate units in land distributed in resettlement schemes (Govt. of Madhya Pradesh, 1996). Some of these recommendations have since been implemented, although mainly through transfers of joint titles with husbands.¹³

Within the central government, the book provoked a discussion within sections of the Planning Commission and also led the Ministry of Rural Areas and Employment to set up in November 1997 a three member Committee for Gender Equality in Land Devolution in Tenurial Laws,¹⁴ to reform the rules governing the inheritance of agricultural land. Since agriculture is a state subject, changes in tenurial laws are undertaken by state legislators. The Report of the Committee (Agarwal, Sivaramayya and Sarkar, 1998) recommended full gender equality in the devolution rules and outlined in detail exactly which changes were needed in existing tenurial laws. Implementation of those recommendations, however, still awaits the response of the state governments. I understand that one state, Uttar Pradesh (UP), has gone some way toward reform by seeking to amend the UP Zamindari Abolition and Land Reform Act of 1950, by bringing the widow on par with sons in the inheritance of agricultural land.

¹² Molyneux (1981) describes a similar influence of Engels' analysis in former Socialist countries, where too this led to a preoccupation with women's entry into employment as the major means of eliminating gender oppression. As she goes on to show, although women entered the labour force in large numbers, they remained at the lower end of the job hierarchy. Progress toward the socialization of housework was also limited, and the ideological aspects of gender oppression persisted.

¹³ Personal communication, the Chief Minister of Madhya Pradesh and some of his rural development officials, August 2001.

¹⁴ The Committee was constituted under my chairpersonship, the other two members being law professors Lotika Sarkar and the late Prof. Sivaramayya.

Grassroots responses have taken many forms: workshops on how to pursue the issue in given contexts; action plans; and most importantly, pilot projects on the ground.¹⁵ For instance, a Bangladesh workshop entitled: 'Gender, Land Rights, Livelihood and Laws', with a particular focus on 'Land for men; only micro-credit for women?' which I was invited to conduct in 1998, held under the aegis of the Association for Land Reform and Development (ALRD), came up with a range of recommendations. These included the need to establish gender equality in inheritance law and practice, and seek such rights on a secular and uniform basis for all communities; undertake legal literacy and the registration of women's shares; promote social mobilization to change gendered attitudes; and so on. ALRD is a network of 220 NGOs which undertakes land reform advocacy for empowering the landless and has worked on land reform since inception, but its interest in gender is recent. The workshop, aimed at evolving strategies for moving toward gender equality in land rights, was attended by about 30 (mostly male) participants, including NGO representatives, other activists, and academics concerned with land issues in various ways.

Similarly, the conference in South Africa in November 1997 organized around my visit, sought to analyze the issue of gender and land rights and identify strategies by which ongoing land reform and other land-related initiatives could be made more gender equal. The conference was attended by 72 participants, and included representatives of over 20 NGOs from across South Africa, officials from the central and provincial offices of the country's Department of Land Affairs, members of WALSA (Women in Law in Southern Africa, Zimbabwe), and other individuals concerned with land and livelihoods. The discussions during and after the conference also catalyzed some pilot projects (on which more below).

All these responses highlight a growing recognition of the need to enhance women's land rights by grassroots groups and others who had worked for long years on the agrarian question, but in a largely ungendered way. In addition, bilateral and multilateral funding agencies have begun to recognize this as a policy issue. Although the way the issue is inserted into policy by some of these agencies might leave much room for improvement, the fact that it is being focused on at all is a positive step, and attributable not least to the emergent literature and grassroots interest.¹⁶

Against this movement forward, however, there has been a disquieting counterargument being made by some UK-based feminist academics that women's land rights do not deserve particular attention, since rural women themselves are not asking for them. The argument is disquieting not because it is difficult to demonstrate the contrary (indeed many examples can be given of rural women demanding land, especially since the mid-1970s¹⁷), but because it assumes that stated popular sentiment should be the primary basis of social policy.

This echoes a growing populist emphasis in some quarters on identifying priorities for the poor solely or largely on the basis of their expressed wants, assuming as unimportant that which gets little mention. Documents such as the World Bank's three volume *Voices of the Poor* (Narayan *et al.*, 2000a, 2000b, forthcoming), although written with a different objective, can also lend themselves to this use. In that same vein, some feminist academics have argued that land rights do not deserve policy focus since they themselves have seldom heard rural women voice this demand. Naila Kabeer

¹⁵ Reports/publications on these workshops include, Rao and Rurup (1997); Roy Chowdhury (2001) for India; ARLD (1998) for Bangladesh; and Friedman and Sunde (1997) for South Africa. The Nepal discussions, including one which included Parliamentarians, were not formally reproduced.

¹⁶ The literature would include both cross-regional studies such as Agarwal (1994) and Deere (1997, forthcoming), and country-specific empirical analyses, such as that undertaken at the International Food Policy Research Institute in (Washington DC), using African data, which demonstrated that greater gender equality in land access would have positive efficiency outcomes (e.g. Udry, *et al.*, 1995; Quisumbing, 1996).

¹⁷ See e.g. many quotations and examples in Agarwal (1994), Hall (1999); see also Narayan *et al.* (2000).

(IDS, Sussex), for instance, commented at the 1997 UNRISD seminar on women, poverty and well-being, held at the Center for Development Studies, Kerala, that: '[Land rights] is not the issue that people are raising most. So I am not sure it is something that is shared by grassroots women.'¹⁸ Likewise, Cecile Jackson (University of East Anglia), noted there: 'I have also worked in Zimbabwe, where I was surprised at how few women expressed a demand for land and were in fact much more interested in employment....' Whitehead and Lockwood (2000) argue similarly: '... in our view, it is only in a minority of cases that inadequate access to land, because of an inability to ensure usufruct rights, is by itself a cause of poverty for the 2/3rds of rural African women who are poor. The fact that land rights rarely emerged as a voiced concern of rural women in the PPAs [Participatory Poverty Assessments] lends some support to this view.' Apart from land rights being of broader importance in women's lives than just for poverty-alleviation, the point at issue here is whether voiced concern (or its lack) is a sufficient indicator of needs and preferences.

This is not to deny the critical importance of speaking with the deprived about their priorities. But it is equally critical to recognize that in situations of deprivation, people might adapt their preferences and felt needs to what they see as attainable.¹⁹ Or they may have incomplete information about all possible options, and thus fail to mention those that appear out-of-reach. Or they might shape what they reveal about their priorities according to the context within which an interview is conducted.

Take the issue of adapted needs and preferences. Sen (1984:309) gives a striking example from a 1945 survey conducted a year after the Great Bengal Famine. The survey found that only 2.5% of widows compared with 48.5% of widowers reported to be 'ill' or in 'indifferent' health, even though the former were widely recognized to be the more deprived. As he notes (2000: 63): 'The deprived people tend to come to terms with their deprivation because of the sheer necessity of survival, and they may, as a result, lack the courage to demand any radical change, and may even adjust their desires and expectations to what they unambitiously see as feasible.'²⁰ I would add that this could happen not only if the deprived adapt their needs and preferences (as Sen and some others rightly emphasize), but equally if the deprived adapt what they reveal of their needs and preferences according to who is asking the question and in what way.²¹ As I have argued at length elsewhere, drawing on a variety of evidence, women may not reveal their real preferences overtly, but may do so through their covert actions (Agarwal, 1994, 1997).

That women under deprivation often limit their stated needs was also strikingly revealed in my visit during November 1997 to a land occupation and resettlement site in South Africa, in the Cramond area near Pietermaritzburg. I visited the site at the invitation of the Association for Rural Advancement (AFRA, an NGO that works with rural communities to redress the country's legacy of an unjust land dispensation) accompanied by Suzani Ngubane, a committed woman activist from AFRA with long years of grassroots experience. At the site, occupied by a large number of families, mostly women and children had carved out small plots for vegetable and poultry farming, while most men were away in other jobs. In the course of my discussion with a group of 25-30 women, I asked: in whose names will these plots be registered? They said their husbands, after which their oldest sons would inherit under the customary practice of primogeniture. My subsequent query - wouldn't it be better if the land

¹⁸ Kabeer did not specify the geographic context of her view. Even in Bangladesh (her region of research focus), major grassroots NGOs such as ALRD and Nari Pokkho are now seeking to emphasize women's land rights in their work; and this is also one element in the work of the Bangladesh Rural Advancement Committee.

¹⁹ See also, Nussbaum's (2000) excellent discussion, in which she spells out both her own view on this, and how adapted preferences has been treated by a wide range of other writers.

²⁰ See also Sunstein (1993; cited in Nussbaum, 2000: 143) who argues that people's preferences are shaped by existing endowments. "A powerful status quo bias affects reactions to risks and losses. It is for this reason that status quo neutrality is not neutrality at all."

²¹ In an otherwise extensive literature on adaptive preferences, this one point has received inadequate recognition, namely that what is revealed may itself get adapted by the respondent, in terms of what s/he thinks the researcher should hear or wants to hear.

was in your names or in joint titles, since you are the ones farming it - was greeted with silence. I repeated the question. This caused a buzz. Finally one of the younger ones answered: 'We are taking so long in answering because no one had ever asked us this before! It seems like a dream that we might have land of our own.' I asked: what advantages might that give you? She and some others said that this would:

- Reduce the risk of eviction by their sons;
- Enable them to offer security to daughters and their children, if abandoned by their husbands, as was happening increasingly;
- Give them greater freedom to take independent decisions on how to use the land without having to wait for migrant husbands;
- Enhance their ability to obtain production credit using land as collateral; and
- Increase their ability to keep the income generated from their farms for home use, such as for converting their mud houses into brick ones; and so on.

Their only fears were male resistance to joint titles and administrative bottlenecks. They felt, however, that AFRA should help them, now that 'you have opened our eyes to the possibility'.

As these women indicated, they had not imagined independent land rights as an option, since this possibility had not been discussed with them earlier, even by AFRA. The women's response was also revealing to Suzani who subsequently took up women's land claims on a pilot basis in some other AFRA fieldsites and found, somewhat to her surprise, that many of the assumed obstacles, such as men's resistance, were neither that strong, nor insurmountable.

