

# ENHANCING RECOGNITION AND RETURN OF WOMEN FARMERS:

## WGWLO'S LEGAL AND INSTITUTIONAL INITIATIVES



### Context

- Women in India lack recognition as farmers in spite of their recognized contribution to farming. This is largely due to their lack of land ownership. Also, women face a gender gap in productivity.
- Empowering women through land ownership rights can increase total agricultural output and address hunger and family nutrition; however, women's land rights remain limited in India, in spite of constitutional equality, legal initiatives and institutional innovations.
- Socio-cultural factors, complex laws and procedures, insensitive administrative structures and redressal mechanisms, lack of familiarity and understanding of land administration and legal jargon are often obstacles for women to own land.

### Interventions

- The Working Group of Women for Land Ownership (WGWLO), a network of 47 institutions in Gujarat, India, works to enhance women's land ownership over private land, largely through inheritance rights.
- By building the capacity of its own network members and land administration officials, it provides appropriate legal and institutional support in the form of para-legal workers (Swabhoomi Kendras) Legal Clinics and training of land administrators to improve women farmers' land rights while also linking them to farm-support services for sustainable farming.

### Lessons

- It is possible to recognize the property rights of women farmers, even through an NGO-led initiative, by tapping the existing legal frameworks governing inheritance.
- Building local capacity and institutions for single window delivery of agricultural land rights and farming services can be a successful model to strengthen women farmers' tenure security and catalyse agricultural transformation.
- An NGO network, with its social capital strength, can facilitate Government participation and potential policy buy-in for successful pilots. However, long-term resource support and champions within government are critical for upscaling and sustaining such an initiative.

## Introduction

There are two primary challenges facing women as farmers<sup>1</sup> in India, in spite of their recognized contribution to and increasing role in farming. One is related to their lack of recognition as farmers and the other is the gender gap in productivity. Women farmers are seldom recognized as farmers because they typically do not own land and/or have formal land records, which most schemes and entitlement programs consider as eligibility criteria for farmer beneficiaries. Women's lack of land ownership also negatively affects their productivity, contributing to the gender gap in agricultural productivity. According to the State of Food and Agriculture report, empowering women through land ownership rights can raise total agricultural output in developing countries by 2.5 to 4 percent and can reduce hunger across the world by 12-17 percent (FAO, 2011). In addition to having less access to and control over high-quality farmland, women in India, as is the case across the globe<sup>2</sup>, also face large gender gaps in access to other farming assets, inputs and services. Although women conduct 80 percent of farm work in India, they inherit less than 2 percent of agricultural land in the family (Aditi, 2013). This is in stark contrast to the 83 percent of land inherited by male family members (Mehta, 2018). While 73 percent of rural women workers are engaged in agriculture (Gol, 2019), women control only 12.8 percent of the total number of land holdings (Gol, 2019b).

Despite the equality enshrined in the Indian constitution, women's property rights continue to be discriminated against. In the absence of a uniform civil code<sup>3</sup>, the personal laws of the different religions proscribe different rights for women over



Image Credit: Navin Amang

property (Parashar, 1992; Chhiber, 2008). Even when women's rights are promoted by law, however, women are often not in a position to assert their rights or exercise control over their land in practice, largely due to the entrenched patriarchy and social conditioning. Moreover, in the absence of gender-equitable governance<sup>4</sup>, as well as accessible legal remedy, the gender of the landholder is not recorded in the land records in most states of India (FAO, 2013). Despite legal (e.g. Hindu Succession Amendment Act, 2005) and institutional provisions (government orders, joint titling in the name of wife and husband, reduced stamp duty for registering land in the name of women) to promote women's land ownership, legally recorded land ownership remains male-dominated.

The Working Group of Women for Land Ownership (WGWLO)<sup>5</sup> since 2002 has committed itself to sustained grassroots action and policy advocacy to increase women's access to and ownership over land and other productive resources. Established

as a network of 20 Non-Governmental Organisations (NGOs), it now consists of 47 NGOs/Community Based Organizations (CBO) and individuals across 15 districts of Gujarat.

