



A GOOD PRACTICES BRIEF

This Brief No. 3 highlights examples towards women's equitable and secure land rights



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The Voluntary Guidelines and the World Bank: Gender Equitable Land Governance in Odisha

The Food and Agriculture Organization (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of land, Fisheries and Forests, in the Context of National Food Security (VGGT), were endorsed by the Committee on World Food Security (CFS) in 2012. The VGGTs promote gender equality in land tenure, food security, sustainable livelihoods, social security, housing security, rural development, sustainable social and environmental development (FAO, 2012 and UN, 2014). The VGGTs seek to ensure that women and men participate equally in their relationships to land, through both formal institutions and informal arrangements.

The homestead land grants program in Odisha seeks to settle landless persons on government lands using joint titles and has been noted as a best practice in enabling secure land tenure for women.¹ More recently, the state has made attempts to increase women's participation in land policy-making processes and institutions of land tenure governance (posting women as Revenue Inspectors), as well as to enhance women's access to land dispute resolution mechanisms. Odisha has pioneered some innovative partnerships with Non-Government Organizations (NGOs) to identify and allot homestead land to vulnerable women (widows/unmarried women/divorced women, usually referred to as 'single woman') through Women's Support Centers.

The present study was commissioned by the World Bank to document Odisha's experience and emerging best practices for Gender Equitable Land Governance (GELG). The objective of the study was to assess and analyze the efforts of the state towards GELG in relation to the VGGT, to document the best practices and identify challenges and to suggest recommendations for policy and institutional arrangements, capacity building and strategies.



This brief explains how a successful partnership between the state government, Civil Society Organizations (CSOs) and Panchayati Raj Institutions (PRIs) facilitated women's secure access to and ownership and control over land resources. It also describes how the influence of donors, such as the World Bank, reinforces the State government's effort to operationalize gender sensitive land governance and also shares the experiences of CSO led initiatives in enhancing women's land rights across different landscapes beyond homestead lands.

¹ Government lands are public lands under the control of the Revenue and Disaster Management Department, including ceiling surplus lands surrendered by private land owners following the imposition of a land ceiling i.e. maximum amount of land that a household can own.



Institutional Innovations Around Gender Equitable Land Governance (para 5.6 & 6. of VGGT)

The VGGTs prescribe states to fix responsibilities at levels of government that can most effectively deliver services to the people. The State should also ensure coordination between implementing agencies, as well as with local governments, and indigenous peoples and other communities with customary tenure systems (5.6).

The State should make provisions to address all forms of capacity gaps for timely and effective implementation of gender sensitive policies and laws (6.1).

Case Study 1 describes Women' Support Centers (WSCs), an innovative institutional arrangement that focuses on effective delivery of land governance services to vulnerable single women in Odisha.

Case Study 2 shows how a collaborative implementation approach involving stakeholders ensures effective implementation and monitoring of homestead land allotments and housing support under Phailin rehabilitation works in Ganjam district of Odisha.



Case Study #1

Women's Support Centers (WSC): An Institutional Innovation to Enhance Land Rights of Single Women

The Government of Odisha in partnership with Landesa and Action Aid (international non-profit organizations) has established 76 Women's Support Centers (WSCs) in 4 districts, namely Ganjam, Mayurbhanj, Koraput, and Kalahandi. The objective is to help women in general, and single women (widow/divorcee/never married) in particular, to access and benefit from enhanced and integrated public services, including land titling programs. This program also provides single women with other social security entitlements, for instance widow/old age pension.

The WSC was first piloted in 2011 in Khalikote Tehsil of Ganjam district in partnership with Landesa. Earlier, Landesa had successfully implemented the Community Resource Persons (CRP) model, a cadre of trained local youths engaged to support the revenue administration in expediting the implementation of the homestead land grant programs in selected tribal districts. The WSC is a women centric institution, established at the Tehsil (Sub-district) level office of the Revenue and Disaster Management Department and headed by a Women's Nodal Officer (WNO). They are of the rank of Revenue Inspector (RI) or Assistant Revenue Inspector (ARI), who look after land matters for a group of villages. Recently, the State Government has started engaging woman officers in the Revenue Department, as a change in the recruitment policy. These woman officers, are coordinating a rigorous enumeration process with the support of village level Women Community Workers (engaged by the Government for women and child care) to identify all landless single women or female-headed households. This process is facilitated by representatives from Landesa and Action Aid, in different districts.

This enumeration process has helped to generate awareness among women about land allotment and other social entitlement schemes. The details of the eligible households are entered into a Management Information System (MIS) to stimulate further action on the applications. This data management approach minimizes the risk of losses and also helps in tracking the whole process of service delivery, thereby establishing accountability at each level of land administration. This model has been very successful for the past 5 years with about 3,000 single women already receiving land through this process. The program has set a target to identify and secure land rights for an estimated 0.5 million single women in the state.