Two months after my visit she wrote (email communication, January 1998): 'At the end of the year I convened a provincial women's workshop and shared the knowledge I gained both from your presentation at AFRA and the presentation you did at the Cape Town conference. Women are very excited. There is a community just near Pietermaritzburg which has just got a huge piece of land. This means that your ideas came at the right time for this community because together with the community I am looking at how the titling could include women's names – it seems like it is not going to be a problem. I have introduced the subject to the men and they are taking it in a good spirit although they have questions like: what is going to happen now to the male heirs? Are women's organizations saying that we should abandon that culture? But... they are [not] trying to resist the initiative. We are planning to help the community to build a women's movement which is going to see to it that these ideas are implemented and if women [face] obstacles, this movement will look at how they can be resolved.' Suzani subsequently confirmed that when the Cromond women told their husbands about their meeting with me, 'the men took it positively. They are now in a process [of establishing] a women's movement...'

After my Cromond visit there was also some shift in AFRA's approach. Suzani Nagubane (email, February 1998) wrote: 'I am pushing for the issue of joint titles to be put on top of AFRA's agenda. It is taken seriously. We are having a week long annual [meeting for] strategic planning. It is going to be one of the hot issues. I have introduced it to another restitution community and [there too] it is taken seriously, but men are asking questions like: 'are we saying that African culture should do away with the system it has been using, which is that of a male heir?' Women are able to argue that one, because according to our culture ... that heir provided for the deceased man's family. This is not happening any more – the heir collects whatever he inherits and takes it to his own family, forgetting the family of the deceased. I am sure we are going to win this one.'

This example strikingly illustrates that women's failure to raise the land demand did not imply its lack of importance to them. More generally, identifying priorities for women's enhancement based purely on their expressed need could prove unduly self-limiting and even misleading in some contexts.²²

²² Indeed articulated popular demand is an inadequate basis for socially just policy, and could leave many aspects of social development untouched, be it campaigns against disease (for instance, small pox vaccines were widely resisted by villagers in South Asia); or universal primary education for girls

This paper is therefore an attempt to revisit the issue of gender and land rights in India, while also outlining the possibilities and constraints to land access from the State, the family and via the market. In particular, it examines the new institutional forms of cultivation being tried out by NGOs, including collective investment and farming by groups of women.

Section II below briefly traces the gendered path of agrarian transition in India, and reiterates why independent land rights continue to be important for women's welfare, efficiency and empowerment; Section III examines the male bias in land transfers from the State, and possible reasons for the bias; Section IV focuses on land transfers from the family and constraints thereof; and Section V examines the possibilities of obtaining land from the market and analyses some of the forms in which women are practicing group cultivation. Section VI contains concluding comments.

II. THE CONTINUED IMPORTANCE OF LAND RIGHTS FOR WOMEN

The issue of women's land rights is not only important today, it is likely to become increasingly so over time. In particular, India's agrarian transition has been slow, uneven and highly gendered. There are also serious gender inequalities in intra-household allocations from resources controlled by men, and a notable potential for production inefficiencies with gender unequal land distribution.

(1) A Gendered Agrarian Transition

Agrarian transitions, among other things, typically involve a shift of labour from agriculture to non-agriculture. But there need be no uniformity by gender. In India, the percentage of all rural workers in agriculture declined from 84 in 1972-73 to 78 in 1993-94. However, this decline was due largely to male workers moving to non-agriculture, while women have remained very substantially in agriculture; indeed their dependence has increased in recent years, and the gender gap is growing. Today 58 % of all male workers but 78 % of all female workers, and 86 % of all rural female workers, are in agriculture. And for women this percentage has declined less than four points since 1972-73 (Visaria, 1996).

Although the absorption of both men and women into the non-agricultural sector has slowed down since 1987-88, for women the slowing down has been dramatic: the compound growth rate of female non-agricultural employment fell from 5.2 % over 1978-88 to 0.2 % over 1988-94 (Chadha, 1996). Over this latter period while 29 % of rural male additions to the labour force in the over 14 age group were absorbed into non-agriculture, less than 1 % of the additional female workers were so absorbed (GOI, 1990a, 1996a). Women's low absorption has been compounded by the general stagnation of rural non-farm employment in the post-reform period.

Moreover the non-farm sector is very heterogeneous, containing both high return/high wage activities and low return/low wage ones. These variations are apparent both regionally and by gender. The country-wide survey undertaken in 1987 by the National Commission on Self-Employed Women and Women in the Informal Sector (*Shramshakti*, 1988), and micro-studies of women workers in individual occupations,²³ suggest that women are largely concentrated in the low-and-insecure-earnings end of the non-farm occupational spectrum. Women's domestic work burden, lower mobility, lesser education, and fewer investible assets not only limit their general entry into non-agriculture in relation to men, they also severely limit the range of women's non-farm options. Today, even though male workers still constitute some 60 % of the total agricultural work force, this percentage has shown a decline and that of female workers a parallel increase in recent years.

(many sections of a male-biased population resist it); or policies against amniocentesis-driven foeticide; and so on.

²³. See, for instance, various case studies in Singh and Kelles-Vitanen (eds., 1987).

All said, we appear to be observing early signs of a feminization of agriculture. Several Southeast Asian countries in the early 1970s underwent a somewhat similar process. In Malaysia, for instance, as more men moved to non-agriculture, women began to undertake traditional male tasks such as land preparation (Ng, 1994).²⁴ But, subsequently while women in Malaysia and some other parts of Southeast Asia were largely absorbed into non-farm jobs, in India and many other parts of Asia they remain largely confined to agriculture.²⁵ Indeed existing figures provide little justification for the sweeping arguments some scholars have used to set aside the land question, for instance that 'everywhere that you look in the world, land is becoming less and less important as the critical resource for employment'.²⁶

Moreover, a large percentage of rural households in India are *de facto* female-headed, from widowhood, marital breakdown, or male outmigration, estimates ranging from 20 % (Buvinic and Yossef, 1978) to 35 % (GOI, 1988). And we can expect female-headedness to grow over time. Marriages are less stable today, kinship support systems less reliable, and rural to urban migrants are still largely men.

At the same time, the nature of agricultural work that women do is to a greater extent than for men casual in nature.²⁷ And while casualization has grown for both sexes, the increase since 1987-88 has been more for women. Moreover, the rise in real agricultural wage rates for both sexes and the decline in the gender wage gap, apparent between the mid-1970s and mid-1980s, has not sustained into the 1990s. Compared with men, women continue to have lower real wage rates in most states, and lower average real wage earnings in both agriculture and non-agriculture in all states (Unni, 1996).

In other words, we can expect a growing gender divergence in dependence on agriculture. As more men shift to urban or rural non-farm livelihoods, an increasing number of households will become dependent on women bearing the larger burden of cultivation and farm management. But women in agriculture operate as disadvantaged workers, whether as casual labourers or as self-employed workers. Unlike self-employed men, self-employed rural women are mostly unwaged workers on male-owned family farms. They seldom have titles to the land they cultivate.

This, in turn, has implications for welfare and efficiency, apart from equality and empowerment (as elaborated in Agarwal (1994) and briefly outlined and updated here).

(2) Welfare

The negative relationship between the risk of rural poverty and land access is well established.²⁸ Apart from direct production advantages through growing crops, fodder or trees, land titles increase

²⁴ The same is noted among tribal communities in parts of India where, with male outmigration, women now often do many of the agricultural tasks that mostly men did earlier (Fernandes and Menon, 1987).

²⁵ Taking the latest available figures (these relate to the late 1990s), although in Malaysia and the Republic of Korea less than 15% of total female workers are in agriculture and related occupations, the percentages are substantial elsewhere: 78% in India, 77% in Bangladesh, 66% in Pakistan and 93% in Nepal, and between 40-50% in Indonesia and Thailand (see Visaria, 1996, for India; Acharya, 2000, for Nepal; and ILO, 2000, for the other countries).

²⁶ Naila Kabeer, 1997 UNRISD seminar in Kerala, mentioned earlier. There have of course been shifts over time, but for many regions these have been marginal and gender-unequal. Hence, as noted above, for both sexes but especially for women, agriculture is still (and likely to continue being for some time) a critical source of employment in much of South Asia and parts of Southeast Asia, as well as in China, Africa and many parts of Latin America. A distinction is also needed between women leaving agriculture for better prospects elsewhere, and those pushed out due to poverty and landlessness.

²⁷ In 1993-94, 38% of rural female workers and 33.8% of rural male workers were casual labourers (GOI, 1996a).

²⁸ See especially Gaiha and Kazmi (1981), Ali *et al.* (1981), Sundaram and Tendulkar (1983), Lipton (1985), Besley and Burgess (1998), IFAD (2001).

access to credit, enhance bargaining power with employers, help push up aggregate real wage rates, and serve as mortgageable or saleable assets during crisis.²⁹ But land access by men alone cannot be assumed to benefit women and children equitably. Over the past two and a half decades, a significant body of evidence indicates systematic gender inequalities in access to basic necessities within households.³⁰ There are also notable gender differences in income-spending patterns (Dwyer and Bruce, 1988). Women and children's risk of poverty thus depends crucially on women's direct access to income and resources, and not just access mediated through husbands or male relatives. In addition, owning land would enhance women's self-confidence and ability to demand their due in government programmes, such as for health care and education.

The association with poverty apart, there is growing evidence of links between assets in women's hands and child welfare. In urban Brazil, the effect on child survival probabilities was almost twenty times greater for unearned income (from rent, physical and financial assets, etc.) that accrued to the mother, compared with that which accrued to the father (Thomas, 1990); and assets owned by the mother had a bigger positive impact on anthropometric outcomes of daughters relative to sons, while the same was not true for fathers (Thomas, 1996, cited in Strauss and Beegle, 1996). Kumar (1978) found that among marginal farmer households in Kerala, the mother's cultivation of a home garden (the output of which she controlled) had a consistently high positive effect on child nutrition. Moreover, children in rural India are found more likely to attend school and receive medical attention if the mother has more assets.³¹ In other words, secure land rights for rural women today could enhance their children's, especially daughters' prospects for education and non-farm employment in the future.³²

For widows and the elderly, owning land can improve welfare not just directly, but also by enhancing a person's entitlement to family welfare (Caldwell, 1988). Recent research on widows in South Asia indicates that relatives, including sons, often do not provide the expected economic security,³³ many of whom end up living on their own (Panda, 1997). All this belies the assumptions of universal family support underlying the eligibility conditions for land transfers in land reform and resettlement schemes.