The WGWLO aims to enhance women's rights over private (agricultural) land, largely through inheritance rights, given that 86 percent of cultivable land in India is privately owned. Over time, it has also addressed wider land issues, including related to forests and public land, from a gender perspective. The WGWLO approaches the issue of women's land ownership from the dual perspective of women's rights and empowerment, as well as to achieve livelihood enhancement.

In the experience of the WGWLO, socio-cultural factors, unfavourable laws and procedures<sup>6</sup>, inappropriate institutional structures<sup>7</sup> and redressal mechanisms are obstacles for women to own land. While working with rural women to enhance their land rights, the WGWLO realized women face a major barrier in understanding the

<sup>1</sup>Many women are engaged in farming in India but are not recognized as farmers. The few female farmers recognized as 'women farmers' in India include widows, who take up farming to support their children after the deaths of their farmer husbands.

<sup>2</sup>Global experiences reports, 43 percent of the agricultural labour in developing countries is women. Out of these, 79 percent depend on agriculture as their primary source of livelihood. In developing countries, only 10 to 20 percent of landholders are women and in some parts of the world, women still cannot legally own or control land.

<sup>3</sup>As envisioned by Article 44 of the Indian Constitution.

<sup>4</sup>Gender-equitable governance of land tenure ensures that women and men can participate equally in their relationships to land, through both formal institutions and informal arrangements for land administration and management. (as per FAO's Voluntary Guideline on Governance of Tenure of land, fisheries and forests).

<sup>5</sup>The Working Group of Women for Land Ownership (WGWLO) is Gujarat state based network committed to sustained grassroots action and policy advocacy around the issue of women's land rights, including access and ownership over Land and other productive resources. <http://wgwlo.org/>

<sup>6</sup>For example, women seeking to claim their inheritance rights must do so in front of their brothers and/or in-laws and this is typically not seen as culturally acceptable in a patriarchal society.

<sup>7</sup>For example, neighboring villagers and/or family members are required to verify inheritance rights as part of the process to obtain a legal heir certificate, but these community members typically do not serve as witnesses or support women in the verification process due to cultural norms.

'language of land.' The organization observes that legal terminologies and land administration procedures are unfamiliar both to women in their target communities and to community based organizations serving these women.

In general, it is assumed that Patwaris<sup>8</sup> and Block Revenue Officials are the guiding force for women to assert their land rights. However, they are not specifically trained to help women overcome socio-cultural barriers to assert their rights. Through its work, the GWLO has found that the land revenue administration processes and procedures are not only complex, but also not gender equitable. Even when women's land rights have been violated in a family, the GWLO finds that the concerned officials typically do not act unless they are convinced that the women indeed are the victims of injustice. A gender-sensitive

approach to understand and act on women's land issues was missing in the land revenue administration. While several women were willing to claim their share of inherited land as a result of GWLO's legal awareness programmes, even the staff of the member organizations were not equipped to deal with the legal processes required to empower women to legally claim their land rights<sup>9</sup>.



Image Credit: GWLO

<sup>8</sup>Patwari is a term used largely in North & Central India. It refers to an individual in the local authority who maintains the ownership records for a specific area and collects land taxes. <https://economictimes.indiatimes.com/definition/patwari>

<sup>9</sup>Based on personal Communication with GWLO team

## Objective

To address these challenges, the GWLO started building the capacity of its own network and land administration officials to provide appropriate legal and institutional support for improving women farmers' land rights as a means to empower women farmers.

In 2005-06, the GWLO initiated a process to familiarise its member organizations with the legal and procedural aspects of land governance with the help of the Centre for Social Justice, a legal support organization. This partnership trained a cadre of women para-legal workers (PLWs) (Fernandez et al., 2016) to help women claim their legal

land rights through standard procedures. PLWs are usually individuals from the member NGOs or leaders from community-based organizations.