The creation of the institution of land tenure governance (Land Revenue Department with Women RI/ARI and Women Community Workers and CSO representatives) has made the service delivery more gender sensitive on the supply side. Rural women also now have enhanced access to the hitherto male-dominated Revenue Department. This has led to a new category of women (single women) having land rights, which in turn has triggered an increase in demand for more women staff in the Revenue department, as per the findings of the field study. There is a perception among the women title holders that it is easier for women to explain their problems to the women staff in the Revenue Department than to their male counterparts.



Case Study #2

World Bank Supported Phailin Rehabilitation Special Scheme for Landless Households: Success Through Collaboration, PRI-Participation and Convergence

A special rehabilitation scheme is being implemented by the Government of Odisha with the support of the World Bank in the aftermath of the Phailin cyclone in 2013, in Ganjam District. It is aimed at providing land and financial support to construct pucca (concrete) houses for poor landless and/or homestead-less people living in villages within five kilometers of the coastline of the cyclone affected district. This scheme has covered 12 cyclone-vulnerable villages in 5 blocks of Ganjam. Under this scheme, affected families with or without land have been identified by a team of Government officers with facilitation support from Landesa.

Land under this scheme has been allocated either jointly in the name of the wife and husband, or as individual pattas in the case of single women (widowed, unmarried above 30 years of age, or divorced). The Gram Sabhas (Assembly of all Village Adults, as per Indian Panchayati Raj System) have been entrusted with the task of preparing the final list of beneficiaries which is then randomly verified by the District Collector. This has been implemented with regular monitoring and supervision by the Gram Sabha and state government officials. Single women who often suffer from exclusion and deprivation have immensely benefited from this scheme.

A notable feature of this scheme is one hundred percent possession of the house constructed on the allotted homestead land, as well as the provision of other forms of support (i.e., drinking water, electricity, old age/widow pension, etc.). Out of a target of 2306 eligible households (HHs) in these 12 villages, by December 1, 2015, 2242 HHs had benefited from this scheme.



Recognition of Rights of Indigenous People (para 3.B.7, 9.2 & 10.1 of VGGT)

The VGGTs suggest that the state adopt a rules-based approach towards effective communication of existing laws in applicable languages (3.B.7); promote and recognize rights of indigenous peoples and other communities with customary tenure systems that exercise self-governance of land, fisheries and forests with equitable, secure and sustainable rights to those resources in general and women to particular; ensure participation of all members, men, women and youth, in decisions regarding their tenure systems in their local or traditional institutions, including in the case of collective tenure systems; assist the communities to increase the capacity of their members to participate fully in decision-making and governance of their tenure systems (9.2); promote social, economic and environmental well-being by making provisions for participatory, gender sensitive approaches, and strive for technical and legal support to affected communities and individuals. (10.1)

The following case study depicts the rights recognition process under the Forest Rights Act, 2006, and how the participation of Civil Society Organizations is building the capacity of women title holders for effective management of natural resources and sustenance of their livelihoods.

Case Study #3

Sambhavana: A Hope for Women Forest Right Title Holders

Vasundhara (a local NGO), in partnership with the district administration of Kandhamal district in Odisha, has piloted a new initiative named “Sambhavana” (Possibilities) in the Jamjhari Gram Panchayat (GP) to improve women’s access to, and awareness of, the Forest Rights Act (FRA) of 2006. Hailed as a reformist legislation aimed at undoing historic injustices against the tribal community, the FRA recognizes and vests the forest rights and occupation of forest land with forest dwelling scheduled tribes (ST) and other traditional forest dwellers (OTFD) who have been residing in such forests for generations. Under the FRA, individual and community forest rights are being recognized, based on claims made by individuals/communities through a Forest Rights Committee and approved by the Gram Sabha (Village Assembly). As of October 2015, about 0.35 million individual rights and 2,910 community rights were recognized, covering about 0.73 million acres of forest land in India. FRA rules prescribe recording the names of both the wife and husband on the title, with the wife’s name appearing first.



Sambhavana focuses on the organization of orientation workshops at the Gram Panchayat level for women FRA title holders, Panchayati Raj Institution (PRI) members, Forest Rights Committee (FRC) members, Self Help Group (SHG) members and government officers. The face to face interaction with government officials helps make the recognition process informed, inclusive and accountable. This process has resulted in improved understanding among women about the FRA recognition process and post FRA management activities. So far, this initiative has covered 24 villages in the Jamjhari GP.