It needs emphasis here that access to land is important, even if it cannot serve as the sole basis of livelihood. Indeed, a large proportion of rural households do not own enough land for all family members to subsist on that basis alone. *But even a small plot can be a critical element in a diversified livelihood system and can significantly reduce the risk of poverty and food insecurity.* Having some land is usually necessary even for viable rural non-farm activity: it expands the range of non-farm options for poor rural households;³⁴ and increases the potential for non-farm earnings several fold: small farmer households are found to earn many times more from rural off-farm self-employment than landless labour households (Chadha, 1992). Hence for ensuring rural women's entry into the higher-earning segments of the non-farm sector, an initial strengthening of their land rights might prove essential in many regions.

(3) Efficiency

As agriculture gets feminized, an increasing number of women will be faced with the prime responsibility for farming but without titles to the land they cultivate. Production inefficiency associated with tenure

²⁹ See Agarwal (1994) for elaboration.

³⁰ Reviewed in Agarwal (1994).

³¹ See Strauss and Beegle's (1995) review which also covers the Indian literature; and Quisumbing and Maluccio (2000) for Bangladesh.

³² Although not disaggregated by gender, it is notable that a longitudinal study which compared the beneficiaries and non-beneficiaries of land reform, using household level panel data for 5 villages in the Philippines, found that land reform led, among other things, to a much greater increase in children's education, and greater household welfare and productivity. Also, the impact of getting land was many times more than that of education (Deninger *et al.*, 2000).

³³ See especially Chen (ed. 1998) for India, and Rahman and Menken (1990) for Bangladesh.

³⁴ See e.g. Saith (1991), and Chadha (1992).

insecurity continues to be one of the important rationales for land reform. But the rationale has not been extended to cover family members. In fact, in many contexts, entitling women could increase overall production. While systematic evidence on all the aspects noted below is not available for India, evidence from other regions provides pointers and underlines the need for similar studies in India.

First, there is the incentive effect, namely the effect of secure rights in land and control over its produce on the farmer's motivation to put in greater effort and investment in the land. This important effect, extensively emphasised in land reform literature, especially in relation to tenancy reform, has received little attention in relation to family members. This is presumably because the latter are assumed to put in their best effort even if the land is owned by the male household head, due to family loyalty and/or because the benefits would be distributed equitably. Recent evidence from Africa, however, suggests that disincentives can exist equally within the family. In Kenya, for instance, in a context where men and women cultivated both separate and joint plots, the introduction of weeding technology in maize production raised yields on women's plots by 56 % where women controlled the output, and only by 15 % on the men's plots where too women weeded but men got the proceeds (Elson, 1995).

Second, titles would enhance women's ability to raise production by improving their access to credit, as well as their independent access to cash flows for reinvestment.

Third, evidence suggests that women might use resources more efficiently than men in given contexts. This has been noted not only for credit (as in the Grameen Bank experience in Bangladesh), but also land. For example, a study in Burkina Faso found that because of women's choice of cropping patterns, women's plots produced much higher values of output per hectare than their husbands' plots (Udry, *et al.*, 1995). However women had lower yields for given crops because of lesser access to inputs, which were concentrated on the men's plots. The study estimated that output could be increased by 10-20 %, if factors of production (such as manure and fertilizers) were reallocated from men's plots to women's plots in the same household (Udry, *et al.*, 1995). That is, we might improve allocative efficiency with better intra-household gender distribution of inputs (see also Quisumbing, 1996). Better access to extension services could also have productivity enhancing effects: in Kenya, maize yields were almost 7% more on female-managed farms than on male-managed ones, when they had the same access to extension (Dey, 1992). Systematic research on the efficiency implications of more gender equal access to land, production inputs, and technical information is also warranted in the Indian context.

Fourth, including women as farm managers would make for a more talented and better informed pool, than one consisting solely of men. In many South Asian communities, for example, women are often better informed than men about traditional crop varieties (Acharya and Bennett, 1981; Merry, 1983). A more diverse system of cultivation could also arise due to gender differences in crop preferences as found in the mentioned Burkina Faso study (Udry *et al.*, 1995), and among women's farming groups in Andhra Pradesh (India).³⁵

Fifth, possessing land titles empowers women and places them in a stronger position to demand their due in various government schemes, and in infrastructure and services. It also helps them to be more assertive with agencies that provide inputs and extension information.³⁶

Some oppose women inheriting land on the ground that it will reduce output by reducing farm size and increasing fragmentation. However, as elaborated in Agarwal (1994), and subsequent studies (e.g. Banerjee, 2000), evidence from South Asia gives no reason to fear an adverse size effect: the negative relationship between size and productivity is found to still hold after the green-revolution. And fragmentation can arise equally with male inheritance. Moreover, land leasing arrangements help

³⁵ Here women have a more varied cropping pattern than men's, based on multiple household needs, including ritualistic (author's field visit to the Deccan Development Society in 1998).

³⁶ See the discussion in Section V and also Herring (2000) – the latter on the link between land ownership and participation in local institutions.

consolidate cultivation units, even where the ownership units are fragmented. There has also been a spurt in farmer-initiated consolidation in India in the post-green-revolution period (Ray, 1996). Probably due both to this and to government consolidation efforts, the number of fragments per holding at the all-India level has declined from 5.7 in 1960-61 to 2.7 in 1991-92 (GOI, 1997a: 17). In addition, as discussed in Section V, the unit of ownership need not define the unit of cultivation, if collective investment and cultivation is undertaken by groups of women.

These potential efficiency implications are important not just in some aggregate sense for increasing agricultural productivity, but especially for improving the food security of women's own households.

(4) Equality and empowerment

While the welfare and efficiency arguments are concerned with women having some land in absolute terms, the empowerment and equality arguments are concerned with women's position *relative* to men, and particularly with women's ability to challenge unequal gender relations within and outside the home.

The equality issue can of course be argued in various ways, but here its link with empowerment needs emphasis. The parameters and implications of empowerment are complex and multi-dimensional. As outlined in Agarwal (1994), land rights can make a notable difference to women's bargaining power within the home and community, enhance their confidence and sense of self-worth, enable them to negotiate better deals in the wage labour market, increase the respect they command within the community, facilitate their participation in village decision-making bodies, and so on. Empowerment in one or more of these forms has emerged wherever social movements or NGOs have successfully helped women gain access to land. Consider too women's own perceptions: in the Bodhgaya movement in Bihar in the late 1970s, when women received land in two villages, they responded that while earlier they did not feel able to speak out, 'now that we have the land we have the strength to speak and walk' (Manimala, 1983). Similarly, after purchasing land with the help of the Deccan Development Society (on which more later), poor dalit women in Andhra Pradesh could say:³⁷

Now even the government is following us. Not because they love women [but because] they know that loans for land are safer with women. Having land in women's name has made an enormous difference - learning to take on land means taking on more power and wisdom. Once we got land, our eyes opened (Narsamma, Kalbaman village, cited in Hall, 1999).

What then are the prospects for enhancing women's land access?

III. LAND TRANSFERS FROM THE STATE

Potentially there could be three main sources of arable land: the State, the family and the market. Consider first state transfers.

The State directly distributes land in various ways: as part of traditional land reform measures, typically taking away land from those owning more than the specified ceiling and endowing the landless with the ceiling surplus land; in resettlement schemes as compensation for land lost say due to displacement by a large dam project; and as a poverty alleviation measure.³⁸ However, all three forms of land distribution are gender biased. Typically, the government allots land to male household heads. In addition, special consideration is often given to the adult son, but seldom to adult daughters.

³⁷ These are illustrative examples; additional ones are given in Section V.

³⁸ Indirectly, and more recently, some state governments are facilitating land purchase by women through subsidized loans, as discussed in Section V.

(1) Land reform

For a start, the land reform programmes of all political parties in India have been strongly male biased. As noted, the male household head is the typical recipient. In addition, in fixing ceilings, and often also in land distribution, virtually all the states give adult sons special consideration. Typically, a family is defined as constituted of a cultivator, a spouse, and minor children. An adult son is usually counted as a separate unit. This means that the parental household can hold additional land on account of each son, or each adult son can hold land in his own right. By contrast, in most states, unmarried adult daughters get totally excluded, since they are not counted as members of parental families, and being unmarried have no marital families in which they have claims. Only Kerala counts both unmarried adult sons and daughters as separate units, likely due to the state's matrilineal tradition.

Underlying the ceiling specifications is clearly the understanding that those recognized either as part of the family unit or separate (as with adult sons) will be maintained by the land allowed within the ceiling regulations. Here we have a curious situation where the subsistence needs of unmarried adult daughters are ignored in many states, even while the legal age of marriage for girls is 18. Moreover, giving adult sons additional land while ignoring adult daughters, assumes that only men take responsibility for family provisioning.

These male biases would have been less surprising in the 1950s and 1960s when the gender question was dormant, than in the 1970s when it had made an impact publicly. The 1970s brought some recognition of women's claims but only on paper, little in practice. For instance, West Bengal's Operation Barga programme, an important land reform initiative undertaken in the late-1970s for the registration of tenants, essentially registered men. Although an exception was made in principle, for single women households (those divorced, deserted etc., and without adults sons) few even among them received land in practice. A village in Midnapur district studied by Gupta (1993) is indicative: 98 % of the 107 khas holdings distributed there went to men. In nine out of ten female-headed households, the land went to the women's sons; and only eight of the 18 single women received land. None of the married women received joint titles. It is notable that in the 1991 election manifestos, the CPI (M), under whose aegis Operation Barga was undertaken, was the only political party that had promised to ensure women's equal rights in landed property. There appears to have been little practical follow-up of this.

(2) Resettlement schemes

Privileged male entitlement also characterises land allotment in resettlement schemes. Consider four major projects: Sardar Sarovar Project (across Gujarat, Madhya Pradesh and Maharashtra); the Tehri Project (Uttarakhand); the Upper Krishna Project (Karnataka); and the Upper Iravati Project (Orissa). In each of these projects, the resettlement packages for landed families are male biased. In male-headed households, all land transfers are to men alone. In five of the six states (the exception being Karnataka), there is no provision for widows. Another five of the six have special provisions for adult sons, but only two for adult unmarried daughters, in one of which the daughter has to be above 35 years in age.

As some of the tribals displaced by the Sardar Sarovar Project asked me during my field visit in 1992: 'What about those of us who have only adult daughters?' Also, in the scheme, a widow (without an adult son) is counted not as a household head but as a dependent, and is therefore not entitled to land or house ownership (Bhatia, 1998).