*Table 1. GWLO's Long Journey towards Enhancing Women Land Rights (2002-2019)*

2002	Working Group for Women and Land Ownership (GWLO), Gujarat, came into being out of a state-level workshop on Women and Land Rights organised by the Aga Khan Rural Support Programme (India)
2004	GWLO presented a pioneer study – 'Study on Status of Women and Agriculture Land Ownership in Gujarat'
2005	First batch of Para Legal Workers were trained
2006	Equipping with knowledge and collective action: Paralegal action research on women and private land
2007	Inter-departmental consultation with selected state government departments; Beginning of Talati (village revenue official) training on Women Land Rights
2008	State level Consultations on the status of Women's land ownership
2009	Beginning District level Consultations
2010	Public hearing on land alienation
2011	Continuation of State Level Consultations on Land Issues protecting and promoting women's inheritance rights to land shifted to women CBO partners and Sangathans <sup>10</sup> promoted by network member NGOs
2013	72 paralegal workers and 1350 revenue officers were already trained; Swabhoomi Campaign started
2014	Setting up of Swabhoomi Kendras (SBK): or Centre for Land literacy and access to productive resources for women farmers with the help of UNDP Joining hands with Varsai drive to update land records of the Government of Gujarat Approval by govt. for training of trainers for the faculty of all Panchayati Raj Training centres.
2018	Change in the strategy: Going beyond Para Legal Workers: Reaching out to Women's federations for Women and land training; GWLO started work on women and forest rights
2019	Training of PLWs on Women and Forest Rights issues Workshop on Legal Clinics for Complicated Cases of Women's Land Rights

<sup>10</sup>Sangathans is a local name used to define coalition or organization. Here Sangathan is referred to Community based organizations.

## Institutional Arrangement

The GWLO as a network and an enabling institution works with multiple actors at multiple levels with a focus on relevant Government departments (viz. Land, Agriculture and Panchayati Raj), as well as civil society partners and institutions of local self-governance.

The GWLO's action and impact is led by the PLWs, who operate at village level and use different strategies to identify and take forward cases related to women's land rights, especially about inheritance. The PLW, a woman herself, talks directly to the woman who has been denied her lawful inheritance of land rights to understand the case thoroughly. She checks the relevant documents to scrutinize potential evidence and encourages the aggrieved woman to take legal action. She also extends support by accompanying women to the mamlatdar office<sup>11</sup> or other government offices as per need.

PLWs primarily focus on the following activities:

- Creating awareness on the inheritance rights (and also legal provisions) of women among the rural community;
- Motivating the woman who has been discriminated against to fight for her rights, convince her natal/marital family to give her due share and assist her to obtain the required documents from the Patwari/Tehsil;
- Interacting formally and informally with officials at various levels within different government departments, such as Land Revenue, Rural Development and Agriculture, including related to women's access to productive resources and land rights;
- Providing legal aid services, which includes support to complete affidavits, obtain legal heir certificates, report to the police station, drafting applications for revenue offices and consulting with civil lawyers.