Better awareness and recognition, has boosted women’s participation in the local governance institutions, particularly with regard to decisions that seem to affect their lives and livelihoods. It has also established a community led conservation approach in the Community Forest Resource (CFR) Rights areas. After sensitization, more women’s groups are showing an interest in protecting the CFR area from any internal and external influences that may pose a threat to the sustainable use of forest resources in the local areas. In recognition of the success of the program in Jamjhari, Vasundhara has also organized district and state level workshops to scale up the pilot to other GPs of Kandhamal. So far, this initiative has been able to enhance women’s institutional access and participation and helped in building resilience among women title holders through convergence with various social security schemes.

Women’s and Group Tenure in Odisha (as per 10.1 & 10.3 of VGGT)

As per para 10.1 of the VGGTs, the states should promote policies and laws for recognition of informal tenure to land, fisheries and forests through participatory, gender-sensitive processes, having particular regard for tenants in order to ensure social, economic and environmental well-being (10.1 & 10.3).

The following case study portrays an innovative approach toward group land leasing by landless women households for enhanced access to production, resilience and sustainable livelihoods.

Case Study #4

Self Help Groups—Women and Land Leasing: A Promising Example of Group Tenure

Tenancy is legally banned in Odisha since the 1960s, after the passage of the Orissa Land Reform Act (1960) which introduced the concept of 'land to the tiller.' This concept was in line with land reform initiatives sweeping across India after independence, primarily to ensure higher production. However, tenancy continues to exist in India and in almost all parts of Odisha in concealed forms, because land owners are not willing to part with their land. According to the Agriculture Census of 2010-11, Odisha has the largest percentage of tenants in the country with 8.4% of all leased land in terms of area, whereas the national average is 0.9%. Despite several attempts by civil society and academia to record tenancy in order to enable tenants/share croppers to benefit from formal and due access to credit, insurance and crop-loss compensation, the OLR Act (1960) continues to prevail.



In Rayagada, a district predominantly inhabited by tribal people, concealed tenancy is common amongst women farmers, mostly widow and female-headed households, in many villages. The majority of them are landless and work as agricultural laborers and depend essentially on leased land for farming to meet their food requirements. PRADAN (an NGO), has mobilized these landless and vulnerable women into Self Help Groups (SHGs) and encouraged them to adopt a group land leasing practice to overcome the risks associated with individual land leasing. This approach has given new hope to women's groups and helped them to sustain farming through greater bargaining power. Collectively, they also wield a stronger voice in the male dominated society. These activities are part of the UN-Women funded "Gender Equality Project", covering 119 villages in the district. In these operational villages, almost 60 percent of women-headed households are engaged in group based farming on leased land (as per field study in 2 sample villages). On average, the SHG members earn a net profit of about INR 18,000 to 20,000 (USD 281 – 312) per year from 1 acre (0.4 ha) of leased land.

However, the informal arrangements between both parties (women SHG members & land lords), restricts women SHG members from accessing formal credit required for farming intensification. Annual leasing is the general practice because land owners fear alienation in long-term lease cases. Since there is no certainty the lease will be renewed, SHGs often risk their investments in the land, which are usually made through sustainable agricultural practices, for example, the application of organic manures.

Odisha State Policy for Girls and Women (2014), has prescribed group leasing for women SHG members on government lands at a nominal rate for agricultural and horticultural purposes. The challenges faced in Rayagada illustrate the importance and urgency of implementing the provisions set out in the State Policy, to address the constraints faced by women SHG members. While the report was being written, the Government of Odisha revived a Committee to amend the OLR Act of 1960 to legalize land leasing in response to a series of farmers' suicide, most of whom, were found to be share-croppers.

Key Lessons Learned

- Women-oriented and women-managed institutional mechanisms, like the Women Support Centre (WSC) can be an empowering institutional innovation to ensure secure land tenure for the deprived and vulnerable women's groups (widow/divorcee/never married) within the existing land governance framework.
- Inclusion of non-state actors like CSOs and donor agencies can influence and enable a more gender inclusive land tenure service delivery process.
- Convergence of services like housing, water, electricity, pensions (old age/widow) with homestead land grant schemes can improve women's *de facto* control over land resources
- Targeted awareness building and inclusion in the institutions of land governance can enhance the capacity of women rights holders from the indigenous communities for better and sustainable governance of natural resources.
- Group land leasing to women's collectives has the potential to bring about an improvement in livelihoods and food security while enhancing women's roles in agriculture-related decision-making and production.

The brochure was prepared by a World Bank team with support from the Government of Japan through the Policy and Human Resources Development Technical Assistance Program (PHRD), as part of a broader initiative to disseminate the Voluntary Guidelines in collaboration with the FAO.



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