(3) Poverty-alleviation programmes

These have had a mixed history. The first five plan documents paid little attention to women's land claims. In India's Sixth Five Year Plan (1980-85), however, a separate chapter on 'Women and Development' mentioned that the government would seek to give joint titles to spouses in the distribution

of land and home sites. But this directive was not reiterated in the Seventh Plan (1985-90). The Eighth Five Year Plan (1992-97) took up the thread again, but in a limited way. It recognized the need for women getting an equal share in parental property; and spelled out a policy directive to state governments asking them to allot 40% of ceiling surplus land to women alone, and the rest as joint titles to both spouses.

The Ninth Plan (1997-2002), however, made a distinct departure. During the formulation of the Plan, as a member of the steering committee on poverty-alleviation I was able to negotiate that “ensuring women’s effective command over land will be one of the new priorities of the Ninth Plan”. An entire section on ‘Gender and Land Rights’ was included which incorporates part of my justification on why land is important for poor women and many of my recommendations, including distributing titles mainly to women; the promotion of group rights with collective farm management by groups of women; and providing women farmers with information, inputs, credit and marketing support. It also emphasizes the need to collect gender-disaggregated information on land ownership and use, in the Agricultural Censuses and National Sample Surveys. Other sections include recommendations such as amending land reform legislation to ensure equality of inheritance in states where these specify highly gender-unequal orders of devolution, and the protection of women’s rights in minor forest produce (GOI, 2000: sections 2.1.130 to 2.1.134, 2.1.81, and 2.1.90). This plan document is also somewhat unusual in the importance it gives to land reforms in general as a significant part of the strategy for poverty reduction. Again, however, as the term of this Plan draws to a close the gap between stated policy and its implementation remains wide and mostly unmonitored.

(4) Factors underlying the gender bias

What underlies this gender bias in public land distribution? To begin with, in classic land reform terms, the claimant is the one who tills. As Thorner (1956:79) elaborated: ‘We may begin [land reform]... by putting forward one fundamental principle: lands and the fruits thereof are to belong to those who do the tilling, the tillers being defined as those who plough, harrow, sow, weed, and harvest.’

While this definition works fairly well if applied to the household, it is less applicable to individuals, given the gender division of labour. Women would get excluded as they typically do not plough (indeed are socially barred from doing so). But clearly women’s exclusion is not only because of the definition, since if applied literally it would also exclude many men, as most male farmers do not sow or weed. I believe at least four other factors underlie the gender bias.

One, men are perceived as the breadwinners and women as the dependents. The male household head is thus seen as the legitimate claimant of land. Even under Operation Barga the claims of poor widows who were leasing out their land and could thus lose control over it, were set aside by some with the argument: ‘[T]he number of such widows left alone without any adult male relatives looking after them cannot be very large’ (Dasgupta, 1984: A90). This view unquestioningly endorses women’s dependency on male relatives, and assumes that they will be well looked after by such relatives. Evidence on the situation of widows who have no assets of their own, quoted earlier, indicates otherwise.

The second factor is the social perception about women’s lesser capabilities and appropriate roles. Here patrilineal biases have permeated even matrilineal communities. For instance, in Meghalaya, when I asked officials why even in a traditionally matrilineal society they did not allot plots to women, I was told: ‘Women cannot come to our office to fill out papers.’ Yet in nearby streets there were numerous women traders selling their wares.

The third factor is the assumption of the household as a unitary entity in mainstream economic theory, most public policy, as well as the popular imagination. The unitary household model assumes that family members pool all resources and incomes, and share common interests and preferences (Samuelson, 1956), or an altruistic head ensures equitable allocations of goods and tasks (Becker, 1965, 1981). In

recent years, virtually every assumption of this model has been challenged effectively on the basis of empirical evidence, including assumptions of shared preferences and interests, pooled incomes, and altruism as the guiding principle of intra-household allocations.³⁹ Gender, in particular, is noted to be an important signifier of differences in interests and preferences, incomes are not necessarily pooled, and self-interest resides as much within the home as in the marketplace, with bargaining power affecting the allocation of who gets what and who does what. Among other things, therefore, the household's property status and associated well-being can no longer be taken as automatically defining the property status and well-being of all household members, irrespective of gender or age. Nevertheless the hold of the unitary household model remains ideologically strong.

The fourth is the notion of the household as a space of harmony ('the heart of a heartless world') that property considerations would shatter. In 1989, for instance, following my invited presentation on gender and land, at a Planning commission seminar on land reform attended by two cabinet ministers, the then Minister of agriculture exclaimed: 'Are you suggesting that women should be given rights in land? What do women want? To break up the family?' Ironically, what this statement effectively implied was that family stability rests on gender inequity, which women, once they have property, may be unwilling to tolerate.

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Bias apart, the availability of public land for distribution is now very limited. A stricter implementation of ceilings could increase the amount, but not dramatically. According to mid-1996 figures (GOI, 1996b), the area declared surplus (above the ceiling) to date, for all-India, came to only 3 million ha or 1.6 % of arable land, and just 0.2 % of arable land was still available for distribution. In addition there is some limited common land -- about 13 % of India's arable land. Even in West Bengal, a state which had the largest amount of area declared surplus to date, and the largest number of scheduled caste/scheduled tribe beneficiaries, total ceiling surplus land came to only 8.7 % of the state's arable land, and today virtually none is left for distribution.

Of course, despite the limited arable land in government hands, it is essential to eliminate gender bias in its distribution, since State policy can influence social norms and attitudes in relation to women's claims in private land. A related issue is whether women should receive titles jointly with husbands or individually.

(5) Joint or individual titles?

The emphasis thus far has been on giving poor women joint titles with husbands, and occasionally individual titles. The Eighth Five Year Plan, as noted, recommended that 60% of all land distributed to the landless should be as joint titles.

While having some land is better than none, joint titles with husbands also present problems for women. For instance, women often find it difficult to gain control over the produce, or to bequeath the land as they want, or to claim their shares in case of marital conflict. As some Bihari rural women told me: 'For retaining the land we would be tied to the man, even if he beat us'. Wives may also have different land use priorities from husbands which they would be less in a position to exercise with joint titles. Most of all, joint titles constrain women from exploring alternative farming arrangements, collectively with other women.

Individual titles, in contrast, potentially provide women more flexibility. At the same time, women often lack investible funds, and if the holding is very small, individual investment in capital equipment can prove uneconomical. After the earlier mentioned Bodhgaya movement in Bihar, for instance, several

³⁹ On the problems associated with a unitary conceptualization of the household see, among others, Haddad, Hoddinott and Alderman (1997), Doss (1996), Hart (1993), *IDS Bulletin* (1991), Agarwal (1994, 1997), Seiz (2000), and Sen (1990).

women received an acre each in their own names, but subsequently, several of them had to mortgage their holdings because they lacked the necessary funds for profitable cultivation.⁴⁰ To bypass this problem, a possible solution could be to encourage collective forms of investment and cultivation, as discussed in Section V.

Consider now, the possibilities of women getting land through their families, which control most arable land in the country.

IV. LAND FROM THE FAMILY

In India today, about 86 % of arable land is private,⁴¹ and 89 % of rural households own some land (GOI, 1995), even though most hold very small plots. These figures belie the popular conception that access to privatized land is important to only a small percentage of rural women. Even by the most conservative assessment, about 78% of rural households own some land.⁴² This gives a very large percentage of rural women a stake in family land. Access to this land would be mainly through inheritance (and limitedly through the market).

Where are women placed in terms of land inheritance? Unfortunately no large-scale rural surveys collect gender-disaggregated data on land ownership and use. But gleaning from numerous village studies, and a 1991 survey on widows by development sociologist Marty Chen, it is clear that few women inherit land; even fewer effectively control any. In Chen's sample of rural widows across seven states, only 13% of the 470 women with landowning fathers inherited any land as daughters, the figure for South India (18%) being slightly higher than that for north India (8%) (Agarwal,1998). This means that 87% of the surveyed women did not receive their due as daughters. Among widows, of the 280 whose deceased husbands owned land, 51% inherited some, but this still means that almost half the widows with claims did not inherit anything. And of those that did, typically their shares were not entered formally in the village land records. Other studies show that where the land is so recorded, the widow's name is invariably entered jointly with adult sons, who effectively control the land.⁴³ The popular perception is that the widow's share is for her maintenance and not for her direct control or use. Widows without sons rarely inherit. Moreover, widows constitute only about 11% of rural women, 75% of whom are over 50 years old, many of them too old to effectively work the land. Recognizing widows' rights alone is thus inadequate for women to reap the efficiency or welfare benefits that they would if they also inherited as daughters.

What obstructs women from realizing their claims in family land? The obstacles are partly legal and in large part social and administrative.

(1) Unequal laws⁴⁴

Legally, although women enjoy much greater inheritance rights today than they did, say, at the turn of the century, substantial inequalities remain. To begin with, the inheritance laws of both Hindus and Muslims treat agricultural land differently from other property. For instance, the Hindu Succession Act

⁴⁰ Personal communication in 1993 from some activists of the Chatra Yuva Sangharsh Vahini (CYSV) which catalyzed the struggle.

⁴¹ Computed from the latest available land use statistics for India.

⁴² The figure of 89% of land owning households in the latest National Sample Survey on land holdings includes both households owning agricultural land and those owning only homestead land. Hence 11 % own neither agricultural nor homestead land. The figure of landless households would be higher if we included those owning no agricultural land, but owning some homestead land. There is no direct information on this. An indirect indicator is that 21.8% of rural households cultivated no land in 1992 (GOI, 1997b: 17), but this includes both households owning no agricultural land and those leasing out all their land. The actual percentage owning no agricultural land would thus be less than 21.8.

⁴³ Nandwana and Nandwana (1996) and my survey in some villages of Rajasthan.

⁴⁴ For details, see Agarwal (1994, 1995).

(HSA) of 1956 exempted tenancy rights in agricultural land from its purview. Women's inheritance rights in tenancy land thus depend on state-level tenurial laws. In the southern states, since the tenurial laws are silent on devolution it can be presumed that for Hindus the HSA will also apply to tenancy land. In most northwestern states, however, tenurial laws do specify an order of devolution, and one which strongly favours male agnatic heirs, with women coming very low in the order of heirs, as was the case under centuries-old customs. Moreover, in Uttar Pradesh (UP) and Delhi, the definition of tenants in the land reform laws is so broad as to include under that category interests arising from all agricultural land. Hence in these two states, of which UP contains one-sixth of India's population, women's inheritance rights in most agricultural land stand severely curtailed.