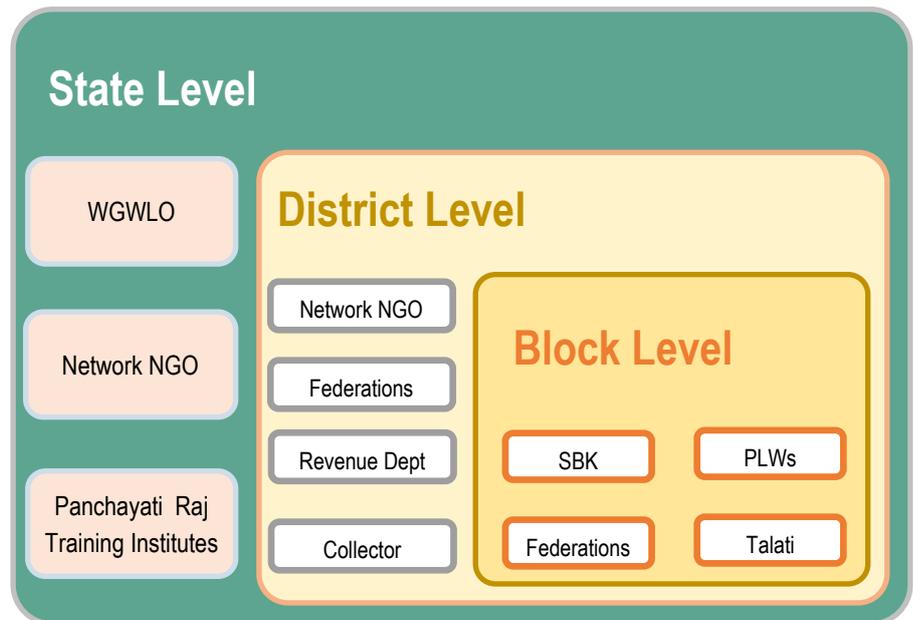


Figure 1. Stakeholders and Institutions at different levels

Swa Bhoomi Kendra (SBK) or the Own-Land Resource Centre is a dedicated cluster-level centre of PLWs established at the Block (sub-district) level in 2014 with a view to consolidate and coordinate the work done by the PLWs and improve their interface with government departments that work at this level (Vasavada, 2014)., While several government resource centres, viz. Jan Seva Kendra, Agricultural Technology Management Agency (ATMA) Kendra, Krishi Vikas Kendra etc. support farming and provide other public services at block level, there is still a need of a centre to guide women on land revenue matters; take up the case with her relatives if needed; and enable her to access land-based livelihood enhancement entitlements. SBKs were located strategically at the office of the local facilitating NGO of the GWLO Network or close to the government's premises at the block level to enable wider outreach. Each SBK is managed by two PLWs and one nodal person from the facilitating NGO. By 2018, a total of 12 SBKs were established.

In general, SBKs primarily focus on enhancing women's access to two kinds of services: (i) related to land rights (ii) related to agricultural development. The services they provide, in coordination with Land

Revenue and Agriculture Department and relevant agencies viz. Agriculture Technology Management Agency (ATMA), Krishi Vigyan Kendra (KVK; Farm Service Centres) include:

- Providing legal aid to help women to claim their rights to inheritance and other land rights viz. Partition of land, Obtaining land title;
- Supporting women, once they get their land rights, to access land-based farm-entitlements viz. soil health card data, by coordinating with the relevant agencies<sup>12</sup>;
- Supporting women farmers to access productive resources including agricultural equipment, training from ATMA/KVK, agricultural entitlements;
- Motivating and training men and women farmers to adopt sustainable agriculture;
- Acting as a linchpin between women farmers and government officials in the Land Revenue and Agriculture departments.

<sup>11</sup>The word "Mamlatdar" is derived from original Arabic World MUAMLA (Mamla) means complicated matter or case and the officer who solves such matters or issues is Mamlatdar. The Mamlatdar is the Head of revenue administration consisting of average 50 or more groups of villages. <https://ahmedabad.gujarat.gov.in/mamlatdar-office>

<sup>12</sup>I-Khedut or I-Kisan is a portal. GWWLO registers the women farmers in portal and farmers gets fertilizers and soil health cards data based on the ownership of land