A second source of inequality in Hindu law lies in the continued recognition in the HSA of Mitakshara joint family property in which sons but not daughters have rights by birth. Again while three of the southern states (Andhra Pradesh, Tamil Nadu, Karnataka) and Maharashtra have amended this by including daughters as coparceners, and Kerala has abolished joint family property altogether, all other states remain highly unequal (see Agarwal, 1995, for elaboration).

Likewise, for Muslims, the Shariat Act of 1937, which still defines their inheritance rules in India, excluded all agricultural land (both tenanted and owned) from its purview. Subsequently, some of the southern states (Tamil Nadu,⁴⁵ Andhra Pradesh, and Kerala) extended the provisions of the Act to also cover agricultural land (e.g.). In other regions, however, the treatment of agricultural land, unlike other property, continues to devolve variously on customs, tenurial laws, or pre-existing other laws. Such laws and customs give very low priority to Muslim women's property rights in most of northwest India. In addition there is the inherent inequality of daughters being allowed only half the share of sons under Islamic law.

The regional contrast is striking in both Hindu and Muslim law. If we map Hindu Law, for instance, gender inequality increases as we move from south India northwards. In the four southern states women can inherit agricultural land, whether owned or under tenancy. Also, in these states, with amendments in the HSA, daughters have shares on par with sons in joint family property, including land. In the northwestern states, however, women are still seriously disadvantaged in relation both to agricultural land and joint family property. Middle India comes in-between. The map of women's legal rights under Muslim law looks very similar in terms of the contrast between northwest India and the rest of the country.

Unequal laws, however, cannot explain the enormity of women's de facto disinheritance. Rather, among the critical factors underlying both unequal laws and the vast gap between law and practice are social and administrative biases.

(2) Social and Administrative bias⁴⁶

To begin with, there is the gap between legal rights and actual ownership. In most communities which were traditionally patrilineal (i.e. where inheritance was through the male line), there is strong male resistance to endowing daughters with land. Quite apart from the reluctance to admit more contenders to the most valuable form of rural property, resistance also arises if traditional marriage systems forbid marriages within the village and with close kin, as is the case among upper-caste Hindus of northern India. Here social taboos against parents seeking any help from married daughters during economic crises also largely persist. These are conditions under which endowing a daughter with land is seen by the natal family as bringing virtually no reciprocal benefit, and any land inherited by her as lost to the family. Daughters face the greatest opposition to their claims among such communities. Opposition is

⁴⁵ The Tamil Nadu legislation also covers parts of Karnataka that fell in former Madras province.

⁴⁶ This is the barest outline of the issues discussed in substantial detail and mapped across five South Asian countries in Agarwal (1994).

somewhat less in south and northeast India where, even among Hindus, in-village and close-kin marriages are allowed,⁴⁷ and parents can seek economic support from married daughters during crises.

Many women also forego their shares in parental land in favour of brothers. In the absence of an effective state social security system brothers are seen as an important source of security, especially in case of marital breakup. Cultural constructions of gender, including how a 'good sister' should behave, also discourage women from asserting their rights, as does the emphasis on female seclusion in many areas.

Where women do not 'voluntarily' forgo their claims, male relatives have been known to file court cases, forge wills, or resort to threats and even physical violence. In eastern India, most of the witch murders among tribal groups in recent decades are found to be of widows who typically have customary claims (mostly usufruct rights) to land.

These constraints are compounded by the unhelpful approach of many government functionaries who typically share the prevalent social biases and often obstruct the implementation of laws in women's favour. The bias appears to be especially prevalent in the recording of daughters' inheritance shares by the patwari (the village land records official) in northern India.⁴⁸

(3) The gap between ownership and control

The gap between legal rights and ownership is matched by that between ownership and effective control. Marriages in distant villages make direct cultivation by women difficult. This is compounded in many areas by social restrictions on women's mobility and public interaction. In particular, the ideology of female seclusion (which operates in complex ways and is more widespread than the practice of veiling) restricts women's contact with men by gendering forms of behaviour and gendering public and private space. Indeed in many north Indian villages, there are identifiable spaces where men congregate which women are expected to avoid, such as the market place. This territorial gendering of space reduces a woman's mobility and participation in activities outside the home (especially in the market place), and disadvantages her in seeking information on new technologies and practices, purchasing inputs, and selling the product. Purdah practice is strongest in northwest India and virtually absent in the south and northeast. Of course, the cultural construction of gender, which defines appropriate female behaviour and roles, is not confined to the northwest; it also restricts women in southern India. But the strong purdah ideology in the northwest circumscribes women in particular ways.

Other difficulties facing women farmers include their limited control over cash and credit for purchasing inputs, gender biases in extension services, ritual taboos against women ploughing, and demands of advance cash payments by tractor or bullock owners for ploughing women's fields. (No such demand is usually made of male farmers, who, even if they are small owners, are assumed to be more credit worthy.) Taboos against ploughing increase women's dependence on male help, and can reduce yields if such help is not forthcoming on time.

However, it needs emphasis that the factors that constrain women in either claiming or cultivating land are not uniformly strong. South India is the region of least obstacles. Here legal rights are relatively more

⁴⁷ Among Muslim communities, such marriages are allowed everywhere in principle, although in practice there is culturally-mediated geographic variation (Agarwal, 1994).

⁴⁸ On the positive side, in some regions, attitudes toward daughters' claims appear to be changing, even if on the margins. A patwari I interviewed in 1996 in a Maharashtra village (western India) said that over the past 3-4 years the recording of daughters' shares had improved and fewer women were willing to sign away their shares in favour of brothers. He himself felt that all children, irrespective of gender, had a right to parental property. In answer to the question: "what if daughters get a dowry?" he said "Giving a dowry is parental duty; inheritance is a right". He added: "where a daughter gets a dowry she should get only 1/4th of her inheritance share. If there is no dowry she should get the full share."

equal, in-village and close-kin marriage is allowed, there is virtually no purdah, and female labour force participation is medium to high. Northwest India is the area of most difficulty on all these fronts. Northeast and central India come in-between (Agarwal, 1994). It would thus be opportune for both grassroots and government interventions to make a beginning in southern India, by systematically recording women's inheritance shares, supporting women's farming efforts through infrastructural provisioning, and overall improving women's prospects for gaining land rights. This would also have an important demonstration effect in other regions.

V. LAND THROUGH THE MARKET AND GROUP CULTIVATION

The third source of land is through the market. There has been much discussion recently of market-negotiated land reform. For instance, it is a central component in South Africa's land reform programme.

In India, purchasing agricultural land is a limited option. Rural land markets are often constrained and land is not always available for sale. For instance, an all-India study of land sales among a sample of landowning households in the early 1970s found that only 1.75 % had sold any during the survey year (Rosenzweig and Wolpin, 1985). Another study of land sales in Uttar Pradesh over a thirty year period (1950s to the 1980s), found that only 4.1 % of owned agricultural land had been sold (Shankar, 1990). But apart from restricted land markets which affect both sexes, women also face more financial constraints.

Market purchase is thus not an option that can compensate women for the gender inequalities in inheritance or government transfers. It can, however, supplement those means. To do so effectively, however, will mean tackling the constraints to land purchase and cultivation that women face. For instance, market access would improve if women could deal with land markets not as individuals but as a group, and were provided financial support.

Equally, women seeking to invest in land and cultivate individual plots face resource constraints for inputs, and scale diseconomies if they invest in capital equipment on small plots. Individual women land owners also face considerable pressure from male relatives who want to control the land themselves (Agarwal, 1994). In addition, there remains the question of who would inherit the land from the women. If women end up bequeathing it to sons, the land would revert to male hands in the next generation.

There are, however, institutional solutions to these problems if we abandon the long-standing assumption in public policy that farms should be cultivated (or owned) only on a family basis. Today, the assumption of family-based farming underlines all forms of land distribution to the landless, and is also apparent in the push toward joint titles for women. The alternative could be various forms of collective investment and cultivation by women, wherein units of investment and cultivation would be larger than the unit of ownership

In addition, land leasing arrangements are an important form of market access, but here again since women often lack resources to undertake this individually, a group approach would work better.

Indeed, the advantages of a group approach are well brought out by the experience of several NGOs in South Asia, who have helped landless women use subsidized credit to lease in or purchase land in groups, and cultivate it jointly. Among the most prominent of these NGOs, with sustained experience on this count, is the Deccan Development Society in Andhra Pradesh. It is therefore important to examine its experience in detail.

(1) The Deccan Development Society

The Deccan Development Society (DDS) which works in Medak district - a drought-prone tract of Andhra Pradesh (AP) - has enabled women belonging to landless families to lease in or purchase land through a variety of government schemes.⁴⁹

Established in 1983, DDS initially worked only with male farmers. According to P.V. Satheesh, a founder member of DDS and the principle spirit behind its current programmes, DDS was then challenged by the village women asking for inclusion: 'Why don't you work with women?' Subsequently, DDS set up both men's and women's groups (sangams), initially as credit and thrift groups. The men's groups, however, increasingly ran into problems of corruption and coordination. Over time therefore DDS shifted almost entirely to all-women sangams (not unlike the Grameen Bank in Bangladesh, which too began with men's savings groups and then moved almost entirely to women's groups.). Today DDS is working in 75 villages. Its essential focus is on poor, landless, low-caste women. The central plank of its approach is to ensure food security in an environmental friendly fashion, including through organic farming, multiple cropping and wasteland development. The institutional basis is collective farming.

Land leasing

With the help of DDS, poor women, organized into groups, lease in and cultivate land collectively. Initiated in 1989, the programme is now said to involve 629 women cultivating 623 acres across 52 villages. Initially they leased on a sharecropping basis but are now moving to cash rents. Some 25% of the land lease cost is paid by sangam members themselves and the rest is through interest-free loans from DDS. Very poor women can also make their contribution in terms of labour time, or by borrowing individually from DDS. Today, most lease groups consist of 5 to 15 women, but in the past many had 30-40 women and one even had 60 women leasing 40 acres. Sometimes women lease land from two or three landlords.⁵⁰

Women collectively undertake all tasks, except ploughing (which, as noted, is culturally taboo for women). For this operation, the sangams hire the services of a bullock-owner. After paying the rent and other costs, and keeping aside grain for seed, the remaining harvest is shared equally among the lease group members.

In some instances, high-caste landlords wanting to lease out their land have themselves approached women's sangams (e.g. in Krishnapur and Kalbaman villages), confident that the women, unlike individual leasers, would not default, and that DDS would provide back up support for inputs, etc. Where possible, women seek a lease of at least 3 to 5 years. Typically, after a lease ends the same group negotiates a new one, but sometimes the members reconfigure into new groups in the process.

DDS also successfully lobbied the state government to allow women's groups to use the loan money available via the government's poverty alleviation scheme, DWACRA (Development of Women and Children in Rural Areas), for leasing in land, rather than for activities such as tailoring, milch cattle, handicrafts, etc. for which such funds are conventionally disbursed. Committees of women examine the lease proposals put forward by the women's groups, assess the land quality, keep records of each woman's work input, and ensure equitable distribution of wages and produce. Fifteen women's groups have used the revolving fund provided under this scheme to collectively lease in and cultivate land. In 1995 each woman participant received enough cereal and pulses to feed the whole family for a month, in addition to receiving harvest wages.

⁴⁹The discussion below is based on Menon (1996); Satheesh (1997a, 1997b, 2001); DDS (1994-95), Hall (1999); my fieldvisits to DDS during 1998 and conversations then with several of the women's sangams and key women informants; and discussions with P.V. Satheesh in 1998 and 2001, as well as with Rukmini Rao (chairperson DDS) in 1998. Individual attributions are also given, where specific quotations or information by one of the key persons, are used.

⁵⁰ Personal communication by P.V. Satheesh, August 2001.

Land purchase

Since 1994, DDS is also supporting land purchase by groups of women, taking advantage of a scheme initiated by the Scheduled Caste Development Corporation (SSDC) of AP. Under this scheme, the SSDC provides financial support to landless scheduled caste women to buy agricultural land. Half the money is given as a subsidized loan repayable within 20 years and the rest as a grant. Catalyzed by DDS, women form a group and apply for the loan after identifying the land they want to buy. Land records are scrutinized to ensure that the title is litigation-free, and an endorsement is obtained from the patwari and the Mandal Revenue officer that the women applicants are indeed landless. The purchased land is then divided among the group members. Each woman is registered as the owner of a plot. Today, 24 women's groups in 14 villages are cultivating 474 acres of purchased land, with each woman owning about one acre, but cultivating it jointly.

Usually leasing serves as a precursor to purchase. This enables women to judge the land's quality and potential productivity, and also gives them experience in functioning as a group. In some cases, after an initial purchase, good harvests have enabled women to accumulate enough funds for buying additional land.

Both on leased in and purchased land, DDS encourages women to practice organic farming and intercropping (the simultaneous cultivation of several crops in combination). They grow a combination of millets, pulses, green vegetables and oil producing plants. In some sangams, women grow as many as 24 crop varieties in a year. This reduces the risk of total crop failure, and provides them a more balanced diet. Some women have also used innovative cropping patterns for other purposes, for instance, planting those crop varieties near their field boundaries that the cattle won't eat, to make a kind of 'crop fencing'.⁵¹

Purchasing vs leasing

DDS's work provides interesting comparisons between land leasing and land purchase. According to Ratnamma (woman sangam, Humnapur village, cited in Hall, 1999), it is useful to first lease the land before purchase, for several reasons:

We get to understand the land, its quality, which crops to grow on it. We learn whether we want to buy, which land to buy, how much to buy. We make a more knowledgeable purchase. Also, we can see if there will be problems in the group or if the group will work well together

As a lease group, the women can thus learn to deal with any problematic group dynamics before taking the important step of purchase. Working first as a lease group also helps build trust and solidarity among the members. In addition, lease groups are better able to deal with free riding. Satheesh (personal communication to author, 1998), put it as follows:

Leasing is not a lifetime commitment. When groups form they eliminate the slow workers. In land purchase, those entitled remain entitled. Also in lease, since they invest they make rules of the game straightaway. If they renege they are warned and if they continue defaulting, they are thrown out of the group.

According to DDS, only 5% of the lease groups have failed thus far.

At the same time, leasing also has disadvantages. In case of crop failure the state compensation goes to the landlord not the tenant, as happened to the women's sangam in Indoor village when they lost their pigeonpea crop (Hall, 1999). Also, compared with purchased land, women feel less secure, and

⁵¹ P.V. Satheesh, personal communication; also field observation, 1998.

have less incentive to invest in the land. According to Chilkamma (Krishnapur village, cited in Hall, 1999), women had been leasing land for 10 to 12 years, but still had no security. After the land purchase, 'even with less than an acre, we can invest in inputs, put in our labour, do whatever we want... this is a great feeling.'

However, finding land to purchase is not always easy, since the land market is underdeveloped and the desirable plots have often been purchased by others. Some groups also face problems repaying the SSDC loan. And, in certain conditions, groups working with purchased land can be more vulnerable to splitting up, as discussed further below.

Prioritizing single women

An important aspect of DDS' approach is to reach the especially disadvantaged. In this spirit they have prioritized single women for their support in acquiring land. These are women who could be unmarried (in practice there are very few in this category), widowed and deserted.⁵² In Pastapur village, for instance, the single women's sangam has 12 deserted women with children and no economic support from husbands or parents (although some parents give moral support). They were casual agricultural labourers or construction workers earlier. Under the SCDC land purchase scheme, the women collectively bought 11 acres and registered equal amounts in each woman's name in 1995. As in other sangams they cultivated the whole plot collectively. DDS served as an intermediary between the women and SCDC. In some villages, women have supplemented the SSDC loan with loans from moneylenders, adult children, and even errant husbands.⁵³

However, the purchase of land by the single women's sangams has been a bone of contention in a few villages, with villagers arguing that this would encourage women to become single and break up families. In Metlakunta village, Hall (1999) reports, some men also argued: 'you are giving land to women from other villages and denying land to women from this village' (although 9 out of the 10 single women were in fact originally from Metlakunta and had returned to it due to marital breakup). In this village, the conflict led to DDS withdrawing entirely for a while, returning only after the villagers agreed to run their sangams on their own for some months, and to allow priority to the single women.

Alternative Public Distribution System

Apart from land lease and purchase, another type of institutional arrangement catalyzed by DDS is to have women jointly oversee the cultivation of undercultivated or fallow land by private owners. They have also set up a Community Grain Fund (CGF) in the process.⁵⁴ Most of the land is ceiling surplus land distributed by the government to landless men. The land was of very poor quality and remained mostly uncultivated, while the families depended heavily on a public distribution system (PDS) which was woefully inadequate for providing food security.⁵⁵ Supported by the Ministry of Rural Development, DDS initiated this programme to bring fallow land under the plough, by extending loans to the owners. Under the scheme, each participating farmer can enter 2 acres, and get Rs. 2600 in installments over 3 years. In return, over 5 years, the farmer gives for the CGF a specified amount of the grain he harvests. Committees of women manage the whole programme, identifying the land to be so used, ensuring that

⁵² The last category is a grey area. Some are women living on their own and the sole earners of their families with no contact with husbands; others have husbands living with another woman but visiting their wives occasionally; and yet others have returned to their parental homes. Those living with in-laws are not considered single (see also Hall, 1999).

⁵³ Hall (1999), and my conversations with P.V. Satheesh in 1998.

⁵⁴ For details, see Menon (1996), Satheesh (2001).

⁵⁵ For example, as also found in many other parts of India, foodgrains were available in the local shop for only a few days per month. Women thus needed money for a whole month's ration at one time. Most found this impossible. Also, in times of stress, some ended up pawing their ration cards, without which they could not get the subsidized grain.

the farmers use the loans for cultivation, supervising the operations, ensuring use of organic manure and mixed cropping, and collecting the harvest share for the CGF. Each village under this scheme typically has a committee of five women, and each woman personally oversees about twenty acres. Using a range of poverty assessment measures, the women's committee identifies the poor households and ranks them from the most needy to the less than poor. The poorest families are eligible for the most grain. The grain is sold to the households at a low price (to offset costs). The CGF thus serves as an alternative PDS.

In the first phase, the project started in 32 villages, covering 2675 acres and 1720 marginal and small farmers. This year, the project has been extended to another 11 villages, involving an additional 527 farmers and 588 acres of land (Satheesh, personal communication, 2001). To date, apart from bringing a substantial area of marginal fallow land under cultivation, according to DDS' estimates the scheme has helped produce an extra 800,000 kg of sorghum grain in the first phase villages, thus providing nearly 3 million extra meals or 1000 extra meals per family. The fodder from the newly cultivated land also helped sustain 6000 heads of cattle in these villages. And it has brought in extra employment (Satheesh, 2001). The benefits of the programme extend well beyond the sanghams: up to 70% of PDS entitlements have gone to non-sangam members.

Benefits and problems of group cultivation

Women report substantial benefits from collective cultivation, as well as some problems. On the positive side, in the process of working together, they have learnt to survey and measure land, hire tractors or bullocks, travel to distant towns to meet government officials, obtain inputs, and market the produce. Many women also find the flexibility in labour input that collective cultivation provides them, useful. In addition, they can pool their differential skills and knowledge to best effect, and also share the cost of tractor or bullock hire.

Based on her experience, Chinanarsamma (Pastapur village, cited in Hall, 1999) provides a set of insightful arguments in favour of collective farming:

Women can share the profit and the responsibility. In individual cultivation, different women will have different levels of agricultural knowledge and resources for inputs. So in collective cultivation they may make unequal contributions. Those with less can compensate the others through taking a reduced share of the harvest, or by repaying them in installments. Different levels of contribution are fine, because the women all know what each others' resources are. Knowledge of each others' family needs also leads to tolerance of women not appearing for work in the fields - to some extent. The levels of sharing are agreed on and fixed before the season: each women should get an equal share unless her contribution falls below that of the other women. There are no disputes about shares: all the women are involved in dividing the crop, so none can be accused of taking more than her fair share.

Many other women share this perception and argue that: 'Collective cultivation is better; both the labour and the produce is shared. It builds a better feeling.'

At the same time, the sangams also have to be vigilant about a number of potential problems that collective farming raises. One is to ensure that every member of the group puts in the expected labour. During peak labour needs, in particular, when demand for wage labour is also high, absenteeism can negatively effect productivity. The sangams impose penalties for default (as agreed by the group collectively), and also call defaulters to account in their weekly meetings. These meetings are a crucial monitoring mechanism. The fact that women are all from the same village, know each other, and are codependent in other ways, also helps create peer pressure against default. The extent of penalty varies according to circumstance. Reproduced below is an excerpt from my interview with a Krishnapur village sangam:

Q: How do you deal with differences in work effort by different women?