Starting in 2019, the GWLO began hosting Legal Clinics to build the legal capacity of existing PLWs to address technically complicated disputes relating to women's land rights, in particular those related to inheritance, using real cases brought by the villagers. Civil cases are often time-consuming and expensive to resolve in court. Thus, these legal clinics also aimed to build the confidence of villagers - who usually prefer to avoid civil and revenue courts - and assist them in easily accessing legal services and advisories. GWLO and its network NGOs are supported by the lawyers from member organizations (Human Development and Research Center (HDRC) and Center for Social Justice (CSJ)). Other lawyers who understand civil cases better and are willing to contribute are also invited to the counselling sessions at legal clinics. Lawyers guide village women on the required documents, and PLWs are guided on how to approach local civil lawyers. In addition, special trainings are given to PLWs on drafting draft legal letters for approaching

the revenue officials. These legal clinics are organised at SBKs at block level at an interval of three months. During these three months, PLWs identify the complicated cases, follow up on existing cases and prepare clients for counselling at the legal clinic. Thus, there is a systematic follow up mechanism for legal matters in the clinic. Over a one-year period, as of early 2020, there have been 40 legal clinics organised in three rounds addressing the cases of more than 400 women.

The GWLO views land ownership as a means to achieve livelihood security for women. Therefore, PLWs and SBKs also share information on government schemes and entitlements related to land in the trainings with NGO networks, while also helping women farmers establish linkages with Krishi Vigyan Kendra (KVK)<sup>13</sup>, Mission Mangalam, Agricultural Technology Management Agency (ATMA)<sup>14</sup> and the agriculture department during their exposure visits. This strategy has led to twin

outcomes: (i) Improving both access to land and land-based livelihoods/agriculture schemes/entitlements for a group of landowning women farmers and (ii) improving access to training and capacity building on agriculture for women farmers who do not own land<sup>15</sup>.



Image Credits: GWLO

<sup>13</sup>KVK, is an integral part of the National Agricultural Research System (NARS), aims at assessment of location specific technology modules in agriculture and allied enterprises, through technology assessment, refinement and demonstrations. KVKs have been functioning as Knowledge and Resource Centre of agricultural technology supporting initiatives of public, private and voluntary sector for improving the agricultural economy of the district and are linking the NARS with extension system and farmers. <https://kvk.icar.gov.in/aboutkvk.aspx>

<sup>14</sup>ATMA is a society of key stakeholders involved in agricultural activities for sustainable agricultural development in the district. It is a registered society responsible for technology dissemination at the district level. As a society, it would be able to receive and expend project funds, entering into contracts & agreements and maintaining revolving accounts that can be used to collect fees and thereby recovering operating cost. <https://www.manage.gov.in/publications/series2.pdf>

<sup>15</sup>Land ownership is a pre-condition for availing government schemes directly related to agriculture. However, agriculture training inputs are open to all