A: We supervise and see if anyone is slackening intentionally or due to compulsion. For example, if it is an old woman we sometimes take care of her share. If a woman is ill she can send other family members to substitute. If a young woman does not turn up, she has to send two persons the next day or give two person's wages. This rule is followed strictly, especially if she goes to work on another farmer's field or on her own land.

Q: Have you had to penalize women often?

A: Not really. In general people work hard, and we were able to increase the leased in amount to 40 acres from 4 landlords. This is in 4 different patches. Weeding and harvesting is done collectively. Our sangam also does not maintain caste divides. We have women from all castes, including the dalits.

Nevertheless, there can be occasional cases, especially where the land is purchased, of the group breaking up due to conflicts over work-shirking. In Humnapur village, for instance, the sangam decided to divide the land into individual holdings, which the women began to cultivate separately. Interestingly, however, the women subsequently reconstituted into new groups which are smaller and more cohesive, and restarted collective cultivation. Also even those who chose to remain separate have worked out labour-sharing arrangements on each other's land for weeding, cleaning, harvesting and cutting. Grinding seed is also done jointly (Hall, 1999). The same happened in one sangam in Pastapur village, where too after splitting the women continued with a range of labour sharing arrangements, such as for weeding and harvesting (personal communication, Satheesh, 2001). In other words, having worked together demonstrates the advantages of collective farming and builds a habit of cooperation that does not easily break.⁵⁶ In some cases, their prior experience of labour exchange also strengthens this.

A second type of problem can arise when sangam women also own some family land. This can lead to a conflict of priorities, especially in peak labour seasons. The women I spoke with, however, feel this is not a major problem. Chilkamma (Krinshnapur village), for instance, told me: 'We all know that the [sangam] land will yield well, men too know this. Also the number of days that anyone has to put in on the communal land are not excessive, since the whole sangam works together. After that women can work on their own land. So there is no serious conflict.' This may also be the case because most women belong to landless households anyway.

A third type of problem can arise from a break of trust by a group member, especially if the women don't know each other well. Within the single women's sangam in Pastapur village, for instance, Hall (1999) reports that 'bitter quarrels' ensued because at the end of their first season of cultivating together, the woman leader who had been entrusted to take to DDS the portion of the produce set aside to repay an installment of the group's loan from DDS, failed to do so. Finally the sangam sought DDS's intervention to get the woman to repay. The same happened with another woman leader the following year. Only two women in this sangam had a semblance of friendship prior to forming the group. It is notable, though, that the women are still cultivating collectively, because they feel that until the loan is repaid 'in spite of our conflicts, it is better for us to work collectively than separately', 'then we will re-evaluate'. The women found this to be the preferred option since they felt the collective loan was a joint responsibility and could only be repaid by everyone through collective cultivation.

A fourth type of vulnerability that the sangam faces is motivating people to stay together when the potential for profit from individual cultivation increases. Groups based on purchased land tend to be more vulnerable in this regard. In Krishnapur village (see Hall, 1999), for instance, 13 women bought 13 acres using SSSDC support which they cultivated collectively till they got wells (open wells with motors for lifting water) in 1995. There were 4 to 5 women per well, on receiving which they decided

⁵⁶ See also Seabright (1997), on how cooperation can be "habit forming".

to divide the land and cultivate individually, while sharing the wells. They also began to grow vegetables, sugarcane and turmeric for sale, rather than only subsistence crops. The women justified the move to individual cultivation on the grounds that it would be simpler to work separately, since water-sharing involved greater responsibility. They felt they risked losing water if others did not cooperate when electricity was available. But clearly an important factor was also that an assured supply of irrigation water reduced cultivation risk and enhanced the prospects of profit, while in dryland farming group cultivation was especially important for risk sharing.

Of course, potentially women cultivating purchased land could be more prone to splitting, since they have an exit option which women in lease groups do not. In practice, however, it is notable that cases such as that of Krishnapur are uncommon even among purchase groups. Almost all the others continue with collective cultivation.

Also, some of the problems tend to be overcome as trust builds. If needed, the groups reconstitute into new more workable units, after evicting the defaulters, as noted in the Humnapur and Pastapur village examples. In other cases, such as in Krishnapur, although jointness in cultivation has broken down, there is still jointness in sharing investments such as irrigation wells, and those sharing the wells are now veering toward other forms of cooperation. Moreover, there are additional positive externalities of group functioning which are both economic and social in nature, as discussed below.

Effect on gender relations

Collective functioning improves gender relations. In the beginning, the men resented women setting up the sangams and holding weekly meetings (usually held at night). Sateesh (cited by Hall, 1999) provides insights on how this resentment was overcome:

The empowerment of sangams was gradual, and 'almost subversive'. The precursor to the sangams was the tradition of women getting together in chit-funds which were never formalized. Therefore, sangams were seen as the formalization of these structures. Men were irritated that women were staying out at meetings late into the night. Some asked their wives to stop going, but the women would go to recalcitrant husbands and convince them that there was no harm. The men were curious at first; they would come and sit in sangam meetings, would talk, even interfere, sometimes. ...Women used the presence of DDS to say to men that this needed to be the space for women to talk to each other... [Men's] interventions dwindled as they got bored, and also some men silenced others. The men gradually stopped coming.... Anyway, [they] knew that they would benefit indirectly, through their wives....

After several years of working in sangams the women report a range of advantages: a decline in male drunkenness and domestic violence, in bonded labour and in caste indignities; and an increase in their self confidence, and the respect they now receive within the village.

In economic terms, two indirect benefits are especially notable. One, they are now able to bargain for higher wages when they need supplementary wage work, and two, many are now able to exercise greater control over household income.

For instance, Narsamma (Kalbaman village) reported to Hall (1999) that the daily wage rate for casual labour had increased in the village due to sangam formation. During weeding time (a peak labour period) women bargained for and received 2 ½ times the previous daily wage rate. The women were able to exert this leverage over employers because they worked as a group and had other options, such as reverting to working on their sangam's 16 acres, and also taking up wage work on a DDS wasteland development project. 'So we had a choice... We could refuse all jobs [which would pay] less than Rs 10 a day.' Other sangams I spoke with also report an increase in their bargaining power in the rural labour market.

Again, within the household, women are able to exercise greater control over earnings. For instance, Chilkamma (Krishnapur village) told Hall that about half the women now control the produce and income from their land. This is an improvement from before, even though the remaining half have spouses making decisions about what to do with the produce and how to spend the cash income from the marketed portion. In this village, among the sangam households, the husbands work on their wives' land since none have their own.

Women identify the gains from several years of sangam activity in various ways:

Initially the men said: If women go to meetings, what should we men do – wash the dishes? We said, men and women should work equally... Are we the only persons born to work? Earlier we ate half a roti, now we eat one (Sharifabi to author, 1998).

It is [now] better. If a man beats his wife she will now ask: why are you beating me? Earlier she would not confront him. Also other women challenge him: why are you beating her? Earlier we would have left the family alone. Also earlier men shared domestic work such as sweeping, fetching water, etc. Now we have bore wells, and although work is less strenuous, everyone works, including the men. There is also less drunkenness (Chilkamma to author, Krishnapur village, 1998)

Our husbands used to drink and beat us. Now the buffaloes are ours, the land is ours and they are working too. Nobody is taking advantage of us women (Ratnamma, Algole village, cited in Hall, 1999).

Now [with land] we have the courage and confidence to come out and deal with people and property by ourselves (Chilkamma, Krishnapur village, cited in Hall, 1999).

They [the high caste people] used to call us with the caste name which was very derogatory. They would also call us in the singular form. Now they put the motherly (respectful) suffix and give us equal seats. The term 'sangham people' has displaced the caste name, and has much more positive connotations....It is only because we have an organisation that they [the landlords] won't touch us - that they are scared to cross us (Ratnamma, Algole village, cited in Hall, 1999).

The fact that we sit down and talk together has made the men listen. The younger generation is [no longer] an obstructive force. They used to make a noise during our meetings to disrupt it, but don't anymore (Narsamma, Kalbaman village, cited in Hall, 1999).

For single women, the sangams have brought some obvious gains. When I asked a single women's sangam in 1998 whether men's behaviour in the family had changed towards them, the women responded:

Initially, when we came together, 10 of us went to meetings and our families would say: why are you going to meetings at night? But we found that during the course of meeting, we became a kind of mutual support group. If any woman fell ill or had a problem, the others now try and help. So it became a habit to meet, and we were not afraid of family disapproval. Gradually the family realized the importance of our meetings to us and fell silent.

There have also been improvements in well-being. In Algone village, the women reported to me that bonded labour had now disappeared. They also had better health care and a more varied diet due to multiple cropping. Similarly, the single women of Pastapur reported to Hall (1999) that: '... now we are self-sufficient. [We are] able to get food and clothing.' 'Previously we had nothing and had to say yes

to everything; now we have status because we have the land'. Their children are being educated. And although there is little change in the attitudes of their in-laws or of the community, these women are willing to help other deserted women to form a sangam. Many of the sangam women are now also active in other village activities. Moreover, Hall notes that in Metlakunta village some husbands returned to their wives after the latter purchased land, and most women said that spouses were now more willing to listen to them. Also, 'sangam woman' is a special designation of respect in the village; and according to some women (corroborated by DDS senior staff) they are given priority over individual men by local government officials.

In general, Satheesh (cited in Hall, 1999) notes:

The first sense of empowerment came to women and men in the community when the women started leasing in land. Men, and especially powerful men in the villages, had the perception that women were useless, as agricultural labourers they could only work under supervision. This perception was slightly internalized by the women. The land leases completely debunked this view.

When women acquire land, there is a win-win situation for everybody. The landlords who are not cultivating get money. Women improve the land and get produce.

However, one question remains contentious where the land is purchased: will the land remain with women? Here the link with inheritance is critical. The women, when asked to whom they would bequeath the land gave various answers to Hall and me. Most wanted to endow their sons, if they had any. Only if they were sonless were they usually open to giving the land to daughters. Some worried: 'If we give our land to our daughters, what will society say?' However, there were also women who said: 'But what has society done for us? We must make some provision for our daughters' security'. A few wanted to leave their land to all the children but felt the plot was too small to be split up, or said they might give the land to their daughters-in-law, or were undecided yet.⁵⁷

(2) Other NGOs

DDS' efforts have been pioneering in many different ways and provide a significant learning experience. The approach of joint leasing or joint purchase of land and collective cultivation could be tried out by NGOs in other states as well, on the basis of other government schemes. For instance, since 1995-96, loans can be obtained by the poor for land purchase through the central government's Integrated Rural Development Programme directed to alleviate poverty (GOI, 1996c).

Also, some other Indian NGOs have been encouraging land leasing by women, although on a small scale. Michael Tharakan (1996, and personal communication) describes a village in Kerala's Kunnur district, where three women's groups are leasing in land from farmers in the off-season for vegetable cultivation.⁵⁸ In Bangladesh, the Bangladesh Rural Advancement Committee (BRAC), an NGO which provides credit and technical support to poor rural men and women, also helps women to lease and cultivate land collectively. In a number of cases they have been able to do so successfully, despite opposition from orthodox villagers (Chen, 1983). Recently, however, BRAC has taken a more controversial step of itself purchasing land to lease out to landless women (personal communication, BRAC officials, 1998).

However, apart from land lease and purchase, it is necessary in my view to experiment with two other types of institutional arrangements, one that involves less collective functioning than joint farming, and the other which involves much more.

⁵⁷ Interviews by me in 1998 and Ruth Hall in 1999.

⁵⁸ I understand that 23 groups were constituted, each consisting of 10-20 unemployed youth. Of these, three groups were of women alone (personal communication, Michael Tharakan, 1997).

Under the first category come cases where women who own individual holdings (whether obtained through inheritance, purchase, or from the government) cultivate individually, but invest in capital equipment jointly with other women. There are examples also of the government funding groups of farmers, including in rare cases groups of women farmers, to invest jointly in tubewells and pumpsets.⁵⁹ Krishnapur village in the DDS area also illustrates this. As noted, here although women stopped cultivating jointly they continued to share the irrigation wells with other women. Group investment, however, does not solve other problems facing individual women, such as family pressure to relinquish their land, or the issue of inheritance.

These latter problems could be solved, however, through another type of collective functioning, namely, if poor rural women, as a group, held usufruct rights over land distributed by the government, but not the right to dispose of the land. The daughters-in-law and daughters of such households who are resident in the village would share these use rights. Daughters leaving the village on marriage would lose such rights, but could establish them in their marital village, if a similar arrangement were operating there. Also they could reestablish their rights in their parental village by rejoining the production efforts should they need to return on desertion or widowhood. In other words, land access would be linked formally with residence and working on the land, as was the case under some traditional systems when land was held collectively by a clan. To my knowledge, there is no ground example of this yet, but it warrants a pilot project.

A number of women elected to panchayats in Madhya Pradesh whom I met in 1995, and asked about their perceptions of the advantages and disadvantages of individual titles, joint titles with husbands, and group rights (as in this last alternative), strongly supported the idea of group rights for women.

*

The institutional arrangements I have described have four important ingredients. Three of these -- the presence of a gender-progressive NGO, the use of a group approach, and a focus on landless women -- are found in many stories of poor women's economic betterment in India. What is uncommon is the fourth ingredient, namely their focus on land for women linked with collective cultivation, in contrast to the typical and usually less sustainable income-generating activities promoted under many government and NGO programmes.

Also, functioning in groups helps resolve several of the difficulties women face in obtaining and cultivating land. They provide ways by which women can get access to land without depending only on inheritance, namely through the market or through the community -- access which women operating as individuals rarely have. And where linked with joint investment and collective management, these arrangements can overcome any problems of small size and fragmentation. In fact, if collective farming were attempted by women even on the land they inherit, it could undercut the oft-stated resistance to women's claims on the grounds that it will increase fragmentation and so reduce output. In this context, given that by the latest 1992 NSS survey on landholdings some 72% of landowning households own under one hectare (GOI, 1995: 22), it also appears important to examine men's prospects of undertaking various forms of collective investment/management on the holdings they own.⁶⁰ For women, a collective approach to land management also helps mobilize funds for capital investment, take advantage of economies of scale, and cooperate in labour sharing and product marketing. If, in addition, women have group rights in the land (as in the last type of arrangement) this would strengthen women's ability to withstand pressure from male relatives and retain control over the land; and it would

⁵⁹ This was done for example in Bihar after the Bodhgaya struggle, when the landless received land in a few villages, and in two villages women alone received land (personal communication, Chattru Yuva Sangharsh Vahini activists, 1993)

⁶⁰ It is notable that many of the landless beneficiaries of West Bengal's Operation Barga land reform programme, are now pooling their land and cultivating it collectively (Patnaik, 2001).

by-pass the problem of inheritance, since the women's group would have use rights but not rights of alienation. It would also bypass the problem of outside-village marriages, since women's rights would be established only by residence.

(3) Linking micro-credit to land

Given the continued importance of land in rural livelihoods, it is important to reconsider the large-scale push being given by international aid agencies, most rural-development NGOs and the government to micro-credit for poor women, essentially for non-land-related activities. Undeniably, poor rural women often need credit. But what could be its best use? Often women take loans not for their own enterprises but for their sons or husbands; and the poorest of the poor usually tend to get left out (IFAD, 2000). Many women also face problems in retaining control over their loans (Goetz and Sengupta, 1996), and the impact of micro-credit on female poverty remains uncertain. Most importantly, the privileging of this one form of support over all other livelihood options could prove counterproductive. As a number of NGOs are now arguing, a standardized spread of one type of scheme, namely micro-credit, is proving diversionary, and can over time further increase gender inequalities in major assets such as land. The title of the ALRD Bangladesh workshop (mentioned in the introduction) was telling: 'Land for men, only micro-credit for women?'⁶¹ However, one way forward, in contexts where women are dependent on agriculture, is to provide credit to women's groups for jointly leasing in or purchasing land, as done by DDS. But this would require giving a new orientation to the current micro-credit programmes. It would also need greater flexibility in terms of group size, since larger groups can sometimes make for more viable farming.

(4) Infrastructural support

Finally, critically linked to the success of women's farming efforts, whether as individuals or groups, is access to infrastructural support. There are significant gender and class inequalities associated with access to credit, labour, other production inputs (including hired equipment), and information on new agricultural technologies. Poor women cultivating very small plots are the most disadvantaged in this regard. The cultural constructions of gender roles and behaviour also reduce women's ability to function effectively in factor and product markets, as well as more generally in the market place.

Here a systematic effort is warranted to remove prevailing biases in the delivery mechanisms of government infrastructure. A greater female presence in agricultural input and information delivery systems (women extension agents are often recommended for the latter) would no doubt be helpful in reducing some of the gender bias, but it appears equally necessary to reorient male functionaries so that they recognize the importance of assisting women farmers. Non-governmental initiatives would also be important here. Certainly in the delivery of credit to poor women, NGOs such as the Grameen Bank in Bangladesh and the Self Employed Women's Association (SEWA) in India, have been markedly more successful than government agencies. The role of NGOs could similarly be important in providing technical information, production inputs, and marketing facilities to groups of women farmers. More generally, a systematic promotion of women's cooperatives for production inputs and marketing could prove fruitful.

VI. IN CONCLUSION

Within the re-emerging debate on the land question, it appears imperative that the issue of women's access to land is given critical attention. A growing body of empirical evidence indicates that this is likely to have positive effects on women's and their family's welfare, agricultural productivity, poverty reduction

⁶¹ Interestingly, even organizations which centrally recognize the importance of land rights to counter poverty, and advocate tenurial security at the household level, end up suggesting mainly micro-finance for alleviating female poverty (IFAD, 2001).

and women's empowerment. And while all channels for women's economic empowerment, including non-farm employment and various self-employment enterprises need to be pursued, these latter channels alone cannot realistically help more than a small percentage of women, especially in countries such as India where 86% of rural women workers are still dependent on agriculture (and hence on land) as their main source of livelihood.

Potentially, women can obtain land through the State, the family and the market. This paper has explored the prospects and constraints to women's access to land from all three sources. But while it is important to reduce male bias in public land distribution and make such distribution gender equal, access through the family and the market deserve particular attention, given that most arable land in India is privatized.

In relation to market access, this paper makes a number of departures from existing discussions by focusing on the new prospects that could open up (especially for poor women) through: (a) women working in groups rather than as individuals or as members of families, to lease in and/or purchase land; (b) the use of government credit for land access rather than just for micro-enterprises; and (c) collective investment in and cultivation of purchased or leased in land, the collectivity being constituted with other women rather than with family members. As noted, such group functioning has many advantages for women, over individual or family-based farming. And the advantages could also extend to women inheriting small plots should they seek to invest in them collectively with other women.

The idea of people cooperating in farming ventures is not new, in itself. In fact, several elements in the institutional arrangements described here can be found in traditional agrarian institutions. But in the traditional arrangements, households were the units of focus. For instance, reciprocal labour-sharing arrangements were a common feature of agricultural cultivation in rural, especially tribal, communities, but the terms of reciprocity were typically established between households to support family-based farming. Similarly in the 1950s and early 1960s, when land reform and cooperative farming were the buzz words of rural development, the focus was on households and on male heads as representatives of households. At that time, not only did gender receive no mention, but inadequate attention was paid also to socio-economic inequalities between households. As a result, cooperatives often (albeit not uniformly) tended to be large-farmer dominated. Today we need to recognize not only that households can be arenas of gender-based conflict of interests, but also that communities are spaces that are often both class/caste differentiated and highly gendered. This impinges on the kind of institutional forms that would be effective. In the forms discussed here, factors such as class and gender are centrally recognized, in that the groups described are constituted of women from poor rural households. Often the groups are also of the scheduled castes or tribes. This approach could open an important window of opportunity to revive land reform, community cooperation and joint farming in a radically new form, by centering them on poor women.

A window of opportunity is also provided by the growing attention being given to watershed development and localized irrigation schemes by many rural NGOs and government agencies, in several parts of the country. But once land value rises with irrigation, women's rights in the land are seldom recognized. The opportune time to establish women's claims is prior to developing the watershed or irrigation facility, not afterwards.

Finally, both for improving the implementation of women's inheritance claims and for trying out some of the alternative arrangements for land management, the southern and western states of India could be starting points, since in these states both laws and the social context are relatively more favourable to women. Success in these contexts could have a notable demonstration effect in other geographic regions as well.

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