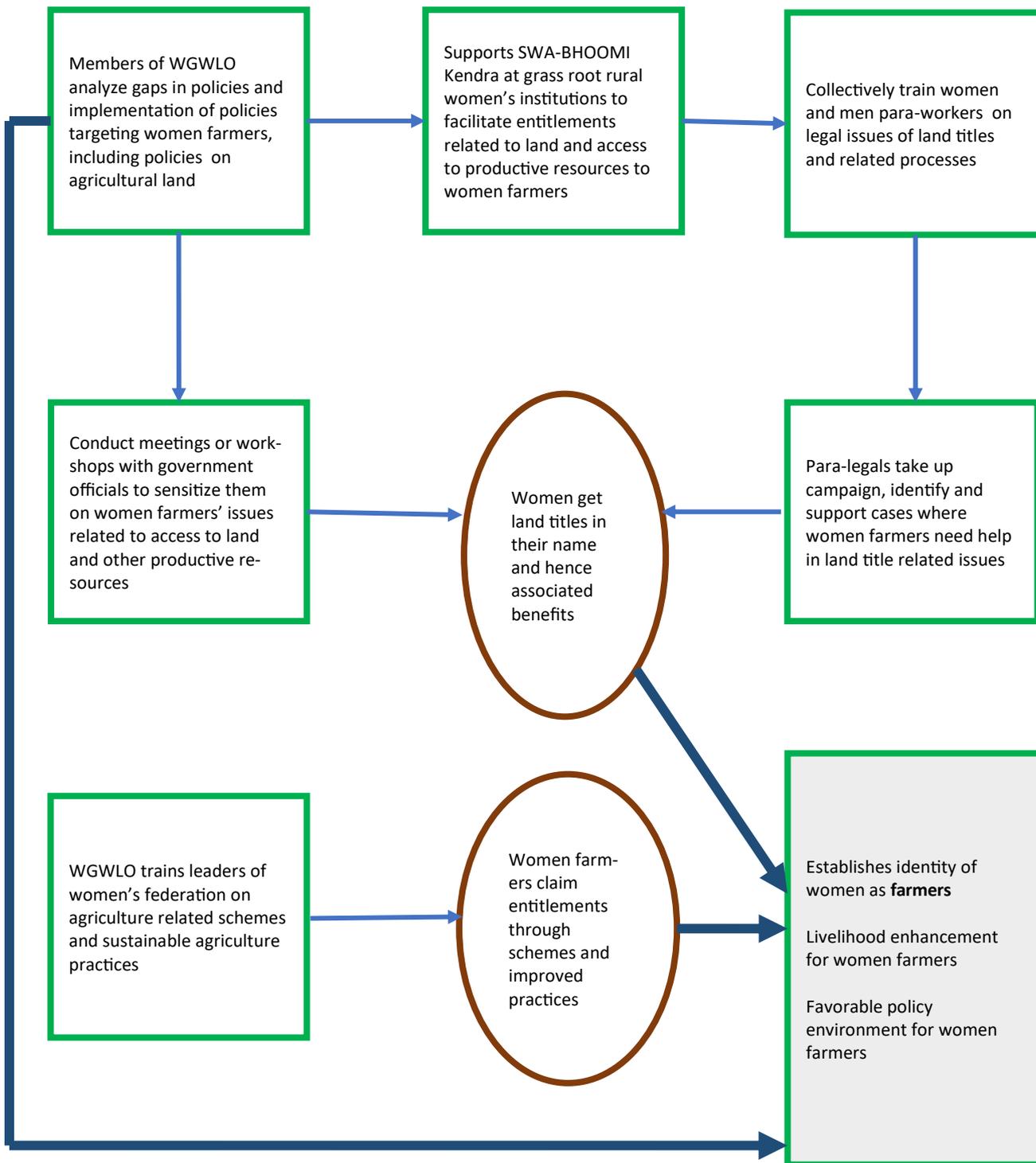


Figure 2. WGWLO work process flow as per their own interpretation

## Scale (coverage) / Implementation status

Out of these 12 districts that WGWLO supports, seven (Aravalli, Dahod Dang, Mahisagar, Narmada, Navsari and Tapi) belong to tribal areas and five districts

(Ahmedabad, Bhavnagar, Morbi, Patan and Surendranagar) belong to non-tribal / semi-arid areas, in Gujarat; their member partners cover nearly 150 villages across 15

Blocks. Over 451 PLWs have been trained on laws pertaining to women's land rights to address land and agriculture issues in these villages (External Evaluation, 2019).

## Impacts

During 2013-2019, SBKs reached out to more than 20,000 women (APU, 2019); a total of 8,818 women secured inheritance rights to land; 7,551 women availed government schemes related to agriculture (viz. training and inputs); and 2,575 women farmers shifted to sustainable agriculture practices, while 7,241 women farmers were trained under ATMA/KVK. Furthermore, nearly 38 women pastoralists also accessed government schemes for cattle through the support of the PLWs and SBKs.

During 2017-19, a total of 1,203 women secured a total of 720 acres of land, averaging to 0.60 acres per beneficiary (WGWLO, 2019). Two-thirds of the beneficiaries during this period were tribal people, the most marginalized in the state. The amount of monetary benefits that have accrued to women land owners through government schemes is about Rs. 6.1 million. The fact that women landowners can now access these entitlements directly from government because of their newly-gained recognition as farmers, provides a sense of empowerment to these women, many of whom also happen to be widows.

As per the evaluation study<sup>16</sup>, one of the significant gains made by the network was to

reduce the transaction cost of securing land (a little more than a thousand rupees on an average). This is an estimated reduction by a factor of 10 to 15 times. In addition, up to 40 percent of the respondents had been able to access land within 3 months, 56 percent within 6 months and 78 percent within 12 months. Only the more complicated cases took longer than a year and were most likely referred to the Legal Clinics. More than 90 percent of women interviewed found the PLWs either extremely helpful or very helpful.

Eight out of ten women consulted felt that they acquired a new identity of "woman farmer," very different from that of an "ordinary housewife". Three fourths of the women stated that they were now able to make their own decisions within the family, without having to consult anyone else.

The working approach of the WGWLO network, especially its active promotion of mutual and shared learning among members, has enriched the network's advocacy efforts. A significant example of this is the formal recognition of the work of the Swa Bhoomi Kendras and the paralegal workers. Nine of fifteen Swa Bhoomi Kendras are

functioning out of the block/district level government offices. This happened through a constant dialogue between Paralegal workers and the government, along with an exchange of inter-district experiences. Co-location of the SBKs within government offices enabled stronger liaison with government revenue officials and the administration to help address legal matters that come through the SBKs without delay.



<sup>19</sup> Ibid

## Challenges

Such civil society-led initiatives inevitably suffer from sustainability challenges largely due to their lack of consistent funding support, particularly given that land rights as a development intervention has not typically been well funded. As such, the WGWLO has been struggling to continue this initiative. While inclusion of agriculture and livelihoods were a logical extension of their support to secure the land rights of women farmers, they also seem to have come as adaptive innovation to a donor requirement whose mandate did not include land rights, calling into question the sustainability of these activities.

The local Sangathans (organizations or institutions) have been playing a very important role in providing handholding support and guidance to women

landowners. They should continue to do so as it enables women to live a life of dignity and security. However, many of these institutions have been facing the challenge of financial sustainability.

The operations of the Swa Bhoomi Kendras and the paralegal workers require financial and human resources, as they work with women farmers from small and marginal agrarian families who cannot afford the charges of lawyers to obtain their legal rights. Some of the Swa Bhoomi Kendras have tried to introduce nominal service fees from women clients after their cases are successfully resolved. This however, has not been nearly successful since some SBKs operate from government offices. It is not clear if WGWLO has tried to converge with relevant provisions of the Legal Services

Authority Act, 1987 and National Legal Services Authority (Legal Aid Clinics) Scheme, 2010. Such convergence could provide for greater institutional and financial sustainability of its initiatives.



## Lessons Learnt

**1. Women farmers' recognition, especially through recognition of their land rights, is possible, even through an NGO-led initiative, by leveraging the existing legal frameworks governing inheritance.**

A locally adaptive and accessible multi-layered institutional mechanism and interface with local land administration institutions can make the vocabulary of land laws and processes of land administration more comprehensible and accessible to enhance women's land rights.

**2. Building local capacity and institutions for single window delivery of agricultural land rights and farming services can be a successful model for strengthening women farmers' tenure security and catalysing inclusive agricultural transformation.**

Access to land, however small, was found to be critical for diversified livelihood systems, with the potential for significantly improving the family's welfare (WGWLO, 2019). Ownership over land can also give women control over making farm decisions and facilitates improvement in farming investment and practices through linkages with government schemes and trainings.

**3. A civil society network, with its social capital strength, can facilitate Government participation and potential policy buy-in for successful pilots; however, long-term resource support and champions within government are critical for upscaling and sustaining such an initiative.**

A state level issue-based network like WGWLO, with many experienced and large NGO members, is very useful to demonstrate innovative institutional mechanisms for securing women farmers' land rights and increased productivity. Their legitimacy and experience with policy advocacy has also increased the impact of their support: for example, the WGWLO network was successful in pushing the women farmer and women land rights agenda with the state administration in Gujarat. However, sustaining this work and potentially up scaling it to other parts of the state is incumbent upon government champions and sustainable funding sources.



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